

Notice of Determination

To:

Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

From:

Department of Fish and Wildlife (CDFW)
Habitat Conservation Planning Branch
1416 Ninth Street, Suite 1260
Sacramento, CA 95814
Contact: Helen Birss
Phone: (916) 653-9834

SUBJECT: Filing of Notice of Determination pursuant to Public Resources Code § 21108
State Clearinghouse Number: 2009112005

Project Title: Adoption of "Suction Dredging" Regulatory Definition (Project)

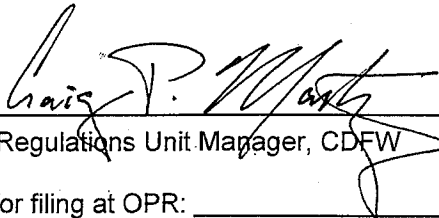
Project Location: Statewide

Project Description: The Project as approved by CDFW is the adoption of an existing regulatory definition of "suction dredging" through regular noticed rulemaking pursuant to the Administrative Procedure Act (APA) (Gov. Code, § 11340 et seq.). The regulatory definition as adopted by CDFW is set forth in the California Code of Regulations, Title 14, section 228, subdivision (a). CDFW adopted the definition originally through emergency action under the APA on June 18, 2013, as effective June 28, 2013 with approval of the Office of Administrative Law. For purposes of the California Environmental Quality Act (CEQA), approval of the Project modifies earlier related action by CDFW on March 16, 2012, to adopt updated regulations governing its suction dredge permitting program under the California Fish and Game Code. (Pub. Resources Code, § 21166; Cal. Code Regs., tit. 14, § 15164; see also Cal. Reg. Notice Register 2012, No. 19-Z, p. 641.) CDFW adopted the regulatory definition of "suction dredging" at issue here consistent with, in order to implement, and as directed by the Fish and Game Code. (See Fish & G. Code, §§ 5653, 5653.9.)

This is to advise that CDFW, acting as the lead agency / a responsible agency] approved the above-described project on June 18, 2014, and made the following determinations regarding the above described project:

1. The project [will / will not] will not result in any new significant or substantially more severe environmental effects than previously analyzed and disclosed by CDFW during prior related environmental review culminating in March 2012.
2. [An environmental impact report / A negative declaration] was prepared and certified by CDFW as lead agency for the original project in March 2012, now as supplemented by a related addendum.
3. Additional mitigation measures [were / were not] made a condition of CDFW's approval of the Project at issue for purposes of this notice.
4. A mitigation monitoring and reporting plan [was / was not] adopted by CDFW as part of its approval of the Project at issue for purposes of this notice.
5. A Statement of Overriding Considerations [was / was not] adopted by CDFW as part of its approval of the Project at issue for purposes of this notice.
6. Findings [were / were not] made by CDFW pursuant to Public Resources Code section 21081, subdivision (a), as part of its approval of the Project at issue for purposes of this notice.

Signature



Date:

6/25/2014

Craig P. Martz, Regulations Unit Manager, CDFW

Date Received for filing at OPR: _____

RECEIVED

JUN 25 2014

STATE CLEARING HOUSE