

## Notice of Determination

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

**Street Address:**  
1400 Tenth Street

Sacramento, CA 95814

**From:**  
Department of Fish and Wildlife  
South Coast Region  
3885 Ruffin Road  
San Diego, CA 92123  
Contact: Audrey Kelly  
Phone: (562) 430-7882



LA Sanitation - City of Los Angeles  
1149 S. Broadway Avenue  
Los Angeles 90015  
Contact: Hubertus Cox  
Phone: (213) 485-3939

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

**State Clearinghouse Number:** 2017021047

**Project Title:** Ballona Creek Bacteria Total Maximum Daily Load Project, Streambed Alteration Agreement No. 1600-2017-0212-R5

**Project Location (include county):** The project consists of three locations within the Ballona Creek watershed in Los Angeles County.

1. Low Flow Treatment Facility No. 1 (Area 1) is located along Ballona Creek in Culver City; Latitude 34.01119°, Longitude -118.390829°.
2. Low Flow Treatment Facility No. 2 (Area 2) is located at the Sepulveda Channel bridge crossing in the City of Los Angeles; Latitude 33.998245°, Longitude -118.415717°.
3. Mesmer Low Flow Diversion Facility (Area 3) is located at Centinela Creek in Culver City; Latitude 33.986855°, Longitude -118.401562°.

**Project Description:** The California Department of Fish and Wildlife (CDFW) has executed Lake and Streambed Alteration Agreement number 1600-2017-0212-R5, pursuant to section 1602 of the Fish and Game Code to the project applicant, Hubertus Cox of the Los Angeles Bureau of Sanitation.


The project will retrofit or modify three water treatment facilities within the Ballona Creek watershed to capture and treat water in order to reduce the bacterial load and improve water quality. At Area 1 the project will construct two 39-inch wide saw cut collection channels to collect and treat 29 million gallons per day (MGD) of dry weather, of this 6 MGD will be released back into Ballona Creek. At Area 2 the project will construct a single 39-inch wide saw-cut diversion channel to divert 1.3 MGD of dry weather flow, all of which will be sanitized and released back into the Sepulveda channel. At Area 3 the project will construct an 8-inch PVC diversion pipe with a grate inlet and a 3-inch diversion berm to divert up to 0.96 MGD for treatment and discharge or beneficial use.

This is to advise that CDFW, acting as a Responsible Agency, approved the above described project on 8/13/2019 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.

**Notice of Determination**

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: 8.13.2019

Erinn Wilson, Environmental Program Manager I  
Governor's Office of Planning & Research

Date Received for filing at OPR: **AUG 13 2019**  
**STATE CLEARINGHOUSE**

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
AGREEMENT REGARDING PROPOSED LAKE OR STREAM ALTERATION  
NO. 1600-2017-0212-R5**

City of Los Angeles Bureau of Sanitation  
Ballona Creek Total Maximum Daily Load Project

Governor's Office of Planning & Research

AUG 13 2019

**CEQA FINDINGS**

**STATE CLEARINGHOUSE**

**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 Ballona Creek Bacteria Total Maximum Daily Load Project, the City of Los Angeles Bureau of Sanitation certified an environmental impact report on June 29, 2018.

The California Department of Fish and Wildlife ("CDFW") is issuing an agreement regarding proposed Lake or Streambed Alteration to the project applicant, The City of Los Angeles Bureau of Sanitation, represented by Hubertus Cox. For the Ballona Creek Bacteria Total Maximum Daily Load Project, the applicant is proposing to retrofit or modify three water treatment facilities within the Ballona Creek watershed to capture and treat water in order to reduce the bacterial load and improve water quality. At the Low Flow Treatment Facility Number 1 along Ballona Creek in Culver City project activities include construction of two 39-inch wide saw cut collection channels to collect and treat 29 million gallons per day (MGD) of dry weather, of this 6 MGD will be released back into Ballona Creek. At the Low Flow Treatment Facility Number 2, project activities include construction of a single 39-inch wide saw-cut diversion channel to divert 1.3 MGD of dry weather flow, all of which will be sanitized and released back into the Sepulveda channel. At the Mesmer Low Flow Diversion Facility, the project consists of construction of an 8-inch PVC diversion pipe with a grate inlet and a 3-inch diversion berm to divert up to 0.96 MGD for treatment and discharge or beneficial use.

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:**

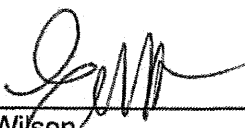
CDFW has considered the environmental impact report prepared by the lead agency. CDFW has independently concluded that the Lake and Streambed Alteration Agreement should be issued under the terms and conditions specified therein. CDFW finds that with the mitigation measures incorporated into the Lake and Streambed Alteration Agreement, there will be no significant effects from the proposed project.

***The Project is Approved.***

DATE: \_\_\_\_\_

8.13.2019

By: \_\_\_\_\_

  
Erinn Wilson  
Environmental Program Manager I  
South Coast Region  
California Department of Fish and Wildlife