

Notice of Determination

To:
Office of Planning and Research
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From:
Department of Fish and Wildlife
Bay Delta Region
2825 Cordelia Road, Suite 100,
Fairfield, CA 94534
Contact: Sabrina Dunn
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Lead Agency
City of Brentwood
104 Oak Street,
Brentwood, CA 94513
Contact: Mitch Oshinsky
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Phone: (925) 516-5405

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

State Clearinghouse Number: 2003062019

Project Title: Meadows at Marsh Creek Project Major Amendment (formerly known as Cowell Ranch Project) (Streambed Alteration Agreement No. EPIMS-CCA-30671-R3)

Project Location (Contra Costa County): The project is located at an unnamed tributary to Kellogg Creek, in the County of Contra Costa, State of California; approximate mid-point Latitude 37.890866, Longitude -121.714874; Assessor's Parcel Number (APN) 007-380-002-0 and 007-380-003-0.

Project Description: The California Department of Fish and Wildlife (CDFW) has amended Lake and Streambed Alteration Agreement (EPIMS-CCA-30671-R3), pursuant to Fish and Game Code section 1602, to the project applicant, Shea Homes, as represented by David Best.

The project is amended to include the following: installation of a water line under an already developed approximately 120 feet bridge just west of the existing project site. A temporary scaffolding will be installed across the dry channel. There will be no large, mechanized equipment used underneath the bridge and there will be no additional impacts to riparian or emergent vegetation from installation of the water pipe or temporary placement of scaffolding. Minor amounts of grout will be used at the bridge abutments to seal the pipes to the bridge but there will be no grout, concrete, welding or earth work near the bed, bank, or channel of Marsh Creek. No hazardous or toxic materials will be introduced into Marsh Creek as a result of implementation of the major amendment. Additionally, the amendment consists of small changes to Measures 2.18 Concrete Designated Monitor and 2.48 Open Trenches in that a Biological Monitor can now perform these functions. The geographic scope of Measure 2.59 Excavation of Small Mammal Burrows was clarified to specific areas within the project area. Measure 2.64 Temporary Exclusion Fencing Plan was amended to remove the need for cover boards in the fence plan.

This is to advise that CDFW, acting as a Responsible Agency, approved the project described above on June 7, 2023, with a Major Amendment approved on April 8, 2025, has made the following determinations regarding the project pursuant to California Code of Regulations section 15096, subdivision (i):

1. The project **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** made a condition of CDFW's approval of the project.
4. A Mitigation Reporting or Monitoring Plan **was** adopted by CDFW for this project.
5. A Statement of Overriding Considerations **was not** adopted by CDFW for this project.
6. Findings **were** made by CDFW pursuant to California Code of Regulations section 15091.

The Final EIR 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 a Responsible Agency is available at CDFW's regional office.

Notice of Determination

DocuSigned by:

Melissa Farinha

4/8/2025

Signature: _____

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Date: _____

Melissa Farinha, Environmental Program Manager

Date Received for filing at OPR: _____