

**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:**

Department of Fish and Wildlife (CDFW)  
 Bay Delta Region 3  
 2825 Cordelia Road, Suite 100, Fairfield, CA 94534  
 Contact: Mia Bianchi  
 Phone: (707) 428-2002

**Lead Agency**

San Joaquin County  
 1810 East Hazelton Avenue, Stockton, CA 95205  
 Contact: Stephanie Stowers  
 Phone: (209) 468-9653

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

State Clearinghouse Number: 2022120675

**Project Title:** Kola Battery Energy Storage California Endangered Species Act (CESA) Incidental Take Permit No. 2081-2081-042-03 (ITP)

**Project Location:** The project site is on the east side of Midway Rd.; 2,300 feet south of W. Patterson Pass Rd., southwest of Tracy, San Joaquin County. (APN/Address: 209-100-19 I 20042 W. Patterson Pass Rd., Tracy) (Supervisorial District: 5) with minor encroachment into Alameda County. The Project is centered at a latitude/longitude: 37.710, -121.554.

**Project Description:** This proposed project involves the development of a 400-megawatt capacity solar energy generation and storage facility and the facility's subsequent operation. Major Project components are the solar facility, the battery energy storage system, access roads, and a 230-kilovolt gen-tie, which will include both above ground and underground components.

The Project will result in impacts to 44.94 acres of habitat for Crotch's bumble bee (*Bombus crotchii*), California tiger salamander (*Ambystoma californiense*), and San Joaquin kit fox (*Vulpes macrotis mutica*), collectively; including temporary impacts to 22.10 acres; and 22.84 acres of permanent impacts. The Project is expected to result in incidental take of California tiger salamander and San Joaquin kit fox, which are designated as Threatened species under CESA, and Crotch's bumble bee, which is designated as a Candidate species under CESA. The ITP referenced above as issued by CDFW authorizes incidental take of species that are listed or designated as candidates for listing under CESA that may occur as a result of Project implementation within the scope of the ITP's Covered Activities, subject to the limitations and Conditions of Approval in the ITP.

This is to advise that CDFW, acting as [ the lead agency /  a responsible agency] approved the above-described project on May 3, 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).
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:

*Erin Chappell*

Signature

Erin Chappell, Regional Manager

Date: May 3, 2024

Date Received for filing at OPR: \_\_\_\_\_