

**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)  
Bay Delta Region  
2825 Cordelia Road, Suite 100, Fairfield, CA 94534  
Contact: Melissa Farinha  
Phone: (707) 944-5579

Lead Agency (if different than CDFW)  
California Department of Water Resources  
901 P Street, Sacramento, CA 95814  
Contact: Patty Finfrock  
Phone: (916) 651-0851

**SUBJECT: Filing of Notice of Determination pursuant to Public Resources Code § 21108**  
State Clearinghouse Number: 2006042009

Project Title: Dutch Slough Tidal Marsh Restoration Project [California Endangered Species Act (CESA) Incidental Take Permit No. 2081-2012-014-03 (ITP)]

Project Location (include county): The project is located on Emerson, Gilbert, and Burroughs parcels in eastern Contra Costa County near Oakley. The three parcels total 1,178 acres and are bounded on the south by Contra Costa Canal and on the north by Dutch Slough. The westernmost parcel (Emerson) is bounded on the west by Marsh Creek and the easternmost parcel (Burroughs) is bounded on the east by Jersey Island Road.

Project Description: The Project consists of a Minor Amendment to CDFW's Incidental Take Permit (ITP) No. 2081-2012-014-03 and consists of three primary components. First the Project omits the temporary Marsh Creek crossing and widening of Little Dutch Slough activities. Second, the Project accommodates for borrow of fill at elevations up to approximately 20 feet below existing grade from the Emmerson Parcel borrow site in the future subtidal open water area. Third, the Project will reduce the number of levee breaches on the Gilbert Parcel from four to one and moves the planned cross levee on the parcel northward.

This is to advise that CDFW, acting as  the lead agency /  a responsible agency] approved the above-described project on 9-13-19 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 mitigated 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).
- 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 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.

Signature Gregg Erickson  
Gregg Erickson, Regional Manager

Date: 9-13-19

Governor's Office of Planning & Research

Date Received for filing at OPR: OCT 02 2019

**STATE CLEARINGHOUSE**