

**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)  
 Region 4 Central  
 1234 East Shaw Avenue  
 Fresno, CA 93710  
 Contact: Steven Hulbert  
 Phone: (559) 575-6415

**Lead Agency**

California Department of Transportation  
 2015 Shields Avenue, Suite A-100  
 Fresno, CA 93703  
 Contact: Javier Almaguer  
 Phone: (559) 445-6456

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

State Clearinghouse Number: 2020070309

**Project Title:** State Route 5 Panoche Hills Capital Preventative Maintenance Project (California Endangered Species Act Incidental Take Permit No. 2081-2021-018-04 (ITP)).

**Project Location:** The Project involves improvements to a 3-mile segment of SR 5, between post mile 37.2 and post mile 40.2 in western Fresno County.

**Project Description:** Within the 3-mile-long Project Area, the Project will involve the installation of two pair of new street lights, the installation of three pair of traffic count stations, the rehabilitation of 15 existing culverts, roadway resurfacing, and replenishing the gravel covering the three-foot wide shoulder backing.

The Project could result in take of San Joaquin antelope squirrel (*Ammospermophilus nelsoni*) including mortality ("kill"), due to vehicle strikes, destruction of burrows, or temporary disturbance to habitat resulting in the loss of individuals over the five-year term of the ITP. San Joaquin antelope squirrel is listed as threatened under the California Endangered Species Act. Permittee will mitigate through permanent protection of and management in perpetuity for 6.7 acres of compensatory habitat for Covered Species OR the purchase of 6.7 San Joaquin antelope squirrel credits from a CDFW-approved mitigation or conservation bank. The ITP was reissued by CDFW to clarify detail regarding construction methods.

This is to advise that CDFW, acting as [ the lead agency /  a responsible agency] approved the above-described project on 10/6/2021 and made the following determinations regarding the above-described project:

- 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).
- An environmental impact report  a negative declaration was prepared by the lead agency for the Project.
- Additional mitigation measures  were /  were not made a condition of CDFW's approval of the Project.
- A mitigation reporting or monitoring plan  was /  was not adopted by CDFW for this Project.
- A Statement of Overriding Considerations  was /  was not adopted by CDFW for this Project.
- Findings  were not made/  were made by CDFW pursuant to Public Resources Code § 21081(a). CDFW did, however, adopt findings to document its compliance with CEQA.
- 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 IS/MND prepared by the lead agency for the larger 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**

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**Date:** 10/6/2021Julie A. Vance, *Regional Manager*

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