

Notice of Determination

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:

Department of Fish and Wildlife (CDFW)
 Region 4 – Central Region
 1234 East Shaw Avenue
 Fresno, California 93710
 Contact: Jim Vang, Senior Environmental Scientist
 Phone: (559) 580-3203

Lead Agency

Kern County Planning and Natural Resources
 Department
 2700 M Street, Suite 100
 Bakersfield, California 93301
 Contact: Terrance Smalls
 Phone: 661-862-8607

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

State Clearinghouse Number: 2022110558

Project Title: Pelicans Jaw Hybrid Solar Project (California Endangered Species Act Incidental Take Permit No. 2081-2023-055-04 (ITP))

Project Location: The Project is located in northwestern Kern County, adjacent to the southern border of Kings County and west of the Kern River Channel. It is approximately 12 miles southeast of Kettleman City, approximately 8 miles north of the community of Lost Hills, approximately 2 miles east of the Interstate 5 (I-5), and approximately 2.5 miles west of the Kern National Wildlife Refuge. The Project site is generally bordered by Twisselman Road to the south, Lost Hills Road to the east, Kern and Kings County line to the north, and I-5 to the west.

Project Description: This proposed project involves the development, operation, and maintenance of a 500-megawatt (MW) solar facility. The Project would have the capacity to generate up to 500 MW of electricity through solar power derived from either fixed-tilt or tracker technology and up to 500 MW, or up to 4,000 megawatt-hours (MWh), of battery energy storage system (BESS) on approximately 3,260 acres.

The Project is expected to result in incidental take of the State threatened San Joaquin kit fox (*Vulpes macrotis mutica*), the State threatened Swainson’s hawk (*Buteo swainsoni*), and the State endangered and fully-protected blunt-nosed leopard lizard (*Gambelia sila*) (collectively the Covered Species) which are protected under the California Endangered Species Act (CESA). The Project is expected to cause impacts to 3,069 acres of non-native grassland formerly in agricultural production which provides low to moderate suitable habitat for the Covered Species.

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. Incidental take of blunt-nosed leopard lizard may be authorized pursuant to Fish and Game Code section 2081.15 to allow CDFW to authorize the take of a fully protected species in subdivision (b) of section 5050 resulting from impacts attributable to the implementation of a solar photovoltaic project and any appurtenant infrastructure improvement, and any associated electric transmission project carrying electric power from a facility that is located in the State to a point of junction with any California-based balancing authority if the conditions set forth in Fish and Game Code section 2081.15, subdivisions (a-f) and section 2081, subdivisions (b) and (c) are met (See Cal. Code Regs., tit. 14, § 783.4, and Senate Bill No. 147, stats. 2023).

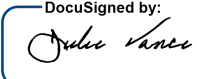
The Permittee will permanently conserve 3,933 acres of high quality occupied Covered Species habitat that will include a monitoring program and an adaptive management plan, approved by CDFW to fully mitigate the impacts of the authorized take of the species.

This is to advise that CDFW, acting as [the lead agency / a responsible agency] approved the above-described project on 10/4/2024 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).

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- 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:

 Signature _____ Date: 10/4/2024
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Julie A. Vance, *Regional Manager*

Date Received for filing at OPR: _____