CALIFORNIA Water Boards

Edmund G. Brown Jr.
Governor

Matthew Rodriquez
Secretary for
Environmental Protection

North Coast Regional Water Quality Control Board

May 10, 2012

In the Matter of

Water Quality Certification

for

Sonoma County Water Agency
Dry Creek Habitat Enhancement Demonstration Project
WDID No. 1B12001WNSO

APPLICANT:	Sonoma County Water Agency
RECEIVING WATER:	Dry Creek
HYDROLOGIC UNIT:	Warm Springs Hydrologic Sub Area No. 114.24 Russian River Hydrologic Area 114.00
COUNTY:	Sonoma
FILE NAME:	Sonoma County Water Agency Dry Creek Habitat Enhancement Demonstration Project

BY THE EXECUTIVE OFFICER:

1. On January 5, 2012, the Sonoma County Water Agency (Applicant) filed an application for water quality certification (certification) under section 401 of the Clean Water Act (33 U.S.C. § 1341) with the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) for activities related to the Sonoma County Water Agency Dry Creek Habitat Enhancement Demonstration Project (Project). The Project involves implementing habitat enhancement, bank stabilization, vegetation management, and stream bed stabilization along a one mile reach of Dry Creek. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on March 7, 2012, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on this project.

2. Project is being done in response to the *Biological Opinion for Water Supply, Flood Control Operations, and Channel Maintenance conducted by the U.S. Army Corps of Engineers, the Sonoma County Water Agency, and the Mendocino County Russian River Flood Control and Water Conservation District in the Russian River*

Watershed (Biological Opinion), issued by the National Marine Fisheries Service on September 24, 2008. A total of six (6) miles of habitat enhancement work is planned under the Biological Opinion within the fourteen (14) miles of Dry Creek between Warm Springs Dam and its confluence with the Russian River. The Project is a pilot project along a 1-mile section of Dry Creek to assess methods and success of habitat enhancement efforts. Project is located along Dry Creek, between confluence with Grape Creek (latitude 38.65979°N, longitude 122.93587°W, upstream end) and below the confluence with Crane Creek (latitude 38.64944°N, longitude 122.92354°W, downstream end), in Sonoma County. The Project will cause permanent impacts to approximately 21.1 acres and 4,600 linear feet of bed and bank of Dry Creek.

3. Project activities will consist of actions such as dewatering and bypass flow pumping, stockpiling of materials, removal of vegetation, excavation of backwater/alcove areas, and placement of boulder and log structures. Construction in or near the streambed will occur during the months of June through October during summer low-flows. Construction is scheduled for the Summer and Fall of 2012. Because the available construction window is limited to the June through October period, construction activities may need to be halted in October 2012 and resumed the following summer in 2013. All flows in Dry Creek (approximately 100 to 120 cfs) will need to be diverted around most of the work area during construction. Most work areas will be isolated from the moving stream using some type of imported barrier or material (water filled bladders, gravel cofferdams, sheetpile cofferdams, etc.). Typically, the work area will be isolated and the creek flow will be allowed to continue flowing adjacent to the isolated work area. In some cases, it may be necessary to completely isolate the creek from bank to bank. In this case, bypass pumping from the upstream end of the work area to the downstream end of the work area will occur to bypass creek flows around the work area. The bypass pumping will result in the work area being dewatered during construction. Dewatering will require installation of cofferdams upstream and downstream of the project site and diverting stream flow around the project site. Work within the live flowing channel may be necessary, and may create less impact than dewatering, for placement of boulder clusters.

4. Enhancements in the Project area will emphasize natural stream characteristics, or geomorphology, which refers to the manner in which water and sediment combine to create habitat features friendly to fish. By using enhancement practices that emulate natural geomorphic conditions, the benefits provided to young coho salmon *(Oncorhynchus kisutch)* and steelhead trout *(Oncorhynchus mykiss)* and their longevity are optimized. The proposed Project will consist of the construction of five off-channel habitat areas, six constructed riffles, two bank stabilization areas, boulder clusters, installation of approximately 1,600 logs and root wads, and vegetation management (removal of non-natives, planting of natives).

5. The Project incorporates adaptive management techniques to specify goals, objectives, and monitoring methods to verify effectiveness and longevity of habitat enhancements. An Adaptive Management and Monitoring Framework Plan includes implementation monitoring, effectiveness monitoring, and validation monitoring to determine if structures were installed as designed, if structures created habitat, and what the fish response to created habitat is, respectively. Reports will be submitted to the involved agencies annually. Future work may be adapted to improve performance of any of these factors, and may necessitate amendments to this Order.

6. Activities proposed within the Project are for the benefit of salmonids and other aquatic creatures and create more complex habitat within Dry Creek. Therefore, compensatory mitigation is unnecessary for this portion of the Project on Dry Creek.

7. The Applicant has applied for authorization from the United States Army Corps of Engineers to perform the project under a 10-year Individual Permit, pursuant to Clean Water Act, section 404. The Applicant has obtained a Lake and/or Streambed Alteration Agreement (R1-04-0436) from DFG.

8. The Sonoma County Water Agency, as lead California Environmental Quality Act (CEQA) agency, completed an Initial Study/Mitigated Negative Declaration and filed a Notice of Determination with the State Clearinghouse, (SCH No. 2010062082) on November 15, 2011, pursuant to CEQA guidelines.

9. The federal antidegradation policy requires that state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. This Order is consistent with applicable federal and State antidegradation policies, as it does not authorize the discharge of increased concentrations of pollutants or increased volumes of treated wastewater, and does not otherwise authorize degradation of the waters affected by this project.

10. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification," which requires compliance with all conditions of this water quality certification. **http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf**

Receiving Water:	Warm Springs Hydrologic Sub Area No. 114.24 Russian River Hydrologic Area 114.00
Filled or Excavated Area:	Area Permanently Impacted: 21.1 acre of stream channel and bank
Total Linear Impacts:	Length Permanently Impacted: 4,600 linear feet of stream channel and bank
Dredge Volume:	28,100 Cubic Yards
Latitude/Longitude:	38.65979°N, 122.93587°W, upstre am end 38.64944°N, 122.92354°W, downstream end
Expiration:	May 10, 2017

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Sonoma County Water Agency Dry Creek Habitat Enhancement Demonstration Project (WDID No. 1B12001WNSO), as described in the application, will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided that the Applicant complies with the following terms and conditions:

All conditions of this order apply to the Applicant (and all their employees) and all contractors (and their employees), sub-contractors (and their employees), and any other entity or agency that performs activities or work on the project as related to this Water Quality Certification.

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 3867.

2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to title 23, California Code of Regulations, section 3855, subdivision (b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

3. The validity this certification is conditioned upon total payment of any fee required under title 23, California Code of Regulations, section 3833, and owed by the Applicant.

4. The Regional Water Board shall be notified annually and in writing at least five working days (working days are Monday – Friday) prior to the commencement of ground disturbing activities, with details regarding the construction schedule, in order to allow staff to be present onsite during construction, and to answer any public inquiries that may arise regarding the project.

5. Adaptive management and monitoring reports shall be submitted to the Regional Water Board annually, by December 31 of each year for the duration of the entire Dry Creek project, or as requested by the Regional Water Board.

6. The Russian River is identified as impaired for sediment and temperature under Clean Water Act Section 303(d). At present, total maximum daily loads (TMDLs) have not been established for this water body. If TMDLs are established and implementation plans are adopted for this watershed prior to the expiration date of the requested Certification, the Regional Water Board may revise the provisions of that Certification to address actions identified in such action plans. Bank erosion is identified as a source contributing to the sediment impairment. Removal of riparian vegetation is identified as a source contributing to temperature impairment. Activities that will be authorized by this Order are designed to increase riparian vegetation and reduce sediment discharges from bank erosion. Actions authorized by this Order require implementation of Best Management Practices (BMPs) for sediment and turbidity control and planting of more riparian zone shade vegetation at and near the project site. Accordingly, this pending Order is consistent with, and implements, BMPs that would attenuate sediment and temperature adverse impacts.

   Accordingly, this Order is consistent with, and implements BMPs that would attenuate sediment/siltation and nutrient adverse impacts. At present, there are no watershed-specific implementation plans for these TMDLs. If TMDL implementation plans are adopted for these watersheds prior to the expiration date of this Order, the Regional Water Board may revise the provisions of this Order to address actions identified in such action plans.

7. If groundwater is encountered during construction, it will be discharged to an upland location where it cannot flow into Waters of the State. BMPs that may be used include: storage tanks, sediment desilting basins, and water filters. Additionally, BMPs such as the use of washed gravel, sand bags, straw, and/or silt fences will be used as necessary to control velocity of the land discharge and erosion. Groundwater shall not be discharged to waters of the State.

8. Pursuant to Regional Water Board Resolution R1-2004-0087, Total Maximum Daily Load Implementation Policy Statement for Sediment-Impaired Receiving Waters within the North Coast Region (Sediment TMDL Implementation Policy), the Executive Officer is directed to “rely on the use of all available authorities,

including existing regulatory standards, and permitting and enforcement tools to more effectively and efficaciously pursue compliance with sediment-related standards by all dischargers of sediment waste."

9. The federal antidegradation policy requires that state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. This Order is consistent with applicable federal and State antidegradation policies, as it does not authorize the discharge of increased concentrations of pollutants or increased volumes of treated wastewater.

10. Non-compensatory mitigation measures include the use of Best Management Practices (BMPs) to be employed during construction to minimize sediment production and prevent the movement of loose soil off-site and cement containment, to ensure that materials do not enter the waterway. All erosion control measures will be installed and in place by October 15, or during non-construction periods as necessary, and maintained thereafter by the contractor/Applicant. All disturbed soil will be revegetated with native species or seeded with native grasses. If vegetation cannot be reestablished before expected rainfall, mulching, erosion control fabric, or other sediment control measures will be implemented to prevent delivery of sediment to the drainages. All equipment will be maintained in good working order and spill kits will be on hand during construction. Equipment shall not be staged, or fueled, near waters of the State. Additionally, all required BMPs shall be on-site and ready for timely deployment before the start of construction activities.

11. Applicant shall prioritize use of wildlife-friendly 100% biodegradable erosion control products/BMPs. For purposes of this Order, photodegradable synthetic products are not considered biodegradable. Applicant shall not use or allow the use of erosion control products, that contain synthetic (e.g., plastic or nylon) netting or materials for permanent erosion control (i.e., erosion control materials to be left in place for two years or after the completion date of the project). If the Applicant finds that erosion control netting or products have entrapped or harmed wildlife, the Applicant shall remove the netting or product and replace it with wildlife-friendly biodegradable products. The Applicant shall not use or allow the use of soil stabilization products that contain synthetic materials within waters of the United States or waters of the State at any time. Applicant shall remove any remaining synthetic netting or materials remaining at the end of two years, or sooner.

12. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this Order, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State. When operations are completed, any excess material or debris shall be removed from the work area.

13. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.

14. A copy of this Order and the application documents submitted by the Applicant for this certification shall be provided to all contractors and subcontractors conducting the work, and shall be in their possession at the work site.

15. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.

16. If, at any time, an unauthorized discharge to surface water (including wetlands, lakes, rivers or streams) occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented including stopping work. The Regional Water Board shall be notified promptly and in no case more than 24 hours after the unauthorized discharge or water quality problem arises.

17. Prior to implementing any change to the project that may have a significant or material effect on the findings, conclusions, or conditions of this Order, the Applicant shall obtain the written approval of the Regional Water Board Executive Officer. If the Regional Water Board is not notified of a significant alteration to the project, it will be considered a violation of this Order, and the Applicant may be subject to Regional Water Board enforcement action(s).

18. All project work shall be conducted as described in this Order and in the application submitted by the Applicant. If the Regional Water Board is not notified of a significant alteration to the project, it will be considered a violation of this Order, and the Applicant may be subject to Regional Water Board enforcement actions.

19. The Applicant shall provide a copy of this Order and State Water Resources Control Board (SWRCB) Order No. 2003-0017-DWQ to any contractor(s), subcontractor(s), and utility company(ies) conducting work on the project, and shall require that copies remain in their possession at the work site. The Applicant shall be responsible for ensuring that all work conducted by its contractor(s), subcontractor(s), and utility companies is performed in accordance with the information provided by the Applicant to the Regional Water Board.

20. The Applicant shall implement the project in accordance with the project described in the application and the findings above, and shall comply with all applicable water quality standards as detailed in the Basin Plan.

21. Disturbance or removal of existing vegetation shall not exceed the minimum necessary to complete the project.

22. Fueling, lubrication, maintenance, storage, and staging of vehicles and equipment shall not result in a discharge or threatened discharge to any waters of the State including dry portions of the shoreline. At no time shall the Applicant or its contractors allow use of any vehicle or equipment, which leaks any substance that may impact water quality.

23. The Regional Water Board may add to or modify the conditions of this Order, as appropriate, to implement any new or revised water quality standards and implementation plans adopted and approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.

24. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under applicable state or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order. In response to a suspected violation of any condition of this certification, the State Water Board may require the holder of any federal permit or license subject to this Order to furnish, under penalty of perjury, any technical or monitoring reports the State Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In response to any violation of the conditions of this Order, the Regional Water Board may add to or modify the conditions of this Order as appropriate to ensure compliance.

25. In the event of any change in control of ownership of land presently owned or controlled by the Applicant, the Applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board at the above address.

    To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, and the address and telephone

number of the person(s) responsible for contact with the Regional Water Board. The request must also describe any changes to the project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the project as described in this Order.

26. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited to and all proposed mitigation being completed in strict compliance with the Applicant's project description, and b) compliance with all applicable requirements of the Water Quality Control Plan for the North Coast Region (Basin Plan).

27. The authorization of this certification for any dredge and fill activities expires on May 10, 2017. Conditions and monitoring requirements outlined in this Order are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

If you have any questions or comments, please call Stephen Bargsten at (707) 576-2653.

Original Signed By

Matthias St. John
Executive Officer

120510_SKB_Dry_Creek_Habitat_Enhancement_Demonstration_401

Weblink: State Water Resources Control Board Order No. 2003-0017 -DWQ, General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification can be found at: http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf

Original to: Mr. Grant Davis, Sonoma County Water Agency, 404 Aviation Boulevard, Santa Rosa, CA 95403

DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
1455 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94103-1398

COPY

REPLY TO
ATTENTION OF:

AUG - 7 2012

Regulatory Division

SUBJECT: File Number 2012-00036N

Mr. Grant Davis
Sonoma County Water Agency
404 Aviation Boulevard
Santa Rosa, California 95403

Dear Mr. Davis:

Enclosed is your signed copy of a Department of the Army permit (Enclosure 1) to implement habitat enhancement projects within a one mile reach of Dry Creek to demonstrate to regulators, landowners, and local decision makers the feasibility of Dry Creek habitat enhancements on a smaller scale and, in particular, to determine how they could be constructed, what they may ultimately look like, and how effective they are before implementing future additional habitat enhancements on Dry Creek. The Project area is located within the Dry Creek Valley and would be along Dry Creek from approximately ½- mile upstream of Lambert Bridge Road to ½-mile downstream of Lambert Bridge Road. Project activities would consist of actions such as dewatering and bypass flow pumping, stockpiling of materials, riparian vegetation management, excavation of the backwater/alcove areas, streambank stabilization, riffle construction, and placement of boulder and log structures. Construction in or near the streambed would occur during the months of June through October during summer low-flows. Enhancements in the Project area will emphasize natural stream characteristics, or geomorphology, which refers to the manner in which water and sediment combine to create habitat features friendly to fish. By using enhancement practices that emulate natural geomorphic conditions, the benefits provided to young coho and steelhead and their longevity are anticipated to be optimized.

Please complete the appropriate parts of "Project Status" form (Enclosure 2), and return it to this office as your work progresses. You are responsible for ensuring that the contractor or workers executing the activity authorized herein are knowledgeable of the terms and conditions of this authorization.

Should you have any questions regarding this matter, please call Mr. Jim Mazza of our Regulatory Division at (415) 503-6775 or email James.C.Mazza@usace.army.mil. Please

address all correspondence to the Regulatory Division and refer to the File Number at the head of this letter. If you would like to provide comments on our permit review process, please complete the Customer Survey Form available online at http://per2.nwp.usace.army.mil/survey.html.

Sincerely,

for John K. Baker, P.E.
Lieutenant Colonel, U.S. Army
Commander and District Engineer

Enclosures

Copy Furnished (w/encl 1 only):

US EPA, San Francisco, CA
US FWS, Sacramento, CA
US NMFS, Santa Rosa, CA
CA DFG, Yountville, CA
CA RWQCB, Santa Rosa, CA

Enclosure 1. Department of Army Permit 2012-00036N

DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
1455 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94103-1398

REPLY TO

DEPARTMENT OF THE ARMY PERMIT

PERMITTEE: Mr. Grant Davis, Sonoma County Water Agency

PERMIT NO.: 2012-00036N

ISSUING OFFICE: San Francisco District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate District or Division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below:

PROJECT DESCRIPTION: The Sonoma County Water Agency (SCWA) intends to construct five off-channel habitat areas, six constructed riffles, two bank stabilization areas, boulder clusters, installation of approximately 1,600 logs and root wads, and the vegetation management (removal of non-natives, planting of natives) along a 1-mile reach of Dry Creek, between the confluences of Grape Creek (upstream) and Crane Creek (downstream), impacting approximately 21.1 acres of jurisdictional Waters of the U.S.

The off-channel habitat areas will require the excavation and removal of material from areas along the stream channel in order to achieve areas of adequate depth to function as wetted off-channel habitat areas. A total of approximately 29,700 cubic yards of material will be removed to create 5 off-channel habitat areas (12,000 cubic yards from off-channel Area A, 1,600 cubic yards from off-channel Area B, 11,500 cubic yards from off-channel Area C, 1,500 cubic yards from off-channel area D, and 1,600 cubic yards from Area E).

Six riffle areas will be constructed within the main channel of Dry Creek as part of the habitat enhancements. The constructed riffles will require approximately 3,350 cubic yards of various size rock/aggregate material (approximately 550 cubic yards per constructed riffle).

Two bank stabilization areas will require the excavation of approximately 9,500 cubic yards of bank material along approximately 1,000 linear feet of Dry Creek. The bank stabilization areas would also include the replacement of soil, rock/aggregate, and logs in order to re-build and stabilize the bank. Approximately 1,078 cubic yards of soil and 1,860 cubic yards of rock/aggregate would be used to construct the bank stabilization. See Large Woody Debris section below for log estimates.

Six boulder clusters are proposed for the area downstream of Lambert Bridge. Five of these clusters consisting of ten 1-ton boulders are proposed for the area approximately 300 to 600 feet downstream of Lambert Bridge. A larger sixth boulder cluster consisting of 50 1-ton boulders is proposed in an area approximately 1,600 feet downstream of Lambert Bridge. Approximately 42 cubic yards of boulders will be installed. Numerous log structures throughout the project area will be installed to provide refuge and habitat areas within the demonstration reach of Dry Creek. Approximately 1,600 logs (3,657 cubic yards) will be installed within or near the constructed alcoves, constructed riffles, and bank stabilization areas. Installation of these logs will require the installation of approximately 460 cubic yards of ballast boulders to anchor the logs.

An existing storm drain outfall near one of the constructed alcoves at the downstream end of the project area will require the installation of rock material to dissipate the energy from the outfall to avoid potential impacts or erosion of the

constructed habitat areas. Approximately 50 cubic yards of rock will be necessary to protect the existing storm drain outfall.

Temporary fill material during construction activities will be required for dewatering activities. The project area can be broken up into five distinct construction zones, each with temporary dewatering or water diversion requirements. Diversion at each of these sites could consist of clean gravel in bags, plastic sheeting, and bypass piping. The gravel filled bags and plastic sheeting would be required to create temporary cofferdams at the upstream and downstream ends of each isolated work area, with the bypass piping running between the upstream and downstream ends. Temporary excavation within the isolated work area may be required in order to install the bypass piping to achieve adequate gravity flow for the bypass. Each cofferdam would require approximately 55 cubic yards of temporary fill material. Therefore, each diversion zone would require 110 cubic yards of temporary fill material (55 cubic yards at the upstream end and 55 cubic yards at the downstream end). If the five construction zone areas each utilize a temporary bypass, the entire construction area would require approximately 550 cubic yards of temporary fill material.

All work shall be completed in accordance with the plans and drawings titled "*Sonoma County Water Agency, Dry Creek Habitat Enhancement Demonstration Project Phase I, 99.9% Complete*," in sheets 1 to 15, dated April 27, 2012, and "*Sonoma County Water Agency, Dry Creek Habitat Enhancement Demonstration Project, 90% Complete*," in sheets 1to 41, dated October 7, 2011, both sets, of which, you have in your possession.

PROJECT LOCATION: The project is located within the Dry Creek Valley, approximately 4.5 miles northwest of the town of Healdsburg, along Dry Creek, from approximately ½-mile upstream of the Lambert Bridge to ½-mile downstream of the bridge, Sonoma County, California (Lat. 38.6541°N / Long. -122.9274°W)

PERMIT CONDITIONS:

GENERAL CONDITIONS:

1. The time limit for completing the work authorized ends on **August 1, 2017**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions. Since the conditional water quality certification expires on May 10, 2017, an amended water quality certification would need to be submitted to the Corps for any subsequent phases of project construction.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

7. You understand and agree that, if future operations by the United States require the removal, relocation or other alteration of the structure or work authorized herein, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, you will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

SPECIAL CONDITIONS:

1. To remain exempt from the prohibitions of Section 9 of the Endangered Species Act, the non-discretionary Terms and Conditions for incidental take of federally-listed Species shall be fully implemented as stipulated in the Biological Opinion(s) entitled, "*Biological Opinion for Water Supply, Flood Control Operations, and Channel Modifications conducted by the U.S. Army Corps of Engineers, the Sonoma County Water Agency, and the Mendocino County Russian River Flood Control and Water Conservation District in the Russian River Watershed,*" (pages 296-332) dated September 24, 2008. Project authorization under this permit is conditional upon compliance with the mandatory terms and conditions associated with incidental take. Failure to comply with the terms and conditions for incidental take, where a take of a federally-listed species occurs, would constitute an unauthorized take and non-compliance with the authorization for your project. The NMFS is, however, the authoritative federal agency for determining compliance with the incidental take statement and for initiating appropriate enforcement actions or penalties under the Endangered Species Act.

2. Per the outcome of formal Government to Government consultation with the Dry Creek Rancheria Band of Pomo Indians (Tribe), pursuant to Section 106 of the National Historic Preservation Act, SCWA will coordinate directly with the Tribe throughout the construction and revegetation phases of the Project. SCWA will allow the Tribe to participate in the selection of native plants for revegetation effort, particularly plants of ethno-botanical and historical importance to the Tribe. SCWA and the Tribe will work in conjunction to develop a protocol for archaeological and Native American monitor(s) during the construction phase.

FURTHER INFORMATION:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

   ( ) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 403).
   (X) Section 404 of the Clean Water Act (33 U.S.C. Section 1344).
   ( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. Section 1413).

2. Limits of this authorization:

   a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

   b. This permit does not grant any property rights or exclusive privileges.

   c. This permit does not authorize any injury to the property or rights of others.

   d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability: In issuing this permit, the Federal Government does not assume any liability for the following:

   a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate. (See Item 4 above.)

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 C.F.R. Section 325.7 or enforcement procedures such as those contained in 33 C.F.R. Sections 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 C.F.R. Section 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Pamela Isaac for GD
(PERMITTEE)

8/1/12
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Jane M. Hicks
John K. Baker, P.E.
Lieutenant Colonel, U.S. Army
Commander and District Engineer

8/7/12
(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE)

(DATE)

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

North Coast Regional Water Quality Control Board

May 10, 2012

In the Matter of

Water Quality Certification

for

Sonoma County Water Agency
Dry Creek Habitat Enhancement Demonstration Project
WDID No. 1B12001WNSO

APPLICANT:	Sonoma County Water Agency
RECEIVING WATER:	Dry Creek
HYDROLOGIC UNIT:	Warm Springs Hydrologic Sub Area No. 114.24 Russian River Hydrologic Area 114.00
COUNTY:	Sonoma
FILE NAME:	Sonoma County Water Agency Dry Creek Habitat Enhancement Demonstration Project

BY THE EXECUTIVE OFFICER:

1. On January 5, 2012, the Sonoma County Water Agency (Applicant) filed an application for water quality certification (certification) under section 401 of the Clean Water Act (33 U.S.C. § 1341) with the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) for activities related to the Sonoma County Water Agency Dry Creek Habitat Enhancement Demonstration Project (Project). The Project involves implementing habitat enhancement, bank stabilization, vegetation management, and stream bed stabilization along a one mile reach of Dry Creek. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on March 7, 2012, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on this project.

2. Project is being done in response to the *Biological Opinion for Water Supply, Flood Control Operations, and Channel Maintenance conducted by the U.S. Army Corps of Engineers, the Sonoma County Water Agency, and the Mendocino County Russian River Flood Control and Water Conservation District in the Russian River*

5. The Project incorporates adaptive management techniques to specify goals, objectives, and monitoring methods to verify effectiveness and longevity of habitat enhancements. An Adaptive Management and Monitoring Framework Plan includes implementation monitoring, effectiveness monitoring, and validation monitoring to determine if structures were installed as designed, if structures created habitat, and what the fish response to created habitat is, respectively. Reports will be submitted to the involved agencies annually. Future work may be adapted to improve performance of any of these factors, and may necessitate amendments to this Order.

6. Activities proposed within the Project are for the benefit of salmonids and other aquatic creatures and create more complex habitat within Dry Creek. Therefore, compensatory mitigation is unnecessary for this portion of the Project on Dry Creek.

7. The Applicant has applied for authorization from the United States Army Corps of Engineers to perform the project under a 10-year Individual Permit, pursuant to Clean Water Act, section 404. The Applicant has obtained a Lake and/or Streambed Alteration Agreement (R1-04-0436) from DFG.

8. The Sonoma County Water Agency, as lead California Environmental Quality Act (CEQA) agency, completed an Initial Study/Mitigated Negative Declaration and filed a Notice of Determination with the State Clearinghouse, (SCH No. 2010062082) on November 15, 2011, pursuant to CEQA guidelines.

9. The federal antidegradation policy requires that state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. This Order is consistent with applicable federal and State antidegradation policies, as it does not authorize the discharge of increased concentrations of pollutants or increased volumes of treated wastewater, and does not otherwise authorize degradation of the waters affected by this project.

10. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification," which requires compliance with all conditions of this water quality certification. http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf

4. The Regional Water Board shall be notified annually and in writing at least five working days (working days are Monday – Friday) prior to the commencement of ground disturbing activities, with details regarding the construction schedule, in order to allow staff to be present onsite during construction, and to answer any public inquiries that may arise regarding the project.

5. Adaptive management and monitoring reports shall be submitted to the Regional Water Board annually, by December 31 of each year for the duration of the entire Dry Creek project, or as requested by the Regional Water Board.

6. The Russian River is identified as impaired for sediment and temperature under Clean Water Act Section 303(d). At present, total maximum daily loads (TMDLs) have not been established for this water body. If TMDLs are established and implementation plans are adopted for this watershed prior to the expiration date of the requested Certification, the Regional Water Board may revise the provisions of that Certification to address actions identified in such action plans. Bank erosion is identified as a source contributing to the sediment impairment. Removal of riparian vegetation is identified as a source contributing to temperature impairment. Activities that will be authorized by this Order are designed to increase riparian vegetation and reduce sediment discharges from bank erosion. Actions authorized by this Order require implementation of Best Management Practices (BMPs) for sediment and turbidity control and planting of more riparian zone shade vegetation at and near the project site. Accordingly, this pending Order is consistent with, and implements, BMPs that would attenuate sediment and temperature adverse impacts.

   Accordingly, this Order is consistent with, and implements BMPs that would attenuate sediment/siltation and nutrient adverse impacts. At present, there are no watershed-specific implementation plans for these TMDLs. If TMDL implementation plans are adopted for these watersheds prior to the expiration date of this Order, the Regional Water Board may revise the provisions of this Order to address actions identified in such action plans.

7. If groundwater is encountered during construction, it will be discharged to an upland location where it cannot flow into Waters of the State. BMPs that may be used include: storage tanks, sediment desilting basins, and water filters. Additionally, BMPs such as the use of washed gravel, sand bags, straw, and/or silt fences will be used as necessary to control velocity of the land discharge and erosion. Groundwater shall not be discharged to waters of the State.

8. Pursuant to Regional Water Board Resolution R1-2004-0087, Total Maximum Daily Load Implementation Policy Statement for Sediment-Impaired Receiving Waters within the North Coast Region (Sediment TMDL Implementation Policy), the Executive Officer is directed to "rely on the use of all available authorities,

12. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this Order, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State. When operations are completed, any excess material or debris shall be removed from the work area.

13. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.

14. A copy of this Order and the application documents submitted by the Applicant for this certification shall be provided to all contractors and subcontractors conducting the work, and shall be in their possession at the work site.

15. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.

16. If, at any time, an unauthorized discharge to surface water (including wetlands, lakes, rivers or streams) occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented including stopping work. The Regional Water Board shall be notified promptly and in no case more than 24 hours after the unauthorized discharge or water quality problem arises.

17. Prior to implementing any change to the project that may have a significant or material effect on the findings, conclusions, or conditions of this Order, the Applicant shall obtain the written approval of the Regional Water Board Executive Officer. If the Regional Water Board is not notified of a significant alteration to the project, it will be considered a violation of this Order, and the Applicant may be subject to Regional Water Board enforcement action(s).

18. All project work shall be conducted as described in this Order and in the application submitted by the Applicant. If the Regional Water Board is not notified of a significant alteration to the project, it will be considered a violation of this Order, and the Applicant may be subject to Regional Water Board enforcement actions.

19. The Applicant shall provide a copy of this Order and State Water Resources Control Board (SWRCB) Order No. 2003-0017-DWQ to any contractor(s), subcontractor(s), and utility company(ies) conducting work on the project, and shall require that copies remain in their possession at the work site. The Applicant shall be responsible for ensuring that all work conducted by its contractor(s), subcontractor(s), and utility companies is performed in accordance with the information provided by the Applicant to the Regional Water Board.

number of the person(s) responsible for contact with the Regional Water Board. The request must also describe any changes to the project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the project as described in this Order.

26. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited to and all proposed mitigation being completed in strict compliance with the Applicant's project description, and b) compliance with all applicable requirements of the Water Quality Control Plan for the North Coast Region (Basin Plan).

27. The authorization of this certification for any dredge and fill activities expires on May 10, 2017. Conditions and monitoring requirements outlined in this Order are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

If you have any questions or comments, please call Stephen Bargsten at (707) 576-2653.

Original Signed By

Matthias St. John
Executive Officer

120510_SKB_Dry_Creek_Habitat_Enhancement_Demonstration_401

Weblink: State Water Resources Control Board Order No. 2003-0017 -DWQ, General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification can be found at: http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf

Original to: Mr. Grant Davis, Sonoma County Water Agency, 404 Aviation Boulevard, Santa Rosa, CA 95403

Enclosure 2. NAO-RFA Form

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Mr. Grant Davis, Sonoma County Water Agency	File No. 2012-00036N	Date: 27 JUL 2012
Attached is:		See Section below
✓	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://usace.army.mil/inet/functions/cw/cecwo/reg or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the DISTRICT ENGINEER for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this Notice and return the Notice to the DISTRICT ENGINEER. Your objections must be received by the DISTRICT ENGINEER within 60 days of the date of this Notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your NOTICE, the DISTRICT ENGINEER will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the DISTRICT ENGINEER will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the DISTRICT ENGINEER for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this NOTICE and sending the NOTICE to the DIVISION ENGINEER. This Notice must be received by the DIVISION ENGINEER within 60 days of the date of this Notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this Notice sending the Notice to the DIVISION ENGINEER. This Notice must be received by the DVISION ENGINEER within 60 days of the date of this Notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this Notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this Notice and sending the Notice to the DIVISION ENGINEER. This Notice must be received by the DIVISION ENGINEER within 60 days of the date of this Notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

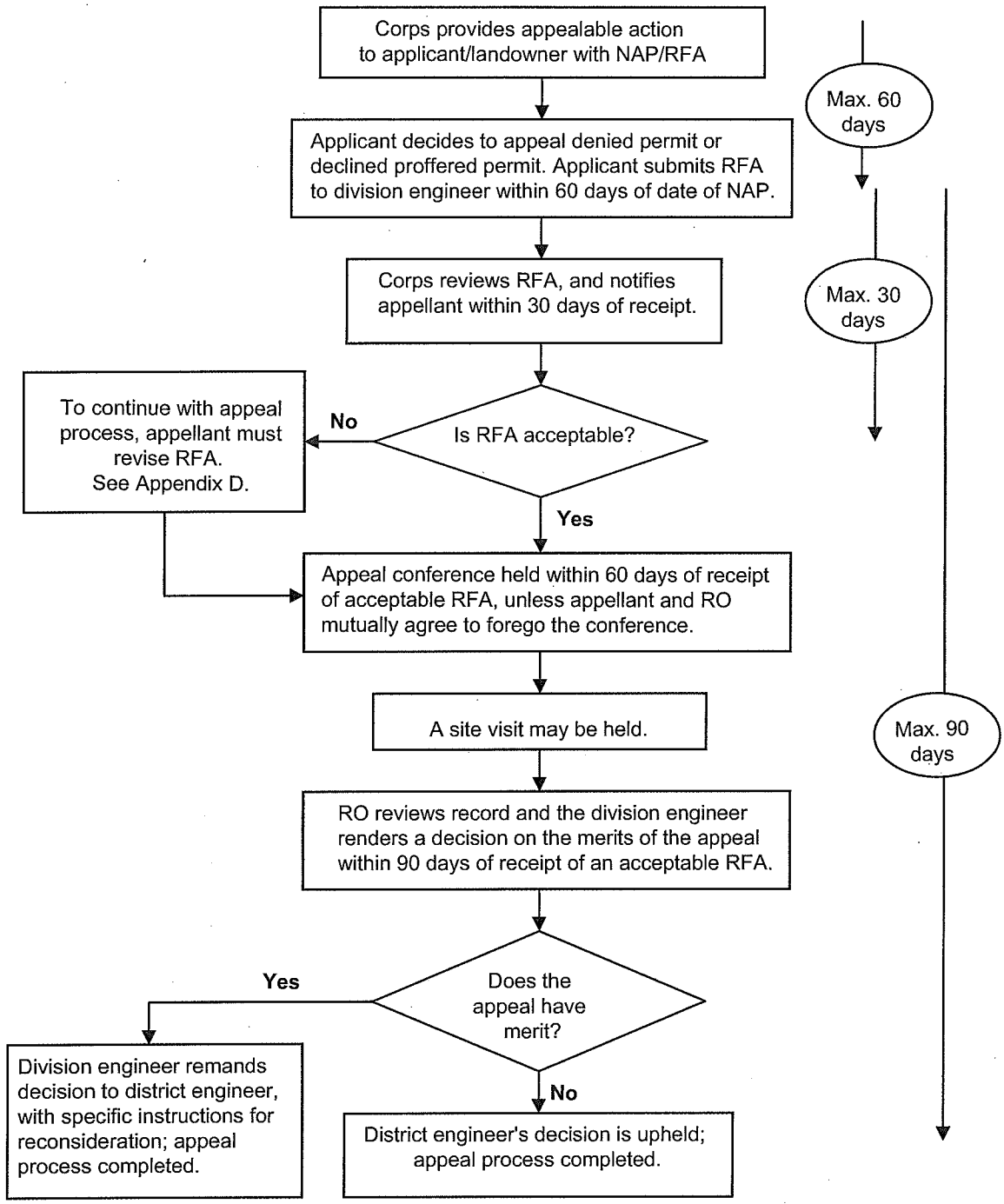
POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact: Laurie A. Monarres, Chief, North Branch, Regulatory Division U.S. Army Corps of Engineers, San Francisco District 1455 Market Street, 16th Floor, Attn: CESPN-R-N San Francisco, CA 94103-1398 Tel. (415) 503-6774 FAX (415) 503-6690	If you only have questions regarding the appeal process you may also contact: Thomas J. Cavanaugh, Appeal Review Officer U.S. Army Corps of Engineers, South Pacific Division 1455 Market Street, 20th Floor, Attn: CESPD-PDS-O San Francisco, CA 94103-1399 Tel. (415) 503-6574 FAX (415) 503-6646

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

_____ Signature of appellant or agent.	Date:	Telephone number:

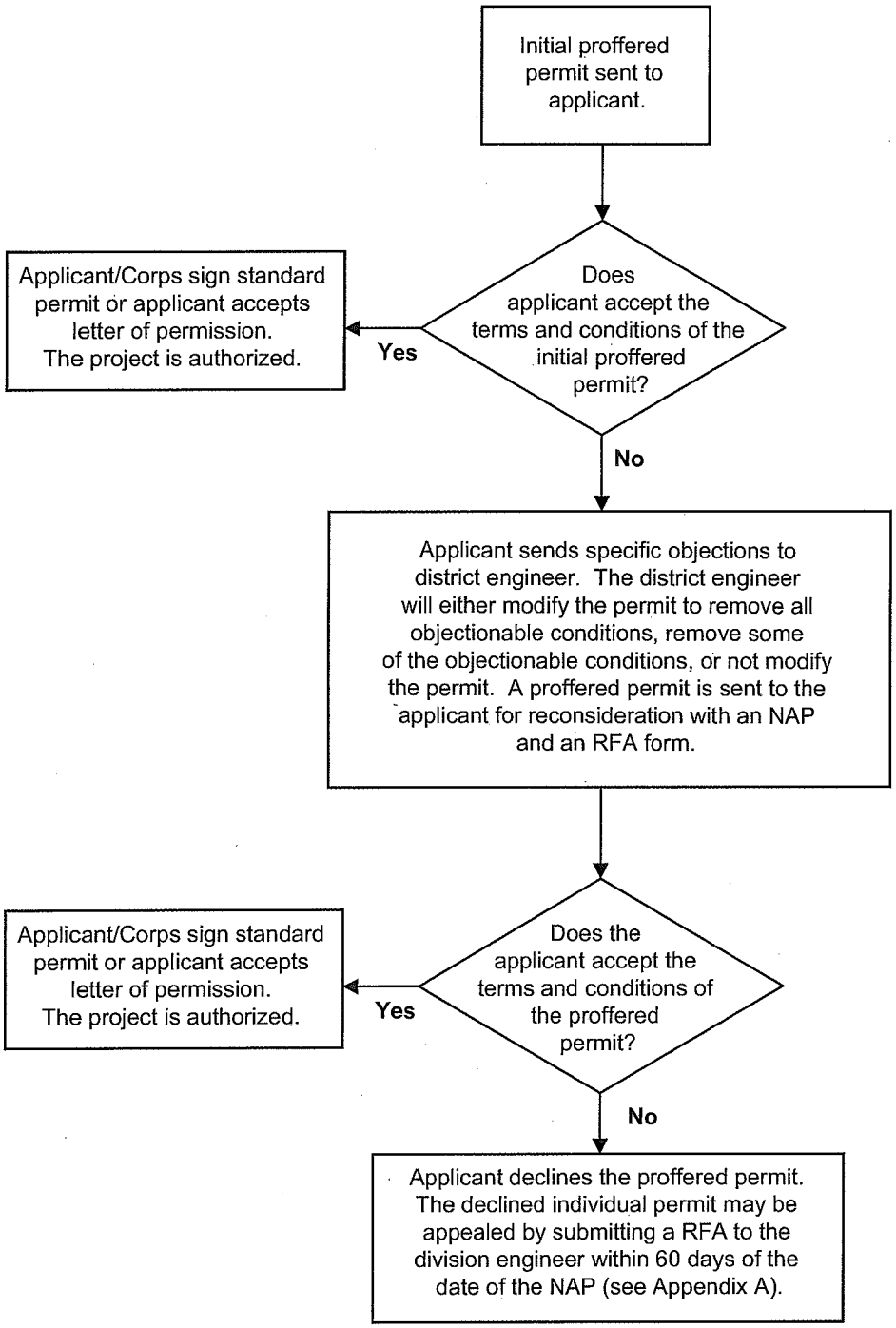
Administrative Appeal Process for Permit Denials and Proffered Permits



NOTE: If new information is provided to the Corps, the applicant will be asked if the applicant wishes to revise the project or record. If so, the appeal will be withdrawn and the case returned to the District for appropriate action. If not, then the Division Engineer will rule on the merits of the appeal based on the administrative record without consideration of the new information. However, the new information may cause the District Engineer to take action under 33 CFR 325.7, independent of the appeal process.

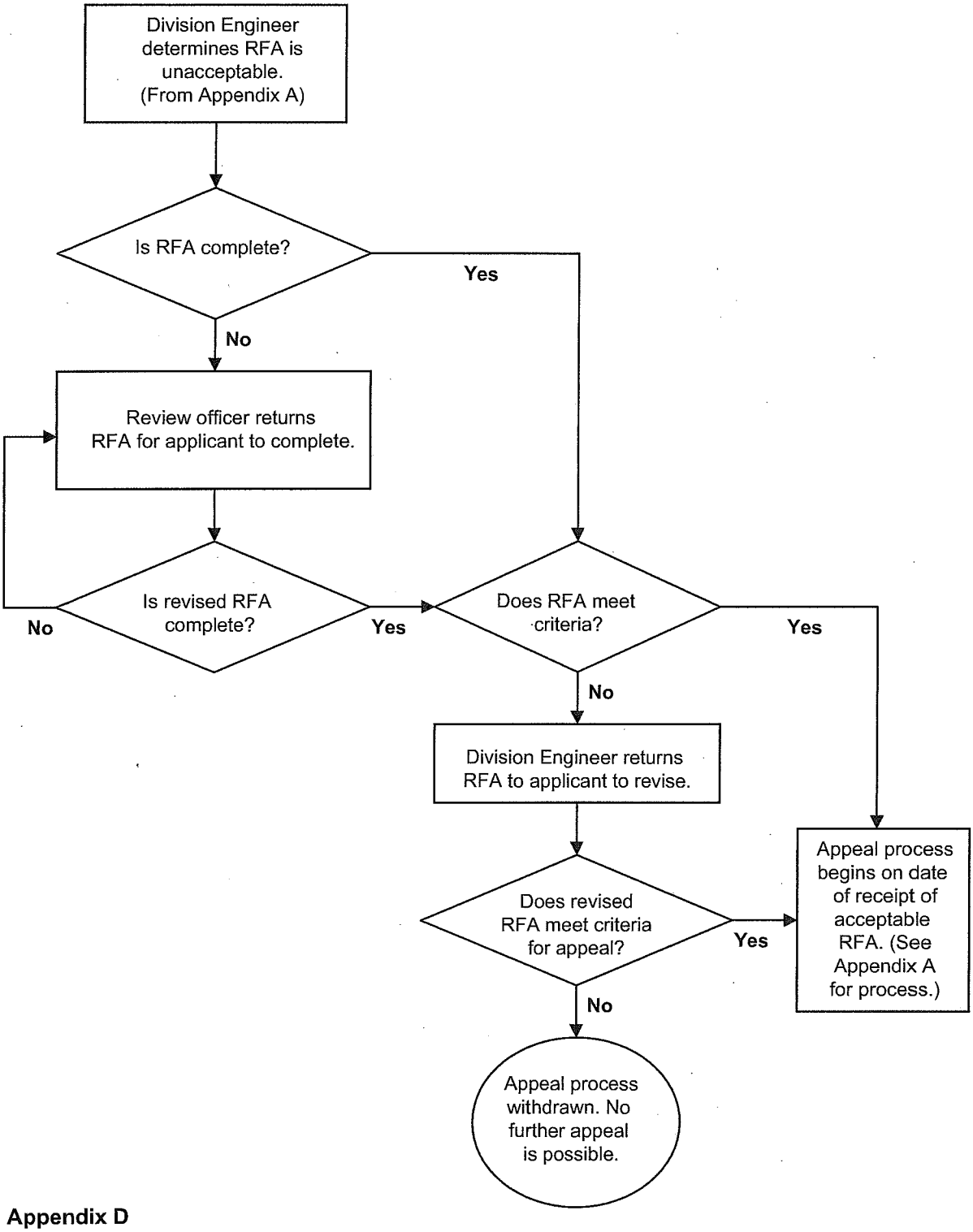
Appendix A

Applicant Options with Initial Proffered Permit



Appendix B

Process for Unacceptable Request for Appeal



Appendix D

Enclosure 2. Project Status Form

PROJECT STATUS

Please use the forms below to report the dates when you start and finish the work authorized by the enclosed permit. Also if you suspend work for an extended period of time, use the forms below to report the dates you suspended and resumed work. The second copy is provided for your records. If you find that you cannot complete the work within the time granted by the permit, please apply for a time extension at least one month before your permit expires. If you materially change the plan or scope of the work, it will be necessary for you to submit new drawings and a request for a modification of your permit.

(cut as needed) ----------

Date:_____

NOTICE OF COMPLETION OF WORK under Department of the Army Permit No. **2012-00036N**
TO: District Engineer, US Army Corps of Engineers, Regulatory Division, 1455 Market Street, 16th Floor, San Francisco, CA 94103-1398

In compliance with the conditions of Permit No.**2012-00036N**, this is to notify you that work was completed on _____.

Permittee: Sonoma County Water Agency, Grant Davis
Address: 404 Aviation Boulevard, Santa Rosa, California 95403

(cut as needed) ----------

Date:_____

NOTICE OF RESUMPTION OF WORK under Department of the Army Permit No. **2012-00036N**
TO: District Engineer, US Army Corps of Engineers, Regulatory Division, 1455 Market Street, 16th Floor, San Francisco, CA 94103-1398

In compliance with the conditions of Permit No. **2012-00036N**, this is to notify you that work was resumed on _____.

Permittee: Sonoma County Water Agency, Grant Davis
Address: 404 Aviation Boulevard, Santa Rosa, California 95403

(cut as needed) ----------

Date:_____

NOTICE OF SUSPENSION OF WORK under Department of the Army Permit No. **2012-00036N**
TO: District Engineer, US Army Corps of Engineers, Regulatory Division, 1455 Market Street, 16th Floor, San Francisco, CA 94103-1398

In compliance with the conditions of Permit No.**2012-00036N**, this is to notify you that work was suspended on _____.

Permittee: Sonoma County Water Agency, Grant Davis
Address: 404 Aviation Boulevard, Santa Rosa, California 95403

(cut as needed) ----------

Date:_____

NOTICE OF COMMENCEMENT OF WORK under Department of the Army Permit No. **2012-00036N**
TO: District Engineer, US Army Corps of Engineers, Regulatory Division, 1455 Market Street, 16th Floor, San Francisco, CA 94103-1398

In compliance with the conditions of Permit No.**2012-00036N**, this is to notify you that work was commenced on
_____.

Permittee: Sonoma County Water Agency, Grant Davis
Address: 404 Aviation Boulevard, Santa Rosa, California 95403

State of California – The Natural Resources Agency
DEPARTMENT OF FISH AND GAME
Bay Delta Region
7329 Silverado Trail
Napa, CA 94558
(707) 944-5520
www.dfg.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director

May 21, 2012

Grant Davis
Sonoma County Water Agency
404 Aviation Boulevard
Santa Rosa, CA 95403

Subject: Final Lake or Streambed Alteration Agreement
Notification No. 1600-2012-0004-R3
Dry Creek Habitat Enhancement Demonstration Project

Dear Mr. Davis:

Enclosed is the final Streambed Alteration Agreement ("Agreement") for the Dry Creek Habitat Enhancement Demonstration Project ("Project"). Before the Department may issue an Agreement, it must comply with the California Environmental Quality Act ("CEQA"). In this case, the Department, acting as a responsible agency, filed a notice of determination ("NOD") on May 21, 2012, based on information contained in the Mitigated Negative Declaration the lead agency prepared for the Project.

Under CEQA, filing a NOD starts a 30-day period within which a party may challenge the filing agency's approval of the project. You may begin your project before the 30-day period expires if you have obtained all necessary local, state, and federal permits or other authorizations. However, if you elect to do so, it will be at your own risk.

If you have any questions regarding this matter, please contact Adam McKannay, Environmental Scientist, at (707) 944-5534 or amckannay@dfg.ca.gov.

Sincerely,

Craig J. Weightman
Acting Environmental Program Manager
Bay Delta Region

Copy
Sonoma County Water Agency
MAY 23 2012
To: Cuneo
CF/45-6.1-2 Dry Creek Habitat Enhancement Demonstration Project (ID 3283)

cc: David Cuneo
Lieutenant Jones
Warden Reed
Adam Mckannay

Conserving California's Wildlife Since 1870

CALIFORNIA DEPARTMENT OF FISH AND GAME
BAY DELTA REGION
7329 SILVERADO TRAIL
NAPA, CALIFORNIA 94558
(707) 944-5520
WWW.DFG.CA.GOV

STREAMBED ALTERATION AGREEMENT
NOTIFICATION NO. 1600-2012-0004-R3
Dry Creek; Sonoma County

SONOMA COUNTY WATER AGENCY
DRY CREEK HABITAT ENHANCEMENT DEMONSTRATION PROJECT

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Game (DFG) and Sonoma County Water Agency (Permittee) as represented by Grant Davis.

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, Permittee notified DFG on January 5, 2012, that Permittee intends to complete the project described herein.

WHEREAS, pursuant to FGC section 1603, DFG has determined that the project could substantially adversely affect existing fish or wildlife resources and has included measures in the Agreement necessary to protect those resources.

WHEREAS, Permittee has reviewed the Agreement and accepts its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, Permittee agrees to complete the project in accordance with the Agreement

PROJECT LOCATION

The project is located at Dry Creek, in the County of Sonoma, State of California; Latitude N38 39.2307, Longitude W122 55.6575.

The project area is located within the Dry Creek Valley along Dry Creek from approximately ¾ -mile upstream of Lambert Bridge Road to ½-mile downstream of Lambert Bridge Road.

PROJECT DESCRIPTION

The National Marine Fisheries Service (NMFS) issued the *Biological Opinion for Water Supply, Flood Control Operations, and Channel Maintenance conducted by the U.S. Army Corps of Engineers, the Sonoma County Water Agency, and the Mendocino County Russian River Flood Control and Water Conservation District in the Russian River Watershed* (Russian River Biological Opinion) (Exhibit A) on September 24, 2008. NMFS' Russian River Biological Opinion is a culmination of more than a decade of consultation between the Water Agency, the U.S. Army Corps of Engineers (Corps), and the NMFS regarding the impact of the Water Agency's and Corps' water supply and flood control activities on three fish species listed under the federal Endangered Species Act: Central California Coast steelhead, Central California Coast coho salmon, and California Coastal Chinook salmon. The California Department of Fish and Game (DFG) issued a consistency determination on November 9, 2009 (Exhibit B), finding that the Russian River Biological Opinion was consistent with the requirements of the California Endangered Species Act (CESA) and adopted the measures identified in the Russian River Biological Opinion.

NMFS' Russian River Biological Opinion found that summer flows in the upper Russian River and Dry Creek are too high for optimal juvenile coho salmon and steelhead habitat. Current summer flows in Dry Creek range from 105 to 175 cubic feet per second (cfs). The velocities associated with these summer flows make it difficult for the juvenile fish to thrive. NMFS' Russian River Biological Opinion recognizes that large reductions in the summertime flows in Dry Creek would impair the Water Agency's ability to deliver water to its customers. Therefore, the Russian River Biological Opinion requires habitat enhancement of six miles of Dry Creek to improve summer rearing conditions for coho salmon and steelhead while allowing the Water Agency to maintain the existing flow range in Dry Creek of 105 to 175 cfs for water supply purposes. The six miles of habitat enhancement are to be distributed over the entire length of Dry Creek below Warm Springs Dam and implemented at a minimum of eight locations on the creek. It is intended that the enhancements for summer rearing will also provide winter rearing and refugia habitat. The habitat enhancements are to be implemented in phases to allow for evaluation of their effectiveness as the effort progresses.

The Dry Creek Habitat Enhancement Demonstration Project (Project) would implement habitat enhancement projects within an approximately one mile reach of Dry Creek. The purpose of the project is to demonstrate to regulators, landowners, and local decision makers the feasibility of Dry Creek habitat enhancements on a smaller scale and, in particular, to determine how they could be constructed, what they may ultimately look like, and how effective they are before implementing the full six miles of habitat enhancements on Dry Creek.

Project activities would consist of actions such as dewatering and bypass flow pumping, stockpiling of materials, removal of vegetation, excavation of the backwater/alcove areas, revegetation, and placement of boulder and log structures. Construction in or

near the streambed would occur during the months of June through October during summer low-flows. All flows in Dry Creek (approximately 100 to 120 cfs) would need to be diverted around the work area during construction. Work areas would be isolated from the moving stream using some type of imported barrier or material (water filled bladders, gravel cofferdams, sheetpile cofferdams, etc.). Typically, the work area would be isolated and the creek flow would be allowed to continue flowing adjacent to the isolated work area. In some cases it may be necessary to completely isolate the creek from bank to bank. In this case, bypass pumping or a gravity bypass from the upstream end of the work area to the downstream end of the work area would occur to bypass creek flows around the work area. The bypass would result in the work area being dewatered during construction. Dewatering would require installation of cofferdams upstream and downstream of the project site and diverting stream flow around the project site.

Enhancements in the Project area will emphasize natural stream characteristics, or geomorphology, which refers to the manner in which water and sediment combine to create habitat features friendly to fish. By using enhancement practices that emulate natural geomorphic conditions, the benefits provided to young coho and steelhead and their longevity are optimized. The proposed Project would consist of the following enhancement practices, which are described below:

- Streambank Stabilization: This enhancement practice is applied in areas of bank erosion to retain property and to enhance the habitat characteristics along the edge of the stream.

- Backwater Channels, Alcoves, and Ponds: This enhancement practice consists of areas off to the side of the stream that in summer connect to the mainstem of Dry Creek only at their downstream end.

- Side Channels: Side channels run parallel to the main stream and connect to the main stream at both upstream and downstream ends, even during the summer. The flow of the stream is split between the two channels.

- Log Jams: A log jam is an accumulation of logs that may be constructed in an area where it would be beneficial to provide velocity refuge for fish and/or to initiate or stabilize a turn or fork in the channel.

- Pool Enhancements: Pools are deeper areas of the stream. In a healthy stream, pools provide key habitat for young fish because currents are slow, the flow patterns are diverse, and fish can hide beneath logs that project into the water.

- Riffle Construction: Riffles are areas where the streambed is steeper and the current is swift. Riffles play a key role in controlling the elevation of the streambed and releasing the stream's energy to slow the current flowing through adjoining pools.

- Riparian Vegetation Management: Dry Creek has extensive vegetative growth along the channel, which includes many non-native or invasive weed species. In some areas, overly dense stands of vegetation impair stream function by channelizing the flow of the creek and acting like a levee, which forces energy into the creek bed, and results in pools that are too long, with water that moves too swiftly. Riparian vegetation management would include selective thinning of existing vegetation, removal of invasive weeds, and in some cases, replanting of native vegetation.

- Monitoring and Maintenance: The Water Agency would be responsible for monitoring and maintaining the project components throughout the expected lifespan of the proposed structures (15-25 years). Monitoring activities could consist of activities such as fish surveys, stream profile and cross-section measurements, vegetation surveys, wildlife surveys, and photo documentation of structures. Failing structures, or structures that aren't performing as intended (not inundated properly, inundated too much, buried, having too high of velocities still) may require additional maintenance work in future years after the initial construction to restore or enhance the originally intended functions. Vegetation management is expected to occur annually for the first few years after implementation and then on a three- to five-year recurring basis in order to maintain the desired vegetation species and densities in the project area.

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include:

- Coho salmon (Federal Endangered, California Endangered)
- Chinook salmon (Federal Threatened)
- Steelhead trout (Federal Threatened)

The adverse effects the project could have on the fish or wildlife resources identified above include:

- relocation of stream channel or lake
- change in contour of bed, channel or bank
- change in gradient of bed, channel or bank
- change in channel cross-section (confinement or widening);
- loss of bank stability during construction
- accelerated channel scour
- change in composition of channel materials (Large Woody Debris or substrate particle size);
- debris dams
- Increased turbidity

- disruption to nesting birds and other wildlife
- change in shading or insolation leading to vegetative change
- diversion of flow water from, or around, activity site
- direct take of aquatic species from pumps
- rewatering
- dewatering

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

Permittee shall meet each administrative requirement described below.

1.1 Documentation at Project Site. Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to DFG personnel, or personnel from another state, federal, or local agency upon request.

1.2 Providing Agreement to Persons at Project Site. Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.

1.3 Notification of Conflicting Provisions. Permittee shall notify DFG if Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, DFG shall contact Permittee to resolve any conflict.

1.4 Project Site Entry. Permittee agrees that DFG personnel may enter the project site at any time to verify compliance with the Agreement.

1.5 No Trespass. To the extent that any provisions of this Agreement provide for activities that require the Permittee to traverse another owner's property, such provisions are agreed to with the understanding that the Permittee possesses the legal right to so traverse. In the absence of such right, any such provision is void.

2. Avoidance and Minimization Measures

To avoid or minimize adverse impacts to fish and wildlife resources identified above, Permittee shall implement each measure listed below.

2.1 Instream Work Period – Work in the stream channel below the top of bank shall be confined to the period June 15 through October 15. Revegetation work is not confined to this time period.

2.2 Work Period Modification. If Permittee needs more time to complete the project activity, the work may be permitted outside of the work period and extended on a day-to-day basis by the DFG representative who reviewed the project (see Contact Information section). Permittee shall submit a written request for a work period variance to DFG. The work period variance request shall: 1) describe the extent of work already completed; 2) detail the activities that remain to be completed; 3) detail the time required to complete each of the remaining activities; and 4) provide photographs of both the current work completed and the proposed site for continued work. The work period variance request should consider the effects of increased stream flows, rain delays, increased erosion control measures, limited access due to saturated soil conditions, and limited growth of erosion control grasses due to cool weather. Work period variances are issued at the discretion of DFG. DFG will review the written request to work outside of the established work period. DFG reserves the right to require additional measures to protect fish and wildlife resources as a condition for granting the variance. DFG will have seven (7) calendar days to review the proposed work period variance.

2.3 Work according to plans. All work shall be completed according to the plans submitted to DFG entitled *Dry Creek Habitat Enhancement Demonstration Project,* April 27, 2012, Interfluve, Inc.(Exhibit C). If the Permittee finds it necessary to update project plans prior to construction, the updated plans will be submitted to DFG at least 30 days prior to beginning project activities to determine if an Amendment to this Agreement is required. Updated project plans shall be submitted for each of the work seasons in which work on the project is expected to occur, these plans shall be similar in scope and content as Exhibit C. Project activities shall not proceed until DFG has approved the updated plans in writing.

Dewatering and Temporary Diversions

2.4 Work In Isolation Of Flowing Stream. Any work within the stream channel shall be performed in isolation from the flowing stream.

2.5 Boulder Cluster Installation. Where the disturbance to construct coffer dams to isolate the work site would be greater than to complete the action (for example, placement of a single boulder cluster), the action shall be carried out without dewatering and fish relocation. Project elements that are proposed for installation in the flowing stream shall be submitted and approved by DFG in writing at least fifteen (15) days prior to beginning installation of the element.

2.6 Diversion Plan. If flowing water is present or reasonably anticipated, the Permittee shall submit for approval a detailed water diversion and dewatering plan to DFG at least fifteen (15) working days prior to commencing work within the stream zone. Dewatering structures may include the use of sand bag, Port-a-dams, water bladder dams, K-rails or driven sheet metal coffer dams. DFG will review the proposed dewatering plan, to approve the plan or provide the requirements for that approval. The Permittee may not commence the dewatering or the diversion of water without the explicit written approval from DFG.

2.7 Maintain Aquatic Life. When any dam or other artificial obstruction is being constructed, maintained, or placed in operation, Permittee shall allow sufficient water at all times to pass downstream to maintain aquatic life below the dam pursuant to Fish and Game Code §5937.

2.8 Screen According to Existing Standards. The inlets of the dewatering pump structure shall be fitted with fish screens meeting the "fry-size" criteria of DFG and the National Marine Fisheries Service before water is pumped from within the coffer dams (see screening criteria at: http://swr.nmfs.noaa.gov/hcd/policies.htm.)

2.9 Fish Relocation: Fish relocation shall be performed by a Qualified Biologist, with all necessary State and Federal permits. Rescued fish shall be moved to the nearest appropriate site outside of the work area. A record shall be maintained of all fish rescued and moved. The record shall include the date of capture and relocation, the method of capture, the location of the relocation site in relation to the project site, and the number and species of fish captured and relocated. The record shall be provided to DFG within two (2) weeks

of the completion of the work season or project, whichever comes first.

2.10 Clean Obstruction Only. Any temporary dam or other artificial obstruction constructed by Permittee shall only be built from materials which will cause little or no siltation, such as clean gravels.

2.11 Maintain Water Quality. Permittee shall divert flow in a manner that prevents turbidity, siltation, or pollution and provides flows to downstream reaches. Flows to downstream reaches shall be provided during all times that the natural flow would have supported aquatic life. Said flows shall be sufficient quality and quantity, and of appropriate temperature to support fish and other aquatic life both above and below the diversion.

2.12 Restore Normal Flows. Permittee shall restore normal flows to the effected stream immediately upon completion of work at that location.

Wildlife Protection and Prevention - General

2.13 Qualified Biologist. A qualified biologist is an individual who is approved by DFG and approved and/or permitted by the National Marine Fisheries Service (NMFS) to handle steelhead trout, Chinook salmon, and coho salmon.

2.14 Biological Monitor. A biological monitor is an individual experienced with construction level biological monitoring and who is able to recognize species in the project area and who is familiar with the habits and behavior of those species. Biological monitors shall have academic and professional experience in biological sciences and related resource management activities as it pertains to this project. All biological monitors for the project shall be approved by DFG prior to commencement of covered activities.

2.15 Bird Surveys. If construction will occur between March 15th and August 15th, the work area will be surveyed by a Biological Monitor to determine if active nests are present. If the construction site is left unattended for more than two weeks during the breeding season, another survey will be completed to determine if the bids have moved back into the area and are occupying active nests. If active nests or behavior indicative of nesting are encountered, those areas plus a 50-foot buffer for small songbirds and 300-feet for larger species (e.g. raptors, owls, etc.) designated by the biologist will be avoided until the nests have been vacated.

2.16 No Heavy Equipment in Stream. No heavy equipment shall operate in the portion of the stream bed where flowing water is present or anticipated during the term of this agreement except as may be necessary to construct coffer dams and associated stream diversion and/or bypass structures to divert stream flow and isolate the work site.

2.17 Only clean rocks and boulders. Only clean rocks and boulders shall be used for the project unless specified otherwise with the design plans and project description.

2.18 No debris to be used as rip rap. No broken concrete or other construction waste materials shall be used as rock slope protection.

2.19 Rock slope protection. Rock slope protection shall be properly keyed into the bank and be of sufficient size to remain in place and withstand highest velocity of water anticipated within the stream channel.

2.20 No extraction. Rock, gravel, and/or other materials shall not be imported to, taken from or moved within the bed or banks of the stream except as otherwise addressed in this Agreement within Exhibit C.

2.21 Native Plant Materials Required. Revegetation shall include only local plant materials native to the project area, unless otherwise approved by DFG in writing.

Wildlife Protection and Prevention - Special Status Species

2.22 Listed species. The project site has been identified as an area that is potentially inhabited by species listed under the federal Endangered Species Act and/or the California Endangered Species Act, including, coho salmon (Federal and State Endangered) and steelhead trout (Federal Threatened). This agreement does not authorize for the take, or incidental take of any State or Federal listed threatened or endangered listed species. The Permittee has received Federal take authorization for coho salmon, steelhead trout and chinook salmon under the *Biological Opinion for Water Supply, Flood Control Operations, and Channel Maintenance conducted by the U.S. Army Corps of Engineers, the Sonoma County Water Agency, and the Mendocino County Russian River Flood Control and Water Conservation District in the Russian River Watershed,* National Marine Fisheries Service, 2008 (Exhibit A) and State authorization for incidental take of coho salmon under the

Consistency Determination, Fish and Game Code Section 2080.1, CESA Tracking Number 2080-2009-016-03, California Department of Fish and Game, November 9, 2009 (Exhibit B).

Erosion Control

2.23 Erosion Control Measures. Permittee shall utilize erosion control measures throughout all phases of operation where sediment runoff from exposed slopes threatens to enter a river, stream, or lake.

2.24 Silt Laden Runoff. At no time shall silt laden runoff be allowed to enter the stream or directed to where it may enter the stream. Erosion control measures, such as, silt fences, straw hay bales, gravel or rock lined ditches, water check bars, and broadcasted straw shall be used where ever silt laden water has the potential to leave the work site and enter the stream.

2.25 Erosion Control Maintenance. Permittee shall make modifications, repairs and improvements to erosion control measures whenever it is needed. Materials used to repair or improved erosion control measures shall not pose a risk to fish or wildlife.

2.26 Post Storm Event Inspection. After any storm event, Permittee shall inspect all sites scheduled to begin or continue construction within the next 72 hours. Corrective action for erosion and sedimentation shall be taken as needed. National Weather Service 72 hour weather forecasts shall be reviewed prior to the start of any phase of the project that may result in sediment runoff to the stream, and construction plans adjusted to meet this requirement. The National Weather Service forecast can be found at: http://www.nws.noaa.gov

2.27 Treat exposed areas. All exposed/disturbed areas and access points within the stream zone left barren of vegetation as a result of the construction activities shall be restored by seeding with a blend of native erosion control grass seeds. Seeded areas shall be mulched. All other areas of disturbed soil which drain toward the stream channel shall be seeded with erosion control grass seeds. Revegetation shall be completed as soon as possible after construction activities in those areas cease. Seeding placed after October 15 must be covered with broadcast straw, jute netting, coconut fiber blanket or similar erosion control blanket.

Equipment and Vehicles

2.28 Operating Equipment and Vehicle Leaks. Any equipment or vehicles driven and/or operated within or adjacent to the stream shall be checked and maintained daily to prevent leaks of materials that could be deleterious to aquatic and terrestrial life or riparian habitat.

2.29 Stationary Equipment Leaks. Stationary equipment such as motors, pumps, generators, and welders, located within or adjacent to the stream shall be positioned over drip pans. Stationary heavy equipment shall have suitable containment to handle a catastrophic spill/leak.

2.30 Clean Up Equipment. Clean up equipment such as extra boom, absorbent pads, skimmers, shall be on site prior to the start of work within the stream zone.

2.31 Equipment Maintenance and Fueling. No equipment maintenance or fueling shall be done within or near any stream channel or lake margin where petroleum products or other pollutants from the equipment may enter these areas.

2.32 Equipment Storage. Staging and storage areas for equipment, materials, fuels, lubricants and solvents, shall be located outside of the stream channel and banks.

2.33 Stockpiled Materials. Building materials and/or construction equipment shall not be stockpiled or stored where they may be washed into the water or cover aquatic or riparian vegetation. Stockpiles shall be covered when measurable rain is forecasted.

Debris Materials and Waste

2.34 Location of Spoil Sites. Spoil sites shall not be located within a stream or locations that may be subjected to high storm flows, where spoil may be washed back into a stream, or where it may impact streambed habitat, aquatic or riparian vegetation.

2.35 No Dumping. Permittee and all contractors, subcontractors, and employees shall not dump any litter or construction debris within the stream, or where it may pass into the stream.

2.36 Pick Up Debris. Permittee shall pick up all debris and waste daily.

2.37 Wash water. Water containing mud, silt, or other pollutants from equipment washing or other activities, shall not be allowed to enter a lake or flowing stream or placed in locations that may be subjected to high storm flows.

2.38 Clean-up. All construction debris and associated materials shall be removed from the work site upon completion of this project.

Toxic and Hazardous Materials

2.39 Toxic Materials. Any hazardous or toxic materials that could be deleterious to aquatic life that could be washed into the stream or its tributaries shall be contained in water tight containers or removed from the project site.

2.40 Hazardous Substances. Raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic life, resulting from project related activities, shall be prevented from contaminating the soil and/or entering the waters of the state. Any of these materials, placed within or where they may enter the stream by Permittee or any party working under contract, or with the permission of Permittee, shall be removed immediately.

2.41 Hazardous Materials. Debris, soil, silt, bark, slash, sawdust, rubbish, creosote-treated wood, raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic life, wildlife, or riparian habitat resulting from the project related activities shall be prevented from contaminating the soil and/or entering the waters of the State.

Spills and Emergencies

2.42 Spill Cleanup. Permittee shall begin the cleanup of all spills immediately. DFG shall be notified immediately by the Permittee of any spills and shall be consulted regarding cleanup procedures. The Permittee shall have all spill clean-up equipment on site during construction.

2.43 Spill Containment. All activities performed in or near a stream shall have absorbent materials designated for spill containment and clean up activities on-site for use in an accidental spill. The Permittee shall immediately notify the California Emergency Management Agency at 1-800-852-7550 and immediately initiate the clean up activities.

DFG shall be notified by the Permittee and consulted regarding clean-up procedures.

3. Reporting Measures

Permittee shall meet each reporting requirement described below.

3.1 Adaptive management, monitoring, and evaluation plan. In accordance with the Biological Opinion (Exhibit A, pages 271-272), prior to construction of the project, the Permittee shall submit a post-construction adaptive management, monitoring and evaluation plan for this project for review and approval by NMFS and DFG. This monitoring plan shall include implementation monitoring, effectiveness monitoring and validation monitoring.

3.2 Commencement and completion of work. The Permittee shall notify the DFG within ten (10) working days of beginning work within the stream zone or area covered in this agreement. In addition, the Permittee shall notify the DFG within five (5) working days of the completion of work within the stream zone on this project.

3.3 Fish Relocation Record. A record shall be maintained of all fish rescued and moved. The record shall include the date of capture and relocation, the method of capture, the location of the relocation site in relation to the project site, and the number and species of fish captured and relocated. The record shall be provided to DFG within two (2) weeks of the completion of the work season or project, whichever comes first.

3.4 Notification to the California Natural Diversity Database. If any special status species are observed in project surveys, Permittee or designated representative shall submit Natural Diversity Data Base (NDDB) forms to the NDDB for all preconstruction survey data within five (5) working days of the sightings, and provide to DFG's Regional office three (3) copies of the NDDB forms and survey maps.

CONTACT INFORMATION

Any communication that Permittee or DFG submits to the other shall be in writing and any communication or documentation shall be delivered to the address below by U.S. mail, fax, or email, or to such other address as Permittee or DFG specifies by written notice to the other.

To Permittee:

Grant Davis
Sonoma County Water Agency
404 Aviation Boulevard
Santa Rosa, CA 95403
Grant.Davis@scwa.ca.gov

To DFG:

Department of Fish and Game
Bay Delta Region
7329 Silverado Trail
Napa, California 94558
Attn: Lake and Streambed Alteration Program – Adam McKannay
Notification #1600-2012-0004-R3
Fax (707) 944-5553
amckannay@dfg.ca.gov

LIABILITY

Permittee shall be solely liable for any violations of the Agreement, whether committed by Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents or contractors and subcontractors, to complete the project or any activity related to it that the Agreement authorizes.

This Agreement does not constitute DFG's endorsement of, or require Permittee to proceed with the project. The decision to proceed with the project is Permittee's alone.

SUSPENSION AND REVOCATION

DFG may suspend or revoke in its entirety the Agreement if it determines that Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, is not in compliance with the Agreement.

Before DFG suspends or revokes the Agreement, it shall provide Permittee written notice by certified or registered mail that it intends to suspend or revoke. The notice shall state the reason(s) for the proposed suspension or revocation, provide Permittee an opportunity to correct any deficiency before DFG suspends or revokes the Agreement, and include instructions to Permittee, if necessary, including but not limited to a directive to immediately cease the specific activity or activities that caused DFG to issue the notice.

ENFORCEMENT

Nothing in the Agreement precludes DFG from pursuing an enforcement action against Permittee instead of, or in addition to, suspending or revoking the Agreement.

Nothing in the Agreement limits or otherwise affects DFG's enforcement authority or that of its enforcement personnel.

OTHER LEGAL OBLIGATIONS

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from obtaining any other permits or authorizations that might be required under other federal, state, or local laws or regulations before beginning the project or an activity related to it.

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in the FGC including, but not limited to, FGC sections 2050 et seq. (threatened and endangered species), 3503 (bird nests and eggs), 3503.5 (birds of prey), 5650 (water pollution), 5652 (refuse disposal into water), 5901 (fish passage), 5937 (sufficient water for fish), and 5948 (obstruction of stream).

Nothing in the Agreement authorizes Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, to trespass.

AMENDMENT

DFG may amend the Agreement at any time during its term if DFG determines the amendment is necessary to protect an existing fish or wildlife resource.

Permittee may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by DFG and Permittee. To request an amendment, Permittee shall submit to DFG a completed DFG "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the corresponding amendment fee identified in DFG's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

TRANSFER AND ASSIGNMENT

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of the Agreement to another entity shall not be valid or effective,

unless the transfer or assignment is requested by Permittee in writing, as specified below, and thereafter DFG approves the transfer or assignment in writing.

The transfer or assignment of the Agreement to another entity shall constitute a minor amendment, and therefore to request a transfer or assignment, Permittee shall submit to DFG a completed DFG "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the minor amendment fee identified in DFG's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

EXTENSIONS

In accordance with FGC section 1605(b), Permittee may request one extension of the Agreement, provided the request is made prior to the expiration of the Agreement's term. To request an extension, Permittee shall submit to DFG a completed DFG "Request to Extend Lake or Streambed Alteration" form and include with the completed form payment of the extension fee identified in DFG's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5). DFG shall process the extension request in accordance with FGC 1605(b) through (e).

If Permittee fails to submit a request to extend the Agreement prior to its expiration, Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (Fish & G. Code, § 1605, subd. (f)).

EFFECTIVE DATE

The Agreement becomes effective on the date of DFG's signature, which shall be: 1) after Permittee's signature; 2) after DFG complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3) after payment of the applicable FGC section 711.4 filing fee listed at http://www.dfg.ca.gov/habcon/ceqa/ceqa_changes.html.

TERM

This Agreement shall expire on December 31, 2016, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as FGC section 1605(a)(2) requires.

EXHIBITS

The documents listed below are included as exhibits to the Agreement and incorporated herein by reference.

A. National Marine Fisheries Service (NMFS), *Biological Opinion for the Water Supply, Flood Control Operations, and Channel Maintenance conducted by the U.S. Army Corps of Engineers, the Sonoma County Water Agency, and the Mendocino County Russian River Flood Control and Water Conservation Improvement District in the Russian River Watershed,* September 24, 2008.

B. California Department of Fish and Game, *Consistency Determination, Fish and Game Code Section 2080.1, CESA Tracking Number 2080-2009-016-03*, November 9, 2009.

C. *Dry Creek Habitat Enhancement Demonstration Project,* April 27, 2012, Interfluve, Inc., sheets 1-15.

AUTHORITY

If the person signing the Agreement (signatory) is doing so as a representative of Permittee, the signatory hereby acknowledges that he or she is doing so on Permittee's behalf and represents and warrants that he or she has the authority to legally bind Permittee to the provisions herein.

AUTHORIZATION

This Agreement authorizes only the project described herein. If Permittee begins or completes a project different from the project the Agreement authorizes, Permittee may be subject to civil or criminal prosecution for failing to notify DFG in accordance with FGC section 1602.

CONCURRENCE

The undersigned accepts and agrees to comply with all provisions contained herein.

FOR SONOMA COUNTY WATER AGENCY

Grant Davis
General Manager

5/16/12
Date

FOR DEPARTMENT OF FISH AND GAME

Scott Wilson
Acting Regional Manager

May 21, 2012
Date

Prepared by: Adam McKannay
Environmental Scientist

Date Prepared: March 16, 2012
Date Revised: April 27, 2012

*Revised page 1 of 4

FOR DEPARTMENT USE ONLY				
Date Received	Amount Received	Amount Due	Date Complete	Notification No.
1/5/12	$4437.75	$		1600-2012-0004-3

County of Sonoma
CK#123371

McKAnnay

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND GAME

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

Complete EACH field, unless otherwise indicated, following the enclosed instructions and submit ALL required enclosures. Attach additional pages, if necessary.

1. APPLICANT PROPOSING PROJECT

Name	Grant Davis		
Business/Agency	Sonoma County Water Agency		
Street Address	404 Aviation Boulevard		
City, State, Zip	Santa Rosa, CA 95403		
Telephone	(707) 547-1900	Fax	
Email	Grant.Davis@scwa.ca.gov		

2. CONTACT PERSON (*Complete only if different from applicant*)

Name	David Cuneo		
Street Address	404 Aviation Boulevard		
City, State, Zip	Santa Rosa, CA 95403		
Telephone	(707) 547-1935	Fax	
Email	david@scwa.ca.gov		

3. PROPERTY OWNER (*Complete only if different from applicant*)

Name	multiple landowners - see attached list		
Street Address			
City, State, Zip			
Telephone		Fax	
Email			

4. PROJECT NAME AND AGREEMENT TERM

A. Project Name	Dry Creek Habitat Enhancement Demonstration Project			
B. Agreement Term Requested	☑ Regular (*5 years or less*) ☐ Long-term (*greater than 5 years*)			
C. Project Term		D. Seasonal Work Period		E. Number of Work Days
Beginning (*year*)	Ending (*year*)	Start Date (*month/day*)	End Date (*month/day*)	
2012	2016	06/15	10/15	610.00

Changed per email 1/23/12

5. AGREEMENT TYPE

Check the applicable box. If box B, C, D, or E is checked, complete the specified attachment.		
A.	☑ Standard *(Most construction projects, excluding the categories listed below)*	
B.	☐ Gravel/Sand/Rock Extraction (*Attachment A*)	*Mine I.D. Number:* _____
C.	☐ Timber Harvesting (*Attachment B*)	THP *Number:* _____
D.	☐ Water Diversion/Extraction/Impoundment (*Attachment C*)	*SWRCB Number:* _____
E.	☐ Routine Maintenance (*Attachment D*)	
F.	☐ DFG Fisheries Restoration Grant Program (FRGP)	*FRGP Contract Number:* _____
G.	☐ Master	
H.	☐ Master Timber Harvesting	

6. FEES

Please see the current fee schedule to determine the appropriate notification fee. Itemize each project's estimated cost and corresponding fee. ***Note: The Department may not process this notification until the correct fee has been received.***

	A. Project	B. Project Cost	C. Project Fee
1	Dry Creek Habitat Enhancment Demonstration Project	$7,000,000.00	$4,482.75
2			
3			
4			
5			
		D. Base Fee *(if applicable)*	
		E. TOTAL FEE ENCLOSED	$4,482.75

7. PRIOR NOTIFICATION OR ORDER

A. Has a notification previously been submitted to, or a Lake or Streambed Alteration Agreement previously been issued by, the Department for the project described in this notification?

☐ Yes (*Provide the information below*) ☑ No

Applicant: _____ Notification Number: _____ Date: _____

B. Is this notification being submitted in response to an order, notice, or other directive ("order") by a court or administrative agency (including the Department)?

☐ No ☑ Yes (*Enclose a copy of the order, notice, or other directive. If the directive is not in writing, identify the person who directed the applicant to submit this notification and the agency he or she represents, and describe the circumstances relating to the order.*)

☐ *Continued on additional page(s)*

8. PROJECT LOCATION

A. Address or description of project location.

(*Include a map that marks the location of the project with a reference to the nearest city or town, and provide driving directions from a major road or highway*)

The Project area is located within the Dry Creek Valley and would be along Dry Creek from approximately ½- mile upstream of Lambert Bridge Road to ½-mile downstream of Lambert Bridge Road.

Directions to site: Highway 101 north to Healdsburg in Sonoma County. Take Dry Creek Road exit and head west on Dry Creek Road (left at end of highway offramp). Follow Dry Creek Road to Lambert Bridge Road (at first stop sign you come to along Dry Creek Road - approximatelly 7 miles west of Highway 101). Turn left on Lambert Bridge Road. Drive approximatelly 1/2 mile until reaching Lambert Bridge at Dry Creek.

☐ *Continued on additional page(s)*

B. River, stream, or lake affected by the project.	Dry Creek
C. What water body is the river, stream, or lake tributary to?	Russian River
D. Is the river or stream segment affected by the project listed in the state or federal Wild and Scenic Rivers Acts?	☐ Yes ☑ No ☐ Unknown
E. County	Sonoma

F. USGS 7.5 Minute Quad Map Name	G. Township	H. Range	I. Section	J. ¼ Section
Geyserville, Calif.	9N	10W		

☐ *Continued on additional page(s)*

K. Meridian (*check one*) ☐ Humboldt ☑ Mt. Diablo ☐ San Bernardino

L. Assessor's Parcel Number(s)

various - see attached list

☐ *Continued on additional page(s)*

M. Coordinates (*If available, provide at least latitude/longitude or UTM coordinates and check appropriate boxes*)

Latitude/Longitude	*Latitude:* N38 39.2307	*Longitude:* W122 55.6575	
	☐ Degrees/Minutes/Seconds	☐ Decimal Degrees	☑ Decimal Minutes
UTM	*Easting:*	*Northing:*	☐ Zone 10 ☐ Zone 11
Datum used for Latitude/Longitude or UTM	☐ NAD 27	☑ NAD 83 or WGS 84	

9. PROJECT CATEGORY AND WORK TYPE *(Check each box that applies)*

PROJECT CATEGORY	NEW CONSTRUCTION	REPLACE EXISTING STRUCTURE	REPAIR/MAINTAIN EXISTING STRUCTURE
Bank stabilization – bioengineering/recontouring	☑	☐	☐
Bank stabilization – rip-rap/retaining wall/gabion	☐	☐	☐
Boat dock/pier	☐	☐	☐
Boat ramp	☐	☐	☐
Bridge	☐	☐	☐
Channel clearing/vegetation management	☑	☐	☐
Culvert	☐	☐	☐
Debris basin	☐	☐	☐
Dam	☐	☐	☐
Diversion structure – weir or pump intake	☐	☐	☐
Filling of wetland, river, stream, or lake	☐	☐	☐
Geotechnical survey	☐	☐	☐
Habitat enhancement – revegetation/mitigation	☑	☐	☐
Levee	☐	☐	☐
Low water crossing	☐	☐	☐
Road/trail	☐	☐	☐
Sediment removal – pond, stream, or marina	☑	☐	☐
Storm drain outfall structure	☐	☐	☐
Temporary stream crossing	☐	☐	☐
Utility crossing : Horizontal Directional Drilling	☐	☐	☐
Jack/bore	☐	☐	☐
Open trench	☐	☐	☐
Other *(specify)*:	☐	☐	☐

10. PROJECT DESCRIPTION

A. Describe the project in detail. Photographs of the project location and immediate surrounding area should be included.

- Include any structures (e.g., rip-rap, culverts, or channel clearing) that will be placed, built, or completed in or near the stream, river, or lake.
- Specify the type and volume of materials that will be used.
- If water will be diverted or drafted, specify the purpose or use.

Enclose diagrams, drawings, plans, and/or maps that provide all of the following: site specific construction details; the dimensions of each structure and/or extent of each activity in the bed, channel, bank or floodplain; an overview of the entire project area (i.e., "bird's-eye view") showing the location of each structure and/or activity, significant area features, and where the equipment/machinery will enter and exit the project area.

Project activities would consist of actions such as dewatering and bypass flow pumping, stockpiling of materials, removal of vegetation, excavation of the backwater/alcove areas, and placement of boulder and log structures. Construction in or near the streambed would occur during the months of June through October during summer low-flows. Construction is scheduled to occur during the summer and fall of 2012. Because the available construction window is limited to the June through October period, construction activities may need to be halted in October 2012 and resumed the following summer in 2013. All flows in Dry Creek (approximately 100 to 120 cfs) would need to be diverted around the work area during construction. Work areas would be isolated from the moving stream using some type of imported barrier or material (water filled bladders, gravel cofferdams, sheetpile cofferdams, etc.). Typically, the work area would be isolated and the creek flow would be allowed to continue flowing adjacent to the isolated work area. In some cases it may be necessary to completely isolate the creek from bank to bank. In this case, bypass pumping from the upstream end of the work area to the downstream end of the work area would occur to bypass creek flows around the work area. The bypass pumping would result in the work area being dewatered during construction. Dewatering would require installation of cofferdams upstream and downstream of the project site and diverting stream flow around the project site.

Enhancements in the Project area will emphasize natural stream characteristics, or geomorphology, which refers to the manner in which water and sediment combine to create habitat features friendly to fish. By using enhancement practices that emulate natural geomorphic conditions, the benefits provided to young coho and steelhead and their longevity are optimized. The proposed Project would consist of the following enhancement practices: streambank stabilization; backwater channels, alcoves, and ponds; side channels; log jams; pool enhancement; riffle construction; and riparian vegetation management.

☐ *Continued on additional page(s)*

B. Specify the equipment and machinery that will be used to complete the project.

The decision of what type of equipment will be used to complete the project will be made by the construction contractor, but will likely consist of a variety of heavy equipment (excavators, backhoes, haul trucks, cranes).

☐ *Continued on additional page(s)*

C. Will water be present during the proposed work period (specified in box 4.D) in the stream, river, or lake (specified in box 8.B).	☑ Yes ☐ No (*Skip to box 11*)
D. Will the proposed project require work in the wetted portion of the channel?	☑ Yes (*Enclose a plan to divert water around work site*) ☐ No

11. PROJECT IMPACTS

A. Describe impacts to the bed, channel, and bank of the river, stream, or lake, and the associated riparian habitat. Specify the dimensions of the modifications in length (linear feet) and area (square feet or acres) and the type and volume of material (cubic yards) that will be moved, displaced, or otherwise disturbed, if applicable.

The project will require the removal of riparian vegetation, excavation of channel and bank areas, fill in the channel and bank areas, and planting in order to construct the proposed habitat improvements within Dry Creek. The entire project area is approximately 20 acres in area and is located along approximately a 1 mile section of Dry Creek.

☐ *Continued on additional page(s)*

B. Will the project affect any vegetation? ☑ Yes (*Complete the tables below*) ☐ No

Vegetation Type	Temporary Impact	Permanent Impact
riparian trees at pond/alcove/bank/LWD installation sites	Linear feet: 3200 Total area: approx. 5 acres	Linear feet: Total area:
riparian understory (Himalayan blackberry, giant reed, vinca, etc.)	Linear feet: Total area:	Linear feet: 5800 Total area: approx. 15 acres

Tree Species	Number of Trees to be Removed	Trunk Diameter (range)
willow	200	<1" - 10"
alder	100	

☐ *Continued on additional page(s)*

C. Are any special status animal or plant species, or habitat that could support such species, known to be present on or near the project site?

☑ Yes *(List each species and/or describe the habitat below)* ☐ No ☐ Unknown

☐ *Continued on additional page(s)*

D. Identify the source(s) of information that supports a "yes" or "no" answer above in Box 11.C.

Steelhead, Chinook, and coho salmon are known to be present within the project site. The project's purpose is to enhance the available habitat for steelhead and coho.

☐ *Continued on additional page(s)*

E. Has a biological study been completed for the project site?

☑ Yes (*Enclose the biological study*) ☐ No

Note: A biological assessment or study may be required to evaluate potential project impacts on biological resources.

F. Has a hydrological study been completed for the project or project site?

☑ Yes (*Enclose the hydrological study*) ☐ No

Note: A hydrological study or other information on site hydraulics (e.g., flows, channel characteristics, and/or flood recurrence intervals) may be required to evaluate potential project impacts on hydrology.

12. MEASURES TO PROTECT FISH, WILDIFE, AND PLANT RESOURCES

A. Describe the techniques that will be used to prevent sediment from entering watercourses during and after construction.

Construction activities are scheduled to occur between June 15th and October 15th when rainfall events are not anticipated and flows in Dry Creek are at their seasonal lowest. Typical flows in Dry Creek will be 110 cfs or less and 10 cfs or less in Crane Creek; however, Dry Creek flow may increase up to 140 cfs for periods of several days on multiple occasions during the construction period. The construction contractor will be required to submit for approval prior to commencement of work a diversion and dewatering plan an erosion and pollution control plan. See attached CEQA documentation, technical specifications and drawings for additional details.

☐ *Continued on additional page(s)*

B. Describe project avoidance and/or minimization measures to protect fish, wildlife, and plant resources.

Flows in Dry Creek will be diverted around construction areas and the construction areas will be dewatered prior to construction. Pre-construction fish rescue efforts will be undertaken by qualified biologists to remove fish from the construction area. Nesting bird surveys will also be conducted prior to the removal of riparian vegetation. See attached CEQA documentation, technical specifications and drawings for additional details.

☐ *Continued on additional page(s)*

C. Describe any project mitigation and/or compensation measures to protect fish, wildlife, and plant resources.

The project is considered to be a self-mitigating project through the nature of the project design. The project itself is a habitat enhancement project that will result in an increase in habitat area and value within the project area. As part of the project design, the project will increase backwater and alcove areas to provide additional habitat for coho salmon, increase woody debris to provide protective cover for coho and steelhead, provide instream boulder clusters to provide resting areas for steelhead, and include bank stabilization features that will enhance fish habitat while stabilizing actively eroding streambanks within the project area. The project design also incorporates revegetating with native plants in upland, riparian, and wetland zones in the project area. Implementation, effectiveness, and validation monitoring will occur in accordance with the

☐ *Continued on additional page(s)*

13. PERMITS

List any local, state, and federal permits required for the project and check the corresponding box(es). Enclose a copy of each permit that has been issued.

A. 401 Water Quality Certification (North Coast RWQCB) ☑ Applied ☐ Issued

B. 404 Permit (US Army Corps of Engineers, San Francisco District) ☑ Applied ☐ Issued

C. 3836R Permit (County of Sonoma) ☑ Applied ☐ Issued

D. Unknown whether ☐ local, ☐ state, or ☐ federal permit is needed for the project. (*Check each box that applies*)

☐ *Continued on additional page(s)*

14. ENVIRONMENTAL REVIEW

A. Has a draft or final document been prepared for the project pursuant to the California Environmental Quality Act (CEQA), National Environmental Protection Act (NEPA), California Endangered Species Act (CESA) and/or federal Endangered Species Act (ESA)?

☑ Yes (*Check the box for each CEQA, NEPA, CESA, and ESA document that has been prepared and enclose a copy of each*)

☐ No (*Check the box for each CEQA, NEPA, CESA, and ESA document listed below that will be or is being prepared*)

☐ Notice of Exemption	☑ Mitigated Negative Declaration	☐ NEPA document (*type*): _____
☑ Initial Study	☐ Environmental Impact Report	☐ CESA document (*type*): _____
☐ Negative Declaration	☑ Notice of Determination *(Enclose)*	☑ ESA document (*type*): Biological Opinion
☐ THP/ NTMP	☑ Mitigation, Monitoring, Reporting Plan	

B. State Clearinghouse Number (*if applicable*)	2010062082		
C. Has a CEQA lead agency been determined?	☑ Yes (*Complete boxes D, E, and F*)	☐ No (*Skip to box 14.G*)	
D. CEQA Lead Agency	Sonoma County Water Agency		
E. Contact Person	David Cuneo	F. Telephone Number	(707) 547-1935

G. If the project described in this notification is part of a larger project or plan, briefly describe that larger project or plan.

The Water Agency is required under NMFS's Biological Opinion to enhance habitat along 6 miles of Dry Creek. The Dry Creek Habitat Enhancement Demonstration Project represents enhancement activities along a 1-mile reach of Dry Creek. Future phases of habitat enhancement within Dry Creek will occur as sites and projects are identified.

☐ *Continued on additional page(s)*

H. Has an environmental filing fee (Fish and Game Code section 711.4) been paid?

☑ Yes (*Enclose proof of payment*) ☐ No (*Briefly explain below the reason a filing fee has not been paid*)

See attached CEQA Notice of Determination and Fish and Game Filling Fee receipt.

Note: If a filing fee is required, the Department may not finalize a Lake or Streambed Alteration Agreement until the filing fee is paid.

15. SITE INSPECTION

Check one box only.

☐ In the event the Department determines that a site inspection is necessary, I hereby authorize a Department representative to enter the property where the project described in this notification will take place at any reasonable time, and hereby certify that I am authorized to grant the Department such entry.

☑ I request the Department to first contact (*insert name*) David Cuneo at (*insert telephone number*) (707) 547-1935 to schedule a date and time to enter the property where the project described in this notification will take place. I understand that this may delay the Department's determination as to whether a Lake or Streambed Alteration Agreement is required and/or the Department's issuance of a draft agreement pursuant to this notification.

16. DIGITAL FORMAT

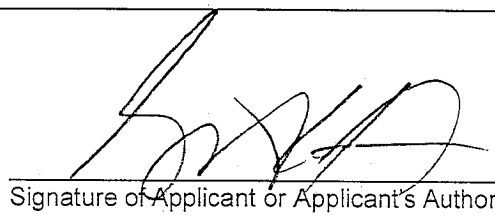
Is any of the information included as part of the notification available in digital format (i.e., CD, DVD, etc.)?

☑ Yes (Please enclose the information via digital media with the completed notification form)

☐ No

17. SIGNATURE

I hereby certify that to the best of my knowledge the information in this notification is true and correct and that I am authorized to sign this notification as, or on behalf of, the applicant. I understand that if any information in this notification is found to be untrue or incorrect, the Department may suspend processing this notification or suspend or revoke any draft or final Lake or Streambed Alteration Agreement issued pursuant to this notification. I understand also that if any information in this notification is found to be untrue or incorrect and the project described in this notification has already begun, I and/or the applicant may be subject to civil or criminal prosecution. I understand that this notification applies only to the project(s) described herein and that I and/or the applicant may be subject to civil or criminal prosecution for undertaking any project not described herein unless the Department has been separately notified of that project in accordance with Fish and Game Code section 1602 or 1611.



Signature of Applicant or Applicant's Authorized Representative

1-5-12

Date

Grant Davis

Print Name