

**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 Blvd., Suite C-220  
 Ontario, CA 91764  
 Contact: Ashley Rosales  
 Phone: (760) 219-9452

Lead Agency (if different than CDFW)  
 City of Hesperia  
 9700 Seventh Ave.  
 Hesperia, CA 92345  
 Contact: Ryan Leonard  
 Phone: 760-947-1651

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

State Clearinghouse Number: 2019110418

Project Title: Hesperia Commerce Center II (California Endangered Species Act Incidental Take Permit No. 2081-2021-038-06 (ITP))

Project Location (include county): The project is located at the northwest quadrant of the intersection of U.S. Highway 395 and Phelan Road/Main Street within the City of Hesperia, San Bernardino County. Additional linear segments occur along Yucca Terrace Drive, U.S. Highway 395, Phelan Road, Los Banos Avenue and Sultana Street.

Project Description: This proposed project involves the construction of three industrial/warehouse buildings with associated office spaces, surface parking, loading areas, and stormwater drainage. Off-site utilities (including a sewer line and water line) and roadway improvements to accommodate the project will also be constructed.

The Project will result in impacts to 202.14 acres of western Joshua tree (*Yucca brevifolia*) habitat; the Project will permanently remove 202.14 acres of western Joshua tree habitat. The project is expected to result in incidental take of western Joshua tree, which is designated as a candidate 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 9/12/2022 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.

DocuSigned by:

*Heidi Calvert*

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Signature

Date:

9/12/2022

Heidi Calvert, Regional Manager

**Notice of Determination**

Date Received for filing at OPR: \_\_\_\_\_