

Notice of Determination**- 1 -****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
South Coast Region
3883 Ruffin Road
San Diego CA 92123
Contact: Megan Evans
Phone: 805-320-4417Lead Agency
Metropolitan Water District of Southern
California
PO Box 54153
Los Angeles CA 90054-0153
Contact: Jennifer Harriger
Phone: 213-217-7658**SUBJECT: Filing of Notice of Determination pursuant to Public Resources Code section 21108****State Clearinghouse Number:** 2013121060**Project Title:** Orange County Distribution System Infrastructure Protection Program; Yorba Linda Feeder Pipeline Dewatering (Lake or Streambed Alteration Agreement No. 1600-2020-0035-R5)**Project Location (include county):** *Latitude:* 33.919282°, *Longitude:* -117.823738°; Chino Hills State Park, Orange County**Project Description:** The Project covered under Streambed Alteration Agreement No. 1600-2020-0035-R5 includes dewatering the Yorba Linda Feeder by releasing water from one above ground blow-off structure (BO). Once water level and pressure reduce so water no longer flows through the BO, pumps will be placed into the pump well structures (PW). Water will be pumped through 6 inch flexible hose attached to a diffuser socks, allowing the water to travel into Carbon Canyon Creek. The empty pipeline will then be inspected and maintained. The LSA is limited to impacts as a result of dewatering to and within Carbon Canyon Creek. No vegetation will be removed, no mammal burrows will be impacted, no sensitive species will be impacted, nesting season and breeding birds will be avoided, lighting from night work will be limited to prevent impacts to nocturnal birds and mammals, measures to prevent the introduction of invasive species will be followed, and BMPs to prevent erosion will be installed.

This is to advise that CDFW, acting as a Responsible Agency, approved the above described project on 10/12/2020 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.

Signature Erinn Wilson
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Erinn Wilson, Environmental Program Manager

Governor's Office of Planning & Research

Date Received for filing at OPR: Oct 12 2020**STATE CLEARINGHOUSE**

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
AGREEMENT REGARDING PROPOSED STREAM OR LAKE ALTERATION
NUMBER 1600-2020-0035-R5

CEQA FINDINGS

INTRODUCTION:

The California Environmental Quality Act ("CEQA"; Public Resources Code §21000, *et seq.*), and the State CEQA Guidelines ("Guidelines"; 14 Cal.Code Regs. 15000, *et seq.*) require that prior to reaching a decision on a project, a Responsible Agency must consider the environmental effects of the project as shown in the Environmental Impact Report prepared by the Lead Agency.

As the Lead Agency, Metropolitan Water District of Southern California adopted the Final Environmental Impact Report (EIR) for the Orange County Distribution System Infrastructure Protection Program (SCH No.2013121060) and caused a Notice of Determination (NOD) to be filed (4/15/2016).

The California Department of Fish and Wildlife (CDFW) is issuing an Agreement regarding the Streambed Alteration Agreement to the project applicant, (Metropolitan Water District of Southern California(MWD)) (Los Angeles), (Los Angeles County). The PEIR assesses a program to (1) design, construct, operate, and maintain Capital Investment Plan (CIP) projects that address surface infrastructure maintenance and protection needs and (2) prepare and implement an Operations and Maintenance (O&M) Manual covering routine and future O&M activities necessary for the conveyance and distribution system within its Orange County Operating Region. The program includes a comprehensive assessment effort that identifies, prioritizes, and executes needed surface infrastructure protection projects for MWD's conveyance and distribution system.

The Streambed Alteration Agreement issued to MWD on 10/12/2020 is specific to the dewatering of the Yorba Linda Feeder Pipeline. Dewatering of the pipeline will consist of releasing water, initially, from one above ground blow-off structure (BO). Once water level and pressure reduce water no longer flows through the BO, pumps will be placed into the pump well structures (PW) to pump the remaining water out of the pipeline. Water will be pumped through 6 inch flexible hose attached to a diffuser socks, allowing the water to travel into Carbon Canyon Creek. The empty pipeline will then be inspected and maintained. No vegetation will be removed, no burrows for mammal will be impacted, no sensitive species will be impacted, nesting season and breeding birds will be avoided, lighting from night work will be limited to prevent impacts to nocturnal birds and mammals, and measures to prevent the introduction of invasive species will be followed


The CDFW is a Responsible Agency under CEQA for the purpose of approving the Streambed Alteration Agreement necessitated by the Lead Agency's project. As a CEQA Responsible Agency, CDFW is required by Guidelines §15096 to review the environmental document certified by the Lead Agency approving the project and to make certain findings concerning the project's potential to cause significant, adverse environmental effects. However, when considering alternatives and mitigation measures approved by the Lead Agency, a Responsible Agency is more limited than the Lead Agency. CDFW has responsibility for mitigating or avoiding only the direct or indirect environmental effects of the Streambed Alteration Agreement that it approves.

FINDING: CDFW has considered the Mitigated Neg. Dec. adopted by the Lead Agency. CDFW has independently concluded that the Streambed Alteration Agreement should be issued under the terms and conditions specified therein. CDFW finds that with the mitigation measures incorporated into the Streambed Alteration Agreement, there will be no significant effects from the project.

FINDING: CDFW has considered the EIR adopted by the Lead Agency. CDFW has independently concluded that the Streambed Alteration Agreement should be issued under the terms and conditions specified therein. CDFW finds that changes have been incorporated into the project that will avoid or substantially lessen the significant environmental effect as identified in the final EIR. In particular, CDFW finds that the measures incorporated into the Streambed Alteration Agreement will ensure there will be no significant effects from project.

The Project is Approved.

DATE: 10/12/2020

DocuSigned by:

Erinn Wilson
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Erinn Wilson
Environmental Program Manager
South Coast Region
California Department of Fish and Wildlife