Docusign Envelope ID: CAA29837-2369-8F5A-8091-FEB10025F911

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: Major 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 9.1.3 (Delta Smelt Summer-Fall Habitat Action), Condition of Approval 9.1.4 (Delta Smelt Supplementation Program), Condition of Approval 9.1.4.1 (Delta Smelt Supplementation Program CDFW Staff), and Condition of Approval 10.1 (Security Amount). Changes made to these Conditions of Approval allow Permittee to implement an alternative Summer-Fall Habitat Action in 2026 and require Permittee to enhance the Delta Smelt Supplementation Program through funding for staffing and equipment to support efforts to develop and implement pond rearing strategies on Bouldin Island in the Delta and protect the refugial Delta Smelt population at Livingston Stone National Fish Hatchery. 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 July 2, 2026, 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 and related addendum 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 major amendment is available to the public for review at CDFW's Water Branch office.

DocuSigned by:

Signature Josh Grover 703E59B6647A482... *Date:* 7/2/2026

Joshua Grover, *Deputy Director*

Date Received for filing at OPR: _____