

To:
Office of Planning and Research

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From:
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Contact: Cheri Sanville
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Lead Agency (if different from above)
Humboldt County Dept. of Planning and Building
3015 H Street
Eureka, CA 95501
Contact: Steven Lazar
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SUBJECT: *Filing of Notice of Determination pursuant to Public Resources Code section 21108*

State Clearinghouse Number: 2015102005

Project Title: Baker Water Diversion, Stream Crossings and Water Impoundment Project (Lake or Streambed Alteration Agreement No. 1600-2017-0694-R1)

Project Location: The project to be completed is located within the Luffenholtz Creek watershed, approximately 2.3 miles east southeast of the town of Trinidad, County of Humboldt, State of California. The project is located in Section 30, T08N, R01E, Humboldt Base and Meridian; in the Crannell U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 515-111-079; latitude/longitude: 41.0438, -124.1005 at the point of diversion (POD).

Project Description: The project is limited to five (5) encroachments (Table 1). Three proposed encroachments are to upgrade failing and undersized culverts. Work for these encroachments will include excavation, removal of the failing culverts, replacement with new properly sized culverts, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion. One encroachment is for water diversion from unnamed tributary to Luffenholtz Creek. POD-1, water is diverted for domestic use. Work for the water diversion will include use and maintenance of the water diversion infrastructure. Lastly, one encroachment is to retroactively permit the dam wall of a reservoir that encroaches into the stream bank of an unnamed tributary to Luffenholtz Creek. The Permittee shall monitor the reservoir for potential failure and make other improvements that are recommended by a licensed geologist who evaluated the reservoir.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
Crossing-1	41.0433, -124.1035	Replace 12" diameter culvert with minimum 36" diameter, 30' long culvert.
Crossing-2	41.0438, -124.1006	Replace 12" diameter culvert with minimum 24" diameter, 30' long culvert.
Crossing-3	41.0431, -124.1043	Replace 6" diameter culvert with minimum 18" diameter.
POD	41.0438, -124.1005	Diversion from Class II stream for domestic use. During the diversion season, Permittee shall bypass 90% of stream flow. Rate of diversion shall be no more than 3 gallons per minute . Permittee shall implement seasonal diversion minimization and limit total daily diversion to 200 gallons per day from May 15 – October 31 .

Streambank Encroachment by Reservoir Dam Wall	41.0437, -124.1011	Retroactively permit streambank encroachment by unpermitted off-stream reservoir dam wall. Implement licensed geologist recommendations listed in letter dated April 16, 2019, from Gary D. Simpson, SHN, in revised notification including: alter spillway to provide 2 feet of freeboard; ensure reservoir and spillway has capacity to carry 100-year rainfall event. Permittee agrees to implement a Bullfrog Management Plan. Permittee agrees to install at least two wildlife exits to prevent entrapment. No stocking of fish is authorized by this Agreement.
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The Notification also discloses the use of a well located at Lat/Long 41.0431, -124.1018. This well is presented as the sole source of water for irrigation of commercial cannabis and other irrigation needs on the property. CDFW did not evaluate hydraulic connection of the well to surface water, nor was a hydrogeologic evaluation prepared by a licensed geologist provided for CDFW review.

No other projects that may be subject to FGC1602 were disclosed. This Agreement does not retroactively permit any stream crossings, water diversions or other encroachments not described in Table 1 above.

This is to advise that CDFW, acting as the Lead Agency / a Responsible Agency approved the above described project 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. A mitigated negative declaration / negative declaration was prepared for this project pursuant to the provisions of CEQA.
 CDFW considered the mitigated negative declaration / negative declaration 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 not adopted by CDFW for this project.
6. Findings were not made by CDFW pursuant to Public Resources Code section 21081, subdivision (a).

The mitigated negative declaration / negative declaration prepared for the project is available to the general public at the office location listed above for the Lead Agency. CDFW's record related to the Lake or Streambed Alteration Agreement is available to the public for review at CDFW's regional office.

Signature  Date: 7/31/19
 Cheri Sanville, Senior Environmental Scientist Supervisor

Governor's Office of Planning & Research
 Date Received for filing at OPR: _____

AUG 01 2019

STATE CLEARINGHOUSE