

Notice of Determination

To:

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

From:

Department of Fish and Wildlife
Region 4
1234 East Shaw Avenue
Fresno, California 93631
Contact: Jackson Powell
Email: Jackson.Powell@wildlife.ca.gov
Phone: (559) 899-9758



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 (Extension with Conditions to Lake or Streambed Alteration Agreement No. EPIMS-MER-26316-R4)

Project Location (Merced): 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 extended Lake and Streambed Alteration Agreement EPIMS Notification No. EPIMS-MER-26316-R4 (Agreement) with conditions, pursuant to Fish and Game Code section 1602 to Merced County.

The expiration date of the Agreement is extended for five years, from March 12, 2029, to March 12, 2034; and modifies the Agreement and conditions therein to reflect the western burrowing owl (*Athene cunicularia hypugaea*) updated status as a candidate species pursuant to the California Endangered Species Act.

This is to advise that CDFW, acting as a Responsible Agency, approved the Project described above on 8/5/2026 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.

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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.

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.

Signature:  DocuSigned by:
Sarah Paulson
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Date: 8/5/2026

For: Julie A. Vance, Regional Manager

Date Received for filing at LCI: