



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director

Inland Deserts Region
3602 Inland Empire Blvd., C-220
Ontario, CA 91764
wildlife.ca.gov

To:
Office of Land Use and Climate Innovation
[CEQA Submit](#)

From:
Department of Fish and Wildlife
Inland Deserts Region
3602 Inland Empire Blvd., C-220
Ontario, CA, 91764
Contact: Lisa Cardoso
Email: Lisa.Cardoso@Wildlife.ca.gov
Phone: (805) 712-0346

Lead Agency (if different than CDFW)
City of Fontana
8353 Sierra Avenue
Fontana, CA, 92335
Contact: Jeffrey Kim
Email: JKim@fontanaca.gov
Phone: (909) 350-6724

NOTICE OF DETERMINATION

Subject: Filing of Notice of Determination pursuant to Section 21108 of the Public Resources Code

State Clearinghouse Number: 1995052002

Project Title: Cherry Avenue and Victoria Street Complete Streets Infrastructure Project (California Endangered Species Act Incidental Take Permit No. 2081(b)-2025-064-06 (ITP))

Project Location (San Bernardino County): The Project is located within the Cherry Avenue and Victoria Street right-of-way (ROW), southeast of the Interstate 15 and State Route 210 interchange, in the City of Fontana, at approximately Latitude: 34.129772, Longitude: -117.488562.

Project Description: The California Department of Fish and Wildlife (CDFW) has issued an ITP (No. 2081(b)-2025-064-06), pursuant to Section 2081(b) of the Fish and Game Code to City of Fontana.

The Project encompasses 40.7 acres and will consist of street improvements and infrastructure within the Cherry Avenue and Victoria Street ROW to support the Westgate Specific Plan (WSP).

The Project will result in impacts to 26.02 acres of western burrowing owl (*Athene cunicularia*) habitat; the Project will permanently remove 26.02 acres of western burrowing owl habitat. The Project is expected to result in incidental take of western burrowing owl, which is/are designated as a candidate species under the California Endangered Species Act (CESA). The ITP referenced above as issued

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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 a Responsible Agency, approved the project described above on 4/22/2026 and has made the following determinations regarding the above-described project:

1. The project **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 **was** prepared by the lead agency for the original project.
3. Additional mitigation measures **were** made a condition of CDFW's approval of the project.
4. A Mitigation Reporting or Monitoring Plan **was** adopted by CDFW for this project.
5. A Statement of Overriding Considerations **was not** adopted by CDFW for this project.
6. Findings **were** 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: **Payment is submitted with this notice.**

The environmental impact report prepared by the City of Fontana for the Project is available to the general public at the office location listed above for the City of Fontana. CDFW's administrative record of proceedings related to the incidental take permit is available to the public for review at CDFW's regional office.

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Signature: _____ *Date:* 4/22/2026

Heidi Calvert, Regional Manager