STATE OF CALIFORNIA

DEPARTMENT OF FISH AND WILDLIFE

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

Notification Process and Instructions

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PART I: NOTIFICATION REQUIREMENT

Fish and Game Code (FGC) §1602 requires any entity (defined as any person, State or local governmental agency, or public utility) to notify the California Department of Fish and Wildlife (Department) before beginning any activity that will do one or more of the following:

1) substantially obstruct or divert the natural flow of any river, stream, or lake;

2) substantially change or use any material from the bed, channel, or bank of any river, stream, or lake;

3) 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.

FGC §1602 applies to any river, lake, or stream, including those that are perennial, ephemeral, or intermittent. ***If you are not certain that a particular project activity requires notification, the Department recommends that you notify.***

Note: *Although a person other than the applicant may complete the notification, "you" or "your" as used in this document refers to the applicant proposing the project because the applicant will be responsible for submitting and signing the notification.*

NOTIFYING THE DEPARTMENT

To notify the Department of any of the activities described above, complete the following steps:

Step 1: Fill out the Notification of Lake or Streambed Alteration form (Form FG2023; Rev. 1/13) (notification form). See Part II for instructions to complete this form.

Note*: If the project is part of a Timber Harvest Plan (THP) you may notify the Department per FGC §1611during the timber harvest review process by submitting the THP and notification fee to the Department regional office that serves the county where the THP will take place. In that case, you are not required to submit Form FG2023, provided the THP includes, at a minimum, the information listed in FGC §1611. If a THP has already been approved, applicants must notify using Form FG2023.*

Step 2: Determine the notification fee that will be submitted with the completed notification form, or THP, by referring to the current fee schedule. Notification fees charged are established in an amount necessary to pay the costs incurred by the Department to administer the Lake and Streambed Alteration program.

Step 3: Submit the completed notification form, or THP, with all required enclosures and notification fees to the Department regional office that serves the area where the project will occur.

Note: *If the notification relates to timber harvesting activities in Humboldt, Del Norte or Mendocino County or the west portion of Trinity County, the notification must be submitted to the Department's Northern Region office in Eureka. If you are not sure whether the Eureka or Redding office will review your notification or THP, contact either office for guidance to avoid any delay in processing your notification.*

Northern Region - Inland **(Region 1)** **LSA Program** 601 Locust Street Redding, CA 96001 (530) 225-2367 (530) 225-2300 Serving Lassen, Modoc, Shasta, Siskiyou, Tehama and eastern Trinity county	**Northern Region - Coastal** **(Region 1)** **LSA Program** 619 Second Street Eureka, CA 95501 (707) 441-2075 (707) 445-6493 Serving Del Norte, Humboldt, Mendocino and western Trinity county
North Central Region **(Region 2)** **LSA Program** 1701 Nimbus Road Rancho Cordova, CA 95670 (916) 358-2900 Serving Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lake, Nevada, Placer, Plumas, **Sacramento***, **San Joaquin***, Sierra, Sutter, **Yolo*** and Yuba county ***Note:** Those portions of **Sacramento, San Joaquin and Yolo counties** that are south of I-80 **and** west of I-5 are in Region 3; the balance of those counties are in Region 2*	**Bay Delta Region** **(Region 3)** **LSA Program** 7329 Silverado Trail Napa, CA 94558 (707) 944-5500 Serving Alameda, Contra Costa, Marin, Napa, **Sacramento***, San Mateo, Santa Clara, Santa Cruz, San Francisco, **San Joaquin***, Solano, Sonoma, and **Yolo*** county ***Note:** Those portions of **Sacramento, San Joaquin and Yolo counties** that are south of I-80 **and** west of I-5 are in Region 3; the balance of those counties are in Region 2*
Central Region **(Region 4)** **LSA Program** 1234 East Shaw Avenue Fresno, CA 93710 (559) 243-4593 Serving Fresno, Kern, Kings, Madera, Mariposa, Merced, Monterey, San Benito, San Luis Obispo, Stanislaus, Tulare and Tuolumne county	**South Coast Region** **(Region 5)** **LSA Program** 3883 Ruffin Road San Diego, CA 92123 (858) 467-4201 Serving Los Angeles, Orange, San Diego, Santa Barbara and Ventura county
Eastern Sierra and Inland Deserts Region **(Region 6)** **LSA Program** 3602 Inland Empire Boulevard, Suite C-220 Ontario, CA 91764 (909) 484-0167 Serving Imperial, Inyo, Mono, Riverside and San Bernardino county	

PART II: INSTRUCTIONS FOR COMPLETING NOTIFICATION FORM (FG2023)

For the Department to determine the notification is complete, you must:

1) complete all applicable fields in the form;

2) provide as much detail as possible so the Department can properly evaluate the project activities to determine whether an Agreement is required;

3) submit all required enclosures with the notification;

4) provide information in the notification that is true and correct;

5) sign the notification; and

6) submit the correct notification fee

If during its review of the notification the Department determines that a biological or hydrological study (see the instructions below for boxes 11.E and 11.F) will also be required, the Department will advise you that a study must be provided to make the notification complete. If a biological or hydrological study has already been completed, please enclose a copy of the report.

The Department will not begin processing the notification until it determines that the notification is complete.

Instructions to complete the notification form are outlined below.

1. APPLICANT PROPOSING PROJECT ACTIVITIES

Provide the name, mailing address, telephone and fax numbers, and e-mail address of the applicant and the applicant's designated representative. For the purpose of the notification form, "applicant" is defined as the person or business, State or local governmental agency, or public utility proposing the project.

If the applicant is a business, agency, or utility, provide the name and contact information of the applicant's designated representative above the name of the applicant. For the purpose of the notification form, the applicant's representative *must* be an employee of said business, agency or utility.

The applicant or the applicant's designated representative will be responsible for signing the notification, any Agreement, and for complying with the terms and conditions of any Agreement.

2. CONTACT PERSON

Provide the name, mailing address, telephone and fax numbers, and e-mail address of the person the Department should contact regarding the project activities, if different from the applicant or applicant's representative.

3. PROPERTY OWNER

Provide the name, mailing address, telephone and fax numbers, and e-mail address of the owner of the property where the project activities will take place, if different from the applicant.

4. PROJECT NAME AND AGREEMENT TERM

A. Project Name

Provide the project name or title. If the project does not have a formal name or title, use a name that best describes the project. For example, if the project is the installation of a culvert on private property, you might name the project, "Culvert on Smith property." If the project has already been assigned a name for other permitting or environmental review purposes, use the same name.

B. Agreement Term Requested

An Agreement may be either a regular Agreement or long-term Agreement. A regular Agreement is one with a term of five years or less. A long-term Agreement is an Agreement pursuant to FGC §1605 with a term greater than five years.

If "Regular" is checked, the Department will provide a term of between one and five years in accordance with the time periods specified in FGC §1602 -1603. The Department will determine whether the notification is complete within 30 days of receiving the notification form and correct notification fee, and issue you a draft Agreement within 60 days of receiving a complete notification.

If "Long-term" is checked, the Department may decide to either grant your request for a term greater than five years, or issue a regular Agreement, When applying for a long-term Agreement, the 30 and 60 day time periods described above will not apply (see FGC §1605(g)(5)). If a long-term Agreement is requested and the Department decides not to grant your request, the Department will contact you and process the notification as one for a regular Agreement upon your written request.

C. Project Term

Specify both the year the project activities will begin and the year the project activities will end.

Note: *Please be aware that the Department may restrict work within a stream or lake to the dry season of the year. Consequently, you may want to include more than one season of possible operation in your project proposal.*

D. Seasonal Work Period

Specify the time period (months and days) you intend to work on the project (e.g., August 1 to October 15). If the work period will exceed one year, specify the time period for each year of the project (e.g., 2013: August 1 to October 15. 2014: June 1 to September 15. 2015: March 1 to July 15). The Department may restrict project work to certain periods depending on rainfall, fish migration, wildlife breeding or nesting season, or other resource concerns.

E. Number of Work Days

Specify the estimated number of days of actual work that will be needed to complete the project activities.

5. AGREEMENT TYPE

Identify the type of Agreement requested by checking the applicable box. Complete Attachments A, B, C, or D, if applicable.

A. Standard
Check this box for most construction projects, excluding: gravel, sand, or rock extraction; timber harvesting; water diversion, extraction, or impoundment; routine maintenance; restoration through Department's Fisheries Restoration Grant Program (FRGP); or a Master Agreement as defined below.

B. Gravel/Sand/ Rock Extraction
Check this box *and* complete Attachment A if the project is for the commercial or non-commercial mining or extraction of gravel, sand, rock, or other aggregate material. Provide the mine identification number if the mining or excavation is *not* exempt from the Surface Mining and Reclamation Act (refer to Public Resources Code (PRC) §2714) (http://www.leginfo.ca.gov/calaw.html).

C. Timber Harvesting
Check this box *and* complete Attachment B if the project is part of a THP and you are notifying the Department using Form FG2023 rather than using a modified or program THP, or a non-industrial timber management plan (NTMP). Provide the number assigned to the THP or NTMP by the California Department of Forestry and Fire Protection (CALFIRE).

D. Water Diversion/ Extraction/Impoundment
Check this box *and* complete Attachment C if the project is directly related to any diversion, obstruction, extraction, or impoundment of the natural flow of a river, stream, or lake. Provide the number assigned to the State Water Resources Control Board application, permit, license, registration, statement of diversion and use, or other authorization to divert, extract, or impound water, if applicable.

If the diversion, obstruction, extraction, or impoundment of water is only *incidental* to the project described in the notification (e.g., temporarily dewatering a stream segment to install a culvert or bridge or drafting water as part of a timber harvesting operation) do not check this box or complete attachment.

E. Routine Maintenance
Check this box *and* complete Attachment D if the *primary* objective of the project is to maintain on a routine basis a number of existing private or public facilities, such as canals, channels, culverts, and ditches.

If the project is a one-time maintenance project, do not check this box or complete the attachment.

F. Fisheries Restoration Grant Program
Check this box if the project is funded by the Department's FRGP *and* provide the FRGP contract number.

G. Master
Check this box for an Agreement with a term of greater than five years that:

1) covers multiple projects that are not exclusively projects to extract gravel, sand, or rock; not exclusively projects that are included in a THP approved by CALFIRE; or not exclusively routine maintenance projects; and

2) describes a procedure the entity must follow for construction, maintenance, or other projects the Agreement covers.

An example of a project for which the Department would issue a master Agreement is a large-scale development proposal comprised of multiple projects for which specific, detailed design plans have not been prepared at the time of the original notification.

H. Master Timber Harvesting
Check this box for an Agreement with a term of greater than five years that:

1) covers timber operations on timberland that are not exclusively projects to extract gravel, sand, or rock; not exclusively projects that are included in a THP approved by CALFIRE; or not exclusively routine maintenance projects that the entity will need to complete separately at different time periods during the term of the Agreement; and

2) describes a procedure the entity must follow for construction, maintenance, or other projects the Agreement covers.

6. NOTIFICATION FEES

A. Scope of Project
Specify the scope of the proposed project(s) for the purpose of calculating notification fees. "Project" means either of the following as determined by the Department:

1) <u>One activity</u>. An example of such a project is one that is limited to the removal of riparian vegetation at one location along the bank of a river, lake, or stream that will substantially change the bank.

2) <u>Two or more activities that are interrelated</u> and could or will affect similar fish and wildlife resources. An example of such a project is the construction of one bridge across a stream that requires the removal of riparian vegetation, the installation of abutments in or near the stream, and the temporary de-watering of the stream using a diversion structure. Each of those three activities together would constitute one project for the purpose of calculating the notification fee under this section because they are all related to the single purpose of constructing one bridge at one location.

   By contrast, the construction of three bridges and two culverts across a stream at five different locations would not constitute one project, but instead would constitute five projects, even if each structure were to provide access to a common development site and/or were physically connected to each other by a road. *The Department may require the entity to separately notify for one or more projects based on type, location, and fish and wildlife resource issues.*

B. Project Cost
For purposes of calculating the notification fee, "project" refers only to the activities that are subject to the notification requirement in FGC §1602 and not the overall project. For example, if the project described in the notification is the construction of a bridge across a stream, and the bridge construction is part of a housing development that except for the bridge construction would not require notification, only the cost associated with installation of the bridge would be used to calculate the notification fee.

If the project is not for gravel, sand, or rock extraction; timber harvesting; or routine maintenance, provide the estimated cost to complete the project over the proposed term of the Agreement. If the project is for gravel, sand, or rock extraction; timber harvesting; or routine maintenance, write "not applicable" in this box and refer to the enclosed notification fee schedule to determine the appropriate fee.

C. Project Fee
After determining the estimated cost for the project(s) subject to notification, refer to the fee schedule to determine the notification fee. The Department may require you to submit additional cost estimate information.

Note: If the notification includes more than one project, the fee shall be calculated by adding the separate fees for each project. For example, if a notification identifies three projects, one of which will cost less than $5,000, one which will cost $7,500, and one of which will cost $17,500, the fees for these projects would be $224, $280.25, and $560.25 respectively. The total fee would be $1,064.50.

D. Base Fee
If the notification is for a Standard Agreement or an Agreement for Gravel, Sand or Rock Extraction, with a term of less than five years, skip to box 6.E. If the notification is for any other type of Agreement, enter the corresponding "base fee" as identified in the fee schedule.

E. Total Fee Enclosed
Provide the amount of the total notification fee enclosed with the notification form.
Note: Checks must be made payable to the California Department of Fish and Wildlife. The Department may not process the notification until it receives the correct notification fee.

Example 1: *Standard Agreement – Regular Term (5 years or less)*

	A. Project	B. Project Cost	D. Project Fee
1	Boat Ramp	$4,500	$224
		E. Base Fee *(if applicable)*	N/A
		F. TOTAL FEE ENCLOSED	$224

Example 2: *Agreement for Gravel Extraction - Regular Term (5 years or less)*

	A. Project	B. Project Cost	D. Project Fee
1	Gravel Extraction (500 cubic yards)	N/A	$1,120.50
		E. Base Fee *(if applicable)*	N/A
		F. TOTAL FEE ENCLOSED	$1,120.50

Example 3: *Agreements for Timber Harvesting*

	A. Project	B. Project Cost	D. Project Fee
1	Culvert #1	N/A	$112
2	Culvert #2	N/A	$112
		E. Base Fee *(if applicable)*	$1,345.25
		F. TOTAL FEE ENCLOSED	$1,569.25

7. PRIOR NOTIFICATION AND ORDERS

A. Previous Notification and/or Agreement

Check the applicable box. If "yes" is checked, provide your name; the number assigned to the notification; and either the date the notification was submitted or the date the Department signed the final Agreement, if a final Agreement was issued.

B. Notification Related to Order by Court or Agency

If a court or administrative agency (e.g., the Department or a Regional Water Quality Control Board) has required you to perform work that is subject to the notification requirement in FGC §1602, check "yes" and provide a copy of the order, notice, or other directive issued by the court or agency. If this is not the case, check "no."

Note: *If the notification is being submitted in response to an order and the Department determines that an Agreement is required, the measures the Department includes in a draft Agreement will* ***not*** *be subject to arbitration (See FGC §1614).*

8. PROJECT LOCATION

A. Address

Provide the street address where the project will take place (describe the location if there is no street address) and driving directions from the nearest major road or highway, known landmarks, access roads, and any other information that would allow a person not familiar with the area to find the project site. Enclose a map that marks the location of the project and denotes a north arrow and map scale.

B. River, Stream, or Lake

Provide the name of the river, stream, or lake in which or near where the project will take place. If the watercourse or waterbody is not named, please write "unnamed tributary" in the box.

C. Tributary

Provide the name of the watercourse or water body to which the river, stream, or lake specified in box 8.B is tributary.

D. Wild and Scenic Rivers

Check the appropriate box to specify whether or not the river or stream segment where the project is located is listed as a State or federal Wild and Scenic River. Refer to PRC §5093.5 *et seq*. (http://www.leginfo.ca.gov/calaw.html) and United States Code section 1271 *et seq*. (http://www.gpoaccess.gov/uscode/index.html).

Note: If the project is located within a segment of a river or stream that is listed in the State or federal Wild and Scenic River Acts, the Department cannot approve the proposed project unless it is consistent with the act(s).

E. County

Provide the name of the county where the project will take place.

F. USGS 7.5 Minute Quad Map Name

Provide the name of the USGS 7.5 minute quadrangle map(s) that includes the property where the project will take place. The following Department website may provide you with a link to the name of the quadrangle map: http://www.imaps.dfg.ca.gov/viewers/biospublic/app.asp.

G - J. Township, Range, Section, ¼ Section

Provide the township, range, section, and ¼ section numbers of the property where the project will take place. Many county and city websites provide township, range, section, and ¼ section numbers.

K. Meridian

Provide the meridian of the property where the project will take place. The following website provides meridian lines: http://www.blm.gov/cadastral/meridians/Caleneva.htm.

L. Assessor's Parcel Number

Provide the Assessor's Parcel Number of the property where the project will take place. Among other documents, Assessor's Parcel Numbers are found on deeds and tax records.

M. Coordinates

If available, provide either the latitude and longitude or the UTM coordinates of the property where the project will take place *and* specify the datum used. Latitude and longitude information can be obtained using a Global Positioning System (GPS) or from the following website: http://bios.dfg.ca.gov.

9. PROJECT CATEGORY AND WORK TYPE

Identify the project category and work type described in the notification by checking the applicable box(es). If "Other" is checked, briefly describe the type of project.

10. PROJECT DESCRIPTION

A. Describe the Project

See the instructions on the notification form.

B. Equipment

List all equipment and machinery that will be used to complete the project. List any lubricants, solvents, chemicals, or other materials not normally found on construction sites will be present in the project area in addition to the equipment and machinery that will be used to complete the project.

C. Water Presence

Check the applicable box. If "yes" is checked, complete box 10.D. If "no" is checked, skip to box 11.

D. Work in Wetted Channel

Check the applicable box. If "yes" is checked, a plan to divert water around the project site and dewater the work site ***must*** be included with the notification, and should specify the method, volume, rate, and timing of the diversion of the water around the work site.

11. PROJECT IMPACTS

A. Modifications to River, Stream or Lake

Describe any foreseeable impacts to the flow, bed, channel and bank of the river, stream, or lake. Quantify the effects and impacts in the project vicinity by noting the type, volume, and dimensions of material displaced through grading, trenching or other forms of site alteration. Also include any foreseeable impacts to the riparian zone on or adjacent to the bank of the river, stream or lake. The riparian zone is the area that surrounds a channel or lake and supports (or can support) vegetation that is dependent on surface or subsurface water. Include the effects of your project activity to this zone at least to the outer (landward) edge of the drip line of any dependent vegetation.

B. Vegetation

Check the applicable box. If "yes" is checked, complete the following tables by specifying the type and amount of vegetation (i.e., trees such as oak, willow, or sycamore, and plant communities, such as salt marsh, freshwater marsh, wet meadow, willow thicket, riparian woodland, willow riparian woodland, desert wash woodland, riparian forest, oak riparian forest, redwood forest, riparian scrub, desert wash scrub, alkali sink scrub, oasis, vernal pool, bog, non-native, or ornamental) both in linear feet and total acres that will be affected temporarily and permanently.

If trees ***greater than 2 inches in diameter at breast height*** (dbh) will be removed as part of the project, specify the estimated number and species (if available) of trees to be removed, and the range of trunk diameters measured at breast height. Trees can be grouped into size classes (i.e. four oak trees approximately 10 to 20 inches dbh). Attach a tree survey, if available.

C. Special Status Species

Special status species are endangered, rare, or threatened animal or plant species as defined in California Environmental Quality Act (CEQA) Guidelines (California Code of Regulations (CCR), title 14, §15380) available at http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art20.html.

Check the applicable box. If "yes" is checked, list each species and/or describe the habitat that you know will be affected.

If a species listed in this box is protected under the California or federal Endangered Species Act, you may be required to obtain a separate take authorization from the Department and/or the U.S. Fish and Wildlife Service (USFWS) or National Marine Fisheries Service (NMFS). Contact the Department, USFWS, or NMFS for information on take authorization.

D. Source of Information

Identify the source(s) of information used to conclude if special status animal/plant species or habitat that may support such species is or is not, present on or near the project site.

E. Biological Study
If "yes" is checked, the biological study or survey must be enclosed with the notification. *If "no" is checked or the biological study enclosed with the notification is inadequate, the Department may require you to complete a biological study to evaluate the project's potential impact on biological resources before accepting the notification as complete.*

F. Hydrological Study
If "yes" is checked, the hydrological study or survey *must* be enclosed with the notification. *If "no" is checked or the hydrological study enclosed with the notification is inadequate, the Department may require you to complete a hydrological study or provide other information on site hydraulics (e.g., water availability analysis, flow regime, channel characteristics, and/or flood recurrence intervals) to evaluate the project's potential impacts on hydrology before accepting the notification as complete.*

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

A. Erosion Control
Describe the methods or techniques that will be used to prevent sediment from entering any watercourses during and after construction. If you are unsure of which methods or techniques to prevent erosion would best minimize impacts at the project site, please indicate "unknown". Department staff can assist in providing the appropriate measures.

B. Protection of Fish, Wildlife and Plant Resources
Describe any measures that will be incorporated into the project to avoid or minimize impacts to fish, wildlife, and plant resources. If you are unsure of which measures would best minimize impacts at the project site, please indicate "unknown". Department staff can assist in providing the appropriate measures.

C. Mitigation/Compensation Measures
Describe all measures that will be incorporated into the project provide mitigation or compensation for impacts to fish, wildlife, and plant resources. If you are unsure of which measures would best provide mitigation or compensation for potential impacts at the project site, please indicate "unknown". Department staff can assist in providing the appropriate measures.

13. PERMITS

A - D. Local, State, and Federal Permits
List any local, State, and federal permits required for the project and mark whether applied or issued. ***Enclose a copy of each permit that has been issued***. You are responsible for obtaining all necessary permits and authorizations from the Department and other agencies before beginning any project described in the notification.

14. ENVIRONMENTAL REVIEW

A. CEQA, NEPA, CESA, and ESA Documents
For any available document, please check the appropriate box. If "yes" is checked, a copy of the CEQA, National Environmental Protection Act (NEPA), California Endangered Species Act (CESA), and/or federal Endangered Species Act (ESA) document *must* be enclosed with the notification. Please include the type of CEQA, NEPA, CESA, or ESA

document if applicable. If “no” is checked, please list to the best of your knowledge, the type of environmental documentation that will be or is being prepared.

B. State Clearinghouse Number
If copies of the CEQA document have been be submitted to the State Clearinghouse for distribution to State agencies, provide the number assigned to the document by the State Clearinghouse.

C - F. CEQA Lead Agency
If “yes” is checked, complete boxes D, E, and F. If “no” is checked, skip to box G.

G. Overall Project
If the project described in the notification is part of a larger project, briefly describe the entire project. For example, if the project described in the notification is the construction of a bridge across a stream, and the bridge construction is part of a proposed housing development which does not require notification, the housing development should be described in this box.

If the project described in the notification is not part of a larger project, write “not applicable” in this box.

H. CEQA Filing Fee
Pursuant to FGC §711.4, you must pay a filing fee if the project is subject to CEQA. The Department’s CEQA filing fee will be collected to by the CEQA Lead Agency, and later allocated to the Department. The CEQA filing fee is in addition to the notification fee. Current CEQA fees are available at http://www.dfg.ca.gov/habcon/ceqa/ceqa_changes.html.

If “yes” is checked, proof that the CEQA filing fee has been paid *must* be enclosed with the notification. If “no” is checked, explain the reason the CEQA filing fee has not been paid. A CEQA filing fee may not have been paid, for example, because the lead agency has not completed or approved or certified the CEQA document at the time the notification is submitted or one of the exceptions to payment of the filing fee applies.

Note: If a CEQA filing fee has not been paid, but the Department determines that the fee is required, the Department may not issue a final Agreement until it receives proof that the CEQA filing fee has been paid. For more information on CEQA filing fees, refer to Part IV.

15. SITE INSPECTION

In order to determine whether the notification is complete, an Agreement is required, and/or to identify the measures that must be incorporated into the project to protect fish, wildlife, and plant resources, the Department may need to conduct an inspection of the project site.

Box 1. Generally, non-enforcement Department personnel may only enter private property with the consent of the property owner. Checking the first box will enable Department personnel to enter the property at a reasonable time in the future without having to contact the property owner in advance. Receiving such consent in advance will help reduce the amount of time for the Department to determine whether the notification is complete, an Agreement is needed and/or to prepare a draft Agreement. If the first box is checked, provide the Department with any access instructions.

Box 2. Check the second box and provide the name and telephone number of the person the Department needs to contact before entering the property if you cannot or do not want to give the Department consent to enter the property in advance. The box should also be checked if the property owner or the owner's representative needs to be present when Department personnel visit the property.

16. DIGITAL FORMAT

If any of the information included as part of the notification is available in digital format, submit the information via digital media (e.g., CD, DVD, etc.) with the notification.
Note: *The notification form must be completed and submitted in paper format, even if the information is available in digital format.*

17. SIGNATURE

If the applicant is a private citizen, he/she must sign the notification in order for it to be valid. If the applicant is a business, State or local governmental agency, or public utility, only an authorized person who is an employee of the business, agency, or utility may sign the notification, in order for it to be valid. *Under no circumstances should a consultant or other contact person or property owner who is not the applicant or, if the applicant is a business, agency, or utility, not an authorized employee of the applicant, sign the notification.* If that occurs, the Department may return the notification to the applicant as invalid.

PART III: PROCESSING YOUR NOTIFICATION

If you notify the Department through the submittal of a notification form, the Department will determine the notification is complete if all of the following apply:

1) all applicable fields on the notification form are completed;
2) all required enclosures are submitted (including a biological and/or hydrological study, if applicable);
3) the notification was properly signed;
4) the information in the notification is true and correct; and
5) the correct notification fee is provided with the notification.

If the Department determines the notification is incomplete, the Department will specify the information or materials that are lacking and will need to be provided to determine the notification complete.

The 30-day time period to determine whether a notification is complete does not apply to notifications for long-term Agreements (see FGC §1605(g)(5)), or when one of the following occurs:

1) the Department and applicant mutually agree to extend the 30-day time period.

2) the Department determines that an onsite inspection is required before it can make its determination, but you are unable to schedule a date for the inspection that will reasonably allow the Department to make the determination within the 30-day time period.

3) the Department determines that an onsite inspection is required before it can make its determination and you or the owner of the property where the project will take place (if different from the applicant) refuses to allow Department personnel to enter the property. In that case, the Department may refuse to process the notification, in which case the 30-day time period will no longer apply.

After the Department determines that the notification is complete, the notification will be assigned to staff that will evaluate the project and determine whether you will need an Agreement.

An Agreement will be required if the project may substantially adversely affect an existing fish, wildlife, or plant resource. If the Department determines that an Agreement is required, it will submit a draft Agreement to you for review within 60 days of determining the notification complete. The 60-day time period does not apply to notifications for long-term Agreements (see FGC §1605(g)(5)), or when one of the following occurs:

1) the Department and applicant mutually agree to extend the 60-day time period.

2) the Department determines that an onsite inspection is required before it can determine whether an Agreement will be required or issue a draft Agreement, but you are unable to

schedule a date for the inspection that will reasonably allow the Department to make its Agreement determination or issue a draft Agreement within the 60-day time period.

3) the Department determines that an onsite inspection is required before it can determine whether an Agreement will be required or issue a draft Agreement, and you or the owner of the property where the project will take place (if different from the applicant) refuses to allow Department personnel to enter the property. In that case, the Department may refuse to process the notification, in which case the 60-day time period will no longer apply.

Note: *In the case that the Department decides not to grant a request for a long-term Agreement, the Department will contact you, and thereafter process the notification as one for a regular Agreement upon your written request. If you are granted a long-term Agreement, you will be required to comply with the requirements specified in FGC §1605(g), which includes filing a status report with the Department every four years.*

The draft Agreement will include measures the Department determines are necessary to protect fish, wildlife, and plant resources while conducting the project activities. After receiving the draft Agreement, you will have 30 days to notify the Department whether the measures in the draft Agreement are acceptable. If you agree with the measures included in the draft Agreement, you or your authorized representative will need to sign the Agreement and submit it to the Department. If you disagree with any measures in the draft Agreement, within 30 days, you must notify the Department in writing and specify the measures that are not acceptable. Upon written request, the Department will meet with you within 14 days of receiving the request to resolve the disagreement. If you fail to respond, in writing, within 90 days of receiving the draft Agreement, the Department may withdraw the Agreement.

If you disagree with any measures in the draft Agreement and you and the Department cannot resolve the disagreement informally, you may request an arbitration panel to resolve the disagreement. If you request arbitration, a panel of arbitrators will be established within 14 days of receiving the request. The panel will include three persons: your representative, a Department representative, and a third person mutually agreed upon by you and the Department who will serve as the panel's chair. If you and the Department cannot agree upon the third person within the 14-day period, a court will appoint the third person. The third person must have scientific expertise relevant to the fish, wildlife, and plant resources the project could affect, and the disputed measures in the draft Agreement. ***Each party will be required to pay the expenses of their selected representative and pay one-half the expenses of the third person.***

The panel will issue a decision within 14 days after it is established. The decision must be based on the best scientific information reasonably available at the time of the arbitration, and will be issued in the form of a final Agreement. The decision will be binding on you and the Department unless you or the Department successfully petitions a court to correct or vacate the decision.

The time periods described above may be extended at any time by mutual agreement.

Note: *The measures included in a draft Agreement are not subject to arbitration if the notification is being submitted in response to an order by the court or an administrative agency that requires you to perform work subject to the notification requirement in FGC §1602.*

After the Department receives the signed draft Agreement, it will make it final by signing it. However, the Department will not sign the Agreement until it:

1) has received the correct notification fee,

2) has complied with CEQA, and

3) has received written proof that the CEQA filing fee (specified in FGC §711.4) has been paid, if a CEQA filing fee is required.

After you receive the final Agreement, the project described in the notification and covered by the Agreement may begin, provided you have obtained all necessary local, State, and federal permits or other authorizations.

Notification through the submittal of a THP

If you notify the Department through the submittal of a THP instead of using Form FG2023, the Department will determine the notification is complete if all of the following apply:

1) the THP includes, at a minimum, the information listed in FGC §1611;

2) the information in the THP is true and correct;

3) the THP was properly signed;

4) the THP is accepted for filing by CALFIRE; and

5) the correct notification fee is provided with the notification or has been paid.

Once the notification has been deemed complete, the process for reviewing the notification and issuing an Agreement is the same as for a notification via Form FG2023, as described above.

Part IV: California Environmental Quality Act

The Department must comply with the California Environmental Quality Act (CEQA) before it may issue a ***final*** Agreement. Issuance of a final Agreement occurs when the Department receives the signed ***draft*** Agreement from you ***and*** the Department signs it. In many instances, the Department will receive the signed draft Agreement from an applicant before the lead agency has fully complied with CEQA. In those instances, the Department must wait for the lead agency to fully comply with CEQA before it may sign the draft Agreement, thereby making it final.

Under CEQA, the "lead agency" is the local or State governmental agency that has the principal responsibility for carrying out or approving the project. All other local or State agencies with discretionary approval authority are "responsible agencies." The lead agency must determine first whether the project is exempt from CEQA. If the project is not exempt, the lead agency must prepare an environmental document, which will be a negative declaration, a mitigated negative declaration, or an environmental impact report. A lead agency is entitled to recover all of its CEQA-related costs from you. If the Department acts as the lead agency for the project your draft Agreement covers, it will instruct you to submit an initial deposit to cover its initial CEQA-related costs. The deposit and any further CEQA-related costs will be in addition to the notification fee.

If the Department is a responsible agency, you must submit with the notification form a copy of any document prepared by the lead agency pursuant to CEQA, if one already has been prepared. You must also identify the lead agency on the notification form (box 14.D). A final Agreement cannot be signed by the Department until a copy of the Notice of Determination has been submitted to and reviewed by the Department.

Pursuant to FGC §711.4, you must pay a filing fee to the lead agency if the project is subject to CEQA, unless one of the exceptions specified in FGC §711.4(c)(2) or (3) or (d)(1) or (2) applies. Current CEQA fees are found in FGC §711.4, available at www.leginfo.ca.gov/calaw.html. The filing fee is in addition to the notification fee.

For a detailed explanation of CEQA, please consult the statute itself (PRC §21000, *et seq.*), the CEQA Guidelines (CCR, title 14, §15000 *et seq.*) that implement CEQA, and CEQA handbooks and guides. CEQA and the CEQA Guidelines are available at http://www.ceres.ca.gov/planning.

Part V: Other Permits

Depending on the project activities being proposed, in addition to an Agreement, you might need to obtain a permit, agreement, or other authorization from one or more governmental agencies. You should first contact the planning departments of the city or county where the project will take place to determine whether any local permits are required for the project. The State and federal agencies listed below might also have permitting authority over the project. You should contact these agencies if you are not familiar with their permitting requirements.

STATE AGENCIES

Coastal Commission
Department of Conservation
Department of Forestry and Fire Protection
Department of Water Resources
Reclamation Board/District
Regional Water Quality Control Boards
State Lands Commission
State Water Resources Control Board

FEDERAL AGENCIES

National Marine Fisheries Service
U.S. Army Corp of Engineers
U.S. Fish and Wildlife Service
U.S. Forest Service