

Notice of Determination

- 1 -

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 (Streambed Alteration Agreement EPIMS Notification No. NEV-30812-R2 and 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 (MDSHP) located approximately nine miles northeast of Nevada City.

Project Description: The California Department of Fish and Wildlife (CDFW) has executed an amendment to Streambed Alteration Agreement EPIMS Notification No. NEV-30812-R2, pursuant to section 1602 of the Fish and Game Code and issued an amendment to Restoration Management Permit Number RMP-2023-0002-R2 pursuant to section 2081(a) of the Fish and Game Code to the project Applicant, California Department of Parks and Recreation, as represented by Joel Bonilla.

The project is limited to implementation of sediment best management practices (BMPs) to reduce discharge from the Pit into the South Yuba River watershed, control of non-native invasive species populations, and enhancement of habitat for special-status species, including species listed under the California Endangered Species Act (CESA). 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 expected 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 that the Project will benefit, aid in the conservation of, and assist in the recovery of the Covered Species.

This is to advise that CDFW, acting as a Responsible Agency, executed the above amendment to the Streambed Alteration Agreement and issued the above-described amendment to the Restoration Management Permit for the Pon the date signed below and has made the following

Notice of Determination

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 made as a condition of CDFW's approval of the project.
4. A mitigation reporting or monitoring plan was not adopted by CDFW for this project.
5. A statement of overriding considerations was not adopted by CDFW for this project.
6. Findings were not made by CDFW pursuant to California Code of Regulations section 15091.

The mitigated 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 execution of the above amendment to the Streambed Alteration Agreement and amendment to the Restoration Management Permit as Responsible Agency is available at CDFW's regional office.

DocuSigned by:
Jennifer Garcia
 Signature: _____ Date: 4/3/2024
746D5F13C3B348A...
 Jennifer Garcia, Environmental Program Manager
 North Central Region

Date Received for filing at OPR: _____