

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
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 95434
Contact: Robynn Swan
Phone: (707) 576-2898

Lead Agency
CAL FIRE
135 Ridgway Avenue
Santa Rosa, CA 95401
Contact: Forest Practice Office
Phone: (707) 576-2959

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

State Clearinghouse Number: N/A

Project Title: Timber Harvest Plan 1-19-00096 SCL "Castro Valley Ranch" (Lake or Streambed Alteration Agreement No. 1600-2019-0248-R3)

Project Location: The project is located in Santa Clara County, approx. 2.5 miles SW of Gilroy; Section Rancho Salsipuedes, T11S, R3E, MDB&M, USGS Quad Watsonville East; APNs 81080002, 81080003, 81080004, and 81080005.

Project Description: The California Department of Fish and Wildlife (CDFW) has executed Lake and Streambed Alteration Agreement number 1600-2019-0248-R3, pursuant to section 1602 of the Fish and Game Code to the project Applicant, Bruce W. Madding for Castro Valley Properties, LLC.

The project is limited to the flatcar bridge realignment, culvert installations, temporary Spittler Humboldt crossing installation and water drafting within the 1-19-00096 SCL timber harvest plan.

This is to advise that CDFW, acting as a Responsible Agency, approved the above described project on January 23, 2020, and has made the following determinations regarding the project pursuant to California Code of Regulations section 15096, subdivision (i):

1. The project will / 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 environmental impact report 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 / was not adopted by CDFW for this project.
6. Findings were / were not made by CDFW pursuant to California Code of Regulations section 15091.

The final environmental impact report prepared for the project is available to the general public at the office location listed above for the Lead Agency. CDFW's record of project approval as Responsible Agency is available at CDFW's regional office.

Signature

Date:

January 23, 2020

Craig J. Weightman, Environmental Program Manager

Governor's Office of Planning & Research

Date Received for filing at OPR: JAN 24 2020

STATE CLEARINGHOUSE

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
AGREEMENT REGARDING PROPOSED LAKE OR STREAM ALTERATION
NO. 1600-2019-0248-R3**

Bruce W. Madding for Castro Valley Properties, LLC
Timber Harvest Plan 1-19-00096 SCL "Castro Valley Ranch"
CEQA FINDINGS

INTRODUCTION:

The California Environmental Quality Act ("CEQA"; Public Resources Code §21000, *et seq.*), and the State CEQA Guidelines ("Guidelines"; 14 Cal. Code Regs. 15000, *et seq.*) require that prior to reaching a decision on a project, a responsible agency must consider the environmental effects of the project as shown in the document prepared by the lead agency.

As the lead agency for the Timber Harvest Plan 1-19-00096 SCL "Castro Valley Ranch", the California Department of Forestry and Fire Protection (CAL FIRE), certified an environmental impact report on November 26, 2019.

The California Department of Fish and Wildlife ("CDFW") is issuing an agreement regarding proposed Lake or Streambed Alteration to the project applicant, Castro Valley Properties, LLC, represented by Bruce W. Madding, 525 University Avenue, Suite 200, Palo Alto, CA 94301. For the Timber Harvest Plan 1-19-00096 SCL "Castro Valley Ranch", the applicant is proposing to realign an existing flatcar bridge, install/replace multiple culverts, install a temporary Spittler-Humboldt crossing, and draft water from a pond for dust abatement for timber harvesting operations.

CDFW is a responsible agency under CEQA for the purpose of approving the Lake and Streambed Alteration Agreement necessitated by the lead agency's proposed project. As a CEQA responsible agency, CDFW is required by Guidelines §15096 to review the environmental document certified by the lead agency approving the project and to make certain findings concerning the 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. CDFW has responsibility for mitigating or avoiding only the direct or indirect environmental effects of the Lake and Streambed Alteration Agreement that it approves.

FINDING:

CDFW has considered the environmental impact report prepared by the lead agency. CDFW has independently concluded that the Lake and Streambed Alteration Agreement should be issued under the terms and conditions specified therein. CDFW finds that with the mitigation measures incorporated into the Lake and Streambed Alteration Agreement, there will be no significant effects from the proposed project.

The Project is Approved.

DATE: January 23, 2020

by: 

Craig J. Weightman, Environmental Program Manager
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region