

**CALIFORNIA STATE LANDS
COMMISSION**100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202*Established in 1938***JENNIFER LUCCHESI**, Executive Officer**916.574.1800**TTY CA Relay Service: 711 or Phone **800.735.2922**
from Voice Phone **800.735.2929**
or for Spanish **800.855.3000****Contact Phone: 916.574.1900****NOTICE OF DETERMINATION
(Public Resources Code section 21108)**File Ref: A3897
SCH#: 2022010622
Item: 53

Title: Merced River Agricultural Diversion and Fish Habitat Enhancement Project

Applicant: Merced Irrigation District

Location: Sovereign land in the Merced River, adjacent to Assessor's Parcel Numbers 043-080-007, -008 (Cowell 1 Site); 042-240-021, -012 (Cowell 2 Site); and 043-20-023, 043-050-015 (Cuneo Site), near Snelling, Merced County.

Description: The Proposed Project is to reduce negative effects of agricultural diversions on salmonids by increasing quantity and quality of spawning, incubation, and rearing habitat, increasing salmonid survival, and reducing or eliminating salmonid entrainment/impingement/predation while increasing water diversion efficiency and reliability within the Lower Merced River (LMR). The Proposed Project aims to enhance up to three Cowell Agreement surface water diversions on the LMR and to address issues presented by diversions along the LMR with long-standing water rights, including improperly functioning fish screens, poor diversion siting, and diversion configurations which are not engineered or designed to meet fish and diverter needs. The State Lands Commission action is an approval of a 5-year General Lease – Public Agency Use through July 14, 2028.

This is to advise that the California State Lands Commission, as Lead Agency Responsible Agency, approved the above-described project on April 7, 2023, and made the following determinations regarding the project.

- 1) The project will will not have a significant effect on the environment.
- 2) A Mitigated Negative Declaration (MND) was prepared for this project pursuant to the provisions of CEQA.
- 3) Mitigation measures were were not made a condition of the approval of the project.
- 4) A mitigation reporting or monitoring plan was or was not adopted for this project.
- 5) A Statement of Overriding Considerations was was not adopted for the project.
- 6) Findings were were not made pursuant to the provisions of CEQA.

The lead agency for the project, Merced Irrigation District (District), adopted the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program and approved the project on December 13, 2022. The California State Lands Commission has considered the MND as prepared for this project by the District and adopted an independent Mitigation Monitoring Program incorporating District's document. The MND and the record of project approval may be examined at the above shown California State Lands Commission Sacramento office address.

**DATE RECEIVED FOR FILING AND POSTING BY THE
GOVERNOR'S OFFICE OF PLANNING AND RESEARCH**

ERIC GILLIES, Assistant Chief
Environmental Science, Planning, and Management Division

Contact Person: Christine Day (916) 574-1900