

Notice of Determination



To:
Office of Planning and Research
For U.S. Mail:
P.O. Box 3044
Sacramento, CA 95812-3044

From:
Department of Fish and Wildlife
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 95434
Contact: Melissa Farinha
Phone: (707) 944-5579

Street Address:
1400 Tenth Street
Sacramento, CA 95814

Lead Agency
San Joaquin Area Flood Control Agency
22 East Weber Avenue, Room 301
Stockton, CA 95202
Contact: Chris Elias
Phone: (209) 937-8866

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

State Clearinghouse Number: 2014062079

Project Title: Smith Gate Canal Project (Lake or Streambed Alteration Agreement No. 1600-2018-0342-R3)

Project Location: The project is located at the mouth of Atherton Cove upstream to Smith Canal, a Perennial drainage and tributary to the San Joaquin River, City of Stockton, County of San Joaquin, State of California; United States Geological Survey 7.5 Minute Quad Map Stockton West, Township 1N, Range 6E, Section 6; Latitude of 37.9579, Longitude: -121.3527; County Assessor's Parcel Numbers: 109-02-006, 133-06-001, and 121-040-27.

Project Description: The California Department of Fish and Wildlife (CDFW) has executed Lake and Streambed Alteration Agreement number 1600-2018-0342-R3, pursuant to section 1602 of the Fish and Game Code to the project Applicant, San Joaquin Area Flood Control Agency.

The Applicant is proposing to build, operate, and maintain a fixed wall with a gate structure near the mouth of Smith Canal. The wall and gate structure will be built to isolate the adjacent neighborhoods from the 100-year floodplain and meet the Federal Emergency Management Agency's minimum acceptable level of performance of withstanding a 100-year flood, which is the regulatory standard specified by the National Flood Insurance Program.

This is to advise that CDFW, acting as a Responsible Agency, approved the above described project on October 24, 2019, 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

Date: October 24, 2019

James Starr, Environmental Program Manager

Governor's Office of Planning & Research

OCT 29 2019

Date Received for filing at OPR: _____

STATE CLEARINGHOUSE

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
AGREEMENT REGARDING PROPOSED LAKE OR STREAM ALTERATION
NO. 1600-2018-0342-R3**

Chris Elias, San Joaquin Area Flood Control Agency
Smith Canal Gate 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 document prepared by the lead agency.

As the lead agency for the Smith Canal Gate Project, the San Joaquin Area Flood Control Agency, certified an environmental impact report on November 19, 2015.

The California Department of Fish and Wildlife ("CDFW") is issuing an agreement regarding proposed Lake or Streambed Alteration to the project applicant, San Joaquin Area Flood Control Agency, represented by Chris Elias at 22 East Weber Avenue, Room 301, Stockton, California 95202. For the Smith Canal Gate Project, to build, operate, and maintain a fixed wall with a gate structure near the mouth of Smith Canal. The wall and gate structure will be built to isolate the adjacent neighborhoods from the 100-year floodplain and meet the Federal Emergency Management Agency's minimum acceptable level of performance of withstanding a 100-year flood, which is the regulatory standard specified by the National Flood Insurance Program.

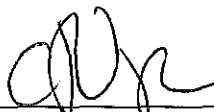

CDFW is a responsible agency under CEQA for the purpose of approving the Lake and Streambed Alteration Agreement necessitated by the lead agency's proposed project. As a CEQA responsible agency, CDFW is required by Guidelines §15096 to review the environmental document certified by the lead agency approving 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: 10/24/15

By: 
 James Starr, Environmental Program Manager
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region