



To:
Office of Planning and Research
For U.S. Mail:
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Street Address:
1400 Tenth Street
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From:
Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Contact: Angela Liebenberg
Phone: 707-964-4830

Lead Agency (if different from above)
County of Mendocino
860 N. Bush Street
Ukiah, CA 95482
Contact: Julia Acker
Phone: 707-234-6650

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

State Clearinghouse Number: 2016112028

Project Title: Barker Water Diversion and Stream Crossings Project (Lake or Streambed Alteration Agreement No. 1600-2018-0723-R1)

Project Location (include county): The project to be completed is located within the Whale Gulch watershed, approximately 10 miles west of the town of Piercy, County of Mendocino, State of California. The project is located in Sections 29 and 32, T5S, R2E, Humboldt Base and Meridian; in the Bear Harbor U.S. Geological Survey 7.5-minute quadrangle.

Project Description: The California Department of Fish and Wildlife has executed Lake and Streambed Alteration Agreement number 1600-2018-0723-R1, pursuant to Section 1602 of the Fish and Game Code to Mr. David W. Barker.

The project is limited to three (3) encroachments. One (1) encroachment is for water diversion from unnamed tributaries to Whale Gulch (APN 051-071-32). Water is diverted for domestic use and irrigation. Work for the water diversion will include removal of the existing diversion, and installation, use and maintenance of new water diversion infrastructure.

The two (2) other proposed encroachments are to upgrade failing and undersized culverts. Work for these encroachments will include excavation, removal of the existing culverts, replacement with new properly sized culverts, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion.

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 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. A mitigated negative declaration / negative declaration was prepared for this project pursuant to the provisions of CEQA.
CDFW considered the mitigated negative declaration / 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 not adopted by CDFW for this project.
6. Findings were not made by CDFW pursuant to Public Resources Code section 21081, subdivision (a).

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 related to the Lake or Streambed Alteration Agreement is available to the public for review at CDFW's regional office.

Signature

Scott Bauer

Date:

10/3/19

Scott Bauer, Senior Environmental Scientist Supervisor

Governor's Office of Planning & Research

Date Received for filing at OPR: **OCT 03 2019**

STATE CLEARINGHOUSE