EXHIBIT 4: Negative Declaration

NOTICE OF DETERMINATION

TO: Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

FROM: California Department of Fish and Game
Native Anadromous fish and Watershed Branch
830 S street
Sacramento, CA 95814-7023

SUBJECT: **Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code**

PROJECT TITLE: **The 2003 Fishery Restoration Grants Program**

STATE CLEARINGHOUSE NUMBER: SCH #2003042032

LEAD AGENCY: **California Department of Fish and Game**
CONTACT: **Gene Geary, Environmental Scientist, (707) 944-5573**

PROJECT LOCATION: Del Norte, Humboldt, Marin, Mendocino, Monterey, Napa, San Luis Obispo, Santa Cruz, Siskiyou, Sonoma Trinity and Ventura counties.

PROJECTDESCRIPTION: This project will use grant funds approved by the California Legislature to fund activities designed to restore coastal streams and watersheds that historically produced large populations of salmon and steelhead

This is to advise that the California Department of Fish and Game as a Lead Agency approved the project described above on May 19, 2003 and has made the following determinations regarding the above described project pursuant to section 15075.

1. The project will not have a significant effect on the environment.
2. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were made a condition of the approval of the project.

This is to certify that a copy of the Negative Declaration prepared for this project is available to the general public and may be reviewed at: 7329 Silverado Trail, Napa, California 94558. Please contact the lead agency person specified above.

Larry E. Week, Chief
Native Anadromous Fish and Watershed Branch

Date Received for Filing: _____

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STATE OF CALIFORNIA

THE RESOURCES AGENCY

DEPARTMENT OF FISH AND GAME

PROPOSED MITIGATED NEGATIVE DECLARATION

FOR

THE 2003 FISHERY RESTORATION GRANTS PROGRAM IN DEL NORTE, HUMBOLDT, MARIN, MENDOCINO, MONTEREY, NAPA, SAN LUIS OBISPO, SANTA CRUZ, SISKIYOU, SONOMA, TRINITY AND VENTURA COUNTIES AND REQUIRED AGREEMENT REGARDING PROPOSED STREAM OR LAKE ALTERATION

Prepared By:

Gene Geary
Environmental Scientist
Central Coast Region

and

Phil Warner
Senior Fish Habitat Supervisor
Northern California-North Coast Region
Central Coast Region

This Report Has Been Prepared Pursuant to the
California Environmental Quality Act of 1970
State of California
The Resources Agency
Department of Fish and Game

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INITIAL STUDY
AND
MITIGATED NEGATIVE DECLARATION
FOR
THE 2003 FISHERY RESTORATION GRANTS PROGRAM
IN
DEL NORTE, HUMBOLDT, MARIN, MENDOCINO, MONTEREY, NAPA SAN LUIS OBISPO, SANTA CRUZ, SISKIYOU, SONOMA, TRINITY AND VENTURA COUNTIES AND REQUIRED AGREEMENT REGARDING PROPOSED STREAM OR LAKE ALTERATION

The Project: This project will use grant funds approved by the California Legislature to initiate activities that are designed to restore salmon and steelhead habitat in coastal streams and watersheds. Years of poor land management and natural events have limited the ability of fish to survive and successfully reproduce in coastal streams that historically produced large populations of salmon and steelhead. This proposed project is designed to increase populations of wild anadromous fish in coastal streams by restoring their habitat.

The project objective is to improve spawning success for adult salmon and steelhead as well as increase survival for eggs, embryos, rearing juveniles, and downstream migrants. Bank stabilization treatments will improve spawning conditions and embryo survival by reducing sediment yield to streams. Upslope road decommissioning or repair will also help address these widespread problems. The replacement of barrier culverts with bridges or natural stream bottom culverts will allow adult and juvenile salmonids access to additional spawning and rearing habitat. The installation of the instream structures will recruit and sort spawning gravel for adult salmon and steelhead, and create summer rearing pool and over-wintering habitat for juveniles.

The Finding: Although the project may have the potential to cause minor short-term impacts on soil, vegetation, wildlife, water quality, and aquatic life, the measures that will be incorporated into the project will lessen such impacts to an insignificant level (see initial study and environmental checklist).

Basis for the Finding: Based on the initial study, it was determined that there would not be significant adverse environmental effects resulting from implementing the proposed project. In addition, the project is expected to achieve a net benefit to the environment by enhancing and maintaining quality salmonid spawning and rearing habitat in the twelve-county project area.

The Department of Fish and Game finds that implementing the proposed project will have no significant environmental impact.

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Therefore, this mitigated negative declaration is filed pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21080 (c2) This proposed mitigated negative declaration consists of all of the following:

- Detailed Project Description and Background Information
- Initial Study Environmental Checklist Form
- Explanation of Response to Initial Study Environmental Checklist Form
- Appendix A. Project Action Items
- Appendix B. Mitigation Measures, Monitoring and Reporting Program For the 2003 Fishery Restoration Grants Program
- Appendix C. Guidelines for Conducting Project Specific Endangered, Rare and Threatened Species Surveys

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Stansberry Creek Culvert Replacement
Tom Long Tributary Restoration - Phase 2
Williams Creek Erosion Control Project
Wood Creek Fish Habitat Structure & Barrier Modification

Marin

Devil's Gulch Culvert Modification

Mendocino

Alder Creek Enhancement Project
Alder Springs Ranch Stream Bank Stabilization
Booth Bank Stabilization Project
Bradford Ranch Upslope Sediment Reduction
Colombini Bank Stabilization Project
✓Dago Creek Barrier Modification Project
✓Dago Creek Road Project
Edridge Creek Watershed Restoration Implementation Project
Feliz Creek Enhancement Project
Hollow Tree Creek Watershed Restoration
Little North Fork Ten Mile Watershed Restoration
Mill Creek Channel Restoration
Mill Creek Instream Restoration Project
Pudding Creek Watershed Restoration Project
South Fork Cottaneva Creek Fish Passage Improvement
South Branch Robinson Creek Riparian Restoration Project
Streeter/Ten Mile Creeks
Trailer Park Bank Stabilization Project
Walker Creek Bioengineering Project

Monterey

Sycamore Flats-Arroyo Seco River Fish Passage

Napa

Chase Creek Restoration Project
Heath Canyon Creek Fish Barrier Removal & Rest.
Napa River @ Napa Valley Wine Co. River Restoration

San Luis Obispo

Andrews Property Riparian Habitat Improvement Project
Upper LosOsos Creek Riparian Habitat Restoration Project

Santa Cruz

Old Lompico Pool Fish Passage Improvement

Siskiyou

Cottonwood Creek Diversion Improvement Program
Kelly Gulch Migration Barrier Removal Project
Moffet Creek Road Abandonment & Decommission

Sonoma

Green Valley Riparian 2002
Harrison Bank Stabilization Project

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STATE OF CALIFORNIA THE RESOURCES AGENCY
DEPARTMENT OF FISH AND GAME
GRAY DAVIS, GOVERNOR
CENTRAL COAST REGION
(707) 944-5520
Mailing address:
POST OFFICE BOX 47
YOUNTVILLE CALIFORNIA 94599
Street address:
7329 SILVERADO TRAIL
NAPA CALIFORNIA 94558

July 30, 2002

Notification Number R3-2002-0621

Alan Mohr
Forest, Soil & Water, Inc.
Post Office Box 1802
Healdsburg, CA 95448-1802

1603 LAKE AND STREAMBED ALTERATION AGREEMENT

This agreement is issued by the Department of Fish and Game pursuant to Division 2, Chapter 6 of the California Fish and Game Code:

WHEREAS, the applicant Alan Mohr, hereafter called the Operator, submitted a signed NOTIFICATION proposing to substantially divert or obstruct the natural flow of, or substantially change the bed, channel, or bank of, or use material from the streambed or lake of the following water: Dago Creek, located in Township 14N Range 15W Sections 22, 23, 26 & 27, in the County of Mendocino, State of California; and

WHEREAS, the Department has determined that such operations may substantially adversely affect existing fish and wildlife resources including water quality, hydrology, aquatic or terrestrial plant or animal species; and

WHEREAS, the project has undergone the appropriate review under the California Environmental Quality Act; and

WHEREAS, the Operator shall undertake the project as proposed in the signed PROJECT DESCRIPTION and PROJECT CONDITIONS (attached). If the Operator changes the project from that described in the PROJECT DESCRIPTION and does not include the PROJECT CONDITIONS, this agreement is no longer valid; and

WHEREAS, the agreement shall expire on December 31, 2005; with the work to occur between July 1 and November 1; and

WHEREAS, nothing in this agreement authorizes the Operator to trespass on any land or property, nor does it relieve the Operator of the responsibility for compliance with applicable Federal, State, or local laws or ordinances. Placement, or removal, of any material below the level of ordinary high water may come under the jurisdiction of the U. S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act;

THEREFORE, the Operator may proceed with the project as described in the PROJECT DESCRIPTION and PROJECT CONDITIONS. A copy of this agreement, with attached PROJECT DESCRIPTION and PROJECT CONDITIONS, shall be provided to contractors and subcontractors and shall be in their possession at the work site.

Failure to comply with all conditions of this agreement may result in legal action.

This agreement is approved by:

Robert W. Floerke
Regional Manager
Central Coast Region

cc: Doug Albin
Wm. Hofer
Lt. Morse
Bryan Freels

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SEP-05-2003 12:58 PM P.08

R3-2002-0621

STATE OF CALIFORNIA THE RESOURCES AGENCY GRAY DAVIS, GOVERNOR

DEPARTMENT OF FISH AND GAME

CENTRAL COAST REGION
(707) 944-5520
Mailing address:
POST OFFICE BOX 47
YOUNTVILLE, CALIFORNIA 94599
Street address:
7329 SILVERADO TRAIL
NAPA, CALIFORNIA 94558

Notification Number: R3-2001-0621
Dago Creek, Mendocino County

Alan Mohr
Forest, Soil & Water, Inc.
P.O. Box 1802
Healdsburg, CA 95448-1802

PROJECT DESCRIPTION and PROJECT CONDITIONS

Description

A. Project activities consist of the following:

1) Log debris accumulation modifications at 15 sites.
2) Road sidecast excavations at 8 sites.
3) Crossing fill excavation at 9 sites.
4) Rocked ford installation at 2 sites.
5) Culvert installation at 1 site.

B. The Butler/Baruch property is located on Dago Creek, approximately 2 miles west of Philo.

C. Equipment to be used: excavator, backhoe, caterpillar tractor, road grader, dump truck, water truck.

D. Site Conditions:

1) Log debris accumulation modification sites are on sections of Dago Creek with year round flows; some sites have impounded sediment terraces and/or streamflow diversions into eroding banks.
2) Road sidecast excavations sites are adjacent to sections of Dago Creek with year round flows, except site 53 on a tributary that may be dry at the time of work.
3) Crossing fill excavation sites are on section of Dago Creek or tributaries with year round flows.
4) Rocked ford installation sites are on tributaries that are expected to be dry at the time of work.
5) The culvert installation site is on a tributary that may have streamflow at the time of work.

Conditions

1. Project work within the wetted stream shall be limited to the period between July 1 and November 1, or the first significant fall rainfall.

2. Any equipment work within the stream channel shall be performed in isolation from the flowing

stream, except as needed to construct coffer dams to divert streamflow from work sites. The coffer dams may be constructed with clean river gravel or sand bags, and may be sealed with sheet plastic. Sand bags and any sheet plastic shall be removed from the stream upon project completion. Clean river gravel may be left in the stream, but the coffer dams must be breached to return the stream flow to its natural channel.

3. If it is necessary to divert flow around a work site occupied by fish, either by pump or by gravity flow, the intake pipe shall be fitted with fish screens meeting DFG and NMFS criteria to prevent entrainment or impingement of small fish. The operator shall obtain a biologist, with all necessary State and Federal permits, to rescue any fish within work sites prior to dewatering. Rescued fish shall be moved to the nearest appropriate site on the stream. A record shall be maintained of all fish rescued and moved, and the record shall be provided to DFG.

4. Any turbid water pumped from the work site itself to maintain it in a dewatered state shall be disposed of in an upland location where it will not drain directly into any stream channel

5. All disturbed areas where there is any risk of sediment entering a stream shall be stabilized with mulch and/or planting of native vegetation.

6. Staging/storage areas for equipment, materials, fuels, lubricants, and solvents, will be located outside of the stream's high water channel and associated riparian area. Stationary equipment such as motors, pumps, generators, compressors, and welders located within the dry portions of the stream channel or adjacent to the stream, will be positioned over drip-pans. Vehicles will be moved out of the normal high water area of the stream prior to refueling and lubricating. The contractor shall ensure that contamination of habitat does not occur during such operations. Prior to the onset of work, contractor shall prepare a plan for prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

7. To avoid potential impacts to northern spotted owl nesting activity, heavy equipment work shall not begin until after July 31. If the Department receives information that there is no potential for impact, the Department may notify the applicant in writing that heavy equipment work may begin prior to July 31.

8. Any red tree vole nests encountered at a work site will be flagged and avoided during work activities.

9. Any disturbed banks shall be fully restored upon completion of construction. Revegetation shall be done using native species. Planting techniques can include seed casting, hydroseeding, or live planting methods using the techniques in the California Salmonid Stream Habitat Restoration Manual.

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10. Building materials and/or construction equipment shall not be stockpiled or stored where they could be washed into the water or where they will cover aquatic or riparian vegetation

11. Debris, soil, silt, bark, rubbish, creosote-treated wood, raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic life, resulting from project related activities, shall be prevented from contaminating the soil and/or entering the waters of the state. Any of these materials, placed within or where they may enter a stream or lake, by Operator or any party working under contract, or with the permission of the Operator, shall be removed immediately.

12. The contractor shall not dump any litter or construction debris within the riparian/stream zone. All such debris and waste shall be picked up daily and properly disposed of at an appropriate site.

If the Operator needs more time to complete the authorized activity, the work period may be extended on a day-to-day basis by Doug Albin at 707-964-7683, or, alternatively, to the Yountville office at 707-944-5520.

A copy of this agreement must be provided to the contractor and all subcontractors who work within the stream zone and must be in their possession at the work site.

Department personnel or its agents may inspect the work site at any time.

The Operator is liable for compliance with the terms of this Agreement, including violations committed by the contractors and/or subcontractors. The Department reserves the right to suspend construction activity described in this Agreement if the Department determines any of the following has occurred:

A). Failure to comply with any of the conditions of this Agreement

B). Information provided in support of the Agreement is determined by the Department to be inaccurate.

C). Information becomes available to the Department that was not known when preparing the original conditions of this Agreement (including, but not limited to, the occurrence of State or federally listed species in the area or risk to resources not previously observed)

D).The project as described in the Agreement has changed or conditions affecting fish and wildlife resources change.

Any violation of the terms of this Agreement may result in the project being stopped, a citation being issued, or charges being filed with the District Attorney. Contractors and subcontractors may also be liable for violating the conditions of this agreement.

Amendments and Renewals

The Operator shall notify the Department before any modifications are made in the project plans

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submitted to the Department. Project modifications may require an amendment or a new notification.

This Agreement is transferable to subsequent owners of the project property by requesting an amendment.

To renew the Agreement beyond the expiration date, a written request for a renewal must be submitted to the Department (1600 Program, Post Office Box 47, Yountville, California 94599) for consideration at least 30 days before the Agreement expiration date. Renewals of the original Agreement are issued at the discretion of the Department.

To modify the project, a written request for an amendment must be submitted to the Department (1600 Program, Post Office Box 47, Yountville, California 94599). Amendments to the original Agreement are issued at the discretion of the Department.

Please note that you may not proceed with construction until your proposed project has undergone CEQA review and the Department signs the Agreement.

I, the undersigned, state that the above is the final description of the project I am submitting to the Department for CEQA review, leading to an Agreement, and agree to implement the conditions above required by the Department as part of that project. I will not proceed with this project until the Department signs the Agreement. I also understand that the CEQA review may result in the addition of measures to the project to avoid, minimize, or compensate for significant environmental impacts:

Operator's name (print): Alan Mohr, Project Manager, Forest, Soil & Water, Inc.

Operator's signature: Alan Mohr

Signed the 11th day of July, 2002

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Date prepared:

Operator's initials AM
Notification Number N-2002-[illegible]