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Office of Planning and Research

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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: Gomes Water Diversion and Stream Crossings Project (Lake or Streambed Alteration Agreement No. 1600-2018-0855-R1)

Project Location: The project is located within Anderson Creek and the South Fork Eel River watershed, approximately 2.1 miles east of Phillipsville, County of Humboldt, State of California; Section 17, T03S, R04E, Humboldt Base and Meridian, in the Fort Seward U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 214-111-006 & 214-112-006; latitude 40.2133 N and longitude 123.7467 at the point of diversion (POD).

Project Description: This Agreement relies on the Notification materials and a CDFW site inspection by Environmental Scientist Andrew Orahoske on April 26, 2019. The project is limited to 4 encroachments (Table 1). One encroachment is for water diversion from unnamed spring tributary to the Eel River. Water is diverted for cannabis irrigation from storage. Work for the water diversion will include use and maintenance of the water diversion infrastructure. Three 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	40.2133, -123.7467	Water diversion from unnamed spring for cannabis irrigation from storage. The Notification states: Water is diverted during the winter months and stored for use during the summer months when the source slows to a trickle. The applicant also intends on diverting water to top off a proposed rainwater collection pond during the winter months when rainfall is limited. No diversion will occur during the summer months. Cannabis Irrigation SWRCB application ID: H500621 Permittee shall follow SWRCB Cannabis Policy; diversion to storage for cannabis irrigation from November 1 – March 31 when sufficient flows exist, 3 gallons per minute, 80% bypass at all times.
Crossing-1	40.2137, -123.7520	Replace existing culvert with a minimum 30-inch diameter culvert.
Crossing-2	40.2140, -123.7464	Install 24-inch culvert and realign stream to natural channel.
Crossing-3	40.2112, -123.7486	Replace existing culvert with a minimum 24-inch diameter culvert.

The Notification also discloses the use of a two water wells located at (lat./long.):

- Well-1: 40.2133, -123.7473 (location based on site inspection)
 - Notification materials place well at, 40.2163, -123.7505, in error
- Well-2: 40.2095, -123.7493

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-13324-SP & PLN-11314-CUP). In particular, CDFW site inspection revealed that Well-1 is located proximate to the spring (POD) and water levels recorded in the well log (~25 feet below ground) are at a similar elevation to the spring located downslope.

The CDFW site inspection revealed the existence of potential wetlands in close proximity to the existing cannabis cultivation area located at (lat./long.): 40.2099, -123.7493. The Permittee has agreed to conduct a wetland delineation per U.S. Army Corps of Engineers protocol and to coordinate with CDFW on the scope of the wetland investigation. If it is determined by CDFW that wetlands have been impacted by project activities, then the Permittee shall notify for any remediation activities.

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: _____