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CEQA RESPONSIBLE AGENCY EIR FINDINGS

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
STREAMBED ALTERATION AGREEMENT
EPIMS-SDO-55830-R5

Sweetwater Authority
Sweetwater Reservoir Aeration and Destratification System Project

INTRODUCTION:

The California Department of Fish and Wildlife (CDFW) has prepared these Findings to document its compliance with the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). CDFW is a Responsible Agency under CEQA with respect to the Sweetwater Reservoir Aeration and Destratification System Project (Project) because of its authority to issue a Lake or Streambed Alteration Agreement (LSA Agreement) for the Project (Fish & G. Code, § 1600 et seq.; see generally Pub. Resources Code, §§ 21002.1, subd. (d), 21069; Cal. Code Regs., tit. 14, § 15381[1].). CDFW makes these Findings (Cal. Code Regs., tit. 14, § 15096, subd. (h).) under CEQA as part of its discretionary decision to authorize Sweetwater Authority (Permittee) to conduct the following activities: excavate near the Sweetwater Reservoir rim as well as place concrete structures within the reservoir, which is part of the installation of a new aeration system (Covered Activities) during implementation of the Project (see generally Fish & G. Code, § 1602.).

CDFW is a Responsible Agency under CEQA with respect to the Project because of prior environmental review and approval of the Project by the Lead Agency, Sweetwater Authority (see generally Pub. Resources Code, § 21067; Cal. Code Regs., tit. 14, § 15367.). Sweetwater Authority analyzed the environmental impacts associated with implementation of the Project in an Environmental Impact Report (EIR; SCH No. 2004011048) and approved the Project on November 7 ,2025. In doing so, Sweetwater Authority imposed various measures to address Project-related impacts as conditions of approval and concluded that such impacts could be substantially lessened to below a level of significance with implementation of the measures.

As approved by Sweetwater Authority, the Project involves installing a new aeration system in Sweetwater Reservoir, which includes the Covered Activities listed above. As determined by CDFW, Covered Activities within the Project site include the substantial change of bed and bank of a lake, and deposit materials that may pass into a lake and could substantially adversely affect an existing fish or wildlife resource (Fish & G. Code, § 1602.). This activity falls within CDFW's permitting jurisdiction under Fish and Game Code section 1600 et seq.

As a Responsible Agency, CDFW's CEQA obligations are more limited than those of the Lead Agency, in that CDFW is responsible for considering only the effects of those activities involved in the Project which it is required by law to carry out or approve. Thus, while CDFW must consider the environmental effects of the Project as set forth in the

[1] California Code of Regulations, title 14, commencing with section 15000 that implements CEQA is also referred to as "CEQA Guidelines".

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Lead Agency's environmental document, CDFW has a responsibility to mitigate or avoid only the direct or indirect environmental effects of those parts of the Project which it decides to carry out, finance, or approve (Pub. Resources Code, § 21002.1, subd. (d); Cal. Code Regs., tit. 14, §§ 15041, subd. (b), 15096, subds. (f)-(g).). Accordingly, because CDFW's exercise of discretion is limited to issuance of an LSA Agreement for the Project, CDFW is responsible for considering only the environmental effects that fall within its permitting authority under Fish and Game Code section 1600 et seq. (See generally *San Diego Navy Broadway Complex Coalition v. City of San Diego* (2010) 185 Cal.App.4th 924, 935-941; *Center for Biological Diversity v. CDFW* (2015) 62 Cal. 4th 204, 214.). Indeed, with respect to all other effects associated with implementation of the Project, CDFW is bound by the legal presumption that the Lead Agency's environmental document fully complies with CEQA (Pub. Resources Code, § 21167.3; *City of Redding v. Shasta County Local Agency Formation Commission* (1989) 209 Cal.App.3d 1169, 1178-1181; see also Cal. Code Regs., tit. 14, § 15096, subd. (e); Pub. Resources Code, § 21167.2; *Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1130.).

CDFW's more limited obligations as a Responsible Agency affect the scope of, but not the obligation to, adopt Findings required by CEQA. Findings are required under CEQA by each public agency that approves a project for which an EIR has been certified, which identifies one or more significant effects on the environment (Pub. Resources Code, § 21081, subd. (a); Cal. Code Regs., tit. 14, § 15091, subd. (a); see also Pub. Resources Code, § 21068 (significant effect on the environment defined); Cal. Code Regs., tit. 14, § 15382.). Because the EIR certified by Sweetwater Authority for the Project identifies potentially significant impacts related to the Covered Activities, CDFW adopts the Findings set forth below to fulfill its obligations as a Responsible Agency under CEQA (Cal. Code Regs., tit. 14, § 15096, subd. (h); *Resource Defense Fund. V. Local Agency Formation Comm. of Santa Cruz County* (1987) 191 Cal.App.3d 886, 896-898.).

FINDINGS:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

CDFW recognizes the public trust requirements for fish and wildlife resources and has considered the state's public interest in the matter and taken the public trust into account. CDFW concludes that: Project approval will not impair the public trust or substantially interfere with trust resources, uses, or values. CDFW has duly exercised its responsibility as the state's designated trustee for fish and wildlife, and in consideration of its public trust obligations generally; that the Project will not interfere with the public trust use of fish and wildlife; and that Project approval does not and will not violate the public trust doctrine.

CDFW finds that CDFW's LSA Agreement for the Project will ensure compliance with mitigation measures by requiring the Permittee to monitor and report progress in implementing those measures for review by CDFW staff.

Mitigation Reporting or Monitoring Plans have been included in the LSA and are adopted herein.

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The Project is approved.

Date: 11/7/2025

By: DocuSigned by: Heather A. Pert

Heather Pert, Environmental Program Manager
South Coast Region
California Department of Fish and Wildlife