

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:

Department of Fish and Wildlife (CDFW)
North Central Region
1701 Nimbus Road
Rancho Cordova, CA 95670
Contact: Kelsey Vella
Phone: (916) 932-3015



California Department of Transportation
1976 E Dr. Martin Luther King Blvd.
Stockton, CA 95205
Contact: Janet Bailey
Phone: (209) 948-7690

SUBJECT: Filing of Notice of Determination pursuant to Public Resources Code § 21108
State Clearinghouse Number: 2018052029

Project Title: Liberty Road/SR-88 Safety Improvements (California Endangered Species Act
Incidental Take Permit No. 2081-2019-042-02 (ITP)

Project Location: The project is located at the intersection of State Route 88 and Liberty Road in
San Joaquin County.

Project Description: The Project will upgrade the intersection of SR-88 and Liberty Road with a
single lane roundabout. Work includes ground disturbance by clearing, removing existing
pavement and concrete, constructing new pavement and concrete curb and gutter, extending
and/or replacing culverts, major grading and excavation using a variety of heavy equipment.

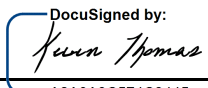
The Project will result in the permanent loss of 0.0089 acres of aquatic habitat and 1.86 acres of
upland habitat, and the temporary loss of 0.095 acres of aquatic habitat and 3.36 acres of
upland habitat for the California tiger salamander (*Ambystoma californiense*). The project is
expected to result in incidental take of California tiger salamander which are designated as a
threatened species under the California Endangered Species Act. 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 _____ 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.

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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 DFG.
- Responsible Agency statement: The Mitigated 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 is available at the DFG office identified above.

Signature  *Date:* 5/19/2020
Kevin Thomas, *Regional Manager*

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Governor's Office of Planning & Research

Date Received for filing at OPR: **MAY 19 2020**

STATE CLEARINGHOUSE

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
CALIFORNIA ENDANGERED SPECIES ACT
INCIDENTAL TAKE PERMIT
NO. 2081-2019-042-02**

**California Department of Transportation
Liberty Road/SR-88 Safety Improvements Project**

CEQA FINDINGS

INTRODUCTION:

The California Department of Fish and Wildlife (CDFW) has prepared these findings to document its compliance with the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 *et seq.*). CDFW is a responsible agency under CEQA with respect to the Liberty Road/SR-88 Safety Improvement Project (Project) because of its permitting authority under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*). (See generally Pub. Resources Code, §§ 21002.1, subd. (d), 21069; CEQA Guidelines, § 15381; see also Cal. Code Regs., tit. 14, § 783.3, subd. (a).)¹ CDFW makes these findings under CEQA as part of its discretionary decision to authorize the California Department of Transportation (Permittee) to incidentally take California tiger salamander (*Ambystoma californiense*) (hereafter, referred to as Covered Species) during implementation of the Project. (See generally Fish & G. Code, § 2081, subd. (b); Cal. Code Regs., tit. 14, § 783.4.) The Covered Species is designated as a threatened species under CESA. (Cal. Code Regs., tit. 14, § 670.5, subd. (b)(3)(G)).

CDFW is a responsible agency under CEQA with respect to the Project because of prior environmental review and approval of the Project by the lead agency, California Department of Transportation. (See generally Pub. Resources Code, § 21067; CEQA Guidelines, § 15367.) The California Department of Transportation analyzed the environmental impacts associated with implementation of the Project in a Mitigated Negative Declaration (SCH No. 2018052029) and approved the Project on August 7, 2018. In so doing, the California Department of Transportation imposed various mitigation measures for impacts to the Covered Species as conditions of Project approval and concluded that Project-related impacts to the Covered Species could be substantially lessened with implementation of mitigation and avoidance measures, such that the impacts would be less than significant.

As approved by the California Department of Transportation, the Project involves the upgrade of the intersection of SR-88 and Liberty Road from a two-way stop to a single lane roundabout. The Project will include ground disturbance by clearing, removing existing pavement and concrete, constructing new pavement and concrete curb and gutter, extending and/or replacing culverts, major grading, and excavation using a variety of heavy equipment. Clearing and grubbing of non-native annual grassland vegetation, wetland vegetation, and vernal pools within the newly proposed right of way is necessary

¹ The “CEQA Guidelines” are found in Title 14 of the California Code of Regulations, commencing with Section 15000.