

Notice of Determination



To:
Office of Planning and Research
[CEQA Submit](#)
For U.S. Mail:
P.O. Box 3044
Sacramento, CA 95812-3044

From:
Department of Fish and Wildlife
Central Region
1234 East Shaw Ave, Fresno, CA 93710
Contact: Adam Thompson
Phone: (559) 801-1915

Street Address:
1400 Tenth Street
Sacramento, CA 95814

Lead Agency:
California Department of Transportation
2015 East Shields Ave, Suite A-100, Fresno, CA 93726
Contact: Jennifer Taylor
Email: jennifer.taylor@dot.ca.gov
Phone: (558) 287-9844

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

State Clearinghouse Number: 2022010218

Project Title: Blackwell's Corner CAPM Project (California Endangered Species Act Incidental Take Permit No. 2081-2023-029-04 (ITP), Amendment No. 2)

Project Location: The Blackwell's Corner CAPM Project (Project) is located on State Route (SR) 33 between postmiles 40.4 and 59.3, approximately 6.6 miles northwest of McKittrick, north to Blackwell's Corner, within Kern County.

Project Description: The Project includes repaving SR 33 between PMs 40.4 and 59.3, adding 4-foot-wide paved shoulders along both sides of the highway in areas where the shoulder does not exist or is narrower than 4 feet, and extending, replacing, or repairing 19 culvert facilities within this section. Project work is anticipated to start in winter 2023 and be completed by fall 2024. The start date may be delayed by winter weather until spring 2024. Caltrans anticipates a total of 200 working days, which includes 60 nights.

As amended, the Project will result in 19.36 acres of temporary and 55.11 acres of permanent impacts to blunt-nosed leopard lizard (*Gambelia sila*), San Joaquin antelope squirrel (*Ammospermophilus nelsoni*), and San Joaquin kit fox (*Vulpes macrotis mutica*) habitat. The project is expected to result in incidental take of blunt nosed leopard lizard, which is designated as endangered under California Endangered Species Act (CESA) and as fully protected under Fish and Game Code 5050, and the San Joaquin antelope squirrel and San Joaquin kit fox, which are both designated as threatened species under the CESA. 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. Amendment No. 2 authorizes the addition of blunt-nosed leopard lizard as a Covered Species, changes to project impacts, and changes to some of the Conditions of Approval. Issuance of Amendment No. 2 will add take authorization for blunt-nosed leopard lizard and increase the area of impact compared to the Project as originally approved; however, by implementing compliance monitoring, pre-activity surveys, and other take minimization measures added herein by Amendment, it is expected that this Amendment will not increase Project impacts on the Covered Species included in the original ITP.

This is to advise that CDFW, acting as [the lead agency / a responsible agency] approved the above-described project on 1/17/2025, 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 mitigated 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). CDFW did, however, adopt findings to document its compliance with CEQA.

Notice of Determination

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 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:* 1/17/2025
FA83F89FE00945A...

Julie A. Vance, *Regional Manager*

Date Received for filing at OPR: _____