

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: Oliver Water Diversion, Impoundment and Stream Crossings Project (Streambed Alteration Agreement No. 1600-2018-0679-R1)

Project Location: The project is located within the Van Duzen River watershed, approximately 1.8 miles southwest of Dinsmore, County of Humboldt, State of California; Section 17, T1N, R5E Humboldt Base and Meridian, in the Larabee Valley U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 210-221-013; latitude, longitude: 40.4697, -123.6303 at the first point of diversion (POD-1).

Project Description: This Agreement relies on the Notification materials and a desk review without a CDFW site inspection. The project is limited to nine encroachment(s) (Table 1). Two encroachments are for water diversion infrastructure use and removal from unnamed tributaries to the Van Duzen River. At POD-1, water is diverted for domestic use only. Work for the water diversion will include use and maintenance of the water diversion infrastructure. At POD-2, the Permittee has elected to decommission diversion infrastructure and cease all water diversion for any purpose. Three encroachments are for onstream reservoirs utilized for domestic purposes only and shall be subject to CDFW site inspection and coordination with North Coast Waterboards and Division of Water Rights. The four other proposed encroachments are to upgrade undersized stream crossings. Work for these encroachments will include excavation, removal of the failing crossings, replacement with new properly sized crossings, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion.

Table 1. Project Encroachments Covered by this Agreement with Description

ID	Latitude/Longitude	Description
POD-1	40.4697, -123.6303	Spring diversion for domestic use only.
POD-2	40.4706, -123.6267	Remove concrete instream diversion and cease all water diversion at this POD.
Onstream Reservoir-1	40.4707, -123.6279	Onstream reservoir, approximately 200,000 gallons, that is tributary to Van Duzen River. Permittee intends to file water rights for domestic use as aesthetic and wildlife only. No water diversion is authorized by this Agreement.
Onstream Reservoir-2	40.4706, -123.6274	Onstream reservoir, approximately 10,000 gallons, that is tributary to Van Duzen River. Permittee intends to file water rights for domestic use as aesthetic and wildlife only. No water diversion is authorized by this Agreement.
Onstream Reservoir-3	40.4700, -123.6293	Onstream reservoir, approximately 130,000 gallons, that is tributary to Van Duzen River. Permittee intends to file water rights

ID	Latitude/Longitude	Description
		for domestic use. Work includes: remove plastic liner from spillway, create rock armored channel and hydrologically disconnect French drain from cannabis cultivation area.
Crossing-1	40.4705, -123.6282	Replace undersized 12" diameter culvert with minimum 30" diameter culvert.
Crossing-2	40.4709, -123.6281	Replace undersized 24" diameter culvert with minimum 42" diameter culvert. Permittee may propose alternative crossing design to CDFW for review and approval, such as a vented ford in order to accommodate the reservoir spillway design.
Crossing-3	40.4725, -123.6282	Replace undersized 12" diameter culvert with minimum 30" diameter culvert.
Crossing-4	40.4721, -123.6300	Replace undersized 8" diameter flex-pipe culvert with minimum 24" diameter culvert. Permittee shall remove fencing from stream channel to allow for unobstructed flow.

Permittee disclosed:

- Rainwater catchment reservoir 4 (located at approximately 40.4697, -123.6293)
- Rainwater catchment reservoir 5 (located at approximately 40.4695, -123.6285)

The Notification states these reservoirs are not hydrologically connected to streams or wetlands, and do not require notification under FGC 1602. If it is determined that these reservoirs require notification under FGC 1602, that work must be covered by a major amendment or a separate Notification.

No other projects that may be subject to FGC section 1602 were disclosed. This Agreement does not retroactively permit any constructed reservoirs (including "ponds"), stream crossings, water diversions, modifications to riparian buffers, or other encroachments not described in Table 1.

Determination: 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:

Date Received for filing at OPR: _____