

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)
 Bay Delta Region 3
 2825 Cordelia Road, Suite 100, Fairfield, CA 94534
 Contact: Gabriele Quillman
 Email: Gabriele.Quillman@wildlife.ca.gov
 Phone: (707) 815-9867

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 Energy Storage Project California Endangered Species Act (CESA) Incidental Take Permit No. 2081-2081-042-03 (ITP); Minor Amendment #1

Project Location: The Kola Energy Storage Project (Project) site is located 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 | 20042 W. Patterson Pass Rd., Tracy) (Supervisorial District: 5) as well as a portion located in Alameda County. The Project is centered at a latitude/longitude: 37.710, -121.554.

Project Description: The Project involves a minor amendment to the existing CESA ITP. The Project is a 400-megawatt capacity solar energy generation and storage facility which includes a solar facility, a battery energy storage system, access roads, and a 230-kilovolt gen-tie.

The amendment to the ITP authorizes the addition of an additional 2.44-acre temporary laydown area, changes the design of the gen-tie such that an approximately 1,700-foot section that was previously designed to be built above ground will now be underground, and increases the habitat management lands to be provided by the Permittee by 2.44 acres.

The Project, along with the impacts authorized in the original ITP, will result in impacts to 47.38 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 24.54 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 8/22/2024 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). CDFW did, however, adopt findings to document its compliance with CEQA.
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 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.

Signed by: Greg Martinelli for Date: 8/22/2024
Signature 7E1D27B5645E452...
Erin Chappell, *Regional Manager*

Date Received for filing at OPR: _____