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Office of Planning and Research

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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, Phone: 707-445-7245

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

State Clearinghouse Number: 2015102005

Project Title: Ellsworth Water Diversion, Stream Crossings and Restoration Project (Lake or Streambed Alteration Agreement No. 1600-2018-0282-R1)

Project Location: The project is located within the Redwood Creek watershed, approximately 10.8 miles east of the town of Blue Lake, County of Humboldt, State of California; Section 24, T06N, R03E, Humboldt Base and Meridian, in the Lord-Ellis Summit U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Numbers 316-174-015 & 316-174-007; latitude 40.8947 N, longitude 123.7837 W at the first point of diversion (POD-1).

Project Description: The project is limited to 13 encroachments (Table 1). Two encroachments are for water diversion from unnamed tributaries to Windy Creek. Water is diverted for domestic use and irrigation. Work for the water diversion will include use and maintenance of the water diversion infrastructure. Nine encroachments are to upgrade failing and undersized stream crossings. 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. Two encroachments are for stream restoration, including the decommissioning of an onstream reservoir.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
POD-1 (Notification Project 9)	40.8947, -123.7837	Water diversion from spring for domestic use. Domestic Use: SWRCB app ID: S028281 Water diversion for domestic use year-round. Permittee shall implement Seasonal Diversion Minimization: 200 gallons per day from May 15 – October 31, 80% bypass at all times.
POD-2 (Notif. Project 10)	40.8963, -123.7812	Seasonal water diversion from stream for cannabis irrigation Cannabis Irrigation: SWRCB app ID: H500546 Permittee shall follow SWRCB Cannabis Policy; diversion to storage for cannabis irrigation only when sufficient flows exist at reference gauge, rate of diversion shall be no more than 3 gallons per minute, 80% bypass at all times.
Decommission Reservoir (Notif. Project 1)	40.8939, -123.7835	Permittee has elected to remove an unpermitted onstream reservoir and restore the stream channel as notified.
Crossing-1 (Notif. Project 11)	40.8950, -123.7856	Replace existing bridge with new bridge. Permittee shall provide final design plan, stamped by licensed engineer to CDFW for review and approval prior to beginning work on this project.
Crossing-2 (Notif. Project 2)	40.8948, -123.7841	Replace existing three 4-inch flex pipes with an armored fill crossing as notified. Motor vehicle use shall be limited to dry season.

ID	Latitude/Longitude	Description
Crossing-3 (Notif. Project 3)	40.8941, -123.7841	Install armored fill crossing as notified. Motor vehicle use shall be limited to dry season.
Crossing-4 (Notif. Project 4)	40.8937, -123.7840	Replace undersized culvert with minimum 24" diameter culvert.
Crossing-5 (Notif. Project 5)	40.8935, -123.7845	Replace undersized culvert with minimum 24" diameter culvert.
Crossing-6 (Notif. Project 6)	40.8946, -123.7853	Replace undersized culvert with minimum 48" diameter, 74' long culvert.
Crossing-7 (Notif. Project 7)	40.8951, -123.7871	Replace undersized culvert with minimum 42" diameter culvert or vented ford with 24" diameter culvert.
Crossing-8 (Notif. Project 8)	40.8953, -123.7878	Replace undersized culvert with minimum 36" diameter culvert.
Crossing-9 (Notif. Project 12)	40.8957, -123.7895	Replace undersized culvert with minimum 42" diameter culvert or vented ford with 24" diameter culvert.
Streambank Restoration (Notif. Project 13)	40.8937, -123.7874	Remove perched fill from streambank and restore site as notified.

The Notification also discloses the use of a well located at Lat/Long 40.8959, -123.7817. This well is presented as an additional source of water. 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. Based on the available resources, and the site inspection, the well may be hydraulically connected to streams and/or springs and shall be evaluated for potential impacts from commercial cannabis irrigation use through Humboldt County's conditional use permits (PLN-13345-CUP; PLN-11732-CUP). 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.

for Signature _____ Date: _____
Cheri Sanville, Senior Environmental Scientist Supervisor

Governor's Office of Planning & Research

Date Received for filing at OPR: _____
Sep 14 2020

STATE CLEARINGHOUSE