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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: Brown Indigo Acres Family Farms Water Diversion, Stream Restoration, and Stream Crossing (Lake or Streambed Alteration Agreement No. 1600-2019-0115-R1)

Project Location: The project to be completed is located within the Russian River watershed, approximately 1.8 miles northeast of the town of Redwood Valley, County of Mendocino, State of California. The project is located in Section 3, T16N, R12W, Mt. Diablo Base and Meridian; in the Redwood Valley U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 161-280-05; latitude 39.2765 N and longitude 123.1730 W at the point of diversion (POD).

Project Description: This Agreement relies on the Notification materials and a desk review without a CDFW site inspection.

The project is limited to two encroachments (Table 1). One encroachment is for water diversion from a shallow well on the bank of an unnamed tributary to the Russian River and consists of two project components. The first component is the diversion of water for domestic use and irrigation. Work for the water diversion will include 1) modification or replacement of the existing pump so that it does not exceed the diversion rate given in this Agreement, and 2) use and maintenance of the water diversion infrastructure. The second component of this encroachment involves the removal of an unpermitted instream concrete dam located four feet downstream of the point of diversion. The dam functions as a grade control structure that restricts flow and raises the water level of the stream at the diversion infrastructure. Work for the removal of the concrete dam will take place when the stream is dry and will include breaking apart the dam and removal of the concrete pieces, backfilling any voids in the stream bank with onsite dirt and/or rocks, compaction of fill, reshaping and smoothing the streambed with hand tools to eliminate the grade change in the channel, excavation of fine sediments behind the dam with hand tools, recontouring and stabilizing slopes of the stream channel with non-plastic erosion control fabric and straw, and revegetation with appropriate native plants.

If the removal of the concrete dam prevents the existing diversion infrastructure from being able to divert water, then the Permittee may elect to use a screened intake pipe placed properly in the stream channel at the same location of the existing infrastructure. Plans for new diversion infrastructure shall be sent to CDFW for acceptance prior to use. If the Permittee elects to extend this Agreement for the water diversion before the expiration date, and the Permittee is no longer using the existing shallow well infrastructure at that time, then the Permittee shall provide plans to CDFW detailing how the shallow well infrastructure will be removed.

The one other proposed encroachment is to upgrade an undersized and failing stream crossing. Work for this encroachment will include excavation, removal of the failing crossing, replacement with new properly sized crossing, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion.

Project activities shall cease and require pre-construction surveys by a Designated Biologist only if surface water is present one week before construction or becomes present during construction.

The Notification discloses an off-stream pond at Lat/Long 39.2760, -123.1748 that serves as storage of rainwater collected from rooftops and water diverted from POD-1. The pond's spillway is stated as not connected to nearby surface waters. The Notification states that the pond is on good condition and stable. If further modifications of the pond or maintenance activities result in connecting the spillway to the nearby stream, then that work must be covered by a major amendment or a separate Notification.

The Notification also discloses the presence of a well located at Lat/Long 39.2758, -123.1728. This well is not in use for any purpose due to high levels of boron in the well water as reported by the Permittee in the Notification. 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 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: _____