

Notice of Determination

To:

Office of Planning and Research

[CEQA Submit](#)

From:

Department of Fish and Wildlife

South Coast Region

3883 Ruffin Road

San Diego, CA 92123

Contact: Jennifer Blackhall

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Lead Agency

City of Poway

13325 Civic Center Drive

Poway, CA 92064

Contact: Stan Donn

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Phone: (858) 668-4604

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

State Clearinghouse Number: 1984053008

Project Title: Nighthawk Energy Storage Project (Streambed Alteration Agreement No. EPIMS-SDO-49577-R5)

Project Location (San Diego County): The Nighthawk Energy Storage Project (Project) is located at two locations:

- Bore 1 is located at Beeler Creek in the City of Poway; Latitude 32.927650, Longitude -117.039650
- Bore 2 is located at the confluence of two unnamed drainages that are tributaries to Los Peñasquitos Creek; Latitude 32.921921, Longitude -117.033814

The Project is entirely within the subregional San Diego Multiple Species Conservation Program (MSCP), a comprehensive habitat conservation planning program, specifically within the City of Poway and City of San Diego Subarea Plans, pursuant to the Natural Communities Conservation Planning Act (Fish and G. Code 2800, et seq.). The City of Poway and the City of San Diego both participate in the MSCP by implementation of their respective approved Subarea Plans, Implementation Agreements, and Natural Community Conservation Plan permits.

Project Description: The California Department of Fish and Wildlife (CDFW) has executed Lake and Streambed Alteration Agreement (EPIMS-SDO-49577-R5), pursuant to Fish and Game Code section 1602, to the project Applicant, Nighthawk Energy Storage, LLC, as represented by Sohail Suryavanshi.

The Project will construct underground transmission lines using jack-and-bore methods under Beeler Creek and two unnamed drainages. The underground bore will drill into the earth from the sending pit on one end to the receiving pit on the other end, removing materials. A permanent casing pipe will be installed within each bore hole. Soil from the pits will be temporarily stored on site and then used to backfill each pit after each boring completion. Any excess soil will be removed from the Project site. Equipment will be staged outside of the streams. Access to the site will occur from existing roads and developed lands. Project activities are anticipated to take up to six months.

This is to advise that CDFW, acting as a Responsible Agency, approved the project described above on September 6, 2024, and has made the following determinations regarding the project pursuant to California Code of Regulations section 15096, subdivision (i):

Notice of Determination

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.
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.

DocuSigned by:
 Signature: Heather A. Pert Date: 9/6/2024
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Heather Pert, Environmental Program Manager

Date Received for filing at OPR: _____