

# RECEIVED

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
REGION 1 – NORTHERN REGION  
619 Second Street  
Eureka, CA 95501

APR 06 2020

CDFW - EUREKA



## **STREAMBED ALTERATION AGREEMENT**

NOTIFICATION NO. 1600-2019-0624-R1

Unnamed Tributary to Jewett Creek, Tributary to the Eel River and the Pacific Ocean

Bohdan Curran  
Curran Stream Crossing Project  
1 Encroachment

This Lake or Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Bohdan Curran (Permittee).

## **RECITALS**

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on July 31, 2019, with additional information received during a December 11, 2019 site visit, that the Permittee intends to complete the project described herein.

WHEREAS, pursuant to FGC section 1603, CDFW has determined that the project could substantially adversely affect existing fish or wildlife resources and has included measures in the Agreement necessary to protect those resources.

WHEREAS, the Permittee has reviewed the Agreement and accepts its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, the Permittee agrees to complete the project in accordance with the Agreement.

## **PROJECT LOCATION**

The project to be completed is located within the Eel River watershed, approximately 7.1 miles E/SE of the town of Garberville, County of Humboldt, State of California. The project is located in Section 30, T04S, R05E, Humboldt Base and Meridian; in the Harris U.S. Geological Survey 7.5-minute quadrangle; associated with Assessor's Parcel Numbers 216-081-008 and 216-083-006; latitude 40.079339 N and longitude 123.662267W at the stream crossing.

## **PROJECT DESCRIPTION**

The project is limited to one encroachment (Table 1). The encroachment is to upgrade a dirt fill stream crossing. Work for this encroachment will include excavation, removal of

fill material, replacement with new properly sized crossings, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
Crossing-1 (Map Point 13b)	40.079339, -123.662267	Remove fill from stream crossing and install a rocked ford stream crossing in accordance with this Agreement. Fords shall only be used when the fording surface is dry.

The Permittee has disclosed the following stream crossings on a PG&E utility access road that were stated to be functioning and in good condition:

- Map Point 9 located at 40.08211, -123.66420 is a rocked ford.
- Map Point 10 located at 40.082375, -123.663954 is a rocked ford.
- Map Point 11 located at 40.08131, -123.66320 is a 36" diameter culvert.
- Map Point 12 located at 40.08052, -123.66317 is a is a rocked ford.
- Map Point 13a 40.07943, -123.66236 is a is a rocked ford.

The Notification also disclosed the following two ponds used for irrigation, cattle and domestic use. No other water diversions were disclosed.

- Pond 1 is located at 40.079901, -123.664898. This feature was substantially enlarged late summer/fall of 2013 based on aerial imagery interpretation (one year prior to current ownership). The pond does not receive channelized flow into it. The pond overflow rocked spillway appears to spread out and infiltrate without delivering direct discharge into an adjacent class III stream. CDFW did not observe signs of pond-related sediment delivery to streams during the site visit. The applicant is encouraged to prevent introduction of bullfrogs (an invasive species) and ensure the pond is stable with adequate freeboard. CDFW anticipates that this feature will be a monitoring point in the project's Site Management Plan.
- Pond 2 is located at 40.075948, -123.664501. This feature was substantially enlarged in the year 2017 based on aerial imagery interpretation. The pond does not receive channelized flow into it. The pond overflow culvert appears to spread out and infiltrate without delivering direct discharge into an adjacent class III stream. It appears that recent substantial earthwork has occurred on this pond and winterization measures are needed immediately to stabilize the slopes and prevent sediment discharge to a class III stream in very close proximity. CDFW anticipates that this feature will be a monitoring point in the project's Site Management Plan. CDFW encourages the applicant to prevent introduction of bullfrogs and ensure the pond is stable with adequate freeboard.

Culverts that were disclosed in the Notification, but not included as 1602 projects with fees, are not covered under this Agreement. If maintenance (such as armoring) and/or

replacement is necessary, that work will need to be covered under a major amendment or a separate Agreement.

No other projects that may be subject to FGC section 1602 were disclosed. This Agreement does not retroactively permit any stream crossings, water diversions or other encroachments not described in Table 1.

## **PROJECT IMPACTS**

Existing fish or wildlife resources the project could substantially adversely affect include Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Western Brook Lamprey (*Lampetra richardsoni*), Pacific Lamprey (*Entosphenus tridentatus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Foothill Yellow-legged Frog (*Rana boylei*), Coastal Tailed Frog (*Ascaphus truei*), Western Pond Turtle (*Actinemys marmorata marmorata*) amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

The adverse effects the project could have on the fish or wildlife resources identified above include:

### **Impacts to water quality:**

temporary increase in fine sediment transport;

### **Impacts to bed, channel, or bank and direct effects on fish, wildlife, and their habitat:**

loss or decline of riparian habitat;  
direct impacts on benthic organisms;

### **Impacts to natural flow and effects on habitat structure and process:**

direct and/or incidental take;  
indirect impacts;  
impediment of up- or down-stream migration;  
water quality degradation; and  
damage to aquatic habitat and function.

## **MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES**

### **1. Administrative Measures**

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily

available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.

- 1.2 **Providing Agreement to Persons at Project Site.** The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 **Notification of Conflicting Provisions.** The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.4 **Project Site Entry.** The Permittee agrees to allow CDFW employees access to the site for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.
- 1.5 **Adherence to Existing Authorizations.** All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.
- 1.6 **Other Agency Permitting Requirements.** The U.S. Army Corps of Engineers (Corps) has permitting requirements for certain instream projects under Section 404 of the Federal Clean Water Act. If this project features the placement of dredged or fill materials into the channels of streams (below the ordinary high water mark) that are waters of the United States, a permit may be required by the Corps. If your project needs a permit from the Corps, you will also need to obtain a Water Quality Certification pursuant to Section 401 of the Federal Clean Water Act from the Regional Water Quality Control Board (Regional Water Board). In addition, if your project will involve disturbance within or discharges of pollutants to Waters of the State of California, the Regional Water Boards may require a permit, whether or not the Corps requires a permit. If there is any question regarding the possibility of the project meeting the above limitations, the Permittee should contact the Corps and the Regional Water Board prior to beginning work. This Agreement in no way represents permitting requirements by the Corps or the Regional Water Board. It is the responsibility of the Permittee to contact the Corps, and to comply with the provisions of any Section 404 permit issued, if required by the Corps. Similarly, it is the responsibility of the Permittee to contact the Regional Water Board and to comply with the provisions of any Section 401 Certification, Regional Water Board Waste Discharge Requirements or waiver of Waste Discharge Requirements issued by the Regional Water Board.

- 1.7 **Change of Conditions and Need to Cease Operations.** If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates bypass flows, diversion rates or other measures provided in this Agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.
- 1.8 **CDFW Notification of Work Initiation and Completion.** The Permittee shall contact CDFW within the 7-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW no later than seven (7) days after the project is fully completed. **Notification of completion will include photographs of the completed work, erosion control measures, waste containment and disposal, and a summary of any CNDDDB submissions as required below.**
- 1.9 **Notification to the California Natural Diversity Database.** If any special status species are observed at any time during the project, a qualified Biologist shall submit California Natural Diversity Data Base (CNDDDB) forms to the CNDDDB within five (5) working days of the sightings. A summary of CNDDDB submissions shall be included with the completion notification. Forms and instructions for submissions to the CNDDDB may be found at:  
<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.
- 1.10 **Agreement Compliance.** The proposed work shall comply with the measures of this Agreement. Failure to comply with these measures shall result in suspension or revocation of this Agreement.

## **2. Avoidance and Minimization Measures**

To avoid or minimize adverse impacts to fish and wildlife resources identified above, the Permittee shall implement each measure listed below.

- 2.1 **Permitted Project Activities.** Except where otherwise stipulated in this Agreement, all work shall be in accordance with Permittee Notification, together with all maps, Best Management Practices (BMPs), photographs, drawings, and other supporting documents submitted with the Notification and received on July 31, 2019, with additional information received during a December 11, 2019 site visit.
- 2.2 **Listed Species.** This Agreement does not allow for the take, or incidental take of any state or federal listed threatened, endangered, or candidate species. No direct or indirect impacts shall occur to any threatened or endangered species as a result of implementing the project or the project's activities. If the project could result in the "take" of a state listed threatened or endangered species, the Permittee has

the responsibility to obtain from CDFW, a California Endangered Species Act Permit (CESA section 2081).

- 2.3 **Nesting Birds.** Actively nesting birds and their nests shall not be disturbed by project activities.
- 2.4 **Cannabis Cultivation Policy.** If Cannabis is or becomes cultivated on the project parcel, Permittee shall comply with all requirements of the State Water Resource Control Board (SWRCB) Cannabis Cultivation Policy - Principles and Guidelines for Cannabis Cultivation (Cannabis Cultivation Policy), dated April 16, 2019, or the latest version.

### **Project Timing**

- 2.5 **Work Period.** All work shall be confined to the period **June 15 through October 15** of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
- 2.6 **Extension of the Work Period.** If weather conditions permit, and the Permittee wishes to extend the work period after October 15, a written request shall be made to CDFW **at least 10-working days before the proposed work period variance**. Written approval (letter or e-mail) for the proposed time extension must be received from CDFW prior to activities continuing past October 15.
- 2.7 **Work Completion.** The proposed work shall be completed by no later than **October 15, 2021**. A notice of completed work, including photographs of each site, shall be submitted to CDFW within seven (7) days of project completion.

### **Vegetation Management**

- 2.8 **Prohibited Plant Species.** Permittee shall not plant, seed or otherwise introduce invasive plant species within the Project area. Prohibited invasive plant species include those identified in the California Invasive Plant Council's inventory database, which is accessible at: <https://www.cal-ipc.org/plants/inventory/>.

### **General Stream Protection Measures**

- 2.9 **Fish and Aquatic Amphibians.** Work shall be conducted when the affected stream channel is void of surface water.
- 2.10 **Stream Protection.** No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other material deleterious to fish, plant life, mammals or bird life shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream.

- 2.11 **No Dumping.** Permittee shall not deposit, permit to pass into, or place where it can pass into a stream, lake, or other Waters of the State any material deleterious to fish and wildlife, or abandon, dispose of, or throw away within 150 feet of a stream, lake, or other Waters of the State any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, litter, refuse, waste, debris, or the viscera or carcass of any dead mammal, or the carcass of any dead bird.
- 2.12 **Maintain Aquatic Life.** When any dam or other artificial obstruction is being constructed, maintained, or placed in operation, Permittee shall allow sufficient water at all times to pass downstream to maintain aquatic life below the dam pursuant to FGC section 5937.
- 2.13 **Maintain Passing of Fish Up and Down Stream.** It is unlawful to construct or maintain in any stream any device or contrivance that prevents, impedes, or tends to prevent or impede, the passing of fish (*wild fish, mollusk, crustacean, invertebrate, amphibian, or part, spawn or ovum of any of those animals*) up and down stream pursuant to FGC section 5901.
- 2.14 **Equipment Maintenance.** Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants or hydraulic fluids shall not take place within stream bed, channel and bank. All such fluids and containers shall be disposed of properly off-site. Heavy equipment used or stored within stream bed, channel and bank shall use drip pans or other devices (e.g., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.
- 2.15 **Hazardous Spills.** Any material, which could be hazardous or toxic to aquatic life and enters a stream (i.e. a piece of equipment tipping-over in a stream and dumping oil, fuel or hydraulic fluid), the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. CDFW shall be notified by the Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.
- 2.16 **Clean-up.** Structures and associated materials not designed to withstand high seasonal flows shall be removed to areas above the ordinary high water mark before such flows occur or the end of the yearly work period, whichever comes first. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
- 2.17 **Erosion Control Measures**
- 2.17.1 **Seed and Mulch.** Upon completion of construction operations and/or the onset of wet weather, Permittee shall stabilize exposed soil areas within the work area by applying mulch and seed. Permittee shall restore all exposed or disturbed areas and access points within the stream and riparian zone by applying local native and weed free erosion control grass



seeds. Locally native wildflower and/or shrub seeds may also be included in the seed mix. Permittee shall mulch restored areas using at least two (2) to four (4) inches of weed-free clean straw or similar biodegradable mulch over the seeded area. Alternately, Permittee may cover seeding with jute netting, coconut fiber blanket, or similar non-synthetic monofilament netting erosion control blanket.

**2.17.2 Erosion and Sediment Barriers.** Permittee shall monitor and maintain all erosion and sediment barriers in good operating condition throughout the work period and the following rainy season, defined herein to mean October 15 through June 15. Maintenance includes, but is not limited to, removal of accumulated sediment, replacement of damaged sediment fencing, coir rolls/logs and/or straw bale dikes and ensuring drainage structures and altered streambeds and banks remain sufficiently armored and/or stable. If the sediment barrier fails to retain sediment, Permittee shall employ corrective measures, and notify CDFW immediately.

**2.17.3 Cover Spoil Piles.** Permittee shall have readily available erosion control materials such as wattles, natural fiber mats, or plastic sheeting, to cover and contain exposed spoil piles and exposed areas in order to prevent sediment from moving into a stream or lake. Permittee shall apply and secure these materials prior to rain events to prevent loose soils from entering a stream, lake, or other Waters of the State.

**2.17.4 Prohibition on Use of Monofilament Netting.** To minimize the risk of ensnaring and strangling wildlife, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.

**2.18 Waste Containment and Disposal.** Permittee shall contain all operation associated refuse in enclosed, wildlife proof, storage containers, at all times, and relocate refuse to an authorized waste management facility, in compliance with State and local laws, on a regular and ongoing basis. All refuse shall be removed from the site and properly disposed of, at the close of the cultivation season and/or when the parcel is no longer in use.

**2.19 Site Management Plan.** Permittee shall submit to CDFW the initial preparation and subsequent updates to the project's Site Management Plan that is prepared in conformance with the State Water Board's Cannabis Cultivation Policy and Guidelines.



## **Stream Crossings**

- 2.20 Road Approaches.** The Permittee shall treat road approaches to new or re-constructed permanent crossings to minimize erosion and sediment delivery to the watercourse. Permittee shall ensure road approaches are hydrologically disconnected to the maximum extent feasible to prevent sediment from entering the crossing site, including when a Stream Crossing is being constructed or reconstructed. Road approaches shall be armored from the crossing for a minimum of *50 feet in both directions*, or to the nearest effective water bar or point where road drainage does not drain to the crossing, with durable, clean, screened, angular rock.
- 2.21 Excavated Fill.** Excavated fill material shall be placed in upland locations where it cannot deliver to a watercourse. To minimize the potential for material to enter the watercourse during the winter period, all excavated and relocated fill material shall be tractor contoured (to drain water) and tractor compacted to effectively incorporate and stabilize loose material into existing road and/or landing features.
- 2.22 Runoff from Steep Areas.** The Permittee shall make preparations so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential or contained behind erosion control structures. Erosion control structures such as straw bales and/or siltation control fencing shall be placed and maintained until the threat of erosion ceases. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.
- 2.23 Crossing Maintenance.** The Permittee shall provide site maintenance for the life of the structures, including, but not limited to, re-applying erosion control to minimize surface erosion and ensuring drainage structures, streambeds and banks remain sufficiently armored and/or stable.
- 2.23.1** The placement of armoring shall be confined to the work period when the stream is dry or at its lowest flow.
- 2.23.2** No heavy equipment shall enter the wetted stream channel.
- 2.23.3** No fill material, other than clean rock, shall be placed in the stream channel.
- 2.23.4** Rock shall be sized to withstand washout from high stream flows, and extend above the ordinary high water level.
- 2.23.5** Rock armoring shall not constrict the natural stream channel width and shall be keyed into a footing trench with a depth sufficient to prevent instability.
- 2.24 Fords, Armored Fill and Vented Crossings.**
- 2.24.1** Fords, armored and vented crossings are considered permanent

watercourse encroachments and shall be designed and sized to accommodate the 100-year flood flow plus associated sediment and debris.

- 2.24.2 Fords, armored and vented crossings and hydrologically-connected road approaches shall be maintained as necessary to avoid delivery of fine sediment to the watercourse below.
- 2.24.3 Fords, armored and vented crossings shall be sufficiently outsloped to minimize aggradation of suspended sediments at the crossing.
- 2.24.4 The lowest point of fords, armored and vented crossings shall be constructed within or directly over the original stream channel, to the extent feasible, in order to contain high flows up to twice bank-full and to avoid diversion potential.
- 2.24.5 Armor material shall be comprised of durable angular screened quarry rock of sufficient size and placement to minimize mobilization during a 100-year storm event. Wood may be used for armoring if sound, tight-grained, redwood is applied and sufficiently keyed into the fillslope to resist movement during a 100-year storm event.
- 2.24.6 If maximum fill heights exceed 15 feet or fills exceed 500 cubic yards of fill, rock sizing, armoring thickness, chute width and chute depth shall be calculated and sized using the nomograph provided in Figure 23 of Cafferata et al. (2017).
- 2.24.7 Stream crossing spillway fill slopes shall be armored from roadbed to the natural channel in a manner sufficient to prevent significant scour or removal of armor during high flows. Scour is expected through road surface rock cap.
- 2.24.8 Fords shall only be used when the fording surface is dry.
- 2.24.9 Project Inspection. The Project shall be inspected by a licensed professional to ensure that the stream crossing was installed and is functioning as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project.

### **3. Reporting Measures**

Permittee shall meet each reporting requirement described below.

- 3.1 CDFW Notification of Work Initiation. The Permittee shall contact CDFW within the seven-day period **preceding the beginning of work** permitted by this Agreement.

Information to be disclosed shall include Agreement number, and the anticipated start date.

- 3.2 **Work Completion.** The proposed work shall be completed by no later than **October 15, 2021**. **Notification of completion will include photographs of the completed work, erosion control measures, waste containment and disposal, and a summary of any CNDDB submissions** and shall be submitted to CDFW, LSA program at 619 Second Street, Eureka, CA 95501 **within seven (7) days** of project completion.
- 3.3 **Project Inspection.** The Project shall be inspected by a licensed professional to ensure that the stream crossing was installed and is functioning as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project. The Permittee shall submit the **Project Inspection Report** to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501.
- 3.4 **Site Management Plan.** The Permittee shall submit to CDFW the project's **current draft** of the Site Management Plan if it was not included in the Notification. If the Site Management Plan is still in preparation, Permittee shall submit it and all **subsequent revisions and updates** within 30 days of submittal to the SWRCB.

## **CONTACT INFORMATION**

Any communication that Permittee or CDFW submits to the other shall be in writing and any communication or documentation shall be delivered to the address below by U.S. mail, fax, or email, or to such other address as Permittee or CDFW specifies by written notice to the other.

### **To Permittee:**

Bohdan Curran  
Full Pardon Farms  
P.O. Box 2155  
Redway, CA 95560  
707 223-1656  
[fullpardonfarms@yahoo.com](mailto:fullpardonfarms@yahoo.com)

### **To CDFW:**

Department of Fish and Wildlife  
Northern Region  
619 Second Street  
Eureka, California 95501  
Attn: Lake and Streambed Alteration Program – Greg O'Connell  
Notification #1600-2019-0624-R1

## **LIABILITY**

Permittee shall be solely liable for any violation of the Agreement, whether committed by the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents or contractors and subcontractors, to complete the project or any activity related to it that the Agreement authorizes.

This Agreement does not constitute CDFW's endorsement of, or require the Permittee to proceed with the project. The decision to proceed with the project is the Permittee's alone.

## **SUSPENSION AND REVOCATION**

CDFW may suspend or revoke in its entirety this Agreement if it determines that the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, is not in compliance with the Agreement.

Before CDFW suspends or revokes the Agreement, it shall provide the Permittee written notice by certified or registered mail that it intends to suspend or revoke. The notice shall state the reason(s) for the proposed suspension or revocation, provide the Permittee an opportunity to correct any deficiency before CDFW suspends or revokes the Agreement, and include instructions to the Permittee, if necessary, including but not limited to a directive to immediately cease the specific activity or activities that caused CDFW to issue the notice.

## **ENFORCEMENT**

Nothing in the Agreement precludes CDFW from pursuing an enforcement action against the Permittee instead of, or in addition to, suspending or revoking the Agreement.

Nothing in the Agreement limits or otherwise affects CDFW's enforcement authority or that of its enforcement personnel.

## **OTHER LEGAL OBLIGATIONS**

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with, or obtaining any other permits or authorizations that might be required under, other federal, state, or local laws or regulations before beginning the project or an activity related to it. For example, if the project causes take of a species listed as threatened or endangered under the Endangered Species Act (ESA), such take will be unlawful under the ESA absent a permit or other form of

authorization from the U.S. Fish and Wildlife Service or National Marine Fisheries Service.

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in FGC including, but not limited to, FGC sections 2050 *et seq.* (threatened and endangered species), section 3503 (bird nests and eggs), section 3503.5 (birds of prey), section 5650 (water pollution), section 5652 (refuse disposal into water), section 5901 (fish passage), section 5937 (sufficient water for fish), and section 5948 (obstruction of stream).

Nothing in the Agreement authorizes the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, to trespass.

### **AMENDMENT**

CDFW may amend the Agreement at any time during its term if CDFW determines the amendment is necessary to protect an existing fish or wildlife resource.

The Permittee may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by CDFW and the Permittee. To request an amendment, the Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the corresponding amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

### **TRANSFER AND ASSIGNMENT**

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of the Agreement to another entity shall not be valid or effective, unless the transfer or assignment is requested by the Permittee in writing, as specified below, and thereafter CDFW approves the transfer or assignment in writing.

The transfer or assignment of the Agreement to another entity shall constitute a minor amendment, and therefore to request a transfer or assignment, the Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the minor amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

### **EXTENSIONS**

In accordance with FGC section 1605, subdivision (b), Permittee may request one extension of the Agreement, provided the request is made prior to the expiration of the Agreement's term. To request an extension, Permittee shall submit to CDFW a

completed CDFW "Request to Extend Lake or Streambed Alteration" form and include with the completed form payment of the extension fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5). CDFW shall process the extension request in accordance with FGC section 1605, subdivisions (b) through (e).

If Permittee fails to submit a request to extend the Agreement prior to its expiration, Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (Fish & G. Code § 1605, subd. (f)).

## **EFFECTIVE DATE**

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after the Permittee signature; 2) after CDFW complies with all applicable requirements under CEQA; and 3) after payment of the applicable FGC section 711.4 filing fee listed at

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

## **TERM**

This Agreement shall **expire five (5) years** from date of execution, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. The Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as FGC section 1605, subdivision (a)(2) requires.

## **AUTHORITY**

If the person signing the Agreement (signatory) is doing so as a representative of Permittee, the signatory hereby acknowledges that he or she is doing so on Permittee's behalf and represents and warrants that he or she has the authority to legally bind Permittee to the provisions herein.

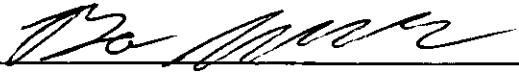
## **AUTHORIZATION**

This Agreement authorizes only the project described herein. If Permittee begins or completes a project different from the project the Agreement authorizes, Permittee may be subject to civil or criminal prosecution for failing to notify CDFW in accordance with FGC section 1602.

**CONCURRENCE**

The undersigned accepts and agrees to comply with all provisions contained herein.

**FOR BOHDAN CURRAN**



Bohdan Curran



Date

**FOR DEPARTMENT OF FISH AND WILDLIFE**

Cheri Sanville

Senior Environmental Scientist Supervisor

Date

Prepared by: Greg O'Connell, Environmental Scientist, December 13, 2019





## Division of Environmental Health

100 H Street - Suite 100 - Eureka, CA 95501

Phone: 707-445-6215 - Toll Free: 800-963-9241

Fax: 707-441-5699

[envhealth@co.humboldt.ca.us](mailto:envhealth@co.humboldt.ca.us)

### Attachment for Commercial Medical Marijuana (CMM) Clearances/Permits

Applications for CMM Clearances and/or Permits are reviewed by the Division of Environmental Health (DEH) for compliance with regulations intended to protect public health and the environment. Submit this form to the Planning Division with your CMM Permit Application for referral to DEH. If the requested information is already provided in other documents submitted to the Planning Division, provide the title of the document with page and section numbers where it is located.

Name of Business: Bohdan Curran

Primary Contact Person: Bohdan Curran

Site Address: Gaberville, CA 95542

Phone: (707)223-4224

APN: 216-083-006, 216-081-008

Email: curranequip@yahoo.com

General Project Description (cultivation, processing, manufacturing; seasonal vs year round etc.)

Refer to Operations Plan section 1.1

Planning Application (APPS#): \_\_\_\_\_

Wastewater (Doc. Title \_\_\_\_\_ page \_\_\_\_\_ section \_\_\_\_\_)

- Connected to public sewer \_\_\_\_\_ Onsite waste water system \_\_\_\_\_
- Number of Employees: average See Ops Plan 2.6.2 peak operations: See Ops Plan 2.6.2
- Hours of Operation/shifts per day: average 8-10 hrs/1 shift peak operations: 8-10 hrs/1 shift
- Additional flow from processing: N/A GPD. Description of effluent domestic
- Describe the proposed and existing wastewater generating structures and method(s) of effluent disposal.

Water Source (Doc. Title \_\_\_\_\_ page \_\_\_\_\_ section \_\_\_\_\_)

- Describe and show the water source(s) available on the property and what they serve.
  - ☐ Public Water System
  - ☐ Well Permit Number(s): \_\_\_\_\_
  - ☐ Unpermitted Well
  - ☐ No Existing Water Source
  - ☒ Spring
  - ☐ Approved Surface Water/Description \_\_\_\_\_
  - ☐ Unapproved Surface Water/Description \_\_\_\_\_
  - ☒ Other: pond
- Describe the approximate daily water demand for the current and projected uses on the property and method used to calculate demand: Refer to Operations Plan section 3.1

Consumer Protection (Doc. Title \_\_\_\_\_ page \_\_\_\_\_ section \_\_\_\_\_)

- List/Describe any food production or service: N/A
- Describe and show on site plan, any existing or proposed kitchen infrastructure: N/A

Note: DEH does not currently regulate edible cannabis products. Any other food production may require a Plan Check and permitting.

**Hazardous Materials** (Doc. Title \_\_\_\_\_ page \_\_\_\_\_ section \_\_\_\_\_)

- List/describe production/cultivation machinery (e.g. generator, tractor, OHV, trimmer, heaters etc.): Refer to Operations Plan section 3.7
  - Equipment Maintenance/Service (e.g., changing oil, antifreeze, etc.): Onsite or Offsite
  - List/describe fuel/oil(s) used or produced onsite (e.g. gasoline, diesel, propane, other?). Provide amounts and storage method(s): Refer to Operations Plan section 3.7.4
  - List/describe all compressed gases, cleaners, solvents and sanitizers (including, but not limited to, household chemicals, bleach and alcohol). Provide amounts and storage method(s): Refer to Operations Plan section 3.7
  - List/describe fertilizers, soil amendments and biocides (including organic ones). Provide amounts and storage method/area(s): Refer to Operations Plan section 3.7.2 and 3.7.3
- \_\_\_\_\_ \*Attach Safety Data Sheets (SDS)

**Solid Waste/Recycling** (Doc. Title \_\_\_\_\_ page \_\_\_\_\_ section \_\_\_\_\_)

- List/describe the different anticipated solid waste/recycling, composting products and anticipated amounts: Refer to Operations Plan section 3.8.1 and 3.8.2
- Describe, and show on the site plan, the designated area for storage of recycling and solid waste (containers stored outside must be covered): Refer to Operations Plan section 3.8.1 and 3.8.2
- Describe waste removal plan including frequency and destination
  - ☒ Garbage (1x/week) 1x/week
  - ☒ Recycling(x/month) \_\_\_\_\_ (avoid nuisances including odors and vermin)
  - ☐ Hauling via Garbage/Recycling Service: \_\_\_\_\_ or Self Haul X
- Preferred permitted solid waste/recycling facility: Redway Transfer Station

Note: Spent growth medium with no further agricultural use is considered solid waste. It must be stored under cover until it can be hauled to a waste facility.

State Water Resources Control Board  
DIVISION OF WATER RIGHTS

**INITIAL STATEMENT OF WATER DIVERSION AND USE**

A STATEMENT SHALL NOT ESTABLISH OR CONSTITUTE EVIDENCE OF A WATER RIGHT  
READ THE ATTACHED INFORMATION AND INSTRUCTION SHEET BEFORE COMPLETING THIS FORM  
FURTHER INFORMATION CAN BE FOUND IN WATER CODE, SECTIONS 5100-5107

**Diverter Information**

Diverter Name(s) Bohdan Curran				
Mailing Address P.O. Box 2155	City Redway	State CA	Zip 95560	
Phone Number (707)223-4224	Email Address (if available) curranequip@yahoo.com			

**Person Filing Statement**

(If different from diverter information above)

Person Filing Statement Name MANHARD CONSULTING				
Mailing Address 517 3rd St. Suite 6	City Eureka	State CA	Zip 95501	
Phone Number (707)444-3800	Email Address (if available) maldrete@manhard.com			

**Land Owner Name**

Land Owner Name Bohdan Curran				
Mailing Address P.O. Box 2155	City Redway	State CA	Zip 95560	
Phone Number (707)223-4224	Email Address (if available) curranequip@yahoo.com			

**Mail Receiver:**

(Select one only)

☐

Diverter

☒

Person Filing Statement

**Checklist for Submission of an Initial Statement of Water Diversion and Use**

- ☒ Answer each question completely
- ☒ Attach map referenced in Section 4 with outline of Place of Use. Include Point of Diversion location if not identified in Section 3
- ☒ Sign and Date form

UPON COMPLETION OF THIS STATEMENT, ATTACH ALL SUPPORTING DOCUMENTATION AND MAPS AND MAIL TO:

State Water Resources Control Board  
Division of Water Rights  
PO Box 2000  
Sacramento, CA 95812-2000

Or email to

**DWR-statements@waterboards.ca.gov**

Additional copies of this form, instructions on how to complete this form, and water right information can be obtained at  
[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/diversion\\_use/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/).

Revised June 2017

**Section 6: Special Use**(If you have selected Yes to the question below, please fill out **Special Use Attachment** at the end of this form)

During the previous calendar year, were you using any water diverted under this statement for the cultivation of cannabis?



Yes



No

**Section 7: Diversion Works Description**

Name of Diversion Works, if you wish to name (e.g. Bob's Pump)

Curran's Pond

Year in which diversion began, to the best of your knowledge. (Specify single year)

2016

Type of Diversion Facility. (Select one only)\*

\*A separate Initial Statement of Water Diversion and Use must be filed for EACH diversion



Gravity



Water Course Pump



Well Pump



Other: \_\_\_\_\_

**Direct Diversion Information**

Do you directly divert water?

(Direct refers to water taken and used immediately)

If Yes, identify Direct Diversion Works flow rate and Unit



Yes



No

Rate: \_\_\_\_\_



Cubic Feet per Second



Gallons per Minute



Gallons per Day

**Storage Diversion Information**

Do you divert to storage?

(If no, skip to Section 8)

If Yes, identify type of Storage



Yes



No



On-stream Storage (if on-stream, fill in Subsection A below)



Off-stream Storage (if off-stream, fill in subsections A and B below)

(A) Capacity of Storage Tank(s) or Reservoir identified in Acre-Feet or Gallons

Quantity: 1,000,000.000



Gallons



Acre-Feet

(B) Maximum Diversion Rate of Storage Diversion Works

Rate: \_\_\_\_\_



Cubic Feet per Second



Gallons per Minute



Gallons per Day

**Section 8: Quantity of Water Diverted**

(Provide the quantity of water diverted each month of the prior calendar year for all purposes)

Data being provided for calendar year: 2016

Measurement provided in:



Gallons



Acre-Feet

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
			49,143.000	55,286.000	61,429.000	73,714.000	73,714.000	61,429.000	55,286.000			430,001.000

**Section 9: Maximum Rate of Diversion per month**

(If data is available)

Data being provided for calendar year: \_\_\_\_\_

Measurement provided in:



Cubic Feet per Second



Gallons per Minute



Gallons per Day

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

**Section 10: Recent Water Use**

Provide data of annual water use in recent years

Minimum:

200,000.000



Gallons



Acre-Feet

Maximum:

450,000.000



Gallons



Acre-Feet



State Water Resources Control Board  
**DIVISION OF WATER RIGHTS**  
**INITIAL STATEMENT OF WATER DIVERSION AND USE**  
**SPECIAL USE ATTACHMENT**



This attachment is for additional information related to the special use of diverted water for cannabis cultivation, and must be attached to the Statement of Water Diversion and Use form for the claimed right under which water was diverted.

Cannabis Cultivation Information												
(This section should only be filled out if Yes was selected in <b>Section 6: Special Use</b> regarding the prior year usage of diverted water for cannabis cultivation)												
Subsection 1: Special Use												
Provide the calendar year associated with reporting under this water right: <span style="font-size: 1.2em;">20</span> <u>16</u>												
Provide the total amount of water used under this water right for cannabis cultivation during the calendar year <div style="display: flex; justify-content: space-between; align-items: center;"> <span>Quantity <u>430,001.00</u></span> <div> <input checked="" type="radio"/> Gallons           <input type="radio"/> Acre-Feet         </div> </div>												
Subsection 2: Cultivation Size and Lighting Conditions												
Provide the APN(s) for all parcel(s) where cannabis is cultivated with water used under this right: <b>216-081-008, 216-083-006</b>												
Provide the amount of cannabis cultivated under this water right during the calendar year by lighting condition type.												
	Indoor	Outdoor	Mixed Light									
Cultivated canopy size in square feet		20,000		Square Feet								
Total number of plants harvested during the calendar year		200		Plants harvested								
Number of Harvests		1		Harvests								
Subsection 3: Watering Method												
Check all irrigation methods that have been used to cultivate cannabis? (Check all that apply)												
<input checked="" type="checkbox"/> Hand water <input type="checkbox"/> Drip/micro-spray irrigation <input type="checkbox"/> Flood Irrigation <input type="checkbox"/> Row Irrigation <input type="checkbox"/> Other: _____												
Subsection 4: Commercial Use												
Is your cultivation of cannabis a commercial cannabis activity? <span style="float: right;"><input checked="" type="radio"/> Yes <input type="radio"/> No</span>												
If you intend to apply for a license under California Department of Food and Agriculture's Medical Cannabis Cultivation Program, your response will help the State Water Board to efficiently coordinate with the California Department of Food and Agriculture to verify your water source as required under Business and Professions Code section 19332.2.												
Subsection 5: Quantity of Water Diverted for the Purpose of Cannabis Cultivation												
Provide monthly diversion data specific to the cultivation of cannabis. If this is the same data as identified in the Initial Statement of Water Diversion and Use: Section 8: Quantity of Water Diverted, check this box <input checked="" type="checkbox"/> and leave the rest of this subsection blank.												
Data being provided for calendar year: _____ Measurement provided in: <span style="float: right;"><input type="radio"/> Gallons <input type="radio"/> Acre-Feet</span>												
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total



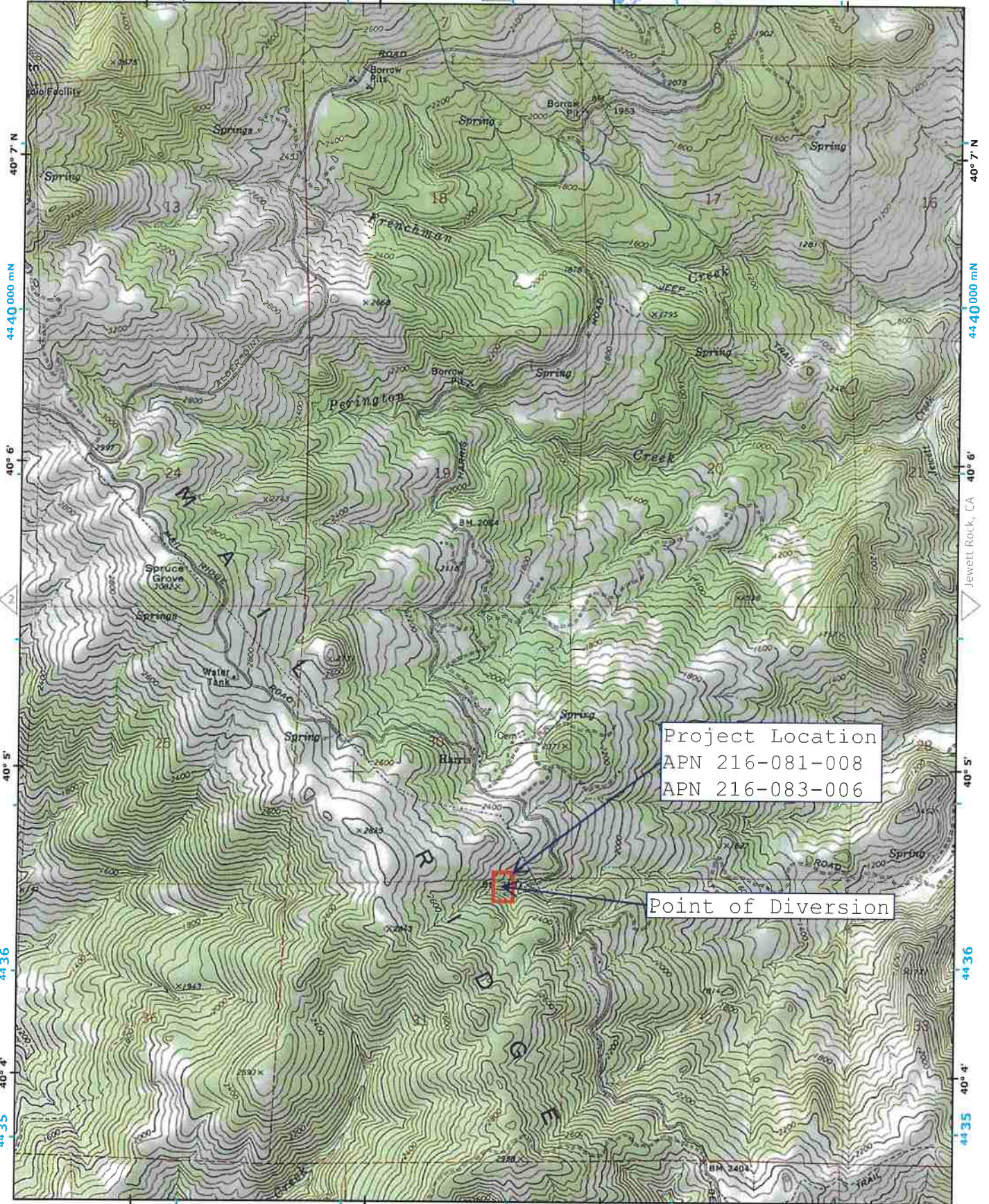
123° 41'

123° 40'

Fort Seward, CA

4 45 000 mE

123° 38' W

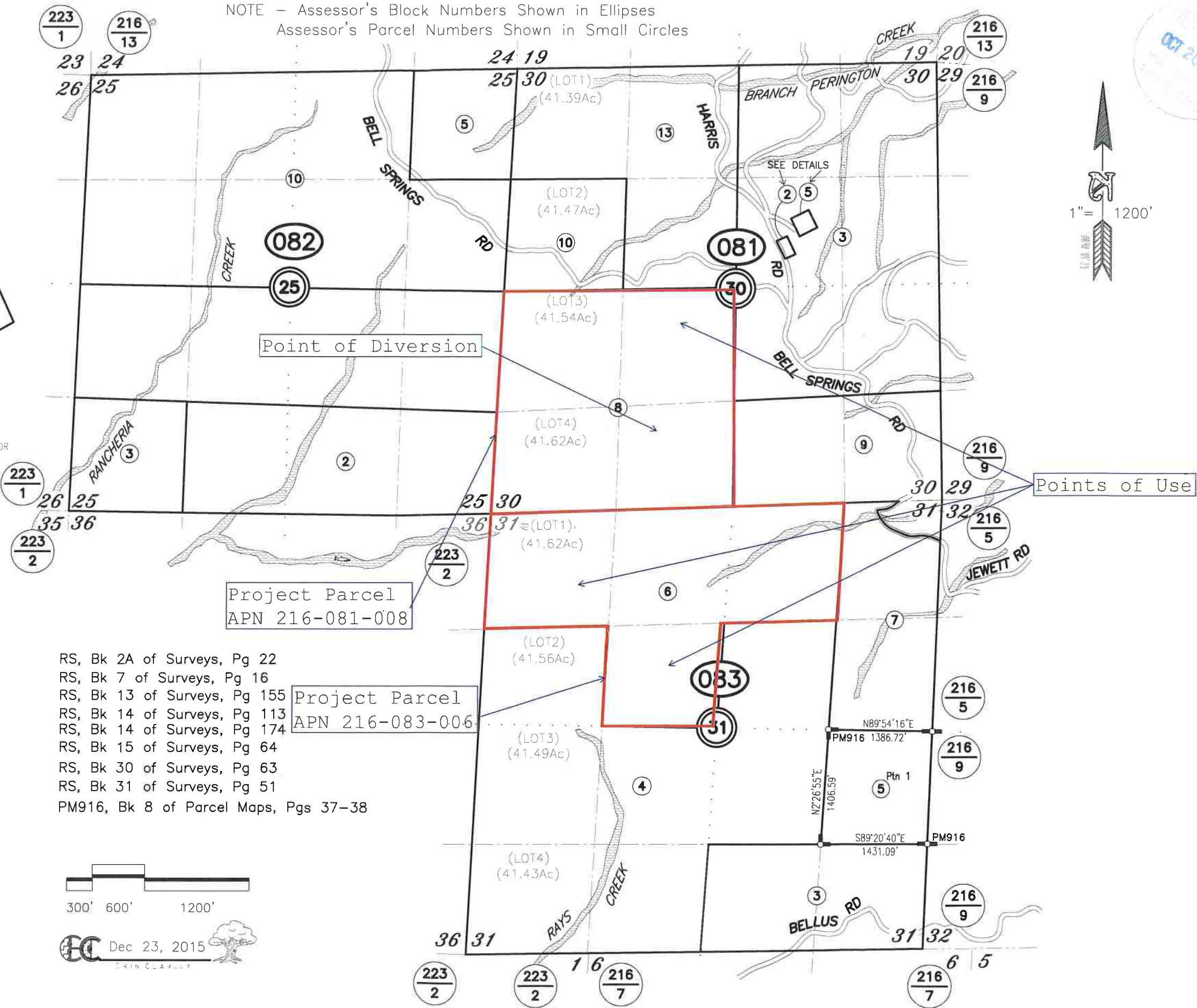
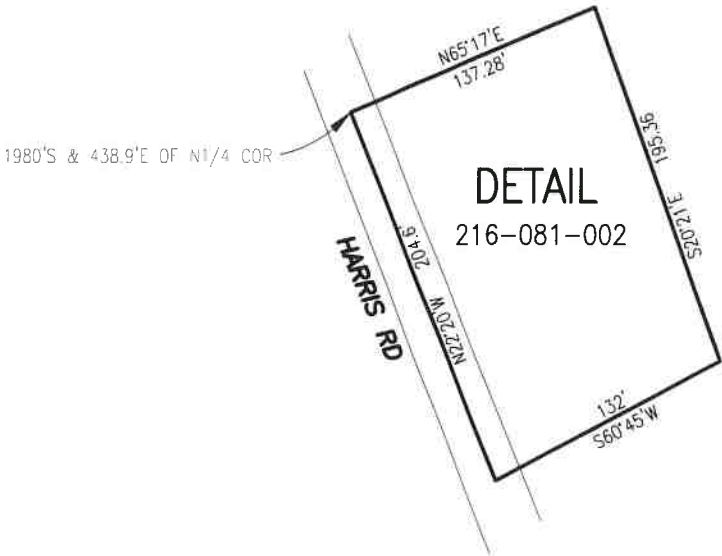
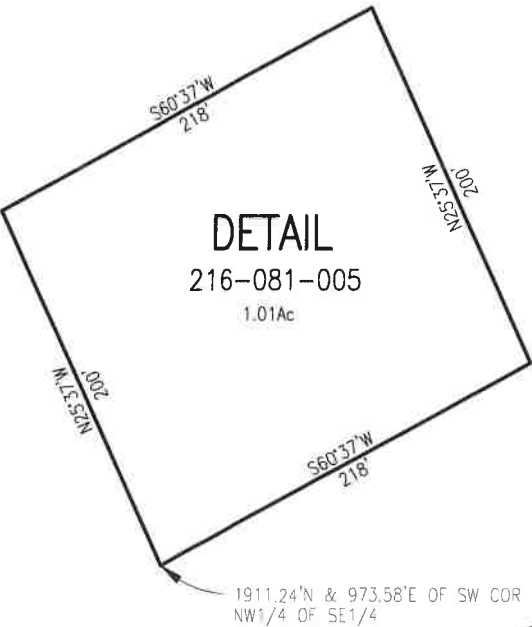




SEC 25, T4S R4E & SECS 30 & 31, T4S R5E, HB&M

216-08

NOTE - Assessor's Block Numbers Shown in Ellipses  
Assessor's Parcel Numbers Shown in Small Circles

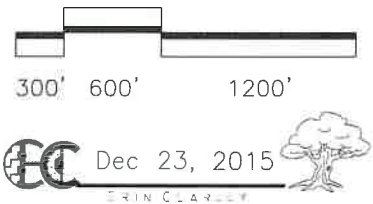


RS, Bk 2A of Surveys, Pg 22  
RS, Bk 7 of Surveys, Pg 16  
RS, Bk 13 of Surveys, Pg 155  
RS, Bk 14 of Surveys, Pg 113  
RS, Bk 14 of Surveys, Pg 174  
RS, Bk 15 of Surveys, Pg 64  
RS, Bk 30 of Surveys, Pg 63  
RS, Bk 31 of Surveys, Pg 51  
PM916, Bk 8 of Parcel Maps, Pgs 37-38

Project Parcel  
APN 216-083-006

ASSESSOR'S PARCEL MAP

1. THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY.  
2. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN.  
3. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES.

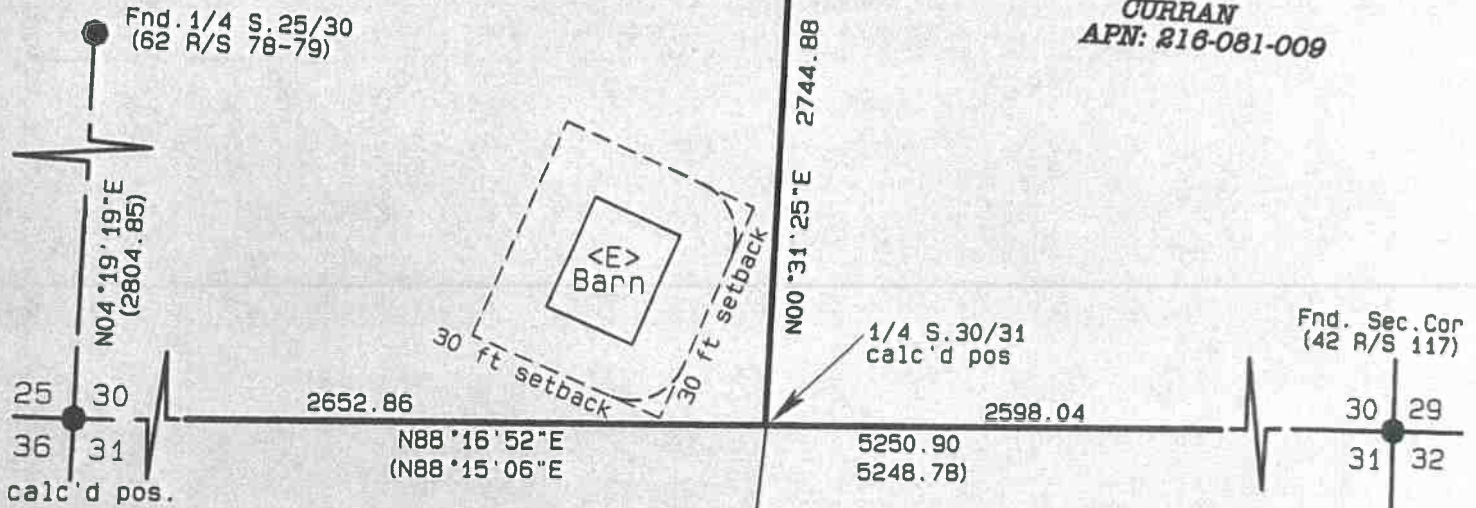






**CURRAN**  
**APN: 216-081-008**

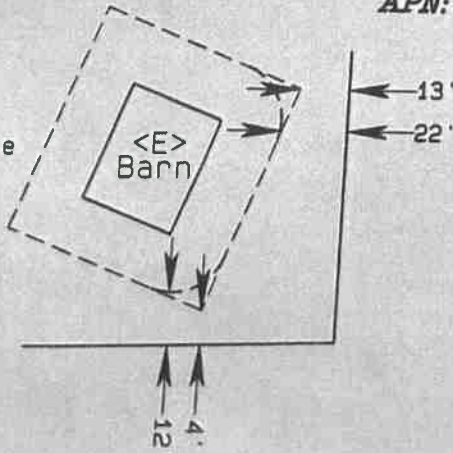
**CURRAN**  
**APN: 216-081-009**



Signed: *David L. Bushnell*  
David L. Bushnell, PLS 7207  
6-5-2023

**CURRAN**  
**APN: 216-083-008**

**DETAIL**  
Not to Scale



## PLOT PLAN for BO CURRAN

IN A PTN OF SEC. S 30 & 31,  
T. 4 S. - R. 5 E., H.M.  
SCALE: 1"=100ft JUNE 2023

Bushnell Survey  
Blocksburg, CA 95514  
bushnellsurvey@gmail.com

- PARCEL BOUNDARY SURVEY  
SHOWING BARN & 30'  
SETBACK.

FULL PARDON FARMS, LLC  
APN 216-081-008, APP 11692

**PART A:** *Part A may be completed by the applicant*

APN: 216-083-006

JAN 17 2019  
Humboldt County  
Planning Division

**PART A:** *Part A may be completed by the applicant*

JAN 17 1973  
Planning Division



6/2009



Turn right onto Aldepoint Rd  
Turn right onto Redwood Dr

Garberville

Benbow

8.0 miles  
Turn right onto Bell Springs Rd

Keep left to stay on Bell Springs Rd

1.4 miles  
Harris

APN: 216-081-008

APN: 216-083-006

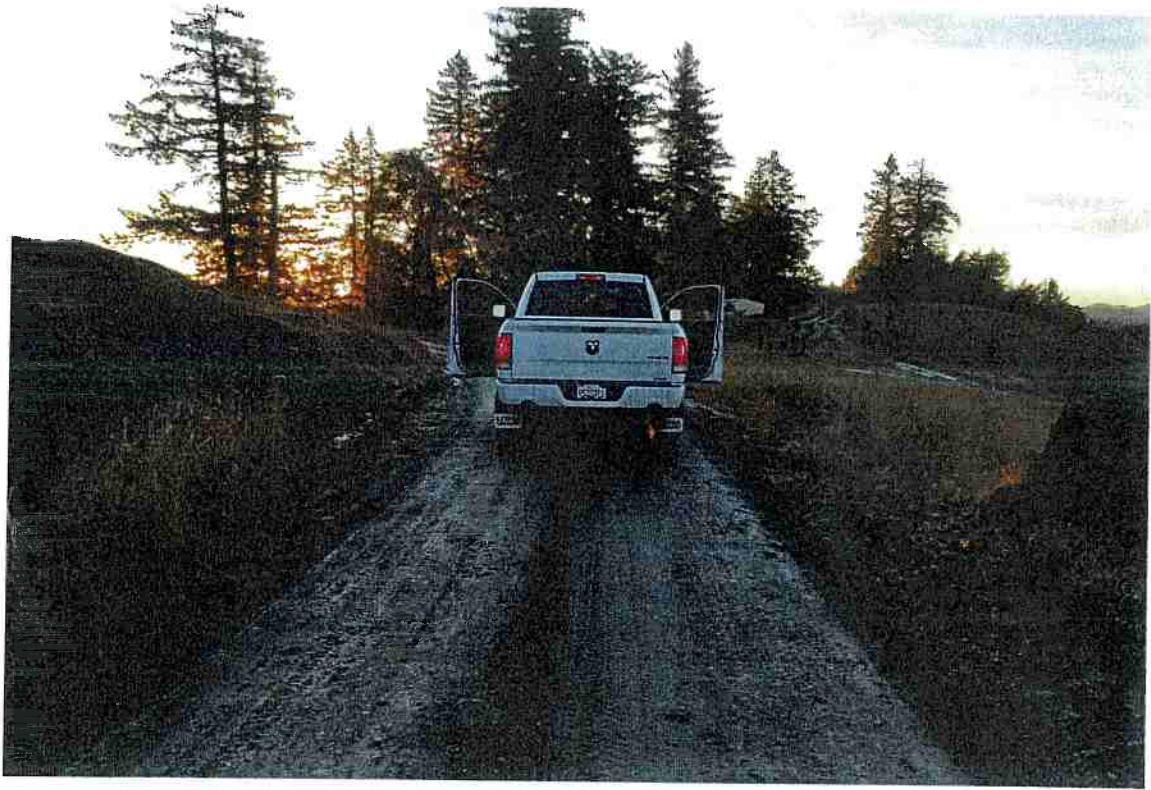
Image USDA Farm Service Agency

Google

Imagery Date: 5/24/2009 lat 40.145289° lon 123.785269° elev 1429 ft

1993





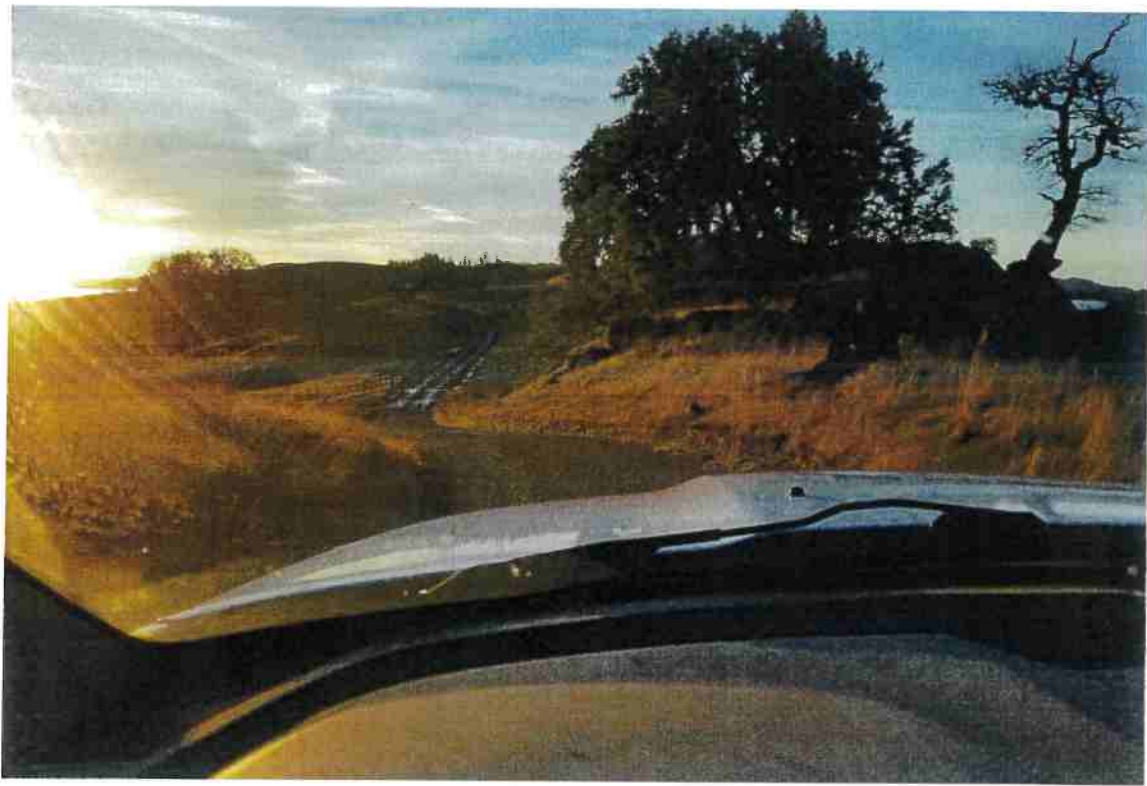
TX  
JAN 17 2013  
Highway  
Planning Division

Driveway



RECEIVED  
JAN 17 2017  
Hempstead County  
Planning Commission

Drive way



EX-100  
JAN 17 1988  
PLANTATION

Driveway





JAN 17  
P. 10:00 AM

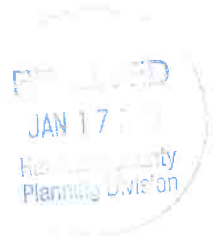
Drive way

# Water Resource Protection Plan

**WDID: 1B161473CHUM**

**180101060202TRC199**

**APN: 216-081-008, 216-083-006**



165 South Fortuna Boulevard, Suite 4 Fortuna, CA 95540  
707-725-1897 • fax 707-725-0972

*Prepared by:*

**Timberland Resource Consultants  
165 South Fortuna Blvd  
Fortuna, California 95540**

**3/13/2017**

**Revised 12/11/2018**

**Purpose**

This Water Resource Protection Plan (WRPP) has been prepared on behalf of the discharger, for the Humboldt county property identified as parcel number 216-081-008, 216-083-006, by agreement and in response to the California Water Code Section 13260(a), which requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the state, other than into a community sewer system, shall file with the appropriate regional water board a Report of Waste Discharge (ROWD) containing such information and data as may be required by the Regional Water Board. The Regional Water Board may waive the requirements of Water Code section 13260 for specific types of discharges if the waiver is consistent with the Basin Plan and in the public interest. Any waiver is conditional and may be terminated at any time. A waiver should include monitoring requirements to verify the adequacy and effectiveness of the waiver's conditions. Order R1-2015-0023 conditionally waives the requirement to file a ROWD for discharges and associated activities described in finding 4.

**Scope of Report**

Order No. R1-2015-0023 states that "Tier 2 Dischargers and Tier 3 Dischargers who intend to cultivate cannabis before, during, or following site cleanup activities shall develop and implement a water resource protection plan that contains the elements listed and addressed below. Dischargers must keep this plan on site, and produce it upon request by Regional Water Board staff. Management practices shall be properly designed and installed, and assessed periodically for effectiveness. If a management measure is found to be ineffective, the plan must be adapted and implemented to incorporate new or additional management practices to meet standard conditions. Dischargers shall certify annually to the Regional Water Board individually or through an approved third-party program that the plan is being implemented and is effectively protecting water quality, and report on progress in implementing site improvements intended to bring the site into compliance with all conditions of this of this Order.

**Methods**

The methods used to develop this WRPP include both field and office components. The office component consisted of aerial photography review and interpretation, existing USGS quad map review, GIS mapping of field data, review of on-site photography points, streamflow calculations, and general planning. The field component included identifying and accurately mapping all watercourses, wet areas, and wetlands located downstream of the cultivation areas, associated facilities, and all appurtenant roads accessing such areas. An accurate location of the Waters of the State is necessary to assess whether potential and existing erosion sites/pollution sites have the potential to discharge waste to an area that could affect waters of the State (including groundwater). Next, all cultivation areas, associated facilities, and all appurtenant roads accessing such areas were assessed for discharges and related controllable water quality factors from the activities listed in Order R1-2015-0023, Finding 4a-j. The field assessment also included an evaluation and determination of compliance with the Standard Conditions per Provision I.B of Order No. R1-2015-0023. The water resource protection plans required under Tier 2 are meant to describe the specific measures a discharger implements to achieve compliance with standard conditions. Therefore, all required components of the water resource protection plan per Provision I.B of Order No. R1-2015-0023 were physically inspected and evaluated. A comprehensive summary of each Standard Condition as it relates to the subject property is appended.

### Property Description

The property assessed consists of two parcels totaling approximately 355 acres. Vegetation on the property primarily consists of oak woodland with some grasslands. Slopes on the property average 31%. The property is located in Section 30 & 31, T4S, R5E, HB&M, Humboldt County, from the Harris 7.5' USGS Quad Map. This property is approximately .2 miles north east of Harris and accessed via Bell Springs Road. Seven unnamed watercourses are located on the property. These un-named watercourses drain into Rancheria Creek and Perington Creek. Rancheria Creek is tributary to the East Branch of the South Fork Eel River. Perington Creek is tributary to the Main Stem Eel River.

### Project Description

Current cultivation activities consist of three active cultivation areas. These areas are referenced as Cultivation Area A, B, & C on the Site Map and in this document. Cultivation Area A is 10,090 ft<sup>2</sup> of area with cultivation consisting of multiple greenhouses located on a graded, fenced in, flat. Cultivation Area B consists of 6,285ft<sup>2</sup> of area with cultivation consisting of full-term outdoor in planted pots. Cultivation Area B is on a terraced area located in a dry swale. Cultivation Area C consists of 3,199ft<sup>2</sup> of area with cultivation consisting of a one greenhouse located on a fenced in graded area.

Cultivation Site	Area <sup>1</sup> (ft <sup>2</sup> )	Adjoining Hill Slopes (% Grade)	Distance from a Watercourse (ft)
A	10,090	35	320 [CIII]
B	6,285	14	64[CIII]
C	3,199	35	220[CIII]

<sup>1</sup> Area refers to the total land disturbance area. The total cannabis canopy area may vary considerably than the disturbance area. Further details can be found under Item 1 below.

### Monitoring Plan

Tier 2 Dischargers shall include a monitoring element in the water resource protection plan that at a minimum provides for periodic inspection of the site, checklist to confirm placement and efficacy of management measures, and document progress on any plan elements subject to a time schedule. Tier 2 Dischargers shall submit an annual report (Appendix C) by March 31 of each year that documents implementation and effectiveness of management measures during the previous year. Tier 2 annual reporting is a function that may be provided through an approved third-party program.

Monitoring of the site includes visual inspection and photographic documentation of each feature of interest listed on the site map, with new photographic documentation recorded with any notable changes to the feature of interest. At a minimum, all site features must be monitored annually, to provide the basis for completion of the annual re-certification process. Additionally, sites shall be monitored at the following times to ensure timely identification of changed site conditions and to determine whether implementation of additional management measures is necessary to iteratively prevent, minimize, and mitigate discharges of waste to surface water: 1) just prior to October 15 to evaluate site preparedness for storm events and storm water runoff, 2) following the accumulation of 3" total precipitation or by November 15, whichever is sooner, and 3) following any rainfall event with an intensity of 3" precipitation in 24 hours. Precipitation data can be obtained from the National Weather Service Forecast Office (e.g. by entering the zip code of the parcel location at <http://www.srh.noaa.gov/forecast>).

**Monitoring Plan Reporting Requirements**

Order No. R1-2015-0023, Appendix C must be submitted to the Regional Water Board or approved third party program upon initial enrollment in the Order (NOI) and annually thereafter by March 31. Forms submitted to the Regional Water Board shall be submitted electronically to [northcoast@waterboards.ca.gov](mailto:northcoast@waterboards.ca.gov). If electronic submission is infeasible, hard copies can be submitted to: North Coast Regional Water Quality Control Board, 5550 Skylane Boulevard, Suite A, Santa Rosa, CA 95403.

**Assessment of the Standard Conditions**

Assessment of Standard Conditions consisted of field examinations in the winter of 2018. The examination evaluated areas near, and areas with the potential to directly impact, watercourses for sensitive conditions including, but not limited to, existing and proposed roads, skid trails and landings, unstable and erodible watercourse banks, unstable upslope areas, debris, jam potential, inadequate flow capacity, changeable channels, overflow channels, flood prone areas, and riparian zones. Field examinations also evaluated all roads and trails on the property, developed areas, cultivation sites, and any structures and facilities appurtenant to cultivation on the property. Anywhere the Standard Conditions are not met on the property, descriptions of the assessments and the prescribed treatments are outlined following each associated section below.

**Summary of Standard Conditions Compliance**

1. Site Maintenance, Erosion Control, and Drainage Features Y☒/N☐
2. Stream Crossing Maintenance Y☐/N☒
3. Riparian and Wetland Protection and Management Y☒/N☐
4. Spoils Management Y☒/N☐
5. Water Storage and Use Y☐/N☒
6. Irrigation Runoff Y☒/N☐
7. Fertilizers and Soil Amendments Y☒/N☐
8. Pesticides and Herbicides Y☒/N☐
9. Petroleum Products and Other Chemicals Y☒/N☐
10. Cultivation-Related Wastes Y☒/N☐
11. Refuse and Human Waste Y☒/N☐

## Assessment of the Standard Conditions (Cont.)

### 1. Site maintenance, erosion control, and drainage features:

Roads are being classified as "permanent" (being used year-round), "seasonal" (being used primarily during summer months), "trail" (being used to access features by pedestrian traffic), "Fire Line" (Utilized in the past as a vegetation break during a fire), and "Legacy Ranch Road" (Legacy ranch roads that are not utilized regularly). This property has a total of approximately two miles of road with grades ranging from 1-15%.

The permanent road is used to access the residence. The permanent road is well rocked with functioning and appropriately spaced drainage structures. All drainage features on this section of road are functioning adequately.

The seasonal road is used to access Cultivation Areas A, B, and C, multiple water tanks. The seasonal road was rocked with some intermittent native surfaces. Generally, this road was generally maintained with an out sloping to the road surface. No riling or gulying was observed on the road surface. The seasonal use road will require Monitoring and annual maintenance of the drainage structures located at Sites 05, 06, 07 and 12. **See General Recommendation #1 & #2**

The property contains three sections of foot trails that are utilized to access two ponds with one section of trail that was utilized in firefighting efforts within the past 5 years. The trails on this property are only used occasionally by pedestrian traffic with little to no signs of vehicle traffic. These trails should be inspected periodically and water bars established as required.

Current cultivation activities consist of three active cultivation areas referenced as Cultivation Areas A, B, & C, on the Site Map and in this document.

Cultivation Area A consists of a pre-existing flat area. This cultivation area consists of a 10,090 ft<sup>2</sup> with multiple greenhouses of unknown size. Slopes within the cultivation area are 1-5% with surrounding slopes of 10-45%. During site inspection no drainage or erosion issues were observed. No Site maintenance or erosion control recommendations have been made for this cultivation area.

Cultivation Area B consists of terraced area located in a dry swale. Cultivation area consists of a 6,285 ft<sup>2</sup> area with outdoor potted plants. Slopes within the cultivation area are 1-10% with surrounding slopes of 10-25%. During site inspection no drainage or erosion issues were observed. No Site maintenance or erosion control recommendations have been made for this cultivation area.

Cultivation Area C consists of pre-existing flat area. Cultivation area consists of a 3,199 ft<sup>2</sup> area with one greenhouse. Slopes within the cultivation area are 1-10% with surrounding slopes of 10-45%. During site inspection no drainage or erosion issues were observed. No Site maintenance or erosion control recommendations have been made for this cultivation area.

## Assessment of the Standard Conditions (Cont.)

### 2. Stream crossing maintenance:

Five watercourse crossings exist on this property and are referenced as Site 09, 10, 11, 12, & 13. Site 09, 10, 12, and 13 are rock fords located on trails, legacy ranch road, and seasonal use road. These crossings were observed to be stable in their current configuration however may need maintenance in the future due to being installed not to standards of the attached BMP: Rock Ford. It has been recommended to install additional rock on the approaches and cut bank at Site 13. Site 11 consists of a Class III watercourse crossing with an appropriately sized and adequately functioning 36" culvert.

<b>Rational Method for 100-year flood flow (A &lt; 200 acres)</b>											
		$T_c = 60((11.9 \times L^3)/H)^{0.385}$			$Q_{100} = CIA$						
	Crossing	Channel length (to top of basin) (mi)	Elevation difference (ft)	Concentration time (min)	Runoff coefficient	100-year Return-Period Precipitation (in/hr)	Area (acres)	100-yr flood flow (cfs)	Existing	Undersize	Recommended
No.		L	H	Tc	C	I*	A	Q100			
1	11	0.3	200	5	0.4	3.98	4	6.4	36	no	
HW/E	CU18	CU24	CU30	CU36	CU42	CU48	CU54	CU60	CU72	CU84	CU96
1.0	5.6	11.6	20	32	47	66	89	115	180	265	375

### 3. Riparian and wetland protection and management:

Assessment of the property concluded that all Cultivation Areas are outside of the riparian buffer zones as defined by the California Regional Water Quality Control Board. Cultivation Area A is 320' from a Class III watercourse. Cultivation Area B is 64' from a Class III watercourse. Cultivation Area C is 290' from a Class III watercourse. Cultivation Area D is 220' from a Class III watercourse.

### 4. Spoils management:

Currently, no spoils are stored or placed in or where they can enter any surface water. Any/all spoils are adequately contained or stabilized to prevent sediment delivery to surface waters. Any/all spoils generated through development or maintenance of roads, driveways, earthen fill pads, or other cleared or filled areas have not been sidecast in any location where they can enter or be transported to surface waters. Any/all future spoils generated as a result of any future construction projects that are to be stored on the property shall be done so in accordance with the BMP's.

### 5. Water storage and use:

Water sources on this property consist of two off-stream ponds for cannabis irrigation. This property has a total of 13,000 gallons of hard tank storage. This property has two off stream ponds referenced as Pond A and Pond B on the Site Map. Pond A is approximately 260'x120'x10'. This pond is estimated to hold more than 1,400,000 gallons. Pond B is approximately 150'x60'x10'. This pond is estimated to hold more than 400,000 gallons. This quantity of water storage is sufficient to comply with the forbearance period. A water meter shall be installed on the pond to record quantities of water utilized for cannabis irrigation. Quantities of water utilized shall be recorded monthly. This standard condition is out of compliance until the discharger installs water meters on the outlet of the pond. **See General Recommendation #3.**



**Assessment of the Standard Conditions (Cont.)****Pond 2017 Water Use Estimates**

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
0	0	0	8,000	32,000	60,000	60,000	60,000	60,000	32,000	0	0	312,000

**6. Irrigation runoff:**

During multiple field assessments, no evidence of irrigation runoff was observed, nor was there evidence that it had occurred in the past. Water conservation techniques have been recommended in the water storage and use section. These techniques will minimize the potential for overwatering and ensure that irrigation is occurring at agronomic rates. This standard condition is currently being met.

**7. Fertilizers and soil amendments:**

Fertilizers, potting soils, compost, and soil amendments are stored in a structure on the property in a manner in which they will not enter or be transported into surface waters and so that nutrients or other pollutants will not be leached into groundwater. Fertilizers and soil amendments are applied and used per the manufacturer's guidelines. Cultivation areas are currently maintained so as to prevent nutrients from leaving the site during the growing season and post-harvest. **See General Recommendation #4 and #5.**

**8. Pesticides and herbicides:**

Pesticides and herbicides are stored in a structure on the property in a manner in which they will not enter or be transported into surface waters and so that nutrients or other pollutants will not be leached into groundwater. Pesticides and herbicides are applied and used per the manufacturer's guidelines. Cultivation areas are currently maintained so as to prevent nutrients from leaving the site during the growing season and post-harvest.

**9. Petroleum products and other chemicals:**

Currently, no fuel storage or petroleum products are present on the property. Should the discharger at any point in the future obtain fuel storage or petroleum products, any/all future petroleum products and other liquid chemicals, including but not limited to diesel, biodiesel, gasoline, and oils shall be stored so as to prevent their spillage, discharge, or seepage into receiving waters. Storage tanks and containers shall be of suitable material and construction to be compatible with the substance(s) stored and conditions of storage such as pressure and temperature. Above ground storage tanks and containers shall be provided with a secondary means of containment for the entire capacity of the largest single container and sufficient cover shall be provided to prevent any/all precipitation from entering said secondary containment vessel. Dischargers shall ensure that diked areas are sufficiently impervious to contain discharged chemicals. Discharger(s) shall implement spill prevention, control, and countermeasures (SPCC) and have appropriate cleanup materials available onsite if the volume of a fuel container is greater than 1,300 gallons. Underground storage tanks 110 gallons and larger shall be registered with the appropriate County Health Department and comply with State and local requirements for leak detection, spill overflow, corrosion protection, and insurance coverage.

**Assessment of the Standard Conditions (Cont.)****10. Cultivation related wastes:**

No cultivation related waste was observed at the time of inspection. The property was well maintained and no trash, netting, stems, soil piles, etc. were evident during the time of inspection.

**See General Recommendation #6**

**11. Refuse and human waste:**

There is one residence on this property at this time. A permitted septic system is attached to the residence. It is the responsibility of the landowner to comply with the requirements set forth under Humboldt County Health and Human Services, Department of Public Health: Sewage Disposal Regulations, Appendix VII, 1984. No collections of refuse were observed at the time of survey.

**12. Remediation/Cleanup/Restoration:**

Currently, two of the Standard conditions are not being met. The Standard Conditions that are not in compliance are Stream Crossing Maintenance and Water Storage and Use. The Mitigation Report following this section details the site-specific practices required to comply with the Standard Conditions. The Mitigation Report also contains numerous preventative measures designed to prevent future erosion sites from developing during operations. These sites will be treated in accordance with regulations, following approval of any and/or all necessary permits, and done in accordance with the BMP's listed in Appendix B of the Order.

**General Recommendations**

1. Frequent use of un-surfaced roads should be avoided, particularly when road surfaces are soft/saturated.
2. Existing or newly installed road surface drainage structures such as water bars, rolling dips, ditch relief culvers, and intentionally in/out-sloped segments of road shall be maintained to ensure continued function of capturing and draining surface runoff.
3. Water use shall be designed and metered such that water used for the irrigation of cannabis will be recorded. Water use for the irrigation of cannabis is to be recorded monthly for annual reporting.
4. Fertilizer, soil amendments, and pesticide use it to be recorded in such a manner that cumulative annual totals are recorded for annual reporting.
5. Fertilizers shall be stored in an enclosed structure to ensure they do not leech. Empty fertilizer containers should be contained and disposed of in a timely manner.
6. Inorganic cultivation related waste and uncontained refuse shall be collected and contained in a central location in a way that prevents waste from being mobilized off-site, leeching, or not being disposed of in a timely manner. Organic waste shall be collected into one area where it can be burned or composted.

# **STATEMENT OF CONTINGENT AND LIMITING CONDITIONS CONCERNING THE PREPARATION AND USE OF WATER RESOURCE PROTECTION PLAN**

**Prepared by Timberland Resource Consultants**

1. This Water Resource Protection Plan has been prepared for the property within APN 216-081-008, 216-083-006 in Humboldt County, at the request of the Client.
2. Timberland Resource Consultants does not assume any liability for the use or misuse of the information in this Water Resource Protection Plan.
3. The information is based upon conditions apparent to Timberland Resource Consultants at the time the inspection was conducted. Changes due to land use activities or environmental factors occurring after this inspection have not been considered in this Water Resource Protection Plan.
4. Maps, photos, and any other graphical information presented in this report are for illustrative purposes. Their scales are approximate, and they are not to be used for locating and establishing boundary lines.
5. The conditions presented in this Water Resource Protection Plan may differ from those made by others or from changes on the property occurring after the inspection was conducted. Timberland Resource Consultants does not guarantee this work against such differences.
6. Timberland Resource Consultants did not investigate on a legal survey of the property.
7. Persons using this Water Resource Protection Plan are advised to contact Timberland Resource Consultants prior to such use.
8. Timberland Resource Consultants will not discuss this report or reproduce it for anyone other than the Client named in this report without authorization from the Client.

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Austin Theriault

**Timberland Resource Consultants**

## Photographs



**Site 09** – Dirt ford located on a trail previously used during firefighting efforts within the past 5 years.

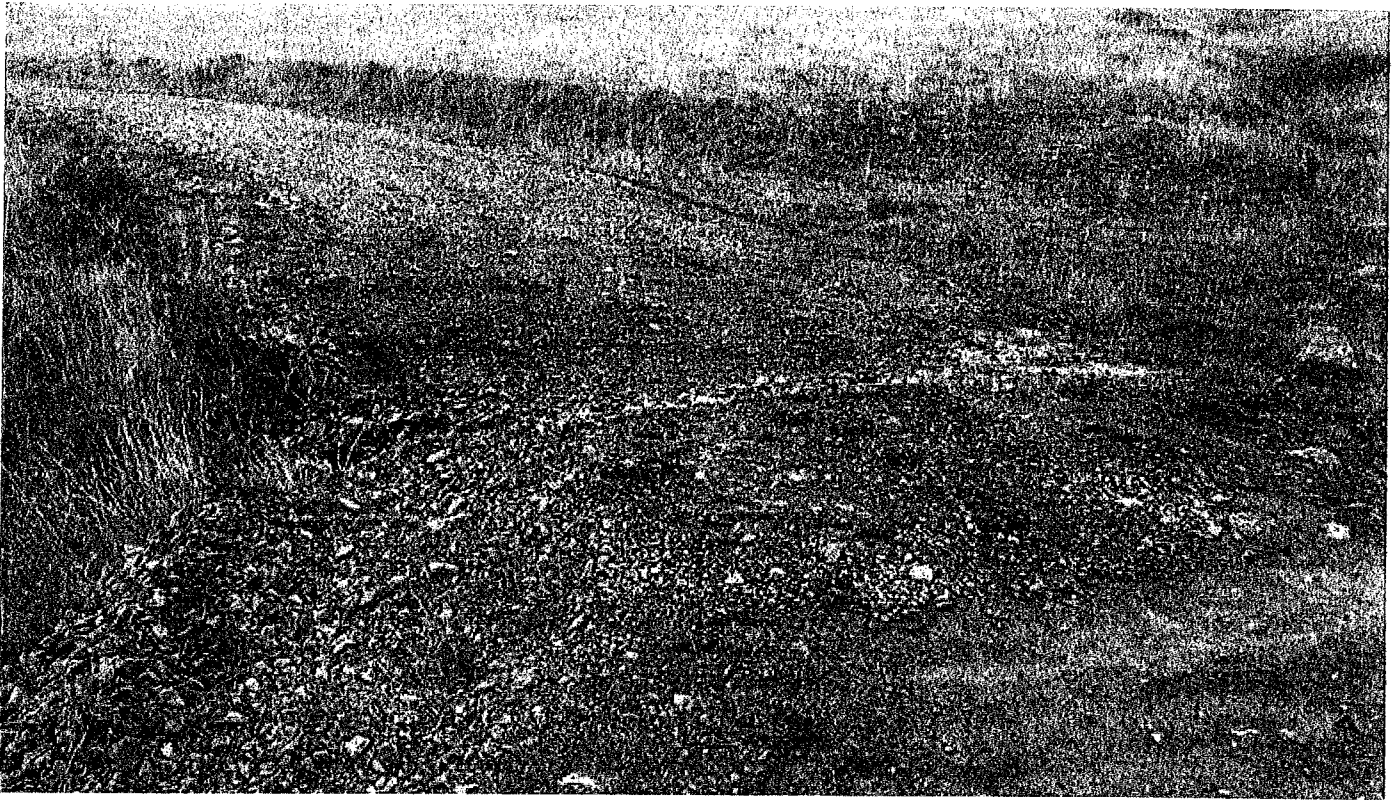


**Site 10** – Class III watercourse crossing consisting of a rock ford located on a legacy ranch road.



**Site 11** – Class III watercourse crossing consisting of a 36" culvert. This culvert is misaligned and too short however is functioning adequately and sized appropriately.





**Site 12** – Class III watercourse crossing consisting of a rock ford located on a seasonal use road.



**Site 13** – Class III watercourse crossing consisting of a rock ford. It has been recommended to install additional rock consisting of 3-6" minus on the 15 feet of inside ditch.








# Water Resource Protection Plan


Site Map WDID: 1B161473CHUM

- |   |  |
|---|--|
|  Property Boundary |  Site       |
|  Cultivation Area  |  Structure  |
|  Pond              |  Water Tank |

## Road

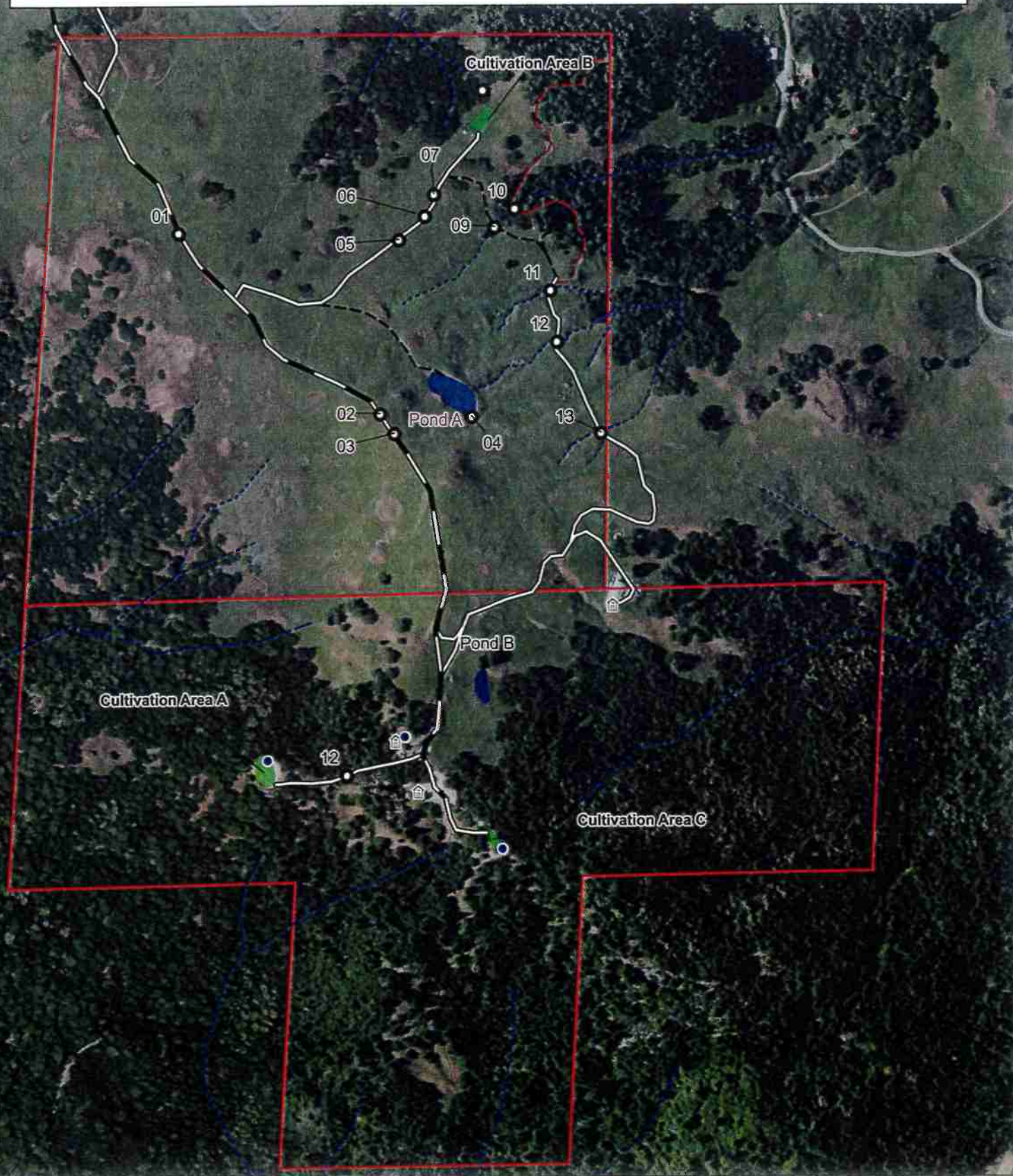
- |  |   |
|--|---|
|  Legacy Ranch |  Road      |
|  Trail        |  Permanent |
|  Seasonal     |   |

## Watercourse

- |   |
|---|
|  Class II  |
|  Class III |









Scale : 1" = 650'





# Water Resource Protection Plan



Site Map WDID: 1B161473CHUM

- |   |  |
|---|--|
|  Property Boundary |  Site       |
|  Cultivation Area  |  Structure  |
|  Pond              |  Water Tank |

## Road

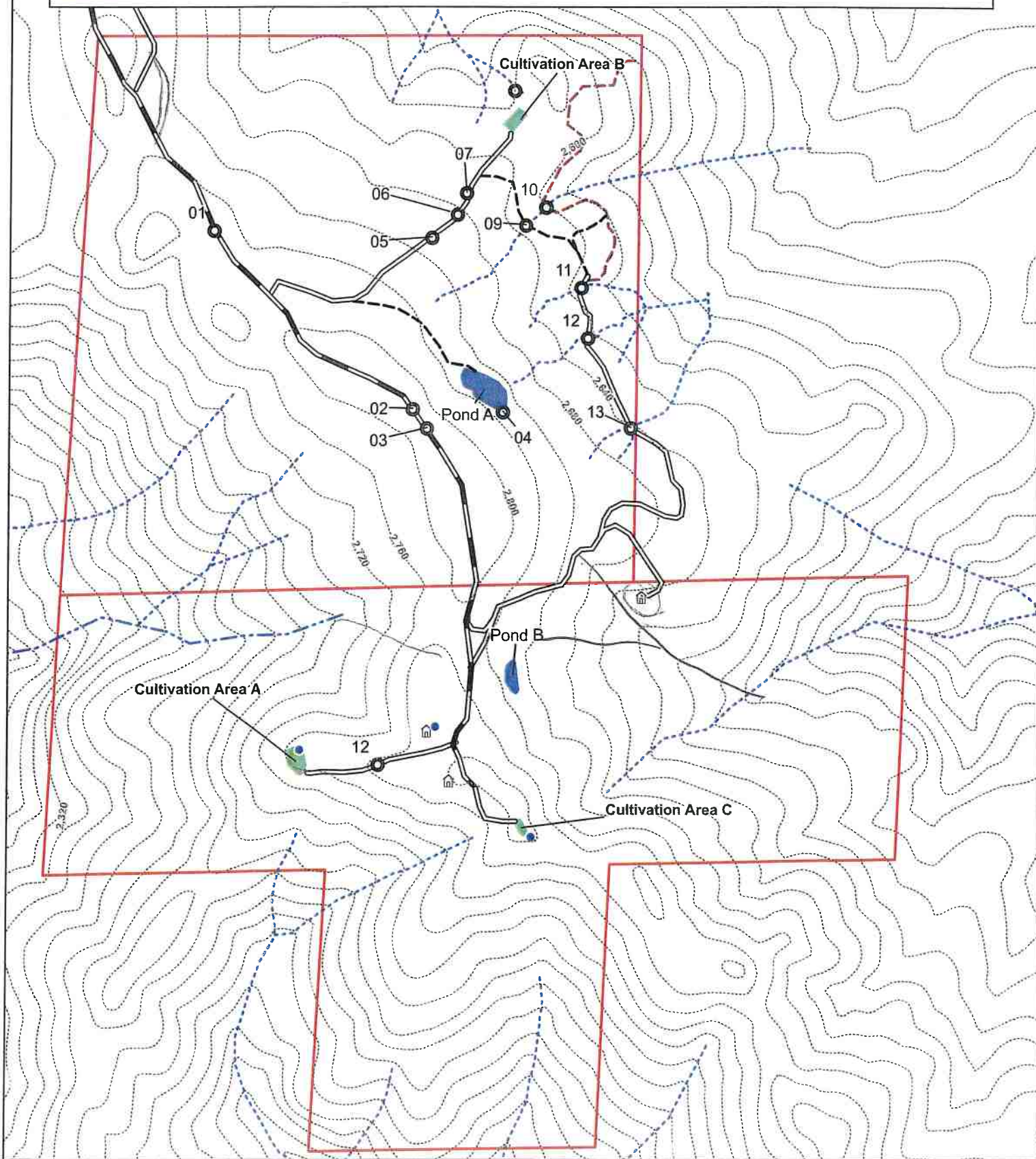
- |   |              |
|---|--------------|
|  | Legacy Ranch |
|  | Road         |
|  | Trail        |
|  | Permanent    |
|  | Seasonal     |

## Watercourse

- |   |           |
|---|-----------|
|  | Class II  |
|  | Class III |



Scale : 1" = 650'







**Timberland  
Resource  
Consultants**

## WRPP - Mitigation Report

WDID: 1B161473CHUM

Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
1	-123.669802 40.082015	Permanent	-	X	-	A.1.	-	
Current Condition: Ditch relief culvert consisting of an 18" CMP. This culvert is functioning adequately.						Prescribed Action: None.		
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
2	-123.666228 40.079612	Permanent	-	X	-	A.1.	-	
Current Condition: This location references a type 1 rolling dip that is functioning adequately.						Prescribed Action: None.		
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
3	-123.665965 40.079352	Permanent	-	X	-	A.1.	-	
Current Condition: This location references a type 1 rolling dip that is functioning adequately.						Prescribed Action: None.		
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
4	-123.664607 40.079582	-	-	X	-	A.1.	-	
Current Condition: Pond overflow consisting of a rocked spillway. The overflow dissipates into a well vegetated grassy swale below the pond.						Prescribed Action: None.		
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
5	-123.665915 40.081936	Seasonal	-	X	-	A.1.	-	
Current Condition: Existing water bar located on a seasonal use road. This drainage feature is functioning adequately.						Prescribed Action: None.		
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
6	-123.665465 40.082253	Seasonal	-	X	-	A.1.	-	
Current Condition: Existing water bar located on a seasonal use road. This drainage feature is functioning adequately.						Prescribed Action: None.		



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## WRPP - Mitigation Report

WDID: 1B161473CHUM

Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
7	-123.665308 40.082545	Seasonal	-	X	-	A.1.	-	

Current Condition: Existing water bar located on a seasonal use road. This drainage feature is functioning adequately.

Prescribed Action: None.

Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
8	-123.664463 40.083937	-	-	X	-	A.3.	-	

Current Condition: This site references the head of a Class III watercourse which is approximately 64ft away from Cultivation Area B.

Prescribed Action:

Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
9	-123.664235 40.082114	Trail	-	X	-	A.2.	-	

Current Condition: Class III watercourse crossing located on a fire line consisting of a dirt ford. This watercourse crossing is stable in its current configuration. This section of road is grassed over and the applicant does not plan on using this section of road.

Prescribed Action:

Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
10	-123.663879 40.082359	Legacy	-	X	-	A.2.	-	-

Current Condition: Class III watercourse crossing located on a legacy ranch road. This crossing has been rocked with 2-3" minus and is stable in its current configuration. This section of legacy ranch road is not regularly used as relayed by the discharger.

Prescribed Action: Monitor this site. If the current configuration is observed to be eroding it is recommended to install rock consisting of 3-6" per the specifications of the attached BMP : Rock Ford.

Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
11	-123.663235 40.081276	Seasonal	-	X	-	A.2.	-	

Current Condition: Class III watercourse crossing located on a seasonal use road. This crossing consists of a 36" CMP that is functioning adequately. This culvert is not aligned with the natural channel and is too short. This culvert is appropriately sized for water flows associated with the 100 year storm event.

Prescribed Action: None.



**Timberland  
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Consultants**

## WRPP - Mitigation Report

WDID: 1B161473CHUM

Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
12	-123.666748 40.074793	Seasonal	-	X	-	A.2.	-	
Current Condition: Class III watercourse consisting of a rock ford. The rock ford consists of 2-3" minus rock crossing a seasonal use road. This crossing is functioning adequately with little to no erosion.						Prescribed Action: Monitor this site. If the current configuration is observed to be eroding it is recommended to install rock consisting of 3-6" minus per the specifications of the attached BMP : Rock Ford.		
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
13	-123.663107 40.080593	Seasonal	-	X	-	A.2.	Prior to 10/15/20	
Current Condition: Class III watercourse consisting of a rock ford. The rock ford consists of 2-3" minus rock crossing a seasonal use road. This crossing is functioning adequately with little to no erosion.						Prescribed Action: Monitor this site. If the current configuration is observed to be eroding it is recommended to install rock consisting of 3-6" minus per the specifications of the attached BMP : Rock Ford.		
Unique Point	Lat-Long NAD 83	Road Type	Mitigation Planned	Monitor	1600	Standard Conditions	Treatment Priority	Date Completed
14	-123.662317 40.079376	Seasonal	X	X	-	A.2.	Prior to 10/15/19	
Current Condition: Class III watercourse consisting of a rock ford. The rock ford consists of 2-3" minus rock crossing a seasonal use road. There is an adjacent watercourse and bank seepage that flow down an inside ditch for approximately 15' before connecting with the rock ford. The current watercourse crossing is not installed per the specifications of the Best Management Practices. There was minor erosion observed on the cut bank where a bank seep and a Class III watercourse flow.						Prescribed Action: Install rock on the cut bank where the adjacent watercourse and bank seepage flow. Additionally, it is being recommended to install additional rock on the approaches of this watercourse crossing. If the current watercourse crossing configuration is observed to be eroding it is recommended to install rock consisting of 3-6" minus per the specifications of the attached BMP : Rock Ford. Work within the stream channel will require a Notification of Lake or Streambed Alteration filed with the Department of Fish and Wildlife.		