

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
619 Second Street
Eureka, California 95501
Contact: Cheri Sanville
Phone: 707-441-5901



Lead Agency (if different from above)
Humboldt County Dept. of Planning and Building
3015 H Street
Eureka, CA 95501
Contact: Steven Lazar
Phone: 707-445-7245

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

State Clearinghouse Number: 2015102005

Project Title: Faraon Stream Crossings, Water Diversion Infrastructure Removal and Stream Restoration Project (Lake or Streambed Alteration Agreement No. 1600-2017-0616-R1)

Project Location: The project to be completed is located within the South Fork Eel River watershed, approximately 3.3 miles south southeast of the town of Benbow, County of Humboldt, State of California. The project is located in Sections 8 & 17, T05S, R04E, Humboldt Base and Meridian; in the Garberville U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 223-043-005; latitude/longitude: 40.0255, -123.7610 at the stream restoration project.

Project Description: The project is limited to 8 encroachments (Table 1). Two encroachments are to remove water diversion infrastructure from springs that feed tributaries to the South Fork Eel River. Water was diverted for commercial cannabis irrigation and diversion shall cease entirely for any purpose. Five proposed encroachments are to upgrade failing and undersized stream crossings or decommission the crossing. Work for these encroachments will include excavation, removal of the failing crossings, replacement with new properly sized crossings, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion. One project is to cover large-scale stream restoration where the Permittee bulldozed a large flat over a spring and stream for commercial cannabis cultivation and will restore the site pursuant to a CDFW-approved restoration plan.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
POD-1	40.0232, -123.7560	SWRCB application ID: S026627 Decommission water diversion infrastructure in spring and cease all diversion. Remove all irrigation lines leading to any cannabis cultivation sites or water storage sites.
POD-2	40.0272, -123.7520	SWRCB application ID: S026626 Decommission water diversion infrastructure in spring and cease all diversion. Remove all irrigation lines leading to any cannabis cultivation sites or water storage sites.
Crossing-1 (STX-7 in notification)	40.0229, -123.7553	Replace undersized 16" diameter culvert with minimum 18" diameter culvert to grade with 1'-2' diameter rock at the inlet and outlet. Minimum 24" diameter culvert recommended in forested environments and/or where streams have potential to convey sediment under high flows. Develop critical dip left of the crossing and cap with 4"-6" sharp

ID	Latitude/Longitude	Description
		angular rock. Add rock rolling dip 50' right and left of crossing and cap with 4"-6" diameter rock. Rock road grade for 50' left and right of the crossing.
Crossing-2 (STX-8 in notification)	40.0234, -123.7559	Replace undersized 16" diameter culvert with minimum 30" diameter culvert to grade with 1'-2' diameter rock at the inlet and outlet. Develop critical dip left of the crossing and cap with 4"-6" sharp angular rock. Rock line inside ditch to the right of the culvert for 50' with 4"-6" diameter rock. Rock road grade for 50' left and right of the crossing.
Crossing-3 (STX-10 in notification)	40.0260, -123.7607	Remove culvert and decommission crossing.
Crossing-4 (STX-11 in notification)	40.0233, -123.7519	Existing 24" diameter culvert shall be maintained. Rock inlet and outlet with 4"-6" rock. Install critical dip and line with 4"-6" rock.
Crossing-5 (STX-15 in notification) & Microhydro system infrastructure removal	40.0270, -123.7520	Replace existing 36" diameter culvert with minimum 48" diameter culvert. Install critical dip on center of hingeline and line with 4"-6" rock. Install rolling dip 50' left of culvert centerline. Maintain rock road grade for 100' left and right of culvert center line with 1" ± road gravel. Hydrologically disconnect inboard ditch. Remove all microhydro system infrastructure at the crossing, within the stream and riparian area, including the turbine and all pipes and conduits.
Stream Restoration	40.0254, -123.7610	Permittee has constructed a graded flat for commercial cannabis cultivation on top of a stream and spring. Permittee proposes to fully restore and revegetate the site. Permittee shall submit a detailed Stream Restoration Plan and Revegetation Plan by May 31, 2021 for CDFW approval. Permittee shall complete the restoration project by October 15, 2022.

The Notification discloses a well located at Lat/Long: 40.0282, -123.7516. This well is presented as the sole source of water for all 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. The well may be hydraulically connected to streams and/or springs downslope and shall be evaluated for potential impacts from commercial cannabis irrigation use through the County of Humboldt's conditional use permit.

No other projects that may be subject to FGC section 1602 were disclosed. This Agreement does not retroactively permit any constructed reservoirs (including "ponds"), stream crossings, water diversions, modifications to riparian buffers, or other encroachments not described in Table 1.

Determination: 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: _____
Cheri Sanville, Senior Environmental Scientist Supervisor

Date Received for filing at OPR: _____

Governor's Office of Planning & Research

MAY 27 2020

STATE CLEARINGHOUSE