

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
 Bay Delta Region
 2825 Cordelia Road, Suite 100
 Fairfield, CA 95434
 Contact: Amanda Culpepper
 Phone: (707) 428-2075



Lead Agency
 City of Vacaville
 650 Merchant Street
 Vacaville, CA 95688
 Contact: Trya Hays
 Phone: (707) 449-5366

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

State Clearinghouse Number: 2003072092

Project Title: Cheyenne: McMurtry Lane Culvert Extension (Lake or Streambed Alteration Agreement No. 1600-2020-0079-R3)

Project Location: The Project is located at two unnamed tributaries to South Horse Creek, near McMurtry Lane and Whispering Ridge Drive, in the City of Vacaville, County of Solano.

Project Description: The California Department of Fish and Wildlife (CDFW) has executed Lake and Streambed Alteration Agreement number 1600-2020-0079-R3, pursuant to section 1602 of the Fish and Game Code to the project Applicant, DR Horton.

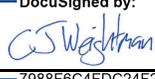
The Project is limited to extending the approximately 115-foot long culvert under McMurtry Lane an additional 53 linear feet, planting native species onsite, and restoring an incised section of an unnamed tributary within the Cheyenne development by removing sediment and planting native species.

This is to advise that CDFW, acting as a Responsible Agency, approved the above described project on July 17, 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

DocuSigned by:

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Date: July 17, 2020

Craig J. Weightman, Environmental Program Manager

Governor's Office of Planning & Research

Date Received for filing at OPR: Jul 20 2020

STATE CLEARINGHOUSE

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
AGREEMENT REGARDING PROPOSED LAKE OR STREAM ALTERATION
NO. 1600-2020-0079-R3**

DR Horton
Cheyenne: McMurtry Lane Culvert Extension

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 document prepared by the lead agency.

As the lead agency for the Rice McMurtry Annexation and Residential Development Project, the City of Vacaville certified an environmental impact report on April 27, 2004.

The California Department of Fish and Wildlife ("CDFW") is issuing an agreement regarding proposed Lake or Streambed Alteration to the project applicant, DR Horton represented by Dennis Hudspeth, 6683 Owens Drive, Pleasanton, CA 94588. The Project is limited to extending the approximately 115-foot long culvert under McMurtry Lane an additional 53 linear feet, planting native species onsite, and restoring an incised section of an unnamed tributary within the Cheyenne development by removing sediment and planting native species.

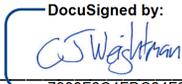
CDFW is a responsible agency under CEQA for the purpose of approving the Lake and Streambed Alteration Agreement necessitated by the lead agency's proposed project. As a CEQA responsible agency, CDFW is required by Guidelines §15096 to review the environmental document certified by the lead agency approving 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 Lake and Streambed Alteration Agreement that it approves.

FINDING:

CDFW has considered the environmental impact report prepared by the lead agency. CDFW has independently concluded that the Lake and Streambed Alteration Agreement should be issued under the terms and conditions specified therein. CDFW finds that with the mitigation measures incorporated into the Lake and Streambed Alteration Agreement, there will be no significant effects from the proposed project.

The Project is Approved.

DATE: July 17, 2020

By: 
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Craig J. Weightman, Environmental Program Manager
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region