

Notice of Determination

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 (Region 4)
1234 East Shaw Avenue
Fresno, CA 93710
Contact: Craig Bailey
Phone: (559) 243-4014

Lead Agency
City of Bakersfield
Community Development Department
Planning Division
1715 Chester Ave.
Bakersfield, CA 93301

Contact: Phil Burns
Phone: (661) 326-3075

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

State Clearinghouse Number: 1989020264

Project Title: Metropolitan Bakersfield Urban Development (i.e., Metropolitan Bakersfield Habitat Conservation Plan (MBHCP)) (Project); California Endangered Species Act Incidental Take Permit No. 2081-2013-058-04 (ITP) Minor Amendment No. 3)

Project Location: The Project Area is the Metropolitan Bakersfield 2010 General Plan Area (GPA), which encompasses approximately 261,120 acres (408 sq. mi.) in central Kern County, centered on the City of Bakersfield.

Project Description: The Project includes the urban development of up to 14,200 acres of Natural Lands or 33,400 acres of Open Lands within the 261,120-acre Metropolitan Bakersfield Habitat Conservation Plan (MBHCP) area, as defined in Figure 2 of the MBHCP, dated April 1994. The Project as defined in the ITP is specifically conditioned by the MBHCP, associated Implementation/Management Agreement dated August 15, 1994, and a federal incidental take permit pursuant to section 10(a)(1)(B) of the ESA issued by the United States Fish and Wildlife Service on August 24, 1994. The 14,200 acres of Natural Lands or 33,400 acres of Open Lands that can be developed includes all MBHCP authorized development since 1994; as a result, only a portion of the development acreage contemplated in the 1994 MBHCP remains; as of December 31, 2012, there were 3,116.67 acres converted from Natural Lands to Urban Development, and 18,405.5 acres converted from Open Land to Urban Development. The ITP specifically authorizes development as contemplated in the MBHCP from the time of issuance of the ITP to ITP expiration in 2022.

The Project will cause permanent impacts to up to 14,200 acres of habitat for Tipton kangaroo rat (*Dipodomys nitratooides nitratooides*), San Joaquin kit fox (*Vulpes macrotis mutica*), San Joaquin antelope squirrel (*Ammospermophilus nelsoni*), and Bakersfield cactus (*Opuntia basilaris* var. *treleasei*) (Covered Species). The Project is expected to result in incidental take of San Joaquin kit fox and San Joaquin antelope squirrel, which are designated threatened pursuant to the California Endangered Species Act (CESA), and Tipton kangaroo rat and Bakersfield cactus, which are designated endangered pursuant to CESA. The ITP referenced above as issued by CDFW authorizes incidental take of Covered Species subject to various terms and conditions, including the requirement that all authorized impacts are fully mitigated.

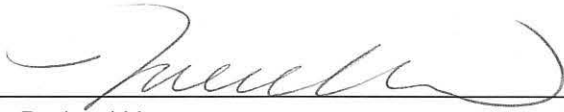
Minor Amendment No. 3 (Amendment) makes two changes to the ITP, as previously amended. This Amendment extends the existing permit expiration date to February 28, 2022, and establishes a deadline of August 31, 2021, for payment of the Habitat Mitigation Fee and establishes the ITP's expiration date as the deadline for completion of Covered Activities in the Project area.

This is to advise that CDFW, acting as the lead agency / a responsible agency] approved the above-described project on 8/22/19 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 for the project pursuant to CEQA.
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.

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Responsible Agency statement: The environmental impact report prepared and certified 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: 8/22/19
Julie A. Vance, Regional Manager

Date Received for filing at OPR: _____

Governor's Office of Planning & Research

AUG 23 2019

STATE CLEARINGHOUSE