Governor's Office of Planning & Research
JUN 14 2017
STATE CLEARINGHOUSE

FILED
JUN 14 2017
Resources Agency of California

Notice of Determination and Decision

To:

Governor's Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

Natural Resources Agency
1416 Ninth Street, Ste. 1311
Sacramento, CA 95814

From Lead Agency:

California Department of Fish and Wildlife
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
Contact: Betty Courtney
Phone: (858) 467-4201

SUBJECT: ***Re-Approval of the Newhall Ranch Project on Remand from the California Supreme Court;* Certification of Final Additional Environmental Analysis, and *Filing of Notice of Determination and Decision (Pub. Resources Code, § 211008; Cal. Code Regs., tit. 14, § 783.5, subd. (d)(6)).***

State Clearinghouse Number: 2000011025

Project Title: Newhall Ranch Resource Management and Development Plan (RMDP) and Spineflower Conservation Plan (SCP), and associated Master Streambed Alteration Agreement (No. 1600-2004-0016-R5) (MSAA) and Incidental Take Permits (ITPs) (Nos. 2081-2008-012-05 and 2081-2008-013-05). (collectively, the Project).

Project Location: The Newhall Ranch Project area covers a geographic area located in the northwestern unincorporated portion of the County of Los Angeles, totaling approximately 14,288 acres, near the intersection of Highway 126 and Interstate 5. In general, the Project area includes a portion of the Santa Clara River Valley between the City of Santa Clarita to the east and the Los Angeles County/Ventura County jurisdictional boundary line to the west, as shown on Figure 1.2-1 of the Draft Additional Environmental Analysis.

Project Description: The Project as previously approved by the California Department of Fish and Wildlife (CDFW) in 2010 consists of the MSAA and ITPs identified above, all of which rely on and otherwise implement in whole or in part the RMDP and SCP. In approving the Project in 2010 CDFW also certified an environmental impact report (hereafter, the 2010 EIR), and took other related actions under the California Environmental Quality Act (CEQA) and the Fish and Game Code, including the filing of a Notice of Determination and Decision on December 3, 2010. In 2015 in related litigation the California Supreme Court identified two issues in need of further attention by CDFW. (*Center for Biological Diversity v California Dept. of Fish and Wildlife* (2015) 62 Cal.4th 204). The Court directed CDFW to revisit its 2010 determination that the project's greenhouse gas (GHG) emissions would not be significant under CEQA. The Court also held that two mitigation measures approved by CDFW in 2010 authorizing, if necessary, collection and relocation of stranded fish during in-water construction activity violated protections afforded species designated as "fully protected" under the Fish and Game Code.

On remand from the Supreme Court the Project applicant, The Newhall Land and Farming Company, proposed various modifications to the previously approved Project to address the two issues identified by the Supreme Court. As to GHG, the Project applicant developed a suite of thirteen measures in a detailed reduction plan to achieve "Net Zero Emissions" for the Project, thereby offsetting 100% of the Project's GHG emissions. Relying on technical input from the California Air Resources Board (CARB) CDFW has determined that the project's GHG emissions will not be significant under CEQA.

As to the collection and relocation measures addressed by the Supreme Court, the Project applicant proposed modifications to obviate any need for the measures as originally approved by CDFW in 2010. Specifically, the Project applicant will implement changes to the timing and construction methods for

project bridges and bank stabilization infrastructure that will avoid all water contact during the construction of those facilities. With the "no water contact" during related construction and minimal, less impacting physical changes to the previously approved footprint of the bridges and bank stabilization infrastructure CDFW has determined the two measures addressed by the Supreme Court are no longer necessary.

Finally, in re-approving the Project as modified in 2017, including preparation, public review, and certification of additional environmental analysis under CEQA, CDFW has determined the Project as modified does not give rise to any other, additional, or new significant environmental impacts, or more severe significant impacts, when compared to the impacts analyzed in the 2010 EIR. A copy of the Final Additional Environmental Analysis (2017 Final AEA), in combination with the 2010 Final EIR, and CDFW's administrative record of proceedings may be examined at the CDFW South Coast Regional Office, 3883 Ruffin Road, San Diego, CA 92123, and at the following website: www.wildlife.ca.gov.

This NOD is to advise that CDFW, acting as a lead agency, re-approved the above-described Project on June 14, 2010, concluded the 2017 Final AEA, in combination with the 2010 EIR, was prepared and certified pursuant to the provisions of CEQA, the Supreme Court's decision, and other controlling law. Likewise, CDFW has reviewed and considered the information contained in the 2017 Final AEA, in combination with the 2010 EIR; finds that these analyses in combination have been completed in compliance with CEQA, the State CEQA Guidelines, and relevant court decisions; and that the environmental analyses in combination reflect the independent judgment and discretion of CDFW. In addition, CDFW has made the following determinations regarding the Project as described above:

1. The Project [☒ will / ☐ will not] have a significant effect on the environment.
2. An environmental impact report was prepared by CDFW as ead agency for the Project.
3. Additional mitigation measures [☒ were / ☐ were not] made a condition of CDFW's approval and re-approval of the Project.
4. A mitigation monitoring and reporting plan [☒ was / ☐ was not] adopted by CDFW for the Project as originally approved in 2010 and as re-approved with modifications in 2017.
5. A Statement of Overriding Considerations [☒ was / ☐ was not] adopted by CDFW for this Project.
6. Findings [☒ were / ☐ were not] made by CDFW pursuant to Public Resources Code § 21081, subd. (a) and CEQA Guidelines § 15091.)
7. Compliance with the environmental finding fee requirement at Fish and Game Code § 711.4:
   ☐ Payment is submitted with this notice.
   ☒ A copy of the receipt showing prior payment was submitted to CDFW.

Signature _____ *Date:* 6-14-17

Edmund J. Pert, Regional Manager

Date Received for filing at OPR: _____