



APPENDIX D

EXAMPLE ROUTINE MAINTENANCE PERMITS



State of California – Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

Bay Delta Region

2825 Cordelia Road, Suite 100

Fairfield, CA 94534

(707) 428-2002

www.wildlife.ca.gov

GAVIN NEWSOM, Governor

CHARLTON H. BONHAM, Director



December 8, 2021

Len Materman

San Mateo County Flood and Sea Level Rise Resiliency District

1700 S. El Camino Real, Suite 502

San Mateo, California 94402

Dear Mr. Chow:

Extension of Lake or Streambed Alteration Agreement, Notification No. 1600-2015-0463-R3, Colma Creek Flood Control Maintenance Project

The California Department of Fish and Wildlife (CDFW) received your request to extend Lake or Streambed Alteration Agreement (Agreement) and extension fee, for the above referenced agreement. CDFW hereby grants your request to extend the Agreement expiration from December 31, 2021 to December 31, 2026. All other conditions in the original Agreement remain in effect.

Copies of the original Agreement and this letter must be readily available at project worksites and must be presented when requested by a CDFW representative or other agency with inspection authority.

If you have any questions regarding this letter, please contact Will Kanz, Environmental Scientist at (707) 337-1187 or by email at Will.Kanz@wildlife.ca.gov.

Sincerely,

DocuSigned by:

Craig Weightman

7988F6C4FDC24F2...

Craig Weightman, Environmental Program Manager

ec: California Department of Fish and Wildlife

Wesley Stokes – Senior Environmental Scientist (Supervisor)

Wesley.Stokes@wildlife.ca.gov



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
7329 Silverado Trail
Napa, CA 94558
(707) 944-5500
www.wildlife.ca.gov

GAVIN NEWSOM Governor
CHARLTON H. BONHAM, Director



November 10, 2021

Mark Chow
County of San Mateo, Department of Public Works
555 County Center, 5th Floor
Redwood City, California 94063

Dear Mr. Chow

Transfer of Lake or Streambed Alteration Agreement, Notification No. 1600-2015-0463-R3, Colma Creek Flood Control Maintenance Project

On October 14, 2021, the California Department of Fish and Wildlife (CDFW) received your request to amend Lake or Streambed Alteration Agreement 1600-2015-0463-R3 (Agreement) and the required fee in the amount of \$471.25 for a minor amendment. Your request to amend the Agreement included a transfer of the Agreement from the San Mateo County Flood (Transferor), the current applicant under the Agreement, to the Sea Level Rise Resiliency District (also known as OneShoreline; Transferee).

CDFW, Transferor, and Transferee hereby agree to the following:

1. The Agreement is hereby transferred from Transferor to Transferee, thereby making Transferee the new Applicant under the Agreement.
2. Transferee shall be solely responsible for complying with all terms and conditions in the Agreement; including, but not limited to, any terms and conditions for which Transferor was previously responsible as the former Applicant under the Agreement.
3. This Agreement shall take effect on the last date of signature.

Please return one copy of this letter with both Transferor and Transferee signatures to acknowledge the amendment. Copies of the Agreement and this amendment must be readily available at project worksites and must be presented when requested by a CDFW representative or agency with inspection authority.

If you have any questions regarding this letter, please contact Will Kanz, Environmental Scientist at (707) 337-1187 or by email at Will.Kanz@wildlife.ca.gov.

Sincerely,

Conserving California's Wildlife Since 1870

San Mateo Department of Public Works
Sea Level Rise Resiliency District
October 25, 2021
Page 2 of 2

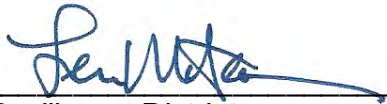
DocuSigned by:
Wesley Stokes
A74FEEE06DF440C...
Wesley Stokes, Senior Environmental Scientists (Supervisor)

cc: California Department of Fish and Wildlife

ACKNOWLEDGEMENT

I hereby agree to the above-referenced amendment.

TRANSFEEEE



Sea Level Rise Resiliency District
Len Materman

November 15, 2021

Date

TRANSFEROR



San Mateo Department of Public Works
Mark Chow

11/10/2021

Date



California Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
7329 Silverado Trail
Napa, CA 94558
(707) 944-5500
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EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director



July 5, 2017

Mark Chow
County of San Mateo Public Works Department
555 County Center, 5th Floor
Redwood City, CA 94063

Dear Mr. Chow:


Final Lake or Streambed Alteration Agreement, Notification No. 1600-2015-0463-R3, Colma Creek Flood Control Maintenance Project

Enclosed is the final Streambed Alteration Agreement (Agreement) for the Colma Creek Flood Control Maintenance Project (Project). Before the California Department of Fish and Wildlife (CDFW) may issue an Agreement, it must comply with the California Environmental Quality Act (CEQA). In this case, CDFW acting as a responsible agency filed a Notice of Determination (NOD) within five working days of signing the Agreement. The NOD was based on information contained in the Initial Study/Mitigated Negative Declaration prepared by the lead agency.

Under CEQA, the filing of an NOD triggers a 30-day statute of limitations period during which an interested party may challenge the filing agency's approval of the Project. You may begin the Project before the statute of limitations 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 letter, please contact Randi Adair, Senior Environmental Scientist (Supervisory) at (707) 576-2786 or by email at randi.adair@wildlife.ca.gov.

Sincerely,



Craig J. Weightman, Environmental Program Manager

cc: Horizon Water and Environment
Ken Schwarz
ken@horizonh2o.com

California Department of Fish and Wildlife
Lieutenant Ober

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

BAY DELTA REGION

7329 SILVERADO TRAIL

NAPA, CALIFORNIA 94558

(707) 944-5500

WWW.WILDLIFE.CA.GOV



STREAMBED ALTERATION AGREEMENT

NOTIFICATION No. 1600-2015-0463-R3

Colma Creek

COUNTY OF SAN MATEO

COLMA CREEK FLOOD CONTROL MAINTENANCE PROJECT

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and the County of San Mateo (Permittee) as represented by Mark Chow.

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, Permittee notified CDFW on December 30, 2015 that Permittee intends to complete the project described herein.

WHEREAS, pursuant to FGC section 1603, CDFW 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

This Agreement authorizes routine maintenance on Colma Creek, which falls under the jurisdiction and responsibility of Permittee, and reestablishing and restoration of a tidal wetland along Colma Creek. Routine maintenance locations are located along 5.4 miles of Colma Creek, tributary to San Francisco Bay, between A Street downstream to Navigable Slough:

Reach 1. A Street/El Camino Real to Spruce Avenue

This segment consists entirely of a concrete lined channel and concrete box culverts. Downstream of A Street, the channel is culverted and then daylighted from the entrance to the Holy Cross Cemetery along Mission Road. The channel

is also culverted beneath the South San Francisco BART station and transitions to an open trapezoidal concrete channel immediately downstream of the BART station. This reach is not tidally influenced.

Reach 2. Spruce Avenue to Produce Avenue

Colma Creek flows through a concrete U-shaped channel. Approximately one foot of sediment has deposited across the channel bed, though in some locations deposition is greater. This section of Colma Creek is tidally influenced, but is only inundated during high tides.

Reach 3a and Reach 3b. U.S. Highway 101 to the confluence of Navigable Slough

At the Produce Avenue crossing, Colma Creek transitions to an earthen channel. The channel is approximately 70 to 80 feet wide, and the bed is comprised of soft sediments. The banks have a narrow band of emergent marsh dominated by pickleweed (*Sarcocornia pacifica*), which transitions to an upland community dominated by ruderal species. The channel widens as Colma Creek flows toward the Bay. At the mouth of the creek, there is a wetland complex characterized by broad expanses of mudflat habitat with narrow bands of intertidal marsh, rocky intertidal and upland habitats along the shoreline-Bay ecotone.

PROJECT DESCRIPTION

Under this Agreement, Permittee will conduct "routine maintenance activities", generally defined as periodic activities necessary to maintain the water transport capacity of streams, channels and flood control channels, and the structural and functioning integrity of existing flood control channels and structures on or affecting streams. Routine maintenance activities include sediment, silt, trash and debris removal to clear channel obstructions, vegetation management, removal of non-native vegetation, culvert repair and bank protection to reduce erosion and concrete repair in hardened channels.

Routine maintenance activities authorized under this Agreement are stated in Table 1 and limited to the following:

- *Removal of Sediment in Reach 2* – Utilizing mechanized equipment to remove sediment in the creek in earthen and concrete-lined channels; utilizing hand tools for minor sediment removal in concrete-lined and earthen channels to maintain channel capacity. Removal shall only occur when sediment accumulates more than two feet above the channel bottom. Sediment removal is limited to 400 cubic yards and 600 linear feet per year;
- *Removal of Obstructions around Structures and Facilities in Reach 1, 2 and 3* – Utilizing hand tools or mechanized equipment for removal of trash, debris, non-living vegetation (e.g. leaves, uprooted cattails) and fallen trees and branches that could inhibit flows or damage structures within or crossing the creeks;

- *Vegetation Management in Reach 1, 2 and 3* – Utilizing hand tools or mechanical vegetation cutters for removal of living vegetation in the channel and on the lower half of the creek banks. Trees and woody vegetation greater than 6-inch diameter at breast height (dbh) shall only be trimmed, not removed, and pickleweed or other native saltmarsh vegetation shall not be removed;
- *Removal of Invasive, Non-native Plants in Reach 1, 2, 3a and 3b* – Removal of invasive, non-native plants and shrubs (not trees greater than 6 inches dbh) utilizing hand tools. Removal of this vegetation with mechanized equipment incidental to removing sediment;
- *Erosion Repair, Control and Planting in Reach 1, 2 and 3* – Placement of erosion control fabrics and other bio-engineered systems and planting of native vegetation to control bank erosion and slippage at new areas with erosion. Placement of rip-rap only to supplement existing outfall hardscape sites and for energy dissipation at the repaired culverts (no new rip-rap shall be installed except as described below);
- *Repair of Hardened Channel in Reach 1 and 2* – Repair failed sections of concrete wall revetments, concrete channels and rock riprap using concrete patching or reforming of the channel wall, periodic cleaning of weep holes and graffiti abatement (Reach 1, 2 and 3);
- *Culvert Maintenance and Repair in Reach 3a* – Removal of sediment and debris utilizing mechanized or hand tools; replacing two culverts with reinforced concrete pipe (RCP) or high density polyethylene (HDPE) pipe of the same diameter as existing pipes; adding rock slope protection (RSP) or replacing sack concrete with RSP at 12 culvert outlets and installing duckbill check valves at all 14 culverts outlets.
- *Access Road and Top-of-Bank Structures in Reach 1, 2 and 3* – Removal of debris, repair of access roads and repair of fencing on top-of-bank.

Table 1: Routine Maintenance Activities

Maintenance Activities	Colma Creek Flood Control Segment			
	Reach 1: A St./El Camino Real downstream to Spruce Ave.	Reach 2: Spruce Ave. downstream to Produce Ave.	Reach 3a: Produce Ave. downstream to Utah Avenue	Reach 3b: Utah Avenue downstream to Creek Mouth
Sediment removal on channel bed		X		
Repair or replacement of culverts; Clearing blocked culvert outfalls			X	
Vegetation management on channel banks and bed	X	X	X	X
Repair or maintenance of concrete/hardened channel banks and bed	X	X		
Install and maintain trash capture devices	X	X	X	X
Removal of obstructions (debris)	X	X	X	X
Installing and maintaining fences on channel banks	X	X	X	X
Repair access roads	X	X	X	X
As needed graffiti abatement	X	X	X	X

Equipment used will vary by maintenance activity and could include excavator, skip loader, mechanical compactor, back hoe, dump truck, hand mower, powered tools, and manual hand tools such as shovels, wheelbarrows, pick trimmers and mechanical cutters. No heavy equipment will operate in the active (flowing) stream channel but could operate in wetland areas during culvert repair and maintenance. For sediment removal work in Reach 2, a mini track loader could be operated in the channel (during low tide or when flows are minimal) to push sediment toward the excavator or construct temporary berms in the channel.

To compensate for impacts to 665 square feet of wetland habitat that will occur during culvert maintenance activities, approximately 0.10 acre of tidal wetlands will be re-established along Colma Creek in Reach 3.

PROJECT IMPACTS

Existing fish or wildlife resources the routine maintenance activities could potentially substantially adversely affect include: Ridgway's rail (*Rallus longirostris obsoletus*), a species listed as endangered under the California Endangered Species Act (CESA) and the Endangered Species Act (ESA) and fully protected under FGC; green sturgeon (*Acipenser medirostris*) listed as threatened under ESA and designated as a California Species of Special Concern (SSC); longfin smelt (LFS) (*Spirinchus thaleichthys*) listed as threatened under CESA and candidate under ESA; nesting birds; permanent and temporary impacts to tidal wetland habitat and emergent vegetation.

The adverse effects the project could potentially have on the fish or wildlife resources identified above, without implementation of the Measures to Protect Fish and Wildlife Resources specified below, include: potential increase in sediment transport during project activities; increase in turbidity during project activities; direct take of species during project activities; loss of benthic community; temporary loss or impediment of terrestrial and aquatic animal species travel routes due to temporary structures; temporary loss of emergent and wetland vegetation; and disturbance to wildlife associated with construction noise.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Work Sites. 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 work sites at all times. Such materials shall be presented to CDFW personnel, or personnel from other state, federal, or local agencies, upon request.

- 1.2 Providing Agreement to Persons at Work Sites. 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 work site on behalf of Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Notification of Conflicting Provisions. Permittee shall notify CDFW 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, CDFW shall contact Permittee to resolve any conflict.
- 1.4 Work Site Entry and Inspections. Permittee agrees that CDFW personnel may enter the work site(s) at any time to inspect routine maintenance activities performed and to verify compliance with this Agreement.
- 1.5 Additional Measures. CDFW personnel or its agents may inspect the routine maintenance activities performed at any of the work sites at any time. As a result of field inspection, CDFW, at its sole discretion, may require that additional measures be applied to specific activities to protect sensitive biological resources. Such measures may be amended into this Agreement with the agreement of both parties, or if an exception to authorized activities is identified, Permittee may be asked to submit separate written notification to CDFW Bay Delta Region pursuant to Measure 1.7, below.
- 1.6 Authorized Routine Maintenance Activities. Only those activities specifically described in the Project Description shall be conducted under this Agreement.
- 1.7 Exceptions to Authorized Activities. Permittee shall submit separate written notification (Forms FG 2023 and FG 2024) pursuant to Section 1602 of the FGC, together with the required fee prescribed in the CDFW Streambed Alteration Agreement fee schedule, and otherwise follow the normal notification process prior to the commencement of work activities in all cases where one or more of the following conditions apply:
 - The proposed work does not meet the criteria established for routine maintenance activities in the Project Description of this Agreement;
 - The nature of the proposed work is substantially modified from the work described in the Project Description of this Agreement;

- CDFW advises Permittee that conditions affecting fish and wildlife resources have substantially changed at a specified work site or that such resources would be adversely affected by the proposed maintenance activity; and/or
 - The proposed work would adversely impact a State of California (State) Species of Special Concern or State or federally listed rare, threatened, endangered or candidate species or its habitat.
- 1.8 Separate Notification-Replacement Structures. Installation of new structural features or trash racks, or replacement of existing structural features not otherwise described in this Agreement, is subject to a separate Lake and Streambed Alteration Agreement and further environmental review if there is a reasonable possibility that the project will have a significant impact on the environment (refer to CEQA Guidelines section 15300.2).
- 1.9 Unauthorized Take. This Agreement does not authorize the take of any State or federally listed threatened species, endangered species, SSC, or candidate species. If CDFW determines, or Permittee finds that there are such species on the work site, Permittee shall notify CDFW and/or US Fish and Wildlife Service (USFWS), as appropriate. Permittee shall immediately cease work until CDFW and other applicable agencies deem that the concern over special status species has been resolved. This Agreement does not authorize capture and/or handling of listed species.

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.

Work Periods

Reach 1 and Reach 2

- 2.1 Seasonal Work Period for Reaches 1 and 2. To minimize adverse impacts to fish and wildlife and their habitats, work within this area shall be limited to June 1 to October 31. Re-vegetation and other minor maintenance activities (e.g. fence repair, access road grading and removal of obstructions if causing erosion or emergency situation) are not limited to this work period.

Reach 3

- 2.2 Seasonal Work Period for Reach 3. Work within Reach 3 and adjacent to any marsh habitat in any Reach shall be confined to the

period of September 1 to October 31 to avoid potential impacts to Ridgway's rails (RIRA) and LFS.

- 2.2.1 Variance to Seasonal Work Period. If construction within the Seasonal Work Period as stated in Measure 2.2 is not feasible, protocol-level surveys for RIRA shall be conducted in areas where construction occurs within 700 feet of tidal marsh habitat. If breeding RIRA are determined to be present, activities within 700 feet of an identified calling center shall be restricted to the period between September 1 and November 30, or as otherwise approved by CDFW in writing. No construction work shall occur during the RIRA breeding season within 700 feet of a RIRA calling center unless approved in writing by CDFW.
- 2.2.2 Rail Surveys. Permittee shall submit to CDFW the rail survey methodology and results prior to commencement of project activities.
- 2.2.3 Seasonal Work Period if Rails Are Not Present. Work within these locations and adjacent to marsh habitat shall be confined to the period of June 1 to October 31 if the CDFW-approved protocol-level rail surveys have been conducted and confirm there are no breeding rails within 700 feet of the rail calling center.
- 2.3 Work Period for Debris Removal. Minor debris removal that does not require excavation, and that is immediately necessary to prevent flooding, may be conducted at any time.
- 2.4 Completion by End of Seasonal Work Period. Routine maintenance activities shall not be initiated unless there is a high likelihood that it can be completed before the end of the seasonal work window designated in Measure 2.1 and/or 2.2. After October 1 of each year, projects that have not been started or are still underway shall be evaluated to ensure they can be completed before the end of the seasonal work period. Those projects unlikely to be completed before the end of the seasonal work windows shall not be started.
- 2.5 No Work around Extreme High Tide Periods. To avoid impacts to rails, activities within or adjacent to rail habitat shall not occur within two hours before or after extreme high tides (6.5' or above, as measured at the Golden Gate Bridge) when the marsh plain is inundated, because protective cover for rails is limited and activities could prevent them from reaching available cover.

Following Measures Shall Apply to All Locations in Project Area

Construction Measures

- 2.6 Work During Dry Period Only. The work period for completing the work within the creeks shall be timed with awareness of precipitation forecasts. No work shall occur during wet weather. Wet weather is defined as when there has been ¼ inch of rain in a 24-hour period. In addition, no work shall occur during a dry out period of 24 hours after the above referenced wet weather.
- 2.7 Weather Forecast. Permittee shall monitor the seventy-two hour forecast from the National Weather Service (<http://www.nws.noaa.gov>). When there is a forecast of more than 40% chance of rain or at the onset of any unanticipated precipitation, the Permittee shall remove all equipment and shall implement erosion and sediment control measures and all routine maintenance activities shall cease.
- 2.8 No Equipment in Channel. No equipment shall be operated in wetted portions of the creek, at any time except as may be necessary to construct a dewatering system or divert water flow around the work site with the prior written permission of CDFW.
- 2.9 Equipment in Wetland Marsh Areas. Project activities related to culvert repair, replacement and maintenance in Reach 3 may require large equipment to operate within the wetland areas. Equipment in this area shall operate on mats or shall be specialized low ground pressure equipment.
- 2.10 Existing Access Roads. Access to the routine maintenance activity site shall be via existing roads and access ramps. Any other heavy equipment shall be positioned on an existing paved or trail access road located above the top-of-bank.
- 2.11 Removal of Native Material. Except as explicitly described in this Agreement, the removal of native soils, rock, gravel, vegetation, and vegetative debris from the stream bed or stream banks is prohibited.
- 2.12 Removal of Trash and Debris. Permittee shall remove all raw construction materials and wastes from work sites following the completion of maintenance activities. Food-contaminated wastes generated during work shall be removed on a daily basis to avoid attracting predators to work sites. All temporary fences, barriers, and/or flagging shall be completely removed from work sites and properly disposed of upon completion of maintenance activities.

Permittee or its contractors shall not dump any litter or construction debris within the riparian/stream zone.

Wildlife Protection Measures

- 2.13 **CDFW-Approved Qualified Biologist(s) and Biological Monitor(s).** Within a minimum of 30 days prior to initiating special-status surveys within the project area, Permittee shall submit to CDFW for approval, the names and resumes of all biologists and biological monitors (see definition in Exhibit A) involved in conducting surveys and/or monitoring work.
- 2.14 **Education Session before Commencement of Work.** A qualified biologist or biological monitor (see definition in Exhibit A) shall hold an annual training session for staff responsible for performing routine maintenance activities. Staff shall be trained to recognize special-status species and their habitats. Staff shall also be trained to use protective measures to ensure that such species are not adversely impacted by routine maintenance activities. The training program shall be updated at least annually to reflect current special-status species management practices. At least one staff person with up-to-date training in special-status species protective measures shall be present at each work site at all times. Any personnel joining the work crew later shall receive the same training before beginning work. The penalties for noncompliance of conditions in this Agreement shall be relayed to all project personnel.
- 2.15 **Designation of Work Area.** Prior to routine maintenance activities, a biological monitor shall clearly mark/flag or erect temporary construction fencing to designate the work area and to delineate the areas that shall be avoided. Flagging and or temporary construction fencing shall be removed immediately after the completion of construction work.
- 2.16 **Nesting Bird Survey.** If project occurs during the nesting season of raptors and migratory birds, a focused survey for active nests of such birds shall be conducted by the CDFW-approved qualified biologist within 7 days prior to the beginning of project-related activities. Surveys shall be conducted in all suitable habitat located at project work sites and in staging and storage areas. The minimum survey radii surrounding the work area shall be the following: i) 250 feet for passerines; ii) 500 feet for small raptors such as accipiters; iii) 1,000 feet for larger raptors such as buteos. The bird survey methodology and the results of the survey shall be submitted to CDFW prior to commencement of project activities.

Nesting seasons are typically defined as followed: i) March 15 to August 30 for smaller bird species such as passerines; ii) February 15 to September 15 for raptors.

- 2.17 Active Nests. If active nests are found, the Permittee shall consult with the CDFW and the United States Fish and Wildlife Service (USFWS) regarding appropriate action to comply with the Migratory Bird Treaty Act of 1918 and the FGC of California. If a lapse in project-related work of 15 days or longer occurs, another focused survey shall be conducted before project work is reinitiated. If active nests are found, the Permittee shall consult with the CDFW and the USFWS prior to resumption of project activities.
- 2.18 Active Nest Buffers. Active nest sites shall be designated as "Ecologically Sensitive Areas" and protected (while occupied) during routine maintenance activities with the establishment of a temporary fence or construction barrier or flagging surrounding the nest site. The typical minimum distances of the protective buffers surrounding each identified nest site is usually the following: i) 1,000 feet for large raptors such as buteos; ii) 250 feet for small raptors such as accipiters; iii) 250 feet for passerines. A biological monitor shall monitor the behavior of the birds (adults and young, when present) at the nest site to ensure that they are not disturbed by project-related activities. Nest monitoring shall continue during project-related construction work until the young have fully fledged, are no longer being fed by the parents and have left the nest site, as determined by a the approved biological monitor.
- 2.19 Nesting Habitat Removal or Modification. No trees, shrubs or wetland and marsh habitat shall be disturbed, trimmed or pruned that contain active bird nests until all eggs have hatched, and young have fully fledged (are no longer being fed by the adults, and have completed left the nest site). No habitat modification shall occur within the ESA-fenced nest zone even if nest continues to be active beyond the typical nesting season for the species (refer to Measure 2.16), until the young have fully fledged and will no longer be adversely affected by the project.
- 2.20 Other Surveys. If habitat for rare plants, or other special-status species exists at a given work site and such species are known to exist within reasonable dispersal distance (see definition in Exhibit A) of the work area, a qualified biologist shall conduct a reconnaissance-level survey (if a survey is not specified in this Agreement) within 48 hours of the commencement of routine maintenance activities. At work sites where heavy equipment will be

used, upland access routes and staging areas shall also be surveyed.

- 2.21 Special-status Species Occurrence. If special-status species are found during surveys or construction and could be adversely impacted by work activities, all work shall cease and Permittee shall notify CDFW prior to project activities. CDFW reserves the right to provide additional provisions to this Agreement in the event that special-status species are discovered.
- 2.22 Leave Wildlife Unharmd. If any wildlife is encountered during routine maintenance activities, said wildlife shall be allowed to leave the project site unharmed.
- 2.23 Monitor on Site. If a special-status species is found within the project area, a CDFW-approved biological monitor and/or qualified biologist shall be present on the project site while all project activities are being conducted.
- 2.24 Injury or Mortality of Special-Status Species. If Permittee or its employees, contractors, or agents injures or kills a special-status species, or finds any such animal injured or dead, all activities in the work area shall immediately cease, and CDFW and USFWS shall be notified by telephone within 30 minutes of the discovery. A written report detailing the time, location, and general circumstances under which the dead or injured individual animal was found shall be submitted to CDFW and the USFWS no later than five (5) business days following the incident.
- 2.25 Stop Work Authority. The biological monitor or qualified biologist shall have the responsibility and authority of stopping the project if any crews or personnel are not complying with the provisions outlined in this Agreement.
- 2.26 Wetland Establishment and Restoration. Restoration activities described in the project description shall be completed by the end of the permit term.

Vegetation Removal Measures

- 2.27 Vegetation Removal. With the exception of culvert maintenance work which will impact pickleweed and compensation will occur for those impacts, if any other areas with pickleweed or vegetation within 50 feet from the edge of pickleweed need to be cleared for routine maintenance activities, Permittee shall notify CDFW with an Amendment Request. CDFW will review the written Amendment

Request and may require additional measures to protect fish and wildlife resources as a condition for granting the vegetation removal. Any additional measures shall be made part of this Agreement

- 2.28 Qualified Biologist or Biological Monitor On-site. A qualified biologist or biological monitor (see Measure 2.13) shall be present during all routine maintenance activities at sites within pickleweed habitat or within 50 feet of pickleweed habitat. The biologist will document compliance with the avoidance and minimization measures. The biologist shall have authority to stop project activities if deemed necessary for any reason to protect any special status species. If the biologist has requested work stoppage because of any species, the CDFW shall be notified within 24 hours.
- 2.29 Vegetation Disturbance. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations. Vegetation outside the routine maintenance work area shall not be removed or damaged without prior consultation and written approval of a CDFW representative.
- 2.30 Trimming of Vegetation. Trimming is defined herein as the removal of vegetation to the extent necessary to allow a specific level of access and for specific types of equipment (e.g. excavator) or to restore normal streamflow. There shall be no vegetation removal in excess of what is necessary to allow the level of access needed or to restore normal streamflow. Branches and/or limbs overhanging the channel and impacting water flows shall be properly pruned. Only those branches in the lower third of any woody plant and less than four (4) inches in diameter may be trimmed to accommodate maintenance activities. No vegetation on the bank or top-of-bank shall be removed by excavation or cutting off below the soil. All pruned material shall be removed from the area and properly disposed of.
- 2.31 Emergent Vegetation and Trees in Channel. Trees, shrubs and emergent wetland plants may be removed from natural channels if they are below ordinary high water and are restricting the capacity of the stream channel and are causing erosion or flooding. Emergent herbaceous vegetation may be removed by excavation using heavy equipment or hand tools, but shall be the minimum necessary to restore normal streamflow and is only allowable when incidental to the removal of accumulated sediment. Emergent herbaceous vegetation may be removed when not incidental to the removal of accumulated sediment when vegetation is restricting the capacity of the stream channel and is causing flooding and/or erosional events. In such cases, removal shall be completed by hand or with hand

tools, include the minimum necessary to restore normal streamflow, and avoid the removal of native material (soils, rock, gravel). Prior to removal, a qualified biologist shall first survey the area to determine that no sensitive species are present. All pruned material shall be removed from the area and properly disposed of.

- 2.32 Disposal of Invasive Plant Material. Invasive plant material removed during routine maintenance activities shall be bagged and appropriately incinerated or disposed of in a landfill or permitted composting facility.

Flow Diversion Measures

- 2.33 Flow Diversions and Dewatering When Water is Present. In Reach 2, sediment removal shall be during late summer months when storm flows in the channel are minimal or absent. Sediment removal shall be conducted only at low tide when utilizing a sediment berm and silt curtain to isolate the project area.

In all other areas when working within the channel, or when conducting culvert maintenance and replacement activities, the water shall be diverted around the work area to isolate it using silt curtains and coffer dams. To isolate the work area, water tight coffer dams shall be constructed around the work area and water shall be pumped out of the work area. Extracted water can be discharged to upland areas nearby to water plants/landscaping or be contained and transported to a local wastewater treatment facility for treatment. Pumped water could also be discharged back to the channel in accordance with the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit and Measure 2.36. Cofferdams shall be constructed of a non-erodible material which does not contain soil or fine sediment. Cofferdams and the stream diversion system shall remain in place and functional throughout the construction period. If, the coffer dams or stream diversion fail, they shall be repaired immediately. Flow diversions shall be done in a manner that prevents pollution and/or siltation to the creek.

- 2.34 Water Surface Elevation. During dewatering of the channel, the decrease in water surface elevation (WSE) shall be controlled such that WSE does not change at a rate that increases turbidity to the creek that could be deleterious to aquatic life and the likelihood of stranding aquatic life up- and downstream of the creek.

- 2.35 Amount of Streamflow Bypassed. When bypassing stream flow around work area, stream flow below the maintenance site shall be maintained similar to the unimpeded flow at all times.

- 2.36 Pump Contaminated Material. All contaminated (including muddy) water from the excavation and/or project activities shall be pumped into a holding facility or into a settling pond located in flat stable areas outside of the stream channel or pumped up on a stable grassy area where the water clears prior to flowing back into the stream.
- 2.37 Cease Project for Elevation of Turbidity Levels. Upon CDFW determination that turbidity/siltation levels resulting from project related activities constitute a threat to aquatic life, activities associated with the turbidity/siltation shall be halted until effective CDFW-approved control devices are installed or abatement procedures are initiated. CDFW may take enforcement action if appropriate turbidity and siltation control measures are not deployed.
- 2.38 Check for Stranded Aquatic Life. The biological monitor shall check daily for stranded aquatic life as the water level in the dewatering area drops. All reasonable efforts shall be made to capture and move all stranded native aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets and by hand. Captured aquatic life shall be released immediately in the closest body of water adjacent to the work site. This condition does not allow for the take or disturbance of any state or federally listed species.
- 2.39 Pumped Diversions. If water is pumped around the work site, the suction end of the intake pipe shall be fitted with fish screens meeting CDFW and National Oceanic and Atmospheric Administration (NOAA) criteria to prevent entrainment or impingement of small fish. For more information on fish screen criteria please visit:
http://www.westcoast.fisheries.noaa.gov/fish_passage/solutions/index.html and
http://www.dfg.ca.gov/fish/Resources/Projects/Engin/Engin_ScreenCriteria.asp.
- 2.40 Relocation of Fish and Amphibians. Prior to dewatering the site, the qualified biologist shall capture and relocate fish species if present. Measures shall be taken to minimize harm and mortality to listed fish resulting from fish relocation and dewatering activities. Capture methods may include, fish landing nets, dip nets, buckets and by hand.
- 2.41 Release Locations Criteria. Prior to capturing fish, the most appropriate release location(s) shall be determined, using the following criteria:

- 2.41.1 Temperature. Water temperature shall be similar to the capture location.
- 2.41.2 Habitat. There shall be ample cover habitat for the captured fish.
- 2.41.3 Exclusion from Work Site. There shall be low likelihood for the fish to reenter the work site or become impinged on the exclusion net or screen.

Erosion and Sediment Control

- 2.42 Stockpiling of Soil. No castings or spoils shall be placed on the stream side of the bank or levee where it could enter the stream or cover wetland areas. If soils are stockpiled, the stockpile shall be located away from the creek and a straw waddle or other erosion control device shall surround the stockpile until it is disposed of or used.
- 2.43 Silt Control Measures. Silt control measures shall be utilized throughout all phases of the project where silt and/or earthen fill threaten to enter Waters of the State.
- 2.44 Silt Control Effectiveness. Silt control structures shall be monitored daily for effectiveness and shall be repaired or replaced as needed. Passage of sediment beyond the sediment barrier is prohibited. If the sediment barrier fails to retain sediment, construction activities shall cease and corrective measures shall be employed.
- 2.45 Erosion Control Best Management Practices (BMPs). All exposed soils within the work area shall be stabilized immediately following the completion of earthmoving activities to prevent erosion into the stream channel. Erosion control BMPs, such as silt fences, straw hay bales, and broadcasted straw shall be used. Erosion control fabrics shall be constructed of biodegradable materials, such as coir or jute, unless otherwise authorized by CDFW. Erosion control BMPs shall be monitored during and after each storm event for effectiveness. Modifications, repairs and improvements to erosion control BMPs shall be made as needed to protect water quality. At no time shall silt laden runoff be allowed to enter the stream or directed to where it may enter the stream.
- 2.46 Vegetation Replacement. All non-tidal exposed/disturbed areas and access points draining to the stream zone and left barren of vegetation following maintenance activities shall be re-vegetated with native plants or seeded with a blend of erosion control grass seeds and locally native vegetation. Non-native grass species shall not

exceed 25% of the total seed mix by count, and all nonnative grass seed shall be sterile (i.e. incapable of reproducing). Re-vegetation shall be completed immediately (within two weeks) after construction activities cease. Seed shall be covered with broadcast straw, jute netting, coconut fiber blanket or a similar erosion control blanket/mulch. Erosion control blankets with monofilament or woven plastic strands shall not be used.

- 2.47 Prohibited Plant Species. Permittee shall not plant, seed, or otherwise introduce invasive plant species. Prohibited exotic plant species include those categorized as "High" and "Moderate" in the California Invasive Plant Council's Inventory Database, which is accessible at: <http://www.cal-ipc.org/paf/>.

Equipment and Vehicles

- 2.48 Staging and Storage Areas. Building materials and/or construction equipment shall not be stockpiled or stored where they could be washed into the water or where they will cover aquatic or riparian vegetation.
- 2.49 Equipment over Drip-pans. Staging and storage areas for equipment, materials, fuels, lubricants and solvents shall be located away from the wetted areas. Stationary equipment such as motors, pumps, generators, compressors and welders, located within or adjacent to the creek shall be positioned over drip-pans.
- 2.50 Maintenance of Vehicles. Any equipment or vehicles driven and/or operated adjacent to the creek areas shall be checked and maintained daily to prevent leaks of materials that if introduced to water could be deleterious to aquatic life, wildlife or riparian habitat. Vehicles must be moved away 150 feet from the stream prior to refueling and lubrication.

Toxic or Hazardous Materials

- 2.51 Hazardous Materials. Any hazardous or toxic materials that could be deleterious to aquatic life that could be washed into state waters or its tributaries shall be contained in water tight containers or removed from the project site. Such materials include, but are not limited to, debris soil, silt, bark, rubbish, creosote-treated wood, raw cement/concrete or washings thereof, asphalt, paint or other coating material, and oil or other petroleum products. These materials shall be prevented from contaminating the soil and/or entering the waters of the State. Any such materials, placed within or where they may

enter a stream or lake, by Permittee or any party working under contract, or with permission of Permittee, shall be removed immediately. Best Management Practices (BMPs) shall be employed to accomplish these requirements.

- 2.52 Concrete – Primary Containment. Permittee shall install the necessary containment structures to control the placement of wet concrete and to prevent it from entering into the stream channel outside of those structures. No concrete shall be poured within the high flow line if the 15-day weather forecast indicates any chance of rain.
- 2.53 Concrete – Designated Monitor. At all times when Permittee is pouring or working with wet concrete, there shall be a designated monitor to inspect the containment structures and ensure that no concrete or other debris enters into the channel outside of those structures. Runoff from the concrete shall not be allowed to enter the stream channel at any time.
- 2.54 Isolate Poured Concrete for 30 Days. If feasible, poured concrete shall be excluded from the wetted channel for a period of 30 days after it is poured. During that time the poured concrete shall be kept moist, and runoff from the concrete shall not be allowed to enter a live stream. If the 30-day curing period is infeasible, the Permittee shall institute a minimum 7-day curing period and apply a non-toxic sealant designed for use in aquatic environments. The sealant shall be allowed to cure for a minimum of 72 hours and until the sealant is dry.
- 2.55 Concrete Curing Alternative. If rain does occur after pouring or concrete cannot be excluded from the wetted channel for a period of 30 days, the Permittee shall monitor the pH of any water that has come into contact with the poured concrete. If this water has a pH of 9.0 or greater, the water shall be pumped to a tanker truck or to a lined off-channel basin and allowed to evaporate or be transported to an appropriate facility for disposal. During the pH monitoring period, all water that has come in contact with poured concrete shall be isolated and not allowed to enter the water or otherwise come in contact with fish and other aquatic resources. The water shall be retested until pH values become less than 9.0. Once this has been determined, the area no longer needs to be isolated. Results of pH monitoring shall be made available to CDFW upon request. A non-toxic substance that can buffer the pH shall be made available on site to use if any contamination to water occurs.

- 2.56 Concrete Wash-down BMPs. Wash-down water from concrete delivery trucks, concrete pumping equipment, and other tools and equipment shall not be allowed to enter the stream channel and should be removed from the site for treatment following construction. No dry concrete shall be placed on the banks or in a location where it could be carried into the channel by wind or runoff.

Biotechnical Bank Stabilization

- 2.57 Biotechnical Repair. Unless otherwise approved by CDFW, bank stabilization shall use biotechnical methods. Installation of riprap, and other hardened structures, shall only be considered after biotechnical approaches have been determined to be insufficient. In general, biotechnical approaches shall be considered those that incorporate live plants, large woody debris, geotextiles, mechanically stabilized soil and the rock slope protection necessary for scour protection and ballast. Methods described in the CDFW *California Salmonid Stream Habitat Restoration Manual* are generally acceptable.

RSP Replacement/Installation and Culvert Replacement

- 2.58 Rock Slope Protection. Un-grouted RSP materials shall consist of clean rock, competent for the application, sized and properly installed to resist washout. RSP slopes shall be supported with competent boulders keyed into a footing trench with a depth sufficient to properly seat the footing course boulders and prevent instability (typically at least 1/3 diameter of footing course boulders). If channel hydraulic conditions can tolerate increased roughness along the channel banks at the bank repair site, and if the site can successfully support native vegetation; then the site should be considered and evaluated for potential placement of riparian species native to the area where there are voids between rocks. Planting of riparian native species at bank stabilization or repair site, would be subject to CDFW review, and may provide offsetting mitigation for other on-site project impacts.
- 2.59 RSP Fabric. RSP slopes and footing trenches shall feature an underlayment of appropriate grade geo-textile fabric, on slopes less than 1:1, or gravel blanket, on slopes greater than 1:1.
- 2.60 Transfer of Erosive Forces. The Permittee shall ensure that the bank stabilization design does not transfer the erosion force of the stream to the opposite bank or to another area downstream. To do this, Permittee shall ensure the RSP does not include any barbs or groins or other features which will deflect flow against the opposite

bank or cause downstream eddies; the restored stream gradient is consistent throughout the repair zone and the stream cross section through the repair zone is no narrower than areas immediately upstream or downstream.

- 2.61 Culvert Alignment. The new culverts shall be properly aligned within the stream and otherwise engineered, installed and maintained, to assure resistance to washout, and erosion of the stream bed, stream banks and/or fill.

Spills and Emergencies

- 2.62 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.

3. Reporting Measures

Permittee shall meet each reporting requirement described below.

- 3.1 Notification of Proposed Activities. Permittee shall provide CDFW written notification of proposed routine maintenance activities to be performed in the upcoming year by May 20 each year. Notification reports shall describe the project location, general topography, hydrological features, vegetative cover within 50 feet of the work area, length and width of impact area, and a detailed description of proposed modifications to the banks, trails and/or channel. Reports shall be submitted to CDFW regardless of whether work is proposed.

CDFW shall append annual notification reports of proposed maintenance activities to this Agreement. For streamlined tracking, Permittee shall label annual notification reports according to the following convention: Exhibit B-[year] (e.g. Exhibit B-2016, Exhibit B-2017).

- 3.2 Additional Sites. Permittee may notify CDFW of work at additional sites if the proposed work fits the definition of routine maintenance, as specified in the Project Description. Work at additional sites may be submitted as described above.
- 3.3 Annual Reports for Completed Projects. On an annual basis, Permittee shall provide CDFW written notification of maintenance projects completed. Annual reports shall include the project identification (Reach name and location), a brief project description,

and the appropriate fee from the current CDFW Streambed Alteration Agreement Fee Schedule for work completed under this Agreement based upon the number of projects completed in the reporting period. The annual report is due on December 15 of each year. A report shall be submitted to CDFW regardless of whether work was completed. CDFW may terminate this Agreement if reports and fees are not submitted by this deadline.

- 3.4 Bird Survey Methods and Results. Prior to commencement of project activities the Permittee shall submit to CDFW a report containing the bird survey methods and results of the survey. Refer to Notification Number 1600-2015-0463-R3 when submitting the report to the CDFW.
- 3.5 Biological Surveys. If other surveys are conducted for compliance with this Agreement, the survey methods and results of the survey shall be submitted to CDFW prior to commencement of work. Refer to Notification Number 1600-2015-0463-R3 when submitting the report to the CDFW.
- 3.6 Notification to the California Natural Diversity Database (CNDDDB). If any listed, rare, or special status species are detected during project surveys or on or around the project site during project activities, the Permittee shall submit CNDDDB Field Survey Forms to CDFW in the manner described at the CNDDDB website (http://www.dfg.ca.gov/biogeodata/cnddb/submitting_data_to_cnddb.asp) within 14 working days of the sightings. Copies of such submittals shall also be submitted to the CDFW regional office as specified below.

CONTACT INFORMATION

Any communication that Permittee or CDFW 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 CDFW specifies by written notice to the other.

To Permittee:

Mark Chow
County of San Mateo, Public Works Department
555 County Center, 5th floor
Redwood City, CA 94063
Work (650) 802-4198
Fax (650) 599-1489
mchow@smcgov.org

To CDFW:

Department of Fish and Wildlife
Bay Delta Region
7329 Silverado Trail
Napa, California 94558
Attn: Lake and Streambed Alteration Program – Suzanne DeLeon
Notification #1600-2015-0463-R3
Fax (707) 944-5553
Suzanne.Deleon@wildlife.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 CDFW'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

CDFW 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 CDFW 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 CDFW 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 CDFW to issue the notice.

ENFORCEMENT

Nothing in the Agreement precludes CDFW 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 CDFW'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

CDFW may amend the Agreement at any time during its term if CDFW 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 CDFW and Permittee. To request an amendment, Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the corresponding amendment fee identified in CDFW'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 CDFW 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 CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the minor amendment fee identified in CDFW'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 CDFW a completed CDFW "Request to Extend Lake or Streambed Alteration" form and include with the completed form payment of the extension fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5). CDFW 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 CDFW's signature, which shall be: 1) after Permittee's signature; 2) after CDFW 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, 2021**, 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. Definition of Terms
- B. Annual Notifications of Proposed Work (reserved for future exhibits)

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 CDFW in accordance with FGC section 1602.

CONCURRENCE

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


FOR COUNTY OF SAN MATEO



Mark Chow
Permittee

6/27/2017
Date

FOR DEPARTMENT OF FISH AND GAME



Craig J. Weightman
Environmental Program Manager

07/05/17
Date

Prepared by: Suzanne DeLeón
Environmental Scientist

Date Sent: March 24, 2016; June 13, 2016; June 30, 2016

EXHIBIT A DEFINITION OF TERMS

As used herein and for purposes of the Agreement

Best management practices (BMPs): management techniques or activities for stormwater management, pollution prevention and other management objectives. The term BMP is most commonly used in reference to the objectives of the federal Clean Water Act. BMPs may include structural techniques, such as physical stormwater control features, or non-structural techniques, such as signage and training.

Bioengineering: the application of the principles of engineering and natural sciences to flood control maintenance and erosion control. Bioengineering applications may be used to reduce the impacts on the natural and urban environment. Examples of bioengineering methods include willow wattling, log crib walls, revegetation with native plants, seeding, installation of rootballs, brush layering, brush matting, trench packing, inter-planting riprap, plantings and combinations of the above methods.

Debris: non-living vegetative or woody matter, trash, concrete rubble, etc. This definition does not include living vegetation.

Emergency project: is defined in the State Fish and Game Code, section 1600.

Heavy equipment: any equipment used that is larger than a pick-up truck.

Natural channel: a stream or watercourse that has not been modified by human acts such as lining the channel with cement, or creating an artificial channel for drainage or flood control. A natural channel may have in it erosion control structures, culverts or other minor modifications.

Project: a routine maintenance activity performed by Permittee during a given year. Each annual activity shall be construed as one project for fee purposes. A project does not include minor debris removal such as minor tree trimming, removing a shopping cart or a bag of garbage.

"Project" does not mean project as defined in section 21065 of the Public Resources Code or section 15378 of title 14 of the California Code of Regulations.

Qualified Biologist: A qualified biologist is an individual who shall have a minimum of five years of academic training and professional experience in biological sciences and related resource management activities with a minimum of two years conducting surveys for each species that may be present within the routine maintenance project area.

A biological monitor is an individual who shall have academic and professional experience in biological sciences and related resource management activities as it pertains to this project, experience with construction-level biological monitoring, be able to recognize species that may be present within the routine maintenance project area,

and be familiar with the habits and behavior of those species.

Reasonable dispersal distance: the distance from a particular location, such as a CNDDDB occurrence location or a critical habitat location, that a given species would be expected to disperse for mating, breeding, foraging, nesting, and other activities. The reasonable dispersal distance can be determined on a species-by-species level based on current scientific literature. For example, CNDDDB occurrences of California red-legged frog in a given creek indicate a high likelihood that this species also occurs downstream within the same creek system because flows provide easy downstream dispersal.

Special-status species: any species identified as a candidate or sensitive species in local or regional plans, policies or regulations, or by CDFW or the U.S. Fish and Wildlife Service. Plants on Lists 1A, 1B, or 2, published by the California Native Plant Society, are also considered special-status species for the purposes of this Agreement.

Structure: storm drain outfalls, tide gates, slide gates, culverts, revetments, bank protection, energy dissipaters, grade structures, sediment basins, weirs, diversion structures, trash racks, stream gauge structures, fish ladders, fish screens, utility line crossings, bridge piers.

EXHIBIT B
ANNUAL NOTIFICATIONS OF COMPLETED WORK
(Reserved for future exhibits)



1600-2015-0403-3
SAN FRANCISCO BAY AREA

JOINT AQUATIC RESOURCE PERMIT APPLICATION

*Debra
 Lt. O'Brien
 Wili. O'Brien*

This form is for use in San Francisco, Contra Costa, Alameda Counties, Marin County (except Estero San Antonio watershed), San Mateo County (except Gazos Creek Watershed), and the portions of the following counties that drain to San Francisco Bay: Sonoma, Napa, Solano, Santa Clara

Please consult JARPA Instructions before completing the form

Copies of this form are being submitted to the following agencies:

Agency	Contact	Phone	Type of Application	Application/ Permit #	Status
<input checked="" type="checkbox"/> San Francisco Bay Regional Water Quality Control Board (RWQCB)			CWA Section 401 Permit and/or Waste Discharge Requirements		
<input checked="" type="checkbox"/> US Army Corps of Engineers (Corps)			CWA Section 404 Individual Permit		
<input checked="" type="checkbox"/> CA Dept of Fish and Wildlife (DFW)			F&GC Section 1602		
<input type="checkbox"/> US Environmental Protection Agency (EPA)					
<input checked="" type="checkbox"/> US Fish and Wildlife Service (FWS)			ESA Sec. 7 consultation		
<input checked="" type="checkbox"/> National Marine Fisheries Service (NMFS)			ESA Sec. 7 consultation		
<input type="checkbox"/> US Coast Guard					
<input checked="" type="checkbox"/> San Francisco Bay Conservation and Development Commission (BCDC)			Regionwide Permit #1		
<input type="checkbox"/> CA Lands Commission					
<input type="checkbox"/> Federal Funding Agency					
<input checked="" type="checkbox"/> Lead Local Agency	San Mateo County		CEQA		
<input type="checkbox"/> Other Local Agency			Local Permit		
<input type="checkbox"/> Other Local Agency			Local Permit		

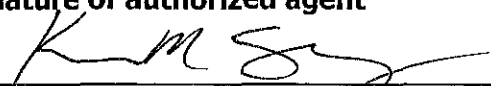


REVISED 1-26-2016

SECTION ONE – TO BE COMPLETED BY ALL APPLICANTS

Attach additional sheets, if needed

Box 1 Project Name Colma Creek Flood Control Maintenance Project		Applicant Name Mark Chow		HIS... wife	
Business/Agency County of San Mateo, Department of Public Works					JAN 2 2016
Mailing Address 555 County Center, 5 th Floor, Redwood City, CA 94063					Nana
Work Phone 650-599-1489	Home Phone	Fax # 650-361-8220	E-mail Address mchow@smcgov.org		
Relationship of applicant to property: <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Purchaser <input type="checkbox"/> Lessee <input checked="" type="checkbox"/> Other Employee of Owner					
Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to enter the above-described location to inspect the proposed, in-progress or completed work. I agree to start work <u>only</u> after all necessary permits have been received.					
Signature of applicant 					Date 12/22/15

Box 2 Authorized Agent/Operator Name and Signature (If an agent is acting for the applicant during the permit process) Ken Schwarz, Horizon Water and Environment			
Mailing Address 180 GRAND AVENUE, SUITE 1405, OAKLAND, CA 94612			
E-mail Address ken@horizonh2o.com			
Work Phone 510-986-1851	Home Phone	Fax # 510-350-3592	Cell Phone #
I hereby designate the above named authorized agent to act as my agent in matters related to this application for permit(s). I understand that I am bound by the actions of my agent and I understand that if a federal or state permit is issued, I, or my agent, must sign the permit.			
Signature of applicant			Date
I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate.			
Signature of authorized agent 			Date 12/28/15

Box 3 Name of property owner(s), if other than applicant.			
Mailing Address			
E-mail Address			
Work Phone	Home Phone	Fax #	Cell Phone #
I understand I am bound by actions of authorized agent and/or the applicant.			
Signature of property owner (except public entity landowners)			Date mo/date/year

This page must be signed by the applicant, property owner and agent to be considered complete.

Box 4 Location, including street address, city, county, zip code where proposed activity will occur
Numerous locations in Cities of Colma and South San Francisco, San Mateo County

Waterbody (if known): Colma Creek

Tributary to: San Francisco Bay

Latitude & longitude if known:
37°39'00.56"N 122°24'43.59"W

Zoning Designation: Parks and Recreation, Open Space

Assessors parcel number:
See Attachment 1, Box 4.

Section, Township, Range, USGS Quadrangle Map, Latitude/Longitude:
See Attachment 1, Box 4.

Box 5 Existing site conditions:

The Project area consists of constructed and modified channels, mudflats, rocky intertidal, emergent wetlands, open water, and ruderal/developed habitats. More detail is provided in Attachments 1, 2 and 3.

Box 6 Proposed project starting date: June 2016

Estimated duration of activity: annual maintenance, as needed Estimated completion date: 10 years subject to the terms of regulatory approvals.

Will the project be constructed in stages? Yes No

Describe any anticipated activities that will take place during the rainy season (October to April)?

Sediment removal and culvert maintenance would occur between June 15 to October 15. Activities such as trash removal and minor vegetation maintenance in upland areas may occur year-round.

Box 7 Description of the proposed project:

The Project's primary activities involve removal of localized sediment deposits along the channel bed in Reach 2 and culvert maintenance in Reach 3. Other routine maintenance activities that may occur throughout the Project area on an as-needed basis include: clearing of blocked culvert outfalls, vegetation management on channel banks and bed, repair or maintenance of concrete/hardened stream banks, removal of invasive vegetation, installation/maintenance of trash capture devices, removal of other flow obstructions (e.g., fallen trees, branches, debris, shopping cards as needed), and graffiti removal as needed. A complete project description is provided in Attachment 1.

Equipment and machinery to be used to complete the project:

Sediment removal and culvert maintenance activities will involve using excavator, skip loader, mechanical compactor, and haul trucks. Equipment will be operated from the top of bank or upland areas in most instances, but some equipment will need to enter wetlands or concrete channel areas for replacement of culverts, and possibly sediment removal. Hand tools would be used to conduct other routine maintenance activities on an as-needed basis.

Will water be present in the waterbody during the proposed work period?

Yes No

Will the proposed project require work in the wetted portion of the channel?

Yes (enclose a plan to divert water around the worksite) No

Purpose of the proposed project:

Colma Creek has a history of chronic flooding, and portions of the industrial area of South San Francisco occupy a historic floodplain. During the 1960s and 1970s, many areas in the Colma Creek Watershed underwent urban or suburban development. As a result, soil erosion and sediment yielded from the watershed was very high during this period. Continued erosion and soil erosion are a concern because accumulation of deposited sediment in the flood control channel can reduce conveyance capacity in the channel, thereby increasing the flooding risk for the surrounding areas. The primary purpose of the Project is to conduct maintenance activities as necessary along approximately 5.4 miles of the Colma Creek flood control channel to provide adequate flood conveyance capacity.

Environmental Documents (non-CEQA): List any environmental studies, surveys, etc. that have been prepared for the project and/or the project site. Provide the date of the document and the name of the individual, firm, or agency that prepared it. Attach additional pages as needed. See instructions.

- Wetland Delineation (prepared by Horizon Water and Environment, 2015) (Attachment 2)
- Biological Assessment (prepared by Horizon Water and Environment, 2015) (Attachment 3)
- Cultural Resources Report (prepared by Basin Research Associates, 2015) (Attachment 4)
- Colma Creek Flood Control Channel Multi-Agency Compensatory Mitigation Plan (prepared by Horizon Water and Environment, 2015) (Attachment 5)
- Colma Creek Flood Control Channel Maintenance Project Technical Studies (prepared by Horizon Water and Environment, 2014) (Attachment 6)
- Characterization of the Sediment from Colma Creek (Pacific EcoRisk 2014) (Attachment 7)

See special section of the instructions on drawings, figures and photographs. Attach figures, maps, and directions to the project site. One set of original or good quality reproducible drawings must be attached to applications to each agency. Applicants are encouraged to submit photographs of the project site, but these do not substitute for drawings. BCDC, the Corps Of Engineers and Coast Guard require at least one set of drawings on 8-1/2 x 11 inch sheets.

Box 8A Placement of Structures And/Or Fill Material in Waters under Army Corps Jurisdiction

- ◆ Will fill be placed below the ordinary high water line for fresh waters? Yes No
- ◆ Will rock, fill, bulkhead, pilings, structures or other material be placed waterward of the mean high water line for tidal waters? Yes No
- ◆ Will fill be placed below the high tideline in tidal waters? Yes No

If applicable, number of linear feet of impact

Amount of **total** fill – .61 cubic yards, 745 square feet, 0.017 acreage

Amount of fill **below the ordinary high water mark or high tide line** 58 cubic yards 0.017 acreage

Type of fill HDPE pipe, bedding material, rock slope protection

Material source Not known

See Attachment 1 for details.

Box 8B Waterway Impacts: Placement of Structures and/or Fill in Waters of the State

Will the project or activity involve work in the bed, bank or channel of a river, stream (including seasonal streams), or lake? No Yes

If yes, describe both temporary and permanent 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.

See Attached response to Box 8A.

Will the project affect any vegetation? No Yes. If yes, complete Box 17-FG11

Box 9 Impacts on Wetlands

◆ Will the proposed project have temporary or permanent impacts to wetlands, including isolated wetlands, seasonal wetlands, managed wetlands or on tide or submerged lands (i.e. fill, flooding, draining)? Yes
 No

If yes, please describe the wetlands, using additional pages as necessary. Provide one or more photographs of the existing conditions.

The project area contains intertidal marsh habitat on the margins of Colma Creek and in the marsh complex near the mouth of the creek in Reach 3. Other non-wetland habitats within the project area include modified channel, channel, intertidal mudflat, open water, rocky intertidal, and a seasonally ponded depression. A detailed discussion of wetland and non-wetland waters within the project area is provided in the *Biological Assessment* (Attachment 3) and *Wetland Delineation* (Attachment 2).

- ◆ If a wetlands delineation has been completed, please submit it with application. Yes, Attached No
- ◆ If a geology or soils report has been prepared, please submit with application. Yes, Attached No

Box 10 Potential for Impacts to Threatened and Endangered Species

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 No Unknown

If yes, list here

Longfin smelt (*Spirinchus thaleichthys*), Bay-Delta Distinct Population Segment (DPS); Steelhead (*Oncorhynchus mykiss*), Bay-Delta DPS; green sturgeon (*Acipenser medirostris*), Southern DPS; and California clapper rail (*Rallus longirostris obsoletus*)

Identify the source(s) of information that supports a "yes" or "no" answer above:

See Biological Assessment included in Attachment 3 which addresses terrestrial and aquatic species potentially affected by the proposed Project.

Have surveys, using US Fish and Wildlife Service protocols, for possible listed species been conducted?

Yes, Attached No

Annual surveys for California clapper rail in the project vicinity are conducted by the Invasive Spartina Project

If a federal or state listed species is being impacted, a biological assessment or study may be required to evaluate potential project impacts on biological resources. Has such a study been completed? Yes, Attached No

Has a hydrological study been completed for the project or project site? Yes, Attached No

Technical studies related to sediment sources and sedimentation in the channel were conducted by Horizon Water and Environment for the County of San Mateo in 2014 (Attachment 6). The objectives of this study were to: describe current sediment deposition conditions along the Colma Creek channel, estimate the average annual rate of sediment deposition in the channel, and identify and recommend target annual sediment

removal volumes and locations. Hydraulic modeling of the channel has also been conducted. The data and model are available on request.

Box 11 Avoidance of Impacts

Provide a full, technically accurate description of the entire activity and associated environmental impacts, including areas outside of jurisdictional waters. (90 percent of applications to the Regional Board require an Alternatives Analysis.) See instructions.

San Mateo County has a robust list of Best Management Practices designed to avoid impacts where possible and minimize effects to the maximum extent feasible. These are listed in Attachment 1. An IS/MND, which is currently under development, will also identify mitigation measures to further reduce any additional environmental impacts.

Box 12 Mitigation

Describe the size, type, location, function, and values of the proposed mitigation and a time line for implementation. Describe success criteria, monitoring, and long-term funding, management, and protection of the mitigation site. Attach A Mitigation Plan, if needed. Attach additional pages as needed. See instructions and contact APPROPRIATE AGENCY staff for additional assistance.

To offset impacts to waters and wetlands, the County proposes to re-establish intertidal wetlands in the project area. A Compensatory Mitigation and Monitoring Plan is provided in Attachment 5.

Box 13 Excavation And/Or Dredging

For Non-Navigational Dredging Projects (construction, flood control, remediation, etc.) that do not propose disposal or reuse of dredged materials in aquatic environments [Navigational Dredging Projects or Dredging Projects that Propose Aquatic Placement of Dredged Material for which Testing may be Needed should be completed through the Dredged Material Management Office (DMMO)].

Will excavation or dredging be required in water or wetlands? Yes No

If dredging or excavation:

- ◆ Volume: 400 (cubic yards)/area 0.18 (acres)/600 (linear feet of channel)
- ◆ Composition of material to be removed: Alluvial sediment with sandy loam or sandy clay loam texture
- ◆ Disposal location for excavated material: Upland reuse, sanitary landfill, or hazardous materials landfill, if necessary
- ◆ Method of dredging: Mechanical excavation
- ◆ Purpose of the dredging: Maintain channel capacity
- ◆ Estimated future maintenance dredging required annually: Approximately 400 cubic yards
- ◆ Additional information to be provided in an attachment Yes No

Box 14 Environmental Impact Documentation

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 Assessment
 THP/ NTMP Mitigation, Monitoring, Reporting Plan

State Clearinghouse Number (*if applicable*) Draft Mitigated Negative Declaration is underway.

Has a CEQA lead agency been determined? Yes No
 If yes, CEQA Lead Agency County of San Mateo, Department of Public Works
 Contact Person Julie Casagrande
 Telephone Number 650-599-1457

If the project described is part of a larger project or plan, briefly describe the larger project or plan.

Not part of a larger project

Box 15 Public Notice Has a federal agency or the applicant provided public notice of this application for water quality certification?

Federal Agency Yes If yes, date, , and No

Applicant Yes If yes, date, , and No

Other Yes If yes, date, , and No

If public notice has not been made, please provide the names, addresses and telephone numbers of adjoining property owners, lessees, etc. (*Note that local governments may require additional notice – consult your local government agency.*) (See Attachment 1)

Name	Address	Phone number

Box 16 Site Inspection

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

I request agencies first contact (*insert name*) Julie Casagrande at (*insert telephone number*) 650-599-1457 to schedule a date and time to enter the property where the project described in this application will take place. I understand that this may delay the issuance of project permits.

End of Section One

Section Two – Agency Specific Requirements for Project Permitting

Box 17 Department of Fish and Game – Projects Adjacent to Creeks, Streams, Lakes, and the Bay

This project does not involve this agency (no additional questions completed)

FG4. AGREEMENT TERM REQUESTED

Regular (5 Years or less) Long Term (greater than 5 years)

Project Term		Seasonal Work Period		Number of work days
Beginning (year)	Ending (year)	Start Date (month/day)	End Date (month/day)	
2016	2021 year permit)	June 15	October 15	varies - up to 60 but typically less than 15

FG5. AGREEMENT TYPE

Check the applicable box. If box B, C, D, or E is checked, complete the specified attachment.

A.	<input type="checkbox"/> Standard (Most construction projects, excluding the categories listed below)
B.	<input type="checkbox"/> Gravel/Sand/Rock Extraction (Attachment A) Mine I.D. Number: _____
C.	<input type="checkbox"/> Timber Harvesting (Attachment B) THP Number: _____
D.	<input type="checkbox"/> Water Diversion/Extraction/Impoundment (Attachment C) SWRCB Number: _____
E.	<input checked="" type="checkbox"/> Routine Maintenance (Attachment D)
F.	<input type="checkbox"/> DFG Fisheries Restoration Grant Program (FRGP) FRGP Contract Number: _____
G.	<input type="checkbox"/> Master
H.	<input type="checkbox"/> Master Timber Harvesting

FG6. FEES

	A. Project	B. Project Cost	C. Project Fee
1	Routine maintenance projects to be determined	N/A	N/A
2			
3			
4			
5			
		D. Base Fee (if applicable)	1,474.25

E. TOTAL FEE ENCLOSED	1,474.25
----------------------------------	----------

FG7. 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: San Mateo County Notification Number: 1600-2006-0413-
3 _____ Date: September 25, 2006

Note: The scope of the Proposed Project has been modified based on the Regional Water Quality Control Board's request for additional technical studies and associated findings.

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)

18. 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

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 San Mateo

F. USGS 7.5 Minute Quad Map Name	G. Township	H. Range	I. Section	J. 1/4 Section
San Francisco, South, CA	3S	5W	21	SE, SW
San Francisco, South, CA	3S	5W	27	NE
San Francisco, South, CA	3S	5W	27	NW, SW, NE, SE
San Francisco, South, CA	3S	5W	23	SW

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

L. Assessor's Parcel Number(s)

See Box 4 Location in Attachment 1.

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

Latitude/Longitude	Latitude: 37.64626		Longitude: -122.40123		
	<input type="checkbox"/> Degrees/Minutes/Seconds		<input checked="" type="checkbox"/> Decimal Degrees		
UTM	<input type="checkbox"/> Decimal Minutes				
	Easting:		Northing:		
Datum used for Latitude/Longitude or UTM		<input type="checkbox"/> NAD 27		<input checked="" type="checkbox"/> NAD 83 or WGS 84	

FG9. 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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bank stabilization – rip-rap/retaining wall/gabion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Boat dock/pier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Boat ramp	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bridge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Channel clearing/vegetation management	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Culvert	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Debris basin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dam	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Diversion structure – weir or pump intake	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Filling of wetland, river, stream, or lake	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Geotechnical survey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Habitat enhancement – revegetation/mitigation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Levee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Low water crossing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Road/trail	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sediment removal – pond, stream, or marina	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Storm drain outfall structure	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Temporary stream crossing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Utility crossing : Horizontal Directional Drilling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jack/bore	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Open trench	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

FG11 PROJECT IMPACTS

B. Vegetation Type	Temporary Impact	Permanent Impact
Culvert Maintenance Area: Salt marsh comprised of pickleweed (<i>Sarcocornia [= Salicornia] pacifica</i>), fleshy jaumea (<i>Jaumea carnosa</i>), saltgrass (<i>Distichlis spicata</i>), gum plant (<i>Grindelia stricta</i>)	Linear feet: <u>200</u> Total area: 14,610 sq. ft _____	Linear feet: <u>12</u> Total area: 115 sq. ft _____
Mitigation Area: Salt marsh comprised of pickleweed (<i>Sarcocornia [= Salicornia] pacifica</i>), fleshy jaumea (<i>Jaumea carnosa</i>), saltgrass (<i>Distichlis spicata</i>), gum plant (<i>Grindelia stricta</i>)	Linear feet: <u>800</u> Total area: <u>6,446</u> sq. ft _____	Linear feet: <u>0</u> Total area: <u>0</u> _____

C. Tree Species	Number of Trees to be Removed	Trunk Diameter (range)
None affected or removed	None	

Continued on additional page(s)

FG12. MEASURES TO PROTECT FISH, WILDLIFE, AND PLANT RESOURCES

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

The County has prepared a Mitigation and Monitoring Plan for the project consistent with the USACE's South Pacific Division Final 2015 Regional Compensatory Mitigation and Monitoring Guidelines. The proposed mitigation site is located within Reach 3 of the project area. The complete Mitigation and Monitoring Plan is provided in Attachment 5.

FG 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. USACE Applied Issued
- B. RWQCB Applied Issued
- C. CDFW Applied Issued
- D. BCDC Applied Issued
- E. Unknown whether local, state, or federal permit is needed for the project. (Check each box that applies)

[Empty rectangular box for Box 17]

FG 14 ENVIRONMENTAL REVIEW

Has an environmental filing fee (DFG Code section 711.4) been paid?

- Yes (Enclosed) No (Explain why it has not been paid) Environmental document is currently in preparation.

REVISED 1-26-2016

FG 16. DIGITAL FORMAT

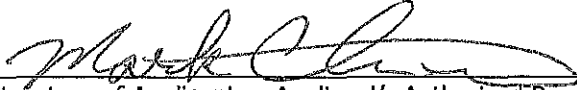
Is any of the information included as part of the notification available in digital format (i.e., CD, DVD, etc.)?

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

No

FG 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.



12/22/15

Signature of Applicant or Applicant's Authorized Representative

Date

MARK CHOW

Print Name

End of BOX 17

Bay Fill Information - Fill means earth or any other substance or material, including pilings or structures placed on pilings, and structures floating at some or all times and moored for extended periods such as houseboats and floating docks.

- Total Volume of solid fill to be placed in water or marsh areas: 1,647 cubic feet
- Area to be covered with solid fill: 780 square feet
- Area to be covered with floating fill: 0 sq feet
- Area to be covered with pile-supported fill: 0 sq feet
- Area to be covered with cantilevered fill: 0 sq feet
- Salt pond area to be filled: 0 sq feet
- Managed wetland area in the primary management: 0 sq feet
- Area of the Suisun Marsh to be filled: 0 sq feet
- Area on new fill to be reserved for private, commercial, or other uses: 0 sq feet
- Area on new fill to be reserved for public access: 0 sq feet
- What is the basic purpose of the new fill in the Bay, salt pond, managed wetland, or certain waterway?

Information on Fill to be provided in an attachment

- Please specify the area of fill, in square feet, proposed to be covered in structures; used for roads; used for parking; used for pathways and sidewalks; covered with landscaping; used for piers, docks, and other maritime related purposes; placed for shoreline protection; and used for other purposes (specify uses).
 - Please provide dimensions of portions of all structures to be built on new fill, including length, width, area, height and number of stories.
 - Please provide one or more photographs of existing shoreline conditions.

Provide the following information to justify the proposed fill in an attachment:

BCDC can approve new fill for only five purposes: (1) accommodating a water-oriented use; (2) improving shoreline appearance; (3) providing new public access to the Bay; (4) accommodating a project that is necessary to the health, safety, or welfare of the public in the entire Bay Area; and (5) accommodating a project that is consistent with either: (1) the Suisun Marsh Preservation Act and the Suisun Marsh Protection Plan; or (2) the Suisun Marsh Local Protection Program. Please explain how the project is consistent with one or more of these purposes.

- If the fill is to be used for improving shoreline appearance or providing new public access to the Bay, please explain why it is physically impossible or economically infeasible to accomplish these goals without filling the Bay.
- Please explain how the fill will result in a stable and permanent shoreline.
- Please explain the steps that will be taken to assure that the project will provide reasonable protection to persons and property against hazards of unstable geologic or soil conditions or of flood or storm waters.
- Please provide the names, addresses, and telephone numbers of any licensed geologists, engineers, or architects involved in the project design who can provide technical information and certify to the safety of the project.

BOX 18 (CONTINUED)

- Please explain:
 1. What possible effects the proposed fill would have on the Bay Area, such as (1) any impact on the volume of Bay waters, on Bay surface area, or on the circulation of Bay water; (2) any impact on water quality; (3) any impact on the fertility of marshes or fish and wildlife resources; and (4) any impact on other physical conditions that exist within the area which would be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, or objects of historic or aesthetic significance; and
 2. How the nature, location, and extent of the proposed fill would minimize any possible harmful conditions or effects.
- Please explain how the public benefits of the project would exceed the public detriment from the loss of water or marshlands.
- For marina projects, please indicate how many berths, if any, are to be made available for live-aboard boats and explain how these live-aboard boats will contribute to public trust purposes.
- Please identify any other specific policies of the McAteer-Petris Act (California Government Code Title 7.2, especially Section 66605), the Suisun Marsh Preservation Act (California Public Resources Code Sections 29000-29612), the San Francisco Bay Plan and the Suisun Marsh Preservation Plan, and BCDC's regulations regarding minor fill for improving public access and shoreline appearance, that are relevant to and offer support for the project and explain how the project is consistent with these policies.

Shoreline Band Information - Shoreline band means the land area lying between the bay shoreline and a line drawn parallel to and 100 feet from the bay shoreline. The bay shoreline is the mean high water line, or five feet above mean sea level in marshlands.

- Types of activities to be undertaken or materials to be placed within the shoreline band
- Will the project be located within a water-oriented priority use area that is designated in the San Francisco Bay Plan?
 Yes No If "yes", please attach an explanation of how the project can be approved despite this inconsistency. If no, complete the questions below:
 - Total shoreline band area within project site: No permanent structures or work in shoreline band
 - Area within shoreline band to be reserved for non-public uses: 0 sq feet
 - Area within shoreline band to be reserved for public access: 0 sq feet
- Information about the shoreline work to be provided in an attachment:
 - Please describe the area, in square feet, to be covered by structures; used for roads; used for parking; used for pathways and sidewalks; covered with landscaping; used for shoreline protection; and used for other purposes (specify uses).
 - Please identify the total number of parking spaces in the project and within the shoreline band.
 - Please provide dimensions of portions of all structures to be built within the shoreline band, including length, width, area, height, and number of stories.

Environmental Impact Documentation

- Is the project statutorily exempt from the need for environmental documentation? Yes No If "yes", please attach a statement supporting this exemption.
 - Is the project categorically exempt from the need for environmental documentation? Yes No If "yes", please attach a statement supporting this exemption.
 - Has a government agency other than the lead agency certified a "negative declaration" on the project? Yes
 No If "yes", please attach a copy of the certified negative declaration. If "no", please provide sufficient information to allow agencies to make the necessary findings regarding all applicable policies.
- Has a government agency other than the lead agency, certified an environmental impact document on the project? Yes
 No If "yes", please attach copies of the certification and the document. also, please provide a summary of the document if it is longer than 10 pages. If "no", please provide sufficient information to allow agencies to make the necessary findings regarding all applicable policies. the certified document must be submitted prior to action on the permit.

Public Access Information

- Does public access to the shoreline or views to the bay presently exist on the site of a property contiguous to the project? Yes No

If "yes", please attach a description of the public access. If "no", explain what is preventing public access to the shoreline.

- Will the project block public views of the bay or adversely impact present or future public access to the shoreline? Yes No

Please describe why the project will or will not affect public views or public access to the shoreline. For most large projects, identify: (1) the existing number of people or employees using the site; and (2) the existing number of cars, bicycles, and pedestrians visiting the site and the level of service of all nearby roads leading to the site. Please describe how the project will change these factors. Please describe the impact the project is expected to have on the existing use of the site and on existing public views or physical public access at the site. Please describe the impact the project is expected to have on the public's use of existing nearby parks, public access, public parking and other recreational areas on the shoreline and the roads leading to the site.

- Do public safety considerations or significant use conflicts make it infeasible to provide new public access to the shoreline on the project site? Yes No

If "yes", please attach a description of the public safety considerations or significant use conflicts which make it infeasible to provide public access at the project site and either (1) identify an offsite area where public access to the shoreline is to be provided as part of the project and describe the proposed public access at a specified offsite location, or (2) provide an explanation as to why no offsite public access is proposed as part of the project.

- Summarize the public access to be provided as part of the total project:
- Total amount of public access 0 sq feet
- Length of waterfront public access area 0 feet
- Number of parking spaces for public access area 0
- Area and width reserved for view corridor (s) 0 sq feet

Detailed information about public access to be provided in an attachment: Please describe, in square feet, length and width, when appropriate, the existing and proposed public access areas and improvements, including areas used for decks, piers, pathways, sidewalks, landscaping, parking, and other public features. Please describe how the public access area facilities would be accessible to handicapped persons. Please describe the connections to existing public streets or offsite public pathways. Specify how the public access will be permanently guaranteed (e.g. dedication, deed restriction, etc.).

Disclosure Of Campaign Contributions

The following contributions of \$250 or more were made by the applicant or applicant's agent to a BCDC commissioner or commissioner's alternate in the preceding twelve months to support the commissioner's or alternate's campaign for election to a local, state or federal office:

Contribution made to: _____ Contribution made by: _____ Date of contribution: _____

No such contributions have been made

END OF FORM



NOTIFICATION OF LAKE OR STREAMBED ALTERATION

Applicant Name: County of San Mateo, Department of Public Works

Project Title: Colma Creek Flood Control Channel Maintenance Project

ATTACHMENT D

Routine Maintenance

If the applicant is notifying the Department to obtain an agreement for routine maintenance activities, Section I must be completed and the information and documents described in Sections II and III must be submitted with the notification.

I. REGULARLY RE-OCCURRING MAINTENANCE ACTIVITIES

These are generally activities designed to maintain channel capacity. Check each box that applies:

Sediment removal:

In and around bridges, culverts, storm drain outlets, and/or water diversion inlets

Stream channel bottom

Pond or lake

Marina basin

Other: _____

Clearing trash and debris

Removing fallen trees

Removing dead (not dormant) trees and shrubs

Vegetation:

Limbing and/or trimming of branches and tree limbs

Vegetation removal under high power lines

Mowing levee slopes and stream banks

Mowing within stream and floodway channels

Removing emergent (e.g., bulrush and cattails) or other near water vegetation with:

hand tools

mechanical vegetation cutters and shredders

heavy equipment (soil disturbance)

chemicals

NOTIFICATION OF LAKE OR STREAMBED ALTERATION
ATTACHMENT D

Removing vegetation from the **upper half** of the bank with:

- hand tools
- mechanical vegetation cutters or shredders
- heavy equipment (soil disturbance)
- chemicals

Removing vegetation from the **lower half** of bank with:

- hand tools
- mechanical vegetation cutters or shredders
- heavy equipment (soil disturbance)
- chemicals

Removing vegetation within the channel with:

- hand tools
- mechanical vegetation cutters and shredders
- heavy equipment (soil disturbance)
- chemicals

Removing invasive, non-native plants with:

- hand tools
- mechanical vegetation cutters and shredders
- heavy equipment (soil disturbance)
- chemicals

Other: _____

Debris and brush pile burning

Burning levees

Minor erosion repair:

Repair at existing erosion control sites

New erosion repair

Revegetation with local, native plant species

NOTIFICATION OF LAKE OR STREAMBED ALTERATION
ATTACHMENT D

Chemical application:

Herbicides

Rodenticides

Insecticides

Minor bridge work:

Reinforcing pilings

Reinforcing aprons

Bridge painting (access and falsework)

Materials to be used for reinforcement: _____

Other: Culvert Maintenance

Other: _____

Other: _____

II. MAP OR MAPBOOK

Maps must be of sufficient detail to assist in locating maintenance sites and should include the following:

- A. The applicant's jurisdictional boundaries
- B. All watercourses within the jurisdictional boundaries where maintenance will occur
- C. A key to identify each watercourse and the maintenance activities and location (e.g., bridges, water control diversions, and large scale maintenance) of those activities that are likely to occur

III. SPECIAL STATUS SPECIES LOCATIONS

A drawing, diagram, or map that shows the applicant's jurisdictional boundaries and the locations within that area where special status species are known to exist.



To: Office of Planning and Research
For U.S. Mail:
P.O. Box 3044
Sacramento, CA 95812-3044

Street Address:
1400 Tenth Street
Sacramento, CA 95814

From: Department of Fish and Wildlife
Bay Delta Region
7329 Silverado Trail, Napa, CA 94558
Contact: Randi Adair
Phone: (707) 576-2786

Lead Agency
County of San Mateo
555 County Center, Redwood City, CA 94063
Contact: Mark Chow
Phone: (650) 599-1489

SUBJECT: Filing of Notice of Determination pursuant to Public Resources Code section 21108

State Clearinghouse Number: 2016062032

Project Title: Colma Creek Flood Control Maintenance Project (Lake or Streambed Alteration Agreement No. 1600-2015-0463-R3)

Project Location (include county): Routine maintenance locations are located along 5.4 miles of Colma Creek, tributary to San Francisco Bay, between A Street downstream to Navigable Slough, in San Mateo County.


Project Description: The California Department of Fish and Wildlife (CDFW) has executed Lake and Streambed Alteration Agreement number 1600-2015-0463-R3, pursuant to section 1602 of the Fish and Game Code to the project Applicant, County of San Mateo Public Works Department.

The project involves "routine maintenance activities", periodic activities necessary to maintain the water transport capacity of streams, channels and flood control channels, and the structural and functioning integrity of existing flood control channels and structures on or affecting streams. Routine maintenance activities include sediment, silt, trash and debris removal to clear channel obstructions, vegetation management, removal of non-native vegetation, culvert repair and bank protection to reduce erosion and concrete repair in hardened channels.

This is to advise that CDFW, acting as a Responsible Agency, approved the above described project on July 5, 2017 and has made the following determinations regarding the project pursuant to California Code of Regulations section 15096, subdivision (i):

1. The project will not have a significant effect on the environment. This determination is limited to effects within CDFW's permitting jurisdiction as a Responsible Agency.
2. CDFW considered the mitigated negative declaration / negative declaration prepared by the Lead Agency for this project pursuant to California Code of Regulations section 15096, subdivision (f).
3. Mitigation measures were / were not made a condition of CDFW's approval of the project.
4. A mitigation reporting or monitoring plan was / was not adopted by CDFW for this project.
5. A statement of overriding considerations was not adopted by CDFW for this project.
6. Findings were not made by CDFW pursuant to California Code of Regulations section 15091.

The mitigated negative declaration / negative declaration prepared for the project is available to the general public at the office location listed above for the Lead Agency. CDFW's record of project approval as Responsible Agency is available at CDFW's regional office.

Signature 
Craig J. Weightman, Environmental Program Manager

Date: July 5, 2017

Date Received for filing at OPR: _____



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
450 GOLDEN GATE AVENUE
SAN FRANCISCO, CALIFORNIA 94102

August 28, 2023

Regulatory Division

Subject: File Number SPN-2016-00024

Mr. Len Materman
San Mateo County Flood & Sea Level Rise Resiliency District
1700 S. El Camino Real, Suite 502
San Mateo, California 94402
len@onshoreline.org

Dear Mr. Materman:

This correspondence is in reference to your submittal of March 24, 2023, on behalf of the San Mateo County Flood & Sea Level Rise Resiliency District, concerning Department of the Army (DA) authorization for the Colma Creek Flood Control Channel Maintenance Project located within a 5.4-mile stretch of the Colma Creek Flood Control Channel from its intersection with A Street/El Camino Real in the City of Daly city (37.6864° latitude, -122.4673° longitude) to where it discharges into the San Francisco Bay east of the City of South San Francisco (37.6477° latitude, -122.3814° longitude). The entirety of the project area is within San Mateo County. The flood control channel is divided into three reaches: Reach 1 extends from A Street to Spruce Avenue, Reach 2 extends from Spruce Avenue to Produce Avenue/Interstate 101, and Reach 3 extends from Produce Avenue to the mouth of Colma Creek.

Work within U.S. Army Corps of Engineers (Corps) jurisdiction will include:

- removal of sediment, vegetation, and debris from within the mean high water line to return the channel to as built conditions (Reaches 2 and 3);
- repair/replacement of 15 culverts below the high tide line of Reach 3; and
- work associated with establishing access to worksites, installing/maintaining trash capture devices, installing/repairing fences, repairing access roads, and abating graffiti within the mean high water line.
- the installation of temporary dewatering structures in all Reaches;
- the discharge of fill associated with creating access ramps in all Reaches;
- the discharge of fill associated with sediment removal using a front end loader, bulldozer, or similar equipment in all Reaches;

- the discharge of fill associated with repairing channel banks, channel bed, or culvert outfalls in all Reaches;
- the discharge of fill associated with installing or repairing trash capture devices in all Reaches; and
- the discharge of fill associated with repairing access roads in all Reaches.

Work will require placement of dredged and fill material within approximately 0.8 acre of Colma Creek, located approximately between 0 and 5.4 miles from the San Francisco Bay. All work shall be completed in accordance with the plans and drawings titled: "USACE File ID SPN-2016-00024, Colma Creek Flood Control Channel Maintenance, San Mateo County" dated August 25, 2023, in 15 sheets, provided as enclosure 1.

Section 404 of the Clean Water Act (CWA) generally regulates the discharge of dredged or fill material below the plane of ordinary high water in non-tidal waters of the United States, below the high tide line in tidal waters of the United States, and within the lateral extent of wetlands adjacent to these waters. Section 10 of the Rivers and Harbors Act (RHA) generally regulates construction of structures and work, including excavation, dredging, and discharges of dredged or fill material occurring below the plane of mean high water in tidal waters of the United States; in former diked baylands currently below mean high water; outside the limits of mean high water but affecting the navigable capacity of tidal waters; or below the plane of ordinary high water in non-tidal waters designated as navigable waters of the United States. Navigable waters of the United States generally include all waters subject to the ebb and flow of the tide; and/or all waters presently used, or have been used in the past, or may be susceptible for future use to transport interstate or foreign commerce.

Based on a review of the information in your submittal, the project qualifies for authorization under Department of the Army Nationwide Permit (NWP) 3 Maintenance (86 Fed. Reg. 73522, December 11, 2021), pursuant to Section 404 of the CWA of 1972, as amended (33 U.S.C. § 1344 et seq.) and Section 10 of the Rivers and Harbors Act (RHA) of 1899, as amended (33 U.S.C. § 403 et seq.). The project must be in compliance with the terms of the NWP, the general conditions of the Nationwide Permit Program, and the San Francisco District regional conditions cited on our website (www.spn.usace.army.mil/Missions/Regulatory/Permitting/Nationwide/). You must also be in compliance with any special conditions specified in this letter for the NWP authorization to remain valid. Non-compliance with any term or condition could result in the revocation of the NWP authorization for your project, thereby requiring you to obtain an Individual Permit from the Corps. This NWP authorization does not obviate the need to obtain other State or local approvals required by law.

This verification will remain valid until March 14, 2026, unless the NWP authorization is modified, suspended, or revoked. Activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon a NWP will remain authorized provided the activity is completed within 12 months of the date of a NWP expiration, modification, or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 C.F.R. § 330.4(e) and 33 C.F.R. § 330.5(c) or (d). This verification will remain valid if, during the time period between now and March 14, 2026, the activity complies with any subsequent modification of the NWP authorization. The Chief of Engineers will periodically review NWPs and their conditions and will decide to modify, reissue, or revoke the permits. If a NWP is not modified or reissued within five years of its effective date, it automatically expires and becomes null and void. It is incumbent upon you to remain informed of any changes to the NWPs. Changes to the NWPs would be announced by Public Notice posted on our website (www.spn.usace.army.mil/Missions/Regulatory/Public-Notices.aspx). Upon completion of the project and all associated mitigation requirements, you shall sign and return the Certification of Compliance, enclosure 2, verifying that you have complied with the terms and conditions of the permit.

You shall comply with all terms and conditions set forth by the “Clean Water Act Section 401 Water Quality Certification And Order For The Colma Creek Flood Control Channel Maintenance Project, San Mateo County,” issued by the San Francisco Bay Regional Water Quality Control Board on August 25, 2023 (enclosure 3). You shall consider such conditions to be an integral part of the NWP authorization for your project.

General Condition 18 stipulates that project authorization under a NWP does not allow for the incidental take of any federally-listed species in the absence of a biological opinion with incidental take provisions. As the principal federal lead agency for this project, the Corps initiated consultation with the United States Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) to address project related impacts to listed species, pursuant to Section 7(a) of the Endangered Species Act of 1973, as amended, 16 U.S.C. § 1531 *et seq.* By letter of July 29, 2022, and February 10, 2022, cited in enclosures 4 and 5, USFWS and NMFS, respectively, concurred with the determination that the project was not likely to adversely affect California clapper rail, Central California Coast steelhead (steelhead), North American green sturgeon (sturgeon), and designated critical habitat for steelhead and sturgeon.

In order to ensure compliance with this NWP authorization, the following special conditions shall be implemented:

1. The USFWS and NMFS concurred with the determination that the project was not likely to adversely affect steelhead, sturgeon, California clapper rail, and critical habitat for steelhead and sturgeon. This concurrence was premised, in part, on project work restrictions and the description of the proposed action outlined in enclosure(s) 4 and 5, respectively. These work restrictions are incorporated as special conditions to the NWP authorization for your project to ensure unauthorized incidental take of species and loss of critical habitat does not occur.
2. Incidents where any fish listed by NOAA Fisheries under the Endangered Species Act appear to be injured or killed as a result of discharges of dredged or fill material into waters of the United States or structures or work in navigable waters of the United States authorized by this NWP shall be reported to NOAA Fisheries, Office of Protected Resources at (301) 713-1401 and the Regulatory Office of the San Francisco District of the U.S. Army Corps of Engineers at (415) 503-6795. The finder should leave the plant or animal alone, make note of any circumstances likely causing the death or injury, note the location and number of individuals involved and, if possible, take photographs. Adult animals should not be disturbed unless circumstances arise where they are obviously injured or killed by discharge exposure, or some unnatural cause. The finder may be asked to carry out instructions provided by NOAA Fisheries, Office of Protected Resources, to collect specimens or take other measures to ensure that evidence intrinsic to the specimen is preserved.
3. If future operations by the United States require the removal, relocation, or other alteration of the work herein authorized, 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 U. S Army 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.
4. A post construction report shall be submitted 45 days after the conclusion of all construction activities (i.e., by May 2027). The report shall document construction activities and contain as-built drawings (if different from drawings submitted with application) and include before and after photographs.

You may refer any questions on this matter to me by telephone at (415) 503-6776 or by e-mail at Sarah.M.Firestone@usace.army.mil. All correspondence should be addressed to the Regulatory Division, South Branch, referencing the file number at the head of this letter.

The San Francisco District is committed to improving service to our customers. The Regulatory staff seeks to achieve the goals of the Regulatory Program in an efficient and cooperative manner while preserving and protecting our nation's aquatic resources. If you would like to provide comments on our Regulatory Program, please complete the Customer Service Survey Form available on our website:
www.sfn.usace.army.mil/Missions/Regulatory.aspx.

Sincerely,

A handwritten signature in cursive script that reads "Sarah S. Firestone".

Sarah Firestone
Senior Project Manager
Regulatory Division

Enclosures

cc:

CA RWQCB, Oakland, CA; Attn: Tahsa Sturgis, Tahsa.Sturgis@waterboards.ca.gov
Montrose Environmental, Irvine, CA; Attn: Robin Hunter, rohunter@montrose-env.com

Enclosure 2

Permittee: San Mateo County Flood & Sea Level Rise Resiliency District

File Number: SPN-2016-00024

**Certification of Compliance
for
Nationwide Permit**

"I hereby certify that the work authorized by the above referenced File Number and all required mitigation have been completed in accordance with the terms and conditions of this Nationwide Permit authorization."

(Permittee)

(Date)

Email to: CESPN-Regulatory-Info@usace.army.mil

Attn: Sarah Firestone

U.S. Army, Corps of Engineers
San Francisco District
Regulatory Division, CESPN-RG
450 Golden Gate Ave., 4th Floor
San Francisco, CA 94102-3404



Water Boards



GAVIN NEWSON
GOVERNOR

JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Francisco Bay Regional Water Quality Control Board

**CLEAN WATER ACT SECTION 401 WATER QUALITY
CERTIFICATION AND ORDER
FOR THE**

Colma Creek Flood Control Channel Maintenance Project

San Mateo County

Sent via electronic mail: No hard copy to follow

Effective Date: August 25, 2023
RM: 453659,
Place ID: 889644
WDID No. 2 CW453659
Corps File No.: 2016-00024S

Applicant: San Mateo County Flood and Sea Level Rise Resiliency District
1700 S. El Camino Real, Suite 502
San Mateo, CA 94402
Phone: (650) 844-8310
Attn: Len Materman (len@onshoreline.org)

Agent: San Mateo County Flood and Sea Level Rise Resiliency District
1700 S. El Camino Real, Suite 502
San Mateo, CA 94402
Phone: (650) 730-0207
Attn: Colin Martorana, (cmartorana@onshoreline.org)

Water Board Staff: Tahsa Sturgis
1515 Clay Street, Suite 1400
Oakland, CA 94612
Phone: (510) 622-2316
Email: tahsa.sturgis@waterboards.ca.gov

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Certification and Order Coverage

This Clean Water Act (CWA) section 401 Water Quality Certification (Certification) and Order (Order) is issued to the San Mateo County Flood and Sea Level Rise Resiliency District (Permittee).

Pursuant to CWA section 404, the Permittee requested authorization to fill and discharge to waters of the U.S. from the U.S. Army Corps of Engineers (Corps), Regulatory Branch, under Nationwide Permit (NWP) 3, *Maintenance* (Corps File No. 2016-00024S). The Corps determined the reasonable period of time to act on the Certification request to be October 25, 2023.

The Permittee applied to the San Francisco Bay Regional Water Quality Control Board (Water Board) requesting Certification verifying the Colma Creek Flood Control Channel Maintenance Project (Project) does not violate State water quality standards. The application was received on June 27, 2023 (Application).

The following sections are derived from the Application.

1. Project

The Project consists of maintenance activities along the Colma Creek flood control channel for a five-year period.

1.1 Site Description

The Project is located along the Colma Creek flood control channel in the cities of Colma and South San Francisco (Lat. 37.650156, Long. -122.412108). The channel is 5.4 miles long and drains approximately 16.6 square miles of the northern San Francisco Peninsula, including portions of Daly City, Colma, South San Francisco, and San Bruno. The channel has varied forms along its length, including earth-lined trapezoidal channels, channels with concrete walls and earthen beds, fully concrete-lined channels, and concrete box culverts. Land uses adjacent to the Project include light manufacturing, residential, commercial space, warehouses, airport services, vehicles services, transportation, and cemeteries. The Project area is subdivided into three primary reaches.

Reach 1 includes the upstream portion of the channel from A Street/El Camino Real to Spruce Avenue. This segment consists entirely of a concrete lined channel and concrete box culverts. Downstream of A Street, the channel is culverted and then daylighted from the entrance to the Holy Cross Cemetery along Mission Road. The channel is also culverted beneath the South San Francisco BART station and transitions to an open trapezoidal concrete channel immediately downstream of the BART station. This reach is not tidally influenced.

Reach 2, is a concrete U-shaped channel that is within the middle maintenance reach of the Project area (Spruce Avenue to Produce Avenue). Approximately one foot of sediment is deposited across the channel bed, though deposition is greater in some locations. This section of Colma Creek is tidally influenced, but is only inundated during high tides.

Reach 3 is the channel segment downstream of Produce Avenue to the mouth of Colma Creek. At the Produce Avenue crossing, Colma Creek transitions into an earthen channel. The channel at this location is approximately 70 to 80 feet wide, and the bed is comprised of soft sediments. The banks have a narrow band of emergent marsh dominated by pickleweed (*Sarcocornia pacifica*) that transitions to an upland community dominated by ruderal species. The channel widens as Colma Creek flows towards the Bay. At the mouth of the creek is a wetland complex characterized by broad expanses of mudflat habitat, intertidal marsh, rocky intertidal, and upland habitats.

1.2 Background

The Project is a continuation of previously authorized maintenance activities in Colma Creek (Place ID 820458) (2017 Project). The previous authorizations from the Corps and Water Board expired on March 18, 2022, and were issued to the County of San Mateo. On January 1, 2020, the County transferred oversight of Colma Creek flood control channel maintenance to the Permittee. Not all Project activities described in the 2017 Project Certification were implemented. The culvert repair and replacement activities described in the 2017 Project were put on hold, and the designs were further revised. The Project includes the culvert repair and replacement activities described in the 2017 Project, and as revised.

The Project consists of ongoing maintenance activities along 5.4 miles of Colma Creek, including localized sediment removal; culvert maintenance activities; vegetation management; channel repair; and other maintenance activities, such as installation and maintenance of trash capture devices; debris removal; installation and repair of channel fences; access road repair; and graffiti abatement. Sediment removal activities are expected to occur on a routine basis every three to four years, or as needed. An estimated 400 cubic yards will be removed each year that work is necessary. The other activities will occur annually, or as needed, during the five-year permit coverage. Project staging and access will occur within existing maintenance access roads adjacent to the creek to minimize impacts.

Sediment Removal in Reach 2: Proposed sediment removal sites were determined based upon channel design, which accommodates sediment up to two feet in depth along the bed. Sediment removal will only occur when sediment accumulates more than two feet above the channel bottom. Removal activities will be conducted during low tide in August and September when storm flows in the channel are minimal or absent. Mechanized equipment will operate from the top of the bank or within the channel if flows are minimal or absent. A silt curtain will be installed around the construction site and will be removed upon completion of sediment removal. To avoid working near the low-flow channel, sediment near the outer walls or structures will be removed first, with a sediment boundary left between the excavated area and the active channel. After the sediment is removed, the berm will be breached to allow the incoming tide to enter the excavated area. Up to two feet of sediment depth will be preserved along the channel bed. Dewatering is not anticipated, but, if necessary, temporary cofferdams will be installed around the site. Dewatering and diversion activities will adhere to the conditions of this Certification. A sediment assessment report prepared by Pacific EcoRisk found that channel sediment is contaminated, and therefore excavated material will be tested and properly disposed of offsite at an appropriate hazardous waste site or other authorized disposal facility, according to contamination levels.

Culvert Maintenance in Reach 3: In Reach 3, 15 culverts, 12 to 72 inches in diameter, will be repaired or replaced. At all 15 culvert locations, rock slope protection will be added to the outlet or will replace existing sacked concrete. In total, 13 new flap gates will be installed onto existing storm drain outfalls into Colma Creek, and one culvert will have its existing flap gate replaced. New headwalls will be installed at 12 of these culvert maintenance locations.

Vegetation Management: Vegetation growing in concrete channel joints may be removed as necessary to maintain the integrity of the structure. Vegetation will also be removed from channel banks and adjacent access roads as necessary to maintain access to the channel, but no native saltmarsh vegetation shall be removed or disturbed. Invasive upland species such as pampas grass (*Cortaderia selloana*), ice plant (*Carpobrotus edulis*), and fennel (*Foeniculum vulgare*) will be removed from all channel reaches as necessary. Removal of *Spartina* downstream of Spruce Avenue will be coordinated with the San Francisco Estuary Invasive *Spartina* Project.

Repairs to Hardened Channel: Damaged sections of concrete wall revetments, riprap, or sacked concrete will be repaired at various sites. Minor damage to concrete will require grout repairs. Major damage to concrete may require concrete patching or reforming the channel wall. Construction will occur when the channel is at its lowest or completely dry, and when rain is not in the 72-hour forecast. Additionally, channel wall weep hole cleaning may occur periodically. As birds often nest in the weep holes, cleaning will occur between August 15 and February 1 to avoid breeding season if an active nest is found within 50 feet of weep hole cleaning activities.

Other maintenance Activities: Other routine maintenance activities proposed include removal of debris, repair of access roads, abatement of graffiti, installation and maintenance of trash capture devices, and installation or repair of fencing. To maintain flood control capacity, debris removal may occur as needed around culverts and other structures, including storm drain outlets, dissipater teeth, flood control structures, and trash capture facilities. Activities will be localized and may include fallen tree removal immediately adjacent to structures and will occur during dry or low-tide conditions from the top of the bank. Debris and trash will be disposed of at the Ox Mountain Sanitary Landfill.

2. Impacts to Waters of the State

The Water Board has independently reviewed the Project record to analyze impacts to water quality and the environment and designated beneficial uses within the Project's watershed.

2.1 Fill and Discharge

The Project will temporarily and permanently impact approximately 0.95 acre of waters of the State, as shown in Table 1. The Project's minor permanent impacts will occur from slightly expanded RSP footprints at a few locations, but will not result in a loss of water of the State. The Project's temporary impacts will occur from removing contaminated sediment and culvert maintenance activities, which includes replacing existing sackrete with riprap.

Table 1: Summary of the Project’s permanent and temporary impacts to waters of the State.

Activity	Aquatic Resource Type ¹	Temporary (Acres)	Permanent (Acres)	Impact Type (Permanent Only)
Sediment Removal	Bay	0.37	—	Degradation
	Wetland	—	—	
Culvert Maintenance	Bay	0.22	0.027	
	Wetland	0.33	0.006	
<i>Subtotal</i>		<i>0.92</i>	<i>0.033</i>	
Total²		0.95		

¹These habitat types are for CIWQS reporting purposes.

²This is reported to the nearest tenth of an acre

3. Mitigation

The Permittee will mitigate the Project’s temporary and permanent impacts to waters of the State. Overall, the Project’s activities will partially mitigate the resulting impacts to waters of the State. Removing sediment that is likely contaminated will result in an ecological uplift, although there will be a temporal loss of functions associated with the time it takes sediment to reestablish within the impacted reach. The remaining temporary and permanent impacts to waters of the State from culvert maintenance activities will be mitigated by the removal of sackrete and the remaining mitigation credits (0.05 acre) from the San Francisco Wetland Mitigation Bank in Redwood City that were purchased for the 2017 Project. Only a partial amount of the impacts identified in the 2017 Project occurred and, therefore, not all of the mitigation credits were used. Overall, the Project’s permanent and temporary impacts, including temporal loss, will be mitigated by the previously purchased mitigation credits and the ecological uplift associated with removing contaminated sediment and sackrete. If the Permittee seeks another Certification at the end of this Certification’s 5-year term, additional compensatory mitigation will be required.

4. California EcoAtlas

Regional, state, and national studies have determined that tracking of mitigation and restoration projects must be improved to better assess the performance of these projects, following monitoring periods that last several years. To effectively carry out the State’s Wetlands Conservation Policy of no net loss to wetlands, the State needs to closely track both losses and successes of mitigation and restoration projects affecting wetlands and other waters of the State. The Water Board must also track project performance in Bay Area creeks subject to routine repair and maintenance activities, such as recurring instabilities. Therefore, we adopted the digital interactive mapping tool called *EcoAtlas*.^[1] *EcoAtlas* is a web-based tool that integrates maps, project plans, site conditions, restoration efforts, and other elements on a project-by-project basis based on data inputs. Accordingly, we require the Permittee to upload their Project information to *EcoAtlas* with the *Project Tracker* tool at <https://ptrack.ecoatlas.org> (see

^[1] Source: California Wetlands Monitoring Workgroup (CWMW). *EcoAtlas*. Accessed March 12, 2019. <https://www.ecoatlas.org>. CWMW includes SFEI, State Board, U.S. EPA-Region IX, and other agencies with similar goals to track effects of projects in wetlands and other aquatic habitats.

Condition 10). The San Francisco Estuary Institute developed *EcoAtlas* and maintains detailed instructions for *Project Tracker* on its website at <https://ptrack.ecoatlas.org/instructions>.

5. CEQA Compliance

The County of San Mateo, as lead agency, evaluated the Project's potentially significant environmental effects pursuant to the California Environmental Quality Act (CEQA), title 14, California Code of Regulations (14 CCR). The Project's environmental effects were evaluated in the CEQA document prepared for the project. A Mitigated Negative Declaration was submitted for the Project by San Mateo County. A Notice of Determination was filed on October 28, 2016 (State Clearinghouse Number 2016062032). Water Board staff has reviewed the Mitigated Negative Declaration and concurs that it appropriately identifies and mitigates the Project's reasonably foreseeable environmental impacts.

6. Conditions

I, Eileen White, Interim Executive Officer, do hereby issue this Order certifying that any discharge from the proposed Project will comply with the applicable provisions of CWA sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards), and with other applicable requirements of State law. 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 Order, including the following:

6.1 Regulatory Compliance and Work Windows

1. **Design Conformance.** The Project work shall be constructed in conformance with the Application materials, including supplemental information, and as described in this Certification. Any changes to the Project that may impact waters of the State must be accepted by the Executive Officer before they are implemented. To request Executive Officer acceptance, the Permittee shall submit the proposed revisions, clearly marked and described, to the attention of the Water Board staff listed on the cover page of this Certification. The Permittee shall not implement the proposed revisions until notified that they have been accepted by the Executive Officer.

Rationale: This condition is necessary to ensure compliance with the permit and applicable conditions and to ensure that the proposed work and final restoration work has been conducted in accordance with the permit and all applicable conditions. (California Water Code (CWC) section 13264).

2. **Corps Permit Compliance.** The Permittee shall adhere to the conditions of the Project's CWA Section 404 NWP (Corps File No. 2016-00024S).

Rationale: This condition is required pursuant to 23 CCR section 3856(e), which requires that copies be provided to the Water Boards of "any final and signed federal, state, and local licenses, permits, and agreements (or copies of the draft

documents, if not finalized) that will be required for any construction, operation, maintenance, or other actions associated with the activity.”

3. **Special Status Species.** This Certification does not allow for the take, or incidental take, of any special status species. The Permittee shall request appropriate protocols prescribed from the United State Fish and Wildlife (USFWS) and/or National Marine Fisheries Service (NMFS) to ensure that Project activities do not impact the Beneficial Use of the Preservation of Rare and Endangered Species, and shall implement the provided protocols, as appropriate (*CWC section 13369(b)(1)(B) and (C); Basin Plan section 4.19*);
4. **Precipitation and Construction Planning.** Precipitation forecasts shall be considered when planning construction activities. The Permittee shall monitor the 72-hour forecast from the National Weather Service at <http://www.nws.noaa.gov>. When there is a forecast of more than 40% chance of rain, or at the onset of unanticipated precipitation, the Permittee shall remove all equipment from waters of the State, implement erosion and sediment control measures (e.g., jute, straw, coconut fiber erosion control fabric, coir logs, straw), and cease all Project activities. If any construction activities will occur after October 31, a Winterization Plan shall be submitted to the Executive Officer for review and acceptance and contain, but not be limited to, the following:
 - a) *Activities and Timeline Description*—for any proposed activity that will begin or end after October 31, the activity and its respective construction timeline, from start to finish, shall be described in detail.
 - b) *Erosion Control Measures*—all erosion control measures shall be described in detail, including, but not limited to, the type of erosion control measure and its material, implementation timeline, and best management practices to be used during and after implementation;

Rationale: This condition is necessary to ensure avoidance and minimization of impacts to waters of the State from construction activities (CWC section 13376 et seq.).

5. **Work Windows:** To work outside of October 31, the Permittee must meet the precipitation and construction planning requirement specified in this Certification (see Condition 4);

Rationale: This condition is necessary to ensure avoidance and minimization of impacts to waters of the State from construction activities (CWC section 13376 et seq.).

6.2 General Construction

6. **Discharge Prohibition.** No unauthorized construction-related materials or wastes shall be allowed to enter into or be placed where they may be washed by rainfall or runoff into waters of the State. When construction is completed, any excess material

shall be removed from the work area and any areas adjacent to the work area where such material may be discharged to waters of the State;

***Rationale:** This condition is necessary to ensure that contaminated material is not placed within waters of the State (Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) sections 3.3.12, 3.3.19, and 4.19).*

7. **Equipment Maintenance Prohibition.** No fueling, cleaning, or maintenance of vehicles or equipment shall take place within waters of the State, or within any areas where an accidental discharge to waters of the State may occur; and construction materials and heavy equipment must be stored outside of waters of the State. When work within waters of the State is necessary, best management practices shall be implemented to prevent accidental discharges;

***Rationale:** This condition is necessary to ensure avoidance and minimization of impacts to waters of the State and associated Beneficial Uses from construction activities (CWC section 13369(b)(1)(B) and (C); Basin Plan section 4.19).*

8. **Beneficial Use Impacts.** All work performed within waters of the State shall be completed in a manner that minimizes impacts to beneficial uses and habitat; measures shall be employed to minimize disturbances along waters of the State that will adversely impact the water quality of waters of the State. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete Project implementation;

***Rationale:** This condition is necessary to ensure minimization of impacts to waters of the State and to ensure successful restoration of all temporary impacts authorized (State Board Resolution No. 68-16; 40 CFR part 131.12 (a)(1); CWC sections 13264 and 13369; Basin Plan Ch. 3 and 4).*

9. **Concrete Curing:** Concrete used in the Project shall be allowed to completely cure (a minimum of 28 days) or be treated with a sealant that is non-toxic to aquatic life before it comes into contact with flowing water (Note: Demonstration of non-toxicity to aquatic life may be evaluated by measuring survival of test organisms in a 96-hour bioassay. The bioassay should be performed according to the most up-to-date protocols in 40 CFR part 136, currently Methods for Measuring the Acute Toxicity of Effluents and Receiving Water to Freshwater and Marine Organisms, 5th Edition (EPA-821-R-02-012), including sample collection, handling, and preservation in accordance with U.S. EPA protocols). Only sealants that have been tested and found non-toxic to freshwater aquatic life, including benthic macro-invertebrates, may be used on concrete surfaces that may come into contact with flowing water. Any sealant that may be used must be approved by CDFW prior to use. Concrete will be considered to be cured when water poured over the surface of concrete consistently has a pH of less than 8.5;

6.3 Pre-Construction Reporting and Other Requirements

10. EcoAtlas Form. The Permittee shall input Project information into *EcoAtlas* no later than 14 days from this Certification's issuance date, consistent with Section 4 herein. The Project information shall be added to the *Project Tracker* tool in *EcoAtlas* online at <https://ptrack.ecoatlas.org>. Instructions for adding information to *EcoAtlas* are available at <https://ptrack.ecoatlas.org/instructions>, or by contacting the Water Board staff listed on the cover page of this Certification. The Permittee shall notify the Water Board and submit documentation demonstrating the Project has been successfully added to *EcoAtlas* via email to RB2-401Reports@waterboards.ca.gov, or by mail to the attention of 401 Certifications Reports (see address on the letterhead), and include **EcoAtlas_453659,_ Colma Creek Flood Control Channel Maintenance Project**;

Rationale: This condition is necessary to ensure compliance with the permit and applicable conditions (CWC section 13267).

11. Commencement of Construction. The Permittee shall submit a Start of Construction (SOC) Report acceptable to the Executive Officer. The SOC Report shall be submitted no later than seven days prior to start of initial ground disturbance activities and notify the Water Board at least 48 hours prior to initiating in-water work and any stream diversions. Notification may be via telephone, email, delivered written notice, or other verifiable means. The SOC Report shall be submitted in same timeframe specified herein for multiple construction seasons, if necessary, via email to RB2-401Reports@waterboards.ca.gov, or by mail to the attention of 401 Certifications Reports (see address on the letterhead), and include **SOC_453659,_ Colma Creek Flood Control Channel Maintenance Project**;

Rationale: This condition is necessary to assist in scheduling compliance inspections to ensure compliance with the permit and applicable conditions (CWC section 13267).

12. Photo-Documentation Points. Prior to the start of construction, the Permittee shall establish a minimum of 4 photo-documentation points at each location where Project related impacts to waters of the State occur. The points shall be used to track the Project's construction impacts, the pre- and post-construction condition, and overall Project success. The Permittee shall prepare a site map with the photo-documentation points clearly marked. Prior to and following construction in each year where sediment and/or vegetation is removed or the vegetation pilot program is implemented, the Permittee shall photographically document the immediate pre- and post-Project condition at locations where impacts to waters of the State occur, including temporary impacts. These post-construction photographs and map shall be submitted, along with the as-built and construction completion reports (See Conditions 13 and 14);

Rationale: This condition is necessary to assist in scheduling compliance inspections to ensure compliance with the permit and applicable conditions (CWC section 13267).

6.4 Active Construction and Post-Construction Reporting Requirements

13. As-Built Report. The Permittee shall prepare an as-built report(s) acceptable to the Executive Officer for each year that Project activities occurred. The as-built report(s) shall be submitted to the Water Board no later than 60 days after completing Project construction activities in a given calendar year through the duration of the Project. The report(s) shall include a description of the areas of actual disturbance during Project construction and the photographs and map specified in Condition 12. The report(s) shall clearly identify and illustrate the Project site, and the locations where impacts to waters of the State occurred. The as-built report(s) shall include the 100 percent construction plans marked with the contractor's field notes that clearly depict any deviations made during construction from the designs reviewed by the Water Board. The as-built report(s) shall be sent via email to RB2-401Reports@waterboards.ca.gov, or by mail to the attention of 401 Certifications Reports (see address on the letterhead), and include **As-Built_453659,_Colma Creek Flood Control Channel Maintenance Project** in the email subject line when sent electronically or in the cover letter for hard copy submissions;

***Rationale:** This condition is necessary to assist in scheduling compliance inspections to ensure compliance with the permit and applicable conditions (CWC section 13267).*

14. Project Construction Completion Report. The Permittee shall submit a Notice of Project Construction Completion (NOC) acceptable to the Executive Officer to notify the Water Board that the Project has been completed. The Completion Notice shall be submitted to the Water Board no later than 60 days after completing all Project construction activities. The Completion Notice shall include the as-built reports (see Condition 13), the post-construction photographs (see Condition 19), the date of the first Project-related disturbance of waters of the State occurred, and the date construction was completed for each Project activity. The Completion Notice shall be sent via email to RB2-401Reports@waterboards.ca.gov, or by mail to the attention of 401 Certifications Reports (see address on the letterhead), and include **NOC_453659,_Colma Creek Flood Control Channel Maintenance Project** in the email subject line when sent electronically or in the cover letter for hard copy submissions;

***Rationale:** This condition is necessary to ensure compliance with the permit and applicable conditions and to ensure that the proposed work and restoration work has been conducted in accordance with the permit and all applicable conditions (CWC section 13267).*

6.5 Administrative and General Compliance

15. Site Access. The Permittee shall grant Water Board staff or an authorized representative, upon presentation of credentials and other documents as may be required by law, permission to: (1) enter upon the Project site or compensatory mitigation site(s) where a regulated facility or activity is located or conducted, or where records are kept; (2) have access to and copy any records that are kept and are

relevant to the Project or the requirements of this Order; (3) inspect any facilities, equipment, practices, or operations regulated or required under this Order; and (4) sample or monitor for the purposes of assuring Order compliance;

***Rationale:** This condition is necessary to assist in scheduling compliance inspections and to ensure compliance with the permit and applicable conditions (CWC section 13267).*

- 16. Certification and Order at Site.** A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors;

***Rationale:** This condition is necessary to ensure compliance with the permit and applicable conditions (CWC sections 13170 and 13245).*

- 17. Ownership Change Notification.** The Permittee shall provide a signed and dated notification to the Water Board of any change in ownership or interest in ownership of any Project area at least 10 days prior to the transfer of ownership. The purchaser shall also submit a written request to the Water Board to be named as the permittee in an amended order. Until this Order has been modified to name the purchaser as the permittee, the Permittee shall continue to be responsible for all requirements set forth in this Order;

***Rationale:** This condition is necessary to ensure compliance with the permit and applicable conditions (CWC section 13264).*

- 18. Water Quality Violations Notification.** The Permittee shall notify the Water Board of any violations of water quality standards, along with the cause of such violations, as soon as practicable (ideally within 24 hours). Notification may be via telephone, email, delivered written notice, or other verifiable means;

***Rationale:** This condition is necessary to minimize adverse impacts to water quality (CWC sections 13385 and 13267).*

- 19. Discharge Change Notification.** In accordance with Water Code section 13260, the Permittee shall file with the Water Board a report of any material change or proposed change in the ownership, character, location, or quantity of this waste discharge. Any proposed material change in operation shall be reported to the Executive Officer at least 30 days in advance of the proposed implementation of any change. Changes to discharges include, but are not limited to, significant new soil disturbances, proposed expansions of development, or any change in drainage characteristics at the Project site. For the purpose of this Order, this includes any proposed change in the boundaries of the area of wetland/waters of the State to be impacted;

- 20. Submittal of Reports.** Where this Certification requires submittal of reports, including plans, reports, or related information, the submitted reports shall be acceptable to the Executive Officer;

Rationale: This condition is necessary to ensure compliance with the permit and applicable conditions (CWC section 13267).

- 21. Individual Waste Discharge Requirements.** Should new information come to our attention that indicates a water quality problem with this Project, the Water Board may issue Waste Discharge Requirements pursuant to CWC sections 13263 and/or 13377 and 23 CCR section 3857;

- 22. Expiration.** This Order shall continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project;

Rationale: This condition is necessary to ensure compliance with the permit and applicable conditions (CWC sections 13170 and 13245).

6.6 Standard Conditions

- 23. Certification and Order Modification.** This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to CWC sections 13320 and 13330 and 23 CCR section 3867;

- 24. Hydroelectric Facilities.** This Order does not 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 23 CCR subsection 3855(b) and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought;

- 25. Application Fee.** This Certification and Order is conditioned upon full payment of the required fee, including annual fees, as set forth in 23 CCR section 3833. The required \$23,148 Project fee, calculated using the 2022/2023 Water Quality Certification Dredge and Fill Application Fee Calculator, Category A– *Fill and Excavation Discharges Projects*, was received by the Water Board;

Rationale: Conditions 23, 24, and 25 are standard conditions that “shall be included as conditions of all water quality certification actions” (23 CCR section 3860(a)).

6.7 Annual Fees

- 26. Annual Fee.** In accordance with 23 CCR section 2200, the Permittee shall pay an annual fee to the Water Board each fiscal year (July 1 – June 30) until Project construction activities are completed and an acceptable Notice of Project Construction Completion is received by the Water Board. If monitoring is required, the Permittee shall pay an annual fee to the Water Board until monitoring activities are completed and an acceptable Notice of Mitigation Monitoring Completion is received by the Water Board (Note: the Annual Post Discharge Monitoring Fee may

be changed by the State Water Board; at the time of Certification it was \$2,297 per year for Category A projects). Annual fees will be automatically invoiced to the Permittee. **The Permittee must notify the Water Board at Project and mitigation completion with a final report in order to request to terminate annual billing.** Notification shall reference **NOT_453659, Colma Creek Flood Control Channel Maintenance Project** and should be sent to the staff listed at the bottom of this Certification and to RB2-401Reports@waterboards.ca.gov. Water Board staff will verify the conditions of the Certification have been met and may request a site visit at that time to confirm the Project's status and compliance with the Certification (23 CCR sections 3833(b)(3) and 2200 (a)(3); CWC Section 13267).

This Order applies to the Project as proposed in the application materials and designs referenced above in the conditions of Certification. Be advised that failure to implement the Project in conformance with this Order is a violation of this Certification. Any violation of Certification conditions is a violation of State law and subject to administrative civil liability pursuant to CWC sections 13350, 13385, or 13399.2. Failure to meet any condition of this Certification may subject the Permittee to civil liability imposed by the Water Board to a maximum of \$25,000 per day of violation and/or \$25 for each gallon of waste discharged in violation of this action above 1000 gallons. Any requirement for a report made as a condition to this Certification (e.g., conditions 4, 10-14 and 17-19) is a formal requirement pursuant to CWC sections 13267 and 13383, and failure or refusal to provide, or falsification of such required report, is subject to civil liability as described in CWC section 13268 and criminal liability under 13387. The burden, including costs, of these reports bears a reasonable relationship to the need for the report and the benefits to be obtained. Should new information come to our attention that indicates a water quality problem with this Project, the Water Board may issue Waste Discharge Requirements.

If you have any questions concerning this Order, please contact Tahsa Sturgis of my staff at (510) 622-2316 or tahsa.sturgis@waterboards.ca.gov. All future correspondence regarding this Project should reference **RM 453659**, indicated at the top of this letter.

Sincerely,

for Eileen White
Executive Officer

cc: SWRCB, DWQ, stateboard401@waterboards.ca.gov
Water Board, Victor Aelion, victor.aelion@waterboards.ca.gov
U.S. EPA, Region IX Mailbox, r9cwa401@epa.gov
Jennifer Siu, siu.jennifer@epa.gov
Corps, SF Regulatory Branch:
Katerina Galacatos, katerina.galacatos@usace.army.mil
Sarah Firestone, sarah.m.firestone@usace.army.mil



United States Department of the Interior



FISH AND WILDLIFE SERVICE
San Francisco Bay-Delta Fish & Wildlife Office
650 Capitol Mall, Suite 8-300
Sacramento, California 95814-4700

In Reply Refer to:
2022-0047331-S7-001

July 29, 2022

Sarah S. Firestone
Senior Project Manager
Regulatory Division
United States Department of the Army
Army Corps of Engineers
San Francisco District
450 Golden Gate Avenue
San Francisco, California 94102-3406

Subject: Reinitiation of Informal Section 7 Consultation on the San Mateo County Flood & Sea Level Rise Resiliency District's Colma Creek Flood Control Channel Maintenance Project, San Mateo County, California (U.S. Army Corps of Engineers File Number: SPK-2016-00024S)

Dear Ms. Sarah S. Firestone:

This letter is in response to the U.S. Army Corps of Engineers' (Corps') May 23, 2022, letter requesting reinitiation of informal consultation with the U.S. Fish and Wildlife Service (Service) for the San Mateo County Flood & Sea Level Rise Resiliency District (Applicant) Colma Creek Flood Control Channel Maintenance Project (Project), within Daly City and the City of South San Francisco, San Mateo County, California. At issue are the proposed Project's effects to the federally-listed endangered California clapper rail (*Rallus longirostris obsoletus*)¹. This response is provided under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act), and in accordance with the implementing regulations pertaining to interagency cooperation (50 CFR § 402).

The Federal action on which we are consulting is the Corps' issuance of a permit under Section 404 of the Clean Water Act (CWA) of 1972, as amended, 33 U.S.C. § 1344 *et seq.*, and Section 10 of the Rivers and Harbors Act (RHA) of 1899, as amended, 33 U.S.C. § 403 *et seq.*, from the Applicant to conduct channel maintenance, vegetation and sediment removal, bank stabilization,

¹ Until the Service officially adopts American Ornithologists' Union nomenclature changes to clapper rail (*Rallus obsoletus*), we maintain the use of California clapper rail (*Rallus longirostris obsoletus*) in this correspondence. Note, the change in taxonomic assignment does not change the species' listing status.

and culvert maintenance in a 5.4-mile stretch of the Colma Creek Flood Control Channel from its intersection with A Street/El Camino Real in the City of Daly City to where it discharges into the San Francisco Bay east of the City of South San Francisco.

In considering your request, we have based our evaluation on the following: (1) the Corps' initial January 12, 2022, letter requesting the initiation of informal consultation and the Applicant's enclosed Action Area maps and site photographs, prepared by Horizon Water and Environment; (2) the Corps' revised May 23, 2022, letter requesting reinitiation of informal consultation; (3) electronic mail (email) correspondence between the Service and the Corps, exchanged in May 2022; and (4) other information available to the Service.

The proposed Project was previously authorized by the Corps under Nationwide Permit 3 in a letter dated June 23, 2017. During consultation for the preceding authorization, the Service concurred on January 23, 2017 and provided an amendment on March 2, 2017 (Service File Number 08FBDT00-2016-I-0233) with the Corps' may affect, but is not likely to adversely affect determination for the California clapper rail. The Applicant's 2017 Nationwide Permit 3 verification expired on February 23, 2022. The Applicant has requested a new verification of the maintenance activities as part of the proposed Project.

The Action Area for this Project is unchanged from the 2017 consultation and still includes three stretches (Reaches 1 through 3) of the Colma Creek flood control channel. Reach 1 is described as the upper maintenance reach including the channel upstream from the intersection of A Street/El Camino Real downstream to Spruce Avenue. Reach 2 encompasses the channel extending from Spruce Avenue downstream to Produce Avenue. Reach 3 encompasses the channel extending from Produce Avenue downstream to the creek outfall into San Francisco Bay.

No new listed species have been documented as occurring in the vicinity of the Action Area since the 2017 concurrence, and no new critical habitat has been designated in the vicinity of the Action Area. The conditions of the Action Area and Project footprint have not substantially been altered or changed since the 2017 consultation.

The previously analyzed proposed Project activities included: (1) removal of localized sediment deposits along a 0.6-mile portion of the channel; (2) repair and replacement of approximately 14 culverts; and (3) other routine, recurrent maintenance activities as-needed including clearing blocked culvert outfalls, vegetation management on concrete joints in the channel banks/beds, repair of concrete or hardened channel banks/beds, installing and maintaining trash capture devices, removing accumulating debris, installing and repairing fences on channel banks, repairing access roads, and graffiti abatement. The only modification of the proposed activities in the current authorization request, for 2022-2027, includes making in-kind repair of culvert outfalls and removes the replacement of any culverts (previously planned were 14 culvert replacements within Reach 3).

Conservation Measures

The Applicant proposes to implement the same Conservation Measures described in the Service's January 23, 2017, amended March 2, 2017, letter of concurrence for the Project. These are unchanged since the 2017 consultation.

The Service concurs with the Corps' determination that the proposed Project may affect, but is not likely to adversely affect the threatened California clapper rail. This conclusion is based on: (1) the continued absence of California clapper rail from the Action Area, evidenced by survey data from the Invasive Spartina Project 2020 annual rail monitoring program and lack of any new recent observations from California Natural Diversity Database queries (California Department of Fish and Wildlife 2022; Olofson Environmental, Inc. 2021); (2) the nearly-identical habitat conditions in the Action Area and project description from the 2017 consultation and amendment; and (3) the continued commitment by the Applicant to implement the Conservation Measures from the 2017 consultation and amendment.

REINITIATION – CLOSING STATEMENT

This concludes reinitiation of informal consultation on the San Mateo County Flood & Sea Level Rise Resiliency District's Colma Creek Flood Control Channel Maintenance Project. As provided in 50 CFR § 402.16,

(a) Reinitiation of consultation is required and shall be requested by the Federal agency or by the Service, where discretionary Federal involvement or control over the action has been retained or is authorized by law and:

(1) If the amount or extent of taking specified in the incidental take statement is exceeded;

(2) If new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered;

(3) If the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the biological opinion or written concurrence; or

(4) If a new species is listed or critical habitat designated that may be affected by the identified action.

(b) An agency shall not be required to reinitiate consultation after the approval of a land management plan prepared pursuant to 43 U.S.C. 1712 or 16 U.S.C. 1604 upon listing of a new species or designation of new critical habitat if the land management plan has been adopted by the agency as of the date of listing or designation, provided that any authorized actions that may affect the newly listed species or designated critical habitat will be addressed through a separate action-specific consultation. This exception to reinitiation of consultation shall not apply to those land management plans prepared pursuant to 16 U.S.C. 1604 if:

(1) Fifteen years have passed since the date the agency adopted the land management plan prepared pursuant to 16 U.S.C. 1604; and

(2) Five years have passed since the enactment of Public Law 115-141 [March 23, 2018] or the date of the listing of a species or the designation of critical habitat, whichever is later.

Please address any questions or concerns regarding this response by contacting Elden Holldorf, Fish and Wildlife Biologist by telephone at 916-930-5614 or via email at Elden_Holldorf@fws.gov or Kim Squires, Section 7 Division Manager via email at Kim_Squires@fws.gov. Please refer to the Service File Number: 2022-0047331-S7-001 in any future correspondence regarding this Project.

Sincerely,

Jana Affonso
Assistant Field Supervisor

Electronic Copy Furnished:

Makena Wong, San Mateo County Flood and Sea Level Rise Resiliency District, California

LITERATURE CITED

California Department of Fish and Wildlife. 2022. California Natural Diversity Database. RareFind Database version 5.0. Last accessed May 22, 2022. Sacramento, California.

Olofson Environmental, Inc. 2021. California Clapper Rail Surveys for the San Francisco Estuary Invasive Spartina Project 2020. Report prepared for the State Coastal Conservancy, San Francisco Estuary Invasive Spartina Project, Oakland, California. Olofson Environmental, Inc. Berkeley, CA. 64 pp. Accessible online at: https://spartina.org/documents/InvasiveSpartinaProject_RIRARreport2020.pdf



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
450 GOLDEN GATE AVENUE
SAN FRANCISCO, CALIFORNIA 94102

September 24, 2025

Regulatory Division

Subject: File Number SPN-2024-00061

Mr. Johnathan Perisho
San Mateo County Flood & Sea Level Rise Resiliency District
1700 S. El Camino Real
San Mateo, California 94402
jperisho@onshoreline.org
projects@onshoreline.org

Dear Mr. Perisho:

This correspondence is in reference to your submittal of September 6, 2024, on behalf of the San Mateo County Flood & Sea Level Rise Resiliency District (OneShoreline) concerning Department of the Army (DA) authorization for the OneShoreline, Routine Maintenance on Bayside Creeks Project. The proposed maintenance work would occur at three bayside creek sites in San Mateo County, California, as follows:

Table 1 – Project Locations		
Location	Latitude	Longitude
<i>San Bruno Creek</i>	37.6315°	-122.4051°
<i>Atherton Channel</i>	37.4868°	-122.1810°
<i>Cordilleras Creek</i>	37.4942°	-122.2441°

Work within U.S. Army Corps of Engineers (Corps) jurisdiction will include removal of accumulated sediments and debris outside of the immediate vicinity of culverts and outfall structures. The work would also require dewatering 250 feet (0.119 acre) of San Bruno Creek and 20 feet (0.007 acre) of Atherton Channel, as well as creek access into Cordilleras Creek. Work will require temporary placement of clean gravel bags for dewatering. Approximately 0.020 acre of wetlands would be impacted at San Bruno Creek. All work shall be completed in accordance with the drawings titled: "USACE File #SPN-2024-00061, OneShoreline Routine Maintenance on Bayside Creeks, San Mateo County," dated September 22, 2025, in three sheets, provided as Enclosure 1.

Section 404 of the Clean Water Act (CWA) generally regulates the discharge of dredged or fill material below the plane of ordinary high water in non-tidal waters of the United States, below the high tide line in tidal waters of the United States, and within the lateral extent of wetlands adjacent to these waters. Section 10 of the Rivers and

Harbors Act (RHA) generally regulates construction of structures and work, including excavation, dredging, and discharges of dredged or fill material occurring below the plane of mean high water in tidal waters of the United States; in former diked baylands currently below mean high water; outside the limits of mean high water but affecting the navigable capacity of tidal waters; or below the plane of ordinary high water in non-tidal waters designated as navigable waters of the United States. Navigable waters of the United States generally include all waters subject to the ebb and flow of the tide; and/or all waters presently used, or have been used in the past, or may be susceptible for future use to transport interstate or foreign commerce.

Based on a review of the information in your submittal, the project qualifies for authorization under Department of the Army Nationwide Permits (NWP) 3 Maintenance and 33 Temporary Construction, Access, and Dewatering (86 Fed. Reg. 73522, December 11, 2021), pursuant to Section 404 of the CWA of 1972, as amended (33 U.S.C. § 1344 et seq.) and Section 10 of the Rivers and Harbors Act (RHA) of 1899, as amended (33 U.S.C. § 403 et seq.). The project must be in compliance with the terms of the NWP, the general conditions of the Nationwide Permit Program, and the San Francisco District regional conditions cited on our website (www.spn.usace.army.mil/Missions/Regulatory/Permitting/Nationwide/). You must also be in compliance with any special conditions specified in this letter for the NWP authorization to remain valid. Non-compliance with any term or condition could result in the revocation of the NWP authorization for your project, thereby requiring you to obtain an Individual Permit from the Corps. This NWP authorization does not obviate the need to obtain other State or local approvals required by law. Upon completion of the project and all associated mitigation requirements, you shall sign and return the Certification of Compliance, Enclosure 2, verifying that you have complied with the terms and conditions of the permit.

This verification will remain valid until March 14, 2026, unless the NWP authorization is modified, suspended, or revoked. Activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon a NWP will remain authorized provided the activity is completed within 12 months of the date of a NWP expiration, modification, or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 C.F.R. § 330.4(e) and 33 C.F.R. § 330.5(c) or (d). This verification will remain valid if, during the time period between now and March 14, 2026, the activity complies with any subsequent modification of the NWP authorization. The Chief of Engineers will periodically review NWPs and their conditions and will decide to modify, reissue, or revoke the permits. If a NWP is not modified or reissued within five years of its effective date, it automatically expires and becomes null and void. It is incumbent upon you to remain informed of any changes to the NWPs. Changes to the NWPs

would be announced by Public Notice posted on our website (www.spn.usace.army.mil/Missions/Regulatory/Public-Notices.aspx).

You shall comply with all terms and conditions set forth by the “Clean Water Act Section 401 Water Quality Certification and Order for: Routine Maintenance on Bayside Creeks Project, San Mateo County (WDID# 2 CW456673),” issued by the San Francisco Bay Regional Water Quality Control Board on September 5, 2025 (Enclosure 3). You shall consider such conditions to be an integral part of the NWP authorization for your project.

General Condition 20 stipulates that any project affecting a historic property cannot commence construction until Section 106 of the National Historic Preservation Act (NHPA) have been satisfied. As the Federal lead agency for this project, Corps initiated consultation with the State Historic Preservation Officer (SHPO) to address project related impacts to any historic properties. The SHPO did not respond within 30 days to a no effect to historic properties determination.

In order to ensure compliance with this NWP authorization, the following special conditions shall be implemented:

1. You shall arrange for a qualified archaeologist to conduct a cultural sensitivity training for all employees who will be conducting earth movement at the site. Cultural sensitivity training shall include information on how to identify cultural resources and high-sensitivity soils and the appropriate protocol for stopping work within 100 feet of the find and notifying the Corps, a qualified archaeologist, and the appropriate tribal representative.
2. A qualified Native American monitor shall be present during initial earth movement activities into native soils at each site. Once the tribal monitor determines that there is no danger of encountering archaeological or sacred resources in the project area, you may continue work without a tribal monitor.
3. A qualified California trained archaeological monitor shall be present during initial ground-disturbing activities of native soils. Once the archaeological monitor determines that there is no danger of encountering archaeological or sacred resources in the project area, you may continue work without an archaeological monitor.
4. All proposed and standard best management practices shall be implemented throughout the project site to help minimize impacts to waters of the U.S.

5. A post construction report shall be submitted 45 days after the conclusion of construction activities. The report shall document completed activities, as-built drawings, total impacts (if different from those approved), and include before and after photographs.

You may refer any questions on this matter to me by telephone at 415-503-6580 or by e-mail at Sergio.A.Redondo@usace.army.mil. All correspondence should be addressed to the Regulatory Division, South Branch, referencing the file number at the head of this letter.

The San Francisco District is committed to improving service to our customers. The Regulatory staff seeks to achieve the goals of the Regulatory Program in an efficient and cooperative manner while preserving and protecting our nation's aquatic resources. If you would like to provide comments on our Regulatory Program, please complete the Customer Service Survey Form available on our website: www.spn.usace.army.mil/Missions/Regulatory.aspx.

Sincerely,

Sergio A. Redondo, Ph.D.
Project Manager, Regulatory Division

Enclosures

cc:

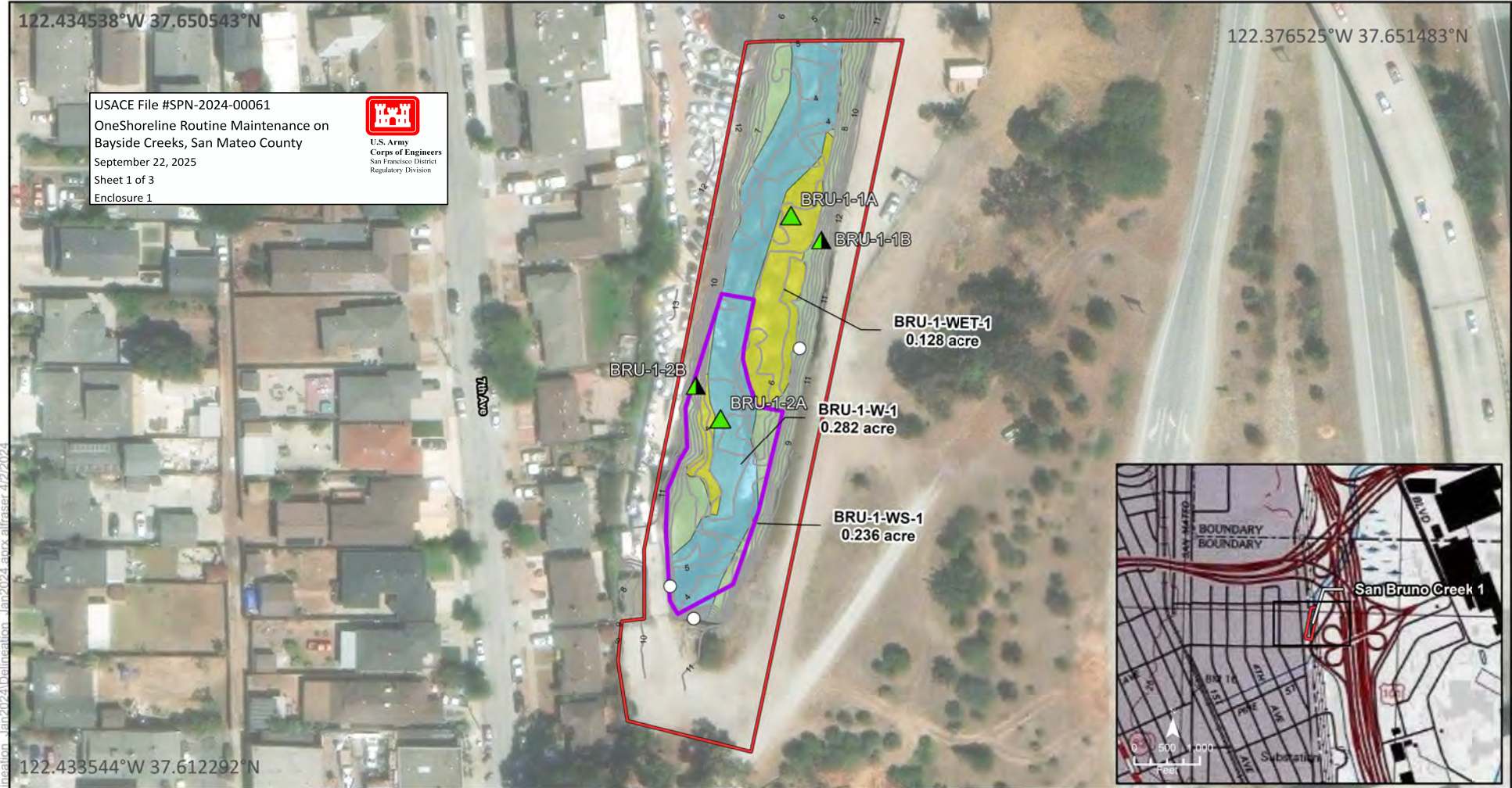
OneShoreline, San Mateo, CA (Attn. Len Materman, len@oneshoreline.org)

CA RWQCB, Oakland, CA (Attn. Jackson Fimrite, jackson.fimrite@waterboards.ca.gov)

122.434538°W 37.650543°N

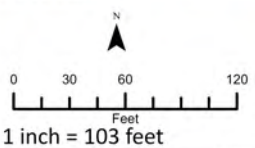
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USACE File #SPN-2024-00061
 OneShoreline Routine Maintenance on
 Bayside Creeks, San Mateo County
 September 22, 2025
 Sheet 1 of 3
 Enclosure 1



122.433544°W 37.612292°N

Source: ESRI 2023



- Study Area
- 1' Contours
- OHWM
- ▲ Upland
- ▲ wetland
- Culvert

PREPARED BY: MONTROSE 1 Kaiser Plaza Suite 340 Oakland CA 94612 510-986-1850		PREPARED FOR: OneShoreline 1700 South El Camino Real, Suite 502 San Mateo, CA 94402	
DRAWN BY: D. Hirschberg, R. Hunter 1/30/2024 DELINEATION BY: B. Piontek, K. Osagie, J. Gonzalez DATE OF FIELD WORK: August 30, 2023		USACE REGULATORY FILE; VERIFIED BY: DATE OF VERIFICATION:	
DATE	REVISIONS DESCRIPTION	BY	

- Potential Waters of the U.S. (1.191 acres)
- Potential Waters of the State (1.226 acres)
- Wetlands (0.516 acre)
- Culverted Waters (0.899 acre)
- Targeted Sediment and Vegetation Removal

San Mateo County Flood and Sea Level Rise Resiliency District
 Bayside Creeks Routine Maintenance Project



Figure 4
Aquatic Resources

Sheet 1 of 7



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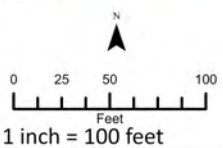
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USACE File #SPN-2024-00061
 OneShoreline Routine Maintenance on
 Bayside Creeks, San Mateo County
 September 22, 2025
 Sheet 2 of 3
 Enclosure 1



122.272911°W 37.474293°N

Source: ESRI 2023



- Study Area
- 1' Contours
- OHWM
- Upland
- wetland
- Culvert

PREPARED BY: 		1 Kaiser Plaza Suite 340 Oakland CA 94612 510-986-1850	PREPARED FOR: OneShoreline 1700 South El Camino Real, Suite 502 San Mateo, CA 94402
DRAWN BY: D. Hirschberg, R. Hunter 1/30/2024 DELINEATION BY: B. Piontek, K. Osagie, J. Gonzalez DATE OF FIELD WORK: August 30, 2023		USACE REGULATORY FILE: VERIFIED BY: DATE OF VERIFICATION:	
REVISIONS			
DATE	DESCRIPTION	BY	

- Potential Waters of the U.S. (1.191 acres)
- Potential Waters of the State (1.226 acres)
- Culverted Waters (0.899 acre)
- Targeted Sediment and Vegetation Removal

San Mateo County Flood and Sea Level Rise Resiliency District
 Bayside Creeks Routine Maintenance Project

Figure 4
Aquatic Resources

Sheet 6 of 7



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122.206335°W 37.50301°N

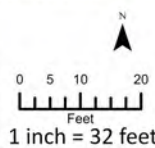
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USACE File #SPN-2024-00061
 OneShoreline Routine Maintenance on
 Bayside Creeks, San Mateo County
 September 22, 2025
 Sheet 3 of 3
 Enclosure 1



122.20558°W 37.469976°N

Source: ESRI 2023



- Study Area
- 1' Contours
- OHWM
- Upland
- wetland
- Culvert

PREPARED BY: 		1 Kaiser Plaza Suite 340 Oakland CA 94612 510-986-1850	
DRAWN BY: D. Hirschberg, R. Hunter 1/30/2024 DELINEATION BY: B. Piontek, K. Osagie, J. Gonzalez DATE OF FIELD WORK: August 30, 2023		PREPARED FOR: OneShoreline 1700 South El Camino Real, Suite 502 San Mateo, CA 94402	
USACE REGULATORY FILE: VERIFIED BY: DATE OF VERIFICATION:			
DATE	REVISIONS DESCRIPTION	BY	

- Potential Waters of the U.S. (1.191 acres)
- Potential Waters of the State (1.226 acres)
- Culverted Waters (0.899 acre)
- Targeted Sediment Removal
- Tree Removal

Figure 4
Aquatic Resources

Sheet 7 of 7

San Mateo County Flood and Sea Level Rise Resiliency District
 Bayside Creeks Routine Maintenance Project



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Enclosure 2

Permittee: San Mateo County Flood & Sea Level Rise Resilience District
POC: Johnathan Perisho

File Number: SPN-2024-00061

**Certification of Compliance
for
Nationwide Permit**

"I hereby certify that the work authorized by the above referenced File Number and all required mitigation have been completed in accordance with the terms and conditions of this Nationwide Permit authorization."

(Permittee)

(Date)

Email to: cespn-rg-submittal@usace.army.mil
Attn: Sergio Redondo

U.S. Army, Corps of Engineers
San Francisco District
Regulatory Division, CESPAN-RG
450 Golden Gate Ave., 4th Floor
San Francisco, CA 94102-3404

San Francisco Bay Regional Water Quality Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND
ORDER for:

Routine Maintenance on Bayside Creeks Project, San Mateo County

Sent via electronic mail: No hard copy to follow

Effective Date: **September 5, 2025**

RM 456673
Place ID 894551
WDID# 2 CW456673

Applicant: OneShoreline
San Mateo County Flood & Sea Level Rise Resiliency District
Attn: Len Materman,
1700 S. El Camino Real
San Mateo, CA 94402
(650) 844-8310
Len@Oneshoreline.org
Projects@Oneshoreline.org

Applicant's Agent: Montrose Environmental
Attn: Brian Piontek
1 Kaiser Plaza
Oakland, CA 94612
(510) 986-1850, Ext 19402
Brpiontek@Montrose-Env.com

Water Board: Jackson Fimrite
1515 Clay Street, Suite 1400
Oakland, CA 94612
(510) 622-2310
jackson.fimrite@waterboards.ca.gov

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Order

This Clean Water Act (CWA) section 401 Water Quality Certification and Order (Order) is issued at the request of OneShoreline (Permittee) for the Routine Maintenance on Bayside Creeks Project (Project). We received the application for certification (Application) on July 18, 2025.

The Permittee has also applied to the U.S. Army Corps of Engineers (Corps), Regulatory Branch for coverage under Nationwide Permit 3 (*Maintenance*) and 33 (*Temporary Construction, Access, and Dewatering*), pursuant to CWA Section 404 (33 USC 1344), Corps File No. SPN-2024-00061.

I. Project

The Project consists of routine maintenance activities over a five-year period at five sites along four creeks within San Mateo County (Lat. 37.520409, Long. -122.266074), including focused segments along San Bruno Creek, Belmont Creek, Cordilleras Creek, and the Atherton Channel. The project targets sites that have recently flooded, and will restore channel and culvert capacity and reduce flood risk by removing accumulated sediment, vegetation, and debris.

Project activities include localized sediment removal; outfall maintenance; vegetation management; and other maintenance activities, such as trash and debris removal. Sediment removal activities are expected to occur on a routine, as-needed basis during the five-year Order term. Project staging and access will occur from the top of bank, from adjacent parking lots, trails, roadways, and access roads to minimize impacts. Dewatering will be required at a number of the project locations.

Sediment Removal in San Bruno Creek at 7th Avenue

Sediment near and directly downstream of the pump station outfall area at this location will be removed to maintain channel conveyance and allow unimpeded discharge to the creek. Sediment will be removed using a long-arm excavator operating from the top of bank on an unpaved area next to a maintenance road near the corner of 7th Avenue and San Bruno Avenue. Material will be placed into dump trucks for off-hauling. The initial maintenance activities will remove approximately 350 cubic yards (CY) of material over 250 linear feet (LF) of the creek channel. Over the remainder of the five-year Order term, operation and maintenance activities may include the removal of up to an additional 100 CY of material from this same reach. Dewatering will be required if water is present.

Sediment Removal in Belmont Creek at Highway 101

At this location Belmont Creek passes under Highway 101 through a 225 LF concrete double box culvert. Initial maintenance will include 40 CY of sediment removal from the concrete box culvert under Industrial Road, and removal of an additional 30 CY of material from the culvert inlet and outfall areas, for a total of 70 CY of removal. Follow-

up maintenance will remove up to 450 CY of material from these areas, and will be triggered when culvert conveyance capacity is reduced by at least 40 percent. This is anticipated to take place three years after the initial maintenance. A Vactor truck and a small remote control bobcat will be used to remove sediment, and will access the upstream portion of Belmont Creek from Highway 101, and the downstream portion will be accessed from Shoreline Road. Equipment will be staged in the adjacent business parking lots. Dewatering will be required, and a temporary bypass clear water diversion system will be installed, which will consist of a cofferdam upstream and downstream of the reach with a gravity diversion pipe routed through the culvert.

Sediment Removal in Belmont Creek at Sem Lane

Approximately 7 CY of accumulated sediment at this site will be removed from around two stormwater culvert outfalls discharging from Highway 101 and from parking lots and surfaces in and around Sem Lane, allowing for proper flow conveyance to the main stem of Belmont Creek via a short, narrow slough. The need for further sediment removal will be determined by an annual inspection and will be based on if sediment is hampering outfall function or obstructing discharge. Further sediment removal is anticipated to take place three years after initial maintenance at this location, and will remove up to an additional 7 CY. All work will be conducted from the top of the levee using a long-reach excavator with material placed directly into a dump truck. Equipment will be staged on Sem Lane. Dewatering will be required, and a temporary bypass clear water diversion system will be installed, which will consist of a cofferdam upstream and downstream of the reach and a diversion pipe discharging downstream of the work area.

Sediment Removal in Cordilleras Creek at El Camino Real

Significant sediment deposition occurs at this reach due to channel structure and susceptibility for large debris jams to form. At this location approximately 150 CY of accumulated sediment will initially be removed from 150 LF of the channel. Annual inspections will determine the need for operation and maintenance activities on an as-needed basis. Additional removal activities are anticipated to occur three years after initial maintenance, removing up to 90 CY, and will be triggered if the conveyance capacity is reduced by at least 40 percent after the initial sediment removal. Work and staging will be conducted adjacent to the site from El Camino Real. Dewatering likely will not be required as the channel is typically dry during summer months when work would be completed.

Sediment Removal in Atherton Channel at Haven Avenue

Atherton Channel passes underneath Haven Avenue through a concrete double box culvert, and an 18-inch-diameter stormwater culvert discharges to the channel directly upstream of the Haven Avenue crossing. Initial maintenance activities at this location will consist of removing approximately 6 CY of sediment from a small sediment bar on the right bank downstream of the culvert. Annual inspections will determine the need for further sediment removal over the 5-year permit, with up to

an additional 4 CY of material to be removed during the 5-year Order term. All work will occur from the top of bank and sidewalk along Haven Avenue. Equipment will be staged in business parking lots adjacent to the site. Dewatering will be required, and a temporary bypass clear water diversion system will be installed, which will consist of a cofferdam upstream and downstream of the reach and a diversion pipe discharging downstream of the work area.

Vegetation Management

The Project will also include removal of instream vegetation from approximately 907 LF of channels within the same areas as the sediment removal. This includes removals from approximately 150 LF of San Bruno Creek at 7th Avenue, 500 LF from Belmont Creek at Highway 101, 12 LF from Belmont Creek at Sem Lane, 225 LF from Cordilleras Creek at El Camino Real, and 20 LF from Atherton Channel at Haven Avenue. The majority of vegetation removal is expected to take place during initial removal activities. Follow-up removal in these reaches will be triggered when further sediment removal is required, which will take place once more at each location during the 5-year term of this Certification.

All vegetation within potential habitat for the special status salt marsh habitat mammal species within the project site and within a two-foot buffer around the project work area shall be removed by hand using only non-mechanized hand tools prior to initiation of work within these areas. Pickleweed strands will be removed by hand or weedwhacker. An invasive patch of giant reed will be removed in between El Camino Real and the Caltrain crossing. A non-native palm tree growing on the lower bank of Atherton Channel approximately 20 feet upstream of the culvert will be stump-cut.

Other Maintenance Activity

Other routine maintenance activities authorized by this Order include removal of trash and debris and repair/and or replacement of a duckbill at the culvert outfall in Belmont Creek at Sem Lane.

II. Impacts to Waters of the State

The Project will permanently impact 0.025 acres (ac) (110 LF) and temporarily impact 0.996 ac (2,018 LF) of tidal channel from sediment removal, vegetation management, and channel dewatering, including both initial impacts and operational maintenance impacts over the 5-year Order term. Table 1, below, describes the permanent and temporary impact quantities.

Table 1. Summary of the Project’s permanent and temporary impacts to waters of the State

Impact Type	Linear Feet	Temporary (Acres)	Permanent (Acres)
Initial Impacts	1,120	0.498	0.025
Operation and Maintenance	1,010	0.498	0
TOTAL	2,130	0.996	0.025

III. Mitigation

During construction, the Permittee will avoid and minimize all impacts to waters of the State by implementing appropriate and effective best management practices (BMPs) as described in their Application. These practices and measures include, but are not limited to: 1) Ground-disturbing activities will be limited to the dry season between June 15 and October 15; 2) Ground disturbance within the creek channels will be kept to the minimum footprint necessary to complete Project construction; 3) Erosion and sediment control measures will be implemented, including erosion control blankets and mats, soil stabilization measures (e.g., tackified straw with seed, jute blankets, broadcast and hydroseeding), silt fences, and straw bale barriers; and 4) Proper vehicle fueling techniques and spill prevention measures will be utilized.

To compensate for the Project’s 0.025 ac of permanent impacts and 0.996 ac of temporary impacts the Permittee will purchase 0.1 ac of tidal wetland re-establishment (creation) credits from the the San Francisco Bay Wetland Mitigation Bank, located on Belmont Creek. Prior to construction the permittee will submit to the Water Board proof of purchase of 0.1 ac of credits from the bank. Additionally, the Permittee will hydroseed temporarily disturbed upland areas using a native seed mix.

IV. California Environmental Quality Act (CEQA)

On June 24, 2024, OneShoreline, as lead agency, adopted a Mitigated Negative Declaration (State Clearinghouse (SCH) No. 2024040760) for the Project, filing a Notice of Determination (NOD) at the SCH on July 15, 2024. The Water Board, as a Responsible Agency under CEQA, has reviewed the Project CEQA documents and finds that the Project’s significant environmental effects that are within the Water Board’s purview and jurisdiction have been identified and the Project includes measures to mitigate the effects to a less-than-significant level. Specifically, significant impacts pertaining to wetland and aquatic habitat and water quality will be mitigated to less-than-

significant levels through the implementation of mitigation measures identified in the CEQA documents and the mitigation identified above, all of which are required to be implemented and reported on by this Order.

V. Conditions

The Water Board independently reviewed the Project record to analyze impacts to water quality and the environment and designated beneficial uses within the Project's watershed. In accordance with this Order, the Permittee may proceed with the Project under the following terms and conditions. The conditions are necessary for the Water Board to find that the Project's discharge into the waters of the United States and the State is consistent with applicable law, and the Order could not be issued but for the inclusion of these conditions.

General Conditions

1. The Project shall be constructed in conformance with the Project description provided in the Application. The Permittee shall fully comply with engineering plans, specifications, and technical reports submitted in the Application or required as part of this Order. **Any changes to information provided in the Application must be submitted to the Water Board and receive Executive Officer approval before the changes are implemented.**
2. To protect water in the creeks and wetlands from sediment generation or discharges of debris associated with work authorized by this Order, work in waters of the State is restricted to the dry season work window of April 15 through October 31.
3. Disturbance or removal of vegetation shall be minimized. The sites shall be stabilized through the incorporation of appropriate BMPs, including the successful reestablishment of native vegetation to enhance wildlife habitat values, and to prevent and control erosion.
4. No equipment shall be operated in stream channels or other waters where there is flowing or standing water. Fueling, cleaning, or maintenance of vehicles or equipment during construction shall not take place within any areas where an accidental discharge to waters of the State may occur.
5. No unauthorized construction-related materials or wastes shall be allowed to enter into or be placed where they may be washed by rainfall or runoff into waters of the State. When construction is completed, any excess material shall be removed from the work area and any areas adjacent to the work area where such material may be discharged to waters of the State.

Mitigation

6. To mitigate any temporary impacts to upland areas that could result in a discharge to waters of the State, the Permittee shall restore disturbed upland areas through hydroseeding using a native seed mix.
7. To mitigate for 0.025 ac of permanent impacts and 0.996 ac of temporary impacts, the Permittee shall purchase 0.1 ac of tidal wetland re-establishment (creation) credits from the San Francisco Wetland Mitigation Bank, located on Belmont Creek..
8. The Permittee shall submit a copy of the fully executed agreements and proof of payment for the purchase of 0.1 ac of tidal wetland re-establishment mitigation bank credits **before the start of Project construction**. The agreements shall reference **MitigationAgreements _456673_Routine Maintenance on Bayside Creeks Project** and shall be submitted via email to rb2-401reports@waterboards.ca.gov and jackson.fimrite@waterboards.ca.gov, or by mail to the attention of 401 Certification Reports at the Water Board (see address on the letterhead).

Monitoring and Reporting

9. The Permittee shall submit, acceptable to the Executive Officer, a Dewatering Plan, for each project segment, at least 14 days prior to the start of construction. The Dewatering Plan(s) shall include designs and plans for dewatering activities, including descriptions of the clean water bypass system and cofferdams to be used as well as locations. The Report shall reference **Dewatering Plan_456673_Routine Maintenance on Bayside Creeks Project** and shall be sent via email to rb2-401reports@waterboards.ca.gov and jackson.fimrite@waterboards.ca.gov, or by mail to the attention of 401 Certifications Reports (see address on the letterhead).
10. The Permittee shall submit a Start of Construction Report at least seven days prior to start of initial ground disturbance activities. This report will indicate the start of this Order's 5-year period of coverage. Project activities are anticipated to start in 2025, therefore once the Start of Construction Report is submitted coverage will last until the end of 2030, unless the project begins at a different time. The Report shall reference **SOC_456673_Routine Maintenance on Bayside Creeks Project** and shall be sent via email to rb2-401reports@waterboards.ca.gov and jackson.fimrite@waterboards.ca.gov, or by mail to the attention of 401 Certifications Reports (see address on the letterhead).
11. The Permittee shall submit a Notice of Proposed Work by May 20th, prior to each Project year. This report will provide details of the work to be completed during the upcoming construction season. It will include planned Project locations, amount of sediment to be removal, amount of vegetation

to be removed, areas to be dewatered, and planned dates of Project activities. The Report shall reference **NOPW_456673_Routine Maintenance on Bayside Creeks Project** and shall be sent via email to rb2-401reports@waterboards.ca.gov and jackson.fimrite@waterboards.ca.gov, or by mail to the attention of 401 Certifications Reports (see address on the letterhead).

12. The Permittee shall submit annual activities reports, acceptable to the Executive Officer, by January 31 following each Project year. At the time of this Order, construction is anticipated to begin in 2025. The first annual report shall be due on January 31, 2026, unless the project begins at a different time. Each annual report shall summarize the Project work that was completed in the previous calendar year, including project locations, area and length of creek channel impacted, volume of material removed, area of vegetation removal, and method(s) used to complete the work. Annual construction reports shall reference **AMR_456673_Routine Maintenance on Bayside Creeks Project** and shall be sent via email to rb2-401reports@waterboards.ca.gov and jackson.fimrite@waterboards.ca.gov, or by mail to the attention of 401 Certifications Reports (see address on the letterhead).
13. No later than 30 days after the end of the Project's 5-year period, the Permittee shall submit, acceptable to the Executive Officer, a Notice of Project Completion. The Notice shall include the dates, locations, and volume of materials removed for Project activities for the 5-year period and reference **NOC_456673_Routine Maintenance on Bayside Creeks Project**. The Notice shall be sent via email to rb2-401reports@waterboards.ca.gov and jackson.fimrite@waterboards.ca.gov, or by mail to the attention of 401 Certifications Reports (see address on the letterhead).

Administrative

14. The Permittee shall grant Water Board staff or an authorized representative, upon presentation of credentials and other documents as may be required by law, permission to: (1) enter upon the Project site or compensatory mitigation site(s) where a regulated facility or activity is located or conducted, or where records are kept; (2) have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order; (3) inspect any facilities, equipment, practices, or operations regulated or required under this Order; and (4) sample or monitor for the purposes of assuring Order compliance.
15. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be

responsible for work conducted by its consultants, contractors, and any subcontractors.

General Compliance

16. The Permittee shall notify the Water Board of any event causing a violation of compliance with water quality standards as soon as practicable (ideally within 24 hours). Notification may be via telephone, email, delivered written notice, or other verifiable means.
17. Failure to implement the Project as proposed is a violation of this Order. Violation of this Order is a violation of state law and is subject to administrative civil liability pursuant to California Water Code (CWC) Section 13350. Failure to meet any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act and may subject you to civil liability imposed by the Water Board to a maximum of \$5,000 per day of violation or \$10 for each gallon of waste discharged in violation of this Order.
18. Any requirement for a report made as a condition of this Order is a formal requirement pursuant to CWC Section 13267, and failure to submit, late or inadequate submittal, or falsification of such technical report(s) is also subject to civil liability pursuant to CWC Section 13268. The burden, including costs, of providing the reports bears a reasonable relationship to the need for the reports and the benefits to be obtained from them.
19. In response to a suspected violation of any condition of this Order, the Water Board may require the Permittee to furnish, under penalty of perjury, any technical or monitoring reports the 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.
20. Should new information come to our attention that indicates a water quality problem with this Project, the Water Board may issue Waste Discharge Requirements pursuant to Title 23, California Code of Regulations (23 CCR), Section 3857.
21. This Order shall continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project.

Standard Conditions

22. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to CWC Section 13330 and 23 CCR Section 3867.

23. This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR Subsection 3855(b) and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

Fees

24. In accordance with 23 CCR Section 2200, the Permittee shall pay an annual fee to the Water Board each fiscal year (July 1 – June 30) until Project construction activities are completed and an acceptable Notice of Project Construction Completion is received by the Water Board. If monitoring is required, the Permittee shall pay an annual fee to the Water Board until monitoring activities are completed and an acceptable Notice of Mitigation Monitoring Completion is received by the Water Board. Annual fees will be automatically invoiced to the Permittee. **The Permittee must notify the Water Board at Project and mitigation completion with a final report in order to request to terminate annual invoicing. Notification should be sent to the staff listed at the bottom of this Order and to rb2-401reports@waterboards.ca.gov.** Water Board staff will verify conditions of the Order have been met and may request a site visit at that time to confirm the Project's status and compliance with this Order.
25. This Order is conditioned upon total payment of the full fees, including annual fees, required in State regulations (23 CCR Sections 2200(a)(3) and 3833(b)(3)) and owed by the Permittee. The Application fee for this Project was paid in two installments, \$2,734 on April 23, 2024, and the remaining \$35,561 paid on July 28, 2025, and was calculated as Category A – *Fill & Excavation Discharges* with the dredge and fill fee calculator.

I, Eileen White, Executive Officer, do hereby issue this Order certifying that any discharge from the proposed Project will comply with the applicable provisions of CWA sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards), and with other applicable requirements of State law. 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 Order.

If you have any questions concerning this Order, please contact Jackson Fimrite of my staff at (510) 622-2310 or jackson.fimrite@waterboards.ca.gov.

for Eileen M. White, P.E.
Executive Officer

cc: SWRCB, DWQ, stateboard401@waterboards.ca.gov
Water Board, Victor Aelion, victor.aelion@waterboards.ca.gov
U.S. EPA, Region IX:
Regulatory Inbox, r9cwa401@epa.gov
Zoe Chan, chan.zoe@epa.gov
U.S. Army Corps, SF Regulatory:
Regulatory Inbox, cespn-rq-info@usace.army.mil
Sergio Redondo, sergio.a.redondo@usace.army.mil
CDFW, Bay Delta Region:
Regulatory Inbox, askBDR@wildlife.ca.gov
Jason Teichman, Jason.teichman@wildlife.ca.gov
OneShoreline, Johnathan Perisho, jperisho@oneshoreline.org



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road #100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



October 2, 2025

Len Materman
San Mateo County - Flood and Sea Level Rise Resiliency District
1700 S. El Camino Real, Suite 502
San Mateo, California 94402
len@onshoreline.org

Dear Mr. Len Materman:

Final Lake or Streambed Alteration Agreement, EPIMS Notification No. EPIMS-SMO-48830-R3, Routine Maintenance on Bayside Creeks Project, San Mateo Creek, Belmont Creek, Cordilleras Creek, and Atherton Channel

Attached is the final Streambed Alteration Agreement (Agreement) for the Routine Maintenance on Bayside Creeks Project (Project). Before the California Department of Fish and Wildlife (CDFW) may issue an Agreement, it must comply with the California Environmental Quality Act (CEQA). In this case, CDFW acting as a responsible agency filed a Notice of Determination (NOD) within five working days of signing the Agreement. The NOD was based on information contained in the Mitigated Negative Declaration (MND) (State Clearinghouse Number 2024040760) prepared by the lead agency.

Under CEQA, the filing of an NOD triggers a 30-day statute of limitations period during which an interested party may challenge the filing agency's approval of the Project. You may begin the Project before the statute of limitations 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 letter, please contact Jason Teichman, Environmental Scientist at (707) 210-5104 or by email at jason.teichman@wildlife.ca.gov.

Jason Teichman, Environmental Scientist
California Department of Fish and Wildlife
Bay Delta Region

Department of Fish and Wildlife

CDFW Electronic Signature :

Craig Weightman

CDFW Representative Title:

Environmental Program Manager

Date Signed:

10/03/2025

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

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STREAMBED ALTERATION AGREEMENT

NOTIFICATION NO. EPIMS- SMO-48830-R3
San Bruno Creek, Belmont Creek, Cordilleras Creek, Atherton Channel

LEN MATERMAN, SAN MATEO COUNTY - FLOOD AND SEA LEVEL RISE
RESILIENCY DISTRICT
ROUTINE MAINTENANCE AGREEMENT

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and San Mateo County - Flood and Sea Level Rise Resiliency District as represented by Len Materman (Permittee).

RECITALS

WHEREAS, pursuant to Fish and Game Code section 1602, Permittee notified CDFW on April 18, 2024 and provided subsequent documents that Permittee intends to complete the project described herein.

WHEREAS, pursuant to Fish and Game Code section 1603, CDFW 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 at five (5) distinct maintenance sites along four (4) creeks within San Mateo County, California: 1) San Bruno Creek at 7th Street (37.631618, -122.405077); 2) Belmont Creek at Sem Lane (37.525607, -122.265811); 3) Belmont Creek at Highway 101 (37.520409, -122.266074); 4) Cordilleras Creek at El Camino Real (37.494170, -122.244141); and, 5) Atherton Channel at Haven Avenue (37.486845, -122.180905).

PROJECT DESCRIPTION

The Project is limited to routine maintenance activities affecting San Bruno Creek, Belmont Creek, Cordilleras Creek, and Atherton Channel. Each routine maintenance Project will be submitted to CDFW in writing through annual Project notifications.

This Project will remove localized accumulations of sediment and in-stream vegetation growth. Additional details for maintenance activities are as follows:

San Bruno Creek at 7th Street (37.631618, -122.405077):

- Staging equipment will occur at the unpaved area next to the maintenance road.
- In-channel flow diversion and dewatering will occur near the pump station outfall to facilitate removal of instream vegetation and sediment.
- Maintenance activities include vegetation and sediment removal near the pump station outfall.
- Vegetation and sediment removal will be conducted using a long-arm excavator operating from above the top of bank and placing material directly into dump trucks for off-hauling.
- Initial maintenance activities will remove approximately 350 Cubic Yards (CY) of material over a 250 Linear Feet (LF) channel segment downstream of the pump station.
- Operational maintenance activities will remove up to 100 CY of material.

Belmont Creek at Sem Lane (37.525607, -122.265811):

- Access to the work site will take place from Sem Lane and the unpaved areas at the road terminus adjacent to the channel.
- All work will be conducted from the top of the levee using a long-reach excavator with material placed directly into a dump truck.
- The work area will require a cofferdam barrier and require diversion and dewatering.
- Annual sediment removal is limited to 5-7 CY of material from the vicinity around two stormwater culvert outfalls.

Belmont Creek at Highway 101 (37.520409, -122.266074):

- Access and staging will occur from Industrial Road and the parking lot(s) adjacent to the maintenance site.
- Instream work and work within the culvert interiors will require diversion and dewatering.
- Sediment will be removed from the interior of the concrete box culvert under Industrial Way.
- Initial maintenance activities will remove approximately 40 CY of sediment and instream vegetation 50 LF upstream and downstream of Industrial Way.

- An additional 30 CY of material will be removed from the areas immediately upstream and downstream of Highway 101, and up to 450 CY of material from the Highway 101 culvert interior.
- Additional instream vegetation will be removed from approximately 50 LF directly upstream and downstream of the culvert.
- Operational maintenance activities will occur when conveyance capacity is reduced by 40 percent from the initial maintenance action and would return flow conveyance to a minimum of 80 percent culvert capacity.
- Annual inspections will determine the scope of instream vegetation to be removed.

Cordilleras Creek at El Camino Real (37.494170, -122.244141):

- Access will occur from El Camino Real and Stafford Street and staging at an open space adjacent to the channel.
- Maintenance activities include sediment and vegetation removal from the El Camino Real culvert, through an S-bend in the channel, to the upstream side of the Stafford Street culvert.
- Initial maintenance activities will remove approximately 150 CY of material along 150 LF and an existing Arundo stand will be removed.
- After the initial sediment and vegetation removal, annual inspections will determine the scope of operational maintenance activities that will be conducted, including trash and debris removal.
- Sediment removal will be triggered if the conveyance capacity is reduced by 40 percent after the initial sediment removal through the S-bend segment as it passes underneath El Camino Real and the Caltrain crossing.
- Sediment removal is limited to 90 CY annually.
- On an as-needed basis different equipment will be used as available in response to localized conditions. Equipment would operate from the top of bank and with hand crews as feasible, including crane operation and use of vector trucks. A small remote-control bobcat or equivalent small front loader may be used due to low, narrow, enclosed spaces through multiple culverts with restricted top of bank access.

Atherton Channel at Haven Avenue (37.486845, -122.180905):

- Access and staging will occur from business parking lots adjacent to the site, and all work will occur from above the top of bank and sidewalk along Haven Avenue.
- The work area would require a small cofferdam barrier and dewatering.
- Maintenance activities at this location will remove racked debris on the upstream side of the culvert.
- Removal of a sediment bar (6 CY) on the right bank downstream of the culvert
- Removal of a large non-native palm tree (stump-cut) at the lower bank upstream of the culvert.

- Annual inspection will be conducted to determine operational maintenance activities including trash, sediment, and debris removal.
- Annual sediment removal is limited to 4 CY of material.

Routine maintenance does not include: 1) any new work other than the activities described above, and 2) the removal or damage of riparian vegetation except as authorized by this Routine Maintenance Agreement.

Fully protected species may not be taken or possessed at any time.

PROJECT IMPACTS

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

- freshwater emergent marsh habitat;
- salt marsh habitat;
- riparian habitat;
- wetland habitat;
- water quality;
- migratory and foraging birds;
- nesting birds;
- common aquatic and terrestrial species;
- and fish.

Habitat and fish and wildlife species of particular concern by location include but not limited to:

- **San Bruno Creek at 7th Street (37.631618, -122.405077):**
 - Alameda song sparrow (*Melospiza melodia pusillula*), CDFW Species of Special Concern
 - California black rail (*Laterallus jamaicensis coturniculus*), Federal Endangered, Fully protected species
 - California red-legged frog (*Rana draytonii*), Federal Threatened, CDFW Species of Special Concern
 - Hoary bat (*Lasiurus cinereus*)
 - Pickleweed (*Salicornia pacifica*)
 - San Francisco garter snake (*Thamnophis sirtalis tetrataenia*), Federal Endangered, State Threatened, Fully protected species
- **Belmont Creek at Sem Lane (37.525607, -122.265811):**
 - Alameda song sparrow (*Melospiza melodia pusillula*), CDFW Species of Special Concern
 - American peregrine falcon (*Falco peregrinus anatum*), Delisted
 - California black rail (*Laterallus jamaicensis coturniculus*), Federal Endangered, Fully protected species

- California least tern (*Sternula antillarum browni*), Federal Endangered, State Endangered, Fully protected species
 - California Ridgway's rail (*Rallus longirostris obsoletus*) - Fully protected species, Federal Endangered, State Endangered, Fully protected species
 - Point Reyes salty bird's-beak (*Chloropyron maritimum ssp. Palustre*), Rare Pant Rank: 1B.2
 - Saline clover (*Trifolium hydrophilum*), Rare Pant Rank: 1B.2
 - Salt marsh harvest mouse (*Reithrodontomys raviventris*) Federal Endangered, State Endangered, Fully protected species
 - Salt marsh wandering shrew (*Sorex vagrans halicoetes*)
 - Short-eared owl (*Asio flammeus*), CDFW Species of Special Concern
- **Belmont Creek at Highway 101 (37.520409, -122.266074):**
 - California black rail (*Laterallus jamaicensis coturniculus*), Federal Endangered, Fully protected species
 - California Ridgway's rail (*Rallus longirostris obsoletus*), Federal Endangered, Fully protected species
 - Green sturgeon - southern DPS (*Acipenser medirostris pop.*), Federal Threatened, CDFW Species of Special Concern
 - Point Reyes salty bird's-beak (*Chloropyron maritimum ssp. Palustre*), Rare Pant Rank: 1B.2
 - Pallid bat (*Antrozous pallidus*), CDFW Species of Special Concern
 - Pickleweed (*Salicornia pacifica*)
 - Saline clover (*Trifolium hydrophilum*), Rare Pant Rank: 1B.2
 - Townsend's big-eared bat (*Corynorhinus townsendii*), CDFW Species of Special Concern
- **Cordilleras Creek at El Camino Real (37.494170, -122.244141):**
 - Alameda song sparrow (*Melospiza melodia pusillula*), CDFW Species of Special Concern
 - Hoary bat (*Lasiurus cinereus*)
 - Short-eared owl (*Asio flammeus*), CDFW Species of Special Concern
 - Western bumble bee (*Bombus occidentalis*), Federal Candidate Endangered
- **Atherton Channel at Haven Avenue (37.486845, -122.180905):**
 - Alameda song sparrow (*Melospiza melodia pusillula*), CDFW Species of Special Concern
 - Green sturgeon - southern DPS (*Acipenser medirostris pop. 1*), Federal Threatened, CDFW Species of Special Concern
 - Hoary bat (*Lasiurus cinereus*)
 - California Ridgway's rail (*Rallus obsoletus obsoletus*), Federal Endangered, Fully protected species

- Northern slender pondweed (*Stuckenia filiformis* ssp. *Alpina*), Rare Pant Rank: 2B.2
- Northern Coastal Salt Marsh
- Point Reyes salty bird's-beak (*Chloropyron maritimum* ssp. *palustre*), Rare Pant Rank: 1B.2
- Salt marsh harvest mouse (*Reithrodontomys raviventris*), Federal Endangered, State Endangered, Fully protected species
- Salt marsh wandering shrew (*Sorex vagrans halicoetes*)
- Western bumble bee (*Bombus occidentalis*), Federal Candidate Endangered
- Western pond turtle (*Emys marmorata*), Federal Proposed Threatened, CDFW Special of Special Concern
- Western snowy plover (*Charadrius nivosus nivosus*), Federal Threatened, CDFW Special of Special Concern
- Yellow rail (*Coturnicops noveboracensis*), CDFW Special of Special Concern

The Project proposes annual maintenance activities that will produce both permanent and temporary impacts:

Temporary Impacts (Exhibit A)

San Bruno Creek at 7th Street (37.631618, -122.405077):

- Initial maintenance activities:
 - Sediment removal: 250 LF (0.119 acres), 350 CY
 - Channel dewatering: 250 LF (0.119 acres)
 - Non-wetland vegetation management: 200 LF (0.041 acres)
- Operational maintenance activities (annual limits):
 - Sediment removal: 250 LF (0.119 acres), 100 CY
 - Channel dewatering: 250 LF (0.119 acres)
 - Non-wetland vegetation management: 200 LF (0.041 acres)

Belmont Creek at Sem Lane (37.525607, -122.265811):

- Initial maintenance activities:
 - Channel dewatering: 14 LF (0.006 acres)
- Operational maintenance activities (annual limits):
 - Sediment removal: 12 LF (0.005 acres), 7 CY
 - Channel dewatering: 14 LF (0.006 acres)

Belmont Creek at Highway 101 (37.520409, -122.266074):

- Initial maintenance activities:

- Sediment removal: 200 LF (0.081), 30 CY
- Sediment removal – culvert interior (Industrial Rd.): 75 LF (0.041 acres), 40 CY
- Channel dewatering: 500 LF (0.315 acres)
- Non-wetland vegetation management: 470 LF (0.315 acres)
- Operational maintenance activities (annual limits):
 - Sediment removal: 200 LF (0.081 acres), 10 CY
 - Sediment removal – culvert interior (Industrial Rd.): 75 LF (0.041 acres), 30 CY
 - Sediment removal – culvert interior (Hwy 101): 225 LF (0.061 acres), 150 CY
 - Channel dewatering: 300 LF (0.11 acres)
 - Non-wetland vegetation management: 250 LF (0.064 acres), CY 120

Cordilleras Creek at El Camino Real (37.494170, -122.244141):

- Initial maintenance activities:
 - Sediment removal: 150 LF (0.019 acres), 40 CY
 - Sediment removal – culvert interior: 125 LF (0.032 acres), 110 CY
 - Non-wetland vegetation management: 100 LF (0.029 acres)
- Operational maintenance activities (annual limits):
 - Sediment removal: 250 LF (0.019 acres), 25 CY
 - Sediment removal – culvert interior: 125 (0.032 acres), 65 CY
 - Non-wetland vegetation management: 250 LF (0.119 acres)

Atherton Channel at Haven Avenue (37.486845, -122.180905):

- Initial maintenance activities:
 - Sediment removal: 15 LF (0.004 acres), 6 CY
 - Non-wetland vegetation management: 15 LF (0.004 acres)
 - Channel dewatering: 20 LF (0.007 acres)
- Operational maintenance activities (annual limits):
 - Sediment removal: 10 LF (0.003 acres), 4 CY
 - Non-wetland vegetation management: 10 LF (0.119 acres)
 - Channel dewatering: 15 LF (0.004 acres)

Permanent Impacts (Exhibit A)

San Bruno Creek at 7th Street (37.631618, -122.405077):

- Initial maintenance activities:
 - 404 wetlands removal: 98 LF (0.020 acre)

Belmont Creek at Sem Lane (37.525607, -122.265811):

- Initial maintenance activities:
 - Sediment/ 404 wetland vegetation removal: 12 LF (0.005 acres), 4 CY

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

- potential increase in sediment transport during project activities;
- increase in turbidity during project activities;
- disruption of nesting and foraging birds;
- loss of foraging, nesting and shelter habitat for birds;
- changes in canopy cover and microclimate;
- temporary loss of riparian habitat;
- change in water temperature;
- change in stream flow;
- alter the existing drainage pattern of the site in a manner which would result in on- or off-site erosion;
- change in contour of bed, bank, or channel;
- change in flow depth, width, or velocity;
- change in gradient of bed, channel, or bank;
- change in channel cross-section;
- and direct take of organisms during vegetation management and sediment removal.

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 CDFW 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 CDFW 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, CDFW shall contact Permittee to resolve any conflict.
- 1.4 Project Site Entry. Permittee agrees that CDFW personnel may enter the project site at any time to verify compliance with the Agreement.
- 1.5 Notify CDFW Prior to Work. The Permittee shall notify CDFW by email at least five working days prior to commencement of covered activities. See contact information below.
- 1.6 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.
- 1.7 Unauthorized Take. The Permittee is required to comply with all applicable State and Federal laws, including the California Endangered Species Act (CESA) and Federal Endangered Species Act. This Agreement does not authorize the take of any State or Federal endangered or threatened species. Liability for any take or incidental take of such listed species remains the responsibility of the Permittee for the duration of the project. Any unauthorized take of such listed species may result in prosecution and nullification of the Agreement.
- 1.8 Fish Passage. The Project shall be in compliance with Fish and Game Code section 5901 and shall not install or maintain any device or contrivance that prevents, impedes, or tends to prevent or impede, the passing of fish¹ up and down stream.
- 1.9 Exceptions to Authorized Activities. Permittee shall submit separate notification pursuant to Section 1602 of the California Fish and Game Code, together with the required fee prescribed in the CDFW Lake and Streambed Alteration Agreement fee schedule, and otherwise follow the normal notification process prior to the commencement of work activities in all cases where one or more of the following conditions apply:
 - The proposed work does not meet the established criteria for routine maintenance activities in the Project Description of this Agreement.
 - The nature of the work is substantially modified from the work described in the Project Description of this Agreement.
 - CDFW advises the Permittee that conditions affecting fish and wildlife resources have substantially changed at a specific work site or that such resources would be adversely affected by the Project.

¹ Fish, as defined in Fish and Game Code Section 45, means a wild fish, mollusk, crustacean,

- The proposed work would adversely impact a species of special concern, rare, threatened, endangered, or candidate species or its habitat.

1.10 CDFW Field Review. CDFW may review in the field any maintenance work submitted and/or may require that additional conditions be applied to specific activities and amended into this 1602 Routine Maintenance Agreement, or that certain projects may require separate notification and development of a separate 1602 notification and Agreement.

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.

Work Period and Design

- 2.1 Work Period. All work shall begin on or after **June 15** and all work shall be completed by **October 15**, with the exception of control of weeds and grasses on the banks of the channel which shall be limited to dry weather.
- 2.2 Conduct Work During Daylight Hours. Work is restricted to daylight hours (one hour after sunrise to sunset).
- 2.3 Work According to Documents. Except as they are contradicted by measures required by this Agreement, all work shall be conducted in conformance with the project description above and the avoidance, minimization, and mitigation measures provided in the notification package.

Weather Restrictions

- 2.4 Work Period in Dry Weather Only. Project work shall be restricted to dry weather, as allowed during the work period specified in Measure 2.1. The Permittee shall monitor forecasted precipitation. When a ¼-inch or more of precipitation is forecasted to occur, the Permittee shall stop work before precipitation commences. No Project activity may be started if its associated erosion control measures cannot be completed prior to the onset of precipitation. After any storm event, the Permittee shall inspect all sites currently under construction and all sites scheduled to begin construction within the next 72 hours for erosion and sediment problems and take corrective action as needed. Seventy-two-hour weather forecasts from the National Weather Service shall be consulted and work shall not resume until runoff ceases and there is less than a 30 percent forecast for precipitation for the following 24-hour period. Weather forecasts shall be documented upon request by CDFW.

Sediment Removal Limitations

- 2.5 Sediment Removal Quantity. Initial and annual sediment removal is limited to quantities described in the Project description above.

Reptile and Amphibian Species of Special Concern

- 2.6 Western Pond Turtle and Frog Inspection. No more than two weeks prior to the commencement of vegetation treatment or ground-disturbing activities, a Qualified Biologist shall perform a site inspection of the Project area and 50 feet upstream and downstream for western pond turtle individuals and nest sites, California red-legged frogs, and foothill yellow-legged frogs. If western pond turtles or foothill yellow-legged frogs are observed on-site, they shall be avoided and allowed to leave the Project area of their volition; or, they may be relocated with prior written approval from CDFW. Any turtle nest sites shall be avoided with an appropriate buffer identified by a Qualified Biologist and accepted by CDFW. If California red-legged frogs are observed on-site, they shall be avoided and allowed to leave the Project area of their own volition. California red-legged frogs shall not be handled without additional approvals from the U.S. Fish and Wildlife Service pursuant to the federal Endangered Species Act.

Nesting Bird Surveys, Prohibitions, and Buffers

- 2.7 Breeding Bird Nest Take Prohibition. Permittee shall avoid active nests occurring near the Project site. Permittee is responsible for complying with Fish and Game Code section 3503 et seq. and the Migratory Bird Treaty Act of 1918.
- 2.8 Nesting Bird Surveys. If construction, grading, vegetation removal, or other Project-related activities are scheduled during the nesting season of protected raptors and migratory birds, February 1 to August 31, a focused survey for active nests of such birds shall be conducted by a Qualified Biologist seven (7) days prior to the beginning of Project-related activities. The results of the survey shall be sent to CDFW by email prior to the start of Project activities. Refer to Notification Number **EPIMS-SMO-48830-R3** when submitting the survey to CDFW. If an active nest is found, Permittee shall consult with CDFW regarding appropriate action to comply with Fish and Game Code. If a lapse in Project-related work of seven (7) days or longer occurs, another focused survey and if needed, consultation with CDFW, shall be required before Project work can be reinitiated.
- 2.9 Active Nest Buffers. If an active nest is found during surveys, Permittee or the Qualified Biologist shall consult with CDFW regarding appropriate action to comply with State and federal laws. Active nest sites shall be designated as “Ecologically Sensitive Areas” (ESA) and protected (while occupied) during Project work by demarking a “No Work Zone” around each nest site.
- Buffer distances for bird nests should be site specific and an appropriate distance, as determined by a Qualified Biologist. The buffer distances should be specified to protect the bird’s normal bird behavior to prevent nesting failure

or abandonment. The buffer distance recommendation should be developed after field investigations that evaluate the bird(s) apparent distress in the presence of people or equipment at various distances. Abnormal nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed towards Project personnel, standing up from a brooding position, and flying away from the nest. The Qualified Biologist and Biological Monitor shall have authority to order the cessation of all nearby Project activities if the nesting birds exhibit abnormal behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established.

- 2.10 Nesting Habitat Removal or Modification. No habitat removal or modification shall occur within the ESA-marked nest zone (see above measure) until the young have fully fledged and will no longer be adversely affected by the Project, as determined by a Qualified Biologist or Biological Monitor. Any trees or shrubs that are removed shall be “downed” in such a manner as to minimize disturbance to stable soil conditions.

General Wildlife Protection and Prevention

- 2.11 CDFW-Approved Qualified Biologist(s) and Monitor(s). At least 14 days prior to the start of Project activities, Permittee shall submit to CDFW for written approval, the names and resumes of all Qualified Biologists and Biological Monitors involved in conducting surveys and/or monitoring work.
- 2.12 Daily Inspections. Prior to initiation of Project activities that involve the use of heavy machinery or motorized equipment, the work areas, equipment and material left onsite, and any access routes into the work area and nearby vicinity, shall be inspected by a Qualified Biologist, Biological Monitor, or qualified person approved in writing by CDFW for the presence of special-status species (wildlife and plants), roosting bats, nesting birds, or other wildlife. If any protected species or nesting birds are detected, CDFW shall be notified and Project activities shall not begin until the species has left the site of its own volition, or CDFW provides written permission to proceed. A Qualified Biologist does not need to be present at the Project site for the entire duration of the workday.
- 2.13 Wildlife Encounters. Any wildlife encountered during Project activities shall be allowed to leave the area unharmed and of their own volition.
- 2.14 Heavy Equipment in Stream. When heavy equipment is required to remove sediment from a stream channel, the equipment shall be operated from above top of bank, outside of the live stream, bed, bank, and channel. For work in a live stream at: 1) Belmont Creek at US 101, and 2) Cordilleras Creek, if spaces are too restricted and inaccessible for work from the top of bank or by hand crews, the limited use of a small remote-controlled bobcat or equivalent may be used with approval of an Equipment In-Stream Work Plan, including routes of ingress and

egress, dewatering plan (if applicable), schedule of work, and name and contact information for the on-site Biological Monitor, submitted to CDFW in writing at least 48 hours prior to the start of activities.

Diversions/Dams/Barriers

- 2.15 Diversion Plan. If flowing water is present or reasonably anticipated in work area, the Permittee shall submit for approval a detailed water diversion/dewatering plan to the CDFW. Dewatering structures may include the use of sandbag, Port-a-dams, water bladder dams, K-rails or driven sheet metal coffer dams. CDFW will review the proposed water diversion method, to approve the plan or provide the requirements for that approval. The Permittee may not commence the dewatering of the stream or sediment removal in a live stream without the explicit approval from the CDFW.
- 2.16 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. Normal flow shall be restored to the affected stream immediately upon completion of work at that location.
- 2.17 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.

Vegetation Protection, Prevention, and Restoration

- 2.18 Habitat Protection. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the Project. Vegetation outside the defined Project area shall not be removed or damaged without prior consultation and approval of a CDFW representative.
- 2.19 Treat Exposed Areas. All exposed/disturbed areas and access points within the riparian 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 seed. Seeded areas shall be mulched. Landscape fabric shall not be used. 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.
- 2.20 Exotic Plants. Permittee shall not plant, seed or otherwise introduce invasive exotic plant species. Prohibited exotic plant species include those identified in the California Invasive Plant Council's database, which is accessible at: [.](#)

2.21 Disposal of Vegetation and Debris. All removed vegetation and debris shall be moved outside the ordinary high-water mark prior to inundation by water. All removed vegetation and debris shall be disposed of according to state and local laws and ordinances.

Erosion and Sediment Control

2.22 Erosion control. At no time shall silt laden runoff be allowed to enter a river, stream, or lake or directed to where it may enter a river, stream, or lake. Erosion control measures shall be utilized throughout all phases of operation where sediment runoff from exposed slopes threatens to enter a river, stream, or lake. Erosion control measures, such as, silt fences, straw hay bales, gravel or rock lined ditches, water check bars, and broadcasted straw shall be used wherever sediment has the potential to leave the work site and enter the river, stream, or lake.

2.23 Monofilament. Permittee shall not use erosion control materials containing plastic monofilament netting (erosion control matting) or similar material containing netting within the project area due to documented evidence of amphibians and reptiles becoming entangled or trapped in such material. Acceptable substitutes include coconut coir matting or similar.

2.24 Excavation. No spoil from the excavation shall be placed on the bed or bank of the stream. Excavated spoil shall be removed to an area where the sediment will not deliver to a watercourse.

2.25 Erosion Control Monitoring. Permittee shall monitor erosion control measures during and after each storm event and repair and/or replace ineffective measures immediately.

2.26 Disposal and Removal of Materials. All removed spoils and construction debris shall be moved outside the work area prior to inundation by water. Spoil sites shall not be located within the stream channel or areas that may be subjected to stream flows, where spoil may be washed back into a stream, or where it may impact streambed habitat, aquatic or riparian vegetation. All removed material shall be disposed of according to State and local laws and ordinances.

Equipment and Vehicles

2.27 Operating Equipment and Vehicle Leaks. Any equipment or vehicles driven and/or operated 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.

- 2.28 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.
- 2.29 Equipment Storage. Staging and storage areas for equipment, materials, fuels, lubricants, and solvents, shall be located outside of the stream channel and banks.

Debris and Waste

- 2.30 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.
- 2.31 Pick Up Debris. Permittee shall pick up all debris and waste daily.
- 2.32 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.

Toxic and Hazardous Material

- 2.33 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 watertight containers or removed from the project site.
- 2.34 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

- 2.35 Spill Kits. Prior to entering the work site, all field personnel shall know the location of spill kits and trained in their appropriate use.
- 2.36 Spill Containment. All activities performed in or near a river, stream, or lake shall have absorbent materials designated for spill containment and cleanup 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 cleanup activities. CDFW shall be notified by the Permittee and consulted regarding clean-up procedures.

Habitat Enhancement

2.37 Habitat Restoration, Monitoring, and Reporting Plan. Permittee shall develop and submit a detailed Habitat Restoration, Monitoring, and Reporting Plan (Habitat Restoration Plan) proposal to CDFW and receive written approval prior to finalizing this Agreement for temporary and permanent impacts to the Project site. Once approved, Permittee shall implement the Habitat Restoration Plan as part of this Agreement (Exhibit B). If restoration is not initiated within one year of the start of Project impacts, a higher restoration ratio may be required to offset temporal habitat loss.

3. Reporting Measures

Permittee shall meet each reporting requirement described below.

- 3.1 Notification Prior to Work. Notify CDFW Prior to Work, at least **5 days** prior to the start of Project activities, Permittee shall notify CDFW that work will commence.
- 3.2 Survey Reports. Survey results for nesting birds and all other special-status species shall be submitted to, and accepted in writing by, CDFW prior to the start of work.
- 3.3 Qualified Biologist Approval. CDFW-Approved Qualified Biologist(s) and Monitor(s), no later than **14 days** prior to Project activities Permittee shall submit to CDFW, for review and approval, the qualifications for the biologist(s) that shall oversee the implementation of the conditions in this Agreement and conduct surveys or monitoring work.
- 3.4 Notification of Proposed Activities. Permittee shall provide to CDFW Bay Delta Region written notification of proposed routine maintenance activities to be performed that year by **December 31** of each year. The written notification of proposed routine maintenance activities shall include:
- Work plans describing the type and scope of work planned, including the volume, area, disposal sites(s), and the equipment to be used.
 - Estimated amount of material that will be removed from the site.
 - Estimated amount and species of vegetation that will be removed or treated.
 - Estimated commencement and termination dates.
 - Site plans showing previously treated areas under this Agreement and the area of proposed work to be completed.
- 3.5 Annual Reports for Completed Work. The Permittee shall provide CDFW Bay Delta Region written notification of maintenance work completed each year. Each annual report shall include the appropriate fee determined from the CDFW Streambed Alteration Agreement Fee Schedule for work completed under this Agreement

based on the number of activities completed in the reporting period. The current Fee Schedule can be found online at <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA#55227743-fees>. Reports and annual fees are due by **May 1**. CDFW may terminate this Agreement if late reports and fees are not submitted. Annual reports shall include:

- 1) Agreement No. **EPIMS-SMO-48830-R3**;
- 2) Project location (address/coordinates);
- 3) Project description;
- 4) Quantity of material placed or removed from each site;
- 5) Amount and species of vegetation trimmed or removed;
- 6) Fish and wildlife resources identified during the Project.

3.6 Photographic Documentation of Work. Prior to commencement of work a minimum of four (4) vantage points that offer representative views of the Project site and work areas shall be identified. The Permittee shall photograph the Project area from each of the vantage points, noting the direction and magnification of each photo. Upon completion of work, the Permittee shall photograph post-Project conditions from the vantage points using the same direction and magnification as pre-Project photos. A reference key shall be submitted with the photos describing the location of the photo, the direction of the view, and whether the photo is pre- or post-construction. All photos shall be submitted within 30 days of Project conclusion.

3.7 Notification to the California Natural Diversity Database. If any listed, rare, or special status species are detected during Project surveys or on or around the Project site during Project activities, the Permittee shall submit CNDDDB Field Survey Forms to CDFW in the manner described at the CNDDDB website (<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>) within five working days of the sightings. Copies of such submittals shall also be submitted to the CDFW regional office as specified below.

CONTACT INFORMATION

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

To Permittee:

Mr. Len Materman
San Mateo County - Flood and Sea Level Rise Resiliency District
1700 S. El Camino Real, Suite 502
San Mateo, California 94402
650-844-8310
len@onshoreline.org

To CDFW:

Department of Fish and Wildlife

Bay Delta Region

2825 Cordelia Road, Suite 100

Fairfield, California 94534

Attn: Lake and Streambed Alteration Program/RMA – Jason Teichman

Notification #: EPIMS-SMO-48830-R3

jason.teichman@wildlife.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 CDFW'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

CDFW 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 CDFW 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 CDFW 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 CDFW to issue the notice.

ENFORCEMENT

Nothing in the Agreement precludes CDFW 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 CDFW'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 complying with, or 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. For example, if the project causes take of a species listed as threatened or endangered under the Endangered Species Act (ESA), such take will be unlawful under the ESA absent a permit or other form of authorization from the U.S. Fish and Wildlife Service or National Marine Fisheries Service.

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 Fish and Game Code including, but not limited to, Fish and Game Code sections 2050 *et seq.* (threatened and endangered species), section 3503 (bird nests and eggs), section 3503.5 (birds of prey), section 5650 (water pollution), section 5652 (refuse disposal into water), section 5901 (fish passage), section 5937 (sufficient water for fish), and section 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

CDFW may amend the Agreement at any time during its term if CDFW 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 CDFW and Permittee. To request an amendment, Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the corresponding amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5). Submit the form and fee to the CDFW regional office that serves the area where the project is located.

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 CDFW 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 CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the minor amendment fee identified in

CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5). Submit the form and fee to the CDFW regional office that serves the area where the project is located.

EXTENSIONS

In accordance with Fish and Game Code section 1605, subdivision (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 CDFW a completed CDFW "Request to Extend Lake or Streambed Alteration" form and include with the completed form payment of the extension fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5). CDFW shall process the extension request in accordance with Fish and Game Code section 1605, subdivisions (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)). Submit the form and fee to the CDFW regional office that serves the area where the project is located.

EFFECTIVE DATE

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after Permittee's signature; 2) after CDFW complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3) after payment of the applicable Fish and Game Code section 711.4 filing fee listed at <https://www.wildlife.ca.gov/Conservation/CEQA/Fees>.

TERM

This Agreement shall expire on **December 31, 2029**, 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 Fish and Game Code section 1605, subdivision (a)(2) requires.

EXHIBITS

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

- A. Initial Study/Mitigated Negative Declaration (IS/MND) San Mateo County Flood and Sea Level Rise Resiliency District Routine Maintenance on Bayside Creeks Project, prepared by Montrose Environmental, dated April 2024.

- B. Mitigation Plan: Routine Maintenance on Bayside Creeks Project. USACE File Number: SPN-2024-0006. RWQCB File Number: CIWQS Place No. XXXXX
CDFW File Number: EPIMS SMO-48830 July 2025.

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 CDFW in accordance with Fish and Game Code section 1602.