



# **Creek Maintenance Policies and Procedures**



**An upper stretch of Gibson Creek  
Spring 2000**

**Prepared by the  
Ukiah Paths, Open Space and Creeks Commission  
May 2010**

## **Dedicated to Bill Randolph**

**This Document is fondly dedicated to Bill Randolph, the first Chairman of the City of Ukiah Paths, Open Space, and Creeks Commission, and a true champion of our local creeks. Bill not only worked politically to protect and enhance the creeks, but also as an educator of children in the community, and as a lead worker - clearing debris, planting trees, and at times, watering young tree saplings by hand during the hot summer months.**

**Bill was serious about the health and vitality of our creeks, but he also had fun with his work. During the springtime one year when the water was flowing hard in Gibson Creek, Bill donned a head lamp and rode an air mattress down the creek along the open reaches and through the box culverts. Bill knew the creeks inside and out.**



**A lower stretch of Orrs Creek near where Bill Randolph lived**

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## Preface

This document was prepared by the City of Ukiah Paths, Open Space and Creeks Commission (POSCC) at the direction of the City Council. It was prompted by citizen concerns regarding how the local creeks were being maintained for flood control purposes. The primary concern centered on the amount and type of vegetation that was being removed and that the health and ecology of the creeks were being damaged.

The POSCC worked closely with the City Department of Public Works, Department of Planning and Community Development, the Community Services Department, and the Friends of Gibson Creek. Information was gathered about how the work crews performed the vegetation removal, how they were supervised, what the City's needs were for flood control, and what other communities were doing to manage and maintain creeks. The POSCC members reviewed the City's General Plan, Creek Master Plans, State Department of Fish and Game rules and regulations, and other documents in an effort to understand the big picture in regard to local creeks. They also toured one of the creeks with a lead crew member from the Department of Public Works to hone in on how the crews operated and to learn more about the need to control flood waters.

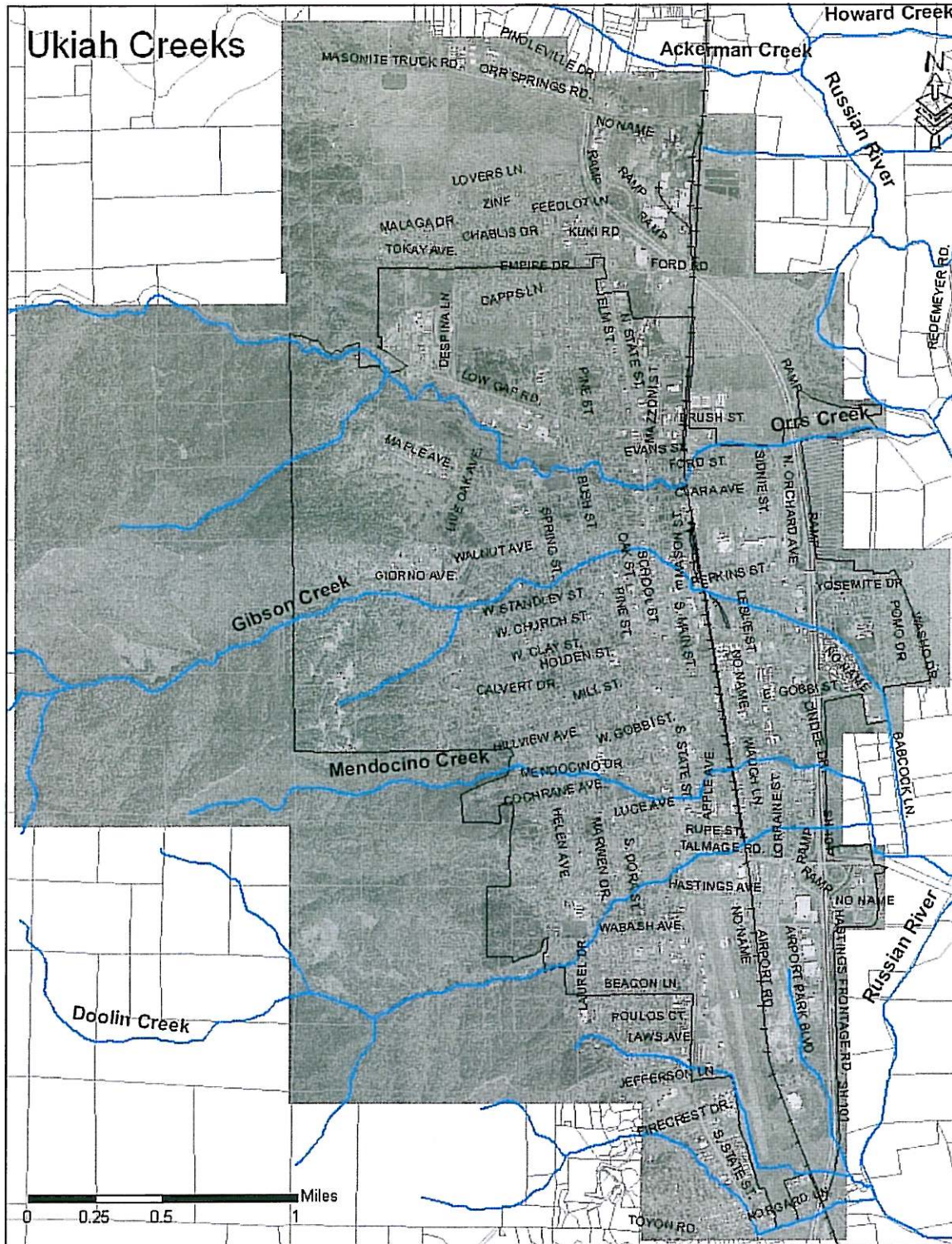
The Friends of Gibson Creek participated in the review and editing of the document, provided technical information, and assisted with its final production.

This document establishes the policies and procedures for the City crews and other agencies and organizations to follow when performing creek maintenance activities, including vegetation management, culvert and bridge maintenance, and garbage and rubbish removal. It strikes a balance between the public health and safety need to control flood waters and the community goal of protecting and restoring the local creeks and their riparian corridors.



The Gibson Creek Fish Hatchery 1887-1930's

# Ukiah Creeks





**Orrs Creek:** Orrs Creek is the largest creek running through the City of Ukiah to the Russian River. It has historically been an important waterway for the City. Once it was a healthy and complex tributary to the Russian River, supporting a wide variety of wildlife, as well as a strong anadromous salmonid population. As it passes through the City, Orrs Creek no longer supports the diversity of wildlife and native fish populations that it once did. However, the California Department of Fish and Game believes it may be possible to rehabilitate the Creek so that it can once again provide spawning grounds for salmon and other native fish populations. Recently, mature and hatchling Steelhead Trout have been observed in the creek.

**Gibson Creek:** Gibson Creek is a tributary to Doolin Creek, a tributary to the Russian River, a tributary to the Pacific Ocean. It drains a watershed of approximately 2.77 square miles. Elevations range from about 584 feet at the mouth of the creek to 2,772 feet in the headwater areas. Hardwood forest dominates the watershed. The watershed is primarily privately owned. Steelhead trout (*Oncorhynchus mykiss*) are a threatened salmonid species present in the Gibson Creek watershed. (From CDFG Gibson Creek Inventory Report, 2005)

**Doolin Creek:** Doolin Creek is a tributary to the Russian River, a tributary to the Pacific Ocean, located in Mendocino County. It is a third order stream and has approximately 4.26 miles of solid blue line stream according to the USGS Ukiah 7.5 minute quadrangle. Doolin Creek drains a watershed of approximately 2.63 square miles. Elevations range from about 587 feet at the mouth of the creek to 2,730 feet in the headwater areas. Hardwood dominates the watershed. The watershed is primarily privately owned. Steelhead trout (*Oncorhynchus mykiss*) are a threatened salmonid species present in the Doolin Creek watershed. (From CDFG Doolin Creek Inventory Report, 2006)

**Mendocino Creek:** Mendocino Creek is much smaller than Orrs, Gibson and Doolin Creeks, and is not a blue line stream according to the USGS Ukiah 7.5 minute quadrangle. It is approximately 3.5 miles in length and flows from the west to join Doolin Creek at Talmage Road. The two creeks coalesce and then join Gibson Creek at Babcock Lane and flow to the Russian River.



**Fish in Gibson Creek**

**NOTE:** A "Blue Line Stream" is a stream shown as a blue-line on a U.S.G.S. topographic map and its headwaters are thought to flow all-year around.

**NOTE:** All unbranched streams are first order streams. When two first order streams meet, the resulting channel is a second order stream. Where two second order streams meet a Third Order Stream results.

## The Process

After a series of discussions with concerned members of the public and City Staff, the Paths, Open Space and Creeks Commission (POSCC) identified issues, conducted research, discussed solutions, and gave direction to Staff to prepare a preliminary draft set of policies and procedures based on their thoughts and conclusions. The preliminary draft was prepared and submitted to the Commission for review and editing prior to the distribution to interested members of the public, agencies and organizations for review, comments and suggestions.

The *Friends of Gibson Creek* submitted a comment letter with suggested revisions to the document and attended a series of meetings with the POSCC to discuss their suggestions. The POSCC agreed with many but not all of the suggestions, and directed Staff to make changes before presenting the document to the City Council for discussion and possible adoption.



## **The Ukiah General Plan**

The Open Space and Conservation Element of the Ukiah General Plan calls for the protection and restoration of the local creeks both for environmental and flood control purposes. The Summary of Major Findings for creeks and streams begins with this statement:

*"Creeks and streams provide spiritual, aesthetic, and material sustenance to human and other resident species and must be preserved, or where necessary, restored as corridors of riparian vegetation and habitat within both the urban and rural areas. Creekside greenbelts can be used to contain and define city neighborhoods and enhance air quality. The creeks provide drainage channels for groundwater recharge, domestic and agricultural water supply, flood mitigation, and fish and other aquatic life."*

### **Guiding Principles**

The Guiding Principles for this document include maintaining a healthy tree canopy and natural riparian zone along the creeks; insuring that the creeks flow cleanly and provide habitat for fish populations; and reducing the potential for flooding during storm events. Its aim is to preserve current healthy riparian areas while providing practical maintenance guidelines to manage flood waters.

### **Creek Maintenance Policies**

The following creek maintenance policies are intended to address and fulfill the General Plan vision for the preservation of creeks and streams, and to guide City initiated creek maintenance activities.

This document is not intended to provide guidance and direction for creek restoration projects such as tree planting, bank stabilization, and retaining wall repair. Its intent is to guide creek maintenance activities so that creek and riparian vegetation are preserved and enhanced and flood waters can be controlled.

- Policy 1:** Creek maintenance activities shall not discharge pollutants or deposit new material into the creeks.
- Policy 2:** Creek maintenance activities shall not result in modifications to the natural flow of water or result in a reduction of the water carrying capacity of the creek.
- Policy 3:** Creek maintenance activities shall not result in increased flooding.
- Policy 4:** Creek maintenance activities shall not adversely affect the Riparian Corridor, including Riparian Vegetation, animal wildlife or degrade its visual appearance.
- Policy 5:** Creek maintenance activities shall not degrade the visual quality & natural appearance of the riparian corridor.



- Policy 6:** Creek maintenance activities shall not endanger public or private property.
- Policy 7:** Creek maintenance activities shall not directly or indirectly threaten the public's health or safety.
- Policy 8:** Creek maintenance activities shall not conflict with any Federal Emergency Management Agency (FEMA) regulations for floodway or floodplain management.
- Policy 9:** The Director of Public Works, Director of Planning and Community Development, and Public Works Staff Crew Supervisor shall meet annually with the Paths, Open Space, and Creeks Commission and any interested group, organization, or citizen to discuss issues and problems, and to sound-board solutions.
- Policy 10:** Residents within 100 feet of planned work in a creek or on a creek bank shall receive 72 hours advance notice of the work when feasible.

### **Vegetation Management Procedures**

Active management along the riparian zones of Ukiah's creeks is required to ensure that storm water runoff is not obstructed and that flooding does not occur. However, vegetation removal must be performed with care so as not to damage the natural ecology of the creek. The following vegetation management procedures are established for City Public Works crews or contract providers performing vegetation management in the creeks:

1. Prior to the start of the rainy season, perform creek reconnaissance to identify obstructions to storm water flow, and document accordingly.
2. The City shall apply for and secure all required permits from the State Department of Fish and Game and any other permitting agency prior to commencing work.
3. City Public Works Staff Supervisor shall meet with City crew or contract provider to discuss the required creek maintenance policies and procedures. Ensure that crew supervisors understand the policies and procedures and how they apply to the specific job being undertaken.
4. The City shall provide direct supervision to all City crew and any contract providers to ensure that the creek maintenance policies are not violated. Copies of the Policies and Procedures shall be provided and explained to all workers.
5. Every effort shall be made to preserve all native riparian trees. No tree shall be removed unless it creates an obvious and significant obstruction to storm water runoff, is in imminent danger of falling and obstructing future storm

water flows, or significantly reduces the carrying capacity of the creek. The City Engineer shall have final authority to determine whether an obstruction is obvious and significant.

6. Before any tree is removed, the City Staff Supervisor shall consider the necessity of removal, and whether or not its removal will negatively impact the health of the creek.
7. The pruning of trees shall be limited to branches that create an obvious and significant obstruction to storm water runoff.
8. City Staff Supervisor shall perform routine monitoring of City crew staff or contract providers during the work days to ensure that the creek maintenance policies are not violated.
9. Vegetation removal shall emphasize non-native species such as periwinkle (*Vinca major*), Himalayan blackberry, pampas grass, English ivy, giant reed (*Arundo donax*) and other species. Removal techniques shall be performed by tarping, mowing, root removal, use of hand tools and small machinery and equipment. The use of herbicides shall not be permitted within 25-feet of the riparian corridor, unless it is determined to be the least damaging technique to remove exotic plants.

### **Culvert and Bridge Maintenance Procedures**

Periodic inspections and maintenance of culverts and bridges are necessary to remove obstructions that cause the back-up of storm waters and localized flooding. Gravel has historically been removed from culverts at the direction of the State Bridge Inspectors to preclude damage to the metal culverts and ultimately the bridges. The following procedures are established for culvert and bridge maintenance:

1. Prior to the rainy season, perform creek reconnaissance to identify obstructions to storm water flow, and document accordingly.
2. The City shall apply for and secure all required permits from the State Department of Fish and Game and any other permitting agency prior to commencing work.
3. The City Staff Supervisor shall meet with City crew staff to discuss the City creek maintenance policies and culvert and bridge maintenance procedures. Ensure that crew supervisors understand the policies and procedures.
4. Remove all logs and debris that are blocking culverts, lodged against bridges, or causing a significant obstruction to the flow of storm water.
5. Gravel shall be removed from culverts and redistributed in the stream channel pursuant to the techniques and procedures established by the State Department of Fish and Game.

6. Routinely monitor all culverts and bridges during storm events and remove logs and debris that are obstructing the flow of storm water.



Orrs Creek at the Ford Street Bridge

## **Garbage and Rubbish Removal Procedures**

Garbage and rubbish are discarded near and in the creeks and cause damage to the creek ecology. These discarded materials also accumulate and form obstructions to the flow of storm water. The City crews and dedicated community groups occasionally remove garbage and rubbish from the creeks when available to do so. The following procedures are established for the removal of garbage and rubbish from creeks:

1. City crews shall perform annual creek clean-ups to remove the identified obstructions before the start of the rainy season. The City shall encourage and support volunteer creek clean-up efforts.





#### **Shopping Cart in Orrs Creek**

2. Identifiable items such as shopping carts shall be reported to the City Code Compliance Coordinator who shall contact the owners and notify them of possible violations of the Ukiah City Code.
3. Support the efforts of community groups, schools, and others who organize volunteer creek clean-up activities.



**Gibson Creek clean-up  
near the Ukiah Historic Train Depot in 2003**

## **Project Participants**

### **Ukiah City Council**

Benj Thomas, Mayor  
Mari Rodin, Vice-Mayor  
Phil Baldwin  
Mary Anne Landis  
Doug Crane  
John McCowen (Former Member)

### **Ukiah Paths, Open Space and Creeks Commission**

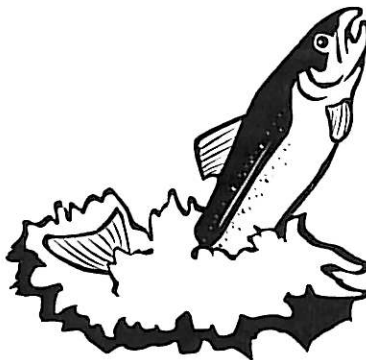
Bob Neale, Chairperson  
Beth Lang, Vice-Chairperson  
Suzanne Farris  
Jamie Connerton  
Hannah Bird  
Howie Hawkes (Former Member)  
Lindsey Leland (Former Member)  
Dan Holbrook (Former Member)

### **Friends of Gibson Creek**

Linda Sanders  
Susan Knopf  
Bruni Kobbi

### **City Staff**

Charley Stump, Director of Planning and Community Development  
Tim Eriksen, Director of Public Works/City Engineer  
Sage Sangiacomo, Assistant City Manager/Director of Community Services  
Jerry Whitaker, Public Works Supervisor



## APPENDIX A

### List of Important Ukiah Riparian Vegetation

#### Trees

Valley Oak (*Quercus lobata*) (40'-125')  
Garry Oak (*Quercus garryana*) (35'-60')  
Interior Live Oak (*Quercus wislizeni*) (25'-75')  
Black Oak (*quercus kelloggi*) (30'-80')  
Fremont Cottonwood (*Populus Fremont*) (40'-100')  
Black Cottonwood (*Populus trichocarpa*) (40'-100')  
California Black Walnut (*Jugiana*) (30'-70')  
Oregon Ash (*Fraxinus latifolia*) (*F. oragona*) (30'-70')  
California Bay (*Umbellularia californica*) (20'-75')  
Redwood (*Sequoia sempervirens*) (100'-340')  
White Alder (*Ainus rhombifolia*) (40'-100')  
Box Elder (*Acer negundo* var. *californicum*) (20'-40')  
Big Leaf Maple (*Acer macrophyllum*) (30'-100')  
Willow species (*salix* spp.)  
    *S. laevigata* (Red or Smooth Willow) (15'-40')  
    *S. lasiandra* (Yellow or Black Willow) (the inland sp.) (15'-45')  
    *S. lasiolepis* (Arroyo Willow or White Willow) (10'-30')  
    *S. hindsiana* (Sandbar Willow) (5'-25')  
    Other possible Willow species: *S. mackenziana* and *S. melanopsis*

#### Shrubs (understory for wildlife cover and corridor)

Coyote Bush or Chaparral broom (*baccharis pilularis* var. *consanguinea*)  
Blue Elderberry (*Sambucus caerulea*)  
California Wild Rose (*Rosa californica*)  
California Hazelnut (*Corylus cornuta* var. *californica*)  
Gooseberries & Currants (native *Ribes* spp.)  
Snowberry (*Symphoricarpos rivularis* and *S. ainus*)

#### Vines (understory for wildlife cover and corridor)

California Wild Grape (*Vitis californica*)  
Twinberry or Honeysuckle (*Loricera involucrate*)  
*Rubus* spp.: Salmonberry (*R. spectabilis*), Thimbleberry (*R. parviflorus*)  
California Native Blackberry (*Rubus unsinus*)



## **APPENDIX B**

### **Photos of Common Invasive Plants in Ukiah**



**Ludwigia**



**Periwinkle (Vinca Major)**



**Himalayan Blackberry**



**Gorse**



**English Ivy**



**Pampas Grass**

## APPENDIX C

### List of Creek Related Documents

1. The Riparian Vegetation of Ukiah: A Preliminary Discussion of the Ecology of the Ukiah Valley in View of Renaturalizing our Streams. Mark Albert, California Native Plant Society, April 1992.
2. Ukiah General Plan Open Space and Conservation Element, City of Ukiah, 1995
3. A History of the Salmonid Decline in the Russian River, Steiner Environmental Consulting, 1996
4. Orrs Creek Habitat Enhancement and Flood Control Study, City of Ukiah, 1999
5. Orrs Creek Stream Inventory Report, State Department of Fish and Game, (Draft) 1999
6. Gibson Creek Habitat Enhancement and Public Access Study, 2001
7. Doolin Creek Enhancement Plan, City of Ukiah, (Draft), 2002
8. Doolin Creek Stream Inventory Report, State Department of Fish and Game, 2005
9. Gibson Creek Stream Inventory Report, State Department of Fish and Game, 2006
10. City of Ukiah Tree Protection and Enhancement Policy, 1993
11. City of Ukiah Community Forest Management Plan, 1994

## APPENDIX D

### State Department of Fish and Game

#### Notification Requirements and Questions and Answers

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##### PART I: NOTIFICATION REQUIREMENT

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Fish and Game Code ("FGC") section 1602 requires any person, state or local governmental agency, or public utility to notify the Department of Fish and Game ("Department") before beginning any activity that will do one or more of the following:

- 1) Substantially obstruct or divert the natural flow of a river, stream, or lake.
- 2) Substantially change the bed, channel, or bank of a river, stream, or lake.
- 3) Use any material from the bed, channel, or bank of a river, stream, or lake.
- 4) Deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into a river, stream, or lake.

FGC section 1602 applies to all perennial, intermittent, and ephemeral rivers, streams, and lakes in the state. *If you are not certain that a particular project requires notification, the Department recommends that you notify.*

*Note: Although a person other than the applicant may complete the notification, "you" or "your" as used in this document refers to the applicant proposing the project because the applicant will be responsible for submitting and signing the notification.*

##### NOTIFYING THE DEPARTMENT

To notify the Department of any of the activities described above, complete the following steps:

**Step 1:** Complete the Notification of Lake or Streambed Alteration form (Form FG 2023 (Rev. 7-06)) ("notification form"). See Part II for instructions to complete this form.

*Note: If the project is part of a timber harvest plan ("THP"), you may notify the Department by submitting the THP and correct fee to the Department regional office that serves the county where the project will take place. In that case, you do not need to submit a notification form, provided the THP includes, at a minimum, the information listed in Fish and Game Code section 1611.*

**Step 2:** Determine the notification fee that will need to be submitted with the completed notification form or THP by referring to the enclosed fee schedule. Notification fees cover the Department's costs to process notifications and prepare Lake and Streambed Alteration Agreements ("agreements").

**Step 3:** Submit the completed notification form, or the THP, with all required enclosures and fees to the Department regional office that serves the county where the project will occur.

*Note: If the notification relates to timber harvesting activities in Humboldt or Del Norte County or the west portion of Trinity County, the notification must be submitted to the Department's Northern California and North Coast office in Eureka, rather than Redding. If you are not sure whether the Eureka or Redding office will review your notification or THP, contact either office for guidance to avoid any delay in processing your notification or THP.*



Northern California and North Coast  
(Region 1 – *Redding*)  
LSAA Program  
601 Locust Street  
Redding, CA 96001  
(530) 225-2300

Northern California and North Coast  
(Region 1 – *Eureka*)  
LSAA Program  
619 Second Street  
Eureka, CA 95501  
(707) 445-6493

Sacramento Valley and Central Sierra  
(Region 2)  
LSAA Program  
1701 Nimbus Road  
Rancho Cordova, CA 95670  
(916) 358-2900

Central Coast  
(Region 3)  
LSAA Program  
*Mailing address:*  
Post Office Box 47  
Yountville, CA 94599  
*Street address:*  
7329 Silverado Trail  
Napa, CA 94558  
(707) 944-5520

San Joaquin Valley and Southern Sierra  
(Region 4)  
LSAA Program  
1234 East Shaw Avenue  
Fresno, CA 93710  
(559) 243-4005

South Coast  
(Region 5)  
LSAA Program  
4949 Viewridge Ave  
San Diego, CA 92123  
(858) 636-3160

Eastern Sierra and Inland Deserts  
(Region 6)  
LSAA Program  
4665 Lampson Avenue, Suite J  
Los Alamitos, CA 90720  
(562) 430-7212

## Questions and Answers

### 1. When must I notify the Department?

Fish and Game Code section 1602 requires any person, state or local governmental agency, or public utility to notify the Department before beginning any activity that will do one or more of the following: 1) Substantially divert or obstruct the natural flow of any river, stream or lake; 2) substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake; or 3) deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake. Fish and Game Code section 1602 applies to all perennial, intermittent, and ephemeral rivers, streams, and lakes in the state. If you are not certain that your proposed activity requires notification, the Department recommends that you notify.

### 2. How do I notify the Department?

In order to notify the Department, a person, state or local governmental agency, or public utility must submit a complete notification package and fee to the Department regional office that serves the county where the activity will take place. The notification package is available from any Department regional office and the Department's website [www.dfg.ca.gov/1600/notification\\_pkg.html](http://www.dfg.ca.gov/1600/notification_pkg.html). The fee schedule-section 699.5 in title 14 of the California Code of Regulations- is included in the notification package. The Department's regional offices and the counties they serve are listed in the notification package and on the Department's website at [www.dfg.ca.gov/regions/regions.html](http://www.dfg.ca.gov/regions/regions.html).

### 3. What happens after I notify the Department?

After you notify the Department, the Department will determine whether your notification package is complete. The Department will make this determination within 30 calendar days of receiving the notification package if you are applying for a regular agreement (i.e., an agreement for a term of five years or less). If the notification package is incomplete, the Department will contact you and specify the information you need to provide to make it complete. The Department will not process your notification package until it receives the additional information. If your notification package is complete, the Department will process it as described below. The 30-day time period does not apply to notifications for long-term agreements (i.e., agreements for a term greater than five years).

After the Department receives a complete notification package, it will determine whether you will need a Lake or Streambed Alteration Agreement for your activity. An agreement will be required if the activity could substantially adversely affect an existing fish and wildlife resource. If an agreement is required, the Department will conduct an onsite inspection, if necessary, and submit a draft agreement to you. The draft agreement will include measures to protect fish and wildlife resources while conducting the project. If you are applying for a regular agreement, the Department will submit a draft agreement to you within 60 calendar days after your notification is complete. The 60-day time period will not begin until your notification is complete. The 60-day time period does not apply to notifications for long-term agreements.

After you receive the draft agreement, you will have 30 calendar days to notify the Department whether the measures in the draft agreement are acceptable. If you agree with the measures included in the draft agreement, you will need to sign the agreement and submit it to the Department. If you disagree with any measures in the draft agreement, you must notify the Department in writing and specify the measures that are not acceptable. Upon written request, the Department will meet with you within 14 calendar days of receiving the request to resolve the disagreement. If you fail to respond, in writing, within 90 calendar days of receiving the draft agreement, the Department may withdraw that agreement.

After the Department receives the signed draft agreement, it will make it final by signing it. However, the Department will not sign the agreement until it receives your notification fee and complies with the California Environmental Quality Act (Pub. Resources Code, § 21000, et seq.) (see "4" below). After you receive the final agreement, you may begin the project the agreement covers, provided you have obtained any other necessary local, state, and federal authorizations. If you disagree with any measures in the draft agreement and you and the Department cannot resolve the disagreement informally, you may request an arbitration panel to resolve the disagreement. If you request arbitration, a panel of arbitrators will be established within 14 calendar days of receiving the request. The panel will comprise three persons: your representative, a Department representative, and a third person mutually agreed upon by you and the Department who will serve as the panel's chair. If you and the Department cannot agree upon the third person within the 14-day period, a court will appoint the third person. The third person must have scientific expertise relevant to the fish and wildlife resources your project could affect and to the measures in the draft agreement that are in dispute. Each party will be required to pay the expenses of their selected representative and pay one-half the expenses of the third person. The panel will issue a decision within 14 days after it is established. The decision must be based on the best scientific information reasonably available at the time of the arbitration, and will be issued in the form of a final agreement. The decision will be binding on you and the Department unless you or the Department successfully petition a court to correct or vacate the decision.

The time periods described above may be extended at any time by mutual agreement. The notification package explains how to complete the notification package and the agreement process.

#### **4. Does the Department need to comply with other state laws or regulations before issuing a Lake or Streambed Alteration Agreement?**

Yes. The Department must comply with the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000, et seq.) before it may issue a final Lake or Streambed Alteration Agreement. Issuance of a final Lake or Streambed Alteration Agreement occurs after the Department receives a draft Lake or Streambed Alteration Agreement from the applicant and the Department signs it. In many instances, the Department will receive a signed draft Lake or Streambed Alteration Agreement from an applicant before the lead agency has fully complied with CEQA. In those instances, the Department must wait for the lead agency to fully comply with CEQA before it may sign the draft Lake or Streambed Alteration Agreement, thereby making it final.

Under CEQA, the "lead agency" is the local or state governmental agency that has the principal responsibility for carrying out or approving the activity. All other local or state agencies with discretionary approval authority are "responsible agencies."

The lead agency must determine first whether the activity is exempt from CEQA. If the activity is not exempt, the lead agency must prepare an environmental document, which will be a negative declaration, a mitigated negative declaration, or an environmental impact report. A lead agency is entitled to recover all of its CEQA-related costs from the applicant. If the Department acts as the lead agency for the activity your draft agreement covers, it will instruct you to submit an initial deposit to cover its initial CEQA-related costs. The deposit and any further CEQA-related costs will be in addition to your notification fee.

If the Department is a responsible agency, you must submit with your notification package a copy of any document prepared by the lead agency pursuant to CEQA, if one already has been prepared. You must also identify in your notification package the lead agency. Also, Fish and Game Code section 711.4 requires the lead agency to collect a fee on behalf of the Department whenever the lead agency prepares an environmental document, unless the activity is exempt



from the fee. Current CEQA fees are found in Fish and Game Code Section 711.4, available at [www.leginfo.ca.gov/calaw.html](http://www.leginfo.ca.gov/calaw.html).

For a detailed explanation of CEQA, you should consult the statute itself, the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) that implement CEQA, and CEQA handbooks and guides. CEQA and the CEQA Guidelines are available at [www.ceres.ca.gov/planning](http://www.ceres.ca.gov/planning).

**5. Should I contact other governmental agencies regarding my proposed activity?**

Depending on the activity you are proposing, in addition to a Lake or Streambed Alteration Agreement, you might need to obtain a permit, agreement, or other authorization from one or more governmental agencies. You should first contact your city and county planning departments to determine whether you need to obtain any local permits. The State and federal agencies listed below might also have permitting authority over your activity. You should contact these agencies if you are not familiar with their permitting requirements.

**State agencies**

- o Coastal Commission
- o Department of Conservation
- o Department of Forestry
- o Department of Water Resources
- o Regional Water Quality Control Boards
- o State Lands Commission
- o State Water Resources Control Board

**Federal agencies**

- o NOAA Fisheries
- o U.S. Army Corps of Engineers
- o U.S. Fish and Wildlife Service
- o U.S. Forest Service

**6. Do I need to notify the Department or obtain a Lake or Streambed Alteration Agreement for emergency work?**

You do not need to notify the Department or obtain a Lake or Streambed Alteration Agreement before beginning the following emergency work: 1) immediate emergency work necessary to protect life or property; 2) immediate emergency repairs to public service facilities necessary to maintain service as a result of a disaster in an area in which the Governor has proclaimed a state of emergency; and 3) emergency projects undertaken, carried out, or approved by a state or local governmental agency to maintain, repair, or restore an existing highway, within the existing right of-way of the highway, that has been damaged as a result of fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, within one year of the damage. Although notification is not required before beginning the emergency work, you must notify the Department in writing within 14 days after beginning the work.