

**Notice of Determination**

**TO:**  Office of Planning and Research **FROM:** Department of Fish and Wildlife  
Northern Region  
1625 South Main Street  
Yreka, CA 96097  
Contact: Andrew Yarusso  
Phone: (530) 841-2566

*For U.S. Mail:*  
P.O. Box 3044  
Sacramento, CA 95812-3044

*Street Address:*  
1400 Tenth Street  
Sacramento, CA 95814

**LEAD AGENCY (if different from above):**  
California Forestry and Fire Protection  
6105 Airport Road  
Redding, CA 96003  
Contact: John Ramaley  
Phone: (530) 244-2490

**SUBJECT: Filing of Notice of Determination pursuant to § 21108 of the Public Resources Code**

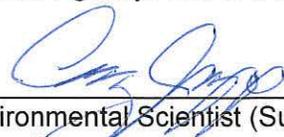
Project Title: Streambed Alteration Agreement No. 1600-2020-0397-R1, Timber Harvesting Plan (THP) 2-19-00125-SIS "Butte"

Project Location: The project is located on Black Butte Creek, a short Class II spring fed stream that drains into a lowland meadow area south of the town of Weed, County of Siskiyou, State of California in the Black Butte (1105.500603) planning watershed; Township 41N, Range 04W, section 18; Mount Diablo Base and Meridian; USGS 7.5-minute quadrangle Hotlium

Project Description: The project is limited to one encroachment to include water drafting from Butte Creek, a Class II watercourse, and the installation of a wooden board head-gate at the inlet of the culvert. The head gate will be installed and used during times of low flow to increase capacity of the watercourse to provide water for water drafting. The head gate is designed to provide bypass flow. The project has been notified for pursuant to Fish and Game Code section 1611 through the approval of subject Timber Harvesting Plan (THP) Amendment #2 on August 8, 2020.

This is to advise that the Department of Fish and Wildlife (CDFW), acting as  the lead agency /  a responsible agency approved the above-described project on the date signed below and has made the following determinations regarding the above described project:

1. The project  will /  will not have a significant effect on the environment. (This determination is limited to effects within CDFW's jurisdiction when CDFW acts as a responsible agency.)
2.  An environmental impact report /  A negative declaration /  A timber harvesting plan was prepared for this project pursuant to CEQA.
3. Mitigation measures  were /  were not made a condition of DFW's approval of the project.
4. A Statement of Overriding Considerations  was /  was not adopted by DFW for this project.
5. Findings  were /  were not made by CDFW pursuant to Public Resources Code § 21081(a). The Department did, however, adopt findings to document its compliance with CEQA.
6. Compliance with the environmental filing fee requirement at Fish and Game Code § 711.4 (check one):
  - Payment is submitted with this notice.
  - A copy of a receipt showing prior payment is on file with CDFW.
  - A copy of the CEQA Filing Fee No Effect Determination Form signed by CDFW is attached to this notice.
- Lead Agency certification: CDFW, as Lead Agency, has made the final EIR with comments and responses and record of project approval, or the Negative Declaration, available to the General Public at the CDFW office identified above.
- Responsible Agency statement: The final EIR, Negative Declaration, or THP that was prepared by the Lead Agency for this project is available to the General Public at the office location listed above for the Lead Agency. CDFW's CEQA Findings are available at the CDFW office identified above.

Signed:   
Senior Environmental Scientist (Supervisor)  
Northern Region

Date: 9-2-20  
Governor's Office of Planning & Research

Date Received for filing at OPR:

**Sep 03 2020**

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS FOR  
LAKE OR STREAMBED ALTERATION AGREEMENT No. 1600-2020-0397-R1**

**Introduction**

The California Environmental Quality Act (CEQA) (Public Resources Code Section 21000, *et seq.*) and the State CEQA Guidelines (Guidelines) (Section 15000, *et seq.*, Title 14, California Code of Regulations) require that no public agency shall approve or carry out a project for which a Timber Harvest Plan (THP) has been completed that identifies one or more significant effects, unless the agency makes the following finding as to each significant effect:

Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

The THP/NTMP is a certified state regulatory program that provides a substitute document to a Negative Declaration or Environmental Impact Report, pursuant to Guidelines Sections 15251 and 15252. As the lead agency for the THP, the California Department of Forestry and Fire Protection (CALFIRE) certified the THP for the Project on November 13, 2019, and the minor Amendment # 2 for the THP for on August 8, 2020. The Department of Fish and Wildlife (CDFW) found that the Project will not result in significant environmental effects with the mitigation measures required in or incorporated into the Project.

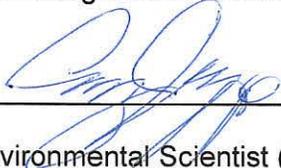
CDFW is entering into Lake or Streambed Alteration Agreement (Agreement) **No. 1600-2020-0397-R1** with **Mr. Bob Amesbury**. The project is located on Black Butte Creek, a short Class II spring fed stream that drains into a lowland meadow area south of the town of Weed, County of Siskiyou, State of California in the Black Butte (1105.500603) planning watershed; Township 41N, Range 04W, section 18; Mount Diablo Base and Meridian; USGS 7.5-minute quadrangle Hotlium.

Because CDFW is issuing the Agreement, it is a Responsible Agency under CEQA for the Project. As a CEQA Responsible Agency, CDFW is required by Guidelines Section 15096 to review the environmental document certified by the Lead Agency approving the projects or activities addressed in the Agreement and to make certain findings concerning a project's potential to cause significant, adverse environmental effects. However, when considering alternatives and mitigation measures approved by the Lead Agency, a Responsible Agency is more limited than the Lead Agency. When issuing the Agreement, CDFW is responsible only for ensuring that the direct or indirect environmental effects of activities addressed in the Agreement are adequately mitigated or avoided. Consequently, the findings adopted or independently made by CDFW with respect to an Agreement's activities are more limited than the findings of the Lead Agency funding, approving, or carrying out the project activities addressed in such Agreements.

**Findings**

CDFW has considered the THP adopted by CALFIRE. CDFW has independently concluded that the Agreement should be issued under the terms and conditions specified therein. In this regard, CDFW hereby adopts the findings of CALFIRE, as set forth in the THP insofar as they pertain to the Project's impacts on biological resources.

Signed: \_\_\_\_\_



Date: \_\_\_\_\_

9-2-20

Senior Environmental Scientist (Supervisor)  
Northern Region