

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: Wendy Campbell
 Phone: (760) 920-8571

California Department of Transportation District 8
 464 West 4th Street
 San Bernardino, CA 92401
 Contact: Adam Compton
 Phone: (909)501-5352

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

State Clearinghouse Number: 2020090475

Project Title: I-40 Median Regrade Project, post mile 100.0-125.0 (California Endangered Species Act Incidental Take Permit No. 2081-2021-004-06 (ITP))


Project Location (include county): On the I-40 from the Essex Road Overcrossing at post mile 100.0 to the Community of Fenner at post mile 125.0 in San Bernardino County California.

Project Description: This proposed project involves re-grading the median cross slopes within the thirty-foot clear recovery zone.

The Project will result in impacts to 1.9 acres (Option 1) or 129.01 acres (Option 2) of Agassiz's desert tortoise (*Gopherus agassizii*) habitat. The project is expected to result in incidental take of Agassiz's desert tortoise, which is designated as a threatened and Candidate for listing as an endangered 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 7/29/2021 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: 7/29/2021
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Leslie MacNair, Regional Manager

Date Received for filing at OPR: _____