

## Notice of Determination

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**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)  
Region 4  
1234 East Shaw Avenue  
Fresno, California 93710  
Contact: Jim Vang, Environmental Scientist  
Phone: (559) 243-4014, ext. 254

Lead Agency

California Department of Water Resources  
3374 E. Shields Avenue  
Fresno, California 93726  
Contact: Karen Dulik  
Phone: (559) 230-3361

**SUBJECT: Filing of Notice of Determination pursuant to Public Resources Code § 21108**

State Clearinghouse Number: 2017121026

Project Title: Eastside Bypass Improvements Project (California Endangered Species Act Incidental Take Permit No. 2081-2018-067-04 (ITP))

Project Location: The Project is located between the cities of Merced and Los Banos in Merced County in the Eastside Bypass, just east of the San Joaquin River. The proposed Project area include the Eastside Bypass between the Sand Slough Control Structure and the Mariposa Bypass, and is located within the United States Geological Survey (USGS) 7.5-minute Turner Ranch, Sandy Mush, and Santa Rita Bridge quadrangles.

Project Description: The proposed Project consists of modification of Eastside Bypass Levees (Reaches O-1, O-3, and O-4) to reinforce approximately 2 mile of existing levee along the Eastside Bypass between Sand Slough and the Mariposa Bypass over 41.4 acres and the Eastside Bypass Control Structure to improve fish passage and construct a rock ramp downstream that would provide a fishway entrance over 6.2 acres.

The proposed Project also includes staging/stockpiling areas, borrow sites, and temporary access routes within the above-referenced Project sites. Access would be via State Route (SR) 99, 152, and 59, and County roads. Travel between sites would be restricted to these routes; therefore, no construction of new permanent access routes would be required. Off-road Project-related construction traffic outside of the designated work areas will be prohibited.


The Project will result in impacts to 35.02 acres of California tiger salamander (*Ambystoma californiense*) and Swainson's hawk (*Buteo swainsonii*) habitat including temporary impacts to 34.86 acres; the Project will permanently remove 0.16 acres of California tiger salamander and Swainson's hawk habitat. The Project is expected to result in incidental take of California tiger salamander and Swainson's hawk, both which are designated as threatened species under the California Endangered Species Act. The ITP referenced above, as reissued by CDFW to correct a typographical error, 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 9/27/19 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 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.

**Notice of Determination**

- A copy of a receipt showing prior payment was submitted to CDFW.
- Responsible Agency statement: The Negative Declaration 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  Date: 9/10/19  
Julie A. Vance, Regional Manager

Governor's Office of Planning & Research

Date Received for filing at OPR: \_\_\_\_\_ **SEP 06 2019**

**STATE CLEARINGHOUSE**