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

State Clearinghouse Number: 2015102005

Project Title: Stafslie Water Diversion and Stream Crossing Project (Lake or Streambed Alteration Agreement No. 1600-2018-0831-R1)

Project Location: The project to be completed is located within the South Fork Eel River watershed, approximately 5.7 miles east southeast of the town of Leggett, County of Mendocino, State of California. The project is located in Section 15, T23N, R16W, Mt. Diablo Base and Meridian; in the Tan Oak Park U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 012-690-48; latitude 39.8380 N and longitude -123.6150 W at a point of diversion (POD).

Project Description: The project is limited to nine (9) encroachments (Table 1). Two encroachments are for water diversion from unnamed tributaries to Foster Creek. Water is diverted for domestic use and proposed irrigation. Water for Cannabis irrigation is covered under Water Right No. 505127. Work for the water diversion will include use and maintenance of the water diversion infrastructure. Six (6) other proposed encroachments are to upgrade failing and undersized culverts and crossings. Work for these encroachments will include 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. One encroachment is for the assessment of a seasonal stream that has been buried by site development and requires CDFW inspection to determine whether stream restoration is warranted. This encroachment may not meet Fish and Game Code nor other state code as it relates to stream protection measures.

Extensive site development has occurred on the parcel in 2019, including the development of new commercial cannabis cultivation infrastructure, significant grading and road development. While notification materials indicated that such developments were "proposed" the available evidence shows that significant development has already occurred in 2019. CDFW site inspection is necessary to determine if instream work has been completed without a permit pursuant to FGC 1602.

No other projects that may be subject to FGC section 1602 were disclosed. This Agreement does not retroactively permit any stream crossings, water diversions or other encroachments not described in Table 1.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
Crossing-1	39.8380, -123.6151	Replace existing culvert with minimum 24" diameter culvert. Culvert shall be of sufficient length to prevent erosion from roadbed entering the stream.
Crossing-2	39.8396, -123.6125	Replace existing culvert with minimum 18" diameter culvert. Culvert shall be of sufficient length to prevent erosion from roadbed entering the stream.

ID	Latitude/Longitude	Description
Crossing-3	39.83961, -123.6124	Replace existing culvert with minimum 24" diameter culvert. Culvert shall be of sufficient length to prevent erosion from roadbed entering the stream.
Crossing-4	39.83964, -123.6124	Replace existing culvert with minimum 30" diameter culvert. Culvert shall be of sufficient length to prevent erosion from roadbed entering the stream.
Crossing-5	39.8391, -123.6177	Replace existing culvert with minimum 60" diameter culvert. Culvert shall be of sufficient length to prevent erosion from roadbed entering the stream.
Crossing-6	39.8401, -123.6167	Replace existing culvert with minimum 18" diameter culvert. Culvert shall be of sufficient length to prevent erosion from roadbed entering the stream.
Pad-Xing	39.8378, -123.6155	Seasonal stream buried under development, conveyed with an undersized 18" diameter culvert. Pending a CDFW site inspection, which shall inform the extent of stream restoration necessary for this site, Permittee shall ensure that the existing culvert is clear of debris and functions properly to prevent discharge of sediment to streams. Based on CDFW site inspection, additional work and/or a stream restoration plan may be necessary at this site.
POD-1	39.8380, -123.6150	Instream water diversion intended for domestic use. Permittee shall bypass 90% of stream flow. Rate of diversion shall be no more than 1 gallon per minute . Permittee shall implement seasonal diversion minimization and limit total daily diversion to 200 gallons per day from April 1 – December 14 . Permittee shall submit a Diversion Infrastructure Plan and a Water Management Plan to CDFW for approval within 60 days of the effective date of this Agreement.
POD-2	39.8417, -123.7720	Instream water diversion intended for a newly proposed commercial cannabis cultivation operation. Cover under Small Irrigation Use Registration No. H505127. Permittee shall bypass 90% of stream flow. Rate of diversion shall be no more than 1 gallon per minute . Permittee shall implement full forbearance from April 1 – December 14 , when no water diversion is authorized. Permittee shall submit a Diversion Infrastructure Plan and a Water Management Plan to CDFW for approval within 60 days of the effective date of this Agreement.

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