

Notice of Determination

Appendix D

To:

Office of Planning and Research
 U.S. Mail: Street Address:
 P.O. Box 3044 1400 Tenth St., Rm 113
 Sacramento, CA 95812-3044 Sacramento, CA 95814

County Clerk
 County of: Merced
 Address: 2222 M Street Merced, CA 95340

From:

Public Agency: Merced Irrigation District
 Address: 744 W 20th St
Merced, CA 95340
 Contact: Michael Morris
 Phone: 209-354-2882

Lead Agency (if different from above):
 Address:
 Contact:
 Phone:

2022 DEC 15 PM 2:04
 MERCEZ COUNTY CLERK
 FILED

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2022010622

Project Title: Merced River Agricultural Diversion and Fish Habitat Enhancement Project

Project Applicant: Merced Irrigation District

Project Location (include county): Snelling, Merced County

Project Description:

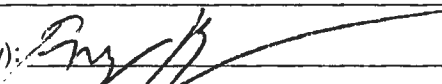
The Merced River Agricultural Diversion and Fish Habitat Enhancement Project (Proposed Project) will reduce negative effects of agricultural diversions on salmonids by increasing quantity and quality of spawning, incubation, and rearing habitat, increasing salmonid survival, and reducing or eliminating salmonid entrainment/impingement/predation while increasing water diversion efficiency and reliability within the Lower Merced River (LMR). The Proposed Project aims to enhance three Cowell Agreement surface water diversions on the LMR and address issues associated with diversions, including fish entrainment and sub-optimal diversion configurations.

This is to advise that the Merced Irrigation District has approved the above
 Lead Agency or Responsible Agency

described project on 12/13/2022 and has made the following determinations regarding the above
(date)
described project.

1. The project [will will not] have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration 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 was not] adopted for this project.
5. A statement of Overriding Considerations [was was not] adopted for this project.
6. Findings [were were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

Signature (Public Agency):  Title: DGM Water Resources

Date: 12/14/2022 Date Received for filing at OPR: _____

**MERCED IRRIGATION DISTRICT
RESOLUTION NO. 2022-24**

**RESOLUTION ADOPTING MITIGATED NEGATIVE DECLARATION AND MITIGATION AND
MONITORING AND REPORTING PROGRAM FOR MERCED IRRIGATION DISTRICT'S
MERCED RIVER AGRICULTURAL DIVERSION AND FISH HABITAT ENHANCEMENT
PROJECT, AND AUTHORIZING ACTIONS RELATED THERETO**

WHEREAS, the Merced Irrigation District ("MID") is an irrigation district, created and existing under the Irrigation District Law contained in the California Water Code §20500 *et. seq.*; and

WHEREAS, MID is the Lead Agency for the proposed Merced River Agricultural Diversion and Fish Habitat Enhancement Project (Project), located within Sections 17, 18, 3, and 10 in T5S, R14E, M.D.B.&M and Sections 28 and 29, T5S, R13E, M.D.B.&M.; and

WHEREAS, pursuant to the requirements of the California Environmental Quality Act ("CEQA"), a Draft Initial Study was prepared which determined that with the incorporation of mitigation measures, the Project would not have a significant impact on the environment, and therefore a Mitigated Negative Declaration as well as a Mitigation Monitoring and Reporting Program (together, the "Mitigated Negative Declaration") may be prepared; and

WHEREAS, the Project has been subject to review under CEQA (Public Resources Code section 21000, *et. seq.*) and the CEQA Guidelines (14 Cal. Regs. Section 15000 *et. seq.*), as more fully described below; and

WHEREAS, the Draft Initial Study and Mitigated Negative Declaration was prepared and circulated for public and agency review on January 31, 2022, with the public review period ending on March 1, 2022, said commenting period providing the public and public agencies with ample opportunity to review the proposed project and offer any comments on any aspect thereof including the environmental review process and any mitigation measures associated therewith; and

WHEREAS, a Notice of the Draft Mitigated Negative Declaration was posted at the County Clerk's office, County of Merced, from February 8, 2022 to March 9, 2022; and

WHEREAS, a Notice of the Draft Mitigated Negative Declaration and the Initial Study/Proposed Mitigated Negative Declaration was sent to the State Clearinghouse on January 27, 2022; and

WHEREAS, a Notice of Public Hearing was timely posted in the Merced Sun Star, giving notice that a public hearing would be scheduled for a regular meeting of the Merced Irrigation District Board of Directors, and

WHEREAS, in addition, a public notice on the MID website specified the place and time for this public hearing and offered any interested party another chance to approach the Board to express their opinions regarding the Project; and

WHEREAS, a public hearing was held at 10:00 A.M. at the Franklin Yard Facility at 3321 N. Franklin Road, Merced, California, on December 13, 2022 to discuss and allow all interested parties to submit written or oral comments regarding the Project or potential negative effects on the environment of the Project, at which time the Board reviewed the evidence in the administrative record including, without limitation, staff reports and analysis, the Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, public testimony, and the Board considered the merits of approving the Project including adopting the Mitigated Negative Declaration and the Mitigation and Monitoring and Reporting Program included therewith; and

WHEREAS, after said public hearing was closed, the Board discussed the information presented and believes it to be in the best interests of MID to approve the Project and adopt the Mitigated Negative Declaration and the Mitigation and Monitoring and Reporting Program included therewith.

NOW THEREFORE, IT IS HEREBY FOUND, DETERMINED AND RESOLVED THAT:

1. The recitals set forth hereinabove are true and correct, and the Board so finds and determines.
2. The Board determines it to be in the best interests of the District, and therefore approves the construction, operation, and maintenance of the Project, as proposed.
3. The District has completed the Initial Study and Mitigated Negative Declaration in compliance with CEQA and the CEQA Guidelines, which addresses the Project's potential environmental impacts and identifies reasonable and feasible mitigation measures to ensure that all such impacts are less than significant, and based upon the whole record before it including the Initial Study and in consideration thereof, the Board of Directors of the Merced Irrigation District finds no substantial evidence that the Project will have any significant effect on the environment.
4. The Initial Study and Mitigated Negative Declaration was properly published, advertised, circulated, and reviewed pursuant to the requirements of CEQA and CEQA Guidelines.
5. The Board has reviewed the Initial Study, Mitigated Negative Declaration and Mitigation and Monitoring Program, and the administrative record prior to acting on the Project, and the Board's actions herein reflect the independent judgment and analysis of the Board.
6. The Board hereby approves the Project and adopts the Mitigated Negative Declaration and Mitigation and Monitoring and Reporting Program in the substantial form presented, implementation of which ensure that all potentially significant impacts of the Project will be reduced to less than significant.
7. The record of proceedings upon which the Board's decision is based shall be maintained at the Districts Main Administration Office located at 744 W. 20th St. in Merced, California.

BE IT FURTHER RESOLVED THAT the District's General Manager, General Counsel or either of their designees are authorized to execute appropriate documents on behalf of Merced Irrigation District, including but not limited to the preparation and filing of a Notice of Determination, and further that District staff and consultants are authorized and directed to take such other actions as they deem necessary or appropriate to carry out the intent of this Resolution, said action or execution to provide conclusive evidence of the Board's approval.

PASSED AND ADOPTED by the Board of Directors of the Merced Irrigation District this 13th day of December 2022, by the following vote:

Ayes:	Directors:
Noes:	Directors:
Abstain:	Directors:
Absent:	Directors:



Mario Bandoni
President
Merced Irrigation District

Jeff Marchini
Vice President / Secretary
Merced Irrigation District