

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: Monica Oey
 Phone: (707) 428-2088

Lead Agency (if different than CDFW)
 California Department of Water Resources
 1416 Ninth Street, Room 215-23, Sacramento, CA 95814
 Contact: Jacob McQuirk
 Phone: (916) 653-9883

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

State Clearinghouse Number: 2000112054

Project Title: South Delta Temporary Barriers Project (California Endangered Species Act (CESA) Incidental Take Permit No. 2081-2021-079-03 (ITP))

Project Location: The project is located in San Joaquin County at three locations: (1) Middle River near Victoria Canal, San Joaquin County. Latitude 37.8857 N, Longitude 121.4822 W, Section 36, Township 1N, Range 4E, U.S. Geological Survey (USGS) map Holt, Assessor's Parcel Number 189-250-22 and 131-120-04; (2) Old River near the city of Tracy, San Joaquin County. Latitude 37.8103 N, Longitude 121.5428 W, Section 28, Township 1S, Range 4E, USGS map Clifton Court Forebay, Assessor's Parcel Number 258-041-01 and 189-050-43, and (3) Grant Line Canal near the Tracy Boulevard Bridge in San Joaquin County. Latitude 37.8199 N, Longitude 121.4483 W, Section 29, Township 1S, Range 5E, USGS map Union Island, Assessor's Parcel Number 189-240-20 and 189-170-07.

Project Description: The Project was initiated in 1991 and involves the seasonal installation and removal of three flow-control temporary rock barriers to reduce adverse water levels and circulation impacts caused by the State Water Project (SWP) and Central Valley Project (CVP) on local agricultural diverters within the South Delta Water Agency (SDWA). The flow-control temporary rock barriers are installed at Middle River near Victoria Canal (MR), Old River near Tracy (ORT), and Grant Line Canal near Tracy Boulevard Bridge (GLC). The MR, ORT, and GLC barriers are designed specifically to address adverse impacts on local diverters within the South Delta

The Project will result in continued permanent impacts to 0.27 acres and cumulative temporary impacts to 6.05 acres of longfin smelt (*Spirinchus thaleichthys*), Delta smelt (*Hypomesus transpacificus*), winter-run Chinook salmon (*Oncorhynchus tshawytscha*), and spring-run Chinook salmon (*Oncorhynchus tshawytscha*) habitat. The Project will also result in permanent and temporary impacts to Swainson's hawk (*Buteo swainsoni*) habitat during a sensitive time period. The project is expected to result in incidental take of longfin smelt, spring-run Chinook salmon, and Swainson's hawk which are designated as a threatened species under CESA and Delta smelt and winter-run Chinook salmon, which are designated as an endangered 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 5/9/2022 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). CDFW did, however, adopt findings to document its compliance with CEQA.

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 Mitigated Negative Declaration and Addendum 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:

Erin Chappell

Signature

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Date: 5/9/2022

Erin Chappell, *Regional Manager*

Date Received for filing at OPR: _____