

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 (Region 4)
 1234 East Shaw Avenue
 Fresno, CA 93710
 Contact: Craig Bailey
 Phone: (559) 243-4014

Lead Agency
 City of Bakersfield
 Community Development Department
 Planning Division
 1715 Chester Ave.
 Bakersfield, CA 93301

Contact: Phil Burns
 Phone: (661) 326-3075

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

State Clearinghouse Number: 1989020264

Project Title: Metropolitan Bakersfield Urban Development California Endangered Species Act Incidental Take Permit No. 2081-2013-058-04 (ITP) Minor Amendment No. 4

Project Location: The Project Area is the Metropolitan Bakersfield 2010 General Plan Area (GPA), which encompasses approximately 261,120 acres (408 sq. mi.) in central Kern County, centered on the City of Bakersfield.

Project Description: The ITP authorizes take of San Joaquin kit fox (*Vulpes macrotis mutica*) and San Joaquin antelope squirrel (*Ammospermophilus nelsoni*), which are designated threatened pursuant to the California Endangered Species Act (CESA), and Tipton kangaroo rat (*Dipodomys nitratooides nitratooides*) and Bakersfield cactus (*Opuntia basilaris* var. *treleasei*) which are designated endangered pursuant to CESA, incidental to the urban development of up to 14,200 acres of Natural Lands or 33,400 acres of Open Lands within the 261,120-acre Metropolitan Bakersfield Habitat Conservation Plan (MBHCP) area, as defined in Figure 2 of the MBHCP, dated April 1994. The ITP as issued by CDFW authorizes incidental take of these species subject to various terms and conditions, including the requirement that all authorized impacts are fully mitigated. Project activities as defined in the ITP is specifically conditioned by the MBHCP, associated Implementation/Management Agreement dated August 15, 1994, and a federal incidental take permit pursuant to section 10(a)(1)(B) of the ESA issued by the United States Fish and Wildlife Service on August 24, 1994. The 14,200 acres of Natural Lands or 33,400 acres of Open Lands that can be developed includes all MBHCP authorized development since 1994; as a result, only a portion of the development acreage contemplated in the 1994 MBHCP remains; as of December 31, 2012, there were 3,116.67 acres converted from Natural Lands to Urban Development, and 18,405.5 acres converted from Open Land to Urban Development.

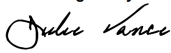
Minor Amendment No. 4 (Amendment) makes three changes to the ITP, as previously amended. The Amendment extends the existing permit expiration date to June 1, 2023; establishes a deadline of January 1, 2023, for payment of the Habitat Mitigation Fee; and establishes the ITP's expiration date as the deadline for completion of Covered Activities in the Project area.

This is to advise that CDFW, acting as [the lead agency / a responsible agency] approved the above-described project on 9/2/2021 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 for the project pursuant to CEQA.
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.

Notice of Determination

- Responsible Agency statement: The environmental impact report prepared and certified 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:

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Signature

Date: 9/2/2021

Julie A. Vance, Regional Manager

Date Received for filing at OPR: _____