

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

Project Location (include county): State Water Project (SWP) storage and export facilities The Project area includes the 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 (CESA). The California Fish and Game Commission designated White Sturgeon (*Acipenser transmontanus*) as a candidate species under CESA on June 19, 2024. This amendment adds White Sturgeon as a Covered Species subject to the take authorization provided by the ITP and makes the following changes to the existing ITP: (1) revises the Effective Date and Expiration Date of the ITP, (2) adds White Sturgeon as a Covered Species, (3) revises the Impacts of the Taking on Covered Species to include White Sturgeon, (4) adds Condition of Approval 7.9 White Sturgeon Monitoring and Science Requirements, (5) revises Condition of Approval 8.1 Real-time Operations, Monitoring, and Technical Teams by adding 8.1.6 White Sturgeon Monitoring Team, (6) revises Condition of Approval 8.10 SWP Proportional Share, (7) revises Condition of Approval 8.14 Clifton Court Forebay Aquatic Weed Control Practices, (8) adds Condition of Approval 8.22 White Sturgeon Entrainment Protections, (9) revises Condition of Approval 9.2.2 Implement the Yolo Bypass Salmonid Habitat Restoration and Fish Passage Project, (10) adds Condition of Approval 9.6 White Sturgeon Habitat Restoration Project Scoping, and (11) revises Condition of Approval 10.1 Security Amount.

This is to advise that CDFW, acting as [the lead agency / a responsible agency] approved the above-described project on 07/11/2024, 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 major amendment is available to the public for review at CDFW's Water Branch office.

DocuSigned by:

Signature Joshua Grover Date: 7/12/2024

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Joshua Grover, Deputy Director

Date Received for filing at OPR: _____