

**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) 234-3420

**Lead Agency:**

Department of Water Resources  
 3500 Industrial Boulevard, West Sacramento, CA 95691  
 Contact: Heather Green  
 Phone: (916) 376-9762

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

State Clearinghouse Number: 2019039136

Project Title: Lookout Slough Tidal Habitat Restoration and Flood Improvement Project [California Endangered Species Act (CESA) and Native Plant Protection Act (NPPA) Incidental Take Permit No. 2081-2020-031-03 (ITP)]

Project Location: The Project is located in the Cache Slough Complex, in the Sacramento-San Joaquin Delta, approximately 10 miles north of the City of Rio Vista, in Solano County.

Project Description: This Project involves restoring and permanently protecting approximately 3,100 acres of tidal wetlands and improving flood storage in the Yolo Bypass. Project activities include a levee setback, levee improvements, invasive species control, removal of buildings and structure, construction of channels and ponds and utility access peninsulas, grading, revegetation, levee lowering and breaching.

The Project will permanently impact Giant Garter Snake habitat (164 acres of aquatic, 331 acres of summer upland habitat, 109 acres of winter refugia); temporarily impact 1.7 acres of Delta Smelt and Longfin Smelt shallow water habitat. The Project is expected to result in incidental take of Giant Garter Snake and Longfin Smelt, which are designated as threatened species under CESA, and Delta Smelt, which is designated as an endangered species under CESA. The Project will also permanently impact 120 square feet of Mason's lilaepsis and is expected to result in its take, which is designated as a rare species under the NPPA. The ITP referenced above as issued by CDFW authorizes incidental take of species listed under CESA and NPPA 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 3/24/2021 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 Environmental Impact Report 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:



Signature

Date: 3/24/2021

Gregg Erickson, Regional Manager

Date Received for filing at OPR: \_\_\_\_\_