

STAFF REPORT

To: Coastside County Water District Board of Directors

From: Mary Rogren, General Manager

Agenda: January 14, 2025

Date: January 10, 2025

Agenda Title: Approval of a Professional Services Agreement with EKI Environment and Water, Inc. for Environmental Services During Construction Related to the Highway 92 Emergency Pipeline Replacement Project

Recommendation/Motion:

Authorize the General Manager to enter into a professional service agreement with EKI Environment and Water, Inc. for environmental services during construction related to the Highway 92 Emergency Pipeline Replacement Project in a not-to-exceed amount of \$166,700.

Background:

In December 2023, the District engaged EKI Environment and Water, Inc. (“EKI”) to manage the regulatory permitting process for the Highway 92 Emergency Pipeline Replacement Project. EKI teamed with Environmental Science Associates (“ESA”) to acquire the necessary permits including a Streambed Alteration Agreement with California Department of Fish and Wildlife (which was successfully acquired in 2024.)

In the attached proposal (Exhibit A), EKI proposes to team again with ESA to support the environmental regulatory compliance and monitoring services during construction. Given ESA’s efforts in the permitting phase, ESA staff are very familiar with the required best management practices and measures required under the Streambed Alteration Agreement for the Highway 92 project.

Tasks will include the following:

1. Worker Environmental Awareness Program Trainings
2. Sensitive Biological Resource Surveys
3. Biological Construction Monitoring
4. Post-Project Reporting

STAFF REPORT

Agenda: September 10, 2024

Subject: Award of Contract - GSW Construction Inc.

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Included in their tasks is overseeing the required reporting to the various permitting agencies including the California Department of Fish and Wildlife. EKI and District staff were very pleased with the performance of ESA during the permitting phase and recommend that we maintain the continuity in utilizing their services of ESA in the construction phase.

Fiscal Impact: \$166,700

8 January 2025

Mary Rogren
General Manager
Coastside County Water District
766 Main St.
Half Moon Bay, CA 94019

Subject: Proposal for Environmental Services During Construction for the Highway 92 Emergency Pipeline Replacement Project
(EKI B80108.46)

Dear Ms. Rogren:

EKI Environment & Water, Inc. (EKI) is pleased to provide this proposal to Coastside County Water District (District) for environmental services during construction related to the Highway 92 Emergency Pipeline Replacement Project (Project).

PROJECT UNDERSTANDING

As part of the design process, which was completed in late 2024, EKI teamed with Environmental Science Associates (ESA) to support the District with regulatory permitting efforts. Now that the District intends to construct the Project, EKI understands that the District is requesting support with environmental regulatory compliance and monitoring services during the anticipated construction duration. Our proposed scope, schedule, and fee are presented below.

PROPOSED SCOPE OF WORK

EKI proposes to continue to team with ESA to complete the following tasks as part of this scope of work. For each task, EKI will provide project management, including budget tracking, invoicing, preparation of progress reports, staff management, deliverable review, and coordination between the District, EKI, and ESA.

The scope of work centers on supporting the District with implementation of the best management practices (BMPs) and measures required under the streambed alteration agreement (SAA) developed during the design phase of the Project. The BMPs and protective measures were identified as part of the California Environmental Quality Act (CEQA) categorical exemption memorandum (CatEx memo) and the California Department of Fish and Wildlife (CDFW) Notice of Lake and Streambed Alteration Agreement. A full description of these measures is provided in Attachment A.

Task 1: Worker Environmental Awareness Program Trainings

Prior to the commencement of construction, ESA will prepare worker environmental awareness training materials for construction personnel in accordance with BMP-BIO-1 and SAA Measure 2.6. Instruction shall consist of a presentation by the designated Qualified Biologist that includes a discussion of the biology and general behavior of any sensitive species that may be encountered. The status of California Endangered Species Act (CESA)-listed species, including legal protection, penalties for violations, and Project-specific protective measures provided in the Projects SAA shall be discussed. Interpretation shall be provided for non-English speaking workers, and the same instruction shall be provided for any new works prior to them performing any activities on-site.

Deliverables:

- Up to fifty (50) copies of the environmental training pamphlet to be provided to all training session attendees.

Assumptions:

- One in-person training by a CDFW-approved Qualified Biologist to Project personnel prior to the start of construction.
- Additional trainings can be provided on an as-needed basis concurrent with the site inspections performed under Task 3.

Task 2: Sensitive Biological Resources Surveys

Several measures in the BMPs and SAA require pre-construction surveys for sensitive species. To meet these requirements, ESA will perform the following tasks:

- At least two weeks prior to the start of construction, ESA will perform a pre-construction survey for San Francisco garter snakes and California red-legged frogs and their habitats as described in BMP-BIO-5 and SAA Measure 2.17. The results of this survey will be submitted to CDFW via the Environmental Permit Information Management System (EPIMS) and email. During the survey, ESA will take four (4) pre-construction vantage point photos of each horizontal directional drill (HDD) crossing as described in SAA Measure 3.2.
- Within five days prior to the start of construction, ESA will perform a combination San Francisco dusky-footed woodrat (SFDW) and nesting bird survey as required by BMP-BIO-6, BPM-BIO-7, SAA Measure 2.11, and SAA Measure 2.20. The results of this combined survey will be summarized in a technical memorandum and submitted to CDFW via EPIMS and email. In the event associated buffers cannot be feasibly maintained, additional coordination with CDFW and/or relocation of middens may be required. These additional efforts are not included in this scope.
- Within forty-eight hours prior to the start of construction activities at the three HDD creek crossings, ESA will perform a focused survey of sensitive species as required by SAA measure 2.9. The results of this survey will be communicated to the District via email. If special status species are observed, additional coordination with CDFW may be required prior to the start of construction. Up to four (4) hours of coordination is included in this scope.

Deliverables:

- One (1) technical memorandum summarizing the results of the San Francisco garter snakes and the California red-legged frogs survey to be submitted to CDFW through EPIMS and to CDFW and the District by email.
- One (1) technical memorandum summarizing the results of the combined SFDW and nesting bird survey to be submitted to CDFW through EPIMS and to CDFW and the District by email.
- One (1) email summary of the sensitive species survey results to be provided to the District.

Assumptions:

- A single combined SFDW and nesting bird survey will be provided. Additional surveys may be required as a result of project scheduling and are not included in this scope.
- The District will provide ESA access to all proposed Project areas and adjacent habitats.

Task 3: Biological Construction Monitoring

Under this Task, ESA will provide a Qualified Biologist or Biological Monitor to be onsite daily during the construction activities in accordance with BMP-BIO-2 and SAA Measure 2.5. This will include full-time monitoring during the installation of exclusion fencing and the initial ground disturbance at the HDD sites. After the installation of the exclusion fencing and the initial ground disturbance at the HDD sites, ESA will provide spot check monitoring which will include daily inspections of excluded areas as described in BMP-BIO-3 and SAA Measure 2.12. During each site inspection, ESA will document compliance with all mitigation measures in a daily log to be submitted to the District. If any sensitive, federal or state-listed threatened or endangered species or species of special concern are found injured, dead, or alive and unable to leave the Project area of its own volition the Qualified Biologist, Biological Monitor, or CDFW-approved qualified person shall halt work and contact the Project contractor and the District which shall contact the appropriate regulatory agencies (e.g. CDFW, USFWS, NOAA-NMFS) immediately.

Deliverables:

- Daily log to be submitted to the District electronically.

Assumptions:

- Up to fourteen (14) days of full-time monitoring for eight (8) hours of construction during regular working hours.
- Up to thirty-eight (38) days of spot check monitoring.

Task 4: Post-Project Reporting

Within thirty days of Project completion, ESA will collect post-construction photographs of each HDD crossing for inclusion in a Project Completion Report to be submitted by ESA to CDFW through EPIMS.

Deliverables:

- One (1) Project Completion Report to be submitted to CDFW through EPIMS and to CDFW and the District by email.

PROJECT SCHEDULE

The EKI team is prepared to commence work immediately upon execution of this task order. We will work with the Contractor’s schedule to follow the deadlines as described within this proposal.

COMPENSATION FOR CONSULTING SERVICES

We propose that compensation for consulting services by EKI be on a time and expense reimbursement basis in accordance with our attached current Schedule of Charges, dated 1 January 2025. Based on the proposed Scope of Work described above, we propose a not-to-exceed budget of \$166,700 for the completion of Tasks 1 through 4 as shown by task in Table 1, below.

Table 1. Proposed Cost by Tasks

Task	Description	Task Total
1	Worker Environmental Awareness Program Training	\$8,700
2	Sensitive Biological Resources Surveys	\$23,200
3	Biological Construction Monitoring	\$129,000
4	Post Project Reporting	\$5,800
Total Estimated Budget		\$166,700

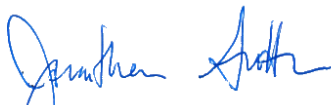
TERMS AND CONDITIONS

Other than the scope of work, budget, and schedule herein, the work will be performed in accordance with our current Professional Services Agreement.

Thank you for the opportunity to work with the District on this project. Please contact Jonathan Sutter at 650-292-9100 with any questions.

Very truly yours,

EKI ENVIRONMENT & WATER, INC.



Jonathan Sutter, P.E.
Principal Engineer

Attachments

EKI Schedule of Charges, dated 1 January 2025

Attachment A – Best Management Practices and Streambed Alteration Agreement Measures

Proposal/Agreement Date: **8 January 2025**

EKI Proposal/Project # **B80108.46**

SCHEDULE OF CHARGES FOR EKI ENVIRONMENT & WATER, INC.

1 January 2025

<u>Personnel Classification</u>	<u>Hourly Rate</u>
Officer and Chief Engineer-Scientist	355
Principal Engineer-Scientist	343
Supervising I, Engineer-Scientist	333
Supervising II, Engineer-Scientist	319
Senior I, Engineer-Scientist	306
Senior II, Engineer-Scientist	295
Associate I, Engineer-Scientist	283
Associate II, Engineer-Scientist	267
Engineer-Scientist, Grade 1	248
Engineer-Scientist, Grade 2	234
Engineer-Scientist, Grade 3	215
Engineer-Scientist, Grade 4	193
Engineer-Scientist, Grade 5	170
Engineer-Scientist, Grade 6	148
Project Assistant	139
Technician	133
Senior GIS / Database Analyst	175
CADD Operator / GIS Analyst	152
Senior Administrative Assistant	167
Administrative Assistant	132
Secretary	111

Direct Expenses

Reimbursement for direct expenses, as listed below, incurred in connection with the work will be at cost plus fifteen percent (15%) for items such as:

- a. Maps, photographs, reproductions, printing, equipment rental, and special supplies related to the work.
- b. Consultants, soils engineers, surveyors, drillers, laboratories, and contractors.
- c. Rented vehicles, local public transportation and taxis, travel, and subsistence.
- d. Special fees, insurance, permits, and licenses applicable to the work.
- e. Outside computer processing, computation, and proprietary programs purchased for the work.

A Communication charge for e-mail access, web conferencing, cellphone calls, messaging and data access, file sharing, local and long distance telephone calls and conferences, facsimile transmittals, standard delivery U.S. postage, and incidental in-house copying will be charged at a rate of 4% of labor charges. Large volume copying of project documents, e.g., bound reports for distribution or project-specific reference files, will be charged as a project expense as described above.

Reimbursement for company-owned automobiles, except trucks and four-wheel drive vehicles, used in connection with the work will be at the rate of sixty cents (\$0.60) per mile. The rate for company-owned trucks and four-wheel drive vehicles will be seventy-five cents (\$0.75) per mile. There will be an additional charge of thirty dollars (\$30.00) per day for vehicles used for field work. Reimbursement for use of personal vehicles will be at the federally allowed rate plus fifteen percent (15%).

CADD and other specialized software computer time will be charged at twenty dollars (\$20.00) per hour. In-house material and equipment charges will be in accordance with the current rate schedule or special quotation. Excise taxes, if any, will be added as a direct expense.

Rate for professional staff for legal proceedings or as expert witnesses will be at a rate of one and one-half times the Hourly Rates specified above.

The foregoing Schedule of Charges is incorporated into the Agreement for the Services of EKI Environment & Water, Inc. and may be updated annually.

Attachment A
**Best Management Practices and
Streambed Alteration Agreement
Measures**

BEST MANAGEMENT PRACTICES

Biological Resources

BMP-BIO-1: Worker Environmental Awareness Program Training

A project-specific Worker Environmental Awareness Program (WEAP) training shall be developed and implemented by a qualified biologist for the project and attended by all construction personnel prior to beginning work on-site. Interpretation shall be provided for non-English speaking workers, and the same instruction shall be provided for any new workers prior to their performing activities on-site. The training could consist of a recorded presentation that could be reused for new personnel. The WEAP training shall generally include but not be limited to the following:

1. Applicable state and federal laws, environmental regulations, project permit conditions, and penalties for non-compliance;
2. Information on special-status animal species with potential to occur at or in the vicinity of the project site, their habitat, the importance of these species and their habitat, the general measures that are being implemented to conserve these species as they relate to the project, and the boundaries within which the project construction shall occur, avoidance measures, and a protocol for encountering such species including a communication chain;
3. Pre-construction surveys and biological monitoring requirements associated with each phase of work and at each project site;
4. Known sensitive resource areas in the project vicinity that are to be avoided and/or protected (e.g., Pilarcitos Creek and Corinda Los Trancos Creek) as well as approved project work areas; and
5. Best management practices (BMPs) and their location on the project site for erosion control and/or species exclusion.

BMP-BIO-2: Biological Monitor(s) On-Site with Stop Work Authorization

A qualified biologist or biological monitor shall be on site daily during project activities for the duration of construction, including initial site disturbance, exclusion fence installation, ground disturbance, trenching, and HDD pipeline installation, to avoid or minimize impacts on sensitive species and their habitat. The qualified biologist or biological monitor shall be authorized to stop construction if necessary to protect fish and wildlife resources which will be allowed to disperse from the work site of their own volition. If any sensitive, federal or State listed threatened or endangered species, or Species of Special Concern are found (injured, dead, or alive and unable to leave the project area under its own volition) the biologist shall halt work and contact the project contractor and CCWD who shall contact the appropriate regulatory agency (e.g., CDFW/USFWS/NOAA-NMFS) immediately.

Qualified biologists and biological monitors are defined as follows:

- A qualified biologist is an individual experienced with biological monitoring, who is able to recognize the species in the project area, and who is familiar with the habits and behavior of those species. Qualified biologists shall have a minimum of five years of academic training and professional experience in the biological sciences and related resource management activities as it pertains to this project.
- A biological monitor is an individual experienced with construction level biological monitoring, who is able to recognize species in the Project area, and who is familiar with the habits and behavior of those species. Biological monitors shall have academic and professional experience in biological sciences and related resource management activities as it pertains to this Project.

BMP-BIO-3: Wildlife Exclusion Fencing

Temporary exclusion fencing shall be installed around key project boundaries adjacent to suitable habitat for sensitive federal or State listed threatened or endangered species or Species of Special Concern, including around all project staging areas, HDD entrance and exit pits, and any work areas in the vicinity of Pilarcitos Creek and Corinda Los Trancos Creek to ensure isolation of project activities from sensitive aquatic resources and habitat. Exclusion fencing installation and monitoring shall adhere to the following practices:

- Fencing locations shall be determined in consultation with the qualified biologist.
- Fencing shall be installed immediately prior to the start of construction activities under the supervision of a qualified biologist.
- Temporary exclusion fencing shall be continuously maintained until all construction activities are completed.
- The qualified biologist or biological monitor shall conduct daily inspections of the excluded project work area(s) and staging areas prior to the commencement of construction activities.
- If the biological monitor determines that sensitive species are not within these excluded work areas, equipment or materials may be moved and project activities may commence under the direct observation of the biological monitor.
- Fencing within established roadways is not required.

The fence shall be USFWS/CDFW-approved species exclusion fencing, with a minimum height of 3 feet above ground surface, with an additional 4 to 6 inches of fence material buried such that species cannot crawl under the fence and shall include escape funnels to allow species to exit the work areas.

BMP-BIO-4: General Conservation Measures during Construction

The project contractor shall implement the following general measures while working in project sites during construction to prevent and minimize impacts on special-status species, aquatic resources, and sensitive habitat areas:

- Ground disturbance and construction footprints will be minimized to the greatest degree feasible.
- Project-related vehicles shall observe a 15 mile-per-hour speed limit on unpaved roads in the project site.
- No firearms or pets shall be allowed on the project site.
- The project contractor shall provide closed garbage containers for the disposal of all food-related trash items. All garbage shall be collected daily from the project site and placed in a closed container from which garbage shall be removed weekly. Construction personnel shall not feed or otherwise attract fish or wildlife to the project site.
- If vehicle or equipment maintenance is necessary, it shall be performed in designated upland staging areas (not at creek work sites), and spill kits containing cleanup materials shall be available on-site. Maintenance activity and fueling must occur away at least 100 feet from all aquatic resources.
- As necessary, erosion control measures shall be implemented to prevent any soil or other materials from entering any nearby aquatic habitat. Erosion control shall be installed adjacent to aquatic habitat to prevent soil from eroding or falling into the area.
- Erosion control measures shall be implemented as described in the project stormwater pollution prevention plan (SWPPP). Sediment control measures shall be furnished, constructed, maintained, and later removed. Plastic monofilament of any kind (including those labeled as biodegradable, photodegradable, or UV-degradable) shall not be used. Only natural burlap, coir, or jute wrapped fiber rolls shall be used.
- Disturbance or removal of vegetation shall be kept to the minimum necessary to complete project related activities. Trimming or removal of trees and riparian vegetation associated with Pilarcitos Creek and Corinda Los Trancos Creek is prohibited. No equipment used in support of project implementation (e.g., excavator) shall enter the riparian habitat or creeks unless necessary to implement HY-1, Frac-out Contingency Plan.
- Project upland areas disturbed by vegetation removal, grading of temporary staging areas, and excavation of pipeline trenches or HDD pits shall be restored to pre-project conditions following project completion. All exposed or disturbed soils (not including agricultural fields) shall be planted with a native species seed mix appropriate for the area disturbed (e.g., erosion control mix), free from seeds of noxious or invasive weed species, and applied at a rate which ensure establishment. Seeding placed after October 15 shall be applied by hydroseeding or shall be covered with broadcast straw, jute netting, coconut fiber blanket, weed-free mulch or a similar erosion control method.
- Project personnel shall be required to report immediately any harm, injury, or mortality of a listed species (federal or state) during construction, including entrapment, to the construction foreman, qualified biologist, and CCWD staff. Project personnel shall provide verbal notification to the USFWS Endangered Species Office in Sacramento, California, and/or to the local CDFW warden or biologist (as applicable) within 1 working day of the incident. Project personnel shall follow up with written notification to the appropriate agencies within 5 working days of the incident. All special-status species observations shall be recorded on

California Natural Diversity Data Base (CNDDDB) field sheets/IPaC and sent to the CDFW/USFWS and by CCWD staff or their consultant.

- The spread of invasive non-native plant species and plant pathogens shall be avoided or minimized by implementing the following measures:
 - Construction equipment shall arrive at the project clean and free of soil, seed, and plant parts to reduce the likelihood of introducing new weed species.
 - Any imported fill material, soil amendments, gravel, or other materials required for construction and/or restoration activities that will be placed within the upper 12 inches of the ground surface shall be free of vegetation and plant material.
 - Certified weed-free imported erosion control materials (or rice straw in upland areas) shall be used exclusively, if possible.
 - To reduce the movement of invasive weeds into uninfested areas, the project contractor shall stockpile topsoil removed during excavation (e.g., during excavation of entrance and exit pits) and shall subsequently reuse the stockpiled soil for re-establishment of disturbed project areas.

BMP-BIO-5: Conservation Measures for Sensitive Amphibians and Reptiles

The following conservation measures shall be implemented to minimize or eliminate potential adverse impacts on California red-legged frog and San Francisco garter snake during project-related activities:

- A qualified biologist shall survey the HDD creek crossing work sites 2 weeks before the onset of construction for CRLF and SFGS to determine presence (and life stage) of these species within portions of Pilarcitos Creek and Corinda Los Trancos Creek within the project area. Additionally, a qualified biologist shall conduct a pre-construction survey of the project work areas for CRLF and SFGS immediately prior to the start of construction activities. The surveys will consist of walking the project limits and within the project sites that contain suitable habitat for these species to ascertain presence of these species.
 - The specific methods for decontamination shall follow USFWS (2005) and USGS (2015) protocols, respectively. These protocols describe field equipment maintenance, disinfection, and field hygiene procedures designed to minimize potential spread of pathogens to amphibians.
 - CRLF and SFGS individuals shall not be disturbed if encountered during project implementation but allowed to disperse from project areas unharmed and of their own volition while all work is halted within 50 feet of individuals.
 - Should CRLF egg masses, metamorphs, or tadpoles be found, a 100-foot no-disturbance buffer shall be established around the location(s) until juveniles disperse from the breeding sites. If a CRLF is not dispersing on its own volition, the on-site biologist shall monitor the frog while work continues, as long as the on-site biologist can ensure the safety of the frog. The qualified biologist shall immediately inform the construction

manager that work should be halted or modified (in the case of a buffer or non-dispersing individual), if necessary, to avert avoidable take of listed species.

- Project work areas that provide suitable habitat for CRLF and/or SFGS shall be monitored by a qualified biologist (or qualified biological monitor) during fence installation and ground disturbing activities (including pipeline installation) to identify and halt or observe work in the vicinity of CRLF and SFGS if encountered on-site. The biologist shall have the authority to stop construction activities and develop alternative work practices, in consultation with construction personnel (and resource agencies as appropriate), if construction activities are likely to affect special-status species or other sensitive biological resources.
- All excavations of a depth of 8 inches or greater shall be covered at the end of each workday, or escape ramps shall be installed at a 3:1 grade to allow wildlife that fall in a means to escape. If escape ramps cannot be provided, then holes or trenches shall be covered with plywood or other hard material.
- Any pipes or similar materials greater than 4 inches in diameter shall be capped or stored at the end of each day, so as to prevent listed species from using these as temporary refuges, and becoming trapped or otherwise negatively affected.
- Vehicles or equipment parked overnight at the project staging areas or project sites adjacent creeks shall be inspected for harboring species each morning by the qualified biological monitor before vehicles or equipment are moved.

BMP-BIO-6: Nesting Bird Protection Measures

Nesting birds and their nests shall be protected during construction through implementation of the following measures:

- To the extent feasible, conduct upland vegetation removal and ground disturbance outside the bird nesting season (January 15 to August 15).
- If vegetation removal and ground disturbance during the nesting season cannot be fully avoided, a qualified wildlife biologist shall conduct pre-construction nesting bird surveys within 7 days prior to the start of such activities or after any construction breaks of 10 days or more. Surveys shall be performed for the project footprint, including pipeline alignment, HDD entrance and exit pits, vehicle and equipment staging areas, and suitable habitat within 250 feet and 500 feet to locate any active passerine (perching bird) nests and raptor (birds of prey) nests, respectively.
- If active nests are located during the pre-construction nesting bird surveys, the qualified biologist shall evaluate if the schedule of construction activities could affect the active nests and the following measures shall be implemented based on their determination:
 - If construction is not likely to affect the active nest, construction may proceed without restriction; however, a qualified biologist shall regularly monitor the nest at a frequency determined appropriate for the surrounding construction activity to confirm there is no adverse effect. Spot-check monitoring frequency would be determined on a nest-by-nest basis considering the construction activity, duration, proximity to the nest, and physical barriers which may screen activity from the nest. The qualified biologist may revise his/her determination at any time during the nesting season in coordination with CCWD.

- If it is determined that construction may affect the active nest, the qualified biologist shall establish a no-disturbance buffer around the nest(s) and all project work would halt within the buffer until a qualified biologist determines the nest is no longer in use. Typically, these buffer distances are 250 feet for passerines and 500 feet for raptors; however, the buffers may be adjusted if an obstruction, such as a building, is within line-of-sight between the nest and construction.
- Any work that must occur within established no-disturbance buffers around active nests shall be monitored by a qualified biologist. If adverse effects in response to project work within the buffer are observed and could compromise the nest, work within the no-disturbance buffer(s) shall halt until the nest occupants have fledged.
- Any birds that begin nesting within the project site and survey buffers amid construction activities shall be assumed to be habituated to construction-related or similar noise and disturbance levels and no work exclusion zones shall be established around active nests in these cases; however, should birds nesting nearby begin to show disturbance associated with construction activities, no-disturbance buffers shall be established as determined by the qualified wildlife biologist.

BMP-BIO-7: Conservation Measures for San Francisco Dusky-Footed Woodrat

A pre-construction survey for San Francisco dusky-footed woodrat middens shall be conducted by a qualified wildlife biologist prior to the start of construction in suitable habitat within and surrounding the project footprint proximate to Pilarcitos Creek and Corinda Los Trancos Creek, staging areas, and access roads. Active middens identified during surveys within the project sites, staging areas, or along access roads shall be flagged as a sensitive resource and avoided during construction.

Cultural Resources

BMP-CUL-1: Conservation Measures for Subsurface Resources

In the unlikely event that subsurface resources are identified during ground disturbing activities, project personnel shall comply with PRC Section 21083.2(i), which requires the lead agency to make provisions for archaeological resources accidentally discovered during construction. An immediate evaluation shall be conducted by a qualified archaeologist, and if the find is determined to be a unique archaeological resource or a historical resource, then it must be avoided. If avoidance is not feasible, the resource shall be recovered and treated accordingly. Construction shall be allowed in other areas while the archaeological mitigation takes place.

BMP-CUL-2: Conservation Measures for Human Remains

In the unlikely event that ground disturbing activities identify undiscovered human remains, project personnel shall comply with Government Code Section 27460 et seq., which requires ground disturbing activities to halt until the County Coroner can determine whether the remains are subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner, and cause of death; and

the required recommendations concerning the treatment and disposition of the human remains have been made. Pursuant to California Health and Safety Code Section 7050.5, the coroner shall make a determination within 48 hours of notification of the discovery of the human remains. If the coroner determines that the remains are not subject to their authority and recognizes or has reason to believe that they are those of a Native American, the coroner shall contact the Native American Heritage Commission within 24 hours.

Hydrology and Water Quality

BMP-HY-1: Frac-out Contingency Plan

The project contractor shall retain a licensed geotechnical engineer, or other similarly qualified specialist, to develop a Frac-out Contingency Plan, or equivalent as may be required by the regulatory agencies/permits ("Plan"). The Plan shall be implemented where HDD installation under a waterway will occur to avoid, minimize, or mitigate for potential Project impacts on water quality, aquatic resources, and resident wildlife during HDD installation, as specified in the Plan. The Plan shall include, at a minimum:

1. Measures describing training of construction personnel about monitoring procedures, equipment, materials and procedures in place for the prevention, containment, clean-up (such as creating a containment area, establishing a stream flow bypass, and using a pump or a vacuum truck, etc.), and disposal of released bentonite slurry, and agency notification protocols.
2. Methods for preventing frac-out including maintaining pressure in the borehole to avoid exceeding the strength of the overlying soil.
3. Methods for detecting an accidental release of bentonite slurry that include: (a) only drilling during daylight hours when slurry plumes are readily identifiable; (b) monitoring by a minimum of one dedicated water quality monitor per drill site throughout drilling operations to ensure swift plume identification and response if a frac-out occurs; (b) continuous monitoring of drilling pressures to ensure they do not exceed those needed to penetrate the formation; (c) continuous monitoring of slurry returns at the exit and entry pits to determine if slurry circulation has been lost; and (d) continuous monitoring by spotters to follow the progress of the drill bit during the pilot hole operation, and reaming and pull back operations.
4. Protocols that the project contractor would follow if there is a loss of circulation or other indicator of a release of slurry.
5. Methods and infrastructure on site responsive to the perennial (constant) flow of project waterways that could be rapidly deployed to establish stream bypass flow around the frac-out location and prevent release of the bentonite slurry downstream.
6. Cleanup and disposal procedures and equipment the project contractor would use if a frac-out occurs.
7. If a frac-out occurs, the project contractor shall immediately halt work, implement the measures outlined in Items 5 and 6 of the Frac-out Contingency Plan to contain, clean-up, and dispose of the bentonite slurry. If the frac-out occurs in the water channel, CCWD shall immediately notify the Regional Water Quality Control Board and California Department of Fish and Wildlife of the frac-out and clean-up response and consult with their staffs before HDD activities can begin again.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
REGION 3
2825 CORDELIA RD #100
FAIRFIELD, CA 94534



STREAMBED ALTERATION AGREEMENT
EPIMS-SMO-47328-R3
CORINDA LOS TRANCOS CREEK TO PILARCITOS CREEK
PILARCITOS CREEK TO ARROYO LEON

MARY ROGREN
COASTSIDE COUNTY WATER DISTRICT
HIGHWAY 92 EMERGENCY PIPELINE REPLACEMENT PROJECT (PROJECT)

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Coastside County Water District (Permittee), as represented by Mary Rogren.

RECITALS

WHEREAS, pursuant to Fish and Game Code section 1602, Permittee notified CDFW on February 09, 2024, 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 sites are in unincorporated San Mateo County, California, and located south of and parallel to Highway 92, approximately 1.7-miles east of Half Moon Bay. The Project proposes stream crossings at three locations (Exhibit A, Figure 1, Project Site Map):

- **Location 1 (Corinda Los Trancos Creek Crossing):** APNs 056-331-020; 056-331-110, Latitude 37.645987, Longitude -122.40564.
- **Location 2 (West Pilarcitos Creek Crossing):** APNs 056-341-190; 056-341-020; 056-341-180; 056-341-230, Latitude 37.48533, Longitude -122.39697.

- **Location 3 (East Pilarcitos Creek Crossing):** APNs 056-341-220; 056-341-200; 056-341-230; 056-341-080; 056-341-150, Latitude 37.48710, Longitude -122.39408.

PROJECT DESCRIPTION

Coastside County Water District (CCWD) proposes three water pipe replacements in unincorporated San Mateo County (Exhibit A, Attachment 1. Supplemental Information). The Project is limited to the following work as described in the Project notification.

Project would install a 12-inch high-density polyethylene ("HDPE") pipe via horizontal directional drilling (HDD) beneath two creeks at three locations, consisting of one crossing under Corinda Los Trancos Creek and two crossings under Pilarcitos Creek (Exhibit B, Attachment 2, Site Plans).

The total approximate length of the three HDD crossings is 1,600 linear feet. The HDD installations under the creeks and riparian zones will be approximately perpendicular to the creek flow. For each crossing, the entry and exit bore pits will be located at least 150 feet from the riparian zone. All staging and work associated with launch and retrieval will be located outside the riparian zone.

Based on the hydro-fracture analysis and geotechnical study the Project proposes the depth of cover will be 20 feet at Corinda Los Trancos Creek and the downstream crossing of Pilarcitos Creek, and 25 feet cover will be provided at the upstream crossing of Pilarcitos Creek (Exhibit C, Attachment 3. Hydro-fracture Analysis and Geotechnical Study).

The HDD contractor shall monitor the areas between the HDD entry and exit points, particularly focusing on riparian and riverine areas (Exhibit D, Attachment 5. Discharge Monitoring Plan).

At the Corinda Los Trancos Crossing, the subsurface HDD limits of work would overlap with approximately 374 square feet of riverine and 459 square feet of the associated riparian zone. At the West Pilarcitos Creek Crossing, the subsurface HDD limits of work would overlap with approximately 274 square feet of riverine, and 572 square feet of the associated riparian zone. At the East Pilarcitos Creek Crossing, the subsurface HDD limits of work would overlap with approximately 490 square feet of riverine, and 1,036 square feet of the associated riparian zone (Exhibit A, Attachment 1. Supplemental Information).

PROJECT IMPACTS

Existing fish or wildlife resources the Project could substantially adversely affect on-site and/or downstream include:

Common Name	Scientific Name	Status¹
American peregrine falcon	<i>Falco peregrinus anatum</i>	Delisted
California red-legged frog	<i>Rana draytonii</i>	FT, SSC
Choris' popcornflower	<i>Plagiobothrys chorisianus var. chorisianus</i>	1.B.2
Kellogg's horkelia	<i>Horkelia cuneata var. sericea</i>	1.B.1
marbled murrelet	<i>Brachyramphus marmoratus</i>	FT, SE
monarch - California overwintering population	<i>Danaus plexippus plexippus pop. 1</i>	FPE
perennial goldfields	<i>Lasthenia californica ssp. macrantha</i>	1.B.2
San Francisco Common Yellowthroat	<i>Geothypis trichas sinuosa</i>	SSC
San Francisco dusky-footed woodrat	<i>Neotoma fuscipes annectens</i>	SSC
San Francisco gartersnake	<i>Thamnophis sirtalis tetrataenia</i>	FE, SE, FP
steelhead - central California coast DPS	<i>Oncorhynchus mykiss irideus pop. 8</i>	FT, SSC
western bumble bee	<i>Bombus occidentalis</i>	SC
western pond turtle	<i>Emys marmorata</i>	FPT, SSC
western snowy plover	<i>Charadrius nivosus nivosus</i>	FT, SSC
Waterfowl		-
Nesting and migratory Birds		-
Riparian vegetation		-
Common raptors		
Common aquatic and terrestrial species		-

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

- Changes to the bed, bank, or channel;
- Increased bank instability and erosion;
- Disturbance of aquatic or riparian substrate;
- Soil compaction or other disturbance to soil layer that affect run-off rates;
- Alteration of the bed, bank, or channel that result in changes in the recruitment of litter to the aquatic system;
- Temporary barriers to terrestrial mobility;

¹ Notes: FT = Federal Threatened under the Endangered Species Act (ESA); FE = Federal Endangered under the Endangered Species Act (ESA); FPE = Federal Proposed Endangered; FPT = Federal Proposed Threatened. SE = State Endangered; ST = State Threatened; SC = State Candidate for Protection under California Endangered Species Act (CESA); SSC = Species of Special Concern. California Rare Plant Rank (CRPR): 1B = All the plants constituting CRPR 1B meet the definitions of the California Endangered Species Act of the California Fish and Game Code and are eligible for state listing. CRPR Threat Rank: 0.1= Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat). CRPR Threat Rank: 0.2 = Moderately threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat).

- Species impacts from work adjacent to waterway;
- Erosion and sediment deposition from project activities;
- Addition of deleterious materials to waters of the State;
- Accidental spills into waters of the State.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

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 (5) working days prior to commencement of Project 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 take² of

² "Take", as defined in Fish and Game Code section 86, means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill. "Take", as defined in title 16 of U.S. Code subsection 19,

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 comply 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 fish³ up and down stream.
- 1.9 Demarcate Work Area Boundary. In consultation with the Qualified Biologist, the Permittee or Designated Representative shall demarcate the outer perimeter of the entry and exit pit work areas to prevent damage to adjacent habitat and to provide visual orientation to its limits. All persons employed or otherwise working on the project site shall be instructed about the restrictions that the marking represents.

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, unless approved by CDFW otherwise in writing.

Work Period and Design

- 2.1 Conduct Work During Daylight Hours. Work shall be restricted to daylight hours (one hour after sunrise to sunset), unless approved by CDFW otherwise in writing.
- 2.2 Work Period. Work authorized under this Agreement within **Corinda Los Trancos Creek and Pilarcitos Creek** shall be confined to the period **June 1 to October 15**.
- 2.3 Work Period in Dry Weather Only. Project work shall be restricted to dry weather. Construction shall be timed with awareness of precipitation forecasts and potential increases in stream flow. Construction activities shall cease when the National Weather Service (NWS) 72-hour weather forecast indicates a 30 percent chance or higher of precipitation. All necessary erosion control measures shall be implemented prior to the onset of precipitation. Construction equipment and materials shall be removed if inundation is likely. Construction activities halted due to precipitation may resume when precipitation ceases, and the NWS 72-hour weather forecast indicates less than a 30 percent chance of precipitation. No work shall occur during a dry-out period of 24 hours after the above referenced wet weather. Weather forecasts shall be documented upon request by CDFW. Prior to the start of work and after the work is stopped each day, a minimum of four (4)

means harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt any of those activities.

³ Fish, as defined in Fish and Game Code section 45, means a wild fish, mollusk, crustacean, invertebrate, amphibian, or part, spawn, or ovum of any of those animals.

photographs from vantage points that offer representative views of the Project site and work areas shall be made and sent to CDFW within 5 (five) days.

- 2.4 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 exhibits referenced here and the avoidance, minimization, and mitigation measures provided in the notification package.

Qualified Biologist(s) and Biological Monitor(s)

- 2.5 CDFW-Approved Qualified Biologist(s) and Monitor(s). At least 30 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. Resumes shall be submitted using the Biologist Resume Form available to download in EPIMS under the Correspondence section for the project, or another format containing the same information.

- A Qualified Biologist is an individual who holds a bachelor's degree from an accredited university and: 1) is knowledgeable in relevant species' life histories and ecology, 2) can correctly identify relevant species, 3) has conducted field surveys for relevant species, 4) is familiar with relevant survey protocols, and 5) is knowledgeable of state and federal laws regarding the protection of sensitive species.
- 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 Project area and be familiar with the habitats and behavior of those species.

General Wildlife Protection and Prevention

- 2.6 Training Session for Personnel. Permittee shall ensure that a CDFW-approved Qualified Biologist conducts an education program for all persons employed on the Project prior to performing covered activities. Instruction shall consist of a presentation by the designated Qualified Biologist that includes a discussion of the biology and general behavior of any sensitive species which may be in the area, how they may be encountered within the work area, and procedures to follow when they are encountered. The status of CESA-listed species, including legal protection, penalties for violations, and Project-specific protective measures provided in this Agreement shall be discussed. Interpretation shall be provided for non-English speaking workers, and the same instruction shall be provided for any new workers prior to on-site Project activity. Permittee or Qualified Biologist shall prepare and distribute wallet-sized cards or a factsheet handout containing this

information for workers to carry on-site. Upon completion of the program, employees shall sign an affidavit stating they attended the program and understand all protection measures. These forms shall be filed at the Permittee's office and be available to CDFW upon request.

- 2.7 Wildlife Encounters. If any wildlife is encountered during the course of Project activities, all work in the immediate area shall cease and the wildlife shall be allowed to leave the Project area unharmed. If any FESA, CESA, or CDFW special-status species listed fish or wildlife species are encountered, the Permittee shall contact CDFW and the Qualified Biologist immediately.
- 2.8 Relocation of Stranded Wildlife. Any wildlife species found during pre-construction or daily clearance surveys shall not be harassed and shall be allowed to leave the project area unharmed. If needed, the Qualified Biologist may guide, handle, or capture an individual non-listed wildlife species to move it to a nearby safe location within nearby refugium, or it shall be allowed to leave the project site of its own volition. If the wildlife species is discovered or is caught in any pits, ditches, or other types of excavations, the Qualified Biologist shall release it into the most suitable habitat near the site of capture. This measure does not authorize "take" of any state or federally listed species. If the Permittee encounters a listed or fully protected species during a Project activity that could be harmed, Permittee shall suspend work and consult with CDFW. CDFW reserves the right to provide additional measures to this Agreement designed to protect special-status species.
- 2.9 Special-Status Species Wildlife and Plant Survey. A Qualified Biologist, approved by CDFW for this Project, shall conduct a survey within 48 hours prior to the start of project activities, focusing on the presence of special-status species and nesting birds, bats, and aquatic species. If any special-status species are discovered during the survey, Project activities shall not begin until CDFW has been consulted with regarding avoidance and minimization measures to avoid and minimize impacts to special-status species. Permittee shall implement the avoidance and minimization measures if required by CDFW.
- 2.10 Nesting Birds. Permittee shall avoid active nests that occur at or 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.
- 2.11 Nesting Bird Surveys. If Project activities are scheduled to during the nesting season, **January 15 to August 31**, a focused survey for active nests shall be conducted by a Qualified Biologist within 7 days prior to the beginning of Project-related activities, or after any construction breaks of 10 days or more. The results of the survey shall be sent to CDFW via EPIMS and by email prior to the start of Project activities. If an active nest is found during surveys and determined that construction may affect the active nest, the Qualified Biologist will establish a no-disturbance buffer and all project work would halt within the buffer until the Qualified Biologist determines the nest is no longer in use. Buffer distances are

250 feet for passerines and 500 feet for raptors; however, the buffer distances may be adjusted if an obstruction is within line-of-sight between the nest and construction. The buffer distance will be specified to protect the bird's normal behavior to prevent nesting failure or abandonment. 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. The Qualified Biologist or Biological Monitor shall monitor the behavior of the birds at the nest site to ensure that they are not disturbed by Project activities. Nest monitoring shall continue during Project activities until the young have fledged, as determined by the Qualified Biologist.

- 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.
- 2.13 Trenches and Holes. At the end of each workday all trenches and holes greater than one foot deep shall be completely covered with a material flush on the ground to prevent wildlife from entering. When trenches cannot be fully covered, an escape ramp shall be placed at each end of any constructed open trench to allow any wildlife that may have become entrapped in the trench to climb out overnight. The ramp may be constructed of either dirt fill or wood planking or other suitable material that is placed at an angle no greater than 30 degrees. If neither a cover nor ramp can be constructed, then wildlife exclusion fencing will be installed around the trench or hole.
- 2.14 Pipes, Hoses, and Similar Structures. All pipes, hoses, or similar structures less than 12 inches in diameter shall be closed or covered to prevent animal entry. All construction pipes or similar structures greater than two inches in diameter stored at the Project site overnight shall be inspected thoroughly for wildlife before the pipe or similar structure is buried, capped, used, or moved.
- 2.15 Setbacks. Permittee shall maintain a minimum 30 feet setback from the existing, created, and impacted jurisdictional areas. Permittee shall maintain a minimum 30 feet setback from the center of the creek. No HDD work areas shall be permitted in the setback, except in the event of an emergency event (frac-out) occurs.

Amphibians

- 2.16 Amphibian Handling Code of Practice. All personnel on site shall adhere to the following: *The Declining Amphibian Task Force Fieldwork Code of Practice* (Exhibit F) when on site and during the handling of amphibians by authorized individuals.

- 2.17 California Red-Legged Frog (CRLF) Habitat Assessment and Surveys. At least two weeks prior to starting Project activities, a Qualified Biologist shall perform a pre-project survey for CRLF and their habitat. The Qualified Biologist will inspect habitat features, including aquatic habitat such as plunge pools, ponds, and terrestrial habitat such as burrows or other refugia. Survey limits shall be determined by the Qualified Biologist and shall include all areas within the Project footprint. If habitat occurs, then no more than 72 hours prior to project ground disturbing activities, the area shall be surveyed by a Qualified Biologist. If the survey yields information pertaining to any new resource impacts, CDFW shall be consulted immediately. The results of the habitat feature assessment and survey shall be submitted to CDFW via EPIMS and emails (See Contact Information below).
- 2.18 Cease Activities for California red-legged frog (CRLF). If CRLF enters the work area, all work shall stop until the CDFW-approved Qualified Biologist relocates the CRLF or it leaves the Project area on its own. Only the CDFW-approved Qualified Biologist, with appropriate approval, can handle and relocate CRLF. Any sightings and/or injuries of this species shall be immediately reported to CDFW. If necessary, Permittee shall propose site-specific mitigation measures that will be utilized to avoid “take” and to avoid or minimize disturbance to CRLF habitat. Instream work shall not be recommenced until CDFW has provided written approval of the proposed mitigation avoidance measures. If “take” of CRLF cannot be avoided, Permittee shall obtain an Incidental Take Permit (ITP).
- 2.19 Exclusionary Fencing for California red-legged frog (CRLF). Exclusionary fencing shall be erected if California red-legged frog (CRLF) or other amphibians are present in the vicinity of the Project site.

San Francisco Dusky-footed Woodrat

- 2.20 San Francisco Dusky-footed Woodrat (SFDFW) Surveys. A Qualified Biologist or CDFW-approved Biological Monitor will conduct surveys for SFDFW nests five (5) days before debris and vegetation removal or construction activities begin. Surveys are not required if debris and vegetation removal activities are not conducted. If nests are found and can be avoided with 50-feet of clearance from construction activities, flagging or fencing will be installed to avoid indirect impacts. If a nest is identified at the base of a non-native tree that will be removed, the nest may be left in place and the tree trunk cut above the nest, if feasible to do safely. If any SFDFW nests are in the way of construction and must be disassembled, CDFW shall be contacted immediately. CDFW reserves the right to include additional measures regarding SFDFW here.
- 2.21 Active SFDFW Buffers. If an active SFDFW midden site are found during SFDFW surveys, it shall be designated as “Ecologically Sensitive Areas” (ESA) and protected during Project construction with establishment of flagging or a fence barrier surrounding the nest site under the direction of the Qualified Biologist.

CDFW recommends that the minimum distance of 25 feet is used for the protective buffer protecting the nest.

- 2.22 Active SFDFW. The Permittee shall avoid all active SFDFW midden(s). If SFDFW midden(s) cannot be avoided, the Permittee shall submit to CDFW a SFDFW Midden Relocation Plan for CDFW review, comment, and written approval. Project activities shall not commence until Permittee receives CDFW's written approval of the SFDFW Midden Relocation Plan.

San Francisco Garter Snake

- 2.23 Cease Activities and No Handling of San Francisco Garter Snake (SFGS). SFGS is protected under FGC Section 5050. Under this statute, "take" of a fully protected species may not occur except for scientific or recovery purposes. Catch, pursue, capture, or attempt to catch, pursue and capture is considered "take" as defined in Section 86 of the FGC. SFGS shall not be handled by anyone, including the Qualified Biologist or Biological Monitor. Any sightings and/or injuries of this species shall be immediately reported to CDFW.

Vegetation Protection, Prevention, and Restoration

- 2.24 No Native or Heritage Tree Removal. No native or heritage trees shall be removed under this Agreement, unless approved by CDFW otherwise in writing.
- 2.25 Habitat Restoration. The disturbed portions of any stream due to work authorized under this Agreement shall be restored to their original condition as outlined in the Project notification. Restoration shall include recontouring and stabilization of stream bed, banks, and channel, and the revegetation of areas cleared of vegetation.

Erosion and Sediment Control

- 2.26 Erosion Control. At no time shall silt laden runoff or debris 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 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 waters of the State.
- 2.27 Disposal and Removal of Materials. 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.

- 2.28 Natural and Biodegradable Erosion Control Materials. Any erosion control materials placed in the bed, bank, channel shall be composed entirely of natural-fiber biodegradable materials. Permittee shall not use plastic “photodegradable” erosion control materials in the bed, bank, channel. This measure does not apply to work outside of the setback areas described in Measure 2.15.
- 2.29 Erosion Control Materials – Monofilament Netting. To minimize the risk of ensnaring and strangling wildlife, Permittee shall not utilize erosion control materials containing synthetic (e.g., plastic or nylon) monofilament netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, coconut (coir) fiber, or other products without welded weaves.

Operating Equipment, Vehicles, Material Handling, Debris, and Waste

- 2.30 Operating Equipment and Vehicle Leaks. Any equipment or vehicles driven and/or operated within or adjacent to the stream/lake shall be checked and maintained daily to prevent leaks of materials that could be deleterious to aquatic and terrestrial life or riparian habitat.
- 2.31 Equipment Maintenance and Fueling. No equipment maintenance or fueling shall be done within or near any stream channel or lake margin where petroleum products or other pollutants from the equipment may enter these areas.
- 2.32 Stockpiled Materials. Building materials, debris, and construction equipment shall not be stockpiled or stored where they may be washed into the water or cover aquatic or riparian vegetation. Stockpiles shall be covered when measurable rain is forecasted.
- 2.33 No Dumping. Permittee and all contractors, subcontractors, tenants, and employees shall not dump debris, litter, or substances that could be deleterious to aquatic life within the stream, or where it may pass into the stream.
- 2.34 Pick Up Debris. Permittee shall pick up all debris and waste daily.
- 2.35 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

- 2.36 Deleterious 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 in the project area shall be prevented from contaminating the soil and/or entering the Waters of the

State. 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.

Spills and Emergencies

- 2.37 Spill Kits. Prior to entering the work site, all field personnel shall know the location of spill kits and trained in their appropriate use.
- 2.38 Spill of Material Deleterious to Fish and Wildlife. In the event of a hazardous materials spill into a stream (e.g., concrete or bentonite), Permittee shall immediately notify the California Office of Emergency Services State Warning Center by calling **1-800-852-7550** and immediately provide written notification to CDFW by email at AskBDR@wildlife.ca.gov. Permittee shall take all reasonable measures to document the extent of the impacts and affected areas including photographic documentation of affected areas, injured fish and wildlife. If dead fish or wildlife are found in the affected area, Permittee shall collect carcasses and immediately deliver them to CDFW. Permittee shall meet with CDFW within ten days of the reported spill in order to develop a resolution including: site clean-up, site remediation and compensatory mitigation for the harm caused to fish, wildlife and the habitats on which they depend as a result of the spill. The Permittee shall be responsible for all spill clean-up, site remediation and compensatory mitigation costs. Spill of materials to waters of the State that are deleterious to fish and wildlife are in violation of Fish and Game Code section 5650 et seq. and are subject to civil penalties for each person responsible. CDFW reserves the right to refer the matter to the District Attorney's Office if a resolution cannot be agreed upon and achieved within a specified timeframe, generally six months from the date of the incident.
- 2.39 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. Frac-out spill Response. Permittee shall be prepared to mitigate stream and riparian habitat impacts by submitting a frac-out mitigation plan within 10 days of incident for CDFW review and acceptance.
- 2.40 Frac-out Contingency Plan (FOCP). If horizontal directional drilling (HDD) is proposed, Permittee shall retain a licensed geotechnical engineer, civil engineer, or other qualified professional to develop a Frac-out Contingency Plan (FOCP). Permittee or the designated representative shall submit the FOCP to CDFW for review and at least 30 days prior to conducting HDD activities. The Frac-out Contingency Plan shall include, at a minimum: 1) Measures describing training of construction personnel about monitoring procedures, equipment, materials, and procedures in place for the prevention, containment, clean-up (such as creating a

containment area and using a pump, using a vacuum truck, etc.), and disposal of released bentonite slurry, and agency notification protocols. 2) Methods for preventing frac-out including how pressure is maintained in the borehole to avoid exceeding the strength of the overlying soil. 3) Methods for detecting an accidental release of bentonite slurry that include: (a) monitoring by a minimum of one monitor throughout drilling operations to ensure swift response if a frac-out occurs; (b) continuous monitoring of drilling pressures to ensure they do not exceed those needed to penetrate the formation; (c) continuous monitoring of slurry returns at the exit and entry pits to determine if slurry circulation has been lost; and (d) continuous monitoring by spotters to follow the progress of the drill bit during the pilot hole operation, and reaming and pull back operations. 4) Protocols that the contractor would follow if there was a loss of circulation or other indicator of a release of slurry. 5) Cleanup and disposal procedures and equipment the contractor would use if a frac-out occurs. 6) If a frac-out occurs, the contractor shall immediately halt work, implement the contingency measures in the FOCP to contain, clean-up, and dispose of the slurry, and, if the frac-out occurs in the water channel, immediately notify, and consult with CDFW (and other relevant agencies) before HDD activities can begin again. Permittee shall require the contractor to implement the FOCP to ensure that measures are implemented to prevent frac-out and if a frac-out occurs, implement measures to contain, clean-up, and dispose of the slurry.

3. Reporting Measures

Permittee shall meet each reporting requirement described below.

- 3.1 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.
- 3.2 Photographic Documentation of Work and Project Completion Report. 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 Project Completion Report shall be submitted to the Department through EPIMS Status Reports under Project Completion Report with the photos and a reference key describing the location of the photo, the direction of the view, and whether the photo is pre- or post-construction.** The Project Completion

Report shall be submitted through EPIMS within **30 days** of Project completion, or as otherwise approved by CDFW in writing.

CONTACT INFORMATION

Any communication that Permittee or CDFW submits to the other shall be submitted through EPIMS as instructed by CDFW.

To Permittee:

Ms. MARY ROGREN
EPIMS-SMO-47328-R3-HIGHWAY 92 EMERGENCY PIPELINE REPLACEMENT PROJECT
COASTSIDE COUNTY WATER DISTRICT
766 MAIN STREET
HALF MOON BAY, CALIFORNIA 94019
MROGREN@COASTSIDEWATER.ORG

To CDFW:

Department of Fish and Wildlife
Region 3
EPIMS-SMO-47328-R3
HIGHWAY 92 EMERGENCY PIPELINE REPLACEMENT PROJECT
Jason.Teichman@wildlife.ca.gov; R3LSA@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 use the "Amendments & Extension" form in EPIMS to submit the request. Permittee shall 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 use the "Amendments & Extension" form in EPIMS to submit the request. Permittee shall 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 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 use the "Amendments & Extension" form in EPIMS to submit the request. Permittee shall 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)).

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://wildlife.ca.gov/Conservation/Environmental-Review/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. Attachment 1. Supplemental Information, Fish and Game Code Section 1602, Notification of Streambed Alteration. Highway 92 Emergency Pipeline Replacement Project. Prepared by Environmental Science Associates for Coastside County Water District, dated February 2024. Submitted with the notification.
- B. Attachment 2. 100% Site Plans, Highway 92 Emergency Pipeline Replacement Project. Prepared by Environmental Science Associates for Coastside County Water District, dated January 2024. Submitted with the notification.
- C. Attachment 3. Hydro-fracture Analysis and Geotechnical Study, Highway 92 Emergency Pipeline Replacement Project, Emergency Phase. Prepared by Geo-Logic Associates for EKI Environment & Water, Inc., dated June 9, 2023. Submitted with the notification.
- D. Attachment 5. Discharge Monitoring Plan, Highway 92 Emergency Pipeline Replacement Project. Prepared by Environmental Science Associates for Coastside County Water District, dated January 2024. Submitted with the notification.
- E. Attachment 6. Biological Resources Memorandum. Highway 92 Emergency Pipeline Replacement Project. Prepared by Environmental Science Associates for Coastside County Water District, dated January 2024. Submitted with the notification.
- F. The Declining Amphibian Task Force Fieldwork Code of Practice. Prepared by the Declining Amphibian Task Force (DAPTF). U.S. Fish & Wildlife Service. Retrieved April 2024, <https://wildlife.ca.gov/Conservation/Survey-Protocols#377281282-amphibians>

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.

CONCURRENCE

Through the electronic signature by the permittee or permittee's representative as evidenced by the attached concurrence from CDFW's Environmental Permit Information Management System (EPIMS), the permittee accepts and agrees to comply with all provisions contained herein.

The EPIMS concurrence page containing electronic signatures must be attached to this agreement to be valid.