

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)
Marine Region
1933 Cliff Drive, Suite 9, Santa Barbara, CA 93109
Contact: Arn Aarreberg
Phone: (707) 791-4195

Lead Agency (if different than CDFW)
San Francisco Bay Regional Water Quality Control
Board
1515 Clay Street, Suite 1400 Oakland, CA 94612
Contact: Ross Steenson
Phone: (510) 622-2445

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

State Clearinghouse Number: 2021100323

Project Title: Sediment Remediation Project, Piers 39 To 43.5 (California Endangered Species Act Incidental Take Permit No. 2081-2022-034-07 (ITP))

Project Location (include county): The Project is located in San Francisco Bay in the vicinity of Pier 39 to Pier 45 in the City and County of San Francisco.

Project Description: The purpose of the Project is to remediate sediments contaminated with polycyclic aromatic hydrocarbons (PAHs), likely caused by the operations from the former Beach Street Manufactured Gas Plant, within the Project Area, to protect human health and the environment.

The Project will result in impacts to 10.8 acres of Longfin Smelt (*Spirinchus thaleichthys*) and Chinook Salmon (*Oncorhynchus tshawytscha*); The project is expected to result in incidental take of Longfin Smelt and Chinook Salmon, which are designated as a threatened and endangered 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] approved the above-described project on May 14, 2024 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).
- 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 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.

Signature 

Date: May 14, 2024

Craig Shuman, Regional Manager

Date Received for filing at OPR: _____