

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: Marcia Grefsrud
 Phone: (707) 644-2812

Lead Agency
 California Department of Water Resources
 P.O. Box 942836, Sacramento, CA 94236
 Contact: Sara Paiva-Lowry
 Phone: (916) 902-7709

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

State Clearinghouse Number: 2021120060

Project Title: Delta Dams Rodent Burrow Remediation Project (Project) (California Endangered Species Act (CESA) Incidental Take Permit No. 2081-2021-057-03 (ITP))

Project Location: The Project is located at Dyer Dam and Patterson Dam in the Altamont Hills in Alameda County. Dyer Dam is located approximately 7 miles northeast of Livermore, at Latitude: 37.75753° and Longitude: -121.673°. Patterson Dam is located approximately 1 mile east of Livermore at Latitude: 37.69767° and Longitude: -121.681°.

Project Description: This Project involves rodent burrow remediation, erosion prevention measures, restoration measures, ongoing monitoring, permanent measures to prevent future burrowing, improve stability and reduce future maintenance frequency at Dyer Dam and Patterson Dam. At Dyer Dam, the Project also includes repair to maintenance road and stabilization of slope above the crest roadway. At Patterson Dam, the Project also includes construction of an access road and improvements to a low-level outlet drainage channel.

The Project will result in a total of 15.3 acres of impacts to California tiger salamander (*Ambystoma californiense*) and San Joaquin kit fox (*Vulpes macrotis mutica*) habitat including 6.3 acres of permanent impacts and 9.0 acres of temporary impacts. The Project is expected to result in incidental take of California tiger salamander and San Joaquin kit fox, which are designated as a 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 9/29/2023 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:

Erin Chappell

Signature

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Date: 9/29/2023

Erin Chappell, Regional Manager

Date Received for filing at OPR: _____