

## **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:** Spring Diversion and Culvert Maintenance (Lake or Streambed Alteration Agreement No. 1600-2019-0846-R1)

**Project Location (Trinity):** The project is located in a watershed that is an unnamed tributary to Oregon Gulch, tributary to the Trinity River, near the community of Weaverville, State of California; Assessor's Parcel Number 024-680-04-00.

The culvert is located at 40.732570, -122.992095.

The diversion is from a spring-fed tributary, located at 40.731176, -122.992690.

**Project Description:** The California Department of Fish and Wildlife (CDFW) has executed Lake and Streambed Alteration Agreement 1600-2019-0846-R1, pursuant to Fish and Game Code section 1602, to the project Applicant, D'Andre Caldwell-Johnson.

The project is limited to the diversion of surface water from a spring-fed tributary of the larger unnamed stream for both commercial cannabis cultivation and domestic purposes. This Agreement allows for the diversion of water from the existing spring source during winter months according to existing water rights that allow for storage under Small Irrigation Registration H504429. Maintenance of the point of diversion includes cleaning out a spring box set into a shallow pool where the spring emerges, which gravity feeds water to a network of storage tanks via a 2-inch PVC pipe. Current and planned water storage on the parcel consists of approximately 61,580 gallons in various sized tanks. There is also an existing 24-inch corrugated metal culvert that is adequately sized and in good condition on the main tributary drainage. Specific work at the culvert includes removing overgrown vegetation at the inlet and outlet to

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prevent debris jams and sediment removal from the inlet, as needed. Vegetation consists primarily of non-native blackberries which can be managed with hand tools. This is to advise that CDFW, acting as a Responsible Agency, approved the project described above on January 5, 2024 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. 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: DocuSigned by:  
*Adam McKannay*  
BE359DC694B14AE... Date: 1/5/2024

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

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