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CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
CALIFORNIA ENDANGERED SPECIES ACT
INCIDENTAL TAKE PERMIT
NO. 2081-2025-033-05

Irvine Ranch Water District
Syphon Reservoir Improvement Project

CEQA FINDINGS AND ADDENDUM

INTRODUCTION:

The California Department of Fish and Wildlife (CDFW) has prepared these findings and addendum 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 Syphon Reservoir Improvement Project (Project) because of its permitting authority under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). (See generally Pub. Resources Code, §§ 21002.1, subd. (d), 21069; CEQA Guidelines, § 15381; see also Cal. Code Regs., tit. 14, § 783.3, subd. (a).)[1] CDFW makes these findings under CEQA as part of its discretionary decision to authorize Irvine Ranch Water District (Permittee) to incidentally take Crotch's bumble bee (*Bombus crotchii*) (hereafter, Covered Species) during implementation of the Project. (See generally Fish & G. Code, § 2081, subd. (b); Cal. Code Regs., tit. 14, § 783.4.) The Crotch's bumble bee is designated as a candidate species under CESA. (Cal. Code Regs., tit. 14, § 670.1, Fish & G. Code §§ 2068, 2081).

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, Irvine Ranch Water District (IRWD) (See generally Pub. Resources Code, § 21067; CEQA Guidelines, § 15367.) IRWD analyzed the environmental impacts associated with implementation of the Project in an Environmental Impact Report [Final Environmental Impact Report for the Syphon Reservoir Improvement Project (EIR) (SCH No. 2019080009)], certified on July 27, 2021, and two subsequent Addendums [Addendum No. 2 to the Syphon Reservoir Improvement Project Final Environmental Impact Report (SCH No. 2019080009; May 2025), and Addendum No. 3 to the Syphon Reservoir Improvement Project Final Environmental Impact Report (SCH No.: 2019080009; October 2025)]. In so doing, IRWD imposed various mitigation measures for impacts related to the Covered Species as conditions of Project approval and concluded that Project-related impacts to the Covered Species could be substantially lessened with implementation of mitigation and avoidance measures, such that the impacts would be less than significant.

As approved by IRWD, the Project involves replacing the existing 59-foot engineered dam at Syphon Reservoir with a new 138-foot engineered dam, to increase the recycled water

[1] The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with Section 15000.

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storage capacity from the current 500 acre-feet to an approximate total of 5,000 acre-feet. The new dam will include a spillway to protect the reservoir from overtopping, as well as a seepage control drainage system, and a circulation/aeration system for the reservoir. The Project site is within the range of the Covered Species and may support individuals of the species. Development of the Project site will result in the permanent loss of 64.21 acres and temporary loss of 26.76 acres of habitat for the Covered Species and take of the Covered Species as defined by Fish and Game Code could occur. (Fish & G. Code, § 86.) These impacts fall within CDFW's permitting jurisdiction under CESA. (*Id.*, §§ 2080, 2081, subd. (b).)

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 IRWD's EIR and Addendums, CDFW has 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); CEQA Guidelines, §§ 15041, subd. (b), 15096, subds. (f)-(g).) Accordingly, because CDFW's exercise of discretion is limited to issuance of an Incidental Take Permit (ITP) for the Project, CDFW is responsible for considering only the environmental effects that fall within its permitting authority under CESA. (See generally *San Diego Navy Broadway Complex Coalition v. City of San Diego* (2010) 185 Cal.App.4th 924, 935-941.) Indeed, with respect to all other effects associated with implementation of the Project, CDFW is bound by the legal presumption that the EIR 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 CEQA Guidelines, § 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 environmental impact report has been certified which identifies one or more significant effects on the environment. (Pub. Resources Code, § 21081, subd. (a); CEQA Guidelines, § 15091, subd. (a); see also Pub. Resources Code, § 21068 (significant effect on the environment defined); CEQA Guidelines, § 15382.) CDFW adopts the findings set forth below to fulfill its obligations as a responsible agency under CEQA. (CEQA Guidelines, § 15096, subd. (h); *Resource Defense Fund. V. Local Agency Formation Comm. of Santa Cruz County* (1987) 191 Cal.App.3d 886, 896-898.)

FINDINGS:

CDFW has considered the EIR certified by IRWD as the lead agency for the Project as well as the two Addendums that IRWD prepared after certifying the EIR.

CDFW finds that the mitigation measures imposed as conditions of Project approval by IRWD, along with the mitigation measures and Conditions of Approval set forth in CDFW's

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ITP for the Project, will ensure that all Project-related impacts on the Covered Species are mitigated to below a level of significance under CEQA.

CDFW finds that issuance of the ITP will not result in any previously undisclosed significant effects on the environment or a substantial increase in the severity of any significant environmental effects previously disclosed by the lead agency. Furthermore, to the extent the potential for such effects exists, CDFW finds adherence to and implementation of the conditions of Project approval adopted by the lead agency, as well as adherence to and implementation of the Conditions of Approval imposed by CDFW through the issuance of the ITP, will avoid or reduce such potential effects to below a level of significance.

The following measures and others set forth in CDFW's ITP for the Project will avoid to the extent feasible and mitigate to below a level of significance all Project-related impacts on the Covered Species:

A. A Designated Biologist who is knowledgeable and experienced in the biology and natural history of the Covered Species will monitor Covered Activities to avoid, minimize, and mitigate the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. The Designated Biologist shall have authority to stop any activity that does not comply with the ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species.

B. A Worker Education Awareness Program (WEAP) will be provided for all persons working in the Project Area, to familiarize them with the conditions of the ITP and to ensure that all workers understand all protection measures for the Covered Species.

C. The Permittee has acquired and will permanently preserve 99.83 acres of Habitat Management lands approved by CDFW and provide for the maintenance and management of the habitat in perpetuity.

D. Compliance monitoring will be reported monthly and annual reports will be sent to CDFW by January 31 of each year.

E. Non-compliance will be reported to CDFW within 24 hours during the construction phase.

F. Permittee will prepare and submit a final mitigation report within 45 days following completion of the Project to notify CDFW of the success and effectiveness of required mitigation measures.

CDFW finds that the Mitigation Monitoring and Reporting Program in Attachment 1 of CDFW's ITP 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.

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The Mitigation Monitoring and Reporting Program is adopted.

The Project is approved.

DATE: 12/15/2025

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Erinn Wilson-Olgin, Regional Manager
South Coast Region
DEPARTMENT OF FISH AND WILDLIFE