CEQA ADDENDUM TO THE
SALMONID RESTORATION FEDERATION MARSHALL RANCH STREAMFLOW ENHANCEMENT PROJECT
MITIGATED NEGATIVE DECLARATION (MND)
(State Clearinghouse # 2019109088), September 2021

APN 220-061-011, 195 Old Somerville Creek Road, Briceland, County of Humboldt

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Background

This addendum to the Mitigated Negative Declaration for the Salmonid Restoration Federation Marshall Ranch Streamflow Enhancement Project, State Clearinghouse Number 2019109088, (hereinafter MND) has been prepared to document project modifications that are proposed for implementation for this project. Pursuant to the California Environmental Quality Act, Statute and Guidelines, Section 15164, this addendum describes those modifications, provides a brief explanation of the decision to not prepare a subsequent MND pursuant to 15162, supported by substantial evidence, and includes findings on the project.

Project Location

The project described in this addendum is located in Humboldt County, in the Briceland area, on both sides of Old Somerville Creek Road, approximately 1,700 feet south from the intersection of Old Briceland Road and Old Somerville Creek Road, on the property known as 195 Old Somerville Creek Road.

Description of the Modified Project

Overview

The Salmonid Restoration Federation Marshall Ranch Streamflow Enhancement Project (Project) is 10-million-gallons of off-stream water storage on the Marshal Ranch designed to deliver 30 gallons per minute of flow augmentation to Redwood Creek during the 5-month dry season to improve instream aquatic habitat. Water storage is two (2) ponds (~3.6 million gallons (mg) and ~5.7 mg) and five (5) tanks (100,000-gal/each) designed to fill with rainwater (~3.5 mg) and water diverted from two (2) Redwood Creek tributaries during the wet season (~6.5 mg). The Project also includes an instream habitat and bank stabilization structure, erosion control, cooling gallery, solar energy generation system to support operations, upgrading access roads, and associated infrastructure.

The Project includes a Water Availability Analyses (WAA) submitted to the State Water Board Division of Water Rights (Board) for review with the Project's Appropriative Water Rights Application (AWR). The WAA is included in Attachment A of the MND as Appendix C of the BOD (Basis of Design) Report. From the WAA a diversion approach was proposed to minimize impacts to downstream aquatic habitat resources.

Ongoing collaboration between the Project team and Board, CDFW and other agency staff following adoption of the MND on January 6, 2022, resulted in an agreed upon final diversion approach which is defined in the approved AWR, and Lake and Streambed Alteration Agreement. The Board emphasized that the MND language should match the approved AWR diversion approach language, so this addendum was prepared to reflect the updated language.

Project Modification

The Project modification is updating language to the final diversion approach to reflect the language in the approved AWR.

Diversion approach, updated January 27, 2022:

1. Diversion season: December 1 to April 30**.** *This is a modification to the diversion season stated in the MND, which was December15 to March 31.*
2. Diversion allowed when Redwood Creek mainstem at the Marshall Ranch is at or above 5 cubic feet per second (cfs).

3. Diversion rate from the tributaries shall not exceed 1% of Redwood Creek mainstem flow at the Marshall Ranch. *This is a modification to the diversion rate stated in the MND, which was shall not exceed 10% of Redwood Creek mainstem flow at the Marshall Ranch.*
4. A minimum bypass flow of 5 gallons per minute (gpm) is required for the eastern tributary and 1 gpm for the western tributary. *This is a modification to the minimum bypass flow stated in the MND, which was 5 gpm for each tributary.*
5. Cumulative diversion rates from the two tributaries will range from 0 gpm to 220 gpm during the diversion season. *This is a modification to the cumulative diversion rates of the two tributaries stated in the MND, which ranged from 75 to 200 gpm during the diversion season.*
6. Maximum diversion volume of 6.5 million gallons (20 ac-ft) with varied yearly diversion schedule guided by hydrograph and in accordance with items 1 through 5 above. *This is a modification to the maximum diversion volume stated in the MND, which was 30 to 60 days of diversion needed to achieve 6.5 million gallons of diversion (20 ac-ft).*

Purpose

Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Mitigated Negative Declaration (MND) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent EIR or Negative Declaration have occurred. Section 15162 states that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The purpose of this addendum is to document that the environmental effects associated with project modification remain consistent with the MND previously prepared for the Project.

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to

update language to refine the diversion season, rate and bypass flow is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND.

Other CEQA Considerations

Staff suggests no changes for the revised project.

EXPLANATION OF DECISION NOT TO PREPARE A SUPPLEMENTAL MITIGATED NEGATIVE DECLARATION OR ENVIRONMENTAL IMPACT REPORT

See **Purpose** statement above.

In every impact category analyzed in this review, the projected consequences of the current project proposal are either the same or less than significantly increased than the initial project for which the MND was adopted. Based upon this review, the following findings are supported:

FINDINGS

1. The Project Description of the MND adopted on January 6, 2022, described a proposed provisional diversion approach to minimize impacts to downstream aquatic habitat resources.

2. Following adoption of the MND a final diversion approach was defined in the approved Appropriative Water Rights Application (AWR), and Lake and Streambed Alteration Agreement (LSAA).

3. This addendum updates language in the MND to reflect the approved AWR diversion approach language.

4. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.

5. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

CONCLUSION

Based on these findings it is concluded that an Addendum to the certified MND is appropriate to address the requirements under CEQA for the current project proposal. All of the findings, mitigation requirements, and mitigation and monitoring program of the MND, remain in full force and effect on the original project.