

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: Jennifer Rippert
Phone: (707) 428-2069



Street Address:
1400 Tenth Street
Sacramento, CA 95814

Lead Agency
City of Oakley
3231 Main Street
Oakley, CA 94561
Contact: Rochelle Henson
Phone: (925) 625-7000

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

State Clearinghouse Number: 2007012075

Project Title: Gilbert Property Cypress Road East (Streambed Alteration Agreement No. 1600-2019-0022-R3)

Project Location: The project is located at an unnamed tributary to Little Dutch Slough, in the County of Contra Costa, State of California; Latitude 37.99075000, Longitude -121.66833333; Assessor's Parcel Numbers 032-081-016 and 032-081-008.

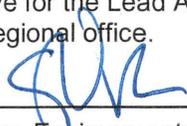
Project Description: The California Department of Fish and Wildlife (CDFW) has executed Lake and Streambed Alteration Agreement number 1600-2019-0022-R3, pursuant to section 1602 of the Fish and Game Code to the project Applicant, Michael Preston Evans, Contra Costa County Communities, LLC.

The Gilbert Property—Cypress Road East project is the second phase of construction on Cypress Road in support of the 120+/- acre Gilbert Property residential community on the north side of Cypress Road. The project will widen Cypress Road and create a sidewalk north of intersection at Knightsen Road, extending east approximately 1,000 feet. Project activities include the removal the existing headwall on the north side of Cypress Road, the extension of the culvert approximately 65 feet northward, fill of the channel around and above the new culvert pipes, and construction of a new headwall where the culverts daylight into the channel.

This is to advise that CDFW, acting as a Responsible Agency, approved the above described project on 06/14/2019 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, Environmental Program Manager

Governor's Office of Planning & Research
Date: June 24, 2019

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STATE CLEARINGHOUSE

Date Received for filing at OPR: _____

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
AGREEMENT REGARDING PROPOSED LAKE OR STREAM ALTERATION
NO. 1600-2019-0022-R3**

Michael Preston Evans, Contra Costa County Communities, LLC
Gilbert Property—Cypress Road East

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 Gilbert Property—Cypress Road East project, the City of Oakley certified an environmental impact report on April 9, 2007.

The California Department of Fish and Wildlife ("CDFW") is issuing an agreement regarding proposed Lake or Streambed Alteration to the project applicant, Contra Costa County Communities, LLC, represented by Michael Preston Evans, 1500 Willowpass Court, Concord, CA 94520. For the Gilbert Property—Cypress Road East project, the applicant is proposing to widen Cypress Road and create a sidewalk north of intersection at Knightsen Road, extending east approximately 1,000 feet. Project activities include the removal the existing headwall on the north side of Cypress Road, the extension of the culvert approximately 65 feet northward, fill of the channel around and above the new culvert pipes, and construction of a new headwall where the culverts daylight into the channel.

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: 6/25/19

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