

**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:** Benemann Water Diversion Project (Lake or Streambed Alteration Agreement No. 1600-2018-0350-R1)

**Project Location:** The project to be completed is located within the Mattole River watershed, approximately 1.3 miles southeast of the town of Petrolia, County of Humboldt, State of California. The project is located on Assessor's Parcel Numbers 105-111-016 and POD-1 is located on 104-171-004.

**Project Description:** The project is limited to two (2) encroachments (Table 1). One encroachment is for water diversion from an unnamed tributary to Clear Creek. Work for the water diversion will include use and maintenance of the water diversion infrastructure, and seasonal restrictions on allowable amounts of water diversion. The other encroachment is for water diversion from a shallow, hydrologically connected water well that is located within the Mattole River floodplain. This existing well shall be maintained, and water will be extracted for domestic use.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
POD-1	40.3090, -124.2696	Maintain water diversion infrastructure in a perennial stream for domestic water use. Rate of diversion shall be no more than 3 gallons per minute. From May 15 – July 31, Permittee shall limit total diversion to no more than 150 gallons per day Permittee shall implement a forbearance period of August 1 – October 15, when no water diversion shall take place. During the diversion season, Permittee shall bypass 90% of flow.
POD-2	40.3120, -124.2691	Water diversion from shallow hydrologically connected well. Permittee shall provide water diversion reporting annually.

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:*

11/21/19

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

Governor's Office of Planning & Research

**NOV 22 2019**

**STATE CLEARINGHOUSE**