

**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: John Herrera  
 Phone: 707-962-9044



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:** Atherton Ocean Gold Farms Stream Crossing Project (Lake or Streambed Alteration Agreement No. 1600-2020-0273-R1)

**Project Location:** The project is located within the Dry Creek watershed, approximately 1.2 miles north of the town of Yorkville, County of Mendocino, State of California; Section 5, T12N, R12W, Mt. Diablo Base and Meridian, in the Yorkville U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 049-230-64; latitude 38.9146 N and longitude 123.2185 W at the first stream crossing (STX-1).

**Project Description:** The project is limited to one encroachment. The one proposed encroachment is to install a new stream crossing culvert on an existing road. The crossing location is lacking any crossing infrastructure and has been functioning as an unimproved low water crossing that has created an erosive scar on the downstream edge. The eroded downstream side will need the vertical slopes of the stream channel laid back to at least a 2:1 ratio. Work for this encroachment will include excavation, placement with new properly sized crossings, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion.

Project activities shall require pre-construction surveys by a Designated Biologist if surface water is present within three days before commencement or becomes present during construction.

During the site visit, CDFW observed additional features of interest (Table 2).

Table 2. Additional features of interest not covered by this Agreement

ID	Latitude/Longitude	Description
LWC-1	38.9151, -123.2185	Existing unimproved low water crossing. No crossing infrastructure in place. Located on spur road off the main driveway and provides access to a cultivation area. Located upstream of STX-1 on same stream. No motor vehicle shall drive through crossing when surface water or saturated conditions are present. If maintenance, improvement (such as armoring) and/or replacement become necessary, that work must be covered by a major amendment or a separate Notification.
Road scour Location 1	38.9180, -123.2175	Improper road drainage caused unnatural eroded channel on a hillside which connects to surface waters of the State. Road needs to be hydrologically disconnected from the stream. Unknown if this feature is on Permittee's property or neighbor's property. If any proposed work includes installing a culvert at this location that will continue to drain water to the nearby stream, then that work must be covered by a major amendment or a separate Notification.
Road scour Location 2	38.9195, -123.2169	Improper road drainage caused unnatural eroded channel on a hillside which connects to surface waters of the State. Older than Road scour Location 1 and more extensive erosion. Road needs to be hydrologically disconnected from the stream. Unknown if this feature is on Permittee's property or neighbor's property. If any proposed work includes installing a culvert at this location that will continue to drain water to the nearby stream, then that work must be covered by a major amendment or a separate Notification.

The features described in Table 2 are not all in good condition or meeting current performance standards. LWC-1 is functioning but needs improvements if it will be used as a road with vehicle traffic. 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.

The Notification also discloses the use of a well located at Lat/Long 38.9151, -123.2188. 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. Based on the available resources, and the site inspection, the well is likely hydraulically connected to streams and/or springs.

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@wildlife.ca.gov** Digitally signed by cheri.sanville@wildlife.ca.gov  
DN: CN=cheri.sanville@wildlife.ca.gov  
Reason: I am the author of this document  
Location: CDFW 619 2nd Street Eureka, CA  
Date: 2020-11-16 10:24:46  
Foxit PhantomPDF Version: 9.6.0 *Date:* \_\_\_\_\_

Cheri Sanville, Senior Environmental Scientist Supervisor

Date Received for filing at OPR: \_\_\_\_\_