

**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 4<sup>th</sup> Street**  
 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) Major Amendment No. 1)

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 2.87 acres of Western Joshua tree (*Yucca brevifolia*) habitat and removal of 67 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 April 28, 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 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:

*Richard Burg*

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Signature

4/28/2022

Date:

Richard Burg, *Acting Regional Manager*

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