



To:
Office of Planning and Research
For U.S. Mail:
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From:
Department of Fish and Wildlife
Northern Region
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Eureka, California 95501
Contact: John Herrera

Phone: 707-643-3710

Lead Agency (if different from above)
County of Mendocino
860 N. Bush Street
Ukiah, CA 95482
Contact: Julia Acker
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SUBJECT: *Filing of Notice of Determination pursuant to Public Resources Code section 21108*

State Clearinghouse Number: 2016112028

Project Title: Nuckols Water Diversion, Stream Crossings, and Stream Restoration Project. Lake or Streambed Alteration Agreement No. EPIMS-MEN-03442-R1C

Project Location (include county): The project to be completed is located within the Tenmile Creek watershed, approximately 2.9 miles south of the town of Laytonville, County of Mendocino, State of California. The project is located in Section 25, Township 21N, Range 15W, Mt. Diablo Base and Meridian; in the Laytonville U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 014-630-11; latitude 39.6444 N and longitude 123.4804 W at the point of diversion (POD).

Project Description: The California Department of Fish and Wildlife has executed Lake and Streambed Alteration Agreement number EPIMS-MEN-03442-R1C, pursuant to Section 1602 of the Fish and Game Code to George Nuckols.

The project is limited to five (5) encroachments. One encroachment is for water diversion from an unnamed tributary to Tenmile Creek (POD). Water is diverted for domestic use. Work for the water diversion will include use and maintenance of the water diversion infrastructure.

Two proposed encroachments are to upgrade existing culverts (P-3 and P-5). Work for these encroachments will include excavation, removal of the existing culverts, replacement with new properly sized culverts, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion.

One encroachment is to conduct repair work on the spillway of an existing on-stream pond (P-2). The upper, eastern edge of the open spillway has sustained bank erosion and requires repair. Work for this encroachment will include laying back the banks at a 2:1 slope, lining the area with 12-inch diameter rock, covering exposed soil with native grass seed and straw mulch, and covering the mulch with geo-jute netting assist with re-establishing vegetation. The notification indicated that the pond is intended for livestock watering, but it is not currently in use.

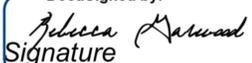
The fifth encroachment is to remove an existing culvert and conduct stream restoration (P-1). Work for this encroachment will include excavation, removal of the existing culvert, shaping the channel and banks to native contours, compaction of fill, and rock armoring as necessary to minimize erosion. The restored stream section shall allow for fish passage at all life stages.

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 _____ *Date:* 10/31/2022
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Rebecca Garwood, Environmental Program Manager

Date Received for filing at OPR: _____