

Notice of Determination**- 1 -****To:**

Office of Planning and Research
 For U.S. Mail:
 P.O. Box 3044
 Sacramento, CA 95812-3044

Street Address:

1400 Tenth Street
 Sacramento, CA 95814

From:

California Department of Fish and Wildlife (CDFW)
 Bay Delta Region
 2825 Cordelia Road Unit 100, Fairfield, CA 94534
 Contact: Will Kanz
 Phone: (707) 337-1187

Lead Agency

California Department of Transportation, District 4
 111 Grand Avenue, Oakland, CA 94612
 Contact: Lindsay Vivian
 Phone: (510) 506-4310

SUBJECT: Filing of Notice of Determination pursuant to Public Resources Code § 21108

State Clearinghouse Number: 2015092075

Project Title: Niles Canyon Safety Improvements Project (Minor Amendment to California Endangered Species Act (CESA) Incidental Take Permit (ITP) No. 2081-2018-085-R3)

Project Location: The Niles Canyon Safety Improvement Project (Project) is located within Niles Canyon, affecting Alameda Creek and Stonybrook Creek along State Route 84 (SR-84) from Post Mile 10.8 to 18.0, in Alameda County in the State of California; latitude 37.5975, longitude -121.9447.

Project Description: This Project involves the installation of a down drain at the outlet of a damaged 18-inch diameter, 33-foot-long, corrugated metal pipe that will be replaced in-kind. The area of disturbance will be 5.5 feet by 33 feet totaling 181.5 square feet in temporary impacts. All disturbed areas will be hydroseeded post-construction.

The Project will result in no permanent impacts to Alameda whipsnake (*Masticophis lateralis euryxanthus*) also known as Alameda striped racer (*Coluber lateralis euryxanthus*) habitat. The Project is not expected to result in additional incidental take of Alameda whipsnake, which is designated as a threatened species under CESA. The ITP referenced above as issued by CDFW authorizes incidental take of species listed under CESA that may occur as a result of Project implementation.

This is to advise that CDFW, acting as the lead agency / a responsible agency] approved the above-described Project Minor Amendment on 10/19/2023 and made the following determinations regarding the above-described project:

1. The Project will / will not] have a significant effect on the environment (This determination is limited to effects within CDFW's permitting jurisdiction as a responsible agency).
 2. [An environmental impact report / A negative declaration] was prepared by the lead agency for the original Project.
 3. Additional mitigation measures [were / were not] made a condition of CDFW's approval of the Project.
 4. A mitigation reporting or monitoring plan [was / was not] adopted by CDFW for this Project.
 5. A Statement of Overriding Considerations [was / was not] adopted by CDFW for this Project.
 6. Findings [were / were not] made by CDFW pursuant to Public Resources Code § 21081(a). CDFW did, however, adopt findings to document its compliance with CEQA.
 7. Compliance with the environmental filing fee requirement at Fish and Game Code § 711.4 (check one):
 - Payment is submitted with this notice.
 - A copy of a receipt showing prior payment was submitted to CDFW.
- Responsible Agency statement: The EIR prepared by the lead agency for the Project is available to the general public at the office location listed above for the lead agency. CDFW's administrative record of proceedings related to the incidental take permit is available to the public for review at CDFW's regional office.

DocuSigned by:

Erin Chappell

Signature

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Date: 10/19/2023

Erin Chappel, Regional Manager

Date Received for filing at OPR: _____