

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*), Spring-run Chinook Salmon ESU (*Oncorhynchus tshawytscha*), and White Sturgeon (*Acipenser transmontanus*). 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. White Sturgeon is designated as a candidate species under the California Endangered Species Act. This amendment to the ITP changes Condition of Approval 9.1.3.1 to allow Permittee to implement an alternative Summer-Fall Action in September and October 2024. The alternative Summer-Fall Action requires Permittee to operate to a monthly average X2 of 80 km in September 2024 and operate the SMSCG daily from September 6 – September 30, 2024. Additionally, in October 2024 Permittee is not required to achieve a monthly average X2 of 80 km. The ITP referenced above as issued and amended by CDFW authorizes incidental take of Longfin Smelt, Delta Smelt, Winter-run Chinook Salmon, Spring-run Chinook Salmon, and White Sturgeon 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 September 30, 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.

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:
Joshua Grover
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Signature

Date: 9/30/2024

Joshua Grover, *Deputy Director*

Date Received for filing at OPR: _____