

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
Northern Region
601 Locust Street
Redding, California 96001
Contact: Nicholas Simpson
Phone: (707) 445-6512

LEAD AGENCY (if different from above):

Department of Forestry and Fire Protection
135 Ridgway Avenue
Santa Rosa, California 95401
Contact: Dominik Schwab
Phone: (707) 576-2941

SUBJECT: Filing of Notice of Determination pursuant to § 21108 of the Public Resources Code
State Clearinghouse Number (if submitted to State Clearinghouse): 2015089004

Project Title: Major Amendment #2 of Lake or Streambed Alteration Agreement No. 1600-2015-0112-R1 for Timber Harvesting Plan (THP) 1-15-030-HUM

Project Location: The project is located in Section 1, T1S, R3W; Section 6, T1S, R2W; Section 31, T1N, R2W; Sections 34, 35, and 36, T1N, R3W; Humboldt Base and Meridian, in the Capetown and Cape Mendocino, U.S. Geological Survey 7.5-minute quadrangles.

Project Description: The Department of Fish and Wildlife (CDFW) is issuing an agreement for the reconstruction of a Class II permanent bridge.

This is to advise that CDFW, acting as ☐ the Lead Agency / ☒ a Responsible Agency approved the above-described project and has made the following determinations:

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 / nonindustrial timber management plan was prepared for this project pursuant to the California Environmental Quality Act (CEQA).
 3. Mitigation measures ☒ were / ☐ were not made a condition of CDFW's approval of the project.
 4. A Statement of Overriding Considerations ☐ was / ☒ was not adopted by CDFW for this project.
 5. Findings ☐ were / ☒ were not made by CDFW pursuant to Public Resources Code § 21081(a). CDFW adopted findings to document its compliance with CEQA.
 6. Payment is not required due to provisions of Public Resources Code §4629.6 (c).
- ☐ Lead Agency certification: CDFW, as Lead Agency, has made the final Environmental Impact Report (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/NTMP 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 Eureka CDFW office located at 619 Second Street, Eureka, California, 95501.

Signature: 

Jon Hendrix, Senior Environmental Scientist (Supervisory)
Northern Region, Department of Fish and Wildlife

Governor's Office of Planning & Research

Date:

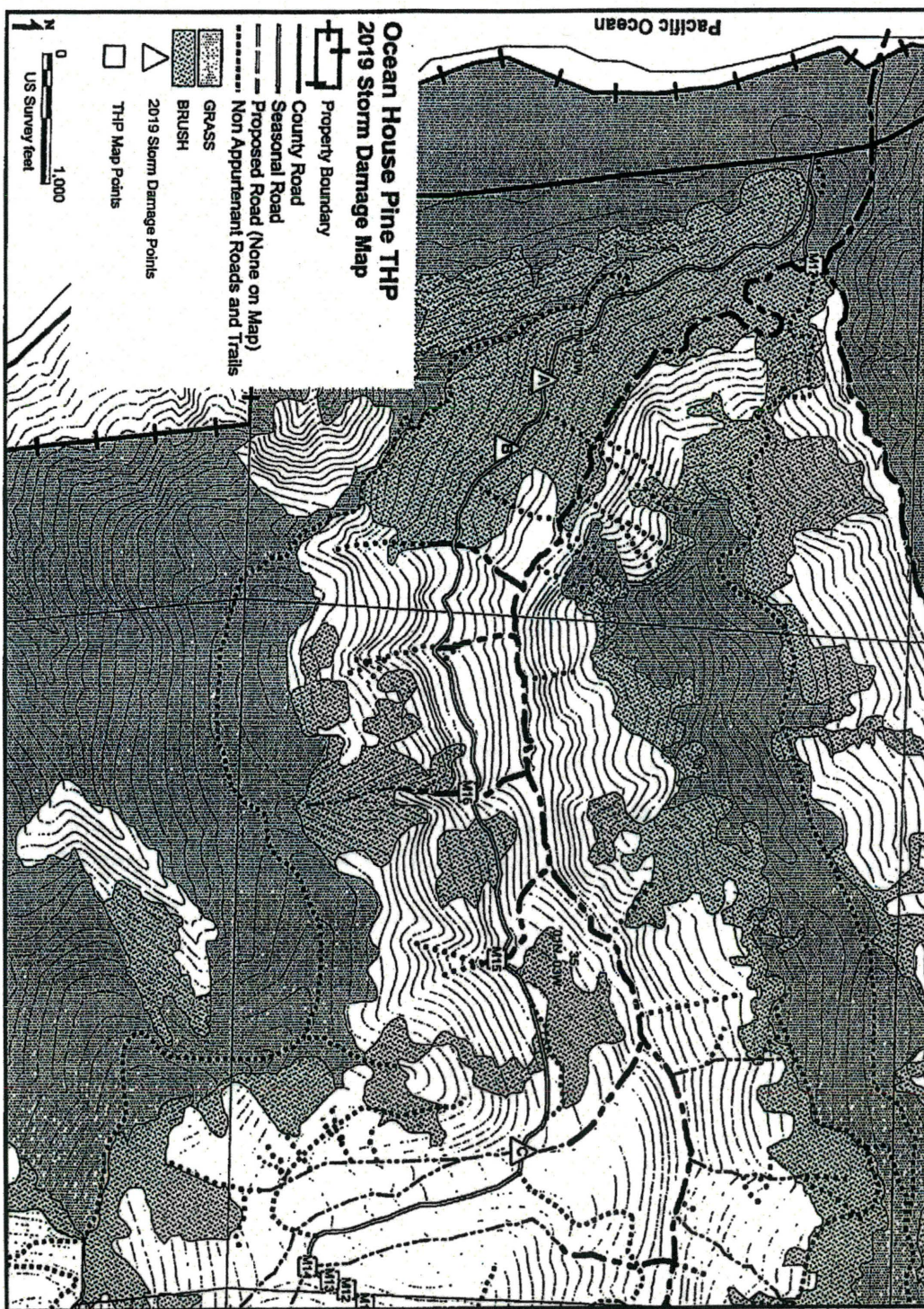
SEP 25 2019

OCT 03 2019

STATE CLEARINGHOUSE

Date Received for filing at OPR:

Attachment A: Map




STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
NOTARIAL PUBLIC
JULIA A. HARRIS, Notary Public
My Commission Expires 12/31/2024

CONCURRENCE

The undersigned accepts and agrees to comply with all provisions contained herein.

FOR: Russ Ranch and Timber Company, LLC

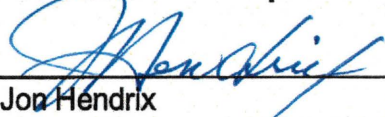


Carl Anderson
Registered Professional Forester
Western Timber Services, Inc.

9/23/19

Date

FOR: California Department of Fish and Wildlife



Jon Hendrix
Senior Environmental Scientist (Supervisory)
Timber Conservation Planning

SEP 25 2019

Date

Governor's Office of Planning & Research
OCT 03 2019
STATE CLEARINGHOUSE



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Director's Office
1416 Ninth Street, 12th Floor
Sacramento, CA 95814
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



September 18, 2019

Carl Anderson
Western Timber Services
P.O. Box 1136
Arcata, California, 95518

Subject: Major Amendment #2 of Streambed Alteration Agreement
Notification No. 1600-2015-0112-R1
THP 1-15-030-HUM "Ocean House Pine"

Dear Carl Anderson:

The Department of Fish and Wildlife (Department) has received your request to amend Streambed Alteration Agreement No. 1600-2015-0112-R1 (Agreement). Your request to amend the Agreement includes the reconstruction of a Class II bridge at Site C (See Attachment A Map below).

The Department hereby agrees to amend the Agreement with the addition of the following conditions:

1. Class II Watercourse Crossing Foothill Yellow-legged Frog (FYLF) Notification Report: Within five days before initiating a Class I and II crossing installation/removal, a person familiar with life stages of FYLF shall examine the site and determine if any FYLF life stages are present. If FYLF are found present within 100 feet of the crossing, Permittee shall not commence operations and immediately notify and consult with CDFW to incorporate avoidance or disturbance minimization measures during crossing installation.
2. All conditions in the original Agreement No. 1600-2015-0112-R1 shall remain in effect unless otherwise noted below.
3. Before any work covered by this amendment is undertaken, this amendment shall be amended into and made enforceable as part of the THP 1-15-030-HUM "Ocean House Pine"

Please print two copies of this letter, sign and date both copies, and return one copy of this letter with an original signature to the above address to acknowledge the amendment. Signed copies of the Agreement and this amendment must be readily available at project worksites and must be presented when requested by a Department representative or agency with inspection authority.

If you have any questions regarding this matter, please contact Nicholas Simpson at (707) 445-6512 or nicholas.simpson@wildlife.ca.gov.

Conserving California's Wildlife Since 1870

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS FOR
STREAMBED ALTERATION AGREEMENT No. 1600-2015-0112-R1 MAJOR AMENDMENT # 2**

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 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.

Timber Harvesting Plans (THPs) and Nonindustrial Timber Management Plans (NTMPs) are documents prepared according to a certified state regulatory program and they substitute for a Negative Declaration or an Environmental Impact Report, pursuant to Guidelines sections 15251 and 15252. As the Lead Agency for THPs, the California Department of Forestry and Fire Protection (CAL FIRE) approved THP 1-15-030HUM, CAL FIRE found that the THP will not result in significant environmental effects with the mitigation measures required in, or incorporated into the THP.

DATE: June 4, 2015


The California Department of Fish and Wildlife (CDFW) is entering into a lake or streambed alteration agreement (Agreement) with Jack Russ, representing Russ Ranch and Timber Company, LLC. The activities to be completed according to the Agreement are located approximately three miles South of Capetown, Humboldt County. The project is located in Section 1, T1S, R3W; Section 6, T1S, R2W; Section 31, T1N, R2W; Sections 34, 35, and 36, T1N, R3W; Humboldt Base and Meridian, in the Capetown and Cape Mendocino, U.S. Geological Survey 7.5-minute quadrangles.

Because CDFW is issuing the Agreement, it is a Responsible Agency under CEQA. As a CEQA-Responsible Agency, CDFW is required by Guidelines Section 15096 to review a THP or NTMP approved by the Lead Agency that includes the activities addressed in the Agreement and to make a finding that the Agreement's activities will not 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 activities addressed in a THP or NTMP.

Findings

CDFW has considered the THP approved by CAL FIRE that is named above. 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 CAL FIRE as set forth in the THP insofar as they pertain to the impacts on biological resources from the activities addressed in the Agreement.

Signature: _____



Jon Hendrix, Senior Environmental Scientist (Supervisory)
Northern Region, California Department of Fish and Wildlife

Governor's Office of Planning & Research
Date: **SEP 25 2019**

OCT 03 2019

STATE CLEARINGHOUSE