

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
 Bay Delta Region
 2825 Cordelia Road, Suite 100
 Fairfield, CA 95434
 Contact: Serge Glushkoff
 Phone: (707) 339-6191



Lead Agency
 City of Vacaville
 650 Merchant Street
 Vacaville, CA 95688-6908
 Contact: Fred Buder
 Phone: (707) 449-5100

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

State Clearinghouse Number: ~~20100720756~~ 2010072056

Project Title: Nut Tree Business Park Outfall into Pine Tree Creek (Lake or Streambed Alteration Agreement No. 1600-2019-0268-R3)

Project Location: The Nut Tree Business Park project is located on 12 acres of four contiguous undeveloped parcels located northwest of Nut Tree Road and southwest of the Nut Tree Airport in Vacaville, Solano County, California. The proposed storm drain outfall would be constructed 300 feet to the north of these parcels, on the south bank of Pine Creek. Coordinates for the site area are 38 22' 29" W latitude and 122.57.30 longitude. The project site is accessed on foot from the terminal segment of Nut Tree Road.

Project Description: The California Department of Fish and Wildlife (CDFW) has executed Lake and Streambed Alteration Agreement number 1600-2019-0268-R3, pursuant to section 1602 of the Fish and Game Code to the project Applicant, Ricardo Capretta/Nut Tree Holdings, LLC.

The project is limited to constructing an outfall that will discharge stormwater, into Pine Tree Creek from the proposed business park, and the grading and elimination of approximately 330 feet of an existing man-made swale. The outfall will be routed through a culvert within a 6-foot wide trench between the developed site and a 48" storm drain that will lead into an 8' x 8' manhole structure. There will be 8' x 8' x 5' of earthen material moved from the south bank and bed of the creek, in an area of 64 square feet and a total volume of 9 cubic yards. No trees or shrubs will be removed.

A man-made swale will also be graded. The swale covers approximately 1,180 square feet with an average width of three feet, for a distance of approximately 330 feet.

Work on both activities will be completed during the dry season, after August 15, when both the swale and creek are dry. The work is expected to require approximately five 10-hour days.

This is to advise that CDFW, acting as a Responsible Agency, approved the above described project on June 15, 2020 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 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 / was not adopted by CDFW for this project.
6. Findings were / were not made by CDFW pursuant to California Code of Regulations section 15091.

Notice of Determination

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.

Signature *Karen Weiss for* *Date:* June 29, 2020

For: Craig J. Weighman, Environmental Program Manager

Governor's Office of Planning & Research

Date Received for filing at OPR: Jun 30 2020

STATE CLEARINGHOUSE