

## NOTICE OF DETERMINATION

**TO:** Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

**FROM:** California Department of  
Fish and Game  
1416 Ninth Street  
Sacramento, CA 95814

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

**PROJECT TITLE:** Battle Creek Salmon and Steelhead Restoration Project

**STATE CLEARINGHOUSE NUMBER:** 2000042043

**LEAD AGENCY:** State Water Resources Control Board (SWRCB)  
1001 I Street  
Sacramento, CA 95814

**CONTACT:** Les Grober (916) 341-5428  
Chief, Hearings and Special Projects Section

**RESPONSIBLE AGENCY:** Department of Fish and Game  
1416 9<sup>th</sup> Street, 12<sup>th</sup> Floor  
Sacramento, CA 95814

**CONTACT:** Tina R. Cannon (916) 651-8780  
Staff Counsel

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MAR 15 2007

STATE CLEARING HOUSE

### PROJECT LOCATION/DESCRIPTION:

The California Department of Fish and Game (DFG) is conditionally approving funding for the Battle Creek Salmon and Steelhead Restoration Project (Project) located in Tehama County. The project is expected to be contracted in two phases and will include modifications to the facilities at eight Pacific Gas and Electric Company (PG&E) dam sites located on the North Fork Battle Creek, South Fork Battle Creek, Ripley Creek and Soap Creek. Phase 1, which will improve fish passage on the North Fork of Battle Creek, includes removal of Wildcat Diversion Dam and installation of fish screens and ladders on Eagle Canyon and North Battle Creek Feeder Diversion Dams. To eliminate the risk of entrainment of salmonids in the water conveyance facilities at Inskip Powerhouse and Coleman Diversion Dam, Phase 1 will also include installation of tailrace connectors to convey water directly from the Inskip and South Powerhouses to downstream canals and replacement of a penstock bypass facility at the Inskip Powerhouse. Phase 2, which will improve fish passage on the South Fork of Battle Creek, includes removal of Coleman and South Diversion Dams and installation of fish screens and ladders on Inskip Diversion Dam. Phase 2 also includes removal of Lower Ripley Creek and Soap Creek Feeder Diversion Dams located on Ripley and South Creeks, which flow into the South Fork Battle Creek.

DFG's funding approval of this salmon and steelhead restoration project is made in its role as the State implementing agency for the CALFED Bay-Delta Program Ecosystem Restoration Program and with the recommendation of the California Bay-Delta Authority. DFG's funding approval is conditional for each phase of the project as all of the following must first occur:

- a) PG&E must submit a voluntary license amendment for the hydroelectric facilities to be modified during that phase to FERC;
- b) The SWRCB must approve a water quality certification for the voluntary license amendment and issue a Notice of Determination for that approval in accordance with Public Resources Code Section 21108;
- c) PG&E's obligations in the final approved voluntary license amendment for that phase must be consistent with those imposed by the project description, and mitigation and avoidance measures contained in the Department's CEQA Findings; and,
- d) PG&E must have secured for that phase all necessary access rights from the appropriate landowner(s).

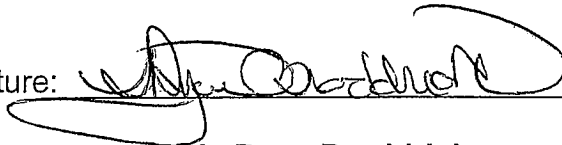
This is to advise that the California Department of Fish and Game, as a Responsible Agency, approved conditional funding of the above-described Project on March 14, 2007, and has made the following determinations:

1. The project will have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA. The SWRCB analyzed the environmental impacts associated with implementation of the Battle Creek Project in the *Battle Creek Salmon and Restoration Project Final Environmental Impact Statement/Environmental Impact Report* (July 2005). The SWRCB certified the adequacy of the Final EIR/EIS on September 19, 2006.
3. Mitigation measures were made a condition of the funding approval for the project.
5. A Statement of Overriding Considerations was adopted for this project.

This is to certify that the final EIR with comments and responses and the record of project approval is available to the General Public at:

The Department of Fish and Game  
1416 9<sup>th</sup> Street, Suite 1341  
Sacramento, CA 95814

Signature: \_\_\_\_\_



**L. Ryan Broddrick**  
Director

Date: \_\_\_\_\_

MARCH 14, 2007

Date received for filing at OPR: