

Notice of Determination

TO: Office of Planning and Research **FROM:** Department of Fish and Wildlife
Northern Region
601 Locust Street
Redding, CA 96001
Contact: Jennifer Olson
Phone: (707) 445-5387

RECEIVED

SEP 23 2019

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):
Humboldt Bay Municipal Water District
828 Seventh Street P.O. Box 95
Eureka, CA 95502
Contact: Carol Rische
Phone: (707) 443-5018

Office of the General Counsel

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

State Clearinghouse Number: 2003072036

Project Title: Incidental Take Permit No. 2081-2018-059-01, Humboldt Bay Municipal Water District Project

Project Location: The project is located along the Mad River near Arcata, California in Humboldt County, and below the Matthews Dam in Trinity County, California.

Project Description: A five-year permit to authorize incidental take of foothill yellow-legged frog (*Rana boylei*) pursuant to Fish and Game Code section 2081(b). The permit requires creation and management of at least 0.5 acres of impacted foothill yellow-legged frog habitat to fully mitigate for the take that may occur from the Project. The District operates Matthews Dam within Trinity County, California where it stores and releases water for power generation and for re-diversion downstream in accordance with established water rights. The District operates 6 points of diversion including Ranney Collectors (Pump Stations No. 1-5) and surface flow intake (Pump Station No. 6) near Blue Lake (Essex Reach) within Humboldt County, California. The District installs and maintains instream berms and other structures for bank stabilization, to ensure flows are properly directed below Matthews Dam and at those points of diversion within the Essex Reach and for other purposes. The District manages vegetation and maintains some roads at its operational sites.

Specific project components include:

- Diversion to storage of Mad River stream flows at Matthews Dam and downstream release from the dam of water to keep fish in good condition to meet FGC §5937
- Diverting water in the Essex Reach by sub-surface means using Ranney collectors and from surface flow using a direct diversion facility
- Bypass Mad River stream flows below the diversion facilities at the Essex Reach to provide for fish protective flows to meet FGC §5901
- Clearing vegetation and debris and cleaning channel in order to maintain adequate capacity in the tailrace and spillway pools below Matthews Dam.
- Dredging of the forebay and removing aggraded material from intake area at the direct diversion facility (Pump Station No. 6)
- Maintaining adequate flow to Pump Station No. 6 during low-flow conditions by constructing a channel. Maintaining adequate water surface elevation to the direct diversion Pump Station No. 6 during low-flow months by construction of a gravel berm.
- Gaining access to and maintaining Ranney collectors, which may involve building temporary gravel structures in the bed of the Mad River to access the collectors
- Protecting the stream banks and structures by maintaining or repairing existing rock structures or revetments or installing such structures in the Essex Reach to protect pump stations in the Essex Reach, and in the tailrace outlet and plunge pool downstream of Matthews Dam

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 ND adopted 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:

Tina Bartlett
Tina Bartlett, Regional Manager

Date:

9/18/19

Date Received for filing at OPR:

Governor's Office of Planning & Research

SEP 24 2019

STATE CLEARINGHOUSE