

**To:**  
Office of Planning and Research

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**From:**  
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Lead Agency (if different from above)  
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Contact: Cliff Johnson  
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**SUBJECT: Filing of Notice of Determination pursuant to Public Resources Code section 21108**

**State Clearinghouse Number:** 2020060675

**Project Title:** Borusas Water Diversion, Water Impoundment, Stream Crossings and Stream Restoration Project (Lake or Streambed Alteration Agreement No. EPIMS-HUM-15371-R1C)

**Project Location:** The project to be completed is located on Cowan Creek and tributaries within the Mad River watershed, approximately 16 miles south southeast of the City of Blue Lake, County of Humboldt, State of California. The project is located in Sections 2 & 3, Township 3N, Range 3E and Section 35, Township 4N, Range 3E Humboldt Base and Meridian; in the Mad River Buttes U.S. Geological Survey 7.5-minute quadrangle; Humboldt County Assessor's Parcel Numbers: 315-145-002, 315-211-004, 315-211-003, 315-222-008. Latitude and Longitude for the individual projects are listed in Table 1 below.

**Project Description:** This Agreement relies on the Notification materials and a CDFW site inspection by Environmental Scientist Andrew Orahoske on May 30, 2018 and June 19, 2018. The project is limited to 21 encroachments (Table 1). One encroachment is to remove a water diversion from a spring. Two encroachments are for water wells. Three encroachments are for onstream reservoirs and stream restoration. 15 encroachments are for installation, removal, replacement or maintenance of stream crossings. Work for these encroachments will include excavation, removal/installation of crossings backfilling and compaction of fill, and rock armoring as necessary to minimize erosion.

Table 1. Project Encroachments Covered by this Agreement with Description

ID	Latitude/Longitude	Description
POD-1 (SP-1)	40.6764, -123.8068	Permittee has elected to remove an unpermitted spring box water diversion and restore the spring and stream channel to natural grade and setting.
POD-2 (WELL-2)	40.6710, -123.8110	Permittee has notified for an existing water well to be used for commercial cannabis cultivation. Permittee shall provide monthly water extraction records to CDFW by March 31 of each year.
POD-3 (WELL-3)	40.6700, -123.8130	Permittee has notified for a proposed water well to be used for commercial cannabis cultivation. Permittee shall provide monthly water extraction records to CDFW by March 31 of each year.
Onstream Reservoir-1 (PO-1)	40.6709, -123.8089	Permittee has elected to remove a failing, unpermitted onstream reservoir, and restore the stream channel to natural grade and setting. Permittee will also restore the eroded channel created by the reservoir outlet. Permittee shall submit a Stream Restoration Plan for reservoir removal and stream channel restoration to CDFW for review and approval 60 days prior to initiating instream work.

ID	Latitude/Longitude	Description
Onstream Reservoir-2 (PO-2)	40.6702, -123.8136	Maintain existing, unpermitted onstream reservoir. Install emergency overflow rocked spillway. Maintain existing 24" diameter outlet culvert and install rock armoring for energy dissipation at outlet to prevent erosion in the stream channel. Permittee shall implement Aquatic Invasive Species Monitoring and Management. No water diversion is authorized by this Agreement.
Onstream Reservoir-3 (PO-5)	40.6797, -123.8112	Permittee has elected to remove a failing, unpermitted onstream reservoir, and restore the stream channel to natural grade and setting. Permittee will also decommission road approaches at the stream crossing. Permittee shall submit a <b>Stream Restoration Plan</b> for reservoir removal and stream channel restoration to CDFW for review and approval <b>60 days</b> prior to initiating instream work.
Crossing-1 (WC-1)	40.6711, -123.8092	Replace undersized culvert with minimum 60" diameter culvert. This project will likely require temporary water diversion on Cowan Creek due to presence of water flowing through the work zone. Permittee shall follow the Dewatering and Sediment Control measures in this Agreement.
Crossing-2 (WC-4)	40.6691, -123.8115	Replace undersized culvert with minimum 54" diameter culvert. This project will likely require temporary water diversion on Cowan Creek due to presence of water flowing through the work zone. Permittee shall follow the Dewatering and Sediment Control measures in this Agreement.
Crossing-3 (WC-5)	40.6675, -123.8141	Replace undersized culvert with minimum 24" diameter culvert.
Crossing-4 (WC-7)	40.6688, -123.8196	Maintain existing 18" diameter culvert; install rock armoring at inlet and outlet.
Crossing-5 (WC-8)	40.6697, -123.8212	Replace undersized culvert with minimum 24" diameter culvert.
Crossing-6 (WC-9)	40.6700, -123.8228	Replace failing culvert with minimum 48" diameter culvert. Treat road approach upslope to direct inboard ditch water away from the stream and hydrologically disconnect the road system.
Crossing-7 (WC-A)	40.6737, -123.8092	Replace undersized culvert with minimum 36" diameter culvert.
Crossing-8 (WC-B)	40.6739, -123.8092	Decommission stream crossing and restore stream channel to natural grade and setting. Decommission road approaches to this crossing.
Crossing-9 (WC-C)	40.6756, -123.8079	Decommission stream crossing and restore stream channel to natural grade and setting. Decommission road approaches to this crossing. This project will likely require temporary water diversion on Cowan Creek due to presence of water flowing through the work zone. Permittee shall follow the Dewatering and Sediment Control measures in this Agreement.
Crossing-10 (WC-C2)	40.6763, -123.8070	Decommission stream crossing and restore stream channel to natural grade and setting. Decommission road approaches to this crossing.
Crossing-11 (WC-D)	40.6765, -123.8065	Replace undersized culvert with minimum 48" diameter culvert. This project will likely require temporary water diversion on Cowan Creek due to presence of water flowing through the work zone. Permittee shall follow the Dewatering and Sediment Control measures in this Agreement.
Crossing-12 (WC-E)	40.6761, -123.8052	Replace undersized culvert with minimum 24" diameter culvert. Treat road to hydrologically disconnect inboard ditch from the stream.
Crossing-13 (WC-F)	40.6768, -123.7994	Replace undersized culvert with minimum 24" diameter culvert.
Crossing-14 (WC-F2)	40.6766, -123.8008	Replace undersized culvert with minimum 36" diameter culvert. Treat road to hydrologically disconnect inboard ditch from the stream.
Crossing-15 (WC-M)	40.6710, -123.8086	Install a minimum 24" diameter culvert for a proposed new road. Permanent utility lines are contemplated for this new stream crossing.

ID	Latitude/Longitude	Description
		Permittee states that the sewage line shall be installed with a secondary containment pipe and monitoring system that automatically shuts down sewage flow in the event of a leak to prevent sewage entering the creek. Permittee shall submit a <b>final design plan</b> for the utility crossing to CDFW for review and approval <b>60 days</b> prior to initiating instream work.

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.

**Determination:** 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: \_\_\_\_\_