

**To:**  
Office of Planning and Research

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**From:**  
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Contact: Cheri Sanville  
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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:** Nikolova Water Diversion and Stream Crossings Project (Streambed Alteration Agreement No. 1600-2019-0033-R1)

**Project Location:** The project to be completed is located within the Mad River watershed, approximately 1.7 miles northwest of the town of Dinsmore, County of Humboldt, State of California. The project is located in Section 32, T02N, R05E, Humboldt Base and Meridian; in the Showers Mountain U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 208-271-007; latitude 40.5103 N and longitude 123.6325 W at point of diversion-1 (POD 1).

**Project Description:** This Agreement relies on the Notification materials and a desk review without a CDFW site inspection. The project is limited to seven encroachments (Table 1). Two encroachments are for water diversion from unnamed tributaries to the Mad River. Water is diverted for domestic use and irrigation. Work for the water diversion will include use and maintenance of the water diversion infrastructure according to the terms of this Agreement. Two proposed encroachments are to upgrade failing and undersized culverts. Work for these encroachments will include excavation, removal of the failing culverts, replacement with new properly sized culverts, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion. Two encroachments are to decommission stream crossings by removing failing culverts and to implement stream restoration and revegetation. One encroachment is for stream restoration for a seasonal stream that has been rerouted around an unpermitted structure located within the Streamside Management Area and riparian setback.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
Point of Diversion-1 (POD-1)	40.5103, -123.6325	Existing unpermitted water diversion consists of a single 1" waterline in a stream. This Agreement authorizes a single waterline POD at this location; Permittee shall remove any additional waterlines, along with associated infrastructure. Permittee shall <b>bypass 90% of stream flow</b> . Rate of diversion shall be no more than <b>3 gallons per minute</b> . Permittee shall implement seasonal diversion minimization and limit total daily diversion to <b>150 gallons per day from May 15 – October 31</b> .
Point of Diversion-2 (POD-2)	40.5109, -123.6366	Existing unpermitted water diversion consists of two (2) 1" waterlines in a stream. This Agreement authorizes a single waterline POD; Permittee shall remove any additional waterlines, along with associated infrastructure. Permittee shall <b>bypass 90%</b> of stream flow. Rate of diversion shall be no more than <b>3 gallons per</b>

ID	Latitude/Longitude	Description
		<b>minute.</b> Permittee shall implement seasonal diversion minimization and limit total daily diversion to <b>150 gallons per day from May 15 – October 31.</b>
Stream Restoration (Notification Map Point 1)	40.5101, -123.6338	Seasonal stream is currently rerouted into a drainage ditch. Sediment delivery and flows upstream will be mitigated through the installation of ditch relief culverts on Bear Creek Road. Site shall be monitored for sediment delivery and need for instream work or revegetation.
Stream Crossing-1 (Notification Map Point 2)	40.5096, -123.6356	Replace undersized, failing 12" diameter culvert with a minimum 30" diameter, 40' long culvert.
Stream Crossing-2 (Notification Map Point 3)	40.5097, -123.6368	Replace undersized, failing 24" diameter culvert with a minimum 48" diameter, 50' long culvert.
Stream Crossing-3 (Notification Map Point 4)	40.5102, -123.6327	Decommission the stream crossing and restore the stream channel with native vegetation.
Stream Crossing-4 (Notification Map Point 5)	40.5102, -123.6325	Decommission the stream crossing and restore the stream channel with native vegetation.

Permittee has disclosed an existing off-stream reservoir on the parcel (lat./long.: 40.5112, -123.6344). Monitoring and management of aquatic invasive species shall be evaluated through the County of Humboldt's cannabis cultivation 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.

for Signature \_\_\_\_\_ Date: \_\_\_\_\_  
Cheri Sanville, Senior Environmental Scientist Supervisor

Date Received for filing at OPR: Governor's Office of Planning & Research

**Oct 01 2020**

**STATE CLEARINGHOUSE**