

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: Julia Karo
 Phone: (909) 278-2950

Lead Agency (CDFW)

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

State Clearinghouse Number: 2022030712

Project Title: Nipton Communication Site Project (California Endangered Species Act Incidental Take Permit No. 2081-2019-036-06 (ITP))

Project Location (include county): The Project is located within federal land administered by the Bureau of Land Management within the Mojave Desert, San Bernardino County. The Project is located approximately 10 miles south of the California-Nevada state line and 1.25 miles southwest of the junction of I-15 and Nipton Road. The Project site is approximately 6 acres, located on Assessor Parcel Numbers: 0573-091-15 (Tower Location) and APN 0573-091-16 (Access Road).

IV. Project Description:

Project Description: The Project includes the development of 5.86 acres of Mojave creosote scrub habitat and 0.27 acres of developed or maintained areas to construct, operate and maintain, and decommission a multi-carrier communication site and ancillary components, including an access road.

The Project will result in impacts to 5.86 acres of desert tortoise (*Gopherus agassizii*) habitat. The project is expected to result in incidental take of desert tortoise which is/are designated as a threatened/candidate 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 August 10, 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 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.

Notice of Determination

Signature

DocuSigned by:
Heidi Calvert

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Date: 8/10/2022

Heidi Calvert, *Regional Manager*

Date Received for filing at OPR: _____