

Notice of Determination

2019090011

TO: Office of Planning and Research

FROM: California Department of Fish and Wildlife (CDFW)
Northern Region
601 Locust Street
Redding, California 96001
Contact: Virginia O'Rourke
Phone: (707) 964-1597

For U.S. Mail:
P.O. Box 3044
Sacramento, CA 95812-3044

Street Address:
1400 Tenth Street
Sacramento, CA 95814

LEAD AGENCY (if different from above):
California Department of Forestry and Fire Protection
135 Ridgway Avenue
Santa Rosa, California 95401
Contact: Dominik Schwab
Phone: (707) 576-2953

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

State Clearinghouse Number (if submitted to State Clearinghouse):

Project Title: **Lake or Streambed Alteration Agreement No. 1600-2014-0034-R1 for Timber Harvesting Plans 1-19-00019 MEN, "Usal Beach"; 1-17-106 MEN, "McCoy"; 1-18-054 MEN, "Pokemon"; 1-14-140 MEN, "Little Bear"; and 1-14-147 MEN, "Upper South Fork Usal."**

Project Location: **The project is located on tributaries to: South Fork Usal Creek, Usal Creek, Water Gulch, South Fork Eel River, Eel River, Chimney Rock Creek, and Soldier Creek, in Mendocino County. The project sites are located in Sections 2, 6, 15, 17, and 19 in Township 23N, Range 17W; Sections 5, 27, and 26, Township 24N, Range 18W; Sections 1, 10, 24, and 25, Township 23N, Range 18W; Section 6, Township 24N, Range 17W; and Sections 34, 27, and 35, Township 05S, Range 03E (HBM).**

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:

1. The project will / will not have a significant effect on the environment. (This determination is limited to effects within CDFW's jurisdiction when CDFW acts as a responsible agency.)
2. An environmental impact report / A negative declaration / A timber harvesting plan was prepared for this project pursuant to the California Environmental Quality Act (CEQA).
3. Mitigation measures were / were not made a condition of CDFW's approval of the project.
4. A Statement of Overriding Considerations was / was not adopted by CDFW for this project.
5. Findings were / were not made by CDFW pursuant to Public Resources Code § 21081(a). CDFW adopted findings to document its compliance with CEQA.
6. Compliance with the environmental filing fee requirement of Fish and Wildlife Code § 711.4 (check one):
 - Payment is submitted with this notice.
 - A copy of a receipt showing prior payment is on file with CDFW.
 - A copy of the CEQA Filing Fee No Effect Determination Form signed by CDFW is attached to this notice.
- Lead Agency certification: CDFW, as Lead Agency, has made the final Environmental Impact Report (EIR) with comments and responses and record of project approval, or the Negative Declaration, available to the General Public at the CDFW office identified above.
- Responsible Agency statement: The final EIR, Negative Declaration or THP that was prepared by the Lead Agency for this project is available to the General Public at the office location listed above for the Lead Agency. CDFW's CEQA Findings are available at the Eureka CDFW office located at 619 Second Street, Eureka, California, 95501.

Signature: 
Jon Hendrix, Senior Environmental Scientist (Supervisory)
California Department of Fish and Wildlife

Date: JUN 12 2019
Governor's Office of Planning & Research

Date Received for filing at OPR

AUG 28 2019
STATE CLEARINGHOUSE

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS FOR
LAKE OR STREAMBED ALTERATION AGREEMENT No. 1600-2014-0034-R1**

Introduction

The California Environmental Quality Act (CEQA) (Public Resources Code Section 21000, *et seq.*) and the State CEQA Guidelines (Guidelines) (Section 15000, *et seq.*, Title 14, California Code of Regulations) require that no public agency shall approve or carry out a project that identifies one or more significant effects, unless the agency makes the following finding as to each significant effect:

Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

Timber Harvesting Plans (THPs) and Nonindustrial Timber Management Plans (NTMPs) are documents prepared according to a certified state regulatory program and they substitute for a Negative Declaration or an Environmental Impact Report, pursuant to Guidelines sections 15251 and 15252. As the Lead Agency for THPs and NTMPs, the California Department of Forestry and Fire Protection (CAL FIRE) approved THP 1-19-00019 MEN on June 1, 2019; 1-17-106 MEN on January 30, 2018; 1-18-054 MEN on August 24, 2018; 1-14-140 MEN on March 17, 2015; and 1-14-147 MEN on April 3, 2015. CAL FIRE found that the THPs will not result in significant environmental effects with the mitigation measures required in or incorporated into each THP.

The California Department of Fish and Wildlife (CDFW) is entering into a lake or streambed alteration agreement (Agreement) with **Mr. Jeff Houser, representing Usal Redwood Forest Company**. The activities to be completed according to the Agreement are located on tributaries to **South Fork Usal Creek, Usal Creek, Water Gulch, South Fork Eel River, Eel River, Chimney Rock Creek, and Soldier Creek, in Mendocino County**. The project sites are located in **Sections 2, 6, 15, 17, and 19 in Township 23N, Range 17W; Sections 5, 27, and 26, Township 24N, Range 18W; Sections 1, 10, 24, and 25, Township 23N, Range 18W; Section 6, Township 24N, Range 17W; and Sections 34, 27, and 35, Township 05S, Range 03E (HBM)**.

Because CDFW is issuing the Agreement, it is a Responsible Agency under CEQA. As a CEQA- Responsible Agency, CDFW is required by Guidelines Section 15096 to review a THP or NTMP approved by the Lead Agency that includes the activities addressed in the Agreement and to make a finding that the Agreement's activities will not cause significant, adverse environmental effects. However, when considering alternatives and mitigation measures approved by the Lead Agency, a Responsible Agency is more limited than the Lead Agency. When issuing the Agreement, CDFW is responsible only for ensuring that the direct or indirect environmental effects of activities addressed in the Agreement are adequately mitigated or avoided. Consequently, the findings adopted or independently made by CDFW with respect to an Agreement's activities are more limited than the findings of the Lead Agency funding, approving, or carrying out the activities addressed in a THP or NTMP.

Findings

CDFW has considered the THPs approved by CAL FIRE that are named above. CDFW has independently concluded that the Agreement should be issued under the terms and conditions specified therein. In this regard, CDFW hereby adopts the findings of CAL FIRE as set forth in the THP or NTMP insofar as they pertain to the impacts on biological resources from the activities addressed in the Agreement.

Signature: _____

Jon Hendrix, Senior Supervisor Environmental Scientist
California Department of Fish and Wildlife

Governor's Office of Planning & Research

JUN 12 2019

AUG 28 2019

STATE CLEARINGHOUSE