

Notice of Determination**- 1 -****To:**

Office of Planning and Research
 For U.S. Mail:
 P.O. Box 3044
 Sacramento, CA 95812

Street Address:

1400 Tenth Street
 Sacramento, CA 95814

From:

Department of Fish and Wildlife (CDFW)
 Inland Deserts Region
 3602 Inland Empire Blvd, Suite C-220
 Ontario, CA 91764
 Contact: Lily Mu. Sr. Env Sci
 Phone: (909) 544-2521

Lead Agency (if different than CDFW)

County of Riverside
 4080 Lemon Street, 12th Floor
 Riverside, CA 92501
 Contact: Tim Wheeler, Principal Planner
 Phone: (951) 955-6060
 Email: twheeler@rivco.org

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

State Clearinghouse Number: 2018021021

Project Title: Athos II Solar Project (California Endangered Species Act Incidental Take Permit No. 2081-2019-044-06 (ITP)) Minor Amendment No. 1

Project Location (include county): The Project is located on approximately 1,300 acres of private property in Riverside County, north of Interstate 10 and approximately 4 miles east and northeast of the town of Desert Center, California.

Project Description: This proposed project involves the construction, operation, and maintenance of one battery energy storage system (BESS) within the existing Project footprint, but outside of the existing wildlife exclusionary fencing. Agassiz's Desert Tortoise (*Gopherus agassizii*) fencing will be installed prior to construction of the BESS. Additionally, the term was extended, and an update was made to the Permittee during the extended term.

The Project, as authorized in the Minor Amendment, will result in the permanent loss of 16.8 acres of Agassiz's Desert Tortoise (*Gopherus agassizii*) habitat. The project is expected to result in incidental take of Agassiz's Desert Tortoise, which are designated as a threatened and candidate endangered 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 the date signed below 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.

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:
Signature Heidi Calvert CAEE4779B63E4A3... *Date:* 5/29/2025
Heidi Calvert, Regional Manager

Date Received for filing at OPR: _____