

Notice of Exemption**- 1 -****To:**

Office of Planning and Research
 For U.S. Mail:
 P.O. Box 3044
 Sacramento, CA 95812-3044

From:

California Department of Fish and Wildlife
 Bay Delta Region
 2825 Cordelia Road, Suite 100
 Fairfield, CA 94534

**Street Address:**

1400 Tenth Street
 Sacramento, CA 95814

Project Title: 2021 Emergency Drought Salinity Barrier Project (California Endangered Species Act (CESA) Incidental Take Permit No. 2081-2021-041-03-A1 (ITP))

Project Location: The project is located at West False River, a tributary to the San Joaquin River, in the County of Contra Costa, State of California; Latitude 38.057057 N, Longitude 121.670432 W; Assessor's Parcel Number 027-010-005-0.

Project Description: The California Department of Fish and Wildlife has executed a major amendment for Incidental Take Permit No. 2081-2021-041-03, pursuant Fish and Game Code § 2081 (b); Cal. Code Regs., tit. 14, §§ 783.2-783.8 to the California Department of Water Resources (DWR).

In 2021, the lack of precipitation within California, recent warm temperatures and extremely dry soils depleted the expected runoff water from the Sierra-Cascade snowpack and caused a potential for water supplies to be insufficient to repel salinity in the Delta. In an Emergency Proclamation issued May 10, 2021, Governor Gavin Newsom directed Permittee to take actions, if necessary, to implement plans that address potential Delta salinity issues, including, among other things, the installation and removal of emergency drought salinity barriers. As a response, DWR proposed to install (by July 1, 2021) and remove (by November 30, 2021) one temporary rock barrier weir structure, which will span West False River, and installation of two water quality and/or flow monitoring stations. The major permit amendment now being issued extends the removal date until November 30, 2022, provides for a "notch" in the barrier to provide for fish passage during January through April 2022, and describes conditions under which the barrier may be fully removed if hydrological conditions improve.

Public Agency Approving Project: California Department of Fish and Wildlife

Person or Public Agency Carrying Out Project: California Department of Water Resources

Exempt Status:

Statutory Exemption. California Code of Regulations, title 14, section 21080(b)(3) and 15269(a), Governor's Proclamation of State of Emergency, May 10, 2021

Categorical Exemption.

Reasons why project is exempt: In an Emergency Proclamation issued May 10, 2021, Governor Gavin Newsom directed Permittee to take actions, if necessary, to implement plans that address potential Delta salinity issues, including, among other things, the installation and removal of emergency drought salinity barriers. Paragraph 11 of the Proclamation suspended CEQA for purposes of carrying out this directive and other specified directives, stating specifically that this suspension applies to environmental review by state agencies.

CDFW Contact Person: Monica Oey, Senior Environmental Scientist (Specialist); (707) 428-2088.

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 Signature: _____
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Date: 11/30/2021

Stephanie Fong, Acting Regional Manager

Date received for filing at OPR: _____