

Notice of Determination

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)
 North Central Region
 1701 Nimbus Road, Rancho Cordova, CA 95670
 Contact: Lauren Mulloy
 Phone: (916) 358-2909

Lead Agency (if different than CDFW)

California Department of Water Resources
 3464 El Camino Avenue, Suite 210, Sacramento, CA
 94236
 Contact: Josh Brown
 Phone: (916) 480-5346

SUBJECT: *Filing of Notice of Determination pursuant to Public Resources Code § 21108*
 State Clearinghouse Number: 2016092015.

Project Title: Lower Elkhorn Basin Levee Setback (LEBLS) (Project) (California Endangered Species Act Amended Incidental Take Permit No. 2081-2019-063-02-A1(ITP)).

Project Location (include county): The Project is located within the Sacramento Bypass and East Levee of the Yolo Bypass, in the County of Yolo, State of California, located in portions of Townships 9 North and 10 North, Ranges 3 East and 4 East, U.S. Geological Survey (USGS) maps Sacramento West, Taylor Monument, and Gray's Bend, Mt. Diablo Meridian.

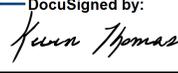
Project Description: The Amended ITP (Amendment No. 1) amends the original ITP executed on May 19, 2020, to include design refinements that change the Project description and expand the Project footprint to the already approved LEBLS Project. This Project involves the set back of levees protecting the Lower Elkhorn Basin, including the Sacramento Bypass North Levee and a portion of the Yolo Bypass East Levee, thereby increasing the capacity of the Yolo and Sacramento Bypasses and reducing flood risk on the upper Yolo Bypass and Sacramento River. The Amended ITP includes design refinements and footprint expansion to the following: the staging areas; detention pond; storm drain pipe construction; widening of existing Ditches 10, 12, and 13; concrete erosion control at the North Cross Canal Culvert; new ditch access crossings; new culvert crossing in Ditch 13, haul crossing across Ditch 13; and additional grading at the South Cross Canal. The Project will also implement several ecosystem elements that have been designed to offset effects to biological resources resulting from the LEBLS Project activities, through the enhancement of features for sensitive species. The Amended ITP updates the direct impacts of the Project based on the refined Project description, Project footprint, and an updated assessment of Covered Species habitat impacts.

The Amended Project will result in permanent impacts to 12.82 acres, conversion of 3.82 acres from canal to rice, and temporary impacts to 317.95 acres of giant garter snake (*Thamnophis gigas*) habitat and may result in the abandonment of one Swainson's hawk (*Buteo swainsoni*) nest. The Project is expected to result in incidental take of Giant garter snake and Swainson's hawk, which are designated as a threatened species under the California Endangered Species Act. The Amended 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 7/29/2020 and made the following determinations regarding the above described project:

Notice of Determination**2**

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. Mitigation measures were made a condition of CDFW's approval of the original project and ITP. Although no new mitigation measures were imposed as a result of Amendment No. 1, for which this NOD was prepared and submitted, some of the mitigation measures from the original ITP were updated and were made a condition of CDFW's approval of the Amendment.
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).
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 Environmental Impact Report and subsequent addenda 1 - 4 prepared by the lead agency for the Amended Project are 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:

 Signature _____ Date: 7/29/2020
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Kevin Thomas, *Regional Manager*

Governor's Office of Planning & Research

Date Received for filing at OPR: **Jul 29 2020**

STATE CLEARINGHOUSE