APPENDIX C

Notice of Preparation

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State of California

Memorandum

To: State Clearinghouse
1400 Tenth Street
Sacramento, California 95814

Date: October 19, 2006

for

From: **DONALD B. KOCH, Regional Manager**
Northern California-North Coast Region
Department of Fish and Game
601 Locust Street
Redding, California 96001

Subject: Notice of Preparation of a Draft Environmental Impact Report for the Scott River Watershed-Wide Permitting Program, Siskiyou County

The California Department of Fish and Game (CDFG) will prepare an environmental impact report (EIR) for a proposed watershedwide permitting program in the Scott River Watershed, Siskiyou County. The Program has been developed by the CDFG in consultation with Siskiyou Resource Conservation District (SQRCD) and implements key coho salmon recovery tasks while facilitating agricultural operators and SQRCD compliance with the California Endangered Species Act and Fish and Game Code Section 1602 by establishing a streamlined process for the issuance of incidental take permits and streambed alteration agreements. The Program's description, covered activities, avoidance, minimization, and mitigation measures, and probable environmental effects are contained in the enclosed initial study. The initial study is also available at: http://www.dfg.ca.gov/hcpb/whatsnew/whatsnew.shtml.

We need to know your views as to the scope and content of the environmental information that is germane to your agency's statutory responsibilities or specific concerns that must be included in the Draft EIR. This includes significant environmental issues, reasonable alternatives, and mitigation measures that a responsible agency will need to have explored in the Draft EIR and whether your agency will be a responsible agency or trustee agency for the proposed program.

Pursuant to Public Resources Code Section 21080.4 (CEQA) and California Code of Regulations Section 15082 (CEQA Guidelines), we request comments by agencies be submitted within 30 days after receipt of this letter. Please send you response to:

Mr. Bob Williams
California Department of Fish and Game
601 Locust Street
Redding, California 96001
bwilliams@dfg.ca.gov
530-225-2365

All comments received, including names and addresses, will become part of the official administrative record

Interested public agencies and members of the public are also invited to a scoping meeting where they may submit oral and written comments and suggestions regarding the scope of the EIR to help identify the range of actions, alternatives, mitigation measures, and significant environmental effects to be analyzed in relation to the proposed project. Prior to the scoping meeting interested parties may attend a workshop providing an overview of the review process under CEQA and information on how the public may participate in that process. The workshop and scoping meeting will be held:

- Wednesday, October 25, 2006
  Location: - Fort Jones Community Center, 11960 East Street, Fort Jones.
  The public workshop will be from 3:00 to 5:00 p.m.
  The public scoping meeting will run from 6:30 to 8:30 p.m.

For more information, please contact Staff Environmental Scientist Bob Williams at 530-225-2365 or bwilliams@dfg.ca.gov.

Enclosures

Williams:pm
R:\Williams\Coho EIR\Scott NOP Memo to Clearing House 10-16-06.doc

NOTICE OF PREPARATION OF A
DRAFT ENVIRONMENTAL IMPACT REPORT
SCOTT RIVER WATERSHED-WIDE PERMITTING PROGRAM
CALIFORNIA DEPARTMENT OF FISH AND GAME

To Responsible and Trustee Agencies and All Interested Parties:

The California Department of Fish and Game (CDFG) and the Siskiyou Resource Conservation District (SQRCD) have developed a watershed-wide permitting program for the Scott River watershed (Program). The Program is designed to implement key coho salmon (*Oncorhynchus kisutch*) recovery tasks while facilitating compliance by agricultural operators and those implementing coho salmon restoration projects with the California Endangered Species Act (CESA) (Fish and G. Code, § 2050 *et seq.*) and Fish and Game Code section 1602 (section 1602). For purposes of the Program, "agricultural operator" means: 1) any person who lawfully diverts water from a stream in the Scott River watershed (Program Area) for an agricultural purpose; and/or 2) any person involved in a lawful agricultural operation on property in the Program Area through which or adjacent to which a stream flows.

CDFG has determined that the Program and the activities authorized under it through a watershed-wide Master Streambed Alteration Agreement (MSAA) and Incidental Take Permit (ITP) have the potential to cause significant adverse environmental effects. As a result, it is preparing an environmental impact report (EIR) pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 *et seq.*).

CDFG is the lead agency for the purpose of reviewing the Program and the activities it will authorize under the Program because CDFG has principal responsibility for approving and administering the Program (Cal. Code Regs., tit. 14, § 15367). The activities CDFG will authorize are referred to in the ITP and MSAA as "Covered Activities." CDFG has identified the North Coast Regional Water Quality Control Board as a responsible agency because it may have discretionary approval over some of the Covered Activities the Program will authorize (Cal. Code Regs., tit. 14, § 15381). A "trustee agency" is a state agency that has jurisdiction over natural resources held in trust for the people of the state that could be affected by a project (Cal. Code Regs., tit. 14, § 15386). CDFG has identified the State Lands Commission (SLC) as a trustee agency because the Covered Activities authorized under the Program could affect the beds of navigable waters and other "state owned 'sovereign' land" which are within SLC's jurisdiction (Cal. Code Regs., tit. 14, § 15386, subd. (b)).

CDFG needs to know your views regarding the scope and content of the environmental information in connection with the Program. The initial study that has been prepared for the Program is attached as Attachment 4 and is also available for review at: http://www.dfg.ca.gov/hcpb/whatsnew/whatsnew.shtml.

You may also request a copy of the initial study from CDFG (see below). CEQA requires that you submit any response to CDFG at the earliest possible date, but not later than 30 days after receipt of this notice.

Requests for a copy of the initial study or any other information regarding the Program, and all responses to this notice should be sent to:

Bob Williams, Staff Environmental Scientist
Conservation Planning
California Department of Fish and Game
601 Locust Street
Redding, CA 96001
530-225-2365

Four documents are attached to this notice. Attachment 1 provides an overview of the Program, the scoping process, and the draft EIR schedule. Attachment 2 shows the location of the Scott River Watershed. Attachment 3 shows the environmental factors potentially affected by the Program that the EIR will address. Attachment 4 is the Initial Study.

Date: October 19, 2006

for **DONALD B. KOCH**, Regional Manager
Northern California North Coast Region
California Department of Fish and Game
530-225-2363

ATTACHMENT 1

Background

The Scott River Watershed-wide Permitting Program (Program) is designed to implement key coho salmon (*Oncorhynchus kisutch*) recovery tasks while facilitating compliance by agricultural operators and those implementing coho salmon restoration projects with the California Endangered Species Act (CESA) (Fish and G. Code, § 2050 *et seq.*) and Fish and Game Code section 1602 (section 1602). Compliance with those laws is necessary because both agricultural water diversions and recovery efforts could result in temporary or long-term adverse effects on coho salmon and other stream resources. Currently, agricultural operators in the Scott River watershed (Program Area) can comply with CESA by applying to CDFG for an individual ITP , and with section 1602 by submitting a notification and obtaining a streambed alteration agreement (SAA). To facilitate such compliance, CDFG and the Siskiyou Resource Conservation District (SQRCD) developed the Program as an alternative to the standard process an agricultural operator would need to follow to obtain an ITP and SAA.

On March 29, 2005, SQRCD submitted an application to CDFG for a watershed-wide ITP pursuant to Fish and Game Code section 2081(b) and (c). On April 22, 2005, SQRCD submitted a notification to CDFG for a MSAA. Thereafter, CDFG has worked to prepare a draft watershed-wide ITP and MSAA in cooperation with SQRCD and agricultural operators. The Program will enable agricultural operators and those implementing coho salmon restoration activities, including SQRCD, to obtain coverage for their activities through the issuance of the ITP and sub-permits (for CESA) and individual SAAs (for section 1602). The sub-permits and SAAs will include those conditions in the ITP and MSAA that apply to the activities the ITP and MSAA authorized, referred to as "Covered Activities."

The ITP, MSAA, and individual sub-permits and SAAs comprise the Program. The Program will authorize SQRCD and participating agricultural operators to conduct a range of Covered Activities specified in the ITP and MSAA within and adjacent to the Scott River and its tributaries, provided they conduct the activities in accordance with the avoidance, minimization, and mitigation measures specified in the ITP (for SQRCD only), and the avoidance and minimization measures specified in the sub-permits (for the agricultural operators only), and SAAs (for SQRCD and the agricultural operators) to protect fish and wildlife resources, including coho salmon. The term of the ITP will be 10 years. The term of the MSAA will be 5 years, which CDFG may extend for a second 5 year period.

CDFG and the Shasta Valley Resource Conservation District are developing a similar watershed-wide permitting program for the Shasta River watershed, also in Siskiyou County. That program is the subject of a separate environmental review process under CEQA.

Master Streambed Alteration Agreement

CDFG and SQRCD have developed a Memorandum of Understanding which identifies their roles and responsibilities in administering and implementing the MSAA. The MSAA, which is currently in draft form, will identify specific Covered Activities. The MSAA also will include measures necessary to protect fish and wildlife resources that any of the Covered Activities may substantially adversely affect. Each participating agricultural operator who intends to conduct a Covered Activity will be required to complete an application, referred to as a "notification" with SQRCD's assistance. SQRCD will also be required to notify CDFG to conduct a Covered Activity. After CDFG receives the notification, it will confirm the proposed activity is covered by the MSAA, and thereafter prepare a SAA for the participating agricultural operator or SQRCD which includes the particular set of protective measures in the MSAA that are assigned to that activity. The EIR will analyze the potential environmental effects of the Covered Activities in the MSAA. Requests for SAAs which include activities not identified within the MSAA may require additional environmental review.

Incidental Take Permit

Under CESA, a person may not "take"[1] a species listed as threatened or endangered unless the take is incidental to an otherwise lawful activity and the person obtains take authorization from CDFG in the form of an incidental take permit. CDFG and SQRCD have worked together to develop a watershed-wide ITP as part of the Program, which is currently in draft form. The ITP will establish a program through which SQRCD and participating agricultural operators will be authorized to take coho salmon incidental to otherwise lawful Covered Activities. Specifically, CDFG would issue sub-permits to participating agricultural operators who intend to complete a Covered Activity, thereby making them sub-permittees. SQRCD will be covered by the ITP rather than by a separate sub-permit. As a condition of the ITP and each sub-permit, SQRCD and sub-permittees will be required to comply with specific avoidance and minimization measures identified in the watershed-wide ITP and sub-permit. In addition, SQRCD will be required to perform the mitigation measures identified in the watershed-wide ITP to fully mitigate take of coho salmon, and to monitor and report on the Covered Activities and avoidance, minimization, and mitigation measures.

Program Advantages

Participation in the Program has many advantages, including the following:

- The Program represents a comprehensive, watershed-wide effort to implement key coho salmon recovery actions.
- The Program will bring existing agricultural water diverters into compliance with CESA and section 1602

[1] Pursuant to Fish and Game Code section 86, "take" means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.

- SQRCD will have one watershed-wide ITP for their many restoration projects, which will minimize the time and effort needed to obtain individual take authorization on a project-by-project basis. With the MSAA and ITP, it will take much less time for CDFG to develop individual SAAs for each SQRCD project subject to section 1602 and sub-permits for participating agricultural operators. .

- SQRCD will assist participating agricultural operators to prepare their SAA notifications and those operators will not be required to pay a notification fee to CDFG.

- SQCD (through the ITP) and agricultural operators (through their sub-permits) will be authorized to take coho salmon incidental to the Covered Activities in the ITP.

- SQRCD and participating agricultural operators will not be responsible for CDFG's cost to prepare the EIR for the Program and, in most instances; CDFG will not need to prepare an additional environmental document under CEQA before issuing a sub-permit or SAA.

- CDFG will avoid the time needed to prepare multiple incidental take permits for multiple SQRCD activities.

- The Program provides a coordinated approach to implement restoration projects critical for recovering coho salmon.

Scoping and Public Information Meetings

CDFG is seeking input on the scope and content of environmental information relevant to the Program and the Covered Activities authorized under it. To that end, CDFG will hold a public scoping meeting on **October 25, 2006,** from 6:30 to 8:30 p.m. The scoping meeting will provide the public an opportunity to comment on the scope of the environmental analysis in the EIR, and to raise issues, concerns, and ideas regarding potential impacts of the program and the projects authorized under it, feasible mitigation measures, and possible alternatives to the Program.

Prior to the public scoping meeting, CDFG will hold a workshop on techniques for effective participation in the CEQA environmental review process from 3:00 to 5:00 p.m. Workshop topics will include an overview of the environmental review process and information on the many ways the public can participate in the process. Workshop topics will include an overview of the review process under CEQA and information on how the public may participate in that process. It will not necessary to attend the CEQA workshop in order to participate in the public scoping meeting.

The scoping and public information meetings will be held at the Fort Jones Community Center located at 11960 East Street in Fort Jones.

Draft EIR Schedule

The Draft EIR is scheduled for circulation in spring 2007.

Other CDFG Projects

Other significant CDFG projects near the Program Area include the Shasta River watershed-wide permitting program and the petition in front of the Fish and Game Commission to remove the Siskiyou Mountains Salamander from the state list of threatened species under the California Endangered Species Act.

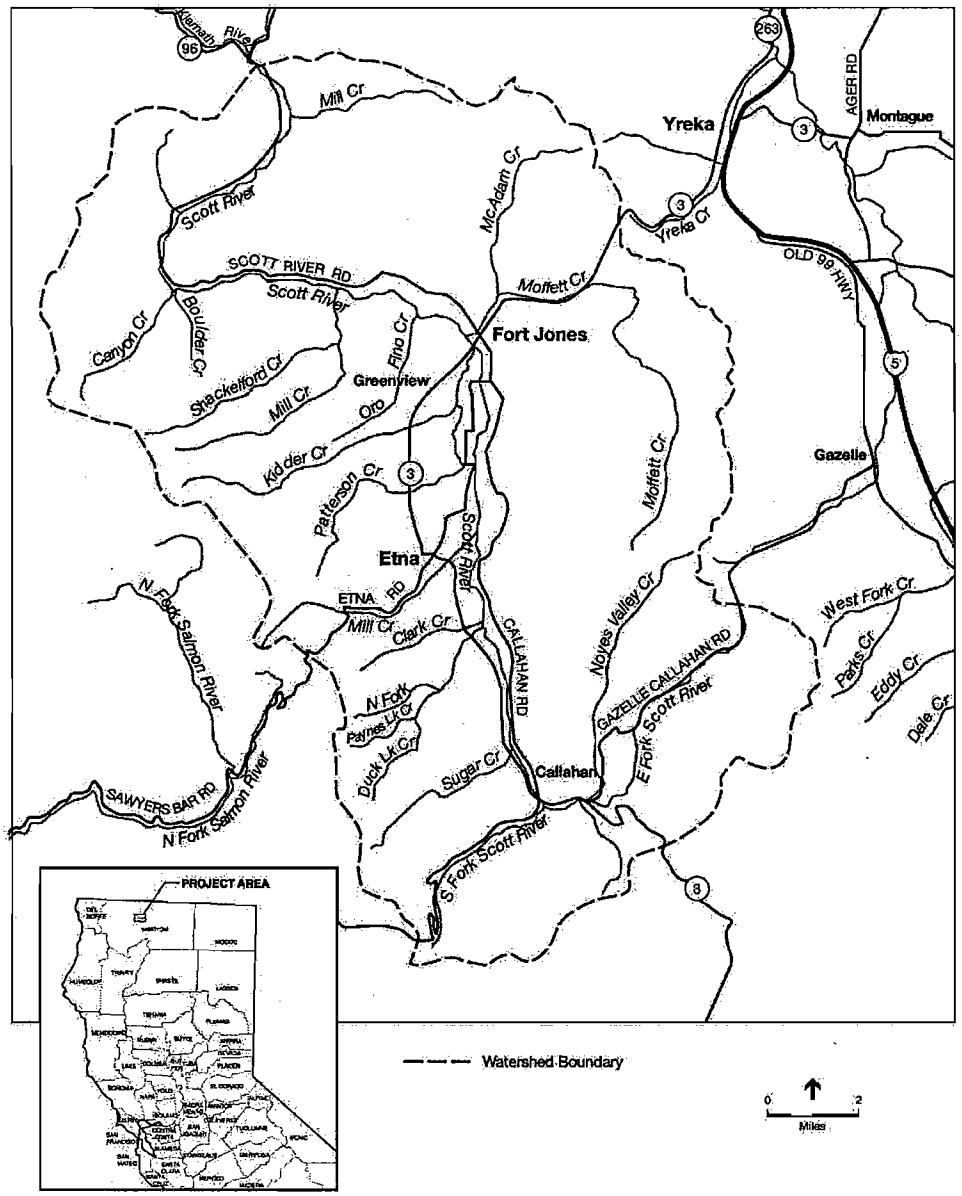
Additional Information

Additional information about the Scott River Watershed-wide Permitting Program may be obtained from CDFG's website at:
http://www.dfg.ca.gov/hcpb/whatsnew/whatsnew.shtml.

CDFG's contact person for any questions regarding the Program is:

Bob Williams, Staff Environmental Scientist
Conservation Planning
California Department of Fish and Game
601 Locust Street
Redding, CA 96001
530-225-2365

ATTACHMENT 2



SOURCE: ESA

Scott River Watershed-Wide Permitting Program . 206063

Figure 1
Project Location

ATTACHMENT 3

Environmental Factors Potentially Affected

The environmental factors checked below involve at least one "potentially significant impact" that could result from the Program and the Covered Activities authorized under it

- ☐ Aesthetics
- ☒ Agriculture Resources
- ☐ Air Quality
- ☒ Biological Resources
- ☒ Cultural Resources
- ☐ Geology, Soils and Seismicity
- ☒ Hazards and Hazardous Materials
- ☒ Hydrology and Water Quality
- ☒ Land Use and Land Use Planning
- ☐ Mineral Resources
- ☐ Noise
- ☐ Population and Housing
- ☒ Public Services
- ☐ Recreation
- ☐ Transportation and Traffic
- ☐ Utilities and Service Systems
- ☒ Mandatory Findings of Significance

Mail to: State Clearinghouse, 1400 Tenth Street, Sacramento, CA 95814 – 916/445-0613

ENVIRONMENTAL DOCUMENT TRANSMITTAL FORM

See *NOTE* BELOW

SCH# _____

1. Project Title: Scott River Watershed-wide Permitting Program
2. Lead Agency: California Department of Fish and Game
3a. Street Address: 601 Locust Street
3c. County: Shasta
3d. Zip: 96001
3. Contact Person: Bob Williams
3. Contact Person:
3b. City: Redding
3e. Phone: 530-225-2365

PROJECT LOCATION

4. County: Siskiyou
4a. City/Community: NA
4b. Assessor's Parcel No.: NA
4c. Section: NA Twp.: NA Range: NA
5a. Cross Streets: NA
5b. For Rural, Nearest Community:
6. With 2 miles: a. State Hwy#: NA
b. Airports: NA
c. Railways: NA
d. Waterways: Scott River and its tributaries

7. Document Type

CEQA
01. ☒ NOP
02. ☐ Early Cons
03. ☐ Neg Dec
04. ☐ Draft EIR
05. ☐ Supplement/Subsequent EIR (Prior SCH No.: _____)
06: ☐ NOE
07: ☐ NOC
08. ☐ NOD

NEPA
09. ☐ NOI
10. ☐ FONSI
11. ☐ Draft EIS
12. ☐ EA

OTHER
13. ☐ Joint Document
14. ☐ Final Document
15. ☐ Other _____

8. Local Action Type

01. ☐ General Plan Update
02. ☐ New Element
03. ☐ General Plan Amendment
04. ☐ Master Plan
05. ☐ Annexation
06. ☐ Specific Plan
07. ☐ Community Plan
08. ☐ Redevelopment
09. ☐ Rezone
10. ☐ Land Division (Subdivision, Parcel Map, Tract Map, etc.)
11. ☐ Use Permit
12. ☐ Waste Mgmt Plan
13. ☐ Cancel Ag Preserve
14. ☒ Other

9. Development Type

01. ☐ Residential: Units ____ Acres ____
02. ☐ Office: Sq.ft. ____ Acres ____ Employees ____
03. ☐ Shopping/Commercial: Sq.ft. ____ Acres ____ Employees ____
04. ☐ Industrial: Sq.ft. ____ Acres ____ Employees ____
05. ☐ Water Facilities: MGD ____
06. ☐ Transportation: Type ____
07. ☐ Mining: Mineral ____
08. ☐ Power: Type ____ Watts ____
09. ☐ Waste Treatment: Type ____
10. ☐ OCS Related
11. ☒ Other: Incidental Take Permit, Streambed Alteration Agreement

10. TOTAL ACRES: Approximately 1,176,160 acres

11. Total Jobs Created: *NA*

12. Project Issues Discussed in Document

01. ☐ Aesthetic/Visual
02. ☒ Agricultural Land
03. ☐ Air Quality
04. ☒ Archaeological/Historical
05. ☐ Coastal Zone
06. ☐ Economic
07. ☐ Fire Hazard
08. ☐ Flooding/Drainage
09 ☐ Geologic/Seismic
10. ☐ Jobs/Housing Balance
11. ☐ Minerals
12. ☐ Noise
13. ☒ Public Services
14. ☐ Schools
15. ☐ Septic Systems
16. ☐ Sewer Capacity
17. ☐ Social
18. ☒ Soil Erosion
19. ☐ Solid Waste
20. ☒ Toxic/Hazardous
21. ☐ Traffic/Circulation
22. ☒ Vegetation
23. ☒ Water Quality
24. ☒ Water Supply
25. ☒ Wetland/Riparian
26. ☒ Wildlife
27. ☐ Growth Inducing
28. ☐ Incompatible Land Use
29. ☒ Cumulative Effects
30. ☐ Other _____

13. FUNDING (**APPROX.**) ***Federal $*** **0** ***State $*** **0** ***Total $*** _____

Form Revised 4/86 – Replaces CA 189 Mark Distribution on Reverse

14. Present Land Use and Zoning

Varies. Most of the Program Area is mapped as Prime Agricultural Soils in the Siskiyou County General Plan (1980).

15. Project Description

The name of the project is the Scott River Watershed-Wide Permitting Program (Program). The Program is designed to implement key coho salmon (*Oncorhynchus kisutch*) recovery tasks while facilitating compliance by agricultural operators and those implementing coho salmon restoration projects with the California Endangered Species Act (CESA) (Fish and G. Code, § 2050 *et seq.*) and Fish and Game Code section 1602 (section 1602). Compliance with those laws is necessary because both agricultural water diversions and recovery efforts could result in temporary or long-term adverse effects on coho salmon and other stream resources. Currently, agricultural operators in the Scott River watershed (Program Area) can comply with CESA by applying to CDFG for an individual incidental take permit, and with section 1602 by submitting a notification and obtaining a streambed alteration agreement (SAA). To facilitate such compliance, CDFG and the Siskiyou Resource Conservation District (SQRCD) developed the Program as an alternative to the standard process an agricultural operator would need to follow to obtain an incidental take permit and SAA.

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16. SIGNATURE OF LEAD AGENCY REPRESENTATIVE

Date October 19, 2006

for **DONALD B. KOCH**, Regional Manager

NOTE: Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g., from a Notice of Preparation or previous draft document) please fill it in.

Form Revised 4/86 – Replaces CA 189 Mark Distribution on Reverse

REVIEWING AGENCIES

- ☒ Resources
- ☐ Boating / Waterways
- ☒ Conservation
- ☒ Fish and Game
- ☒ Forestry
- ☐ Colorado River Board
- ☒ Dept. Water Resources
- ☐ Reclamation
- ☐ Parks and Recreation
- ☒ Office of Historic Preservation
- ☒ Native American Heritage Commission
- ☐ S.F. Bay Conservation and Development Commission
- ☐ Coastal Commission
- ☐ Energy Commission
- ☒ State Lands Commission
- ☐ Air Resources Board
- ☐ Solid Waste Management Board
- ☒ SWRCB: Sacramento
- ☒ RWQCB: Region #1 North Coast
- ☒ Water Rights
- ☒ Water Quality
- ☐ Caltrans District #4
- ☐ Dept. of Transportation Planning
- ☐ Aeronautics
- ☐ California Highway Patrol
- ☐ Housing and Community Development
- ☐ Statewide Health Planning
- ☐ Health
- ☐ Food and Agriculture
- ☐ Public Utilities Commission
- ☐ Public Works
- ☐ Corrections
- ☐ General Services
- ☐ OLA
- ☐ Santa Monica Mountains
- ☐ TRPA
- ☐ OPR – OLGA
- ☐ OPR – Coastal
- ☐ Bureau of Land Management
- ☐ Forest Service
- ☐ Other
- ☐ Other

For SCH Use Only:

Date Received at SCH _____ Catalog Number _____

Date Review Starts _____ Applicant _____

Date to Agencies _____ Consultant _____

Date to SCH _____ Contact _____ Phone _____

Clearance Date _____ Address _____

Notes: _____