

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: 916-873-4301

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*), and Spring-run Chinook Salmon ESU (*Oncorhynchus tshawytscha*). 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. This Amendment to the ITP changes Condition of Approval 9.1.3 Delta Smelt Summer-Fall Habitat Action for the 2025 water year by 1) requiring Permittee to operate to meet the requirements of D-1641 in September 2025 and October 2025 and not requiring the Permittee to meet a monthly average X2 of ≤ 80 km during this time, 2) requiring Permittee to operate the SMSCG for 60 days as required for an above normal water year type, plus extending operations by three consecutive days, 3) requiring seven additional days of continuous SMSCG operations starting September 5, 2025. Amendment 1 adds Condition of Approval 9.1.3.3 Delta Smelt Food and Habitat Enhancement Action through which the Permittee shall develop and implement a Delta Smelt Food and Habitat Enhancement Program to maximize Delta Smelt habitat suitability and to subsidize food resources for Delta Smelt within the Suisun Marsh region in 2026, 2027, and 2028, and 4) revising Condition of Approval 10.1 (Security Amount) to add costs associated with Delta Smelt Food and Habitat Actions. Additionally, edits have been made to Conditions of Approval 7.9.2 and 9.1.4 to better reflect current planned science and implementation processes. Changes to Attachment 4 Adaptive Management Program have been made for consistency with Conditions of Approval 7.9.2, 9.1.3, 9.1.3.4, and 9.1.4.

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.

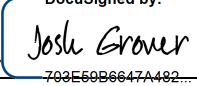
This is to advise that CDFW, acting as ☐ the lead agency / ☒ a responsible agency] approved the above-described project on September 12, 2025 and made the following determinations regarding the above-described project:

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.

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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.
- ☒ 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 major amendment is available to the public for review at CDFW's Water Branch office.

DocuSigned by:

Signature: 703E60B8647A482... Date: 9/29/2025
Joshua Grover, Deputy Director

Date Received for filing at OPR: _____