

Notice of Exemption

To: Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Room 113 [IMS: A-08]
Sacramento, CA 95814

From: Department of Fish and Wildlife
WILDLIFE CONSERVATION BOARD
P.O. Box 944209
Sacramento, CA 94244-2090

County Clerk (County of): N/A

Attention: Adam Ballard

Project Title: Battle Creek, Tompkins Water Right Acquisition

Project Applicant: Wildlife Conservation Board (WCB)

Project Location - Specific: Subject water right was formerly appurtenant to APN's 009-040-28 and 009-040-24, which are now part of the Battle Creek Wildlife Area. Point of diversion for the water right is the headgate of Battle Creek Ranch Ditch.

Project Location - City: Anderson

Project Location - County: Tehama

Description of Nature, Purpose, and Beneficiaries of Project: The Project will acquire a pre-1914 appropriative water right and transfer ownership to the Willow Creek Mutual Water Company (WCMWC). Following transfer of ownership of the right, a petition will be filed under California Water Code (CWC) section 1707 to dedicate the right to instream flow in lower Battle Creek, coupled with a change in the point of diversion and place of use pursuant to CWC section 1706 to provide for downstream consumptive use of the water to enhance wetland habitat on private lands managed as part of the Sacramento National Wildlife Refuge complex pursuant to wetland easements held by U.S. Fish and Wildlife Service. The Project also includes the development of an engineering design for modifying the diversion structure at the head of the Battle Creek Ranch Ditch to reduce the existing rate of diversion to ensure the water right is left in Battle Creek on a continual basis. The physical modification of the diversion structure will be implemented through a subsequent separate action.

Name of Public Agency Approving Project: Department of Fish and Wildlife, WCB

Name of Person or Agency Carrying Out Project: John P. Donnelly, Executive Director, WCB

Exempt Status:

- Ministerial (Sec. 15268):
- Declared Emergency [Sec. 15269 (a)]:
- Emergency Project [Sec. 15269 (b) and (c)]:
- Categorical Exemptions:
 - Section 15301, Class 1, Existing Facilities, consists of operation, repair, maintenance, permitting, or minor alteration of existing structures, facilities, or mechanical equipment, involving negligible or no expansion of use.
 - Section 15304, Class 4, Minor Alterations to Land, consists of minor alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees.
- Statutory Exemption: Section 15262; feasibility or planning studies for possible future actions that the agency has not approved, adopted or funded.

Reasons why project is exempt: Project consists of minor alterations in the condition of land or water; operation, repair, maintenance, and minor alteration of existing facilities involving negligible or no expansion of use for maintenance of wildlife habitat areas and stream flows; and environmental analysis or planning studies for possible future actions which the agency, board, or commission has not approved, adopted, or funded.

Lead Agency Contact Person: John P. Donnelly

Area Code/Telephone/Extension: (916) 445-0137

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? Yes (by this notice) No

Signature: John Donnelly Date: 4/2/2020 Title: Executive Director

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Section 21108, 21152, 21152.1, Public Resources Code.

Date received for Filing:

cc: WCB Binder
WCB Surname
Chron

Governor's Office of Planning & Research

APR 03 2020

Revised: 9/2013