

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: Crystal Sinclair
 Phone: 559-243-4005

Lead Agency

California Department of Water Resources
 1416 Ninth Street
 Sacramento, CA 95814
 Contact: Sara Paiva-Lowry
 Phone: 916-653-5791

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; Major Amendment 1 (California Endangered Species Act Incidental Take Permit No. 2081-2020-064-04 (ITP))

Project Location: The B.F. Sisk Safety of Dams Modification is located approximately 9 miles west of the City of Los Banos along State Route (SR) 152 within the County of Merced (Figure 1). The B.F. Sisk Safety of Dams Modification Project is located at approximately 37°03'38" North, 121°04'33" West. The B.F. Sisk Safety of Dams Modification Project site is generally bounded by the San Luis Reservoir to the west and the O'Neil Forebay to the north and northeast, and Highway 33 at the farthest extent of the Project to the east. SR 152 bisects the B.F. Sisk Safety of Dams Modification Project.

Project Description: This project, as approved by CDFW, consists of a Major Amendment No. 1 to the ITP. Major Amendment No. 1 involves: 1) enlarging the approved B.F. Sisk Safety of Dams Modification Project footprint in specific areas, hereafter referred to as B.F. Sisk Safety of Dams Modification Project footprint expansion areas; 2) widens several existing access roads, including constructing a new access road from the existing B.F. Sisk Safety of Dams Modification Project footprint to O'Neill Forebay; 3) increases the Borrow Area 6 footprint; 4) revises Impacts Section VI. Impacts of the Taking on Covered Species to include permanent impacts associated with the increased B.F. Sisk Safety of Dams Modification Project footprint acreage; 5) revises Monitoring, Notification and Reporting Provision, 7.10 Habitat Restoration Plan to include the addition of, no more than, two non-native sterile seed, providing the non-native seed does not comprise more than ten percent of the total native seed mix; 6) updates Condition of Approval 9 to include required Covered Species credits to be purchased to mitigate for the additional B.F. Sisk Safety of Dams Modification Project footprint expansion areas; 7) eliminates the Security section of the ITP; and 8) provides an additional Figure, Figure 3, Amended Project Features Combined.

Major Amendment No. 1 will result in additional permanent impacts to 6.06 acres of California tiger salamander (*Ambystoma californiense*) habitat and 29.39 acres of San Joaquin kit fox (*Vulpes macrotis mutica*) habitat. Activities included as part of Major Amendment No. 1 are 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 4/5/2024 and made the following determinations regarding the above described project:

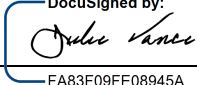
1. The project [will / will not] have a significant effect on the environment (This determination is limited to effects within CDFW's permitting jurisdiction as a responsible agency).
2. [An environmental impact report / A negative declaration] was prepared by the lead agency for the original project.
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).

Notice of Determination

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 _____ Date: 4/5/2024
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Julie A. Vance, *Regional Manager*

Date Received for filing at OPR: _____