

**Notice of Determination**

**Appendix D**

STEPHANIE WELLS, COUNTY CLERK

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

From: \_\_\_\_\_  
 Public Agency: Modoc County Planning Dept.  
 Address: 203 W. 4th Street  
 Alturas, CA 96101  
 Contact: Sean Curtis  
 Phone: (530) 233-6406

County Clerk  
 County of: Modoc  
 Address: 108 E. Modoc St.  
 Alturas, CA 96101

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

**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): 2022040369

Project Title: Lindsay Parcel Map and Rezone

Project Applicant: Jenifer Lindsay

Project Location (include county): 20800 County Road 48(West Side Road)/Davis Creek - Modoc County

Project Description:

Applicant is requesting a Parcel Map of a 133 acre parcel. The Parcel Map Project (PM2021-02) will result in four parcels. Proposed Parcel 1 will consist of 29.77 +/- acres, Proposed Parcel 2 will consist of 44.10 +/- acres; Proposed Parcel 3 will consist of 40.77 +/- acres; and Proposed Parcel 4 will consist of 18.82 +/- acres. Modoc County Planning is recommending that a rezone accompany the proposed parcel map. The rezone will change the zoning from Unclassified (U) to Agriculture General (AG).

This is to advise that the County of Modoc has approved the above  
( Lead Agency or  Responsible Agency)

described project on 10/11/2022 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:

203 W. 4th Street, Alturas, CA 96101

Signature (Public Agency): Sean Curtis Title: Interim Planning Director

Date: 20 October 2022 Date Received for filing at OPR: \_\_\_\_\_



**COUNTY OF MODOC**  
**PLANNING & BUILDING SERVICES**

203 W. 4th Street  
Alturas, California 96101  
(530) 233-6406 Office

**FILED**  
OCT 24 2022

*Interim Planning  
Director*  
Sean Curtis  
*Building Official*  
Dominic Budmark

STEPHANIE WELLEMEYER COUNTY CLERK  
BY Jensen  
DEPUTY

### MITIGATED NEGATIVE DECLARATION

The Modoc County Planning Department has prepared an Initial Study evaluating the environmental effects which could occur if the project described below were implemented. It has been determined that although the proposed project could have a significant effect on the environment, there will be none with mitigation incorporated. The completed Initial Study is on file and was available for public review at the above address from April 18, 2022 – May 17, 2022. The Planning Commission recommended approval of the Mitigated Negative Declaration (MND) at a Public Hearing held on May 18, 2022. The MND will be considered for adoption by the Board of Supervisors on June 28, 2022 when a Public Hearing will be held on this project. Final adoption by the Board of Supervisors was completed on October 11, 2022

NOTICE GIVEN: By publication in the Modoc Record on April 21<sup>and</sup> May 5, 2022. Submittal online to the Governor's Office of Planning and Research CEQAnet Web Portal on April 18, 2022, and via email to local agencies.

**LEAD AGENCY:** Modoc County Planning Department  
**PROJECT FILE NUMBER:** PM2021-02/ER2022-02  
**APPLICANT:** Jenifer Lindsay  
**PROJECT PLANNER:** Jackie Froeming, Associate Planner

**PROJECT DESCRIPTION:** Applicant Jenifer Lindsay is requesting a Parcel Map of a 133 acre parcel. The Parcel Map Project (PM2021-02) will result in four parcels. Proposed Parcel 1 will consist of 29.77 +/- acres; Proposed Parcel 2 will consist of 44.10 +/- acres; Proposed Parcel 3 will consist of 40.77 +/- acres; and Proposed Parcel 4 will consist of 18.82 +/- acres. This parcel (proposed parcel 4) has improvements which consist of a residence, outbuilding, well and septic system. All other proposed parcels are unimproved. The purpose of this land division is to create separate parcels for future real estate opportunities. Modoc County Planning is recommending that a rezone be included with the proposed parcel map. The rezone will change the zoning from Unclassified (U) to Agriculture General (AG). Goose Lake is to the East of the project site but none of the proposed parcels are covered by water.

**MITIGATION MEASURES:**

To protect Cultural Resources/Tribal Resources by implementing the following mitigation measures it will reduce the impact to less than significant with mitigation incorporated:

- 1) **CUL-1:** During construction activities, if any subsurface archaeological remains are uncovered, all work shall be halted within 100 feet of the find and work shall immediately cease and the applicant shall consult a qualified cultural resources specialist or professional archaeologist to identify and investigate any subsurface archaeological remains and define their physical extent and the nature of any built features or artifact-bearing deposits. The provisions of this mitigation shall be followed during construction of the proposed unmanned wireless telecommunications facility, including land clearing, road construction, utility installation, and building site development.
  
- 2) **CUL-2:** If human remains are encountered, no further disturbance shall occur within 100 feet of the vicinity of the find(s) until the County Coroner (530.233.4416) has made the necessary findings as to origin (California Health and Safety Code Section 7550.5). Further, pursuant to California Public Resources Code section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the County Coroner determines the remains to be Native American, the Native American Heritage Commission in Sacramento shall be notified immediately, pursuant to State Law to arrange for Native American participation in determining the disposition of such remains. The provisions of this mitigation shall be followed during construction of the proposed unmanned wireless telecommunications facility, including land clearing, road construction, utility installation, and building site development.

PUBLIC REVIEW PERIOD ENDED: May 17, 2022 at 5:00 PM

THE SUMMARY OF THE ENVIROMENTAL EFFECTS IDENTIFIED WITHIN THE INITIAL STUDY ARE ADOPTED AS STATED AND THE MITIGATION MEASURES AS LISTED ABOVE ARE ADOPTED.



Sean Curtis, Interim Planning Director



Date