

ATTACHMENT 2

Comments from California Department of Fish & Wildlife and the North Coast Regional Water Quality Control Board on the Grant Applications and the Grant Applications

- 1. Cobb Road Improvements**
- 2. Serendipity Road Improvements**
- 3. Samuels Ranch Road**
- 4. Moriah Miranda**
- 5. Nooning Creek**
- 6. Diamond Sky Farm**
- 7. Armstrong Road Improvement**
- 8. Van Dyke**
- 9. Bamboo Farms Remediation**
- 10. Walker Ridge**

CDFW Comments

1. Bamboo Farms Remediation

- Work completed –low priority for funding.
- Code Enforcement Violations – Cured, however would this be considered directly or indirectly related to the Abatement process per the Settlement Agreement?
- Salmon Creek Watershed – Due to limited funding, money may be better spent in watersheds presently containing coho salmon.
- LSAA No. 1600-2017-0807-R1 – Reporting requirements delinquent. Project cost \$10K more than LSA notification.
- Portion of funding request may be associated with LSAA Remediation fee. CDFW does not support reimbursement of costs associated with this expense item. CDFW requests clarification on this item if feasible.
- Cost summary is unclear. Invoices associated with project costs do not match project totals. Recommend requesting clarification.
- **CDFW recommends denial for project funding given the project includes reimbursement for work already completed, project location, and scope of project. If County chooses to approve this project, CDFW requests that the applicant provide evidence of LSAA compliance prior to grant award.**

2. Van Dyke

- Salmon Creek Watershed – Due to limited funding, money may be better spent in watersheds presently containing coho salmon.
- Work Completed – Low priority for funding.
- Cost estimate appears appropriate for crossing upgrades.
- LSAA No. 1600-2017-0299-R1 – Delinquent on a portion of reporting requirements. Project cost included in LSAA is comparable to funding request.
- **CDFW recommends denial for project funding given the project includes reimbursement for work already completed, scope of work, and project location.**

3. Serendipity Road Improvements

- Chamise Creek Watershed – Lower Priority
- LSAA 1600-2018-0721-R1 (issued 12/21/21) Currently in compliance.
- Grant application project cost is inconsistent with LSAA project cost. Project cost difference is approximately \$46K more than LSA notification.
- Overall project cost appears excessive. There is no supporting documentation for contractor bids or materials quotes included. Additional transparency of project cost would be helpful.
- **CDFW recommends denial of funding for this application or reevaluation of project costs prior to funding.**

4. Moriah Appel - Diamond Sky Farm

- Blue Slide Creek Watershed – High Priority
- Projects to be completed – Low Priority compared to other projects on access road to project site.
- LSAA No. 1600-2020-0053-R1- In compliance.
- Project cost appears excessive. Grant application project cost is inconsistent with LSAA project cost. Project cost difference is approximately \$13K more than LSA notification.
- **CDFW recommends denial of funding for this project. Project funding would be better utilized on the shared use access road (Crooked Prairie Road) to this site.**

5. Jennifer Markman- Nooning Creek

- Bridge Creek -Mattole Watershed – High Priority
- Ray Wilcox is to complete work to reconfigure a 24” culvert on a Class III stream and replace an 18” diameter culvert with a 36” culvert on a class II stream.
- Crossings on smaller Class III streams are lower priority than crossings on Class I or two streams.
- LSAA No. 1600-2019-0156 - Issued OpLaw.
- Project cost appears excessive. Grant application project cost is inconsistent with LSAA project cost. Project cost difference is approximately \$48K more than LSA notification.
- **CDFW recommends denial of project funding given substantial overstatement of project budget.**

6. Moriah Miranda

- Project cost is excessive and includes line items that are inconsistent with the scope of this funding opportunity
- Project Costs directly related to Notice to Abate/Code Enforcement Violations
- LSAA – 1600-2019-0430 - Work Completed in 2020. LSAA Reporting requirements for water diversion delinquent.
- Butte Creek watershed – Due to limited funding, money may be better spent in watersheds presently containing coho salmon.
- **CDFW recommends denial of project funding given that fees requested for reimbursement are predominantly related to fees accrued for resolution of County Code violations and are directly linked to the abatement process (inconsistent with Settlement Agreement associated with this funding opportunity).**

7. Wesley Stoft - Walker Ridge

- Class III streams, unnamed tributaries to Tom Long Creek - Eel River Watershed
- Moderate priority crossings due to Stream Class/location when compared to other areas within this watershed.
- LSAA issued 1600-2019-0576-R1 – Out of compliance, reporting requirements delinquent.
- Project cost appears excessive. Grant application project cost is inconsistent with LSAA project cost. Project cost difference is approximately \$27K more than LSA notification.
- No supporting documentation for contractor bids or materials quotes provided. Additional transparency of project cost would be helpful.
- **CDFW recommends denial of this project at this time due to lack of transparency in budget analysis, and non-compliance with Agency permits. . CDFW requests prior to approval of the project (this grant cycle or future grant cycles), that applicant provide evidence of an LSAA amendment and compliance with CDFW reporting requirements.**

8. John Miller - Samuels Ranch Road

- Salmon Creek Watershed – Due to limited funding, money may be better spent in watersheds presently containing coho salmon.
- Road Association – Project limited to rocking 5 miles of road for sediment reduction (no stream crossing upgrades).
- **CDFW recommends approval of grant funding for this project.**

9. Cobb Road Improvements

- Van Duzen/Eel River Watershed- High Priority
- Project cost appropriate.
- Project is fully permitted.
- **CDFW recommends approval of grant funding for this project.**

10. Armstrong Road Improvement

- Minor Creek Watershed- Redwood Creek North (priority watershed per HumCo Resolution 18-43) Not priority for funding per Settlement Agreement.
- Final LSAA 1600-2019-0096-R1. Out of compliance with work completion dates and all other reporting requirements.
- Grant application project cost is inconsistent with LSAA project cost. Project cost difference is approximately \$186K more than LSA notification.
- Price appears excessive. Transparency and justification of project cost would provide clarity.
- **CDFW recommends denial of this project due to location of project, lack of transparency in project budget, and non-compliance with State permit requirements.**

Friends of the Eel Grant Program – CDFW General Comments:

- Does the Settlement Agreement with Friends of the Eel River allow for projects to be funded that are not in the Eel River Watershed?
- The geographic prioritization component of the grant program does not coincide with areas that CDFW has identified as priority watersheds for aquatic habitat and restoration. The geographic prioritization is based on watersheds that have received a cultivation cap. CDFW recommends watershed prioritization be modified to include areas of habitat restoration priority (fish population strongholds) that coincide with cannabis cultivation activities.
- Projects should be in compliance with all their permits to be eligible for grant funds.
- No statement related to applicants with prior or current violations from State agencies was identified. Will documented violations from State agencies affect applicants' ability to receive funding? If not, why not?
- Projects with completed work should not be considered for funding, especially if work was done under order from the County for Code Enforcement violations.
- What is the County's process for evaluating project cost? County engineer input on cost (ensure it aligns with industry standards) should be required as part of evaluating project. This should be done prior to Planning Department and State agency personnel review.
- Cost share should be included in the evaluation and given weight in the scoring process. This would allow grant money to be extended to a higher number of projects and provide additional criteria for project review and scoring.
- The maps attached to the Settlement Agreement differ from those described in BOS Resolution 18-43. Please clarify which maps are intended for use and why they differ. Is there an opportunity to modify priority watersheds for future funding cycles?
- The Draft Staff Report suggests that there will be an opportunity to refine the application guidelines. What does this opportunity look like (e.g., timeline, communication style, etc.)? Will you require a formal process for CDFW to provide recommendations for refinement?
- How is the County advertising this grant program? Given the number of applications, additional outreach may be beneficial. CDFW would be happy to assist with outreach.
- A site visit component should be a part of the proposal review process (at least required for projects over a certain dollar amount).
- If the project cost included in the application differs from the application submitted to the CDFW LSA program, how will the County address this?
- How is each of the four questions on score sheet rated? 25% each?

- Is there a list of parameters established for items that would disqualify an applicant (e.g., Abatement, Violations with State Agencies, Completed work, unreliable cost estimates, etc.)?
- Is it possible to fund a portion of the project, rather than grant the full amount requested? If yes, is there a process to establish what portion of the project may be funded? If no, does the County/Friends of the Eel River, wish to modify the process to implement this approach?
- One of the priority criteria related to road associations is contradictory to another statement to provide road associations priority. CDFW Recommends Road Associations receive equal or greater priority than individual landowners. Shared use roads, in general, have more use and a more significant impact to water quality and aquatic habitat and function.
- It would be beneficial to modify point system to include delineation of projects by stream Class (e.g., Class I and II receive more points than Class III).
- Additional criteria for scoring related to project type, project benefits, and geographic location are warranted.

From: [White, Adona@Waterboards](mailto:White,Adona@Waterboards)
To: [Bauer, Scott@Wildlife](mailto:Bauer,Scott@Wildlife); [Adler, Elanah](mailto:Adler,Elanah); [Bocast, Kalyn@Wildlife](mailto:Bocast,Kalyn@Wildlife); [Grady, Kason@Waterboards](mailto:Grady,Kason@Waterboards); [Richardson, Michael](mailto:Richardson,Michael)
Subject: RE: Grant Program Meeting
Date: Tuesday, January 11, 2022 6:00:28 PM

Greetings,

Thank you for the opportunity to comment on the Planning and Building Department's 2021-2022 water quality grant program and for a great meeting today. We look forward to continuing to work with the County and CDFW to reduce road-related sediment delivery to priority streams.

We have reviewed the draft Staff Report, dated January 5, 2022, and the project spreadsheet, as well the applications. We appreciate the opportunity to provide input on this grant program and have the following general and project specific comments. With comments or questions or to discuss this review, please feel free to contact with me or Kason. We look forward to working with you to improve this program and the associated potential water quality benefits.

General Comments

1. At minimum, the applicants should be enrolled in the Cannabis General Order and be in good standing, including with submission of technical reports and required pre-authorizations prior to conducting instream work.
2. Generally, we do not support funding projects that are associated with unresolved water quality-related violations or other issues of non-compliance with the Water Board's program requirements.
3. Several of the projects have been completed already. We generally don't support retroactive funding of projects, especially if the work was completed without requisite permits. Funding already completed work does not incentivize completion of new work.
4. To maximize the benefit of the funding, we recommend prioritizing community benefit projects, rather than individual benefit projects, such as funding of shared use road improvements. Such an approach would incentivize the formation of road associations and treatments on the most used roads.
5. We recommend including metrics of benefit that are associated with sediment prevented from entering streams (e.g., length of stream restored, cubic yards of sediment delivery avoided, increase in area/stream length of habitat access).
6. Unless there is a water quality and beneficial use benefit to the projects under consideration this year, we recommend holding the funds till next year, and hold a robust solicitation process.
7. It appears that the majority of the projects are associated with one consultant. Perhaps outreach could increase the diversity of applications.

Project Specific Comments

1. Bamboo Farms, Salmon Creek, APN 219-061-001, Debra Obrien, WDID 1_12CC419152
 - a. There is no record of submission of Water Resource Protection Plan (WRPP) or Site Management Plan (SMP).
 - b. There is no record of submission of a Water Quality Certification application, nor issuance of a Water Quality Certification, though the instream work is complete.
 - c. The Project spreadsheet describes 2 culverts and the staff report identifies 3 culverts.
 - d. Without the required plans and permits associated with the proposed work, we cannot support funding this project.

2. Van Dyke, Jeffery Van Dyke, Salmon Creek, APN 212-320-002, WDID 1_12CC416813.
 - a. The applicant applied for, and received, a Water Quality Certification
 - b. The project description identifies four culverts but the Water Quality Certification application only identifies two culverts
 - c. The project is located in Salmon Creek, not Canoe Creek
 - d. The Regional Water Board does not support funding this, or other projects, retroactively.

3. Serendipity Road Improvements, Chemise Creek, 218-091-007, Tim Gordon, WDID 1_12CC419267
 - a. There is no record of submission of a Water Quality Certification application
 - b. The application is for \$99K and includes a Water Quality Certification application fee. The applicant has quite a bit of work to accomplish, including high priority work, thus, a higher dollar request makes sense.
 - c. The Regional Water Board could support funding this project with the condition that it is fully permitted for all proposed work.

4. Diamond Sky Farms, Blue Slide Creek, APN 221-221-009, WDID 1_12CC422982
 - a. The SMP on file does not include a site map
 - b. There is no record of submission of a 401 application
 - c. The Regional Water Board could support funding this project with the condition that it is fully permitted for all proposed work

5. Nooning Creek, Mattole headwaters, APN 108-161-033, Jennifer Markman, WDID 1_12CC416056
 - a. The SMP is on file should be consistent with the grant application.
 - b. The application includes work to rock armor inlet and outlet of an existing culvert (Crossing 2) and replace an existing culvert on a shared use road.
 - c. The application acknowledges need for a Water Quality Certification and includes the associated permit fee.
 - d. The Regional Water Board would could support funding this project with the condition that it is fully permitted for all proposed work.

6. Moriah Miranda, 210-054-009, Moriah and Philip Moranda, WDID 1_12CC423387
 - a. The applicant enrolled in the State Cannabis Order first in January of 2020.
 - b. The project was completed in 2019.
 - c. There is no record of submission of an SMP to the Regional Water Board.
 - d. There is no record of submission of a Water Quality Certification application, nor issuance of a Water Quality Certification, though the instream work included work on five culverts.
 - e. The cost of this project seems relatively high and without clarity of what the funding would cover.
 - f. The remediation work appears to be associated with relatively recent unpermitted clearing, converting, and development work that impacted streams done by the applicants.
 - g. The Regional Water Board does not support funding this project retroactively nor for work done without requisite permits that resulted in the need for remediation.

7. Walker Ridge Road Improvements, Tom Long Creek, 216-073-006, Wesley Stoff, WDID 1_12CC417921
 - a. There is no record of submission of WRPP or SMP to the Regional Water Board.
 - b. There is no record of submission of a Water Quality Certification application
 - c. The application includes a Water Quality Certification fee and asks for \$67K.
 - d. The site map indicates a steep property with several headwater streams and numerous crossings in need of upgrade. The upgrade of the crossings would be provide an obvious water quality benefit to Tom Long Creek.
 - e. Without the required plans and permits associated with the proposed work, we cannot support funding this project. The Regional Water Board would support funding this project with the condition that it is fully permitted for all proposed work.

8. Samuels Ranch Loop Road, Salmon Creek, Samuels Ranch Loop Group
 - a. This project provide community benefit with surfacing four miles of a shared use road in a sediment impaired waterbody.
 - b. The Regional Water Board supports funding this project.

9. Cobb Road Improvements, Van Duzen, Cobb Road Association
 - a. A Water Quality Certification was issued in 2021
 - b. This shared use road is a priority to the Regional Water Board
 - c. The application requests \$108 of the \$229K total project cost
 - d. The Regional Water Board supports funding this project because of the community and water quality benefit and that the road association has first obtained the required Water Quality Certification.

10. Armstrong Road Improvements, Redwood Creek (north), April Armstong, APN for 316-086-017 and 316-086-011, WDID 1_12CC417682
 - a. 316-086-023 is not actively enrolled in the Cannabis General Order
 - b. There is no record of submission of WRPP or SMP for 316-086-017 and 316-086-011
 - c. There is no record of submission of a Water Quality Certification application. The application suggests that Water Quality Certification application submission is in progress.
 - d. The Regional Water Board would support funding this project with the condition that it be fully permitted for all proposed work

From: Bauer, Scott@Wildlife <Scott.Bauer@wildlife.ca.gov>

Sent: Tuesday, January 11, 2022 4:29 PM

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Subject: RE: Grant Program Meeting

EXTERNAL:

Field visits for grant proposals is actually one of our recommendations! Please see attached comments and a cleaned up version of our staff report comments. Thanks again!

Scott

From: Adler, Elanah <EAdler@co.humboldt.ca.us>

Sent: Tuesday, January 11, 2022 4:19 PM

To: Bauer, Scott@Wildlife <Scott.Bauer@wildlife.ca.gov>; Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>; White, Adona@Waterboards <Adona.White@waterboards.ca.gov>; Grady, Kason@Waterboards <Kason.Grady@waterboards.ca.gov>; Richardson, Michael <MRichardson@co.humboldt.ca.us>

Subject: RE: Grant Program Meeting

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Thank you, Scott! And to everyone that participated and provided comments on these grant applications, it really helps! I don't get out into the field much, so it helps to have this group of experts who are familiar with these areas, and the resources, to help guide us into a successful grant program!

Lana

Elanah Adler

Planner II

Humboldt County

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From: Bauer, Scott@Wildlife <Scott.Bauer@wildlife.ca.gov>

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Subject: Grant Program Meeting

It was great meeting with you all today. I look forward to continuing this collaboration. We will send you our general comments on the grant program shortly. I've attached an interesting graph on wells vs. Eel River gauge data. Just some food for thought. Thanks again.

Sincerely,

Scott Bauer

Senior Environmental Scientist Supervisor

Watershed Enforcement Team

California Department of Fish and Wildlife

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