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Lead Agency (if different from above)
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SUBJECT: Filing of Notice of Determination pursuant to Public Resources Code section 21108

State Clearinghouse Number: 2015102005

Project Title: Shepp Water Diversion and Stream Crossings Project (Streambed Alteration Agreement No. 1600-2017-0854-R1)

Project Location: The project to be completed is located within the Mattole River watershed, approximately 8.5 miles west of the town of Redway, County of Humboldt, State of California. The project is located in Sections 19 & 20, T 04S, R 02E, Humboldt Base and Meridian; in the Briceland U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Nos: 220-072-001, 220-071-004, 220-071-005; latitude/longitude: 40.1008, -123.9864 at one of the points of diversion (POD).

Project Description: The project is limited to seven (7) encroachments (Table 1). Three (3) encroachments are for water diversion from an unnamed tributaries to Eubank Creek and Mattole River. Water is diverted for domestic use and irrigation. Work for the water diversion will include modifications to existing water diversion infrastructure to minimize impacts to fish and wildlife, including a water diversion infrastructure plan, water management plan, and seasonal diversion minimization and forbearance. The four (4) other proposed encroachments are to upgrade undersized or failing culverts or other stream crossings. Work for these encroachments will include excavation, removal of the existing culverts, replacement with new properly sized culverts, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion.

Table 1. Project Encroachments with Description

| ID | Latitude/Longitude | Description |
|---|---|---|
| Crossing-1 (Crossing #2 in notification) | 40.1050, -123.9806 | Install a minimum 24" diameter, 40' long culvert to restore the stream back to its original channel. |
| Crossing-2 (Crossing #3 in notification) | 40.1039, -123.9803 | Replace undersized 24" diameter culvert with a minimum 42" diameter, 30' long culvert. |
| Crossing-3 (Crossing #4 in notification) | 40.1682, -123.9801 | Replace undersized 18" diameter culvert with a minimum 42" diameter, 20' long culvert. |
| Crossing-4 (Crossing #5a & 5b in notification) | 40.1663, -123.9809; 40.1038, -123.9804 | Install a minimum 30" diameter, 40' long culvert to restore the stream back to its original channel. |
| Point of Diversion-1 (POD A in notification) | 40.1008, -123.9864 | Instream water diversion according to CDFW approved Diversion Infrastructure Plan. During the diversion season, Permittee shall bypass 90% of stream |

| ID | Latitude/Longitude | Description |
|--|--------------------|--|
| notification) | | <p>flow.</p> <p>Rate of diversion shall be no more than 3 gallons per minute for all PODs combined.</p> <p>Permittee shall implement seasonal diversion minimization and limit total daily diversion to 200 gallons per day for all PODs combined from May 15 – July 31.</p> <p>Permittee shall implement a forbearance period of August 1 – October 31, when no water diversion shall take place.</p> |
| Point of Diversion-2 (POD B in notification) | 40.0909, -123.9895 | <p>Instream water diversion according to CDFW approved Diversion Infrastructure Plan.</p> <p>During the diversion season, Permittee shall bypass 90% of stream flow.</p> <p>Rate of diversion shall be no more than 3 gallons per minute for all PODs combined.</p> <p>Permittee shall implement seasonal diversion minimization and limit total daily diversion to 200 gallons per day for all PODs combined from May 15 – July 31.</p> <p>Permittee shall implement a forbearance period of August 1 – October 31, when no water diversion shall take place.</p> |
| Point of Diversion-3 (POD C in notification) | 40.0942, -123.9949 | <p>Instream water diversion according to CDFW approved Diversion Infrastructure Plan.</p> <p>During the diversion season, Permittee shall bypass 90% of stream flow.</p> <p>Rate of diversion shall be no more than 3 gallons per minute for all PODs combined.</p> <p>Permittee shall implement seasonal diversion minimization and limit total daily diversion to 200 gallons per day for all PODs combined from May 15 – July 31.</p> <p>Permittee shall implement a forbearance period of August 1 – October 31, when no water diversion shall take place.</p> |

Permittee has disclosed multiple other stream crossings in the notification. Installation or maintenance of culverts or rocked fords at these crossings is not covered under this Agreement. If any instream maintenance (such as armoring) and/or replacement of the culvert is necessary that work will need to be notified as a project, and covered under an amendment or a separate Agreement. The description (crossing # from notification) and locations (lat./long.) of these stream crossings are as follows:

- A (#1): 24" diameter culvert; 40.1052, -123.9805
- B (#6): 24" diameter culvert with disclosure of limited large woody debris removal upstream from crossing; 40.1038, -123.9825
- C (#7): 72" diameter culvert; 40.1038, -123.8936
- D (#8): 30" diameter culvert; 40.1040, -123.9870
- E (#9): 24" diameter culvert; 40.1037, -123.9893
- F (#10): Dirt ford crossing that will be abandoned; 40.0912, -123.9895

Permittee has disclosed an off-stream reservoir (lat./long.: 40.1013, -123.9883), approximately 400,000 gallons, that is lined with plastic and therefore potentially poses a risk of wildlife entrapment. The reservoir is adjacent to a large are of forest that has been converted to cannabis cultivation, buildings, roads and an unofficial airstrip. A Bullfrog Management Plan may be required for the reservoir.

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

Cheri Sanville, Senior Environmental Scientist Supervisor

Date:

Date Received for filing at OPR: _____