

Notice of Determination

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

From:
Department of Fish and Wildlife (CDFW)
North Central Region
1701 Nimbus Road
Rancho Cordova, CA 95670
Contact: Alexander Funk
Phone: (916) 817-0434

Street Address:
1400 Tenth Street
Sacramento, CA 95814

Lead Agency
Sutter Butte Flood Control Agency
1445 Butte House Road, Suite B
P.O. Box M
Yuba City, CA 95992
Contact: Michael Bessette
Phone: (916) 782-9100

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

State Clearinghouse Number: 2023010087

Project Title: Tudor Flood Risk Reduction Project (California Endangered Species Act Incidental Take Permit No. 2081-2024-033-02 (ITP))

Project Location: The Tudor Flood Risk Reduction Project (Project) is located in Sutter County, California. The Project is located west of Garden Highway (State Route [SR] 99), north of the Feather River, and northwest of the town of Nicolaus. The approximate center of the Project Area is located at latitude 38.90265° N and longitude 121.603502° W within the Honcut Headwaters-Lower Feather River Watershed.

Project Description: The Project purpose is to provide public safety by improving the final section of the Feather River West Levee from the Feather River West Levee confluence with the Sutter Bypass (station 10+00) to just east of SR 99, approximate station 97+00). Project activities include pipe penetration improvements, a berm tie-in embankment, the construction of a cutoff wall, and surficial geometric corrections, grubbing and grading, trench digging, levee road reconstruction, non-native emergent vegetation removal, and other activities.

The Project will result in impacts to 25.605 acres of giant garter snake (*Thamnophis gigas*) habitat including temporary impacts to 25.5 acres of upland habitat and 0.087 acres of aquatic habitat; the Project will permanently remove 0.018 acres of giant garter snake habitat. The project is expected to result in the incidental take of giant garter snake, which are 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 made the following determinations regarding the above-described project:

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1. The project will not have a significant effect on the environment.
2. An environmental impact report was prepared by the lead agency for the original project.
3. Additional mitigation measures were made as a condition of CDFW's approval of the project.
4. A mitigation reporting or monitoring plan was adopted by CDFW for this project.
5. A Statement of Overriding Considerations was not adopted by CDFW for this project.
6. Findings were 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:
A copy of a receipt showing prior payment was submitted to CDFW.

The EIR 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:
Morgan Kilgour
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Signature

Date: 2/6/2025

Morgan Kilgour, Regional Manager