

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)
 Central Region R4
 1234 East Shaw Avenue
 Fresno, CA 93710
 Contact: Crystal Sinclair
 Phone: (559) 578-0416

Lead Agency

Stanislaus County
 1716 Morgan Road
 Modesto, CA 95358
 Contact: David Leamon
 Phone: (209) 525- 4151

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

State Clearinghouse Number: 2013092059

Project Title: 7th Street Bridge Replacement Project (Project) (California Endangered Species Act Incidental Take Permit No. 2081-2022-056-04 (ITP))

Project Location: The Project is located at the 7th Street Bridge over the Tuolumne River in the City of Modesto, Stanislaus County, and includes portions of Tuolumne Boulevard, the adjacent floodplain, Southern Pacific Railroad, and Zeff Road which becomes River Road east of the bridge.

Project Description: The Project would include replacement of the existing structurally and functionally deficient bridge with a new 1,238-foot long, 8-span arched concrete box girder bridge. The replacement bridge would be 79 feet wide with two lanes of traffic in each direction. The bridge would accommodate a 5-foot-wide Class II Bike Lane in each direction. A separated pedestrian walkway along both sides would range in size, with the shared pathway on the west side approximately 10 feet wide. Pedestrian railings would be provided on both sides of the entire length of the bridge and the vista points on the bridge would provide overlooks to the park. The bridge profile would be raised to meet the current hydraulic design requirements. Utility improvement work for the Project would include relocation of existing overhead and underground utilities and a new City of Modesto water line installation. The installation of the new water line beyond the bridge limits would likely occur concurrently with the other roadway improvements.

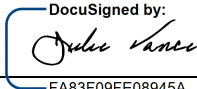
The Project will result in impacts to 4.9 acres of Swainson's hawk (*Buteo swainsoni*) habitat including temporary impacts to 4.78 acres; the Project will permanently remove 0.12 acres of Swainson's hawk habitat. The Project is expected to result in incidental take of Swainson's hawk, which is designated as a 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 4/15/2024 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.

Signature  FA83F09FE08945A... *Date: 4/15/2024*

Julie A. Vance, *Regional Manager*

Date Received for filing at OPR: _____