

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

**State Clearinghouse Number:** 2015102005

**Project Title:** Lacewell Water Diversion and Stream Crossings Project (Streambed Alteration Agreement No. 1600-2019-0588-R1)

**Project Location:** The project to be completed is located within the Mad River watershed, approximately 8.45 miles southwest of the town of Willow Creek, County of Humboldt, State of California. The project is located in Section 19, T06, R04, Humboldt Base and Meridian; in the Lord-Ellis Summit U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 316-172-014; latitude/longitude: 40.8818, -123.7757 at the point of diversion (POD).

**Project Description:** The project is limited to four encroachments (Table 1). One encroachment is to abandon an unpermitted water diversion on an adjacent parcel (APN: 316-173-029) and remove all water diversion infrastructure. One encroachment is water diversion from an unnamed tributary to Redwood Creek. Water is diverted for domestic use and irrigation. Work for the water diversion will include use and maintenance of the water diversion infrastructure per a CDFW-approved Water Diversion Infrastructure Plan. The two other 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.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
POD-1	40.8824, -123.7752	Remove existing unpermitted water diversion infrastructure on APN: 316-173-029
POD-2	40.8818, -123.7757	Instream water diversion. Permittee shall <b>bypass 90%</b> of stream flow. Rate of diversion shall be no more than <b>3 gallons per minute</b> . To accommodate domestic use by 5 full-time permanent residents, Permittee shall implement seasonal diversion minimization and limit total daily diversion to <b>375 gallons per day from May 15 – October 31. Water Management Plan shall demonstrate water is sufficiently available and all feasible conservation measures have been implemented or the maximum daily diversion will be limited to 200 gpd in 2022 and beyond.</b> Permittee shall submit a <b>Diversion Infrastructure Plan</b> and a <b>Water Management Plan</b> to CDFW for approval <b>within 60 days</b> of the effective date of this Agreement.

ID	Latitude/Longitude	Description
Crossing-1	40.8810, -123.7735	Replace undersized 8" diameter culvert with minimum 24" diameter culvert
Crossing-2	40.8815, -123.7730	Replace undersized 12" diameter culvert with minimum 30" diameter culvert

The Notification also discloses an unpermitted stream crossing (labeled as "Stream crossing #4" in the Notification) located at Lat/Long: 40.8817, -123.7725. Permittee represents that no work is proposed at this site. If after CDFW inspection or at any time, work is deemed necessary, Permittee will be required to notify for this crossing.

The Notification also discloses a reservoir (labeled as "Pond" in the Notification) located at Lat/Long: 40.8814, -123.7749. Permittee represents that no work is proposed at this site. If after CDFW inspection, work is deemed necessary or if the reservoir is deemed subject to Fish and Game Code (FGC) 1602, Permittee will be required to notify for this reservoir.

No other projects that may be subject to FGC section 1602 were disclosed. This Agreement does not retroactively permit any stream crossings, water diversions or other encroachments not described in Table 1 below.

**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 \_\_\_\_\_ Date: \_\_\_\_\_  
Cheri Sanville, Senior Environmental Scientist Supervisor

Date Received for filing at OPR: \_\_\_\_\_