

Notice of Determination

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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:

California Department of Fish and Wildlife
North Central Region
1701 Nimbus Road
Rancho Cordova, CA 95670
Contact: Sean Hoobler
Phone: 916-358-4359

Lead Agency
Yuba County Water Agency
1220 F Street
Marysville, CA 95901
Contact: Jacob Vander Meulen
Phone: 530-740-7071

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

State Clearinghouse Number: 2010129049.

Project Title: Log Cabin and Our House Diversion Dams Sediment Removal Project (California Endangered Species Act Incidental Take Permit No. 2081-2017-047-02-A1 (ITP)).

Project Location: The Log Cabin and Our House Diversion Dams Sediment Management Project (Project) is located at four separate locations. The Log Cabin Diversion Dam is located on National Forest Service Land within the Tahoe National Forest, located on Oregon Creek, 4.3 miles upstream of the confluence with the Middle Yuba River; Latitude 39.44402, Longitude -121.0589. Access to Log Cabin Diversion is off of State Route 49. The Our House Diversion Dam is located on the Middle Yuba River, 12.6 miles upstream of its confluence with the North Yuba River; Latitude 39.4115, Longitude -120.9974. Access to Our House Diversion Dam is from State Route 49 via Ridge Road, approximately 2 miles south of the intersection of State Route 49 and Marysville Road. Disposal Site 2 (A and B) is located on privately owned property, approximately 4.7 miles from Log Cabin Diversion Dam and 6 miles from Our House Diversion Dam and is not within the FERC Project Boundary. There are 2 sub-areas at Disposal Site 2. Disposal Site 2A is located at Latitude 39.4213, Longitude -121.0667; while Disposal Site 2B is located at Latitude 39.42696, Longitude -121.0663. The Celestial Valley Restoration site is located approximately 2.7 miles from Log Cabin Diversion Dam and 5.8 miles from Our House Diversion Dam at Latitude 39.41658, Longitude -121.06697.

Project Description: The Project includes sediment management at both Log Cabin and Our House Diversion Dams which includes three components: 1) passage of sediment; 2) planned mechanical removal of sediment; 3) planned disposal sites; and 4) restoration sites.

The Project is expected to result in incidental take of foothill yellow-legged frogs (*Rana boylei*) which are designated as a threatened species within the Project area under the California Endangered Species Act. The ITP referenced above as issued by CDFW authorizes incidental take of species listed under CESA that may occur as a result of Project implementation.

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This is to advise that CDFW, acting as [the lead agency / a responsible agency] approved the above-described Project on 10/1/2020 and 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 permitting jurisdiction as a responsible agency).
2. A negative declaration was prepared by the lead agency for the original project.
3. Additional 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 / was not] adopted by CDFW for this Project.
6. 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.
7. Compliance with the environmental filing fee requirement at Fish and Game Code § 711.4 (check one):
 - Payment is submitted with this notice.
 - A copy of a receipt showing prior payment was submitted to CDFW.

- Responsible Agency statement: The Mitigated Negative Declaration prepared by the lead agency for the Project is available to the general public at the office location listed above for the lead agency. CDFW's administrative record of proceedings related to the incidental take permit is available to the public for review at CDFW's regional office.

DocuSigned by:
Kevin Thomas
 A2A0A9C574C3445

Signature _____ Date: 10/1/2020

Kevin Thomas, Regional Manager

Governor's Office of Planning & Research

Date Received for filing at OPR: _____ **Oct 01 2020**

STATE CLEARINGHOUSE