



State of California – The Natural Resources Agency

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF FISH AND GAME

Bay Delta Region
Post Office Box 47
Yountville, California 94599
(707) 944-5520
www.dfg.ca.gov



May 13, 2010

Henrik Wesseling, Plant Manager
Lehigh Southwest Cement Company
24001 Stevens Creek Boulevard
Cupertino, CA 95014-5659

Subject: Notification of Lake or Streambed Alteration No. 1600-2010-0042-R3
Permanente Plant Stormwater Management Facilities Maintenance Project impacting
Permanente Creek, tributary to San Francisco Bay

Dear Mr. Wesseling:

The Department had until April 30, 2010 to submit a draft Lake or Streambed Alteration Agreement ("Agreement") to you or inform you that an Agreement is not required. The Department did not meet that date. As a result, by law, you may now complete the project described in your notification without an Agreement.

Please note that pursuant to Fish and Game Code section 1602(a)(4)(D), if you proceed with this project, it must be the same as described and conducted in the same manner as specified in the notification and any modifications to that notification received by the Department in writing prior to April 30, 2010. This includes completing the project within the proposed term and seasonal work period and implementing all avoidance and mitigation measures to protect fish and wildlife resources specified in the notification. If the term proposed in your notification has expired, you will need to re-notify the Department before you may begin your project. Beginning or completing a project that differs in any way from the one described in the notification may constitute a violation of Fish and Game Code section 1602.

Also note that while you are entitled to complete the project without an Agreement, you are still responsible for complying with other applicable local, state, and federal laws. These include, but are not limited to, the state and federal Endangered Species Acts and Fish and Game Code sections 5650 (water pollution) and 5901 (fish passage).

Finally, if you decide to proceed with your project without an Agreement, 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)464-6870 or djohnston@dfg.ca.gov.

Sincerely,

Andy Catalano

Liam Davis
Habitat Conservation Supervisor
Bay Delta Region

cc: Dave Johnston
Lieutenant Nores

Conserving California's Wildlife Since 1870

Revised

FOR DEPARTMENT USE ONLY

Date Received	Amount Received	Amount Due	Date Complete	Notification No
1/25/10	\$ 1,457.25	\$		1600-2010-0042-3



Q# 18184
Huffman -
Broadway Group

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND GAME

Johnston
L Nores



NOTIFICATION OF LAKE OR STREAMBED ALTERATION

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	Mr. Henrik Wesseling, Plant Manager	Fish & Game		
Business/Agency	Lehigh Southwest Cement Company	FEB 22 2010		
Street Address	24001 Stevens Creek Blvd.	Yountville		
City, State, Zip	Cupertino, CA 95014-5659			
Telephone	(408) 996-4271	Fax	(408) 725-1104	
Email				

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

Name	Mr. Robert Perrera			
Street Address	828 Mission Avenue			
City, State, Zip	San Rafael, CA, 94901			
Telephone	(415) 925-6992	Fax	(415) 925-2006	
Email				

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

Name	Hanson Permanente Cement, Inc.			
Street Address	24001 Stevens Creek Blvd.			
City, State, Zip	Cupertino, CA 95014-5659			
Telephone		Fax		
Email				

4. PROJECT NAME AND AGREEMENT TERM

A. Project Name				
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)	
2010	2014	05/01	10/15	
				200.00

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 checked="" type="checkbox"/> Routine Maintenance (Attachment D)	NO RM as per email 5/5/10 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	Pond 13/Sedimentation Basin Maintenance		\$112.00
2			
3			
4			
5			
		D. Base Fee (if applicable)	\$1,345.25
		E. TOTAL FEE ENCLOSED	\$1,457.25

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: Hanson Permanente Cement, Inc. Notification Number: See Attachment 8 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)

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

8. PROJECT LOCATION

<p>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></p>				
<p>The proposed Project is entirely within Hansom property at 24001 Stevens Creek Blvd, west of Cupertino, CA.</p> <p>Take US-101 S toward San Jose – 9.7 mi Merge onto I-380 W via Exit 423B toward I-280/San Bruno – 1.8 mi Merge onto I-280 via exit on the Left toward San Jose – 30.8 mi Take the Foothill Expressway exit toward Grant Road – 0.2 mi Take the Foothill Blvd ramp – 0.1 mi Merge onto N Foothill Blvd. – 0.7 mi Turn Right onto Stevens Creek Blvd – 0.5 mi Turn Left into large parking (just before the bridge crossing).</p> <p style="text-align: right;"><input type="checkbox"/> Continued on additional page(s)</p>				
B. River, stream, or lake affected by the project.		Permanente Creek		
C. What water body is the river, stream, or lake tributary to?		San Francisco Bay		
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				
F. USGS 7.5 Minute Quad Map Name		G. Township	H. Range	I. Section
Cupertino		7S	2W	17
<p style="text-align: right;"><input type="checkbox"/> Continued on additional page(s)</p>				
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)				
NA				
<p style="text-align: right;"><input type="checkbox"/> Continued on additional page(s)</p>				
M. Coordinates (If available, provide at least latitude/longitude or UTM coordinates and check appropriate boxes)				
Latitude/Longitude		Latitude: 37, 19', 1.59"		Longitude: 122, 06', 23.47"
		<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 type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sediment removal – pond, stream, or marina	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" 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):	<input type="checkbox"/>	<input 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.

REFER TO ATTACHMENT 3

Continued on additional page(s)

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

REFER TO ATTACHMENT 3

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

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.

REFER TO ATTACHMENT 3

Continued on additional page(s)

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

Vegetation Type	Temporary Impact	Permanent Impact
HERBACEOUS FRESH WATER MARSH VEGETATION	Linear feet: <u>532</u> Total area: <u>15 000 sq ft. 0.35 ac</u>	Linear feet: _____ Total area: _____
	Linear feet: _____ Total area: _____	Linear feet: _____ Total area: _____

Tree Species	Number of Trees to be Removed	Trunk Diameter (range)
NA		

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
California red-legged Frog (CRLF; Rana aurora draytonii)

Continued on additional page(s)

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

The fresh water marsh habitat within Pond 13 is suitable habitat for CRLF however, based on several years of protocol CRLF surveys, no CRLF are known to occur within Pond 13.

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.

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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.

REFER TO ATTACHMENT 3

Continued on additional page(s)

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

REFER TO ATTACHMENT 3

Continued on additional page(s)

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

REFER TO ATTACHMENT 3

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. CORPS NWP 33 & 43 (If applicable) Applied Issued

B. RWQCB 401 WATER QUALITY CERTIFICATION (If applicable) Applied Issued

C. _____ 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

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 checked="" type="checkbox"/> Notice of Exemption | <input 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) NA

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 REFER TO ATTACHMENT 4

E. Contact Person NA F. Telephone Number

G. If the project described in this notification is part of a larger project or plan, briefly describe that larger project or plan.

NA

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)

REFER TO ATTACHMENT 4 FOR A DESCRIPTION OF CEQA COMPLIANCE

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) Robert Perrera
 at (insert telephone number) (415) 925-6992 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.