

AGREEMENT BETWEEN ANGC & CDF+G

CALIFORNIA DEPARTMENT OF FISH AND GAME

4949 Viewridge Avenue
San Diego, CA 92123

December 27, 2006

Notification No. 1600-2006-0339-R5

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AGREEMENT REGARDING PROPOSED STREAM OR LAKE ALTERATION

THIS AGREEMENT, entered into between the State of California, Department of Fish and Game, hereinafter called the Department, and the Angeles National Golf Club, 9401 Foothill Boulevard, Sunland, California, 91040, (818) 497-2619, as represented by Mr. Matt Bennett, represented by Aquatic Consulting Services Inc., P.O. Box 812, Fillmore, California, (805) 521-1397, as represented by Louis Courtois, hereinafter called the Operator, is as follows:

WHEREAS, pursuant to Section 1602 of the California Fish and Game Code, the Operator, on the 30 day of August, 2006, notified the Department that they intend to divert or obstruct the natural flow of, or change the bed, channel, or bank of, or use material from the streambed(s) of the following water(s): unnamed stream from Haines Canyon Creek a tributary to Big Tujunga Creek, Los Angeles County, California.

WHEREAS, the Department (represented by Jamie Jackson) has determined that such operations may substantially adversely affect those existing fish and wildlife resources within the project site, and the vicinity of the project site, specifically identified as follows: amphibians: Arroyo bad (*Bufo californicus*), California red-legged frog (*Rana aurora*), mountain yellow-legged frog (*Rana muscosa*), western toad (*Bufo boreas*); reptiles: western fence lizard (*Sceloporus occidentalis*), side botched lizard, fishes: Arroyo chub (*Gila Orcuttii*), Santa Ana sucker (*Catostomus santaanae*); birds: mourning dove (*Zenaida macroura*), house finch (*Carpodacus mexicanus*), lesser goldenfinch (*Carduelis psaltria*), southwestern willow flycatcher (*Empidonax traillii eximius*), black-headed grosbeak (*Pheucticus melanocephalus*), great blue heron (*Ardea Herodias*), black-chinned hummingbird (*Archilochus californica*), rufous hummingbird (*Selasphorus rufus*), Western scrub jay (*Aphelocoma californica*), Bullock's oriole (*Icterus bullockii*), California quail (*Callipepla californica*), loggerhead shrike (*Lanius ludovicianus*), barn swallow (*Hirundo rustica*), California towhee (*Pipilo crissalis*), Wilson's warbler (*Wilsonia pusilla*), Bewick's wren (*Thryomanes ludovicianus*); raptors: Cooper's hawk (*Accipiter cooperii*); mammals: coyote (*Canis latrans*), brush rabbit (*Sylvilagus Bachmani*), muledeer (*Odocoileus hemionus*), California ground squirrel (*Spermophilus beecheyi*); native plants: slender-horned spinyflower (*Dodecahema leptoceras*), California sycamore (*Plantanua racemosa*), white alder (*Alnus rhombifolia*), Fremont cottonwood (*Populus fremontii*), mulefat (*Baccharis salicifolia*), Scale-broom (*Lepidospartum squamatum*), cattails (*Typha latifolis*), California sagebrush (*Artemisia californica*), willow (*Salix* sp.), Southern Sycamore-Alder Riparian Woodland; and all other aquatic and wildlife resources in the area, including the riparian vegetation which provides habitat for such species in the area. These resources are more particularly described in the reports entitled: Biological Survey of the Drainage Channel Located Northeast of the Angeles National Golf Club, Los Angeles County, California prepared for the Angeles National Golf Club by Aquatic Consulting Services dated August 2006 and "Initial Study and Mitigated Negative Declaration Haines Canyon Channel Outlet Maintenance" prepared for the County of Los Angeles Department of Public Works by BonTerra Consulting dated June 2006.

THEREFORE, the Department hereby proposes measures to protect fish and wildlife resources during the Operator's work. The Operator hereby agrees to accept the following measures/conditions as part of the proposed work.

If the Operator's work changes from that stated in the notification specified above, this Agreement is no longer valid and a new notification shall be submitted to the Department of Fish and Game. Failure to comply with the provisions of this Agreement and with other pertinent code sections, including but not limited to Fish and Game Code Sections 5650, 5652, 5901, 5931, 5937, and 5948, may result in prosecution.

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Nothing in this Agreement authorizes the Operator to trespass on any land or property, nor does it relieve the Operator of responsibility for compliance with applicable federal, state, or local laws or ordinances. A consummated Agreement does not constitute Department of Fish and Game endorsement of the proposed operation, or assure the Department's concurrence with permits required from other agencies.

This Agreement becomes effective the date of the Department's signature and the construction portion terminates on 03/30/2008. This Agreement shall remain in effect to satisfy the terms/conditions of this Agreement. Any provisions of the agreement may be amended at any time provided such amendment is agreed to in writing by both parties. Mutually approved amendments become part of the original agreement and are subject to all previously negotiated provisions.

Pursuant to Section 1600 et. seq., the Operator may request one extension of the Agreement; the Operator shall request the extension of this Agreement prior to its termination. The one extension may be granted for up to five years from the date of termination of the Agreement and is subject to Departmental approval. The extension request and fees shall be submitted to the Department's South Coast Office at the above address. If the Operator fails to request the extension prior to the Agreement's termination, then the Operator shall submit a new notification with fees and required information to the Department. Any construction/impacts conducted under an expired Agreement are a violation of Fish and Game Code Section 1600 et. seq. For complete information see Fish and Game Code Section 1600 et. seq.

1. The following provisions constitute the limit of activities agreed to and resolved by this Agreement. The signing of this Agreement does not imply that the Operator is precluded from doing other activities at the site. However, activities not specifically agreed to and resolved by this Agreement, shall be subject to separate notification pursuant to Fish and Game Code Sections 1600 et seq.

Project Description:

2. The Operator proposes to alter 0.48 acres / 20,908.80 square feet of streambed, bank, and channel of Haines Canyon Creek located within the Angeles National Golf Course. The subject project proposes to remove existing exotic vegetation, targeting *Arundo* (*Arundo donax*), tree of heaven (*Ailanthus altissima*), and castor bean (*Ricinus communis*). All exotic vegetation removal shall be conducted using hand operated equipment and tools. All cut vegetation shall be manually hauled from the streambed and placed into trucks/trailers/dumpster stationed in contiguous upland areas. Once all vegetation removal is completed the cut vegetation shall be hauled from the site and disposed of properly. The cut vegetation shall only be sprayed/painted with approved herbicides ((Roundup type products if more than 25-feet from flowing/standing water or Rodeo type products if less than 25-feet from flowing/standing water). Periodic follow-up spraying shall be required and conducted to control any new growth. Access to and from the watered portions of the stream shall be by ply-wood bridges with piers constructed to avoid disturbance of sediment during vegetation removal. All stripped or exposed work areas shall be planted with native vegetation local to the area. The project area supports Southern Sycamore-Alder Riparian Woodland. In addition, the operator shall remove the fill that was dumped within the swale adjacent the bank supporting several sycamore trees and replace vegetation as necessary to restore the area. The Operators detailed vegetation eradication activities are more particularly described in the report entitled: "Angeles National Golf Club Exotic Plant Eradication/Control Plan" prepared for the Angeles National Golf Club by Aquatic Consulting Services, Inc., dated August 2006, including all attachments and amendments.

3. The agreed work includes activities associated with No. 2 above. The project area is located within the community of Sunland in the northeastern corner of the City of Los Angeles at the base of the Angeles National Forest, in Los Angeles County. The project area lies immediately north of the

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block of residential land uses at the terminus of Sherman Grove Avenue at Le Berthon Street. Local access to the project area is provided via the Sunland Boulevard exit from interstate 210 (Foothill Freeway), located approximately three-quarters of a mile to the southwest. The area is located within the Sunland Quadrangle of the United States Geological Survey (USGS) 7.5-minute map series (2005 Thomas Guide page 503, grid F-2). Specific work areas and mitigation measures are described on/in the plans and documents: "Biological Survey of the Drainage Channel Located Northeast of the Angeles National Golf Club, Los Angeles County, California" prepared for the Angeles National Golf Club by Aquatic Consulting Services dated August 2006 and "Initial Study and Mitigated Negative Declaration Haines Canyon Channel Outlet Maintenance" prepared for the County of Los Angeles Department of Public Works by BonTerra Consulting dated June 2006 and "Angeles National Golf Club Exotic Plant Eradication/Control Plan" prepared for the Angeles National Golf Club by Aquatic Consulting Services, Inc., dated August 2006, and all supporting documentation and exhibits attached to the 1600-2006-0339-R5 Streambed Notification dated August 30, 2006, submitted by the Operator, and shall be implemented as proposed, unless directed differently by this agreement. Contact Louis Courtois at Phone: (805) 521-1397 for additional information.

4. Operator shall submit to the Department photographs depicting areas targeted for exotic vegetation eradication prior to and immediately following removal activities. The Operator shall also include the gross amount in cubic yards of all exotic vegetation removed.
5. Prior to commencing site preparation activities, the Operator shall submit to the Department for review and approval, the proposed water diversion plan, proposed dewatering plan, and aquatic biological resources monitoring plan for this project. The plan shall be consistent with the terms and conditions of this Agreement. Any changes in the original project description shall be coordinated with the Department. It is understood that conditions may need to be revised or added based upon additional information.

Impacts:

6. The Operator shall not permanently impact the Haines Canyon Creek; however, there will be temporary impacts during the Operator's exotic vegetation activities. The Operator shall not temporarily impact more than 0.52 acres of streambed, bank, and channel of the Haines Canyon Creek and associated riparian habitat consisting of southern sycamore-alder riparian woodland.

Mitigation:

7. Mitigation for areas of temporary disturbance—Disturbance includes, but is not limited to, alteration/destruction of wetland and stream bank vegetation or riparian zone plant communities and wildlife habitat of the Haines Canyon Creek near/adjacent the project site during enhancement activities. Mitigation shall be satisfied by the Operator's restoration activities which shall include the removal of invasive exotic vegetation on 0.52 acres, including upland areas, within the Haines Canyon Creek and associated riparian upland areas. Mitigation shall also include the revegetation of stripped or exposed work areas within the banks, bed, and channel of the Haines Canyon Creek (including exotic plant eradication areas, access roads, etc.) with native vegetation local to the area. The Operator shall clear debris and soil from banks and swales along the sycamore riparian area where dirt and soil have been pushed as a result of Operator's activities. Any native vegetation destroyed as a result of Operator's activities as a direct result of dirt and soil being pushed onto the banks shall be replaced in kind and irrigation shall be provided until plants establish, and become self-sustaining.
8. Prior to initiation of construction activities the Operator shall submit a Revegetation/Mitigation plan for Department review within 60 days of signing this Streambed Alteration Agreement. Plans for restoration, enhancement/re-vegetation and/or creation should be prepared by a biologist, botanist, or landscape architect with expertise in Southern California ecosystems and native plant re-vegetation

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techniques. The plan should include at minimum: (a) the location of the mitigation site; (b) the plant species to be used; (c) a schematic depicting the mitigation area; (d) time of year that the planting will occur; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met.

This plan shall include plantings of both overstory and understory vegetation and shall be consistent with the Recommended List of Native Plants for Landscaping in the Coastal zone as prepared by the California Native Plant Society.

The primary monitoring surveys to determine the success of restoration efforts (survival, cover and growth of plants) shall be conducted in May and September.

9. No restoration/mitigation shall occur in fuel modification zones, future project areas or areas of maintenance.

10. A buffer of native vegetation, the size of which shall be determined by the Operator and the Department prior to the execution of this agreement, shall extend along the mitigation area of all impacted streambed and riparian areas. The buffer shall serve to minimize the amount of light, noise, and other human generated impacts to the area, and serve as a refuge for displaced wildlife. Native vegetation shall be used to create wildlife movement corridors between mitigation areas and areas designated as open space or construction/human habitation areas within the proposed project area and the Angeles National Forest.

11. To provide protection from erosion, the Operator shall plant willow cuttings (obtained from nearby plants) on 6-8 ft centers, on the restored slope, or other appropriate erosion control methods. If willows shall be planted during the willows dormant season, and shall be augured/dug into the groundwater or wetted soil. Areas of disturbed soils with slopes toward a stream or lake shall be stabilized to reduce erosion potential. Planting, seeding and mulching is conditionally acceptable. Where suitable vegetation cannot reasonably be expected to become established, nonerodible materials, such as coconut fiber matting, shall be used for such stabilization. Any installation of nonerodible materials not described in the original project description shall be coordinated with the Department. Coordination may include the negotiation of additional Agreement provisions for this activity.

12. In order to determine if the revegetation techniques used have been successful, any plant species required that are listed below should achieve the minimum growth at the end of three and five years. If the minimum growth is not achieved, then the Operator may be responsible for taking the appropriate corrective measures as determined by Department representatives. The Operator shall be responsible for any cost incurred during the revegetation or in subsequent corrective measures. Planting centers, plant size, and plant height requirements may be adjusted.

SPECIES	SIZE AT PLANTING (GALLONS)	PLANTING CENTERS	HEIGHT	
			3 years	5 years
Arroyo Willow	1 gallon	8 ft	10 ft	15 ft
Black Willow	1 gallon	8 ft	12 ft	18 ft
Sandbar Willow	1 gallon	5 ft	4 ft	6 ft
Red Willow	1 gallon	8 ft	9 ft	15 ft
Sycamore	1 gallon	20 ft	5 ft	9 ft

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Calif. laurel	1 gallon	20 ft	N/D	N/D
Black Walnut	1 gallon	20 ft	7 ft	12 ft
Cottonwood	1 gallon	*	7 ft	12 ft
White Alder	1 gallon	*	6 ft	11 ft

* = Depending if used as supplemental species (40 ft O.C.) or if dominant species (15 ft O.C.)

OAKS

Coast live	1 gallon	20 ft	3 ft	6 ft
Canyon live	1 gallon	20 ft	3 ft	6 ft
Scrub	1 gallon	20 ft	2 ft	4 ft
All Shrub species	1 gallon			

13. Planting, maintenance, monitoring and reporting activities shall be overseen by a specialist familiar with restoration of native plants.

14. All plants shall be planted in randomly spaced, naturally clumped patterns. The average planting densities shall meet the criteria specified above.

15. All planting shall have a minimum of 80% survival, by species, the first year and 100% survival thereafter and/or shall attain 75% cover after 3 years and 90% cover after 5 years for the life of the project. Prior to the mitigation site(s) being determined successful, they shall be entirely without supplemental irrigation for a minimum of 2 years. No single species shall constitute more than 50% of the vegetative cover, no woody invasive species shall be present, and herbaceous invasive species shall not exceed 5% cover. If the survival and cover requirements have not been met, the Operator is responsible for replacement planting to achieve these requirements. Replacement plants shall be monitored with the same survival and growth requirements for 5 years after planting.

16. An annual report shall be submitted to the Department by Jan. 1 of each year for 5 years after planting. This report shall include the survival, % cover, and height by species of both trees and shrubs. The number by species of plants replaced, an overview of the revegetation and exotic plant control efforts, and the method used to assess these parameters shall also be included. Photos from designated photo stations shall be included.

17. The Operator shall have a qualified wildlife biologist survey the restoration site to monitor the recovery of wildlife and aquatic resources in the area following construction. Survey techniques and scheduling shall be approved by the Department. Recovery shall be based on the presence/absence of "indicator" species which shall be proposed by the biologist and approved by the Department. Monitoring of wildlife and aquatic resources shall be done in summer and winter of each year, through the term of restoration, and the results and analysis shall be submitted with the report specified above.

18. All planting should be done after the first wetting rains between October 1st and February 1st to take advantage of the winter rainy season, dormancy of foliage, and rooting period to ensure optimum survival of plantings. Should the Operator be required to plant during other times of the year chances of survival are diminished. To compensate for decreased survival rates, the Operator shall be required to augment the specified planting density by 25% to account for the likelihood of increased mortality of

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plantings. Completion of all mitigation requirements shall be concluded within two years of project implementation within jurisdictional areas.

19. The Operator shall provide irrigation when natural moisture conditions are inadequate to ensure survival of plants. Irrigation shall be provided for a period of at least two years from planting. Irrigation shall be phased out during the fall/winter of second year unless unusually severe conditions threaten survival of plantings. As discussed, irrigation through the adjacent upland area, where appropriate, is acceptable. Operator shall submit to the Department within 60 days of signing this agreement the proposed irrigation schematic for all plantings. All plants must survive and grow for at least three years without supplemental water for the reurbation phase of the project to be eligible for acceptance by the Department.

20. Coarse mulch shall be placed around plantings to minimize water loss and discourage weed growth. Mulch shall be 3 to 4 inches deep and shall be placed in a minimum area 1.5 times the diameter of the dripline of the plant or 2 feet in diameter, whichever is greater. The mulched area shall be maintained throughout the course of restoration, unless otherwise authorized in writing by the Department. Mulch shall not be placed directly against the main stem of the plants.

21. Plant material for revegetation shall be derived from cuttings, materials salvaged from disturbed areas, and/or seeds obtained from randomly selected native trees and shrubs occurring locally within the same stream.

22. Any replacement tree/shrub stock, which cannot be grown from cuttings or seeds, shall be obtained from a native plant nursery, be ant free and shall not be inoculated to prevent heart rot. The Operator shall provide a list of all materials which must be obtained from other than onsite sources.

23. If native trees have been removed from the stream's banks, they shall be replaced in kind, and maintained until established, under the direction of a Department representative.

Resource Protection:

Due to the potential presence of several identified, sensitive, rare, threatened or endangered species (please see Page 1) listed as occurring, or potentially occurring, on site the Department shall require a qualified biologist and botanists survey the immediate project area prior to any site preparation or other project related activities for the following species, no sooner than three (3) days prior to any project related activities, in the immediate project area and 150 feet up and down stream of the project area: California red-legged frog, Mountain yellow-legged frog, Arroyo chub, Santa Ana sucker, Southwestern willow flycatcher, Cooper's hawk, slender horned sparrow. These surveys need not be focused protocol surveys. However, if evidence exist that focused surveys are required, survey techniques, timing, and schedule shall be approved by the Department. Any survey methods which deviate from the above shall be approved by the Department, in writing, and the researcher shall have the required State and Federal permits.

Survey results, analysis, and recommendations, along with the field notes shall be provided to the Department prior to commencing site preparation activities. Should any sensitive species be found during pre-project surveys, or during any phase of construction, or work must be done in identified areas containing sensitive species or habitat types, during sensitive periods, the Operator shall develop and implement a plan for the protection of these species. This plan shall be approved by the Department prior to commencing work once sensitive species are discovered. The results of any surveys and any protective measures shall be included as part of the protection and monitoring plan and shall be provided to the Department before implementation. The Operator shall be responsible for reporting all observations of threatened/endangered species or species of special concern to the Department's Natural Diversity Data Base within ten (10) days of sighting.

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Electronic weekly updates describing project progress, species encountered during construction, and species relocation/disposition, shall be submitted to the Department no later than the first Monday following the initiation of site preparation, and shall continue until the construction portion of the project is completed (this includes all roads and related activities). Electronic updates should be submitted to the following email address: jjackson@dfg.ca.gov

24. A qualified biological monitor with all required collection permits shall be on site during clearing operations and shall survey for all the species listed in condition 24, as well as any other native species of plant and animal, prior to clearing, and during clearing, activities. If any life stages of any native vertebrate species are found in the path of destruction, the monitor shall relocate the species to a safe location. Exclusionary devices shall be erected to prevent the migration into or the return of species into the work site. Should Department personnel visit the site during construction activities and no biological monitor be available, construction activities shall be halted until the biological monitor is present.

25. The Operator shall have a qualified wildlife biologist and qualified botanists prepare for distribution to all Operators contractors, subcontractors, project supervisors, and consignees a "Contractor Education Brochure" with pictures and descriptions of all sensitive plant and animal species, known to occur, or potentially occurring, on the project site. Operator's contractors and consignees shall be instructed to bring to the attention of the project biological monitor any sightings of species described in the brochure.

26. If California red-legged frog, Mountain yellow-legged frog, Arroyo chub, Santa Anna sucker, Southwestern willow flycatcher, Cooper's hawk, slender horned spineflower, or any other sensitive, rare, T/E species, or species of special concern are found during surveys within 500 feet of the work area, the Operator shall contact the Department immediately of the sighting and shall request an onsite inspection by Department representatives (to be done at the discretion of the Department) to determine if work shall begin/proceed. If work is in progress when sightings are made, the Operator shall cease all work within 500 feet of the area in which the sighting(s) occurred and shall contact the Department immediately, to determine if work shall recommence.

27. The Operator certifies by signing this agreement that the project site has been surveyed and that surveys indicated no rare, threatened or endangered species shall be impacted; if however sensitive, rare, threatened or endangered species are known to occur, or potentially occur within the proposed work area, or could be impacted by the work proposed, this Agreement shall not be valid (the project cannot begin/continue) until the Operator obtains the appropriate federal and state permits for take of threatened or endangered species. The Operator shall contact the Department Wildlife Biologist Scott Harris at (626) 797-3170 to obtain information on applying for the State Management Take Permit for State listed species. The Operator shall consult with the Department and obtain any required State and/or Federal permits. The Department herein advises the Operator that a Federal Endangered Species Permit may be required to address possible direct and indirect impacts to endangered species known to occur in the area. Should such a permit(s) be required, the Operator shall provide copies to the Department. All conditions contained therein, shall become a part of this agreement and shall be enforceable by the Department.

28. Should the slender horn spineflower, or any other sensitive, rare, T/E species, or plant species of special concern be found in the proposed work area or in a location which could be impacted by the work proposed, the Operator shall submit a plan to the Department, for review and approval, to assure that these species are protected, and shall be required to obtain the appropriate state and federal endangered species permits. All impacted plants shall be mapped and recorded, and the information shall be submitted to the Department and the CNDDB prior to disturbance or site preparation activities. To the extent possible, seeds from the impacted plants shall be collected and used in the mitigation portion of this Agreement or the Operator shall notify the Department why it is not possible to collect seeds prior to disturbance or site preparation activities.

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29. The Operator shall not remove or otherwise disturb vegetation or conduct any other project activities on the project site to avoid impacts to breeding/nesting birds from March 1st to September 1st, the recognized breeding, nesting and fledging season for most bird species. If work during the breeding/nesting season cannot be avoided, then prior to construction or site preparation activities, the Operator shall have a qualified biologist survey all breeding/nesting habitat within the project site and adjacent to the project site for breeding/nesting birds. Surveys shall begin no later than May 1st. Prior to any clearing activities, between March 1st and September 1st, four surveys shall be conducted at least three days apart for three weeks, with the final survey being conducted no sooner than three days prior to any clearing activities. Documentation of findings, including a negative finding must be submitted to the Department for review and concurrence. If a listed species is found, both the Department and the USFWS shall be notified by fax or email within 24 hours of the sighting, and at the discretion of the Department or USFWS, it shall be determined if further surveys are required. The Operator shall not proceed with site preparations or clearing activities until concurrence has been received by the Department that operations may precede.

30. If work during the breeding/nesting season of southwestern willow flycatcher cannot be avoided, April 1st thru September 1st, and a suspected migrant southwestern willow flycatcher are detected during peak migration periods (April 15th to June 1st for Southwestern willow flycatcher) the Operator shall have a qualified wildlife biologist survey the area twice, until it is determined in consultation with the Department and the USFWS that the species has departed and is not breeding on the site. Survey methods shall conform to the current state and/or U.S. Fish and Wildlife Service Guidelines. Any survey methods which deviate from the above shall be approved by the Department, in writing, and the researcher shall have the required State and Federal permits. The results of any surveys shall be provided to the Department, along with copies of all field notes, prior to the commencement of work, or as otherwise specified. The Operator shall also provide to the Department, all historical birdlife survey data for the proposed work area and vicinity.

31. If breeding activities and/or an active bird nest(s) are located and concurrence has been received from the Department, the breeding habitat/nest site shall be fenced at a minimum of 300 feet (500 feet for raptors) in all directions, and this area shall not be disturbed until the nest becomes inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, and the young will no longer be impacted by the project.

32. Prior to any clearing during the raptor nesting season, January 31st to August 1st, a qualified biologist shall conduct a site survey for active nests two weeks prior to any scheduled development. If an active nest is located, then no construction work shall be conducted within a 500 foot radius from the nest, until the young have fledged and are independent of the adults.

33. The Operator is advised that if threatened or endangered species are observed in the work area during the breeding season, and active nest are observed, and the Operator chooses to continue work after fencing off the area, and the minimum fencing requirement fails to avoid direct or indirect (noise) take of a listed species and/or State and/or Federal threatened/endangered species the appropriate permits shall be required prior to continuing project activities. This Agreement does not authorize take of species listed as Threatened and/or Endangered.

34. Be advised, migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). This Agreement therefore does not allow the Operator, any employees, or agents to destroy or disturb any active bird nest (§3503 Fish and Game Code) or any raptor nest (§3503.5) at any time of the year.

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35. If no breeding/nesting birds are observed, or appropriate avoidance measures have been implemented, and concurrence has been received from the Department, site preparation and construction activities may begin.

36. The Operator shall design and install an appropriate trash collection device, at the Haines Channel inlet where it enters the Angeles National Golf Course, on golf course property, to eliminate the major influx of trash from the surrounding areas and reduce the necessity to enter the stream and associated riparian areas for trash removal. The device can be a shallow surface buoy structure that can be easily maneuvered and cleaned of debris on a regular basis, designed to catch most large pieces of debris, but shall avoid interference with movement of water and aquatic organisms downstream of the device. Within 60 days of signing this agreement the Operator shall submit to the department for review and approval the proposed trash collection device to be installed.

37. Operator shall post signs in open space areas, conservation easements, and mitigation areas, informing the public pets must remain leashed at all times (except in designated areas i.e. dog parks) to avoid unnecessary disturbance and harm to wildlife using the area. }

38. The Operator shall install and use fully covered trash receptacles with secure lids (wildlife proof) that contain all food, food scrapes, food wrappers, beverage and other miscellaneous trash.

39. The Operator shall not permit pets on or adjacent to the project site. }

40. The Operator shall ensure that no guns or other weapons are onsite during construction, with the exception of the security personnel and only for security type functions and the crow/raven and grackle abatement. No hunting shall be authorized/permitted during construction.

Fish Passage

41. Permanent structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life, or cause an avoidance reaction by fish that impedes their upstream or downstream movement. This includes, but is not limited to, the supply of water at an appropriate depth, temperature, and velocity to facilitate upstream and downstream fish migration. If any aspect of the proposed project results in a long term reduction in fish movement, the Operator shall be responsible for all future activities and expenditures necessary (as determined by the Department) to secure passage of fish across the structure.

42. If flowing or ponded water is within the proposed work limits, the Operator shall telephone Department Fisheries Biologist, Maurice Cardenas at (805) 640-1852 and determine if the Operator shall have a qualified fisheries biologist survey the proposed work area to verify presence/absence of Arroyo Chub and Santa Anna sucker or any other species of special concern which may occur within the area. Survey methods shall conform to the current U. S. National Marine Fisheries Service and the California Department of Fish and Game. If any T/E species are found, the Operator shall cease all work within a mile radius of the sighting and in all water (flowing or impounded) and shall contact the Department within 24 hours of the sighting and shall request an onsite inspection by the Department representative (to be done at the discretion of the Department) to determine if work shall proceed. The results of the surveys shall be provided to the Department, along with copies of all field notes, prior to the completion of work or as otherwise specified. The survey techniques shall be approved by the Department, in writing, and the researcher shall have the required State and federal permits.

43. The Operator shall report all fish mortality immediately to the Department Fisheries Biologist. The Operator shall report all rainbow trout/southern steelhead trout to Mary Larson at (562) 3427186.

Work Areas and Vegetation Removal

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44. Disturbance or removal of vegetation shall not exceed the limits approved by the Department.
45. The work area shall be flagged to identify its limits within the project footprint to avoid unnecessary impacts to the southern sycamore-alder riparian woodland not included in the project impact mitigation plan. Vegetation shall not be removed or intentionally damaged beyond these limits, and if damaged, shall be included into the mitigation.
46. Vegetation removed from the stream shall not be stockpiled in the stream bed or on its bank. The sites selected on which to push this material out of the stream should be selected in compliance with the other provisions of this Agreement. Where possible brush piles shall be left outside the channel in upland areas to provide wildlife habitat.
47. No living native vegetation shall be removed from the channel, bed, or banks of the stream, except as otherwise provided for in this agreement.
48. No equipment shall be operated within the dripline of oaks. Protective fencing shall be placed around the dripline of all oaks to prevent compaction of the root zone.
49. Any coast live oaks, California black walnuts and western sycamores which are damaged/removed during construction operations shall be replaced in kind at a 10:1 ratio. Valley oaks shall be replaced in kind at a 15:1 ratio. Elderberry, cottonwood, and willows shall be replaced at 5:1.
50. The Operator shall place structures on properties so that fire clearance activities will not impact vegetation on stream courses, mitigation areas, or associated buffer areas.

Exotic Species Removal and Control:

51. The Operator shall remove any non-native vegetation (*Arundo*, Tree of heaven, castor bean, water primrose, bulrush, sticky eupatory, African umbrella sedge, tamarisk, pampas grass, tree tobacco, cape ivy, periwinkle, etc.) from the restoration area and shall dispose of it in a manner and a location which prevents its reestablishment. Removal shall be done at least twice annually during the spring/summer season, as needed, through the term of restoration.

Giant cane (*Arundo*), if present, shall be cut to a height of 6 inches or less, and the stumps painted with an herbicide approved for aquatic use within 5 minutes of cutting. Herbicides shall be applied at least three times during the period from May 1st to October 1st to eradicate these plants. Where proposed methods for removing giant cane deviate from this procedure, the Operator shall present the alternate methods, in writing, to the Department for review and approval, prior to construction.

52. Invasive species shall be removed by hand or by hand-operated power tools. Where control of non-native vegetation is required within the bed, bank, or channel of the stream and the use of herbicides is necessary, and there is a possibility that the herbicides could come into contact with water, the Operator shall employ only those herbicides, such as Rodeo/Aquamaster (Glyphosate) which are approved for aquatic use. If surfactants are required, they shall be restricted to nonionic chemicals, such as Agri-Dex, which are approved for aquatic use.

53. Operator shall remove all non-native aquatic animals from the work area as part of the site restoration, if during any phase of the project activities, nonnative aquatic animals are readily noticeable, accessible, and easily removable. Target animals include bullfrog, African clawed frog, non-native turtles, and crayfish. Compliance with this condition may be subject to a sport fishing license from the Department.

54. The Operator shall apply any herbicides in accordance with state and federal law. No herbicides

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shall be used where Threatened or Endangered species occur. No herbicides shall be used when wind velocities are above 5 miles per hour.

55. No herbicides shall be used on native vegetation unless specifically authorized, in writing, by the Department.

56. A small amount of selective trimming of native species (e.g. willow, oak and sycamore) may occur to prevent overspray of herbicide from reaching these branches, but only as provided within the conditions of this Agreement. Native vegetation may only be trimmed; individual plants shall not be removed. Material in excess of three (3) inches DBH shall require specific notice to and consultation with the Department. All trimming shall be conducted using hand saws and hand tools.

Equipment and Access:

57. Vehicles shall not be driven, and heavy and light equipment shall not be operated within the banks of the stream or lake where wetland vegetation, riparian vegetation, or aquatic organisms may be destroyed. All work within the banks of the stream shall be accomplished by hand labor using hand tools or hand operated power tools. Any heavy equipment necessary for clearing shall be operated from top of bank in locations where wetland and riparian vegetation shall not be disturbed or damaged.

58. Staging/storage areas for equipment and materials shall be located outside of the stream/lake.

59. Access to the work site shall be via existing roads and access ramps. If no ramps are available in the immediate area, the Operator may construct a ramp in the footprint of the project. Any ramp shall be removed upon completion of the project.

Fill and Spoil:

60. This agreement does not authorize the use of fill.

Structures:

61. Any materials placed in seasonally dry portions of a stream or lake that could be washed downstream or could be deleterious to aquatic life shall be removed from the project site prior to inundation by high flows.

62. Installation of temporary bridges or other structures shall be such that water flow (velocity and low flow channel width) is not impaired.

63. Any temporary dam or other artificial obstruction shall only be built from materials such as clean gravel which will cause little or no siltation, and shall be approved by the Department prior to construction.

64. Structures and associated materials not designed to withstand high water flows shall be moved to areas above high water before such flows occur.

65. Areas of disturbed soils with slopes toward a stream or lake shall be stabilized to reduce erosion potential. Planting, seeding and mulching is conditionally acceptable. Where suitable vegetation cannot reasonably be expected to become established, nonerodible materials, such as coconut fiber matting, shall be used for such stabilization. Any installation of nonerodible materials not described in the original project description shall be coordinated with the Department. Coordination may include the negotiation of additional Agreement provisions for this activity.

Pollution, Sedimentation, and Litter

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66. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, construction waste, cement or concrete or washings thereof, asphalt, paint, oil or other petroleum products or any other substances which could be hazardous to aquatic life, or other organic or earthen material from any logging, construction, or other associated project related activity shall be allowed to contaminate the soil and/or enter into or placed where it may be washed by rainfall or runoff into waters of the State. Any of these materials, placed within or where they may enter a stream or lake, by the Operator or any party working under contract, or with the permission of the Operator, shall be removed immediately. When operations are completed, any excess materials or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream or lake.
67. The Operator shall comply with all litter and pollution laws. All contractors, subcontractors and employees shall also obey these laws and it shall be the responsibility of the Operator to insure compliance.
68. Any equipment or vehicles driven and/or operated adjacent to the stream/lake shall be checked and maintained daily, to prevent leaks of materials that if introduced to water could be deleterious to aquatic life.
69. Stationary equipment such as motors, pumps, generators, and welders, located adjacent to the stream/lake shall be positioned over drip pans. Stationary heavy equipment shall have suitable containment to handle a catastrophic spill/leak. Clean up equipment such as extra boom, absorbent pads, skimmers, shall be on site prior to the start of dredging.
70. No equipment maintenance shall be done within or near any stream channel or lake margin where petroleum products or other pollutants from the equipment may enter these areas under any flow.
71. The clean-up of all spills shall begin immediately. The Department shall be notified immediately by the Operator of any spills and shall be consulted regarding cleanup procedures.
72. Flow diversions and Precautions to minimize turbidity/siltation shall be taken into account during project planning and shall be installed prior to clearing. Flows to downstream reaches shall be provided during all times that the natural flow would have supported aquatic life. This may require that the work site be isolated and that water be diverted around the work area by means of a barrier, temporary culvert, new channel, or other means approved by the Department. Flow diversions shall be done in a manner that shall prevent pollution and/or siltation and which shall provide flows to downstream reaches. Precautions may also include placement of silt fencing, straw bales, sand bags, and/or the construction of silt catchment basins, so that silt or other deleterious materials are not allowed to pass to downstream reaches. The method used to prevent siltation shall be monitored and cleaned/repared weekly. The placement of any structure or materials in the stream for this purpose, not included in the original project description, or Department approved water pollution/water diversion plan shall be coordinated with the Department. Coordination shall include the negotiation of additional Agreement provisions. The Operator shall obtain all written approvals from the Department prior to initiation of construction activities.
73. Operator shall take all necessary steps to contain sediment and reduce stream turbidity when the work area(s) are rewatered. Operator shall install an appropriate sediment control device downstream of the work area to filter sediment. Acceptable materials include silt fence, straw bales, or other appropriate devices to prevent sediment runoff during rewatering activities. Silt control shall remain in place only until the water running through the work area is clear of sediment.
74. Silty/turbid water from dewatering or other activities shall not be discharged into the stream. Such water shall be settled, filtered, or otherwise treated prior to discharge. The Operator's ability to minimize

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turbidity/siltation shall be the subject of pre-construction planning and feature implementation.

75. Upon Department determination that turbidity/siltation levels resulting from project related activities constitute a threat to aquatic life, activities associated with the turbidity/siltation, shall be halted until effective Department approved control devices are installed, or abatement procedures are initiated.

76. Preparation shall be made so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.

77. Water containing mud, silt, or other pollutants from equipment washing or other activities, shall not be allowed to enter a lake, flowing stream, or dry ephemeral stream, or placed in locations that may be subjected to high storm flows.

78. If a stream channel has been altered during the operations, its low flow channel shall be returned, as nearly as possible, to pre-project conditions without creating a possible future bank erosion problem, or a flat wide channel or sluice-like area. If a lake margin has been altered, it shall be returned as nearly as possible to pre-project conditions without creating a future bank erosion problem. The gradient of the streambed or lake margin shall be returned to pre-project grade unless such operation is part of a restoration project, in which case, the change in grade must be approved by the Department prior to project commencement.

79. Rock, gravel, and/or other materials shall not be imported to, taken from or moved within the bed or banks of the stream, except as otherwise addressed in this Agreement.

80. The work area shall be secured from trespass when (as determined by the Department) fish or wildlife resources are vulnerable to damage from unsupervised public access.

Permitting and Safeguards:

81. The Department believes that permits/certification may be required from the Corps of Engineers/ Regional Water Quality Control Board for this project, should such permits/certification be required, a copy shall be submitted to the Department.

Administrative:

82. All provisions of this Agreement remain in force throughout the term of the Agreement. Any provisions of the Agreement may be amended or the Agreement may be terminated at any time provided such amendment and/or termination are agreed to in writing by both parties. Mutually approved amendments become part of the original Agreement and are subject to all previously negotiated provisions.



83. If the Operator or any employees, agents, contractors and/or subcontractors violate any of the terms or conditions of this agreement, all work shall terminate immediately and shall not proceed until the Department has taken all of its legal actions.

84. The Operator shall provide a copy of this Agreement, and all required permits and supporting documents provided with the notification or required by this Agreement, to all contractors, subcontractors, and the Operator's project supervisors. Copies of this Agreement and all required permits and supporting documents, shall be readily available at work site at all times during periods of active work and must be presented to any Department personnel, or personnel from another agency upon demand. All contractors shall read and become familiar with the contents of this agreement.

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Title

California Department of Fish and Game

Michael J. Mulligan Date
Deputy Regional Manager
South Coast Region

This agreement was prepared by Jamie Jackson.