



California Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
REGION 1 – NORTHERN REGION
619 Second Street
Eureka, CA 95501
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



October 23, 2020

Dashiell Miller
Barrett Farms, LLC
P.O. Box 216
Mad River, CA 95552
dashiell@barrettfarms.com



Subject: **Refund for Notification of Lake or Streambed Alteration
No. 1600-2019-0074-R1
Humboldt County Assessor's Parcel Number 208-341-032 and 208-341-034**

Dear Dashiell Miller:

This letter is to inform you that the Department of Fish and Wildlife (Department) will be issuing you a refund for the reason indicated below.

- Notification was not required because your project is not subject to the notification requirement in Fish and Game Code section 1602.

Pursuant to Fish and Game Code (FGC) section 1602, on February 7, 2019 the California Department of Fish and Wildlife (CDFW) received your Notification of Lake or Streambed Alteration (Notification). On March 7, 2019, CDFW informed you that your notification was incomplete and additional information was provided on March 28, 2020 and October 6, 2020.

CDFW has determined from a desk review that, as notified, the project does not need a Lake or Streambed Alteration Agreement. Your Notification does indicate there are two stream crossings on the parcel located at (lat./long): 40.4857, -123.5755 and 40.4862, -123.5752. These crossings are maintained by the Cobb Road Association and are covered by LSAA 1600-2020-0278-R1. These crossings are stated to be in good condition and appropriately sized to pass the 100-year storm flow and the associated debris. The Notification also states that there is a water well located (lat./long): 40.4955, -123.5750 and used as the sole source of water for all commercial and domestic needs on the property. CDFW did not evaluate hydraulic connection of the well to surface water, nor was a hydrogeologic evaluation prepared by a licensed geologist provided for CDFW review. There are no water diversions, (active) wells, or any additional stream crossings on the parcel. If any activities subject to FGC section 1602 are proposed in the future (for domestic or commercial purposes), a new notification shall be submitted to CDFW.

Conserving California's Wildlife Since 1870

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This letter does not retroactively permit any stream crossings, water diversions or other encroachments not described above. No other projects that may be subject to FGC1602 were disclosed.

Your refund check, in the amount of \$596.00, will take from four to six weeks to process and will be sent to the contact address provided in your notification.

While you are entitled to complete the project without an Agreement, you are still responsible for complying with other applicable local, state, and federal laws. These include FGC sections 5650 and 5652 which make it unlawful to pollute waters of the state. FGC section 5650 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state any substance or material deleterious to fish, plant life, mammals, or bird life, including, but not limited to gasoline and oil, as well as sediment. FGC section 5652 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state, or to abandon, dispose of, or throw away, within 150 feet of the high water mark of the waters of the state, any garbage, refuse, or waste, among other materials. A person who violates FGC sections 1602, 5650, and 5652 in conjunction with the cultivation or production of cannabis is subject to significant penalties or fines. Specifically, CDFW may impose civil penalties administratively against any person found by CDFW to have violated these FGC sections in connection with the production or cultivation of cannabis following a complaint and, if requested, a hearing.

Other statutes in the FGC that might apply to your activity, include, but not limited to the following sections: 2080 et seq. (species listed as threatened or endangered, or a candidate for listing under the California Endangered Species Act); 1908 (rare native plants); 3511, 4700, 5050, and 5515 (fully protected species); 3503 (bird nests and eggs); 3503.5 (birds of prey); 5901 (fish passage); 5937 (sufficient water for fish); and 5948 (obstruction of stream), and the requirements set forth in the Forest Practice Act (Pub. Resources Code, § 4511 et seq.) for projects on private timberlands.

If you have any questions regarding this letter, please contact Allison Mitchell, Environmental Scientist at your allison.mitchell@wildlife.ca.gov.

Sincerely,



Cheri Sanville
Senior Environmental Scientist Supervisor

ec:

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