

INSTRUCTIONS FOR THE NOTICE OF DETERMINATION FORM

A Notice of Determination (NOD) should be completed and filed with the Office of Planning and Research in Sacramento every time the Department of Fish and Wildlife (CDFW) carries out, funds or approves a project that is not exempt under the California Environmental Quality Act (CEQA). The following template was created to simplify the process of NOD completion.

Instructions:

- The project location and project description should be very short (2-4 lines) but should provide an accurate summary of the location and nature of the project. Ensure the completed form is not more than 2 pages in length.
- Change the default selections on the NOD form to match the document. The default selections on the form assume that: 1) CDFW is acting as a responsible agency, 2) the lead agency prepared a negative declaration, and 3) no significant effects were identified by CDFW. These default settings can easily be changed by double-clicking on the appropriate boxes and changing the “default value” from “checked” to “not checked” or vice-versa.
- Item 6 on the form should state that findings were made pursuant to Public Resources Code section 21081(a) only when CDFW is approving the ITP in reliance on an environmental impact report (EIR). In all other cases where CDFW is relying on a negative declaration or mitigated negative declaration to issue the permit, the form should indicate findings under Public Resources Code section 21081(a) were not made. Where CDFW is relying on a negative declaration or mitigated negative declaration to approve the permit and findings under Public Resources Code section 21081(a) were not made, the next sentence stating that other findings were adopted by CDFW to document compliance with CEQA should be included. Where CDFW is relying on an EIR and findings were made under Public Resources Code section 21081(a), the sentence regarding the adoption of other findings to document compliance with CEQA should be deleted.
- Remember to attach the project proponent’s receipt showing payment of environmental filing fees to the Department. If fees have not yet been paid and CDFW has not issued a no effect determination for the project, payment in the appropriate amount must be provided before the NOD can be filed.

If you have questions regarding completion of the form, feel free to contact the Office of General Counsel (OGC) at (916) 654-3821. OGC can also assist you with filing of a NOD at the Office of Planning and Research’s State Clearinghouse. The notice must be filed within five working days of when CDFW decides to carry out or fund a project, or of when it issues a permit or otherwise approves the project.

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)
 North Central Region
 1701 Nimbus Road, Suite 1A
 Rancho Cordova, CA 95670
 Contact: Gabriele Quillman
 Phone: (916) 358-2955

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

State Clearinghouse Number: 2018072061

Project Title: Garden Highway Mutual Water Company Annual Spring Dredging and Maintenance Project (California Endangered Species Act Incidental Take Permit No. 2081-2018-022-02 (ITP))

Project Location (include county): The Project is located at the mouth of the existing Garden Highway Mutual Water Company (GHMWC) Feather River Intake Channel on the Feather River at approximately 38.954509 North and 121.581613 West, in Township 14 North, Range 3 East, Mount Diablo Base and Meridian within the Olivehurst US Geological Survey 7.5-minute topographic quadrangle; on Assessor's Parcel Number 25-190-016 in Sutter County.

Project Description: This proposed Project involves periodic maintenance dredging by GHMWC of a naturally occurring sandbar at the entrance to GHMWC's intake channel. Dredging will use a long-reach excavator and will occur up to once annually. Each instance of dredging is expected to take approximately 2-3 days to complete.

The Project will result in annual temporary impacts to approximately 0.097 acres of Central Valley spring-run Chinook salmon (*Oncorhynchus tshawytscha*) habitat. The Project is expected to result in incidental take of Central Valley spring-run Chinook salmon, which is designated as a threatened species under the California Endangered Species Act (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.

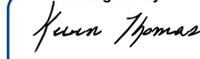
CDFW finds that its 2018 lead agency mitigated negative declaration (MND) contemplated and described the portion of the project for which this ITP is being issued. CDFW issues this ITP consistent with its prior lead agency analysis and no related modifications to the previously approved project are necessary or contemplated. Issuance of the ITP is not expected to cause any new significant or substantially more severe effects compared to the 2018 MND.

This is to advise that CDFW, acting as [the lead agency / a responsible agency] approved the above-described project on the date signed below and made the following determinations regarding the above-described project:

1. The project [will / will not] have a significant effect on the environment.
2. [An environmental impact report / A mitigated 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).

This is to certify that the final Mitigated Negative Declaration with comments and responses and record of project approval, is available to the General Public at: 1701 Nimbus Road, Rancho Cordova, CA 95670.

DocuSigned by:



Signature

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Date: 3/25/2022

Kevin Thomas, Regional Manager