



To:
Office of Planning and Research
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From:
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Eureka, California 95501
Contact: John Herrera
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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: Merker Water Diversion and Stream Crossing Project (Lake or Streambed Alteration Agreement No. EPIMS-03603-R1)

Project Location: The project to be completed is located within the Eel River watershed, approximately 6 miles southeast of the City of Willits, County of Mendocino, State of California. The project is located in Section 36, T18N, R13W, Mt. Diablo Base and Meridian; in the Laughlin Ridge U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 105-300-42; latitude 39.3665 N and longitude 123.2582 W at the first stream crossing (STX-1).

Project Description: The project is limited to two encroachments (Table 1). One 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. Work shall not commence until CDFW has reviewed and approved stream crossing design plans as stated in Sections 2.36 and 3.1 of this Agreement.

The other encroachment is for the impoundment of water in an on-stream pond located on an unnamed tributary to Davis Creek. Water is diverted for aesthetic use only. The pond is existing, and no work is proposed. This Agreement does not cover any work that may be necessary. Diversion of water from the pond for consumptive use is not covered by this Agreement. As mentioned below in this Agreement, a pond inspection report including evaluation of any potential adverse effects to downstream resources is needed. If the result of the inspection shows that improvements are necessary, the improvements shall be completed, or the pond will need to be rendered incapable of impounding water. Any work will need to be covered under an Amendment or separate Notification.

The Permittee has disclosed a domestic spring diversion (located at approximately 39.3662, -123.2582). This spring water diversion was stated to not be in use. Water diversion sources that were disclosed in the Notification, but not included as 1602 projects with fees, are not covered under this Agreement. If the Permittee wants to use the water source again in the future, the diversion may need to be covered under a major amendment or a separate Agreement.

The Notification also discloses the use of a well located at Lat/Long 39.3662, -123.2582, which is in close proximity to the spring mentioned above. This well is presented as the sole source of water for all needs on the property. CDFW did not evaluate hydraulic connection of the well to surface water, nor was a hydrogeologic evaluation prepared by a licensed geologist provided for CDFW review.

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.

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: 2/20/2020

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

Date Received for filing at OPR: FEB 24 2020

STATE CLEARINGHOUSE