

Notice of Determination

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: Jennifer Turner
Phone: (858) 467-2717



Lead Agency:

Orange County Public Works
601 N. Ross Street
Santa Ana, CA 92701
Contact: James Volz
Phone: 714-647-3904

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

State Clearinghouse Number: 2011091024

Project Title: Agua Chinon and Lower Peters Canyon Retarding Basins (Streambed Alteration Agreement No. 1600-2012-0014-R5, Major Amendment ORA- 13351)

Project Location: Agua Chinon Retarding Basin is located at Latitude 33.68904, Longitude -117.69479; generally located southwest of State Route 241, southeast of Portola Parkway, northeast of Irvine Boulevard, and northwest of Alton Parkway, in the City of Irvine.

Lower Peters Canyon Retarding Basin is located at Latitude 33.75820, Longitude -117.77090; generally located west of Jamboree Road within the southern portion of Peters Canyon Regional Park in the City of Tustin.

Project Description: The California Department of Fish and Wildlife (CDFW) has executed a Major Amendment to the existing Streambed Alteration Agreement 1600-2012-0014-R5, pursuant to section 1602 of the Fish and Game Code to the project Permittee, Orange County Public Works.

Permittee will substitute 1 acre of habitat creation within the retarding basin with 1 acre of restoration approximately 0.25 miles upstream. They will also amend the Habitat Mitigation and Monitoring Plan for the Lower Peters Canyon Basin Maintenance project would be amended, per Condition 3.1 of the Agreement, to reflect this change. Permittee will implement a rotational vegetation and sediment management strategy: maintenance of specific segments of Agua Chinon Retarding Basin and Lower Peters Canyon Retarding Basin will be conducted on a rotating basis every two years in order to allow for use of the vegetation by sensitive species while meeting the maintenance needs of the basins. The rotational vegetation management will be monitored during the least Bell's vireo nesting season. Finally, Permittee will adopt a Catastrophic Event Sediment Protocol.

This is to advise that CDFW, acting as a Responsible Agency, approved the above described project on 12/14/2020 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 / negative declaration] 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 not adopted by CDFW for this project.
6. Findings were not made by CDFW pursuant to California Code of Regulations section 15091.

The [mitigated negative declaration / 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 Responsible Agency is available at CDFW's regional office.

Notice of Determination

DocuSigned by:

Erinn Wilson-Olgin

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12/17/2020

Signature

Date:

Erinn Wilson-Olgin, Environmental Program Manager

Date Received for filing at OPR: _____