

**Addendum to the Mitigated Negative Declaration/ Initial Study for the
Knights Landing Outfall Gates Rehabilitation Project
Clarification of Work Window Dates
November 9, 2011**

State Clearing House Number: 2011052045

The Department of Water Resources adopted the Mitigated Negative Declaration (MND) and Initial Study (IS) for the Knights Landing Outfall Gates Rehabilitation Project (KLOG) on May 17, 2011. A Notice of Determination for the project was filed on August 3, 2011 with the State Clearing House.

Intended Use of this Addendum

An addendum to a negative declaration is an informational document used in the planning and decision-making process. The purpose of the addendum is not to recommend either approval or denial of a project; its purpose is to disclose objective information so that informed decisions can be made. The intent of this addendum is to provide decision-makers with a description of new and/or altered project features and mitigation components.

CEQA Basis for this Addendum

State CEQA guidelines in §15164 allow the lead agency or responsible agency to prepare an addendum to a previously adopted MND, "if only minor technical changes or additions are necessary or none of the conditions described in §15162, which call for the preparation of a subsequent EIR or MND, have occurred." The guidelines state that an addendum need not be circulated for public review but can be included in or attached to the adopted MND. They suggest that a brief explanation of the decision not to prepare a subsequent MND should be included in the addendum.

Basis for Decision Not To Prepare a Subsequent Negative Declaration

The change to the CEQA document for KLOG represents a minor technical addition to clarify the work windows related to the upstream and downstream project elements. This addendum will not be circulated for public review; however, it will be distributed by email to the following agencies: US Army Corps of Engineers, National Marine Fisheries Service (NMFS), and the Department of Fish and Game (DFG).

The NMFS commented on the draft IS/MND that a work window of July 1 to Oct 1 would have the least impact on listed fish species. This would be applicable for the work conducted downstream of the gates. This determination was based on historical data showing that the waters upstream of the gates are unsuitable for fish species that are listed as threatened or endangered under the Endangered Species Act.

FMO responded to NMFS on August 8, 2011 that the October 1st end date would be reflected in the final CEQA document. FMO added on page 12, under Conclusions, that mitigation for the project includes, "[u]se of the NMFS standard window for in water construction (July 1 – October 1)," but FMO failed to clarify that this in-water work window was applicable only to the downstream portion of the work.

Furthermore, on page 8 of the CEQA document under the Project Timing Section, the document is clear that there is a difference in the in-water work window planned for the downstream and upstream work. It states, "[c]onstruction on the upstream section will begin May, 2012 (State budget constraints may delay the project by several years). Downstream construction will not begin until July 1, 2010. All work is scheduled for completion by October 31, 2012." However, the language did not clarify that the ending dates for downstream and upstream work are also different, ending October 1st and October 31st, respectively.

This addendum, therefore, clarifies that the in-stream work window for the downstream portion is from July 1 to October 1, and the work window for the upstream portion is from May 1 to October 31.

behalf and represents and warrants that he or she has the authority to legally bind Permittee to the provisions herein.

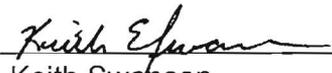
AUTHORIZATION

This Agreement authorizes only the project described herein. If Permittee begins or completes a project different from the project the Agreement authorizes, Permittee may be subject to civil or criminal prosecution for failing to notify DFG in accordance with FGC section 1602.

CONCURRENCE

The undersigned accepts and agrees to comply with all provisions contained herein.

**FOR CALIFORNIA DEPARTMENT OF WATER
RESOURCES**



Keith Swanson
Title: *Chief, Flood Maintenance Office*

11/9/11

Date

FOR DEPARTMENT OF FISH AND GAME

Kent Smith
Regional Manager

Date

Prepared by: Kelley Barker
Staff Environmental Scientist