

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: Andy Rockriver
 Phone: (209) 234-3433

Lead Agency:

Department of Water Resources
 3500 Industrial Boulevard, West Sacramento, CA 95691
 Contact: Phil Choy
 Phone: (279) 386-9908

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

State Clearinghouse Number: 2018082025

Project Title: Winter Island Tidal Habitat Restoration Project [California Endangered Species Act (CESA) Incidental Take Permit No. 2081-2018-066-03 (ITP) Amendment No. 1 (Amendment)].

Project Location: The project is located on Winter Island, located at the confluence of the Sacramento and San Joaquin rivers, in the Sacramento-San Joaquin Delta, north of the City of Pittsburg, in Contra Costa County.

Project Description: The project restored and enhanced 544 acres of tidal wetlands on Winter Island. Project construction activities were completed in September 2019, which included breaching the southern and northern levees, removing existing water control structures and other debris, widening of an eastern tidal channel, and monitoring special-status plant species that could be impacted by Project activities.

Although project construction activities avoided incidental take of Mason's lilaeopsis (*Lilaeopsis masonii*), which is designated as a rare species under the Native Plant Protection Act (NPPA), during construction, post-construction levee erosion at the north breach resulted in take of the species. The ITP referenced above as issued by CDFW authorized the incidental take of species listed under NPPA that occurred during Project implementation. The Amendment modifies the post-construction take and mitigation to the preservation, permanent protection, and management of 465 ft² of occupied Mason's lilaeopsis habitat on Winter Island.

This is to advise that CDFW, acting as [the lead agency / a responsible agency] approved the above-described project on 8/25/2023 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 Negative Declaration 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.

Signed by:

Erin Chappell

Signature

677E9A0211EF486...

Date: 8/25/2023

Erin Chappell, Regional Manager

Date Received for filing at OPR: _____