

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, Suite A
 Rancho Cordova, CA 95670
 Contact: Kaylee Griffith
 Phone: (916) 358-2934

**Lead Agency**

California Department of Parks and Recreation
 P.O. Box 266
 Tahoma, CA 96142
 Contact: Joel Bonilla
 Phone: (530) 525-7232

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

State Clearinghouse Number: 2022110416

Project Title: Malakoff Diggins State Historic Park Sediment Control Best Management Practices and Habitat Restoration Project (Restoration Management Permit No. RMP-2023-0002-R2)

Project Location: The project is located in Diggins Creek, tributary to Humbug Creek and the South Yuba River, in the County of Nevada, State of California; Latitude 39.36680, Longitude -120.92504; Assessor's Parcel Number 003-330-010-000. The Project area is approximately 105.4 acres of the former hydraulic mining pit (Pit) and Hiller Tunnel at Malakoff Diggins State Historic Park located approximately nine miles northeast of Nevada City.

Project Description: The California Department of Fish and Wildlife (CDFW) has issued Restoration Management Permit Number RMP-2023-0002-R2 pursuant to section 2081(a) of the Fish and Game Code to the project Permittee, California Department of Parks and Recreation.

The Project is designed to reduce sediment discharge from the Pit, control non-native invasive species, and enhance habitat for special-status species. The Project is expected to benefit foothill yellow-legged frog (*Rana boylei*) and Willow Flycatcher (*Empidonax traillii*), collectively referred to as the Covered Species, and other aquatic species. The Project is estimated to take individuals of the Covered Species in the form of catch, capture and relocation; and though unlikely, the Project may result in take in the form of mortality. Permittee is authorized to relocate the Covered Species out of harm's way. CDFW has determined and expects that the Project will benefit, aid in the conservation of, and assist in the recovery of the Covered Species. This notice is to advise that CDFW issued the above-described Restoration Management Permit 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 prepared by the Lead Agency for this project pursuant to California Code of Regulations section 15096, subdivision (f).
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 / was not adopted by CDFW for this project.
6. Findings were / 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 issuance of the Restoration Management Permit as Responsible Agency is available at CDFW's regional office.

DocuSigned by:
 Signature: Colin Purdy
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6/4/2023

Date: _____

Colin Purdy, Acting Regional Manager
 North Central Region

Date Received for filing at OPR: _____