

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)
 Inland Deserts Region
 3602 Inland Empire Boulevard, Suite C-220
 Ontario, CA 91764
 Contact: Chelsea Price
 Phone: (760) 507-5059

Lead Agency

San Bernardino County
 222 W. Hospitality Lane, 2nd Floor
 San Bernardino, CA 92415
 Contact: Arthur Rivera
 Phone: (909) 386-8701

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

State Clearinghouse Number: 2012031087

Project Title: Heaps Peak East Slope Repair Project (California Endangered Species Act Incidental Take Permit No. 2081-2022-081-06 (ITP))

Project Location (include county): The Heaps Peak East Slope Repair Project (Project) is in San Bernardino County at the Heaps Peak Transfer Station and Landfill in the San Bernardino Mountains (See Figure 1). The Project site is located at 29898 State Highway 18, Rim of the world Highway, Running Springs, CA 92382, while the slope repair is found in the upper headquarters of Shake Creek in Section 24, Township 2 North, and Range 3 West.

Project Description: This proposed project involves the stabilization of an approximately 4.12-acre area of pine-needle debris mixed with miscellaneous municipal waste located east of the permitted Heaps Peak Transfer Station and Landfill footprint. The "pine-needle disposal area" (consists of a 20-foot-high steep slope of waste exposed where the waste slopes transition from about 2:1 (horizontal to vertical) to steeper (1:1) native slopes that are approximately 150 feet high. The Project proposes to stabilize this mound to prevent further erosion by implementing grading, excavation, and fill. Retaining walls, concrete v-ditches, and concrete channels/drainage will be constructed to convey flows and route flows away from the slope, preventing further erosion.

The Project will result in impacts to 7.61 acres of Southern Rubber Boa (*Charina umbratica*) habitat including temporary impacts to 6.06 acres; the Project will permanently remove 1.55 acres of Southern Rubber Boa habitat. The project is expected to result in incidental take of Southern Rubber Boa, which is 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 July 24, 2023 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 mitigated 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 Mitigated Negative Declaration 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.

Notice of Determination

DocuSigned by:

Signature

Heidi Calvert

Date: July 21, 2023

Heidi Calvert, Regional Manager

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Date Received for filing at OPR: _____