

**Notice of Determination**

**TO:**  Office of Planning and Research **FROM:** Department of Fish and Wildlife  
Northern Region  
601 Locust Street  
Redding, CA 96001  
Contact: Jamie Galos  
Phone: (530) 605-6166

*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 Forestry and Fire Protection  
6105 Airport Road  
Redding, CA 96003  
Contact: John Ramaley  
Phone: (530) 244-2445

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

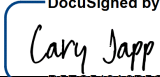
Project Title: Lake or Streambed Alteration Agreement No. 1600-2021-0088-R1, "Coal Mine"  
Programmatic Timber Harvesting Plan (PTHP) 2-21-00128-SHA.

Project Location: The project is approximately 28 miles southeast of McCloud and located on unnamed tributaries to Kosk Creek, tributary to the Pit River in the Devils Canyon (5526.160001) and Curtis (5526.160003) planning watersheds; in the County of Shasta, State of California; Township 38N, Range 01W, Section 26, 21, 25, 7; Mount Diablo Base and Meridian; USGS 7.5-minute quadrangles, Dead Horse Summit.

Project Description: The project is limited to 7 encroachments, including the installation of a 65-foot temporary railcar bridge, 4 log spittler temporary crossings, a temporary steel plate installation, and installation of a temporary steel plate or permanent vented rocked ford.

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 DFW's approval of the project.
4. A Statement of Overriding Considerations  was /  was not adopted by DFW for this project.
5. Findings  were /  were not made by CDFW pursuant to Public Resources Code § 21081(a). The Department did, however, adopt findings to document its compliance with CEQA.
6. 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 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 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 CDFW office identified above.

DocuSigned by:  
  
Signed: \_\_\_\_\_  
Cary Japp  
Northern Region R1C Timberland Conservation Supervisor

11/10/2021  
Date: \_\_\_\_\_

Date Received for filing at OPR:

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS FOR  
LAKE OR STREAMBED ALTERATION AGREEMENT No. 1600-2021-0088-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 Timber Harvest Plan (THP) has been completed 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.

The THP is a certified state regulatory program that provides a substitute document to a Negative Declaration or Environmental Impact Report, pursuant to Guidelines Sections 15251 and 15252. As the lead agency for the THP, the California Department of Forestry and Fire Protection (CALFIRE) certified PTHP 2-21-00128-SHA for the Project on **October 25, 2021**. The Department of Fish and Wildlife (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 entering into Lake or Streambed Alteration Agreement (Agreement) **No. 1600-2021-0088-R1** with **Mr. Mike Backes, representing Hearst Forests LLC**. The project is approximately 28 miles southeast of McCloud and located on unnamed tributaries to Kosk Creek, tributary to the Pit River in the Devils Canyon (5526.160001) and Curtis (5526.160003) planning watersheds; in the County of Shasta, State of California; Township 38N, Range 01W, Section 26, 21, 25, 7; Mount Diablo Base and Meridian; USGS 7.5-minute quadrangles, Dead Horse Summit.

Because CDFW is issuing the Agreement, it is a Responsible Agency under CEQA for the Project. As a CEQA Responsible Agency, CDFW is required by Guidelines Section 15096 to review the environmental document certified by the Lead Agency approving the projects or activities addressed in the Agreement and to make certain findings concerning a project's potential to 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 project activities addressed in such Agreements.

**Findings**

CDFW has considered the THP adopted by CALFIRE. 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 CALFIRE, as set forth in the THP insofar as they pertain to the Project's impacts on biological resources.

DocuSigned by:  
  
Signed: \_\_\_\_\_  
Cary Japp  
Northern Region R1C Timberland Conservation Supervisor

11/10/2021  
Date: \_\_\_\_\_