



### **Environmental Review**

On May 6, 2014, the California Department of Transportation, District 12 (Caltrans), as lead agency, adopted an initial study/mitigated negative declaration (IS/MND) (State Clearinghouse (SCH) No. 2013091026) for the Project and filed a Notice of Determination (NOD) at the SCH on August 27, 2014. The State Water Board is a responsible agency under CEQA (Pub. Resources Code, § 21069) and in making its determinations and findings, must presume that Caltrans' 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 Caltrans 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 Caltrans 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 all appendices to the IS/MND and the following documents:

- U.S. Army Corps of Engineers, Los Angeles District, Request for Agency Comments on Application for Measure 2 Freeway Program Project Level Letter of Permission within San Juan Creek/Western San Mateo Creek SAMP (September 10, 2018)
- Orange County Transportation Authority (OCTA) Measure 2 Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP)
- OCTA Measure 2 Environmental Mitigation Plan

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: <http://www.dot.ca.gov/dist12/DEA/5widening/>.

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 describes potentially significant environmental effects to water resources and relies on the Water Boards to mitigate those effects. Considering the whole of the record, the State Water Board makes the following findings:

- (1) Revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and*
- (2) There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment. (Cal. Code Regs., tit. 14, § 15070.)*

**D. Determination**

The State Water Board has determined that the Project, when implemented in accordance with the MMRP 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).)