



To:
Office of Planning and Research
For U.S. Mail:
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1400 Tenth Street
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From:
Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Contact: Monty Larson
Phone: 707-496-2292

Lead Agency (if different from above)
County of Mendocino
860 N. Bush Street
Ukiah, CA 95482
Contact: Mary Lynn Hunt
Phone: 707-234-6650

SUBJECT: Filing of Notice of Determination pursuant to Public Resources Code section 21108

State Clearinghouse Number: 2016112028

Project Title: Shuster Stream Crossings and Water Diversion Project (Lake or Streambed Alteration Agreement No. 1600-2019-0491-R1)

Project Location (include county): The project is located within the Eel River watershed, approximately 3.5 miles southeast of the City of Willits, County of Mendocino, State of California; Sections 28 and 33, T18N, R13W, Mt. Diablo Base and Meridian, in the Laughlin Range U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Numbers 104-240-20, and 104-250-07; latitude 39.375468 N and longitude 123.304562 W at the point of diversion.

Project Description: The California Department of Fish and Wildlife has executed Lake and Streambed Alteration Agreement 1600-2019-0491-R1, pursuant to Section 1602 of the Fish and Game Code to Mr. Keith Shuster.

The project is limited to six encroachments. One encroachment is for water diversion from a reservoir on an unnamed tributary to Davis Creek. Water is diverted for irrigation, cannabis irrigation, and livestock watering under SWRCB License #10926. Work for the water diversion will include use and maintenance of the water diversion infrastructure. The five other proposed encroachments are to maintain or upgrade failing and undersized stream crossings. Three stream crossings (C1, C2, and C4) are located on a Class I stream. One stream crossing is located on a Class III tributary (C5) and the final stream crossing (C3) directs water from the reservoir spillway to the Class I. 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. Stream crossings (C1, C2, and C4) shall be designed and installed to provide passage for juvenile steelhead and maintain a natural stream bottom through the culverts.

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:
Signature David Manthorne

Date: 10/18/2021

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David Manthorne, Senior Environmental Scientist Supervisor

Date Received for filing at OPR: _____