

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: 2024020746

Project Title: Ash Hill Communication Site Project (California Endangered Species Act Incidental Take Permit No. 2081-2019-037-06 (ITP))

Project Location (include county): The Ash Hill Communication Site Project (Project) is located within federal land administered by the Bureau of Land Management within the Mojave Desert, San Bernardino (See Figure 1). The Project is located south of Interstate 40 (I-40), northeast of National Trails Highway (U.S. Route 66) and north of the east-west– oriented Burlington Northern Santa Fe (BNSF) railroad (Figure 1). Project access will occur along 5.77 miles of existing, unpaved BLM-designated open access routes (BLM Routes NS0017 and NS0003), starting from U.S. Route 66 and crossing under the BNSF railroad, with the final segment terminating at the tower site.

IV. Project Description:

Project Description: The Project includes the development of 0.41 acres of Mojave creosote scrub habitat and use of 8.52 acres of developed or maintained areas to construct, operate and maintain, and decommission a multi-carrier communication site and ancillary components, and use of existing BLM access roads.

The Project will result in impacts to 0.41 acres of desert tortoise (*Gopherus agassizii*) habitat. The project is expected to result in incidental take of desert tortoise which is 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 April 12, 2024 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

CAEE4779B63E4A3

4/12/2024

Date:

Heidi Calvert, *Regional Manager*

Date Received for filing at OPR: _____