

DEPARTMENT OF FISH AND GAME

BAY DELTA REGION

(707)944-5520

Mailing Address

POST OFFICE BOX 47

YOUNTVILLE, CALIFORNIA 94599

Street Address

7329 SILVERADO TRAIL

NAPA, CALIFORNIA 94558



August 19, 2008

Mr. Tom Yarak
Leavesley Road Partners, LLC
6806 Fallsbrook Court #1
Granite Bay, CA 95746

Dear Mr. Yarak:

Notification of Lake or Streambed Alteration
Notification No. 1600-2008-0166-3
Alamitas Creek, Santa Clara County

As the Department explained in its letter to you dated May 30, 2008, the Department had until July 21, 2008 to submit a draft Lake or Streambed Alteration Agreement to you or inform you that an Agreement is not required. Due to staffing constraints, the Department was unable to meet that date. As a result, by law, you may now complete the project described in your notification without an Agreement. In doing so, however, the project must be the same one and conducted in the same manner as described in the notification. That includes completing the project within the proposed term and seasonal work period and implementing all mitigation and avoidance measures to protect fish and wildlife resources specified in the notification. (Fish and Game Code section 1602(a)(4)(D).) The work periods that you submitted in your notification are July 1 until September 30, 2008. This work period cannot be modified or extended by the Department.

If your project differs from the one described in the notification, you may be in violation of Fish and Game Code section 1602. Also, even though you are entitled to complete the project without an Agreement, you are still responsible for complying with all other applicable local, state, and federal laws, including, for example, the state and federal Endangered Species Acts and Fish and Game Code sections 5650 (water pollution) and 5901 (fish passage).

Finally, you must have a copy of this letter *and* your notification with all attachments available at all times at the work site. If you have any questions regarding this matter, please contact Dave Johnston, Environmental Scientist, at (831) 466-0234.

Sincerely,

A handwritten signature in cursive script that reads "Charles Armor".

Charles Armor
Regional Manager
Bay Delta Region

cc: Warden Kroll
Lieutenant Nores

PK #182/Leavesley Rd FOR DEPARTMENT USE ONLY				
Date Received	Amount Received	Amount Due	Date Complete	Notification No.
4-21-08	\$ 200	\$ 200		1600-2008-0166



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND GAME
NOTIFICATION OF LAKE OR STREAMBED ALTERATION

JOHNSTON
KROLL
LT. JONES



Complete EACH field, unless otherwise indicated, following the enclosed instructions and submit ALL required enclosures. Attach additional pages, if necessary.

1. APPLICANT PROPOSING PROJECT

Name	Tom Yarak			
Business/Agency	Leavesley Road Partners, LLC			
Street Address	6806 Fallsbrook Court # 1			
City, State, Zip	Granite Bay, California 95746			
Telephone	(916) 439-4859	Fax		
Email				

Fish & Game
APR 21 2008
Yountville

2. CONTACT PERSON (Complete only if different from applicant)

Name	MH Engineering Co.			
Street Address	P O Box 1029			
City, State, Zip	Morgan Hill			
Telephone	(408) 779-7381	Fax	(408) 226-5712	
Email	Gloriab@mhengineering.com			

3. PROPERTY OWNER (Complete only if different from applicant)

Name	same			
Street Address				
City, State, Zip				
Telephone		Fax		
Email				

4. PROJECT NAME AND AGREEMENT TERM

A. Project Name		Leavesley Road Development		
B. Agreement Term Requested		<input checked="" type="checkbox"/> Regular (5 years or less) <input type="checkbox"/> Long-term (greater than 5 years)		
C. Project Term		D. Seasonal Work Period		E. Number of Work Days
Beginning (year)	Ending (year)	Start Date (month/day)	End Date (month/day)	
2008	2008	07/08	09/08	60.00

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

5. AGREEMENT TYPE

Check the applicable box. If box B, C, D, or E is checked, complete the specified attachment.

A.	<input checked="" type="checkbox"/> Standard (Most construction projects, excluding the categories listed below)
B.	<input type="checkbox"/> Gravel/Sand/Rock Extraction (Attachment A) Mine I.D. Number: _____
C.	<input type="checkbox"/> Timber Harvesting (Attachment B) THP Number: _____
D.	<input type="checkbox"/> Water Diversion/Extraction/Impoundment (Attachment C) SWRCB Number: _____
E.	<input type="checkbox"/> Routine Maintenance (Attachment D)
F.	<input type="checkbox"/> DFG Fisheries Restoration Grant Program (FRGP) FRGP Contract Number: _____
G.	<input type="checkbox"/> Master
H.	<input type="checkbox"/> Master Timber Harvesting

6. FEES

Please see the current fee schedule to determine the appropriate notification fee. Itemize each project's estimated cost and corresponding fee. *Note: The Department may not process this notification until the correct fee has been received.*

	A. Project	B. Project Cost	C. Project Fee
1	Widen existing driveway, replace (2) 15" culverts	\$5,000.00	\$200.00
2			
3			
4			
5			
		D. Base Fee (if applicable)	
		E. TOTAL FEE ENCLOSED	\$: 200.00

7. PRIOR NOTIFICATION OR ORDER

A. Has a notification previously been submitted to, or a Lake or Streambed Alteration Agreement previously been issued by, the Department for the project described in this notification?

Yes (Provide the information below) No

Applicant: _____ Notification Number: _____ Date: _____

B. Is this notification being submitted in response to an order, notice, or other directive ("order") by a court or administrative agency (including the Department)?

No Yes (Enclose a copy of the order, notice, or other directive. If the directive is not in writing, identify the person who directed the applicant to submit this notification and the agency he or she represents, and describe the circumstances relating to the order.)

Continued on additional page(s)

2008-0116-3

Question 7.b.

Rob Eastwood, Planner, County of Santa Clara

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

8. PROJECT LOCATION

A. Address or description of project location. <i>(Include a map that marks the location of the project with a reference to the nearest city or town, and provide driving directions from a major road or highway)</i>				
8655 Leavesley Road, Gilroy, California Enclosed Maps and Directions				
<input type="checkbox"/> Continued on additional page(s)				
B. River, stream, or lake affected by the project.		Roadside swale		
C. What water body is the river, stream, or lake tributary to?		Alamitas Creek		
D. Is the river or stream segment affected by the project listed in the state or federal Wild and Scenic Rivers Acts?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown		
E. County	Santa Clara			
F. USGS 7.5 Minute Quad Map Name	G. Township	H. Range	I. Section	J. ¼ Section
Gilroy Quadrangle	10 S	4 E	22	southeast
<input type="checkbox"/> Continued on additional page(s)				
K. Meridian (check one)	<input type="checkbox"/> Humboldt <input checked="" type="checkbox"/> Mt. Diablo <input type="checkbox"/> San Bernardino			
L. Assessor's Parcel Number(s)				
898-34-002				
<input type="checkbox"/> Continued on additional page(s)				
M. Coordinates (If available, provide at least latitude/longitude or UTM coordinates and check appropriate boxes)				
Latitude/Longitude	Latitude:	37.03.04	Longitude:	121.30.41
	<input checked="" type="checkbox"/> Degrees/Minutes/Seconds <input type="checkbox"/> Decimal Degrees <input type="checkbox"/> Decimal Minutes			
UTM	Easting:	Northing:	<input type="checkbox"/> Zone 10 <input type="checkbox"/> Zone 11	
Datum used for Latitude/Longitude or UTM		<input type="checkbox"/> NAD 27 <input checked="" type="checkbox"/> NAD 83 or WGS 84		

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

9. PROJECT CATEGORY AND WORK TYPE (Check each box that applies)

PROJECT CATEGORY	NEW CONSTRUCTION	REPLACE EXISTING STRUCTURE	REPAIR/MAINTAIN EXISTING STRUCTURE
Bank stabilization – bioengineering/recontouring	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bank stabilization – rip-rap/retaining wall/gabion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Boat dock/pier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Boat ramp	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bridge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Channel clearing/vegetation management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Culvert	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Debris basin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dam	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Diversion structure – weir or pump intake	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Filling of wetland, river, stream, or lake	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Geotechnical survey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Habitat enhancement – revegetation/mitigation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Levee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Low water crossing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Road/trail	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sediment removal – pond, stream, or marina	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Storm drain outfall structure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Temporary stream crossing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Utility crossing : Horizontal Directional Drilling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jack/bore	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Open trench	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify): Utility Pole Relocation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

10. PROJECT DESCRIPTION

A. Describe the project in detail. Photographs of the project location and immediate surrounding area should be included.

- Include any structures (e.g., rip-rap, culverts, or channel clearing) that will be placed, built, or completed in or near the stream, river, or lake.
- Specify the type and volume of materials that will be used.
- If water will be diverted or drafted, specify the purpose or use.

Enclose diagrams, drawings, plans, and/or maps that provide all of the following: site specific construction details; the dimensions of each structure and/or extent of each activity in the bed, channel, bank or floodplain; an overview of the entire project area (i.e., "bird's-eye view") showing the location of each structure and/or activity, significant area features, and where the equipment/machinery will enter and exit the project area.

Replace existing culverts as part of replacing the existing driveway with a 24 foot wide driveway that will provide access to 4-lots. Owner proposes to replace twin 15" CMP's with longer twin 15" CMP's.

Enclosed plans, pictures, maps.

Continued on additional page(s)

B. Specify the equipment and machinery that will be used to complete the project.

Back hoe, truck, hand tools

Continued on additional page(s)

C. Will water be present during the proposed work period (specified in box 4.D) in the stream, river, or lake (specified in box 8.B).

Yes No (Skip to box 11)

D. Will the proposed project require work in the wetted portion of the channel?

Yes (Enclose a plan to divert water around work site)
 No

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

12. MEASURES TO PROTECT FISH, WILDLIFE, AND PLANT RESOURCES

A. Describe the techniques that will be used to prevent sediment from entering watercourses during and after construction.

Straw WAtile, Sediment filter, rock stabilized entryway, sediment bash, silt fence and gravel bags will be used to prevent sediment from entering the watercourses during and after construction.
Seed and mulch are to be placed on all disturbed slopes steeper than 2% and higher than 3 feet.

Continued on additional page(s)

B. Describe project avoidance and/or minimization measures to protect fish, wildlife, and plant resources.

The owner will be constructing the driveway and culverts in the same location as the existing improvement that is being removed. Extreme care will be taken to protect the intactness of the roadside swale.

Continued on additional page(s)

C. Describe any project mitigation and/or compensation measures to protect fish, wildlife, and plant resources.

None required unless by this application to Fish and Game and thos ein #1B.

Continued on additional page(s)

13. PERMITS

List any local, state, and federal permits required for the project and check the corresponding box(es). Enclose a copy of each permit that has been issued.

A. _____ Construction Permit - Santa Clara County Applied Issued

B. _____ Encroachment Permit - Santa Clara County Applied Issued

C. _____ Fish and Game, _____ Regional Water Applied Issued

D. Unknown whether local, state, or federal permit is needed for the project. (Check each box that applies)

Continued on additional page(s)

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

11. PROJECT IMPACTS

A. Describe impacts to the bed, channel, and bank of the river, stream, or lake, and the associated riparian habitat. Specify the dimensions of the modifications in length (linear feet) and area (square feet or acres) and the type and volume of material (cubic yards) that will be moved, displaced, or otherwise disturbed, if applicable.

Owner proposes to replace twin 15" culverts, widen the driveway approach and relocate a utility pole.

Continued on additional page(s)

B. Will the project affect any vegetation? Yes (Complete the tables below) No

Vegetation Type	Temporary Impact	Permanent Impact
Oats	Linear feet: _____ Total area: _____	Linear feet: <u>37.5</u> Total area: <u>413</u>
	Linear feet: _____ Total area: _____	Linear feet: _____ Total area: _____

Tree Species	Number of Trees to be Removed	Trunk Diameter (range)
	None	

Continued on additional page(s)

C. Are any special status animal or plant species, or habitat that could support such species, known to be present on or near the project site?

Yes (List each species and/or describe the habitat below) No Unknown

See attached Mitigation Negative Declaration

Continued on additional page(s)

D. Identify the source(s) of information that supports a "yes" or "no" answer above in Box 11.C.

Subdivision assessment and Mitigated Negative Declaration

Continued on additional page(s)

E. Has a biological study been completed for the project site?

Yes (Enclose the biological study) No

Note: A biological assessment or study may be required to evaluate potential project impacts on biological resources.

F. Has a hydrological study been completed for the project or project site?

Yes (Enclose the hydrological study) No

Note: A hydrological study or other information on site hydraulics (e.g., flows, channel characteristics, and/or flood recurrence intervals) may be required to evaluate potential project impacts on hydrology.

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

14. ENVIRONMENTAL REVIEW

A. Has a draft or final document been prepared for the project pursuant to the California Environmental Quality Act (CEQA), National Environmental Protection Act (NEPA), California Endangered Species Act (CESA) and/or federal Endangered Species Act (ESA)?

- Yes (Check the box for each CEQA, NEPA, CESA, and ESA document that has been prepared and enclose a copy of each)
 No (Check the box for each CEQA, NEPA, CESA, and ESA document listed below that will be or is being prepared)

- | | | |
|---|--|--|
| <input type="checkbox"/> Notice of Exemption | <input checked="" type="checkbox"/> Mitigated Negative Declaration | <input type="checkbox"/> NEPA document (type): _____ |
| <input type="checkbox"/> Initial Study | <input type="checkbox"/> Environmental Impact Report | <input type="checkbox"/> CESA document (type): _____ |
| <input type="checkbox"/> Negative Declaration | <input type="checkbox"/> Notice of Determination (Enclose) | <input type="checkbox"/> ESA document (type): _____ |
| <input type="checkbox"/> THP/ NTMP | <input type="checkbox"/> Mitigation, Monitoring, Reporting Plan | |

B. State Clearinghouse Number (if applicable) 2006102124

C. Has a CEQA lead agency been determined? Yes (Complete boxes D, E, and F) No (Skip to box 14.G)

D. CEQA Lead Agency County of Santa Clara

E. Contact Person	Rob Eastwood	F. Telephone Number	408-299-5792
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G. If the project described in this notification is part of a larger project or plan, briefly describe that larger project or plan.

N/A

Continued on additional page(s)

H. Has an environmental filing fee (Fish and Game Code section 711.4) been paid?

- Yes (Enclose proof of payment) No (Briefly explain below the reason a filing fee has not been paid)

Note: If a filing fee is required, the Department may not finalize a Lake or Streambed Alteration Agreement until the filing fee is paid.

15. SITE INSPECTION

Check one box only.

In the event the Department determines that a site inspection is necessary, I hereby authorize a Department representative to enter the property where the project described in this notification will take place at any reasonable time, and hereby certify that I am authorized to grant the Department such entry.

I request the Department to first contact (insert name) Gloria Ballard
at (insert telephone number) (408) 779-7381 to schedule a date and time to enter the property where the project described in this notification will take place. I understand that this may delay the Department's determination as to whether a Lake or Streambed Alteration Agreement is required and/or the Department's issuance of a draft agreement pursuant to this notification.



ENVIRONMENTAL DECLARATION

E 13872

FOR CLERK-RECORDER FILE STAMP

ENDORSED

DEC 27 2006

REGINA ALCOMERDIAS, County Clerk-Recorder
Santa Clara County

B. HORIUCHI

CLERK-RECORDER
FILE NO. **E-13872**

CA Dept. of Fish and Game
Receipt #

282322

107
RE
PUTY
HORIUCHI

Clary
any

UMENT:

TO PUBLIC RESOURCES CODE § 21080(C)
STATE FILING FEE AND \$50.00 COUNTY CLERK FEE)
ND/OR DE MINIMUS IMPACT FINDING STATEMENT
ERK FEE REQUIRED

RSUANT TO PUBLIC RESOURCES CODE § 21152

- () \$900.00 REQUIRED (\$850.00 STATE FILING FEE AND \$50.00 COUNTY CLERK FEE)
- () CERTIFICATE OF EXEMPTION AND/OR DE MINIMUS IMPACT FINDING STATEMENT ATTACHED - \$50.00 COUNTY CLERK FEE REQUIRED

5. Other:

NOTICE TO BE POSTED FOR 30 DAYS.

THIS FORM MUST BE COMPLETED AND ATTACHED TO THE FRONT OF ALL ENVIRONMENTAL DOCUMENTS LISTED ABOVE (INCLUDING COPIES) SUBMITTED FOR FILING. CHECKS SHOULD BE MADE PAYABLE TO : COUNTY CLERK-RECORDER.

Board of Supervisors: Donald F. Gage, Blanca Alvarado, Pcte McHugh, James T. Beall, Jr., Liz Kniss
Acting County Executive: Peter Kutras, Jr.

Ret 257412



STATE OF CALIFORNIA - THE RESOURCES AGENCY
DEPARTMENT OF FISH AND GAME
ENVIRONMENTAL FILING FEE CASH RECEIPT
DFG 753.59 (8/03)

Agency: County of Santa Clara
Date: 12-27-06

Document No.: E 13872

State Agency of Filing: CLERK-RECORDER, SANTA CLARA COUNTY
Applicant Name: Mt Engineering
Applicant Address: Leavesley Road Cluster Subdivision 3505-92-15-05C87
PO Box 109 Morgan Hill CA 95038
Phone Number: 779-2381

Applicant (check appropriate box):
Local Public Agency School District Other Special District
State Agency Private Entity

CHECK APPLICABLE FEES:
() Environmental Impact Report \$850.00
() Negative Declaration \$1,250.00
() Application Fee Water Diversion (State Water Resources Control Board Only) \$850.00
() Projects Subject to Certified Regulatory Programs \$850.00
() County Administrative Fee \$50.00

() Project that is exempt from fees
10-105 fee
State 128
TOTAL RECEIVED \$ 200.00

and title of person receiving payment: R.C. Horuchi
WHITE-PROJECT APPLICANT
YELLOW-DFG/FASB
PINK-LEAD AGENCY
GOLDENROD-STATE AGENCY OF FILING


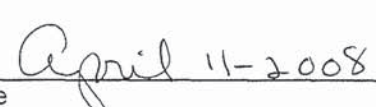

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

16. DIGITAL FORMAT

Is any of the information included as part of the notification available in digital format (i.e., CD, DVD, etc.)?
<input checked="" type="checkbox"/> Yes (Please enclose the information via digital media with the completed notification form)
<input type="checkbox"/> No

17. SIGNATURE

I hereby certify that to the best of my knowledge the information in this notification is true and correct and that I am authorized to sign this notification as, or on behalf of, the applicant. I understand that if any information in this notification is found to be untrue or incorrect, the Department may suspend processing this notification or suspend or revoke any draft or final Lake or Streambed Alteration Agreement issued pursuant to this notification. I understand also that if any information in this notification is found to be untrue or incorrect and the project described in this notification has already begun, I and/or the applicant may be subject to civil or criminal prosecution. I understand that this notification applies only to the project(s) described herein and that I and/or the applicant may be subject to civil or criminal prosecution for undertaking any project not described herein unless the Department has been separately notified of that project in accordance with Fish and Game Code section 1602 or 1611.

 Signature of Applicant or Applicant's Authorized Representative	 Date
 Print Name	