

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



**STREAMBED ALTERATION AGREEMENT**

NOTIFICATION NO. 1600-2016-0455-R1

Unnamed Tributaries to Mattole Canyon Creek, Tributary to the Mattole River and the Pacific Ocean

Mr. Thomas Rea  
Rea Water Diversion Project  
2 Encroachments

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

**RECITALS**

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on September 21, 2016, 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 Mattole Canyon Creek watershed, approximately 3.9 miles north northeast of the town of Ettersburg, County of Humboldt, State of California. The project is located in Section 20, T3S, R2E, Humboldt Base and Meridian; in the Ettersburg U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 221-111-28; latitude 40.1914 N and longitude 123.9784 W at the point of diversion-1 (POD), and latitude 40.1902 N and longitude 123.9766 W at POD-2.

**PROJECT DESCRIPTION**

The project is limited to two encroachments for water diversion from unnamed tributaries to Mattole Canyon Creek. Water is diverted from a shallow well (POD-1) and

~~a Class II spring (POD 2) for domestic use and irrigation.~~ Work for the water diversion will include installation of diversion infrastructure, use, and maintenance.

## PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: Southern Torrent Salamander (*Rhyacotriton variegatus*), Coastal Tailed Frog (*Ascaphus Truei*), Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

### Impacts to water quality:

increased water temperature;  
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; and  
damage to aquatic habitat and function.

## MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

### 1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement

to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.

- 1.3 Adherence to Existing Authorizations. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.
- 1.4 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates that the bypass flows and diversion rates provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.
- 1.5 Notification of Conflicting Provisions. The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.6 Project Site Entry. The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.

## **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 September 21, 2016, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 Maximum Diversion Rate. The maximum instantaneous diversion rate from the PODs shall not exceed 3 gallons per minute (gpm) at any time.
- 2.3 Bypass Flow. The Permittee shall pass sufficient flow at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.

- 2.4 Seasonal Diversion Minimization. No more than 150 gallons per day shall be diverted during the low flow season from May 15 to October 15 of any year. Water shall be diverted only if the Permittee can adhere to conditions 2.2 and 2.3 of this Agreement.
- 2.5 Measurement of Diverted Flow. The Permittee shall install a device acceptable to CDFW for measuring the quantity of water diverted to and from the spring and well. This measurement shall begin as soon as this Agreement is signed by the Permittee.
- 2.6 Water Management Plan. The Permittee shall submit a Water Management Plan no later than May 15, 2017, 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.
- 2.7 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.
- 2.8 Diversion Infrastructure. The diversion infrastructure shall not exceed 2 cubic feet in volume and excavation shall not exceed 3 cubic feet for installation. The intake structure shall be no deeper than 1 foot below the surface. Void space that remains from the removal of instream gravel shall be backfilled with clean washed rock.
- 2.9 Intake Screening. Screens shall be installed on intakes wherever water is diverted, and shall be in place whenever water is diverted. 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.
- 2.10 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.
- 2.11 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.12 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.

- 2.13 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](http://www.swrcb.ca.gov/waterrights/publications_forms/forms/docs/sdu_registration.pdf).

### 3. Reporting Measures

- 3.1 Measurement of Diverted Flow. Copies of the **Water Diversion Records** (condition 2.5) shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 **no later than December 31 of each year beginning in 2017**.
- 3.2 Water Management Plan. The **Permittee shall submit a Water Management Plan** (condition 2.6) **no later than May 15, 2017**, 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.

### 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. Thomas Rea  
Merry Whether Farms  
P.O. Box 2502  
Redway, California 95560  
707-223-2611  
[MERRYWHETHERFARMS@yahoo.com](mailto:MERRYWHETHERFARMS@yahoo.com)

To CDFW:

Department of Fish and Wildlife  
Northern Region  
619 Second Street  
Eureka, California 95501  
Attn: Lake and Streambed Alteration Program  
Notification #1600-2016-0455-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](http://www.wildlife.ca.gov/habcon/ceqa/ceqa_changes.html).

### **TERM**

This Agreement shall **expire five years** from date of execution, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. The Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as FGC section 1605(a)(2) requires.

### **AUTHORITY**

If the person signing the Agreement (signatory) is doing so as a representative of the Permittee, the signatory hereby acknowledges that he or she is doing so on the Permittee's behalf and represents and warrants that he or she has the authority to legally bind the Permittee to the provisions herein.

### **AUTHORIZATION**

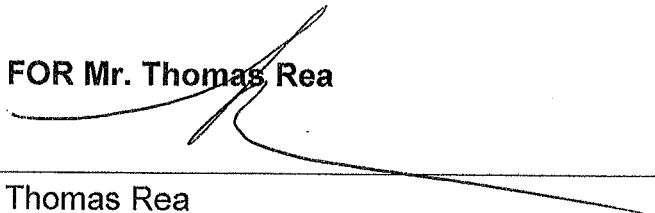
This Agreement authorizes only the project described herein. If the Permittee begins or completes a project different from the project the Agreement authorizes, the Permittee may be subject to civil or criminal prosecution for failing to notify CDFW in accordance with FGC section 1602.



**CONCURRENCE**

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

**FOR Mr. Thomas Rea**

  
\_\_\_\_\_  
Thomas Rea

6/2/2017  
\_\_\_\_\_  
Date

**FOR DEPARTMENT OF FISH AND WILDLIFE**

\_\_\_\_\_  
Scott Bauer  
Senior Environmental Scientist Supervisor

\_\_\_\_\_  
Date

FOR DEPARTMENT USE ONLY

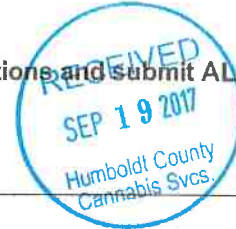
Date Received	Amount Received	Amount Due	Date Complete	Notification No.
	\$	\$		



STATE OF CALIFORNIA  
DEPARTMENT OF FISH AND WILDLIFE  
**NOTIFICATION OF LAKE OR STREAMBED ALTERATION**



Complete EACH field, unless otherwise indicated, following the enclosed instructions and submit ALL required enclosures. Attach additional pages, if necessary.



**1. APPLICANT PROPOSING PROJECT**

Name	THOMAS C. REA		
Business/Agency	MERRY WHETHER FARMS		
Street Address	P.O. BOX 2502		
City, State, Zip	Redway, CA 95560		
Telephone	707-223-2611	Fax	
Email	MERRYWHETHERFARMS@yahoo.com		

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

Name	Chris Carroll		
Street Address	165 S. Fortuna Blvd.		
City, State, Zip	Fortuna, CA, 95540		
Telephone	707-725-1897	Fax	
Email	carroll@timberlandresource.com		

**3. PROPERTY OWNER** (Complete only if different from applicant)

Name			
Street Address			
City, State, Zip			
Telephone		Fax	
Email			

**4. PROJECT NAME AND AGREEMENT TERM**

A. Project Name		APN 221-111-028		
B. Agreement Term Requested		<input checked="" type="checkbox"/> Regular (5 years or less) <input type="checkbox"/> Long-term (greater than 5 years)		
C. Project Term		D. Seasonal Work Period		E. Number of Work Days
Beginning (year)	Ending (year)	Start Date (month/day)	End Date (month/day)	

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

**5. AGREEMENT TYPE**

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

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

**6. FEES**

Please see the current fee schedule to determine the appropriate notification fee. Itemize each project's estimated cost and corresponding fee. **Note: The Department may not process this notification until the correct fee has been received.**

	A. Project	B. Project Cost	C. Project Fee
1	2 diversions	>\$5k	\$491
2			
3			
4			
5			
		D. Base Fee (if applicable)	
		<b>E. TOTAL FEE ENCLOSED</b>	<b>\$491</b>

**7. PRIOR NOTIFICATION OR ORDER**

A. Has a notification previously been submitted to, or a Lake or Streambed Alteration Agreement previously been issued by, the Department for the project described in this notification?

Yes (Provide the information below)       No

Applicant: \_\_\_\_\_ Notification Number: \_\_\_\_\_ Date: \_\_\_\_\_

B. Is this notification being submitted in response to an order, notice, or other directive ("order") by a court or administrative agency (including the Department)?

No     Yes (Enclose a copy of the order, notice, or other directive. If the directive is not in writing, identify the person who directed the applicant to submit this notification and the agency he or she represents, and describe the circumstances relating to the order.)

Continued on additional page(s)

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

**8. PROJECT LOCATION**

A. Address or description of project location.

*(Include a map that marks the location of the project with a reference to the nearest city or town, and provide driving directions from a major road or highway)*

The project is located at 6757 Doody Ridge Road, Etersburg. Access to the property is from Dutyville Road to Doody Ridge Road.

Continued on additional page(s)

B. River, stream, or lake affected by the project. | 1 spring & 1 shallow well

C. What water body is the river, stream, or lake tributary to? | Mattole Canyon

D. Is the river or stream segment affected by the project listed in the state or federal Wild and Scenic Rivers Acts?  Yes  No  Unknown

E. County | Humboldt County

F. USGS 7.5 Minute Quad Map Name	G. Township	H. Range	I. Section	J. ¼ Section
Etersburg, CA	3S	2E	20	N 1/2

Continued on additional page(s)

K. Meridian (check one)  Humboldt  Mt. Diablo  San Bernardino

L. Assessor's Parcel Number(s)

221-111-028

Continued on additional page(s)

M. Coordinates (If available, provide at least latitude/longitude or UTM coordinates and check appropriate boxes)

Latitude/Longitude	Latitude:	Longitude:
	<input type="checkbox"/> Degrees/Minutes/Seconds <input type="checkbox"/> Decimal Degrees <input type="checkbox"/> Decimal Minutes	
UTM	Easting:	Northing: <b>See Addendum 8M</b> <input type="checkbox"/> Zone 10 <input checked="" type="checkbox"/> Zone 11
Datum used for Latitude/Longitude or UTM		<input type="checkbox"/> NAD 27 <input checked="" type="checkbox"/> NAD 83 or WGS 84

# NOTIFICATION OF LAKE OR STREAMBED ALTERATION

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

PROJECT CATEGORY	NEW CONSTRUCTION	REPLACE EXISTING STRUCTURE	REPAIR/MAINTAIN EXISTING STRUCTURE
Bank stabilization – bioengineering/recontouring	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bank stabilization – rip-rap/retaining wall/gabion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Boat dock/pier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Boat ramp	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bridge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Channel clearing/vegetation management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Culvert	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Debris basin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dam	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Diversion structure – weir or pump intake	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Filling of wetland, river, stream, or lake	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Geotechnical survey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Habitat enhancement – revegetation/mitigation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Levee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Low water crossing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Road/trail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sediment removal – pond, stream, or marina	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Storm drain outfall structure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Temporary stream crossing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Utility crossing : Horizontal Directional Drilling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jack/bore	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Open trench	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Other (specify):</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

# NOTIFICATION OF LAKE OR STREAMBED ALTERATION

## 10. PROJECT DESCRIPTION

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

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

Addendum 10A

*Continued on additional page(s)*

- B. Specify the equipment and machinery that will be used to complete the project.

The diversion structure shall be installed by hand (pick, shovel and bucket).

*Continued on additional page(s)*

- C. Will water be present during the proposed work period (specified in box 4.D) in the stream, river, or lake (specified in box 8.B).

Yes     No (*Skip to box 11*)

- D. Will the proposed project require work in the wetted portion of the channel?

Yes (*Enclose a plan to divert water around work site*)  
 No

# NOTIFICATION OF LAKE OR STREAMBED ALTERATION

## 11. PROJECT IMPACTS

A. Describe impacts to the bed, channel, and bank of the river, stream, or lake, and the associated riparian habitat. Specify the dimensions of the modifications in length (linear feet) and area (square feet or acres) and the type and volume of material (cubic yards) that will be moved, displaced, or otherwise disturbed, if applicable.

See Addendum 10

Continued on additional page(s)

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

Vegetation Type	Temporary Impact	Permanent Impact
	Linear feet: _____ Total area: _____	Linear feet: _____ Total area: _____
	Linear feet: _____ Total area: _____	Linear feet: _____ Total area: _____

Tree Species	Number of Trees to be Removed	Trunk Diameter (range)

Continued on additional page(s)

C. Are any special status animal or plant species, or habitat that could support such species, known to be present on or near the project site?

Yes (List each species and/or describe the habitat below)  No  Unknown

Continued on additional page(s)

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

CNDDB

Continued on additional page(s)

E. Has a biological study been completed for the project site?

Yes (Enclose the biological study)  No

*Note: A biological assessment or study may be required to evaluate potential project impacts on biological resources.*

F. Has a hydrological study been completed for the project or project site?

Yes (Enclose the hydrological study)  No

*Note: A hydrological study or other information on site hydraulics (e.g., flows, channel characteristics, and/or flood recurrence intervals) may be required to evaluate potential project impacts on hydrology.*

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

12. MEASURES TO PROTECT FISH, WILDLIFE, AND PLANT RESOURCES

A. Describe the techniques that will be used to prevent sediment from entering watercourses during and after construction.

See Addendum 12A

Continued on additional page(s)

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

Forbearance on season of diversion and restrictions on rates of diversions as determined by CDFW.

Continued on additional page(s)

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

Relative to base line conditions, this notifications is expected to improve conditions for fish and wildlife.

Continued on additional page(s)

13. PERMITS

List any local, state, and federal permits required for the project and check the corresponding box(es). Enclose a copy of each permit that has been issued.

- A. Humboldt County Ordinance 2544 (Application  Applied  Issued
- B. shall be submitted to County prior to 12-31-16)  Applied  Issued
- C. \_\_\_\_\_  Applied  Issued
- D. Unknown whether  local,  state, or  federal permit is needed for the project. (Check each box that applies)

Continued on additional page(s)



NOTIFICATION OF LAKE OR STREAMBED ALTERATION

**14. ENVIRONMENTAL REVIEW**

A. Has a draft or final document been prepared for the project pursuant to the California Environmental Quality Act (CEQA), National Environmental Protection Act (NEPA), California Endangered Species Act (CESA) and/or federal Endangered Species Act (ESA)?	
<input checked="" type="checkbox"/> Yes (Check the box for each CEQA, NEPA, CESA, and ESA document that has been prepared and enclose a copy of each) <input type="checkbox"/> No (Check the box for each CEQA, NEPA, CESA, and ESA document listed below that will be or is being prepared)	
<input type="checkbox"/> Notice of Exemption <input type="checkbox"/> Initial Study <input type="checkbox"/> Negative Declaration <input type="checkbox"/> THP/ NTMP	<input checked="" type="checkbox"/> Mitigated Negative Declaration <input type="checkbox"/> Environmental Impact Report <input type="checkbox"/> Notice of Determination (Enclose) <input type="checkbox"/> Mitigation, Monitoring, Reporting Plan <input type="checkbox"/> NEPA document (type): _____ <input type="checkbox"/> CESA document (type): _____ <input type="checkbox"/> ESA document (type): _____
B. State Clearinghouse Number (if applicable)	No. 2015042074
C. Has a CEQA lead agency been determined?	<input checked="" type="checkbox"/> Yes (Complete boxes D, E, and F) <input type="checkbox"/> No (Skip to box 14.G)
D. CEQA Lead Agency	California Regional Water Quality Control Board North Coast Region
E. Contact Person	Matthias St. John Executive Officer
F. Telephone Number	(707) 570-3762
G. If the project described in this notification is part of a larger project or plan, briefly describe that larger project or plan.	
<p>See Addendum 10's discussion of California Regional Water Quality Control Board North Coast Region Order No. 2015-0023, Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects In the North Coast Region.</p> <p align="right"><input type="checkbox"/> Continued on additional page(s)</p>	
H. Has an environmental filing fee (Fish and Game Code section 711.4) been paid?	
<input type="checkbox"/> Yes (Enclose proof of payment) <input checked="" type="checkbox"/> No (Briefly explain below the reason a filing fee has not been paid)	
<p><i>Note: If a filing fee is required, the Department may not finalize a Lake or Streambed Alteration Agreement until the filing fee is paid.</i></p>	

**15. SITE INSPECTION**

Check one box only.
<input type="checkbox"/> In the event the Department determines that a site inspection is necessary, I hereby authorize a Department representative to enter the property where the project described in this notification will take place at any reasonable time, and hereby certify that I am authorized to grant the Department such entry.
<input checked="" type="checkbox"/> I request the Department to first contact (insert name) <u>Chris Carroll</u> at (insert telephone number) <u>707-175-1897</u> to schedule a date and time to enter the property where the project described in this notification will take place. I understand that this may delay the Department's determination as to whether a Lake or Streambed Alteration Agreement is required and/or the Department's issuance of a draft agreement pursuant to this notification.

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

16. DIGITAL FORMAT

Is any of the information included as part of the notification available in digital format (i.e., CD, DVD, etc.)?

Yes (Please enclose the information via digital media with the completed notification form)

No

17. SIGNATURE

I hereby certify that to the best of my knowledge the information in this notification is true and correct and that I am authorized to sign this notification as, or on behalf of, the applicant. I understand that if any information in this notification is found to be untrue or incorrect, the Department may suspend processing this notification or suspend or revoke any draft or final Lake or Streambed Alteration Agreement issued pursuant to this notification. I understand also that if any information in this notification is found to be untrue or incorrect and the project described in this notification has already begun, I and/or the applicant may be subject to civil or criminal prosecution. I understand that this notification applies only to the project(s) described herein and that I and/or the applicant may be subject to civil or criminal prosecution for undertaking any project not described herein unless the Department has been separately notified of that project in accordance with Fish and Game Code section 1602 or 1611.

*Chris Carroll*

Signature of Applicant or Applicant's Authorized Representative

*9-19-16*

Date

*Chris Carroll*

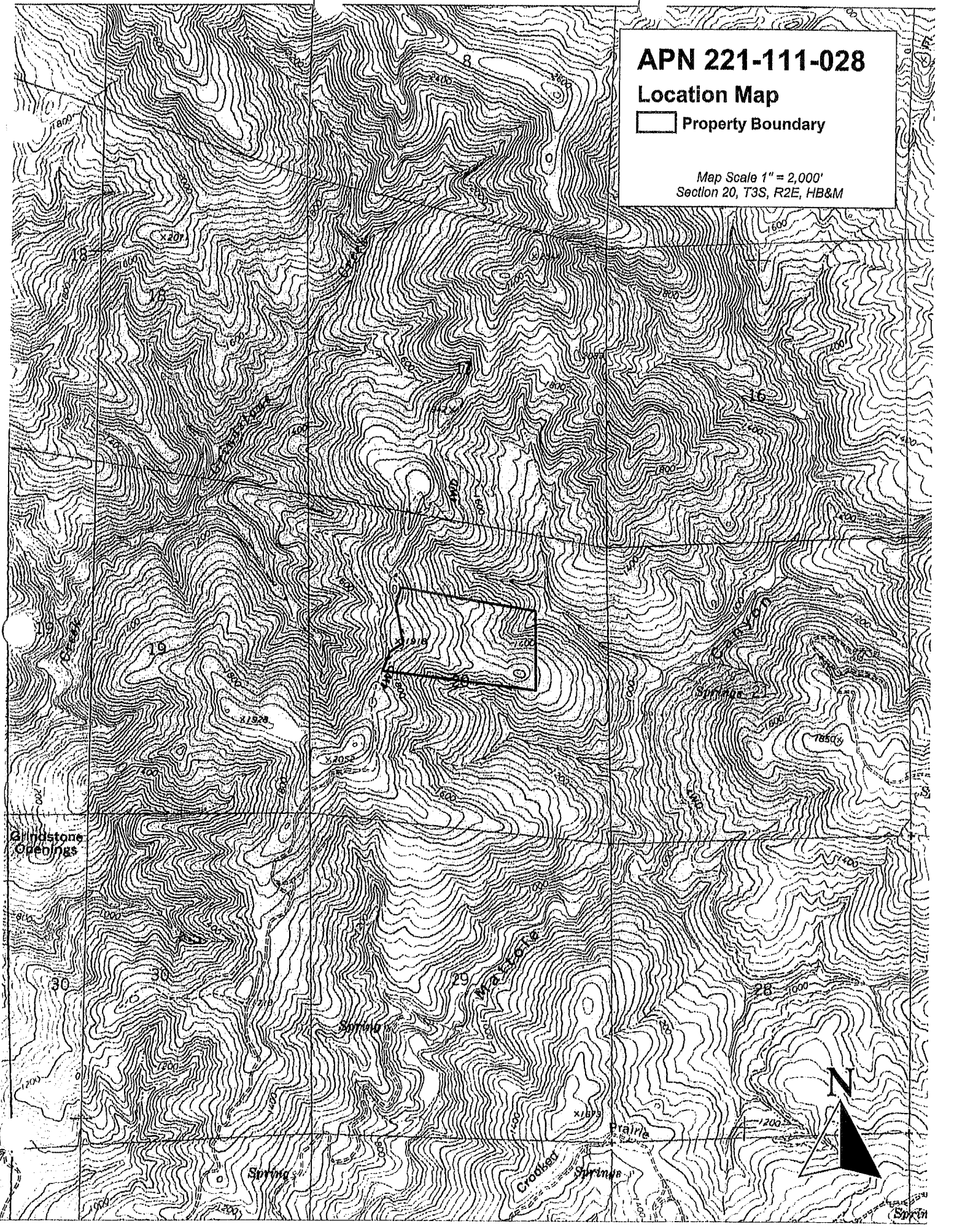
Print Name

**APN 221-111-028**













**Location Map**

 **Property Boundary**

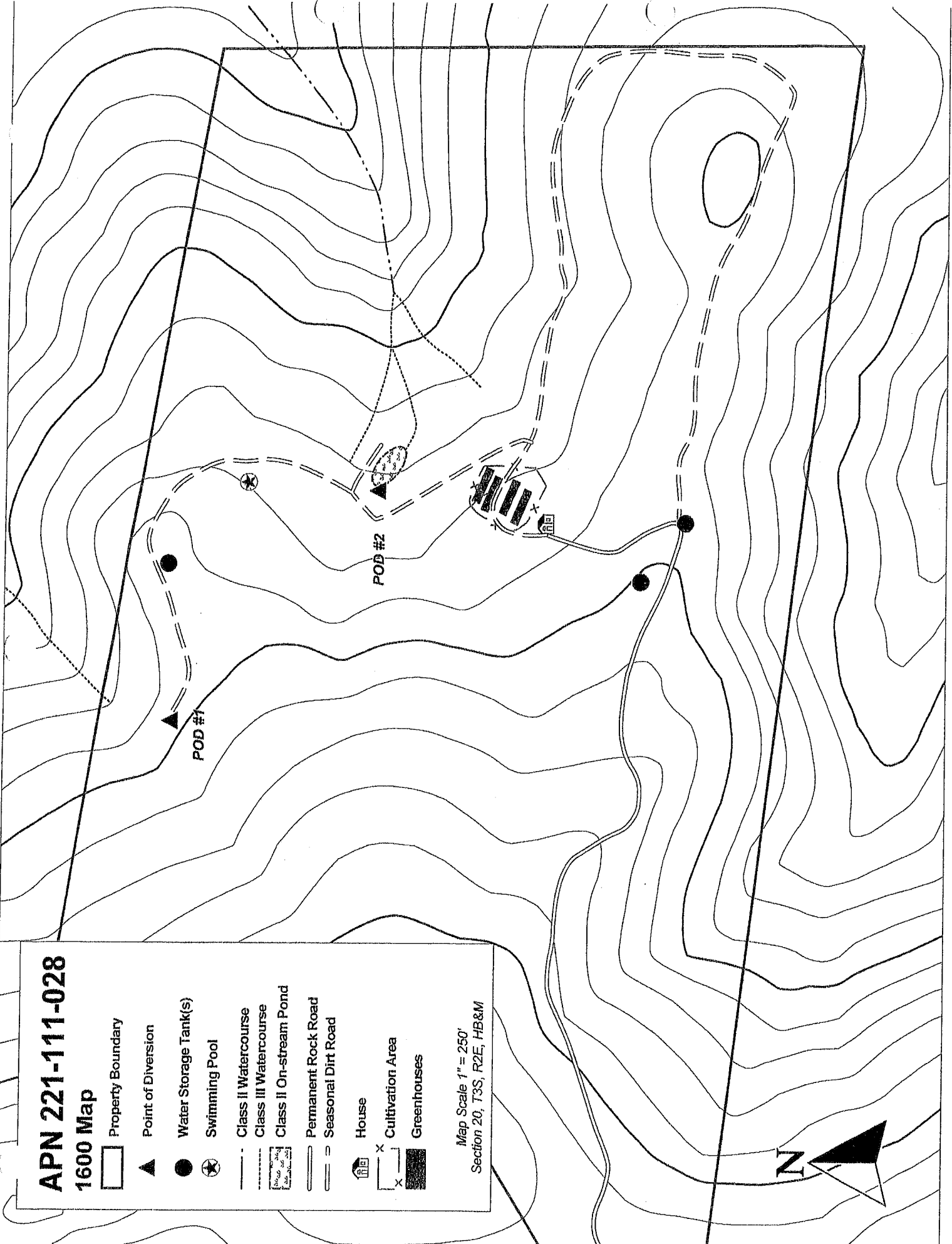
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Section 20, T3S, R2E, HB&M



# APN 221-111-028 1600 Map

-  Property Boundary
-  Point of Diversion
-  Water Storage Tank(s)
-  Swimming Pool
-  Class II Watercourse
-  Class III Watercourse
-  Class II On-stream Pond
-  Permanent Rock Road
-  Seasonal Dirt Road
-  House
-  Cultivation Area
-  Greenhouses

Map Scale 1" = 250'  
Section 20, T3S, R2E, HB&M



**APN 221-111-028**

**1600 2014 DOQ**

Property Boundary



Point of Diversion



Water Storage Tank(s)



Swimming Pool



Class II Watercourse

Class III Watercourse

Class II On-stream Pond



Permanent Rock Road



Seasonal Dirt Road



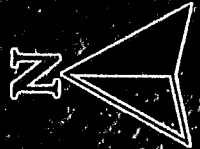
Cultivation Area



Greenhouses













Map Scale 1" = 250'

Section 20, T3S, R2E, HB&M

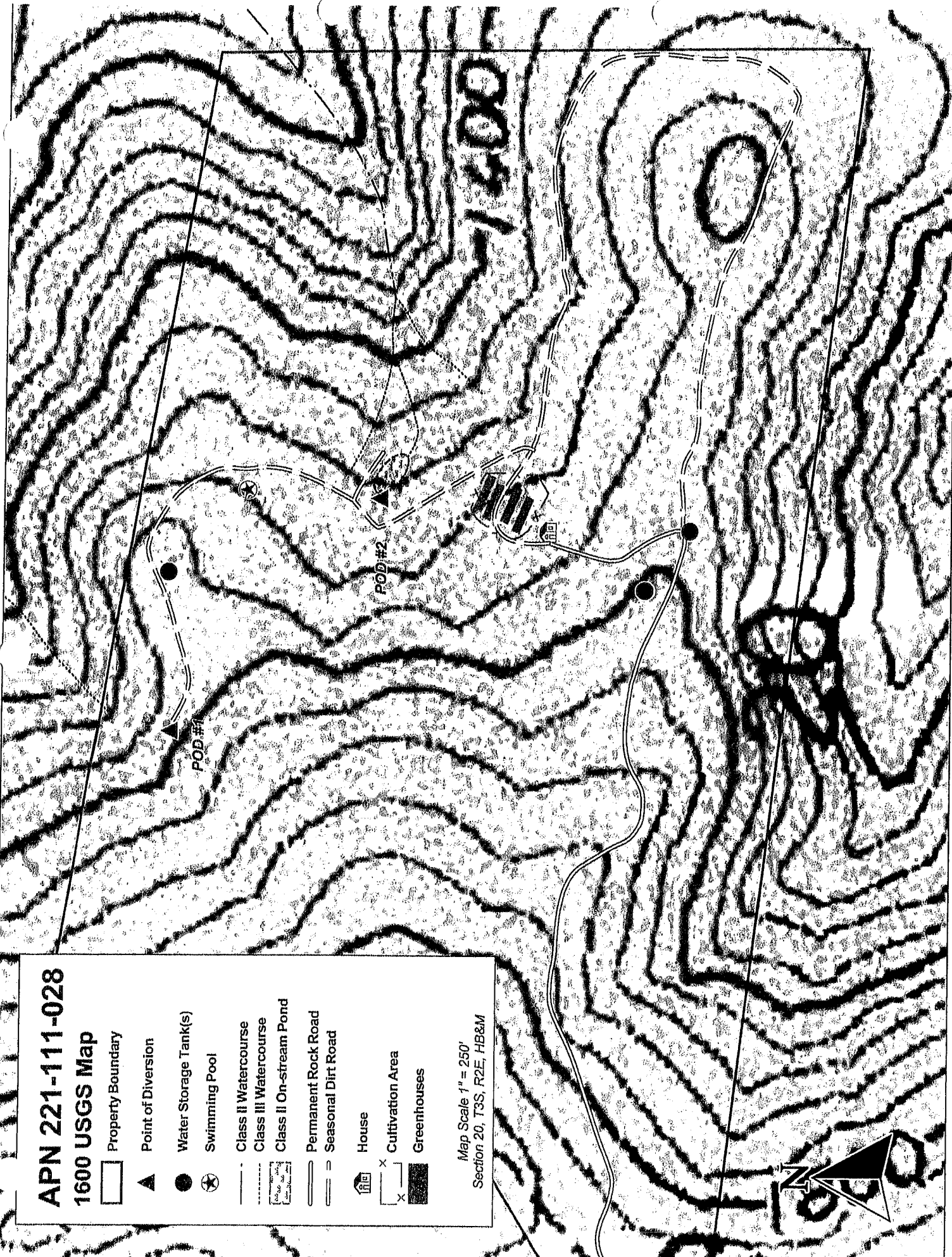




# APN 221-111-028 1600 USGS Map

-  Property Boundary
-  Point of Diversion
-  Water Storage Tank(s)
-  Swimming Pool
-  Class II Watercourse
-  Class III Watercourse
-  Class II On-stream Pond
-  Permanent Rock Road
-  Seasonal Dirt Road
-  House
-  Cultivation Area
-  Greenhouses

Map Scale 1" = 250'  
Section 20, T3S, R2E, HB&M





## Addendum 8M – Coordinates (UTM Zone 10)

**POD #1:** -123.9784209°; 40.19138127°

**POD #2:** -123.9766263°; 40.19018483°

## Addendum 10A – Project Description

**POD #1:** This is a shallow well located in the inside ditch of an old logging road intercepting shallow ground water. The diversion structure is a perforated 100-gallon plastic water tank set approximately 2-3 feet below ground level. Collected water is piped downslope via ¾-inch poly pipe to a 2,500 and 3,000 gallon hard plastic tank located approximately 350 feet east. These tanks are plumbed directly to the house for domestic water use. The POD also fills a 10,000 gallon above ground pool, which is used as storage for domestic water use when the POD dries up. This diversion is used seasonally, ~ November to mid June depending upon previous winter's rainfall. This notification proposes direct diversion for domestic use until the diversion becomes unproductive at no more than 300 gallons a water per day. Thereafter, the Applicant shall shift from POD #1 to POD #2 as described below. In addition, this diversion may be used for seasonal diversion to storage from January 1 to May 14 for agricultural use. This POD will be the primary source of agricultural water via diversion to storage because direct diversion via pumping from the pond shall discontinue.

**POD #2:** This is a year round spring, which is located directly above an on-stream pond that was constructed decades ago. In 2016, pond water was pumped uphill to various tanks for agricultural use. This notification proposes to discontinue the use of the pond for agriculture, and to install a spring box in the spring located above the pond for domestic water use only. This spring may be used once the diversion at POD #1 becomes unproductive. The pond, which appears to provide excellent aquatic habitat, shall be left "as-is" with no agricultural diversions (pumping). The diversion structure shall be a perforated concrete/wooden spring box/cylinder style structure placed in the spring below grade. The diversion structure shall be covered at the surface, or any openings shall not exceed 1/8 inch diameter (horizontal for slotted or square openings) or 3/32 inch for round openings. Regardless of the style of intake structure used; it shall be designed, constructed, and maintained such that it does not constitute a barrier to upstream or downstream movement of aquatic life. Diverted water will be gravity fed down to a hard plastic poly tank, which can then be pumped upslope to dedicated DWS tank(s). This notification proposes direct diversion for domestic use only at no more than 300 gallons a water per day.

Per Item 10D of the notification form, construction activities in the form of installation of a spring box will occur in the spring, which contains surface water. The spring box shall be installed by hand via pick and shovel. The applicant shall divert water away from the work site to the greatest extent feasible to minimize sediment impacts to the downstream pond. This work shall occur late in the fall but prior to October 15, 2016 to minimize impacts to watershed resources.

## Addendum 10A – Project Description

**Pond:** The pond is approximately 100-feet long by 55-feet wide by 10-feet deep. The pond's overflow is a shallow, un-armored low spot (non-embankment side) which discharges into a broad, timbered swale that eventually leads to a Class III watercourse. The overflow channel showed no evidence of erosion or downcutting and is naturally armored with the roots of Douglas-fir trees. The installation of a rocked V-ditch would require the roots to be cut and removed, which are effectively providing the same protection so therefore this notification does not propose to install such a drainage structure at this time. The pond's embankment was closely inspected for stability and contains second growth Douglas-fir trees, which suggest it is 15-20+ years old. There was no sign of leakage or other conditions that would suggest potential failure. The pond is relatively shaded with no signs of bull frogs. The landowner presently diverts water from this pond year round for domestic and agricultural use.

**Water Use and Storage:** There are four 20-ft by 80-ft agricultural greenhouses each of which contains three 6-ft by 80-ft planter boxes for a total cultivation area of approximately 5,760 ft<sup>2</sup>. In addition, there are approximately 40 full term plants in 65 gallons pots. For the purposes of estimating the square footage of the surface soil being watered: Assuming an average of 1 gallon of water per day per 10 ft<sup>2</sup> of cultivation area for the light-deps, and 5 gallons of water per day for the full terms; the amount of water required on the average is 775 gallons per day or 116,250 gallons of storage for the 150-day forbearance period (May 15 – October 15). The applicant shall add sufficient water storage and/or water conservation measures by May 15, 2017, and shall forbear diverting stream flow from July 15 to October 15 in 2017.

The applicant presently has 26,000 gallons of storage in the form of hard plastic tanks and an above ground swimming pool. The Applicant is presently exploring options for storage and will provide CDFW a Water Management Plan no later than May 15, 2017, that describes how forbearance will be achieved under the Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain irrigation 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 the subsequent Agreement.

All roads and developed sites were assessed for compliance with CDFW, which includes jurisdictional 1600 sites and potential California Fish and Game Code Section 5650 violations. The landowner will be enrolling into *California Regional Water Quality Control Board North Coast Region Order No. 2015-0023, Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects In the North Coast Region*, by Timberland Resource Consultants, Inc. in the near future. Following enrollment, TRC will be conducting a thorough field assessment to evaluate compliance with the Standard Conditions per Provision I.B of Order No. R1-2015-0023. Based upon my evaluation conducted in association with this notification, the assessment conducted for the preparation of the water resource protection plan is not expected to include any sites that are jurisdictional to CDFW per the California Fish and Game Code 1600 that should otherwise be included in this notification. There are controllable erosion sites on the access road beginning at the top of the property (Doody Ridge Road) and extending down to the place of use. This erosion is primarily associated with a steep and poorly maintained road, which shall be corrected as required by the Water Board Order.



## Addendum 10 – Pictures



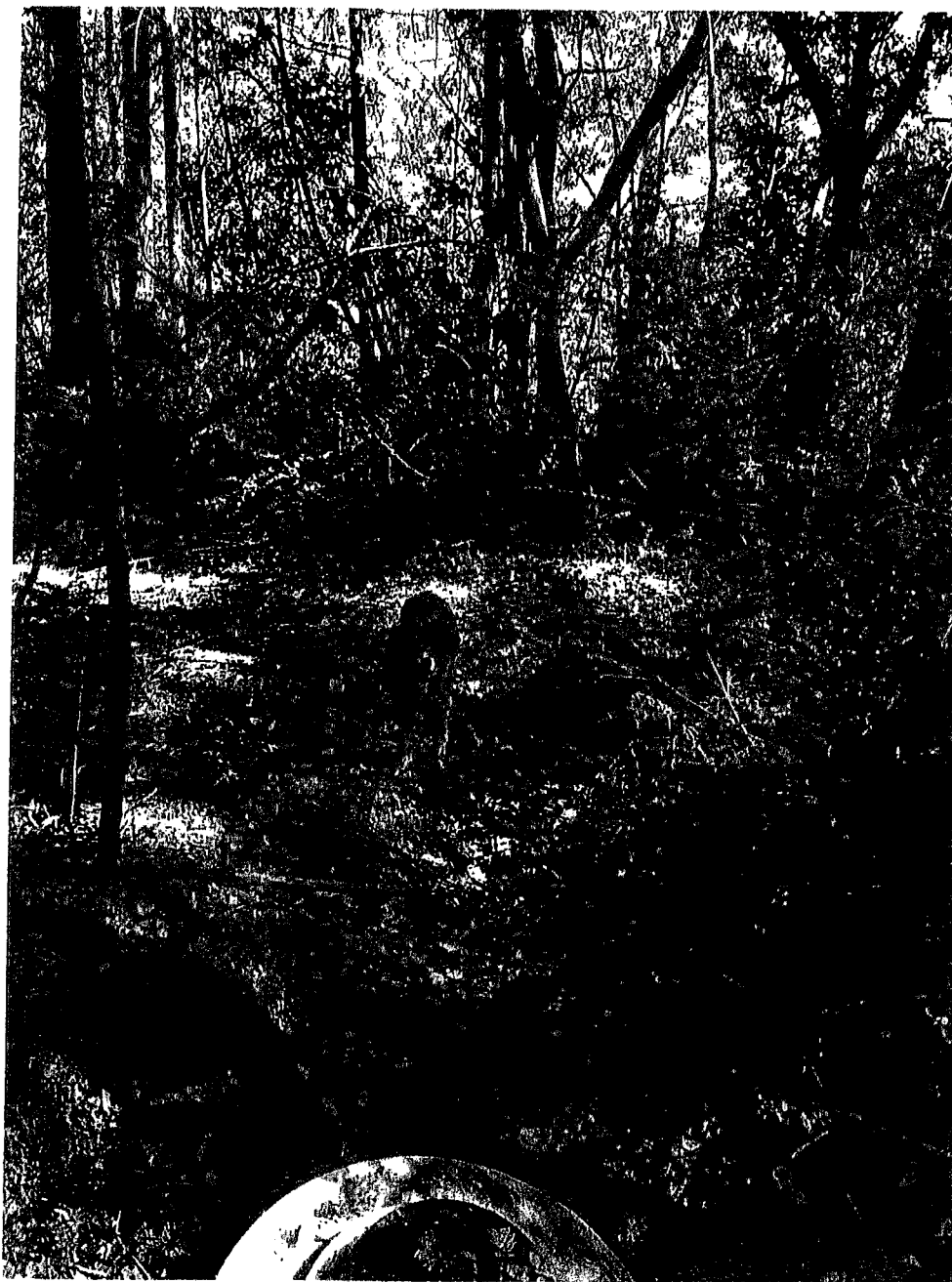
Picture 1: This is a photograph of the POD #1, which is a shallow well located in the inside ditch of an old logging road intercepting shallow ground water. The diversion structure is a perforated 100-gallon plastic water tank set approximately 2-3 feet below ground level. Photo date 9-13-2016.

**Addendum 10 – Pictures (Cont.)**



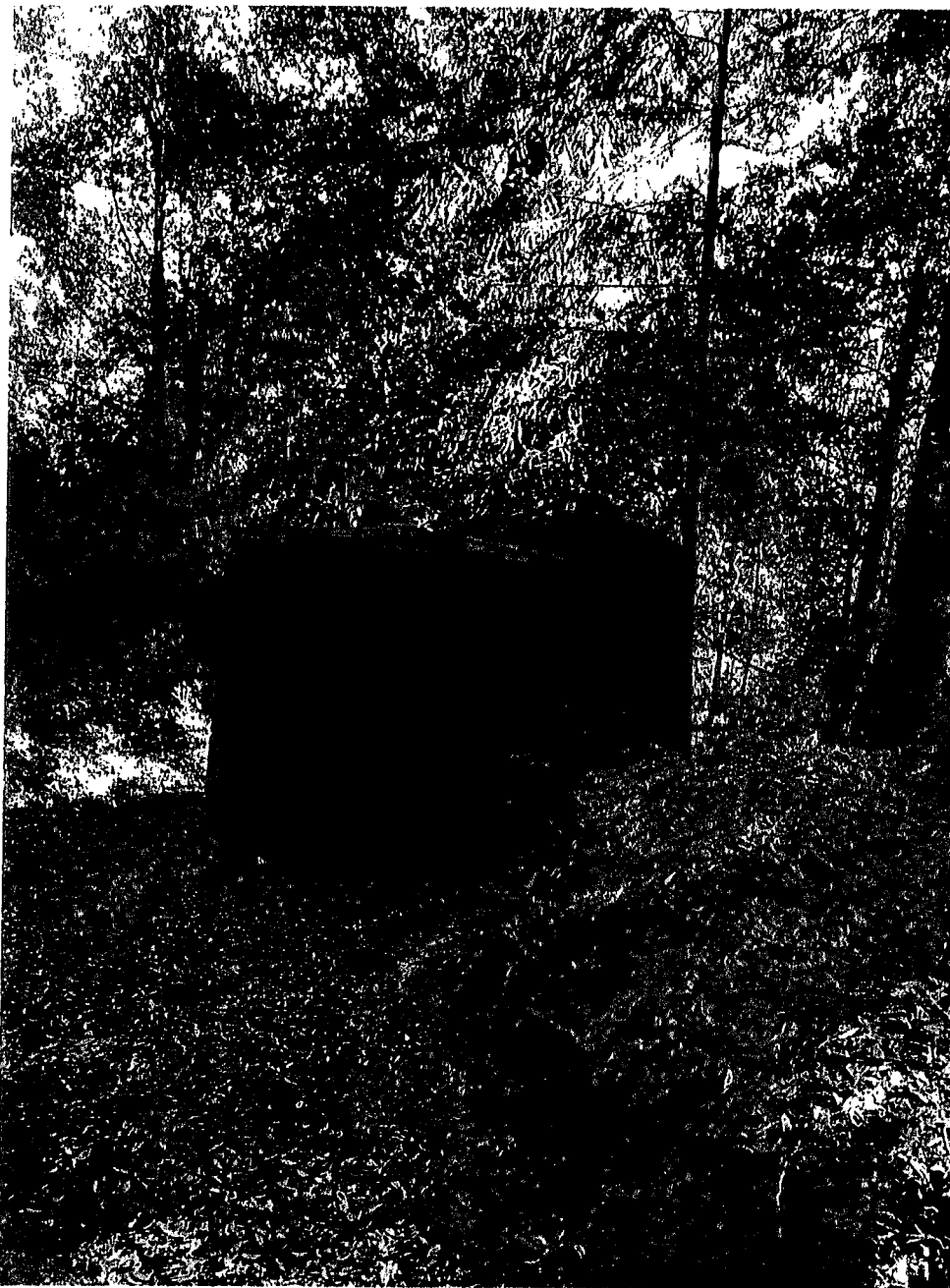
Picture 2: This is a photo looking upstream from the POD #1. Photo date 9-13-2016.

**Addendum 10 – Pictures (Cont.)**



Picture 3: This is a photo looking downstream from the POD #1. Photo date 9-13-2016.

**Addendum 10 – Pictures (Cont.)**



Picture 4: 2,500 and 3,000 gallon hard plastic tanks located approximately 350 feet east of POD #1. Photo date 9-13-2016.

**Addendum 10 – Pictures (Cont.)**



Picture 5: 10,000-gallon above ground swimming pool located approximately 550 feet east-southeast of POD #1. Photo date 9-13-2016.

**Addendum 10 – Pictures (Cont.)**



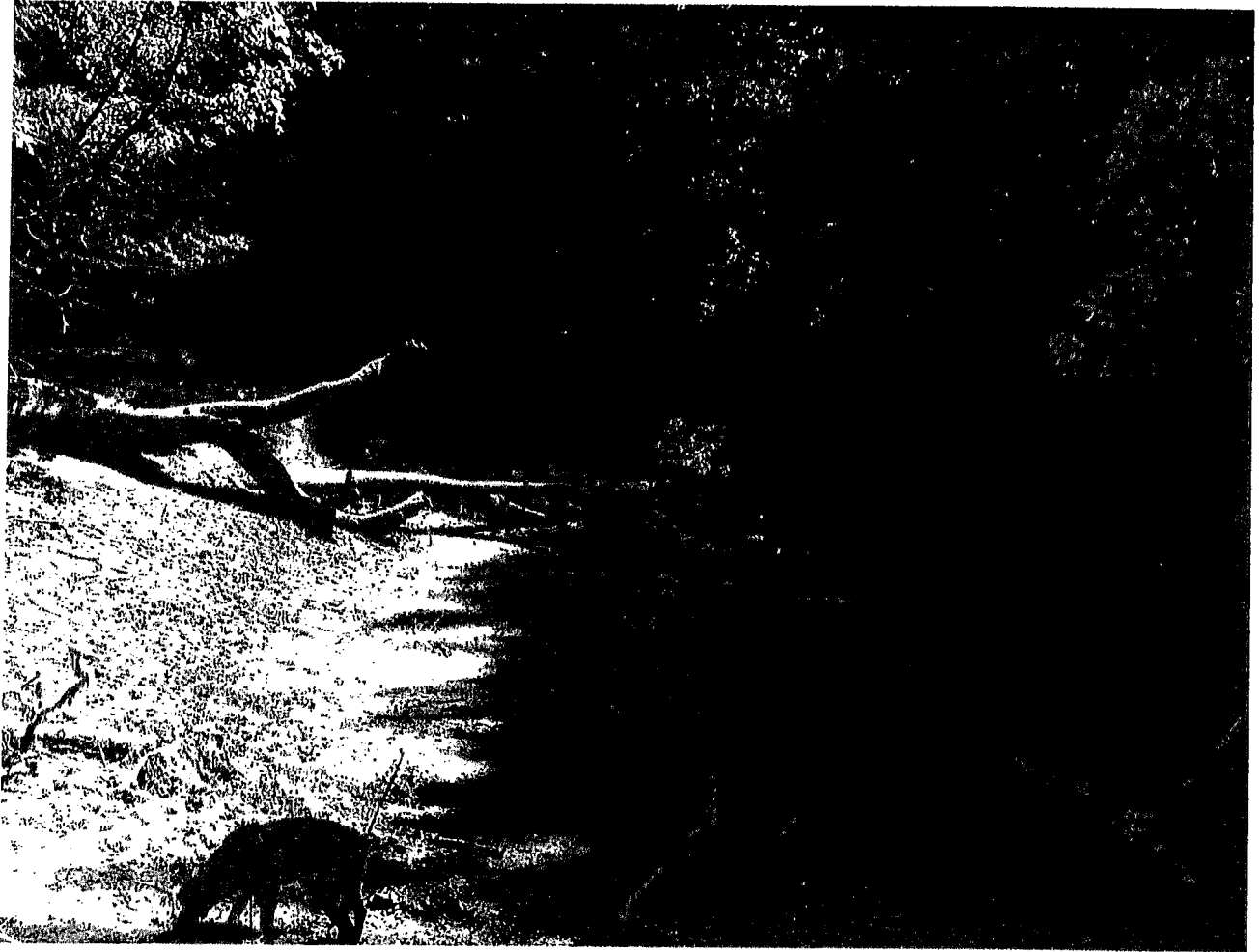
Picture 6: This is a photograph of POD #2, which is a year round spring, which is presently being diverted into an on-stream pond that was constructed decades ago directly below the spring. Photo date 9-13-2016.

**Addendum 10 – Pictures (Cont.)**



Picture 7: This is a photo looking downstream from the POD #2. Photo date 9-13-2016.

**Addendum 10 – Pictures (Cont.)**



Picture 8: On-stream pond. Photo date 9-13-2016.



**Addendum 10 – Pictures (Cont.)**



Picture 9: On-stream pond. Photo date 9-13-2016.

**Addendum 10 – Pictures (Cont.)**



Picture 10: On-stream pond's overflow, facing downstream. The crest of the pond is located just behind the computer and discharges into a broad swale. Photo date 9-13-2016.

**Addendum 10 – Pictures (Cont.)**



Picture 11: Four 20-ft by 80-ft greenhouses. Photo date 9-13-2016.

**Addendum 10 – Pictures (Cont.)**



Picture 12: Residence. Photo date 9-13-2016.

**Addendum 10 – Pictures (Cont.)**



Picture 15: 3,000-gallon water tank located 300 feet southwest of the residence. Not pictured are three 2,500-gallon tanks located 125 feet southeast. Photo date 9-13-2016.

**ADDITIONAL INFORMATION**

**NOTIFICATION OF LAKE OR STREAMBED ALTERATION**

Applicant Name: THOMAS C. REA

Project Name: APN 221-111-028

**ATTACHMENT C**

**Water Diversion Questionnaire**

**I. DIVERSION OR OBSTRUCTION**

Please provide the additional information below *if* the project is directly related to any diversion, obstruction, extraction, or impoundment of the natural flow of a river, stream, or lake. If you have a current or expired Lake or Streambed Alteration Agreement (Agreement) for some activity related to your project, provide the Agreement number in your project description below.

- A. Attach plans of any diversion or water storage structure or facility that will be constructed or if no structures or facilities will be constructed, photographs of the project site, including any existing facilities or structures.
- B. Please complete the water use table below. For diversion rate, use gallons per day (gpd) if rate is less than 0.025 cubic foot per second (cfs) (approximately 16,000 gallons per day).

SEASON OF DIVERSION		PURPOSE OF USE	DIVERSION RATE (cfs or gpm)	AMOUNT USED (acre feet)	
BEGINNING DATE (Mo. & Day)	ENDING DATE (Mo. & Day)			FROM STORAGE	BY DIVERSION
POD #1: November 1	June 15	DWS	1-4 gpm @ 300 gpd		87,500
POD #1: January 1	May 14	Ag	1-4 gpm		139,500
POD #2: June 16	September 31	DWS	1-4 gpm @ 300 gpd		49,500

- C. Attach a topographic map that is labeled to show the following:
  - 1. Source of the water
  - 2. Points of diversion
  - 3. Areas of use
  - 4. Storage areas
- D. Specify the maximum instantaneous rate of withdrawal (using proposed equipment) in cubic feet per second (cfs) or gallons per minute (gpm): 4 gpm

NOTIFICATION OF LAKE OR STREAMBED ALTERATION  
ATTACHMENT C

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

- Riparian. *Attach the most recent statement of riparian rights filed with the State Water Resources Control Board (SWRCB).*
- Diversion for immediate use
- Diversion to storage (for less than 30 days)
  
- Appropriative
  - Pre-1914
  - Post-1914. *Attach a copy of the applicant's water right application, permit, or license filed with or issued by the SWRCB.*
  - Diversion for immediate use. *Attach a copy of the applicant's water right application, permit, or license filed with or issued by the SWRCB.*
  - Diversion to storage. *Attach a copy of the applicant's water right application, permit, or license filed with or issued by the SWRCB.*
  - Small domestic or livestock stockpond use. *Attach a copy of the applicant's registration of water use form filed with the SWRCB. (See Water Code section 1228 et seq.)*
- Purchased or contracted water. *Attach a copy of the applicant's contract or letter from the applicant's water provider.*
- Other. *Describe below or attach separate page.*

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F. Approximate lowest level of flow in the river, stream, or lake at the point of diversion during the proposed season of diversion in gpm or cfs: - 1 gpm.

G. Other information. After the Department reviews the project description, and based on the project's location and potential impacts to fish and wildlife resources, the Department will determine if additional information is needed to complete the notification. Such information could include more site-specific information to ensure that the terms and conditions in the Lake or Streambed Alteration Agreement issued to the applicant will be adequate to protect the fish and wildlife resources the diversion or obstruction could adversely affect. Site-specific information could include specific studies based on the season of diversion, the location of the diversion relative to other diversions in the watershed, the method of diversion, and the quantity of water to be diverted, such as the following:



1. *Water Availability Analysis* to determine if the water can be diverted without causing substantial adverse effects on downstream fish and wildlife resources. Water availability analyses are based on a comparison of flows without any diversions (unimpaired flows) and flows available when all known diversions are "subtracted" (impaired flows). The protocol for water availability analyses is available on request.
2. *Instream Flow Study* to determine the minimum bypass flows needed and maximum rates of withdrawal possible to provide adequate depths and velocities to protect habitat for all life stages of aquatic resources. The study plan, which must be prepared by a qualified fisheries biologist and approved by the Department, will determine the effects of the proposed diversion on flow depth and velocity.
3. *Water Quality Study* to assess the effects of the proposed water diversion or impoundment on water temperature and water quality at and downstream from the point of diversion.

## II. PERMANENT OR TEMPORARY RESERVOIR

Please provide the information below *if* the project includes the construction of a reservoir, whether permanent or temporary, and/or the filling of a reservoir by diverting or obstructing the flow of a river, stream, or lake.

- A. Proposed use of the stored water: \_\_\_\_\_.
- B. Construction plans for the reservoir and dam. (*Attach plans*)
- C. A complete description of the reservoir and dam, including the methods and materials that will be used to construct the reservoir and dam and the following dimensions certified by a licensed professional: the width, length, depth, and total surface area of the reservoir pool; the volume of water in acre-feet that will be stored in the reservoir; and the height and length of the dam.
- D. The amount of riparian land that will be inundated (i.e., upstream from the dam): \_\_\_\_\_.
- E. Where vehicles will enter and exit the project site during construction and for maintenance purposes after construction. (*Attach map*)
- F. The maximum distance of the disturbance that will occur upstream and downstream during construction: \_\_\_\_\_.
- G. The methods that will be employed to ensure that the flow is maintained below the dam at all times when water is being diverted into the reservoir. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
- H. Specify the time period when the area below the dam becomes dry, if at all. \_\_\_\_\_.

NOTIFICATION OF LAKE OR STREAMBED ALTERATION  
ATTACHMENT C

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- I. The methods that will be employed to ensure that adult and juvenile fish will be able to pass over or around the dam. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- J. If a fish ladder is necessary to enable adult and juvenile fish to pass over or around the dam, provide construction plans and an operation plan for the fish ladder. *(Enclose, if applicable)*
  
- K. The methods that will be employed to monitor and maintain water quality (including temperature) within the reservoir. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**III. TEMPORARY RESERVOIR**

Please provide the information below *if* the project includes the construction of a temporary reservoir only within the stream zone.

- A. Date of dam installation: \_\_\_\_\_
- B. Date of dam removal: \_\_\_\_\_
- C. Amount of time it will take to construct the dam: \_\_\_\_\_
- D. Amount of time it will take to remove the dam: \_\_\_\_\_
- E. Methods to ensure that the reservoir pool will be drained in a manner that does not strand or otherwise harm fish: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_