

Notice of Determination**- 1 -****To:**

Office of Planning and Research
 For U.S. Mail:
 P.O. Box 3044
 Sacramento, California 95812-3044

Street Address:

1400 Tenth Street
 Sacramento, California 95814

From:

California Department of Fish and Wildlife (CDFW)
 Central Region
 1234 East Shaw Avenue
 Fresno, California 93710
 Contact: Crystal Sinclair
 Phone: (559) 578-0416

Lead Agency

Merced County
 345 W 7th Street
 Merced, California 95341
 Contact: Oscar Ortiz
 Phone: (209) 385-7602, ext. 4678

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

State Clearinghouse Number: 2017021015

Project Title: Black Rascal Flood Control Project (California Endangered Species Act Incidental Take Permit No. 2081-2021-096-04 (ITP))

Project Location: The Black Rascal Creek Flood Control Project is located in Merced County within the Black Rascal Creek watershed, approximately 2 miles northeast of the city of Merced. The Project includes a portion of Black Rascal Creek approximately 1.3 miles upstream of its confluence with Bear Creek within the United States Geological Survey (USGS) Merced 7.5–Minute quadrangle.

Project Description: This proposed project involves the creation of an approximately 300-acre flood control detention basin area (Project) consisting of a north and south basin. Specific Project activities covered by the ITP, include preparing the construction work areas; grading and contouring; excavating; trenching; installation of subsurface improvements, stockpiling of soil and materials; spoils disposal; constructing temporary access routes; preparing staging areas; operating heavy equipment; removing vegetation; constructing parking lots and structures; vehicular movement; installing and maintaining wildlife barrier fencing; operations and maintenance activities described above; surveying, capturing, handling, and relocating California tiger salamander (*Ambystoma californiense*, hereafter, CTS) out of harm's way.

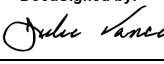
The Project will result in impacts to 1.798 acres of CTS habitat and 40.69 acres of Swainson's hawk (*Buteo swainsoni*) habitat, including temporary impacts to 1.6 acres of CTS upland habitat and 40.69 acres of Swainson's hawk foraging habitat; the Project will permanently remove 0.198 acres of CTS breeding habitat. The Project is expected to result in incidental take of CTS and Swainson's hawk, which are both designated as threatened species under the California Endangered Species Act. The ITP referenced above as issued by CDFW authorizes incidental take of species listed under CESA that may occur as a result of Project implementation.

This is to advise that CDFW, acting as [the lead agency / a responsible agency] approved the above-described project on 2/8/2024 and made the following determinations regarding the above-described project:

1. The project [will / 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. [An environmental impact report / A negative declaration] was prepared by the lead agency for the original project.
3. Additional mitigation measures [were / were not] made a condition of CDFW's approval of the project.
4. A mitigation reporting or monitoring plan [was / was not] adopted by CDFW for this project.
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(a).
7. Compliance with the environmental filing fee requirement at Fish and Game Code § 711.4 (check one):
 - Payment is submitted with this notice.
 - A copy of a receipt showing prior payment was submitted to CDFW.

Notice of Determination

Responsible Agency statement: The EIR prepared by the lead agency for the Project is available to the general public at the office location listed above for the lead agency. CDFW's administrative record of proceedings related to the incidental take permit is available to the public for review at CDFW's regional office.

DocuSigned by:

Signature _____ Date: 2/8/2024
FA83F09FE08945A...
Julie A. Vance, Regional Manager

Date Received for filing at OPR: _____