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Office of Planning and Research

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**From:**  
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Lead Agency (if different from above)  
County of Mendocino  
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Contact: Julia Acker  
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**SUBJECT: Filing of Notice of Determination pursuant to Public Resources Code section 21108**

**State Clearinghouse Number:** 2016112028

**Project Title:** Sanctuary Farms Water Diversion, Stream Crossing and Pond Remediation Project (Lake or Streambed Alteration Agreement No. EPIMS-MEN-09168-R1)

**Project Location:** The project is located within the Feliz Creek watershed, approximately 4 ¾ miles northwest of the town of Hopland, County of Mendocino, State of California; Assessor's Parcel Number 047 -520-08; latitude 39.0010 N and longitude 123.1966 W at the point of diversion (POD).

**Project Description:** The California Department of Fish and Wildlife has executed Lake and Streambed Alteration Agreement number EPIMS-MEN-09168-R1, pursuant to Section 1602 of the Fish and Game Code to Daniel Igala Joseph of Sanctuary Farms. The project comprises four encroachments (Table 1). One encroachment is for water diversion from, and upgrades to, an onstream pond located on an unnamed tributary to Feliz Creek. The second encroachment is for the removal of an onstream pond and rehabilitation of the stream channel and riparian area. The third encroachment is to upgrade an undersized stream crossing. The fourth encroachment is for the decommissioning and removal of a disused spring well.

Table 1. Project Encroachments Covered by this Agreement with Description

<b>ID</b>	<b>Latitude/Longitude</b>	<b>Description</b>
"Pond-1"	39.0010, -123.1966	Water diversion from an onstream storage-reservoir on an unnamed tributary to Feliz Creek. <b>Cannabis Irrigation</b> SWRCB application ID: H507877 Permittee shall follow SWRCB Cannabis Policy. Install new water diversion intake consistent with the terms of this Agreement. Rate of diversion shall not exceed 3 gallons per minute. Permittee shall adhere to the Bullfrog Management Plan (Exhibit A). Replace the overflow structure with an engineered overflow spillway that: <ul style="list-style-type: none"><li>• lowers the elevation of the embankment in the vicinity of the spillway;</li><li>• rock-armors the embankment and downstream slope face as necessary to minimize erosion;</li><li>• allows for a minimum of two feet of freeboard;</li><li>• conveys overflow to the downstream channel in a manner that discourages channelization/erosion;</li><li>• withstands a 100-year flood event.</li></ul> This reservoir may be subject to further review in coordination with SWRCB Division of Water Rights.

ID	Latitude/Longitude	Description
"Pond-3"	38.9995, -123.1967	Decommission the onstream pond and rehabilitate the stream by excavating the embankment to the base of the fill and recontouring the hillslope and stream channel (using native materials) to mimic the natural topography. Revegetate the disturbed area with native plants and oak trees.
Crossing-1	38.9996, -123.1954	An undersized (~12-inches diameter) culvert conveys a Class III stream under an access road. Some minor erosion has occurred near the outlet of the pipe. Replace with a 24-inch diameter culvert set at grade and rock armor as necessary to minimize the risk of erosion and/or sediment delivery.
"Shallow Well"	39.0003, -123.1970	A disused, concrete spring-well housed in a wooden shed. Decommission the POD by dismantling the shed, removing all concrete/cement and conduit, and revegetate the area to match the surroundings. Install an armored-fill crossing or culvert (18-inch minimum) in the location of the former culvert to convey surface water across the access road and return it to its natural channel.

CDFW observed an existing rain catchment pond, evidently built by the previous owners. This pond serves as a supplementary source of irrigation water. The Permittee commits to upgrading and maintaining diversion infrastructure in accordance with CDFW standards. Bullfrogs shall be aggressively managed through manual removal and/or annual pond-drawdown. In its current configuration, the informal spillway conveys water to a location causing channelization and delivery to Waters of the State. Permittee commits to removing the current overflow structure and constructing an engineered overspill in a new location, meeting criteria similar to those required for Pond 1. 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

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