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

State Clearinghouse Number: 2015102005

Project Title: Borusas Water Diversion, Hydropower, Water Impoundment and Stream Crossings Project (Lake or Streambed Alteration Agreement No. EPIMS-HUM-15381-R1C)

Project Location: The project to be completed is located on Cowan Creek and tributaries within the Mad River watershed, approximately 16 miles south southeast of the City of Blue Lake, County of Humboldt, State of California. The project is located in Section 3, Township 3N, Range 3E and Section 34, Township 4N, Range 3E Humboldt Base and Meridian; in the Mad River Buttes U.S. Geological Survey 7.5-minute quadrangle; Humboldt County Assessor's Parcel Numbers: 315-146-018, 315-222-003. Latitude and Longitude for the 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 May 30, 2018 and June 19, 2018. The project is limited to 10 encroachments (Table 1). Two encroachments are for water diversion from a spring and shallow well connected to stream underflow for domestic use. Work for the water diversion will include use and maintenance of the water diversion infrastructure in accordance with this Agreement. Two encroachments are for existing onstream reservoirs to maintain and replace outlet culverts and to install emergency rocked spillways. One encroachment is for a water diversion to operate a microhydro power generation system, Five encroachments are to upgrade failing and undersized stream crossings. Work for these encroachments will include excavation, removal of the failing crossings, replacement with new properly sized crossings, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion.

Table 1. Project Encroachments Covered by this Agreement with Description

ID	Latitude/Longitude	Description
POD-1	40.6793, -123.8160	Spring box for domestic water use; rate of withdrawal is 3 gallons per minute. Permittee shall implement a forbearance period of August 15 - December 15, when no water diversion shall take place. During the diversion season, Permittee shall bypass 80% of flow, and implement Seasonal Diversion Minimization: no more than 200 gallons per day from May 15 – August 14.
POD-2 (WELL-1)	40.6790, -123.8170	Shallow water well diverting from stream underflow for domestic water use. Rate of withdrawal shall be no more than 7 gallons per minute. Permittee shall implement Seasonal Diversion Minimization: no more than 500 gallons per day from May 15 – October 31
Onstream Reservoir -1	40.6738, -123.8162	Maintain existing, unpermitted onstream reservoir. Install emergency overflow rocked spillway. Maintain existing 24" diameter outlet culvert and

ID	Latitude/Longitude	Description
(PO-3)		install rock armoring for energy dissipation at outlet to prevent erosion in the stream channel. Permittee shall implement Aquatic Invasive Species Monitoring and Management. No water diversion is authorized by this Agreement.
Onstream Reservoir-2 (PO-4)	40.6780, -123.8191	Maintain existing, unpermitted onstream reservoir. Install emergency overflow rocked spillway. Replace failing, undersized 24" diameter culvert with minimum 30" diameter culvert. Maintain and enhance riparian vegetation at reservoir outlet and stream channel. No water diversion is authorized by this Agreement.
Micro-Hydroelectric Power Water Diversion (MH-1)	40.6780, -123.8190	Maintain existing micro-hydroelectric power water diversion. Permittee shall provide 80% bypass of water flow at the inlet. Permittee shall remove the water intake polyline from the stream channel. Permittee shall ensure that water return at outlet is rock armored and not causing erosion or sediment delivery to stream channel. Permittee shall ensure that the system does not adversely affect aquatic and riparian resources by implementing protective measures in this Agreement.
Crossing-1 (WC-G)	40.6774, -123.8193	Maintain existing 18" diameter culvert; install rock armoring at inlet and outlet.
Crossing-2 (WC-G2)	40.6773, -123.8191	Maintain existing 18" diameter culvert; install rock armoring at inlet and outlet.
Crossing-3 (WC-G3)	40.6778, -123.8194	Replace failing, undersized 24" diameter culvert with minimum 36" diameter culvert. Relocate the microhydro power unit water intake polyline out of the stream channel. Hydrologically disconnect the upland French drain so that runoff does not enter the stream. Site inspection revealed polluted runoff from livestock area adjacent to the stream, and Permittee agreed to remediate the site to prevent erosion and pollution from entering the stream.
Crossing-4 (WC-H)	40.6772, -123.8200	Maintain existing 18" diameter culvert; install rock armoring at inlet and outlet.
Crossing-5 (WC-L)	40.6765, -123.8178	Replace failing, undersized 6" diameter culvert with minimum 18" diameter culvert.

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 _____ Date: _____
Cheri Sanville, Senior Environmental Scientist Supervisor

Date Received for filing at OPR: _____