

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:
California Department of Fish and Wildlife (CDFW)
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
Contact: Ali Aghili
Phone: (760) 900-4448

California Department of Transportation District 8
464 West 4th Street, 6th Floor, MS 833
San Bernardino, CA 92401
Contact: Adam Compton
Phone: (909) 383-7555

SUBJECT: Filing of Notice of Determination pursuant to Public Resources Code § 21108
State Clearinghouse Number: 2018081100

Project Title: Interstate 40 Median Regrade Project (California Endangered Species Act Incidental Take Permit No. 2081-2019-006-06 (ITP))

Project Location (include county): The Project extends along a 29.6-miles distance between PM 125.0 to PM 154.6 on I-40 in the unincorporated territory of San Bernardino County, California.

Project Description: The Project includes re-grading the median cross slopes from the existing 6:1 or steeper gradients to 10:1 or flatter gradients. The Project will result in permanent impacts to 247 acres 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 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 / [X] a responsible agency approved the above-described project on 1/23/2020 and made the following determinations regarding the above described project:

- 1. The project [ ] will / [X] will not have a significant effect on the environment...
2. [ ] An environmental impact report / [X] A negative declaration was prepared...
3. Additional mitigation measures [X] were / [ ] were not made...
4. A mitigation reporting or monitoring plan [X] was / [ ] was not adopted...
5. A Statement of Overriding Considerations [ ] was / [X] was not adopted...
6. Findings [ ] were / [X] 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.
[X] A copy of a receipt showing prior payment was submitted to CDFW.
[X] Responsible Agency statement: The Negative Declaration prepared by the lead agency for the Project is available to the general public...

Signature Leslie MacNair
Leslie MacNair, Regional Manager

Date: 1/23/2020

Date Received for filing at OPR: