

CENTRAL VALLEY FLOOD PROTECTION BOARD

3310 El Camino Ave., Rm. 151
SACRAMENTO, CA 95821
(916) 574-0609 FAX: (916) 574-0682



April 15, 2016

Jeff Souza
Tehama Environmental Solutions, Inc.
910 Main Street, Suite D
Red Bluff, California 96080

Re: Request to Replace and Install a New Fish Passage on Lower Deer Creek Falls

To Mr. Souza:

Board staff has reviewed your submitted request on behalf of United States Fish and Wildlife Service (USFWS) to remove and replace a fish ladder located in the upper canyon reach of Deer Creek in eastern Tehama County, California. The scope of work consists of removing eight (8) trees and an existing fish ladder, then replacing it with a new fish ladder containing of fourteen (14) pools. All removed trees, shrubs and herbs will be replanted following the completion of construction activities in order to replace habitat to a level similar to what existed prior to construction.

The Board has determined that the proposed work is a minor alteration within an adopted plan of flood control that would not be injurious to the adopted plan of flood control. Therefore, per Title 23 California Code of Regulations (CCR), Article 3, Section 6 (e), an encroachment permit will not be required for the proposed work.

Please be advised that additional authorizations may be required from other federal, State, and local agencies.

If you have any questions, please contact Mike Thao of my staff at (916) 574-0684, or by email at Mike.Thao@water.ca.gov

Sincerely,

Leslie Gallagher
Executive Officer
Central Valley Flood Protection Board

Attachment: Work Request Letter dated April 14, 2016

cc: Mr. George (Wade) Wylie, DWR (via electronic copy)
Ryan Teubert, Tehama County Flood Control and Water Conservation District (via electronic copy)

TEHAMA

ENVIRONMENTAL SOLUTIONS, INC.

April 14, 2016

Ms. Leslie Gallagher
Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

**Re: Encroachment Permit Application
Lower Deer Creek Falls Fish Passage Improvements Project**

Dear Ms. Gallagher:

Tehama Environmental Solutions, Inc. (TES) is writing this letter on behalf of the U.S. Fish and Wildlife Service (USFWS) (project applicant) regarding the Lower Deer Creek Falls Fish Passage Improvements Project (project). The project is located in the upper canyon reach of Deer Creek at stream mile 42.5 in eastern Tehama County, California. The USFWS is working cooperatively with the Lower Deer Creek Falls Fish Passage Improvements Project Technical Advisory Committee (TAC), which includes local, state, and federal agencies including the California Department of Fish and Wildlife (CDFW), the National Marine Fisheries Service (NMFS), the Northern California Regional Land Trust (the landowner), the U.S. Forest Service, and the Regional Water Quality Control Board, who are all technical advisors.

The purpose of the project is to improve passage for anadromous fish in Deer Creek, including several state-listed and / or federally-listed species. The project includes the removal of an existing fishway and replacement with a fishway that meets current NMFS and CDFW fish passage criteria. The current fishway was built by the California Department of Fish and Game (now CDFW) in 1943 on the north bank of the creek. The current fishway has deteriorated and become ineffective at allowing fish to access the upper reaches of the creek.

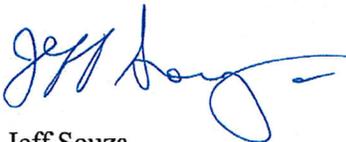
The USFWS plans to implement this project during the summer and fall of 2016. Work is currently scheduled to begin on July 1, 2016 with a scheduled completion date of November 15, 2016. Construction will occur when water levels and velocities in the creek are at their lowest and are least susceptible to fluctuations during storm events. The fishway has 14 pool units separated by adjustable weirs. Phase 1 includes construction of the upper 8 to 10 pool units to ensure that in-water work and work subject to groundwater in the excavations will occur during the period between mid-August and early October. The construction will be phased to build the lowest portion of the fishway (Phase 2) late in the construction period (September / early October) when flows are at a minimum.

Approximately eight trees will be removed in the vicinity of the fishway including four white alders, one incense cedar, one ponderosa pine, one canyon live oak and one big-leaf maple. All removed trees, shrubs and herbs will be replanted following the completion of construction activities in order to replace habitat to a level similar to what existed prior to the project.

The USFWS believes that California Code of Regulations (CCR) Title 23, Article 3, Section 6(e) applies to this project due to the fact that the project involves minor alterations within an adopted plan of flood control that would not be injurious to the adopted plan of flood control. By way of this letter, TES, on behalf of the USFWS, requests that the Central Valley Flood Protection Board waive the requirement for an Encroachment Permit for this project.

On behalf of the USFWS and the Lower Deer Creek Falls Fish Passage Improvements Project TAC, we appreciate your timely review and approval of this waiver request. Please contact Ms. Patricia Parker Hamelberg of the USFWS at (530) 527-3043, ext. 248, or via email at tricia_parker@fws.gov if you have any questions or need additional information. Please include me in the distribution of any correspondence to the project applicant.

Sincerely,



Jeff Souza
President / Senior Biologist
Tehama Environmental Solutions, Inc.

cc: Ms. Patricia Parker Hamelberg
U.S. Fish and Wildlife Service
Red Bluff Fish and Wildlife Office
10950 Tyler Road
Red Bluff, CA 96080

JS:rs

TEHAMA

ENVIRONMENTAL SOLUTIONS, INC.

March 1, 2016

Central Valley Flood Protection Board
Attention: Floodway Protection Section
1310 El Camino Avenue, Room 151
Sacramento, CA 95821

40.168076
- 121.581208

**Re: Encroachment Permit Application
Lower Deer Creek Falls Fish Passage Improvements Project**

To Whom it May Concern:

Please find enclosed two (2) printed versions of an Encroachment Permit Application, and one (1) digital version on CD, for the Lower Deer Creek Falls Fish Passage Improvements Project, located northeast of the community of Forest Ranch in eastern Tehama County, California. The application was prepared by Tehama Environmental Solutions, Inc. (TES) on behalf of the U.S. Fish and Wildlife Service (USFWS) (project applicant).

Please note that the U.S. Army Corps of Engineers has issued SPK-2016-00161 for this project. We have had several conversations with Mr. James Herota of the Central Valley Flood Protection Board staff regarding this project and it is our understanding that the project may, or may not require an Encroachment Permit.

Several items are appended to the application including:

- Site Vicinity, Project Vicinity, Site Location and Site Aerial Photo Maps
- Design Memorandum and 90% Design Plans
- Alternatives Analysis Report which includes hydrologic and hydraulic analyses
- Site Photos
- Cross Section Plan Sheets
- Letter from the Local Maintaining Agency (Tehama County Flood Control and Water Conservation District)

By way of this letter, TES, on behalf of the USFWS requests:

1. Verification that an Encroachment Permit is not required for the project, or
2. The issuance of an Encroachment Permit

The USFWS plans to implement this project beginning in July 2016. **Please note that approximately half of the funding for implementation is from the California Department of Fish and Wildlife Drought Funds. These funds have specific timeline limits that require the project to be completed in 2016.**

On behalf of the USFWS and the Lower Deer Creek Falls Fish Passage Improvements Project Technical Advisory Committee, we appreciate your timely review and approval of this application. Please feel free to call me at (530) 528-8272 if you have any questions or need additional information. Please include me in the distribution of any correspondence to the project applicant.

Sincerely,



Jeff Souza
President / Senior Biologist
Tehama Environmental Solutions, Inc.

Enclosure

cc: Ms. Patricia Parker Hamelberg (w/encl) ✓
U.S. Fish and Wildlife Service
Red Bluff Fish and Wildlife Office
10950 Tyler Road
Red Bluff, CA 96080

JS:rs