

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

RECEIVED

APR 11 2016

CDFW - EUREKA



STREAMBED ALTERATION AGREEMENT

NOTIFICATION No. 1600-2015-0544-R1

Unnamed Tributary, Tributary to Willow Creek, Tributary to the Trinity River, Tributary to the Klamath River and the Pacific Ocean

Mr. Tim Dower and Ms. Shannon Hughes
Water Diversion
3 Encroachments

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Mr. Tim Dower and Ms. Shannon Hughes (Permittees).

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittees initially notified CDFW on December 29, 2015, that the Permittees intend 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 Permittees have reviewed the Agreement and accept its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, the Permittees agree to complete the project in accordance with the Agreement.

PROJECT LOCATION

The project to be completed is located within the Willow Creek watershed, approximately 4.1 miles southwest of the town of Willow Creek, County of Humboldt, and State of California. The project is located in Section 10, T6N, R4E, Humboldt Base and Meridian; in the Willow Creek U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Numbers 316-064-11 and 316-065-04; latitude 40.9116 N and longitude 123.6984 W at the Point of Diversion-1 (POD-1), latitude 40.9123 N and longitude 123.7004 W at POD-2, and latitude 40.9139 N and longitude 123.7054 W at POD-3.

PROJECT DESCRIPTION

The project is limited to three stream diversions. Two of the diversion points are located on the same Class II stream which is a tributary to Willow Creek. The third POD is located on the Willow Creek main stem. The work for this project will include installation, use, and maintenance of the water diversion infrastructure for domestic use and irrigation.

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: Chinook salmon (*Oncorhynchus tshawytscha*), coho salmon (*O. kisutch*), steelhead trout (*O. mykiss*), amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Impacts to water quality:

increased water temperature;

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

cumulative effect when other diversions on the same stream are considered;
diversion of flow from activity site;
direct and/or incidental take;
water quality degradation; and
damage to aquatic habitat and function.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittees shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittees 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 Permittees 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 Permittees, including but not limited to contractors, subcontractors, inspectors, and monitors.

- 1.3 Adherence to Existing Authorizations. All water diversion facilities that the Permittees own, operate, or control 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 to the stream or wildlife by CDFW, 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 Permittees shall notify CDFW if the Permittees determine or learn 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 Permittees to resolve any conflict.
- 1.6 Project Site Entry. The Permittees agree 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 Permittees 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 Permittees 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 Permittees' Notification received with fees paid in full on December 29, 2015, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 Maximum Diversion Rate. The maximum instantaneous diversion rate shall not exceed 5 gallons per minute. The instantaneous diversion rate shall not exceed 20% of the total flow at any time. This condition is subject to modification should further analysis warranting such action become available at a later date.
- 2.3 Bypass Flow. The Permittees 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.
- 2.4 Water Conservation. By May 15, 2016, the Permittees shall add sufficient water storage and/or water conservation measures to limit diverting spring flow from May

15 to October 15 to no more than 200 gallons per day. The Permittees shall make best efforts to minimize water use, and to follow best practices for water conservation and management.

- 2.5 Intake Structure. No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct or screen, or cover the diversion intake structure.
- 2.6 Intake Shall Not Impede 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.
1. Fish Screen for Willow Creek POD. The diversion pump shall be fitted with a fish screen meeting the criteria of the Department and the National Marine Fisheries Service (NOAA Fisheries). The fish screen criteria are as follows:
 - A. The screen shall be designed with an approach velocity of no more than 0.1 feet per second. Approach velocity is the velocity of the water perpendicular to the screen face measured three inches in front of the screen surface.
 - B. The screen shall have at least 5 square feet of submerged screen material for each cfs of the maximum diversion rate.
 - C. Screens shall be installed on intakes wherever water is drafted. Intakes shall be at least 6 inches above the bottom of the channel and away from submerged vegetation.
 - D. Round openings in the screen shall not exceed 3/32" diameter, square openings shall not exceed 3/32" measured diagonally, and slotted openings shall not exceed 0.069 inches in width.
 - E. The screen may be constructed of any rigid woven, perforated, or slotted material that provides water passage while physically excluding fish. Screen material shall provide a minimum of 27% open area, but more open area is better. Stainless steel is recommended to minimize corrosion problems.
 - F. The screen shall be designed to distribute the flow uniformly over the entire screen area.
 - G. The screen face generally should be parallel to the flow of the stream.
 - H. The screen shall be cleaned as frequently as necessary to prevent the approach velocity from exceeding 0.4 fps.

- I. The screen shall be kept in good repair, and shall be used whenever water is being diverted.
- 2.7 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 Permittees shall install any other measures necessary to prevent overflow of tanks resulting in more water being diverted than is used.
- 2.8 Water Management Plan. The Permittees shall submit a Water Management Plan that describes how water conservation measures will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain the 200 gallon per day water diversion limit during the period of May 15 to October 15 and meet the 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 Water Management Plan shall be submitted by June 15, 2016, to CDFW at the 619 Second Street, Eureka, CA 95501.**
- 2.9 State Water Code. This Agreement does not constitute a valid water right. The Permittees shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. Information may be found at:
http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/

3. Reporting Measures

- 3.1 Measurement of Diverted Flow. The Permittees shall install a device acceptable to CDFW for measuring the quantity of water diverted to and from the storage system. Alternatively, the Permittees can record the frequency of pumping and the time to fill storage. This measurement shall begin as soon as this Agreement is signed by the Permittees. The Permittees shall record the quantity of water pumped to and from the system on a weekly basis. **The water diversion records shall be provided to CDFW at the 619 Second Street, Eureka, CA 95501 office no later than December 31 of each year beginning in 2016.**

CONTACT INFORMATION

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

To Permittees:

Mr. Tim Dower and Ms. Shannon Hughes
P.O. Box 74
Willow Creek, California 95573
707-601-5405

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2015-0544-R1

LIABILITY

The Permittees shall be solely liable for any violation of the Agreement, whether committed by the Permittees or any person acting on behalf of the Permittees, 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 Permittees to proceed with the project. The decision to proceed with the project is the Permittees' alone.

SUSPENSION AND REVOCATION

CDFW may suspend or revoke in its entirety this Agreement if it determines that the Permittees or any person acting on behalf of the Permittees, 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 Permittees 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 Permittees an opportunity to correct any deficiency before CDFW suspends or revokes the Agreement, and include instructions to the Permittees, 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 Permittees 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 Permittees or any person acting on behalf of the Permittees, 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 Permittees or any person acting on behalf of the Permittees, 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 Permittees or any person acting on behalf of the Permittees, 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 Permittees may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by CDFW and the Permittees. To request an amendment, the Permittees 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 Permittees 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 Permittees 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 Permittees 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 Permittees fail to submit a request to extend the Agreement prior to its expiration, the Permittees 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 Permittees 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 Permittees 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 Permittees, the signatory hereby acknowledges that he or she is doing so on the Permittees' behalf and represents and warrants that he or she has the authority to legally bind the Permittees to the provisions herein.

AUTHORIZATION

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

CONCURRENCE

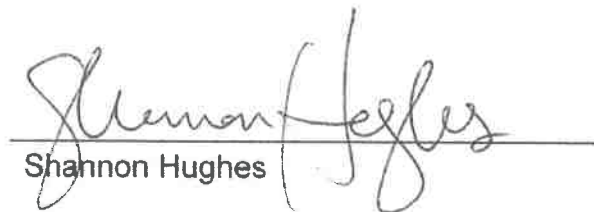
The undersigned accepts and agrees to comply with all provisions contained herein.

FOR Mr. Tim Dower and Ms. Shannon Hughes



Tim Dower

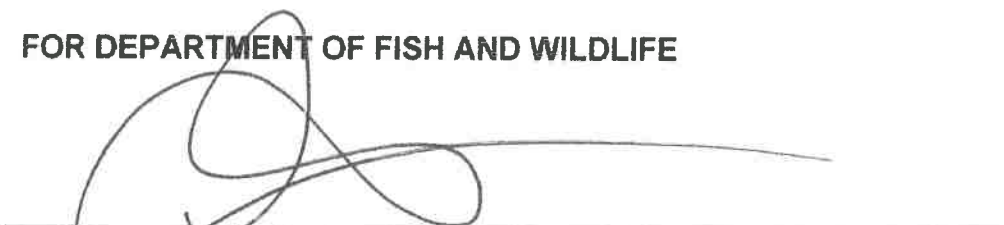
4/6/2016
Date



Shannon Hughes

4/6/16
Date

FOR DEPARTMENT OF FISH AND WILDLIFE



Gordon Leppig
Senior Environmental Scientist Supervisor

4/12/16
Date

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



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE
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	Tim Dower and Shannon Hughes			
Business/Agency				
Street Address	P.O. Box 74			
City, State, Zip	Willow Creek, CA, 95573			
Telephone	707-601-5405	Fax		
Email				

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

Name	Chris Carroll			
Street Address	165 S. 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	EMMERSON R H & SON LLC			
Street Address	PO BX 496014			
City, State, Zip	REDDING CA 96049-6014			
Telephone		Fax		
Email				

4. PROJECT NAME AND AGREEMENT TERM

A. Project Name		Dower-Hughes1600		
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)	

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

5. AGREEMENT TYPE

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

A.	<input checked="" type="checkbox"/> Standard (Most construction projects, excluding the categories listed below)
B.	<input type="checkbox"/> Gravel/Sand/Rock Extraction (Attachment A) Mine I.D. Number: _____
C.	<input type="checkbox"/> Timber Harvesting (Attachment B) THP Number: _____
D.	<input type="checkbox"/> Water Diversion/Extraction/Impoundment (Attachment C) SWRCB Number: _____
E.	<input type="checkbox"/> Routine Maintenance (Attachment D)
F.	<input type="checkbox"/> CDFW Fisheries Restoration Grant Program (FRGP) FRGP Contract Number _____
G.	<input type="checkbox"/> Master
H.	<input type="checkbox"/> Master Timber Harvesting

6. FEES

Please 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	3 diversions	>\$5k	\$736.50
2			
3			
4			
5			
		D. Base Fee <i>(if applicable)</i>	
		E. TOTAL FEE ENCLOSED	\$736.50

7. PRIOR NOTIFICATION OR ORDER

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 an order, notice, or other directive ("order") by a court or administrative agency (including the Department)?

No Yes (Enclose a copy of the order, notice, or other directive. If the directive is not 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)

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

8. PROJECT LOCATION

A. Address or description of project location. <i>(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)</i>					
Located approximately 4.4 miles southwest of Willow Creek within APN 316-064-011, Section 10; Township 6 North, Range 4 East, Humboldt County, HB&M. Access is from a rocked access road located off Highway 299 which is located 0.35 miles down highway from the USFS East Fork Campground. See Location Map attached.					
<input type="checkbox"/> Continued on additional page(s)					
B. River, stream, or lake affected by the project.		Unnamed Class II and Willow Creek			
C. What water body is the river, stream, or lake tributary to?		Willow Creek - Trinity River			
D. Is the river or stream segment affected by the project listed in the state or federal Wild and Scenic Rivers Acts?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown			
E. County	Humboldt				
F. USGS 7.5 Minute Quad Map Name		G. Township	H. Range	I. Section J. ¼ Section	
Willow Creek, CA		6N	4E	10 SE	
<input type="checkbox"/> Continued on additional page(s)					
K. Meridian (check one)		<input checked="" type="checkbox"/> Humboldt <input type="checkbox"/> Mt. Diablo <input type="checkbox"/> San Bernardino			
L. Assessor's Parcel Number(s)					
316-065-04 POD #1 316-064-011 POD #2, #3 & POU					
<input type="checkbox"/> Continued on additional page(s)					
M. Coordinates (If available, provide at least latitude/longitude or UTM coordinates and check appropriate boxes)					
Latitude/Longitude	Latitude:		Longitude:		
	<input type="checkbox"/> Degrees/Minutes/Seconds		<input type="checkbox"/> Decimal Degrees <input type="checkbox"/> Decimal Minutes		
UTM	Easting:	Northing: See Addendum 8M		<input checked="" 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	

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

9. PROJECT CATEGORY AND WORK TYPE *(Check each box that applies)*

PROJECT CATEGORY	NEW CONSTRUCTION	REPLACE EXISTING STRUCTURE	REPAIR/MAINTAIN 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 type="checkbox"/>	<input type="checkbox"/>
Debris basin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dam	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Diversion structure – weir or pump intake	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
Storm drain outfall structure	<input type="checkbox"/>	<input 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"/>
Other (specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

10. PROJECT DESCRIPTION

- A. Describe the project in detail. Photographs of the project location and immediate surrounding area should be included.
- Include any structures (e.g., rip-rap, culverts, or channel clearing) that will be placed, built, or completed in or near the stream, river, or lake.
 - Specify the type and volume of materials that will be used.
 - If water will be diverted or drafted, specify the purpose or use.

Enclose diagrams, drawings, plans, and/or maps that provide all of the following: site specific construction details; the dimensions of each structure and/or extent of each activity in the bed, channel, bank or floodplain; an overview of the entire project area (i.e., "bird's-eye view") showing the location of each structure and/or activity, significant area features, and where the equipment/machinery will enter and exit 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.

None. No construction activities are proposed.

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

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

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.

None. No construction activities are proposed.

Continued on additional page(s)

B. Will the project affect any vegetation? Yes (Complete the tables below) No

Vegetation Type	Temporary Impact	Permanent Impact
	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

Willow Creek provides habitat to Chinook and coho salmon and steelhead

Continued on additional page(s)

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

<https://nrm.dfg.ca.gov/documents/docviewer.aspx>

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.

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.

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

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.

None. No construction activities are proposed.

Continued on additional page(s)

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

None.

Continued on additional page(s)

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

None. This notification proposes no construction activities or modifications to the diversion structures unless specifically required by CDFW.

Continued on additional page(s)

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. _____ Applied Issued

B. _____ Applied Issued

C. _____ Applied Issued

D. Unknown whether local, state, or federal permit is needed for the project. (Check each box that applies)

Continued on additional page(s)

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

16. DIGITAL FORMAT

Is any of the information included as part of the notification available in digital format (i.e., CD, DVD, etc.)?
<input type="checkbox"/> Yes (Please enclose the information via digital media with the completed notification form)
<input checked="" type="checkbox"/> 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.

Chris Carroll

Signature of Applicant or Applicant's Authorized Representative

12-24-15

Date

Chris Carroll

Print Name

Addendum 8M – Coordinates (UTM Zone 10)

POD #1: 441,198.06m; 4,529,160.65m

POD #2: 441,020.91m; 4,529,254.54m

POD #3: 440,582.31m; 4,529,429.07m

Addendum 10 – PROJECT DESCRIPTION

This project consists of the diversion of surface water for domestic and agricultural use. The applicants Tim Dower and Shannon Hughes purchased APN 316-064-011 in December 2015. Previous owners have utilized POD #1, as described below, as the sole source of domestic and agricultural water. The new owners wish to permit the existing and proposed diversions as described below.

POD #1: Existing POD located on Sierra-Pacific Industries property consisting of a perforated ¾-inch poly pipe with a screened inlet located in a Class II watercourse. This POD has been in use at this location for at least 15+ years for the two previous landowners. The inlet is plumbed via ¾-inch poly pipe to a 2,500 gallon plastic tank, which provides water to the residence.

POD #2: Proposed diversion located below POD #1. This diversion is located on the landowner's property. The landowners will be contacting SPI to discuss the continued use of POD #1. The previous landowners (Mike and Karen Briggs) had verbal permission to divert water from SPI land; however the new owners will need a new permitted diversion site if SPI doesn't grant them permission to use the existing diversion. The new diversion would likely consist of same diversion infrastructure as POD #1. This notification only proposes to use POD #2 if POD #1 is not available.

POD #3: Proposed diversion in Willow Creek. The landowners are planning on farming a portion of their land located between Highway 299 and Willow Creek. The applicants have contacted Caltrans to request permission to run a small ¾-inch waterline through a culvert or storm water drain located underneath 299 on their property. Request was denied by Caltrans. Consequently, this notification includes POD #3. This diversion would serve an agricultural site (not cannabis) and the diversion works will consist of a small pump and storage tanks as needed.

The landowner requests permission to divert year-round for domestic use only. This would constitute a minimal amount of water, perhaps 100-200 gallons per day maximum, at a low rate of diversion acceptable to CDFW. The landowner understands that diversion of surface water for agricultural use will require forbearance.

Attachment C: This notification proposes direct diversion of water for domestic use at POD #1 @ 200 gallons per day, which equates to 73,000 gallons per year. Diversion to storage is also proposed for both POD #1 and POD #3 from January 1 through May 14 at 1,000 gallons per day. This notification allows the landowner to divert up to 153,000 gallons from each POD or a combination thereof. The landowner will install the necessary storage required upon issuance of a CDFW Agreement.

Division Of Water Rights Initial Statement Of Water Diversion And Use for 2015 is not attached because the applicants just acquired the property. The landowners will install a water meter beginning 2016.

Addendum 10 – Pictures



Picture 1: This is a photograph of POD #1, which is located on SPI timberland. Photo date 12-23-2015.

Addendum 10 – Pictures (Cont.)



Picture 2: Photograph of POD #1 looking downstream. Photo date 12-23-2015.

Addendum 10 – Pictures (Cont.)



Picture 3: Photograph of POD #1 looking upstream. Photo date 12-23-2015.

Addendum 10 – Pictures (Cont.)



Picture 4: This is a photo of a 2,500 gallon storage tank, which provides water to the residence. Photo Date 12-23-2015.

Addendum 10 – Pictures (Cont.)



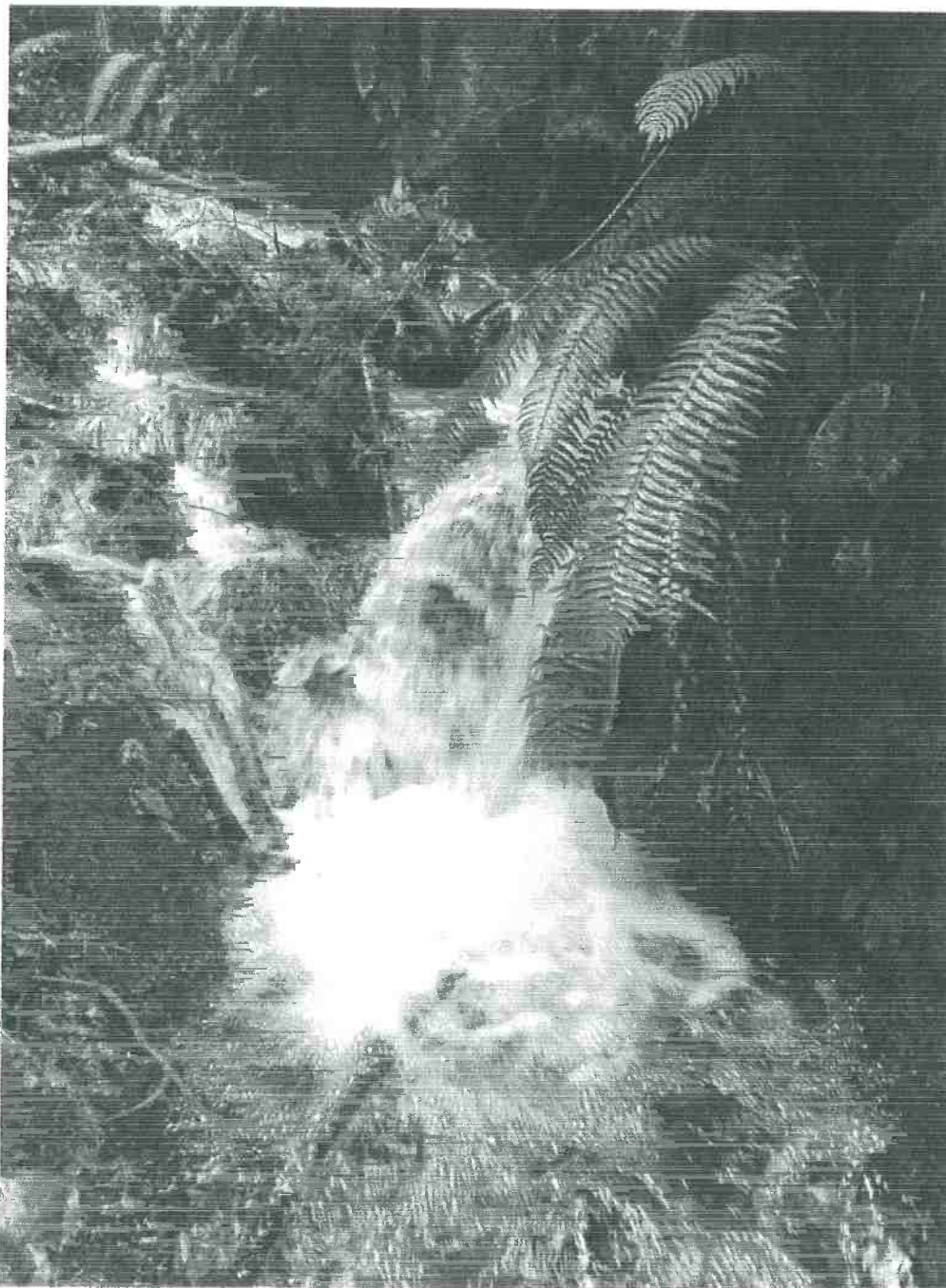
Picture 5: Photograph of the residence looking north. Photo Date 12-23-2015

Addendum 10 – Pictures (Cont.)



Picture 6: Photograph of the residence looking west. Photo Date 12-23-2015

Addendum 10 – Pictures (Cont.)



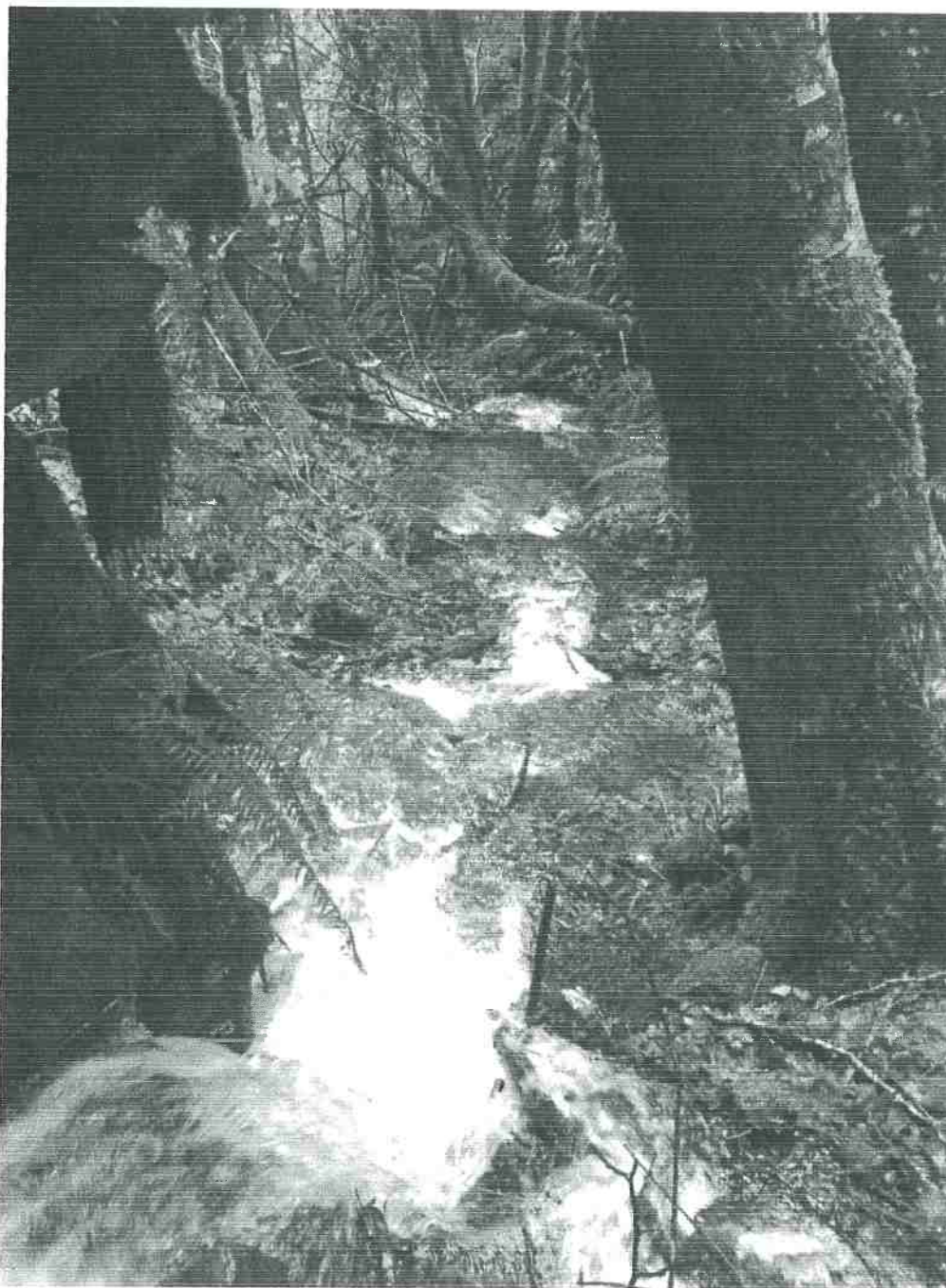
Picture 7: Photograph of POD #2, which is the proposed diversion site to be used if SPI doesn't allow continued use of POD #1. The existing ¾-inch poly pipe shown in picture is from an older diversion and has not been recently used based upon its condition. Photo date 12-23-2015

Addendum 10 – Pictures (Cont.)



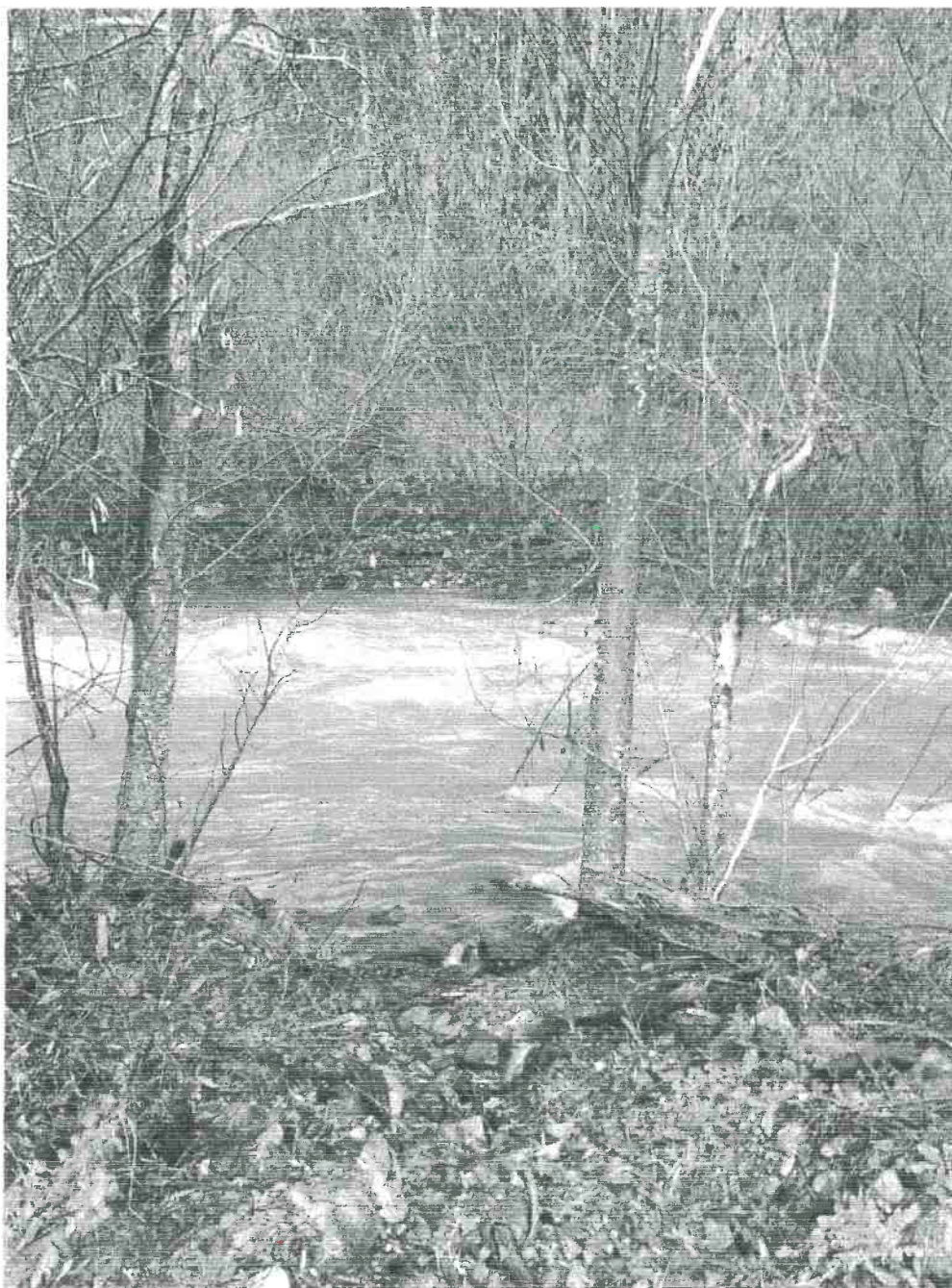
Picture 8: Photograph of POD #2 looking upstream. The diversion site is located in a plunge pool below a large boulder to right and red alder tree to left. Photo date 12-23-2015

Addendum 10 – Pictures (Cont.)



Picture 9: Photograph of POD #2 looking downstream. Photo date 12-23-2015

Addendum 10 – Pictures (Cont.)



Picture 10: Photograph of proposed POD #3, which is located in Willow Creek. Photo date 12-23-2015

Addendum 10 – Pictures (Cont.)



Picture 11: Photograph looking downstream of POD #3. Photo date 12-23-2015

Addendum 10 – Pictures (Cont.)



Picture 12: Photograph looking upstream of POD #3. Photo date 12-23-2015.

Addendum 10 – Pictures (Cont.)



Picture 13: Photograph of the proposed agricultural site located between Highway 299 and Willow Creek. This picture is taken looking south with the highway fill slope to the left of photo. Photo date 12-23-2015

Addendum 10 – Pictures (Cont.)



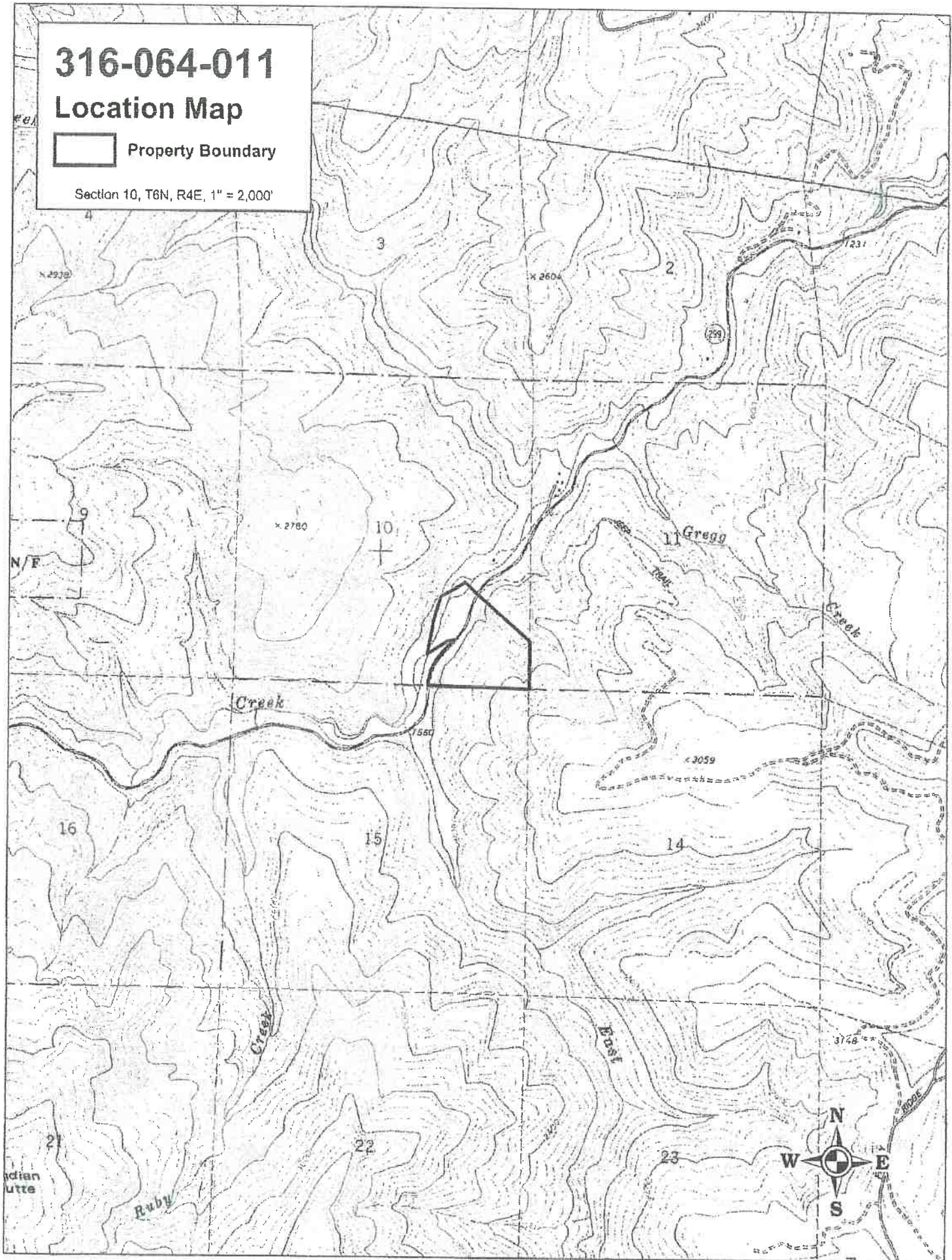
Picture 14: This is a photograph of four 5,000 gallon water tanks, which are plumbed to the shop's gutters. The landowner intends on adding additional storage tanks at this location to harvest rain water in order to comply with the forbearance requirements. Photo date 12-22-2015

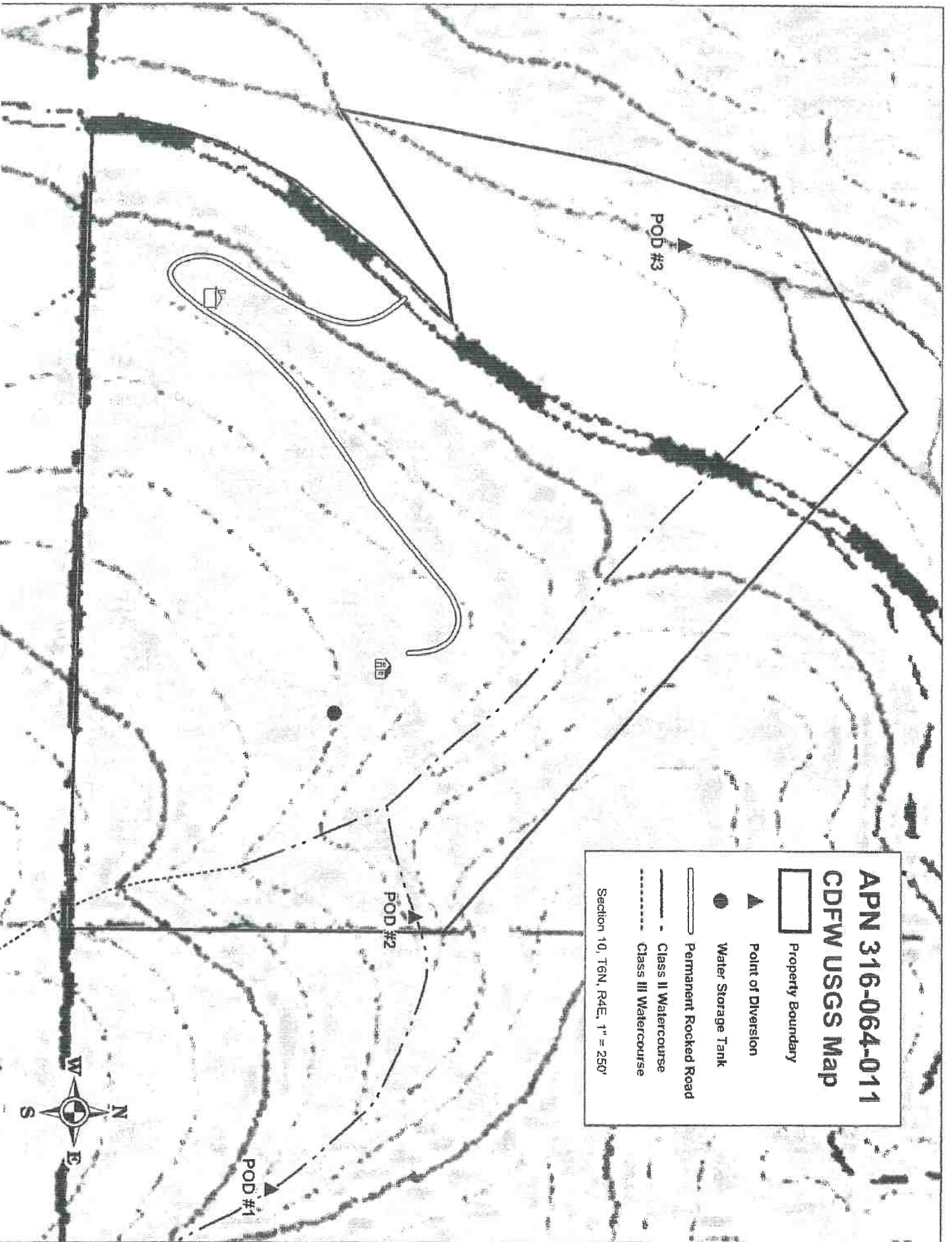
316-064-011

Location Map







 **Property Boundary**

Section 10, T6N, R4E, 1" = 2,000'

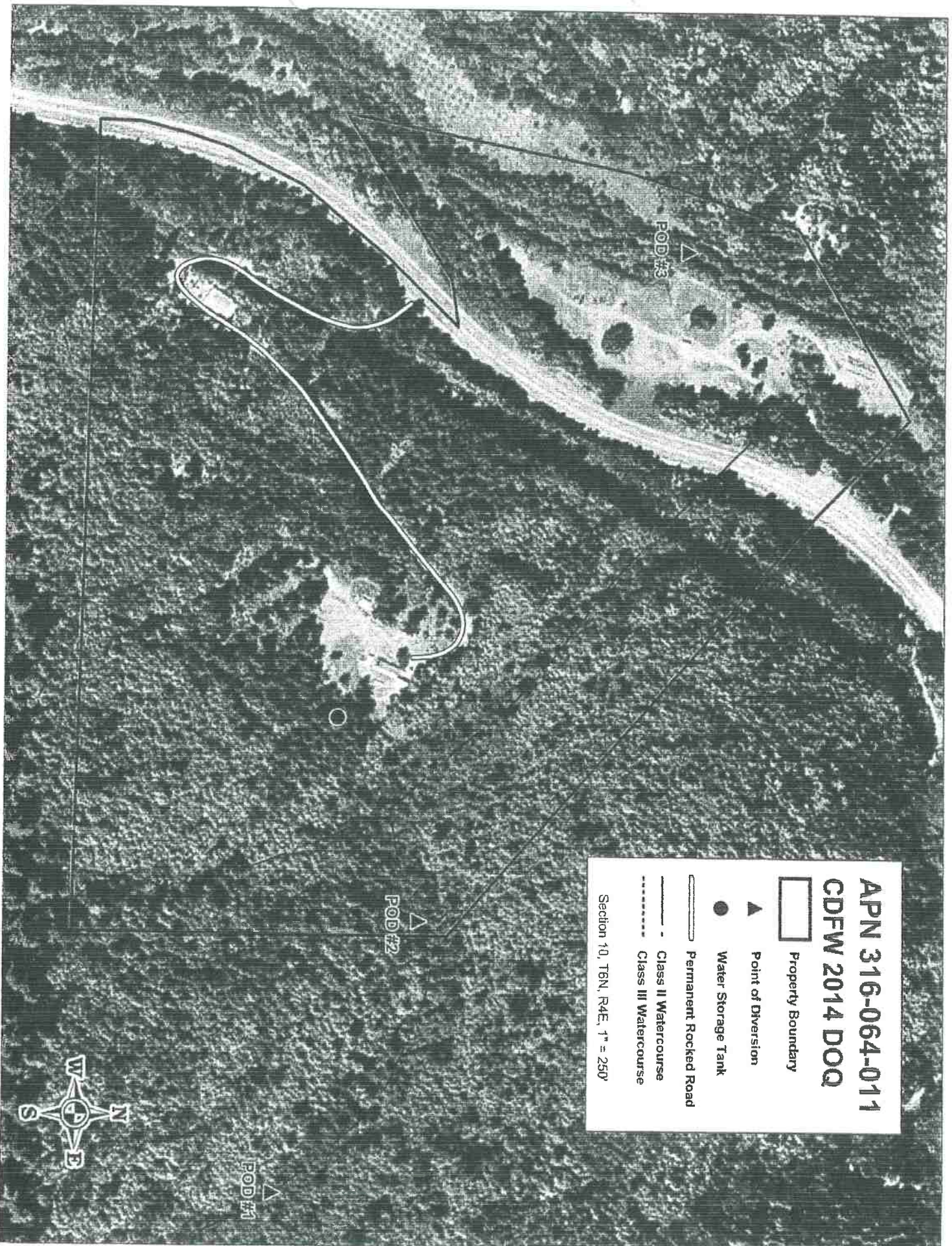




APN 316-064-011
CDFW USGS Map

-  Property Boundary
 -  Point of Diversion
 -  Water Storage Tank
 -  Permanent Rocked Road
 -  Class II Watercourse
 -  Class III Watercourse
- Section 10, T6N, R4E, 1" = 250'





APN 316-064-011
CDFW 2014 DOQ

Property Boundary

Point of Diversion

Water Storage Tank

Permanent Rocked Road

Class II Watercourse

Class III Watercourse

Section 10, T6N, R4E, 1" = 250'

POD#3

POD#2

POD#1



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

Applicant Name: Tim Dower and Shannon Hughes

Project Name: Dower-Hughes1600

ATTACHMENT C

Water Diversion Questionnaire

I. DIVERSION OR OBSTRUCTION

Please provide the additional information below *if* the project is directly related to any diversion, obstruction, extraction, or impoundment of the natural flow of a river, stream, or lake. 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.

- 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 gallons per day).

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
POD #1 January 1	December 31	<i>Domestic</i>	1-5 gpm		0.22
POD #1 January 1	May 14	<i>Ag</i>	1-5 gpm	0.46	
POD #3 January 1	May 14	<i>Ag</i>	10 gpm	0.46	

- 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): Per CDFW.

NOTIFICATION OF LAKE OR STREAMBED ALTERATION
ATTACHMENT C

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

- Riparian. *Attach the most recent statement of riparian rights filed with the State Water Resources Control Board (SWRCB).* **PAD #2 + PAD #3**
- Diversion for immediate use
- Diversion to storage (for less than 30 days)
- Appropriative **PAD #1**
- Pre-1914
- Post-1914. *Attach a copy of the applicant's water right application, permit, or license filed with or issued by the SWRCB.*
- Diversion for immediate use. *Attach a copy of the applicant's water right application, permit, or license filed with or issued by the SWRCB.*
- Diversion to storage. *Attach a copy of the applicant's water right application, permit, or license filed with or issued by the SWRCB.*
- Small domestic or livestock stockpond use. *Attach a copy of the applicant's registration of water use form filed with the SWRCB. (See Water Code section 1228 et seq.)*
- 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.*

Division Of Water Rights Initial Statement of Water Diversion and Use for 2016
is not attached because property just purchased. Small Domestic Use
registration to be submitted upon issuance of CDFW 1600 Agreement

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 to complete the notification. Such information could include more site-specific information to ensure that the terms and conditions in the Lake or Streambed Alteration 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 specific studies 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:

NOTIFICATION OF LAKE OR STREAMBED ALTERATION
ATTACHMENT C

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). The protocol for water availability analyses is available on request.
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, which 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 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 a reservoir by diverting or obstructing the flow of a river, stream, or lake.

- A. Proposed use of the stored water: Not Applicable
- 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 that will be employed to ensure that the flow is maintained below the dam at all times when water is being diverted into the reservoir. _____

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

NOTIFICATION OF LAKE OR STREAMBED ALTERATION
ATTACHMENT C

- I. The methods that will be 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 that will be 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: _____





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

COAST CENTRAL CREDIT UNION
 90-7224/3211

9846

12/28/2015

PAY TO THE
 ORDER OF

California Dept. of Fish & Wildlife

\$ **736.50

Seven Hundred Thirty-Six and 50/100*****

DOLLARS

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

MEMO

Lamin Kepon
 AUTHORIZED SIGNATURE

⑈009846⑈ ⑆32⑆⑆72248⑆ ⑆254009⑆5753⑈

Details on Back Security Features Included

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California Dept. of Fish & Wildlife

12/28/2015

Dower-Hughes 1600

736.50

Coast Central Checkin

736.50

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