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

State Clearinghouse Number: 2016112028

Project Title: Tate Stream Crossings and Debris Removal Project (Lake or Streambed Alteration Agreement No. 1600-2017-0885-R1)

Project Location The project to be completed is located within the Eel River watershed, approximately 9.3 miles north of the town of Redwood Valley, County of Mendocino, State of California. The project is located in Sections 19 & 30, T18N, R12W, Mt. Diablo Base and Meridian; in the Foster Mountain U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Numbers (APN) 107-055-14 and 108-211-12; latitude 39.3986 N and longitude 123.2294 W at stream crossing 10 (STX-10).

Project Description: The project is limited to 3 encroachments (Table 1). Two proposed encroachments are to upgrade a failing and undersized culvert. 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. The third encroachment is to conduct maintenance on an existing stream crossing culvert. The maintenance project at STX-13 also involves the removal of a discarded former culvert in the channel below the existing crossing.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
STX-10	39.3986, -123.2294	Replace undersized 16" diameter culvert with minimum 18" diameter culvert. Remove water line from inside culvert.
STX-11	39.3986, -123.2298	Replace damaged 24" diameter culvert with minimum 24" diameter culvert
STX-13	39.3966, -123.2330	Maintenance on exiting 18" diameter culvert. Old culvert will be removed from stream channel. Enhancements will be made to the energy dissipater.

The Permittee has disclosed additional features on the property which are summarized in Table 2 below. Not all of these features were stated to be in good condition and meeting current standards. Culverts, bridges, and low water crossings that were disclosed in the Notification, but not included as 1602 projects with fees, are not covered under this Agreement. No work is proposed on APNs 108-211-06, 108-211-07, or 107-055-14. This Agreement does not cover any work that may need to be completed on these parcels. If maintenance (such as armoring) and/or replacement is necessary, that work will need to be covered under a major amendment or a separate Agreement.

Table 2. Disclosed Features of Interest. Features not covered by this Agreement

ID	Latitude/Longitude	APN	Description
STX-1	39.3884, -123.2294	107-055-14	Existing bridge over Cave Creek on Tomki Rd. Maintained by County of Mendocino. Feature is stable.
CC-1 county crossing-1	39.3905, -123.2301	107-055-14	Existing 18" diameter crossing over unnamed tributary to Cave Creek on Tomki Rd. Undersized and failing. Maintained by County of Mendocino. No work proposed.
Refuse	39.3905, -123.2304	107-055-14	Refuse in channel and on banks of unnamed tributary to Cave Creek. Refuse to be cleaned up.

MUD-X	39.3905, -123.2302	107-055-14	Existing low water crossing on unnamed tributary to Cave Creek. ATV trail made by trespassers. Access has been gated and locked. Trail no longer in use.
STX-3	39.3909, -123.2269	107-055-14	Existing low water crossing on unnamed tributary to Cave Creek. Feature is stable. No work proposed, road not in use.
STX-4	39.3914, -123.2268	107-055-14	Existing low water crossing on unnamed tributary to Cave Creek. Feature is stable. No work proposed, road not in use.
Piping (old POD)	39.3917, -123.2261	107-055-14	Previous point of diversion no longer in use. Refuse and infrastructure left behind by trespassers. Piping and debris to be removed by hand in dry season. If the removal process will cause a substantial alteration of the bed, bank, or channel of the creek, then this work will need to be covered under a major amendment or a separate Agreement.
CC-2	39.3917, -123.2307	107-055-14	Existing 36" diameter crossing over unnamed tributary to Cave Creek on Tomki Rd. Undersized and failing. Maintained by County of Mendocino. No work proposed.
DRC-1	39.3925, -123.2314	107-055-14	Existing ditch relief culvert on Tomki Road. Runoff directly enters Cave Creek. DRC outlet is perched. Failing fence and erosion on stream bank nearby. Maintained by County of Mendocino. No work proposed
CC-3	39.3930, -123.2316	108-211-12	Existing approximately 18" diameter culvert on unnamed tributary to Cave Creek. Culvert likely undersized, not aligned properly, and not set to grade. Erosive pool forming below outlet. Maintained by County of Mendocino. No work proposed.
STX-5	39.3929, -123.2327	108-211-12	Existing low water crossing on Little Cave Creek. Crossing appeared to be in use and looked stable at time of inspection. Access may be blocked after consultation with CalFire. If maintenance and/or replacement is necessary, that work will need to be covered under a major amendment or a separate Agreement.
STX-6 (bridge)	39.3931, -123.2320	108-211-12	Existing bridge over Cave Creek. No evaluation of bridge's capacity to handle 100-yr storm flow and associated debris. Bridge located on easement road included under Grant Deed to neighbor Brian Kenville. This feature is subject to FGC 1602. If maintenance and/or replacement is necessary, that work will need to be covered under a major amendment or a separate Agreement.
Refuse 2	39.3936, -123.23412	108-211-12	Abandoned vehicle located within side channel of Cave Creek. Permittee stated that vehicle can be removed without heavy equipment. Work should only be done when channel is dry. Pursuant to FGC 5652 (a), "It is unlawful to deposit, permit to pass into, or place where it can pass into the waters of the state, or to abandon, dispose of, or throw away, within 150feet of the high water mark of the waters of the state, any ... motor vehicle or parts thereof. Vehicle will need to be moved to a location that is compliant with FGC 5252 (a). If the removal process will cause a substantial alteration of the bed, bank, or channel of the creek, then this work will need to be covered under a major amendment or a separate Agreement.
PIPE 2	39.3935, -123.2337	108-211-12	Abandoned water pipe discarded into side channel on Cave Creek. Reduce to be cleaned up when channel is dry. If the removal process will cause a substantial alteration of the bed, bank, or channel of the creek, then this work will need to be covered under a major amendment or a separate Agreement.
STX-7	39.3927, -123.2358	108-211-07	Existing unimproved low water crossing on tributary to Little Cave Creek. Located on easement road included under Grant Deed to neighbor Brian Kenville. This feature

			is subject to FGC 1602. If maintenance and/or replacement is necessary, that work will need to be covered under a major amendment or a separate Agreement.
STX-8	39.3925, -123.2363	108-211-07	Existing unimproved low water crossing on tributary to Little Cave Creek. Located on easement road included under Grant Deed to neighbor Brian Kenville. This feature is subject to FGC 1602. If maintenance and/or replacement is necessary, that work will need to be covered under a major amendment or a separate Agreement.
STX-9	39.3923, -123.2385	108-211-07	Existing unimproved low water crossing on tributary to Little Cave Creek. Located on easement road included under Grant Deed to neighbor Brian Kenville. This feature is subject to FGC 1602. If maintenance and/or replacement is necessary, that work will need to be covered under a major amendment or a separate Agreement.
Well	39.3999, -123.2276	108-211-12	Existing well used for cannabis irrigation.
Pond	39.4002, -123.2272	108-211-12	Existing rainwater catchment pond. Pond does not overflow into waters of the State. No dam stability report provided. Feature not subject to FGC 1602.
DRC-2	39.3990, -123.2296	108-211-12	Existing 12" diameter ditch relief culvert on main driveway. Ditch runoff enters nearby unnamed tributary to Cave Creek. Permittee will reduce amount of water reaching DRC through the Site Management Plan for the Water Board. If the Water Board determines that this culvert needs to be replaced, then work will need to be covered under a major amendment or a separate Agreement.
DRC-3	39.3968, -123.2326	108-211-12	Existing 18" diameter ditch relief culvert on main driveway. Ditch runoff enters nearby unnamed tributary to Cave Creek. Inlet plugged with sediment and outlet blocked by large rocks. Permittee will reduce amount of water reaching DRC through the Site Management Plan for the Water Board. If the Water Board determines that this culvert needs to be replaced, then work will need to be covered under a major amendment or a separate Agreement.
DRC-5	39.3962, -123.2331	108-211-12	Existing 12" diameter ditch relief culvert. Ditch runoff not connected to nearby stream. Appeared to be installed improperly. Feature not subject to FGC 1602.
STX-2	39.3988, -123.2357	108-211-06	Existing low water crossing over Cave Creek on Tomki Rd. Feature in need of bridge or appropriately sized culvert. Maintained by County of Mendocino. No work proposed.
STX-12	39.3986, -123.2353	108-211-06	Existing low water crossing over unnamed tributary to Cave Creek on Tomki Rd. No culvert or engineered crossing infrastructure is present. The Class II stream flows onto the road and travels 150 ft on the road surface before it reaches Cave Creek. This feature needs improvement and plans for the installation of crossing infrastructure. Maintained by County of Mendocino. No work proposed.

The Notification lists four parcels in the project location, but the covered projects only occur on one parcel. Table 3 lists the parcels included in the Notification with a description of the features on each parcel and observations from a 05/01/2018 site visit.

Table 3. List of project parcels owned by Permittee with access roads/sites w/ descriptions and references to site IDs given in Tables 1 and 2. Bolded features are covered by this Agreement.

APN	Description
108-211-06	Contains STX-2 and STX-12. No cannabis cultivation. Only visited sites on Tomki Rd.
108-211-07	Contains STX-7, 8, and 9, all on easement road. No cannabis cultivation. Only visited easement road.
108-211-12	Contains STX-10, 11, and 13 and two cannabis gardens. Contains STX-6 on easement road. Contains CC-3, STX-5, Pipe 2, Refuse 2, Well, Pond, and DRC-2, 3, and 5.
107-055-14	Contains STX-1, CC-1, Refuse, MUD-X, STX-3, STX-4, Piping (old POD), CC-2, and DRC-1.

No cannabis cultivation.

The Notification also discloses the use of a well located at Lat/Long 39.3999, -123.2276. 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.

No other projects that may be subject to FGC section 1602 were disclosed. This Agreement does not retroactively permit any stream crossings, water diversions or other encroachments not described in Table 1.

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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: _____