



**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: John Herrera  
Phone: 707-962-9044

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

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

**State Clearinghouse Number:** 2016112028

**Project Title:** Moretto Spyrock Bottoms Stream Crossings and Water Diversion Project (Lake or Streambed Alteration Agreement No. 1600-2018-0263-R1)

**Project Location:** The project is located within the Rattlesnake Creek watershed, approximately 8 miles north of the town of Laytonville, County of Mendocino, State of California; Section 34, T 23N, R 15W, Mt. Diablo Base and Meridian, in the Tan Oak Park U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Numbers 056-330-12 & 056-330-13; latitude 39.7973 N and longitude 123.5240 W at the first point of diversion (POD-1).

**Project Description:** The project is limited to seven encroachments (Table 1). One encroachment is for water diversion from Rattlesnake Creek. Water is diverted for irrigation. Work for the water diversion will include use and maintenance of the water diversion infrastructure. The six other proposed 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.

Project activities at all stream crossings shall require pre-construction surveys by a Designated Biologist only if surface water is present one week before construction or becomes present during construction.

Permittee disclosed additional features of interest (Table 2).

The Notification states these features in Table 2 are either in good condition and meeting current performance standards or will be addressed soon to eliminate potential impacts to fish and wildlife resources. Existing stream crossings disclosed in the Notification, but not included as 1602 projects with fees, are not covered under this Agreement. If maintenance (such as armoring) and/or replacement become necessary, that work must be covered by a major amendment or a separate Notification.

The Notification also discloses the use of wells located at Lat/Long 39.7982, -123.5228. These well is presented as additional source of water for irrigation needs on the property. CDFW did not evaluate hydraulic connection of the well to surface water, nor was a hydrogeologic evaluation prepared by a licensed geologist provided for CDFW review.

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.

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:

*Angela Liebenberg*

12/3/2021

Signature

8266FD321G3845E...

Date:

for Cheri Sanville, Senior Environmental Scientist Supervisor

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