

Notice of Determination

To:

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

From:

Department of Fish and Wildlife
Region 4
1234 East Shaw Avenue
Fresno, California 93631
Contact: Benessa Galvan
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Lead Agency
Merced County
715 Martin Luther King Jr. Way
Merced, California 95341
Contact: Mike Walejko
Phone: (209) 385-7602

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

State Clearinghouse Number: 2017021015

Project Title: Black Rascal Flood Control Project (Streambed Alteration Agreement No. EPIMS-MER-26316-R4)

Project Location: The Project will occur at seven locations within Black Rascal Creek and two unnamed tributaries to Black Rascal Creek, northwest of the intersection of East Yosemite Avenue and North Arboleda Drive, approximately three miles northeast of the City of Merced, Merced County, State of California:

- Project 1 - Principal Spillway (Black Rascal Creek): 37.333298, -120.394382
- Project 2 - Black Rascal Creek Channel Realignment (Black Rascal Creek): 37.332837, -120.394451
- Project 3 - Ditch 1 Realignment (Unnamed Tributary 1): 37.333006, -120.394824
- Project 4 - Tributary Channel Restoration (Unnamed Tributary 1): 37.339494, -120.394490
- Project 5 - Northwest Embankment (Unnamed Tributary 1): 37.339477, -120.396900
- Project 6 - Ditch D-10 Relocation (Ditch 10): 37.332363, -120.387382
- Project 7 - Secondary Channel Realignment (Black Rascal Creek): 37.33828, -120.38820

Project Description: The California Department of Fish and Wildlife (CDFW) has executed Streambed Alteration Agreement No. EPIMS-MER-26316-R4, pursuant to Fish and Game Code section 1602, to the project Applicant, Merced County.

The Project includes activities related to creating a 300-acre flood control detention basin, consisting of north and south basins that will activate when Black Rascal Creek attains flood stage of 200-year flood frequency, to reduce downstream flooding and damage. Project activities will include construction of a detention basin, construction of a principal spillway to divert flow from Black Rascal Creek into the basin, fill and reroute of a portion of a tributary to Black Rascal Creek, restoration of a secondary channel to Black Rascal Creek, construction of an embankment, removal of a levee, and associated activities. The recharge basin is designed to contain a 200-year storm event without failure, with stream flows entering the basin at a rate of up to 3,000 cubic feet per second

This is to advise that CDFW, acting as a Responsible Agency, approved the project described above on _____ 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 environmental impact report 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 made by CDFW pursuant to California Code of Regulations section 15091.

Notice of Determination

The Final EIR 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:
Julie Vance
Signature: _____ Date: 3/12/2024
Julie A. Vance, Regional Manager

Date Received for filing at OPR: _____