

ATTACHMENT E:

CEQA Findings

Attachment E
THE STATE WATER RESOURCES CONTROL BOARD'S
CEQA FINDINGS FOR REGIONAL GENERAL PERMIT 53

On August 11, 1998, the County of San Diego (County), as lead agency, certified a Mitigated Negative Declaration (MND) and filed a Notice of Determination on August 31, 1998, with the State Clearinghouse for the San Diego County Flood Control Maintenance Program (FCMP) in accordance with the California Environmental Quality Act (CEQA). A subsequent MND was adopted on November 10, 1999, adding additional FCMP sites. An addendum to the subsequent MND was filed on June 2001. On March 10, 2005, an addendum for September 2005 renewal of RGP53 was adopted. An addendum for the 2010 renewal was adopted on April 13, 2009.

The State Water Board, as a responsible agency, consulted with the County, and reviewed the document and all subsequent amendments to the 1998 MND **(collectively, environmental documents)**. State Water Board staff determined that the County MND comports with the requirements of CEQA and is valid (Public Resources Code, § 21167.3 (b)). As such, the State Water Board has reviewed and considered the environmental documents and all proposed mitigation measures.

The State Water Board has determined that different or additional mitigation measures will not substantially lessen or avoid any significant effect of the FCMP activities on water quality (Public Resources Code, § 21002.1(d)). The State Water Board makes the following findings:

FCMP activities will cause permanent impact to waters of the state caused by dredging of wetland areas during initial FCMP activities at maintenance sites. The FCMP activities will also cause temporary impacts to waters of the State by the temporary diversion of waters, vegetation removal and debris removal. Potential temporary impacts from maintenance activities, such as spills and leaks from, could also occur.

~~**Avoidance and minimization mitigation measures for significant and potentially significant water quality impacts that will or could arise as a result of these activities include development of Best Management Practices for accidental spill control and for prevention and control of erosion.**~~

The State Water Board reviewed and evaluated the impacts to water quality identified in the **MND environmental documents** for the Project. Impacts to water quality were determined to be less than significant because the mitigation measures and Best Management Practices adopted will assure that Project activities will be in compliance with water quality standards. The **MND environmental documents are** ~~is~~ incorporated herein by reference. The State Water Board finds that the Mitigation Measures, Monitoring and Reporting Program in the **MND environmental documents** for the Project, along with the conditions in the Certification, ~~to be~~ **are** adequate to reduce water quality impacts to less than significant levels.

Compensatory mitigation for significant and potentially significant water quality impacts includes mitigation bank credits at the Sweetwater Offsite Mitigation Area and invasive species control for temporary impacts.

The State Water Board hereby determines that the proposed project, with mitigation measures and the provisions in this Order, will not have a significant effect on **water quality the environment**. **Further, the County has determined that the addition of the Oak Country II culvert to the RGP 53 program is in conformance with the existing environmental documents and that no further environmental review is required. State Water Board staff**

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have reviewed the environmental conditions requiring this Certification amendment and have also determined that the significant effects created by the maintenance activities performed at the additional site will result in the same type of impacts addressed in the existing environmental documents and that the mitigation measures that reduce the impacts to levels that are less than significant are the same mitigation measures already identified and discussed in the existing environmental documents. State Water Board staff concur with the County's determination that additional environmental review pursuant to CEQA is not required. The mitigated negative declaration is hereby adopted. The documents and related material, which constitute the record, are located at:

~~State Water Resource Control Board
1001 I Street, 15th floor
Sacramento, CA 95814~~

~~The State Water Board will file a Notice of Determination within five days from the issuance of this Order.~~