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A. Environmental Review

On January 6, 2012, Orange County Public Works (Permittee), as lead agency, adopted an initial study/mitigated negative declaration (IS/MND) (State Clearinghouse (SCH) No. 20120110009) for the Project and filed a Notice of Determination (NOD) at the SCH on June 25, 2013. **On August 20, 2018, the Permittee prepared an addendum to the IS/MND, to address changes to the Project.**

The State Water Board is a responsible agency under CEQA (Pub. Resources Code, § 21069) and in making its determinations and findings, must presume that Permittee's adopted environmental document comports with the requirements of CEQA and is valid. (Pub. Resources Code, § 21167.3.) The State Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by the Permittee addresses the Project's water resource impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (f).) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by the Permittee for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Pub. Resources Code, § 21081.6, subd. (a)(1); Cal. Code Regs., tit. 14, § 15074, subd. (d).)

B. Incorporation by Reference

Pursuant to CEQA, these Findings of Facts (Findings) support the issuance of this Order based on the Project IS/MND, the application for this Order, and other supplemental documentation, including **the Orange County Ocean Outlets Maintenance Manual (OOM Manual) as revised February, 2018 (as attached to the Order for the OOM Program), and the August 20, 2018 addendum to the IS/MND, which is hereby incorporated by reference.**¹

All CEQA Project impacts, including those discussed in subsection C below, are analyzed in detail in the Project Final IS/MND which is incorporated herein by reference. The Project IS/MND is available at:

Orange County Public Works
300 North Flower, Room 838
Santa Ana, CA 92703-5000
Telephone: (714) 647-3912

Requirements under the purview of the State Water Board in the MMRP are incorporated herein by reference.

The Permittee's application for this Order, including all supplemental information provided, is incorporated herein by reference.

C. Findings

The IS/MND states that there are no potentially significant environmental effects to water resources after the mitigation measures imposed by the lead agency.

For this amended Order, staff has considered the proposed changes to the Project

¹ Complete Title: *Orange County Public Works Ocean Outlet Maintenance Program IP 18-066 Addendum to Mitigated Negative Declaration IP 11-424 (Approved May 2012).*

as described in the Project application materials, the Corps public notice, and the addendum to the IS/MND, and finds that no substantial changes to the Project, the impacts, or the mitigation measures are proposed, and that the CEQA analysis in the 2012 IS/MND requires no substantial change or revision.

D. Determination

The State Water Board has determined that the Project, when implemented in accordance with the **MMRPOcean Outlets Maintenance Manual** and the conditions in this Order, will not result in any significant adverse water resource impacts. (Cal. Code Regs., tit. 14, § 15096, subd (h).) The State Water Board will file a NOD with the SCH within five (5) working days from the issuance of this Order. (Cal. Code Regs., tit. 14, § 15096, subd. (i).)

Notice of Determination

Appendix D

To:

[X] Office of Planning and Research
U.S. Mail: P.O. Box 3044 Sacramento, CA 95812-3044
Street Address: 1400 Tenth St., Rm 113 Sacramento, CA 95814

[] County Clerk
County of:
Address:

From:

Public Agency: State Water Resources Control Board
Address: DWQ, 401 Unit 1001 I Street, 15th Floor Sacramento, CA 95814
Contact: Cliff Harvey
Phone: (916) 558-1709

Lead Agency (if different from above):
County of Orange - OC Public Works
Address: 300 North Flower St. Santa Ana, CA 92703
Contact: James Volz
Phone: (714) 647-39804

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2012011009

Project Title: Ocean Outlets Maintenance Manual

Project Applicant: Orange County Public Works

Project Location (include county): Five locations in coastal Orange County

Project Description:

The Project will maintain channel outlet capacity at five specified ocean outlets for purposes of flood control, water quality, beach access, and tidal wetland maintenance. The five outlet sites are: Talbert Channel, Santa Ana River, Salt Creek, Estrella outlet, and Segunda Deshecha. All sites are in or adjacent to the tidal zone. Three of the sites (Talbert, Santa Ana River, and Salt Creek) are also within the freshwater Ordinary High Water Mark. Maintenance involves sand removal at all sites and re-setting displaced rock rip-rap at one site.

On August 28, 2018, the lead agency prepared an addendum to the IS/MND to address changes to the Project. The Lead agency found that the changes were not substantial, and no changes to the 2012 IS/MND were required. The 2012 IS/MND was adopted for the project and was used as the basis for agency approval.

This is to advise that the State Water Resources Control Board has approved the above ([] Lead Agency or [X] Responsible Agency)

described project on 10/25/2018 and has made the following determinations regarding the above (date) described project.

- 1. The project [] will [X] will not have a significant effect on the environment.
2. [] An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA. [X] A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [X] were [] were not made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [X] was [] was not adopted for this project.
5. A statement of Overriding Considerations [] was [X] was not adopted for this project.
6. Findings [X] were [] were not made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

Orange County Public Works, 300 N. Flower Street, Santa Ana, CA 92703

Signature (Public Agency): Eileen Sobeck Title: Executive Director Governor's Office of Planning & Research

Date: 10/25/2018 Date Received for filing at OPR: OCT 26 2018

Authority cited: Sections 21083, Public Resources Code. Reference Section 21000-21174, Public Resources Code.

STATE CLEARINGHOUSE Revised 2011