

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)
 Central Region
 1234 East Shaw Avenue
 Fresno, CA 93710
 Contact: Craig Bailey
 Phone: (559) 243-4014

Lead Agency

California Department of Water Resources
 1416 9th Street
 Sacramento, CA 95814
 Contact: Sara Paiva-Lowry
 Phone: (916) 820-7821

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

State Clearinghouse Number: 2009091004

Project Title: B.F. Sisk Safety of Dams Modification Project Incidental Take Permit (California Endangered Species Act Incidental Take Permit No. 2081-2020-064-04 (ITP))

Project Location: The Project is located approximately 9 miles west of the City of Los Banos along State Route (SR) 152 within the County of Merced.

Project Description: This Project involves making improvements to the downstream side of the existing B.F. Sisk Dam embankment to enhance its stability and increase the dam crest height to reduce the potential for water to overtop the dam if seismic-induced slumping were to occur.

The Project will result in impacts to 342.84 acres of California tiger salamander (*Ambystoma californiense*) habitat including temporary impacts to 334.16 acres; the Project will permanently remove 8.68 acres of California tiger salamander habitat. The Project will result in impacts to 1,075.72 acres of San Joaquin kit fox (*Vulpes macrotis mutica*) habitat including temporary impacts to 972.67 acres; the Project will permanently remove 103.05 acres of San Joaquin kit fox habitat. The project is expected to result in incidental take of California tiger salamander and San Joaquin kit fox, which are designated as threatened species under the California Endangered Species Act. 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 on 2/18/2022 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).
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:

Signature Annie Ferranti

Date: 2/18/2022

for Julie A. Vance, Regional Manager

Date Received for filing at OPR: _____