

INSTRUCTIONS FOR THE NOTICE OF DETERMINATION FORM

A Notice of Determination (NOD) should be completed and filed with the Office of Planning and Research in Sacramento every time the Department of Fish and Wildlife (CDFW) carries out, funds or approves a project that is not exempt under the California Environmental Quality Act (CEQA). The following template was created to simplify the process of NOD completion.

Instructions:

- The project location and project description should be very short (2-4 lines) but should provide an accurate summary of the location and nature of the project. Ensure the completed form is not more than 2 pages in length.
- Change the default selections on the NOD form to match the document. The default selections on the form assume that: 1) CDFW is acting as a responsible agency, 2) the lead agency prepared a negative declaration, and 3) no significant effects were identified by CDFW. These default settings can easily be changed by double-clicking on the appropriate boxes and changing the “default value” from “checked” to “not checked” or vice-versa.
- Item 6 on the form should state that findings were made pursuant to Public Resources Code section 21081(a) only when CDFW is approving the ITP in reliance on an environmental impact report (EIR). In all other cases where CDFW is relying on a negative declaration or mitigated negative declaration to issue the permit, the form should indicate findings under Public Resources Code section 21081(a) were not made. Where CDFW is relying on a negative declaration or mitigated negative declaration to approve the permit and findings under Public Resources Code section 21081(a) were not made, the next sentence stating that other findings were adopted by CDFW to document compliance with CEQA should be included. Where CDFW is relying on an EIR and findings were made under Public Resources Code section 21081(a), the sentence regarding the adoption of other findings to document compliance with CEQA should be deleted.
- Remember to attach the project proponent’s receipt showing payment of environmental filing fees to the Department. If fees have not yet been paid and CDFW has not issued a no effect determination for the project, payment in the appropriate amount must be provided before the NOD can be filed.

If you have questions regarding completion of the form, feel free to contact the Office of General Counsel (OGC) at (916) 654-3821. OGC can also assist you with filing of a NOD at the Office of Planning and Research’s State Clearinghouse. The notice must be filed within five working days of when CDFW decides to carry out or fund a project, or of when it issues a permit or otherwise approves the project.

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)
 North Central Region
 1701 Nimbus Road
 Rancho Cordova, CA 95670
 Contact: Harvey Tran
 Phone: (916) 358-4035

Lead Agency (if different than CDFW)
 California Department of Transportation
 703 B Street
 Marysville, CA 95901
 Contact: Marta Martinez-Topete
 Phone: (530) 720-2870

SUBJECT: *Filing of Notice of Determination pursuant to Public Resources Code § 21108*
 State Clearinghouse Number: 2020029011

Project Title: Colusa 20 Shoulder Widening (California Endangered Species Act Incidental Take Permit No. 2081-2021-031-02 (ITP))

Project Location (include county): The Project is located on State Route 20 (SR-20) along emergent wetlands that are ephemerally connected to the irrigation canal (Steer Ditch Canal) that is tributary to the Colusa Trough and the Sacramento River, in the County of Colusa, State of California. The post miles for this Project are COL-20 PM 34.8 to 36.5.

Project Description: This proposed Project involves widening both shoulders along approximately 1.7 miles of SR-20. The Project is limited to vegetation and tree removal, dewatering of emergent wetlands with ephemeral connectivity to the Steer Ditch Canal, installation (trenching, placement, and removal) of giant garter snake (GGS) exclusion fencing, excavation and soil importation to construct the expanded shoulders and bioswales, grading of the embankments to create the side slopes, and permanent erosion control and hydroseeding.

The Project will result in impacts to 8.22 acres of giant garter snake (*Thamnophis gigas*) habitat; the Project will permanently remove 8.22 acres of giant garter snake habitat. The Project is expected to result in incidental take of giant garter snake which is designated as a threatened species under the California Endangered Species Act. 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 issued the ITP amendment on the date signed below 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 mitigated 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.

Notice of Determination

- 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.
- Responsible Agency statement: The 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:
Kevin Thomas
 Signature _____ Date: 6/22/2021
 Kevin Thomas, *Regional Manager*

Date Received for filing at OPR: _____