

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)
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
 Contact: Bryant Luu

Los Angeles Department of Water and Power
300 Mandich Street, Bishop, CA 93514
 Contact: Clarence Martin

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

State Clearinghouse Number: 2014101065

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

Project Location: 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 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 a BLM disturbance area.

The Project will result in impacts to 90.32 acres of Mohave ground squirrel (*Xerospermophilus mohavensis*) and desert tortoise (*Gopherus agassizii*) habitat including temporary impacts to 52.49 acres; the project will permanently remove 37.82 acres of Mohave ground squirrel and desert tortoise habitat. The project is expected to result in incidental take of Mohave ground squirrel, which are designated as a threatened species under the California Endangered Species Act. The project will permanently remove 90.32 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 August 30, 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). 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.

DocuSigned by:

Heidi Calvert

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Signature

Date: 8/30/2023

Heidi Calvert, *Regional Manager*

Date Received for filing at OPR: _____