

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)
 Inland Deserts Region
 3602 Inland Empire Blvd Suite C-220
 Contact: Rose Banks
 Rose.Banks@wildlife.ca.gov

Lead Agency (if different than CDFW)

Imperial County
 801 Main Street
 El Centro, CA 92243
 Contact: Jim Minnick
 Phone: (442) 265-1736

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

State Clearinghouse Number: 2014071062

Project Title: Hell's Kitchen Well Pad 4 and S-Berm Access Road Project (California Endangered Species Act Incidental Take Permit No. 2081-2018-076-06 (ITP))

Project Location: The Project is located in Imperial County, California and can be found on the Niland California U.S. Geological Survey (USGS) 7.5 Minute Quadrangle in Sections 2 and 11, Township 11 South, Range 13 East. The Project is located approximately four miles west of Niland, southwest of the intersection of Davis Road and Noffsinger Road. It is surrounded by undeveloped playa bordering the Salton Sea on the north, south and west. A dirt road forms the eastern boundary between the Project site and the Imperial Waterfowl Management Area.

Project Description: The Project includes construction of an access road (S-Berm Access Road) and exploratory well pad (Well Pad 4) to determine the feasibility of future mineral extraction and geothermal energy production. Construction of the Project includes installation of a culvert beneath the S-Berm Access Road. Project activities include temporary diversions of flows from the Imperial Irrigation District's (IID) S-Drain during culvert installation and installation of riprap on the upstream and downstream ends of the culvert for scour protection.

The Project will result in impacts to desert pupfish (*Cyprinodon macularis*). 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 September 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).
 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.

Signature

DocuSigned by:

Heidi Calvert

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Date: 9/20/2023

Notice of Determination

Heidi Calvert, *Regional Manager*

Date Received for filing at OPR: _____