

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

Office of Land Use and Climate Innovation
[CEQA Submit](#)

From:

California Department of Fish and Wildlife (CDFW)
 Central Region
 1234 East Shaw Avenue
 Fresno, California 93710
 Contact: Shaelyn Latronica, Environmental Scientist
 Phone: (559) 246-2584

Lead Agency
 Merced County
 345 West 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 Protection Project (California Endangered Species Act Incidental Take Permit No. 2081-2021-096-04 (ITP)), Minor Amendment No. 1

Project Location: The Black Rascal Creek Flood Control Protection 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.

Project Description: This proposed project involves the construction of a flood detention basin, realignment of 1700-foot section of Black Rascal Creek, a basin outlet structure, a 350-foot-long spillway constructed adjacent to the basin outlet, drainage facilities (culverts, headwalls, and end treatments at three locations within the Project), access road work, staging areas, and aquatic, riparian and upland habitat enhancements within the Project footprint. Following the completion of all Project activities, all remaining work areas will be graded and restored to as close to pre-project contours as feasible. All areas subject to ground disturbance will be revegetated with hydroseeding or hand seeding with a weed-free native seed mix unless otherwise required by the property landowner. Construction of the detention basin will take approximately 18 months to complete and will occur over a 2-year period during the dry season (April 1 through October 31). It is assumed that all work will be conducted during the day within a normal 8-hour shift between 7:00 a.m. and 6:00 p.m.

The Project will result in impacts to 1.794 acres of California tiger salamander (*Ambystoma californiense*, 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 0.194 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.

Minor Amendment No. 1 extends the expiration date from January 31, 2027, to January 31, 2032. The Project is delayed pending the approval of the following permits associated with the Project: (1) U.S. Army Corps of Engineering (USACE) Section 404 permit No. SPK-2021-00278; (2) USACE Section 408 permit No. 19653; and (3) Central Valley Flood Protection Board Encroachment Permit No. 19643.

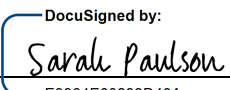
This is to advise that CDFW, acting as ☐ the lead agency / ☒ a responsible agency] approved the above-described project on 7/30/2026 and made the following determinations regarding the above-described project:

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.

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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.
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 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  Date: 7/30/2026
 for Julie Vance, Regional Manager

Date Received for filing at OPR: _____