

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
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 95434
Contact: Andrea Boertien
Phone: (209) 234-3449



Lead Agency
East Bay Regional Parks District
2950 Peralta Oaks Court, P.O. Box 5381
Oakland, CA 94605-5381
Contact: Julie Bondurant
Phone: (510) 544-2323

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

State Clearinghouse Number: 2017062055

Project Title: McCosker Sub-Area Creek Restoration and Recreational Improvements Project (Lake or Streambed Alteration Agreement No. 1600-2018-0323-R3)

Project Location: The Project is located at San Leandro Creek and its tributaries (Alder Creek and Leatherwood Creek), in the County of Contra Costa, State of California; Latitude 37° 50' 34.289 N, Longitude -122° 10' 50.25 W; Township 1 S, Range 3 W, U.S. Geological Survey (USGS) map Oakland East.

Project Description: The California Department of Fish and Wildlife (CDFW) has executed Lake and Streambed Alteration Agreement number 1600-2018-0323-R3, pursuant to section 1602 of the Fish and Game Code to the project Applicant, East Bay Regional Parks District.

The purpose of the Project is to restore and enhance creek functions in the McCosker sub-area and to provide facilities for recreation at the McCosker sub-area and Sibley Preserve. The Project includes two general components: 1) creek restoration and enhancements and 2) recreational infrastructure improvements. The Project is limited to daylighting and restoring sections of Alder and Leatherwood creeks, enhancing existing riparian habitat along Alder Creek, culvert replacements and enhancements, installing baffles within an existing culverted portion of Alder Creek beneath Pinehurst Road to facilitate fish passage, headwall installation, increasing the height of the existing riffle within San Leandro Creek, bridge installation, and creek crossing installation on trails.

This is to advise that CDFW, acting as a Responsible Agency, approved the above described project on December 16, 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 James Starr
James Starr, Environmental Program Manager

Date: December 16, 2019

Date Received for filing at OPR: DEC 18 2019

STATE CLEARINGHOUSE

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
AGREEMENT REGARDING PROPOSED LAKE OR STREAM ALTERATION
NO. 1600-2018-0323-R3**

Matthew Graul, East Bay Regional Park District
McCosker Sub-Area Creek Restoration and Recreational Improvements 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 McCosker Sub-Area Creek Restoration and Recreational Improvements Project, the East Bay Regional Parks District, certified an environmental impact report on December 19, 2019.

The California Department of Fish and Wildlife ("CDFW") is issuing an agreement regarding proposed Lake or Streambed Alteration to the project applicant, East Bay Regional Park District, represented by Matthew Graul, 2950 Peralta Oaks Court, P.O. Box 5381, Oakland, CA 94605-5381 for the McCosker Sub-Area Creek Restoration and Recreational Improvements Project, the applicant is proposing to restore and enhance creek functions in the McCosker sub-area and to provide facilities for recreation at the McCosker Sub-area and Sibley Preserve. The project includes two general components: 1) creek restoration and enhancements and 2) recreational infrastructure improvements. The Project is limited to daylighting and restoring sections of Alder and Leatherwood creeks, enhancing existing riparian habitat along Alder Creek, culvert replacements and enhancements, installing baffles within an existing culverted portion of Alder Creek beneath Pinehurst Road to facilitate fish passage, headwall installation, increasing the height of the existing riffle within San Leandro Creek, bridge installation, and creek crossing installation on trails.

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: December 16, 2019

By: 
James Starr, Environmental Program Manager
Department of Fish and Wildlife
Bay Delta Region