



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
601 Locust Street
Redding, CA 96001
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

November 20 2023

November 17, 2023

STATE CLEARINGHOUSE

Jennie Short, Project Manager
Garberville Sanitary District
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**SUBJECT: ROBERTSON/WALLAN/HURLBUTT TANKS REPLACEMENT
PROJECT (SCH [2023100664](#))**

Dear Jennie Short:

On October 25, 2023, the California Department of Fish and Wildlife (CDFW) received Garberville Sanitary District's (District; Lead Agency) Initial Study and Draft Mitigated Negative Declaration (IS/MND) for the Robertson/Wallan/Hurlbutt Tanks Replacement Project (Project). CDFW understands the Lead Agency will accept comments on the Project through November 28, 2023.

As the Trustee Agency for the State's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary to sustain their populations (Fish and Game Code, §§ 1801 and 1802). As a Responsible Agency, CDFW administers the California Endangered Species Act (CESA) and other provisions of the Fish and Game Code that conserve the State's fish and wildlife public trust resources. CDFW offers the following comments and recommendations in our role as Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code §21000 *et seq.*). These comments are intended to minimize Project impacts on public trust resources.

Project Description

The Project is located within the boundaries of the Garberville Sanitary District, in the unincorporated community of Garberville, Humboldt County, California. The District's service area covers 581 acres and provides sewer, wastewater, and water services to approximately 1,200 people. The public drinking water system consists of two water sources (South Fork Eel River Infiltration Gallery and Tobin Well), water treatment facilities, three finished water storage tanks, multiple pumping stations, and distribution lines.

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The District proposes to replace Hurlbutt Tank, a 180,000-gallon in-ground, concrete water storage tank, with a new in-ground, 550,000-gallon, pre-stressed concrete tank (Main Tank) on an adjacent parcel. Wallan Tank, a failing 20,000-gallon redwood water storage tank, will be replaced with a 77,000-gallon bolted steel tank at the same site.

The Project will also demolish the failing Robertson Tank, which has been taken out of service, and replace or upgrade three booster system pump stations and backup generators. To connect new tanks and associated pump stations to the existing distribution system, the Project will also install new segments of distribution piping.

CDFW Consultation History

In 2012, CDFW executed a Lake and Streambed Alteration Agreement (hereafter, LSAA; Notification #1600-2012-0030-R1) authorizing diversion of water from the South Fork Eek River, as well as construction of or upgrades to the water infiltration gallery, treatment facility, and distribution systems. The term of the agreement was five years. CDFW has informally consulted with the District regarding the need to notify pursuant to Fish and Game Code section 1602.

CDFW Recommendations

CDFW appreciates the need to replace essential infrastructure and supports the Project's goal of increasing water storage capacity and reducing water loss. CDFW also understands the District does not intend to increase its service area or water withdrawal and entitlements. However, Fish and Game Code section 1602 requires an entity to notify CDFW of any project that may adversely affect fish and wildlife resources, including activities that substantially divert or obstruct the natural flow of any river, stream, or lake. Although the District had an LSAA for water diversion, its term expired in 2017 and was not renewed. Ongoing use of the diversion requires continuous coverage under Fish and Game Code section 1602. CDFW therefore recommends the District notify to obtain authorization for water diversion pursuant to Fish and Game Code section 1602. The [Lake and Streambed Alteration Program website](#) provides additional information about notification, as well as a link to the online permitting portal. CDFW would also like to point out a minor error in the IS/MND's description of water rights, which currently suggests a maximum permitted diversion of 542.2 acre-feet per year. The Amended License 3404, dated October 4, 2023, states "*the maximum amount of water diverted under this right and the right pursuant to Application 29981 shall not exceed 245.5 acre-feet per year.*"

We appreciate the opportunity to comment on this proposed Project and look forward to working with the District to bring its diversion into compliance with Fish and Game Code.

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If you have any questions, please contact Environmental Scientist Kathryn Rian by email at Kathryn.Rian@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Tina Bartlett, Regional Manager
California Department of Fish and Wildlife

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