

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)
County of Mendocino
860 N. Bush Street
Ukiah, CA 95482
Contact: Julia Acker
Phone: 707-234-6650

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

State Clearinghouse Number: 2016112028

Project Title: Allen Stream Crossings, Water Diversion and Impoundment Project (Lake or Streambed Alteration Agreement No. 1600-2019-0394-R1)

Project Location: The project to be completed is located within the Eel River watershed, approximately 7.3 miles east northeast of the town of Leggett, County of Mendocino, State of California. The project is located in Section 26, T24N, R16W, Mt. Diablo Base and Meridian; in the Bell Springs U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 011-920-10; latitude 39.9015 N and longitude 123.5940 W at the point of diversion (POD).

Project Description: The California Department of Fish and Wildlife has executed Lake and Streambed Alteration Agreement number 1600-2019-0394-R1, pursuant to Section 1602 of the Fish and Game Code to Jamedean Allen. The project is limited to 6 encroachment(s) (Table 1). One encroachment is for an onstream impoundment of unnamed tributaries to Blue Rock Creek and another encroachment is water diversion from that onstream reservoir. Water is diverted for domestic use. Permittee also intends to divert water from this impoundment for irrigation of commercial cannabis pursuant to State Water Code. Work for the water diversion will include use and maintenance of the water diversion infrastructure. The third encroachment is for the installation of an emergency spillway on a hydrologically connected reservoir. The three remaining proposed encroachments are to upgrade failing and undersized stream crossings, and/or to decommission them and restore the stream channel. Work for these encroachments may 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 with Description

ID	Latitude/Longitude	Description
Onstream Reservoir and POD-1	40.0187, -123.8443	Onstream reservoir and Point of Diversion (POD) diverts water from the reservoir for domestic use and proposed commercial cannabis cultivation. The reservoir shall be subject to further evaluation by CDFW in coordination with SWRCB, Division of Water Rights. The Permittee shall submit an Invasive Species Management Plan for Reservoirs by May 31, 2020 for CDFW approval; or adopt the Bullfrog Management Plan (Exhibit A) if no other invasive species are present.
Crossing #8	39.9022, -123.5968	Existing reservoir with 24-inch diameter overflow culvert that outlets to a stream. An emergency spillway will be installed. Water

ID	Latitude/Longitude	Description
		from the reservoir is used for commercial cannabis cultivation. The reservoir shall be subject to further evaluation by CDFW in coordination with SWRCB, Division of Water Rights.
Crossing #3	39.8998, -123.5920	Replace existing culvert with minimum 30" diameter culvert set at grade.
Crossing #4	39.9025, -123.5886	Install a minimum 18" diameter culvert to realign an intercepted stream.
Crossing #7	39.9047, -123.5903	Decommission failed stream crossing; remove existing infrastructure and set back slopes. The decommissioning does not require the removal of a large oak tree, and the tree shall be protected in the process of decommissioning. Pull back slopes and implement erosion control.

The Notification also disclosed:

- Crossing #1: existing 18" diameter culvert (Lat/Long: 39.9012, -123.5930)
- Crossing #2: existing 18" diameter culvert (Lat/Long: 39.9007, -123.5927)
- Crossing #5: existing 18" diameter culvert (Lat/Long: 39.9028, -123.5888)
- Crossing #6: existing 48" diameter culvert (Lat/Long: 39.9035, -123.5905)

The Notification states these stream crossings are in good condition and meeting current performance standards. CDFW recommends minimum 24-inch diameter stream crossing culverts where there is potential for transport of large woody debris or sediment during flood flows. Existing stream crossings disclosed in the Notification, but not included as 1602 projects with fees, are not covered under this Agreement. If maintenance (such as armoring) and/or replacement become necessary, 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 _____ Date: _____
Cheri Sanville, Senior Environmental Scientist Supervisor

Governor's Office of Planning & Research

Date Received for filing at OPR: _____

MAY 14 2020

STATE CLEARINGHOUSE