

**To:**  
Office of Planning and Research

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**From:**  
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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:** Lambert Water Diversion, Reservoirs and Stream Crossings Project (Streambed Alteration Agreement No. 1600-2019-0184-R1)

**Project Location:** The project is located within the Hacker Creek watershed, approximately 5.7 miles northwest of the town of Redway, County of Humboldt, State of California; Section 26, T3S, R2E, Humboldt Base and Meridian, in the Ettersburg U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 221-230-002; latitude 40.1702 N and longitude 123.9157 W at the first point of diversion (POD).

**Project Description:** The project is limited to 7 encroachments (Table 1). Three encroachments are for water diversion from unnamed tributaries to Hacker Creek. Water is diverted for domestic use and micro-hydroelectric power generation. Work for the water diversions will include use and maintenance of the water diversion infrastructure in accordance with the terms of this Agreement. One encroachment is for an existing onstream reservoir that will be monitored and maintained as recommended by the licensed engineer in the notification materials. Three proposed encroachments are to upgrade or maintain 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	40.1702, -123.9157	<b>Domestic Use</b> Water diversion for domestic use year-round. Permittee shall implement Seasonal Diversion Minimization: POD-1 & POD-2 combined, no more than 200 gallons per day from May 15 – October 31, 80% bypass at all times
POD-2	40.1713, -123.9161	<b>Domestic Use</b> Water diversion for domestic use year-round. Permittee shall implement Seasonal Diversion Minimization: POD-1 & POD-2 combined, no more than 200 gallons per day from May 15 – October 31, 80% bypass at all times
Micro-hydro	40.1707, -123.9149	Existing water diversion from onstream reservoir for Pelton wheel micro-hydroelectricity for domestic power supply
Onstream Reservoir	40.1706, -123.9154	Spring-fed onstream reservoir. Permittee shall maintain and enhance the overflow as recommend by the engineer in the notification materials
Crossing-1	40.1720, -123.9142	Replace existing culvert with a minimum 48-inch diameter culvert

ID	Latitude/Longitude	Description
Crossing-2	40.1720, -123.9147	Maintain existing 24-inch culvert, including rocking inlet and outlet to prevent erosion
Crossing-3	40.1717, -123.9154	Maintain existing 24-inch culvert, including rocking inlet and outlet to prevent erosion

Permittee disclosed three additional reservoirs that shall be subject to CDFW site inspection, but are not covered by this Agreement:

- Reservoir-2: An existing reservoir, located at approximately 40.1709, -123.9129, that is the primary source of water for cannabis irrigation.
- Reservoir-3: An existing reservoir, located at approximately 40.1727, -123.9150.
- Reservoir-4: An existing reservoir, located at approximately 40.1731, -123.9140.

The Notification states these reservoirs do not require notification and do not connect to streams. Existing reservoirs disclosed in the Notification, but not included as 1602 projects with fees, are not covered under this Agreement. If after CDFW site inspection, it is determined that work is required, then that work must be covered by a major amendment or a separate Notification.

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 David Manthorne Date: 11-4-21  
 David Manthorne, Senior Environmental Scientist Supervisor

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