

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: Robert Stanley, Senior Environmental Scientist
Phone: (707) 428-2093

California Department of Transportation
111 Grand Avenue, Oakland, CA 94623
Contact: Brian Gassner
Phone: (510) 286-6025

SUBJECT: Filing of Notice of Determination pursuant to Public Resources Code § 21108
State Clearinghouse Number: 2015092075

Project Title: Niles Canyon Safety Improvements Project [California Endangered Species Act (CESA) Incidental Take Permit No. 2081-2018-085-03 (ITP)]

Project Location: The Niles Canyon Safety Improvements Project (Project) is located within Niles Canyon over Alameda Creek and Stonybrook Creek along State Route 84 (SR-84) from Post Mile 10.8 to 18.0, in Alameda County, in the State of California.

Project Description: The California Department of Transportation (Permittee) proposes to improve the Niles Canyon corridor of SR-84 for safety improvements. The Project will include installation of traffic signs and lighting, low speed curve improvements, k-rail and Midwest guardrail installation, installation of a rock drapery system, signalization, limited shoulder widening, and the replacement of one culvert at Stonybrook Creek with a single-span bridge.

The Biological Study Area (BSA) illustrated in Figure 1 consists of 61.95 acres, which consists of 1.56 acres of annual grassland, 0.24 acres of barren ground, 5.22 acres of Coastal Oak Woodland, 4.37 acres of Coastal Oak Scrub, 0.68 acres of creek channel, 0.03 acres of freshwater emergent wetlands, 28.54 acres of road and previously paved surfaces, 12.85 acres of urban landscape, 0.17 acres of railroad and 8.30 acres of Valley Foothill Riparian Habitat. Impacts to Alameda whipsnake habitat include temporary impacts to 3.77 acres of Alameda whipsnake suitable habitat and permanent impacts to 1.41 acres of suitable Alameda whipsnake habitat. The project is expected to result in incidental take of Alameda whipsnake aka Alameda striped racer, designated as a threatened species under CESA. The 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 1-8-20 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.
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 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: [Handwritten Signature] Date: 1-8-20

Gregg Erickson, Regional Manager Governor's Office of Planning & Research

Date Received for filing at OPR: JAN 09 2020