



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
619 Second Street
Eureka, California 95501
(707) 441-2075
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director



To:
Office of Land Use and Climate Innovation
[CEQA Submit](#)

NOTICE OF EXEMPTION

Project Title: Massaro Water Diversion, Stream Crossings, Pond Spillway, and Stream Restoration Project (Notification of Lake or Streambed Alteration, No. EPIMS-MEN-57342-R1C)

Project Location (Mendocino County): The Project to be completed is located within the Eel River watershed, approximately 3.6 miles northwest of the town of Piercy, County of Mendocino, State of California. The Project is located in Sections 20, 21, and 28, T 5S, R 3E, Humboldt Base and Meridian; in the Piercy and Garberville U.S. Geological Survey 7.5-minute quadrangles; Assessor's Parcel Number 052-010-12, 052-020-13, and 052-020-02; latitude 39.9973 N and longitude 123.8485 W at the POD.

Project Description: The California Department of Fish and Wildlife has executed Lake and Streambed Alteration Agreement EPIMS Notification No. EPIMS-MEN-57342-R1C, pursuant to Section 1602 of the Fish and Game Code to Brittany Massaro.

The Project is limited to five encroachments. One encroachment is for water diversion from an unnamed tributary to Parker Creek. Water is diverted for domestic use and as a backup irrigation source. Work for the water diversion will include removal of the existing wooden spring box, and moving the point of diversion (POD) downstream 45 feet to modify and use an existing concrete cistern as the new diversion infrastructure. All work will be completed as specified in the most recent version of the Notification, dated December 11, 2025.

One proposed encroachment consists of two components: 1) diversion of water from an existing pond and 2) reconstruction of the existing hydrologically connected pond spillway. Water is diverted for irrigation use. Work for the water diversion will include use and maintenance of the water diversion infrastructure. The spillway will be reconstructed with a 5.5% slope channel and 2:1 sloped banks for 80 feet of the upper portion, and the lower portion will have a 29% slope for the remaining 100 feet. Work for the spillway reconstruction will include recontouring and re-sloping the upper portion of the open channel spillway, and adding 8-inch mean diameter rock armoring to the lower portion of the spillway in four distinct locations. All work will be completed as specified in the most recent version of the Notification dated December 11, 2025.

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One proposed encroachment is to remove a hydrologically connected spillway for a sediment filled pond and implement stream restoration on both the spillway and an associated channel directly west of the pond. A small channel that flows from the filled-in pond into the associated western channel above the spillway location will be rock armored. The spillway pipe will be removed, and the associated channel will be reconstructed and restored to grade with the native channel with an approximately 15.9% slope channel and 2:1 sloped banks for 20 feet. Work for this encroachment will include excavation, removal of the existing 4-inch diameter spillway pipe, recontouring the stream channel, and using 1-foot mean diameter rock to armor the upstream and downstream transitions between the native channel and the restored channel. All work will be completed as specified in the most recent version of the Notification dated December 11, 2025.

One proposed encroachment (STX-3) is to upgrade an existing culvert. Work for this encroachment will include excavation, removal of the existing culvert, replacement with new properly sized culvert, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion. All work will be completed as specified in the most recent version of the Notification dated December 11, 2025.

One proposed encroachment (STX-4) is to reinstall and perform maintenance on an existing culvert. Work for this encroachment will include excavation, removal of the existing culvert, removal of concrete armoring at the inlet, replacement with a culvert of the same size installed to grade, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion. All work will be completed as specified in the most recent version of the Notification dated December 11, 2025.

Public Agency Approving Project: CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

Person or Public Agency Carrying Out Project:

Permittee: Brittany Massaro

Contact: John Herrera - CDFW Senior Environmental Scientist (Specialist)

619 Second Street

Eureka, CA 95501

707-445-6493

John.Herrera@wildlife.ca.gov

Exempt Status:

Categorical Exemption. Type – Classes 1, 2, and 4; California Code of Regulations, title 14, section 15301, 15302, and 15304

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Reasons why project is exempt: Massaro Water Diversion, Stream Crossings, Pond Spillway, and Stream Restoration Project meets the criteria for categorical exemption type Class 1, California Code of Regulations, title 14, section 15301 because the project involves minor alteration of an existing stream crossings and pond spillways. The project involves negligible or no expansion of the existing use. The Project meets the criteria for categorical exemption type Class 2, California Code of Regulations, title 14, section 15302 because the project involves replacement and reconstruction of existing stream crossing culverts and pond spillways and will have substantially the same purpose and capacity as the structures replaced. The Project meets the criteria for categorical exemption type Class 4, California Code of Regulations, title 14, section 15304 because the project consists of minor private alterations in the condition of land and water which does not involve removal of healthy, mature, scenic trees.

CDFW Contact Person: John Herrera, Senior Environmental Scientist (Specialist), John.Herrera@wildlife.ca.gov, 707-445-6493.

DocuSigned by:
Signature: Angela Liebenberg *Date:* 3/16/2026
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Angela Liebenberg, Senior Environmental Scientist (Supervisor)

Date received for filing at LCI: