

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, CA 93710
 Contact: Carrie Swanberg
 Phone: (559) 243-4005

Lead Agency (if different than CDFW)

Kern County Planning Department
 2700 "M" Street, Suite 100, Bakersfield, CA 93301
 Contact: Lorelei H. Oviatt
 Phone: (661) 862-8600

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

State Clearinghouse Number: 2017071020

Project Title: RB Inyokern Solar Project - Conditional Use Permit Case No. 23, Map No. 47; Conditional Use Permit Case No. 27, Map No. 47; Specific Plan Amendment Case No. 4, Map No. 47 (California Endangered Species Act Incidental Take Permit No. 2081-2020-001-04 (ITP)).

Project Location: The RB Inyokern Solar Project (Project) is located in the unincorporated community of Inyokern, Kern County, California, north of Highway 178 and is bordered by Highway 395 on the east and by Brown Road on the west.

Project Description: This proposed Project includes the construction, operation, maintenance, and ultimate decommissioning of a 26.6-megawatt alternating current solar facility with energy battery storage units over a 166.5-acre area of privately owned land.

The Project will result in permanent impacts to 166.5 acres of desert tortoise (*Gopherus agassizii*) and Mohave ground squirrel (*Xerospermophilus mohavensis*) habitat. The project is expected to result in incidental take of desert tortoise and Mohave ground squirrel, which are 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 7/22/2022 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.

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:

Bob Stafford

Signature

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Date: 7/22/2022**FOR** Julie A. Vance, *Regional Manager*

Date Received for filing at OPR: _____