

## **Notice of Determination**

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**To:**

Office of Planning and Research  
[CEQA Submit](#)

**From:**

Department of Fish and Wildlife  
Northern Region  
601 Locust Street  
Redding, CA 96001  
Contact: Kate Blanchard  
Email: [katherine.blanchard@wildlife.ca.gov](mailto:katherine.blanchard@wildlife.ca.gov)  
Phone: (530)225-2300



**Lead Agency**

Trinity County  
P.O. Box 2819, Weaverville, CA 96093  
Contact: Drew Plebani  
Email:  
Phone: (530) 623-1351

**SUBJECT:** Filing of Notice of Determination pursuant to Public Resources Code section 21108

**State Clearinghouse Number:** 2018122049

**Project Title:** Diversion of Water from Browns Creek (Lake or Streambed Alteration Agreement No. 1600-2019-0292-R1).

**Project Location (Trinity):** The project is located at Brown's Creek, tributary to the Trinity River; 40.629105°N, 122.969765°W; 921 B Bar K Road near Douglas City, CA; Assessor's Parcel Number 015-430-12-00.

**Project Description:** The California Department of Fish and Wildlife (CDFW) has executed Lake and Streambed Alteration Agreement 1600-2019-0292-R1, pursuant to Fish and Game Code section 1602, to the project Applicant, Matt Wyatt.

The project is limited to diversion of surface water from Browns Creek for both commercial cannabis cultivation and domestic purposes, assuming there is a legal right to store water. This Agreement allows for diversion from the existing cement seep well on the streambank of the property. The seep well is comprised of a submersible  $\frac{3}{4}$ -horsepower pump in the bottom of the 6-foot deep cement casing and is capable of pumping 7 gallons per minute. The seep well may be maintained in its current state, including repairs within the casing structure, but this Agreement does not authorize expanding the capacity by digging it deeper or wider.

This is to advise that CDFW, acting as a Responsible Agency, approved the project described above on July 23, 2024 and has made the following determinations regarding the project pursuant to California Code of Regulations section 15096, subdivision (i):

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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. CDFW considered the environmental impact report prepared by the Lead Agency for this project pursuant to California Code of Regulations section 15096, subdivision (f).
3. Mitigation measures **were** made a condition of CDFW's approval of the project.
4. A Mitigation Reporting or Monitoring Plan **was** adopted by CDFW for this project.
5. A Statement of Overriding Considerations **was not** adopted by CDFW for this project.
6. Findings **were** made by CDFW pursuant to California Code of Regulations section 15091.

The Final EIR prepared for the project is available to the general public at the office location listed above for the Lead Agency. CDFW's record of project approval as a Responsible Agency is available at CDFW's regional office.

DocuSigned by:  
*Adam McKannay*  
 Signature: BE359DC694B14AE... Date: 7/23/2024

Adam McKannay, Environmental Program Manager  
Habitat Conservation Program (Interior)

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