



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Northern Region
 619 2nd Street
 Eureka, CA 95501
 (707) 445-6493
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



October 24, 2024

Joshua Gatlin
 Hillstrong Business Solutions, LLC
 P.O. Box 753
 Hydesville, CA 95547
hillstrongca@gmail.com

Dear Joshua Gatlin:

**Extension and Amendment of Lake or Streambed Alteration Agreement,
 Notification No. 1600-2018-0271-R1**

The California Department of Fish and Wildlife (CDFW) received your request to extend and amend the above referenced Lake or Streambed Alteration Agreement (Agreement) associated with Assessor's Parcel Number (APN) 221-171-022. CDFW received the required extension fee in the amount of \$739.50 and the required amendment fee in the amount of \$554.00 for a minor amendment. You requested to extend the expiration of your Agreement from December 14, 2023, to December 14, 2028. Your request to extend and amend the Agreement includes the following activities:

Table 1. Project Encroachments Covered by this Agreement with Description

ID	Latitude/Longitude	Description
Crossing-1	40.1542, -123.9804	Use and maintenance of existing 18" diameter culvert.
Crossing-2	40.1533, -123.9797	Use and maintenance of existing 18" diameter culvert.
Crossing-3	40.1519, -123.9808	Use and maintenance of existing 24" diameter culvert.
Crossing-4 (Amended Project)	40.1527, -123.9802	Replace existing 24" diameter culvert that is not set to grade with a minimum 24" diameter culvert. Work for this project shall be completed by no later than October 31, 2026.
Crossing-5 (Amended Project)	40.1521, -123.9811	Replace failing 18" diameter culvert with minimum 24" diameter culvert. Work for this project shall be completed by no later than October 31, 2026.

CDFW has determined that an extension and amendment will require modifications to the Agreement because the measures contained therein no longer adequately protect fish and wildlife resources that the activity may substantially adversely affect. CDFW hereby agrees to Amend the Agreement with the requested changes and extend the term of the Agreement to December 14, 2028, with addition of the following measures to protect fish and wildlife resources:

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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 Project Site Entry. Permittee agrees that CDFW personnel may enter the Project site at any time to verify compliance with the Agreement.
- 1.4 Agreement Compliance. The proposed work shall comply with all measures included in this Agreement. **Failure to comply with these measures may result in suspension or revocation of this Agreement.**

2. Avoidance and Minimization Measures

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

Project Timing

- 2.1 Work Period. All work, not including authorized diversion of water, shall be confined to the period June 1 through October 31 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. 2.4 Work Completion. The proposed work shall be completed prior to the expiration of this Agreement's term. A notice of completed work, including photographs of each site, shall be submitted to CDFW within seven (7) days of work completion for each encroachment.
- 2.2 Work Completion. **The proposed work shall be completed by no later than October 31, 2026. Failure to complete work by this date may result in suspension or revocation of this Agreement.** A notice of completed work, including photographs of each site, shall be submitted to CDFW within seven (7) days of work completion for each encroachment.

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- 2.3 Extension of the Work Period. If weather conditions permit, and the Permittee wishes to extend the work period before June 1 or after October 31, a written request shall be made to CDFW at least five (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 beginning before June 1 or continuing past October 31.

Stream Crossings

- 2.4 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.
- 2.5 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 shall not be stored within stream bed, channel, and bank.
- 2.6 Hazardous Spills. If at any time any material which could be hazardous or toxic to aquatic life enters a stream, the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. Permittee shall notify CDFW at 707-445-6493 and consulted regarding clean-up procedures as soon as practicable, but no later than 24 hours after the spill.
- 2.7 Work Prohibition in Wetted Stream. No work is authorized in a wetted stream channel (i.e., where surface or subsurface water is present). All work shall be conducted when the stream is dry.
- 2.8 Excavated Fill. Excavated fill material shall be placed in a stable upland location where it cannot deliver to a stream or wetland. To minimize the potential for material to enter the watercourse during the winter period, all excavated and relocated fill material shall be contoured to drain water, and compacted to effectively incorporate and stabilize loose material into existing road and/or landing features.
- 2.9 Runoff from Steep Areas. The Permittee shall ensure that runoff (concentrated flow) from steep, erodible surfaces will be slowed and 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 bars

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shall be placed on dirt roads, heavy equipment tracks, or other work trails to control erosion.

2.10 Culvert Installation.

- 2.10.1 If the project is located in a moderate to very high Fire Hazard Severity Zone as designated by CAL FIRE, culvert materials should consist of corrugated metal pipe (CMP). Use of High-Density Polyethylene (HDPE) pipe is not recommended.
- 2.10.2 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.
- 2.10.3 Culvert shall be installed to grade (not perched or suspended), 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 appropriately-sized energy dissipator (e.g., boulders, riprap, or rocks) shall be installed above or below the outfall as needed to effectively prevent stream bed, channel, or bank erosion (scouring, headcutting, or downcutting). The Permittee shall ensure basins are not constructed, and channels shall not be widened at culvert inlets.
- 2.10.4 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 culvert and allow for natural settling and compaction to help the culvert seat 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 culvert and shall be compacted.
- 2.10.5 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.
- 2.10.6 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.

2.11 Crossing Maintenance

- 2.11.1 The placement of armoring shall be confined to the work period when the

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stream is dry or at its lowest flow.

2.11.2 No heavy equipment shall enter the wetted stream channel.

2.11.3 No fill material, other than clean (washed) rock, shall be placed in the stream channel. Rock shall be sized to withstand washout from high stream flows and extend above the ordinary high-water level. 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.

2.12 Road Approaches. The Permittee shall treat road approaches to new or reconstructed permanent stream crossings to minimize erosion and sediment delivery to the stream. Permittee shall ensure road approaches are hydrologically disconnected to the maximum extent feasible to prevent sediment from entering the stream crossing site, including when a stream crossing is being constructed or reconstructed. Road approaches shall be armored from the stream crossing to the nearest effective water bar or point where road drainage does not drain to the stream crossing, with durable rock.

Erosion Control and Pollution

2.13 Erosion Control. Permittee shall use erosion control measures throughout all work phases where sediment runoff could enter a stream, lake, or wetland (i.e., Waters of the State).

2.14 Seed and Mulch. Upon completion of construction operations and/or the onset of wet weather, Permittee shall stabilize exposed soil areas within the work area. Permittee shall utilize vegetative (e.g., plant seed) or other non-vegetative methods such as jute mat, coir mat, wood chip mat, straw mat/wattle, straw mulch, native duff (leaves, needles, fine twigs, etc.), or lopped native slash to protect and stabilize soils. Straw mulching shall utilize at least 2 to 4 inches of clean, weed-free, straw (such as rice or barley). Seeding shall use regional native seed or non-native seed that is known not to persist or spread [e.g., barley (*Hordeum vulgare*), or wheat (*Triticum aestivum*)]. No known invasive grass seed such as annual or perennial ryegrass (*Lolium multiflorum* or *L. perenne*, which are now referred to as *Festuca perennis*), shall be used.

2.15 Erosion and Sediment Barriers. Permittee shall monitor and maintain all erosion and sediment barriers in good operating condition throughout the work period and the following rainy season, defined herein to mean October 31 through June 1. Maintenance includes, but is not limited to, removal of accumulated sediment and/or replacement of damaged sediment fencing, coir logs, coir rolls, and/or straw bale barriers. If the sediment barrier fails to function as designed, Permittee shall employ corrective measures and notify CDFW immediately.

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- 2.16 Prohibition on Use of Monofilament Netting. To minimize the risk of ensnaring and strangling wildlife, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- 2.17 Site Maintenance. Permittee shall be responsible for site maintenance including, but not limited to, re-establishing erosion control to minimize surface erosion and ensuring drainage structures and stream banks remain sufficiently stable.
- 2.18 Cover Spoil Piles. Permittee shall have readily available erosion control materials such as wattles, natural fiber mats, or plastic sheeting, to cover and contain exposed spoil piles and exposed areas to prevent sediment from eroding into a stream, lake, or wetland (i.e., Waters of the State). Permittee shall apply and secure these materials prior to rain events to prevent loose soils from entering a stream, lake, or wetland (i.e., Waters of the State).
- 2.19 No Dumping. Permittee shall not deposit, permit to pass into, or place where it can pass into a stream, lake, or wetland (i.e., Waters of the State) any material deleterious to fish and wildlife, or abandon, dispose of, or throw away within 150 feet of a stream, lake, or wetland (i.e., Waters of the State) any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, litter, refuse, waste, debris, or the viscera or carcass of any dead mammal, or the carcass of any dead bird.

Project Inspection

- 2.20 Project Inspection. Work shall be inspected by a California licensed engineer, or other qualified professional with appropriate license or qualifications, to ensure the projects were implemented as designed, and in compliance with this Agreement. A copy of the Project Inspection Report shall be submitted to CDFW within 90 days of completion of the Project.

3. Reporting Measures

Permittee shall meet each reporting requirement described below. All reports shall be submitted by e-mail to CDFW at R1LSAEureka@wildlife.ca.gov.

- 3.1 Notice of Work Initiation. The Permittee shall contact CDFW within the seven-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date.
- 3.2 Notice of Work Completion. **The proposed work shall be completed by no later than October 31, 2026.** A notice of completed work (measure 2.2) shall be submitted to CDFW within seven (7) days of work completion. Information to be

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disclosed shall include Agreement number, photos of each work site labeled with the project ID, and a short description of the work completed.

3.3 Project Inspection. The Permittee shall submit the Project Inspection Report (measure 2.20) to CDFW within 90 days of completion of the Project.

All reports shall be submitted by e-mail to CDFW at R1LSAEureka@wildlife.ca.gov.
Failure to meet work completion dates or reporting requirements shall result in suspension or revocation of this Agreement.

All terms and conditions in the Agreement remain in effect unless otherwise noted herein.

Please sign and return one copy of this letter to CDFW at R1LSAEureka@wildlife.ca.gov, within 30 days of receipt, to acknowledge the extension and additional measures to protect fish and wildlife resources. Copies of the Agreement and this Amendment/Extension must be readily available at project work sites and must be presented when requested by a CDFW representative or agency with inspection authority.

If you have any questions regarding this letter, please contact Environmental Scientist Ryan Aberg by email at Ryan.Aberg@wildlife.ca.gov.

Sincerely,

DocuSigned by:

David Manthorne

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David Manthorne
Senior Environmental Scientist Supervisor

ec: California Department of Fish and Wildlife
Ryan Aberg

ACKNOWLEDGEMENT

I hereby agree to the above-referenced amendment.

Print Name: _____ Date: _____

Signature: _____