

## Notice of Determination

**To:**

Office of Planning and Research  
[CEQA Submit](#)

**From:**

Department of Fish and Wildlife  
Central Region  
1234 East Shaw Avenue  
Fresno, California 93710  
Contact: Jim Kitch  
Phone: (559) 580-3198



**Lead Agency:**

Merced County – Public Works  
345 West Seventh Street, Merced, 95340  
Contact: Dana Hertfelder  
Email: [dana.hertfelder@countyofmerced.com](mailto:dana.hertfelder@countyofmerced.com)  
Phone: (209) 628-3865

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

**State Clearinghouse Number:** 2016041039

**Project Title:** Kibby Road over Bear Creek Bridge Replacement Project (Streambed Alteration Agreement No. EPIMS-MER-35851-R4)

**Project Location:** The Project is located within Bear Creek at Kibby Road, 0.35 miles south of Olive Avenue and 1.20 miles north of Highway 140; approximately 1.15 miles east of the City of Merced, in eastern Merced County; Sections 22 and 23, Township 7 South, Range 14 East; USGS 7.5 Minute Quad Merced MDB&M; Assessor's Parcel Numbers 061-020-047-000, 061-010-049-000, 061-010-006-000, 238-040-031-000, 238-050-011-000, 061-020-055-000, and one unassigned parcel; GPS coordinates 37.312194, -120.414973.

**Project Description:** The California Department of Fish and Wildlife (CDFW) has executed Streambed Alteration Agreement (EPIMS-MER-35851-R4), pursuant to Fish and Game Code section 1602, to the project Applicant, Merced County – Public Works.

The Project includes activities required to replace an existing steel railroad boxcar beam bridge measuring approximately 163 feet long and 24 feet wide, with a new three span cast-in-place concrete bridge measuring 135 feet long and 39.5 feet wide. Related activities include flow diversion, bank stabilization, and vegetation removal.

This is to advise that CDFW, acting as a Responsible Agency, approved the project described above on 5/16/2024 and 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 Mitigated Negative Declaration 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 not made by CDFW pursuant to California Code of Regulations section 15091.

The Mitigated Negative Declaration 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.

DocuSigned by:  
*Sarah Paulson* Signature: \_\_\_\_\_ Date: 5/16/2024

For: Julie A Vance, Regional Manager

Date Received for filing at OPR: \_\_\_\_\_