



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director

Inland Deserts Region
3602 Inland Empire Blvd., Suite 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: Emily Leon, Environmental
Scientist
Email: Emily.Leon@wildlife.ca.gov
Phone: (760) 644-5976

Lead Agency (if different than CDFW)
California Department of Transportation
1120 N Street
Sacramento, CA, 95814
Contact: Sameh Hegazi, Project Manager
Email: Sameh.Hegazi@dot.ca.gov
Phone: (760) 654-2852

NOTICE OF EXEMPTION

Project Title: High Desert Operational Efficiency Project (California Endangered Species Act Incidental Take Permit No. 2081(b)-2025-031-06-A1 (ITP))

Project Location (San Bernardino County): The High Desert Operational Efficiency Project (Project) is located within the Burlington Northern Santa Fe right-of-way within the City of Hesperia, San Bernardino County, State of California.

Project Description: The California Department of Fish and Wildlife (CDFW) has issued an ITP amendment (No. 2081(b)-2025-031-06-A1), pursuant to Section 2081(b) of the Fish and Game Code to Burlington Northern Santa Fe Railroad (Permittee).

According to lead agency California Department of Transportation (Caltrans), Burlington Northern Santa Fe in conjunction with Caltrans proposes to construct two staging tracks and an approximately 11-milelong main track extension to increase operational flexibility and reduce rail delays. Please see Attachment 1 for more information.

This ITP amendment authorizes the Permittee to expand the Project footprint boundary by additional 101.25 acres to accommodate additional grading within the Permittees right-of-

NOTICE OF EXEMPTION

2081(b)-2025-031-06

August 3, 2026

Page 2

way. The Project will result in impacts to 10.77-acres of additional impacts to western Joshua tree (*Yucca brevifolia*) habitat/seedbank including the removal of an additional 10 individuals. The Project will permanently remove an additional 10.77-acres of western Joshua tree habitat/seedbank. The Project is expected to result in incidental take of western Joshua tree, which is/are designated as a candidate species under the California Endangered Species Act (CESA). The ITP amendment referenced above as issued by CDFW authorizes incidental take of species listed under CESA that may occur as a result of Project implementation.

Public Agency Approving Project: CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

Person or Public Agency Carrying Out Project:

Jason Sanchez

Burlington Northern Santa Fe Railroad

Project Manager

(909) 386-4470

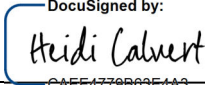
Jason.Sanchez@bnsf.com

740 Carnegie Drive

San Bernardino, CA 92408

Exempt Status: On April 18, 2024, Caltrans, the Lead Agency, determined that the Project is statutorily exempt pursuant to Public Resources Code section 21080 (b)(10) and California Code of Regulations, Title 14, section 15275. The Lead Agency determined that the Project meets certain qualifying criteria for the exemption. Pursuant to Public Resources Code section 21080.1 (a), the Lead Agency is responsible for determining whether the Project is exempt from CEQA and that determination shall be final and conclusive on all persons, including Responsible Agencies. As a result, CDFW, acting as a Responsible Agency, is bound by the Lead Agency's determination that the Project is exempt from CEQA.

CDFW Contact Person: Emily Leon (Environmental Scientist), (760) 644-5976, and Emily.Leon@wildlife.ca.gov.

DocuSigned by:

Signature: _____ Date: 8/3/2026
CAEE4779B03E4A3...
Heidi Calvert, Regional Manager

Date received for filing at LCI:

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE



GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director

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

CEQA FILE MEMO



High Desert Operational Efficiency Project

(Incidental Take Permit No. 2081-2025-031-06-A1)

The California Department of Fish and Wildlife (CDFW) has approved an Incidental Take Permit (ITP) amendment (Amended ITP) for the High Desert Efficiency Project (Project). The Project includes the 101.25-acre expansion of the Project footprint boundary to accommodate additional grading within the Burlington Northern Santa Fe Railway (BNSF) right of way. Project activities include grading of the entire 101.25-acre expansion Project Area, excavation, railway track construction, road construction, storm drainage construction, tree removal, and other activities. The Amended ITP authorizes BNSF to remove an additional 10 western Joshua trees and 10.77 acres of associated habitat/seedbank with the Project area, provided BNSF complies with all avoidance, minimization and mitigation requirements.

CDFW approved the Amended ITP for the Project relying on the California Environmental Quality Act (CEQA) statutory exemption for specified mass transit projects. The mass transit project exemption applies to "a project for the institution or increase of passenger or commuter services on rail or highway rights-of-way already in use." (Cal. Pub. Res. Code, § 21080(b)(10); Cal. Code Regs., tit. 14, § 15275.). The Lead Agency determined that the Project meets certain qualifying criteria for the exemption. Pursuant to Public Resources Code section 21080.1(a), the lead agency is responsible for determining whether the Project is exempt from CEQA, and that determination is final and conclusive on all persons, including responsible agencies. As a result, CDFW, acting as a responsible agency, is bound by the Lead Agency's determination that the Project is exempt from CEQA pursuant to Public Resources Code section 21080 (b)(10) and California Code of Regulations, Title 14, section 15275.