

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
 1234 East Shaw Avenue
 Fresno, California 93710
 Contact: Kari Daniska
 Phone: (559) 939-0280

Lead Agency

Kern County
 2700 M Street, Suite 100
 Bakersfield, California 93301
 Contact: Lorelei Oviatt
 Phone: (661) 862-8600

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

State Clearinghouse Numbers: 2011071051 and 2008121044

Project Title: Alta East and Northern Portion of Alta Infill II Wind Energy Project (Project); California Endangered Species Act Incidental Take Permit (ITP) No. 2081-2013-016-04, Major Amendment No. 6.

Project Location: The Project is located south of State Route 58, west of State Route 14, and north of Oak Creek Road in the Oak Creek area of Kern County at the base of the Tehachapi Mountains in the western Mojave Desert, approximately 12 miles east of the City of Tehachapi and approximately 2 miles northwest of the City of Mojave, within the County of Kern, California.

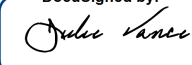
Project Description: The Project as approved by the California Department of Fish and Wildlife (CDFW), and as originally issued to Alta Wind X, LLC; Alta Wind XI, LLC; Alta Wind XII, LLC; Alta Wind XIII, LLC; and Alta Wind XIV, LLC (Permittee) for the Alta East and Northern Portion of Alta Infill II Wind Energy Project in May 2013, involves the construction and installation of wind turbine generators (WTGs) and supporting infrastructure to operate them as a wind power generation facility. The ITP authorizes take of Bakersfield cactus (*Opuntia basilaris* var. *treleasei*) and desert tortoise (*Gopherus agassizii*), species designated as endangered and threatened, respectively, under the California Endangered Species Act. Major Amendment No. 6 reduces temporary Project impacts from 271.30 acres to 246.09 acres and increases permanent Project impacts from 68.63 acres to 93.84 acres to reflect the actual amounts of temporary and permanent acreages disturbed during construction of the Project. Additionally, Amendment No. 6 includes the need for additional long-term management funding to supplement management activities and enhance Bakersfield cactus at a CDFW Ecological Reserve that supports Bakersfield cactus. CDFW issued the ITP, Minor Amendment No. 1 (which revised the facility layout where construction activities occurred), Major Amendment No. 2 (which revised the Project Description), Minor Amendment No. 3 (which allowed compliance monitoring to occur during the O&M period only when ground-disturbing activities occurred and reduced the reporting requirement during the O&M period from quarterly to annually), Minor Amendment No. 4 (which revised the Permittee and Contact Person information to reflect the transfer in ownership of the Alta East and Northern Portion of Alta Infill II Wind Energy Project), Minor Amendment No. 5 (which reduced the temporary and permanent project impacts), and Major Amendment No. 6 as a Responsible Agency under the California Environmental Quality Act (CEQA) relying on an Environmental Impact Report (EIR) and Supplemental EIR prepared and certified for the Project by the lead agency, County of Kern.

This is to advise that CDFW, acting as [the lead agency / a responsible agency] approved the above-described project on 3/20/2023 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).

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- 7. Compliance with the environmental filing fee requirement at Fish and Game Code § 711.4: The Permittee previously paid the environmental filing fee for the Project. (Fish & G. Code, § 711.4, subd. (g).)
- 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.

DocuSigned by:

Signature _____ *Date:* 3/20/2023
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Julie A. Vance, Regional Manager

Date Received for filing at OPR: _____