

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 A
Rancho Cordova, CA 95670Contact: Gabriele Quillman
Phone: (916) 358-2955Lead Agency (if different than CDFW)
California Department of Water
Resources
3500 Industrial Blvd., 2nd Floor
Contact: Catherine McCalvin
Phone: (916) 376-9705**SUBJECT: Filing of Notice of Determination pursuant to Public Resources Code § 21108**
State Clearinghouse Number: 2013032004

Project Title: Yolo Bypass Salmonid Habitat Restoration and Fish Passage Project (California Endangered Species Act Incidental Take Permit No. 2081-2020-034-02 (ITP))

Project Location (include county): The project is located at the Sacramento River, Tule Pond, and Tule Canal, within the Fremont Weir Wildlife Area, in the County of Yolo, State of California; in portions of Sections 27, 28, 32, 33, and 34, Township 11N, Range 3E, U.S. Geological Survey (USGS) map 'Knights Landing', and Sections 3, 10, and 34, Townships 10N and 11N, Range 3E, USGS map 'Gray's Bend', Mt. Diablo meridian; Assessor's Parcel Numbers (APNs) 057-020-010-000, 057-020-001-000, 057-070-006-000, 057-060-008-000, 034-230-010-000, 057-100-016-000, 057-020-006-000, 057-060-005-000, and 057-060-002-000.

Project Description: This proposed project involves the construction of several facilities in the Fremont Weir Wildlife Area with the intent to create a better hydraulic connection between the Sacramento River and the Yolo Bypass. The project will allow increased flow from the Sacramento River to enter the Yolo Bypass through a gated notch on the east side of the Fremont Weir. The gated notch will create an opening in the Fremont Weir that is deeper than the Fremont Weir, with gates to control water going through the facility into the Yolo Bypass. The project will connect the new gated notch to the existing Tule Pond with a channel that parallels the existing east levee of the Yolo Bypass. The project will also include the construction of a supplemental fish passage facility on the west side of the Fremont Weir and improvements to allow fish to pass through an existing agricultural road crossing over Tule Canal south of Tule Pond. The Project includes the operation and maintenance of the constructed facilities.

The Project will result in impacts to 43.48 acres of Chinook salmon (*Oncorhynchus tshawytscha*) habitat including temporary impacts to 21.88 acres and permanent alterations to 21.60 acres. The Project will impact 26.68 acres of giant garter snake (*Thamnophis gigas*) habitat including temporary impacts to 11.98 acres and the permanent loss of 14.7 acres. The Project is expected to result in incidental take of Chinook salmon – Sacramento River winter-run ESU, which is designated as an endangered species under the California Endangered Species Act. The Project is also expected to result in incidental take of Chinook salmon – Central Valley

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spring-run ESU, giant garter snake, and Swainson's hawk, 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] executed the above-described Incidental Take Permit on the date signed below and made the following determinations regarding the above-described Incidental Take Permit:

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.
- 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:
Kelley Barker for
 Signature _____
 Kevin Thomas, Regional Manager

Date: 7/20/2021