

To:
 Office of Planning and Research
 For U.S. Mail:
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Street Address:
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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)
 County of Mendocino
 860 N. Bush Street
 Ukiah, CA 95482
 Contact: Mary Lynn Hunt
 Phone: 707-234-6650

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

State Clearinghouse Number: 2016112028

Project Title: Cass Spring and Pond Diversions (Lake or Streambed Alteration Agreement No. 1600-2019-0163-R1)

Project Location (include county): The project to be completed is located within the Middle Fork Eel River watershed, approximately 11 miles north east of the town of Covelo, County of Mendocino, State of California. The project is located in Section 25, T23N, R11W, Mt. Diablo Base and Meridian; in the Newhouse Ridge U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcels 032-293-02; latitude 39.8263 N and longitude -123.03828 W.

Project Description: The project is limited to 3 encroachments (Table 1). Water sources are three hillside springs tributary to an unnamed tributary to Rose Creek. Spring 1 drains into a small pond (Pond-1) which is not diverted for cannabis irrigation. Spring 2 is the primary source of water for cannabis irrigation and domestic purposes. Spring 3 is generally not used but could be used early spring for diversion to storage for cannabis. Work for these encroachments includes potential modifications to the diversion infrastructure to comply with the terms of this Agreement and use and maintenance of the points of diversion (PODs).

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
Spring-1	39.8258, -123.0379	Developed spring included as one of three spring PODs in Certificate H100459. Spring drains into small pond. No diversion for cannabis.
Spring-2	39.8261, -123.0378	Developed spring included as one of three spring PODs in Certificate H100459. Existing POD used for commercial irrigation and domestic purposes. Diversion infrastructure may require modification to comply with the terms of this Agreement.
Spring-3	39.8258, -123.0384	Spring included as one of three spring PODs in Certificate H100459. May be used as a POD for cannabis. Diversion infrastructure may require modification to comply with the terms of this Agreement.

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.

Table 2. Projects that are not included as covered activities

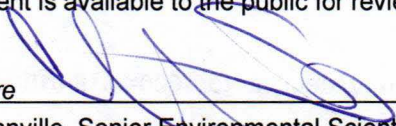
ID	Latitude/Longitude	Description
Pond-1	39.8260, -123.0379	Pond filled by passive diversion from spring 1 and described as a wildlife pond.

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:

10/16/19

Cheri Sanville, Senior Environmental Scientist Supervisor
Governor's Office of Planning & Research

Date Received for filing at OPR: **OCT 16 2019**

STATE CLEARINGHOUSE