

**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: Jennifer Blackhall  
Phone: (858) 354-3285**Lead Agency**Orange County Department of Public Works  
601 North Ross Street  
Santa Ana, CA, 92701  
Contact: James Volz  
Phone: (714) 647-3904  
Email: [James.Volz@ocpw.ocgov.com](mailto:James.Volz@ocpw.ocgov.com)**SUBJECT: Filing of Notice of Determination pursuant to Public Resources Code section 21108****State Clearinghouse Number:** 2007061076**Project Title:** San Diego Creek Reach II Operations and Maintenance Project (Lake or Streambed Alteration Agreement No. 1600-2021-0010-R5)**Project Location (include county):** The project is located at San Diego Creek, in the County of Orange, State of California; Latitude 33.65533, Longitude -117.84499; Assessor's Parcel Number 445-061-53. The project location is in Reach II of the San Diego Creek channel, spanning from the I-405 freeway south to Campus Drive in the City of Irvine (Exhibit A), and includes the main San Diego Creek channel and two man-made in-channel sediment basins named Basin 2 and Basin 3.**Project Description:** The California Department of Fish and Wildlife (CDFW) has executed Lake and Streambed Alteration Agreement number 1600-2021-0010-R5, pursuant to section 1602 of the Fish and Game Code to the project Applicant, Orange County Department of Public Works.

The project is limited to the maintenance and operation of the San Diego Creek Reach II site. Project activities consist of sediment and vegetation removal in order to restore the channel to its as-built condition, subsequent routine vegetation and sediment removal to maintain the designed channel cross-sections, slope repair, re-grading, and semi-annual facilities inspections.

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

**Signature**

David Mayer

**Date:** 11/18/2021

Dave Mayer, Environmental Program Manager

**Notice of Determination**

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Date Received for filing at OPR: \_\_\_\_\_

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
AGREEMENT REGARDING PROPOSED STREAMBED ALTERATION  
NO. 1600-2021-0010-R5**

Orange County Department of Public Works  
San Diego Creek Reach II Operations and Maintenance Project

**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 Orange County Department of Public Works adopted the Final Environmental Impact Report for the San Diego Creek Reach II Operations and Maintenance Project (SDC No. 2007061076) and caused a Notice of Determination ("NOD") to be filed November 14, 2011.

The California Department of Fish and Wildlife ("CDFW") is issuing an Agreement regarding proposed Streambed Alteration to the project applicant, Orange County Department of Public Works as represented by James Volz. For the San Diego Creek Reach II Operations and Maintenance Project, the applicant will be conducting sediment and vegetation removal activities, repair slopes, and inspect facilities to maintain the channel at as-built conditions.

CDFW is a responsible agency under CEQA for the purpose of approving the 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 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: 11/18/2021

DocuSigned by:  
By: David Mayer  
Dave Mayer, Environmental Program Manager  
South Coast Region  
California Department of Fish and Wildlife