

**Notice of Determination**

**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:**

Department of Fish and Wildlife  
North Central Region  
1701 Nimbus Road, Suite A  
Rancho Cordova, CA 95670  
Contact: Amy Kennedy  
Phone: 916-358-2842

RECEIVED

SEP 05 2019

DFG  
Office of the General Counsel

**Lead Agency**

Sutter Butte Flood Control Agency  
Post Office Box M  
Yuba City, CA 95991  
Contact: Michael Bessette  
Phone: 916-679-8861

**SUBJECT: Filing of Notice of Determination pursuant to Public Resources Code section 21108.**

**State Clearinghouse Number:** 2011052062.

**Project Title:** Feather River West Levee Project

**Project Location:** Project is located on the Feather River approximately 20 miles from Yuba City, between Levee Stations 221 and +478, in Sutter County.

**Project Description:** The California Department of Fish and Wildlife (CDFW) has amended Incidental Take Permit (ITP) 2081-2013-054-02 to allow work during the giant garter snakes inactive season, from October 2 to April 30.

This is to advise that CDFW, acting as a Responsible Agency, approved the above described project on the date signed below and has made the following determinations regarding the project pursuant to California Code of Regulations section 15096, subdivision (i):

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. CDFW considered the environmental impact report prepared by the Lead Agency for this project pursuant to California Code of Regulations section 15096, subdivision (f).
3. 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 California Code of Regulations section 15091.

The final environmental impact report prepared for the project is available to the general public at the office location listed above for the Lead Agency. CDFW's record of project approval as Responsible Agency is available at CDFW's regional office.

Signature

Date: 9/3/19

Kevin Thomas, Regional Manager [Governor's Office of Planning & Research](#)

Date Received for filing at OPR: SEP 05 2019  
**STATE CLEARINGHOUSE**

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR  
INCIDENTIAL TAKE PERMIT No. 2081-2013-054-02-A5**

**Introduction**

The California Environmental Quality Act (CEQA) (Public Resources Code section 21000, et seq.) and the State CEQA Guidelines (Guidelines) (section 15000, et seq., Title 14, California Code of Regulations) require that no public agency shall approve or carry out a project for which an Environmental Impact Report (EIR) has been completed that identifies one or more significant effects, unless the agency makes the following finding as to each significant effect:

- Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

The California Department of Fish and Wildlife (CDFW) is a responsible agency under CEQA with respect to the Project because prior environmental review and approval of the Project by the lead agency, The Sutter Butte Flood Control Agency (SBFCA), (see generally Pub. Resources Code, § 21067; CEQA Guidelines, § 15367). SBFCA analyzed the environmental impacts associated with implementation of the Project in an Environmental Impact Report and approved the Project on June 23, 2016. In so doing, SBFCA imposed mitigation and avoidance measures for impacts to biological resources as conditions of Project approval and concluded that Project-related impacts to biological resources could be substantially lessened with implementation of mitigation and avoidance measures, such that the impacts would be less than significant.

The CDFW has entered into an Incidental Take Permit (ITP) Amendment with SBFCA (ITP No. 2081-2013-054-02-A5) that includes work on the last segment of the project, within the Covered Species inactive season, from October 2 to April 30. The Project is located on the Feather River and an unnamed ephemeral drainage, in the County of Sutter, State of California, located at Latitude 38.93078 N, Longitude -121.59018 W.

**Findings**

The CDFW has considered the Supplemental Environmental Impact Report for the Feather River West Levee Project, adopted by SBFCA. The CDFW has independently concluded that the ITP Amendment should be issued under the terms and conditions specified therein. In this regard, the CDFW hereby adopts the findings of SBFCA, as set forth in the Supplemental Environmental Impact Report for the Feather River West Levee Project, insofar as they pertain to the Project's impacts on biological resources.

Signed: \_\_\_\_\_

Kevin Thomas  
Regional Manager

Date: \_\_\_\_\_

9/3/19