



State of California – The Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

Bay Delta Region
7329 Silverado Trail
Napa, CA 94558
(707) 944-5500
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor

CHARLTON H. BONHAM, Director



May 9, 2016

Richard T. Loewke
Loewke Planning Associates
547 Wycombe Court
San Ramon, CA 94583

Subject: Notification of Lake or Streambed Alteration No. 1600-2016-0034-R3
Canyon Estates Project impacting unnamed tributary to
Newell Creek

Dear Mr. Loewke:

As the California Department of Fish and Wildlife (Department) explained in a previous letter to you dated March 7, 2016, the Department had until May 6, 2016, to submit a draft Lake or Streambed Alteration Agreement (Agreement) to you or inform you that an Agreement is not required. The Department did not meet that date. As a result, by law, you may now complete the project described in your notification without an Agreement.

Please note that pursuant to Fish and Game Code section 1602(a)(4)(D), if you proceed with this project, it must be the same as described and conducted in the same manner as specified in the notification and any modifications to that notification received by the Department in writing prior to May 6, 2016. This includes completing the project within the proposed term and seasonal work period and implementing all avoidance and mitigation measures to protect fish and wildlife resources specified in the notification. If the term proposed in your notification has expired, you will need to re-notify the Department before you may begin your project. Beginning or completing a project that differs in any way from the one described in the notification may constitute a violation of Fish and Game Code section 1602.

Finally, if you decide to proceed with your project without an Agreement, you must have a copy of this letter and your notification with all attachments available at all times at the work site. If you have any questions regarding this matter, please contact Suzanne Gilmore, Environmental Scientist at (707) 944-5536 or suzanne.gilmore@wildlife.ca.gov.

Sincerely,

Karen Weiss
Senior Environmental Scientist (Supervisory)
Bay Delta Region

cc: Hope Kingma; hope@monkassociates.com
Lieutenant Jones, CDFW
Warden Morton, CDFW

Conserving California's Wildlife Since 1870

FOR DEPARTMENT USE ONLY

Date Received	Amount Received	Amount Due	Date Complete	Notification No.
2/8/2016	\$1657.50	\$		1600-2016-0034-23



✓#1868
Edward/Loreth
Biggs

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

Gilmore
Lt. Jones
Wdn. Morton



NOTIFICATION OF LAKE OR STREAMBED ALTERATION

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

1. APPLICANT PROPOSING PROJECT

Fish & Wildlife

Name	Richard T. Loewke		
Business/Agency	Loewke Planning Associates		FFB - R 2016
Street Address	547 Wycombe Court		
City, State, Zip	San Ramon, California, 94583		Napa
Telephone	(925) 804-6225	Fax	
Email	Dick@loewke.com		

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

Name	Hope Kingma, Monk & Associates		
Street Address	1136 Saranap Avenue		
City, State, Zip	Walnut Creek, California, 94595		
Telephone	(925) 947-4867 x212	Fax	(925) 947-1165
Email	Hope@monkassociates.com		

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

Name	Mr. Edward Biggs		
Street Address	4271 Valley Lane		
City, State, Zip	Fairfield, California 94534		
Telephone	(707) 718-6798	Fax	
Email			

4. PROJECT NAME AND AGREEMENT TERM

A. Project Name		Canyon Estates Project		
B. Agreement Term Requested		<input checked="" type="checkbox"/> Regular (5 years or less) <input type="checkbox"/> Long-term (greater than 5 years)		
C. Project Term		D. Seasonal Work Period		E. Number of Work Days
Beginning (year)	Ending (year)	Start Date (month/day)	End Date (month/day)	
2017	2021	April 15	October 15	
				180

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

5. AGREEMENT TYPE

Check the applicable box. If box B, C, D, or E is checked, complete the specified attachment.	
A.	<input checked="" 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 type="checkbox"/> Routine Maintenance (Attachment D)
F.	<input type="checkbox"/> CDFW Fisheries Restoration Grant Program (FRGP) FRGP Contract Number _____
G.	<input type="checkbox"/> Master
H.	<input type="checkbox"/> Master Timber Harvesting

6. FEES

Please see the current fee schedule to determine the appropriate notification fee. Itemize each project's estimated cost and corresponding fee. <i>Note: The Department may not process this notification until the correct fee has been received.</i>			
	A. Project	B. Project Cost	C. Project Fee
1	Soft Bottom Arch Crossing	\$ 25,000	\$ 613.75
2	Outfall Structure	\$ 5,000	\$ 307.25
3	Re-alignment of the City of Vallejo's Water Lines	\$ 2,500	\$ 245.50
4	Culvert Expansion	\$ 1,500	\$ 245.50
5	Utilities Crossing	\$ 150	\$ 245.50
		D. Base Fee (if applicable)	
		E. TOTAL FEE ENCLOSED	\$ 1,657.50

7. PRIOR NOTIFICATION OR ORDER

A. Has a notification previously been submitted to, or a Lake or Streambed Alteration Agreement previously been issued by, the Department for the project described in this notification?	
<input type="checkbox"/> Yes (Provide the information below)	<input checked="" type="checkbox"/> No
Applicant: _____ Notification Number: _____ Date: _____	
B. Is this notification being submitted in response to an order, notice, or other directive ("order") by a court or administrative agency (including the Department)?	
<input checked="" type="checkbox"/> No <input type="checkbox"/> 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.)	
<input type="checkbox"/> Continued on additional page(s)	

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

8. PROJECT LOCATION

A. Address or description of project location.

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

The project site is accessed from the east side of Newell Drive in the City of American Canyon (Figures 1 and 2). Figure 3 provides an aerial photograph of the project site that shows the project site and the surrounding land uses. Approximately 37.30 acres of the 108.68 acre project site are within the limits of the City of American Canyon.

Continued on additional page(s)

B. River, stream, or lake affected by the project. Unnamed ephemeral tributaries

C. What water body is the river, stream, or lake tributary to? Newell Creek

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 Napa

F. USGS 7.5 Minute Quad Map Name

Cordelia

G. Township

T4N

H. Range

R3W

I. Section

NA

J. ¼ Section

NA

Continued on additional page(s)

K. Meridian (check one)

Humboldt

Mt. Diablo

San Bernardino

L. Assessor's Parcel Number(s)

059-040-078 & 059-040-079

Continued on additional page(s)

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

Latitude: 38°10'39.494"N

Longitude: 122°14'13.968"W

Latitude/Longitude

Degrees/Minutes/Seconds

Decimal Degrees

Decimal Minutes

UTM

Easting:

Northing:

Zone 10 Zone 11

Datum used for Latitude/Longitude or UTM

NAD 27

NAD 83 or WGS 84

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

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

PROJECT CATEGORY	NEW CONSTRUCTION	REPLACE EXISTING STRUCTURE	REPAIR/MAINTAIN EXISTING STRUCTURE
Bank stabilization – bioengineering/recontouring	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Channel clearing/vegetation management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Culvert	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>
Sediment removal – pond, stream, or marina	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Storm drain outfall structure	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other <i>(specify)</i> :	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

10. PROJECT DESCRIPTION

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

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

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

The applicant is proposing to construct a low density executive housing community within the 37.30 acre portion of the project site (Exhibit A). The southwestern 37.30 acres of the 108.68-acre project site were annexed into the City of American Canyon and American Canyon Fire District in June of 2015. The proposed specialty housing project would accommodate up to 35 single-family estate homes, and would include multiple common areas within the subdivision boundary.

The proposed project includes a clear span/soft bottom arch crossing over an ephemeral tributary, construction of a rock spillway/outfall structure into an ephemeral drainage on the project site, re-alignment of the City of Vallejo's water line across an ephemeral drainage on the project site, an extension of an existing culvert in an ephemeral drainage on the project site for purposes of widening and improving an existing unimproved road, and installation of utility lines across the ephemeral tributary under the soft bottom arch crossing.

The majority of the site is characterized by grazed, non-native annual grassland, with gently sloping to steep topography. Elevations range from approximately 100 feet to 500 feet (Figure 2). Newell Creek, an intermittent creek borders the project site along its northwestern boundary. Two ephemeral tributaries traverse the project site draining westward to Newell Creek (Figure 3).

Continued on additional page(s)

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

Excavator, backhoe, bulldozer, front loader, dump trucks, and other construction equipment.

Continued on additional page(s)

C. Will water be present during the proposed work period (specified in box 4.D) in the stream, river, or lake (specified in box 8.B).

Yes No (Skip to box 11)

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

Yes (Enclose a plan to divert water around work site)
 No

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

11. PROJECT IMPACTS

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

The total volume of fill in CDFW jurisdiction will be 58.5 cubic yards of fill material (soil, concrete, pipe) and 5.4 cubic yards of riprap. Please see the attached report for details regarding impacts.

Continued on additional page(s)

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

Vegetation Type	Temporary Impact	Permanent Impact
Ephemeral Drainage	Linear feet: <u>63</u> Total area: <u>0.0015</u>	Linear feet: <u>81</u> Total area: <u>0.0018</u>
	Linear feet: _____ Total area: _____	Linear feet: _____ Total area: _____

Tree Species	Number of Trees to be Removed	Trunk Diameter (range)
0		

Continued on additional page(s)

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

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

California red-legged frog and Callippe silverspot butterfly.

Continued on additional page(s)

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

See attached letter report.

Continued on additional page(s)

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

Yes (Enclose the biological study) No

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

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

Yes (Enclose the hydrological study) No

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

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

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

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

All work will be completed when the tributaries are not flowing. All necessary erosion and siltation controls will be in place during excavation of fill. A full erosion control plan consistent with best management practices (BMPs) will be in place during the project to ensure that activities will not result in de minimus fill falling into the ephemeral drainage downstream.

Continued on additional page(s)

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

The avoidance, or protection measured in the USFWS 1999 programmatic Consultation will be implemented to reduce potential impacts to the California red-legged frog.

Continued on additional page(s)

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

The applicant proposes to mitigate for project-related impacts to the ephemeral drainage via planting of riparian vegetation along Newell Creek. The proposed Riparian Restoration Area will total 0.46 acre. A complete Riparian Restoration Plan will be prepared that, when implemented, would compensate for impacts to CDFW jurisdiction. The Riparian Restoration Plan would provide an outline of the goals and success criteria for the riparian restoration, and a list of the proposed monitoring and reporting requirements. In addition, the applicant proposes to preserve 67.18 acres as an Open Space Preserve, and this area will be permanently protected via recordation of a conservation easement over this mitigation land.

Continued on additional page(s)

13. PERMITS

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

- | | | |
|----|---|---|
| A. | RWQCB 401 Water Quality Certification | <input checked="" type="checkbox"/> Applied <input type="checkbox"/> Issued |
| B. | City of American Canyon, Notice of Determination | <input type="checkbox"/> Applied <input checked="" type="checkbox"/> Issued |
| C. | U.S. Army Corps of Engineers, NWP | <input checked="" type="checkbox"/> Applied <input type="checkbox"/> Issued |
| D. | Unknown whether <input type="checkbox"/> local, <input type="checkbox"/> state, or <input type="checkbox"/> federal permit is needed for the project. (Check each box that applies) | |

Continued on additional page(s)

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

14. ENVIRONMENTAL REVIEW

A. Has a draft or final document been prepared for the project pursuant to the California Environmental Quality Act (CEQA), National Environmental Protection Act (NEPA), California Endangered Species Act (CESA) and/or federal Endangered Species Act (ESA)?			
<input checked="" type="checkbox"/> Yes (Check the box for each CEQA, NEPA, CESA, and ESA document that has been prepared and enclose a copy of each)			
<input type="checkbox"/> No (Check the box for each CEQA, NEPA, CESA, and ESA document listed below that will be or is being prepared)			
<input type="checkbox"/> Notice of Exemption	<input checked="" type="checkbox"/> Mitigated Negative Declaration	<input type="checkbox"/> NEPA document (type): _____	
<input type="checkbox"/> Initial Study	<input type="checkbox"/> Environmental Impact Report	<input type="checkbox"/> CESA document (type): _____	
<input type="checkbox"/> Negative Declaration	<input checked="" type="checkbox"/> Notice of Determination (Enclose)	<input type="checkbox"/> ESA document (type): _____	
<input type="checkbox"/> THP/ NTMP	<input type="checkbox"/> Mitigation, Monitoring, Reporting Plan		
B. State Clearinghouse Number (if applicable)		2014082050	
C. Has a CEQA lead agency been determined?		<input checked="" type="checkbox"/> Yes (Complete boxes D, E, and F)	<input checked="" type="checkbox"/> No (Skip to box 14.G)
D. CEQA Lead Agency	City of American Canyon		
E. Contact Person	Brent Cooper, Planning Director	F. Telephone Number	(707) 647-4348
G. If the project described in this notification is part of a larger project or plan, briefly describe that larger project or plan.			
<input type="checkbox"/> Continued on additional page(s)			
H. Has an environmental filing fee (Fish and Game Code section 711.4) been paid?			
<input checked="" type="checkbox"/> Yes (Enclose proof of payment)			
<input type="checkbox"/> No (Briefly explain below the reason a filing fee has not been paid)			
Note: If a filing fee is required, the Department may not finalize a Lake or Streambed Alteration Agreement until the filing fee is paid.			

15. SITE INSPECTION

Check one box only.
<input type="checkbox"/> In the event the Department determines that a site inspection is necessary, I hereby authorize a Department representative to enter the property where the project described in this notification will take place at any reasonable time, and hereby certify that I am authorized to grant the Department such entry.
<input checked="" type="checkbox"/> I request the Department to first contact (insert name) <u>Ms. Hope Kingma, Monk & Associates, Inc.</u> at (insert telephone number) <u>(925) 947-4867 x212</u> to schedule a date and time to enter the property where the project described in this notification will take place. I understand that this may delay the Department's determination as to whether a Lake or Streambed Alteration Agreement is required and/or the Department's issuance of a draft agreement pursuant to this notification.

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

16. DIGITAL FORMAT


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

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

No

17. SIGNATURE

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


Signature of Applicant or Applicant's Authorized Representative

2/01/16
Date

RICHARD T. LOEWKE
Print Name