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

OCT 24 2017

CDFW - EUREKA

**STREAMBED ALTERATION AGREEMENT**

NOTIFICATION No. 1600-2017-0365-R1

Unnamed Tributaries to Pine Creek, Tributary to the Klamath River and
the Pacific Ocean

Mr. Brian Dell
 Dell Water Diversion and Stream Crossings Project
 3 Encroachments

This Streambed Alteration Agreement (Agreement) is entered into and between the California Department of Fish and Wildlife (CDFW) and Mr. Brian Dell (Permittee).

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on June 20, 2017, 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 accept 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 Pine Creek watershed, approximately 6 miles west southwest of the town of Weitchpec, County of Humboldt, State of California. The project is located in Section 22, T9N, R3E, Humboldt Base and Meridian; in the French Camp Ridge U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 531-011-05; latitude 41.1534 N and longitude 123.8158 W at the point of diversion (POD).

PROJECT DESCRIPTION

This agreement is limited to three projects (Table 1). One project is for water diversion from an Unnamed Tributary to Pine Creek. Water is diverted for domestic use and irrigation and work will include upgrading existing infrastructure, and the use and

maintenance of new infrastructure. The second project is for upgrading an undersized, misaligned, and shotgun culvert. Work will include excavation, culvert removal and replacement, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion. The third encroachment is to rock armor a short segment of spring channel diverted along the inboard ditch of a road. Work will include excavation and rock armoring as necessary to minimize erosion.

Table 1. Project encroachments with descriptions.

ID	Latitude/Longitude*	Description
POD	41.1534, -123.8158	1. Removal of existing unpermitted water diversion. 2. Installation of new water diversion structure consistent with measure of this agreement. 3. Use and maintenance of water diversion infrastructure.
Crossing 1 (Rock Armoring)	41.1545, -123.8140	Rock armoring a spring channel (50' long by 3' wide) diverted along inboard ditch of road to culvert inlet.
Crossing 1 (Culvert)	40.1544, -123.8140	Replace undersized 12" diameter culvert with minimum 36" diameter culvert.)

*Location coordinates = decimal degrees. Datum = WGS84

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: Southern Torrent Salamander (*Rhyacotriton variegatus*), Coastal Tailed Frog (*Ascaphus truei*), Foothill Yellow-legged Frog (*Rana boylii*), Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Coastal Cutthroat Trout (*Oncorhynchus clarki clarki*), Western Brook Lamprey (*Lampetra richardsoni*), Pacific Lamprey (*Entosphenus tridentatus*), as well as, other amphibian, reptile, aquatic invertebrate, mammal, and bird species.

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

Impacts to water quality:

increased water temperature;
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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 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.
- 1.4 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 that the bypass flows and diversion rates 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.
- 1.5 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.
- 1.6 Project Site Entry. The Permittee agrees to allow CDFW employees access to any property it owns and/or manages 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.

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 the Permittee Notification received on June 20, 2017, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 Work Period. All work, not including water diversion, shall be confined to the period **June 15 through October 1** 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.
- 2.3 Work Completion. All projects involving disturbance of the bed or banks of a stream must be completed by **October 1, 2018**.
- 2.4 Extension of the Work Period. If weather conditions permit, and the Permittee wishes to extend the work period after October 1, a written request shall be made to CDFW at least 5-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 1.
- 2.5 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall not exceed **3 gallons per minute (gpm) at any time**.
- 2.6 Bypass Flow. The Permittee shall pass sufficient flow at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.
- 2.7 Seasonal Diversion Minimization. No more than **150 gallons per day** shall be diverted during the low flow season from May 15 to October 15 of any year. Water shall be diverted only if the Permittee can adhere to conditions 2.2 and 2.3 of this Agreement.
- 2.8 Measurement of Diverted Flow. The Permittee shall install a device acceptable to CDFW for measuring the quantity of water diverted from each POD. Measurement(s) shall begin as soon as this Agreement is signed by the Permittee. The Permittee shall record the quantity of water pumped to and from the system on a weekly basis. Alternatively, the Permittee can record the frequency of pumping and the time to fill storage. The report shall be submitted to CDFW in accordance with the reporting measures described below.

2.9 Water Management Plan. The Permittee shall submit a Water Management Plan that describes how forbearance will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain irrigation needs in coordination with forbearance and bypass flow requirements. The Water Management Plan shall include a brief narrative describing water use on the property, photographs to support the narrative, and water use calculations to ensure compliance with this Agreement. The report shall be submitted to CDFW in accordance with the reporting measures described below.

2.10 Water Diversion Infrastructure.

- 2.10.1 Unauthorized materials. No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct, screen, or cover the diversion intake structure.
- 2.10.2 Structure Dimensions: Current water diversion structure is obstructing ~ 85% of the stream flow. The Permittee shall replace the existing structure with one that will not obstruct or divert greater than 20% of the stream flow and that does not extend greater than 12 inches below the stream bed.
- 2.10.3 Intake Location. The water intake shall be no greater than 12 inches below the streambed to minimize the potential to dewater the stream.
- 2.10.4 Intake Screening.
 - 2.10.4.1 A water intake screen shall be securely attached (e.g., threaded or clamped) to any intake line and have a minimum wetted area of 0.25 square feet and a minimum open area of 27%.
 - 2.10.4.2 A water intake screen with round openings shall not exceed 3/32-inch diameter; a screen with square openings shall not exceed 3/32-inch measured diagonally; and a screen with slotted openings shall not exceed 0.069 inches in width. Slots must be evenly distributed on the screen area.
 - 2.10.4.3 The water intake screen may be constructed of any rigid material, perforated, woven, or slotted. Stainless steel or other corrosion-resistant material is recommended to reduce clogging due to corrosion.

2.11 Aquatic Species Passage. The water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.

- 2.12 **Water Storage**. All water storage (e.g., reservoirs, storage tanks, mix tanks, and bladders tanks) must be located outside the active 100-year floodplain and outside the top of bank of a stream. Covers/lids shall be securely affixed to water tanks at all times to prevent potential entry by wildlife.
- 2.13 **Water Conservation**. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.14 **Water Storage Maintenance**. Storage tanks shall have a float valve to shut off the diversion when tanks are full to prevent overflow from being diverted when not needed. The Permittee shall install any other measures necessary to prevent overflow of tanks resulting in more water being diverted than is used.
- 2.1 **State Water Code**. This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. Information about water rights associated with cannabis cultivation can be found at: http://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_rights.shtml.

Stream Crossings

- 2.2 **Stream Protection**. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other deleterious material from project activities shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
- 2.3 **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.
- 2.4 **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.

- 2.5 Excavated Fill. Excavated fill material shall be placed in 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.
- 2.6 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.
- 2.7 Culvert Installation.
 - 2.7.1 Existing fill material in the crossing shall be excavated down vertically to the approximate original channel and outwards horizontally to the approximate crossing hinge points (transition between naturally occurring soil and remnant temporary crossing fill material) to remove any potential unstable debris and voids in the older fill prism.
 - 2.7.2 Culvert shall be installed to grade, aligned with the natural stream channel, and extend lengthwise completely beyond the toe of fill. If culvert cannot be set to grade, it shall be oriented in the lower third of the fill face, and a downspout or energy dissipator (such as boulders, rip-rap, or rocks) shall be installed above or below the outfall as needed to effectively control stream bed, channel, or bank erosion (scouring, headcutting, or downcutting).
 - 2.7.3 Culvert bed shall be composed of either compacted rock-free soil or crushed gravel. Bedding beneath the culvert shall provide for even distribution of the load over the length of the pipe, and allow for natural settling and compaction to help the pipe settle into a straight profile. The crossing backfill materials shall be free of rocks, limbs, or other debris that could allow water to seep around the pipe, and shall be compacted.
 - 2.7.4 Culvert inlet, outlet (including the outfall area), and fill faces shall be armored where stream flow, road runoff, or rainfall energy is likely to erode fill material and the outfall area.
 - 2.7.5 Permanent culverts shall be sized to accommodate the estimated 100-year flood flow [i.e. ≥ 1.0 times the width of the bankfull channel width or the 100-year flood size, whichever is greater], including debris, culvert embedding, and sediment loads.

2.8 Rock Armor Placement.

- 2.8.1 No heavy equipment shall enter the wetted stream channel.
- 2.8.2 No fill material, other than clean rock, shall be placed in the stream channel.
- 2.8.3 Rock shall be sized to withstand washout from high stream flows, and extend above the ordinary high water level.
- 2.8.4 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.

2.9 Dewatering.

- 2.9.1 **Stream Diversion.** Only when work in a flowing stream is unavoidable (e.g., perennial streams), Permittee shall divert the stream flow around or through the work area during construction operations. Stream flow shall be diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.
- 2.9.2 **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 Fish and Game Code §5937.
- 2.9.3 **Stranded Aquatic Life.** The Permittee shall check daily for stranded aquatic life as the water level in the dewatering area drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets and by hand. Captured aquatic life shall be released immediately in the closest suitable aquatic habitat adjacent to the work site. This condition does not allow for the take or disturbance of any State or federally listed species, or State listed species of special concern. The Department staff who prepared this agreement shall be contacted immediately if any of these species are detected.
- 2.9.4 **Coffer Dams.** Prior to the start of construction, Permittee shall divert the stream around or through the work area and the work area shall be isolated from the flowing stream. To isolate the work area, water tight coffer dams shall be constructed upstream and downstream of the work area and water diverted, through a suitably sized pipe, from upstream of the upstream coffer dam and discharge downstream of the downstream coffer dam. Coffer dams shall be constructed of a non-erodible material which does not contain soil or fine sediment. Coffer dams and the stream diversion system shall remain in place and functional throughout the construction period. Coffer dams or stream diversions that fail for any reason shall be repaired

immediately.

2.9.5 Restore Normal Flows. Permittee shall restore normal flows to the effected stream immediately upon completion of work at that location.

2.10 Project Inspection. The Project shall be inspected by Timberland Resource Consultants or a licensed engineer before October 1 during the year when the project was completed to ensure that stream crossing(s) were installed as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW in accordance with the reporting measures described below.

3. Reporting Measures

- 3.1 Measurement of Diverted Flow.** To comply with Condition 2.5, the Permittee shall submit a copy of the water diversion records, **no later than December 31 of each year beginning in 2017**, to CDFW at 619 Second Street, Eureka, CA 95501.
- 3.2 Water Management Plan.** To comply with Condition 2.6, the Permittee shall submit a Water Management Plan **within 60 days** from the effective date of this agreement, to CDFW at the 619 Second Street, Eureka, CA 95501.
- 3.3 Project Inspection.** To comply with Condition 2.23, the Permittee shall submit the Project Inspection Report, **within 90 days** of completion of this project to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501.

CONTACT INFORMATION

Written communication that the Permittee or CDFW submits to the other shall be delivered to the address below unless the Permittee or CDFW specifies otherwise.

To Permittee:

Mr. Brian Dell
3744 Foothill Road
Santa Barbara, California 93105
310-849-7980

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2017-0365-R1

LIABILITY

The 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 the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from 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.

This Agreement does not relieve the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in the FGC including, but not limited to, FGC sections 2050 *et seq.* (threatened and endangered species), 3503 (bird nests and eggs), 3503.5 (birds of prey), 5650 (water pollution), 5652 (refuse disposal into water), 5901 (fish passage), 5937 (sufficient water for fish), and 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(b), the 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, the 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 1605(b) through (e).

If the Permittee fails to submit a request to extend the Agreement prior to its expiration, the Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (FGC section 1605(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 the California Environmental Quality Act (CEQA); and 3) after payment of the applicable FGC section 711.4 filing fee listed at http://www.wildlife.ca.gov/habcon/ceqa/ceqa_changes.html.

TERM

This Agreement shall **expire five 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(a)(2) requires.

AUTHORITY

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

AUTHORIZATION

This Agreement authorizes only the project described herein. If the Permittee begins or completes a project different from the project the Agreement authorizes, the 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 Mr. Brian Dell

Brian Dell



10-18-17

Date

FOR DEPARTMENT OF FISH AND WILDLIFE

Scott Bauer

Senior Environmental Scientist Supervisor



11/15/17

Date

RECEIVED

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CDFW - EUREKA



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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 the Permittee Notification received on June 20, 2017, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 **Work Period.** All work, not including water diversion, shall be confined to the period **June 15 through October 1** 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.
- 2.3 **Work Completion.** All projects involving disturbance of the bed or banks of a stream must be completed by **October 1, 2018**.
- 2.4 **Extension of the Work Period.** If weather conditions permit, and the Permittee wishes to extend the work period after October 1, a written request shall be made to CDFW at least 5-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 1.
- 2.5 **Maximum Diversion Rate.** The maximum instantaneous diversion rate from the water intake shall not exceed **3 gallons per minute (gpm) at any time**.
- 2.6 **Bypass Flow.** The Permittee shall pass sufficient flow at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.
- 2.7 **Seasonal Diversion Minimization.** No more than **150 gallons per day** shall be diverted during the low flow season from May 15 to October 15 of any year. Water shall be diverted only if the Permittee can adhere to conditions 2.2 and 2.3 of this Agreement.
- 2.8 **Measurement of Diverted Flow.** The Permittee shall install a device acceptable to CDFW for measuring the quantity of water diverted from each POD. Measurement(s) shall begin as soon as this Agreement is signed by the Permittee. The Permittee shall record the quantity of water pumped to and from the system on a weekly basis. Alternatively, the Permittee can record the frequency of pumping and the time to fill storage. The report shall be submitted to CDFW in accordance with the reporting measures described below.

2.9 Water Management Plan. The Permittee shall submit a Water Management Plan that describes how forbearance will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain irrigation needs in coordination with forbearance and bypass flow requirements. The Water Management Plan shall include a brief narrative describing water use on the property, photographs to support the narrative, and water use calculations to ensure compliance with this Agreement. The report shall be submitted to CDFW in accordance with the reporting measures described below.

2.10 Water Diversion Infrastructure.

2.10.1 Unauthorized materials. No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct, screen, or cover the diversion intake structure.

2.10.2 Structure Dimensions: Current water diversion structure is obstructing ~ 85% of the stream flow. The Permittee shall replace the existing structure with one that will not obstruct or divert greater than 20% of the stream flow and that does not extend greater than 12 inches below the stream bed.

2.10.3 Intake Location. The water intake shall be no greater than 12 inches below the streambed to minimize the potential to dewater the stream.

2.10.4 Intake Screening.

2.10.4.1 A water intake screen shall be securely attached (e.g., threaded or clamped) to any intake line and have a minimum wetted area of 0.25 square feet and a minimum open area of 27%.

2.10.4.2 A water intake screen with round openings shall not exceed 3/32-inch diameter; a screen with square openings shall not exceed 3/32-inch measured diagonally; and a screen with slotted openings shall not exceed 0.069 inches in width. Slots must be evenly distributed on the screen area.

2.10.4.3 The water intake screen may be constructed of any rigid material, perforated, woven, or slotted. Stainless steel or other corrosion-resistant material is recommended to reduce clogging due to corrosion.

2.11 Aquatic Species Passage. The water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.

- 2.12 Water Storage. All water storage (e.g., reservoirs, storage tanks, mix tanks, and bladders tanks) must be located outside the active 100-year floodplain and outside the top of bank of a stream. Covers/lids shall be securely affixed to water tanks at all times to prevent potential entry by wildlife.
- 2.13 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.14 Water Storage Maintenance. Storage tanks shall have a float valve to shut off the diversion when tanks are full to prevent overflow from being diverted when not needed. The Permittee shall install any other measures necessary to prevent overflow of tanks resulting in more water being diverted than is used.
- 2.1 State Water Code. This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. Information about water rights associated with cannabis cultivation can be found at: http://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_rights.shtml.

Stream Crossings

- 2.2 Stream Protection. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other deleterious material from project activities shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
- 2.3 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.
- 2.4 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.

- 2.5 **Excavated Fill.** Excavated fill material shall be placed in 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.
- 2.6 **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.
- 2.7 **Culvert Installation.**
 - 2.7.1 Existing fill material in the crossing shall be excavated down vertically to the approximate original channel and outwards horizontally to the approximate crossing hinge points (transition between naturally occurring soil and remnant temporary crossing fill material) to remove any potential unstable debris and voids in the older fill prism.
 - 2.7.2 Culvert shall be installed to grade, aligned with the natural stream channel, and extend lengthwise completely beyond the toe of fill. If culvert cannot be set to grade, it shall be oriented in the lower third of the fill face, and a downspout or energy dissipator (such as boulders, rip-rap, or rocks) shall be installed above or below the outfall as needed to effectively control stream bed, channel, or bank erosion (scouring, headcutting, or downcutting).
 - 2.7.3 Culvert bed shall be composed of either compacted rock-free soil or crushed gravel. Bedding beneath the culvert shall provide for even distribution of the load over the length of the pipe, and allow for natural settling and compaction to help the pipe settle into a straight profile. The crossing backfill materials shall be free of rocks, limbs, or other debris that could allow water to seep around the pipe, and shall be compacted.
 - 2.7.4 Culvert inlet, outlet (including the outfall area), and fill faces shall be armored where stream flow, road runoff, or rainfall energy is likely to erode fill material and the outfall area.
 - 2.7.5 Permanent culverts shall be sized to accommodate the estimated 100-year flood flow [i.e. ≥ 1.0 times the width of the bankfull channel width or the 100-year flood size, whichever is greater], including debris, culvert embedding, and sediment loads.

2.8 Rock Armor Placement.

- 2.8.1 No heavy equipment shall enter the wetted stream channel.
- 2.8.2 No fill material, other than clean rock, shall be placed in the stream channel.
- 2.8.3 Rock shall be sized to withstand washout from high stream flows, and extend above the ordinary high water level.
- 2.8.4 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.

2.9 Dewatering.

- 2.9.1 Stream Diversion. Only when work in a flowing stream is unavoidable (e.g., perennial streams), Permittee shall divert the stream flow around or through the work area during construction operations. Stream flow shall be diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.
- 2.9.2 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 Fish and Game Code §5937.
- 2.9.3 Stranded Aquatic Life. The Permittee shall check daily for stranded aquatic life as the water level in the dewatering area drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets and by hand. Captured aquatic life shall be released immediately in the closest suitable aquatic habitat adjacent to the work site. This condition does not allow for the take or disturbance of any State or federally listed species, or State listed species of special concern. The Department staff who prepared this agreement shall be contacted immediately if any of these species are detected.
- 2.9.4 Coffer Dams. Prior to the start of construction, Permittee shall divert the stream around or through the work area and the work area shall be isolated from the flowing stream. To isolate the work area, water tight coffer dams shall be constructed upstream and downstream of the work area and water diverted, through a suitably sized pipe, from upstream of the upstream coffer dam and discharge downstream of the downstream coffer dam. Coffer dams shall be constructed of a non-erodible material which does not contain soil or fine sediment. Coffer dams and the stream diversion system shall remain in place and functional throughout the construction period. Coffer dams or stream diversions that fail for any reason shall be repaired

immediately.

2.9.5 Restore Normal Flows. Permittee shall restore normal flows to the effected stream immediately upon completion of work at that location.

2.10 Project Inspection. The Project shall be inspected by Timberland Resource Consultants or a licensed engineer before October 1 during the year when the project was completed to ensure that stream crossing(s) were installed as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW in accordance with the reporting measures described below.

3. Reporting Measures

- 3.1 Measurement of Diverted Flow.** To comply with Condition 2.5, the Permittee shall submit a copy of the water diversion records, **no later than December 31 of each year beginning in 2017**, to CDFW at 619 Second Street, Eureka, CA 95501.
- 3.2 Water Management Plan.** To comply with Condition 2.6, the Permittee shall submit a Water Management Plan **within 60 days** from the effective date of this agreement, to CDFW at the 619 Second Street, Eureka, CA 95501.
- 3.3 Project Inspection.** To comply with Condition 2.23, the Permittee shall submit the Project Inspection Report, **within 90 days** of completion of this project to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501.

CONTACT INFORMATION

Written communication that the Permittee or CDFW submits to the other shall be delivered to the address below unless the Permittee or CDFW specifies otherwise.

To Permittee:

Mr. Brian Dell
3744 Foothill Road
Santa Barbara, California 93105
310-849-7980

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2017-0365-R1

LIABILITY

The 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 the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from 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.

This Agreement does not relieve the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in the FGC including, but not limited to, FGC sections 2050 *et seq.* (threatened and endangered species), 3503 (bird nests and eggs), 3503.5 (birds of prey), 5650 (water pollution), 5652 (refuse disposal into water), 5901 (fish passage), 5937 (sufficient water for fish), and 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(b), the 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, the 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 1605(b) through (e).

If the Permittee fails to submit a request to extend the Agreement prior to its expiration, the Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (FGC section 1605(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 the California Environmental Quality Act (CEQA); and 3) after payment of the applicable FGC section 711.4 filing fee listed at http://www.wildlife.ca.gov/habcon/ceqa/ceqa_changes.html.

TERM

This Agreement shall **expire five 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(a)(2) requires.

AUTHORITY

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

AUTHORIZATION

This Agreement authorizes only the project described herein. If the Permittee begins or completes a project different from the project the Agreement authorizes, the 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 Mr. Brian Dell

Brian Dell



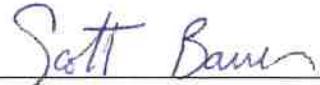
10-18-17

Date

FOR DEPARTMENT OF FISH AND WILDLIFE

Scott Bauer

Senior Environmental Scientist Supervisor



11/15/17

Date



State of California – Department of Fish and Wildlife
NOTIFICATION OF LAKE OR STREAMBED ALTERATION
FISH AND GAME CODE SECTION 1602
DFW 2023 (REV. 10/01/16) Page 1

RECEIVED

AUG 30 2019

Humboldt County
Cannabis Sales

FOR DEPARTMENT USE ONLY				
Date Received	Amount Received	Amount Due	Date Complete	Notification No.
	\$	\$		
Assigned to:				

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

Complete EACH field, unless otherwise indicated, following the enclosed instructions and submit ALL required enclosures. Attach additional pages, if necessary.

1. APPLICANT PROPOSING PROJECT

Name	BRIAN DELL		
Business/Agency	OLD GOAT FARMS		
Mailing Address	3744 FOOTHILL ROAD		
City, State, Zip	SANTA BARBARA, CA 93105		
Telephone	310-849-7980	Fax	
Email			

2. CONTACT PERSON (Complete only if different from applicant)

Name	Chris Carrol @ Timberland Resource Consultants		
Street Address	165 South Fortuna Blvd		
City, State, Zip	Fortuna, CA. 95540		
Telephone	707-725-1897	Fax	
Email	carroll@timberlandresource.com		

3. PROPERTY OWNER (Complete only if different from applicant)

Name	BRIAN DELL		
Street Address	3744 FOOTHILL ROAD		
City, State, Zip	SANTA BARBARA, CA 93105		
Telephone	310-849-7980	Fax	
Email			

4. PROJECT NAME AND AGREEMENT TERM

A. Project Name		OLD GOAT FARMS 1600		
B. Agreement Term Requested		<input checked="" type="checkbox"/> Regular (5 years or less) <input type="checkbox"/> Long-term (greater than 5 years)		
C. Project Term		D. Seasonal Work Period		E. Number of Work Days
Beginning (year)	Ending (year)	Start Date (month/day)	End Date (month/day)	



State of California – Department of Fish and Wildlife
NOTIFICATION OF LAKE OR STREAMBED ALTERATION
FISH AND GAME CODE SECTION 1602
DFW 2023 (REV. 10/01/16) Page 2

5. AGREEMENT TYPE

Check the applicable box. If box B, C, D, E, or F is checked, complete the specified attachment.

A.	<input checked="" type="checkbox"/> Standard (<i>Most construction projects, excluding the categories listed below</i>)	
B.	<input type="checkbox"/> Gravel/Sand/Rock Extraction (<i>Attachment A</i>)	Mine I.D. Number: _____
C.	<input type="checkbox"/> Timber Harvesting (<i>Attachment B</i>)	THP Number: _____
D.	<input checked="" type="checkbox"/> Water Diversion/Extraction/Impoundment (<i>Attachment C</i>)	SWRCB Number: <u>ISWDU attached</u>
E.	<input type="checkbox"/> Routine Maintenance (<i>Attachment D</i>)	
F.	<input checked="" type="checkbox"/> Remediation of Marijuana Cultivation Sites (<i>Attachment E</i>)	
G.	<input type="checkbox"/> Department Grant Programs	Agreement Number: _____
H.	<input type="checkbox"/> Master	
I.	<input type="checkbox"/> Master Timber Operations	

6. FEES

See the current fee schedule to determine the appropriate notification fee. Itemize each project's estimated cost and corresponding fee. ***Note: The Department may not process this notification until the correct fee has been received.***

	A. Project	B. Project Cost	C. Project Fee
1	1 surface diversion	<\$5,000	\$561
2	1 crossing upgrade (Crossing #1)	<\$5,000	\$561
3	1 rock armor inside ditch (Crossing #1)	<\$5,000	\$561
4	Remediation Fee		\$3,000
5			
6			
7			
8			
9			
10			
D. Base Fee (if applicable)			
E. TOTAL FEE*			\$4,683

* Cash, check, and Visa or MasterCard payments are accepted. When payment is made by Visa or MasterCard, the "Total Fee Enclosed" must include an additional credit card processing fee of 1.6%. Credit card payment must be submitted with a completed Credit Card Payment Authorization Form (DFW 1443b (Rev. 8/15)) available online at: <https://www.wildlife.ca.gov/Conservation/LSA/Forms> or at a Department regional office.



State of California – Department of Fish and Wildlife
NOTIFICATION OF LAKE OR STREAMBED ALTERATION
FISH AND GAME CODE SECTION 1602
DFW 2023 (REV. 10/01/16) Page 3

7. PRIOR NOTIFICATION AND ORDERS

A. Has a notification previously been submitted to, or a Lake or Streambed Alteration Agreement previously been issued by, the Department for the project described in this notification?

Yes (Provide the information below) No

Applicant	Notification Number	Date

B. Is this notification being submitted in response to a court or administrative order or notice, or a notice of violation (NOV) issued by the Department?

No Yes (Enclose a copy of the order, notice, or NOV. If the applicant was directed to notify the Department verbally rather than in writing, identify the person who directed the applicant to submit this notification and the agency he or she represents, and describe the circumstances relating to the order.)

Continued on additional page(s)

8. PROJECT LOCATION

A. Address or description of project location.

(Include a map that marks the location of the project with a reference to the nearest city or town, and provide driving directions from a major road or highway)

Property located near the junction of Bald Hills Road and French Camp Road, approximately 6 miles west-southwest of Weitchpec.

See attached Location Map.

Continued on additional page(s)

B. River, stream, or lake affected by the project. Class II watercourses

C. What water body is the river, stream, or lake tributary to? Pine Creek - Klamath River

D. Is the river or stream segment affected by the project listed in the state or federal Wild and Scenic Rivers Acts? Yes No Unknown

E. County Humboldt

F. USGS 7.5 Minute Quad Map Name

French Camp, CA

G. Township

H. Range

I. Section

J. 1/4 Section

9N

3E

22

SE

Continued on additional page(s)

K. Meridian (check one) Humboldt Mt. Diablo San Bernardino

L. Assessor's Parcel Number(s)

531-011-005

Continued on additional page(s)



State of California – Department of Fish and Wildlife
NOTIFICATION OF LAKE OR STREAMBED ALTERATION
FISH AND GAME CODE SECTION 1602
DFW 2023 (REV. 10/01/16) Page 4

M. Coordinates (If available, provide at least latitude/longitude or UTM coordinates and check appropriate boxes)			
Latitude/Longitude	<i>Latitude:</i> See Addendum 8M		<i>Longitude:</i>
	<input type="checkbox"/> Degrees/Minutes/Seconds		<input checked="" type="checkbox"/> Decimal Degrees
UTM	<i>Easting:</i>	<i>Northing:</i>	<input type="checkbox"/> Zone 10 <input type="checkbox"/> Zone 11
Datum used for Latitude/Longitude or UTM		<input type="checkbox"/> NAD 27	<input checked="" type="checkbox"/> NAD 83 or WGS 84

9. PROJECT CATEGORY

WORK TYPE	NEW CONSTRUCTION	REPLACE EXISTING STRUCTURE	REPAIR-MAINTAIN-OPERATE EXISTING STRUCTURE
Bank stabilization – bioengineering/recontouring	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bank stabilization – rip-rap/retaining wall/gabion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Boat dock/pier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Boat ramp	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bridge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Channel clearing/vegetation management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Culvert	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Debris basin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dam	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Filling of wetland, river, stream, or lake	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Geotechnical survey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Habitat enhancement – revegetation/mitigation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Levee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Low water crossing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Road/trail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sediment removal: pond, stream, or marina	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
flood control	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Storm drain outfall structure	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Temporary stream crossing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Utility crossing: horizontal directional drilling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
jack/bore	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
open trench	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water diversion without facility	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water diversion with facility	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other (specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



State of California – Department of Fish and Wildlife
NOTIFICATION OF LAKE OR STREAMBED ALTERATION
FISH AND GAME CODE SECTION 1602
DFW 2023 (REV. 10/01/16) Page 5

10. PROJECT DESCRIPTION

A. Describe the project in detail. Include photographs of the project location and immediate surrounding area.

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

See Addendum 10

Continued on additional page(s)

B. Specify the equipment and machinery that will be used to complete the project.

Excavator and dump truck

Continued on additional page(s)

C. Will water be present during the proposed work period (specified in box 4.D) in the stream, river, or lake (specified in box 8.B).

Yes No (*Skip to box 11*)

D. Will the proposed project require work in the wetted portion of the channel?

Yes (*Enclose a plan to divert water around work site*)
 No



State of California – Department of Fish and Wildlife
NOTIFICATION OF LAKE OR STREAMBED ALTERATION
FISH AND GAME CODE SECTION 1602
DFW 2023 (REV. 10/01/16) Page 6

11. PROJECT IMPACTS

A. Describe impacts to the bed, channel, and bank of the river, stream, or lake, and the associated riparian habitat. Specify the dimensions of the modifications in length (linear feet) and area (square feet or acres) and the type and volume of material (cubic yards) that will be moved, displaced, or otherwise disturbed, if applicable.

See Addendum 10

Continued on additional page(s)

B. Will the project affect any vegetation?	<input checked="" type="checkbox"/> Yes (Complete the tables below) <input checked="" type="checkbox"/> No (Include aerial photo with date supporting this determination)
--	---

Vegetation Type	Temporary Impact	Permanent Impact
See Addendum 10	Linear feet: _____ Total area: _____	Linear feet: _____ Total area: _____
	Linear feet: _____ Total area: _____	Linear feet: _____ Total area: _____

Tree Species	Number of Trees to be Removed	Trunk Diameter (range)

Continued on additional page(s)

C. Are any special status animal or plant species, or habitat that could support such species, known to be present on or near the project site?

Yes (List each species and/or describe the habitat below) No Unknown

Anadramous salmonids downstream

Continued on additional page(s)

D. Identify the source(s) of information that supports a "yes" or "no" answer above in Box 11.C.

CNDDB

Continued on additional page(s)

E. Has a biological study been completed for the project site?

Yes (Enclose the biological study) No

Note: A biological assessment or study may be required to evaluate potential project impacts on biological resources.



State of California – Department of Fish and Wildlife
NOTIFICATION OF LAKE OR STREAMBED ALTERATION
FISH AND GAME CODE SECTION 1602
DFW 2023 (REV. 10/01/16) Page 7

F. Has a hydrological study been completed for the project or project site?

Yes (*Enclose the hydrological study*) No

Note: A hydrological study or other information on site hydraulics (e.g., flows, channel characteristics, and/or flood recurrence intervals) may be required to evaluate potential project impacts on hydrology.

G. Have fish or wildlife resources or waters of the state been mapped or delineated on the project site?

Yes (*Enclose the mapped results*) No

Note: Check "yes" if fish and wildlife resources or waters of the state on the project site have been mapped or delineated. "Wildlife" means and includes all wild animals, birds, plants, fish, amphibians, reptiles and related ecological communities, including the habitat upon which the wildlife depends." (Fish & G. Code, § 89.5.) If "yes" is checked, submit the mapping or delineation. If the mapping or delineation is in digital format (e.g., GIS shape files or KMZ), you must submit the information in this format for the Department to deem your notification complete. If "no" is checked, or the resolution of the mapping or delineation is insufficient, the Department may request mapping or delineation (in digital or non-digital format), or higher resolution mapping or delineation for the Department to deem the notification complete.

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

A. Describe the techniques that will be used to prevent sediment from entering watercourses during and after construction.

Soil stabilization measures attached. The Applicant shall adhere to CDFW's standard measures for stream crossings, which consist of: Work within the active channel of a stream shall be restricted to periods of dry weather; Excavated fill material shall be placed in upland locations where it cannot deliver to a watercourse; and ensuring runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential or contained behind erosion control structures.

Continued on additional page(s)

B. Describe project avoidance and/or minimization measures to protect fish, wildlife, and plant resources.

Crossings shall be upgraded/installed per attached BMPs, which are taken from the California Salmonid Stream Habitat Restoration Manual & Handbook for Forest, Ranch and Rural Roads.

Continued on additional page(s)

C. Describe any project mitigation and/or compensation measures to protect fish, wildlife, and plant resources.

The crossing upgrades are expected to minimize baseline sedimentation levels entering the watershed from the property, and will avoid potential significant impacts associated with total crossing failure. Other sources of potential sedimentation shall be addressed via the preparation and implementation of the WRPP.

Continued on additional page(s)



State of California – Department of Fish and Wildlife
NOTIFICATION OF LAKE OR STREAMBED ALTERATION
FISH AND GAME CODE SECTION 1602
DFW 2023 (REV. 10/01/16) Page 8

13. PERMITS

List any local, State, and federal permits required for the project and check the corresponding box(es). Enclose a copy of each permit that has been issued.

A. Water Quality Control Board Order No. 2015-0023	<input type="checkbox"/> Applied	<input type="checkbox"/> Issued
B. Commercial Medical Marijuana Land Use Ordinance	<input type="checkbox"/> Applied	<input type="checkbox"/> Issued
C. _____	<input type="checkbox"/> Applied	<input type="checkbox"/> Issued
D. Unknown whether <input type="checkbox"/> local, <input type="checkbox"/> State, or <input type="checkbox"/> federal permit is needed for the project. (Check each box that applies)		

Continued on additional page(s)

14. ENVIRONMENTAL REVIEW

A. Has a draft or final document been prepared for the project pursuant to the California Environmental Quality Act (CEQA) and/or National Environmental Protection Act (NEPA)?

Yes (Check the box for each CEQA or NEPA document that has been prepared and enclose a copy of each.)

No (Check the box for each CEQA or NEPA document listed below that will be or is being prepared.)

<input type="checkbox"/> Notice of Exemption	<input checked="" type="checkbox"/> Mitigated Negative Declaration	<input type="checkbox"/> NEPA document (type): _____
<input type="checkbox"/> Initial Study	<input type="checkbox"/> Environmental Impact Report	
<input type="checkbox"/> Negative Declaration	<input type="checkbox"/> Notice of Determination (Enclose)	
<input type="checkbox"/> THP/ NTMP	<input type="checkbox"/> Mitigation, Monitoring, Reporting Plan	

B. State Clearinghouse Number (if applicable) No. 2015042074

C. Has a CEQA lead agency been determined? Yes (Complete boxes D, E, and F) No (Skip to box 14.G)

D. CEQA Lead Agency California Regional Water Quality Control Board North Coas

E. Contact Person Mathias St. John F. Telephone Number 707-570-3762

G. If the project described in this notification is not the "whole project" or action pursuant to CEQA, briefly describe the entire project (Cal. Code Regs., tit. 14, § 15378).

See Addendum 10's discussion of California Regional Water Quality Control Board North Coast Region Order No. 2015-0023, Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and associated Activities or Operations with Similar Environmental Effects in the North Coast Region.

Continued on additional page(s)

H. Has a CEQA filing fee been paid pursuant to Fish and Game Code section 711.4?

Yes (Enclose proof of payment) No (Briefly explain below the reason a CEQA filing fee has not been paid)

Note: If a CEQA filing fee is required, the Lake or Streambed Alteration Agreement may not be finalized until paid.



State of California – Department of Fish and Wildlife
NOTIFICATION OF LAKE OR STREAMBED ALTERATION
FISH AND GAME CODE SECTION 1602
DFW 2023 (REV. 10/01/16) Page 9

15. SITE INSPECTION

Check one box only.

In the event the Department determines that a site inspection is necessary, I hereby authorize a Department representative to enter the property where the project described in this notification will take place at any reasonable time, and hereby certify that I am authorized to grant the Department such entry.

I request the Department to first contact (*insert name*) Chris Carroll at (*insert telephone number*) 707-725-1897 to schedule a date and time to enter the property where the project described in this notification will take place. I understand that this may delay the Department's determination as to whether a Lake or Streambed Alteration Agreement is required and/or the Department's issuance of a draft agreement pursuant to this notification.

16. DIGITAL FORMAT

Is any of the information included as part of the notification available in digital format (i.e., CD, DVD, etc.)?

Yes (Please enclose the information via digital media with the completed notification form)

No

17. SIGNATURE

I hereby certify that to the best of my knowledge the information in this notification is true and correct and that I am authorized to sign this notification as, or on behalf of, the applicant. I understand that if any information in this notification is found to be untrue or incorrect, the Department may suspend processing this notification or suspend or revoke any draft or final Lake or Streambed Alteration Agreement issued pursuant to this notification. I understand also that if any information in this notification is found to be untrue or incorrect and the project described in this notification has already begun, I and/or the applicant may be subject to civil or criminal prosecution. I understand that this notification applies only to the project(s) described herein and that I and/or the applicant may be subject to civil or criminal prosecution for undertaking any project not described herein unless the Department has been separately notified of that project in accordance with Fish and Game Code section 1602 or 1611.

Signature of Applicant or Applicant's Authorized Representative

Date

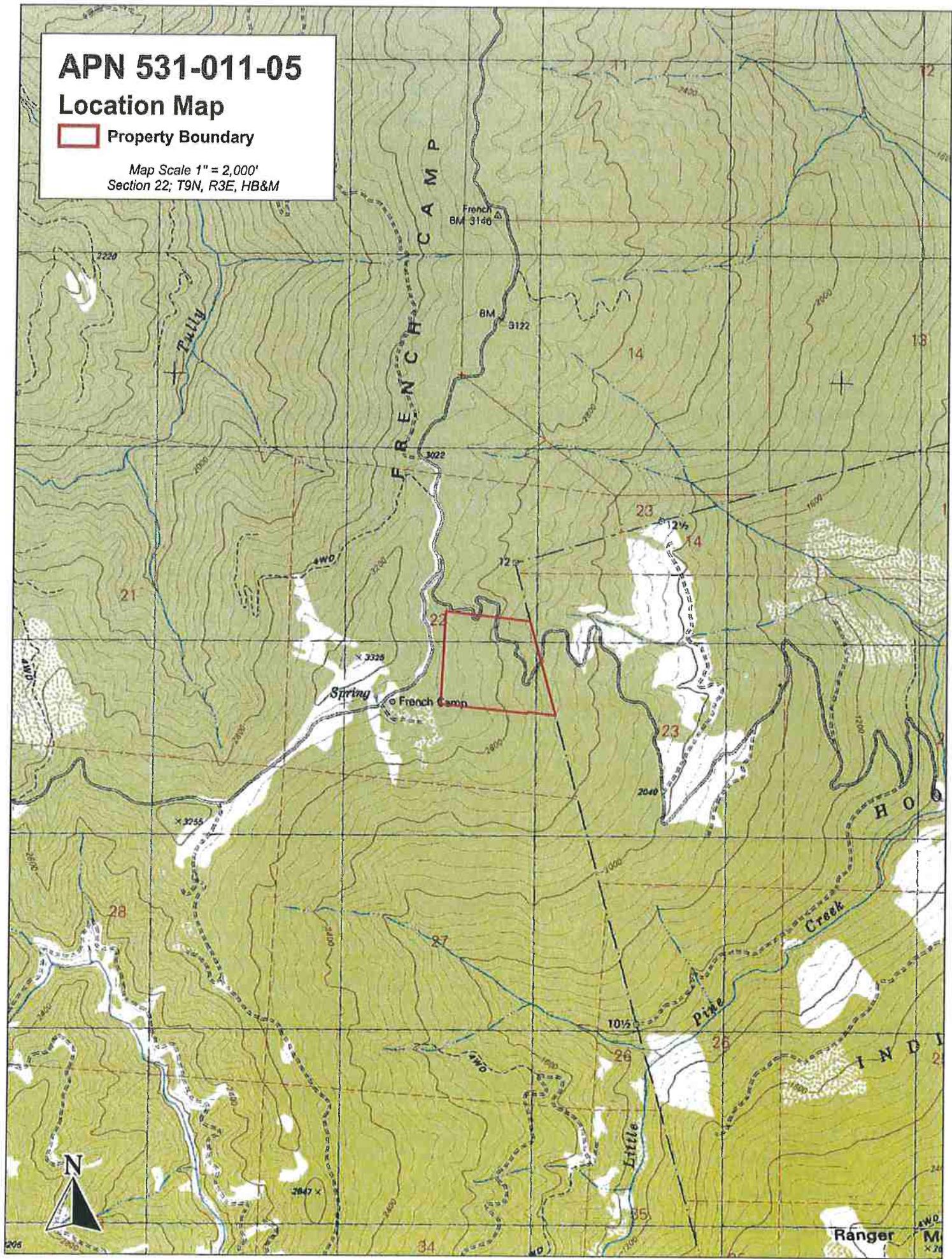
Print Name

APN 531-011-05

Location Map

 **Property Boundary**

Map Scale 1" = 2,000'
Section 22; T9N, R3E, HB&M



APN 531-011-05

1600 Map

 Property Boundary

 Point of Diversion

 Plastic Water Tank

 Proposed Pond Location

 Spring

 Class III Watercourse

 Class II Watercourse

 Swale Feature

NORTH

Map Scale 1" = 250'
Section 22; T9N, R3E, HB&M

 Crossing Upgrade

 Install DRC

 Install RRD

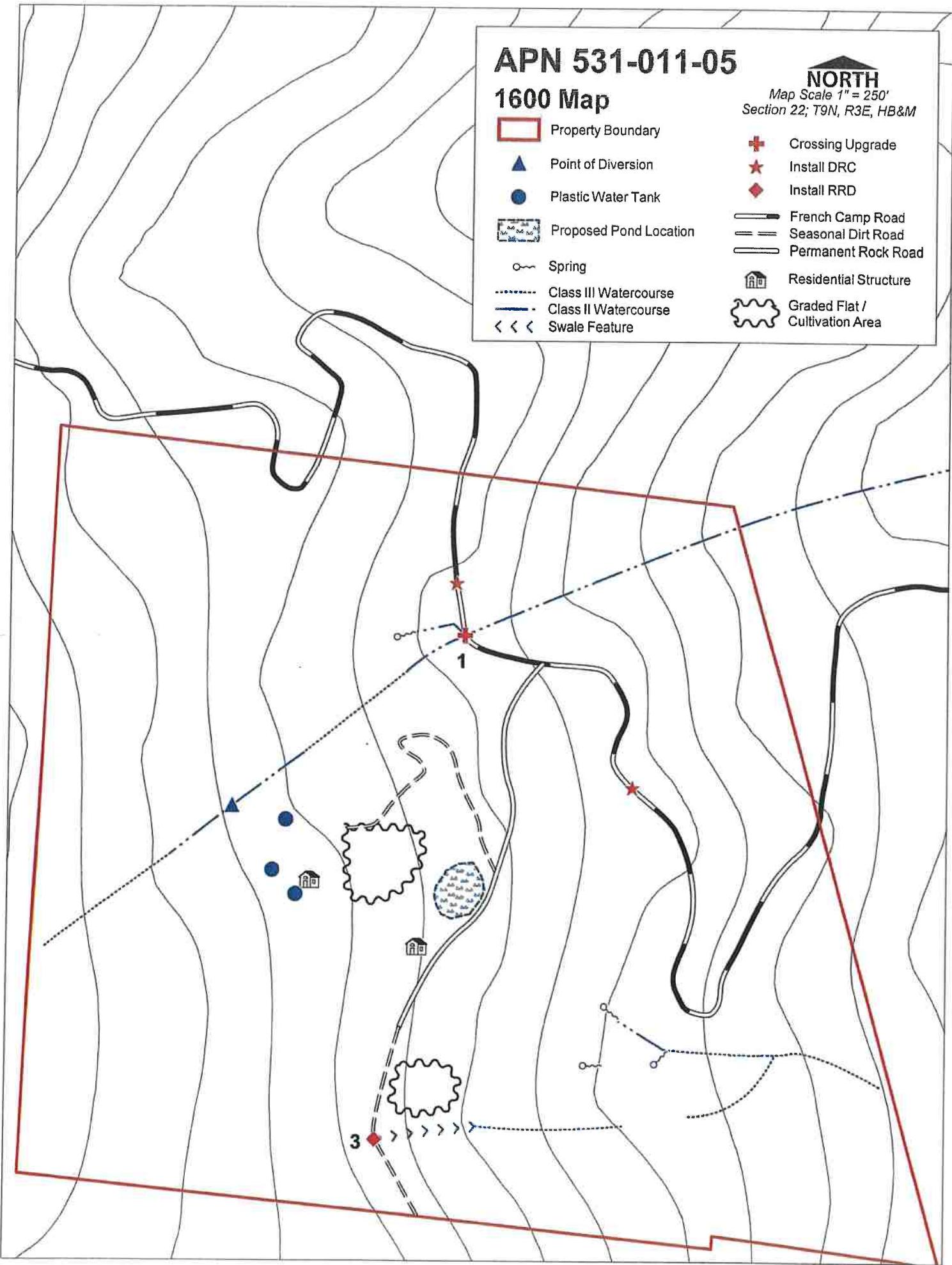
 French Camp Road

 Seasonal Dirt Road

 Permanent Rock Road

 Residential Structure

 Graded Flat / Cultivation Area



APN 531-011-05

1600 DOQ (2016)

NORTH

Map Scale 1" = 250'
Section 22; T9N, R3E, HB&M

Property Boundary

Point of Diversion

Plastic Water Tank

Proposed Pond Location

Spring

Class III Watercourse

Class II Watercourse

Swale Feature

Crossing Upgrade

Install DRC

Install RRD

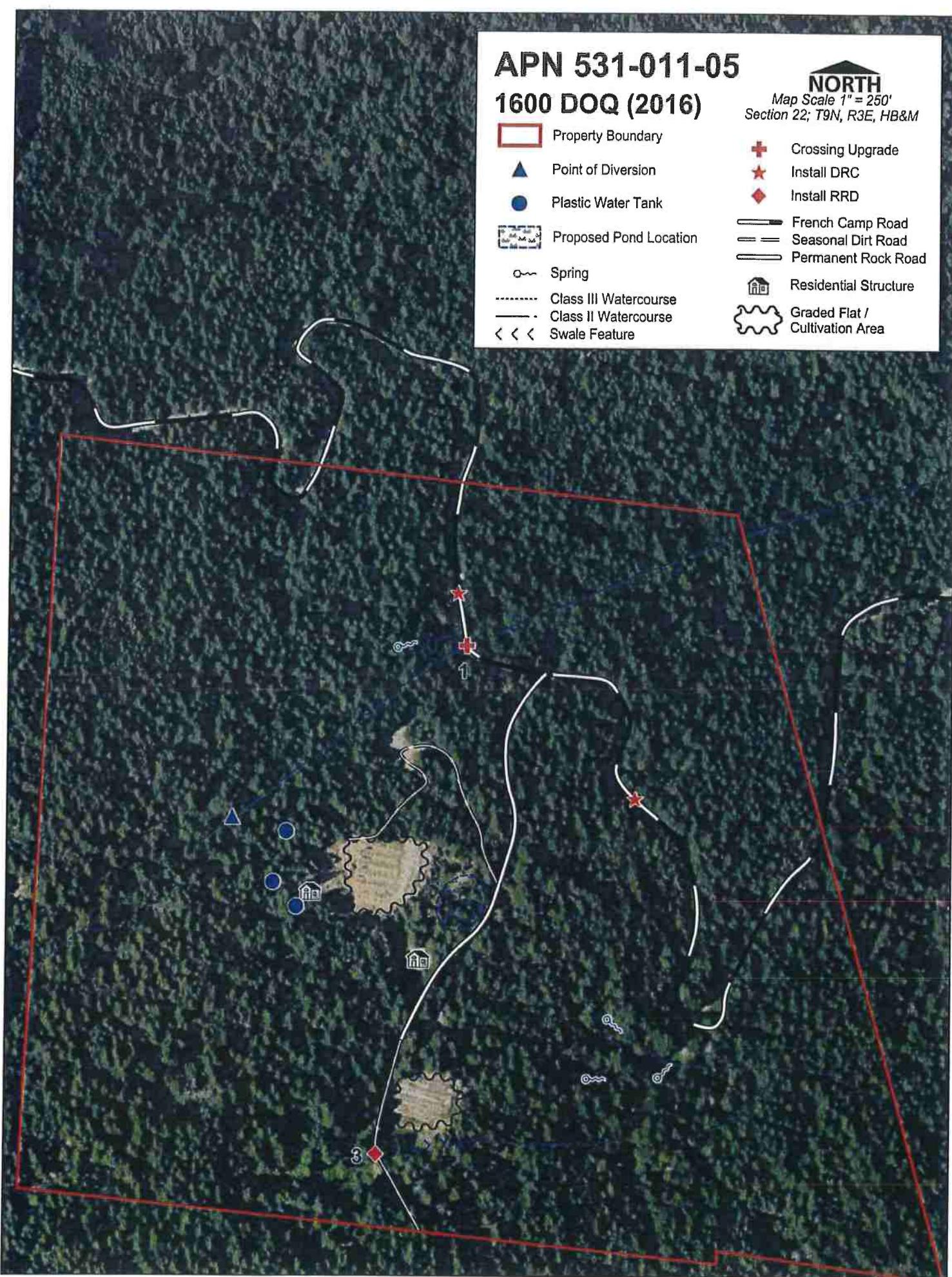
French Camp Road

Seasonal Dirt Road

Permanent Rock Road

Residential Structure

Graded Flat /
Cultivation Area



Addendum 8M – Coordinates (NAD 83 DECIMAL DEGREES)

POD: -123.8157806°; 41.15342211°

CROSSING 1 (Rock armoring): -123.8140250°; 41.15451021°

CROSSING 1 (Culvert replacement): -123.8139990°; 41.15442916°

Addendum 10

This notification consists of one Point of Diversion and two existing stream crossing upgrades. Watercourse classifications shown on the maps and referenced below are based upon observation of channel conditions (spring 2017) not presence and/or absence of aquatic species. The Applicant just purchased the property (June 2017).

POD: The POD is located in a Class II watercourse channel spring at the head of an unnamed Class II watercourse tributary to Pine Creek – Klamath River. The diversion structure consists of a 12-inch diameter cylindrical concrete cistern that is 1 foot deep. The cistern is plumbed with 3/4-inch poly pipe, which feeds a series of water tanks located nearby. This notification proposes direct diversion for domestic use at no more than 200 gallons of water per day during the low flow period of May 15–October 15, and diversion to storage for agricultural irrigation from January 1 – May 14. Diversion to storage would likely be to top off the off-stream rain catchment pond in late spring prior to the forbearance period.

Reporting: An Initial Statement of Water Diversion and Use (S-025127) was submitted by previous landowner in 2014, including a subsequent Supplemental Statement for 2015. The Applicant recently purchased the property and did not divert water in 2016. However, In order to obtain a CalCannabis Cultivation License, California law provides a means for each person or entity that plans to divert surface water for cannabis cultivation use to file a Form for Demonstrating a Water Right Claim for Cannabis Cultivation Use (Form) with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) in accordance with Business and Professions Code § 19332.5 (b)(5), as support for submitting a Cannabis Cultivation license application. A Form may be filed if water is planned to be diverted and used under a claim of riparian right and no diversion occurred in any calendar year between January 1, 2010 and January 1, 2017. See Form **FORM FOR DEMONSTRATING A RIPARIAN RIGHT FOR A WATER DIVERSION FOR CANNABIS CULTIVATION USE WITHIN THE MEANING OF BUSINESS AND PROFESSIONS CODE SECTION 19332.2 (b)(5)**, is attached.

Crossing #1: This project consists of two notification points as follows:

Class II spring and associated short segment of Class II watercourse is intercepting the inside ditch and diverting into the inlet of Crossing #1. This notification proposes to maintain the existing drainage pattern of diverting this stream into the inlet of Crossing #1, but requires the rock armoring of the inside ditch. In addition, the hydrologically connected inside ditch extending northerly for approximately 500+ feet shall be disconnected via the installation of a DRC in the location shown on the 1600 Map. Rocking armoring of the inside ditch shall require 150 ft² of overall disturbance (50-feet length and 3 feet width). Minor loss of native shrubs and grasses may occur.

Addendum 10

minimum 36-inch diameter culvert that is properly aligned with the natural channel. The inlet and outlet are flagged in the field. The replacement of this culvert shall require the excavation and temporary displacement of approximately 28 cubic yards of fill (5 feet deep by 5 feet wide by 30 feet length) and 150 ft² of overall disturbance (30-feet length and 5 feet width). Minor loss of native shrubs and grasses may occur.

Water Storage and Use: The landowner is applying for a county permit (CUP16-132) for 30,000 ft² of outdoor cultivation. The Applicant has engineered designs for a 500,000 gallon rain catchment pond by Mother Earth Engineering (Pond Site Plans available upon request). However, the Applicant cannot begin construction of this pond until the county cultivation permit is approved. The Applicant is also on a waiting list to have a groundwater well installed. The Applicant has been advised to install as much temporary storage as is feasible until the pond is constructed/well is installed. The Applicant shall submit a Water Management Plan to CDFW by a deadline date to be specified in the CDFW 1600 Agreement, which describes how compliance with forbearance shall be achieved. The Water Management Plan will include details on water storage, water conservation, or other relevant material to maintain irrigation needs in coordination with forbearance and bypass flow requirements. The Water Management Plan will include a brief narrative describing water use on the property, photographs to support the narrative, and water use calculations to ensure compliance with the subsequent Agreement.

All roads and developed sites were assessed for compliance with CDFW, which includes jurisdictional 1600 sites and potential California Fish and Game Code Section 5650 violations. The Applicant is directly enrolled into *California Regional Water Quality Control Board North Coast Region Order No. 2015-0023, Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region*. A Water Resource Protection Plan has been prepared by Dan Mar for the previous owner, and the Applicant will have TRC re-write this plan in the near future. Based upon my initial evaluation conducted in association with this notification, the assessment conducted for the preparation of the water resource protection plan is not expected to include any sites that are jurisdictional to CDFW per the California Fish and Game Code 1600 that should otherwise be included in this notification.

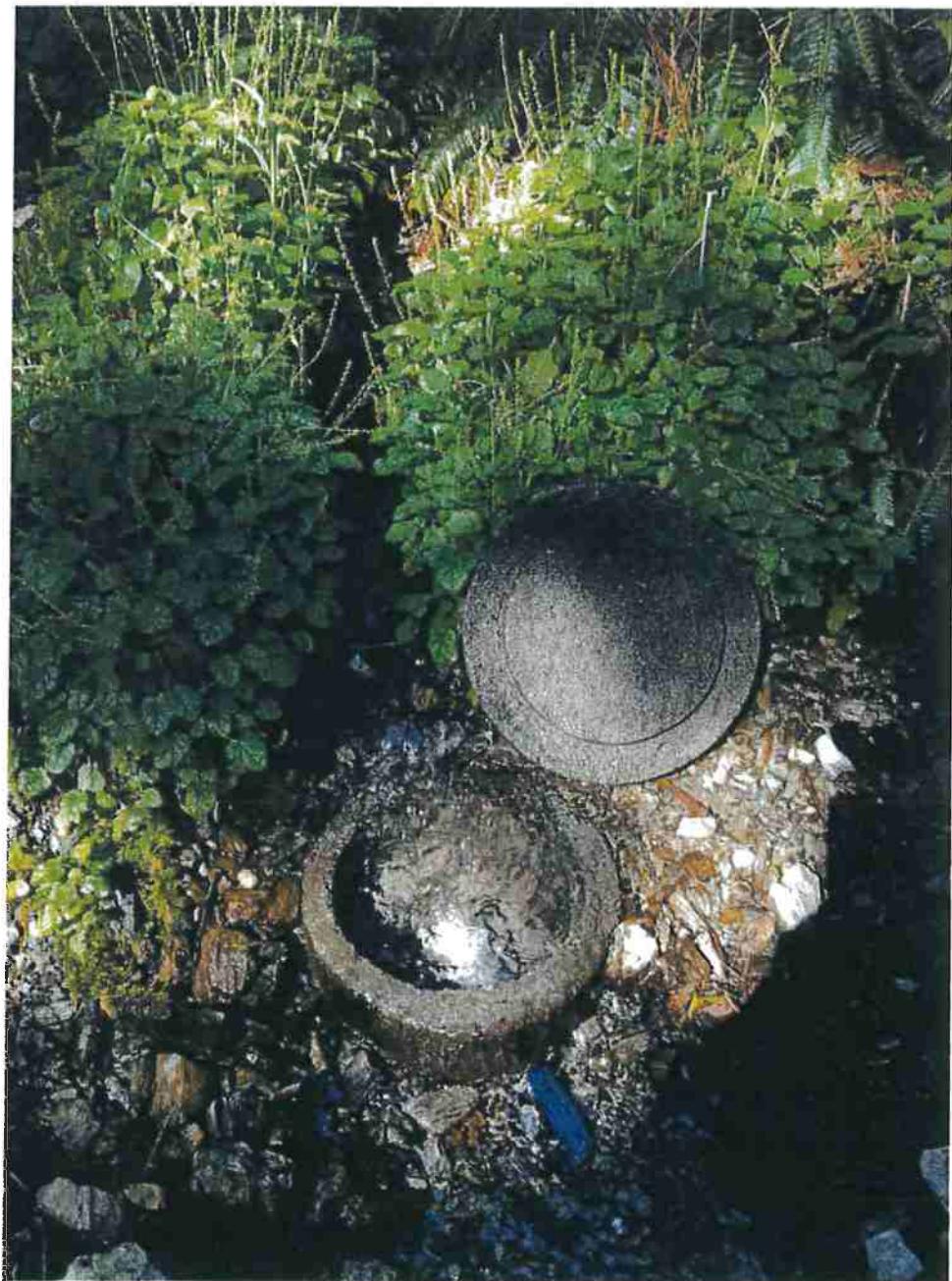
Remediation Plan

As described above, remediation work at Crossing #1 will result in less than 1,000 ft² of disturbance. Per Item II of Attachment E, the Applicant is in the process of preparing an application to be submitted to Humboldt County for Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for medical use. The proposed application is for 30,000 ft² of mixed light cultivation.

Addendum 10E –Cofferdam Construction and Use Specifications

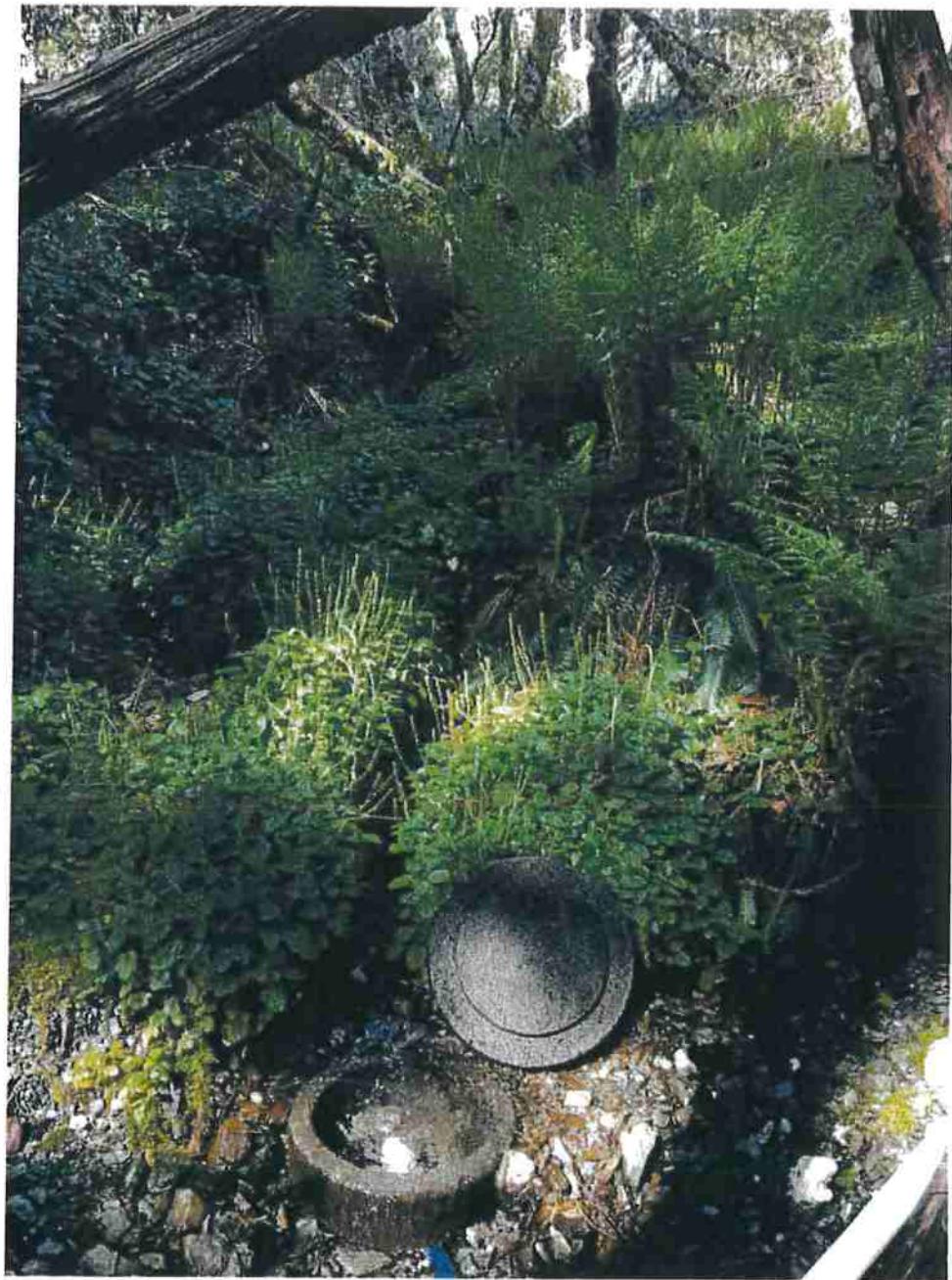
The crossings proposed for upgrading is not expected to have surface flow present during the June 1 through October 31 work period. However, if water is present this project shall require the installation of a temporary diversion structure, so clean water above the work site can be isolated from the construction zone and transported around the work area so it can be discharged to the stream channel with minimal effects on surface flow rates and water quality. In addition, “dirty” water generated within the construction area will be collected and transported off site and discharged in a safe location where it can settle out sediment or infiltrate into soils or gravel and not deliver contaminants to a watercourse. Both crossings shall be drained using either gravity fed pipe diversions or pump diversions based upon stream channel and work site conditions. See Cofferdam Specifications appended to this agreement, which is taken from *Weaver, W.E., Weppner, E.M. and Hagans, D.K., 2014, Handbook for Forest, Ranch and Rural Roads: A Guide for Planning, Designing, Constructing, Reconstructing, Upgrading, Maintaining and Closing Wildland Roads, Mendocino County Resource Conservation District, Ukiah, California, 416 p.*

Addendum 10 – Pictures



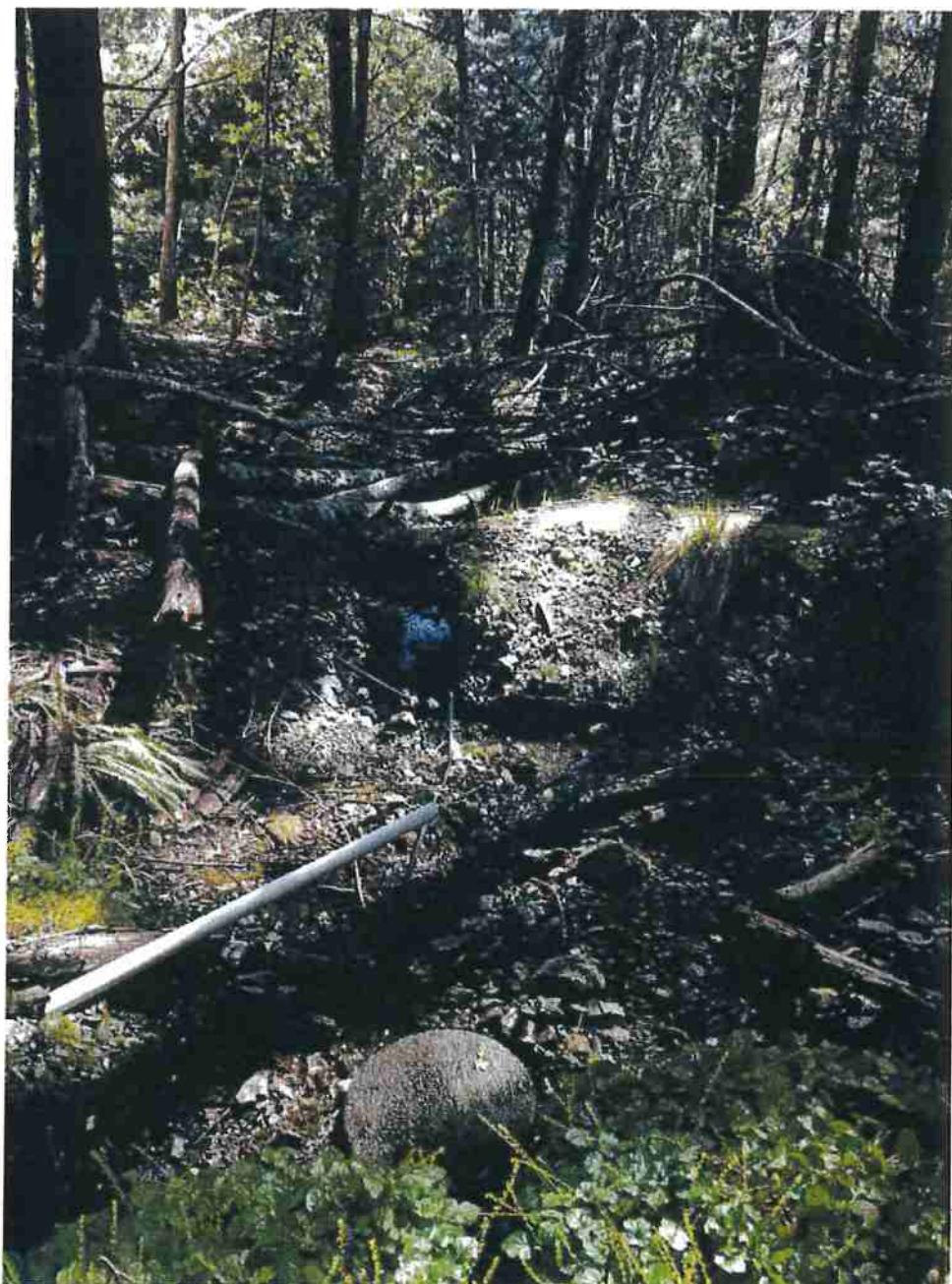
Picture 1: POD. Photo date 5-18-2017.

Addendum 10 – Pictures



Picture 2: POD looking upstream. Photo date 5-18-2017.

Addendum 10 – Pictures (Cont.)



Picture 3: POD looking downstream. Photo date 5-18-2017.

Addendum 10 – Pictures



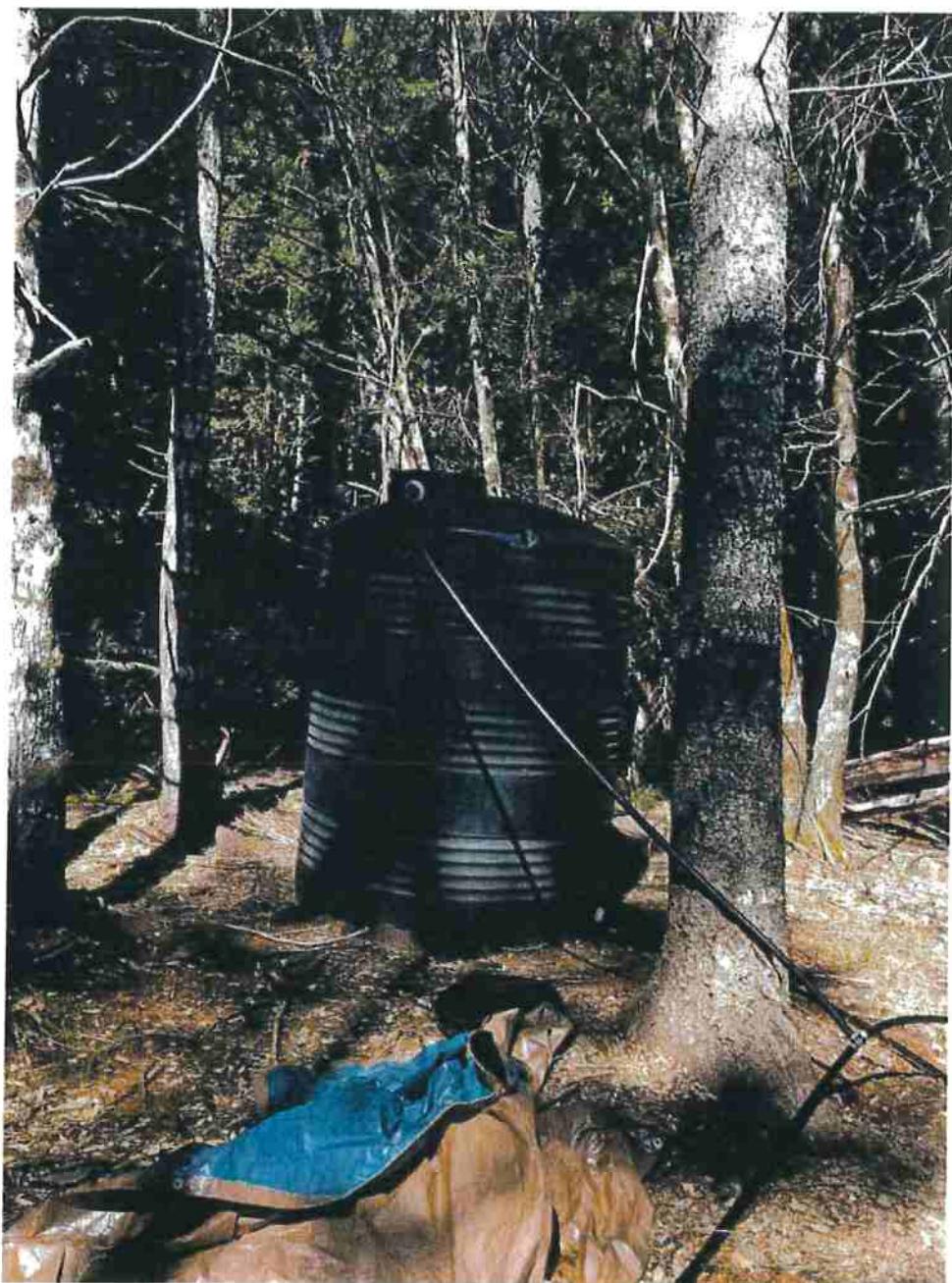
Picture 4: Two 2,500 gallon plastic tanks located approximately 125-feet east of POD. Photo date 5-21-2017.

Addendum 10 – Pictures



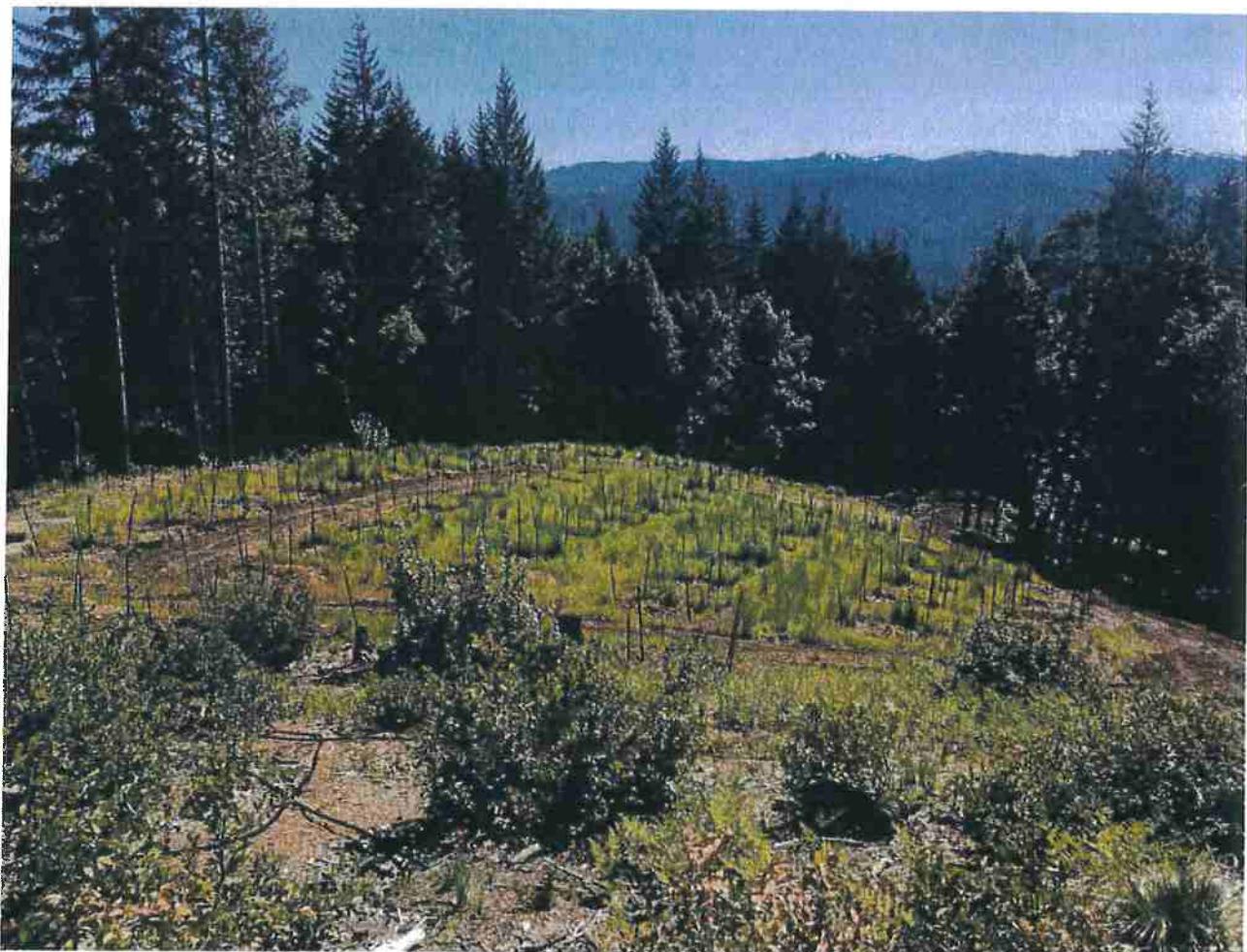
Picture 5: 1,100 and 660 gallon plastic tanks located approximately 225-feet southeast of POD.
Photo date 5-21-2017.

Addendum 10 – Pictures



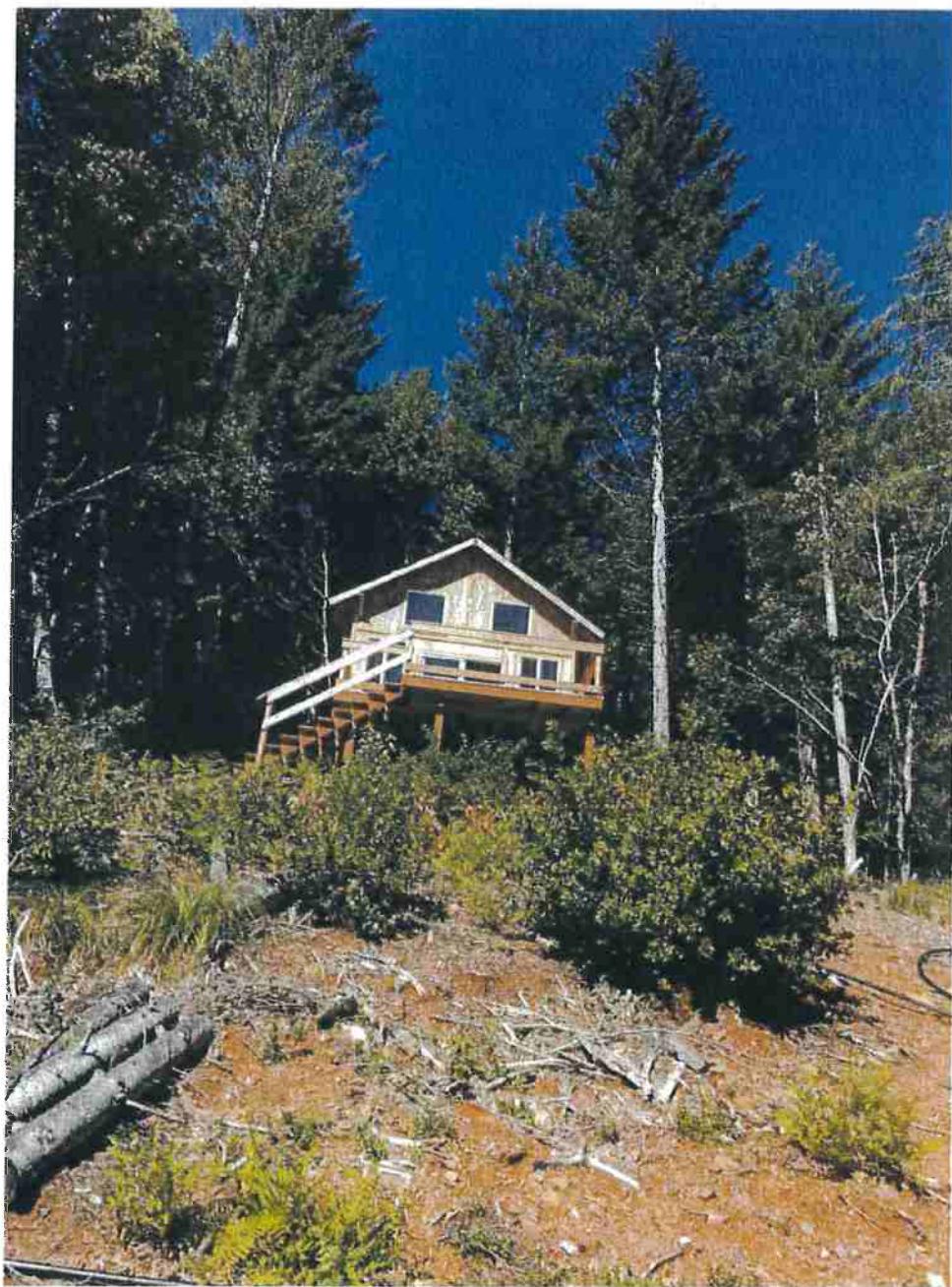
Picture 6: 1,500 gallon plastic tank located approximately 200-feet southeast of POD. Photo date 5-21-2017.

Addendum 10 – Pictures



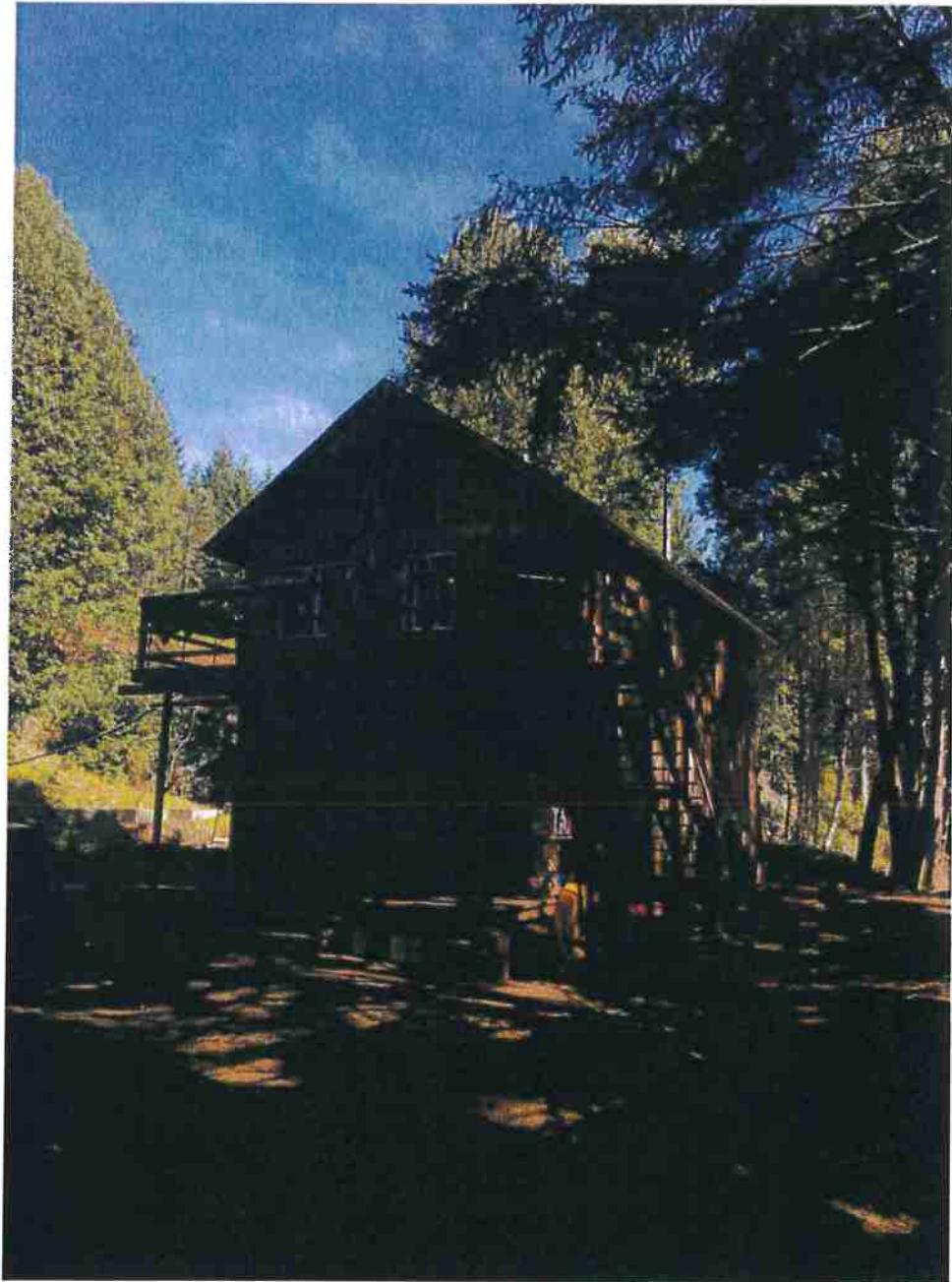
Picture 7: Northern cultivation site. Photo date 5-21-2017.

Addendum 10 – Pictures



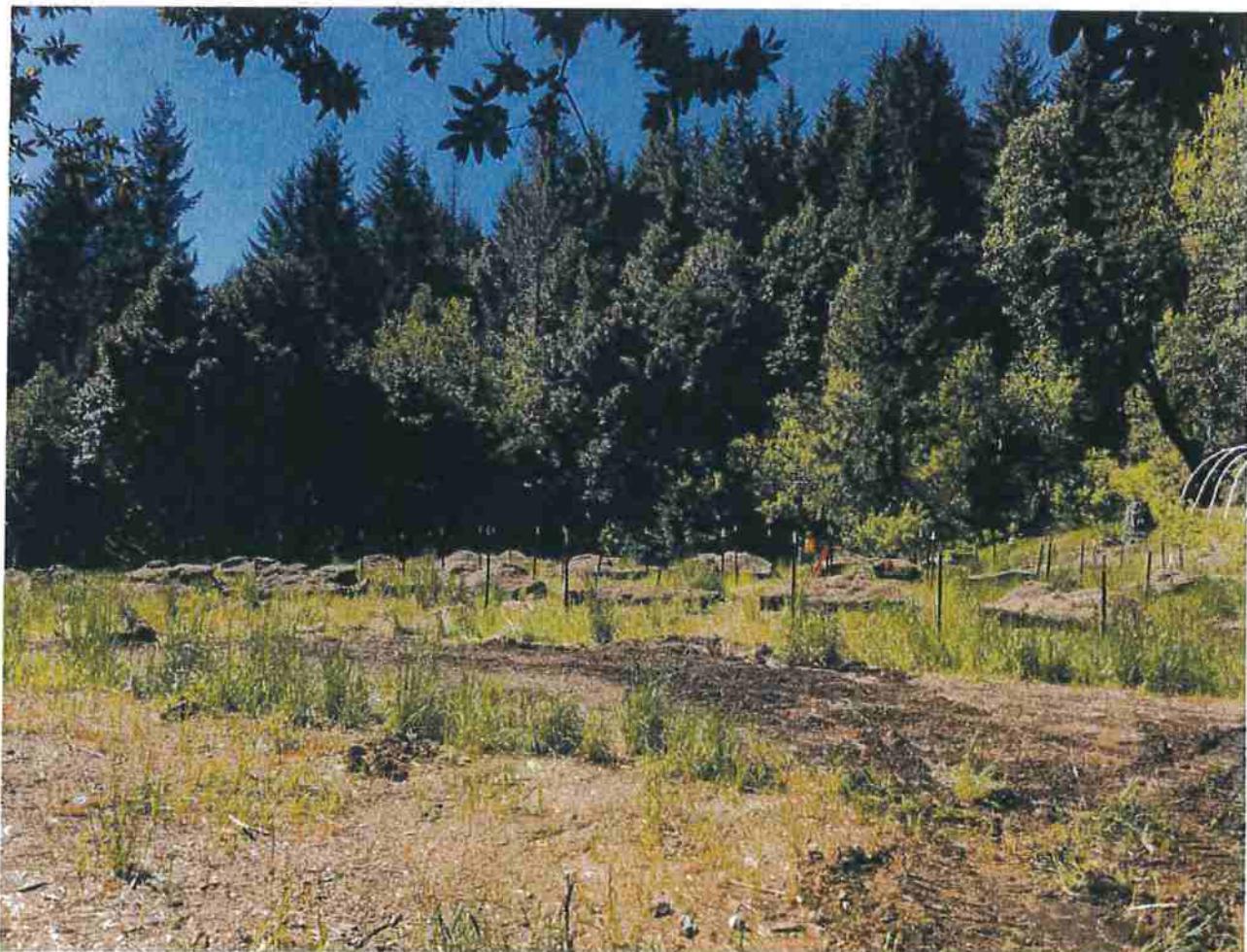
Picture 8: Cabin located west of northern cultivation site. Photo date 5-21-2017.

Addendum 10 – Pictures (Cont.)



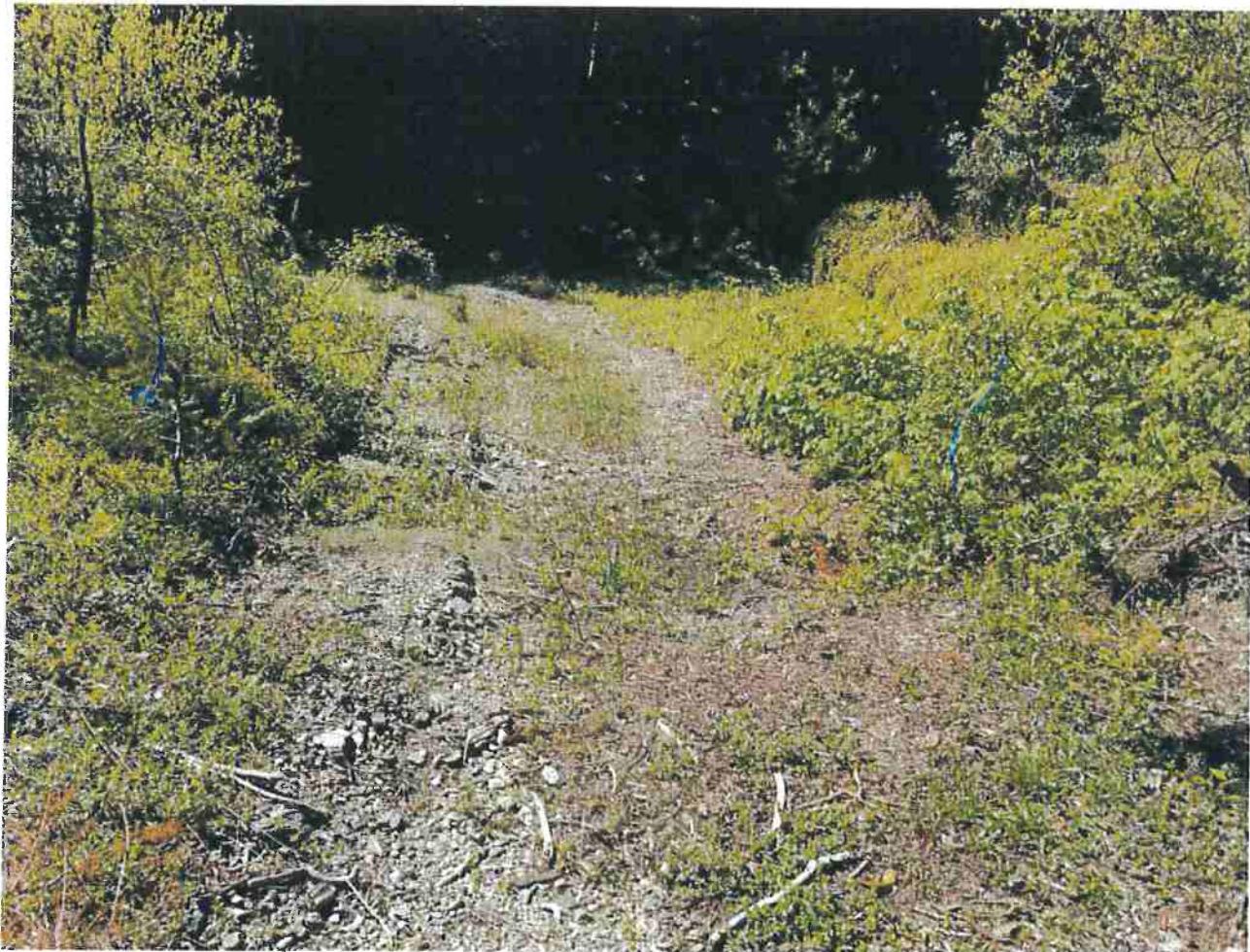
Picture 9: Main residence. Photo date 5-21-2017.

Addendum 10 – Pictures (Cont.)



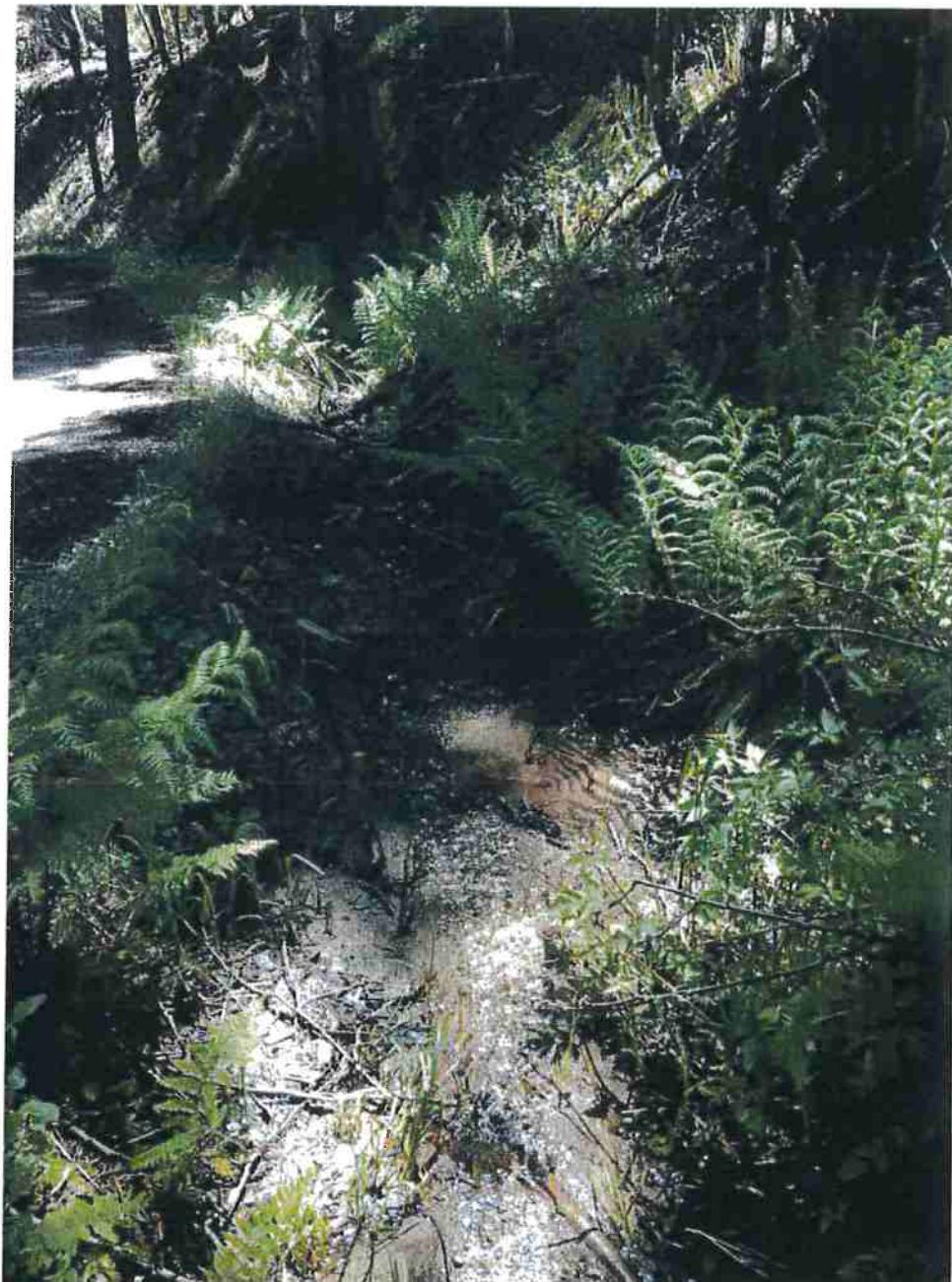
Picture 10: Southern cultivation site. Photo date 5-21-2017.

Addendum 10 – Pictures (Cont.)



Picture 11: Rock rolling dip crossing. Photo date 5-21-2016.

Addendum 10 – Pictures (Cont.)



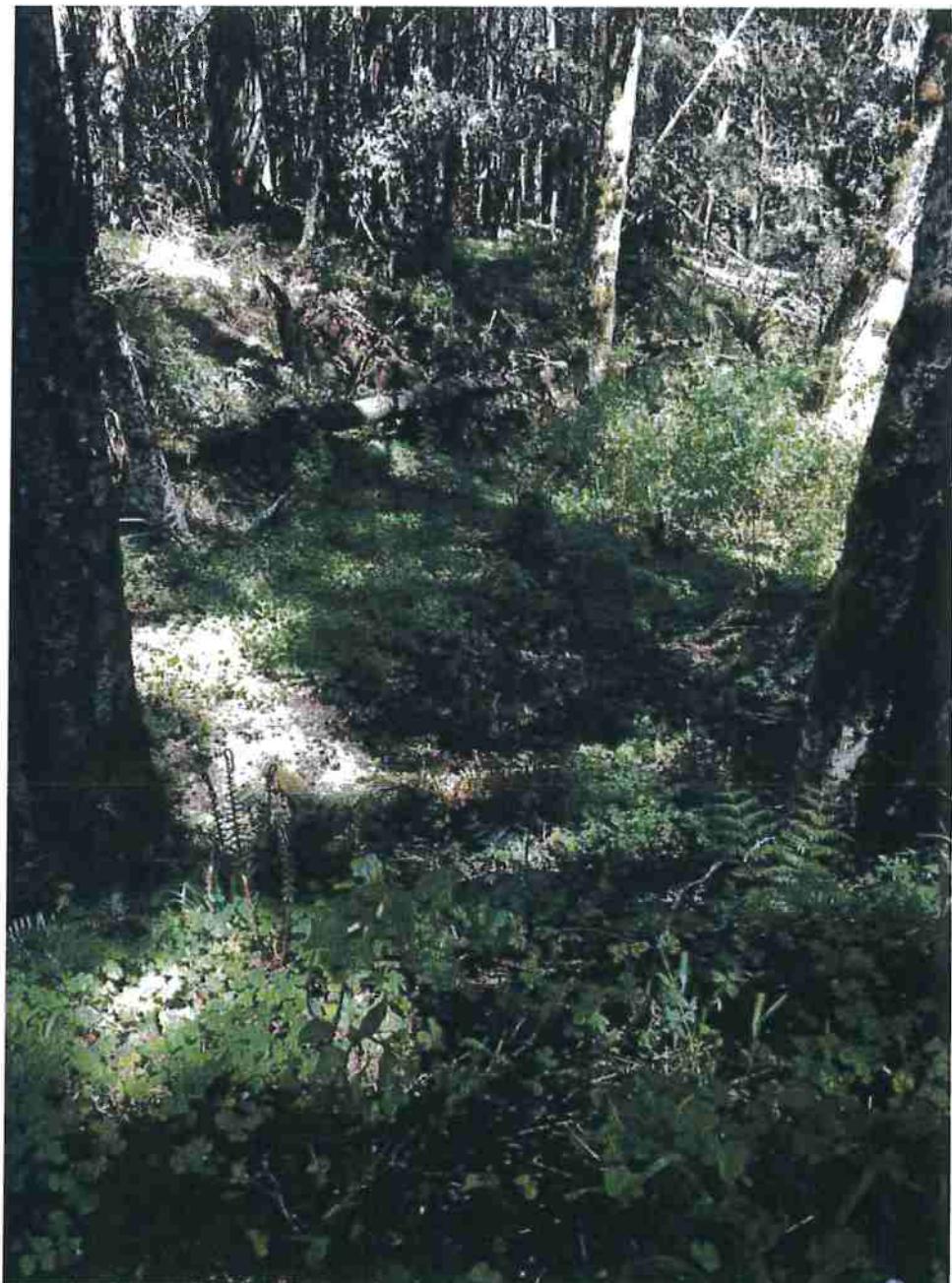
Picture 12: Inside ditch leading to the culvert at Crossing #1. The northern-most spring-fed Class II watercourse is intercepting the ditch at the bottom of the photo and flowing southerly to the 18-inch diameter aluminum culvert. This notification proposes to maintain the existing drainage pattern, but requires rock armoring of the inside ditch extending down to the new crossing proposed at Crossing #1. Photo date 5-21-2016.

Addendum 10 – Pictures (Cont.)



Picture 13: Blue flagging designates location of inlet of the proposed 36-inch diameter culvert at Crossing #1. This new culvert will now be properly aligned with Class II watercourse. Photo date 9-6-2016.

Addendum 10 – Pictures (Cont.)



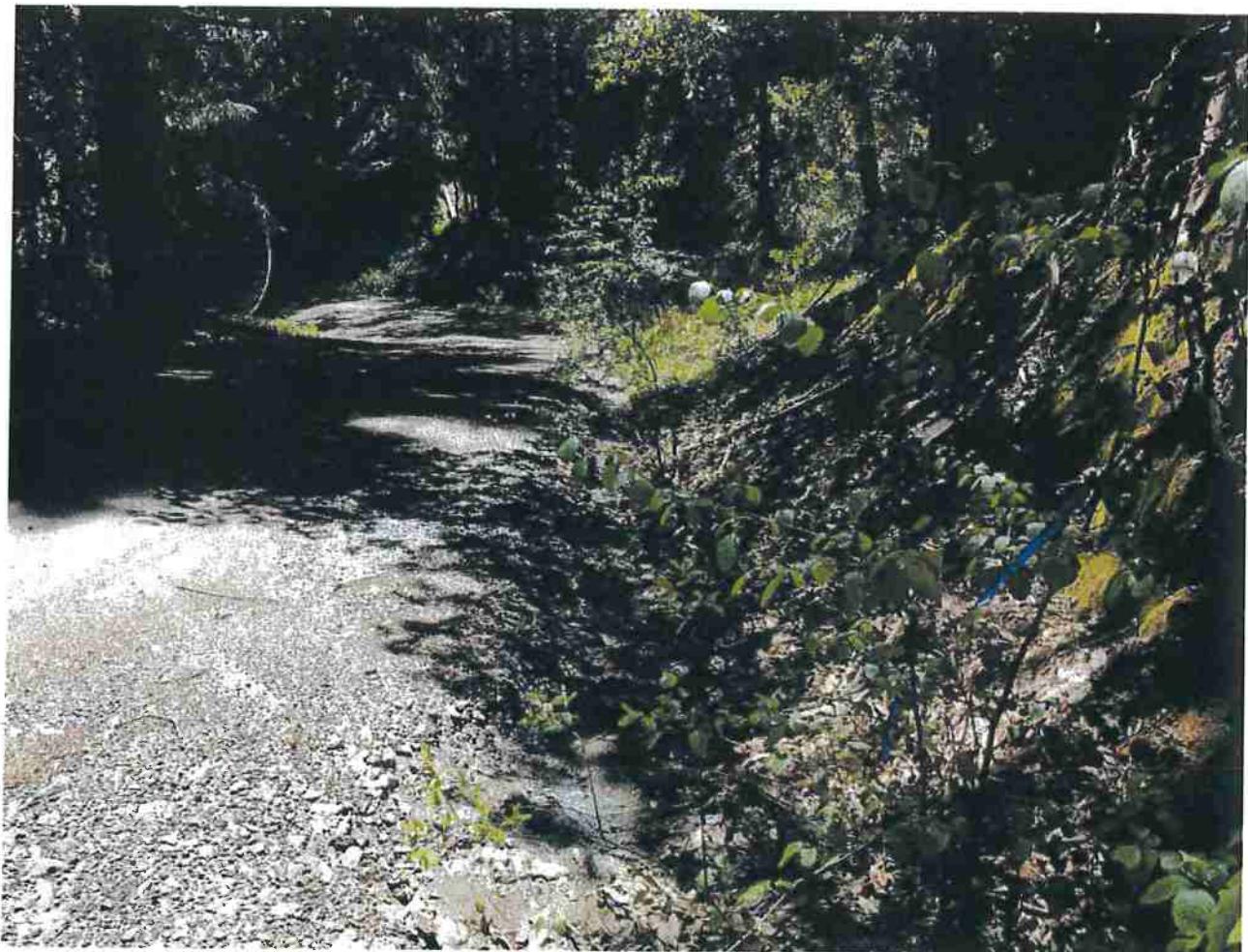
Picture 14: Blue flagging between red alder trees designates location of outlet of the proposed 36-inch diameter culvert at Crossing #1. This new culvert will now be properly aligned with Class II watercourse. Photo date 9-6-2016.

Addendum 10 – Pictures (Cont.)



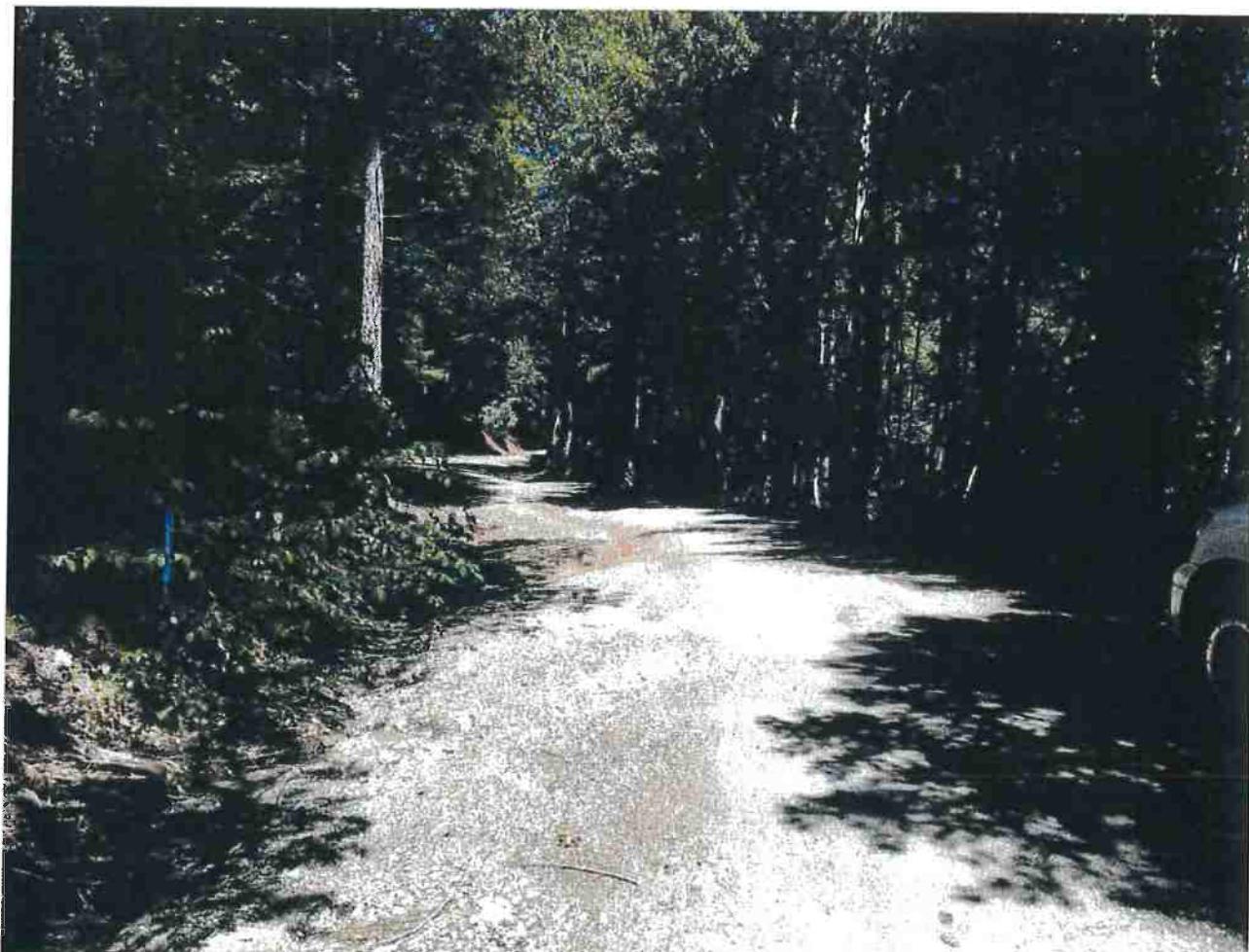
Picture 15: Inside ditch that is hydrologically connected to Crossing #1, which is in far distance. The blue flagging depicts the location of the inlet of DRC, which will disconnect the ditch from the watercourses. Photo date 6-15-2016.

Addendum 10 – Pictures (Cont.)



Picture 16: Inside ditch that is hydrologically connected to Crossing #1, which is in far distance. The blue flagging depicts the location of the inlet of DRC, which will disconnect the ditch from the watercourses. Photo date 6-15-2016.

Addendum 10 – Pictures (Cont.)



Picture 17: Inside ditch that is hydrologically connected to Crossing #1. This ditch extends northerly, unbroken for 500+ feet. The blue flagging depicts the location of the inlet of DRC, which will disconnect the ditch from the watercourses. Photo date 6-15-2016.

Addendum 10 – Pictures (Cont.)



Picture 18: Proposed location for the 500,000 gallon off-stream rain catchment pond located between the northern-most cultivation site and permanent rocked road. Photo date 6-15-2016.

Addendum 11F – Hydrologic Study

This notification utilizes the width of the active stream channel in the vicinity of the crossing to determine culvert sizing. Because the diameters of culverts sized to handle Northwestern California 100-year flood flows alone (not considering flood-associated sediment and floating debris) average approximately two thirds the width of the active channel (W2), a culvert sized large enough that its diameter **equals** the active channel width (W2) should accommodate the expected 100-year flood flow and have enough additional headroom to accommodate flood-associated sediment and debris as well.

Implementation of the "active channel method" was per the methods recommended by Flanagan (2004) as follows: Mean bed width (Lisle 1986), was determined by measuring the bed width upstream of the culvert inlet at five meter intervals. In the field, bed width was the zone of actively scoured sediment, typically absent any vegetation. Ten bed width measurements were recorded at each site to adequately describe the channel width which may influence debris transport.

Information above taken and/or quoted from:

Designing Watercourse Crossings for Passage of 100-year Flood Flows, Wood, and Sediment
Peter Cafferata, Thomas Spittler, Michael Wopat, Greg Bundros, and Sam Flanagan
February 2004

Woody Debris Transport Through Low-Order Stream Channels of Northwest California – Implications for Road-Stream Crossing Failure.

Sam A. Flanagan II. A Thesis Presented to the Faculty of Humboldt State University
August, 2004

Active channel widths measured on 6-15-2017:

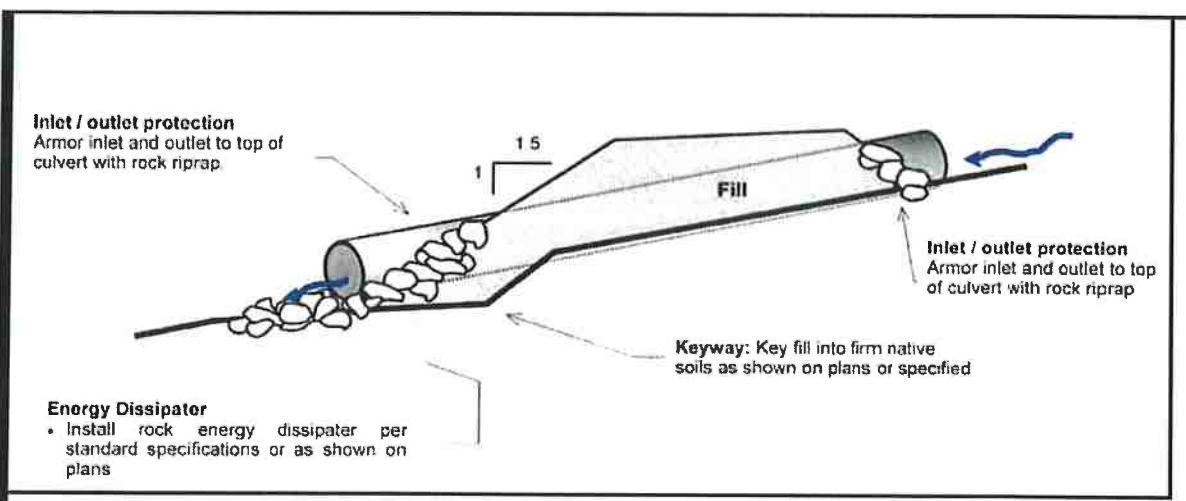
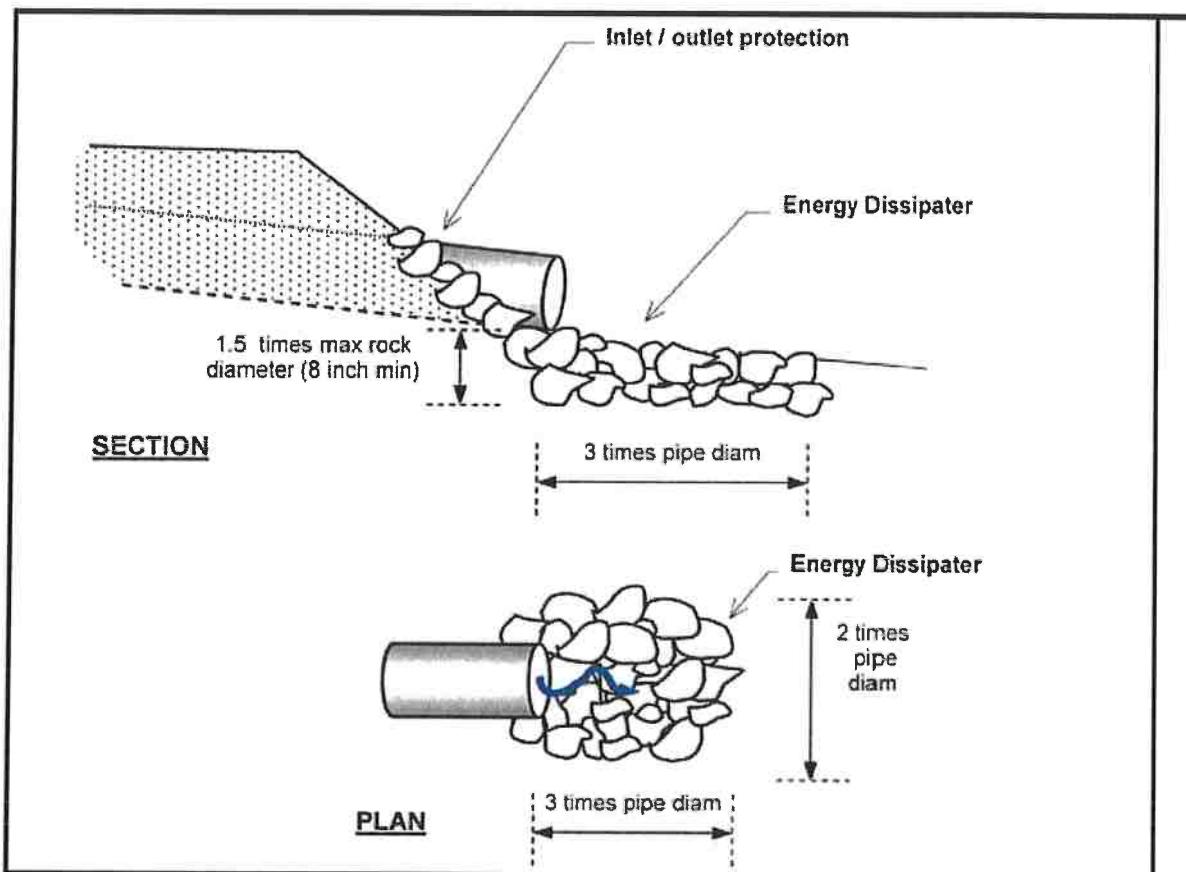
Crossing #2: 34", 28", 24", 26", 24", 24", 32", 24", 18", 30"
Mean channel width = 26.4"

Crossing #1: Minimum culvert size of 36-inches.

Addendum 12A – Erosion Control Measures

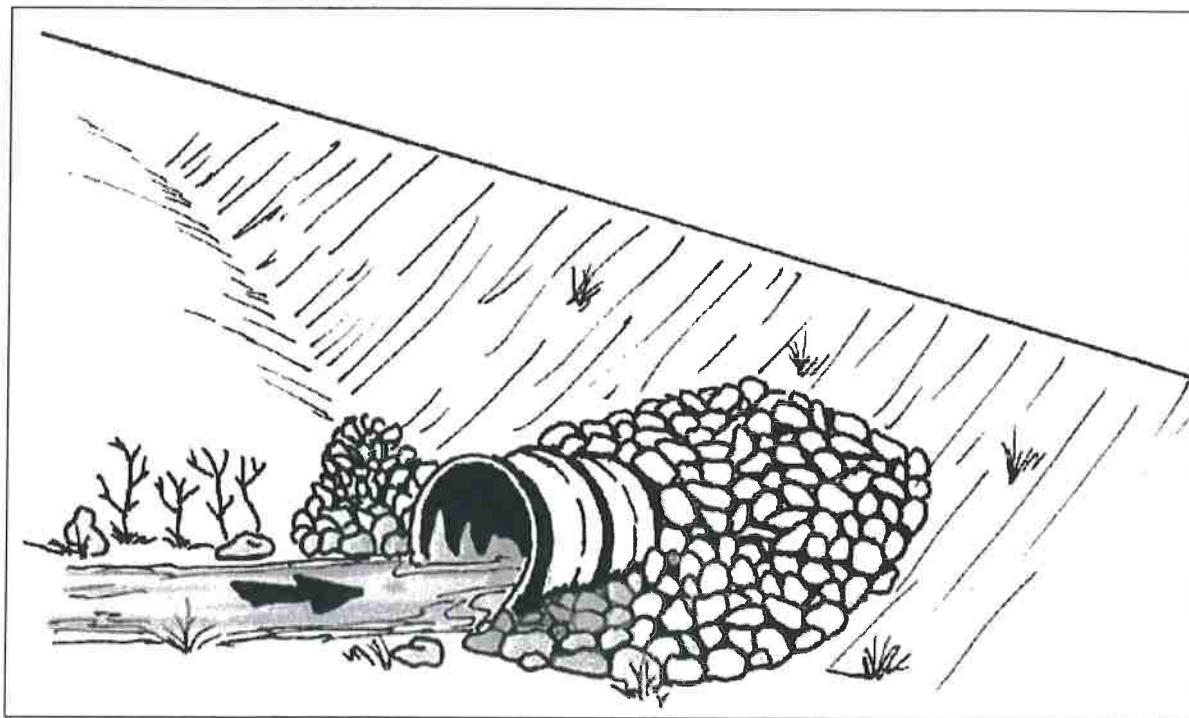
1. Timing for soil stabilization measures within the 100 feet of a watercourse or lake: For areas disturbed from May 1 through October 15, treatment shall be completed prior to the start of any rain that causes overland flow across or along the disturbed surface. For areas disturbed from October 16 through April 30, treatment shall be completed prior to any day for which a chance of rain of 30 percent or greater is forecast by the National Weather Service or within 10 days, whichever is earlier.
2. Within 100 feet of a watercourse or lake, the traveled surface of logging roads shall be treated to prevent waterborne transport of sediment and concentration of runoff that results from operations. Treatment may consist of, but not limited to, rocking, outsloping, rolling dips, cross drains, waterbars, slope stabilization measures, or other practices appropriate to site-specific conditions.
3. The treatment for other disturbed areas within 100 feet of a watercourse or lake, including: (A) areas exceeding 100 contiguous square feet where operations have exposed bare soil, (B) road cut banks and fills, and (C) any other area of disturbed soil that threatens to discharge sediment into waters in amounts deleterious to the quality and beneficial uses of water, shall be grass seeded and mulched with straw. Grass seed shall be applied at a rate exceeding 100 pounds per acre. Straw mulch shall be applied in amounts sufficient to provide at least 2- 4-inch depth of straw with minimum 90% coverage. Slash may be substituted for straw mulch provided the depth, texture, and ground contact are equivalent to at least 2 – 4 inches of straw mulch. Any treated area that has been subject to reuse or has less than 90% surface cover shall be treated again prior to the end of operations.
4. Within 100 feet of a watercourse or lake, where the undisturbed natural ground cover cannot effectively protect beneficial uses of water from sediment introduction, the ground shall be treated with slope stabilization measures described in #3 above per timing described in #1 above.
5. Sidecast or fill material extending more than 20 feet in slope distance from the outside edge of a roadbed, which has access to a watercourse or lake, shall be treated with slope stabilization measures described in #3 above. Timing shall occur per #1 above unless outside 100 feet of a watercourse or lake, in which completion date is October 15.
6. All roads shall have drainage and/or drainage collection and storage facilities installed as soon as practical following operations and prior to either (1) the start of any rain which causes overland flow across or along the disturbed surface within 100 feet of a watercourse or lake protection, or (2) any day with a National Weather Service forecast of a chance of rain of 30 percent or more, a flash flood warning, or a flash flood watch.

Culvert Installation Specifications



Riprap installed to protect the inlet and outlet of a stream crossing culvert from erosion or for energy dissipation should be keyed into the natural channel bed and banks to an approximate depth of about 1.5x the maximum rock thickness. Riprap should be placed at least up to the top of the culvert at both the inlet and outlet to protect them from splash erosion and to trap any sediment eroded from the newly constructed fill slope above.

Culvert Installation Specifications



Rock armor used for inlet and outlet protection (i.e., not as energy dissipation) does not have to be sized to protect against high velocity scour. If the culvert is properly sized and its length is adequate, it should be able to transmit flood flows without scouring the inlet or eroding the outlet around the culvert. Armor shown here is designed to protect the culvert outlet and basal fill from splash erosion and from occasional submergence and currents within standing water (at the inlet) when the culvert plugs. Importantly, inlet and outlet armor also serves to trap sediment that has been eroded or slides down the new constructed fill face in its first several years, until the slope becomes well vegetated.

Culvert Installation Specifications

- New culvert installations shall be sized to accommodate a 100-year storm.
- New culverts shall be placed at stream gradient, or have downspouts, or have energy dissipaters at outfall.
 - Align culverts with the natural stream channel orientation to ensure proper function, prevent bank erosion and minimize debris plugging.
 - Place culverts at the base of the fill and at the grade of the original streambed or install a downspout past the base of the fill. Downspouts should only be installed if there are no other options.
 - Culverts should be set slightly below the original stream grade so that the water drops several inches as it enters the pipe.
 - Culvert beds should be composed of rock-free soil or gravel, evenly distributed under the length of the pipe.
 - Compact the base and sidewall material before placing the pipe in its bed.
 - Lay the pipe on a well-compacted base. Poor basal compaction will cause settling or deflection in the pipe and can result in separation at a coupling or rupture in the pipe wall.
 - Backfill material should be free of rocks, limbs or other debris that could dent or puncture the pipe or allow water to seep around the pipe.
 - Cover one end of the culvert pipe, then the other end. Once the ends are secure, cover the center.
 - Tamp and compact backfill material throughout the entire process, using water as necessary for compaction.
 - Backfill compacting will be done in 0.5 – 1.0 foot lifts until 1/3 of the diameter of the culvert has been covered.
 - Push layers of fill over the crossing to achieve the final design road grade, at a minimum of one-third to one-half the culvert diameter.
- Critical dips shall be installed on culvert crossings to eliminate diversion potential.
- Road approaches to crossings shall be treated out to the first drainage structure (i.e. waterbar) or hydrologic divide to prevent transport of sediment.
- Road surfaces and ditches shall be disconnected from streams and stream crossings to the greatest extent feasible. Ditches and road surfaces that cannot be feasible disconnected from streams or stream crossings shall be treated to reduce sediment transport to streams.
- If downspouts are used they shall be secured to the culvert outlet and shall be secure on fill slopes.
- Culverts shall be long enough so that road fill does not extend or slough past the culvert ends.
- Inlet of culverts and associate fill shall be protected with appropriate measures that extend at least as high as the top of the culvert.
- Outlet of culverts shall be armored with rock if road fill sloughing into channel can occur.
- Armor inlets and outlets with rock, or mulch and seed with grass as needed (not all stream crossings need to be armored).
- Where debris loads could endanger the crossing a debris catchment structure shall be constructed upstream of the culvert inlet.
- Bank and channel armoring may occur when appropriate to provide channel and bank stabilization.
- Stabilize the site pursuant to Addendum 12A.

ADDITIONAL INFORMATION



State of California – Department of Fish and Wildlife
NOTIFICATION OF LAKE OR STREAMBED ALTERATION
FISH AND GAME CODE SECTION 1602
DFW 2023C (REV. 10/01/16) Page 1

Applicant Name: BRIAN DELL

Project Name: OLD GOAT FARMS 1600

ATTACHMENT C

Water Diversion Questionnaire

Complete this attachment *if* the project is directly related to any diversion, obstruction, extraction, or impoundment of the natural flow of a river, stream, or lake. Provide the number assigned to the State Water Resources Control Board (SWRCB) application, permit, license, registration, statement of diversion, and use, or other authorization to divert, extract, or impound water, if applicable. If you have a current or expired Lake or Streambed Alteration Agreement (Agreement) for some activity related to your project, provide the Agreement number in your project description below and attach this form, with the information requested on one or more separate pages, to the notification form (DFW 2023).

I. Diversion or Obstruction

- A. Attach plans of any diversion or water storage structure or facility that will be constructed or if no structures or facilities will be constructed, photographs of the project site, including any existing facilities or structures.
- B. Please complete the water use table below. For diversion rate, use gallons per day (gpd) if rate is less than 0.025 cubic foot per second (cfs) (approximately 16,000 gpd).

SEASON OF DIVERSION		PURPOSE OF USE	DIVERSION RATE (cfs or gpm)	AMOUNT USED (acre feet)	
BEGINNING DATE (Mo. & Day)	ENDING DATE (Mo. & Day)			FROM STORAGE	BY DIVERSION
January 1	December 31	DWS	1-5 gpm		100,000
January 1	May 14	AG	1-5 gpm		73,000

- C. Attach a topographic map that is labeled to show the following:

1. Source of the water
2. Points of diversion
3. Areas of use
4. Storage areas

- D. Specify the maximum instantaneous rate of withdrawal (using proposed equipment) in cubic feet per second (cfs) or gallons per minute (gpm).

5 gallons per minute



State of California – Department of Fish and Wildlife
WATER DIVERSION QUESTIONNAIRE
FISH AND GAME CODE SECTION 1602
DFW 2023C (REV. 10/01/16) Page 2

E. Check each box below that applies to the project water rights and attach supporting documents.

Riparian. *Attach the most recent Statement of Water Diversion and Use filed with the SWRCB.*

Diversion for immediate use.

Diversion to storage (for less than 30 days).

Appropriative.

Pre-1914. Attach the most recent Statement of Water Diversion and Use filed with SWRCB.

Post-1914. Attach a copy of the applicant's water right application, permit, or license filed with or issued by SWRCB.

*Small domestic, livestock stockpond, or small irrigation use registration. Attach a copy of the applicant's registration of water use form filed with, or registration certificate issued by, SWRCB (See Water Code section 1228 *et seq.*).*

Diversion for immediate use.

Diversion to storage.

Purchased or contracted water. Attach a copy of the applicant's contract or letter from the applicant's water provider.

Other. Describe below or attach separate page.

F. Approximate lowest level of flow in the river, stream, or lake at the point of diversion during the proposed season of diversion in gpm or cfs:

Unknown

G. *Other information.* After the Department reviews the project description, and based on the project's location and potential impacts to fish and wildlife resources, the Department will determine if additional information is needed before accepting the notification as complete. Such information could include more site-specific information to ensure that the terms and conditions in the Agreement issued to the applicant will be adequate to protect the fish and wildlife resources the diversion or obstruction could adversely affect. Site-specific information could include biological or hydrological studies or surveys based on the season of diversion, the location of the diversion relative to other diversions in the watershed, the method of diversion, and the quantity of water to be diverted, such as the following:



State of California – Department of Fish and Wildlife
WATER DIVERSION QUESTIONNAIRE
FISH AND GAME CODE SECTION 1602
DFW 2023C (REV. 10/01/16) Page 3

1. *Water Availability Analysis* to determine if the water can be diverted without causing substantial adverse effects on downstream fish and wildlife resources. Water availability analyses are based on a comparison of flows without any diversions (unimpaired flows) and flows available when all known diversions are "subtracted" (impaired flows).
2. *Instream Flow Study* to determine the minimum bypass flows needed and maximum rates of withdrawal possible to provide adequate depths and velocities to protect habitat for all life stages of aquatic resources. The study plan must be prepared by a qualified fisheries biologist and approved by the Department, will determine the effects of the proposed diversion on flow depth and velocity.
3. *Water Quality Study* to assess the effects of the proposed water diversion or impoundment on water temperature and water quality at and downstream from the point(s) of diversion.

II. Permanent or Temporary Reservoir

Please provide the information below *if* the project includes the construction of a reservoir, whether permanent or temporary, and/or the filling of an existing reservoir by diverting or obstructing the flow of a river, stream, or lake.

A. Proposed use of the stored water:

B. Construction plans for the reservoir and dam. (*Attach plans*)

C. A complete description of the reservoir and dam, including the methods and materials that will be used to construct the reservoir and dam and the following dimensions certified by a licensed professional: the width, length, depth, and total surface area of the reservoir pool; the volume of water in acre-feet that will be stored in the reservoir; and the height and length of the dam.

D. The amount of riparian land that will be inundated (i.e., upstream from the dam): _____

E. Where vehicles will enter and exit the project site during construction and for maintenance purposes after construction. (*Attach map*)

F. The maximum distance of the disturbance that will occur upstream and downstream during construction:

G. The methods employed to ensure that the flow is maintained below the dam at all times when water is being diverted into the reservoir:



State of California – Department of Fish and Wildlife
WATER DIVERSION QUESTIONNAIRE
FISH AND GAME CODE SECTION 1602
DFW 2023C (REV. 10/01/16) Page 4

H. Specify the time period when the area below the dam becomes dry, if at all.

I. The methods employed to ensure that adult and juvenile fish will be able to pass over or around the dam:

J. If a fish ladder is necessary to enable adult and juvenile fish to pass over or around the dam, provide construction plans and an operation plan for the fish ladder. (*Enclose, if applicable*)

K. The methods employed to monitor and maintain water quality (including temperature) within the reservoir:

III. Temporary Reservoir

Please provide the information below *if* the project includes the construction of a temporary reservoir only within the stream zone.

A. Date of dam installation: _____

B. Date of dam removal: _____

C. Amount of time it will take to construct the dam: _____

D. Amount of time it will take to remove the dam: _____

E. Methods to ensure that the reservoir pool will be drained in a manner that does not strand or otherwise harm fish:



State of California – Department of Fish and Wildlife
NOTIFICATION OF LAKE OR STREAMBED ALTERATION
FISH AND GAME CODE SECTION 1602
DFW 2023E (New 10/01/16) Page 1

Applicant Name: BRIAN DELL

Project Name: OLD GOAT FARMS 1600

ATTACHMENT E

Remediation of Marijuana Cultivation Sites

Complete this attachment *if* the primary purpose of the project is to remediate a marijuana cultivation site and submit the attachment with the notification form (DFW 2023) and fee in Section IV. "Remediate" means to perform work that reduces or eliminates the direct and indirect adverse impacts on fish and wildlife and their habitat caused by a project or activity the Department views as unlawful.

I. ORDER OR NOTICE

Are you required to perform the work described in the notification pursuant to a court or administrative agency notice or order?

Yes (*Enclose a copy of the order or notice*) No

Did you receive a notice of violation (NOV) from the Department that relates to the work described in the notification?

Yes (*Enclose a copy of the NOV*) No

II. ORDINANCE OR PERMIT

What is the name of the town/city and county where the marijuana cultivation site that requires remediation is located?

Town/City: WEITCHPEC County: HUMBOLDT

Does the town/city or county named above have a rule, ordinance, or other regulation or law that governs or otherwise regulates the cultivation of marijuana within its boundaries?

Yes: Town/City Yes: County No Unknown

Are you required to have a permit or some other type of written authorization (permit) from the city/town and/or county named above to cultivate marijuana within the city/town and/or county?

Yes (*Enclose a copy of the permit*) No Unknown

III. REMEDIATION AREA

Identify the total size of the remediation area in square feet. To calculate the total size of the remediation area, calculate each area that requires any type of remediation and add each area together to calculate the total area.

Remediation area in total:	<u>300</u> square feet
----------------------------	------------------------



State of California – Department of Fish and Wildlife
WATER DIVERSION QUESTIONNAIRE
FISH AND GAME CODE SECTION 1602
DFW 2023E (New 10/01/16) Page 2

IV. FEE

Submit the applicable fee below based on the total size of the remediation area. The remediation fee is in addition to the notification fee and **must** be submitted by **separate** check or other method of payment (Cal. Code Regs., tit. 14, § 699.5, subd. (i)(3)(A)).

<input checked="" type="checkbox"/> \$3,000 if the total remediation area is less than or equal to 1,000 square feet
<input type="checkbox"/> \$5,000 if the total remediation area is greater than 1,000 square feet

V. REMEDIATION PLAN

Has a plan to remediate the area(s) been completed?

<input checked="" type="checkbox"/> Yes (<i>Enclose the plan</i>)	<input type="checkbox"/> No
---	-----------------------------

Note: If "yes" is checked, the remediation plan **must** be enclosed with the notification. If "no" is checked, or the Department determines the remediation plan enclosed with the notification is inadequate or incomplete, the Department may require you to have a licensed engineer or qualified environmental consultant amend the plan or submit a new plan for your notification to be complete.

Have you consulted with or retained a licensed engineer or environmental consultant to address your Cannabis cultivation?

<input checked="" type="checkbox"/> Yes (<i>Provide the information below</i>)	<input type="checkbox"/> No
--	-----------------------------

Name of Company	Name of Engineer or Consultant	Business Telephone
TRC	Chris Carroll	707-725-1897

VI. WATER SUPPLY

How is water supplied to the marijuana cultivation site(s) that require remediation?

<input checked="" type="checkbox"/> Diversion, obstruction, extraction, or impoundment of a river, stream, or lake. <i>If this box is checked, you must also complete Attachment C.</i>
<input type="checkbox"/> Spring(s). <i>If this box is checked, you must also complete Attachment C.</i>
<input type="checkbox"/> Private well(s). <i>If this box is checked, provide well log information with this attachment.</i>
<input type="checkbox"/> Public water system. <i>Name of public water system:</i> _____
<input type="checkbox"/> Water hauling. <i>Name of water hauler:</i> _____
<input type="checkbox"/> Other. <i>Specify:</i> _____

Continued on additional page(s)

State Water Resources Control Board
DIVISION OF WATER RIGHTS
FORM FOR

**DEMONSTRATING A RIPARIAN RIGHT FOR A WATER DIVERSION FOR CANNABIS
CULTIVATION USE WITHIN THE MEANING OF BUSINESS AND PROFESSIONS CODE SECTION
19332.2 (b)(5)**

THIS IS NOT A STATEMENT OF WATER DIVERSION AND USE AND SHALL NOT ESTABLISH OR CONSTITUTE EVIDENCE OF A
WATER RIGHT

DIVERSION MUST BE AUTHORIZED UNDER A RIPARIAN RIGHT AND NO DIVERSION SHALL HAVE OCCURRED BETWEEN JANUARY 1, 2010 AND
JANUARY 1, 2017

READ THE ATTACHED INFORMATION AND INSTRUCTION SHEET BEFORE COMPLETING THIS FORM

Diverter Information			
Diverter Name(s) BRIAN DELL	City SANTA BARBARA	State CA	Zip 93105
Mailing Address 3744 FOOTHILL ROAD			
Phone Number 310-849-7980	Email Address		

Person Filing Form (Agent Information)			
(If different from diverter information above)			
Person Filing Form Name Chris V. Carroll	Company Name (if any) Timberland Resource Consultants	City Fortuna	State CA
Mailing Address 165 South Fortuna Blvd			Zip 95540
Phone Number 707-725-1897	Email Address trc@timberlandresource.com		

Land Owner Name			
(If different from diverter information above)			
Primary Owner Name	City	State	Zip
Mailing Address			
Phone Number	Email Address		

Mail Receiver:	
(Select one only)	
<input type="radio"/> Diverter	<input checked="" type="radio"/> Person Filing Form (Agent)

Checklist for Submission of this Form	
<input type="checkbox"/> Answer each question completely	
<input type="checkbox"/> Attach map and photos clearly showing the Place of Use and Point of Diversion locations	
<input type="checkbox"/> Sign and Date form	

UPON COMPLETION OF THIS FORM, ATTACH ALL SUPPORTING DOCUMENTATION AND MAPS AND EMAIL TO:

WB-DWR-CannabisReg@waterboards.ca.gov

Or mail to:

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

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/cannabis>.

Section 1: Riparian Water Right Claim Information

Check if you are claiming a riparian right for the property served.
 Check which of the following two situations apply:
 I have not yet diverted water under my riparian claim
 I started diverting water under my riparian claim after December 31, 2016.

Does the source of water used (or to be used) touch or run through the property on which cannabis will be cultivated?

Yes No

Do you plan to store water?

Yes No

Will the water be used in the same watershed as the stream that it was diverted from?

Yes No

List any related existing water rights, if applicable (e.g. Appropriative Water Right ID: A012345)

Section 2: Water Course Description

Water Course Name at the POD (Use the name shown on a USGS Quadrangle. If none, use "Unnamed Spring" or "Unnamed Stream", as applicable)

Unnamed stream

Water Course is tributary to (First named stream downstream of POD shown on USGS Quadrangle)

Pine Creek

Section 3: Point of Diversion and Legal Land Description

(Provide the location of the POD using one of the following methods (check one box and enter data if applicable))

Latitude/Longitude Measurements: Latitude: -123.8157806° Longitude: 41.15342211°
 California Coordinate System (NAD1983) North: _____ East: _____ Zone: _____
 USGS Topographic Map with Point of Diversion labeled on map (if checked, map must identify POD)

(Provide the following information if assigned on assessor's parcel number (APN))

APN where POD is located: 207-074-028 County: _____

Public Land Description to nearest 40 acres

NW _____ ¼ of the SE _____ ¼ of Section 22 Township 9N Range 3E B&M Humboldt

Section 4: Place of Use Description

(Select only one)

Identify the location of the place of use on a specific United States Geological Survey (USGS) Topographic Map, or County Assessor's parcel map or any other maps with identifiable landmarks. If assigned, provide the public land description to the nearest 40-acre subdivision and the assessor's parcel number.

USGS Topographic Map County Assessor's Parcel Map Map with identifiable landmarks

Provide a general description of the area in which the water will be used (e.g. Domestic water supply for house, and irrigation of greenhouse, specifically show cannabis cultivated areas)

Water will be used for domestic use, and to top off a proposed 500k gallon off-stream pond, which shall be used to irrigate approximately 30,000 sq.ft. of cannabis cultivation

List all Assessor's Parcel Numbers (APNs) where the water will be used
 531-011-005

Section 5: Purpose of Use Description

(Complete for all that apply)

Irrigation (Cannabis Area) Square Feet of cultivation area: 30,000 Number of cannabis plants: _____	Irrigation (non-cannabis area) Number of acres: _____	Domestic Maximum number of persons to be served: 3 _____	Stock watering Number and type of stock: _____
---	---	---	--

Section 6: Projected or Recent Quantity of Water Diversion

(Complete this section regarding the intent to divert water in 2018, or recent 2017 diversions. Input a "0" if no diversions will occur in a specific month)

Projected calendar year of first diversion: 2017											
Estimate provided in: <input checked="" type="radio"/> Gallons <input type="radio"/> Acre-feet											
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
9,000,000	9,000,000	100,000,000	100,000,000	9,000,000	9,000,000	9,000,000	9,000,000	9,000,000	9,000,000	9,000,000	9,000,000

Section 7: Projected Maximum Rate of Diversion

(Complete this section regarding the intent to divert water)

In what month will you divert the most water? April

What will be the rate of maximum diversion? 5.00 Gallons per Minute Gallons per Day Cubic Feet Per Second

Section 8: Cannabis Cultivation Use

Provide the total amount of water expected to be used under this claim for cannabis cultivation during a calendar year Quantity 100,000.00 Gallons Acre-Feet

Is your proposed cultivation of cannabis for commercial cannabis cultivation?

Yes No

If you intend to apply for a license under California Department of Food and Agriculture's 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.

Section 9: Signature

I declare that my diversion will be authorized under a riparian right and that no diversion occurred after January 1, 2010 and before January 1, 2017.

I declare that the information in this form is true to the best of my knowledge and belief. I also acknowledge the following:

I understand that I must submit an Initial Statement of Water Diversion before July 1 of the succeeding year to my first diversion of water. (Wat. Code, §5101)

THE STATE WATER RESOURCES CONTROL BOARD MAY RELY ON THE NAMES AND ADDRESSES ON THIS DOCUMENT FOR MAILING NOTICES REGARDING PROCEEDINGS BEFORE THE BOARD.

THIS FORM DOES NOT CONSTITUTE A STATEMENT OF WATER DIVERSION AND USE AND THE STATE WATER RESOURCES CONTROL BOARD'S ACCEPTANCE OF THE FORM DOES NOT VALIDATE OR CONFIRM THE INFORMATION CONTAINED, HEREIN.

SUPPLEMENTAL STATEMENTS OF WATER DIVERSION AND USE SHALL BE FILED ANNUALLY, BEFORE JULY 1 OF EACH YEAR AND WHEN THERE IS A CHANGE IN THE NAME OR ADDRESS OF THE DIVERTER. (Wat. Code, §5104.)

THE MAKING OF A WILLFUL MISSTATEMENT ON THIS FORM OR ANY SUPPORTING DOCUMENTATION, IS PUNISHABLE BY A FINE NOT EXCEEDING \$500 PLUS AN ADDITIONAL \$250 FOR EACH DAY THE VIOLATION CONTINUES IF THE VIOLATION IS NOT CORRECTED WITHIN 30 DAYS OF NOTIFICATION OF THE VIOLATION. THE BOARD MAY IMPOSE CIVIL LIABILITY UPON A PERSON WHO KNOWINGLY MAKES A MATERIAL MISSTATEMENT ON THIS FORM (Wat. Code §1847.)

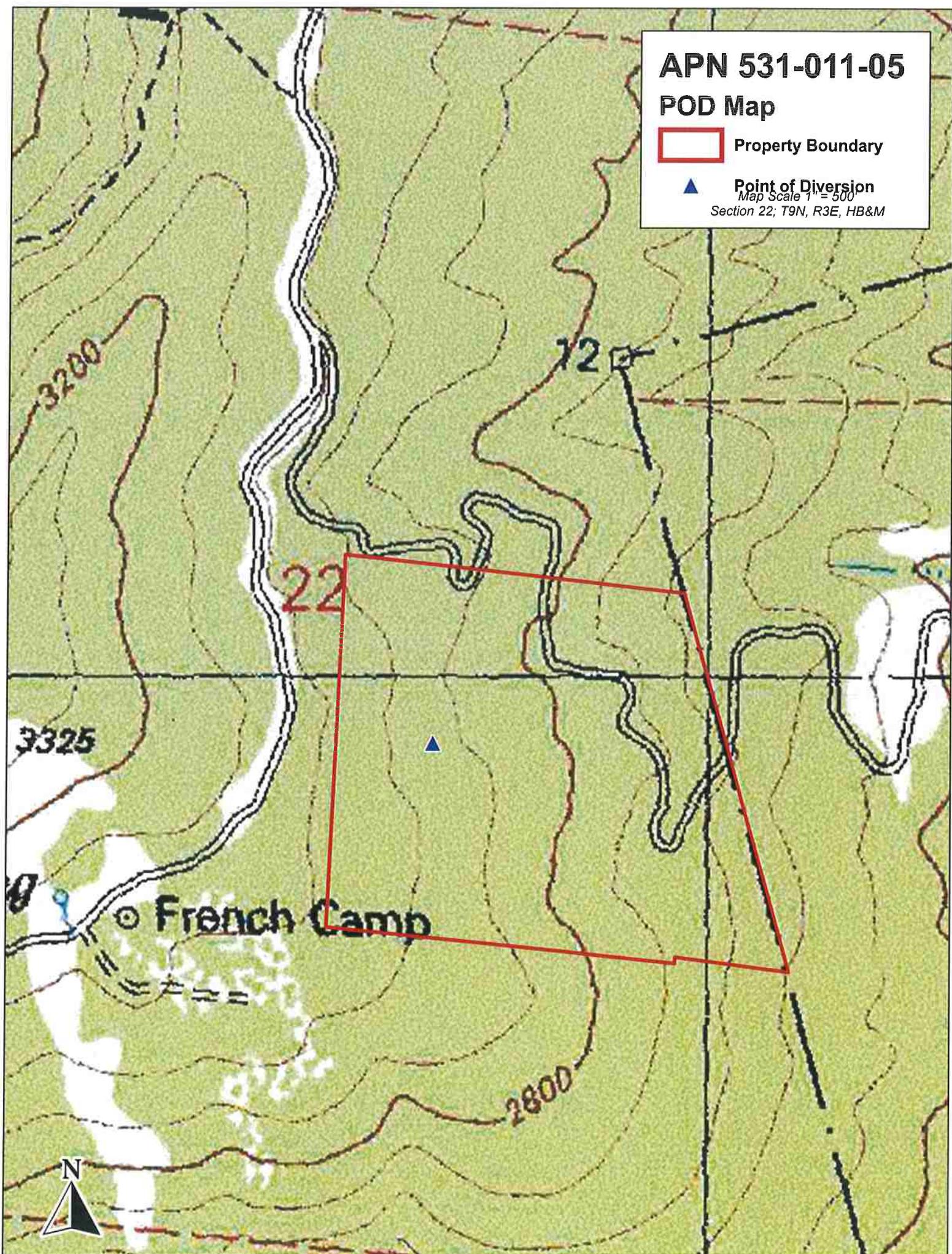
Signature: <i>Chris Carroll</i>	Date: <i>6-19-17</i>
Printed Name: <i>Chris</i> <i>V</i>	(first name) (middle name) (last name)

APN 531-011-05

POD Map

Property Boundary

Point of Diversion
Map Scale 1"=500
Section 22, T9N, R3E, HB&M



APN 531-011-05

1600 Map

NORTH

Map Scale 1" = 250'
Section 22; T9N, R3E, HB&M

 Property Boundary

 Point of Diversion

 Plastic Water Tank

 Proposed Pond Location

 Spring

 Class III Watercourse

 Class II Watercourse

 Swale Feature

 Crossing Upgrade

 Install DRC

 Install RRD

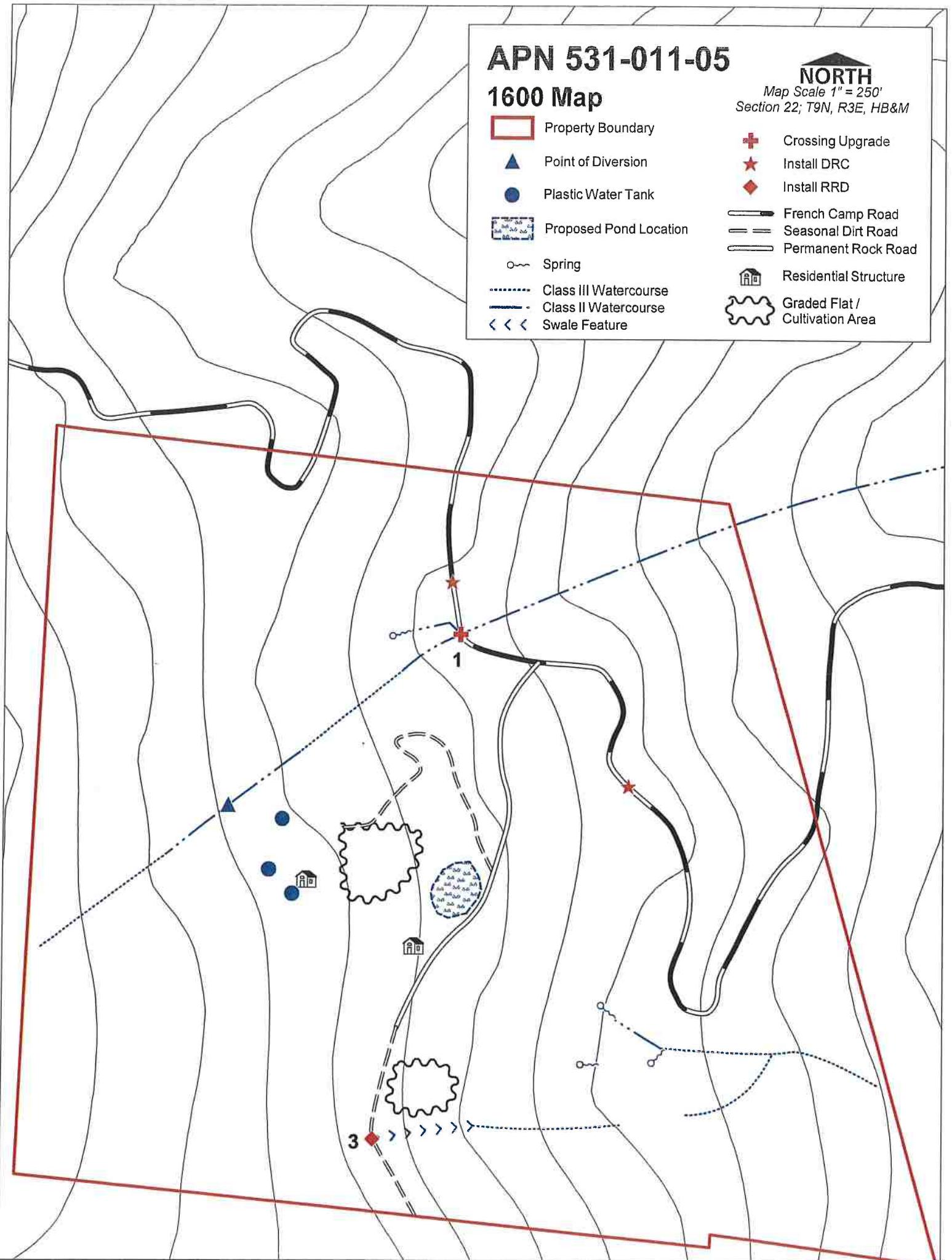
 French Camp Road

 Seasonal Dirt Road

 Permanent Rock Road

 Residential Structure

 Graded Flat /
Cultivation Area

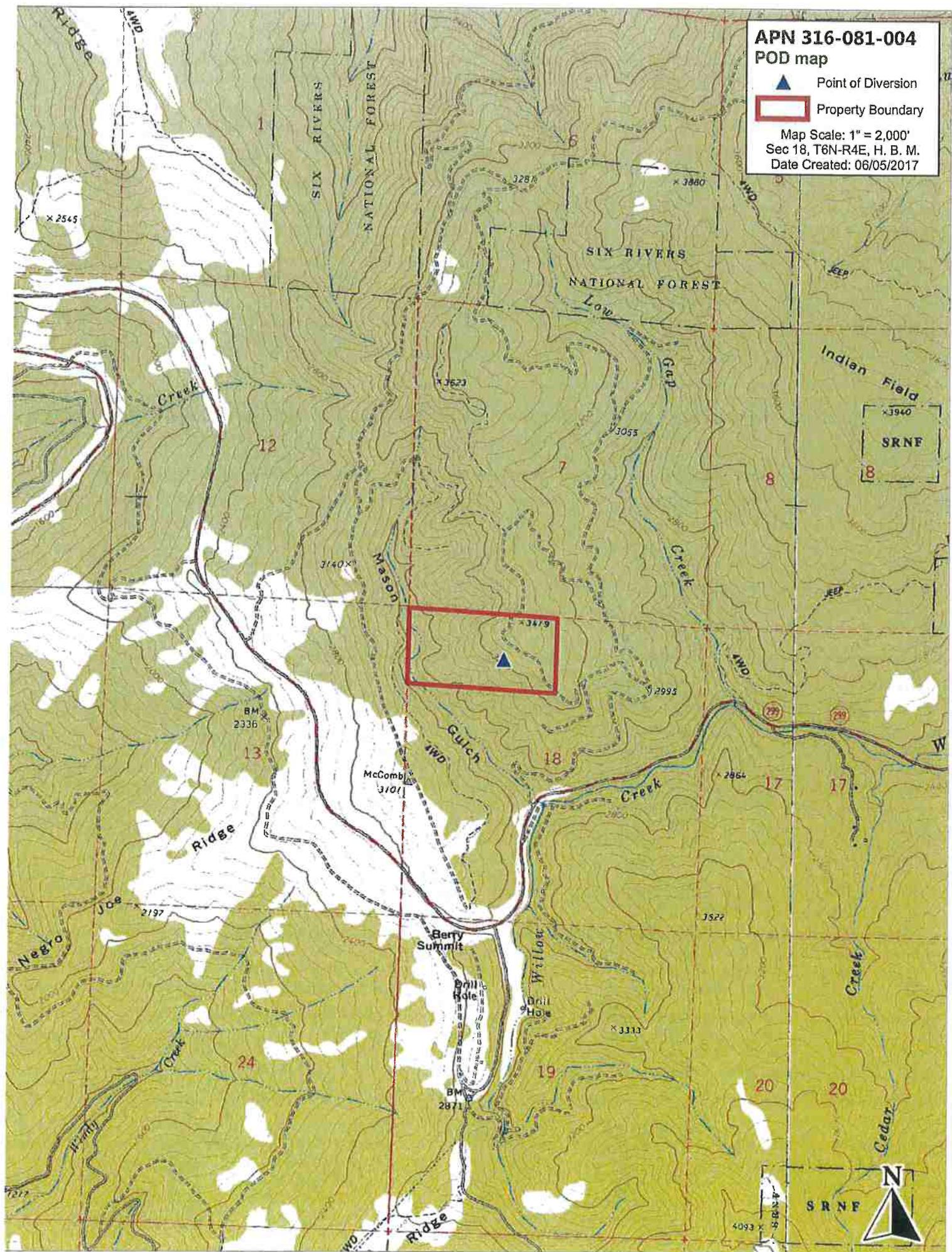


APN 316-081-004

POD map

Point of Diversion
Property Boundary

Map Scale: 1" = 2,000'
Sec 18, T6N-R4E, H. B. M.
Date Created: 06/05/2017





TIMBERLAND RESOURCE CONSULTANTS
165 S. FORTUNA BLVD., SUITE 4
FORTUNA, CA 95540
PH. 707-725-1897

COAST CENTRAL CREDIT UNION
90-7224/3211

11375

6/19/2017

PAY TO THE
ORDER OF California Dept. of Fish & Wildlife

\$ **1,683.00

One Thousand Six Hundred Eighty-Three and 00/100*****

DOLLARS

California Dept. of Fish & Wildlife
619 Second Street
Eureka, CA 95501

Raini Kipon

AUTHORIZED SIGNATURE

MEMO

11375 13211722481

1254009157531

TIMBERLAND RESOURCE CONSULTANTS

11375

California Dept. of Fish & Wildlife

6/19/2017

Old Goat Farms 1600-Fees

1,683.00

Coast Central Checkin

1,683.00

TIMBERLAND RESOURCE CONSULTANTS

11375

California Dept. of Fish & Wildlife

6/19/2017

Old Goat Farms 1600-Fees

1,683.00

Coast Central Checkin

1,683.00



TIMBERLAND RESOURCE CONSULTANTS
165 S. FORTUNA BLVD., SUITE 4
FORTUNA, CA 95540
PH. 707-725-1897

COAST CENTRAL CREDIT UNION
90-7224/3211

11376

6/19/2017

PAY TO THE ORDER OF California Dept. of Fish & Wildlife

\$ **3,000.00

Three Thousand and 00/100*****

DOLLARS

California Dept. of Fish & Wildlife
619 Second Street
Eureka, CA 95501

MEMO

Laurie Kepon
AUTHORIZED SIGNATURE

00113760 153211722481

125400915753

TIMBERLAND RESOURCE CONSULTANTS

11376

California Dept. of Fish & Wildlife

6/19/2017

Old Goat Farms 1600-Remediation Fee

3,000.00

Coast Central Checkin 3,000.00

TIMBERLAND RESOURCE CONSULTANTS

11376

California Dept. of Fish & Wildlife

6/19/2017

Old Goat Farms 1600-Remediation Fee

3,000.00

Coast Central Checkin 3,000.00