

Notice of Determination

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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: Jennifer Giannetta
Phone: (559) 243-4014

Lead Agency

Kern County Planning and Natural Resources Department
2700 M Street, Suite 100
Bakersfield, CA 93301-2323
Contact: Lorelei Oviatt
Phone: (661) 862-8600

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

State Clearinghouse Number: 2017071072

Project Title: Love's Travel Stops and Country Stores Boron Development Site Incidental Take Permit (California Endangered Species Act Incidental Take Permit No. 2081-2018-025-04 (ITP))

Project Location: The Project is located north of Highway 58 and east of Boron Avenue in southeastern Kern County near Boron.

Project Description: This proposed project involves the development of undeveloped land into a gas station, a convenience store, a ground-mounted solar array surrounded by an approximately 7-foot-tall chain link fence, a truck service facility, and two fast food restaurants, one with a drive-through.

The Project will result in impacts to 21.6 acres of desert tortoise (*Gopherus agassizii*) and Mohave ground squirrel (*Spermophilus mohavensis*) habitat, including temporary impacts to 1 acre; the Project will permanently remove 20.6 acres of desert tortoise and Mohave ground squirrel habitat. The Project is expected to result in incidental take of desert tortoise and Mohave ground squirrel, which are designated as a threatened species under the California Endangered Species Act. 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 4/24/19 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.

Signature



Date:

4/24/19

Julie A. Vance, Regional Manager

Governor's Office of Planning & Research

Date Received for filing at OPR: APR 24 2019

STATE CLEARINGHOUSE

CDFW Rev. 2013.1.1