

California Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501



Streambed Alteration Agreement
Notification No. 1600-2022-0046-R1
Showers Creek, tributary to the Mad River, Humboldt County

4 Encroachments

Applicant: Ed Cox, as represented by William Dann
Property owner: Sierra Pacific Industries
Associated Timber Harvesting Plan: 1-22EX-00444-HUM; Cox Showers Creek

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and (Permittee), as represented by William Dann.

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, Permittee notified CDFW on May 12, 2022 that 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, Permittee has reviewed the Agreement and accepts its terms and conditions, including the measures to protect fish and wildlife resources.

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

PROJECT LOCATION

The activities to be completed according to the Agreement are located 8 miles northwest of Dinsmore in Humboldt County in Showers Creek, tributary to the Mad River. The project is located in Section 35, Township 3N, Range 04E; Humboldt Base and Meridian, in the Showers Mountain, California, U.S. Geological Survey 7.5-minute quadrangle.

PROJECT DESCRIPTION

The project proposes to utilize a Class I direct water drafting site, install and remove temporary Class I and II watercourse crossings (See Table 1 for encroachment details).

Table 1: Streambed Alteration Agreement 1600-2022-0046-R1 encroachment details for 1-22EX-00444-HUM “Cox Showers Creek”.

Map Point	Watercourse classification	Encroachment description	Minimum culvert size (in)
C1	I	Temporary Crossing	Multiple 24
C2	II	Existing Rocked Ford Temporary Crossing	3
RP1	II	Temporary Crossing	NA
WD3	I	Water Drafting	NA

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: rainbow trout (*Oncorhynchus mykiss*), Foothill Yellow-legged Frog (*Rana boylei*), other 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 direct and/or incidental take of species protected under the California Endangered Species Act, mortality contributing to local decline or extirpation of California species of special concern, impeded up- and/or down-stream migration of aquatic species, damage to spawning and/or rearing habitats and potential cumulative impacts.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. ADMINISTRATIVE MEASURES

Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site: 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: 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 Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Notification of Conflicting Provisions: Permittee shall notify CDFW if 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 Permittee to resolve any conflict.

- 1.4 Minor Language Changes. CDFW reserves the right to authorize minor language revisions to this Agreement provided both CDFW and the Responsible Party concur with minor language changes and both initial and date changes on the respective documents belonging to both the Responsible Party and CDFW.
- 1.5 Project Site Entry: Permittee agrees that CDFW personnel may enter the project site at any time to verify compliance with the Agreement.
- 1.6 Project Accordance: Except where otherwise stipulated in this Agreement, all work shall be in accordance with the project description submitted with Notification No. 1600-2022-0046-R1 and 1-22EX-00444-HUM approved by CAL FIRE on 5/11/2022.
- 1.7 Amendment of Agreement into the Timber Harvesting Plan (THP): Before any work covered by this Agreement is undertaken, this Agreement shall be amended into and made enforceable as part of the THP.
- 1.8 All Lake and Streambed Alteration Agreement (LSAA) notification, amendment, extension, and emergency forms can be found:
<https://www.wildlife.ca.gov/Conservation/LSA/Forms>.

2. REPORTING AND NOTIFICATION MEASURES

- 2.1 CDFW Reporting Location: All reports shall be sent by email to (nicholas.simpson@wildlife.ca.gov).
- 2.2 Notice of Beginning Work. The Permittee shall contact CDFW within the 7-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, (THP) number, and the anticipated start date.
- 2.3 Notice of Work Completion. The Permittee shall contact CDFW within thirty days of completion of the work permitted by this Agreement. Information to be disclosed shall include Agreement number and THP number.
- 2.4 Annual Water Drafting Logbooks: At the end of the year, all drafting logbooks shall be sent to Eureka CDFW via email or mail.
- 2.5 Water Drafting Reports: During all active Class I watercourse water drafting location operations, streamflow, and drafting rate measurements shall be collected at least every two weeks and provided to CDFW by email.

AVOIDANCE AND MINIMIZATION MEASURES

To avoid or minimize adverse impacts to fish and wildlife resources identified above, Permittee shall implement each measure listed below as outlined in Sections 3 through 9.

3. PROJECT TIMING

- 3.1 Timing for Work on Class I and II Watercourses: Permittee shall conduct the following activities only during periods between June 1 and October 15: vegetation removal; bank stabilization; and maintenance, replacement, and installation of watercourse crossings. Temporary crossings installed during this time shall be removed prior to October 15.

4. INSPECTIONS AND REPAIR WORK

- 4.1 Inspection Timing: All crossings appurtenant to proposed operations shall be inspected by Permittee at least once during the first spring following construction. The inspection shall ensure that crossings are functioning as designed, road approaches hydrologically disconnect the road prism from waters, and the fine sediment present on road approach surfaces is prevented from delivery to streams. Inspection results and follow-up repair measures shall be documented and provided to CDFW in the annual monitoring report.
- 4.2 Repair Work: Permittee shall perform routine repair work that prevents diversion of water from a stream or ditch or helps maintain a stable operating surface within 50 feet of a crossing (e.g., repairing inboard ditches, cross drains, waterbars, road surface and fill, unblocking of culverts) as soon as possible, regardless of the time of year. Forest floor discharge sites below the outlets of drainage facilities on all roads within the plan area and appurtenant to proposed operations shall be inspected for evidence of sediment delivery to streams. If evidence of sediment delivery is present, additional measures shall be undertaken to reduce the discharge of sediment from the site.
- 4.3 Emergency Road Work: Permittee may remove obstructions and sediment at any time if the obstructions and sediment would reasonably be expected to cause substantial damage to resources or cause the facility to fail outside the time periods specified above. If heavy equipment is used, notify CDFW within 14 days after completing activity using the emergency work form (<https://www.wildlife.ca.gov/Conservation/LSA/Forms>).

5. GENERAL CONDITIONS FOR ALL ENCROACHMENTS

- 5.1 Equipment shall not operate in a Class I or II watercourses when water is present except as follows:
- a) At Site C1, heavy equipment shall not operate within the Class I wetted channel.

All instream culvert, fill and log placement shall be conducted with equipment tracks outside of the wetted channel.

- 5.2 In Class II watercourses, where flowing water is present during operations:
- a) Cofferdams shall be installed to divert stream flow, isolate, and dewater the work site, catch any sediment-laden water, and minimize sediment transport downstream. Cofferdams shall be constructed of non-polluting materials including sandbags, rock, and/or plastic tarps. Mineral soil shall not be used in the construction of cofferdams.
 - b) Flowing water shall be cleanly bypassed and/or prevented from entering the work area through pumping or gravity flow, and cleanly returned to the stream below the work area. Flow diversions shall be done in a manner that shall prevent pollution and/or siltation and provide flows to downstream reaches.
 - c) Permittee shall remove any turbid water and sediment present in the work area prior to restoring water flow through the project site and place them in a location where they cannot enter the Waters of the State.
- 5.3 No fill material shall be placed within a stream except as specified in this Agreement.
- 5.4 Adequate and effective erosion and siltation control measures shall be used to prevent sediment or turbid or silt-laden water from entering streams at all times. Where needed, Permittee shall use native vegetation or other treatments including jute netting, straw wattles, and geotextiles to protect and stabilize soils. Geotextiles, fiber rolls, and other erosion control treatments shall not contain plastic mesh netting.
- 5.5 All bare mineral soil outside of the stream channel and in the riparian area exposed in conjunction with road work and drafting activities shall be treated for erosion prior to the onset of precipitation capable of generating run-off or the end of the yearly work period, whichever comes first. Restoration shall include the seeding and mulching of all bare mineral soil with at least 2 to 4 inches straw mulch and native plants or regionally appropriate seeds, or sterile varieties or short-lived non-native annuals that are known not to persist or spread such as cereal cover crops [e.g. barley (*Hordeum vulgare*), buckwheat (*Fagopyron esculentum*), oats (*Avena sativa*), rye (*Secale cereale*), wheat (*Triticum aestivum*)] to avoid the propagation of non-native (invasive) plants and minimize competition with native vegetation. Annual (Italian) ryegrass (*Lolium multiflorum*) shall not be used.
- 5.6 Encroachments and associated approaches, structures, fills, and other exposed soils shall be armored as needed to protect the stream channel and banks from erosion. Armoring shall be comprised of rock riprap, large woody debris (LWD), or other non-polluting materials and shall be constructed to remain in place during periods of high flow events. When used on permanent culverts, armoring shall extend at least as high as the top of the culvert and shall prevent bank

erosion by extending a sufficient distance upstream and downstream along the banks.

- 5.7 Encroachments shall be constructed, deconstructed, and maintained in a manner that minimizes to the extent feasible headcutting or downcutting of the stream channel by installing grade control such as riprap, woody debris, or through other effective measures.
- 5.8 Approaches to all encroachments shall be treated to eliminate the generation and transport of sediment to streams. Treatment locations shall include, but not be limited to, road surfaces, fill faces, cut banks, and road drainage ditches. Road approaches and other work shall be left in a finished condition with all hydrologic connectivity from the road or ditch to the site eliminated as feasible and effective erosion control in place prior to any rainfall event capable of generating runoff. Effective erosion control shall extend away from the crossing to at least the first waterbreak.
- 5.9 Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations. Any trees felled in encroachment road approaches pursuant to this condition shall be left on site as large wood.
- 5.10 Temporary erosion control devices, such as straw bales, silt fencing, and sandbags, may be used, as appropriate, to prevent siltation of the stream. To minimize the risk of ensnaring and strangling wildlife, coir rolls, erosion control mats or blankets, straw or fiber wattles, or similar erosion control products shall be composed entirely of natural-fiber, biodegradable materials. Permittee shall not use "photodegradable" or other plastic erosion control materials.
- 5.11 All non-merchantable LWD excavated during crossing construction or deconstruction shall be used on site for streambed and bank stabilization or erosion control. LWD shall be sufficiently anchored or keyed-in to resist movement during high flows and placed in a manner that prevents undercutting of streambanks.
- 5.12 Permittee shall provide site maintenance including, but not limited to, re-applying erosion control to minimize surface erosion and ensure streambeds and banks remain sufficiently armored and/or stable at the encroachment for as long as the encroachment remains.
- 5.13 Structures and associated materials not designed to withstand high seasonal flows shall be removed to areas above the ordinary high-water mark before such flows occur or the end of the yearly work period, whichever comes first.
- 5.14 Refueling of equipment and vehicles and storing, adding, or draining lubricants, coolants or hydraulic fluids shall not take place within RMZs or within streambeds, banks or channels. All such fluids and containers shall be disposed of properly. Heavy equipment including water drafting trucks parked within RMZs or streambeds, banks or channels shall use drip pans or other devices (e.g.,

absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.

- 5.15 No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil, or petroleum products, or other organic or earthen material from any logging, construction, or associated activity of whatever nature shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into Waters of the State. When operations are completed, any excess materials or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high-water mark of any stream.

6. FORD, ARMORED FILL and VENTED CROSSINGS

- 6.1 Definitions: Type of ford, armored fill and vented crossing shall be specified, defined, and installed as follows
- a) Ford Crossing: A watercourse crossing where the road surface crosses at the natural grade of the channel. Thus, in ford crossings, no fill is placed in the watercourse channel to elevate the road grade and to make the crossing passible by vehicle traffic. If water is present at the time of use, the crossing is a “wet ford” and if water is not present at the time of use, the crossing is a “dry ford”. In some cases, a small amount of sacrificial clean rock may be placed in the ford crossing to provide additional stability and a more suitable running surface for vehicle traffic or to ease the transition from the channel banks to the natural grade of the channel.
 - b) Rock-fill crossing: A watercourse crossing where rock that is free of fines is placed as fill in the watercourse channel to establish a usable road grade through the crossing to accommodate traffic. Often a thin layer of sacrificial small-diameter rock is placed on top of the rock fill to provide a running surface that can accommodate truck traffic. Streamflow will typically pass through the rock fill during periods of low flow but will pass over the rock fill during periods of high flow.
 - c) Rock-armored crossing: A watercourse crossing where fill, often composed of native earth material, is placed in the channel to establish a usable road grade through the crossing to accommodate traffic. The outfall of the crossing and road surface are protected against scour by revetment composed of rock. Streamflow will typically pass over, rather than through, the crossing fill.
 - d) Log-armored crossing: Built to remediate historically constructed ‘Humboldt’ large wood-fill watercourse crossings where complete removal of all pre-existing soil and large wood from the historical crossing is not feasible. Soil and organic fill material are removed to the extent feasible while stable large wood within the channel is retained in place. The crossing is back-filled with screened, well-graded rock material as necessary to fill any voids created by the excavation of pre-existing soil and loose organic fill material prior to armoring the roadbed. Low flows pass through the remaining Humboldt fill material while seasonal

high flows may also pass over the armored roadbed and down an armored fill slope to the natural watercourse channel below.

- e) Vented Crossing: A watercourse crossing structure designed to allow low water flow in the stream channel to pass through the structure (e.g., culverts) below a hardened (usually rock or concrete) roadway. During periods of high water or flooding, streamflow passes over the roadway.
- 6.2 Ford crossings, armored and vented, are considered permanent watercourse encroachments and shall accommodate the 100-year flood flow plus associated sediment and debris.
- 6.3 Ford crossings, armored and vented, shall not be used for log hauling except when the road surface is dry.
- 6.4 Hydrologically connected road approaches to ford crossings, armored and vented, shall be rocked and maintained to avoid delivery of fine sediment to the watercourse below.
- 6.5 Ford crossings, armored and vented, shall be maintained as necessary to avoid delivery of fine sediment to the watercourse below.
- 6.6 Ford crossings, armored and vented, shall be sufficiently outsloped to minimize aggradation of suspended sediments at the crossing
- 6.7 The lowest point of ford crossings, armored and vented, shall be constructed within or directly over the original stream channel, to the extent feasible, to contain high flows up to twice bank-full and to avoid diversion potential.
- 6.8 Armor material shall be comprised of durable angular screened quarry rock of sufficient size and placement to minimize mobilization during a 100-year storm event. Wood may be used for armoring if sound, tight-grained, redwood is applied and sufficiently keyed into the fillslope to resist movement during a 100-year storm event.
- 6.9 If maximum fill heights exceed 15 feet or fills exceed 500 cubic yards of fill, rock sizing, armoring thickness, chute width and chute depth shall be calculated and sized using the nomograph provided in Cafferata et al, California Forestry Report No. 1 – Designing Watercourse Crossings for Passage of 100-Flood Flows, Wood, and Sediment (Updated 2017) Figure 23.
- 6.10 Stream crossing spillway fill slopes shall be armored from roadbed to the natural channel in a manner sufficient to prevent significant scour or removal of armor during high flows. Some scour is expected through road surface rock cap.

7. TEMPORARY CROSSINGS

- 7.1 At RP C1, the Permittee shall install a Class I temporary crossing across Showers Creek that includes (a minimum of) three 24-inch culverts aligned with the stream with the bottom set at or below the natural elevation to provide for upstream and downstream fish passage. Fill in the live stream shall only consist of culverts, logs, clean, durable rip rap or rocks, and green tops to minimize disturbance to the streambed. Above this fill, a layer of road paper, and fractured rock or native soil cap may be installed to provide a compacted road surface. The cap's thickness and soil content shall not exceed the minimum necessary to provide for adequate compaction. No soil from the cap shall come in contact with the stream channel or water. Approaches to RP C1 shall be treated with rock to at least the first waterbreak to prevent tracking of soil into the crossing.
- 7.2 RP C2 is an existing Class II watercourse rocked ford proposed to be used for timber operations. If water is present during time of use, a temporary culvert shall be used to cleanly bypass flows through the crossing. The road surface cap shall be only comprised of gravel. Prior to the October 15 winter period, following a season of use, the cap and culvert shall be removed and the hydrologically connected road surface shall be rocked.
- 7.3 Incised, Deep, Rough or Steep Channels: Permittee shall use a bridge, Spittler, or modified Spittler-type crossing on Class II and III watercourses that have incised, deep, rough, or steep channels to minimize bank disturbance.
- 7.4 Temporary crossings shall not restrict surface flows at the time of installation.
- 7.5 At all temporary crossings, logs, green slash, tops and/or straw bales shall be used as fill instead of earthen material to the maximum extent feasible.
- 7.6 When surface water is present, temporary crossing fill shall only be composed of clean, durable, screened rock and a culvert or a combination of such rock, filter fabric, sound logs and green slash, and straw. These materials shall cause no siltation. Above this fill, a fractured rock or native soil cap may be installed to provide a compacted road surface. The cap's thickness and soil content shall not exceed the minimum necessary to provide for adequate compaction. No soil from the cap shall come in contact with the stream channel.
- 7.7 During temporary crossing deconstruction and removal activities, when stream crossings, stream channels, and fills are excavated, all materials shall be excavated down to the original stream channel and outwards, horizontally, as wide as or wider than the natural channel to form a channel as close as feasible to the natural stream grade and alignment.

Spittler or Modified Spittler-Type Crossings

- 7.8 Permittee shall ensure that Spittler and modified Spittler-type crossings include a culvert to carry flows, choked-logs to fill the channel, a six-inch minimum straw layer, and a temporary running surface of local earthen fill or rock.
- 7.9 Culverts shall be of sufficient size to accommodate the expected flow during the use period.
- 7.10 Log fill crossing (Spittler Type) shall be constructed by laying choker cables or similar cables across stream channel, then placing pipe and/or sound logs in the channel bottom. The logs shall then be covered with filter fabric and/or straw mats, and rock or a local earthen fill used for road surfacing. For removal, the earthen fill shall be scraped off, the logs removed as a unit by pulling the chokers, and loose soil removed from the crossing using mechanized equipment and/or hand tools, as necessary. The straw layer in temporary log fill crossings (Spittler Type) shall extend beyond the road fill surface to prevent fill from entering the logs and stream (i.e., the straw layer should be visible on the crossing edges after installation). If whole bales are used the twine shall be cut after installation of the bales to create a continuous straw layer.

8. DECONSTRUCTION AND ABANDONMENT

- 8.1 When stream crossings and fills are removed, all fills shall be excavated down to the original stream channel and outwards, horizontally, as wide as or wider than the natural channel to form a channel as close as feasible to the natural stream grade and alignment. The restored stream bank slopes shall be no steeper than a 2:1 slope (horizontal: vertical) or natural slope. Restored slopes shall be stabilized to prevent slumping and to minimize soil erosion that could lead to sediment deposition into Waters of the State.
- 8.2 Sites previously not fully excavated shall be completely excavated when crossings are deconstructed. Adjacent potentially unstable road or landing fill that can enter a stream shall also be excavated when crossings are deconstructed.
- 8.3 All excavated fills shall be placed and stabilized/compacted in stable areas where it cannot enter or erode into a stream.

9. WATER DRAFTING

- 9.1 Limitations and restrictions of drafting conditions apply to each individual drafting site. All NTMPs/THPs using a drafting site shall comply individually and collectively with limitations and restrictions in this Agreement.
- 9.2 Drafted water shall only be used for timber operations related to dust abatement, road maintenance, road and stream crossing construction, reconstruction, deconstruction, upgrading and decommissioning, fire suppression, prescribed fuel reduction burning, and pesticide mixing.

- 9.3 Permittee shall not grant permission to other parties to use water drafting sites or water drafted under this Agreement for purposes other than permitted without first informing CDFW and amending this Agreement. Such permission shall assure that conditions to which Permittee must adhere are followed individually and collectively by all parties using the site.
- 9.4 Water may be drafted year-round, prior to drafting in each calendar year, a pre-operational meeting shall take place between the RPF and the licensed timber operator (LTO) responsible for field operations. The meeting shall take place at a representative sample of drafting sites, including all drafting sites with unique, site-specific conditions. The LTO shall inform all water truck operators of their responsibilities under this Agreement.
- 9.5 Drafting by more than one truck shall not occur simultaneously at the same site.
- 9.6 All water drafting vehicles shall be checked daily and shall be repaired as necessary to prevent leaks of deleterious materials from entering the WLPZ or stream.
- 9.7 For any instream work for intakes or approaches that was not described in the notification project description, Permittee shall notify CDFW and obtain an amendment to this Agreement, if necessary, prior to doing this work.
- 9.8 Effective erosion control such as waterbars, gravel berms, or hay bales shall be installed and maintained as necessary to remain effective where overflow run-off from water trucks or storage tanks may enter the stream.
- 9.9 Pesticide mix trucks shall not directly draft water from a stream or pond. Pesticide shall not be mixed where runoff may enter a stream or hydrologically-connected drainage facility.
- 9.10 Water truck operators drafting water from within or downstream of a known sudden oak death syndrome infestation area shall disinfect water in trucks and shall disinfect truck water tanks before leaving the area. Disinfection shall be accomplished by using 1 gallon of Ultra Clorox Bleach per 1000 gallons of drafted water (i.e., a solution equivalent to 50 parts per million chlorine). The water truck shall be filled to capacity and then driven for 5 minutes to allow the bleach-water mixture enough contact time to allow for complete mixing and disinfection prior to using or disposing of water from the truck. Following disinfection, the bleach-water mixture shall be disposed of by spreading on a bare mineral surface area (e.g., a rocked or native-surface road surface) at least 100 feet from any lake, stream, or riparian area, at a rate that will ensure rapid absorption and/or evaporation. No bleach-water mixture shall be allowed to come in contact with water in a stream, lake, or pond, or riparian or wetland vegetation.
- 9.11 Screens shall be installed on intakes wherever water is drafted. Intakes shall be at least 6 inches above the bottom of the channel and away from submerged

vegetation, where practicable. Where not practicable, intakes shall maximize these clearances.

- 9.12 Screens and intakes shall be inspected weekly, kept in good repair, and kept clean and free of accumulated algae, leaves, or other debris or obstructions.
- 9.13 Drafting for storage tanks shall:
 - a) Screen flow at the point of diversion (intake);
 - b) Have a valve in the diversion line before it enters the tank so flow can be regulated;
 - c) Have float valves to prevent overflow or drain overflow from tanks using pipes that will return all excess water to the source stream, and armor or otherwise prevent erosion of the outfall location of water storage tank return pipes. If overflow drains are used, outflow water temperature shall not exceed more than 1 degree Celsius of the bypass flows;
 - d) Not spill excess water onto the drafting pad, tank pad, or road surface; and
 - e) Screen or close all points of ingress to the tank to prevent wildlife entry or entrapment.
- 9.14 Class I watercourse water drafting intake screens shall:
 - a) Be designed so that approach velocity is no more than 0.1 feet per second (fps);
 - b) Have at least 2.5 square feet of wetted, unobstructed screen; and
 - c) Be constructed of wire mesh, perforated plate, or pipe with at least 27 percent open area. Round openings in the screen shall not exceed 3/32 inch (2.38 millimeters) in diameter. Slotted openings shall not exceed 1/16 inch (1.75 mm) horizontally (providing a maximum diagonal opening of 3/32 inch).
- 9.15 At the end of drafting operations each season, intakes shall be removed from the channel. Intakes shall then be plugged, capped, or blocked using a shut-off valve, or removed from the flood prone area during the winter period.
- 9.16 If CDFW determines water drafting from a site is, or may result in, significant adverse impacts to sensitive resources, drafting operations shall cease until a site-specific plan to reduce the impacts is developed and this Agreement is amended to include these measures.
- 9.17 Source flow at drafting sites shall be measured using a flow meter, bucket, float or critical riffle method. Permittee shall document equipment and procedures used to measure streamflow.

- 9.18 To implement the critical riffle crest method, a critical riffle crest shall be identified immediately downstream of the infiltration gallery. A temporary staff gage shall be installed at this location to maintain critical riffle depths and associated bypass flows for salmonids. CDFW's Standard Operating Procedure for Critical Riffle Analysis for Fish Passage in California (2013) identifies where the gage should be placed.
- a) During drafting operations, the critical riffle crest depth shall not decrease by any amount.
 - b) Drafting operations shall cease when the critical riffle crest depth reaches 0.3 feet (approximately 2 cubic feet per second).

PROCEDURES FOR WATER DRAFTING FROM CLASS I WATERCOURSES

In addition to the General Water Drafting Procedures above, the following shall apply to water drafting from Class I watercourses.

- 9.19 Water drafting from Class I watercourses shall adhere to requirements in Table 2. Water drafting from a Class I watercourse drafting site shall cease when source flow drops to 2 cubic feet per second (cfs).
- 9.20 Water Drafting Reports: During active Class I water drafting operations, streamflow, and drafting rate measurements (See Table 2) shall be collected at least every two weeks and provided to CDFW by email (nicholas.simpson@wildlife.ca.gov).
- 9.21 The following shall apply to each seasonally active Class I watercourse drafting site when the source flow (streamflow) is 6.0 cfs or less:
- a) Water truck operators shall be in possession of a logbook that contains the following information, kept current during operations:
 - i) Drafting site location;
 - ii) Date, time (including a.m. or p.m.), and operators name;
 - iii) Whether pumping directly from stream or from a tank;
 - iv) Truck capacity in gallons and estimated gallons of water drafted;
 - v) Filling time;
 - vi) Drafting rate; and
 - vii) Screen cleaning and inspection notes.
 - b) Prior to drafting below 6 cfs, Permittee shall provide verification that the pump(s)

sed for pumping directly from a stream can be adjusted to the pumping rates set forth in Table 2. This documentation shall be provided to CDFW by email (nicholas.simpson@wildlife.ca.gov).

Table 2. Class I Watercourse Requirements: Maximum Allowable Water Drafting Rates.

Source Flow (streamflow) in cfs (gpm)	Range of allowable water drafting rates (gpm)	Estimated time to draft 3,200 gallons	REQUIREMENTS
> 7.8 (3500)	350	9 minutes	Maximum removal rate shall be < 10% of source flow (streamflow). Monthly reporting.
> 6 - 7.8 (2693 – 3500)	270 – 350	9 – 12 minutes	Maximum removal rate shall be < 10% of source flow (streamflow). Biweekly reporting
> 2.25 - 6 (1009 – 2693)	101 – 270, depending on flow	12 – 32 minutes	Drafting Logs Required; Maximum removal rate shall be < 10% of source flow (streamflow); Trucks likely require smaller pumps; pumping rate verification required. Biweekly reporting
>2 – 2.25 (898 – 1010)	90 – 101, depending on flow	32 – 48 minutes	Drafting Logs Required; Maximum removal rate shall be < 10% of source flow (streamflow); Trucks will require smaller pumps; pumping rate verification required. Biweekly reporting.
≤ 2 (898)	NO DRAFTING		WATER DRAFTING PROHIBITED

CONTACT INFORMATION

Written communication that Permittee or CDFW submits to the other shall be delivered to the address below unless Permittee or CDFW specifies otherwise:

To Permittee:

William Dann
2963 Pigeon Point Road
Eureka, California 95503

Email: bdann5842@gmail.com

To CDFW:

Department of Fish and Wildlife
North Coast Region
619 Second St.
Eureka, California 95501
ATTN: Lake and Streambed Alteration
Program
Notification # 1600-2022-0046-R1

LIABILITY

Permittee shall be solely liable for any violations of the Agreement, whether committed by Permittee or any person acting on behalf of 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 Permittee to proceed with the project. The decision to proceed with the project is Permittee's alone.

SUSPENSION AND REVOCATION

CDFW may suspend or revoke in its entirety the Agreement if it determines that Permittee or any person acting on behalf of 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 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 Permittee an opportunity to correct any deficiency before CDFW suspends or revokes the Agreement, and include instructions to 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 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 Permittee or any person acting on behalf of 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. For example, if the project causes take of a species listed as threatened or endangered under the Endangered Species Act (ESA), such take will be unlawful under the ESA absent a permit or other form of authorization from the U.S. Fish and Wildlife Service or National Marine Fisheries Service.

This Agreement does not relieve Permittee or any person acting on behalf of 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 under the California Endangered

Species Act – CESA), 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 Permittee or any person acting on behalf of 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.

Permittee may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by CDFW and Permittee. To request an amendment, Permittee shall submit to CDFW a completed CDFW “Request to Amend Lake or Streambed Alteration” form.

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 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, Permittee shall submit to CDFW a completed CDFW “Request to Amend Lake or Streambed Alteration” form.

EXTENSIONS

In accordance with FGC section 1605 (b), 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, Permittee shall submit to CDFW a completed CDFW “Request to Extend Lake or Streambed Alteration” form. CDFW shall process the extension request in accordance with FGC 1605 (b) through (e).

If Permittee fails to submit a request to extend the Agreement prior to its expiration, Permittee must submit a new notification before beginning or continuing the project the Agreement covers (FGC § 1605, subd. (f)).

EFFECTIVE DATE

The Agreement becomes effective on the date of CDFW’s signature, which shall be: 1) after Permittee’s signature; 2) after CDFW complies with all applicable requirements under CEQA.

TERM

This Agreement shall expire 5 years from the CDFW signature date below unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. 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.

EXHIBITS

Maps of the encroachment sites are included as an exhibit to the Agreement and shall be incorporated herein by reference.

AUTHORITY

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

AUTHORIZATION

This Agreement authorizes only the project described herein. If Permittee begins or completes a project different from the project the Agreement authorizes, 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:

WSDann

6/6/2022

William Dann

Date

FOR: California Department of Fish and Wildlife

Richard Klug

6/7/2022

Richard Klug

Date

Senior Environmental Scientist (Supervisory)

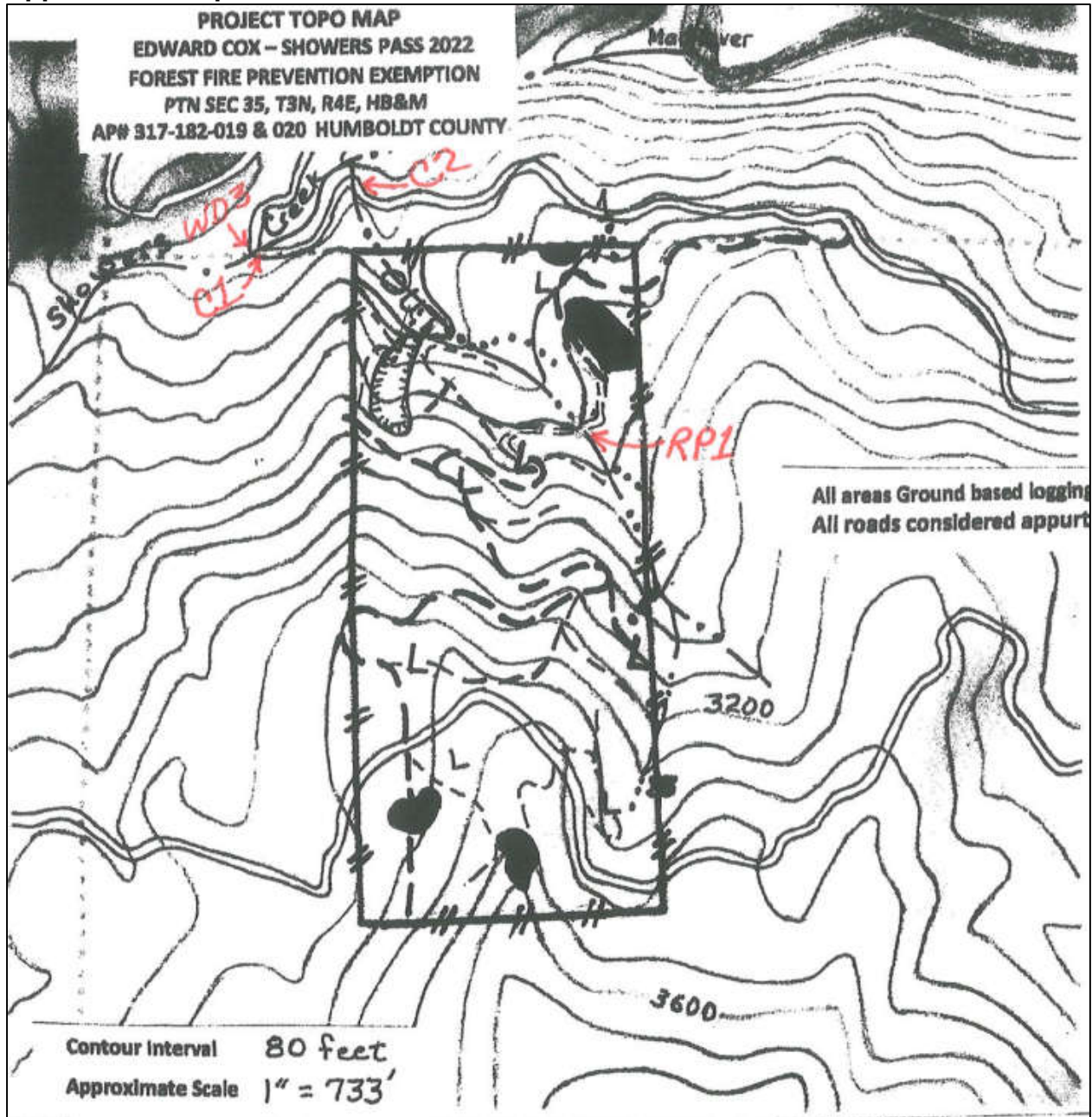
Timber Conservation Planning

Prepared by: Nicholas Simpson

Senior Environmental Scientist (Specialist)

June 6, 2022

Appendix A: Map



Notice of Exemption

To:
Office of Planning and Research
For U.S. Mail:
P.O. Box 3044
Sacramento, CA 95812-3044

From:
Department of Fish and Wildlife
Region 1 – Northern
619 Second Street
Eureka, CA 95501



Street Address:
1400 Tenth Street
Sacramento, CA 95814

State Clearinghouse Number: N/A

Project Title: Showers Creek Cox Exemption 1-22EX-00444-HUM (Lake or Streambed Alteration Agreement No. 1600-2022-0046-R1)

Project Location: The project is located approximately 8 miles northwest of Dinsmore in Humboldt County on Showers Creek, tributary to the Mad River. The project is located in Section 35, T3N, R04E; Humboldt Base and Meridian, in the Showers Mountain, U.S. Geological Survey 7.5-minute quadrangle.

Project Description: The project proposes to utilize a Class I direct water drafting site, install and remove temporary Class I and II watercourse crossings.

Public Agency Approving Project: CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE


Person or Public Agency Carrying Out Project: Bill Dann

Exempt Status:

- Statutory Exemption.
- Categorical Exemption. Type – Class 2; California Code of Regulations, Title 14, Section 15302

Reasons why project is exempt: There would be no significant adverse impact on endangered, threatened, or rare species or their habitat pursuant to §15065. There are no hazardous materials at or around the project site that may be disturbed or removed. The project will not result in impacts that are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

CDFW Contact Person: Nicholas Simpson (Senior Environmental Scientist Specialist), (707) 445-6512

Signature:  *Date:* 6/7/2022
Richard Klug, Senior Environmental Scientist Supervisor

Date received for filing at OPR: _____