

**Notice of Determination**

*Appendix D*

**To:**

Office of Planning and Research

~~95812~~ *S. Mail:* P.O. Box 3044  
Sacramento, CA 95812-3044

*Street Address:* 1400 Tenth Street  
Sacramento, CA 95814

**From:**

Public Agency: Tehama-Colusa Canal Authority  
Address: PO Box 1025, 5513 Hwy162, Willows, CA

Contact: Jeff Sutton, General Manager  
Phone: 530-934-2125

County Clerk

County of: Tehama, Glenn, Colusa, and Yolo  
Address: See attached page

Lead Agency (if different from above): \_\_\_\_\_

Address: \_\_\_\_\_  
Contact: \_\_\_\_\_  
Phone: \_\_\_\_\_

**SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.**

State Clearinghouse Number (if submitted to State Clearinghouse): SCN# 2002-042-075

Project Title:  
Red Bluff Diversion Dam Fish Passage Improvement Project

Project Location (include county):  
Tehama, Glenn, Colusa, and Yolo Counties

Project Description:

See attached page for a brief project description. This is an addendum to the Notice of Determination adopted June 4, 2008 for this same project.

This is to advise that the Tehama-Colusa Canal Authority has approved the above

Lead Agency or  Responsible Agency

described project on June 4, 2008, with addendum on February 20, 2009 and has made the following determinations regarding the above described project:

1. The project [ will  will not] have a significant effect on the environment.
2.  An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [ were  were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [ was  was not] adopted for this project.
5. A statement of Overriding Considerations [ was  was not] adopted for this project.
6. Findings [ were  were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the Negative Declaration, is available to the General Public at: TCCA office, at the address noted above

Signature (Public Agency) Jeff Sutton Title G.M.

Date 2/20/09 Date received for filing at OPR: \_\_\_\_\_

EXHIBIT B

*County Clerk Addresses:*

Tehama County Clerk  
Attn: Bev Ross  
PO Box 250  
Red Bluff, CA 96080

Colusa County Clerk  
Attn: Kathleen Moran  
546 Jay Street, Suite 200  
Colusa, CA 95932

Glenn County Clerk  
Attn: Sheryl Thur  
516 West Sycamore Street  
Willows, CA 95988

Yolo County Clerk  
Attn: Freddie Oakley  
625 Court Street, Room B01  
Woodland, CA

*Project Description:*

On June 4, 2008 TCCA certified an Environmental Impact Report (EIR) on this project, and issued a Notice of Determination. This is an addendum to that NOD. Interested parties should refer to the earlier NOD for other details.

In January 2009 TCCA learned that the National Marine Fisheries Service (NMFS) will likely require new restrictions on gate operations at the Red Bluff Diversion Dam (RBDD), beginning this year.

On January 21, 2009, the Federal Defendants, including NMFS, filed documents with the Court in the matter entitled *Pacific Coast Federation of Fishermen's Associations et al, vs. Gutierrez, et al* (1:06-cv-00245-OWW-GSA) requesting an extension of time for filing a final Biological Opinion (BO). In part, the BO will address RBDD operations. The extension for filing would be until June 2, 2009. The motion confirmed the information that TCCA had received about possible changes in gate operations. In fact, the Federal Defendants, without consulting TCCA, offered such restrictions in gate operations. The Federal Defendants have advised the Court that, "Reclamation voluntarily has agreed to adjust RBDD gate operations so that they [*sic*] would be lowered no earlier than June 15, 2009." The Federal Defendants also said:

*From May 15 – June 14, 2009, TCCA will utilize the existing research pumping plant to meet water demand up to 465 cubic feet per second ('cfs'). Reclamation also is working with TCCA to facilitate installation of a temporary pumping plant to meet additional water demand up to 500 cfs. NMFS confirms that this interim pumping operation is not expected to result in any negative effects on the adults of the listed species. There is likewise no expectation for negative impacts to juvenile winter-run Chinook, who are not in the vicinity during May 15 through June 14.*

Reclamation had anticipated that prior to the new pumping plant's completion, the current 4-month gates-in operation (May 15 through September 15) would continue. However, the likelihood that NMFS will impose new restrictions in gate operations, which would reduce the gates-in period by a month and a half, has prompted the need to incorporate a temporary pumping plant into the project. This additional component entails the installation of temporary pumps that would contribute 500 cfs of temporary pumping capacity at RBDD, enabling Reclamation and TCCA to meet expected water demand during the additional gates out period, while construction of the long-term pumping facility proceeds. Reclamation has instructed TCCA to acquire and install the necessary temporary pumps immediately, and has confirmed that the cost of the temporary pumps will be paid as a part of the long-term project. As noted in the court filing, NMFS has determined that this interim operation is not expected to impact adult listed species nor juvenile winter-run Chinook. Furthermore, an Addendum to the Final EIR/EIS, incorporating substantial analysis, explains that the environmental effects of the temporary installation are commensurate with those of the long-term pumping facility.

On February 20, 2009, the TCCA Board of Directors confirmed that no subsequent EIR, nor supplement to the original EIR, is necessary. The Board determined that an addendum to the FEIS/FEIR is appropriate.