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

State Clearinghouse Number: 2016112028

Project Title: Jellison 101 Farms Stream Crossings, Restoration, Pond, and Water Diversions Project (Lake or Streambed Alteration Agreement No. 1600-2019-0236-R1)

Project Location: The project is located within the Tenmile Creek watershed, approximately 7.6 miles northwest of the town of Laytonville, County of Mendocino, State of California; Section 7, T22N, R15W, Mt. Diablo Base and Meridian, in the Tan Oak Park U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 013-540-46; latitude 39.7716 N and longitude 123.5762 W at the first point of diversion (POD1).

Project Description: The project is limited to 14 encroachments (Table 1). Three encroachments are for water diversion from unnamed tributaries to Tenmile Creek. Water is diverted for domestic use at PODs 2 & 3 and irrigation at the on-stream pond (POD-1). CDFW could find no records of water rights associated with diversions at POD-2 and POD-3. Work for the water diversion will include use and maintenance of the water diversion infrastructure. If diversion infrastructures are inconsistent with the measures in this Agreement, then they shall be removed or modified, and the Permittee shall install new water diversion structures consistent with this Agreement. One of the water diversions is from an existing on-stream pond and the other two are spring diversions. The diversion at POD-3 is equally split between the Permittee and a neighbor. The Permittee and all other water users shall cooperate with the POD owner to achieve compliance in a coordinated fashion.

The on-stream pond diversion encroachment also includes the proposed reconstruction of the dam and spillway for the on-stream pond. The spillway culvert is undersized and improperly installed with a bend in the middle of the dam. The dam is also showing signs of failure and will be reconstructed when the new spillway culvert is installed. Currently, the sloped road west of the dam drains runoff directly onto the dam face, draining over the downstream edge. This has led to seasonal saturation on the top of the dam surface/road, as well as surface erosion of the outer face of the dam. A drainage dip will be installed just to the west of the dam surface to direct road runoff downhill towards the new culvert outlet rather than over the dam face. Work for this encroachment will include draining the pond, excavating the dam, removal of the undersized culvert, replacement with new properly sized culvert with no kinks or bends, backfilling and mechanical compaction of fill, and rock armoring as necessary to minimize erosion. Construction activities for this encroachment shall not commence until the Dam Reconstruction and Design Plans are reviewed and approved by CDFW.

Six proposed encroachments are to upgrade failing and undersized stream crossings. Work for these encroachments will include excavation, removal of the failing culverts, replacement with new properly sized culverts, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion. Two proposed encroachments are to rock armor existing stream crossing culverts as necessary to minimize erosion.

One encroachment is for culvert removal, stream restoration, and revegetation on an unnamed tributary to Grub Creek (STX-6). An undersized culvert is located on a legacy road that is no longer in use. In-stream work for this encroachment will include excavation and removal of the unpermitted culvert. Stream restoration activities such as bank stabilization, grading, channel clearing and revegetation are proposed to return the channel to natural conditions using an undisturbed upstream reference reach as a guide. Construction activities for this encroachment shall not commence until the Stream Restoration Plan and Revegetation Plan are reviewed and approved by CDFW.

One encroachment is for a stream crossing upgrade and improvement (STX-9) with two components, 1) an existing stream crossing that has diverted a stream out of its natural channel will have a new culvert installed; and 2) a unused legacy road directly below the stream crossing and lacking any stream crossing infrastructure will be restored to its natural contours and the disturbed area will be revegetated. At the stream crossing site on the main road, the stream does not cross the road but enters an inboard ditch and flows downhill into a projecting ditch relief culvert (DRC). Flow out of the DRC has eroded an incised ditch that flows roughly 60 feet before meeting up with original channel. A new culvert will be installed in line with the stream channel at the site of the stream crossing to disconnect flow from the ditch. Below the new crossing on the legacy road, the fill will be removed, and the stream channel will be restored, re-vegetated, and recontoured as close to the original condition as possible. Work for the second component will include excavation and removal of the fill. Stream restoration activities such as bank stabilization, grading, channel clearing and revegetation are proposed to return the channel to natural conditions using an undisturbed upstream reference reach as a guide. Construction activities for this encroachment shall not commence until the Stream Restoration Plan and Revegetation Plan are reviewed and approved by CDFW.

The final encroachment (DRC-2) is to remove a ditch relief culvert that has become hydrologically connected to a nearby stream and to disconnect the contributing inboard ditch. The culvert will be replaced with an out-sloped rock-lined dip. The associated inboard ditch will be filled, and the road will be out-sloped. A second out-sloped rock-lined ditch will be installed on the road 150 ft uphill of the first dip. Work for this encroachment will include, excavation, removal of the ditch relief culvert, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion.

Project activities at all stream crossings and the on-stream pond shall require pre-construction surveys by a Designated Biologist if surface water is or becomes present during construction.

The Permittee disclosed additional features of interest (Table 2).

The Notification states these stream crossings and other features in Table 2 are in good condition and meeting current performance standards. 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.

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

Date Received for filing at OPR: _____