

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: Cheri Sanville
Phone: 707-441-5901



Lead Agency (if different from above)
Humboldt County Dept. of Planning and Building
3015 H Street
Eureka, CA 95501
Contact: Steven Lazar
Phone: 707-445-7245

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

State Clearinghouse Number: 2015102005

Project Title: Whitmire Streams and Water Impoundment Project (Lake or Streambed Alteration Agreement No. 1600-2018-0648-R1)

Project Location: The project to be completed is located within the Mattole River watershed, approximately 8 miles west southwest of the town of Redway, County of Humboldt, State of California. The project is located in Section 33, T04S, R02E, Humboldt Base and Meridian; in the Briceland U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Numbers 220-191-029 and 220-191-027; latitude/longitude: 40.0626, -123.9615 at one stream crossing.

Project Description: The project is limited to three (3) encroachments (Table 1). Two proposed encroachments are to retroactively permit two crossings that were installed in 2017 without a permit. Work for these encroachments included excavation, removal of the failing culverts, replacement with new properly sized culverts, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion. The third encroachment is to retroactively permit the spillway and channel modifications for a reservoir that discharges into and encroaches into the stream bank of an unnamed tributary to McKee Creek. The Permittee shall monitor the reservoir for potential failure.

The Notification also discloses the use of a well located at Lat/Long 40.0638, -123.9581. This well is presented as the sole source of water for irrigation of commercial cannabis and other irrigation needs on the property. The map provided indicates there are two wells present. CDFW did not evaluate hydraulic connection of the well to surface water, nor was a hydrogeologic evaluation prepared by a licensed geologist provided for CDFW review.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
Crossing-1	40.0626, -123.9615	Retroactively permit placement and maintenance of existing 24" diameter culvert in a stream. Culvert was installed in 2017 without a permit after the crossing had failed that winter.
Crossing-2	40.0630, -123.9612	Retroactively permit placement and maintenance of existing 24" diameter culvert in a stream. Culvert was installed in 2017 without a permit after the crossing had failed that winter.
Streambank Encroachment by reservoir outlet channel	40.0638, -123.9631	Retroactively permit streambank encroachment by unpermitted off-stream reservoir outlet channel. Permittee shall ensure at least 2 feet of freeboard and ensure reservoir and spillway has capacity to carry 100-year rainfall event.

	Permittee shall monitor reservoir and outlet channel for signs of failure. Permittee agrees to implement a Bullfrog Management Plan. No stocking of fish is authorized by this Agreement.
--	---

The Notification also discloses a surface water diversion capable of withdrawing at 9 gallons per minute from McKee Creek located at Lat/Long: 40.0629, -123.9628. The onstream water diversion is presented as only being used for domestic water needs, and not for commercial cannabis or other commercial irrigation. However, Permittee declined to permit this water diversion in this Agreement, opting for a separate LSAA notification that is still in process with Sanctuary Forest, Inc., a nonprofit organization. This Agreement does not authorize this or any water diversion from McKee Creek or other surface waters.

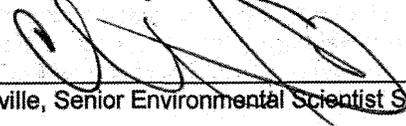
The Notification also discloses a ditch relief culvert that is hydrologically connected to McKee Creek located at Lat/Long: 40.0643, -123.9627. CDFW shall inspect this feature and if work is deemed necessary, Permittee may need to notify.

No other projects that may be subject to FGC1602 were disclosed. This Agreement does not retroactively permit any stream crossings, water diversions or other encroachments not described in Table 1 above.

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  _____ Date: 8/13/19

Cheri Sanville, Senior Environmental Scientist Supervisor

Date Received for filing at OPR: _____

Governor's Office of Planning & Research
AUG 14 2019
STATE CLEARINGHOUSE