

Notice of Determination

Appendix D

To:
[X] Office of Planning and Research
U.S. Mail: P.O. Box 3044
Sacramento, CA 95812-3044
Street Address: 1400 Tenth St., Rm 113
Sacramento, CA 95814

From:
Public Agency: Department of Water Resources
Address: 3500 Industrial Blvd., 2nd Floor
West Sacramento, CA 95691
Contact: Ling Chu
Phone: 916-376-9826

[] County Clerk
County of:
Address:

Lead Agency (if different from above):
Address:
Contact:
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2013052056
Project Title: Prospect Island Tidal Habitat Restoration Project
Project Applicant: California Department of Water Resources
Project Location (include county): Solano County (See Attachment 1, Project Location)
Project Description: See Attachment 1, Project Description

This is to advise that the California Department of Water Resources has approved the above (X) Lead Agency or () Responsible Agency described project on August 19, 2019 and has made the following determinations regarding the above described project.

- 1. The project [X] will [] will not] have a significant effect on the environment.
2. [X] An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA. [] A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [X] were [] were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [X] was [] was not] adopted for this project.
5. A statement of Overriding Considerations [X] was [] was not] adopted for this project.
6. Findings [X] were [] were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at: 3500 Industrial Blvd., 2nd Floor, West Sacramento, CA 95691

Signature (Public Agency): [Signature] Title: Div of Environmental Services, Chief

Date: August 19, 2019 Date Received for filing at OPR: Governor's Office of Planning & Research

PROSPECT ISLAND TIDAL HABITAT RESTORATION PROJECT

(SCH# 20013052056)

NOTICE OF DETERMINATION ATTACHMENT 1

PROJECT LOCATION

Prospect Island is located immediately east of, and technically is still an element of, the southern end of the Yolo Bypass in the Sacramento-San Joaquin River Delta. The site is bounded on the east by Miner Slough, on the west by the Sacramento Deep Water Ship Channel (DWSC), on the south by the confluence of the DWSC and Miner Slough, and on the north by an east-west levee that runs from Arrowhead Harbor Marina to the DWSC. Figure 1 shows the Project location.

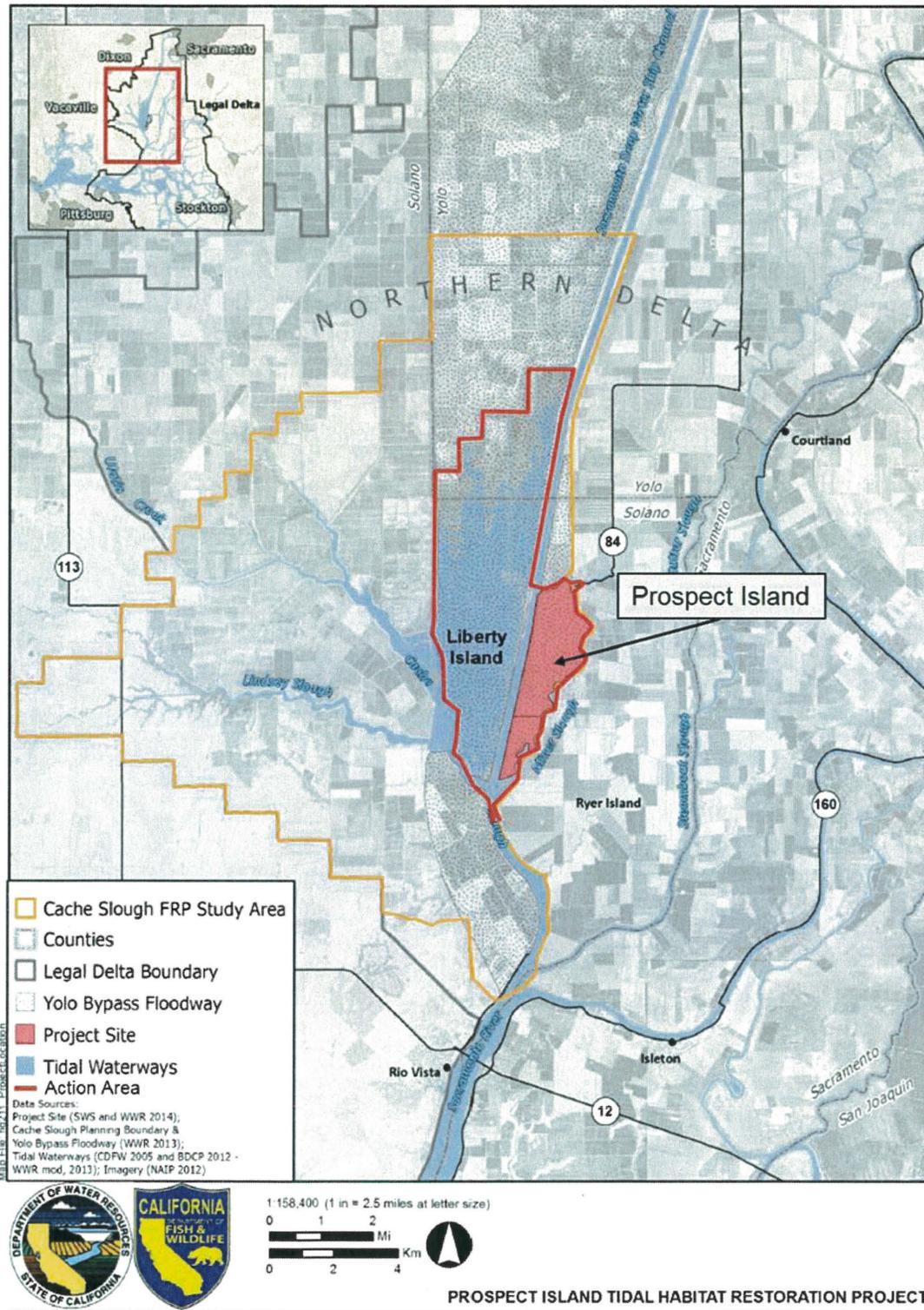


Figure 1: Prospect Island - the proposed habitat restoration location is in the Cache Slough Complex, northern Sacramento-San Joaquin Delta, California.

Prospect Island Tidal Habitat Restoration Project (SCH# 2013052056)

PROJECT DESCRIPTION

The fundamental purpose and overarching goal of the Prospect Island Tidal Habitat Restoration Project is to restore tidal action to the interior of Prospect Island. The proposal is intended to partially fulfill the 8,000 ac tidal habitat restoration obligations of DWR contained within Reasonable and Prudent Alternative (RPA) 4 of the U.S. Fish and Wildlife Service (USFWS) Delta Smelt Biological Opinion (BiOp) for long-term coordinated operations of the State Water Project (SWP) and the federal Central Valley Project (CVP). Because restoration of tidal habitat would provide access for salmonid rearing at Prospect Island, the Project would also be consistent with RPA I.6.1 of the National Marine Fisheries Service (NMFS) Salmonid BiOp for SWP/CVP operations.

The Prospect Island Tidal Restoration Project is also part of California EcoRestore, a California Natural Resources Agency initiative implemented in coordination with state and federal agencies to advance the restoration of at least 30,000 ac of Delta habitat by 2020.

The FEIR analyzed three "build" alternatives and the No Project Alternative. The Proposed Project was DWR's Preferred Alternative during the DEIR process. After reviewing public comments and considering the impacts and benefits of the Alternatives, DWR is proposing to proceed with the construction of Alternative 2, which is identified as the environmentally superior alternative in the EIR. Under Alternative 2 (Figure 2), two breaches would be created on the Miner Slough levee: one in the central portion of Prospect Island, just north of the existing internal cross levee, and the second would be constructed at the location of the formerly repaired breach connecting the Miner Slough spur channel to the south property. The internal cross levee separating the north and south properties would also be excavated under this alternative. In addition, a high stage overflow weir would be constructed with a 7 ft NAVD88 crest elevation near the entrance to Arrowhead Marina near the far northeast corner of the island.

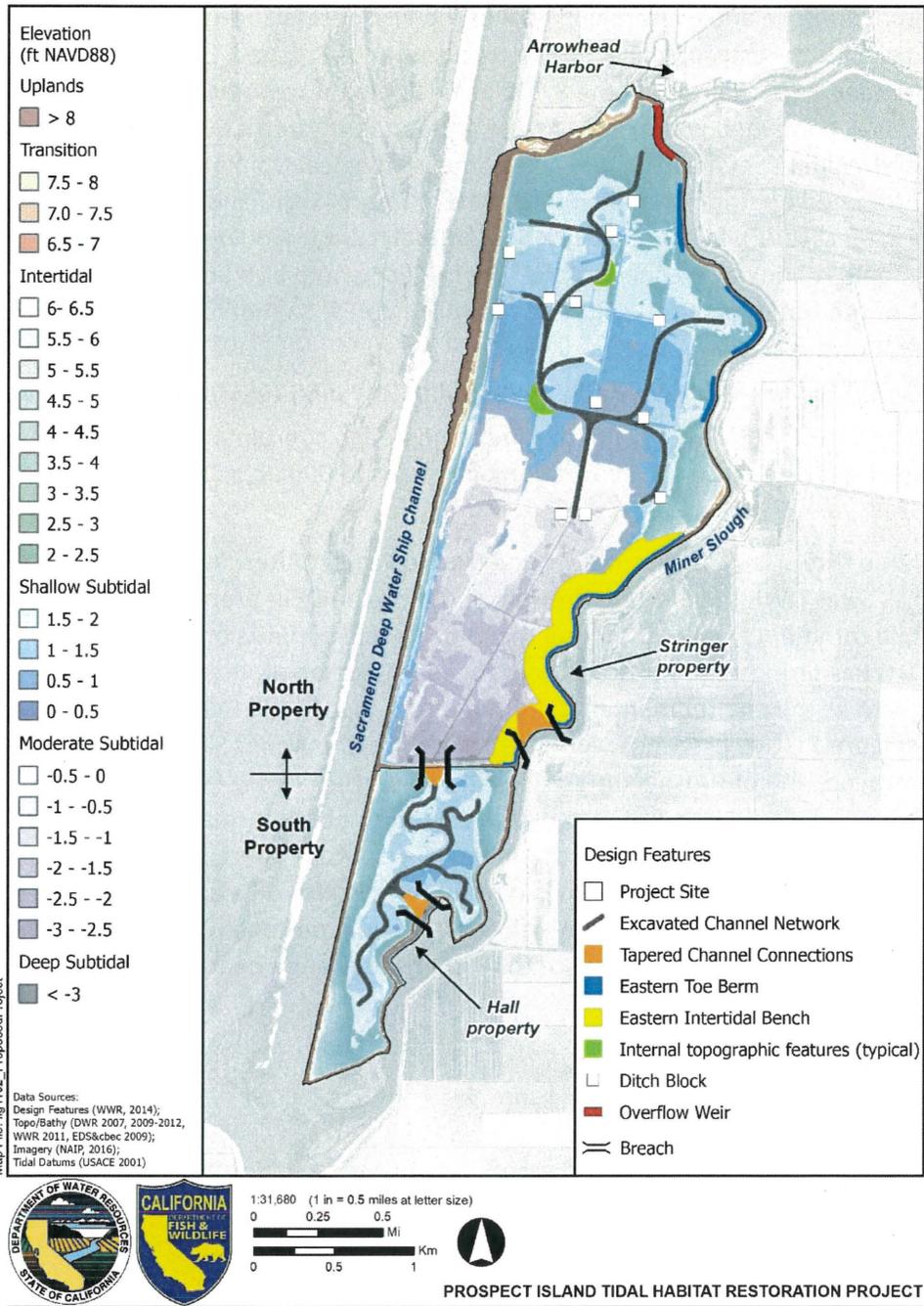


Figure 2: Prospect Island restoration Alternative 2, described in the 2019 Final Environmental Impact Report.

Prospect Island Tidal Habitat Restoration Project (SCH# 2013052056)



State of California - Department of Fish and Wildlife
2019 ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFW 753.5a (REV. 12/01/18) Previously DFG 753.5a

Chk #417-632834

Print StartOver Finalize&Email

RECEIPT NUMBER:
 59 — 8/19/19 — 102
 STATE CLEARINGHOUSE NUMBER (If applicable)
 2013052056

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY Department of Water Resources	LEAD AGENCY EMAIL	DATE 8/19/19
COUNTY/STATE AGENCY OF FILING OPR/SCH	DOCUMENT NUMBER	

PROJECT TITLE

Prospect Island Tidal Habitat Restoration Project

PROJECT APPLICANT NAME Ling Chu	PROJECT APPLICANT EMAIL	PHONE NUMBER (916) 376-9826
PROJECT APPLICANT ADDRESS 3500 Industrial Blvd., 2nd Floor	CITY West Sacramento	STATE CA
		ZIP CODE 95691

PROJECT APPLICANT (Check appropriate box)

- Local Public Agency
 School District
 Other Special District
 State Agency
 Private Entity

CHECK APPLICABLE FEES:

- | | | | |
|---|------------|----|----------|
| <input checked="" type="checkbox"/> Environmental Impact Report (EIR) | \$3,271.00 | \$ | 3,271.00 |
| <input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND) | \$2,354.75 | \$ | 0.00 |
| <input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW | \$1,112.00 | \$ | 0.00 |
|
 | | | |
| <input type="checkbox"/> Exempt from fee | | | |
| <input type="checkbox"/> Notice of Exemption (attach) | | | |
| <input type="checkbox"/> CDFW No Effect Determination (attach) | | | |
| <input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy) | | | |
| <hr/> | | | |
| <input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only) | \$850.00 | \$ | 0.00 |
| <input type="checkbox"/> County documentary handling fee | | \$ | |
| <input type="checkbox"/> Other | | \$ | |

PAYMENT METHOD:

- Cash
 Credit
 Check
 Other
 TOTAL RECEIVED \$ 3,271.00

SIGNATURE  Digitally signed by Charissa Martinez Date: 2019.08.19 10:10:35 -07'00'	AGENCY OF FILING PRINTED NAME AND TITLE Charissa Martinez, CEQA Tech
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NOTICE

Each project applicant shall remit to the county clerk the environmental filing fee before or at the time of filing a Notice of Determination (Pub. Resources Code, § 21152; Fish & G. Code, § 711.4, subdivision (d); Cal. Code Regs., tit. 14, § 753.5). Without the appropriate fee, statutory or categorical exemption, or a valid No Effect Determination issued by the California Department of Fish and Wildlife (CDFW), the Notice of Determination is not operative, vested, or final, and shall not be accepted by the county clerk.

COUNTY DOCUMENTARY HANDLING FEE

The county clerk may charge a documentary handling fee of fifty dollars (\$50) per filing in addition to the environmental filing fee (Fish & G. Code, § 711.4, subd. (e); Cal. Code Regs., tit. 14, § 753.5, subd. (g)(1)). A county board of supervisors shall have the authority to increase or decrease the fee or charge, that is otherwise authorized to be levied by another provision of law, in the amount reasonably necessary to recover the cost of providing any product or service or the cost of enforcing any regulation for which the fee or charge is levied (Gov. Code, § 54985, subd. (a)).

COLLECTION PROCEDURES FOR COUNTY GOVERNMENTS

Filing Notice of Determination (NOD):

- Collect environmental filing fee or copy of previously issued cash receipt. *(Do not collect fee if project applicant presents a No Effect Determination signed by CDFW. An additional fee is required for each separate environmental document. An addendum is not considered a separate environmental document. Checks should be made payable to the county.)*
- Issue cash receipt to project applicant.
- Attach copy of cash receipt and, if applicable, previously issued cash receipt, to NOD.
- Mail filing fees for **CRP** document to CDFW prior to filing the NOD or equivalent final approval (Cal. Code Regs. Tit. 14, § 753.5 (b)(5)). The CRP should request receipt from CDFW to show proof of payment for filing the NOD or equivalent approval. Please mail payment to address below made attention to the Cash Receipts Unit of the Accounting Services Branch.

If the project applicant presents a **No Effect Determination** signed by CDFW, also:

- Attach No Effect Determination to NOD *(no environmental filing fee is due)*.

Filing Notice of Exemption (NOE) *(Statutorily or categorically exempt project (Cal. Code Regs., tit. 14, §§ 15260-15285, 15300-15333))*

- Issue cash receipt to project applicant.
- Attach copy of cash receipt to NOE *(no environmental filing fee is due)*.

Within 30 days after the end of each month in which the environmental filing fees are collected, each county shall summarize and record the amount collected on the monthly State of California Form No. CA25 (TC31) and remit the amount collected to the State Treasurer. Identify the remittance on Form No. CA25 as "Environmental Document Filing Fees" per Fish and Game Code section 711.4.

The county clerk shall mail the following documents to CDFW on a monthly basis:

- ✓ A photocopy of the monthly State of California Form No. CA25 (TC31)
- ✓ CDFW/ASB copies of all cash receipts (including all voided receipts)
- ✓ A copy of all CDFW No Effect Determinations filed in lieu of fee payment
- ✓ A copy of all NODs filed with the county during the preceding month
- ✓ A list of the name, address and telephone number of all project applicants for which an NOD has been filed. If this information is contained on the cash receipt filed with CDFW under California Code of Regulations, title 14, section 753.5, subdivision (e)(6), no additional information is required.

DOCUMENT RETENTION

The county shall retain two copies of the cash receipt (for lead agency and county clerk) and a copy of all documents described above for at least 12 months.

RECEIPT NUMBER

- # The first two digits automatically populate by making the appropriate selection in the County/State Agency of Filing drop down menu.
- # The next eight digits automatically populate when a date is entered.
- # The last three digits correspond with the sequential order of issuance for each calendar year. For example, the first receipt number issued on January 1 should end in 001. If a county issued 252 receipts for the year ending on December 31, the last receipt number should end in 252. CDFW recommends that counties and state agencies 1) save a local copy of this form, and 2) track receipt numbers on a spreadsheet tabbed by month to ensure accuracy.

DO NOT COMBINE THE ENVIRONMENTAL FEES WITH THE STATE SHARE OF FISH AND WILDLIFE FEES.

Mail to:

California Department of Fish and Wildlife
 Accounting Services Branch
 P.O. Box 944209
 Sacramento, California 94244-2090