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NOTICE OF DETERMINATION

To:
Office of Land Use and Climate Innovation
CEQA Submit

From:
California Department of Fish and Wildlife
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA, 94534
Contact: Tara Kerss, Senior Environmental Scientist (Specialist)
Email: Tara.Kerss@wildlife.ca.gov
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Lead Agency
Reclamation District 2093
1107 Ninth Street, Suite 1050
Sacramento, CA, 95814
Contact: Erik Vink, Lead Agency Representative
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Phone: (916) 557-1673

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

State Clearinghouse Number: 2010122078

Project Title: North Delta (Liberty island II) Fish and Conservation Bank (California Endangered Species Act Incidental Take Permit No. 2081-2021-040-03 (ITP), Amendment No. 1)

Project Location (Yolo County): The project site is located on the northern tip of Liberty Island, approximately 5 miles west of Courtland and 10 miles north of the City of Rio Vista. The project is located in a rural, unincorporated area of Yolo County, within the southern area of the Yolo Bypass where it flows into the northwest Sacramento-San Joaquin River Delta. The project site corresponds to Sections 29, 30, 31, and 32, Township 6 North, Range 3 East of the Liberty Island U.S. Geological Survey (USGS) 7.5-minute quadrangle.

Project Description: The California Department of Fish and Wildlife (CDFW) has issued ITP 2081-2021-040-03 Amendment No. 1, pursuant to Section 2081(b) of the Fish and Game Code, to Liberty Island Holdings II, LLC.

This project involves the implementation of a fisheries enhancement project to preserve, restore and enhance 808.76 acres of habitat for native fish species. The project includes the removal of two existing levee sections and excavation of tidal channels, floodplain lowering, vegetation removal for tidal marsh creation/restoration, and revegetation of native tidal marsh and riparian habitat. The construction of each site is organized into the following stages: 1) mobilization, 2) site preparation, 3) levee removal, 4) excavating tidal channels, 5) floodplain lowering, 6) removal of an existing non-functioning water control structure and culvert, 7) vegetation removal/revegetation, and 8) demobilization and clean up.

Amendment No. 1 allows nighttime barge and associated tugboat operations to occur in year 2026, specifies conditions for the nighttime work, and adds requirements for monitoring and reporting of an active Swainson's hawk (*Buteo swainsoni*) nest due to nighttime work.

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The project will result in impacts to 46.74 acres of giant garter snake (*Thamnophis gigas*) habitat (including 5.65 acres of temporary impacts and 41.09 acres of permanent impacts), 38.60 acres of Swainson's hawk foraging habitat (including 5.42 acres of temporary impacts and 33.18 acres of permanent impacts), and 0.74 acres of Swainson's hawk breeding habitat (including 0.26 acres of temporary impacts and 0.48 acres of permanent impacts). The project is expected to result in incidental take of giant garter snake and Swainson's hawk, which are designated as a threatened species under the California Endangered Species Act (CESA). 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 9/3/2026 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. A mitigated negative declaration 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 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: **A copy of a receipt showing prior payment was submitted to CDFW.**

The mitigated negative declaration prepared by Reclamation District 2093 for the project is available to the general public at the office location listed above for Reclamation District 2093. 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: DocuSigned by: Erin Chappell B77E9A6241EF406... *Date:* 9/3/2026

Erin Chappell, Regional Manager