

**To:**  
Office of Planning and Research  
For U.S. Mail:  
P.O. Box 3044  
Sacramento, CA 95812-3044

**Street Address:**  
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**From:**  
Department of Fish and Wildlife  
Northern Region  
619 Second Street  
Eureka, California 95501  
Contact: Jonathan Hollis  
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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:** Ayers Water Diversion, Stream Crossings, and Embankment Removal Project (Lake or Streambed Alteration Agreement No. 1600-2018-0731-R1)

**Project Location (include county):** The project is located within the Mattole River watershed, at 2872 Chemise Mountain Road in the town of Whitethorn, County of Humboldt, State of California. The project is located in Section 19, T5S, R2E, Humboldt Base and Meridian; in the Briceland U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 108-281-003; latitude 40.0132 N and longitude 123.9923 W at the point of diversion (POD).

**Project Description:** The project is limited to six encroachments. One encroachment is for water diversion from an unnamed tributary to South Fork Bear Creek. Water shall be diverted for domestic use only. Work for the water diversion will include use and maintenance of the water diversion infrastructure. The second encroachment shall remove a disused spring-box and all associated diversion infrastructure from the stream channel. Work for this encroachment will include excavation and proper storage or disposal of the infrastructure off-site. The third encroachment shall replace an undersized culvert and remove excessive rock armoring. Work for this encroachment will include excavation, removal of the undersized culvert and excessive rock armoring, replacement with a new properly sized culvert, backfilling and compaction of fill, and rock armoring only as necessary to minimize erosion at the inlet, outlet, and slope faces. The third and fourth encroachments shall upgrade informal dirt ford crossings with appropriately designed armored fill crossings. Work for these encroachments will include excavation, removal of the fill material down to the natural streambed, realignment and recontouring of the natural channel, replacement with new properly sized rock, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion. The sixth encroachment shall remove a dirt embankment and paved spillway impounding the stream. Work for this encroachment will include dismantlement and removal of the paved spillway, excavation and removal of the fill material comprising the embankment down to the natural streambed and banks, proper storage and/or disposal of the material off-site, and revegetation of the riparian area.

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: \_\_\_\_\_