

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
Region 5
3883 Ruffin Road
Contact: Simona Altman
Phone: (858) 467-4283



Lead Agency
California Department of Transportation
District 12
1750 East 4th Street, Suite 100
Contact: Barbara McGahey
Phone: (657) 328-6334

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

State Clearinghouse Number: 2013091026

Project Title: Relocation of Aufdenkamp Connection Transmission Main (ACTM) (Lake or Streambed Alteration Agreement No. 1600-2019-0140-R5)

Project Location (include county): Interstate 5 bridge at Aliso Creek, County of Orange

Project Description: The California Department of Fish and Wildlife (CDFW) has executed Lake and Streambed Alteration Agreement number 1600-2019-0140-R5, pursuant to section 1602 of the Fish and Game Code to the project Applicant, Santa Margarita Water District.

The proposed project involves relocating an underground water main pipeline to accommodate a California Department of Transportation and Orange County Transportation Authority joint freeway widening project. The existing pipe will be excavated, removed through trenching, and a new pipe installed, encased in concrete, and the trench backfilled. The surface treatment of grouted riprap will be returned to its pre-project condition. The project will result in 0.061 acre (120 linear feet) of temporary streambed impacts.

This is to advise that CDFW, acting as a Responsible Agency, approved the above described project on June 26, 2019 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.

Signature

Date:

6/26/19

Gail Sevens, Environmental Program Manager

Governor's Office of Planning & Research

Date Received for filing at OPR: **JUNE 26 2019**

STATE CLEARINGHOUSE

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
AGREEMENT REGARDING PROPOSED STREAM OR LAKE ALTERATION
NUMBER 1600-2019-0140-R5

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 California Department of Transportation adopted the Final Mitigated Negative Declaration for the Santa Margarita Water District Relocation of Aufdenkamp Connection Transmission Main Project (SCH No. 2013091026) and caused a Notice of Determination (NOD) to be filed (June 9, 2014).

The California Department of Fish and Wildlife (CDFW) is issuing an Streambed Alteration Agreement to the project applicant, Santa Margarita Water District, represented by LSA, City of Rancho Santa Margarita, Orange County.

The CDFW is a Responsible Agency under CEQA for the purpose of approving the Streambed Alteration Agreement necessitated by the Lead Agency's 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 streambed alteration agreement that it approves.

FINDING: CDFW has considered the Mitigated Neg. Dec. adopted 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 with the mitigation measures incorporated into the Streambed Alteration Agreement, there will be no significant effects from the project.

FINDING: CDFW has considered the EIR adopted 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: 06/26/19



Gail Sevrens
Environmental Program Manager
South Coast Region
California Department of Fish and Wildlife