



STATE OF CALIFORNIA  
DEPARTMENT OF FISH AND WILDLIFE

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## NOTICE OF DETERMINATION

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**Subject:** Filing of Notice of Determination pursuant to Section 21108 of the Public Resources Code

**State Clearinghouse Number:** 2001082058

**Project Title:** 7th St Grade Separation East Project (California Endangered Species Act Incidental Take Permit No. 2081-2025-011-03 (ITP))

**Project Location (Alameda):** The Project is located on 7th Street between Interstate 880 and Maritime Street within the City of West Oakland, Alameda County.

**Project Description:** The California Department of Fish and Wildlife (CDFW) has issued an ITP (No. 2081-2025-011-03), pursuant to Section 2081(b) of the Fish and Game Code to Alameda County Transportation Commission.

This proposed project involves construction of a new depressed grade separation for 7th Street between Maritime Street and Bay Street in Oakland on 17.3 acres, 7.3 acres of which will be used for staging. The majority of the Project area is paved and includes roads, parking

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areas, storage for trucks and large containers. Small patches of bare soil, gravel, and ruderal grassland exist in the center portion of the Project.

The Project will result in impacts to 0.174 acres of Western burrowing owl (*Athene cunicularia hypugaea*) habitat including temporary impacts to 0 acres; the Project will permanently remove 0.174 acres of Western burrowing owl habitat. The project is expected to result in incidental take of Western burrowing owl, which is/are designated as a candidate endangered 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 a Responsible Agency, approved the project described above on 5/6/2026 and has made the following determinations regarding the above-described project:

1. The project **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 **was** prepared by the lead agency for the original project.
3. Additional mitigation measures **were** made a condition of CDFW's approval of the project.
4. A Mitigation Reporting or Monitoring Plan **was** adopted by CDFW for this project.
5. A Statement of Overriding Considerations **was not** adopted by CDFW for this project.
6. Findings **were** 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: **A copy of a receipt showing prior payment was submitted to CDFW.**

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. CDFW's administrative record of proceedings related to the incidental take permit is available to the public for review at CDFW's regional office.

DocuSigned by:  
*Stephanie Fong for*  
Signature: \_\_\_\_\_ Date: 5/6/2026  
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Erin Chappell, Regional Manager