

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: Robert Stanley, Senior Environmental Scientist
 Phone: (707) 339-6534

California Department of Transportation
 111 Grand Avenue, Oakland, CA 94612
 Contact: Wahida Rashid
 Phone: (510) 286-5935

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

State Clearinghouse Number: 2019069098

Project Title: State Route 12 Resurfacing, Restoration and Rehabilitation Project [California Endangered Species Act (CESA) Incidental Take Permit No. 2081-2021-101-03 (ITP)]

Project Location: The State Route 12 – Resurfacing, Restoration and Rehabilitation Project – Segment 1 (Project) is located along State Route (SR) – 12 from Post Mile (PM) 20.57 to 22.7 northwest of the City of Rio Vista, Solano County in the State of California.

Project Description: The California Department of Transportation (Permittee) will complete the following activities: 1) replacement of existing metal beam guardrails (MBGR) with Midwest guardrail systems (MGS); 2) installation of a new 48-inch alternative pipe-liner (APL) within an existing culvert; 3) pavement rehabilitation from PM 20.57 to PM 22.7 and shoulder embankment from 20.57 22.7 or backing adjacent to the pavement edge; 4) culvert work at five drainage systems including the location in activity 2; and, 5) installation of a bio-retention strip.

The Project has a 397.97-acre Biological Study Area (BSA) that encompasses State Route 12 and all of the Caltrans Right-of-Way (ROW), collectively, the Project Area. The Project is expected to cause the temporary loss of 2.40 acres of habitat for the Covered Species. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include stress resulting from habitat degradation and from capture and relocation; temporary and permanent habitat loss; and long-term effects due to increased pollution, increased competition Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities that are expected to result in incidental take of individuals of the Covered Species include initial site setup, equipment and material delivery, clearing and grubbing, site preparation, exclusionary fencing installations, environmentally sensitive area fencing installations, pavement and concrete removal, concrete pump truck activities, soil excavation, soil compaction, grading work, pavement installation, heavy equipment operation, trenching, construction vehicle traffic, general vehicle traffic and personnel on foot. The project is expected to result in incidental take of California tiger salamander as defined by Fish and Game Code in the form of adverse impacts from destruction of burrows and dens that the Covered Species inhabit; being crushed under moving vehicles and equipment; and desiccation or predation along fence lines and other barriers to movement. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursue, catch, capture, or attempt to do so of the Covered Species, California tiger salamander, designated as a threatened species under CESA. The ITP referenced above as issued by CDFW authorizes incidental take of species listed under CESA 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 6/8/2022 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.

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- 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 Mitigated Negative Declaration 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:

Erin Chappell

Signature

Date: 6/8/2022

Erin Chappell, *Regional Manager*

Date Received for filing at OPR: _____