



**To:**  
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**From:**  
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Eureka, California 95501  
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Lead Agency (if different from above)  
County of Mendocino  
860 N. Bush Street  
Ukiah, CA 95482  
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:** Morford Heart Rock Stream Crossings, Water Diversions, and Pond Project (Lake or Streambed Alteration Agreement No. 1600-2018-0040-R1)

**Project Location:** The project is located within the Burright Creek watershed, approximately 4.5 miles southeast of the town of Potter Valley, County of Mendocino, State of California; Sections 25 & 26, T 17N, R 11W, Mt. Diablo Base and Meridian, in the Potter Valley U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 177-310-19; latitude 39.2947 N and longitude 123.0366 W at the third point of diversion (POD-3).

**Project Description:** The project is limited to eight encroachments. Two encroachments are for water diversion from unnamed tributaries to Burright Creek. Water is diverted for irrigation, domestic use, and fire protection. Work for the water diversion will include use and maintenance of the existing water diversion infrastructure. Two other encroachments are to remove existing and unpermitted water diversions from unnamed tributaries to Burright Creek. Work for the water diversion removal projects will involve using a come-along winch to remove the horizontal diversion infrastructure pipes from the stream channel. Additional diversion infrastructure components will be removed by hand.

Three encroachments are for stream crossing projects. One proposed encroachment is to upgrade and enhance an existing low water crossing. Work will involve installing a rocked ford crossing over the existing crossing. Two additional proposed encroachments are to upgrade failing and undersized stream crossings. 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.

The final encroachment involves modifications and enhancements to an existing lined on-stream pond including stream channel remediation. The pond is currently filled with water from POD-5, in addition to rain, and is in an area where the nearby stream that crosses STX-1 once flowed in from the east. Before the pond, water from the associated stream would flow in westerly direction onto the site of the pond, fan out, and percolate into the ground. Once the pond was constructed, a berm was established on the eastern shore that was intended to prevent water from entering the pond and move water to an area below the dam. This berm did not allow for percolation of the water, suffered from erosion, and breached during the 2017/2018 winter season which allowed stream flow to enter the pond. The proposed stream restoration project is to create an enhanced levee around the edge of the pond starting where the stream meets the pond's edge, traveling around the southern end of the pond and then moving northward along the western edge of the pond towards the existing rocked spillway. The enhanced levee is intended to prevent the stream from flowing into the pond, to restore a channel to match the natural flow of the stream more closely, and to reduce the chance of stream flow breaching containment and entering the pond. A stability analysis of the dam engineered design plans of the enhanced levee, and construction details for the enhanced levee shall be submitted for review and acceptance prior to construction.

Project activities at stream crossings 1, 3, and 4 require pre-construction surveys by a Designated Biologist only if surface water is present one week before construction or becomes present during construction.

Permittee disclosed additional features of interest

The Notification states this stream crossing and former water diversion 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.

The Notification also discloses the use of a well located at Lat/Long 39.2933, -123.0404. This well is presented as an additional 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 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.

DocuSigned by:

*Rebecca Garwood*  
Signature

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Date: 04/28/2022

Rebecca Garwood, Environmental Program Manager

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