

 **REVISED**
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Water Resource Protection Plan

APN: 216-094-009

Prepared by:



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Purpose

This Water Resource Protection Plan (WRPP) has been prepared on behalf of the Discharger, for the Humboldt County property identified as Parcel Number 216-094-009, by agreement and in response to the California Water Code Section 13260(a), which requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the state, other than into a community sewer system, shall file with the appropriate regional water board a Report of Waste Discharge (ROWD) containing such information and data as may be required by the Regional Water Board. The Regional Water Board may waive the requirements of Water Code section 13260 for specific types of discharges if the waiver is consistent with the Basin Plan and in the public interest. Any waiver is conditional and may be terminated at any time. A waiver should include monitoring requirements to verify the adequacy and effectiveness of the waiver's conditions. Order R1-2015-0023 conditionally waives the requirement to file a ROWD for discharges and associated activities described in finding 4.

Scope of Report

Order No. R1-2015-0023 states that "Tier 2 Dischargers and Tier 3 Dischargers who intend to cultivate cannabis before, during, or following site cleanup activities shall develop and implement a water resource protection plan that contains the elements listed and addressed below. Dischargers must keep this plan on site, and produce it upon request by Regional Water Board staff. Management practices shall be properly designed and installed, and assessed periodically for effectiveness. If a management measure is found to be ineffective, the plan must be adapted and implemented to incorporate new or additional management practices to meet standard conditions. Dischargers shall certify annually to the Regional Water Board individually or through an approved third party program that the plan is being implemented and is effectively protecting water quality, and report on progress in implementing site improvements intended to bring the site into compliance with all conditions of this Order."

Methods

The methods used to develop this WRPP include both field and office components. The office component consisted of aerial photography review and interpretation, existing USGS quad map review, GIS mapping of field data, review of on-site photography points, streamflow calculations, and general planning. The field component included identifying and accurately mapping all watercourses, wet areas, and wetlands located downstream of the cultivation areas, associated facilities, and all appurtenant roads accessing such areas. An accurate location of the Waters of the State is necessary to make an assessment of whether potential and existing erosion sites/pollution sites have the potential to discharge waste to an area that could affect waters of the State (including groundwater). Next, all cultivation areas, associated facilities, and all appurtenant roads accessing such areas were assessed for discharges and related controllable water quality factors from the activities listed in Order R1-2015-0023, Finding 4a-j. The field assessment also included an evaluation and determination of compliance with the Standard Conditions per Provision I.B of Order No. R1-2015-0023. The water resource protection plans required under Tier 2 are meant to describe the specific measures a discharger implements to achieve compliance with standard conditions. Therefore, all required components of the water resource protection plan per Provision I.B of Order No. R1-2015-0023 were physically inspected and evaluated. A comprehensive summary of each Standard Condition as it relates to the subject property is appended.

Property Description

The property assessed is an approximately 61-acre parcel that is located 9 miles east of Garberville, California, at an elevation of approximately 2,000 feet above mean sea level. The property is located *within the West ½ of the West ½ of Section 33, Township 4 South, Range 4 East, Humboldt Base & Meridian, on the USGS Harris 7.5' Quadrangle.* There are several watercourses on the property, all of which are tributary to Jewett Creek (Eel River). The property has a northwest aspect, and is located mid-slope approximately 250 feet from the top of the ridge.

There are four cultivation areas on the property. Cultivation Area #1 (CA 1) consists of one 25' by 60' greenhouse. Cultivation Area #2 (CA 2) consists of eight 8' x 60' greenhouses, one 8' by 50' greenhouse, and one 8' by 36' greenhouse. Cultivation Area #3 (CA 3) consists of seven 5' by 60' greenhouses, one 5' by 50' greenhouse, and one 5' by 40' greenhouse. Cultivation Area #4 (CA 4) consists of one 36' by 100' greenhouse. Total cultivation area on the property equates to 12,178 square feet. Water is sourced from two on-stream ponds, a rain catchment pond, and a groundwater well.

Monitoring Plan

Tier 2 Dischargers shall include a monitoring element in the water resource protection plan that at a minimum provides for periodic inspection of the site, checklist to confirm placement and efficacy of management measures, and document progress on any plan elements subject to a time schedule. Tier 2 Dischargers shall submit an annual report (Appendix C) by March 31 of each year that documents implementation and effectiveness of management measures during the previous year. Tier 2 annual reporting is a function that may be provided through an approved third party program.

Monitoring of the site includes visual inspection and photographic documentation of each feature of interest listed on the site map, with new photographic documentation recorded with any notable changes to the feature of interest. At a minimum, all site features must be monitored annually, to provide the basis for completion of the annual re-certification process. Additionally, sites shall be monitored at the following times to ensure timely identification of changed site conditions and to determine whether implementation of additional management measures is necessary to iteratively prevent, minimize, and mitigate discharges of waste to surface water: 1) just prior to October 15 to evaluate site preparedness for storm events and storm water runoff, 2) following the accumulation of 3" total precipitation or by November 15, whichever is sooner, and 3) following any rainfall event with an intensity of 3" precipitation in 24 hours. Precipitation data can be obtained from the National Weather Service Forecast Office (e.g. by entering the zip code of the parcel location at <http://www.srh.noaa.gov/forecast>).

Monitoring Plan Reporting Requirements

Order No. R1-2015-0023, Appendix C must be submitted to the Regional Water Board or approved third party program upon initial enrollment in the Order (NOI) and annually thereafter by March 31. Forms submitted to the Regional Water Board shall be submitted electronically to northcoast@waterboards.ca.gov. If electronic submission is infeasible, hard copies can be submitted to: North Coast Regional Water Quality Control Board, 5550 Skylane Boulevard, Suite A, Santa Rosa, CA 95403.

Assessment of Standard Conditions

Assessment of Standard Conditions consisted of a field examination on November 27, 2017. The examination evaluated areas near, and areas with the potential to directly impact, watercourses for sensitive conditions including, but not limited to, existing and proposed roads, skid trails and landings, unstable and erodible watercourse banks, unstable upslope areas, debris, jam potential, inadequate flow capacity, changeable channels, overflow channels, flood prone areas, and riparian zones. Field examinations also evaluated all roads and trails on the property, developed areas, cultivation sites, and any structures and facilities appurtenant to cultivation on the property. Anywhere the Standard Conditions are not met on the property, descriptions of the assessments and the prescribed treatments are outlined following each associated section below.

Summary of Standard Conditions Compliance

1. Site maintenance, erosion control, and drainage features Y/N
2. Stream crossing maintenance Y/N
3. Riparian and wetland protection and management Y/N
4. Spoils management Y/N
5. Water storage and use Y/N
6. Irrigation runoff Y/N
7. Fertilizers and soil amendments Y/N
8. Pesticides and herbicides Y/N
9. Petroleum products and other chemicals Y/N
10. Cultivation-related wastes Y/N
11. Refuse and human waste Y/N

A. Standard Conditions, Applicable to All Dischargers

1. Site Maintenance, erosion control and drainage features (Compliance: Y / N)
 - a. Roads shall be maintained as appropriate (with adequate surfacing and drainage features) to avoid developing surface ruts, gullies, or surface erosion that results in sediment delivery to surface waters.

Physical reconnaissance of the property revealed several locations where erosion is occurring on the surface of the roads, some of which appear to be resulting in sediment delivery to surface waters. Surface erosion is occurring on several sections of road due to inadequate surfacing. The Discharger shall apply a fresh layer of rock to the road surface, where surface erosion is occurring due to inadequate surfacing. The steep road section between Stream Crossing #6 (SC 6) and Cultivation Area #3 (CA 3) is one section in particular that is experiencing substantial surface erosion that appears to be resulting in sediment delivery to surface waters. The Discharger has installed several water breaks, which appears

to have significantly reduced the erosion occurring. The Discharger shall apply a fresh layer of angular road rock to this section of road and reinstall adequate road drainage facilities.

At Map Point #5 (MP 5), the cut-bank is experiencing substantial erosion with the potential for sediment delivery to surface waters. The Discharger shall reshape the cut-bank so that it is no steeper than 1.5/1 (horizontal/vertical). The slope shall be seeded with native annual and perennial grasses, then have a rolled erosion control product such as jute netting installed over the cut-bank.

All four cultivation areas are located on graded flats. The flats appear to be well-constructed, with adequate compaction to maintain their integrity and minimize the erosion potential. The flats were all adequately seeded and straw mulched prior to the 2017 winter period, and vegetation had become established upon the site assessment on November 27, 2017.

- b. Roads, driveways, trails, and other defined corridors for foot or vehicle traffic of any kind shall have adequate ditch relief drains or rolling dips and/or other measures to prevent or minimize erosion along the flow paths and at their respective outlets.

Upon implementation of all mitigation measures prescribed in this document, all roads, driveways, trails, and other defined corridors for foot or vehicle traffic are expected to have adequate measures in place to prevent or minimize erosion along the flow paths and their respective outlets.

- c. Roads and other features shall be maintained so that surface runoff drains away from potentially unstable slopes or earthen fills. Where road runoff cannot be drained away from an unstable feature, an engineered structure or system shall be installed to ensure that surface flows will not cause slope failure.

Physical reconnaissance of the property revealed no unstable areas per 14CCR 895.1 of the California Forest Practice Rules handbook.

- d. Roads, clearings, fill prisms, and terraced areas (cleared/developed areas with the potential for sediment erosion and transport) shall be maintained so that they are not hydrologically connected¹, as feasible, from surface waters, including wetlands, ephemeral, intermittent and perennial streams.

The permanent rocked road that runs east-west through the southern section of the property is currently hydrologically connected to surface waters due to the lack of adequate road drainage. The Ditch Relief Culverts (DRC) currently in place are experiencing significant flows due to long stretches of inside ditch that are not adequately drained. The Discharger shall install a DRC at Map Point #1 (MP 1), Map Point #2 (MP 2), Map Point #3 (MP 3), and Map Point #4 (MP 4), per the attached specifications, to hydrologically disconnect the road from surface waters as feasible.

- e. Ditch relief drains, rolling dip outlets, and road pad or terrace surfaces shall be maintained to promote infiltration/dispersal of outflows and have no apparent erosion or evidence of soil transport to receiving waters.

Upon implementation of all mitigation measures, all ditch relief drains, rolling dip outlets, road pads, and terraced surfaces are expected to be maintained to promote infiltration/dispersal of outflows, and have no evidence of soil transport to receiving waters.

- f. Stockpiled construction materials are stored in a location and manner so as to prevent their transport to receiving waters.

Physical reconnaissance of the property revealed that there are no construction materials being stored on the property at this time.

¹ Connected roads are road segments that deliver road surface runoff, via the ditch or road surface, to a stream crossing or to a connected drain that occurs within the high delivery potential portion of the active road network. A connected drain is defined as any cross-drain culvert, water bar, rolling dip, or ditch-out that appears to deliver runoff to a defined channel. A drain is considered connected if there is evidence of surface flow connection from the road to a defined channel or if the outlet has eroded a channel that extends from the road to a defined channel. (http://www.forestsandfish.com/documents/Road_Mgmt_Survey.pdf)

2. **Stream Crossing Maintenance (Compliance: Y / N)**
- a. Culverts and stream crossings shall be sized to pass the expected 100-year peak streamflow.
 - b. Culverts and stream crossings shall be designed and maintained to address debris associated with the expected 100-year peak streamflow.
 - c. Culverts and stream crossings shall allow passage of all life stages of fish on fish-bearing or restorable streams, and allow passage of aquatic organisms on perennial or intermittent streams.
 - d. Stream crossings shall be maintained so as to prevent or minimize erosion from exposed surfaces adjacent to, and in the channel and on the banks.
 - e. Culverts shall align with the stream grade and natural stream channel at the inlet and outlet where feasible.²
 - f. Stream crossings shall be maintained so as to prevent stream diversion in the event that the culvert/crossing is plugged, and critical dips shall be employed with all crossing installations where feasible.³

There are ten stream crossings located on the property, seven of which require work that will cause disturbance to a stream channel. Timberland Resource Consultants is preparing a Lake and Streambed Alteration (LSA) Notification on behalf of the Discharger, and no work will begin prior to approval by CDFW, and approval of Appendix D. The Discharger shall ultimately follow all specifications and conditions included in the final LSA Permit.

Stream Crossing #1 (SC 1) consists of a 30-inch diameter CMP (corrugated metal pipe) on a Class II watercourse. The culvert is rusted out, shotgunned, and not adequately sized for the expected 100-year peak streamflow. This crossing shall be replaced with a minimum 54-inch diameter culvert per the attached specifications.

Stream Crossing #2 (SC 2) consists of two 18-inch diameter CMPs on a Class II watercourse. The culverts are rusted out, shotgunned, and not adequately sized for the expected 100-year peak streamflow. The Discharger shall replace this crossing with a minimum 42-inch diameter culvert per the attached specifications.

Stream Crossing #3 (SC 3) consists of an 18-inch diameter CMP that transitions into a 24-inch diameter CMP culvert on a Class III watercourse. This crossing is adequately sized for the expected 100-year peak streamflow and in compliance with all Standard Conditions at this time.

Stream Crossing #4 (SC 4) consists of 15-inch diameter CPP (Corrugated Plastic Pipe) that serves as the primary outlet for the on-stream pond. There is also a rocked ford used to cross the embankment. The rocked ford serves as a secondary spillway that would function if the primary culvert outlet were to ever become plugged or fail for any reason. The primary culvert outlet is adequately sized for the expected 100-year peak streamflow and in compliance with all Standard Conditions at this time.

² At a minimum, the culvert shall be aligned at the inlet. If infeasible to align the culvert outlet with the stream grade or channel, outlet armoring or equivalently effective means may be applied.

³ If infeasible to install a critical dip, an alternative solution may be chosen.

Stream Crossing #5 (SC 5) consists of a rocked ford on a Class III watercourse. This crossing is experiencing surface erosion that is resulting in sediment delivery to surface waters. The Discharger shall apply more rock to this crossing per the attached specifications.

Stream Crossing #6 (SC 6) consists of a rocked ford on a Class III watercourse. This crossing is experiencing surface erosion that is resulting in sediment delivery to surface waters. The Discharger shall apply more rock to this crossing per the attached specifications.

Stream Crossing #7 (SC 7) consists of a rocked ford on a Class III watercourse. This crossing is experiencing surface erosion that is resulting in sediment delivery to surface waters. The Discharger shall apply more rock to this crossing per the specifications in the Final LSA Permit.

Stream Crossing #8 (SC 8) consists of dirt ford on a Class III watercourse, which is experiencing surface erosion and sediment delivery to surface waters. The Discharger shall upgrade this crossing to a rocked ford per the attached specifications.

Stream Crossing #9 (SC 9) consists of 15-inch diameter CPP (Corrugated Plastic Pipe) that serves as the primary outlet for the on-stream pond. There is also a rock-lined secondary spillway that would function if the primary culvert outlet were to ever become plugged or fail for any reason. The primary culvert outlet is adequately sized for the expected 100-year peak streamflow and in compliance with all Standard Conditions at this time.

Stream Crossing #10 (SC 10) consists of 12-inch diameter CMP on a Class III watercourse, which is not adequately sized for the expected 100-year peak streamflow. The Discharger shall replace this crossing with a minimum 42-inch diameter culvert, per the specifications in the final LSA Permit.

This document utilizes the Rationale Method to determine the 100-year flood flow utilizing methods recommended in "*Designing Watercourse Crossings for Passage of 100-year Flood Flows, Wood, and Sediment*". 2004 Peter Cafferata, Thomas Spittler, Michael Wopat, Greg Bundros, and Sam Flanagan. This report recommends that the rational method be limited to watersheds less than 100 acres. The 100-year return-period precipitation data is from: http://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=ca

3. Riparian and Wetland Protection and Management (Compliance: Y / N)
- a. For Tier 1 Dischargers, cultivation areas or associated facilities shall not be located within 200 feet of surface waters. While 200 foot buffers are preferred for Tier 2 sites, at a minimum, cultivation areas and associated facilities shall not be located or occur within 100 feet of any Class I or II watercourse or within 50 feet of any Class III watercourse or wetlands. The Regional Water Board or its or its Executive Officer may apply additional or alternative⁴ conditions on enrollment, including site-specific riparian buffers and other BMPs beyond those identified in water resource protection plans to ensure water quality protection.

Physical reconnaissance of the property revealed that at Cultivation Area #1 (CA 1), the greenhouse is located approximately 75 feet from the adjacent Class II watercourse, encroaching approximately 25 feet within the 100 foot riparian buffer. The Discharger shall move the greenhouse outside of the 100 foot riparian buffer of the adjacent Class II watercourse, and restore the riparian buffer zone per the attached specifications. As a temporary BMP, the Discharger shall install straw waddles along the southwestern edge of the cultivation area, per the attached specifications, to promote filtration and infiltration of runoff. This temporary BMP shall be implemented as soon as possible.

Cultivation Area #2 (CA 2) is located approximately 38 feet from the adjacent on-stream pond, encroaching approximately 12 feet within the 50 foot riparian buffer. A rock lined ditch is located at the northeastern edge of the cultivation area, which directs runoff into the pond located at Stream crossing #4 (SC 4). This cultivation area appears to be hydrologically connected to surface waters at the outlet of this rock-lined ditch. It is expected that if a bio-swale is installed at the Inlet of the rock-lined drainage ditch, hydrologic connectivity would be significantly decreased/eliminated and water quality can be adequately protected.

The Discharger shall install a bio-swale at the inlet of the rock-lined ditch per the prescribed specifications. It is recommended that the bio-swale be constructed as a V-shaped or trapezoidal-shaped channel, with side slopes no steeper than 2/1 (horizontal/vertical), and a length-wise grade of approximately 2-6%, as feasible. It is recommended that several rock check-dams be installed within the channel of the bio-swale, per the attached specifications, to increase filtration and infiltration rates. It is recommended that the bio-swale be seeded with native annual and perennial grasses, and adequately watered during the dry period to establish a dense vegetation cover. It is also recommended that native shrubs be planted between the check dams, to further increase filtration and infiltration rates. This location shall be monitored. If at any time it is determined that the cultivation area remains hydrologically connected to surface waters and water quality is being substantially impacted, the Discharger shall remove the cultivation area that encroaches within the setback and restore the riparian area per the attached specifications.

⁴ Alternative site-specific riparian buffers that are equally protective of water quality may be necessary to accommodate existing permanent structures or other types of structures that cannot be relocated.

Cultivation Area #3 (CA 3) is located approximately 45 feet from the Class III watercourse located to the south, encroaching approximately 5 feet within the 50 foot riparian buffer zone. The cultivation area is also located approximately 36 feet from the Class III watercourse located to the north, encroaching approximately 14 feet within the riparian buffer zone. The Discharger shall remove the cultivation that encroaches within the buffer zones of each of these watercourses, and restore the riparian areas per the attached specifications.

Cultivation Area #4 (CA 4) is located greater than 200 feet from surface waters.

b. Buffers shall be maintained at natural slope with native vegetation.

As explained in Section A.3.a, Cultivation Area #1 (CA 1) encroaches approximately 25 feet within the riparian buffer. The Discharger will be restoring the riparian area, per the attached specifications. Cultivation Area #2 (CA 2) encroaches approximately 12 feet within the riparian buffer. The Discharger will be utilizing alternative methods to protect water quality, therefore, the encroached portion of the riparian buffer zone is not expected to be restored to natural slope with native vegetation at this location at this time. Cultivation Area #3 (CA 3) encroaches approximately 5 feet within the riparian buffer of the watercourse to the south and 14 feet within the riparian buffer of the watercourse to the north, both of which are going to be restored per the attached specifications. All other buffers appear to be maintained at natural slope with native vegetation.

c. Buffers shall be of sufficient width to filter wastes from runoff discharging from production lands and associated facilities to all wetlands, streams, drainage ditches, or other conveyances. Riparian and wetland areas shall be protected in a manner that maintains their essential functions, including temperature and microclimate control, filtration of sediment and other pollutants, nutrient cycling, woody debris recruitment, groundwater recharge, streambank stabilization, and flood peak attenuation and flood water storage.

Upon implementation of the mitigation measures aforementioned, all buffers are expected to be of sufficient width to filter wastes from runoff discharging from production lands, and to maintain the essential functions of the riparian areas.

4. Spoils Management (Compliance: Y/ N)

- a. Spoils⁵ shall not be stored or placed in or where they can enter any surface water.

Not applicable. No spoils were observed on the property.

- b. Spoils shall be adequately contained or stabilized to prevent sediment delivery to surface waters.

Not applicable.

- c. Spoils generated through development or maintenance of roads, driveways, earthen fill pads, or other cleared or filled areas shall not be sidecast in any location where they can enter or be transported to surface waters.

No spoils generated through development or maintenance of roads, driveways, earthen fill pads, or cleared or filled areas were observed anywhere on the property.

5. Water Storage and Use (Compliance: Y/ N)

- a. Size and scope of an operation shall be such that the amount of water used shall not adversely impact water quality and/or beneficial uses, including and in consideration with other water use by operations, instream flow requirements and/or needs in the watershed, defined at the scale of a HUC-12⁶ watershed or at a smaller hydrologic watershed as determined necessary by the Regional Water Board Executive Officer.

There is currently 12,178 ft² of cultivation area on the property. Water for agricultural and domestic purposes is sourced from a well, in addition to diversions located in a Class III watercourse, an on-stream pond, and a rain-catchment pond with an approximate capacity of 162,000 gallons. Timberland Resource Consultants is preparing a LSA (Lake and Streambed Alteration Agreement) with CDFW for this property to permit jurisdictional water sources, as well as work that will require disturbance to a stream channel and/or waters of the state. The Discharger shall adhere to all mitigation and protective measures deemed necessary by CDFW, to ensure that the amount of water used does not adversely impact water quality and/or its beneficial uses.

⁵ Spoils are waste earthen or organic materials generated through grading or excavation, or waste plant growth media or soil amendments. Spoils include but are not limited to soils, slash, bark, sawdust, potting soils, rock, and fertilizers.

⁶ See definition and link to maps at: <http://water.usgs.gov/GIS/huc.html>

- b. Water conservation measures shall be implemented. Examples include use of rainwater catchment systems or watering plants with a drip irrigation system rather than with a hose or sprinkler system.

The Discharger cultivates within greenhouses, utilizes a rainwater catchment system, and irrigates during the early morning to conserve water. It is recommended that the Discharger implement additional water conservation measures to minimize water usage.

- c. For Tier 2 Dischargers, if possible, develop off-stream storage facilities to minimize surface water diversion during low flow periods.

The Discharger has 208,700 gallons of off-stream storage in the form of hard plastic water storage tanks and a rainwater catchment pond.

- d. Water is applied using no more than agronomic rates.⁷

The Discharger states that water is applied using no more than agronomic rates. Timberland Resource Consultants observed no conditions to suggest otherwise.

- e. Diversion and/or storage of water from a stream should be conducted pursuant to a valid water right and in compliance with reporting requirements under Water Code section 5101.

Timberland Resource Consultants is preparing a LSA 1600 Permit with CDFW for this property, which will include the Points of Diversion located in the Class III watercourse and the on-stream pond. The Discharger is diverting water under a riparian right and an ISWDU has been submitted to the Division of Water Rights.

- f. Water storage features, such as ponds, tanks, and other vessels shall be selected, sited, designed, and maintained so as to insure integrity and to prevent release into waters of the state in the event of a containment failure.

At Cultivation Area #1, two water storage tanks are placed on uneven ground and within the 100 foot riparian buffer zone of the Class II watercourse. The Discharger shall relocate these tanks to outside of the riparian buffer zone and install them on a well-compacted and level surface. All other water storage features appear to be selected, sited, designed, and maintained so as to prevent release into waters of the state.

⁷ "Agronomic rates" is defined as the rates of fertilizer and irrigation water that a plant needs to enhance soil productivity and provide the crop or forage growth with needed nutrients for optimum health and growth, without having any excess water or nutrient percolate beyond the root zone.

6. Irrigation Runoff (Compliance: Y☒/ N☐)

Implementing water conservation measures, irrigating at agronomic rates, applying fertilizers at agronomic rates and applying chemicals according to the label specifications, and maintaining stable soil and growth media should serve to minimize the amount of runoff and the concentration of chemicals in that water. In the event that irrigation runoff occurs, measures shall be in place to treat/control/contain the runoff to minimize the pollutant loads in the discharge. Irrigation runoff shall be managed so that any entrained constituents, such as fertilizers, fine sediment and suspended organic particles, and other oxygen consuming materials are not discharged to nearby watercourses. Management practices include, but are not limited to, modifications to irrigation systems that reuse tailwater by constructing off-stream retention basins, and active (pumping) and or passive (gravity) tailwater recapture/redistribution systems. Care shall be taken to ensure that irrigation tailwater is not discharged towards or impounded over unstable features or landslides.

No irrigation runoff was observed during the inspection, nor was there evidence that it had occurred in the past. The Discharger shall ensure that water and fertilizers are applied at or below standard agronomic rates to prevent/minimize pollutant entrainment and prevent irrigation runoff from occurring.

7. Fertilizers and Soil Amendments (Compliance: Y☐/ N☒)

- a. Fertilizers, potting soils, compost, and other soils and soil amendments shall be stored in locations and in a manner in which they cannot enter or be transported into surface waters and such that nutrients or other pollutants cannot be leached into groundwater.

At the western edge of Cultivation Area #2, a soil pile is stored without containment measures in place. The Discharger shall cover the soil pile with a tarp for the remainder of the winter period and each winter period thereafter. The Discharger shall ensure that all fertilizers, soils, and amendments are stored in a manner in which they cannot enter or be transported to surface waters or be leached into groundwater.

- b. Fertilizers and soil amendments shall be applied and used per packaging instructions and/or at proper agronomic rates.

The Discharger shall ensure that fertilizers and soil amendments are applied and used per packaging instructions and/or at proper agronomic rates.

- c. Cultivation areas shall be maintained so as to prevent nutrients from leaving the site during the growing season and post-harvest.

Upon implementation of all mitigation measure prescribed in this document, all cultivation areas are expected to be maintained in a manner so as to prevent nutrients from leaving the sites during the growing season and post-harvest.

8. Pesticides/Herbicides (Compliance: Y☒/ N☐)

At the present time, there are no pesticides or herbicides registered specifically for use directly on cannabis and the use of pesticides on cannabis plants has not been reviewed for safety, human health effects, or environmental impacts. Under California law, the only pesticide products not illegal to use on cannabis are those that contain an active ingredient that is exempt from residue tolerance requirements and either registered and labeled for a broad enough use to include use on cannabis or exempt from registration requirements as a minimum risk pesticide under FIFRA section 25(b) and California Code of Regulations, title 3, section 6147. For the purpose of compliance with conditions of this Order, any uses of pesticide products shall be consistent with product labeling and any products on the site shall be placed, used, and stored in a manner that ensures that they will not enter or be released into surface or ground waters.

At the time of assessment, no pesticides or herbicides were observed to be stored or placed out of compliance with these Standard Conditions. The Discharger shall ensure that all pesticides and herbicides are used per the specifications on the product's label, and that they are placed, used, and stored in a manner that ensures that they will not enter or be released into surface or ground waters.

9. Petroleum products and other chemicals (Compliance: Y☒/ N☐)

- a. Petroleum products and other liquid chemicals, including but not limited to diesel, biodiesel, gasoline, and oils shall be stored so as to prevent their spillage, discharge, or seepage into receiving waters. Storage tanks and containers must be of suitable material and construction to be compatible with the substance(s) stored and conditions of storage such as pressure and temperature.

At the time of assessment, no petroleum or other liquid chemicals were observed to be stored out of compliance with these Standard Conditions.

- b. Above ground storage tanks and containers shall be provided with a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation.

No above ground storage tanks or containers were observed on site. The Discharger shall ensure that above ground storage tanks and containers are provided with a secondary means of containment.

- c. Dischargers shall ensure that diked areas are sufficiently impervious to contain discharged chemicals.

Not applicable. There are no diked areas on the property with the purpose of containing discharged chemicals.

- d. Discharger(s) shall implement spill prevention, control, and countermeasures (SPCC) and have appropriate cleanup materials available onsite.

Not applicable. The Discharger does not have any fuel storage tanks that require implementation of spill prevention, control, and countermeasures (SPCC), or to have appropriate cleanup materials available onsite.

- e. Underground storage tanks 110 gallons and larger shall be registered with the appropriate County Health Department and comply with State and local requirements for leak detection, spill overflow, corrosion protection, and insurance coverage.

Not applicable. There are no underground storage tanks 110 gallons or larger on the property.

10. Cultivation-related wastes (Compliance: Y / N)

Cultivation-related wastes including, but not limited to, empty soil/soil amendment/fertilizer/pesticide bags and containers, empty plant pots or containers, dead or harvested plant waste, and spent growth medium shall, for as long as they remain on the site, be stored⁸ at locations where they will not enter or be blown into surface waters, and in a manner that ensures that residues and pollutants within those materials do not migrate or leach into surface water or ground waters.

At Map Point #6 (MP 6) plant wastes are disposed of in the channel of the Class III watercourse. The Discharger shall relocate the plant wastes from this location to an area in which it can not enter surface waters, or dispose of the plant wastes at an appropriate waste disposal location. In addition, the plant wastes contain several small pieces of plastic. The Discharger shall ensure that only biodegradable plant wastes are disposed of/composted on-site.

Also at Map Point #6 (MP 6), cultivation related wastes (old 6" culvert and chicken wire) are inadequately stored within the 50 foot riparian buffer zone of the Class III watercourse. The Discharger shall remove these wastes and dispose of them at an appropriate waste disposal location.

⁸ Plant waste may also be composted, subject to the same restrictions cited above for cultivation-related waste storage.

11. Refuse and human waste (Compliance: Y☒/ N☐)

- a. Disposal of domestic sewage shall meet applicable County health standards, local agency management plans and ordinances, and/or the Regional Water Board's Onsite Wastewater Treatment System (OWTS) policy, and shall not represent a threat to surface water or groundwater.

Two septic systems are utilized for the disposal of domestic sewage. No signs of failure were observed, nor any conditions that appeared to represent a threat to surface water or groundwater.

- b. Refuse and garbage shall be stored in a location and manner that prevents its discharge to receiving waters and prevents any leachate or contact water from entering or percolating to receiving waters.

Refuse and garbage is adequately stored in lidded trash bins, which adequately prevents its discharge to receiving waters.

- c. Garbage and refuse shall be disposed of at an appropriate waste disposal location.

The Discharger states that all garbage and refuse is disposed of at an appropriate waste disposal location.

12. Remediation/Cleanup/Restoration

Remediation/cleanup/restoration activities may include, but are not limited to, removal of fill from watercourses, stream restoration, riparian vegetation planting and maintenance, soil stabilization, erosion control, upgrading stream crossings, road out-sloping and rolling dip installation where safe and suitable, installing ditch relief culverts and overside drains, removing berms, stabilizing unstable areas, reshaping cutbanks, and rocking native-surfaced roads. Restoration and cleanup conditions and provisions generally apply to Tier 3 sites, however owners/operators of Tier 1 or 2 sites may identify or propose water resource improvement or enhancement projects such as stream restoration or riparian planting with native vegetation and, for such projects, these conditions apply similarly. Appendix B accompanying this Order includes environmental protection and mitigation measures that apply to cleanup activities such as: temporal limitations on construction; limitations on earthmoving and construction equipment; guidelines for removal of plants and revegetation; conditions for erosion control, limitations on work in streams, riparian and wetland areas; and other measures.

Mitigation measures are listed below in the Mitigation Report and also explained above in the Standard Conditions.

Identified Sites Requiring Remediation (See Standard Conditions Assessment)

Unique Map Point(s)	Map Point Description	Associated Standard Condition	Temporary BMP	Permanent BMP	Priority for Action	Time Schedule for completion of Permanent BMP	Completion Date
No unique map point	Surface erosion is occurring on several sections of road due to inadequate surfacing.	A.1.a	N/A	The Discharger shall apply a fresh layer of rock to the road surface, where surface erosion is occurring due to inadequate surfacing.	2	10/15/2018	
The steep road section between Stream Crossing #6 (SC 6) and Cultivation Area #3 (CA 3)	The steep road section between Stream Crossing #6 (SC 6) and Cultivation Area #3 (CA 3) is experiencing substantial surface erosion that appears to be resulting in sediment delivery to surface waters. The Discharger has installed several water breaks, which appears to have significantly reduced the erosion occurring.	A.1.a	N/A	The Discharger shall apply a fresh layer of angular road rock to this section of road and reinstall adequate road drainage facilities.	2	10/15/2018	
MP 5	At Map Point #5 (MP 5), the cut-bank is experiencing substantial erosion with the potential for sediment delivery to surface waters	A.1.a	N/A	The Discharger shall reshape the cut-bank so that it is no steeper than 1.5/1 (horizontal/vertical). The cutbank shall be seeded with native annual and perennial grasses. A rolled erosion control product such as jute netting shall then be installed over the cut-bank.	2	10/15/2018	
MP 1 MP 2 MP 3 MP 4	The permanent rock road that runs east-west through the southern section of the property is currently hydrologically connected to surface waters due to the lack of adequate road drainage. The Ditch Relief Culverts (DRC) currently in place are experiencing significant flows due to long stretches of inside ditch that are not adequately drained.	A.1.d	N/A	The Discharger shall install a DRC at Map Point #1 (MP 1), Map Point #2 (MP 2), Map Point #3 (MP 3), & Map Point #4 (MP 4) per the attached specifications.	3	10/15/2019	
SC 1	30-inch diameter CMP on a Class II watercourse. The culvert is rusted out, shotgunned, and not adequately sized for the expected 100-year peak streamflow.	A.2	N/A	This crossing shall be replaced with a minimum 54-inch diameter culvert per the attached specifications.	3	10/15/2019	

SC 2	Two 18-inch diameter CMPs on a Class II watercourse. The culverts are rusted out, shotgunned, and not adequately sized for the expected 100-year peak streamflow.	A.2	N/A	The Discharger shall replace this crossing with a minimum 42-inch diameter culvert per the attached specifications.	3	10/15/2019	
SC3	18-inch diameter CMP that transitions into a 24-inch diameter CMP culvert on a Class III watercourse. This crossing is adequately sized for the expected 100-year peak streamflow and in compliance with all Standard Conditions at this time.	A.2	N/A	N/A This crossing is in compliance at this time.	N/A	N/A	
SC 4	15-inch diameter CPP that serves as the primary outlet for the on-stream pond. There is also a rocked ford used to cross the embankment. The rocked ford serves as a secondary spillway that would function if the primary culvert outlet were to ever become plugged or fail for any reason.	A.2	N/A	N/A This crossing is in compliance at this time.	N/A	N/A	
SC 5	Rocked ford on a Class III watercourse. This crossing is experiencing surface erosion that is resulting in sediment delivery to surface waters.	A.2	N/A	The Discharger shall apply more rock to this crossing per the attached specifications.	3	10/15/2019	
SC 6	Rocked ford on a Class III watercourse. This crossing is experiencing surface erosion that is resulting in sediment delivery to surface waters.	A.2	N/A	The Discharger shall apply more rock to this crossing per the attached specifications.	3	10/15/2019	
SC 7	Rocked ford on a Class III watercourse. This crossing is experiencing surface erosion that is resulting in sediment delivery to surface waters.	A.2	N/A	The Discharger shall apply more rock to this crossing per the attached specifications.	3	10/15/2019	
SC 8	Dirt ford on a Class III watercourse, which is experiencing surface erosion and sediment delivery to surface waters.	A.2	N/A	The Discharger shall upgrade this crossing to a rocked ford per the attached specifications.	3	10/15/2019	

SC 9	15-inch diameter CPP that serves as the primary outlet for the on-stream pond. There is also a rock-lined secondary spillway that would function if the primary culvert outlet were to ever become plugged or fail for any reason.	A.2	N/A	N/A	N/A	N/A	
SC 10	12-inch diameter CMP on a Class III watercourse, which is not adequately sized for the expected 100-year peak streamflow.	A.2	N/A	The Discharger shall replace this crossing with a minimum 42-inch diameter culvert per the attached specifications.	3	10/15/2019	
CA 1	The greenhouse is located approximately 75 feet from the adjacent Class II watercourse, encroaching approximately 25 feet within the 100 foot riparian buffer.	A.3.a	Install straw waddles along the southwestern edge of the cultivation area, per the attached specifications.	The Discharger shall move the greenhouse outside of the 100 foot riparian buffer of the adjacent Class II watercourse, and restore the riparian buffer zone per the attached specifications.	2	10/15/2018	
CA 1	At Cultivation Area #1, two water storage tanks are placed on uneven ground and within the 100 foot riparian buffer zone of the Class II watercourse.	A.5.f	N/A	The Discharger shall relocate these tanks to outside of the riparian buffer zone and install them on a well-compacted and level surface. All other water storage features appear to be selected, sited, designed, and maintained so as to prevent release into waters of the state.	2	10/15/2018	

CA 2	Cultivation Area #2 (CA 2) is located approximately 38 feet from the adjacent on-stream pond, encroaching approximately 12 feet within the 50 foot riparian buffer. A rock lined ditch is located at the northeastern edge of the cultivation area, which directs runoff into the pond located at Stream crossing #4 (SC 4). This cultivation area appears to be hydrologically connected to surface waters at the outlet of this rock-lined ditch. It is expected that if a bio-swale is installed at the inlet of the rock-lined drainage ditch, hydrologic connectivity would be significantly decreased or eliminated and water quality can be adequately protected.	A.3.a	N/A	The Discharger shall install a bio-swale at the inlet of the rock-lined ditch per the prescribed specifications. It is recommended that the bio-swale be constructed as a V-shaped or trapezoidal-shaped channel, with side slopes no steeper than 2/1 (horizontal/vertical), and a length-wise grade of approximately 2-6%, as feasible. It is recommended that several rock check-dams be installed within the channel of the bio-swale, per the attached specifications, to increase filtration and infiltration rates. It is recommended that the bio-swale be seeded with native annual and perennial grasses, and adequately watered during the dry period to establish a dense vegetation cover. It is also recommended that native shrubs be planted between the check dams, to further increase filtration and infiltration rates. This location shall be monitored. If at any time it is determined that the cultivation area remains hydrologically connected to surface waters and water quality is being substantially impacted, the Discharger shall remove the cultivation area that encroaches within the setback and restore the riparian area per the attached specifications.	3	10/15/2019	
CA 3	Cultivation Area #3 (CA 3) is located approximately 45 feet from the Class III watercourse located to the south, encroaching approximately 5 feet within the 50 foot riparian buffer zone. The cultivation area is also located approximately 36 feet from the Class III watercourse located to the north, encroaching approximately 14 feet within the riparian buffer zone.	A.3.a	N/A	The Discharger shall remove the cultivation that encroaches within the buffer zones of each of these watercourses, and restore the riparian areas per the attached specifications.	2	10/15/2018	

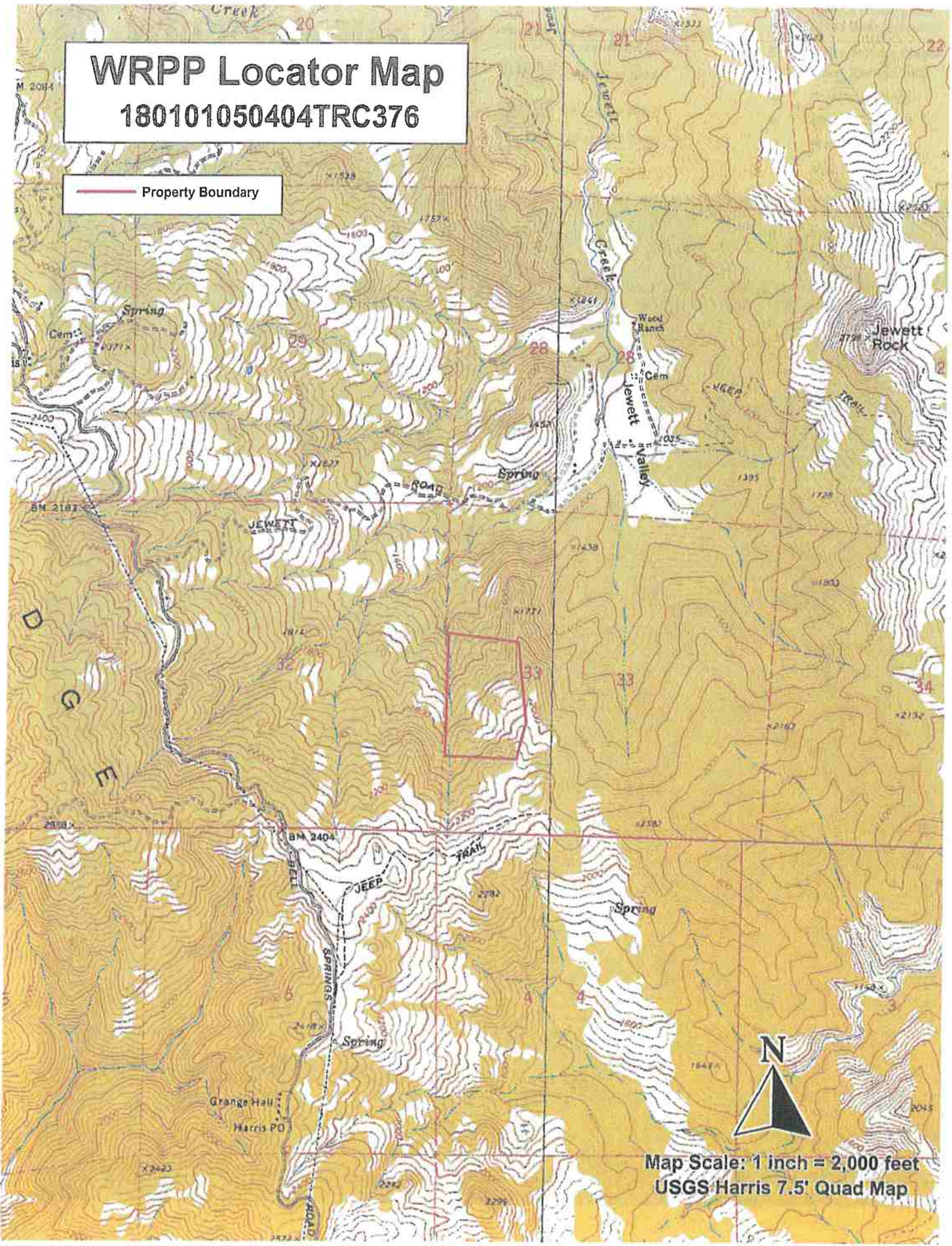
MP 6	Plant wastes are disposed of in the channel of the Class III watercourse. In addition, the plant wastes contain several small pieces of plastic.	A.3	N/A	The Discharger shall relocate the plant wastes from this location to an area in which it can not enter surface waters, or dispose of the plant wastes at an appropriate waste disposal location. The Discharger shall ensure that only biodegradable plant wastes are disposed of/composted on-site.	1	2/15/2018 ASAP	
CA 2	At the western edge of Cultivation Area #2, a small soil pile is stored without containment measures in place.	A.7	N/A	The Discharger shall cover the soil pile with a tarp for the remainder of the winter period and each winter period thereafter.	1	ASAP	
MP 6	Cultivation related wastes (old 6" culvert, chicken wire) are inadequately stored within the 50 foot riparian buffer zone of the Class III watercourse.	A.10	N/A	The Discharger shall remove these wastes and dispose of them at an appropriate waste disposal location.	2	10/15/2018	

Treat Priority: Treatment Priority (1) indicates a very high priority with treatment being planned to occur immediately, (2) indicates a high priority site with treatment to occur prior to the start of the winter period (Nov. 15), (3) indicates a moderate priority with treatment being planned to occur within one year, or prior to the winter period (Nov. 15) of the 2nd season of operations, and (4) indicates a low priority with treatment being planned to occur in the shortest time possible, but no later than the expiration of this Order (five years).

WRPP Locator Map

180101050404TRC376
















— Property Boundary



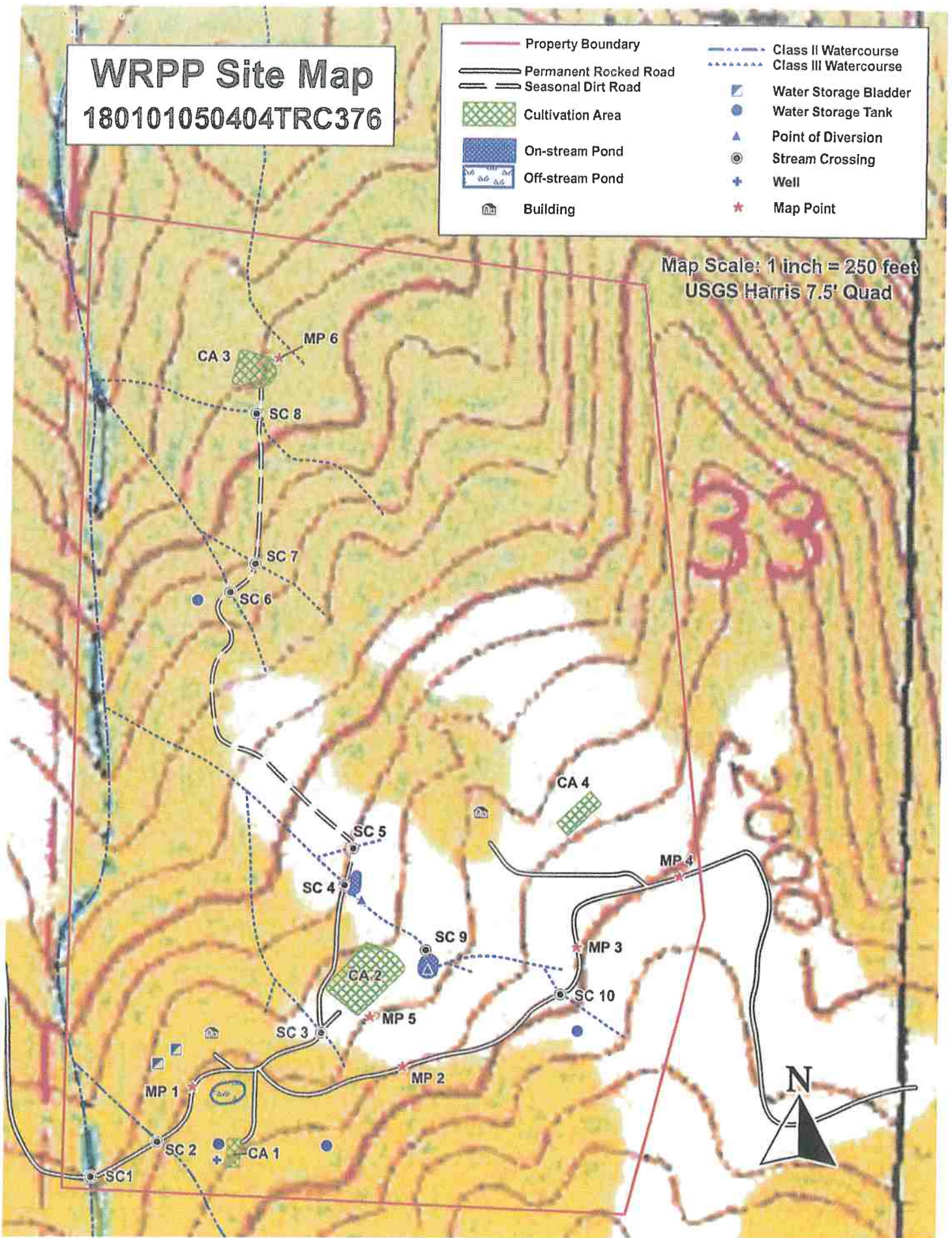
Map Scale: 1 inch = 2,000 feet
USGS Harris 7.5' Quad Map

WRPP Site Map

180101050404TRC376
















	Property Boundary		Class II Watercourse
	Permanent Rocked Road		Class III Watercourse
	Seasonal Dirt Road		Water Storage Bladder
	Cultivation Area		Water Storage Tank
	On-stream Pond		Point of Diversion
	Off-stream Pond		Stream Crossing
	Building		Well
			Map Point

Map Scale: 1 inch = 250 feet
USGS Harris 7.5' Quad

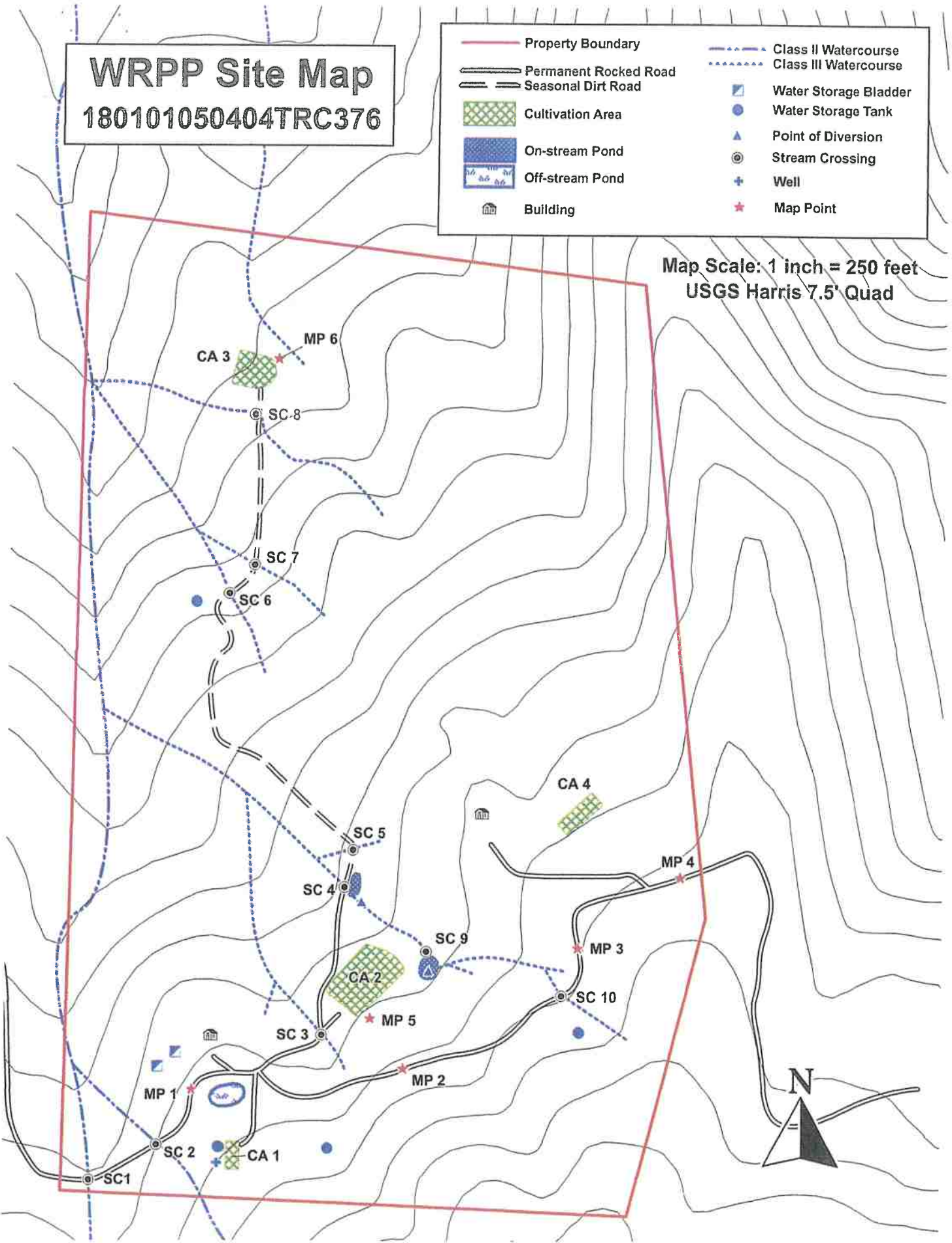


WRPP Site Map

180101050404TRC376

	Property Boundary		Class II Watercourse
	Permanent Rocked Road		Class III Watercourse
	Seasonal Dirt Road		Water Storage Bladder
	Cultivation Area		Water Storage Tank
	On-stream Pond		Point of Diversion
	Off-stream Pond		Stream Crossing
	Building		Well
			Map Point

Map Scale: 1 inch = 250 feet
USGS Harris 7.5' Quad



Photographs



Photo #1: Erosion occurring on the cut bank at Map Point #5 (MP 5). The cut-bank will be reshaped to a slope no greater than 1.5/1. The slope will be seeded with native annual and perennial grasses. A rolled erosion control product will then be fastened over the slope. Photo Date: 11/27/2017.

Photographs



Photo #2: Water storage tanks that are inadequately installed within the riparian area of the adjacent Class II watercourse. These water storage tanks will be relocated to a location outside of all riparian buffer zones, and installed on flat stable ground. Photo Date: 11/27/2017.

**STATEMENT OF CONTINGENT AND LIMITING CONDITIONS
CONCERNING THE PREPARATION AND USE OF WATER RESOURCE
PROTECTION PLAN**

Prepared by Timberland Resource Consultants

1. This Water Resource Protection Plan has been prepared for the property within APN 216-094-009 in Humboldt County, at the request of the Client.
2. Timberland Resource Consultants does not assume any liability for the use or misuse of the information in this Water Resource Protection Plan.
3. The information is based upon conditions apparent to Timberland Resource Consultants at the time the inspection was conducted, and as disclosed to Timberland Resource Consultants by the landowner and/or Discharger. Changes due to land use activities or environmental factors occurring after this inspection, have not been considered in this Water Resource Protection Plan.
4. Maps, photos, and any other graphical information presented in this report are for illustrative purposes. Their scales are approximate, and they are not to be used for locating and establishing boundary lines.
5. The conditions presented in this Water Resource Protection Plan may differ from those made by others or from changes on the property occurring after the inspection was conducted. Timberland Resource Consultants does not guarantee this work against such differences.
6. Timberland Resource Consultants did not conduct an investigation on a legal survey of the property.
7. Persons using this Water Resource Protection Plan are advised to contact Timberland Resource Consultants prior to such use.
8. Timberland Resource Consultants will not discuss this report or reproduce it for anyone other than the Client named in this report without authorization from the Client.


Chad Yoakley
Timberland Resource Consultants

5
RECEIVED

FEB 26 2018

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

CDFW - EUREKA



STREAMBED ALTERATION AGREEMENT

NOTIFICATION NO. 1600-2017-0559-R1

Unnamed Tributaries to Jewett Creek, Tributary to the Eel River and the Pacific Ocean

Mr. Andre Ducharme
Ducharme Water Diversions and Stream Crossings Project
9 Encroachments



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

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) Section 1602, the Permittee initially notified CDFW on August 22, 2017, that the Permittee intends to complete the project described herein.

WHEREAS, pursuant to FGC section 1603, CDFW has determined that the project could substantially adversely affect existing fish or wildlife resources and has included measures in the Agreement necessary to protect those resources.

WHEREAS, the Permittee has reviewed the Agreement and accepts its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, the Permittee agrees to complete the project in accordance with the Agreement.

PROJECT LOCATION

The project to be completed is located within the Eel River watershed, approximately 9 miles east of the town of Garberville, County of Humboldt, State of California. The project is located in Section 33, T5S, R5E, Humboldt Base and Meridian; in the Harris U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 216-094-009; latitude 40.0669 N and longitude -123.6299 W at the first point of diversion (POD).

PROJECT DESCRIPTION

The project is limited to 9 encroachments (table 1). One encroachment is for water diversion from a lined pond that captures water instream from an unnamed class III tributary to Jewett Creek. Water is diverted through a ¾ poly-pipe for cannabis

cultivation. A second encroachment is for water diversion from a lined pond that captures water from an unnamed class III tributary to Jewett Creek. Water is diverted through a ¾ inch poly-pipe for cannabis cultivation. A third encroachment is to replace a failing 30 inch culvert with a minimum 54 inch culvert. A fourth encroachment is to replace two adjacent failing 18 inch culverts with a single minimum sized 42 inch culvert. A fifth, sixth and seventh encroachment are to improve existing rocked ford crossings on class III streams by adding appropriately sized cleaned and washed rock. An eighth encroachment is to upgraded a low water dirt ford crossing to a rocked ford crossing by adding appropriately sized cleaned and washed rock. A ninth encroachment is to replace an undersized 12 inch culvert with an 18 inch culvert. Work for the water diversions and stream crossings will include use and maintenance of the infrastructure.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
POD A	40.0669, -123.6299	Diversion from a lined pond through a ¾ poly-pipe for cannabis cultivation
POD B	40.0674, -123.6304	Diversion from a lined pond through a ¾ inch poly-pipe for cannabis cultivation
Crossing 1	40.0656, -123.6324	Replace a 30 inch culvert with a minimum 54 inch culvert
Crossing 2	40.0659, -123.6319	Replace two adjacent 18 inch culverts with a minimum 42 inch culvert
Crossing 3	40.0676, -123.6304	Improve existing rocked ford crossings on class III streams by adding appropriately sized cleaned and washed rock (Notif. crossing #5)
Crossing 4	40.0691, -123.6314	Improve existing rocked ford crossings on class III streams by adding appropriately sized cleaned and washed rock (Notif. crossing #6)
Crossing 5	40.0693, -123.6312	Improve existing rocked ford crossings on class III streams by adding appropriately sized cleaned and washed rock (Notif. crossing #7)
Crossing 6	40.0702, -123.6312	Upgraded a low water dirt ford crossing to a rocked ford crossing by adding appropriately sized cleaned and washed rock (Notif. crossing #8)
Crossing 7	40.0662, -123.6304	Replace a 12 inch culvert with an 18 inch culvert (Notif. crossing #9)

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include, Chinook Salmon (*Oncorhynchus tshawytscha*), Steelhead Trout (*O. mykiss*), Green Sturgeon (*Acipenser medirostris*), Pacific Lamprey (*Entosphenus tridentatus*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian and native plant 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

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
- 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.

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 22, 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 Work Completion. The proposed work shall be completed by no later than **July 15, 2019**. A notice of completed work, with supplemental pictures, shall be submitted to CDFW within seven (7) days of project completion.
- 2.4 Measurement of Diverted Flow. The Permittee shall install a device acceptable to CDFW for measuring the quantity of water diverted from the POD's. This measurement shall begin as soon as this Agreement is signed by the Permittee. The Permittee shall record the quantity of water pumped to and from the system on a weekly basis.
- 2.5 Water Management Plan. The Permittee shall submit a Water Management Plan no later than **sixty days** from the time this Agreement is made final that describes how compliance will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant

material to maintain water needs in coordination with forbearance and bypass flow requirements. The Water Management Plan shall include a brief narrative describing water use on the property, photographs to support the narrative, and water use calculations to ensure compliance with this Agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.

- 2.6 **Intake Structure.** No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct or screen, or cover the diversion intake structure.
- 2.7 **Intake Screening.** Openings in intakes shall not exceed 1/8 inch diameter (horizontal for slotted or square openings) or 3/32 inch for round openings. The Permittee shall regularly inspect, clean, and maintain screens in good condition.
- 2.7.1 The water intake screens shall be securely attached (e.g., threaded or clamped) to the intake line and have a minimum wetted area of 0.25 square feet and a minimum open area of 27%.
- 2.7.2 A water intake screen with round openings shall not exceed 3/32-inch diameter; a screen with square openings shall not exceed 3/32-inch measured diagonally; and a screen with slotted openings shall not exceed 0.069 inches in width. Slots must be evenly distributed on the screen area.
- 2.7.3 The water intake screen may be constructed of any rigid material, perforated, woven, or slotted. Stainless steel or other corrosion-resistant material is recommended to reduce clogging due to corrosion. Care should be taken not to use materials deemed deleterious to aquatic species.
- 2.7.4 The water intake screen shall be placed in fast moving water with the long axis of the screen parallel to the streamflow. The water intake shall not be placed in pool habitat.
- 2.8 **Intake Shall Not Impede Aquatic Species Passage.** The water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.
- 2.9 **Water Conservation.** The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.10 **Water Storage Maintenance.** Storage tanks shall have a float valve to shut off the diversion when tanks are full to prevent overflow from being diverted when not needed. The Permittee shall install any other measures necessary to prevent overflow of tanks resulting in more water being diverted than is used.

2.11 State Water Code. This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. The application for this registration is found at:
http://www.swrcb.ca.gov/waterrights/publications_forms/forms/docs/sdu_registration.pdf.

Stream Crossings

- 2.12 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.
- 2.13 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.
- 2.14 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.
- 2.15 Work Period. All work, not including water diversion, 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.
- 2.16 Stream Diversion. When work in a flowing stream is unavoidable, Permittee shall divert the stream flow around or through the work area during construction operations.
- 2.17 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. Cofferdams shall be constructed of a non-erodible material which does not contain soil or fine sediment. Cofferdams and the stream diversion system shall remain in place and functional throughout the construction period. Cofferdams or stream diversions that fail for any reason shall be repaired immediately.

2.18 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.

2.19 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.

2.20 Culvert Installation.

2.20.1 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.

2.20.2 Culvert shall be installed to grade, 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).

2.20.3 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.

2.20.4 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.

2.20.5 Permanent culverts shall be sized to accommodate the estimated 100-year flood flow [slightly larger than the bankfull channel width) including debris, culvert embedding, and sediment loads.

2.21 Rock Armor Placement.

2.21.1 No heavy equipment shall enter the wetted stream channel.

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

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

2.21.4 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.

Invasive Species

2.22 Bullfrog Management Plan. The Permittee shall comply with the **Bullfrog Management Plan** (Exhibit A). All reporting requirements shall be submitted no later than **December 31** of each year.

3. Reporting Measures

- 3.1 Water Management Plan. The Permittee shall submit a **Water Management Plan** (condition 2.5) no later than **sixty days** from the time this Agreement is made final that describes how compliance will be achieved under this Agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 3.2 Measurement of Diverted Flow. Copies of the **Water Diversion Records** (condition 2.4) shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 no later than **December 31** of each year beginning in 2018.
- 3.3 Bullfrog Management Plan. The Permittee shall submit all required documents described in the **Bullfrog Management Plan** no later than **December 31** of each year. The Bullfrog Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 3.4 Work Completion. The proposed work shall be completed by no later than **July 15, 2019**. A notice of completed work (condition 2.3), with supplemental pictures, shall be **submitted to CDFW within seven (7) days** of project completion.

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. Andre Ducharme
PO Box 2396
Redway, CA 95560

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2017-0559-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.

RECEIVED

FFB 26 2018

AUTHORITY

CDFW - EUREKA

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. ANDRE DUCHARME



Andre Ducharme

Feb 23 2018
Date

FOR DEPARTMENT OF FISH AND WILDLIFE



Cheri Sanville
Senior Environmental Scientist Supervisor

3/5/18
Date



DEPARTMENT OF PUBLIC WORKS
C O U N T Y O F H U M B O L D T

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

PUBLIC WORKS BUILDING
SECOND & L ST., EUREKA
FAX 445-7409

CLARK COMPLEX
HARRIS & H ST., EUREKA
FAX 445-7388

AVIATION 839-5401

ADMINISTRATION 445-7491
BUSINESS 445-7652
ENGINEERING 445-7377
FACILITY MAINTENANCE 445-7483

NATURAL RESOURCES 445-7741
NATURAL RESOURCES PLANNING 267-9540
PARKS 445-7651
ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

ROAD EVALUATION REPORT INSTRUCTIONS

PURPOSE: The *Road Evaluation Report* is intended as a way for an applicant to document the condition of the access road(s) serving the subject property for cannabis projects that require a Conditional Use Permit (CUP), Special Permit (SP), or Zoning Clearance Certificate (ZCC). This report is not intended to be used for any other type of Planning & Building Department permit application. This will enable Public Works staff to determine if the existing roadway network [excluding on-site driveway(s)] is suitable to accommodate the proposed use on the subject property.

In rural areas, a category 4 road is usually adequate for most uses. If the road is paved and has a centerline stripe it is considered by the Department to be a category 4 road. In urban and suburban areas, the road may also need to accommodate other road users (pedestrians, bicycles, equestrians, etc.). When roads meet or exceed this standard, the roadways can typically accommodate increased traffic. This evaluation is accomplished by the applicant completing Part A of the *Road Evaluation Report*.

When the roadways do not meet a category 4 standard, there is a question that road may not be able to accommodate traffic from the proposed use. The goal is to evaluate roads that do not meet road category 4 standards in order to determine if the roads can accommodate increased traffic. This evaluation is accomplished by the applicants engineer completing Part B of the *Road Evaluation Report*.

In lieu of constructing road improvements to meet a category 4 road standard, the Department may approve a *Neighborhood Traffic Management Plan*. A neighborhood traffic management plan may include (but is not limited) the following elements: restricting the times that project traffic will use the road to off-peak hours; combining trips to reduce the volume of project traffic; carpooling to reduce the volume of project traffic; the use of signs and CB radios to coordinate traffic using the road(s); etc. The Department's criteria for approving a *Neighborhood Traffic Management Plan* is based upon site specific conditions; sound engineering judgment; the proposed ADT and DHV of the roads; the need to accommodate other road users (pedestrians, bicycles, equestrians, and other cannabis projects using the road, etc.); and the frequency and quantity of traffic associated with the proposed use. The applicant's Civil Engineer can address this in Part B of the *Road Evaluation Report*.

There may be other cannabis projects that use the same access road(s) as your project. Part B of the *Road Evaluation Report* needs to address the cumulative impacts from your project and all other cannabis projects that will also use the same road(s). There may be benefits of applicants collectively working together with one engineer to complete the *Road Evaluation Reports* for all of the projects.

(continued on next page)



HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: Ram Ram Bliss ^{#2} LLC Co. APN: 216-094-009-000

Planning & Building Department Case/File No.: 12987

Road Name: Bliss Lane (complete a separate form for each road)

From Road (Cross street): Jewitt Road - County Road

To Road (Cross street): Bliss Lane

Length of road segment: 6,567 Feet miles Date Inspected: Sept. 4, 2018

Road is maintained by: County Other Private
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

Box 1 The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.

Box 2 The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

An equivalent road category 4 standard is defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. Pinch points include, but are not limited to, one-lane bridges, trees, large rock outcroppings, culverts, etc. Pinch points must provide visibility where a driver can see oncoming vehicles through the pinch point which allows the oncoming vehicle to stop and wait in a 20 foot wide section of the road for the other vehicle to pass.

Box 3 The entire road segment is not developed to the equivalent of road category 4 or better. The road may or may not be able to accommodate the proposed use and further evaluation is necessary. Part B is to be completed by a Civil Engineer licensed by the State of California.

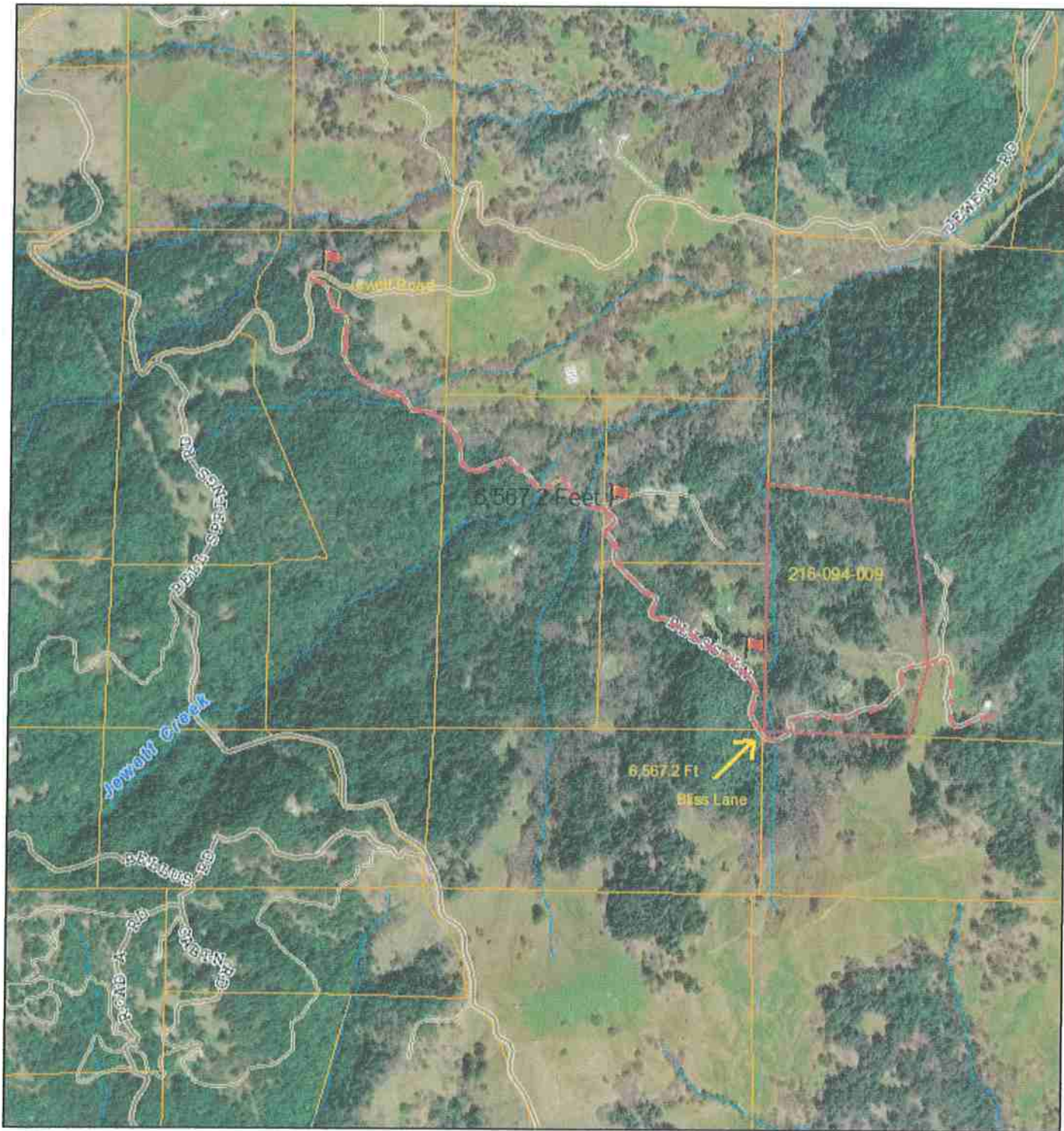
The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road.

Andre Ducharme
Signature

Sept 4 2018
Date

Andre Ducharme
Name Printed

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7205.

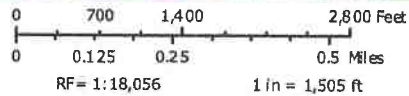


Ram Ram Bliss 2 LLC, Road Evaluation Map

Humboldt County Planning and Building Department

APN: 216-094-009

Apps#12987



Printed: September 8, 2018

Web AppBuilder 2.0 for ArcGIS

Map Disclaimer:
While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force & effect of law, rule, or regulation. Should any difference or error occur, the law will take precedence.

Source: NRCS, Humboldt County GIS, Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, FRAP, FEMA, USGS







STATE OF CALIFORNIA
 CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
 STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION H501934

CERTIFICATE H100559

Right Holder: *Andre Ducharme*
 1271 Evergreen Road 603
 Garberville, CA 95560

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from 07/20/2019. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

The Deputy Director for Water Rights finds that this registration meets the requirements for registration of small irrigation use appropriation. (Wat. Code, § 1228 et seq.)

Right holder is hereby granted a right to divert and use water as follows:

1. Location of point(s) of diversion (**Coordinates in WGS 84**)

Name of Diversion	Source	Tributary To:	Thence	Latitude	Longitude	County	Assessor's Parcel Numbers (APN)
Pond 1	Unnamed Stream	Jewett Creek	Eel River	40.066892	-123.629939	Humboldt	216-094-009
Pond 2	Unnamed Stream	Jewett Creek	Eel River	40.067361	-123.630493	Humboldt	216-094-009

2. Purpose of Use and 3. Place of Use

2. Purpose of Use	3. Place of Use		
	County	Assessor's Parcel Numbers (APN)	Acres
Irrigation	Humboldt	216-094-009	0.46

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on 07/10/2018.

The place of use is shown on the map filed on 07/10/2018 with the State Water Board.

4. Quantity and Season:

The water appropriated by storage shall be limited to the quantity which can be beneficially used and shall not exceed 0.91 **acre-feet per year** to be collected from 01/01 to 12/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 1.62716 acre-feet. The rate of diversion to storage shall not exceed **42,000 gallons per day (gpd) or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.** For onstream storage reservoirs, the diversion rate and diversion season bypass conditions may be modified by the Deputy Director for Water Rights (or designee) or the California Department of Fish and Wildlife as part of the onstream storage

reservoir determinations under the Cannabis Policy.

5. No water shall be diverted or used under this right unless the right holder is in compliance with all applicable conditions and requirements, including the numeric and narrative instream flow requirements, of the current version of the State Water Board's Cannabis Policy, except as follows:

Right holders enrolled under Regional Water Quality Control Board Order R1-2015-0023 or Order R5-2015-0113 shall comply at all times with requirements related to flow, diversion, storage, and similar requirements of Attachment A of the Cannabis Policy identified by the Division of Water Rights below in this condition. This condition remains in effect until July 1, 2019, or when the right holder enrolls under the statewide Cannabis General Order, whichever comes first, at which time right holders shall comply with all applicable conditions and requirements of Attachment A of the Cannabis Policy.

- Section 1 – Term Numbers 4, 15, 17, 24, 26, and 36.
- Section 2 – Term Numbers 23, 63, 64, 66, 69 – 93, 95, and 97 – 102.
- Section 3 – All Instream Flow Requirements for Surface Water Diversions (Requirements 1 – 7) and the Gage Installation, Maintenance, and Operation Requirements.
- Section 4 – All requirements and conditions.

The current version of the State Water Board's *Cannabis Policy* is available online at:

<https://www.waterboards.ca.gov/cannabis>.

6. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies.
7. Diversion works shall be constructed and water applied to beneficial use with due diligence.
8. No water shall be diverted under this right unless right holder complies with all lawful conditions required by the California Department of Fish and Wildlife. (Wat. Code, § 1228.6, subd. (a)(2).)
9. No water shall be diverted under this right unless it is diverted in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, quantity, and season of diversion. This information is reproduced as conditions 1 through 4 of this certificate.
10. No water shall be diverted under this right unless right holder complies with all applicable state, city, county, and local laws, regulations, ordinances, permits, and license requirements including, but not limited to those for cannabis cultivation, grading, construction, and building.
11. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
12. The State Water Board reserves jurisdiction over this registration to change the season of diversion and rate of diversion based on later findings of the State Water Board concerning availability of water and the protection of beneficial uses. Any action to change the authorized season of diversion and rate of diversion will be taken only after notice to interested parties and opportunity for hearing. For changes required by amendments to the Cannabis Policy, the State Water Board may provide notice and the opportunity for a hearing by following the procedures specified in section 13147 of the Water Code.
13. Right holder shall grant, or secure authorization through right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:
 - a. Entry upon property where water is being diverted, stored, or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
 - b. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by the State Water Board;
 - c. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,
 - d. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by the State Water Board, or as otherwise authorized by the Water Code.
14. Diversion of water under this right is subject to prior rights. Right holder may be required to curtail diversion or release water stored during the most recent collection season should diversion under this right result in injury to holders of legal

downstream senior rights. If a reservoir is involved, right holder may be required to bypass or release water through, over, or around the dam. If release of stored water would not effectively satisfy downstream prior storage rights, right holder may be required to otherwise compensate the holders of such rights for injury caused.

15. This right shall not be construed as conferring right of access to any lands or facilities not owned by right holder.
16. All rights are issued subject to available flows. Inasmuch as the source contains treated wastewater, imported water from another stream system, or return flow from other projects, there is no guarantee that such supply will continue.
17. If storage or diversion of water under this right is by means of a dam, right holder shall allow sufficient water at all times to pass through a fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided that, during a period of low flow in the stream, upon approval of the California Department of Fish and Wildlife, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir. (Fish & G. Code, § 5937.)
18. The facilities for diversion under this right shall include satisfactory means of measuring and bypassing sufficient water to satisfy downstream prior rights and any requirements of the California Department of Fish and Wildlife and the State Water Board's Cannabis Policy.
19. This right does not authorize any act which results in the taking of a threatened, endangered, or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code section 2050 et seq.) or the federal Endangered Species Act (16 U.S.C.A. section 1531 et seq.). If a "take" will result from any act authorized under this water right, the right holder shall obtain authorization for an incidental take prior to construction or operation of the project. Right holder shall be responsible for meeting all requirements of the state and Federal Endangered Species Acts for the project authorized under this right.
20. This right is subject to: 1) the submittal of an annual report of water use; and 2) satisfactory renewal, on forms prescribed by the State Water Board. This right is also subject to payment of annual fees. (Wat. Code, § 1228.5.)
21. This right shall be totally or partially forfeited for nonuse if the diversion is abandoned or if all or any part of the diversion is not beneficially used for a continuous period of five years.
22. This right is subject to enforcement, including but not limited to revocation, by the State Water Board if 1) the State Water Board finds that the right holder knowingly made any false statement, or knowingly concealed any material fact, in the right; 2) the right is not renewed as required by the conditions of this certificate; or 3) the State Water Board finds that the right holder is in violation of the conditions of this right. (Wat. Code, § 1228.4 et seq.)
23. The State Water Board intends to develop and implement a basin-wide program for real-time electronic monitoring and reporting of diversions, withdrawals, releases, and streamflow in a standardized format if and when resources become available. Such real-time reporting will be required upon a showing by the State Water Board that the program and the infrastructure are in place to accept real-time electronic reports. Implementation of the reporting requirements shall not necessitate amendment to this right.

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

This certificate was issued automatically as a result of the registrant self-certifying submittal of a water right registration filing in substantial compliance with Water Code §1228.3.

Dated: 07/10/2018 11:50:26