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Office of Planning and Research

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From:
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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: Kuhlman Water Diversion, Impoundment and Stream Crossings Project (Streambed Alteration Agreement No. 1600-2017-0908-R1)

Project Location: The project to be completed is located within the Lower Eel River watershed, approximately 1.9 miles west southwest the town of Dinsmore, County of Humboldt, State of California. The project is located in Section 8, T01N, R05E, Humboldt Base and Meridian; in the Larabee Valley U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Numbers 210-221-001, 210-221-002, 210-191-050; latitude 40.4834 N and longitude -123.6419 W at the point of diversion (POD).

Project Description: The project is limited to 6 encroachment(s) (Table 1). One encroachment is for water diversion from a spring tributary to the Van Duzen River. Water is diverted for domestic use and irrigation. Work for the water diversion will include use and maintenance of the water diversion infrastructure. The 5 other proposed 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.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
POD	40.4834, -123.6419	Water diversion for domestic use and cannabis irrigation from storage. Cannabis Irrigation SWRCB application ID: H507034 Permittee shall follow SWRCB Cannabis Policy; diversion to storage for cannabis irrigation from November 1 – March 31 only when sufficient flows exist, 3 gallons per minute, 80% bypass at all times. Domestic Use SWRCB application ID: S027099 Permittee shall implement Seasonal Diversion Minimization: 200 gallons per day from May 15 – October 31, 80% bypass at all times.
Crossing-1	40.4836, -123.6421	Replace undersized culvert with minimum 48" diameter culvert.
Crossing-2	40.4837, -123.6417	Replace undersized culvert with minimum 60" diameter culvert.
Crossing-3	40.4833, -123.6398	Install appropriately sized culvert to pass 100-year flood flow and debris.
Crossing-4	40.4828, -123.6409	Replace undersized culvert with minimum 60" diameter culvert.
Crossing-5	40.4836, -123.6425	Replace undersized culvert with minimum 24" diameter culvert.

The initial notification materials disclosed a proposed reservoir located in an area that the available evidence indicated may be potential wetlands. A wetland delineation was requested by CDFW to determine if proposed project actions would impact aquatic resources. A wetland delineation was eventually provided to CDFW on June 3, 2020, and based on the results, Permittee's consultant has indicated that the proposed reservoir is no longer under consideration at this time. The wetland delineation revealed that three-parameter wetlands exist on the parcel near cannabis cultivation areas. A coordinated site inspection with CDFW and State or Regional Water Board staff is necessary to determine if cannabis cultivation and development activities have adversely impacted aquatic resources and whether additional mitigation is necessary.

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: _____ **Oct 01 2020**

STATE CLEARINGHOUSE