

## Notice of Determination

- 1 -

**To:**  
Office of Planning and Research  
*For U.S. Mail:*  
P.O. Box 3044  
Sacramento, CA 95812-3044

*Street Address:*  
1400 Tenth Street  
Sacramento, CA 95814

**From:**  
Department of Fish and Wildlife  
**Northern Region**  
**601 Locust Street**  
**Redding, CA 96001**  
Contact: Helen Bowman  
Phone: (530) 485-7889



Lead Agency  
**Trinity County Planning Department**  
**Cannabis Division**  
**530 Main Street**  
**Weaverville, CA 96093**  
Contact: Drew Plebani  
Phone: (530) 623-1352

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

**State Clearinghouse Number:** 2018122049

**Project Title:** Kingsbury Gulch Tributary Culvert Replacements and Water Storage Facility Decommissioning (Lake or Streambed Alteration Agreement, EPIMS-TRI-23132-R11)

**Project Location (include county):** The projects are located at an unnamed intermittent tributary to Kingsbury Gulch, a tributary to Hayfork Creek, in the county of Trinity, state of California; Street addresses 138, 142, and 190 Dirt Road, Hayfork, CA, 96041; Assessor's Parcel Numbers (APN) 014-440-56-00, 014-440-28-00, and 014-440-29-00.

Project 1 is located at Latitude 40.542077, Longitude -123.17821; 142 Dirt Road; APN 014-440-29-00

Project 2 is located at Latitude 40.541462, Longitude -123.177845; 190 Dirt Road; APN 014-440-56-00

Project 3 is located at Latitude 40.542306, Longitude -123.178372; 142 Dirt Road; APN 014-440-29-000

**Project Description:** The California Department of Fish and Wildlife (CDFW) has executed Lake and Streambed Alteration Agreement number EPIMS-TRI-23132-R11, pursuant to section 1602 of the Fish and Game Code to the project Applicant, Chouchai Yang, representing CMY MuajHmoo, LLC.

Project 1 is limited to the replacement of a 28-inch diameter corrugated plastic pipe (CPP) culverted stream crossing at the unnamed tributary to Kingsbury Gulch. The existing CPP is undersized to adequately convey the flows of a 100-year storm event and is exhibiting scour at the outlet. The existing CPP will be replaced with a 48-inch diameter culvert with 18-to-26-inch diameter rock slope protection (RSP) placed at the inlet and outlet.

Project 2 is limited to the replacement of a 28-inch diameter CPP culverted stream crossing at the unnamed tributary to Kingsbury Gulch. The existing CPP is undersized to adequately convey the flows of a 100-year storm event and is exhibiting scour at the outlet. The existing CPP will be replaced with a 48-inch diameter culvert with 18-to-26-inch diameter RSP placed at the inlet and outlet.

Project 3 is limited to the decommissioning of an unpermitted water storage facility (WSF) on the bank of the unnamed tributary to Kingsbury Gulch that is causing active erosion and delivering sediment into the stream channel. To remediate erosion at the bank and prevent additional deleterious materials from entering the stream, the WSF will be dismantled using hand tools, and construction materials will be removed to at least 100-feet from the unnamed tributary to Kingsbury Gulch. The impacted bank will be stabilized with straw mulch and disturbed areas will be seeded with native grasses.

This is to advise that CDFW, acting as a Responsible Agency, approved the above-described project on November 13, 2023 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 /  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 /  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 /  was not adopted by CDFW for this project.
6. Findings  were /  were not made by CDFW pursuant to California Code of Regulations section 15091.

The final environmental impact report 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 Responsible Agency is available at CDFW's regional office.

*Signature* DocuSigned by:  
Curt Babcock  
974D273FEE784E2 \_\_\_\_\_ *Date:* 11/13/2023 \_\_\_\_\_  
Curt Babcock, Environmental Program Manager

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