

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 Boulevard, Suite C-220
 Ontario, CA 91764
 Contact: Patricia Moyer
 Phone: (760) 835-4304

Lead Agency (if different than CDFW)
 Los Angeles Department of Water and Power
 300 Mandich Street, Bishop CA 93514
 Contact: Clarence Martin
 Phone: (760) 873-0342

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

State Clearinghouse Number: 2014101065

Project Title: North Haiwee Dam No. 2 Amendment No. 1 (California Endangered Species Act Incidental Take Permit No. 2081-2017-073-06 (ITP))

Project Location (include county): The Project is located approximately 1.1 miles southeast of the community of Olancho, and approximately 0.9 miles north of the community of Haiwee in Inyo County. The Project site is bordered on the south by the North Haiwee Reservoir (NHR), on the east by undeveloped Los Angeles Department of Water and Power (LADWP)-owned property, on the north by the privately owned Butterworth Ranch, and on the west by undeveloped U.S. Bureau of Land Management (BLM)-owned land. The existing North Haiwee Dam (NHD) is located at the north end of NHR approximately 0.7 miles east of U.S. Highway 395 and is accessed via the partially paved North Haiwee Road from the west and via the partially paved Cactus Flats Road from the north and east. The Project area is located in the Haiwee Reservoir USGS 7.5' quadrangle.

Project Description: This proposed Project involves construction of North Haiwee Dam No. 2 (NHD2) components; realignment of Cactus Flat Road; realignment of the Los Angeles Aqueduct and construction of a diversion structure and a bridge; construction of the diversion channel and NHD modifications; and excavation of materials from BLM disturbance area.

The Project will result in impacts to 93.74 acres of Mohave ground squirrel (*Xerospermophilus*) and desert tortoise (*Gopherus agassizii*) habitat including temporary impacts to 53.9 acres; the Project will permanently remove 39.84 acres of Mohave ground squirrel and desert tortoise habitat. The Project is expected to result in incidental take of Mohave ground squirrel and desert tortoise, which are designated as a threatened species under the California Endangered Species Act (CESA). The Project will permanently remove 176 acres of western Joshua tree (*Yucca brevifolia*) habitat. The Project is expected to result in incidental take of western Joshua tree, which is designated as a candidate species under CESA. 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 March 15, 2022 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.

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.

DocuSigned by:
Richard Burg
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Signature

Richard Burg, Acting Regional Manager

3/15/2022

Date:

Date Received for filing at OPR: _____