

Notice of Determination

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:

Department of Fish and Wildlife (CDFW)
 Inland Deserts Region
 3602 Inland Empire Blvd. Suite C220,
 Ontario, CA 91764
 Contact: Alisha Curtis, Senior Env Sci
 Phone: 909-544-2522
 Email: Alisha.Curtis@wildlife.ca.gov

Lead Agency (if different than CDFW)
 California Department of Transportation (District 8)
 464 W. 4th Street
 Contact: Laila Imbasher, Environmental Scientist
 Phone: 909-260-2552
 Email:Laila.Imbasher@dot.ca.gov

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

State Clearinghouse Number: 2009081105

Project Title: US 395 Widening Project (California Endangered Species Act Incidental Take Permit No. 2081-2024-071-06 (ITP))

Project Location (include county): The US 395 Widening Project Contract 2 0F633 (Project) is located along US 395 from 0.4 mile north of Interstate (I-) 15 to State Route (SR-) 18 (Palmdale Road) (post-mile (PM) 4.0 – 11.2) within the City of Victorville and Hesperia, San Bernardino County

Project Description: The project involves widening US-395 by adding one travel lane in each direction (northbound and southbound) from Post Mile (PM) 4.0 to 11.2, creating a continuous four-lane highway to reduce congestion and improve operational efficiency. The existing corridor primarily consists of a two-lane roadway, with limited segments already widened. This segment represents the southernmost portion of three planned construction contracts.

The Project will result in impacts to 136.6 acres of Agassiz’s Desert Tortoise (*Gopherus agassizii*) and Mohave Ground Squirrel (*Xerospermophilus mohavensis*) habitat including temporary impacts to 5.7 acres and permanent impacts to 71.7 acres. The project is expected to result in incidental take of Agassiz’s Desert Tortoise and Mohave Ground Squirrel, which are designated as a threatened and candidate for endangered and threatened species under the California Endangered Species Act, respectively. 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 29, 2025 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 mitigated 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). CDFW did, however, adopt findings to document its compliance with CEQA.
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.

Notice of Determination

DocuSigned by:
Signature Heidi Calvert *Date:* 4/29/2025
Heidi Calvert, *Regional Manager*

Date Received for filing at OPR: _____