

Notice of Determination

TO: Office of Planning and Research **FROM:** Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Contact: Cheri Sanville
Phone: (707) 441-5901

For U.S. Mail:
P.O. Box 3044
Sacramento, CA 95812-3044

Street Address:
1400 Tenth Street
Sacramento, CA 95814

LEAD AGENCY (if different from above):
Humboldt County
3015 H Street
Eureka, CA 95501
Contact: Steve Lazar
Phone: (707) 445-7541

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

State Clearinghouse Number: 2017042022

Project Title: Aquarian Water Diversion and Stream Crossings Project (Lake or Streambed Alteration Agreement No. 1600-2018-0442-R1)

Project Location: The project to be completed is located within the Eel River watershed, approximately seven miles east of the town of Garberville, County of Humboldt, State of California. The project is located in Sections 19, 20, and 30, T04S, R05E, Humboldt Base and Meridian; in the Harris U.S. Geological Survey 7.5-minute quadrangle; Humboldt County Assessor's Parcel Numbers 216-081-013, 216-135-015, 216-135-010, 216-135-008, and 216-136-004; latitude 40.102511 N and longitude 123.653365 W at the first point of diversion.

Project Description: The project is limited to 20 encroachments (Table 1). Five encroachments are for water diversion from unnamed tributaries to Perington Creek. Water is diverted for domestic use and irrigation. Work for the water diversions will include use and maintenance of the water diversion infrastructure. Three other proposed encroachments are for maintenance, use, and decommissioning/restoration of existing ponds. The 12 other proposed encroachments are to upgrade failing and 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.

This is to advise that the California Department of Fish and Wildlife (CDFW), acting as the lead agency / a responsible agency approved the above-described project and has made the following determinations:

1. The project will / will not have a significant effect on the environment. (This determination is limited to effects within CDFW's jurisdiction when CDFW acts as a responsible agency.)
2. An environmental impact report / A negative declaration / A timber harvesting plan was prepared for this project pursuant to CEQA.
3. Mitigation measures were / were not made a condition of CDFW's approval of the project.
4. A Statement of Overriding Considerations was / was not adopted by CDFW for this project.
5. Findings were / were not made by CDFW pursuant to Public Resources Code § 21081(a).
6. Compliance with the environmental filing fee requirement at Fish and Game Code § 711.4 (check one):
 - Payment is submitted with this notice.
 - A copy of a receipt showing prior payment is on file with CDFW.
 - A copy of the CEQA Filing Fee No Effect Determination Form signed by the Department is attached to this notice.

- Lead Agency certification: CDFW, as Lead Agency, has made the final EIR with comments and responses and record of project approval, or the Negative Declaration, available to the General Public at the CDFW office identified above.
- Responsible Agency statement: The final EIR that was prepared by the Lead Agency for this project is available to the General Public at the office location listed above for the Lead Agency.

Signed: _____
Cheri Sanville
Senior Environmental Scientist Supervisor
Northern Region

Date: 8/23/19 _____
Governor's Office of Planning & Research

AUG 26 2019

Date Received for filing at OPR:

STATE CLEARINGHOUSE