

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)
1010 Riverside Parkway
West Sacramento, CA 95605
Contact: Josh Grover
Phone: 916-376-3961

Lead Agency
Department of Water Resources
3500 Industrial Blvd
West Sacramento, CA 95691
Contact: Dean Messer
Phone: 916-376-9700

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

State Clearinghouse Number: 2019049121)

Project Title: Long Term Operation of the State Water Project in the Sacramento-San Joaquin Delta Incidental Take Permit No. 2081-2019-066-00 (ITP)

Project Location: Sacramento-San Joaquin Delta and Suisun Marsh in Solano, Sacramento, Yolo, San Joaquin, and Contra Costa Counties.

Project Description: The Department of Water Resources (DWR) will continue to operate the State Water Project (SWP) facilities in the Sacramento-San Joaquin Delta (Delta) and Suisun Marsh. The SWP includes water, power, and conveyance systems, conveying an annual average of 2.9 million acre-feet (AF) of water. The principal components of the Project are operations of the Harvey O. Banks Pumping Plant (Banks Pumping Plant), the Clifton Court Forebay (CCF), the John E. Skinner Delta Fish Protective Facility (Skinner Fish Facility), the Barker Slough Pumping Plant (BSPP), the South Delta Temporary Barriers, San Luis Reservoir, the Delta Mendota Canal/California Aqueduct Intertie, the Georgiana Slough Migratory Barrier, and Suisun Marsh facilities including the SMSCG, Roaring River Distribution System (RRDS), Morrow Island Distribution System (MIDS) and Goodyear Slough Outfall (GYSO). DWR holds contracts with 29 public agencies in northern, central, and southern California for water supplies from the SWP. Water stored in the Oroville facilities, along with water available in the Delta (consistent with applicable regulations) is captured in the Delta and conveyed through several facilities to SWP contractors. The SWP is operated to provide flood control and water for agricultural, municipal, industrial, recreational, and environmental purposes.

The discretionary approval by CDFW is the issuance of the ITP identified above. The ongoing operations of the SWP in the Delta and Suisun Marsh as approved by the lead agency is expected to result in incidental take and impacts to habitat of Delta smelt (*Hypomesus transpacificus*) and winter-run Chinook salmon (*Oncorhynchus tshawytscha*) which are designated as endangered species under the California Endangered Species Act and longfin smelt (*Spirinchus thaleichthys*) and spring-run Chinook salmon (*Oncorhynchus tshawytscha*) which are designated as threatened species under the California Endangered Species Act. The ITP referenced above as issued by CDFW authorizes incidental take of Delta smelt, longfin smelt, winter-run and spring-run Chinook salmon that may occur as a result of ongoing operations of the State Water Project facilities in the Delta, as is more specifically described in the ITP.

This is to advise that CDFW, acting as [the lead agency / a responsible agency] approved the above-described project on March 27, 2020 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).
7. Compliance with the environmental filing fee requirement at Fish and Game Code § 711.4 (check one):
 Payment is submitted with this notice.

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- A copy of a receipt showing prior payment was previously submitted to CDFW, no additional fee required pursuant to Fish and Game Code § 711.4(g).
- Responsible Agency statement: The EIR 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 Water Branch Office, 1010 Riverside Parkway, West Sacramento, CA 95825.

Signature  Date: March 31, 2020

Charlton Bonham, Director, California Department of Fish and Wildlife
Governor's Office of Planning & Research

Date Received for filing at OPR: APR 01 2020

STATE CLEARINGHOUSE