

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)
 Central Region
 1234 East Shaw Avenue
 Fresno, CA 93710
 Contact: Carrie Swanberg
 Phone: (559) 243-4005

Lead Agency
 Merced County, Attn: Planning and
 Community Development Department
 2222 M Street
 Merced, CA 95340
 Contact: Oksana Newmen
 Phone: (209) 385-7654

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

State Clearinghouse Number: 2013101071

Project Title: Wright Solar Park Project; Minor Amendment No. 3 to the California Endangered Species Act Incidental Take Permit No. 2081-2018-014-04 (ITP).

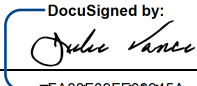
Project Location: The Project is located west of Interstate 5, south of Billy Wright Road and north of the Los Banos Reservoir, approximately 6 miles southwest of the City of Los Banos and the mitigation land is located west of Interstate 5, approximately 3 miles west of the intersection of Interstate 5 and Highway 165 in unincorporated areas of western Merced County, California.

Project Description: The Project, as approved by the CDFW, consists of a Minor Amendment No. 3 to the ITP. The Project involves the construction, operation, and decommissioning of a 200-megawatt photovoltaic solar power-generating facility and is composed of a 1,250-acre solar site, including access road improvements. The Project as authorized in the ITP, as amended, will result in permanent and temporary impacts to 1,250 acres of low to moderate quality San Joaquin kit fox (*Vulpes macrotis mutica*) and high quality Swainson's hawk (*Buteo swainsoni*) habitat. The Project is expected to result in incidental take of San Joaquin kit fox or Swainson's hawk, which are designated as threatened species under the California Endangered Species Act (CESA).

Minor Amendment No. 3 extends the deadline in which to complete the compensatory mitigation obligations and is not expected to result in an increase in incidental take of San Joaquin kit fox or Swainson's hawk. 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 10/31/2022 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.
- 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 as amended is available to the public for review at CDFW's regional office.

DocuSigned by:

 Signature _____ Date: 10/31/2022
 Julie A. Vance, Regional Manager

Date Received for filing at OPR: _____