

Notice of Determination

To:

Office of Planning and Research
[CEQA Submit](#)

From:

Department of Fish and Wildlife
 South Coast Region
 3883 Ruffin Road
 San Diego, CA, 92123
 Contact: Jennifer Blackhall
 Email: Jennifer.Blackhall@wildlife.ca.gov
 Phone: (858) 354-3285



Lead Agency

City of Newport Beach
 100 Civic Center Drive
 Newport Beach, CA, 92660
 Contact: John Kappeler
 Email: JKappeler@newportbeach.ca.gov
 Phone: (949) 644-3218

Subject: Filing of Notice of Determination pursuant to Public Resources Code section 21108

State Clearinghouse Number: 2018081013

Project Title: San Diego Creek Trash Interceptor Project (Streambed Alteration Agreement No. EPIMS-ORA-22367-R5)

Project Location: The project is located at San Diego Creek, in the City of Newport Beach, County of Orange, State of California; Latitude 33.651364, Longitude -117.865831; Section 13, township 6 South, Range 9 West, U.S. Geological Survey (USGS) map Tustin 7.5-minute series topographical quadrangle. The project is bound by Jamboree Road and the Upper Newport Ecological Reserve to the west, natural open space to the north and south, and California State Route 73 to the east. The project is located within the County of Orange Central and Coastal Subregion Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) Reserve.

Project Description: The California Department of Fish and Wildlife (CDFW) has executed Streambed Alteration Agreement No. EPIMS-ORA-22367-R5, pursuant to Fish and Game Code section 1602 to the project Applicant, the City of Newport Beach, as represented by Dr. Robert Stein.

The project is limited to the installation of a water wheel, floating boom, floating trash interceptor, fixed rail transfer system, gangway, and solar power supply on the northern bank of San Diego Creek. The trash system will use floating booms to collect and guide surface trash and debris towards a rake and conveyor belt system powered by the water wheel. The rake and conveyor belt system will lift floating debris and deposit it on to a second conveyor belt that will transport the debris into a dumpster located on a concrete pad adjacent to the water wheel. The water wheel will generate its own power from the currents of the creek. Supplemental power will be obtained by an array of solar panels on top of the water wheel in events of low water flow. Excess energy will be stored in a battery array to be utilized during periods of little to no sunlight.

This is to advise that CDFW, acting as a Responsible Agency, approved the project described above on October 10, 2023 and has made the following determinations regarding the project pursuant to California Code of Regulations section 15096, subdivision (i):

1. The project 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 **Mitigated Negative Declaration** prepared by the Lead Agency for this project pursuant to California Code of Regulations section 15096, subdivision (f).
3. Mitigation measures **were** made a condition of CDFW's approval of the project.
4. A Mitigation Reporting or Monitoring Plan **was** adopted by CDFW for this project.
5. A Statement of Overriding Considerations was not adopted by CDFW for this project.

Notice of Determination

6. Findings were not made by CDFW pursuant to California Code of Regulations section 15091.

The Mitigated Negative Declaration 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 a Responsible Agency is available at CDFW's regional office.

DocuSigned by:
Erinn Wilson-Oglin
Signature: _____ Date: 10/10/2023
Erinn Wilson-Oglin, Environmental Program Manager

Date Received for filing at OPR: _____