

**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: Andrew Chambers  
 Phone: (707) 266-2878

**Lead Agency:**

Contra Costa County Department of Conservation and Development  
 30 Muir Road, Martinez, CA 94553  
 Contact: Gary Kupp  
 Phone: (925) 655-2871

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

State Clearinghouse Number: 2020040196

Project Title: Byron Sand Mine Evo East Quarry Expansion Project (California Endangered Species Act (CESA)  
 Incidental Take Permit No. 2081-2022-007-03 (ITP))

Project Location: 1300 Camino Diablo, Byron, California 94514; 1.8 miles southeast from the corner of Vasco Road  
 and Camino Diablo in Contra Costa County; center coordinate of latitude 37.849860, longitude -121.640156.

Project Description: The proposed project involves the expansion of an existing sand mine, which includes 15 acres  
 of proposed mining area, five acres of overburden storage, and 60 acres of conserved habitat management lands.  
 The project will utilize existing private access roads to conduct project activities. The combined 20 acres disturbed  
 will be remediated upon cessation of the mining activities, which is expected to occur by 2030.

The Project will result in permanent impacts to 20 acres of California tiger salamander (*Ambystoma californiense*)  
 and San Joaquin kit fox (*Vulpes macrotis mutica*) habitat. The project is expected to result in incidental take of  
 California tiger salamander and San Joaquin kit fox which are designated as 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 10/5/2023 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.
- 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:

Signature Melissa Farinha for Erin Chappell

Date: 10/5/2023

Erin Chappell, Regional Manager

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