



**To:**  
Office of Planning and Research  
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**From:**  
Department of Fish and Wildlife  
Northern Region  
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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:** Ayers Water Diversion and Onstream Pond Spillway Project (Lake or Streambed Alteration Agreement No. EPIMS-HUM-12632-R1)

**Project Location (include county):** The project is located within the South Fork Bear Creek watershed, at 2500 Chemise Mountain Road, Whitethorn, County of Humboldt, State of California; Section 18, T5S, R2E, Humboldt Base and Meridian, in the Briceland U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 108-132-031; latitude 40.0216 N and longitude 123.9957 W at the point of diversion (POD).

**Project Description:** The project is limited to two encroachments. One encroachment is for water diversion from an unnamed tributary to South Fork Bear Creek. Water is diverted for domestic use only. Work for the water diversion will include use and maintenance of the water diversion infrastructure. The other proposed encroachment shall replace the paved spillway of an onstream pond with an appropriately designed rocked spillway that lowers the elevation of the impoundment and passes 100-year flows. Work for this encroachment will include excavation, removal of the existing spillway, replacement with an appropriately designed spillway consisting of properly sized rock, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion.

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: \_\_\_\_\_