



STATE OF CALIFORNIA  
DEPARTMENT OF FISH AND WILDLIFE

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**To:**  
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Innovation  
[CEQA Submit](#)

**From:**  
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## NOTICE OF DETERMINATION

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

**State Clearinghouse Number:** 2013091010

**Project Title:** New Arco Gas Station (Western Joshua Tree Conservation Act (WJTCA) Incidental Take Permit No. 1927-ITP-2025-067-06 (ITP))

**Project Location (San Bernardino County):** The New Arco Gas Station Project (Project) is located on the northeast corner of Phelan Road and Baldy Mesa Road at 9722 Phelan Road within the unincorporated community of Oak Hills, San Bernardino County (see Figure 1). The Project is located approximately 2.8 miles east of US Highway 396 on a 2.36-acre area (Assessor's Parcel Number 3064-041-02-0000) at approximately 34.42723latitude, -117.45041 longitude.

**Project Description:** The California Department of Fish and Wildlife (CDFW) has issued an ITP (No. 1927-ITP-2025-067-06), pursuant to Section 1927.3 of the Fish and Game Code to A&E Engineering.

NOTICE OF DETERMINATION

1927-ITP-2025-067-06

March 17, 2026

The Project is comprised of the development of an ARCO gas station, consisting of a 5,000 square-foot convenience store, and two 2,500 square-foot buildings on the 2.36-acre parcel. The facility would operate as a fueling station with 8 vehicle fueling positions. Project Activities include clearing, installation of underground storage tanks, building construction, paving, vegetation removal and landscaping.

The Project will result in incidental take of 3 western Joshua tree (*Yucca brevifolia*) which is protected under the WJTCA and the California Endangered Species Act. The WJTCA ITP referenced above as issued by CDFW authorizes incidental take of western Joshua tree 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 03/17/2026 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. A mitigated negative declaration 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 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: A copy of a receipt showing prior payment was submitted to CDFW.

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.

Signature:  CAEE4779B63E4A3 \_\_\_\_\_ Date: 3/17/2026 \_\_\_\_\_

Heidi, Regional Manager