

Notice of Determination

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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
 Bay Delta Region
 2825 Cordelia Road, Suite 100
 Fairfield, CA 95434
 Contact: Andrea Boertien
 Phone: (707) 317-0388

**Lead Agency**

Town of Danville
 Development Services Department – Planning
 Division
 510 La Gonda Way
 Danville, CA 94526
 Contact: David Crompton
 Phone: (925) 314-3349

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

State Clearinghouse Number: 2010112042

Project Title: Magee Preserve Project (Lake or Streambed Alteration Agreement No. 1600-2019-0325-R3)

Project Location (include county): The project is located at the east branch of Green Valley Creek and unnamed ephemeral streams, in the County of Contra Costa, State of California; Latitude 37.82709, Longitude -121.9599; 21, 22, 23, 26, 27, 1S, 1W, U.S. Geological Survey (USGS) map Diablo; Assessor's Parcel Numbers 202-050-71, 202-050-073, 202-050-078, 202-050-079, 202-050-080, 202-100-017, 202-100-019, 202-100-038, 202-100-040, 215-040-002.

Project Description: The California Department of Fish and Wildlife (CDFW) has executed Lake and Streambed Alteration Agreement number 1600-2019-0325-R3, pursuant to section 1602 of the Fish and Game Code to the project Applicant, Davidon Homes.

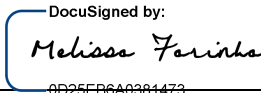
The project will result in a 69-unit subdivision on the Magee East site and three (3) units will be on approximately 2.9 acres on the Magee West site. The project is limited to 1) construction of a bridge, rock grade control structures, and storm drain outfalls as part of a new access road; 2) construction of up to four (4) subdrain outfalls at four (4) locations; and 3) construction of a storm drain outfall and subdrain outfall near the Avenida Nueva culvert. It also includes the removal of an existing bridge over the creek at San Andreas drive and the removal of existing cattle grates at the Avenida Nueva and Clydesdale Drive culverts. The project also includes the fill of all or part of five (5) ephemeral channels.

This is to advise that CDFW, acting as a Responsible Agency, approved the above described project on September 10, 2021, 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.

Notice of Determination

Signature  0D25EB6A0384473... *Date:* 9/10/2021
Melissa Farinha, Environmental Program Manager

Date Received for filing at OPR: _____