

Notice of Determination

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
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: Kennedy water Diversion and Stream Crossing Upgrade (Lake or Streambed Alteration Agreement No. EPIMS-TRI-27289-R1)

Project Location (Trinity): The project is located at an unnamed tributary to Underwood Creek, approximately 4 miles south-southwest of the community of Burnt Ranch in Trinity County. The project is located in section 3, Township 4N, Range 6E, Humboldt Base and Meridian in the Ironside Mountain USGS 7.5-minute quadrangle; Assessor Parcel Number 011-020-002-000; Latitude 40.7538°, Longitude -123.4938°.

Project Description: The California Department of Fish and Wildlife (CDFW) has executed Lake and Streambed Alteration Agreement EPIMS-TRI-27289-R1, pursuant to Fish and Game Code section 1602, to the project Applicant, Michael Kennedy.

The project is limited to upgrading two legacy stream crossings, one of which has failed, and the continued use of an existing spring diversion on a Class III tributary. The failed 30-inch diameter stream crossing will be replaced with a 72-inch by 40-foot long culvert and armored with approximately 1-foot diameter rock. The second stream crossing will replace a 24-inch culvert with a 60-inch diameter by 30-foot long culvert and armored with 1-foot diameter rock. The water diversion will be used for commercial cannabis cultivation, as well as domestic uses. Irrigation supplies will be diverted during the appropriate season and stored in two existing small ponds, as well as storage tanks.

This is to advise that CDFW, acting as a Responsible Agency, approved the project described above on August 26, 2024 and has made the following determinations regarding the project pursuant to California Code of Regulations section 15096, subdivision (i):

Notice of Determination

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.

Signature:  Date: 8/26/2024

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

Date Received for filing at OPR: _____