

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

Street Address:  
1400 Tenth Street  
Sacramento, CA 95814

From:  
Department of Fish and Wildlife  
Northern Region  
619 Second Street  
Eureka, California 95501  
Contact: David Manthorne  
Phone: 707-441-5900



Lead Agency (if different from above)  
Humboldt County Dept. of Planning and Building  
3015 H Street  
Eureka, CA 95501  
Contact: Michael Wheeler  
Phone: 707-268-3730

**SUBJECT: Filing of Notice of Determination pursuant to Public Resources Code section 21108**

**State Clearinghouse Number:** 1992083049

**Project Title:** Simpson/Glendale Gravel Bar Extraction Project (Lake or Streambed Alteration Agreement No. 1600-2019-0043-R1)

**Project Location (include county):** The project is situated on the Mad River, a tributary to the Pacific Ocean. The project is located in County of Humboldt, State of California; Sections 13, 14, and 23, Township 6 North, Range 1 East, Humboldt Base and Meridian; Arcata North U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Numbers 516-161-004, 516-131-002, and 516-131-004, latitude 40.8991 N and longitude 124.0270 W.

**Project Description:** The project is limited to one encroachment for aggregate extraction from the channel of the Mad River for commercial purposes. The Permittee proposes to extract up to **6,300 cubic yards** of gravel annually from the Simpson/Glendale bar. The County of Humboldt previously approved annual removal of up to 40,000 cubic yards of gravel from the Simpson/Glendale bar in 1994. However due to subsequent excessive extraction concerns, federal permit restrictions on the annual volume of gravel extracted were implemented based on a flow-based analysis of gravel replenishment.

This is to advise that CDFW, acting as ☐ the Lead Agency / ☒ a Responsible Agency approved the above described project and has made the following determinations regarding the project pursuant to California Code of Regulations section 15096, subdivision (i):

1. The project will not have a significant effect on the environment. This determination is limited to effects within CDFW's permitting jurisdiction as a Responsible Agency.
2. A ☒ mitigated negative declaration / ☐ negative declaration was prepared for this project pursuant to the provisions of CEQA.  
CDFW considered the ☒ mitigated negative declaration / ☐ negative declaration prepared by the Lead Agency for this project pursuant to California Code of Regulations section 15096, subdivision (f).
3. Mitigation measures ☒ were / ☐ were not made a condition of CDFW's approval of the project.
4. A mitigation reporting or monitoring plan ☐ was / ☒ was not adopted by CDFW for this project.
5. A Statement of Overriding Considerations was not adopted by CDFW for this project.
6. Findings were not made by CDFW pursuant to Public Resources Code section 21081, subdivision (a).

The ☒ mitigated negative declaration / ☐ negative declaration prepared for the project is available to the general public at the office location listed above for the Lead Agency. CDFW's record related to the Lake or Streambed Alteration Agreement is available to the public for review at CDFW's regional office.

Signature

*Scott Bauer*

Date:

*5/31/19*

Scott Bauer, Senior Environmental Scientist Supervisor

Governor's Office of Planning & Research

Date Received for filing at OPR: \_\_\_\_\_

May 31, 2019

STATE CLEARINGHOUSE



**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**  
REGION 1 - NORTHERN  
619 SECOND STREET  
EUREKA, CALIFORNIA, 95501

**RECEIVED**

MAY 30 2019

**CDFW - EUREKA**



**STREAMBED ALTERATION AGREEMENT**  
NOTIFICATION No. 1600-2019-0043-R1  
MAD RIVER

**EUREKA READY MIX CONCRETE COMPANY, INC.**  
SIMPSON/GLENDALE GRAVEL BAR EXTRACTION PROJECT  
1 ENCROACHMENT

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Eureka Ready Mix Concrete Company, Inc. (Permittee) as represented by Mr. Robert McLaughlin.

## **RECITALS**

WHEREAS, pursuant to Fish and Game Code (FGC) Section 1602, Permittee notified CDFW on March 13, 2019, 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 project is situated on the Mad River, a tributary to the Pacific Ocean. The project is located in County of Humboldt, State of California; Sections 13, 14, and 23, Township 6 North, Range 1 East, Humboldt Base and Meridian; Arcata North U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Numbers 516-161-004, 516-131-002, and 516-131-004, latitude 40.8991 N and longitude 124.0270 W.

## PROJECT DESCRIPTION

The project is limited to one encroachment for aggregate extraction from the channel of the Mad River for commercial purposes. The Permittee proposes to extract up to **6,300 cubic yards** of gravel annually from the Simpson/Glendale bar. The County of Humboldt previously approved annual removal of up to 40,000 cubic yards of gravel from the Simpson/Glendale bar in 1994. However due to subsequent excessive extraction concerns, federal permit restrictions on the annual volume of gravel extracted were implemented based on a flow-based analysis of gravel replenishment.

Aggregate extraction consists of removal of flood-washed alluvial material using heavy equipment (e.g., belly-scrapers, loaders, excavators, bulldozers, and dump trucks) from the Mad River channel. Aggregate extraction methods and volumes are consistent with the approved annual extraction work plans. Extraction occurs during the summer low-flow period when alluvial deposits are exposed. Occasionally, fisheries enhancement or off-channel extractions may be included that involve connection of extraction areas to the wetted channel or removal of established woody riparian vegetation. Temporary crossings of the wetted channel may be needed to access gravel deposits. Timing of the installation and removal of these crossings is conducted to avoid periods of peak flows and salmonid migration and spawning. Crossings are also designed to minimize the extent of channel disturbance and avoid sensitive aquatic habitat.

## PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include, but not limited to: **Chinook salmon (*Oncorhynchus tshawytscha*)**, **coho salmon (*O. kisutch*)**, **steelhead trout (*O. mykiss*)**, **coastal cutthroat trout (*O. clarki clarki*)**, **green sturgeon (*Acipenser medirostris*)**, **eulachon (*Thaleichthys pacificus*)**, **longfin smelt (*Spirinchus thaleichthys*)**, **Pacific lamprey (*Entosphenus tridentatus*)**, **willow flycatcher (*Empidonax traillii*)**, **bank swallow (*Riparia riparia*)**, **northern red-legged frog (*Rana aurora*)**, **foothill yellow legged frog (*Rana boylei*)**, and **western pond turtle (*Emys marmorata*)**, aquatic invertebrates, 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, indirect impacts, cumulative impacts, impediment of up- or down-stream migration, damage to salmonid spawning and/or rearing habitats, damage to aquatic habitat and function, and impacts to riparian vegetation, habitat, and function.

## MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

### 1. Administrative Measures

Permittee shall meet each administrative requirement described below.

- 1.1 Legal Entitlement for Gravel Extraction. Gravel shall only be removed from those areas where the Permittee has secured legal entitlement to such gravel. For the purposes of this Agreement, the term *legal entitlement* is defined as all project conditions, methods, place of operation, and project descriptions contained within the project's Vested Rights Determination and Reclamation Plan that have been approved by the County of Humboldt.
- 1.2 Conformance with Other Permits, Approvals, and Environmental Plans. All mining shall be in conformance with Humboldt County's Surface Mining Ordinance (No. 2117), Extraction Review Team (CHERT) approved annual Pre-extraction Plan, and Programmatic Environmental Impact Report (PEIR, State Clearing House No. 1992083049) and upcoming Supplement. All mining shall be in conformance with the United States Army Corps of Engineers (ACOE) 2009 Letter of Permission (LOP) and subsequent renewals, and the North Coast Regional Water Quality Control Board (NCRWQCB) Clean Water Act Section 401 Water Quality Certification.
- 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 Documentation at Project Site. Permittee shall make the Agreement including extensions and amendments to the Agreement, and all related notification materials readily available at the project site during all periods of active work, and upon request shall be presented to CDFW personnel. Copies of these Agreement materials shall be provided 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.
- 1.5 Project Site Entry. Permittee agrees that CDFW personnel may enter the project site with 24-hour notice to verify compliance with the Agreement. This condition does not apply to CDFW enforcement.
- 1.6 CDFW Notification of Work Initiation and Completion. The Permittee shall contact CDFW within the 7-day period preceding the beginning of the work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW no later than 7 days after the work is fully completed.

## **2. Avoidance and Minimization Measures**

To avoid or minimize adverse impacts to fish and wildlife resources identified above, Permittee shall implement each measure listed below.

2.1 Permitted Project Activities. All work shall be conducted as specified in the Agreement Notification, approved annual Pre-extraction Plan, and all other supporting environmental documents, except where otherwise stipulated in this Agreement.

### **2.2 Summary of Project Timelines:**

*January 15* - Permittee's annual Post-extraction Report shall be submitted to CDFW for review and archival purposes (see Measure 2.12.4).

*February* - CHERT's annual Post-extraction Report is typically completed and shall be submitted to CDFW for review and archival purposes (see Measure 2.12.5).

*March thru May* – Annual pre-extraction cross-sectional surveys and spring aerial photograph series shall be taken. Timing of aerial photographs shall be dependant upon long-range weather forecast and river stage (see Measure 2.4.1).

*May 31 or soon thereafter* - A mutually agreeable field review of proposed extraction sites shall be scheduled with CDFW, CHERT, and other gravel review agencies. The Permittee shall submit a draft Pre-extraction Plan to CDFW, CHERT, and other gravel review agencies for review and comment. Subsequently, a final Pre-extraction Plan shall be submitted to CDFW for review and written approval (see Measure 2.4).

*June 15 thru October 15* - Gravel shall be extracted during this period unless a time extension is approved in writing by CDFW (see Measure 2.5).

*June 30* - Approved temporary wet stream channel crossings may be constructed (see Measure 2.8).

*August thru October* – Annual post-extraction aerial photograph series tied to the fall low flow period shall be taken. When practicable, fall photographs shall be taken to closely coincide with the completion of extraction activities (see Measure 2.12.2).

*September 15* - All temporary wet stream channel crossings shall be removed unless a time extension is granted by CDFW (see Measure 2.8.1).

*October 1 thru 15* - Seasonal reclamation activities shall commence, and all

stockpiled material shall be removed from bars daily and extraction sites smoothed to reclaimed condition at the end of each work day (see Measure 2.11).

*October 15-* All gravel extraction activities shall be completed and extraction areas reclaimed, unless extraction activities are continuing under an approved extension (see Measure 2.11.1).

## 2.3 Annual Cross-sectional Surveys:

2.3.1 *Cross-sectional Survey Protocols.* Surveying, data collection, and reporting procedures shall be consistent with the requirements of Appendix C of the 2009 ACOE *LOP Procedure for Gravel Mining Activities within Humboldt County*, and any subsequent renewals, extensions, and amendments. Cross-sectional surveys, maps, and associated calculations (e.g., replenishment and extraction volumes) shall be prepared under the direction and certification of a State of California Licensed Land Surveyor or Professional Engineer.

2.3.2 *Cross-sectional Surveys.* Cross-sectional surveys shall be conducted to generate comparative sets of the full-channel and pre- and post- extraction sites that depict the topography of the project reach and extraction sites. Full-channel monitoring with permanent cross-sections spaced throughout the project reach shall be surveyed annually. Temporary cross-sections that pass through gravel extraction sites shall be surveyed prior to and after extraction activities.

1. *Full-channel Cross-sectional Monitoring Surveys.* The full-channel cross-sectional surveys provide a fixed and annual picture of stream bed elevation and geomorphic changes within the project reach, and allow for the assessment of long-term trends and changes associated with flood events and extraction operations. The monitoring cross-sections shall be developed from annual surveys of the full channel area when river conditions allow. The monitoring lines shall have permanently monumented end points outside of the channel area and shall be referenced to common horizontal and vertical survey control grids, so the lines can be relocated and resurveyed if a significant flow event erodes the banks and removes the monuments.
2. *Gravel Extraction Area Cross-sectional Surveys.* The gravel extraction cross-sectional surveys may vary seasonally in location, are shorter in length, and are more closely spaced. The cross-sectional surveys shall be used to provide a detailed topographic

relationship of the pre- and post-extraction areas, the wetted channel, and other features surrounding the extraction site. The temporary cross sections shall be used for extraction planning, reporting, and monitoring (see measures 2.4.2 and 2.12.3).

**2.4 Annual Pre-extraction Procedures.** Prior to conducting annual gravel extraction activities covered by this Agreement the following steps shall be conducted.

**2.4.1 *Pre-extraction Photographs.*** In spring once winter high flows recede and stabilize (March - May), stereoscopic color aerial photograph series shall be taken. Photograph coverage shall include the annual operation areas, bank-full channel, adjacent riparian corridor, and project reach limits. The aerial photographs shall be utilized as the base map for the annual extraction activities planning, reporting, and monitoring. At the time of the photographic series, site features shall be visible so that haul roads, extraction areas, temporary crossing locations, mitigation or enhancement areas, and related line work can be identified and displayed.

For purposes of the aerial photography and monitoring, the project reach shall be defined as the length of stream subject to potential extraction by the Permittee plus one-half this length both upstream and downstream of the limits of the extraction reach.

**2.4.2 *Pre-extraction Cross-Sectional Surveys.*** Pre-extraction cross-sectional surveys that pass through the proposed gravel extraction sites shall be conducted according to protocols outlined in the ACOE 2009 LOP (see Measure 2.3.1). Pre-extraction cross-sectional surveys shall be used for topographic reference, extraction planning (e.g., extent and volume of excavation), grade control placement during excavation, and reference data for the annual Pre-extraction Plan and Post-extraction Report. Extraction areas less than 500-feet in length shall have a minimum of three cross-sections, and extraction areas greater than 500-feet in length shall require a minimum of five cross-sections.

**2.4.3 *Extraction Area Delineation.*** The listed conditions below shall be followed for the delineation of gravel extraction areas, and are not inclusive of other procedures and protections identified within the Agreement that may also apply in the determination of extraction sites.

1. ***Flow-based Delineation of the Extraction Area.*** The minimum skim floor elevation shall be the elevation equivalent to the elevation of the 35 percent exceedence flow at the project site, based on

stream flow at the U.S. Geologic Survey gauge for the Mad River near Arcata, California (USGS #11481000). The 35 percent exceedence flow elevation shall be marked in the field at the extraction site as required by current ACOE and NMFS protocols.

2. *Minimum Head of Bar Buffer.* The upstream end of the gravel bar shall not be used for gravel extraction to protect the stream flow alignment. The head of bar buffer shall be defined as that portion of the bar that extends from at least the upper third of the bar to the upstream end of the bar exposed during summer low flows. Exceptions may be proposed based on extraction methods that provide protection of the adjacent cross-over riffle with approval from CDFW, CHERT, NMFS and other gravel review agencies.
  3. *Extraction Restrictions Near Stream Banks.* A minimum horizontal offset of 10-feet shall be maintained between all excavation activities and the outermost stream banks, and shall be measured from the base of the bank if unvegetated or drip-line of associated riparian vegetation. If extraction activities will occur nearby a stream bank, a protection buffer shall be clearly marked in the field by flagging, staking, or other acceptable means throughout the extraction season.
- 2.4.4 *Review of Proposed Extraction Sites.* In the late spring when the stream level drops to a point where gravel deposits become exposed, the Permittee and gravel review team members and agencies such as CDFW, CHERT, NCRWQCB, ACOE, and National Marine Fisheries Service (NMFS) may conduct a field review to evaluate potential extraction sites. A mutually agreeable field review date shall be scheduled by the Permittee or CHERT with at least a 5-working day notice to CDFW.
- 2.4.5 *Pre-extraction Plan Submittal.* The Permittee shall develop a Pre-extraction Plan that provides an extraction narrative based on extraction goals, pre-extraction survey and aerial photographic information, and field review observations and recommendations of gravel review team members and agencies. A draft pre-extraction Plan shall be submitted to CDFW, CHERT, and other gravel review agencies for review and approval as early in the season as possible. A final extraction plan shall follow that incorporates the gravel review team members and agencies recommendations and conditions, and shall be submitted at least two weeks prior to proposed extraction activities. Gravel extraction under this Agreement may commence upon written approval (letter, e-mail, or fax) from CDFW.



The Annual Pre-Extraction Plan shall include the following:

1. The name, address, and telephone number of the Permittee.
2. The location of the extraction operation, its name, its legal description or latitude and longitude, and boundaries of the extraction operation marked on a U. S. Geological Survey 7.5 minute quadrangle map or scaled aerial photograph.
3. Ownership of the property, including government agencies if applicable, and the Assessor's Parcel Number.
4. Anticipated beginning and ending dates of the proposed work period.
5. A description of the approved and quantifiable procedure used for determining the upcoming season's extraction volume estimates. The Permittee or his appropriately-licensed agent shall certify that such an estimate is accurate to the best of their ability.
6. An estimate of gravel replenishment volume or bed degradation in cubic-yards from the previous extraction determined by comparison and overlay of post-extraction cross sections from the last extraction with current pre-extraction cross sections.
7. Any observable channel changes from the preceding year.
8. The method of extraction (skimming, trenching, wetland pit, etc.) and type of equipment that will be used.
9. Any biological or hydrological assessments or reports needed for approval of extraction activities, and any additional documentation needed to describe the proposed extraction activities.
10. A scaled color aerial photograph containing the information detailed below (more than one photograph may be used of the same area if needed to include all the information):
  - a. A delineation of all extraction areas with the exact location and limits of each extraction site.
  - b. The location of monitoring and extraction cross-sectional survey transects.

- c. The existing and proposed access and/or haul road locations.
- d. The location, number and type of stream crossings (e.g., dry channel crossing, temporary bridge wet channel crossing), installation and removal dates, and a plan view and cross-section drawings of typical or specific crossings (include the dimensions of major components of installation).
- e. The location of equipment storage, and permanent and temporary stockpile areas.
- f. The location of perennial wetlands, and wetland removal or restoration areas.
- g. The location of established riparian vegetation, and woody vegetation removal or revegetation areas.
- h. Aquatic or riparian enhancement or mitigation areas.
- i. A legend including the date of the photograph, stream flow and stage, name of operation and stream, scale, north arrow, and preparer's name.

2.4.6 *Pre-Extraction Willow Flycatcher Surveys.* If extraction or other disturbance project activities will occur before August 15 within 300-feet of potential willow flycatcher habitat (shrubby riparian vegetation), a qualified wildlife biologist shall assess, survey, and document in a report suitable habitat in or adjacent to the project area and determine if suitable habitat is occupied by willow flycatcher. The survey shall follow guidelines found in *A Willow Flycatcher Survey Protocol for California* (Bombay, et al. 2003), which can be obtained at the attached link:  
[http://www.dfg.ca.gov/wildlife/nongame/survey\\_monitor.html](http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html).

CDFW shall receive a report for review and concurrence summarizing assessment and survey results at least one week before extraction activities are to take place. If willow flycatchers are observed, the qualified wildlife biologist shall design appropriate extraction buffer widths and operational restrictions, and forward the operational report to CDFW for review and approval. Extraction activities shall not commence until CDFW has approved the operational report. CDFW shall strive to make the determination within 4-working days of receiving the survey report.

2.4.7 *Pre-Extraction Nesting Bird Surveys.* If extraction or other gravel bar disturbance project activities will occur before August 15, a qualified wildlife biologist shall assess, survey, and document in a report if gravel bar nesting birds such as killdeer (*Charadrius vociferous*) and

spotted sandpiper (*Actitus macularius*), or other riparian nesting birds are in or adjacent to the extraction areas. Pursuant to FGC Section 3503, it is unlawful to destroy the nest or eggs of any bird.

If nesting birds are detected, the qualified wildlife biologist shall design appropriate extraction buffer widths and operational restrictions, and forward the operational report to CDFW for review and approval. Extraction activities shall not commence until CDFW has approved the operational report. CDFW shall strive to make the determination within 4-working days of receiving the survey report.

- 2.5 Seasonal Restrictions on Gravel Extraction Activities. The gravel extraction work period in the stream corridor, as defined by the 100-year floodplain, shall be confined to the period June 15 to October 15, unless a written authorization to extend the work period is received from CDFW.

2.5.1 *Extension of the Work Period.* If weather conditions permit, and the Permittee wishes to extend the work period after October 15, a written request shall be made to CDFW at least 5-working days before the proposed work period variance. Written approval (letter, e-mail, or fax) for the proposed time extension must be received from CDFW prior to extraction activities continuing past October 15. An extension beyond October 15 will require the coordination and approval with other gravel review team members and agencies.

- 2.6 Water Quality Protections:

2.6.1 *Emergency Spill Response Plan.* An emergency spill response plan shall be prepared and submitted to CDFW for review and approval prior to the start of gravel extraction activities, except if plan has been previously submitted and no subsequent changes have been made. The plan shall identify the materials to be used and the actions that will be taken in the event of spill of petroleum products, fine sediment, or any other deleterious material harmful to aquatic or riparian life. The emergency response materials shall be kept at the project site to allow the rapid containment and clean-up of any spilled material.

2.6.2 *Emergency Spill Response.* Clean-up of all spills which could be hazardous or toxic to aquatic or riparian life shall begin immediately. The Permittee shall immediately notify the California Emergency Management Agency (Cal EMA) at 1-800-852-7550. CDFW shall be notified by the Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.

**2.6.3 Location of Gravel Processing Activities:**

1. **Plant Operations.** No washing, crushing, screening, or other plant operations shall occur within the stream channel, including the riparian vegetation buffer zone along the stream banks. All plant operations shall be located a minimum of 25-feet from existing riparian vegetation and shall not encroach into the existing riparian vegetation.
2. **Staging and Storage of Work Materials.** All staging and storage areas for mobile equipment, fuels, lubricants, and solvents shall be located above and outside of the active channel of the stream. Stationary equipment such as motors, pumps, generators, compressors, and welders located within a dry portion of the stream channel or adjacent to the stream channel shall be positioned over drip pans or other devices (i.e., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.
3. **Gravel Stockpiles.** Gravel may be temporarily stockpiled in the dry stream channel during extraction activities, and these areas shall be designated in the annual Pre-extraction Plan. Stockpiles shall be managed to minimize water and wind erosion. After October 1 temporary stockpiles shall be removed from the channel by the end of each workday. All stockpiles in the channel shall be permanently removed by October 15.

Permanent gravel stockpiles shall be located a minimum of 25-feet from the existing riparian vegetation to maintain a riparian vegetation buffer zone. Adequacy of the riparian buffer zone width shall be determined in consultation with CDFW. Any portion of a gravel stockpile within the riparian buffer zone shall be removed, unless consultation with CDFW concurs with a site specific variance.

Any encroachment or disturbance by gravel processing activities within the riparian buffer zone shall be restored through the facilitation of natural recruitment (e.g., removal of stock piles, decompaction of soils), or planting with regionally appropriate native riparian trees. A plan shall be prepared and submitted to CDFW for review and approval (see Measure 2.7.7). The restoration of the riparian buffer zone shall commence no later than two years from the identification of encroachment or disturbance by gravel processing activities.

4. **Contaminant Storage.** Any water containing chemical contaminants from the gravel processing activities shall be immediately pumped into a holding tank or into a settling pond with impermeable lining. These holding tanks or settling ponds shall be located outside the 100-year floodplain and riparian buffer zone.
5. **Construction Debris.** The Permittee shall not store or dispose of any litter or construction debris within the 100-year floodplain and riparian buffer zone. All debris and associated work materials (e.g., stakes, flagging, spray paint cans) shall be removed annually from the 100-year floodplain and riparian buffer zone.

2.6.4 **Use of Fill Materials.** No fill material shall be allowed to enter the live stream, other than clean river gravel as covered in this Agreement, and CDFW approved additions of LWD and large rock.

2.6.5 **Vehicle and Equipment Use.** Any vehicles or equipment driven or operated in stream channel and riparian buffer zone shall be checked and maintained daily to prevent leaks of deleterious materials that could be introduced into the stream. All mobile equipment maintenance, lubrication, and refueling shall be done outside of the stream channel and riparian buffer zone.

2.6.6 **Pesticides and Herbicides.** No pesticides or herbicides shall be used in the stream channel and riparian buffer zone without prior written approval of CDFW. Only pesticides or herbicides registered with and approved for use in or near water sources by the California Department of Pesticide Regulation (DPR) shall be used, and shall be applied in accordance with regulations set by DPR. Use of pesticides or herbicides may require additional approval with other local, state or federal agencies or entities.

2.6.7 **Beneficial Uses of Water.** Gravel extraction activities shall be conducted to protect on-site and downstream beneficial uses of surface water, and shall be in compliance with the Porter-Cologne Water Quality Control Act (Water Code Section 13000 et seq.), and the Federal Clean Water Act (33 U.S. Code Section 1251 et seq.).

2.6.8 **Siltation of Streams.** To minimize siltation of the stream, erosion and sedimentation shall be controlled during all phases of the gravel extraction activities, including final reclamation and closure.

2.6.9 **Wet Areas.** No vehicles or equipment shall be operated in the wetted stream channel, pools, or other perennial wet areas with surface water without prior approval of CDFW, except where otherwise



stipulated in this Agreement.

2.6.10 *Natural Drainages*. No natural drainages shall be covered, restricted, rerouted, or otherwise impacted by the extraction activities without prior approval of CDFW.

## 2.7 Riparian and Stream Habitat Protections:

### 2.7.1 *Restrictions on Riparian Vegetation Removal:*

1. *Removal of Vegetation and Overburden in Extraction Sites*. Any removal of native riparian vegetation and overburden (e.g., rock or soil spoils) in advance of the extraction activities shall be kept to a minimum.
2. *Removal of Vegetation Outside the Extraction Sites*. Native riparian vegetation outside of the delineated extraction sites shall not be removed or damaged without prior CDFW approval.
3. *Relocation of Vegetation*. Native woody riparian vegetation that is approved for removal from the extraction area shall be transplanted as feasible to locations pre-approved by CDFW. These locations shall be indicated on the annual Pre-extraction Plan map.
4. *Removal of Vegetation on Stream Banks*. No native riparian vegetation shall be removed from the bank of the stream, except where authorized for the construction of single-lane haul roads. Trees may be pruned where necessary along the haul roads to provide vehicle clearance and to prevent undue damage to the tree from vehicle traffic.
5. *Cutting of Trees*. Any trees that are CDFW approved for removal shall be cut at ground level and the root mass left in place to allow resprouting, maintain bank stability, and provide woody debris and habitat.

### 2.7.2 *Protection of Riparian Trees:*

1. *Tree Protection Specifications*. Native trees that exceed 4-inches diameter at breast height (DBH), and clusters of smaller native trees or shrubs shall not be removed or damaged except by prior approval of CDFW. If removal of trees over 4-inches DBH or clumps of smaller trees and shrubs, defined as part of a contiguous 1/8 acre complex or greater than 2-inches DBH, is part of the Pre-extraction Plan, a revegetation plan shall be prepared by a qualified

botanist or restoration ecologist with expertise in northwest California native plant communities and revegetation techniques (see Measure 2.7.7).

2. *Extraction Activities Restrictions near Protected Trees or Groups of Trees.* A buffer zone from within which no gravel may be extracted shall be established around the protected native trees and smaller groups of trees and shrubs. The buffer zone shall have a minimum horizontal width of 10-feet measured outward from the drip-line, and shall be visibly maintained with staking or flagging. A minimum of a 3:1 slope (horizontal over vertical rise) shall be maintained around the outward edge of this buffer zone.

- 2.7.3 *Aquatic or Riparian Mitigation and Enhancement.* Aquatic or riparian mitigation and enhancement activities shall be implemented to minimize seasonal and cumulative extraction impacts, and to compensate for unavoidable impacts of gravel extraction and processing activities within the stream corridor. Aquatic or riparian mitigation or enhancement activities shall be included in the Pre-extraction Plan with review and approval by CDFW, CHERT, and other gravel review agencies.

Aquatic or riparian mitigation or enhancement activities include but are not limited to, alcove creation or maintenance for off-channel habitat, LWD or boulder placements, gravel extraction designed for riparian or wetland vegetation establishment, riparian or wetland revegetation, footprint reduction (e.g., relocating permanent stockpiles or other processing facilities), vehicular traffic barriers, decommissioning access roads, invasive plant or animal removal, or non-project related trash removal.

- 2.7.4 *Invasive Plant and Noxious Weed Management.* Highly invasive plants or A-rated noxious weeds as identified in by California Invasive Plant Council's *California Invasive Plant Inventory Database* (<http://www.cal-ipc.org/paf/>) and California Department of Food and Agriculture's *Encycloweed* ([http://www.cdffa.ca.gov/plant/ipc/weedinfo/winfo\\_table-commname.htm](http://www.cdffa.ca.gov/plant/ipc/weedinfo/winfo_table-commname.htm)) shall be eradicated or controlled to prevent infestations and spread to new areas associated with disturbance and equipment traffic from gravel extraction activities in the stream channel, and riparian habitat.

A-rated noxious weeds are subject to a State enforced action involving eradication, quarantine regulation, containment, rejection, or other holding action, and the California Department of Food and

Agriculture's Humboldt County Commissioner will act as the state agent for removal.

**2.7.5 Maintenance of In-channel Roughness Elements:**

1. **Maintenance of In-stream Roughness Elements.** Removal or disturbance of natural in-channel roughness elements such as large woody debris (LWD) and boulders outside the extraction sites shall be avoided.
2. **Large Downed Trees and LWD.** Large downed trees and LWD within the stream channel or on the banks shall only be removed with the prior approval by CDFW. LWD or trees that have been approved for removal by CDFW shall be temporarily stockpiled. After completion of operations, the LWD shall be re-distributed at the direction of CDFW. LWD or trees greater than 12-inches in diameter and 20-feet in length shall be covered with streambed gravel to discourage the cutting or collection for use as firewood or lumber.
3. **Addition of In-channel Roughness Elements.** With prior approval of CDFW, the addition of LWD or other roughness elements (e.g., boulders or engineered log jams) may be introduced into the extraction sites or general project area to improve habitat. This activity shall be included in the Pre-extraction Plan, and may require the coordination and approval of other gravel review team members and agencies.

**2.7.6 Stream Bank Stabilization.** Stream bank stabilization projects shall be submitted to CDFW in a written plan for review and approval at least 30- calendar days prior to the proposed implementation date. The written plan shall include a project description with the proposed method, type and size of material to be used, biological assessments (e.g., listed or sensitive species surveys), and a site map showing specific locations. Streambank stabilization projects shall be disclosed or included with the Pre-extraction Plan, and may require the coordination and approval with other gravel review members or other local, state, or federal entities and agencies.

**2.7.7 Revegetation Plan:**

1. **Submittal of a Revegetation Plan.** A revegetation plan shall be submitted to CDFW for review and approval prior to commencement of any significant established riparian vegetation removal, or prior to implementation of riparian habitat restoration or

enhancement activities.

2. *Revegetation Plan Contents.* The Revegetation Plan shall at a minimum shall include the following elements:
  - a. Revegetation goals (e.g., self-sustaining native riparian vegetation) with quantifiable objectives.
  - b. The identification and area of the vegetation type(s) that will be impacted or restored.
  - c. A planting design appropriate to the vegetation type, cover, stratum, and level of biodiversity (i.e., species richness and composition). Use of a reference site is recommended.
  - d. A replacement ratio of 3:1 for all native trees removed over 4-inches DBH.
  - e. Use of regionally appropriate native plants for the vegetation type. The derivation of plant material such as containers, plugs, cuttings, divisions, or seeds from coastal Humboldt County.
  - f. Cuttings of willows, cottonwoods conducted when dormant. Collection of cuttings within an area dispersed to maintain genetic and sexual diversity, and to avoid adversely impact existing riparian vegetation. Cuttings hydrated between harvesting and planting (e.g., soak cuttings in water several days to a week to stimulate rooting prior to planting). Cuttings planted to depth of 75 percent of their length with buds pointing up and bottom of cutting in moist soil or water.
  - g. Planting conducted after the first seasonal rains have saturated soils beyond the first several inches (November/December) and before April.
  - h. No application of fertilizer on plants or chemical controls on weeds.
  - i. Soil stabilization where necessary to control erosion or establish plants. Application of native or non-invasive seeds, and clean/weed-free and biodegradable mulch or soil stabilization materials.
  - j. Maintenance of the plantings such as watering, weeding, protection, and replacement. Initial watering at time of planting for container plants, divisions, or plugs is recommended to settle air pockets around the roots and prevent desiccation. Subsequent watering is also recommended through first dry season (if plantings have no contact with moist soil or the water table) with weeding around plantings to improve plant survival.
  - k. Measurable success criteria based on plant survival, density, or cover.

- l. Monitoring for a minimum of three years to determine whether the revegetation goals and objectives have been met. Remedial measures if revegetation goals and objectives are not met.
- m. Reproducible photo points with landmarks taken after planting and during monitoring.
- n. Annual status report on the revegetation effort to CDFW in the spring of each year following initial planting for the length of the monitoring period.

## 2.8 Temporary Wet Stream Channel Crossings:

- 2.8.1 *Time Restrictions:* Temporary wet stream channel crossings shall be installed no earlier than June 30 and shall be removed no later than September 15 unless an extension has been approved by CDFW in writing. An extension beyond September 15 will require the approval of other gravel review team members and agencies. New crossings shall not be installed within an approved gravel extraction extension period.
- 2.8.2 *Number and Type.* The size and number of wet stream channel crossings shall be kept to a minimum. No more than two temporary bridge crossings shall be installed per year. All main channel crossings shall be spanned to the maximum length possible using either a railroad flatcar or bridge span. Culverts may be used in secondary channels with approval by CDFW.
- 2.8.3 *Crossing Locations.* Temporary wet stream channel crossing locations shall be situated to avoid sensitive salmonid habitat (e.g., known spawning areas and pools), disclosed and mapped in the annual Pre-extraction Plan, and approved by CDFW prior to placement.
- 2.8.4 *Heavy Equipment Use.* Heavy equipment trips across the wetted stream channel to install and remove crossings shall be kept to a minimum, and shall be limited to two passes to install and two to remove a bridge.
- 2.8.5 *Construction of Bridge Abutments.* Bridge abutments shall be constructed from washed/clean cobbles, logs, large concrete block or other appropriate materials that can be placed and removed with minimal adverse effects. Native gravel may be used for bridge abutments, abutment stabilizing structures, and bridge approaches if the wetted channel is fully spanned, or for the construction of the far side bridge abutment. If bridge abutments or approaches do not



span the channel, a base of clean washed rock shall be applied 6-inches above the water surface at time of construction and then topped with native gravel. If rock is not available native gravel may be used only if the application area is first lined with filter fabric and fully contained within K-rails. Other methods that will minimize sedimentation may be used with approval by CDFW.

- 2.8.6 *Bridge Deck Elevation.* Bridge installations shall be a minimum 3-foot elevation of the lowest point of the bridge above the water surface at time of installation.
- 2.8.7 *Removal of Crossings.* All wet stream channel crossings shall be removed within 10 days after gravel extraction operations cease, and no later than September 15 unless an extension has been approved by CDFW in writing. The crossing site shall be reclaimed upon crossing removal with all imported abutment materials removed from the stream channel and evacuated native gravels re-graded to approximate pre-construction topography.

## 2.9 Haul Roads

- 2.9.1 *Location.* Existing haul routes and roads shall be utilized to the maximum extent possible, except for poorly-placed and eroding haul roads, and portions of temporary haul roads situated on annually inundated gravel bars. Existing haul roads shall not expand into or encroach upon established riparian vegetation.
- 2.9.2 *Construction.* New haul roads shall be limited to a width of 20-feet and the alignment of a road shall be approved by CDFW prior to construction. New haul road construction through areas with established riparian vegetation shall require mitigation to compensate for temporary or permanent loss of habitat, and shall be evaluated by a qualified botanist or restoration ecologist. Proposed new haul roads shall be disclosed and mapped in the annual Pre-extraction Plan.
- 2.9.3 *Maintenance.* At the commencement of and during the gravel extraction season, existing and temporary haul roads may require grading to provide access to the extraction sites, and to maintain safe and efficient travel. The grading and maintenance of haul roads within the stream channel and bank consists of minor filling of cut banks scoured by winter high flow, excavation of deposited sediment from haul road surfaces, removal of spilled gravel from road surfaces, and frequent application of water for dust abatement during extraction activities.

## 2.10 Excavation of Wetland Pits and Point Bar Alcoves

2.10.1 *Wetland Pits*. If wetland pits are proposed as an excavation method, an excavation design and monitoring plan, and a wetland pit and channel reclamation plan shall be submitted to CDFW for review and written approval at least 30-calendar days prior to commencing excavation activities. The design and monitoring plan should include at minimum the following conditions:

1. *Location of Wetland Pits*. Wetland pits or oxbow excavations shall be located on surfaces that are subject to flow recurrence intervals of greater than 2 years, and downstream of the upper third of the exposed bar or terrace surface delineated on the aerial photograph accompanying the annual Pre-extraction Plan. Pit extractions shall be located so as to conform to natural openings in perennial vegetation and to limit disturbance to established riparian vegetation.
2. *Wetland Pit Shape*. The shape of the wetland pit shall follow existing topography or existing vegetation patterns such that the shape is irregular. The side slopes of the pit from ground level to the water level at time of extraction shall not exceed 3:1 (horizontal over vertical rise) to facilitate colonization by aquatic and riparian life, and the side slopes below the water level at time of extraction shall not exceed 2:1.
3. *Wetland Pit Depth Restriction*. The depth of the pit shall not exceed the maximum stream channel depth (thalweg) of the adjacent stream channel, unless approval is obtained in writing from CDFW. If extraction is proposed below the summer dry season capillary fringe elevation, a bullfrog (*Lithobates catesbeianus*) management plan shall be submitted to CDFW for review and approval prior to the extraction taking place. If bullfrog management cannot be undertaken, wetland pit extraction shall not extend below the capillary fringe.
4. *Habitat Enhancement of Wetland Pits*. Logs or LWD shall be placed in the pits to provide resting places for birds, amphibians, and aquatic reptiles. The woody debris shall be placed below, and at least partially above the water surface elevation of the pit.
5. *Monitoring and Fish Rescue Plan*. Fish can become trapped in wetland pits during high flows. Pre-extraction plans that propose wetland pits shall provide a CDFW approved fish rescue plan to identify and mitigate potential impacts to listed or sensitive fishes

stranded in the pits. The plan shall include one of the following measures with the first being the preferred measure: 1) a connection to the low flow channel at the downstream end for fish passage at close of the extraction season; or 2) snorkel surveys to monitor for juvenile fish stranding after flows that inundate the wetland pit have receded. If stranded State-listed species fish (i.e., coho salmon) are located and will require capture and relocation, an incidental take permit shall be obtained pursuant to FGC Section 2081(b). Mining of any wetland pit that becomes habitat for Federal-listed species will require additional contact with NMFS or the U.S. Fish and Wildlife Service (USFWS).

#### 2.10.2 *Point Bar Alcoves:*

1. *Use as Aquatic Habitat Enhancement.* Point bar alcove extractions may be proposed or maintained with gravel extraction activities as aquatic habitat enhancement or mitigation to provide off-channel habitat complexity and connectivity for fish and other aquatic species seeking food or refugia.
2. *Location of Alcoves.* Alcove extractions shall be located at the downstream end of the gravel bar, and shall avoid or minimize disturbance to established riparian vegetation.
3. *Alcove Size and Shape:* The alcove shape shall be designed to conform to natural topography and vegetation patterns such that the shape is irregular. The alcove shall be open to the low flow channel at the downstream end for fish passage at close of extraction season and after any resulting turbidity in the water from extraction has been allowed to settle out. The slopes of the alcove shall not exceed 3:1 (horizontal over vertical rise).
4. *Enhancement of Point Bar Alcoves.* Logs or LWD shall be placed in the alcoves as available to provide cover for fish and resting places for birds and amphibians. The woody debris shall be placed at least partially above the water surface elevation of the alcove.

2.11 Post-extraction Site Reclamation. Post-extraction reclamation activities include but are not limited to, removing gravel stockpiles from the stream channel, filling in low areas and depressions that may trap fish, reshaping gravel bars to meet the prescribed post-extraction slopes, removing constructed berms, re-contouring stream banks, and removing all work materials and debris. The following conditions shall apply:

2.11.1 *Seasonal Reclamation Time Period.* The gravel extraction areas shall

be reclaimed beginning October 1 and finished by October 15. Extraction sites shall be left in a reclaimed condition at the end of each work day for activities occurring after October 1. If an extension has been approved by CDFW in writing to extract gravel after October 15, the extraction area shall be left in a reclaimed condition at the end of each work day. In accordance with the conditions of this Agreement, CDFW shall be notified when the annual extraction and site reclamation activities have been completed (see Measure 1.6).

**2.11.2 *Temporary Gravel Stockpiles.*** Gravel stockpiles temporarily located within an extraction area shall be removed at the end of each work day for operations occurring between October 1 and October 15. All temporary stockpiles shall be removed from the stream channel by the end of the seasonal reclamation period of October 15.

**2.11.3 *Longitudinal and Cross-Sectional Slopes of Extraction Sites.*** Post-extraction gravel bar surfaces shall be left in a free draining condition; maintaining either a downstream slope, cross slope, or compound slope complimentary to the wetted main channel or secondary channel.

**2.11.4 *Finished Bar Surfaces.*** Extraction activities shall not result in a feature that will allow for the ponding of water or isolation of fish or other aquatic species from the main channel during high flows. The gravel extraction sites, temporary stockpile areas, and haul roads in the stream channel shall be left smooth with no pot holes or depressions. Natural features of streambed topography outside of the extraction site shall not be backfilled.

**2.11.5 *Cut-bank Slopes.*** Cut-bank slopes shall be re-contoured with stable slope profiles that conforms to the natural topography, and if adjacent to the flowing water of the active stream, re-contoured to be compatible with the local stream dynamics of the site.

## **2.12 Annual Post-extraction Procedures:**

**2.12.1 *Notification and Site Review.*** When seasonal gravel extraction and reclamation activities have been completed, CDFW, CHERT, and other gravel review agencies shall be notified. A final field review may be conducted to assess the extraction sites for Pre-extraction Plan and post-extraction reclamation compliance. A mutually agreeable field review date shall be scheduled by the Permittee or CHERT with at least a 5-working day notice to CDFW.

**2.12.2 *Post-extraction Aerial Photography.*** During the months of August

through October, after seasonal extraction and reclamation activities are completed, a post-extraction stereoscopic color aerial photography series shall be taken at a scale of approximately 1:12,000 to capture the stream channel at its lowest flow and to provide an aerial view of extraction sites. Photographs may be used for verifying compliance with Pre-extraction Plan, assessing geomorphic or biological effects, fisheries habitat mapping, extraction monitoring, and for archival purposes. The fall photographic coverage shall be equal to or greater than the coverage provided by the spring photographic series.

**2.12.3 *Post-extraction Cross-Sectional Surveys.*** After seasonal extraction and reclamation activities are completed, post-extraction cross-sectional surveys shall be conducted using pre-extraction cross-sectional transect placement (see Measure 2.3.1), and need only be re-surveyed through the portion of the transect altered by extraction, temporary stockpiles, construction of roads, and equipment storage areas. The cross-sectional surveys shall be used to generate comparative sets of extraction cross-sections depicting pre- and post-extraction topography, and volume estimates of material removed. The pre- and post-extraction cross-sectional survey information and analysis shall be incorporated into the Post-extraction Report submitted to CDFW.

**2.12.4 *Annual Post-extraction Submittal.*** Permittee shall submit to CDFW by January 15 of each year a Post-extraction submittal that shall include extraction methods and volumes, mitigation or enhancement activities, pre- and post-extraction survey profiles depicting original ground and volume calculations, full-channel survey profiles, hard copies of post-extraction aerial photographs, and any biological assessments and monitoring reports.

**2.12.5 *CHERT's Annual Post-extraction Report Submittal.*** Upon completion of CHERT's annual Post-extraction Report in February of each year or prior to the next annual extraction season, a copy shall be submitted to CDFW for review and archival purposes. The Post-extraction Report may be based in part on the Permittee's Post-extraction Report.

## **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:

Mr. Rob McLaughlin  
Eureka Ready Mix Concrete Company, Inc.  
4945 Boyd Road  
Arcata, CA 95521  
(707) 443-2791

To CDFW:

Department of Fish and Wildlife  
Region 1 - Northern  
619 2<sup>nd</sup> Street  
Eureka, CA 95501  
Attn: Lake and Streambed Alteration Program  
(707) 441-2075  
Notification # 1600-2019-0043-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.

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), 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 and include with the completed form payment of the corresponding amendment fee identified in CDFW's current fee schedule (see Cal. Code of Regs., title 14, Section 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 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 and include with the completed form payment of the minor amendment fee identified in CDFW's current fee schedule (see Cal. Code of Regs., title 14, Section 699.5).

## 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 and include with the completed form payment of the extension fee identified in CDFW's current fee schedule (see Cal. Code of Regs., title 14, Section 699.5). CDFW shall process the extension request in accordance with FGC Section 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 and notification fee before beginning or continuing the project the Agreement covers (FGC Section 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 the California Environmental Quality Act (CEQA); and 3) after payment of the applicable FGC Section 711.4 filing fee listed at [http://www.dfg.ca.gov/habcon/ceqa/ceqa\\_changes.html](http://www.dfg.ca.gov/habcon/ceqa/ceqa_changes.html).

## TERM

This Agreement becomes effective on the date of CDFW's signature and terminates at the end of **5 years from the effective date on January 31, 2019**, 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.

## 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

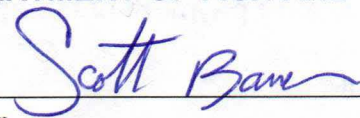
The undersigned accepts and agrees to comply with all provisions contained herein.

**FOR EUREKA READY MIX CONCRETE  
COMPANY, INC.**

  
\_\_\_\_\_  
Robert McLaughlin

5-30-19  
\_\_\_\_\_  
Date

**FOR DEPARTMENT OF FISH AND WILDLIFE**

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

5/31/19  
\_\_\_\_\_  
Date