

**To:**  
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  
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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:** Cowan Stream Crossing and Stream Restoration Project (Lake or Streambed Alteration Agreement No. 1600-2020-0350-R1)

**Project Location:** The project is located within Willow Creek watershed, approximately 5.5 miles west northwest of the town of Willow Creek, County of Humboldt, State of California; Section 28, T07N, R04E, Humboldt Base and Meridian, in the Willow Creek U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 522-033-010. Latitude and longitude for individual projects are listed in Table 1 below.

**Project Description:** This Agreement relies on the Notification materials and a CDFW site inspection by Environmental Scientist Andrew Orahoske on November 13, 2019. The project is limited to 3 encroachments (Table 1). One encroachment is to upgrade a stream crossing as recommended by staff from the North Coast Regional Water Quality Control Board. Work for this encroachment will include excavation, installation of a new properly sized crossing, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion. Two encroachments are for stream restoration at a failed onstream reservoir and a roadside streambank.

Table 1. Project Encroachments Covered by this Agreement with Description

ID	Latitude/Longitude	Description
Crossing-1	40.2133, -123.7467	Existing unarmored ford crossing shall be upgraded as recommended by staff from the North Coast Regional Water Quality Control Board. Use of a ford shall be restricted to times of the year when the fording surface is dry. Alternatively the Permittee may install an appropriately sized and designed crossing for year round use.
Stream Restoration-1 (MP-2)	40.9703, -123.7322	Stream restoration at a failed onstream reservoir. Permittee shall implement the restoration work as notified.
Stream Restoration-2 (MP-3)	40.9705, -123.7341	Stream restoration at a roadside streambank. Permittee shall implement the restoration work as notified.

The Notification and site inspection revealed the use of two water wells located at (lat./long.): Well-1: 40.9701, -123.7362; Well-2: 40.9699, -123.7328. CDFW did not fully evaluate hydraulic connection of the wells to surface water, nor was a hydrogeologic evaluation prepared by a licensed geologist provided for CDFW review. Based on the available resources, and the site inspection, the wells may be hydraulically connected to streams and/or springs and shall be evaluated for potential impacts from commercial cannabis irrigation use through Humboldt County's cannabis cultivation permit process (PLN-12848-SP).

No surface water diversion is authorized by this Agreement. The site of the failed onstream reservoir matches several prior filings with the Division of Water Rights for surface water diversion: S027156, S025091, S025126, S027157, S025079, S025128. No water diversion infrastructure was observed at this location during the CDFW site inspection on November 13, 2019.

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.

Signature

Cheri Sanville, Senior Environmental Scientist Supervisor

Date:

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