

**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:** Gibbs Creighton Water Diversion and Spring Restoration Project (Lake or Streambed Alteration Agreement No. 1600-2018-0702-R1)

**Project Location:** The project to be completed is located within the Redwood Creek watershed, approximately 11.9 miles east southeast of the town of Blue Lake, County of Humboldt, State of California. The project is located in Section 6, T05N, R04E, Humboldt Base and Meridian; in the Maple Creek U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 316-191-010 & 316-191-012 latitude 40.8506 N and longitude -123.7683 W at the point of diversion-2 (POD-2).

**Project Description:** The project is limited to three encroachment(s) (Table 1). Two encroachments are for water diversion from unnamed tributaries to Redwood Creek. Water is diverted for domestic use (POD-2) and irrigation of commercial cannabis (POD-1). Work for the water diversion will include use and maintenance of the water diversion infrastructure. The other proposed encroachment is the restoration of a spring area that has been impacted by trash and discarded water diversion infrastructure.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
POD-1	40.8402, -123.7617	SWRCB application ID: H500934 Water diversion from a stream for commercial cannabis irrigation. Permittee shall follow SWRCB Cannabis Policy; diversion to storage for cannabis irrigation from November 1 – March 31 when flows are sufficient at the appropriate reference gauge, maximum 3 gallons per minute, minimum 90% bypass at all times.
POD-2	40.8506, -123.7683	Water diversion from a spring for domestic use. Seasonal diversion minimization: 200 gallons per day from May 15 – October 31, minimum 90% bypass at all times.
Spring Restoration	40.8506, -123.7683	Trash and abandoned water diversion infrastructure shall be removed from the spring area.

The CDFW site inspection on March 12, 2019 revealed a failing ford crossing on the driveway entrance to the Permittee's parcel, near the parcel boundary. Permittee represented that the adjacent landowner (APN 316-191-005) is responsible for this crossing maintenance on the driveway. During the site inspection, significant sediment was observed entering the stream from the road, and the channel was lined with old motor vehicle tires, not in compliance with Fish and Game Code. This site requires Notification and remediation of the current conditions (Failing ford crossing: 40.8482, -123.7680).

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

Governor's Office of Planning & Research

Date Received for filing at OPR: \_\_\_\_\_ **JUN 02 2020**

**STATE CLEARINGHOUSE**