

Notice of Determination

Appendix D

TO:

Office of Planning and Research
For U.S. Mail: Street Address:
P.O. Box 3044 1400 Tenth Street
Sacramento, CA 95812-3044 Sacramento, CA 95814

County Clerk
County of: _____
Address: _____

FROM:

Public Agency: Department of Water Resources

Address: 3500 Industrial Blvd.
West Sacramento, CA 95691
Contact: Dan Riordan
Phone: (916) 802-4427
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): 2019039136

Project Title: Lookout Slough Tidal Habitat Restoration and Flood Improvement Project

Project Location (include county): Solano and Yolo Counties (See Attachment 1, Project Description)

Project Description: See Attachment 1, Project Description

This is to advise that the California Department of Water Resources has approved the above described project on 09/28/23 and has made the following determinations regarding the above described projects.
(*Lead Agency* or *Responsible Agency*)

09/28/23
(Date)

1. The project [will will not] have a significant effect on the environment.
2. 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 [were were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [was was not] adopted for this project.
5. A statement of Overriding Considerations [was was not] adopted for this project.
6. Findings [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) 

Title: Lead Deputy Director, Department of Water Resources

Date: 9/28/2023

Date Received filing at OPR: _____

**LOOKOUT SLOUGH TIDAL HABITAT RESTORATION AND FLOOD
IMPROVEMENT PROJECT - Revised Final EIR**

(SCH# 2019039136)

NOTICE OF DETERMINATION ATTACHMENT 1

Project Description

LOOKOUT SLOUGH TIDAL HABITAT RESTORATION AND FLOOD IMPROVEMENT PROJECT - Revised Final EIR

Project Description

Background

The California Department of Water Resources (DWR) prepared a Final Environmental Impact Report (Final EIR) for the Lookout Slough Tidal Habitat Restoration and Flood Improvement Project (Project) pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, Section 21000 et seq.), which was certified by DWR on November 2, 2020 (2020 Final EIR, State Clearinghouse No. 2019039136). Subsequently, four lawsuits challenged the certification of the 2020 Final EIR.

On January 5, 2023, the Contra Costa Superior Court (Court) dismissed all claims, except one issue: that further analysis was required to evaluate the Project's potential impact on recreational opportunities to fish from the shoreline, as addressed in Section IV.J, Recreation, under impact iii. In response, DWR prepared a Revised Final EIR for the Project, which was released for a 45-day public review period from June 1 through July 17, 2023. The Project's Revised Final EIR focuses exclusively on those portions of the analysis related to the Project's potentially significant impacts on recreational opportunities to fish from the shoreline, and includes revisions amplifying and clarifying the previous analysis, as directed by the Court.

Project Location and Summary

The Project would restore tidal marsh that would partially fulfill DWR's obligations under Reasonable and Prudent Alternative (RPA) 4 of the 2008 United States Fish and Wildlife Service (USFWS) Delta Smelt Biological Opinion (BiOp) and is consistent with RPA I.6.1 of the 2009 National Marine Fisheries Service (NMFS) Salmonid BiOp for the coordinated operations of the State Water Project and the Central Valley Project. The Project Site is comprised of three properties in the Cache Slough Complex at the southern end of the Yolo Bypass. The Project is located in unincorporated southeastern Solano County, California, with a small portion of work extending into Yolo County (Figure 1).

The 2008 USFWS BiOp RPA 4 and 2009 NMFS BiOp Reasonable and Prudent Alternative (RPA) I.6.1 were carried forward as baseline conditions in the USFWS *Biological Opinion for the Reinitiation of Consultation on the Coordinated Operations of the Central Valley Project and the State Water Project* and the NMFS *Biological Opinion on Long Term Operation of the Central*

Valley Project and the State Water Project, both of which were issued on October 21, 2019. In addition, Section 9.1.1 of the *Incidental Take Permit for Long-Term Operation of the State Water Project in the Sacramento-San Joaquin Delta (2081-2019-066-00)* (2020 LTO ITP), issued by the California Department of Fish and Wildlife (CDFW) on March 31, 2020, carries forward the 8,000-acre tidal habitat restoration requirement as compensatory mitigation for activities under the 2020 LTO ITP.

The Project would create habitat that is beneficial to Delta Smelt (*Hypomesus transpacificus*) and other fish and wildlife species and widen a portion of the Yolo Bypass to increase flood storage and conveyance. When completed, the Project would provide habitat for Delta Smelt, Longfin Smelt (*Spirinchus thaleichthys*), Chinook Salmon (*Oncorhynchus tshawytscha*), Green Sturgeon (*Acipenser medirostris*), Steelhead (*Oncorhynchus mykiss*), giant garter snake (*Thamnophis gigas*), and other species. The Project is also designed to meet regional flood protection objectives in a manner consistent with the 2017 DWR Sacramento Basin-wide Feasibility Study.

The Project involves constructing a new setback levee along Duck Slough and Liberty Island Road. The existing levee at Shag Slough would be breached and partially degraded to provide tidal and flood connectivity between Duck Slough and Shag Slough. The existing Cache/Hass Slough Levee would be enhanced to increase stability and reduce long-term maintenance cost. The Cache/Hass Slough Levee would continue to function to prevent increased water surface elevations in the Cache Slough Complex. Grading, placement of fill material, and revegetation would be used to restore and enhance upland, tidal, subtidal, and floodplain habitat.

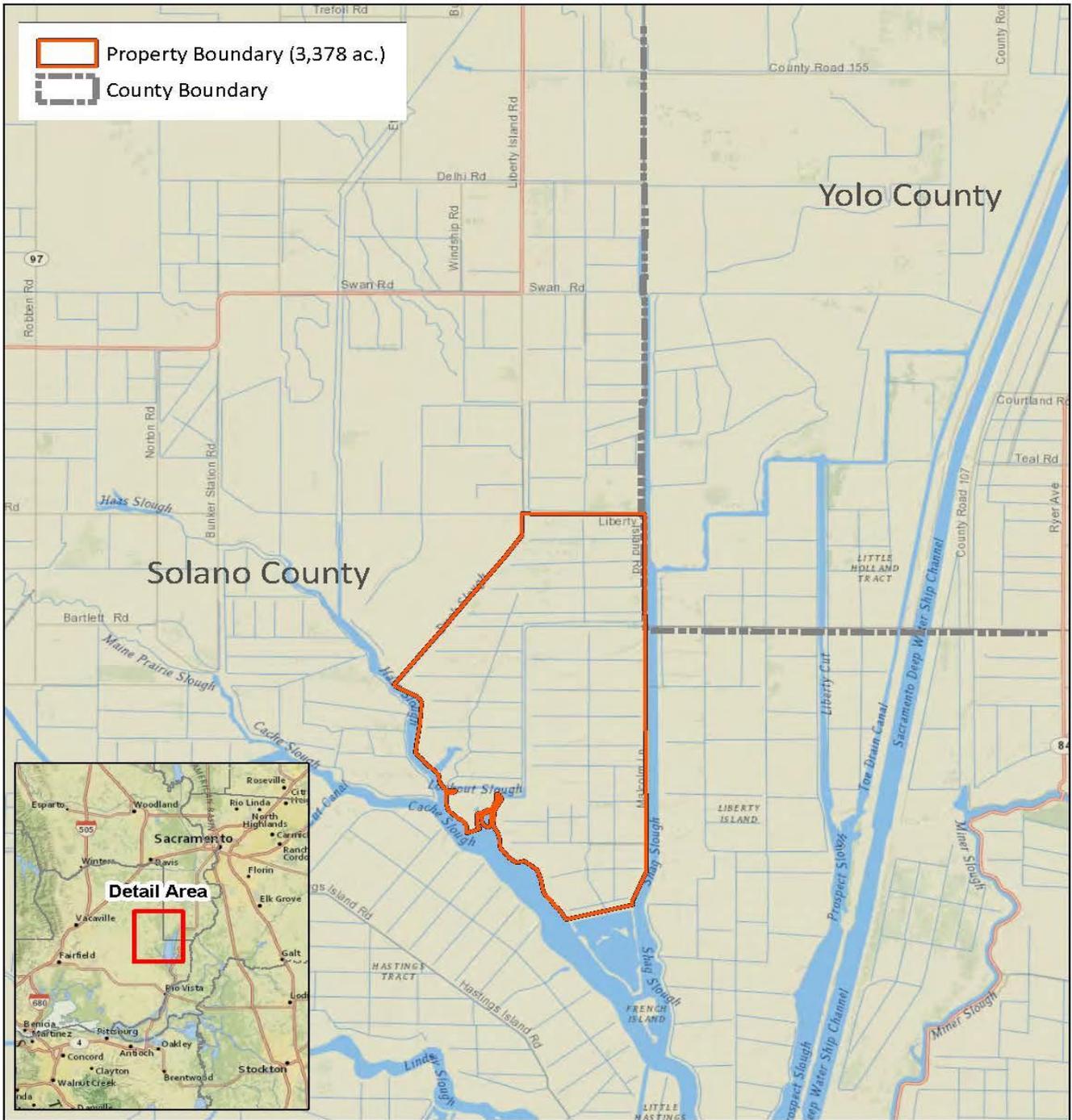
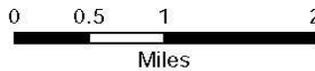


Figure III-1. Project Location

Lookout Slough Tidal Habitat Restoration and Flood Improvement Project



Prepared by:



Map Prepared Date: 12/7/2019
 Map Prepared By: njander
 Base Source: Esri - Nat. Geo.
 Data Source(s): WRA

Path: L:\Acad 2000 Files\26000\26293\GIS\ArcMap\2018\Restoration Plan Figures 20181213\Figure 1 Location Map.mxd

**LOOKOUT SLOUGH TIDAL HABITAT RESTORATION AND FLOOD
IMPROVEMENT PROJECT - Revised Final EIR**

(SCH# 2019039136)

NOTICE OF DETERMINATION ATTACHMENT 2

CDFW Filing Fee Receipt



State of California - Department of Fish and Wildlife
2020 ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFW 753.5a (REV. 06/01/20) Previously DFG 753.5a

CK#302190

Print StartOver Save

RECEIPT NUMBER:
 59 — 11/3/2020 — 142
 STATE CLEARINGHOUSE NUMBER (If applicable)
2019039136

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY DWR	LEAD AGENCY EMAIL	DATE 11/3/2020
COUNTY/STATE AGENCY OF FILING OPR/SCH	DOCUMENT NUMBER	

PROJECT TITLE

Lookout Slough Restoration Project

PROJECT APPLICANT NAME Heather Green	PROJECT APPLICANT EMAIL	PHONE NUMBER (916)376 9762
PROJECT APPLICANT ADDRESS 3500 Industrial Blvd	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) | \$3,343.25 | \$ | 3,343.25 |
| <input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND) | \$2,406.75 | \$ | 0.00 |
| <input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW | \$1,136.50 | \$ | 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 \$ 3,343.25

SIGNATURE 	AGENCY OF FILING PRINTED NAME AND TITLE Christine Rodriguez, SCH Manager
---------------	--