

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: Goforth Water Diversion, Reservoir and Stream Crossing Project
(Streambed Alteration Agreement No. 1600-2018-0839-R1)

Project Location: The project to be completed is located within the Mattole River watershed, approximately 0.8 miles east of the town of Petrolia, County of Humboldt, State of California. The project is located in Section 2, T02S, R02W, Humboldt Base and Meridian; in the Petrolia U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 105-071-006; latitude 40.3204 N and longitude -124.2695 W at the point of diversion (POD-1).

Project Description: The project is limited to three encroachments (Table 1). One encroachment is for water diversion from a shallow well in the underflow of an unnamed tributary to Mill Creek. Water is diverted for domestic use. Work for the water diversion will include use and maintenance of the water diversion infrastructure. One encroachment is to decommission or upgrade a failing and undersized stream crossing. Work for this encroachment will include excavation, removal of the failing crossing, replacement with new properly sized crossing, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion. If the crossing is to be decommissioned, then work will involve excavation, removal of the failing crossing and restoration of the stream channel. One encroachment is for an existing spring-fed onstream reservoir. The Permittee shall coordinate with CDFW to eliminate aquatic invasive species.

Table 1. Project Encroachments with Description covered by this Agreement

ID	Latitude/Longitude	Description
POD-1 (Well #1 in Notification WRPP)	40.3204, -124.2695	Shallow well in the underflow of an unnamed tributary to Mill Creek. Site inspection on September 4, 2019 discovered ongoing water diversion, overflowing tanks into an adjacent onstream reservoir. Permittee intends to use POD-1 for domestic water needs only. Domestic Use SWRCB application ID: S026716 Permittee shall implement Seasonal Diversion Minimization: 200 gallons per day from May 15 – October 31, 90% bypass at all times. Permittee shall install meters and float valves to stop water overflow into onstream reservoir.
Onstream Reservoir	40.3202, -124.2704	Spring-fed onstream reservoir. Permittee shall cease diverting water from POD-1 or other sources into the reservoir. Permittee shall submit an Invasive Species Management Plan for Reservoirs by August 31, 2020 for CDFW approval; or adopt the Bullfrog Management Plan (Exhibit A) if no other invasive species are present.

		If Permittee decides to fill in the reservoir, this action will require an amendment or new notification.
Stream Crossing	40.3198, -124.2706	Install rocked ford, vented ford or culvert to convey 100-year storm flow and debris. If ford is installed, road use shall be limited to dry season only.

The Notification also discloses the use of wells located at the following locations:

- Well #2 – Lat/Long: 40.3191, -124.2740
- Well #3 – Lat/Long: 40.3175, -124.2769
- New Well / MP #2 – Lat/Long: 40.3204, -124.2695

The Notification states that the New Well shall be the sole source of water for all commercial cannabis irrigation needs on the property, and that Wells #1, #2 & #3 are not to be used for commercial cannabis irrigation. The Notification included a Water Resource Protection Plan (WRPP) prepared by a Certified Engineering Geologist that states: “Because the wells are located in alluvial material and adjacent to a perennial Class 1 watercourse, it is possible they are hydrologically connected to the stream(s).” WRPP at pg. 13 (July 2018). Based on the available documents and the site inspection, the wells may be hydraulically connected to streams and shall be evaluated for potential impacts from commercial cannabis irrigation use through the County of Humboldt’s conditional use permit (PLN-11786-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: _____
Oct 01 2020

STATE CLEARINGHOUSE