



Legislation Details (With Text)

File #: 19-0116

On agenda: 5/7/2019

Final action: 5/7/2019

Enactment date:

Enactment #: Agreement No. 19-214

Title: Approve and authorize Chairman to execute Amendment to California Department of Fish and Wildlife (CDF&W) Agreement No. 1600-2015-0143-R4 for Lake Alteration for County Service Area 34 Phase II Winchell Cove Pipeline Project to construct second pipeline to deliver water, effective upon execution by CDF&W through January 26, 2023; and authorize Director of Department of Public Works and Planning, or designee, to approve any future amendments to CDF&W Lake Alteration Agreement No. 1600-2015-0143-R4 subject to review and approval by County Counsel as to legal form and Auditor-Controller/Treasurer-Tax Collector as to accounting form

Attachments: 1. Agenda Item, 2. Location Map, 3. Attachment A, 4. Attachment B, 5. Agreement A-19-214 with CA Dept. of Fish and Wildlife

Date	Ver.	Action By	Action	Result
5/7/2019	1	Board of Supervisors	Approved (Consent Agenda)	Pass

DATE: May 7, 2019

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: California Department of Fish and Wildlife Lake Alteration Agreement

RECOMMENDED ACTION(S):

- 1. Approve and authorize the Chairman to execute Amendment to California Department of Fish and Wildlife (CDF&W) Agreement No. 1600-2015-0143-R4 for Lake Alteration for County Service Area 34 Phase II Winchell Cove Pipeline Project to construct a second pipeline to deliver water, effective upon execution by the CDF&W through January 26, 2023.**
- 2. Authorize the Director of the Department of Public Works and Planning, or designee, to approve any future amendments to CDF&W Lake Alteration Agreement No. 1600-2015-0143-R4 subject to review and approval by County Counsel as to legal form and the Auditor-Controller/Treasurer-Tax Collector as to accounting form.**

Approval of the recommended action will authorize the execution of an amendment to a Lake Alteration Agreement (LAA) with the California Department of Fish and Wildlife (CDF&W) required for a project to construct a second pipeline to deliver water to County Service Area (CSA) 34 (Project). The amendment adjusts the Project description and avoidance and minimization measures in relation to the California tiger salamander. This item pertains to a location in District 5.

ALTERNATIVE ACTION(S):

If the first recommended action is not approved, construction of the Project may be delayed and, since a LAA was required for the Project, failure to approve the LAA amendment could cause cancellation for the Project. If the second recommended action is not approved, the Department would have to return to the Board to

execute any future amendments to the LAA.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. The \$1,446 fee required to apply for the LAA will be paid by Table Mountain Rancheria.

DISCUSSION:

The purpose of an LAA is to establish conditions associated with working on a project within the channel or floodplain of any body of water to conserve existing fish and wildlife resources under jurisdiction of the CDF&W. In general, the LAA sets conditions with which the construction operations must comply and establishes mitigation measures to be enacted upon completion of a project to restore the area as nearly as possible to its original condition.

The Board authorized the Director of Public Works and Planning to execute Lake or Streambed Alteration Agreements and associated amendments for specifically identified bridge or culvert replacement and rehabilitation projects on natural channels on September 25, 2018, and on modified streams on December 4, 2018. The Project was not included in the list of identified projects since it already had an approved LAA; therefore, the proposed amendment is being brought to your Board for execution.

CDF&W Agreement No. 1600-2015-0143-R4 was executed by the CDF&W on January 26, 2016 (Attachment A), and established the Project impacts as well as measures required to protect fish and wildlife resources. An extension to the agreement was requested by the Department and approved by CDF&W on September 7, 2018 (Attachment B). The initial LAA addressed impacts to the habitat of the protected bald eagle, golden eagle, California tiger salamander, western spadefoot and burrowing owl, as well as other special status animal and plant species in the Project area and the immediate adjacent habitat. It established administrative measures along with avoidance and minimization and restoration measures to compensate for impacts to the Project area.

The proposed amendment makes adjustments to the Project description and avoidance and minimization measures in relation to the California tiger salamander, which will allow flexibility in the construction period of the Project.

OTHER REVIEWING AGENCIES:

The CDF&W prepared the amendment to the agreement.

REFERENCE MATERIAL:

BAI #57, December 4, 2018
BAI #60, September 25, 2018

ATTACHMENTS INCLUDED AND/OR ON FILE:

Location Map
Attachment A
Attachment B
On file with Clerk - Amendment to Agreement with California Department of Fish and Wildlife

CAO ANALYST:

Sonia M. De La Rosa