



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
(909) 484-0523
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director



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

From:
Department of Fish and Wildlife
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
Contact: Scott Jakubowski, Sr.
Environmental Scientist
Email:scott.jakubowski@wildlife.ca.gov
Phone: (909) 354-0919

Lead Agency (if different than CDFW)
San Bernardino County
385 N. Arrowhead Ave
San Bernardino, CA 92415
Contact: Alexander Lee, Planner II
Email:alexander.lee@lus.sbcounty.gov
Phone: (909) 361-7258

NOTICE OF DETERMINATION

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

State Clearinghouse Number: 2025081287

Project Title: New O'Reilly Auto Parts Center (PH 1) (Project) (Western Joshua Tree Conservation Act (WJTCA) Incidental Take Permit No. 1927-ITP-2025-069-06 (ITP))

Project Location (San Bernardino County): The Project is located at 3919 Phelan Road, in the town of Phelan on a 1.94-acre parcel at Accessor's Parcel Number 3066-221-01. The Project is located approximately two miles north of State Highway 138 and 11.5 miles north of Interstate 15 at approximately latitude 34.425812° N and longitude -117.576385° W. The Project is bounded by Phelan Road to the north and Malpaso Road to the west.

Project Description: The California Department of Fish and Wildlife (CDFW) has issued an ITP (No. 1927-ITP-2025-069-06), pursuant to 1927.3 of the Fish and Game Code to O'Reilly Auto Enterprises, LLC.

The Project is comprised of the development of a new O'Reilly Auto Center on a

NOTICE OF DETERMINATION

1927-ITP-2025-069-06

March 5, 2026

1.94-acre vacant lot. The main building will be a single-story retail store containing 7,453 square feet of space with a 20,577-square-foot pavement area that will include 39 parking spaces. Project Activities include grubbing and grading of the entire Project Site, trench digging, pile driving, road construction, paving, and vegetation removal.

The Project will result in incidental take of 41 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 March 5, 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: 3/5/2026
Heidi Calvert, Regional Manager