

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)
 P.O. Box 944209
 Sacramento, CA 94244-2090
 Contact: Joshua Grover
 Phone: 916-653-6956

Lead Agency (if different than CDFW)
 Department of Water Resources
 3500 Industrial Blvd
 West Sacramento, CA 95691
 Contact: Chris Wilkinson
 Phone: 916-376-9704

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

State Clearinghouse Number: 2019049121

Project Title: Minor Amendment to California Endangered Species Act Incidental Take Permit No. 2081-2019-066-00 (ITP)

Project Location (include county): 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 ITP amendment identified above. The ongoing operations of the State Water Project (SWP) in the Sacramento-San Joaquin Delta and Suisun Marsh as approved by the lead agency is expected to result in incidental take and impacts to habitat of Longfin Smelt (*Spirinchus thaleichthys*), Delta Smelt (*Hypomesus transpacificus*), Winter-run Chinook Salmon ESU (*Oncorhynchus tshawytscha*), and Spring-run Chinook Salmon ESU (*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. This amendment to the ITP changes Condition of Approval 8.6.3 to allow Permittee to use CDFW-approved genetic analyses to identify all natural older juvenile Chinook salmon observed in salvage at the SWP and Central Valley Project. The amendment specifies that natural older juvenile Chinook Salmon identified by genetic analyses not to be CHNWR will not count toward the daily loss thresholds identified in Condition of Approval 8.6.3. The amendment also updates the CHNWR daily loss thresholds described in Condition of Approval 8.6.3 to be based on estimates of the average daily loss of genetically identified CHNWR, instead of older juvenile Chinook salmon identified using the length-at-date method for the January – May period. 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 SWP facilities, as is more specifically described in the ITP.

This is to advise that CDFW, acting as [the lead agency / a responsible agency] approved the above-described project on December 22, 2023, 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).
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.

Notice of Determination

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 ITP and this minor amendment is available to the public for review at CDFW's Water Branch office.

DocuSigned by:
Josh Grover
703E69B6647A482...
Signature _____ Date: 12/22/2023
Joshua Grover, Deputy Director

Date Received for filing at OPR: _____