

Notice of Determination

TO: Office of Planning and Research

FROM: California Department of Fish and Wildlife
1455 Sandy Prairie Ct, Suite J
Fortuna, CA 95540
Contact: Scott Monday
Phone: (707) 499-1101

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 Fish and Wildlife
830 S Street
Sacramento, CA 95814-7023
Contact: Dylan Inskeep
Phone: (916) 327-8658

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

State Clearinghouse Number: **2019109011**

Project Title: **Lake and Streambed Alteration Agreement No. 1600-2020-0249-R1 Butler Creek Habitat Enhancement.**

Project Location: **Located at Butler Creek, in the County of Mendocino, State of California: 39.7381° north latitude, 123.7074° west longitude at the downstream end; and 39.7440° north latitude, 123.6914° west longitude at the upstream end.**

Project Description: **The project is limited to installing instream habitat features at 40 locations including 136 pieces of large wood/root wads along 5700 feet of Butler Creek. The project will include planting of 200 native riparian plants and trees.**

This is to advise that the Department of Fish and Wildlife (CDFW), acting as **the lead agency** / **a responsible agency** approved the above-described project on the date signed below and has made the following determinations regarding the above described project:

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 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 did, however, adopt findings to document its compliance with CEQA.
6. Compliance with the environmental filing fee requirement at 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.
 - Payment is not required when CDFW is Lead Agency.

Lead Agency certification: CDFW, as Lead Agency, has made the final 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 record of decision is available at the CDFW office identified above.

Signed:
Trevor Tollefson
Senior Environmental Scientist (Supervisor)

Date: 6-03-2020
Governor's Office of Planning & Research

Jun 04 2020

Date Received for filing at OPR:

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
CEQA FINDINGS FOR THE
AGREEMENT REGARDING PROPOSED LAKE OR STREAMBED
ALTERATION NO. 1600-2020-0249-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 for which a mitigated negative declaration (MND) has been completed that identifies one or more significant effects, unless such an 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.

As the lead agency for the project, the California Department of Fish and Wildlife (CDFW) adopted the MND for the Project on **November 18, 2019**. CDFW found that the Project will not result in significant environmental effects with the mitigation measures required in or incorporated into the Project.

CDFW is issuing a Lake or Streambed Alteration Agreement (Agreement) to the project applicant, **Mr. Isaac Mikus representing Eel River Watershed Group**. The project is located **at Butler Creek, tributary to Hollow Tree Creek, in the County of Mendocino, State of California; Section 24 and 25; Township 22 North, Range 17 West, HB&M**.

Findings

CDFW has considered the MND adopted for the project and has concluded that the Agreement should be issued under the terms and conditions specified therein. On the basis of the record before CDFW, there is no substantial evidence that the project will have a significant effect on the environment. CDFW finds that the MND reflects CDFW's independent judgment and analysis. In this regard, CDFW hereby adopts the findings set forth in the MND insofar as they pertain to the Project's impacts on biological resources.



Signed: _____

Date: 6-03-2020

Trevor Tollefson
Senior Environmental Scientist (Supervisor)
California Department Fish and Wildlife