

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
 Contact: Gabriele Quillman
 Phone: (916) 358-2955

Lead Agency (if different than CDFW)
 Sutter Butte Flood Control Agency
 P.O. Box M
 Yuba City, CA 95992
 Contact: Michael Bessette
 Phone: (530) 755-9859

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

State Clearinghouse Number: 2020060424

Project Title: Yuba City Boat Ramp Sediment Removal Project (California Endangered Species Act Incidental Take Permit No. 2081-2020-057-02 (ITP))

Project Location (include county): The Project is located at the confluence of the Feather and Yuba Rivers in the Cities of Yuba City and Marysville in Sutter and Yuba Counties, respectively. The approximate center of the Project is located at latitude 39.1307°, longitude -121.598673°.

Project Description: This proposed Project involves maintenance dredging of the confluence of the Yuba River and the Feather River, including the Yuba City Boat Ramp. Approximately 315,600 cubic yards (cy) of dredged material will be removed from an approximately 28.81-acre area over two phases. Dredged material will be dewatered in empty wastewater ponds at the Marysville Wastewater Treatment Plant and either used in the final grading/closure of the northernmost wastewater treatment ponds or disposed of in a landfill.

The Project will result in temporary impacts to 28.81 acres of Central Valley spring-run Chinook salmon (*Oncorhynchus tshawytscha*) habitat. The Project is expected to result in incidental take of Central Valley spring-run Chinook salmon 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 a Responsible Agency executed the above-described Incidental Take Permit on the date signed below and has made the following determinations regarding the project pursuant to California Code of Regulations section 15096, subdivision (i):

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.

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).
- 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.

The environmental impact report 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:
Jennifer Garcia
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Signature: _____ Date: 5/28/2021

Kevin Thomas, *Regional Manager*