

Notice of Determination

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
North Central Region
1701 Nimbus Road
Rancho Cordova, CA 95670
Contact: Melissa Stanfield
Phone: (916) 597-6417



Lead Agency:
Butte County Dept. of Development Services
7 County Center Drive
Oroville, CA 95965
Contact: Tristan Weems
Phone: (530) 342-2954

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

State Clearinghouse Number: 2021040165

Project Title: Butte Creek Bank Stabilization (Streambed Alteration Agreement Notification No. 1600-2020-0235-R2)

Project Location (include county): The project is located at Butte Creek, in the County of Butte, State of California; Latitude 39.709138, Longitude -121.750902, U.S. Geological Survey (USGS) map Chico, Mt. Diablo; Assessor's Parcel Number 017-260-143.

Project Description: The California Department of Fish and Wildlife (CDFW) has executed Streambed Alteration Agreement Notification Number 1600-2020-0235-R2, pursuant to section 1602 of the Fish and Game Code to the project Applicant, Les Heringer, M&T Ranch.

The project is limited to erosion repair and bank stabilization on the southern bank of Butte Creek. Rock slope protection and rock slope protection will be used to stabilize the southern creek bank and repair an erosion hole at the toe of the existing concrete weir, respectively. A gravel pad will be constructed within Butte Creek to facilitate equipment access to perform the work and mostly removed upon project completion. The project will cause permanent impacts to approximately 253 linear feet (0.021 acres) of perennial stream habitat and temporarily disturb approximately 66 linear feet (0.076 acres) of perennial steam habitat. Approximately 50 square feet (0.001 acres) of sandbar willow (*Salix exigua*) and arroyo willow (*S. lasiolepis*) will be temporarily impacted.

This is to advise that CDFW, acting as a Responsible Agency, executed the above-described Lake and Streambed Alteration Agreement on the date signed below 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. 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).

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- 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 California Code of Regulations section 15091.

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 of execution of the above Streambed Alteration Agreement as Responsible Agency is available at CDFW's regional office.

DocuSigned by:
Jennifer Garcia
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Signature: _____ Date: 6/16/2022
Jennifer Garcia, Environmental Program Manager