

Notice of Determination**- 1 -****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)
 P.O. Box 944209
 Sacramento, CA 94244-2090
 Contact: Joshua Grover
 Phone: 916-653-6956

Lead Agency (if different than CDFW)
 Department of Water Resources
 3500 Industrial Blvd
 West Sacramento, CA 95691
 Contact: Chris Wilkinson
 Phone: 916-376-9704

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

State Clearinghouse Number: 2023060467

Project Title: Minor Amendment to California Endangered Species Act Incidental Take Permit No. 2081-2023-054-00 (ITP)

Project Location (include county): Sacramento River downstream of the confluence with the Feather River, the Sacramento-San Joaquin Delta and Suisun Marsh in Solano, Sacramento, Yolo, San Joaquin, and Contra Costa Counties.

Project Description: The discretionary approval by CDFW is the issuance of the ITP amendment identified above. The ongoing operations of the State Water Project (SWP) in the Sacramento-San Joaquin Delta and Suisun Marsh as approved by the lead agency is expected to result in incidental take and impacts to habitat of Longfin Smelt (*Spirinchus thaleichthys*), Delta Smelt (*Hypomesus transpacificus*), Winter-run Chinook Salmon ESU (*Oncorhynchus tshawytscha*), Spring-run Chinook Salmon ESU (*Oncorhynchus tshawytscha*), and White Sturgeon (*Acipenser transmontanus*). Longfin Smelt and Spring-run Chinook Salmon are designated as threatened species under the California Endangered Species Act. Delta Smelt and Winter-run Chinook Salmon are designated as endangered species under the California Endangered Species Act. White Sturgeon is designated as a candidate species under the California Endangered Species Act.

This Amendment to the ITP changes Condition of Approval 8.3.1 (First Flush Action), Condition of Approval 8.3.2 (Adult Delta Smelt Entrainment Protection Action), and Condition of Approval 8.4.1 (Larval and Juvenile Delta Smelt Protection Action). Changes made to these Conditions of Approval allow the Department of Water Resources to submit an assessment to the CDFW Director that evaluates adjusting the required OMR flow while maintaining an equal level of protection for Covered Species. The Department of Water Resources is required to operate to the OMR flow required by the ITP, or an alternative OMR flow approved by the Director of CDFW. The ITP referenced above as issued and amended by CDFW authorizes incidental take of Longfin Smelt, Delta Smelt, Winter-run Chinook Salmon, Spring-run Chinook Salmon, and White Sturgeon that may occur as a result of ongoing operations of the SWP facilities, 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 December 18, 2025, 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.
☒ A copy of a receipt showing prior payment was submitted to CDFW.

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- ☒ 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 ITP and this minor amendment is available to the public for review at CDFW's Water Branch office.

DocuSigned by:


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12/18/2025

Signature

Date:

Joshua Grover, *Deputy Director*

Date Received for filing at OPR: _____