State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

October 19, 2023

Susan Hou
San Francisco Public Utilities Commission
Shou@sfwater.org

Subject: Incidental Take Permit Amendment for Calaveras Dam Replacement Project, 2081-2019-008-03, Amendment No. 1

Dear Ms. Hou:

Enclosed you will find an electronic copy of the Incidental Take Permit Amendment for the above referenced Project, which has been digitally signed by the California Department of Fish and Wildlife (CDFW). Please read the permit carefully, sign the acknowledgement, and return the original **no later than 30 days from CDFW signature**, and prior to continuation of ground-disturbing activities. You may return an electronic copy of the permit with digital signature to CESA@wildlife.ca.gov. Digital signatures shall comply with Government Code section 16.5. Digital signatures facilitated by CDFW will be automatically returned. Alternatively, you may return a hard copy of the permit via mail to:

California Department of Fish and Wildlife
Habitat Conservation Planning Branch, CESA Permitting
Post Office Box 944209
Sacramento, CA 94244-2090

You are advised to keep the permit and amendment in a secure location and distribute copies to appropriate project staff responsible for ensuring compliance with the conditions of approval of the permit. Note that you are required to comply with certain conditions of approval prior to initiation of ground-disturbing activities. Additionally, a copy of the permit must be maintained at the project work site and made available for inspection by CDFW staff when requested.

The permit amendment will not take effect until the signed acknowledgement is received by CDFW. If you wish to discuss these instructions or have questions regarding the permit, please contact Marcia Gresfrud, Environmental Scientist, at (707) 688-2812 or Marcia.Grefsrud@wildlife.ca.gov; or Brenda Blinn, Senior Environmental Scientist (Supervisory), at Brenda.Blinn@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Erin Chappell
B77E9A6211EF486...

Erin Chappell
Regional Manager
Bay Delta Region

Conserving California's Wildlife Since 1870

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
BAY DELTA REGION
2825 CORDELIA ROAD, SUITE 100
FAIRFIELD, CA 94534

AMENDMENT NO. 1
(A Major Amendment)
California Endangered Species Act
Incidental Take Permit No. 2081-2019-008-03
San Francisco Public Utilities Commission
CALAVERAS DAM REPLACEMENT PROJECT
in Alameda County

INTRODUCTION

On December 15, 2020, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2019-008-03 (ITP) to San Francisco Public Utilities Commission (SFPUC, Permittee) authorizing take of Alameda whipsnake (*Masticophis lateralis euryxanthus*), California tiger salamander (*Ambystoma californiense*), and foothill yellow-legged frog (*Rana boylii*) (collectively, the Covered Species) associated with and incidental to the Calaveras Dam Replacement Project (CDRP) in Alameda County, California (Project). The ITP was a re-issue of an expired ITP (2081-2010-033-03). The ITP described work that was completed under the original ITP and Major Amendments 1 and 2, as well as work that wasn't yet completed when the ITP expired. The ITP also added foothill yellow-legged frog as a Covered Species because it was not contemplated at the time of the original ITP.

The original Project as described in the CDRP ITP and the re-issued ITP includes work activities associated with the CDRP, and work activities associated with various habitat restoration (rehabilitation), establishment, and enhancement efforts at five (5) proposed Mitigation Sites. The ITP also included work necessary to install a waterline on East Bay Regional Park District (EBRPD) property as part of a settlement agreement for the CDRP. The CDRP, the waterline, the monitoring and management actions, and the five Mitigation Sites comprise the Project (Project). The CDRP is included in the SFPUC's Water System Improvement Program (WSIP). The five proposed Mitigation Sites are included in the SFPUC's Bioregional Habitat Reserve (BHR). The BHR is comprised of a number of SFPUC-owned and purchased properties. The five proposed BHR Mitigation Sites included in this ITP are Sheep Camp Creek Site, San Antonio Creek, Goldfish Pond, Goat Rock, and Grimes. Each of the Mitigation Sites may contribute compensation for CDRP impacts to biological resources.

The Permittee also committed to the following: maintain perennial fishery releases below Calaveras Dam to provide spring and summer cold water spawning and rearing habitat in Alameda Creek; construct and operate new fish passage and bypass facilities at Alameda Creek Diversion Dam (ACDD); and modify the diversion operations at ACDD. The SFPUC modified the CDRP to include construction of a fish bypass facility

at ACDD (ITP No. 2081-2015-006-03) to provide increased flows for trout and steelhead spawning habitat. The revised operation of the ACDD will result in the passage of more storm flow events down Alameda Creek.

In issuing the ITP, CDFW found, among other things, that Permittee's compliance with the Conditions of Approval of the ITP would fully mitigate impacts to the Covered Species and would not jeopardize the continued existence of the Covered Species.

The new ACDD Fish Passage Facility (collectively, referred to as ACDD) incurred major storm damage in late 2022 and early 2023 (refer to the declared State of Emergency issued by the Governor on March 1, 2023). The storm deposited sediment and gravel that filled the entire forebay, buried the fish screens and sluiceway, and made the facility inoperable for the 2022-2023 winter season. The storm also damaged access roads which delayed the ability to assess damage.

In a letter dated August 24, 2023, the Permittee requested an Amendment to the CDRP ITP to allow the SFPUC to conduct emergency repairs at ACDD. The previously issued ITP for construction of the ACDD fish ladder and associated facilities expired on December 31, 2020, and it did not cover operations and maintenance of the ACDD fish passage facilities. The CDRP ITP includes operations and maintenance of Calaveras Dam and Reservoir. As an element of CDRP, this Major Amendment includes emergency repairs as well as future operations and maintenance.

This Major Amendment No. 1 (Amendment) makes the following changes to the existing ITP:

First, this Amendment updates the Brief Overview section of the ITP.

Second, this Amendment updates the Project Location to include the ACDD facility.

Third, this Amendment redefines the Project Description to include emergency repairs at the ACDD facility and Operations and Maintenance Activities.

Fourth, this Amendment updates Project impacts.

Fifth, this ITP includes additional Conditions of Approval.

Sixth, this ITP adds additional Attachments.

AMENDMENT

The ITP is amended as follows (amended language in ***bold italics***; deleted language in ~~strikethrough~~):

Under the heading of Brief Overview, Page 4, second paragraph, shall be amended to read:

During the eleventh construction season (2023), work will primarily include:

- ***Implementation of the Care and Diversion of Water Plan***
- ***Repositioning of sediment and gravel***
- ***Restoring sluiceways #2 and #3 (and #1 if feasible)***
- ***Relocating sediment in the creek and restoring fish screens***
- ***Testing sluicegates and leaving sluicegates in the open position***
- ***Testing power to facility***

Page 5, under Project Location, shall be amended to read:

The Alameda Creek Diversion Dam and Fish Passage Facility (ACDD) is located approximately 1.8 miles east of Calaveras Dam in the Diablo Mountain Range in Alameda County, and approximately 12 miles south of the City of Pleasanton and 7.5 miles east of Fremont.

Page 13, under Project Description shall be amended to read:

<u>ACDD Recovery and Repair Project</u>

- ***Reposition sediment and gravel from the front of the sluiceways and fish screens to gain access to these structures. Once cleared of sediment and gravel, the structures will be assessed for damage and repaired, such that the ACDD facility can be fully operational prior to the 2023-2024 winter season. The specific activities are as follows:***

  The repair will restore the function of the ACDD, namely, expose fish screens and sluiceways so that the sluiceways can be operated in the winter of 2023-2024 to move accumulated gravel and sediment downstream. This portion of the Project will reposition approximately 2,000 cubic yards of sediment and gravel from around the screens and from Sluiceway #2 to the central area of the forebay. This scope of work will include extensive Best Management Practices (Attachment A1) and a Care and Diversion of Water Plan (Attachment A2) to minimize turbidity going downstream until there is appropriate winter storm flow in the creek. If water is turbid, it will be pumped from the standing isolated water in the

forebay to the sediment detention basin behind the left bank wall (old tunnel access). Once the water is settled and clean, water will be pumped slowly downstream either over the ogee crest or via a sluiceway gate. Care will be taken to observe the temperature and flow as compared to the water in the creek. Once the area within the forebay is dewatered, the contractor will excavate to expose Sluiceway #2. During this time, water in Alameda Creek will be flowing down the right bank through the fish ladder. After the sluiceway is exposed, water can then be shifted to flow down the left channel towards Sluiceway #2. If the water is appropriate in terms of turbidity and pH, it will flow downstream. If not, water will be pumped and settled in the sediment trap. At that time when water is diverted to the left bank, the contractor will commence repositioning the sediment from around the screens to the forebay.

Access to the creek will be via an existing access road. A clean piece of equipment with biodegradable hydraulic fluid will access the creek through a very small channel of water[1].

Equipment proposed for the work includes a rubber tracked mini excavator (<10 ton, <1-yard bucket), steel tracked small excavator (10-35 ton, 2-yard bucket), rubber tire backhoe, rubber tracked skid steer, wheel loader, steel track small dozer (10-30 ton), off-road dump truck (for repositioning material), and a vacuum truck for use around the screens or around sluicegates.

Once the sediment is cleared from Sluiceways 2 and 3 (and possibly 1), Permittee will ensure the sluiceways are operable so they can be opened prior to a large rain event to enable sediment mobilization from the upstream of the ACDD (forebay) into Alameda Creek during high flows.

ACDD Operations and Maintenance

The anticipated operations and maintenance of the ACDD involve the main components/actions at the facility, namely, the forebay, fish ladder, fish screens, water diversion, and sluicing, as described below.

Forebay Operations

To perform most of the primary functions of the ACDD (fish ladder, diversion, or sluicing), the control gates must be manipulated, changing the water level in the forebay and potentially altering the downstream flow. When out of service, the forebay can be drained to a minimum pool (at the elevation of the lowest open

[1] It is possible there will be no surface flow at the time of this work in late-September.

water control gate) or may be left partially full if there is a net benefit to in-stream species.

Manual removal of sediment, as needed, could occur during the dry season, approximately every 3 to 5 years, if sluicing operations are not found to adequately transport accumulated sediment downstream of the facility. The maintenance will involve the use of heavy equipment to reposition sediment away from the screen face/training wall to facilitate operation of the screen and to allow effective future sluicing to support sediment functions and geomorphic processes downstream.

The existing access road and ramp to the stream channel will continue to be utilized for infrequent vehicle and heavy equipment access to facilitate maintenance activities required on infrastructure in the forebay.

Fish Ladder

The fish ladder can be temporarily or seasonally taken out of service in response to current and forecasted stream flows. The fish ladder is designed to provide optimal passage between 2-30 cfs, but is effective up to 300 cfs (with flow over the ogee crest or overflow gates) and may remain in service below 2 cfs for partial passage if ambient conditions remain suitable for foothill yellow-legged frog and other fish and wildlife species.

Shutting down the fish ladder requires a lowering of the forebay to stop flow into the pool and weir section of the fishway. The stop-gates in each of the 35 fishway weirs are sequentially opened to fully drain the ladder pools. Shutting down the fish ladder will involve surveys downstream and managing the rate of water draining from the ladder to minimize impacts to downstream aquatic resources. Foothill yellow-legged frogs unable to exit the ladder on their own during dewatering activities will be relocated to nearby suitable habitat by CDFW-approved biologists.

Planned maintenance for any of the fish ladder components will be carried out during the non-operational period (April 1 to November 30). If accumulated debris or sediment interferes with the function of the fish ladder, material may be removed by staff without shutting down fish ladder operations with long handled nets, pikes, or other tools from the access platform above the fish ladder. If maintenance activities require personnel entry into the permitted confined space of the fish ladder, the ladder must be drained of all water for safety reasons. If work activity is necessary in the area of the lowest few fishway stop gates and the three fish entry gates a cofferdam or similar structure for dewatering will be required because these areas are located below the water surface elevation of the afterbay.

Fish Screens

Maintenance of the fish screens may be carried out during the operational period by closing water intake gates and raising fish screens to their locked position. However, maintenance activities for the submerged portion of the fish screens must be carried out when the water intake structure can be emptied by lowering the forebay.

Water Diversion

Maintenance of the control gates in the water diversion structures may be carried out during non-operational periods when the forebay water surface elevations can be maintained below the areas requiring access and the facility can be drained.

Sluicing

As sediment accumulates behind the ACDD, the Permittee uses sluicing to move sediment from upstream to downstream of the dam. Sluicing is timed to coincide with storm events between December 1 and April 30 to mimic the natural movement of sediment. Sluicing requires instream flows in the range of 150-1,000 cfs. Sluice gate sequencing and durations will be determined by the distribution of accumulated forebay sediment and the magnitude of the available stream flow. The duration of sluicing will be limited to prevent impacts to foothill yellow-legged frogs and to minimize interruption to diversion and fish ladder operation. Optimal sluicing requires complete evacuation of the forebay water to maximize sediment transport along the streambed approaching the sluice gates.

Floating debris not passed over the dam during high flow events is removed from the forebay in two locations by automatic and articulated debris rakes mounted on fixed bar screen debris racks located at the head of the fish ladder exit and water intake structure inlet. Staff may need to remove debris from the racks if the rakes are not capable of removing it during operational periods. However, maintenance of the submerged debris rack structure may require lowering the forebay water surface elevation to provide safe access.

Schedule

The ACDD will be operated as described in the July 16, 2010 Final Instream Flow Schedules as included in the Calaveras Dam Replacement Project 2011 CDFW 1602 Agreement (1600-2010-0322-R3). The operation is summarized below.

- ***No diversion from April 1 to November 30***

- ***Diversion of up to 370 cfs from December 1 to March 31***
- ***During the diversion period from December 1 to March 31, stream flow will first be allowed to flow through the fish ladder. Flows above 30 cfs and less than 370 cfs may be diverted into the Alameda Creek Diversion Tunnel (ACDT). Flows not diverted into the fish ladder or ACDT will flow over the crest of the dam.***
- ***Sluicing activities may occur December 1 through April 30, timed with elevated streamflow during predicted storm events.***
- ***Manual removal of sediment from the forebay will occur in the dry season (June 15 – October 15) approximately every 3-5 years.***

Pages 13 to 15 under **Impacts of the Taking on Covered Species** shall be amended to read:

Project activities (CDRP, ***ACDD,*** BHR, EBRPD-SRW Waterline and fish monitoring) and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above that are expected to result in incidental take of individuals of the Covered Species at the CDRP include excavation, trenching, grading, blasting, equipment and vehicle operation and vegetation removal associated with construction of the new dam and spillway, support buildings, haul roads, road improvements, temporary access, staging, stockpiling, borrow and disposal areas, power line upgrades within the area identified in the Project description above, as well as temporary loss of habitat from fencing construction zones and permanent loss of breeding habitat for foothill yellow-legged frog from refilling the reservoir. In addition, this ITP includes incidental take of Covered Species associated with the maintenance of the dam including vegetation management and rodent control and other repair and maintenance activities on the dam.

* * * *

The activities expected to result in take of individuals of the Covered Species foothill yellow legged frog during long-term monitoring of Alameda Creek as required for the Project include seining, dip netting, fish trapping (use of smolt traps or fyke nets), and electrofishing.

The activities expected to result in take of individuals of the Covered Species during emergency repairs to ACDD include pumping and suctioning, seining, dip netting, capturing to move out of harm's way, trenching, grading, excavating, temporary vehicle and equipment access. The activities expected to result in take of individuals of the Covered Species during operation and maintenance of the

ACDD include pumping, suctioning, electrofishing, and storage and re-use of sediment.

Project activities for the CDRP, ***ACDD***, BHR, EBRPD-SRW Waterline and fish monitoring described above are collectively, the Covered Activities.

Incidental take of individuals of the Covered Species may occur from the Covered Activities in the form of mortality ("kill") from ground- or vegetation-disturbing construction activities for the following: crushing or entombment during excavation, grading, and fill activities (stockpiling and excess material disposal), crushing in burrows or entombment due equipment and blasting operations, crushing or smashing from vehicle strikes and equipment operations, trauma and injury from blasting operations, and injury from excavation and grading, ***pumping and suctioning,*** electrofishing, ***operation and maintenance of ACDD,*** and operation of fish traps. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursue, catch, capture, or attempt to do so during pre-construction surveys, electrofishing, dip netting, seining, operation of fish traps, ongoing monitoring and survey work at impact, mitigation and reference sites, and relocation procedures if an individual is detected within an active Project area (including during ongoing maintenance and restoration activities at Mitigation Sites). Impacts of the proposed taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: stress resulting from capture and relocation, noise and vibrations from blasting and equipment operations and long-term effects due to Covered Species habitat degradation, displacement from preferred habitat, increased competition for food and space, and increased vulnerability to predation.

The areas where authorized take of the Covered Species is expected to occur include: Calaveras Dam and the area surrounding the reservoir, Calaveras Creek, Arroyo Hondo ~~from Marsh Creek Road bridge to the inundation zone at~~ ***upstream of the*** Calaveras Reservoir, Alameda Creek from ***Arroyo de la Laguna to Camp Ohlone***, ~~the confluence with Calaveras Creek to San Antonio Creek~~, ***ACDD,*** ~~and a reference census reach upstream of ACDD~~; the EBRPD-SRW Waterline repair site from the High Valley Camp to the Headquarters Area; and the BHR Mitigation Sites (collectively, the Project Area).

* * * *

The ACDD emergency repair is expected to cause temporary loss (less than one year) of 0.2 acres of previously disturbed in-stream habitat and 0.2 acres of previously disturbed upland habitat for the Covered Species, to accommodate the volume of material that must be cleared from around the fish screens. The ACDD operations and maintenance activities may cause temporary loss of 0.2 acres of

habitat for the Covered Species in the same previously disturbed in-stream habitat and sediment stockpile area.

The total impacts from this Project to Covered Species habitat is 741.69 acres of permanent impacts (including 4.075 acre of ~~FYLF~~ ***foothill yellow-legged frog*** habitat), 7.00 acres of semi-permanent impacts, and ~~112.74~~ ***112.94*** acres of temporary Impacts (including ~~0.005~~ ***0.205*** acre of ~~FYLF~~ ***foothill yellow-legged frog*** habitat). This does not include Project impacts in developed areas.

Page 33 under **Conditions of Approva**l shall be amended to read:

ACDD foothill yellow legged frog specific measures

8.33 Pre-activity Surveys. Prior to any proposed activities, pre-activity surveys will be conducted of the facility to verify the presence or absence of foothill yellow-legged frog.

8.33.1 Pre-activity Consultation. Prior to any proposed activities, any monitoring observations from all currently permitted SFPUC Alameda Creek upstream and downstream monitoring program for fish and herpetofauna shall be consulted to inform the probabilities of encountering any life stages of foothill yellow-legged frog.

8.34 Foothill yellow-legged frog Relocation. Prior to dewatering any portion of the facility, any egg masses, larvae, adult, and juvenile foothill yellow-legged frogs potentially subject to impacts will be relocated to areas upstream or downstream, as appropriate for the number and life stage of the individual(s), as well as the type of the activities (i.e., upstream or downstream work).

8.35 Discharge Flow Control. No discharges from construction dewatering, or bypass will occur at a rate with potential to wash larval foothill yellow-legged frogs downstream. Discharge flows will not rewet dry areas and will be limited to not more than 50% greater than the current inflow from Alameda Creek.

> ***8.35.1 All dewatering events will occur at a sufficiently slow rate allowing for thorough and adequate searching, removal, and relocation of all juvenile foothill yellow-legged frogs observed within the activity area.***
>
> ***8.35.2 As part of adaptive management, the presence and mobility of all species observed within the facility will be taken into consideration when directing potentially impactful dewatering procedures including the extent and rate of forebay lowering.***

Additional ACDD Covered Species Conditions

8.36 <u>Temporary Spoils Storage Area</u>. The temporary storage area for sediment manually removed from in and around ACDD shall be free from fossorial mammal burrows, wood and rock piles, or other material that could provide habitat for Covered Species. Permittee shall survey the Storage Area prior to placing the sediment. Prior to removing the sediment for re-use, the sediment pile shall be surveyed for burrows. If burrows or other Covered Species habitat exist, the burrows shall be excavated for Covered Species prior to sediment removal.

8.37 <u>Sediment Re-use</u>. Permittee shall obtain CDFW approval of the location and timing of sediment re-use.

Page 34, under **Habitat Management Land Acquisition and Restoration,** Condition of Approval 9, paragraph six, shall be amended to read:

> Permittee shall also restore on-site ~~119.74~~ ***119.94*** acres of temporarily and semi-permanently impacted Covered Species habitat pursuant to Condition of Approval 9.6. If any temporary impacts do not meet the criteria identified in ITP Conditions of Approval 6.10 and 6.11, then CDFW shall require compensatory mitigation to offset the additional Project temporal impacts. If Permittee does not complete seeding of temporary impact areas by October 31, unless otherwise approved by CDFW, of the year of the impact, but restores impact areas within two years of the impact consistent with Conditions of Approval 6.10 and 6.11, then CDFW shall consider those disturbed areas as semi- permanent and require compensatory mitigation at a 2:1 ratio (acres of mitigation: acres of impact). If Permittee does not restore areas considered temporarily-disturbed within two years, then CDFW shall consider those areas as permanent impacts, and require compensatory mitigation at a 3:1 ratio (acres of mitigation: acres of impact).

Page 39, under Condition of Approval 9.6.<u>Habitat Restoration</u> shall be amended to read:

> Permittee shall restore on-site the ~~119.74~~ ***119.94*** acres of Covered Species habitat that will be temporarily disturbed during construction to pre-project or better conditions. Within 6 months of issuance of this ITP, the Permittee shall prepare a Vegetation Restoration Plan to facilitate revegetation of the ~~119.74~~ ***119.94*** acres of temporary construction disturbance on-site and shall ensure that the Plan is successfully implemented by the contractor. The Plan shall include detailed specifications for restoring all temporarily disturbed areas, such as seed mixes and application methods. The plan shall also indicate the best time of year for seeding to occur. Plantings undertaken between April 15 and October 31 shall include regular watering to ensure adequate growth.

Page 44, **Attachments**, shall be amended to read:

Attachment A1 Best Management Practices

Attachment A2 Care and Diversion of Water Plan

All terms and conditions of the ITP and MMRP that are not expressly amended herein remain in effect and must be implemented and adhered to by the Permittee.

FINDINGS

Issuance of this Amendment may increase the amount of take of the Covered Species compared to the Project as originally approved; however, by implementing the additional avoidance and minimization measures for foothill yellow legged frog, it is not expected that this Amendment will increase Project impacts on these species (i.e., "impacts of taking" as used in Fish and Game Code Section 2081, subd. (b)(2)).

Discussion: This Amendment reflects a change in the number of individuals impacted by Project activities. The increased impacts are the result of an increase in temporary impacts and potential relocation out of harm's way of Foothill yellow legged frogs. Impacts will continue to be tracked after completion of the ACDD activities. Other Covered Species impacts could be additional injury or death of Alameda whipsnake due to vehicle traffic on access roads.

Issuance of this Amendment does not affect CDFW's previous determination that issuance of the ITP meets and is otherwise consistent with the permitting criteria set forth in Fish and Game Code section 2081, subdivisions (b) and (c).

Discussion: CDFW determined in December 2020 that the Project, as approved, met the standards for issuance of an ITP under CESA. This determination included findings that, among other things, the impacts of the taking would be minimized and fully mitigated and that the Project would not jeopardize the continued existence of the Covered Species. Those findings are unchanged with respect to this Amendment because the Project and ITP as amended: (1) will not significantly increase the amount of take or severity of the impacts of the taking on the Covered Species; (2) provides for avoidance and minimization measures that are capable of successful implementation. Permittee's continued adherence to and implementation of the avoidance and minimization measures set forth in the ITP's Conditions of Approval and MMRP will minimize and fully mitigate impacts of the taking on the Covered Species.

None of the factors that would trigger the need for subsequent or supplemental environmental analysis of the Project under Public Resources Code section 21166 or California Code of Regulations, title 14, sections 15162 and 15163, exist as a result of this Amendment.

Discussion: CDFW issued the ITP in December 2020 as a responsible agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) after, among other things, considering the environmental impact reports certified by the City and County of San Francisco as the lead agency for the Project (CDRP, including ACDD). As explained in the findings below, CDFW finds for purposes of CESA that this Amendment represents a major change in the Project as originally approved. However, for the reasons explained above, CDFW concludes this Amendment is not a change in the Project that has the potential to create a new significant effect not previously analyzed, a substantial change in the circumstances under which the Project is being undertaken requiring major revisions to previous CEQA documents, or new information of substantial importance. As a result, CDFW finds that no additional subsequent or supplemental environmental review is required by CEQA as part of CDFW's approval of this Amendment.

CDFW finds that this Amendment is a Major Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(5).

Discussion: This Amendment includes repair, operations and maintenance of the ACDD, which is an element of the CDRP. This Amendment also adds avoidance and minimization measures, as well as monitoring, for Foothill yellow-legged frog during Covered Activities. This Amendment expands the Project Area to include ACDD. Therefore, this Amendment will significantly modify the scope or nature of the permitted Project or activity, or the minimization, mitigation, or monitoring measures in the ITP. CDFW has determined that the change to the ITP constitutes a Major Amendment as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(5).

The authorization provided by this Amendment is not valid until Permittee signs and dates the acknowledgement below, and returns one of the duplicate originals of this Amendment by registered first class mail to CDFW at:

California Department of Fish and Wildlife
Habitat Conservation Planning Branch
Attention: CESA Permitting Program
Post Office Box 944209
Sacramento, CA 94244-2090

Alternatively, the Permittee shall email the digitally signed ITP to CESA@wildlife.ca.gov. Digital signatures shall comply with Government Code section 16.5. Digital signatures facilitated by CDFW will be automatically returned.

APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on 10/19/2023**.**

DocuSigned by:
Erin Chappell
B77E9A6214EF486...

Erin Chappell, Regional Manager
Bay Delta Region

ACKNOWLEDGMENT

The undersigned: (1) warrants that he or she is acting as a duly authorized representative of the Permittee, (2) acknowledges receipt of the original ITP and this Amendment, and (3) agrees on behalf of the Permittee to comply with all terms and conditions of the ITP as amended.

By: DocuSigned by: Susan Hou 1CDD74A8C7AB4B9... Date: 10/24/2023

Printed Name: Susan Hou Title: Regional Project Manager

August 29, 2023

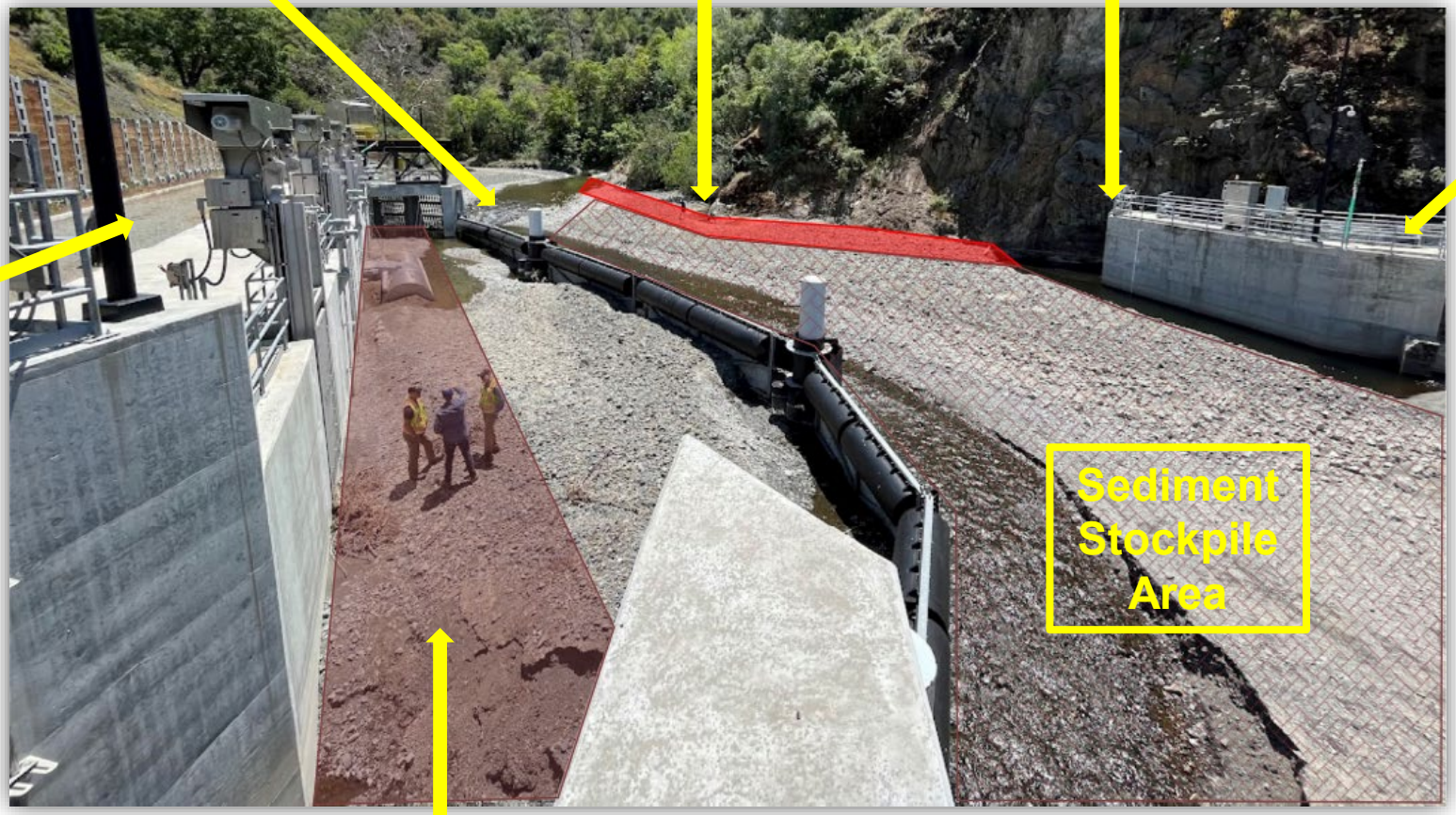
San Francisco Public Utilities Commission Best Management Practices (BMPs) for the Alameda Creek Diversion Dam Storm Damage Recover and Repair Project (ACDD)

- Train all field crews so that they are aware of environmental regulations, special status plants and animals, and these best management practices.
- All equipment will remain in designated area as identified by the Designated biologist.
- Pre-construction surveys are required in all areas prior to the start of work activities each day.
- Drive less than 15 miles per hour on all access roads to the ACDD including Geary Road/Camp Ohlone Road.
- Stop work in the immediate vicinity if special status species is observed until such time that the designated biologist clears the area.
- Use biodegradable hydraulic fluid for all equipment.
- Limit equipment working within the creek to the minimum necessary.
- Spill kits on site must include booms to prevent any accidental spills from moving downstream in Alameda Creek.
- Prevent sediment from going downstream in Alameda Creek. Install temporary sediment trap on the downstream concrete apron and utilize existing sediment trap in the ACDD structure.
- Measure temperature and flowrate of water prior to releasing downstream. Ensure temperature is within the diurnal cycle level to minimize stress on sensitive species. Flow must not add more than 50% to the ambient flow rate in the creek. Discharge must not create new wetted areas in the creek. Adaptive management will be utilized to hold and/or treat water if there is a potential impact.
- Perform dust control to minimize adverse dust.
- Removal all construction equipment from the creek each day. Prior to storm events, removal all equipment and materials from the creek.
- Dispose of all trash properly and remove from the project site each day.

Alameda Creek Diversion Dam – Recovery, Repair, and Restoration

Construction Phase I – Creek Channel Access Plan

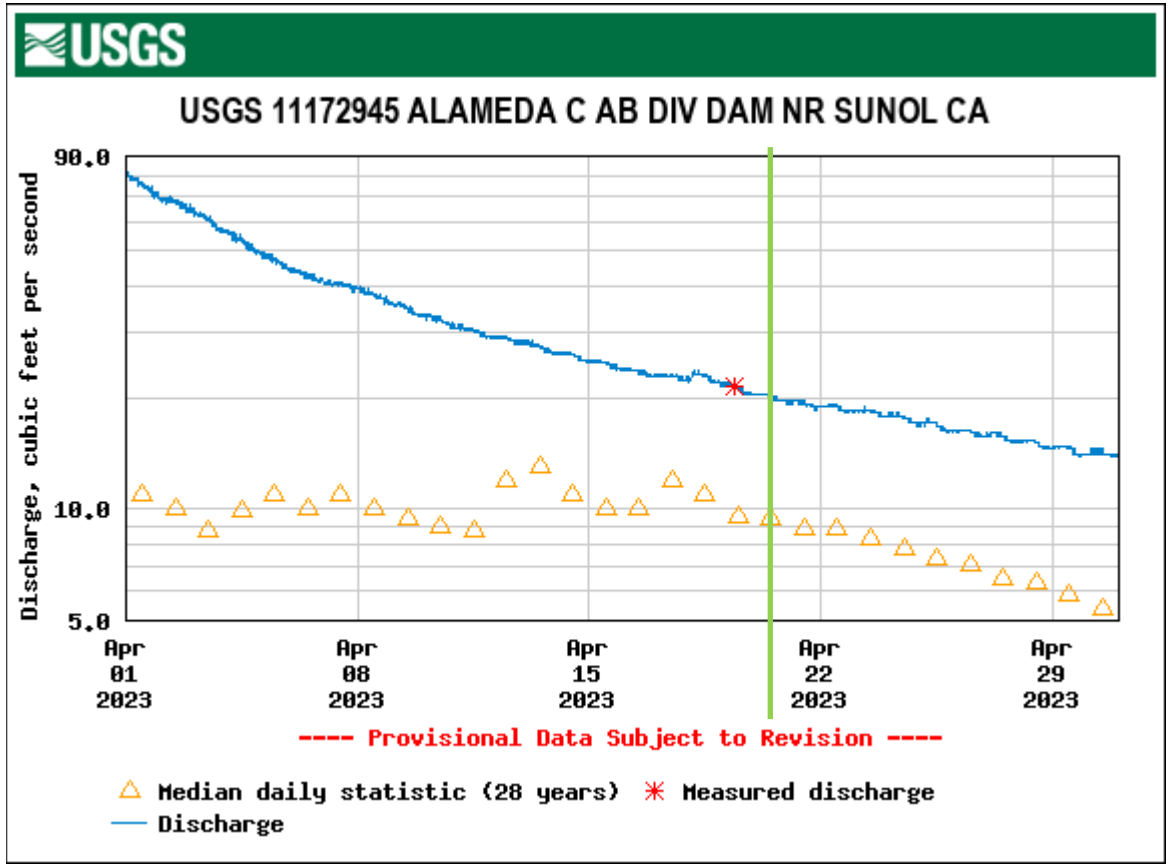
Phase I Screen Rehabilitation Work Locations



Equipment Crossing Within Wetted Perimeter of Creek

Photos taken during HDR **April 21, 2023** site visit with SFPUC staff. Creek flows at ~20 CFS. Median daily flows based on past 28 years of USGS data collection is ~9 CFS.

APRIL 2022 AND MEDIAN USGS FLOW DATA



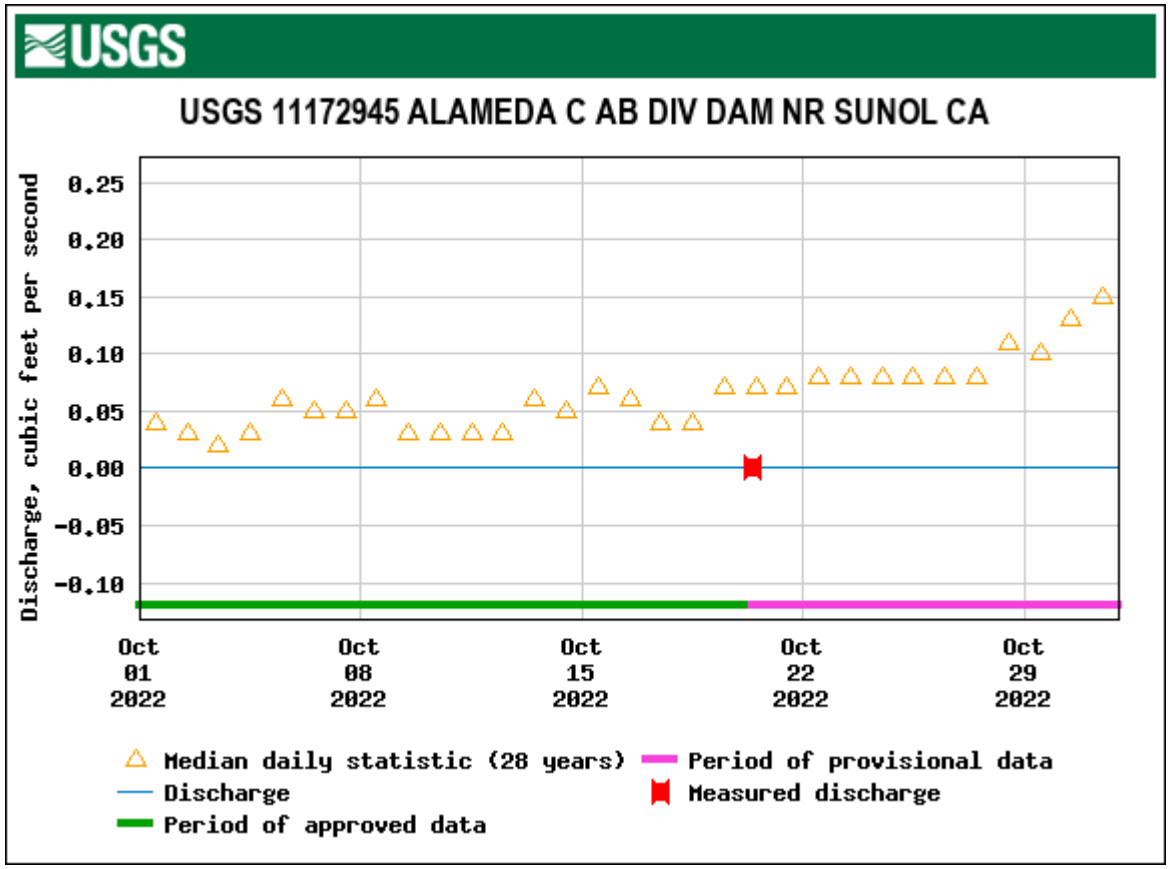
Post Bypass Installation – Flow May Not Be Present

Work targeted for October 2023 timeframe. Median daily flows based on past 28 years of USGS data collection is ~0.05 CFS.

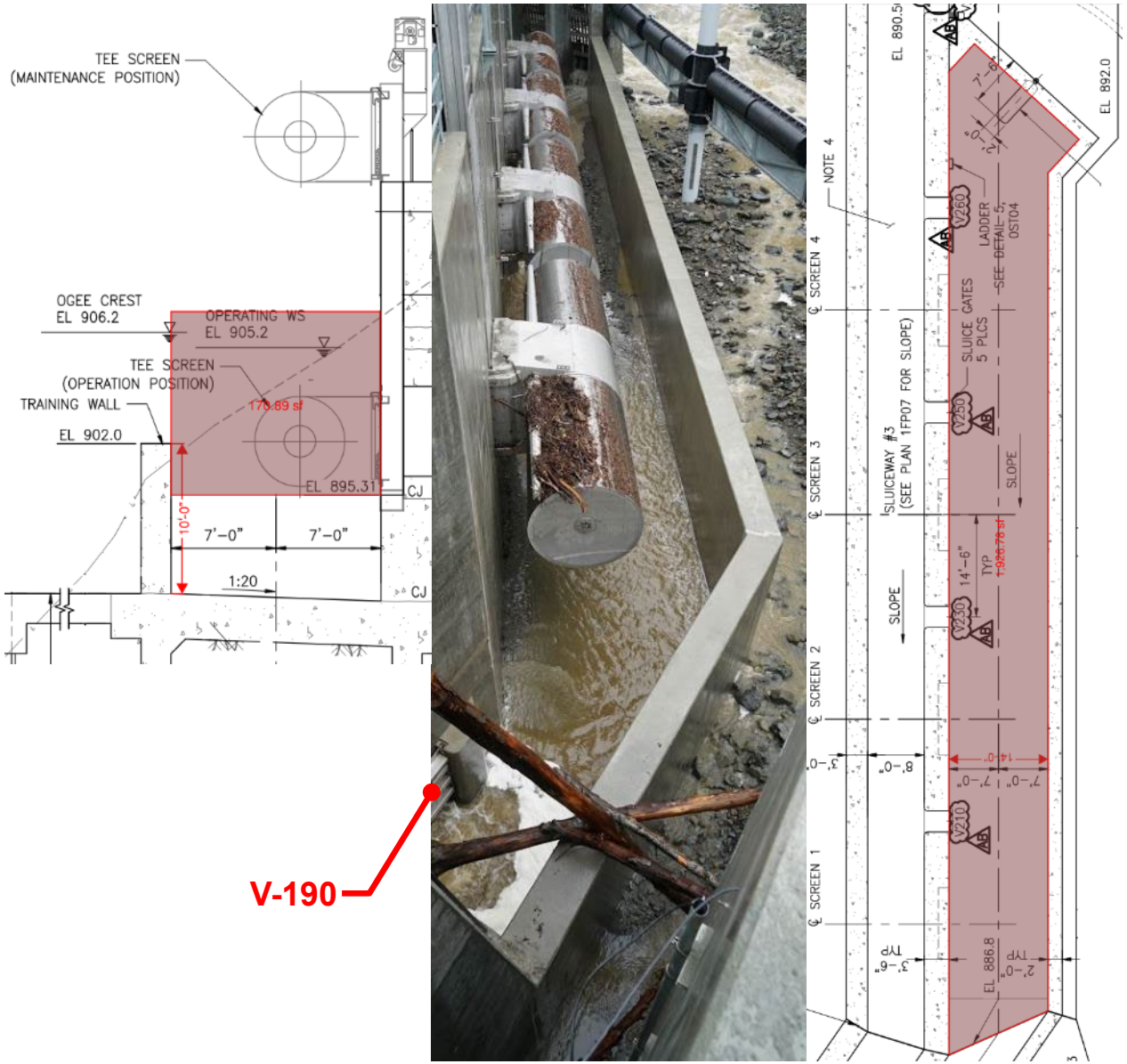
If flow is present during initiation of work, one crossing with a mini excavator is proposed.

Photo provided above was modified to depict Alameda Creek with minimal to no flow present.

OCTOBER 2022 AND MEDIAN USGS FLOW DATA



Sediment Removal & Stockpile – Equipment List



Not all equipment listed will be used on site. Equipment most likely to be used is listed first, least likely equipment to be used is listed last.

1. Rubber tracked mini excavator (<10 ton, <1-yard bucket)
2. Steel tracked small excavator (10-35 ton, 2-yard bucket)
3. Rubber tire backhoe
4. Rubber tracked skid steer
5. Wheel loader
6. Steel track small dozer (10-30 ton)
7. Off-road dump truck
8. Vacuum truck