

To:

Office of Planning and Research  
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From:

California Department of Fish and Wildlife (CDFW)  
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Contact: Brooke Jacobs  
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Lead Agency (if different than CDFW)  
Department of Water Resources  
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Contact: Chris Wilkinson  
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**SUBJECT: Filing of Notice of Determination pursuant to Public Resources Code § 21108**

State Clearinghouse Number: 2023060467

Project Title: Long-term Operation of the State Water Project in the Sacramento-San Joaquin Delta California Endangered Species Act Incidental Take Permit No. 2081-2023-054-00 (ITP)

Project Location (include county): State Water Project (SWP) storage and export facilities The Project area includes the Sacramento River downstream of the confluence with the Feather River, the Sacramento-San Joaquin Delta (Delta), and Suisun Marsh in Solano, Sacramento, Yolo, San Joaquin, and Contra Costa Counties.

Project Description: The SWP includes water, power, and conveyance systems, conveying an annual average of 2.9 million acre-feet of water. The principal facilities of the SWP are Oroville Reservoir and related facilities, San Luis Dam and related facilities, facilities in the Delta, the Suisun Marsh Salinity Control Gates, the California Aqueduct including its terminal reservoirs, and the North and South Bay Aqueducts. The principle components of the Project are operations of the: Banks Pumping Plant (including water transfers), Skinner Fish Facility, Clifton Court Forebay (including herbicide and algaecide application and mechanical aquatic weed removal), South Delta Temporary Barriers Project, Georgiana Slough Salmonid Migratory Barrier, Barker Slough Pumping Plant (including fish screen cleaning, sediment removal, and aquatic weed removal), and Suisun Marsh Facilities that include the Suisun Marsh Salinity Control Gates, the Roaring River Distribution System, the Morrow Island Distribution System, and Goodyear Slough outfall. Water stored in Oroville facilities, along with water available in the Delta (consistent with applicable regulations) is captured in the Delta and conveyed through several facilities to SWP contractors. The SWP is operated to provide flood control and water for agricultural, municipal, industrial, recreational, and environmental purposes.

The discretionary approval by CDFW is the issuance of the ITP identified above. The ongoing operations of the SWP Delta and Suisun Marsh as approved by the lead agency is expected to result in incidental take and impacts to habitat of Longfin Smelt (*Spirinchus thaleichthys*), Delta Smelt (*Hypomesus transpacificus*), Winter-run Chinook Salmon (*Oncorhynchus tshawytscha*), Spring-run Chinook Salmon (*Oncorhynchus tshawytscha*), and White Sturgeon (*Acipenser transmontanus*). Longfin Smelt and Spring-run Chinook Salmon are designated as threatened species under the California Endangered Species Act (CESA). Delta Smelt and Winter-run Chinook Salmon are designated as endangered species under CESA. The California Fish and Game Commission designated White Sturgeon (*Acipenser transmontanus*) as a candidate species under CESA on June 19, 2024. The ITP referenced above as issued by CDFW authorizes incidental take of Delta Smelt, Longfin Smelt, Winter-run Chinook Salmon, Spring-run Chinook Salmon, and White Sturgeon that may occur as a result of ongoing operations of the SWP facilities in the Delta, as is more specifically described in the ITP.

This is to advise that CDFW, acting as [ the lead agency /  a responsible agency] approved the above-described project on 11/4/2024, 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.

