

Reservoir Committee and Authority Board Meeting

Agenda Item 3.1: Master Lake and Streambed
Alteration Agreement

December 16, 2022



Lake and Streambed Alteration Agreement

- Fish and Game Code section 1602 requires notification to CDFW prior to beginning any activity that may:
 - Divert or obstruct the natural flow of any river, stream, or lake
 - Change the bed, channel, or bank of any river, stream, or lake, including when dry
 - Use material from any river, stream, or lake
 - Deposit or dispose of material into any river, stream, or lake
- A Lake and Streambed Alteration Notification Application (LSA) needs to be submitted to CDFW
 - CDFW will determine if Agreement is needed based on project activity and resources affected

Master LSA Agreement Approach

- Given effects and multi-year nature of the work, the Project is proposing to use a programmatic approach under a Master LSA Agreement
- An initial programmatic permit – 5+ year with 1 renewal
- Subsequent sub-notifications for specific regulated activities; each sub-notification describes:
 - The types and timing of activities affecting LSA resources
 - Impacts to lake and stream resources, including riparian habitat, fish, and wildlife
 - Measures to avoid, minimize and mitigate for effects

Current Estimated Impacts

TABLE 1. IMPACTS TO LAKE AND STREAM RESOURCES RESULTING FROM CONSTRUCTION OF THE SITES RESERVOIR PROJECT

	Permanent Direct		Permanent Indirect		Temporary Direct		Total Area (acres)	Total Length (linear feet)
	Area (acres)	Length (linear feet)	Area (acres)	Length (linear feet)	Area (acres)	Length (linear feet)		
Lake and Stream Resources Subject to FGC 1602								
Canal	3.50	2,568			0.66	1,008	4.16	3,576
Ditch	0.37	3,413	0.31	2,750	0.15	755	0.83	6,918
Ephemeral Stream	6.06	77,787	16.26	215,044	0.39	4,210	22.71	297,042
Forested Wetland	1.01	--	1.96	--	0.30	--	3.27	--
Freshwater Marsh	13.24	--	29.48	--	6.29	--	49.02	--
Intermittent Stream	29.91	86,884	169.49	477,423	1.72	9,098	201.13	573,405
Managed Wetland	--	--	--	--	0.69	--	0.69	--
Pond	4.44	--	34.57	--	1.45	--	40.46	--
Reservoir	1.35	--	--	--	220.94	--	222.29	--
Scrub-Shrub Wetland	0.85	--	5.26	--	0.34	--	6.44	--
Seasonal Wetland	68.10	--	222.62	--	3.84	--	294.56	--
Riparian	7.22	--	41.89	--	1.77	--	50.88	--
Annual Grassland	10.25	--	78.18	--	0.27	--	88.70	--
Blue Oak Woodland	0.00	--	0.30	--	--	--	0.30	--
Oak Savanna	0.00	--	0.89	--	--	--	0.89	--
Ruderal	--	--	0.12	--	--	--	0.12	--
Grand Total	146.30	170,652	601.33	695,218	238.82	15,071	986.45	880,941

-- = null value (zero)

Land cover was mapped via aerial interpretation using desktop imagery.

Not all land cover types listed above would be subject to 1602 jurisdiction.

Rounding errors may affect total.

Fees and Mitigation

- Master LSA fees:
 - \$100,000 initial filing fee, plus:
 - \$8,500 annual fee, and
 - \$860 per project (sub-notification) fee
 - Fees are estimates and based on 2022 fees + 5%
 - Fees increase annually
- Mitigation will also be required for permanent impacts
 - Would be stackable with other similar habitat identified in EIR/EIS and 404/401
 - Consistent with the mitigation cost estimate in 2021
 - Will be coordinating with CDFW and mitigation team on approach to ensure meaningful without impacting construction schedule

Next Steps

- Completing application package
- Planning to seek approval to submit application and pay initial fee at our January 2023 meeting