

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
 Contact: Wendy Campbell
 Phone: (760) 920-8571

Lead Agency (if different than CDFW)

California Department of Transportation District 8
464 West 4th Street, 6th Floor, MS 833
 Contact: Adam Compton
 Phone: 909) 501-5352

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

State Clearinghouse Number: 2020060289

Project Title: SBD-138 Construct Median and Standard Shoulders (California Endangered Species Act Incidental Take Permit No. 2081-2021-001-06 (ITP))

Project Location (include county): The Project is located along State Route -138 from PM 0.0 to 2.4 in San Bernardino County 0.5 mile west of Phelan Road and from the SBD line to PM 74.9 in Los Angeles County.

Project Description: This proposed project involves adding a 4 to 14-foot median buffer with 8-foot standard shoulders; installing median and shoulder rumble strips; cold plane and overlay the existing pavement; extend, replace, remove, or modify the existing culverts; road widening; road cut and fill; driving and parking off-pavement, on site disposal/borrow sites; utility relocation; and removal of vegetation and trees.

The Project will result in permanent impacts to 1.99 acres of Western Joshua tree (*Yucca brevifolia*) habitat and removal of 37 Western Joshua trees (*Yucca brevifolia*), which is a candidate for threatened status 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 5/19/2021 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 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.

DocuSigned by:

 Signature _____ Date: 5/19/2021
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Leslie MacNair, Regional Manager

Date Received for filing at OPR: _____