



To:
Office of Planning and Research
For U.S. Mail:
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From:
Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Contact: Joshua Gruver
Phone: (707) 672-2239

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: Water Diversion and On-Stream Remediation Project (Lake or Streambed Alteration Agreement No. EPIMS-HUM-40251-R1C)

Project Location (include county): The Project to be completed is located within the Fish Creek – South Fork Eel River River watershed, approximately 2.1 miles southeast of the town of Benbow, County of Humboldt, State of California. The Project is located in Section 5, T05S, R04E, Humboldt Base and Meridian; in the Garberville U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 033-110-003-000; latitude 40.0484 N and longitude -123.7577 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 Fish Creek. Water is diverted for domestic use. Work for the water diversion will include use, maintenance, and upgrade of the water diversion infrastructure. The other proposed encroachment is to decommission an on-stream pond and remove a pond liner that was installed without permitting. Both the construction of the on-stream pond and the lining of the pond constitute Fish & Game Code (FGC) violations. At the pond site, there are inlet and outlet culverts that shall be removed. The spillway culvert shall be replaced with a restored channel excavated to natural grade to limit the ability of the pond to hold water. The remediation of the pond site and decommissioning of the pond will work to resolve the FGC violations, following work completion and inspection by a licensed professional. The current spillway is adequately rock armored. A new channel shall be excavated and established by pulling banks back to no more than a 2:1 slope. The newly established channel shall be at least 18" deep and approximately 6' in width. All pond decommissioning and restoration details shall be in accordance with a submitted and approved Stream Restoration Plan. Work for these encroachments shall include excavation and removal of the existing culverts, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion. The pond liner shall be completely removed. A Stream Remediation Plan shall be submitted for CDFW review and approval prior to restoration activities.

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.

DocuSigned by:

Rebecca Garwood

Signature

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8/18/2024

Date:

Rebecca Garwood, Environmental Program Manager

Date Received for filing at OPR: _____