

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

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

Street Address

1400 Tenth Street
 Sacramento, CA 95814

From:

California Department of Fish and Wildlife (CDFW)
 Region 4 Central
 1234 East Shaw Avenue
 Fresno, CA 93710
 Contact: Javier Mendez
 Phone: (559) 243-4005

Lead Agency

California Department of Transportation, District 5
 50 Higuera Street
 San Luis Obispo, CA 93401
 Contact: Morgan Robertson
 Phone: (559) 908-4107

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

State Clearinghouse Number: 2020060452

Project Title: SBT-25 Curve Correction Project (California Endangered Species Act Incidental Take Permit No. 2081-2014-010-04 (ITP)), Major Amendment No. 5.

Project Location: The Project is located on State Route (SR) 25 starting approximately 0.8 mile northwest of San Benito Lateral and ending approximately 2.0 miles southeast of SR 146 in San Benito County, California.

Project Description: The original Project involved realigning a 0.4-mile section of SR 25 to current design standards, involving cutting into a hillside. After completion of the original Project, slope failure occurred, and this Amendment allows a slight realignment of the roadway with flatter hill slopes. The original Project resulted in the permanent development of 1.86 acres of Covered Species upland habitat and temporary impacts to 0.87 acre of Covered Species upland habitat. The Project covered under the ITP, as amended, will result in the permanent development of 4.628 acres of Covered Species upland habitat and temporary impacts to 0.542 acres of Covered Species habitat (some of the original temporary impacts will be converted to permanent impacts). The Project may result in incidental take of California tiger salamander, which is designated as a threatened species under CESA.

This is to advise that CDFW, acting as [the lead agency / a responsible agency] approved the above-described project on 6/7/2022 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 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 not made/ were made by CDFW pursuant to Public Resources Code § 21081(a). CDFW did, however, adopt findings to document its compliance with CEQA.
 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.
- Responsible Agency statement: The Mitigated Negative Declaration (and supporting Initial Study) 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.

Signature

Valerie Cook

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Date: 6/7/2022

Valerie Cook, Acting Regional Manager

Notice of Determination

Date Received for filing at OPR: _____