

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 St.

From: (Public Agency) Department of
Water Resources

Address: 1416 9th Street, Room 1623
Contact: Patty Quickert
Phone: 916-651-0851

☐ County Clerk
County of: Contra Costa
Address: 555 Escobar Street
Martinez, Ca 94553

Lead Agency (if different from above):

Address:

Contact:
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21052 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2006042009

Project Title: Dutch Slough Tidal Marsh Restoration Project

Project Location (include county): See attached project description.

Project Description: See attached project description.

This is to advise that the California Department of Water Resources has approved the above described project on

☒ Lead Agency or ☐ Responsible Agency

March 17, 2010 and has made the following determinations regarding the above described project:

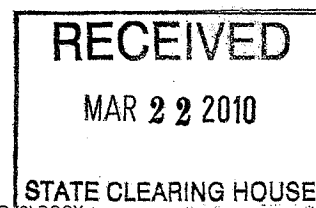
1. The project [☒ will ☐ will not] have a significant effect on the environment.
2. ☒ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
☐ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☒ were ☐ 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 is available to the General Public at: See attached list of locations: 1416 9th Street, Room 1623, Sacramento CA 95814

Signature (Public Agency) Shirley E. Johnson Title Deputy Director

Date March 17, 2010

Date received for filing at OPR:



The Dutch Slough Tidal Marsh Restoration Project (Project) proposes to restore tidal action to three diked parcels in eastern Contra Costa County near Oakley (Figure 1). The three parcels total 1166 acres, and are bounded on the south by the Contra Costa Canal and on the north by Dutch Slough. The westernmost parcel is bounded on the west by Marsh Creek, and the easternmost parcel is bounded on the east by Jersey Island Road. The central parcel is separated from the other two by Emerson Slough on the west and Little Dutch Slough on the east (Figure 2).

The Project has three goals: to provide ecosystem benefits including habitats for sensitive aquatic species, to assess the development of those habitats and measure ecosystem responses so that future Delta restoration projects will be more successful, and to provide opportunities for public access, education, and recreation.

There are two Related Projects addressed in the EIR. The Oakley City Community Park will be constructed on an adjacent parcel, and will share recreational features with the Dutch Slough Project. The Ironhouse Project is a tidal marsh restoration project on the west side of marsh creek; the Dutch Slough Project proposes receiving fill material from construction of the Ironhouse project site.

Current land use is grazing. Existing site elevations range from 10 feet below to 10 feet above sea level. To increase elevations appropriate for the development of intertidal marsh, soils will be cut and filled on-site, and additional material will be imported. Tidal breaches will be excavated to Emerson and/or Little Dutch Slough. In addition to intertidal marsh, tidal channels, riparian woodland and scrub, native grasslands, and open water habitats will be created.

Three alternatives are addressed in the Environmental Impact Report (DEIR). The primary difference between the three Alternatives is the amount of imported fill used to increase the elevation of the subsided areas.

- In Alternative 1, no fill is imported, but there is some ‘cut and fill’ on site to redistribute soil from higher to lower elevations. This Alternative results in about 450 acres of marsh, and 500 acres of open water.
- In Alternative 2, in addition to cut and fill, 500,000 cubic yards of soil are imported, resulting in about 650 acres of marsh and 200 acres of open water.
- In Alternative 3, a large amount of fill is imported (>1 million cubic yards), resulting in more than 800 acres of marsh and 110 acres of open water.

In all three Alternatives, the majority of the land surface will be cleared, excavated, contoured, or filled. These activities will remove almost all existing vegetation, including many trees. Because the primary project impacts occur due to the land clearing, environmental impacts are similar for all three Alternatives. The most important impacts are summarized below:

- Hydrology—potential for groundwater intrusion onto adjacent parcels
- Water Quality—the restored wetland may produce and export dissolved organic carbon and methylmercury

- Terrestrial Biology—loss of existing habitats including breeding habitat, and impacts to sensitive species
- Aquatic Biology—potential entrainment of fishes, construction effects on water quality, creation of habitat for nonnative fishes and submerged aquatic vegetation
- Cultural Resources—loss of Rural Historic Landscape

Mitigation measures have been proposed for all potentially significant impacts. In almost all cases, these measures are expected to reduce impacts to less than significant. A Statement of Overriding Considerations has been prepared for three impacts for which the efficacy of the mitigation is uncertain, or for which there is not mitigation. The three impacts with overriding considerations are as follows:

- Impacts to Burrowing Owls—although not currently present on the project site, the species was present there in the past. If present at the time of construction, their habitat would be impacted. Because the availability of off-site mitigation in Contra Costa County is unknown, this potential impact may be difficult to mitigate for in the local area.
- Creation of habitat for nonnative fishes—nonnative fishes which prey on native sensitive species are ubiquitous throughout the Delta, and cannot be excluded from the restored wetland. Although the project will be designed to provide habitat and refugia for native fishes, it is possible that the site will be dominated by nonnatives. If this potential outcome occurs, it cannot be mitigated.
- Loss of Rural Historic Landscape—the Dutch Slough site is the former location of the last two dairies in Contra Costa County. The landscape and associated agricultural structures make up a Rural Historic Landscape, which will be lost when the site is converted to tidal marsh. This impact is significant and unavoidable.



Figure 1. General location of Dutch Slough Tidal Marsh Restoration Project.

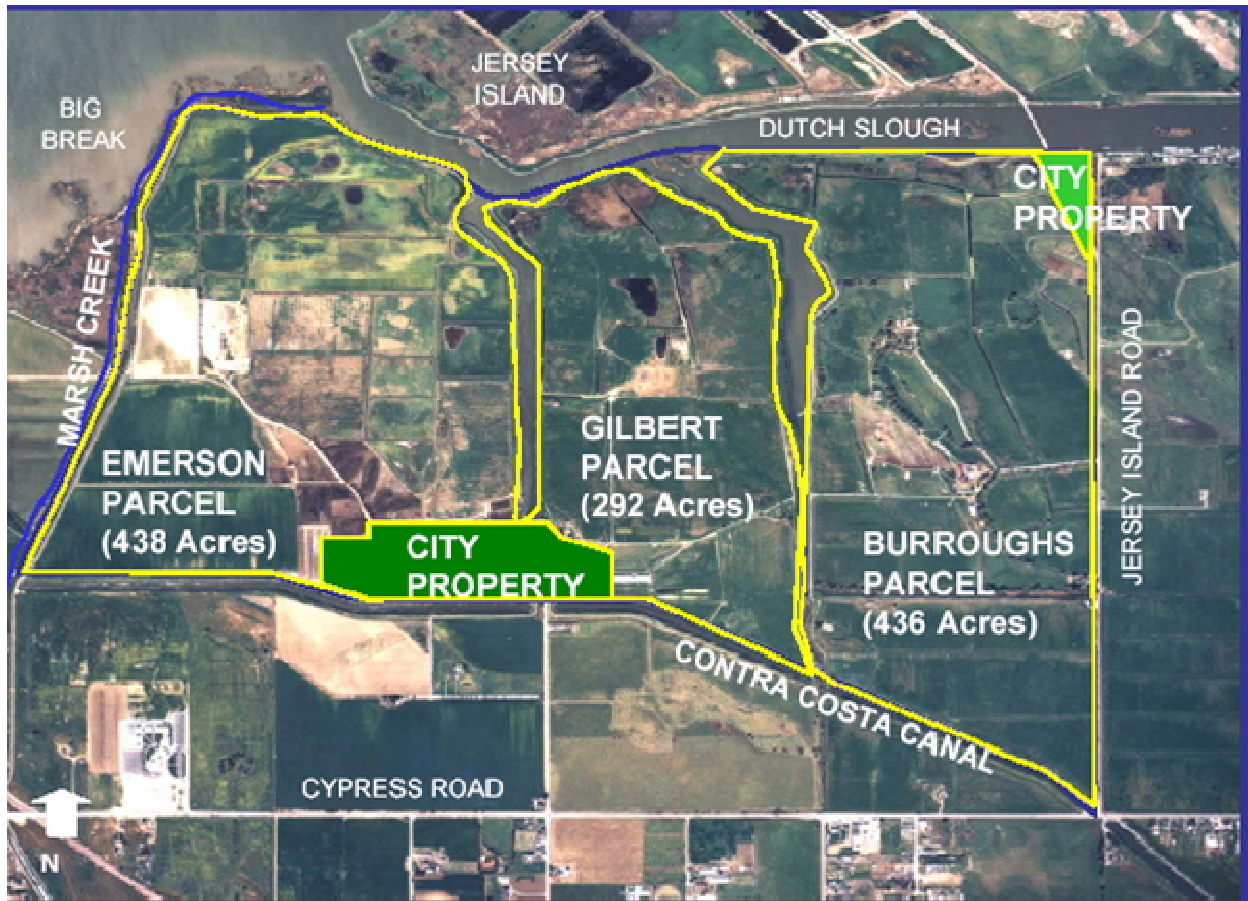


Figure 2. Dutch Slough Tidal Marsh Restoration Project site details.