

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
Contact: Simona Altman
Phone: (858) 467-4283



Lead Agency
Caltrans District 11
4050 Taylor Street, San Diego, CA 92110
Contact: David Nagy
Phone: (619) 208-6574

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

State Clearinghouse Number: 2004101076

Project Title: Interstate 5 (I-5) North Coast Corridor Phase 1 (Lake or Streambed Alteration Agreement No. 1600-2014-0224-R5)

Project Location (include county): The project is located along the I-5 between La Jolla Village Drive (Post Mile 28.15) and State Route 78 (Post Mile 51.2) in San Diego County.

Project Description: The California Department of Fish and Wildlife (CDFW) has executed a Major Amendment to Lake and Streambed Alteration Agreement number 1600-2014-0224-R5, pursuant to section 1602 of the Fish and Game Code to the project Applicant, California Department of Transportation, as represented by Mohamad Khatib.

The proposed project involves improvements to I-5, including additional HOV lanes, bridge replacement, Direct Access Ramps, pedestrian and bicycle facilities, and drainage improvements between La Jolla Village Drive (Post Mile 28.15) and State Route 78 (Post Mile 51.2) in San Diego County.

The Major Amendment will result in permanent impacts to 0.37 acre of perennial ryegrass field, and 0.11 acre of disturbed southern willow scrub, and temporary impacts to 0.21 acre of perennial ryegrass field, and 0.07 acre of disturbed southern willow scrub. Total permanent impact to habitat is 0.48 acre, total temporary impact to habitat is 0.28 acre. Impacts will be mitigated through use of 0.48 acre of riparian re-establishment credits at Hallmark East, restoration of temporary impact areas to coastal sage scrub, and planting of 12 western sycamore trees.

This is to advise that CDFW, acting as a Responsible Agency, approved the above described project on 6/29/2021 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.

Digitally signed by:
Erinn Wilson-Olgin
Signature

6/29/2021

Date:

Erinn Wilson-Olgin, Environmental Program Manager

Notice of Determination

Date Received for filing at OPR: _____

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
MAJOR AMENDMENT TO AND AGREEMENT REGARDING PROPOSED STREAM
OR LAKE ALTERATION
NUMBER 1600-2014-0224-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, the California Department of Transportation (Caltrans) adopted the Final Environmental Impact Report for the Interstate 5 (I-5) North Coast Corridor Project (SCH No. 2004101076) and caused a Notice of Determination (NOD) to be filed November 5, 2013.

The California Department of Fish and Wildlife (CDFW) is issuing a Major Amendment to an Agreement regarding the Stream or Lake Alteration to the project applicant, Caltrans, in San Diego County. The proposed project involves improvements to I-5, including additional HOV lanes, bridge replacement, direct access ramps, pedestrian and bicycle facilities, and drainage improvements between La Jolla Village Drive (Post Mile 28.15) and State Route 78 (Post Mile 51.2) in San Diego County.

The Major Amendment will result in temporary impacts to the following habitats: 0.21 acre of perennial ryegrass field and 0.07 acre of disturbed willow scrub; and permanent impacts the following habitats: 0.37 acre of perennial ryegrass field and 0.11 acre disturbed southern willow scrub. Impacts will be mitigated through use of 0.48 acre of riparian re-establishment credits at the Hallmark East mitigation site, restoration of temporary impact areas, and on-site planting of western sycamore trees.

The CDFW is a Responsible Agency under CEQA for the purpose of approving the Major Amendment for 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, and associated amendments, 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.
6/29/2021

DATE: _____

DocuSigned by:
Erinn Wilson-Olgin
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Erinn Wilson-Olgin
Environmental Program Manager
South Coast Region
California Department of Fish and Wildlife