State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Director's Office
1416 Ninth Street, 12th Floor
Sacramento, CA 95814
www.wildlife.ca.gov

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

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BY DEPUTY

November 17, 2015

Dear Sir or Madam:

STORM PREPAREDNESS – PROJECT PLANNING AND EMERGENCY WORK IN AN EL NIÑO YEAR

With the possibility of an unprecedented El Niño year and the precipitation-related hazards that may occur, California Department of Fish and Wildlife (CDFW) encourages entities to prepare for an exceptionally wet winter. Projects or activities, such as in-channel vegetation removal, road crossings, flood control channels, and other facilities affecting rivers, streams, and lakes may require notification to CDFW. One of the most important steps that you can take right now is to contact CDFW and begin discussions on any such work. Early discussions increase our ability to act timely and responsively to your needs.

When planning projects, consider that Fish and Game Code section 1602 requires any entity (defined as any person, State or local government agency, or public utility) to notify CDFW before beginning any activity that will do one or more of the following:

- Substantially obstruct or divert the natural flow of any river, stream, or lake;
- Substantially change or use any material from the bed, channel, or bank of any river, stream, or lake;
- Deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.

Please note that the requirement to notify CDFW applies to <u>any</u> river, lake, or stream, including those that are perennial, ephemeral, or intermittent.

In the event of emergency work, consider that Fish and Game Code section 1610 exempts certain types of emergency work from the notification requirement in section 1602. While notification is not required before beginning emergency work, entities must notify CDFW in writing within 14 days after beginning the work.

- "'Emergency' means "a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate the loss of, or damage to, life, health, property, or essential public services. 'Emergency' includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage." (Public Resources Code, § 21060.3).

Typical emergency projects have been immediate actions conducted during or immediately after an event to repair, in kind, a structure or facility within the entity's right-of-way. Emergency actions have occurred in advance of the actual damaging

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event. In some instance, emergency actions can raise the need for remediation afterwards to restore conditions for fish, wildlife, and plant resources.

Please plan necessary project work to avoid emergencies and notify CDFW early. Early consultation and notification will enable CDFW staff to both assist with your project and to issue a Lake or Streambed Alteration (LSA) Agreement in a timely manner. Consultation with CDFW in the event of an emergency will enable staff to identify ways to minimize both impacts to resources and the need for remedial actions while ensuring your emergency needs are met.

LSA Notification forms, instructions, and other resources are available on the CDFW website at: https://www.wildlife.ca.gov/Conservation/LSA.

CDFW appreciates your cooperation in conserving California's fish, wildlife, and plant resources. If you have questions regarding this letter, or whether a project is subject to LSA Notification requirements, please contact your local CDFW regional office. A map of the CDFW regional offices, with links to contact information, is available at https://www.wildlife.ca.gov/Regions. Given the importance of advance planning, as necessary, you may also contact the relevant regional manager for your region, as identified in the cc list to this letter.

Sincerely,

Charlton H. Bonham
Director

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