

## 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: Mary Xiong  
 Phone: (916) 212-3876

**Lead Agency:**

Reclamation District 1001  
 1959 Cornelius Avenue  
 Rio Oso, CA 95674  
 Contact: Thomas Engler  
 Phone: (916) 869-6874

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

**State Clearinghouse Number:** 2020099009

**Project Title:** Auxiliary Drainage Pump Station Project (California Endangered Species Act Incidental Take Permit No. 2081-2021-083-02(ITP))

**Project Location (include county):** The Project is located along the Natomas Cross Canal (NCC) North Levee at the south end of the Reclamation District (RD) 1001 Lateral 4 channel, approximately one mile northeast of the existing RD 1001 Main Drainage Pump Plant and 2.5 miles southwest of State Route 99 within Sutter County.

**Project Description:** This proposed Project involves the construction of a new fuel-powered auxiliary drainage pump station located along the NCC North Levee to allow for pumping capacity of drainage flows during loss of electrical power, including raising and widening of the NCC North Levee to accommodate the new pump station discharge pipes and associated appurtenances, construction of two 36-inch drainage discharge pipes, concrete outfall and vault structures, and a rail car bridge, and grading of two irrigation ditches to convey flows from existing ditches.

The Project will result in impacts to 3.92 acres of giant garter snake (*Thamnophis gigas*) habitat including temporary impacts to 2.98 acres of giant garter snake habitat; the Project will permanently remove 0.94 acres of giant garter snake habitat but convert approximately 0.24 acres of rice and upland habitat into aquatic 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 giant garter snake listed under CESA that may occur as a result of Project implementation.

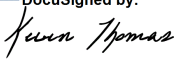
This is to advise that CDFW, acting as [ the lead agency /  a responsible agency] issued the ITP on the date signed below and made the following determinations regarding the above-described Project:

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.

**Notice of Determination**

- 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.

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:  
  
A2A0A9C574C3445...

Signature:

Date: 5/17/2022

Kevin Thomas, *Regional Manager*