

Notice of Exemption

To:

Office of Planning and Research
[CEQA Submit](#)

From:

Department of Fish and Wildlife
Central Region
1234 East Shaw Avenue
Fresno, California 93710
R4LSA@wildlife.ca.gov



Project Title: Mariposa and Bear Creek Recharge Project (Streambed Alteration Agreement No. EPIMS-MER-45818-R4)

Project Location (Merced County): The Project includes 17 points of diversion (PODs) within Bear Creek and eight PODs within Mariposa Creek with re-diversion of water from a total of 21 PODs in Deadman Creek, Dutchman Creek, Little Deadman Creek, and North Slough in eastern Merced County. PODs in Bear Creek are downstream from Bear Dam and Burns Dam and the PODs in Mariposa Creek and associated re-diversion points are downstream from the confluence of Mariposa Creek and Owens Creek and downstream from Mariposa Dam and Owens Dam.

Project Description: Pursuant to Section 1602 of the Fish and Game Code, the California Department of Fish and Wildlife has issued Streambed Alteration Agreement No. EPIMS-MER-45818-R4 (Agreement) to Merced Irrigation District. The Project includes activities related to temporary water diversion of high flows from Bear Creek and Mariposa Creek and re-diversion from Deadman Creek, Dutchman Creek, Little Deadman Creek, and North Slough for the purpose of temporary underground storage. All PODs will use temporary pumps. Activities in compliance with the Agreement will be undertaken by Merced Irrigation District (Permittee) and other diverters represented by La Paloma Mutual Water Company, Sandy Mush Mutual Water Company, Plainsburg Irrigation District, LeGrande-Athlone Water District, Lone Tree Mutual Water Company, Merced Irrigation District, Merced Subbasin Groundwater Sustainability Agency, and Merced Irrigation-Urban Groundwater Sustainability Agency. These additional diverters have agreed to comply with the Agreement when conducting the Project activities.

Public Agency Approving Project: CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

Person or Public Agency Carrying Out Project: La Paloma Mutual Water Company, Sandy Mush Mutual Water Company, Plainsburg Irrigation District, LeGrande-Athlone Water District, Lone Tree Mutual Water Company, Merced Irrigation District, Merced Subbasin Groundwater Sustainability Agency, and Merced Irrigation-Urban Groundwater Sustainability Agency

Exempt Status:

- Statutory Exemption.
 - Categorical Exemption.
- CEQA is suspended (see below)


Reasons why project is exempt: CDFW's issuance of an Agreement is generally subject to the California Environmental Quality Act (CEQA; Pub. Res. Code, § 21000 et seq.) and its implementing regulations; however, the Agreement is currently suspended from CEQA per Executive Order N-7-22 (EO). Paragraph 13 of the EO states that CEQA and its implementing regulations are suspended for the following, to the extent necessary to address the impacts of drought: (1) specified actions taken by state agencies and specified actions taken by a local agency where the Department of Water Resources concurs that local action is required; and (2) any permits necessary to carry out actions under (1). Actions under (1) are recharge projects under either Flood-Managed Aquifer Recharge or the Department of Water Resources Sustainable Groundwater Management Grant Program occurring on open and working lands to replenish and store water in groundwater basins that will help mitigate groundwater conditions impacted by drought. Because the Project involves diversions of flood flows for application to open and working lands to replenish and store water in groundwater basins to help mitigate groundwater conditions impacted by

Notice of Exemption

drought, CEQA and its implementing regulations do not require environmental review for the Project at this point in time. Consequently, CDFW has not reviewed a certified environmental impact report or adopted mitigated negative declaration evaluating the Project, nor has CDFW adopted related findings pursuant to CEQA.

CDFW Contact Person: Michael Byrd, Senior Environmental Scientist Specialist; (559) 939-0260;
Michael.Byrd@wildlife.ca.gov.



DocuSigned by:

Signature: _____ Date: 5/23/2024
FA83F09FE08945A...
Julie A. Vance, Regional Manager

Date received for filing at OPR: _____