

Notice of Determination**- 1 -****To:**Office of Planning and Research
[CEQA Submit](#)**From:**California Department of Fish and Wildlife (CDFW)
Bay Delta Region
2825 Cordelia Road, Suite 100, Fairfield, CA 94534
Contact: Michael Stuhldreher
Phone: (707) 815-6800Lead Agency (if different than CDFW)
Marin County Flood Control and Water Conservation District
3501 Civic Center Drive, Suite 304, San Rafael, CA 94903
Contact: Roger Leventhal
Phone: (415) 473-3249**SUBJECT: Filing of Notice of Determination pursuant to Public Resources Code § 21108**

State Clearinghouse Number: 2023030749

Project Title: Deer Island Basin Complex Tidal Wetland Restoration Project – Phase 1 Bird Ponds

(Restoration Management Permit No. RMP-2023-0011-R3)

Project Location: The Project is located within the limits of the City of Novato, northwest of the State Route 37/101 interchange, within the Deer Island Basin Complex, in the County of Marin, State of California; Latitude 38.094218 and Longitude -122.546199; Assessor's Parcel Number's 153-170-46, 153-170-44, 153-200-57, 153-200-38, 153-200-37, 153-200-34, 153-200-31, 153-200-28, 153-200-27, 153-200-26, 153-200-25. The Project site includes a portion of Novato Creek and two leveed non-tidal wildlife ponds, referred to collectively as the Bird Ponds that are located between Novato Creek and Lynwood Basin to the south.

Project Description: The California Department of Fish and Wildlife (CDFW) has issued this Restoration Management Permit (RMP) pursuant to sections 2081(a), 3511 and 4700 of the Fish and Game Code to Marin County Flood Control and Water Conservation District. The Project is designed to restore tidal wetland habitats for special-status species by providing full tidal connectivity to diked areas along Novato Creek. The Novato Creek channel will be widened and side channels will be created. The Duck Bill Levee and Heron's Beak Levee will be lowered to create a range of high marsh to mid marsh habitat, along with upland habitat. These levees will also be breached in multiple spots to increase tidal conveyance and sediment delivery to the ponds. Additionally, the Lynwood Levee will be regraded to create an ecotone levee and both the Lynwood and Farmers Novato Creek left bank levees will be raised and stabilized for flood protection purposes.

The Project is expected to benefit longfin smelt (*Spirinchus thaleichthys*), California black rail (*Laterallus jamaicensis coturniculus*), California Ridgway's rail (*Rallus obsoletus obsoletus*), and salt-marsh harvest mouse (*Reithrodontomys raviventris*), referred to as the Covered Species. The Project is estimated to take one individual annually, for a total of two individuals of California black rail; one individual annually, for a total of two individuals of California Ridgway's rail; a total of two adults and four juveniles of salt-marsh harvest mouse, and a total of nine adults and three juveniles of longfin smelt in the form of incidental mortality during construction of the Project. The Project is estimated to take a total of ninety adults and thirty juveniles of longfin smelt in the form of catch, capture and relocation; Permittee is authorized to relocate longfin smelt out of harm's way. CDFW has determined and expects that the Project will benefit, aid in the conservation of, and assist in the recovery of the Covered Species. This notice is to advise that CDFW issued the above-described RMP on the date signed below and has made the following determinations regarding the project pursuant to California Code of Regulations section 15096, subdivision (i):

This is to advise that CDFW, acting as [the lead agency / a responsible agency] approved the above-described project on 6/5/2024 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.

Notice of Determination

- 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 record of issuance of the Restoration Management Permit is available at CDFW's regional office.

DocuSigned by:
Erin Chappell
 Signature _____ Date: 6/5/2024
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 Erin Chappell, Regional Manager

Date Received for filing at OPR: _____