

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

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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]
3637 Westwind Blvd.
Santa Rosa, CA 9540
Contact: Arn Aarreberg
Phone: 707-576-2889

Lead Agency (if different than CDFW)
California State Lands Commission
100 Howe Ave, Suite 100-South
Sacramento, CA 95825-8202
Contact: Sarah Mongano
Phone: 916-574-1889

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

State Clearinghouse Number: 2016082014

Project Title: Chevron Long Wharf Maintenance and Efficiency Project (California Endangered Species Act Incidental Take Permit No. 2081-2016-056-07-A1 (ITP))

Project Location (include county): The Project is located at the Chevron Projects Company Richmond Refinery Long Wharf. The Long Wharf lies south of the Richmond-San Rafael Bridge on the eastern shoreline of central San Francisco Bay in Contra Costa county.

Project Description: This proposed project involves multiple components to improve efficiency at the Long Wharf and to comply with current Marine Oil Terminal Engineering and Maintenance Standards. Chevron has requested an Amendment to the original ITP to include geotechnical exploration which includes driving a single pile in 8 locations around Berth 4 to determine the presence and/or depth of bedrock prior to beginning the previously approved seismic retrofit. The amendment makes two changes to the original approval which include vibratory pile driving and removal of a 20" diameter steel pile at 8 locations around Berth 4 and the 8 pile driving events may be conducted prior to June 1, 2020.


The Project will result in impacts to habitat of Longfin Smelt (*Spirinchus thaleichthys*) and Chinook Salmon (*Oncorhynchus tshawytscha*). The project is expected to result in incidental take Longfin Smelt and Spring Run Chinook, designated as threatened, and Winter Run Chinook Salmon which is designated as an endangered species under the California Endangered Species Act. The ITP and ITP amendment 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 _____ 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 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

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record of proceedings related to the incidental take permit is available to the public for review at CDFW's regional office.

Signature  Date: May 29, 2020
Craig Shuman, D. Env. Regional Manager

Date Received for filing at OPR: _____