

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, Suite 100, Fairfield, CA 94534
 Contact: Andrea Boertien
 Phone: (209) 234-3449

Lead Agency (if different than CDFW)
 East Bay Regional Park District
 2950 Peralta Oaks Court, Oakland, CA 94605-5381
 Contact: Carmen Erasmus
 Phone: (510) 544-2303

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

State Clearinghouse Number: 2017062055

Project Title: McCosker Sub-Area Creek Restoration and Recreational Improvements Project [California Endangered Species Act (CESA) Incidental Take Permit No. 2081-2018-070-03 (ITP)]

Project Location: The McCosker Sub-Area Creek Restoration and Recreational Improvements Project is located in the East Bay hills in eastern Contra Costa County between Tilden Regional Park and Redwood Regional Park. The Project is located within three sub-areas of the Robert Sibley Volcanic Regional Preserve (Sibley Preserve), the McCosker Parcel (McCosker), and the Huckleberry Regional Preserve (Huckleberry Preserve). The approximate center of the Project work area within the McCosker sub-area is 37° 50' 34.289" N latitude and -122° 10' 50.25" W longitude.

Project Description: The proposed Project involves provision of facilities for recreation at the McCosker sub-area and Sibley Preserve, restoration and enhancement of creek functions in the McCosker sub-area, and to connect trails from the McCosker sub-area to the neighboring EBRPD parks. The Project includes two general components: 1) creek restoration and enhancements of San Leandro Creek, Alder Creek, and Leatherwood Creek, and 2) recreational infrastructure improvements. These include improvements to the existing Wilcox Staging Area (to be re-named as the Eastport Station Staging Area), improvements to the existing internal roadway system, installation of three bridges over the creek restoration area, trail construction, recreational facility development, and improvements to utility infrastructure such as the addition of a water line, vault toilets, and electrical and communication lines. Recreation components outside of the McCosker sub-area include improvements to the Sibley Main Staging Area, addition of a water tank, and several miles of new trails.

The Project will result in impacts to 5.39 acres of Alameda whipsnake (*Masticophis lateralis euryxanthus*) habitat including temporary impacts to 1.45 acres; the Project will permanently remove 1.93 acres and permanently convert 2.01 acres of Alameda whipsnake habitat. The project is expected to result in incidental take of Alameda whipsnake, which is/are 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 on 6/26/2020 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.

Notice of Determination

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:

Gregg Erickson

Signature

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Date: 6/26/2020

Gregg Erickson, *Regional Manager*

Date Received for filing at OPR: _____

Governor's Office of Planning & Research

Jun 26 2020

STATE CLEARINGHOUSE