

**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: Michelle Battaglia  
 Phone: 707-339-6052

**Lead Agency:**

East Bay Municipal Utility District  
 375 – 11<sup>th</sup> Street, Oakland, CA 94607  
 Contact: Ramona Gonzalez, PE  
 Phone: (510) 287-1619

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

State Clearinghouse Number: 2019089118

Project Title: Duffel Photovoltaic Renewable Energy Project (California Endangered Species Act (CESA) Incidental Take Permit No. 2081-2019-056-R3 (ITP))

Project Location: The Project is located west of Bear Creek Road and San Pablo Dam Road in the City of Orinda, Contra Costa County. The Project is located 0.65 miles southeast of San Pablo Reservoir at approximately 37.904073, -122.210204. The Project site is bounded by Bear Creek Road to the east and by East Bay Municipal Utility District (EBMUD) watershed land to the north, west and south.

Project Description: This proposed project involves development of a 5-megawatt photovoltaic solar facility. Project activities include the installation of the solar facility, and the construction of both permanent and temporary supporting infrastructure.

The Project will result in impacts to 19.98 acres of habitat for Alameda whipsnake (*Masticophis lateralis euryxanthus*) including temporary impacts to 11.89 acres; the Project will permanently remove 8.09 acres of habitat for Alameda whipsnake. The project is expected to result in incidental take of Alameda whipsnake, which is 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 8/19/2022 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.
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.

**Notice of Determination**

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.

*Erin Chappell*

*Signature*

*Date:* 8/19/2022

Erin Chappell, *Regional Manager*

Date Received for filing at OPR: \_\_\_\_\_