

Notice of Determination

To:

Office of Planning and Research
[CEQA Submit](#)

From:

Department of Fish and Wildlife
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
Contact: Helena Candaele
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Phone: (858) 527-8482



Lead Agency

City of Chula Vista
Development Services Department
276 Fourth Avenue, Building B
Chula Vista, CA 91910
Contact: Dai Hoang
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SUBJECT: Filing of Notice of Determination pursuant to Public Resources Code section 21108

State Clearinghouse Number: 2022040069

Project Title: Otay River Focused Remedial Investigation Project (Streambed Alteration Agreement No. EPIMS-SDO-34138-R5)

Project Location (San Diego County): The project is located within the bed, channel, and bank of Otay River and tributaries thereto, where they run through Assessor's Parcel Numbers [APN] 644-090-04-00 and 644-080-09-00, owned by the City of Chula Vista, and APNs 644-090-03-00, 644-080-21-00, and 646-010-05-00, owned by HomeFed Otay Land II LLC. The project site is west of Lower Otay Lake, east of State Route 125, and south of Wiley Road, in the City of Chula Vista, County of San Diego, State of California; Latitude 32.59906, Longitude - 116.94455; U.S. Geological Survey (USGS) map Otay Mesa quadrangle, unsectioned lands, Township 18 South, Range 1 West, SBM.

Project Description: The California Department of Fish and Wildlife (CDFW) has executed Streambed Alteration Agreement (EPIMS-SDO-34138-R5), pursuant to Fish and Game Code section 1602, to the project Applicant, HomeFed Otay Land II, LLC as represented by H. Robert Penner.

The project proposes to conduct an unexploded ordinance (UXO) investigation by walking transects using a sonar scanning device and drilling soil borings in the historical agriculture site. UXO transect surveys will result in the removal of up to 0.49 acres of tamarisk-dominated non-native riparian habitat and 0.03 acres of mulefat scrub. Driving the drill rig will result in up to 19 acres of impacts to previously disced non-native grassland. The project was amended to include a second phase of work consisting of vegetation clearing and soil excavation within grids to sample Munitions and Explosives of Concern. The second phase will result in the clearing of up to 0.07 acres of Diegan coastal sage scrub, 0.09 acres of disturbed Diegan coastal sage scrub, and 0.31 acres of tamarisk scrub. Points within the cleared grids will be excavated, resulting in up to 0.02 acres of soil disturbance.

This is to advise that CDFW, acting as a Responsible Agency, approved the project described above on December 10, 2024, 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** prepared by the Lead Agency for this project pursuant to California Code of Regulations section 15096, subdivision (f).
3. Mitigation measures **were** made a condition of CDFW's approval of the project.
4. A Mitigation Reporting or Monitoring Plan **was** adopted by CDFW for this project.

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- 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 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 a Responsible Agency is available at CDFW's regional office.

Signed by:  Date: 12/12/2024

Signature: _____ Date: _____

Glen M. Lubcke, Environmental Program Manager

Date Received for filing at OPR: _____