

Notice of Determination

TO: Office of Planning and Research **FROM:** Department of Fish and Wildlife
Northern Region
619 2nd Street
Eureka, California 95501
Contact: Jonathan Hollis
Phone: (707) 601-7237

For U.S. Mail:
P.O. Box 3044
Sacramento, CA 95812-3044

Street Address:
1400 Tenth Street
Sacramento, CA 95814

LEAD AGENCY (if different from above):
County of Humboldt
Planning and Building Department
3015 H Street
Eureka, CA 95501
Contact: Joshua Dorris
Phone: (707) 268-3779

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

State Clearinghouse Number: 1992083049

Project Title: Lake or Streambed Alteration Agreement No. EPIMS-HUM-47531-R1C - Emmerson Bar Gravel Extraction Project.

Project Location: The project is situated on the Mad River, a tributary to the Pacific Ocean. The project is located in County of Humboldt, State of California; Sections 29 and 30, Township 6 North, Range 2 East, Humboldt Base and Meridian; Blue Lake U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Numbers 025-161-006, 312-151-015, 312-151-019; latitude 40.8743 N and longitude 123.9922 W.

Project Description: The project is limited to one encroachment for aggregate extraction from the Emmerson Bar (Mine ID 9112033), Mad River for commercial purposes. The gravel extraction volume approved under a Vested Rights Determination by the County of Humboldt is 50,000 cubic yards of gravel annually from the Emmerson Bar. However, due to subsequent excessive extraction concerns, federal permit restrictions on the annual volume of gravel extracted were implemented based on a flow-based analysis of gravel replenishment. The Permittee proposes continuing extraction according to the flow-based analysis currently in use. Over the last five years (2019 through 2023), annual extraction volumes averaged approximately 9,000 cubic-yards, except in 2020 when no extraction was conducted.

Aggregate extraction consists of removal of flood-washed alluvial material using heavy equipment (e.g., front-end loaders, excavators, bulldozers, and dump trucks) from outside the Mad River wetted channel. Aggregate extraction methods and volumes shall be consistent with approved annual extraction work plans. Extraction occurs during the summer low-flow period when alluvial deposits are exposed. Fisheries- and riparian-enhancement or off-channel extractions may be included annually and involve connection of extraction areas to the wetted channel. Temporary crossings of the wetted channel may be needed to access gravel deposits. Timing of the installation and removal of these crossings is conducted to avoid periods of peak flows, salmonid migration and spawning, other aquatic organisms, and requires coordination with CDFW scientific staff. Crossings are also designed to minimize the extent of channel disturbance and avoid sensitive aquatic habitat.

This is to advise that the Department of Fish and Wildlife (CDFW), acting as **the lead agency** / **a responsible agency** approved the above-described project and has made the following determinations:

1. The project **will** / **will not** have a significant effect on the environment. (This determination is limited to effects within CDFW's jurisdiction when CDFW acts as a responsible agency.)
2. **A program environmental impact report** / **A negative declaration** / **A timber harvesting plan** was prepared for this project pursuant to CEQA.
3. Mitigation measures **were** / **were not** made a condition of CDFW's approval of the project.
4. A Statement of Overriding Considerations **was** / **was not** adopted by CDFW for this project.
5. Findings **were** / **were not** made by CDFW pursuant to Public Resources Code § 21081(a). CDFW did, however, adopt findings to document its compliance with CEQA.
6. Compliance with the environmental filing fee requirement at Fish and Game Code § 711.4 (check one):
 - Payment is submitted with this notice.
 - A copy of a receipt showing prior payment is on file with CDFW.

- A copy of the CEQA Filing Fee No Effect Determination Form signed by the Department is attached to this notice.
- Lead Agency certification: CDFW, as Lead Agency, has made the final PEIR with comments and responses and record of project approval, or the Negative Declaration, available to the General Public at the CDFW office identified above.
- Responsible Agency statement: The final PEIR that was prepared by the Lead Agency for this project is available to the General Public at the office location listed above for the Lead Agency. CDFW's CEQA Findings are available at the CDFW office identified above.

Signed: Michael van Hattem Date: 5/10/2024
689BB18539B6406
Michael van Hattem, Senior Environmental Scientist (Supervisor)

Date Received for filing at OPR: