



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4593
www.wildlife.ca.gov

EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director



Agreement No. 19-214

November 8, 2018

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FRESNO COUNTY
DEPT. OF
PUBLIC WORKS & PLANNING

Steven E. White
County of Fresno
Department of Public Works and Planning
2220 Tulare Street, Sixth Floor
Fresno, California 93721

Subject: Amendment of Lake or Streambed Alteration Agreement
Notification No. 1600-2015-0143-R4
County Service Area 34 Phase II Winchell Cove Pipeline Project
Millerton Lake – Fresno County

Dear Mr. White:

The California Department of Fish and Wildlife (Department) has received your request to amend Lake Alteration Agreement No. 1600-2015-0143-R4 (Agreement) and the required fee in the amount of \$1,446.00 for a major amendment. The request includes modifications regarding avoidance of California tiger salamander (*Ambystoma californiense*).

The Department hereby agrees to amend the Agreement with the following modifications, with deleted language in ~~strikeout~~ and added language in **bold type**.

1. Add the following to the Project Description on Page 2 of the Agreement:

If warranted according to Avoidance and Minimization Measure 2.3(f), exclusionary fencing will be placed around the pipeline construction site. Fencing will be installed by trenching and backfilling the soil to bury the fencing at least four inches below ground level.

2. Modify the first paragraph of the Project Impacts section on Page 2 of the Agreement as follows:

The Project will result in 2.13 acres of temporary impacts to the Millerton Lake bed **related to Project construction, and up to approximately 1,500 linear feet of additional temporary impacts related to exclusionary fencing placed around the construction site.** Potential impacts to wildlife include disrupting the feeding habits of wintering birds or the nesting habits of breeding birds or the disruption of burrow systems used by small mammals and amphibians. Other potential impacts related to disturbance during Project implementation include but are not limited to those resulting from noise, vibration, Project or worker proximity to sensitive

foraging or nesting sites, trampling/crushing, erosion, sediment, fugitive dust, and impacts to water or soil from construction-related materials and equipment.

3. Modify the fourth paragraph of Avoidance and Minimization Measure 2.3(f) on Page 5 and Page 6 of the Agreement as follows:

Alternately, at any Project area where the lake level rises to inundate the site and burrows remain or are created after water recedes to expose the ground, ground disturbing activity may proceed without surveys and without avoidance of burrows as described above, provided that the lake level recedes and ground disturbing activity is completed during the inactive season and prior to the beginning of the following active season. Permittee shall provide one week advance notice to CDFW if Project work will continue under these circumstances. This notice shall include detail regarding inundation (e.g., approximate depth and duration) of the work area. **If work cannot be completed prior to the start of the active season of California tiger salamander, then after water recedes during the inactive season, Permittee shall install exclusionary fencing around the area of ground disturbance for pipeline construction, prior to the first rainfall after November 1 with a predicted total amount of 0.25 inches or more.**

Exclusionary fencing must be installed to at least four inches below the ground surface, must completely enclose the pipeline work area, and must only be installed in areas that were inundated since the previous active season for California tiger salamander. Permittee shall submit the fencing design, including materials and alignment, to CDFW prior to fencing installation; no fencing installation work may begin until CDFW provides written approval of the fencing design. Permittee shall ensure that a qualified biologist is present during installation of the fence. A qualified biologist shall check the exclusionary fencing at least once a week and inform Permittee of necessary maintenance or repairs. Exclusion fencing shall be removed immediately and the trenched area backfilled after construction is completed. Permittee shall complete all work within exclusionary fencing and remove the fencing prior to the area becoming subsequently inundated.

4. Modify the fourth bulleted item in Reporting Measures 4.2 of the Agreement as follows:

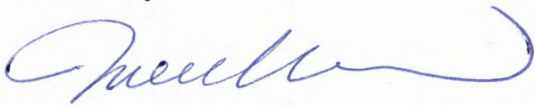
- A map of rodent burrows and, if avoidance of burrows is not feasible, results of surveys for California tiger salamander, or notice of Project work proposed to follow Project site inundation by lake waters, **and exclusionary fencing design if warranted**, submitted to CDFW at least one (1) week prior to commencement of Project activity (Avoidance and Minimization Measure 2.3(f))

All other provisions in the Agreement remain in effect.

Please sign the Acknowledgement of both copies of this letter and return one (1) copy to the Department, to acknowledge the amendment. Copies of the Agreement and this amendment must be readily available at Project worksites and must be presented when requested by a Department representative or agency with inspection authority.

If you have any questions regarding this matter, please contact Charles Walbridge, Environmental Scientist, at (559) 243-4014 extension 352 or by email at charles.walbridge@wildlife.ca.gov.

Sincerely,



Julie A. Vance
Regional Manager

ACKNOWLEDGEMENT

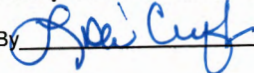
I hereby agree to the above-referenced amendment.

Print Name: Nathan Magsing

Date: May 7, 2019

Signature: 

ATTEST:
BERNICE E. SEIDEL
Clerk of the Board of Supervisors
County of Fresno, State of California

By  Deputy