

CONDITIONS OF APPROVAL

APPROVAL OF THE COASTAL DEVELOPMENT PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS:

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The project shall be conducted in accordance with the Project Description and Project Design, date stamp received on July 28, 2023. Minor deviations shall be permitted as provided by Humboldt County Code Section 312-11; however, all other changes shall require modification of this permit.
3. The project shall implement all minimization measures and best management practices (BMPs) described in the following project materials:
 - a. *Natural Environment Study*, prepared by Caltrans in November 2022 (Attachment 2A)
 - b. *Environmentally Sensitive Habitat Area (ESHA) Assessment*, prepared by Caltrans in November 2022 (Attachment 2B)
 - c. *Air Quality and GHG Analyses for the Savage Creek Intake Project*, prepared by Caltrans in October 2022 (Attachment 2D)
 - d. *Noise Analysis for the Savage Creek Intake Project*, prepared by Caltrans in October 2022 (Attachment 2E)
4. The applicant shall obtain authorization and provide evidence of issued permits from the following agencies, as applicable:
 - a. North Coast Regional Water Quality Control Board (NCRWQCB) and U.S. Army Corps of Engineer (USACE) under Sections 401 and 404 of the Clean Water Act.
 - b. Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW).

Additionally, the applicant shall comply with all applicable terms and the reporting requirements of each respective permit.

5. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

B. Ongoing Requirements/Development Restrictions Which Must be Satisfied for the Life of the Project:

1. This permit shall expire and become null and void at the expiration of two (2) years after all appeal periods have lapsed (see “Effective Date”) except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. The period within which construction or use must commence may be extended as provided by Section 312-11.3 of the Humboldt County Code.
2. For the life of the project, the project shall continue to comply with the permit terms established under Water Right Permit No. 21166, issued by the SWRCB in 2004, including but not limited to monitoring and reporting, as required by SWRCB, and the year-round bypass flow requirements (Permit Term No.8):
 - a. Bypass a minimum flow of 67 gallons per minute (GPM) in Savage Creek. The total flow shall be bypassed wherever it is less than 67 GPM.
 - b. Instantaneous withdraw must not exceed 27 GPM.
 - c. The maximum daily withdraw rate under the water right must not exceed 16,000 gallons per day (GPD).

Informational Notes:

1. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

The applicant is ultimately responsible for ensuring compliance with this condition.