



California Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
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January 2, 2015

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DEPT. PUBLIC WORKS
PROJECT MANAGEMENT DIVISION II

BY U.S. MAIL AND EMAIL

Mr. Vincent Yu
County of Los Angeles - Department of Public Works
900 S. Fremont Avenue
Alhambra, CA 91803-1331

Subject: Amendment of Streambed Alteration Agreement (Notification No. 1600-2012-0148-R5), Oxford Retention Basin

Dear Mr. Yu:

As I explained to you during our telephone conversation on December 31, 2014, the Department of Fish and Wildlife (Department) has determined it is necessary to amend the above-referenced streambed alteration agreement ("Agreement") to protect fish and wildlife resources the Oxford Retention Basin project might adversely affect. The amendments are shown below in strike-out and bold-faced type/italics.

Amendment 1:

Project Impacts

Existing fish or wildlife resources the project could substantially adversely affect, based on information received from the Permittee, include: Birds: California brown pelican (*Pelecanus occidentalis Californicus*), California least tern (*Sternula antillarum browni*), great egret (*Ardea alba*), snowy egret (*Egretta thula*), black-crowned night-heron (*Nycticorax nycticorax*), loggerhead shrike (*Lanius ludovicianus*), mallard (*Anas platyrhynchos*), Lesser scaup (*Aythya affinis*), pied-billed grebe (*Podilymbus podiceps*), eared grebe (*Podiceps nigricollis*), Western grebe (*Aechmophorus occidentalis*), great blue heron (*Ardea Herodias*), green heron (*Butorides virescens*), red-shouldered hawk (*Buteo lineatus*), red-tailed hawk (*Buteo jamaicensis*), American coot (*Fulica Americana*), killdeer (*Charadrius vociferous*), Western gull (*Larus occidentalis*), Anna's hummingbird (*Calypte anna*), Allen's hummingbird (*Selasphorus sasin*), belted kingfisher (*Megaceryle alcyon*), barn swallow (*Hirundo rustica*), bushtit (*Psaltriparus minimus*), ruby-crowned kinglet (*Regulus calendula*), Cedar waxwing (*Bombycilla cedrorum*), yellow-rumped warbler (*Dendroica coronate*), orange-crowned warbler (*Vermivora celata*), Belding's savannah sparrow (*Passerculus sandwichensis beldingi*), white-crowned sparrow (*Zonotrichia leucophrys*), snowy plover (*Charadrius alexandrinus nivosus*), house finch (*Carpodacus mexicanus*), Lesser goldfinch (*Spinus psaltria*), house sparrow (*Passer domesticus*); Fish: topsmelt (*Atherinops affinis*),

shadow gobies (*Quietula y-cauda*), longjaw mudsucker (*Gillichthys mirabilis*), arrow gobies (*Clevelandia ios*), cheekspot gobies (*Ilypnus gilberti*); **Invertebrates: Monarch butterfly (*Danaus plexippus*)**; Mammals: California ground-squirrel (*Spermophilus beecheyi*); Native Plants: southern tarplant (*Centromadia parryi* ssp. *australis*), Orcutt's pincushion (*Chaenactis glabriuscula* var. *orcuttiana*), woody pickleweed (*Salicornia virginica*), spearscale (*Atriplex prostrata*), rabbit's foot grass (*Polypogon monspeliensis*), saltmarsh sand spurry (*Spergularia marina*), toad rush (*Juncus bufonius*), alkali heliotrope (*Heliotropium curvassavicum*), scarlet pimpernel (*Anagallis arvensis*), alkali weed (*Cressa truxillensis*), slender-leaved cat-tail (*Typha domingensis*), lesser wart-cress (*Lepidium didymum*), tall limonium (*Limonium arborescens*), curly dock (*Rumex crispus*), yellow sweet clover (*Metilolus indicus*), garden beet (*Beta vulgaris*), kikuyu grass (*pennisetum clandestinum*), prickly lettuce (*Lactuca serriola*), Australian saltbush (*Atriplex semibaccata*); Reptiles: southern alligator lizard (*Elgaria multicarinata*); and all other aquatic and wildlife resources in the area, including the riparian vegetation which provides habitat for such species in the area.

Amendment 2:

1.1 **Complete Design Plans.** Prior to execution of this Agreement, 100% plans shall be submitted to CDFW for review and approval. As part of the final design, please reduce the size of the large observation deck as seen in enlargement D on Sheet LS 2.5 of the 90% plans submitted with the notification. Also, please design the observation decks located on Admiralty Way to be cantilevered to prevent impacts to the bank. ***If project design plans are revised, the revised plans shall be submitted to the Department. Revisions to the project may require revisions to current conditions or additional conditions to protect fish and wildlife resources.***

Amendment 3:

1.8 **Pre-project Briefing.** A pre-maintenance meeting/briefing shall be held involving all the contractors and subcontractors, concerning the conditions in this Agreement. ***A signed attendance sheet shall be submitted to the Department following the Pre-Project Briefing.***

Amendment 4:

2.3 **Check for Wildlife in the Project Site.** Permittee shall have a qualified biologist visually ***onsite to inspect*** check the project site for the presence of wildlife prior to initiation of ***and during all vegetation removal activities and ground disturbing project activities to 18 inches in depth.*** If any wildlife is encountered during the course of construction, said wildlife shall be allowed to leave the construction area unharmed. If the wildlife does not leave the project site, the qualified biologist shall make every effort to relocate the species out of harm's way to the extent feasible. Exclusionary devices shall be erected to prevent the migration into or the return of species into the work areas

if determined appropriate and feasible by the qualified biologist. Such exclusionary devices shall be checked by the biologist, or designee of the biologist, on a daily basis to check/ensure continued exclusionary device effectiveness. Should CDFW personnel visit the site during construction activities and no **qualified** biological monitor is **onsite** available, construction activities shall be halted.

Amendment 5:

2.6 Observations of Threatened and/or Endangered Species. If threatened or endangered species are observed in the area, no work shall occur from ~~March 1st through September 15th~~ to avoid direct or indirect (noise, **vibration, habitat removal, etc.**) take of listed species and State and/or Federal threatened/endangered species. Please note that additional state permits may be required prior to commencing project activities. This Agreement does not authorize take of species listed as Threatened and/or Endangered.

Amendment 6:

2.7 Non-listed Special Status Species and other vertebrates-methodology. A qualified biological monitor shall be present during work in all CDFW jurisdictional areas during initial project-related activities **and during vegetation removal and ground disturbing activities to 18 inches in depth** to monitor for non-listed special-status and/or common **fish and wildlife species ground-dwelling vertebrates** encountered in the path of project-related activities. The monitor shall make every effort to relocate the species out of harm's way to the extent feasible by doing one of the following: (1) Utilize shovel, rake, or similar hand tool to gently re-direct the animal out of work area; (2) Install silt fence or other exclusionary fencing to prevent species from re-entering disturbance area; and (3) Capture/relocate species to appropriate habitat outside the disturbance area. The biological monitor shall have the authority to temporarily stop construction activities until the species is determined to be out of harm's way. Any exclusionary devices shall be checked by the biologist, or designee of the biologist, on a daily basis to check/ensure continued exclusionary device effectiveness. Should CDFW personnel visit the site during construction activities and no **qualified** biological monitor is available, construction activities shall be halted.

Amendment 7:

2.9 Contractor Education. Permittee shall have a qualified biologist prepare for distribution to all Permittee contractors, subcontractors, project supervisors, and consignees a "Contractor Education Brochure" with pictures and descriptions of all sensitive plant and animal species, and specifically bats potentially occurring within the work areas. Permittee contractors and consignees shall be instructed to bring to the attention of the project biological monitor any sightings of species described in the

brochure. ***A signed attendance sheet shall be submitted to the Department following the Pre-Project Briefing.***

Amendment 8:

2.27 Stranded Aquatic Life. The Permittee shall ***have a qualified biologist inspect and relocate any*** check daily for stranded aquatic life as the level in the dewatering area drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatering areas. Capture methods may include fish landing nets, dip nets, buckets and by hand. Captured aquatic life shall be released immediately in the closest body of water adjacent to the work site. This condition does not all for the take or disturbance of any State or federally listed species, or State listed species of special concern.

Amendment 9:

2.32 Predicted Rain. If measurable rain (***greater than 0.02 of an inch***) with 50% or greater probability is predicted within 72 hours during project-related activities, all ***project-related*** activities ***with the project work area*** shall cease and protective measures to prevent siltation/erosion shall be implemented/maintained.

Amendment 10:

2.46 Remove Cleared Material from Stream. All trimmed or cleared material/vegetation shall be removed from the ***stream*** area ***daily*** and ***during trimming/clearing process material/vegetation should be placed*** deposited where it cannot re-enter the stream.

Amendment 11:

3.1 Habitat Mitigation and Monitoring Plan (HMMP). To mitigate for 5.21 acres of temporary impacts, including 0.16 acre to Sea Lavendar marsh and 0.34 acre to Salicornia marsh resulting from project-related activities, the Permittee shall develop and implement a HMMP. A suitable HMMP must contain at minimum a discussion on: which species will be impacted as well as a vegetation map by community, as recognized by the California Manual of Vegetation, existing elevations of impacted vegetation communities and the proposed post construction elevations, proposed seed/planting palette(s) the required replacement of any trees, specific data collection and reporting measures, and success criteria for the Department to validate success of the ecosystem restoration, as well as ensure the end result of at least 5.21 acre of CDFW jurisdiction, including but not limited to coastal march habitat comprised of at least 0.16 acres Sea Lavendar marsh and 0.34 acre of Salicornia marsh. The HMMP must receive written approval from CDFW prior to initiation of project related activities. ***An analysis of the soils within the mudflats should be conducted to ensure the***

restored areas contain the same soil type and structure to support fish and wildlife species.

Please sign and return one copy of this letter 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 Erinn Wilson, Senior Environmental Scientist (Supervisory), at 562-342-7172 or Erinn.Wilson@wildlife.ca.gov.

Sincerely,



Betty J Courtney
Environmental Program Manager I

ACKNOWLEDGEMENT

I hereby acknowledge and agree to the amendments contained herein on behalf of Los Angeles County Department of Public Works.

Print Name: VINCE YU Date: 5-7-2015

Signature: 