

Notice of Exemption

- 1 -

To:

Office of Planning and Research
For U.S. Mail:

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Street Address:

1400 Tenth Street
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From:

Department of Fish and Wildlife
Ecosystem Conservation Division
P.O. Box 944209
Sacramento, CA 94244-2090

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

State Clearinghouse Number: 2019049121

Project Title: Minor Amendment to Incidental Take Permit for Long-Term Operations of the State Water Project in the Sacramento-San Joaquin Delta (2081-2019-066-00)

Project Location: Sacramento River downstream of the confluence with the Feather River, the Sacramento-San Joaquin Delta and Suisun Marsh in Solano, Sacramento, Yolo, San Joaquin, and Contra Costa Counties.

Project Description: The discretionary approval by CDFW is the issuance of the incidental take permit (ITP) amendment identified above. The ongoing operations of the State Water Project in the Sacramento-San Joaquin Delta and Suisun Marsh is expected to result in incidental take and impacts to habitat of longfin smelt (*Spirinchus thaleichthys*), Delta smelt (*Hypomesus transpacificus*), winter-run Chinook salmon (*Oncorhynchus tshawytscha*), and spring-run Chinook salmon (*Oncorhynchus tshawytscha*). Longfin smelt and spring-run Chinook salmon are designated as threatened species under the California Endangered Species Act. Delta smelt and winter-run Chinook salmon are designated as endangered species under the California Endangered Species Act.

In 2021, the lack of precipitation within California, recent warm temperatures and extremely dry soils have depleted the expected runoff water from the Sierra-Cascade snowpack and has again caused a potential for water supplies to be insufficient to repel salinity and meet existing requirements of Water Rights Decision 1641 (D-1641) in the Delta. In an Emergency Proclamation issued May 10, 2021, Governor Gavin Newsom directed the State Water Resources Control Board (SWRCB) to consider modifying requirements for reservoir releases or diversion limitations to conserve water upstream later in the year in order to protect cold water pools for salmon and steelhead, improve water quality, protect carry over storage, or ensure minimum health and safety water supplies. Permittee and the U.S. Bureau of Reclamation submitted a Temporary Urgency Change Petition (TUCP) to the SWRCB on May 17, 2021 requesting to change D-1641 Delta outflow requirements and salinity compliance points from June 1 – August 15, 2021. This request was subsequently approved by the SWRCB on June 1, 2021. On May 18, 2021 Permittee submitted an application for a minor amendment to change the description of Project operations for the June 1 – August 15, 2021 time period to incorporate modifications to D-1641 included in the TUCP. This amendment to the ITP adds Section 2.2.1 to the Project Description, Temporary Urgency Change Petition, June - August 2021. Section 2.2.1 reflects changes to the requirements of D-1641 and additional data analysis and synthesis efforts that were included in the approval of the TUCP by the SWRCB.

The ITP referenced above as issued and amended by CDFW authorizes incidental take of longfin smelt, Delta smelt, winter-run Chinook salmon, and spring-run Chinook salmon that may occur as a result of ongoing operations of the State Water Project facilities, as is more specifically described in the ITP.

Public Agency Approving Project: CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

Person or Public Agency Carrying Out Project: California Department of Water Resources

Exempt Status:

- Statutory Exemption. California Code of Regulations, title 14, section 21080(b)(3) and 15269(a), Governor's Proclamation of State of Emergency, May 10, 2021
- Categorical Exemption.

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Reasons why project is exempt: Paragraph 11 of the May 10, 2021 Emergency Proclamation suspended CEQA for purposes of carrying out the directive addressed by the TUCP and other specified directives, stating specifically that this suspension applies to any actions taken by state agencies, as well as for any necessary permits or approvals required to complete these actions.

CDFW Contact Person: Brooke Jacobs, Environmental Program Manager; (916) 903-6426

DocuSigned by:
Chad Dibble
Signature: 40BCCD3DEE0340B... **Date:** 6/2/2021

Date received for filing at OPR: _____