

To:
Office of Planning and Research

For U.S. Mail:
P.O. Box 3044
Sacramento, CA 95812-3044

Street Address:
1400 Tenth Street
Sacramento, CA 95814

From:
Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Contact: David Manthorne
Phone: 707-741-1211



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: Howard Water Diversion and Stream Crossings Project (Streambed Alteration Agreement No. 1600-2019-0377-R1)

Project Location: The project is located within the South Fork Eel River watershed, approximately 3.25 miles south southeast of the town of Benbow, County of Humboldt, State of California; Sections 7 & 18, T05S, R04E, Humboldt Base and Meridian, in the Garberville U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 223-044-010; latitude 40.0346 N and longitude 123.7681 W at the first point of diversion (POD).

Project Description: The project is limited to 11 encroachments (Table 1). Three encroachments are for water diversion from unnamed tributaries to the South Fork Eel River. Water is diverted for domestic use and irrigation. Work for the water diversion will include use and maintenance of the water diversion infrastructure. Seven 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. One encroachment is for stream and riparian restoration by removing water storage tanks and implementing erosion control.

Table 1. Project Encroachments Covered by this Agreement with Description

ID	Latitude/Longitude	Description
POD-1	40.0346, -123.7681	Water diversion from a seasonal stream for domestic use and irrigation from storage. Cannabis Irrigation SWRCB application ID: H502329 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. Domestic Use SWRCB application ID: S028006 Permittee shall implement Seasonal Diversion Minimization: 200 gallons per day from May 15 – October 31, 80% bypass at all times.
POD-2	40.0287, -123.7679	Water diversion from a seasonal stream for domestic use only. Domestic Use SWRCB application ID: S027931 Permittee shall implement Seasonal Diversion Minimization: 200 gallons per day from May 15 – October 31, 80% bypass at all times.

ID	Latitude/Longitude	Description
POD-3	40.0195, -123.7637	Water diversion from a spring for domestic use only. Domestic Use SWRC application ID: S028541 Permittee shall implement Seasonal Diversion Minimization: 200 gallons per day from May 15 – October 31, 80% bypass at all times.
Crossing-1	40.0351, -123.7668	Install rock armor at outlet of existing 36-inch diameter culvert.
Crossing-2	40.0261, -123.7676	Install rock armor at outlet of existing 18-inch diameter culvert.
Crossing-3	40.0227, -123.7647	Install rock armor at outlet of existing 18-inch diameter culvert.
Crossing-4	40.0230, -123.7648	Install rock armor at outlet of existing 18-inch diameter culvert.
Crossing-5	40.0237, -123.7647	Install rock armor at outlet of existing 18-inch diameter culvert.
Crossing-7	40.0205, -123.7650	Replace existing culvert with a minimum 36-inch diameter culvert.
Crossing-8	40.0228, -123.7629	Install minimum 24-inch diameter culvert.
Stream Restoration	40.0236, -123.7628	Remove water storage tanks from streambanks and riparian area. Implement revegetation and monitor the site for erosion or instability.

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: _____
David Manthorne, Senior Environmental Scientist Supervisor

Date Received for filing at OPR: _____