Site Management Plan

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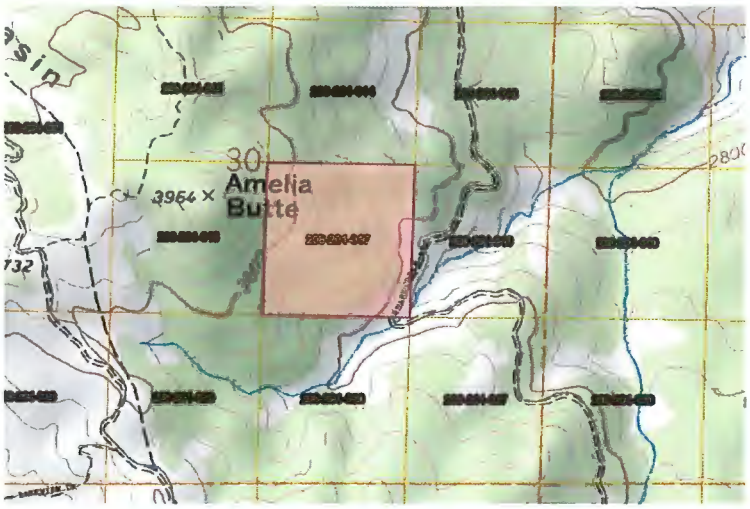


Prepared for:
State Water Resources Control Board (SWRCB)
North Coast Regional Water Quality Control Board (NCRWQCB)

Prepared by:
Green Road Consulting
1650 Central Ave., Suite C, Mckinleyville CA, 95519
(707) 630-5041

Date of completion:

10/05/2018

General Site Information

Discharger: Cherrytree, LLC

Land Owner: CHERRYTREE, LLC CO

Site Address: 40.5219, -123.6525; Bear Creek Rd, Bridgeville, CA 95526

Mailing Address: PO BOX 500, Fortuna, CA 95540

Parcel Number: 208-201-017

General Plan Designation: AL40 (FWRK)

Zone: FR-B-5(40)

Parcel Size: 40 acres

HUC12 Watershed: 180101020401

Disturbed Area: 58,560 ft^2

Cultivation Area: 10,950 ft^2

Tier Level: 2

Risk Level: High

Abbreviations

CA	**Cultivation Area**
CPP	**Corrugated Plastic Pipe**
CMP	**Corrugated Metal Pipe**
CDFW	**California Department of Fish and Wildlife**
DRC	**Ditch Relief Culvert**
GRC	**Green Road Consulting**
IBD	**In-board Ditch**
NCRWQCB	**North Coast Regional Water Quality Control Board**
PWA	**Pacific Watershed Associates**
SWRCB	**State Water Resources Control Board**
STX	**Stream Crossing**

Table of Contents

1. Introduction

This document was prepared by Green Road Consulting (GRC) for Cherrytree, LLC; parcel number 208-201-017, as required by the SWRCB Order WQ 2017-0023-DWQ[1]. The purpose of the order is to provide a regulatory structure for cannabis cultivation that reduces contributions to existing water quality issues and prevents additional adverse impacts to water resources throughout California. The purpose of the Site Management Plan is to identify conditions present on a parcel that may pose a threat to water quality and resources and establish a plan to meet or surpass requirements set forth in the order.

Green Road Consulting (GRC) has made an initial assessment of this parcel through field work as well as through a variety of county, state, and private websites (e.g. USDA web soil survey, USGS stream stats program, Google Earth, Humboldt County Web GIS). The parcel boundaries are approximate and obtained from Humboldt County. Property lines on maps created by GRC may be shifted to match property lines and corners located in the field. The site was surveyed with a GPS unit (2 to 4-meter accuracy) to document roads, buildings, cultivation sites, watercourses, and areas requiring remediation. Maps were created using the software ESRI ArcMap.

2. Site Characteristics

2.1. General

The site is located in Southeastern Humboldt County, approximately 5-miles northwest of the unincorporated community of Dinsmore, CA and can be accessed from Bear Creek Road off of the CA SR-36. The elevation of the site is approximately 3,400 feet above sea level. The parcel is located on a mountainous hillslope with unnamed drainages that flow from the west to the east, into the Mad River. The Mad River is on the USEPA's Section 303(d) list for impairment or threat of impairment to water quality associated with elevated sediment and temperature levels. The Mad River Watershed is known to have Coho and Chinook Salmon as well as Steelhead trout which are designated as a Federally and State threatened species. Slopes on the site range from 29-38%. The hillslopes in the region are known to have moderate instability and the site geology is part of the Franciscan complex: Cretaceous and Jurassic sandstone with smaller amounts of shale, chert, limestone, and conglomerate. The region was historically logged with legacy logging roads and landings throughout the site.

2.2. Site Overview

The 40-acre property has a permitted groundwater well, potentially unpermitted septic system, and a residence. Accessory structures on the parcel includes three (3) storage sheds, six (6) HDPE tanks, and two (2) cultivation areas. Water for cultivation and for domestic uses is drawn from a permitted well. The parcel is not grid tied and currently uses generators as its source of power. There are no large fuel storage tanks on the site. Seasonal roads on the parcel are in poor condition and require basic maintenance and drainage features to be installed for stabilization.

The site currently has two (2) areas where cultivation takes place, Cultivation Areas **(CA).** The total

[1] Order entitled "STATE WATER RESOURCES CONTROL BOARD ORDER WQ 2017-0023-DWQ GENERAL WASTE DISCHARGE REQUIREMENTS AND WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES OF WASTE ASSOCIATED WITH CANNABIS CULTIVATION ACTIVITIES"

garden area across these sites totals to 10,000 -ft^2. Vegetation removal and/or exposed earth were observed adjacent to some garden areas and were mapped as disturbed area. The site had approximately 58,560-ft^2 of disturbed area that was located inside of the watercourse buffers. Proper adherence to the measures specified in the "Erosion Prevention and Sediment Capture" and the "Disturbed Area Stabilization Plan" attached to this report will be necessary to ensure that these areas are sufficiently stabilized.

The previous owner of the parcel had received a Notice of Violation from the Department of Fish and Wildlife May 11, 2017. The Violations are addressed in this report and in the LSAA Prepared by Timber Resource Consulting. The parcel was purchased 7/21/2017 by the current enrollees. Overall the parcel is in poor condition with potential to negatively impact stream systems. The processing and transportation of the cannabis is specified in the Humboldt County Commercial Medical Marijuana Land Use Ordinance (CMMLUO).

Table 1 Cultivation area overview.

Cultivation Area (CA)	Cultivation Area (ft^2)	Natural Slope (%)	Distance to Water Body (ft)	Water Body Classification
Area 1 (CA1)	3,200	25	105	Class II
Area 2 (CA2)	6,800	25	50	Class III

2.3. Access Roads

The site has 0-miles of permanent roads, 0.25-miles of seasonal access roads, and 0.25-miles of skid roads. The seasonal roads are native surface with sections of roads that are in-sloped or out-sloped. The seasonal access roads are drained via rolling dips and out-sloping. The seasonal access roads on the site were not fully stable according to the Pacific Watershed Associates (PWA) "Handbook for Forest, Ranch, and Rural Roads". For location of disturbed areas requiring work see the Disturbed Area Map. The roads on the site were not stable and were hydrologically connected to watercourses in sections. The seasonal access roads on the site were need some shaping in areas to out-slope the road as well as the installation of rolling dips for improved drainage patterns. The skid roads on the site need to be stabilized by out-sloping and installing water bars or decommission road altogether.

Short sections of the access roads on the site had slopes that approached 20%. These sections will be armored with crushed angular rock. The access roads on the site are maintained when needed. The roads are only used during cultivation season, May through October. The roads are used minimally by workers navigating the site and bringing in supplies. Workers are on the site daily and most supplies are brought in the beginning of the season. Vehicles are mainly parked near the processing building at **CA1**. Stabilization of existing roads will be addressed in the "Site Erosion and Sediment Control Plan".

2.4. Stream Crossings

There are seven (7) stream crossings on the property that are the responsibility of the property owner. Stream Crossing One (**STX1**) employs a 12-inch Corrugated Metal Pipe (CMP) on a Class III drainage **(MP7)**. The culvert is old, rusted, not installed at stream grade, and is under sized. It will be replaced with an appropriately sized culvert. Approximately 50-ft of the approach to **STX1** shall be rocked to alleviate any sediment delivery from the road. Stream Crossing Two (**STX2**) employs an 18-inch CMP with a

downspout on a Class II watercourse (**MP2**). **STX2** shows signs of road runoff delivering sediment to a Class II watercourse. The access road will have rolling dips installed regularly along the roadway to direct the runoff to safe locations away from watercourses and unstable areas. In addition, approximately 50-ft of the approach to **STX2** will be rocked to maintain surface stability and minimize erosion. The **MP2** culvert is undersized and will be replaced with the appropriately sized culvert. Stream Crossing Three (**STX3**) employs a dirt ford crossing on a Class II watercourse (**MP3**). The dirt ford lacks appropriate surface rocking and structure. The crossing will have an adequate stream crossing installed, such as a rocked ford, or a culvert. Otherwise, the channel shall be restored. Stream crossing five (**STX5**) is a small wooden bridge used by quads to cross a Class II watercourse. The bridge will be decommissioned. Stream Crossing Four (**STX4**) is a legacy logging road that crosses a Class III watercourse. The crossing has restored itself and there are no signs of erosion. The final stream crossings consist of two crossings next to each other were road runoff plus spring seepage creates the beginning of a class III watercourse (**STX6** & **STX7**). Currently there was no structure and the water flows across the roadway (**MP6**). A rocked ford or armored crossing will be installed.

All stream crossings, culverts, and water structures shall be designed to withstand a 100-year storm event, accounting for any debris in runoff. All in-stream work will require the appropriate notification to the California Department of Fish and Wildlife (CDFW) and to the United States Army Corps of Engineers (USACE) before any work begins.

The previous owner had Timberland Resource Consulting complete the Lake and Streambed Alteration Agreement (LSAA) for the site and is the process of getting work completed. See attached LSAA for details. Also, the disturbed areas in a stream buffer will be discussed in the "Disturbed Area Stabilization Plan".

Table 2: Overview of stream crossing on the property.

Label	Size (inch)	Type	Watercourse Class	Action
STX1	12	Culvert	Class III	Upgrade
STX2	18	Culvert	Class II	Upgrade
STX3	NA	Dirt Ford	Class II	Upgrade
STX4	NA	Historic	Class III	None
STX5	NA	Bridge	Class II	Remove
STX6	NA	Dirt Ford	Class III	Upgrade
STX7	NA	Dirt Ford	Class III	Upgrade

2.5. Legacy Waste Discharges

The site was historically logged with main logging roads, skid roads, and log landings on the property. The site utilized the existing infrastructure from logging practices which required minimal grading and brush clearing. Skid roads on the site were in stable condition with no major erosion or sediment delivery to any watercourse. Some of the skid roads were reopened and used by recreational vehicles. These reopend skid roads will be address in the "Site Erosion and Sediment Control Plan".

3. Erosion Prevention and Sediment Capture

The disturbed areas consisted of the cultivation areas, soils/amendment piles, unstable road segments, and a processing area as shown on the Disturbed Area Map. For details on erosion prevention and sediment capture, see the "Site Erosion and Sediment Control Plan". Also see the "Disturbed Area Stabilization Plan" for measure to stabilize areas in the stream buffers.

4. Water Uses

An onstream impoundment exists where the stream channel was excavated/modified with unapproved material placed in the channel (**MP5**). Wood and plastic were installed into the stream channel to divert water for use on the parcel. The channel modification has resulted in bank erosion. The channel will be restored, and all materials currently placed in the stream will be removed. The channel will also be stabilized with rock and the banks will be stabilized with straw and seed. See attached LSAA provided by Timber Resource Consulting for details.

Water for cannabis irrigation and domestic uses is sourced from a permitted well. All irrigation infrastructure will be regularly inspected for leaks and immediately repaired if any are found. Weed free mulch or straw will be used in cultivation areas that do not have ground cover to reduce evaporation and conserve water. The cultivator will record daily irrigation water usage and maintain records on site for a minimum of 5 years. Since the site sources water from a confined aquifer there are no forbearance restrictions. The estimated annual water use is summarized below.

Table 3: Annual water use on the parcel.

Source	Use	Start Date	End Date	To Storage (gallons)	To Use (gallons)
Well	Cannabis	Apr. 1	Nov. 1		200,000
Well	Domestic	Apr. 1	Nov. 1		20,000

The site has 5,050-gallons of water storage available which is summarized in Table 3. Water meters will be installed to monitor use. To conserve water, a straw or mulch ground cover should be applied to reduce water evaporation. Water conservation methods such as watering method and timing will be employed to ensure water is applied at agronomic rates.

Table 4: Summary of water storage on the parcel.

Water Storage Type	Size (gallons)	Number	Total (gallons)
Hard Tank	2,500	1	2,500
Hard Tank	1,500	1	1,500
Hard Tank	500	1	500
Hard Tank	300	1	300
Hard Tank	250	1	250
	Total		**5,050**

5. Fertilizers, Pesticides and Herbicides

5.1. Application, Storage and Disposal

All fertilizers, Pesticides, Herbicides and Rodenticides will be mixed or prepared in locations where they cannot enter a waterbody (surface or groundwater). Fertilizers, Pesticides, Herbicides and Rodenticides shall be applied at agronomic rates specified on the product label. The enrollee will keep a log of their fertilizers, pesticides and herbicides use for annual reporting. All labels will be kept, and directions followed when amendments and fertilizers are applied. All liquid chemicals will be stored in ***separate*** secondary containment. During the off season all chemicals will be stored in a locked building. **Agricultural chemicals will not be applied within 48-hr of a predicted rain event with a 50% or greater chance of 0.25-inches.** Disposal of unused products will be consistent with labels on containers. Empty containers will be disposed of at an authorized recycling center. A spill clean-up kit will be stored in the garage/shop. No restricted materials or pesticides will be used or stored on site. No greater than 319 pounds of nitrogen per acre per year shall be applied. A summary of fertilizers, pesticides, and herbicides used annually are listed below.

Table 5: Overview of annual chemical use.

Product Name	Chemical Type	N-P-K or Active Ingredient	Annual Use (lbs. or gallons)
Age Old Grow	Fertilizer	12-6-6	20 gallons
Chicken Guano	Fertilizer	1.1-0.8-0.5	25 lbs
Bat Guano	Fertilizer	10-3-1	25 lbs
Molasses	Fertilizer	1-0-5	40 gallons
Alfalfa	Fertilizer Fertilizer	3-2-2	10 lbs
Age Old Bloom	Fertilizer	5-10-5	20 gallons
Budswell	Fertilizer	0-7-0	5 gallons
BioMarine	Fertilizer	2-3-1	5 gallons
Fish Protein	Fertilizer	5-2-2	5 gallons
Age Old Kelp	Fertilizer	0.3-0.25-0.15	5 gallons
Cal-Mag Plus	Fertilizer	2-0-0	5 gallons
Compost	Fertilizer	1-0.2-0.5	600 lbs
Neem Oil	Pesticide	Neem Oil	10 oz

5.2. Spill Prevention and Clean Up

A spill cleanup kit will be located in a shed near the both cultivation areas. In case of a major spill of fertilizers, or any petroleum products, the cannabis cultivator shall immediately notify the California Office of Emergency Services at 1-800-852-7550 and initiate cleanup activities for all spills that could enter a waterbody or degrade groundwater.

6. Petroleum

6.1. Use, Storage, and Disposal

The site is not grid tied and uses petroleum products that get brought on to the site to produce energy. Several small fuel canisters and temporary generators are without containment and is stored on the open ground **(MP8)**. Generators are only the primary power source with the aid of solar panels for running the fans during the day. While in use, the generators will need to be stored with drip containment outside of riparian setbacks. Fueling of the generators, as well as any other equipment or vehicles, will also take place outside of the riparian setbacks. All equipment containing petroleum derivatives will be inspected regularly for leaks. When the generators are not in use they will be stored in a covered building.

Table 6: Overview annual petroleum usage.

Product	Chemical Type	Annual Use (lbs. or gallons)
Gasoline	Petroleum	1,260 gallons
Motor Oil	Petroleum	25 gallons

7. Cultivation Waste, Trash/Refuse and Domestic Wastewater

7.1. Trash/Refuse Overview

Near the residence, trash bags, buckets, and debris were found approximately 10 feet from a Class II watercourse (**MP1**). The trash will be removed from the stream buffer and disposed of at an appropriate waste disposal facility. The site had a collapsed metal shed was pushed down the hillside **(MP 10).** The shed will need to be removed and disposed of at and appropriate waste facility.

All trash is stored primarily in the shed near the residence and is removed on a bi-weekly basis to an authorized landfill. No trash or debris will be allowed to enter a watercourse or riparian setback area. Compostable cultivation waste will be stored in a location and manner where it cannot be transported to surface waters. Spent growth medium (e.g. soil) shall either be reused, disposed of at an appropriate waste site, or be spread outside of riparian setbacks and planted with native vegetation.

7.2. Domestic Wastewater BPTC Measures

The residence on the site has a septic system for the residence and it is unknown if the system is permitted. If the septic system is not permitted, then it will need to be back permitted. Portable toilets will be brought onto the site for the seasonal workers if needed. Portable toilets will be serviced regularly and located outside of riparian setbacks and away from unstable areas.

8. Winterization Measures

See Site Erosion and Sediment Control Plan for winterization measures.

9. Monitoring

Monitoring is broken up into 3 reports; Facility Status, Site Maintenance, and Storm Water Runoff Monitoring. For Low Risk sites the only monitoring report required is the Facility Status Report. For Moderate and High-Risk sites all three monitoring reports need to be completed. See "Site Erosion and Sediment Control Plan" for details on the Site Maintenance and Storm Water Runoff Monitoring.
Annual reports for the cultivation site will be submitted to the North Coast Regional Water Quality and Control Board (NCRWQCB) prior to March 1 of the following year. The annual report shall include the following:

- Facility Status, Site Maintenance, and Storm Water Runoff Monitoring
- Name and contact information for the person responsible for operation, maintenance, and monitoring.

Reporting documents can be emailed to **northcoast@waterboards.ca.gov** or mailed to ***5550 Skylane Blvd., Ste. A, Santa Rosa, CA 95403.***

Table 4: Facility status monitoring requirements.

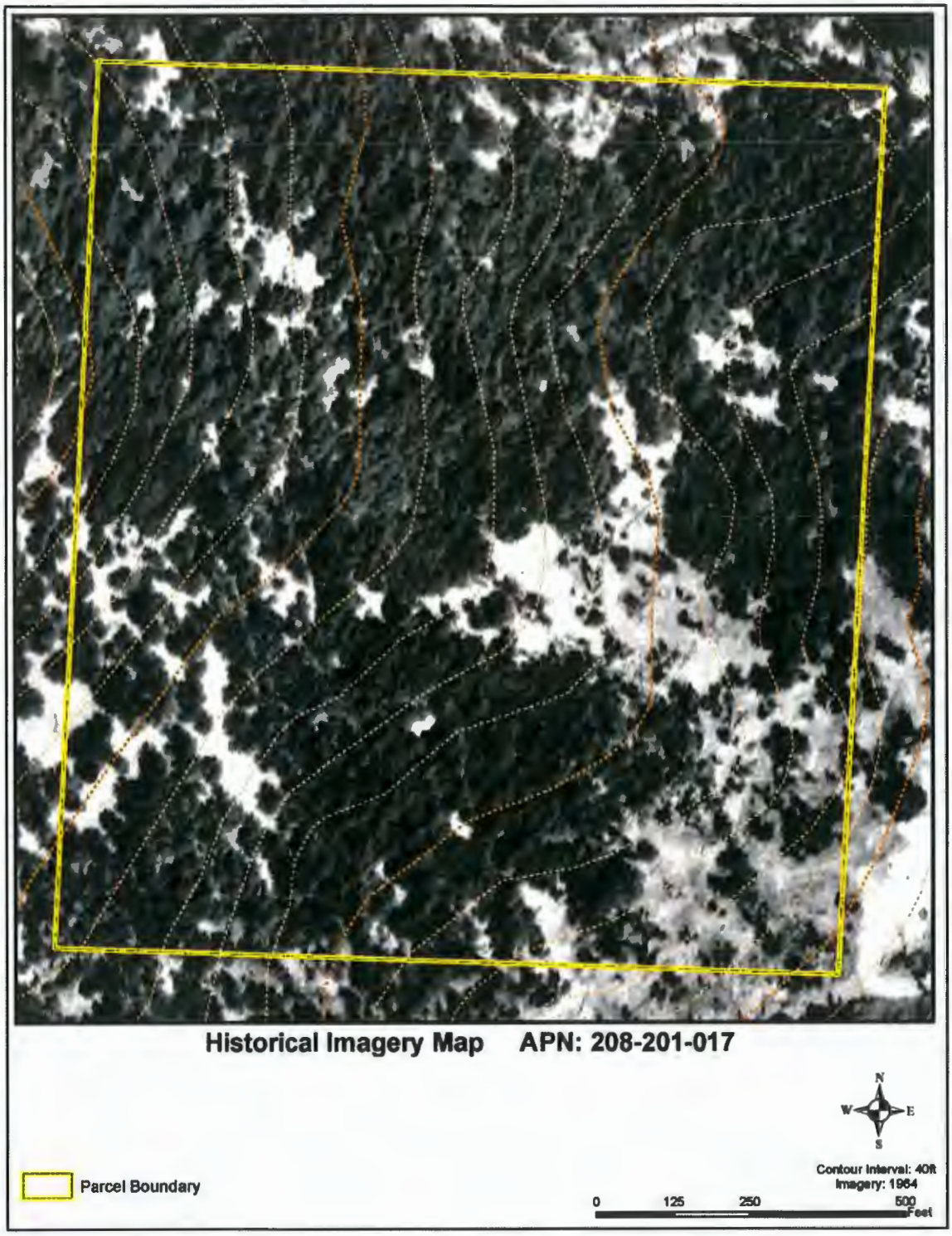
Monitoring Requirement	Description
Winterization Measures Implemented	Report winterization procedures implemented, any outstanding measures, and the schedule for completion.
Tier Status Confirmation	Report any change in tier status. (Stabilization of disturbed areas may change the tier status of a facility. Contact the Regional Water Board if a change in status is appropriate.)
Third Party Identification	Report any change in third party status as appropriate.
Nitrogen Application	Report monthly and annual total nitrogen use for bulk, solid, and liquid forms of nitrogen. Provide the data as lbs./canopy acre/time (month or year) as described in Nitrogen Management Plan.

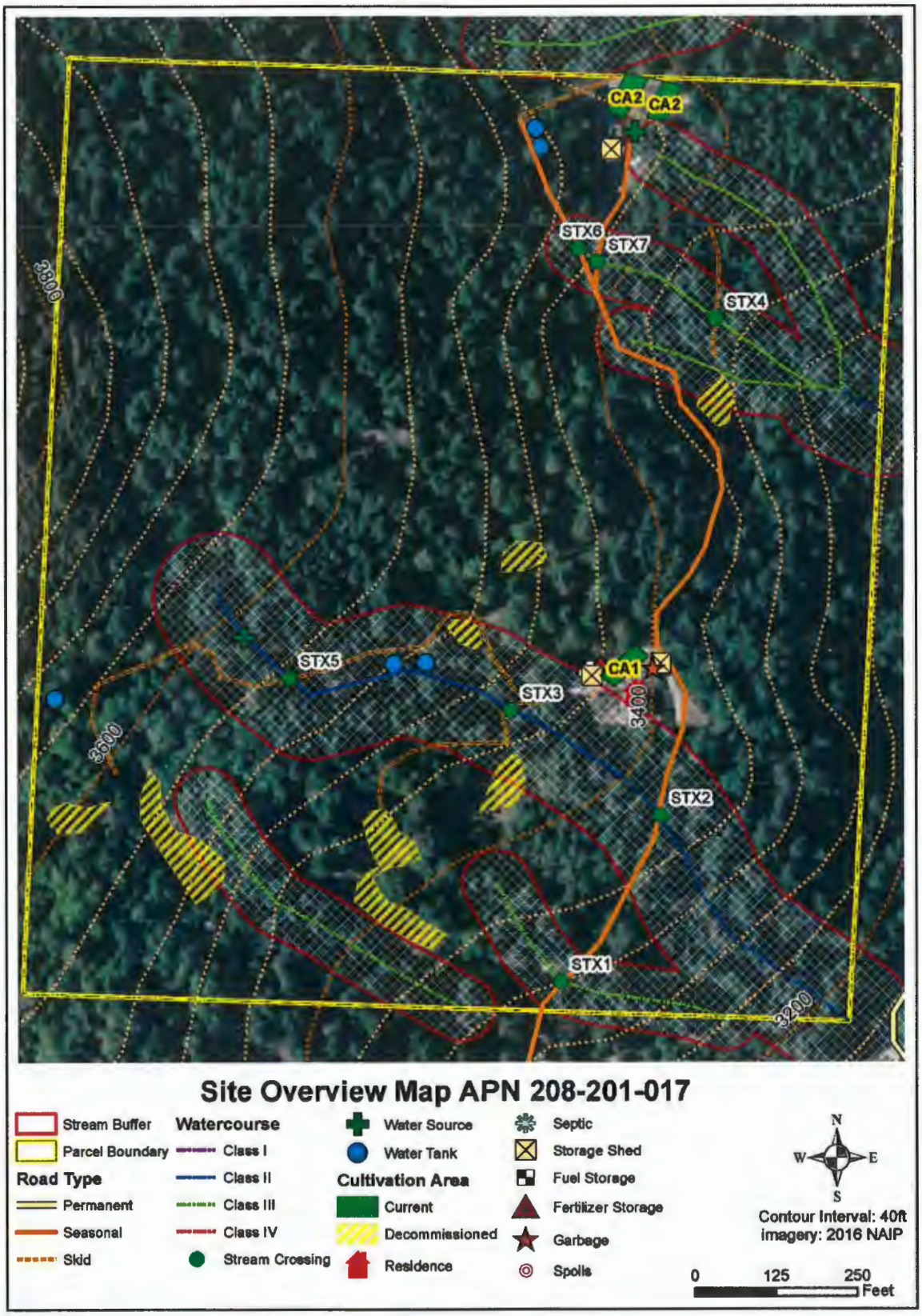
"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Legally Responsible Person_____ **Date** 10/26/2018

Appendices

Maps




CA2
CA2
STX6
STX7
STX4
3800
STX5
CA1
STX3
3400
3600
STX2
STX1
3200
Site Overview Map APN 208-201-017
Stream Buffer
Parcel Boundary
Road Type
Permanent
Seasonal
Skid
Watercourse
Class I
Class II
Class III
Class IV
Stream Crossing
Water Source
Water Tank
Cultivation Area
Current
Decommissioned
Residence
Septic
Storage Shed
Fuel Storage
Fertilizer Storage
Garbage
Spoils
N
W
E
S
Contour Interval: 40ft
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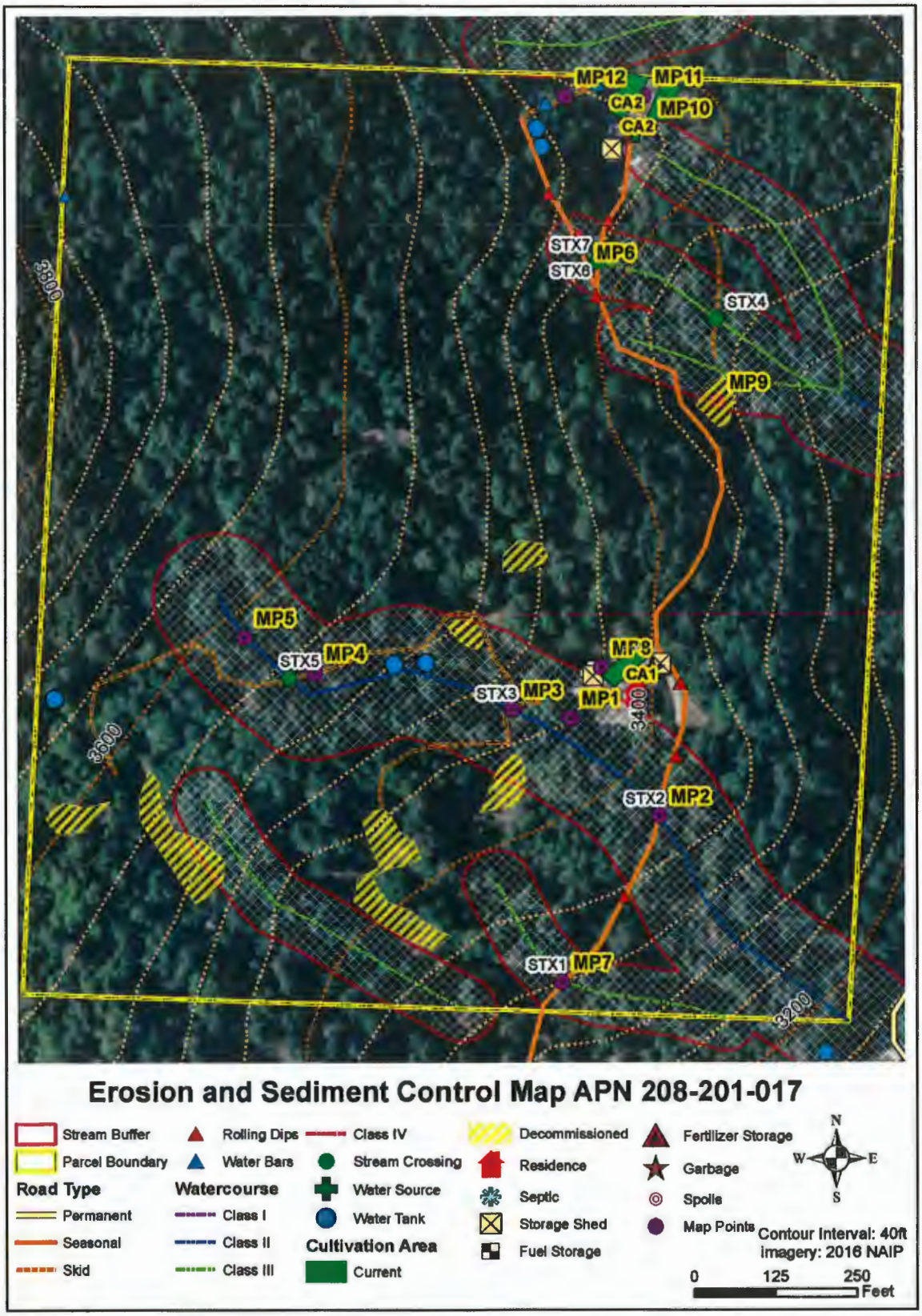
125
250
Feet


MP12
MP11
CA2
MP10
CA2
STX7
MP6
STX6
STX4
MP9
3800
MP5
STX5
MP4
MP8
CA1
STX3
MP3
MP1
3400
3600
STX2
MP2
STX1
MP7
3200
Erosion and Sediment Control Map APN 208-201-017
Stream Buffer
Parcel Boundary
Road Type
Permanent
Seasonal
Skid
Rolling Dips
Water Bars
Watercourse
Class I
Class II
Class III
Class IV
Stream Crossing
Water Source
Water Tank
Cultivation Area
Current
Decommissioned
Residence
Septic
Storage Shed
Fuel Storage
Fertilizer Storage
Garbage
Spoils
Map Points
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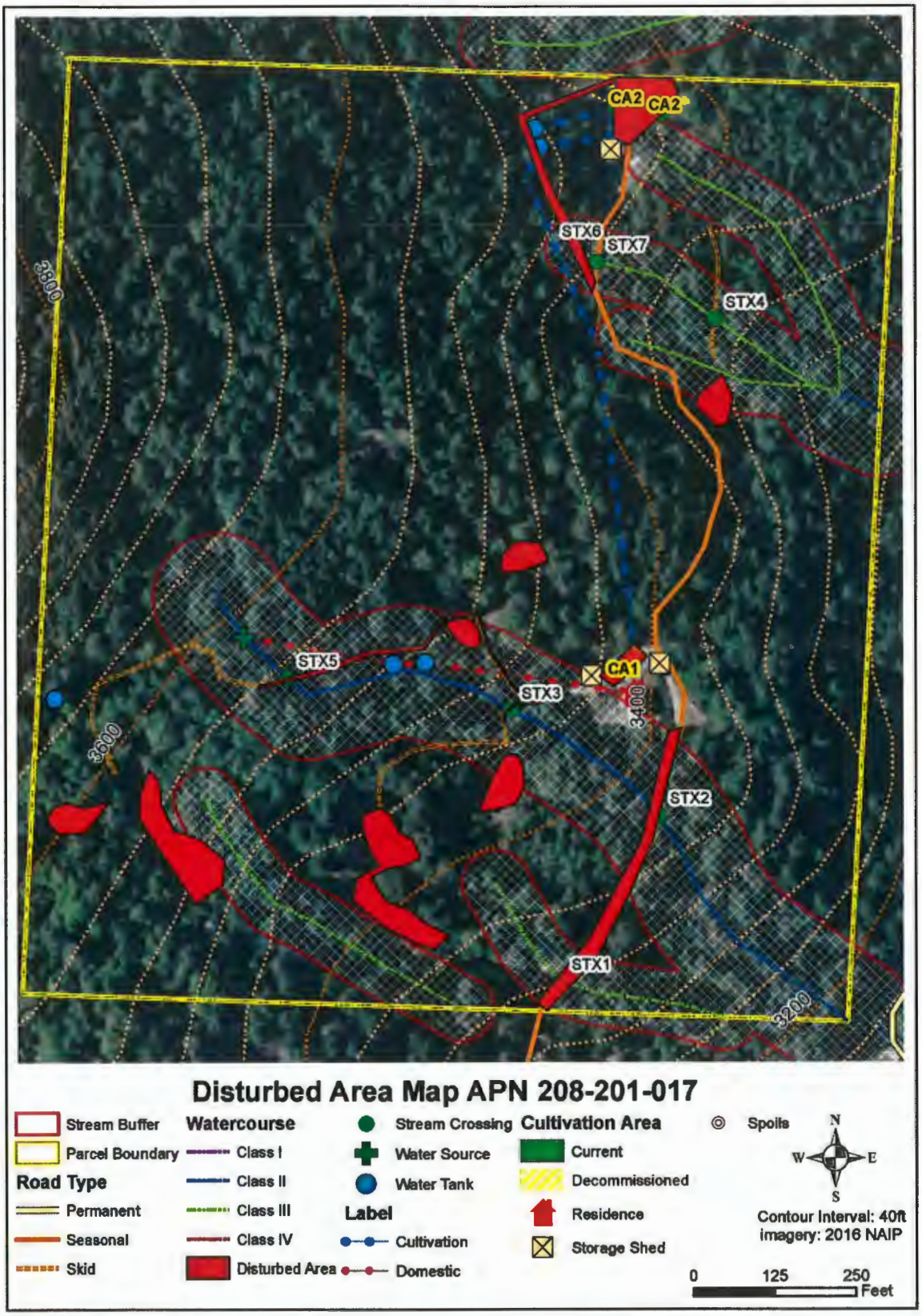
Feet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STX6
STX7
STX4
3800
STX5
CA1
STX3
3400
3600
STX2
STX1
3200
Disturbed Area Map APN 208-201-017
Stream Buffer
Parcel Boundary
Road Type
Permanent
Seasonal
Skid
Watercourse
Class I
Class II
Class III
Class IV
Disturbed Area
Stream Crossing
Water Source
Water Tank
Label
Cultivation
Domestic
Cultivation Area
Current
Decommissioned
Residence
Storage Shed
Spoils
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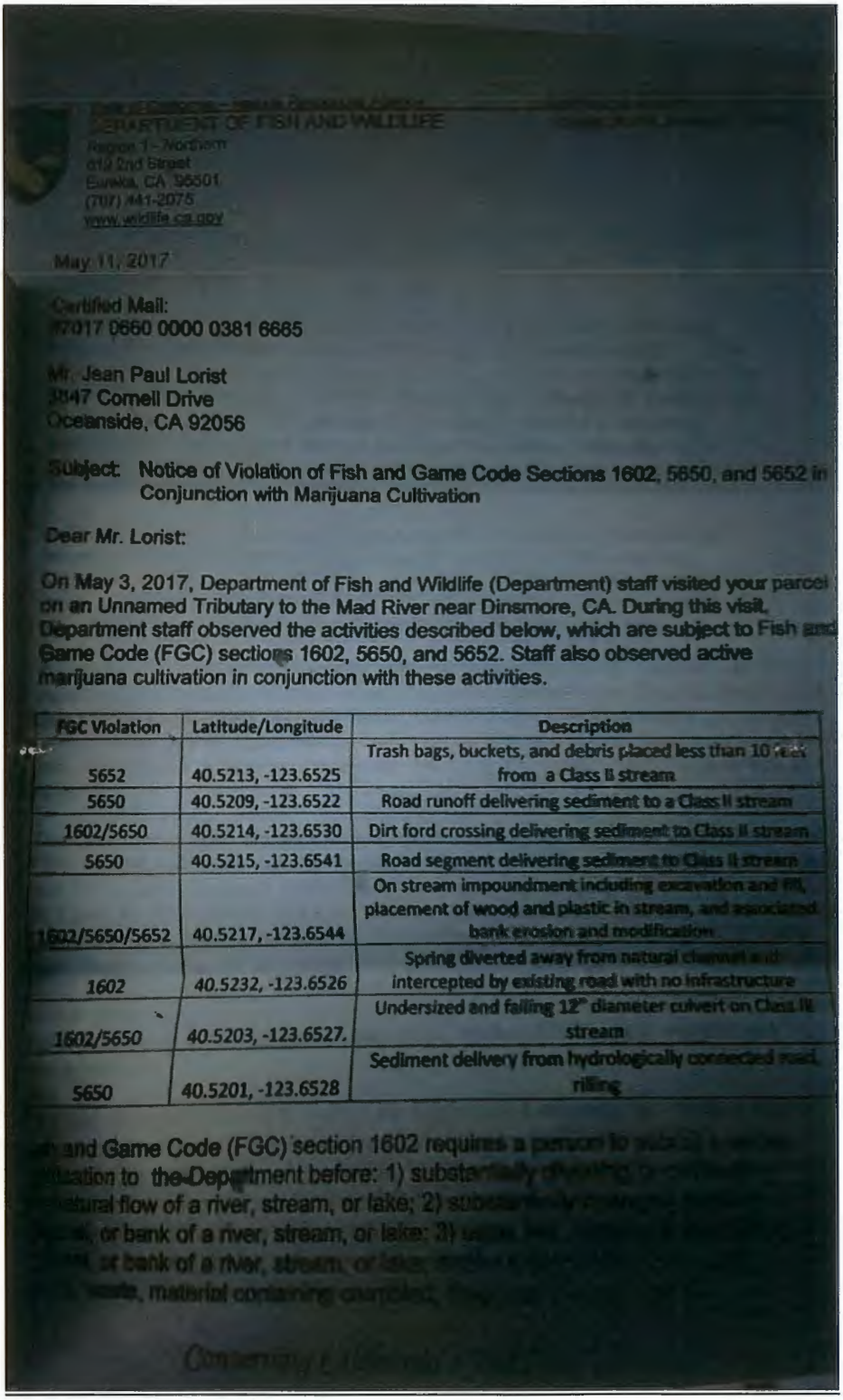
250
Feet



DEPARTMENT OF FISH AND WILDLIFE
Region 1 - Northern
619 2nd Street
Eureka, CA 95501
(707) 441-2075
www.wildlife.ca.gov

May 11, 2017

Certified Mail:
7017 0660 0000 0381 6685

Mr. Jean Paul Lorist
3947 Cornell Drive
Oceanside, CA 92056

Subject: Notice of Violation of Fish and Game Code Sections 1602, 5650, and 5652 in Conjunction with Marijuana Cultivation

Dear Mr. Lorist:

On May 3, 2017, Department of Fish and Wildlife (Department) staff visited your parcel on an Unnamed Tributary to the Mad River near Dinsmore, CA. During this visit, Department staff observed the activities described below, which are subject to Fish and Game Code (FGC) sections 1602, 5650, and 5652. Staff also observed active marijuana cultivation in conjunction with these activities.

FGC Violation	Latitude/Longitude	Description
5652	40.5213, -123.6525	Trash bags, buckets, and debris placed less than 10 feet from a Class II stream
5650	40.5209, -123.6522	Road runoff delivering sediment to a Class II stream
1602/5650	40.5214, -123.6530	Dirt ford crossing delivering sediment to Class II stream
5650	40.5215, -123.6541	Road segment delivering sediment to Class II stream
1602/5650/5652	40.5217, -123.6544	On stream impoundment including excavation and fill, placement of wood and plastic in stream, and associated bank erosion and modification
1602	40.5232, -123.6526	Spring diverted away from natural channel and intercepted by existing road with no infrastructure
1602/5650	40.5203, -123.6527.	Undersized and failing 12" diameter culvert on Class II stream
5650	40.5201, -123.6528	Sediment delivery from hydrologically connected road rilling

and Game Code (FGC) section 1602 requires a person to
ification to the Department before: 1) substantially
natural flow of a river, stream, or lake; 2)
, or bank of a river, stream, or lake; 3)
or bank of a river, stream, or
waste, material containing

Memo

TRC
Timberland Resource
CONSULTANTS
165 South Fortuna Blvd,
Suite 4
Fortuna, CA 95540
phone 707-725-1897
fax 707-725-0972

To: Petya Ivanova

From: Maddy Rueda

Re: CDFW 1600 Restoration Plan

Date: July 27, 2018

Enclosed you will find your Stream Revegetation & Restoration Plan. Please follow the instructions and what is on there in order to comply with your 1600 agreement with California Department of Fish and Wildlife.

If you need more direction or clarification on anything within the plan, I urge you to contact TRC as soon as possible.

Thank you,
Maddy Rueda

Jean Paul Lorist Stream Revegetation & Restoration Plan

PROJECT DESCRIPTION

Plantings shall consist of native tree/shrub and Evergreen fern including Douglas-fir (Pseudotsuga mensinezzi), Vine Maple (Acer circinatum), Western swordfern (Polystichum munitum) , and Oregon Grape (Berberis nervosa). Trees shall be planted every 8 feet and shrubs and evergreen fern every 3' on center. Total square footage of planted area equals 402 sqft.

MEASURES TO PROTECT FISH, WILDLIFE, AND PLANT RESOURCES

Where feasible, the construction shall occur from the bank, or on a temporary pad underlain with filter fabric. The amount of time equipment is stationed, working, or traveling within the creek bed shall be minimized. When heavy equipment is used, woody debris and vegetation on banks and in the channel, shall not be disturbed if outside of the project's scope. Work area shall be isolated, and water diverted around project area by way of temporary coffer dam and pumps. If construction activities cause a plume of turbidity above background levels using visual comparisons, the work area shall be allowed to rest for a minimum of 10 minutes to allow the water to clear and construction activities modified to prevent further turbidity plumes.

Where flowing water is present during operations: Cofferdams shall be installed to divert stream flow and isolate and dewater the work site, and catch any sediment-laden water and minimize sediment transport downstream (refer to Water Diversion Plan).

AVOIDANCE AND MINIMIZATION MEASURES

Work in riparian areas, including the trimming and/or removal of existing vegetation, reshaping and stabilization of unstable stream banks currently delivering sediment directly into water course shall be confined to the period June 15th-October 15th.

All machinery or heavy equipment that will be entering the stream bed, channel, and bank shall be cleaned of materials deleterious to aquatic life including but not limited to oil, lubricants, coolants, hydraulic fluid, soil, and other debris. Cleaning of equipment shall take place outside of the stream bed, channel, and bank at least 100 feet away from a water source. Refueling of machinery or heavy equipment, or adding or draining of oil, lubricants, coolants or hydraulic fluids shall not take place within the stream bed, channel, bank, or within 100 feet of a water source. All non-operating machinery shall be stored a minimum of 100 feet away from water way. All machinery shall carry a spill kit.

No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement, or concrete washings, oil or petroleum products, or other deleterious material from the 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 completion.

Vegetation disturbance shall not exceed the minimum necessary to perform the work; woody debris and vegetation on banks and in the channel shall not be disturbed if outside of the project's scope.

REVEGETATION MEASURES

Cumulative survival of all trees and shrubs after the maintenance period of at least 70 percent. The riparian planting will be inspected periodically and protected from adverse impacts such as vehicular and pedestrian traffic, pest infestations, concentrated flows, pesticides, livestock or wildlife damage and fire. Replacement of dead trees or shrubs and control of undesirable vegetative competition will be continued until the buffer is, or will progress to, a fully functional condition.

All planting locations will be marked with flagging to easily identify location. Survival, height and cover of all plants will be measured annually to track growth.

Riparian planting will take place prior to March 2019. The applicant (land owner) is responsible for the maintenance and replanting if necessary.

Dimensions of Revegetation:
50' x 4' x 6' = 300 sqft
17' x 4' x 6'= 102 sqft
402 sqft

Plant Selection:
Trees
Douglas-fir (Pseudotsuga mensinezzi)
8' spacing o.c. (average spacing) 402 ÷ 64 ft2 = 6 trees
6 Douglas-fir

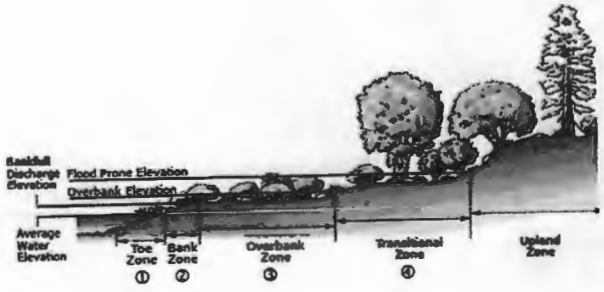
Shrubs/ Evergreen Fern
3 ft o.c. (average spacing) 402 ÷ 9 ft2 = 45 shrubs
45 shrubs– 6 (space occupied by trees) = 39 shrubs

Vine Maple (Acer circinatum)
39 shrubs - 13 Vine Maples= 26 remainder plants
13 Vine Maples

Western swordfern (Polystichum munitum)
26 - 13 (space occupied by Vine Maple) = 13 remainder plants
13 Western Swordferns

Oregon Grape (Berberis nervosa)
13 Oregon grape

① Avg. Water Elevation:
(top of the Toe Zone)
② Bankfull Discharge:
(top of the Bank Zone)
③ Overbank Elevation:
(top of the Overbank Zone)



④ Flood Prone Elevation:

	Selected Plant Species	Plant Material Type (Container)
Zone 1	Western swordfern (Polystichum munitum)	13
Zone 2	Vine Maple (Acer circinatum)	13
Zone 3	Oregon Grape (Berberis nervosa)	13
Zone 4	Douglas-fir (Pseudotsuga mensinezzi)	6

RECEIVED

MAY 07 2018

CDFW - EUREKA

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

STREAMBED ALTERATION AGREEMENT
NOTIFICATION NO. 1600-2017-0571-R1
Unnamed Tributaries to the Mad River and the Pacific Ocean

Mr. Jean Paul Lorist
Lorist Stream Crossings and Stream Remediation Project
7 Encroachments

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

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittees initially notified CDFW on August 25, 2017, with revisions received on October 12, 2017, that the Permittee intends to complete the project described herein.

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, on May 3, 2017, CDFW staff identified substantial alteration of the bed, bank and channel of Unnamed Tributaries to the Mad River located approximately at latitude 40. 523 N and longitude 123.653 W.

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, pursuant to FGC sections 1603 and 1614, CDFW has determined the unauthorized impacts have substantially adversely affected fish or wildlife resources and has included measures in this Agreement to remedy and mitigate the unauthorized impacts to protect fish and wildlife resources. The measures in this Agreement are not subject to Arbitration.

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 Mad River watershed, approximately 3 miles north of the town of Dinsmore, County of Humboldt, State of California. The project is located in Section 30, T2N, R5E, Humboldt Base and Meridian; in the

Showers Mountain U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 208-201-017; latitude 40. 523N and longitude 123.653 W.

PROJECT DESCRIPTION

The project includes seven encroachments (Table 1). One encroachment is for water diversion from an unnamed tributary to the Mad River. Water is diverted for domestic use and irrigation. Work for the water diversion will include installation, use, and maintenance of the water diversion infrastructure. The seven other encroachments are to road/stream crossings and remove an on stream pond constructed without permits. Work for these encroachments will include excavation, removal of the existing culverts, removal of debris from the streams riparian areas, installation of new culverts, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
On-stream Pond Removal and Remediation	40.5217, -123.6544	Remove on-stream impoundment from Class II stream, remove all debris, re-contour and stabilize
Crossing-1	40.5203, -123.6528	Replace existing 12" diameter culvert with a minimum 24" diameter culvert
Crossing-2	40.5209, -123.6522	Replace existing 18" diameter culvert with a minimum 30" diameter culvert
Crossing-3	40.5214, -123.5237	Replace existing dirt ford crossing with rocked ford on Class II stream not utilized for vehicle traffic
Crossing-4	40.5215, -123.6541	Remove wooden bridge on Class II stream, and decommission crossing and ~100 feet of an ATV trail within stream zone
Crossing-5	40.5231, -123.6525	Replace existing dirt ford crossing with rocked ford at bank seep
Crossing-6	40.5232, -123.6527	Replace existing dirt ford crossing with rocked ford at bank seep

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: Southern Torrent Salamander (*Rhyacotriton variegatus*), Coastal Tailed Frog (*Ascaphus Truei*), 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;
reduced instream flow;
temporary increase in fine sediment transport;

Impacts to bed, channel, or bank and direct effects on fish, wildlife, and their habitat:
loss or decline of riparian habitat;
direct impacts on benthic organisms;

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;
indirect impacts;
impediment of up- or down-stream migration;
water quality degradation; and
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.

1.7 CDFW Notification of Work Initiation and Completion. 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. Subsequently, the Permittee shall notify CDFW no later than seven (7) days after the project is fully completed.

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 August 25, 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 diversion of water, 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 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.

2.4 Work Completion. The proposed work shall be completed by no later than **October 1, 2018.** A notice of completed work, including photographs of each site, shall be submitted to CDFW within seven (7) days of project completion.

2.5 Incidental Take. This Agreement does not allow for the take, or incidental take of any state or federal listed threatened or endangered listed species.

Vegetation Management

2.6 Minimum Vegetation Removal. No native riparian vegetation shall be removed from the bank of the stream, except where authorized by CDFW. Permittee shall limit the disturbance or removal of native vegetation to the minimum necessary to achieve design guidelines and standards for the Authorized Activity. Permittee shall take precautions to avoid damage to vegetation outside the work area.

2.7 Vegetation Management. Permittee shall limit vegetation management (e.g., trimming, pruning, or limbing) and removal for the purpose of stream crossing or diversion infrastructure placement/maintenance to the use of hand tools. Vegetation management shall not include treatment with herbicides.

Stream Remediation and Pond Removal

2.8 Stream Restoration Plan. The Permittee shall submit a **Stream Restoration Plan** (SRP) to CDFW by **May 15, 2018**, for approval prior to conducting remediation activities (condition 3.2). The SRP shall be include details and a schematic detailing the proposed channel reconstruction and include the size of the channel to be restored, any grade control that will be implemented, and revegetation associated with the project footprint.

Stream Crossings

2.9 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.

2.10 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.

2.11 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.

2.12 Dewatering.

2.12.1 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.

2.12.2 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.

2.12.3 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.

2.12.4 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 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.

2.12.5 Minimize Turbidity, Siltation, and Pollution. Permittee shall use only clean, non-erodible materials, such as rock or sandbags that do not contain soil or fine sediment, to construct any temporary stream flow bypass. Permittee shall divert stream flow around the work site in a manner that minimizes turbidity, siltation, and pollution, and does not result in erosion or scour downstream of the diversion.

2.12.6 Remove any Materials upon Completion. Permittee shall remove all materials used for the temporary stream flow bypass after the Authorized Activity is completed.

2.12.7 Restore Normal Flows. Permittee shall restore normal flows to the effected

stream immediately upon completion of work at that location.

2.13 Excavated Fill. Excavated fill material shall be placed in upland 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.

2.14 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.

2.15 Culvert Installation.

2.15.1 The project is located in a moderate to very high Fire Hazard Severity Zone as designated by CAL FIRE. Culvert materials shall consist of corrugated metal pipe (CMP). Use of High Density Polyethylene (HDPE) pipe shall be prohibited.

2.15.2 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.

2.15.3 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 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). The Permittee shall ensure basins are not constructed and channels are not be widened at culvert inlets.

2.15.4 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 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.

2.15.5 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.

2.15.6 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.

2.16 Rock Armor Placement.

2.16.1 No heavy equipment shall enter the wetted stream channel.

2.16.2 No fill material, other than clean rock, shall be placed in the stream channel.

2.16.3 Rock shall be sized to withstand washout from high stream flows, and extend above the ordinary high water level.

2.16.4 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.

2.17 Road Approaches. The Permittee shall treat road approaches to new or re-constructed permanent crossings *on Class I and II watercourses* to minimize erosion and sediment delivery to the watercourse. Permittee shall ensure road approaches are hydrologically disconnected to the maximum extent feasible to prevent sediment from entering the crossing site, including when a Stream Crossing is being constructed or reconstructed. Road approaches shall be armored from the crossing for a minimum of *50* feet in both directions, or to the nearest effective water bar or point where road drainage does not drain to the crossing, with durable rock, compacted grindings, pavement, or chip-seal.

2.18 Project Inspection. The Project shall be inspected by Timberland Resource Consulting or a licensed engineer to ensure that the stream crossings were installed as designed (condition 3.3). A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project.

Erosion Control and Pollution

2.19 Erosion Control. Permittee shall use erosion control measures throughout all work phases where sediment runoff threatens to enter a stream, lake, or other Waters of the State.

2.20 Erosion Control. Permittee shall use erosion control measures throughout all work phases where sediment runoff threatens to enter a stream, lake, or other Waters of the State.

2.21 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 by applying mulch and seed. Permittee shall restore all exposed or disturbed areas and access points within the stream and riparian zone by applying local native and weed free erosion control grass seeds. Locally native wildflower and/or shrub seeds may also be included in the seed mix. Permittee shall mulch restored areas using at least two to four inches of weed-free clean straw or similar biodegradable mulch over the seeded area. Alternately, Permittee may cover seeding with jute netting, coconut fiber blanket, or similar non-synthetic monofilament netting erosion control blanket.

2.22 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 15 through June 15. 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 dikes. If the sediment barrier fails to retain sediment, Permittee shall employ corrective measures, and notify the department immediately.

2.23 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.

2.24 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 altered streambeds and banks remain sufficiently armored and/or stable.

2.25 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 in order to prevent sediment from moving into a stream or lake. Permittee shall apply and secure these materials prior to rain events to prevent loose soils from entering a stream, lake, or other Waters of the State.

2.26 No Dumping. Permittee shall not deposit, permit to pass into, or place where it can pass into a stream, lake, or other 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 other 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.

3. Reporting Measures

3.1 Work Completion. The proposed work shall be completed by no later than **October 1, 2018**. A notice of completed work (condition 2.4), with supplemental photos, shall be submitted to CDFW **within seven (7) days** of project completion.

3.2 Stream Restoration Plan. The Permittee shall submit a **Stream Restoration Plan** (SRP) to CDFW by **May 15, 2018**, for approval prior to conducting remediation activities (condition 3.1). The SRP shall be include details and a schematic detailing the proposed channel reconstruction and include the size of the channel to be restored, any grade control that will be implemented, and revegetation associated with the project footprint.

3.3 Project Inspection. The Permittee shall submit the **Project Inspection Report** (condition 2.18) 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. Jean Paul Lorist
P.O. Box 831
Fortuna, CA 95540
707-502-7413
willyrip@msn.com

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2017-0571-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. Jean Paul Lorist

Jean Paul Lorist — Date: 5-2-18

FOR DEPARTMENT OF FISH AND WILDLIFE

Scott Bauer — Date: 5-8-18

Scott Bauer
Senior Environmental Scientist Supervisor

Prepared by: David Manthorne, Senior Environmental Scientist Specialist, April 26, 2018