

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
CENTRAL REGION
1234 EAST SHAW AVENUE
FRESNO, CALIFORNIA, 93710

RECEIVED

DEC 12 2018

HABITAT CONSERVATION
PLANNING BRANCH



AMENDMENT NO. 1
(A Minor Amendment)
California Endangered Species Act
Incidental Take Permit No. 2081-2018-048-04
64KT 8me LLC
Springbok 3 Solar Farm Project in Kern County

INTRODUCTION

On October 5, 2018, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2018-048-04 (ITP) to 64KT 8me LLC (Permittee), authorizing take of desert tortoise (*Gopherus agassizii*) and Mohave ground squirrel (*Spermophilus mohavensis*) (collectively, the Covered Species) associated with and incidental to the Springbok 3 Solar Farm Project in Kern County, California (Project). The Project as described in the ITP as originally issued by CDFW includes the construction, operation, and decommissioning of an up to 100-megawatt (MW) photovoltaic (PV) solar power-generating facility, including an approximately 677-acre solar site, an up to 2.0-mile long, 36.36-acre gen-tie corridor and repaving of 0.5 miles of access road (Munsey Road). In issuing the ITP, CDFW found, among other things, that Permittee's compliance with the Conditions of Approval of the ITP would fully mitigate Project impacts of the taking on the Covered Species and that issuance of the ITP would not jeopardize the continued existence of the Covered Species.

During a telephone conversation on November 13, 2018, Permittee relayed the fact that the ITP as issued referred to an incorrect ITP number in the Notices section and requested that it be corrected.

This Minor Amendment No. 1 (Amendment No. 1) makes the following change to the existing ITP:

This Amendment No. 1 makes one administrative change to correct the ITP number referenced in the Notices section of the ITP.

AMENDMENT

The ITP is amended as follows (amended language in ***bold italics***; deleted language in ~~strikethrough~~):

1. The second paragraph of the Notices section, page 28, of the ITP shall be amended to read:

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2018-046-04**2081-2018-048-04**) in a cover letter and on any other associated documents.

All terms and conditions of the ITP and MMRP that are not expressly amended herein remain in effect and must be implemented and adhered to by the Permittee.

FINDINGS

Issuance of this Amendment No. 1 will not increase the amount of take of the Covered Species compared to the Project as originally approved, nor will this Amendment increase other Project impacts on the Covered Species (i.e., "impacts of taking" as used in Fish and Game Code Section 2081, subd. (b)(2)).

Discussion: This Amendment No. 1 makes one specific change to the ITP as originally issued. It corrects the ITP number referenced in the Notices section. The resulting impacts to the Covered Species, however, including the timing, number of acres of habitat that will be lost, etc., as a result of the Project, will remain the same.

CDFW has determined that correcting the ITP number that is referenced in the Notices section will not increase the amount of take or the severity of other impacts of the taking on the Covered Species. Given the circumstances of this Project, CDFW believes that the changes to the Notices section of the ITP described in this Amendment No. 1, will not increase impacts to the Covered Species.

Issuance of this Amendment No. 1 does not affect CDFW's previous determination that issuance of the ITP meets and is otherwise consistent with the permitting criteria set forth in Fish and Game Code section 2081, subdivisions (b) and (c).

Discussion: CDFW determined in October 2018 that the Project, as approved, met the standards for issuance of an ITP under CESA. This determination included findings that, among other things, the impacts of the taking would be minimized and fully mitigated and that the Project would not jeopardize the continued existence of the Covered Species. Those findings are unchanged with respect to this Amendment No. 1 because the Project and ITP as amended: (1) will have no effect on the amount or severity of Project impacts on the Covered Species; and (2) does not substantively alter the measures that will be undertaken to minimize and mitigate previously authorized impacts on the Covered Species. Permittee's continued adherence to and implementation of the

avoidance and minimization measures set forth in the ITP's Conditions of Approval and MMRP will minimize and fully mitigate impacts of the taking on the Covered Species.

None of the factors that would trigger the need for subsequent or supplemental environmental analysis of the Project under Public Resources Code section 21166 or California Code of Regulations, title 14, sections 15162 and 15163, exist as a result of this Amendment No. 1.

Discussion: CDFW issued the ITP in October 2018 as a responsible agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) After, among other things, considering the environmental impact report certified by Kern County as the lead agency for the Project. As explained in the findings below, CDFW finds for purposes of CESA that this Amendment No. 1 is a minor change to the original ITP. CDFW finds for the same reasons under CEQA that approval of this Amendment No. 1 will not result in and does not have the potential to create any new significant or substantially more severe environmental effects than previously analyzed and disclosed by Kern County during its lead agency review of the Project, particularly with respect to the impacts authorized by CDFW pursuant to the ITP as amended. As a result, CDFW finds that no additional subsequent or supplemental environmental review is required by CEQA as part of CDFW's approval of this Amendment No. 1.

CDFW finds that this Amendment No. 1 is a Minor Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4).

Discussion: This Amendment No. 1 corrects the ITP number referenced in the Notices section of the ITP and does not change the Project description or Conditions of Approval. This change to the ITP will not: (1) increase the level of take or other Project impacts on Covered Species previously analyzed and authorized by the ITP; (2) affect Permittee's substantive mitigation obligations under the ITP; (3) require further environmental review under CEQA; or (4) increase temporal impacts on the Covered Species. Therefore, this Amendment No. 1 will not modify the scope or nature of the permitted Project or activity, or the minimization, mitigation, or monitoring measures in the ITP. CDFW has determined that the change to the ITP constitutes a Minor Amendment as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4).

The authorization provided by this Amendment No. 1 is not valid until Permittee signs and dates the acknowledgement below, and returns one of the duplicate originals of this Amendment No. 1 by registered first class mail to CDFW at:

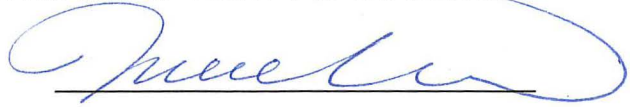
Minor Amendment No. 1
Incidental Take Permit 2081-2018-048-04
64KT 8ME LLC
SPRINGBOK 3 SOLAR FARM PROJECT

California Department of Fish and Wildlife
Habitat Conservation Planning Branch
Attention: CESA Permitting Program
Post Office Box 944209
Sacramento, California 94244-2090

APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on

11/26/18



Julie A. Vance
Regional Manager
Central Region

ACKNOWLEDGMENT

The undersigned: (1) warrants that he or she is acting as a duly authorized representative of the Permittee, (2) acknowledges receipt of the original ITP and this Amendment No. 1, and (3) agrees on behalf of the Permittee to comply with all terms and conditions of the ITP as amended.

By:



Date:

12/6/18

Printed Name:

Tim Short

BELOW
ACCEPT

Title:

AUTHORIZED
SIGNATORY

Minor Amendment No. 1
Incidental Take Permit 2081-2018-048-04
64KT 8ME LLC
SPRINGBOK 3 SOLAR FARM PROJECT