

**To:**  
Office of Planning and Research

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**From:**  
Department of Fish and Wildlife  
Northern Region  
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Eureka, California 95501  
Contact: Cheri Sanville  
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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:** Hale Water Diversion and Stream Crossings Project (Lake or Streambed Alteration Agreement No. 1600-2018-0784-R1)

**Project Location:** The project to be completed is located within the South Fork Eel River watershed, approximately 3.5 miles northwest of the town of Redway, County of Humboldt, State of California. The project is located in Section 05, T04S, R03E, Humboldt Base and Meridian; in the Ettersburg and Miranda U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 220-312-031; latitude 40.1469 N and longitude 123.8780 W at the point of diversion (POD) on Seely Creek.

**Project Description:** The project is limited to three (3) encroachments (Table 1). Two encroachments are for water diversion. One is a direct diversion from mainstem Seely Creek and the other is from an unnamed tributary to Seely Creek. Water is diverted for domestic use and irrigation. Work for the water diversions will include use and maintenance of the water diversion infrastructure. The other proposed encroachment is to upgrade a failing and undersized culvert. Work for this encroachment will include excavation, removal of the failing culvert, replacement with new properly sized culvert, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
Crossing-1	40.1482, -123.8776	Install rock armor at inlet and outlet of existing 48" diameter culvert. The original notification erroneously listed this as 36" diameter culvert, and recommended replacing it with a 48" diameter culvert. The CDFW site inspection revealed that the existing culvert was 48" in diameter, and is in need of rock armoring, but is not needing replacement at this time.
POD-1	40.1496, -123.8768	Surface water diversion in perennial stream, unnamed tributary to Seely Creek.  During the diversion season, Permittee shall <b>bypass 90%</b> of stream flow.  Rate of diversion shall be no more than <b>3 gallons per minute</b> .

		<p>Permittee shall implement seasonal diversion minimization from <b>May 15 – October 31</b> of each year when no more than <b>200 gallons per day</b> may be diverted.</p> <p>Permittee shall submit <b>Diversion Infrastructure Plan</b> within <b>60 days</b> of the effective date of this Agreement.</p>
POD-2	40.1469, -123.8780	This POD is no longer in use, and the Permittee agrees that no surface water diversion shall occur from the perennial stream, Seely Creek. The Permittee may choose to amend the Agreement in the future to potentially authorize direct diversion from Seeley Creek, but this POD is not authorized by this Agreement.

Permittee has disclosed an existing reservoir (lat./long.: 40.1474, -123.8759) described as a lined 200,000 gallon rainwater catchment pond. Permittee has agreed to install wildlife exits to prevent entrapment by wildlife

Permittee has disclosed four (4) additional stream crossings on the parcel that are not covered by this Agreement. The CDFW site inspection determined that these crossings were functional and did not require work at this time. In the event any work to maintain, repair or reconstruct the crossings is deemed necessary, Permittee shall notify CDFW prior to conducting work.

Additional culvert locations (lat./long.):

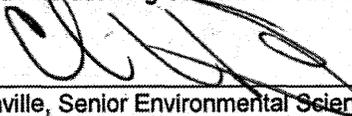
40.1510, -123.8788; 40.1505, -123.8791; 40.1512, -123.8764; 40.1514, -123.8756.

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   
Cheri Sanville, Senior Environmental Scientist Supervisor

Date: 8/13/19

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

Governor's Office of Planning & Research

AUG 14 2019

STATE CLEARINGHOUSE