

**To:**  
Office of Planning and Research  
For U.S. Mail:  
P.O. Box 3044  
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**Street Address:**  
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**From:**  
Department of Fish and Wildlife  
Northern Region  
619 Second Street  
Eureka, California 95501  
Contact: Christine Hahn Vertical  
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Lead Agency (if different from above)  
County of Mendocino  
860 N. Bush Street  
Ukiah, CA 95482  
Contact: Mary Lynn Hunt  
Phone: 707-234-6650

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

**State Clearinghouse Number:** 2015102005 2016112028

**Project Title:** Hulbert Water Diversion and Stream Crossings and Onstream Pond Project (Lake or Streambed Alteration Agreement No. 1600-2019-0835-R1) APN 031-020-430

**Project Location (include county):** The project to be completed is located within the Eel River watershed, approximately 17.7 miles south east of the town of Piercy, at 75501 Island Mountain Road, Covelo, County of Mendocino, State of California. The project is located in Section 7, T24N, R14W, Mount Diablo Base and Meridian; in the Updegraff Ridge U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 031-020-030; latitude 39.9462 N and longitude -123.4657 W at the first point of diversion (POD).

**Project Description:** Two encroachments are for water diversion from on-stream ponds fed by headwater unnamed streams and any additional work as identified in the Engineered Design Plan that shall be submitted for CDFW review and acceptance at least 90 days prior to initiating work. The more recently constructed upper pond was built approximately between 2012-2015 according to LandVision. Two, above ground, side by side 12" black pipes drain the upper pond when filled. The lower pond is a historic agricultural pond depicted as a natural freshwater pond according to USFWS Wetland Mapper. Water is diverted from both ponds for irrigation and domestic use. Work for the water diversion will include appropriate placement, use, and maintenance of the water diversion infrastructure. Work on the upper pond's spillway and earthen dam if necessary, shall be implemented according to CDFW reviewed and accepted Engineered Design Plan that incorporates a Slope Stability Report, invasive species management and the needs of native species. The seven other proposed encroachments are to upgrade failing and undersized stream crossings and stream restoration at crossing 7. Work for these encroachments will include excavation, removal of the failing crossings, replacement with new properly sized crossings, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion.

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  
Cheri Sanville, Senior Environmental Scientist Supervisor

**Date:** \_\_\_\_\_  
Digitally signed by cheri\_sanville@wildlife.ca.gov  
DN: CN=cheri\_sanville@wildlife.ca.gov  
Reason: I am the author of this document.  
Location: 619 Second Street, Eureka, CA  
Date: 2021.04.09 15:53:21  
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Date Received for filing at OPR: \_\_\_\_\_