



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE
NOTIFICATION OF LAKE OR STREAMBED ALTERATION

Notification Instructions and Process

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PART I: NOTIFICATION REQUIREMENT

Fish and Game Code section 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 divert or obstruct 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.

Fish and Game Code section 1602 applies to any river, lake, or stream, including those that are perennial, intermittent, or ephemeral. ***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 is 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 (DFW 2023 (Rev. 10/01/16)) (notification form (DFW 2023)). 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 Fish and Game Code section 1611 during the timber harvest review process. Please submit the THP notification to the Department regional office that serves the county where the THP will take place. In that case, you are not required to submit the notification form (DFW 2023), provided the THP includes, at a minimum, the information listed in Fish and Game Code section 1611. If a THP has already been approved, applicants must notify using the notification form (DFW 2023).*

Step 2: Determine the notification fee that will be submitted with the completed notification form (DFW 2023) by referring to the current fee schedule for lake and streambed alteration agreements in California Code of Regulations, title 14, section 699.5 (fee schedule).

Note: *As of July 1, 2013, an entity is not required to submit a fee with a notification for a “timber operation” covered in THP, Non-Industrial Timber Management Plan (NTMP), Programmatic Timber Harvest Plan (PTHP), Modified Timber Harvest Plan (MTHP), Sustained Yield Plan (SYP), or Working Forest Management Plan (WFMP), each a “Timber Plan” (Pub. Resources Code, § 4629.6, subd. (c)).*

Step 3: Submit the completed notification form (DFW 2023) under Fish and Game Code section 1602 or THP under Fish and Game Code section 1611 with all required

enclosures in hard copy and with the correct notification fee to the Department regional or field office that serves the area where the project will occur. The Department will only accept a notification form (DFW 2023) or THP for filing when it is received by the correct regional or field office and it is received in hard copy.

Note: *If the notification is for a project that relates to timber operations 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 regional 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.*

The remainder of this page is intentionally left blank.

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

PART II: INSTRUCTIONS FOR COMPLETING NOTIFICATION FORM (DFW 2023)

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 a lake or streambed alteration agreement (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.

If during its review of the notification the Department determines that a biological or hydrological study, or resource mapping will be required (see the instructions below for boxes 11.E, 11.F, and 11.G), the Department will advise you that a study or mapping must be provided to make the notification complete.

The Department is not required to determine whether the notification is complete or otherwise begin processing the notification until the correct Department regional or field office has received the notification in hard copy, and the Department has received the correct notification fee.

Instructions to complete the notification form (DFW 2023) 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 if applicable, the applicant's designated representative. For the purpose of the notification form (DFW 2023), "applicant" is defined as the person, State or local government agency, or public utility proposing the project. "Person" means any natural person or any partnership, corporation or limited liability company, trust, or other type of association (Fish & G. Code, § 67).

If the applicant is not a natural person (e.g., business), provide the name, title or position, and contact information of the applicant's designated representative above the name of the applicant. For the purpose of the notification form (DFW 2023), the applicant's representative *must* be an employee of the applicant.

The applicant or the applicant's designated representative will be responsible for signing the notification (DFW 2023) and any agreement, and for complying with the terms and conditions of any agreement.

2. CONTACT PERSON

Provide the name, title or position (if applicable), 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 Fish and Game Code section 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 Fish and Game Code sections 1602 - 1603. The Department will determine whether the notification is complete within 30 days of receiving the notification form (DFW 2023) 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 periods described above will not apply (Fish & G. Code, § 1605, subd. (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.

Note: *The Department has sole discretion to determine the type of agreement the applicant may obtain for a project or projects (Cal. Code Regs., tit. 14, § 699.5, subd. (q)).*

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., 2016: August 1 to October 15; 2017: June 1 to September 15; 2018: 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, D, or E, 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 a Department grant program (e.g., the 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 (Pub. Resources Code, § 2714).

C. Timber Harvesting Plans and Other Timber Plans

Check this box *and* complete Attachment B if you are notifying the Department using the notification form (DFW 2023) and the project is part of a THP or other type of Timber Plan. If the THP serves as the notification pursuant to Fish and Game Code section 1611, completion of DFW 2023 and Attachment B is not required but is encouraged to facilitate efficient processing of the notification. Provide the number assigned to the Timber Plan by the California Department of Forestry and Fire Protection (CAL FIRE).

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 purpose 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. Remediation of Marijuana Cultivation Sites

Check this box *and* complete Attachment E if the primary purpose of the project is to remediate a marijuana cultivation site.

Note: An additional fee of \$3,000 or \$5,000 applies to projects to remediate marijuana cultivation sites. See section 699.5(i) in the fee schedule.

G. Department Grant Programs

Check this box if the project is funded by a Department grant program (e.g., FRGP, Proposition 1, Ecosystem Restoration Program, or Wetlands Restoration for Greenhouse Gas Reduction Program). Provide the name of the funding program and the grant agreement number.

H. 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 CAL FIRE; or not exclusively routine maintenance projects.
- 2) Specific detailed plans have not been prepared at the time of the original notification.
- 3) 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.

I. Master Agreement for Timber Operations

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 Timber Plan approved by CAL FIRE; or not exclusively routine maintenance projects that the entity will need to complete separately at different time periods during the term of the agreement.
- 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) One activity. 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, stream, or lake that will substantially change the bank.

- 2) Two or more activities that are interrelated 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 or were physically connected to each other by a road.

Note: *The Department may require the applicant to separately notify for one or more projects based on their type or location. If the Department requires the applicant to separately notify the Department for one or more of the projects included in the original notification, the Department shall return the original notification and fee to the applicant, after which the applicant may submit to the Department separate notifications and a fee for each project.*

B. Project Cost

For purposes of calculating the notification fee, “project” refers only to the activities that are subject to the notification requirement in Fish and Game Code section 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.

Note: *Project costs shall include, but are not limited to, the costs of all investigations, surveys, designs, labor, and materials required to complete the project.*

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 \$561, \$704, and \$1,405 respectively, and therefore the total fee would be \$2,670.*

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

Submit the total notification fee with the notification form (DFW 2023).

Note: The Department is not required to determine whether a notification is complete or otherwise process a notification until the Department has received the correct notification fee.

To pay the fee by check, the check must be made payable to the “California Department of Fish and Wildlife.”

To pay the fee by credit card, you must complete the Department’s Credit Card Payment Authorization Form (DFW 1443b (Rev. 8/15)) and submit the form to the Department with the notification. The Department accepts Visa and MasterCard only. If the fee is paid by credit card, the Department shall assess a separate credit card processing fee of 1.6% to recover handling costs and credit card company charges. The Department’s Credit Card Payment Authorization Form is available at any Department regional office or at:

<https://www.wildlife.ca.gov/Conservation/LSA/Forms>.

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

A. Project		B. Project Cost	C. Project Fee
1	Boat Ramp Retrofit	\$4,500	\$561
		D. Base Fee (if applicable)	N/A
		E. TOTAL FEE	\$561

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

A. Project		B. Project Cost	C. Project Fee
1	Gravel Extraction (450 cubic yards)	N/A	\$1,405
		D. Base Fee (if applicable)	N/A
		E. TOTAL FEE	\$1,405

Example 3: Agreements for Multiple Projects

A. Project		B. Project Cost	C. Project Fee
1	Culvert #1	\$5,000	\$561
2	Culvert #2	\$7,500	\$704
3	Elk Bridge Pedestrian Crossing	\$17,500	\$1,405
		D. Base Fee (if applicable)	N/A
		E. TOTAL FEE	\$2,670

Example 4: Routine Maintenance Agreement – Long-Term Agreement (> 5 years)

A. Project		B. Project Cost	C. Project Fee
1	East End Property Boat Lift Yard	N/A	N/A
		D. Base Fee (if applicable)	\$6,750
		E. TOTAL FEE	\$6,750

Note: The project fee shall be submitted as specified in the agreement.

Example 5: Standard Agreement – Long-Term (> 5 years)

A. Project		B. Project Cost	C. Project Fee
1	Scopes Lighting District – Main Line	\$450,000	\$6,328
		D. Base Fee (if applicable)	\$6,750
		E. TOTAL FEE	\$13,078

Example 6: Agreement for Gravel Extraction – Long-Term (>5 years)

A. Project		B. Project Cost	C. Project Fee
1	Point Bar Gravel Inc.	N/A	N/A
		D. Base Fee (if applicable)	\$28,123
		E. TOTAL FEE	\$28,123

Note: The annual fee shall be submitted as specified in the agreement.

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. Work Required by Court or Administrative Agency

If a court or administrative agency has required you to perform the work described in the notification, or you are submitting the notification after receiving a notice of violation (NOV) from the Department, check “yes” and provide a copy of the court or administrative order or notice, or NOV. If this is not the case, check “no.”

Note: If the notification is being submitted in response to a court or administrative order or notice, and the Department determines that an agreement is required, the measures the Department includes in a draft agreement will **not** be subject to arbitration (Fish & G. Code, § 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. The State Wild and Scenic Rivers Act (WSRA) is codified at Public Resources Code section 5093.50 *et seq.* and can be found at: <http://www.leginfo.legislature.ca.gov/calaw.html>). The federal WSRA is codified at United States Code section 1271 *et seq.* and can be found at <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 WSRA, 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: <https://map.dfg.ca.gov/bios/>.

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 (APN) of the property where the project will take place. Among other documents, APNs 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 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.

Note: *The work type, "Water diversion without facility" refers to extracting water from a river, stream, or lake without physically obstructing or impeding its natural flow (e.g., by using a pump or by gravity through a headgate, pipe, or gallery). The work type, "Water diversion with facility" refers to extracting water from a river, stream, or lake in conjunction with or by use of a facility or structure that physically obstructs or impedes its natural flow (e.g., a flashboard dam or a weir).*

10. PROJECT DESCRIPTION

A. Describe the Project

Provide a detailed, written description of all project activities, including a step-by-step description of how the activities will be implemented. Include photographs of the project location(s) and immediate surrounding area.

- Include any structures (e.g., rip-rap, culverts) that will be placed or modified in or near the stream, river, or lake, and any channel clearing.
- Specify volume, and dimensions of all materials and features (e.g., rip-rap fields) that will be used or installed.
- If water will be diverted or extracted, specify the purpose or use.
- Describe both permanent and temporary impacts to the channel and/or riparian habitat.
- Enclose diagrams, drawings, plans, and maps that provide all of the following: site specific construction details; dimensions of each structure and/or extent of each activity in the bed, channel, bank or floodplain; overview of the entire project area (i.e., "bird's-eye view") showing the location of each structure and activity, significant area features, stockpile areas, areas of temporary disturbance, and where the equipment/machinery will access the project area.

B. Equipment

List all equipment and machinery used to complete the project. List any lubricants, solvents, chemicals, or other materials not normally found on construction sites that will be present in the project area in addition to the equipment and machinery 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 (permanent or temporary) 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 (permanent or temporary) 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) and/or mature shrubs will be removed as part of the project, specify the estimated number and species (if available) 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

A special status species is an animal and plant species that meets any of the following criteria:

- The species is listed or proposed for listing under the State or federal Endangered Species Act.
- The species is designated as rare under the State Native Plant Protection Act.
- The species is identified as a candidate, sensitive, or special status species in a local, regional, State or federal list, plan, or policy.
- The species otherwise meets the definition of an endangered, rare, or threatened species under California Environmental Quality Act (CEQA) Guidelines section 15380 (Cal. Code Regs., tit. 14, § 15380).

Check the applicable box. If “yes” is checked, list each species and/or describe the habitat the project activities will affect.

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

D. Source of Information

Identify the source(s) of information used to conclude if special status 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.

G. Resource Mapping

Check "yes" if fish and wildlife resources or waters of the state on the project site have been mapped or delineated. "'Wildlife' means and includes all wild animals, birds, plants, fish, amphibians, reptiles and related ecological communities, including the habitat upon which the wildlife depends." (Fish & G. Code, § 89.5.) If "yes" is checked, submit the mapping or delineation. If the mapping or delineation is in digital format (e.g., GIS shape files or KMZ), you must submit the information in this format for the Department to deem your notification complete. If "no" is checked, or the resolution of the mapping or delineation is insufficient, the Department may request mapping or delineation (in digital or non-digital format), or higher resolution mapping or delineation for the Department to deem the notification 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. Examples include a grading permit by the county, authorization by the Department, USFWS, NMFS to take a listed species, or "section 404" permit the U.S. Army Corps of Engineers. **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. California Environmental Quality Act and National Environmental Protection Act

If "yes" is checked, include a copy of the CEQA or National Environmental Protection Act (NEPA) document and all notices with the notification (DFW 2023). If applicable, include the

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

B. State Clearinghouse Number

If a copy of any CEQA or NEPA document has been 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 - F. Before identifying the Department as the CEQA lead agency, please obtain approval from the Department regional office covering the project area. If “no” is checked, skip to box G.

G. Entire Project

The Department must comply with CEQA when issuing a final agreement for a project. CEQA defines a “project” as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” (Cal. Code Regs., tit. 14, § 15378).

If the project described in the notification is not the “whole” project, but instead only a part of it, 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 that does not require notification, the housing development should be described in this box.

If the project described in the notification is the entire project, insert the following statement in this box: “The project described in the notification is the entire project.”

H. CEQA Filing Fee

Pursuant to Fish and Game Code section 711.4, you must pay a CEQA filing fee to the CEQA lead agency if an environmental document has been prepared for the project, unless the project is exempt from the fee. The filing fee is in addition to the notification fee and any other Department fees that apply to the project. Filing fee information is available at <https://www.wildlife.ca.gov/Conservation/CEQA/Fees>.

If “yes” is checked, proof that the filing fee has been paid must be enclosed with the notification (typically a Department Filing Fee Cash Receipt). If “no” is checked, explain the reason the filing fee has not been paid. For example, a filing fee may not have been paid because the project is exempt from CEQA, the lead agency has not completed the environmental document at the time the notification is submitted, or the project is exempt from the filing fee.

Note: *If a CEQA filing fee has not been paid, and the Department determines that the fee is required, the Department may not issue a final agreement until it receives proof of payment. For more information on CEQA and CEQA filing fees, refer to Part IV or go to: <https://www.wildlife.ca.gov/Conservation/CEQA/Fees>.*

15. SITE INSPECTION

In order to determine whether the notification is complete, an agreement is required, 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 (DFW 2023) must be completed and submitted in hard copy, even if the information is available in digital format. The Department will not process the notification until it receives the notification in hard copy.*

17. SIGNATURE

If the applicant is a natural person, he or she must sign the notification in order for it to be valid. If the applicant is not a natural person (e.g., a business), only an employee authorized by the applicant may sign the notification 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 not a natural person, 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

After the correct Department regional or field office receives your notification (notification form (DFW 2023) or THP) in hard copy, and you have paid the correct notification fee, the Department will begin to process your notification by determining whether it is complete. **The Department is not required to determine whether your notification is complete or otherwise process the notification until *both* the correct Department regional or field office has received the notification in hard copy, and that office has received the correct notification fee.**

Notification Form (DFW 2023)

If you notify the Department by submitting a notification form (DFW 2023), the notification will be complete if all of the following apply:

- 1) All applicable fields in the notification form (DFW 2023) are completed.
- 2) All required enclosures are submitted (including a biological and/or hydrological study, and/or resource mapping, if applicable).
- 3) The notification was properly signed.
- 4) The information in the notification is true and correct.

THP

If you notify the Department through the submittal of a THP instead of using the notification form (DFW 2023), the Department will determine the THP as the notification is complete if all of the following apply:

- 1) The THP includes, at a minimum, the information listed in Fish and Game Code section 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 CAL FIRE.

Step 1: Review for Completeness

Notification is Complete

The Department will have 30 days from the date it receives your notification to determine if the notification is complete, *unless*:

- 1) The applicant has not submitted the correct notification fee.
- 2) The Department and applicant mutually agree to extend the 30-day time period.

- 3) 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.
- 4) The Department determines that an onsite inspection is required before it can make its determination and the applicant 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.
- 5) The applicant has requested long-term agreement, in which case the 30-day period does not apply. (Fish & G. Code, § 1605, subd. (g)(5).)

Note: *If you have requested a long-term agreement, but the Department decides not to grant the request, 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 Fish and Game Code section 1605(g), which includes filing a status report with the Department every four years. The Department has sole discretion to determine the type of agreement the applicant may obtain for a project or projects. (Cal. Code Regs., tit. 14, § 699.5, subd. (q).)*

If the 30-day period applies and the Department determines your notification is complete within this period, it will transmit the determination to you in writing and continue processing your notification as described in **Step 2** below.

Notification is Incomplete

First incomplete

If the Department determines your notification is incomplete within 30 days of receiving your (original) notification, it will transmit the determination to you in writing and specify the information or materials that are lacking and that you will need to submit to make your notification complete. Upon receipt of any additional information or materials by the Department, a new 30-day review period will begin. During this new review period, the Department will determine if the notification with the additional information or materials is complete, and transmit that determination to you in writing.

Second incomplete

If the Department determines that your notification with the additional information or materials is still incomplete, the Department will transmit that determination to you in writing. The Department will also inform you that you may appeal the determination to the Director or his or her designee, and describe the appeal process. The Director or his or her designee will make a final determination on your appeal within 60 days after receiving it.

No Action

Notwithstanding the above, if the Department does not: 1) transmit a completeness/incompleteness determination to you in writing during either of the 30-day periods described

above, or 2) make a final determination on any appeal within the 60-day period described above, the notification, or if applicable, the notification with the additional information or materials will be deemed complete at the end of the applicable 30-day period or 60-day period by operation of law. In each case, the 60-day period described in **Step 2** below will begin.

Step 2: Draft Agreement

After the Department determines that the notification is complete or it is deemed complete by operation of law, the Department will evaluate the project activities 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 an agreement is not required, it will notify you in writing. If the Department determines an agreement is needed, it will submit a draft agreement to you for review no later than 60 days after the notification is complete, *unless*:

- 1) The Department and applicant mutually agree to extend the 60-day 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 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 period will no longer apply.
- 4) The applicant has requested a long-term agreement, in which case the 60-day period does not apply (Fish & G. Code, § 1605, subd. (g)(5)).

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 or a notice by a court or an administrative agency that requires you to perform work subject to the notification requirement in Fish and Game Code section 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 has:

- 1) Complied with CEQA as a lead or responsible agency; and
- 2) Received written proof that the CEQA filing fee specified in Fish and Game Code section 711.4 has been paid, if a 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.

No Action

Notwithstanding the above, if the Department does not submit a draft agreement to you within 60 days after the notification or THP is complete, or it is deemed complete by operation of law, you may proceed without an agreement, provided you conduct the project activities as described in the notification or THP, including any measures in the notification intended to protect fish and wildlife resources. (Fish & G. Code, §1602, subd. (a)(4)(D).)

Note: *Fish and Game Code section 1613 authorizes the Department to suspend processing a notification between the time it receives the notification and just before the Department is ready to execute a final agreement if the Department determines the activity the notification describes, or any activity or conduct by the applicant directly related to the described activity violates any provision of the Fish and Game Code or any Department regulation.*

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.

Projects Exempt from CEQA

If the Department determines a project is exempt from CEQA, it may issue a final agreement without the need to prepare an environmental document (i.e., initial study, negative declaration, and/or environmental impact report).

Project Requiring an Environmental Document

If a project is not exempt from CEQA, then the CEQA lead agency is required to prepare an environmental document. In some cases, the Department may receive the signed draft agreement from an applicant before the lead agency has approved or adopted an environmental document for the project. If this occurs, the Department must wait for the lead agency to complete CEQA before the Department, as a responsible agency, may sign the draft agreement to make 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. Typically, a local agency (e.g., city or county) will be the lead agency. A “responsible agency” is any other local or State agency with discretionary approval authority over the project.

Department as CEQA Lead Agency

The lead agency is entitled to recover all of its CEQA-related costs from the project applicant (Pub. Resources Code, § 21089, subd. (a); Cal. Code Regs., tit. 14, § 15045, subd. (a)).

If the Department acts as the lead agency for your project, you will need to pay the Department in advance to cover the costs the Department will incur to prepare an environmental document and for procedures necessary to comply with CEQA. The advance payment will be in addition to the notification fee, the CEQA filing fee (Fish & G. Code, § 711.4), and any other Department fees. The advance payment will be collected before the Department undertakes the preparation of an environmental document or other CEQA-related work.

Department as CEQA Responsible Agency

If the Department is a responsible agency, you must submit with your notification a copy of any environmental document and all notices prepared by the lead agency pursuant to CEQA, if the lead agency has prepared any document or notice. You must also identify the lead agency in box 14.D in the notification form (DFW 2023).

CEQA Filing Fee

Pursuant to Fish and Game Code section 711.4, you must pay a CEQA filing fee if an environmental document is prepared for your project, unless: 1) one of the exceptions specified in Fish and Game Code section 711.4, subdivision (c)(2) or (d)(1) applies; or 2) your project is a “timber operation,” and therefore exempt from the filing fee under Public Resources Code

section 4629(c). **The filing fee is in addition to the notification fee, the fees a lead agency may charge to recover its CEQA-related costs, and any other Department fees.**

CEQA filing fee information is available at:

<https://www.wildlife.ca.gov/Conservation/CEQA/Fees>.

For more information on CEQA, please see the act (Pub. Resources Code § 21000, et seq.), the implementing regulations found in the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), and CEQA handbooks and guides. CEQA and the CEQA Guidelines are available at http://www.opr.ca.gov/m_ceqa.php.

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 Food and Agriculture
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