

Notice of Determination**- 1 -****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)
 Central Region
 1234 E. Shaw Avenue
 Fresno, California 93710
 Contact: Laura Peterson-Diaz
 Phone: 559-243-8143

Lead Agency

California High Speed Rail Authority
 770 L Street, Suite 620
 Sacramento, CA 95814
 Contact: Joe Hedges

SUBJECT: *Filing of Notice of Determination pursuant to Public Resources Code § 21108*

State Clearinghouse Number: 2009091125

Project Title: California High-Speed Train Project: Merced to Fresno Major Amendment No. 13 (California Endangered Species Act Incidental Take Permit No. 2081-2013-025-04 (ITP))

Project Location: The Project includes the California High Speed Train (HST) alignment beginning at the intersection of Avenue 19 and the Burlington Northern Santa Fe (BNSF) Railway, in the City of Madera, Madera County, California. From this intersection, the Merced to Fresno HST alignment continues south along the west side of the BNSF Railway until south of Avenue 15, where the alignment transitions westward toward the Union Pacific Railroad (UPRR). Near Avenue 9, the alignment follows along the east side of the UPRR, before crossing the San Joaquin River and entering the City of Fresno, Fresno County, California. The Project ends south of State Route (SR) 41, adjacent to Los Angeles Street in the City of Fresno.

Project Description: The Project approved by CDFW consists of the ITP, Minor Amendment No. 1, Major Amendment No. 2, Major Amendment No. 3, Minor Amendment No. 4, Major Amendment No. 5, Major Amendment No. 6, Major Amendment No. 7, Major Amendment No. 8, Major Amendment No. 9, Major Amendment No. 10, Major Amendment No. 11, Major Amendment No. 12 and this Major Amendment No. 13 as referenced above and as issued by CDFW, which addresses construction and operation of the Merced to Fresno segment of the HST, as approved by the lead agency, affecting or generally related to fish and wildlife resources subject to the regulatory authority of CDFW, including natural resources subject to the California Endangered Species Act (CESA). California tiger salamander (*Ambystoma californiense*, CTS), Swainson's hawk (*Buteo swainsoni*, SWHA), San Joaquin kit fox (*Vulpes macrotis mutica*, SJKF), and hairy Orcutt grass (*Orcuttia pilosa*, HaOrGr) (collectively, the Covered Species). CTS, SWHA, and SJKF are species designated as threatened and HaOrGr is designated as endangered under CESA.

Major Amendment No. 13 makes eight changes to the ITP, as previously amended. This Amendment No. 13 will 1) increase the size of the entire Project Construction Footprint by 58.22 acres to a total of 2,244.24 acres of cumulative impact disturbance. The increase in the Construction Footprint acres is necessary to accommodate utility relocation modifications to drainage, electrical, gas, water, sewer, and telecommunication utilities as well as three access roads in Madera County; 2) add two new road modification locations, make changes for two locations, and consolidate two locations for a net reduction in total locations by two.; 3) update Table 4 to include additional location and structure size information; 4) increase the Covered Species impacts for Swainson's hawk and San Joaquin kit fox, each by 23.60 acres; and also increase impacts to potential California tiger salamander upland habitat by 14.49 acres and direct impacts for breeding (aquatic) habitat by 0.51 acres; 5) modify Condition of Approval 8.15.3 for San Joaquin kit fox den excavation to allow den entrance blocking under specific circumstances; 6) update Table 6 and require either the purchase of additional Covered Species credits or the permanent protection of additional HM lands and accompanying management costs; 7) increase the Performance Security amount required for the Permittee to proceed with Covered Activities commensurate with the increased impacts; and 8) revise the Baseline Map Book, Exhibit 5, Map Book pages 1-7, 9, 14-18, 23, 25-26, 28, 32-38, and 42-43 to reflect the increased Project Footprint.

This is to advise that CDFW, acting as [the lead agency / a responsible agency] approved the above-described project on 10/29/2020 and made the following determinations regarding the above described project:

Notice of Determination

1. The project [will / 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 / A negative declaration] was prepared by the lead agency for the original project.
3. Additional mitigation measures [were / were not] made a condition of CDFW's approval of the project.
4. A mitigation reporting or monitoring plan [was / was not] adopted by CDFW for this project.
5. A Statement of Overriding Considerations [was / was not] adopted by CDFW for this project.
6. Findings [were / 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.
 - A copy of a receipt showing prior payment was submitted to CDFW.
- Responsible Agency statement: The EIR/EIS and Addendum 2013-1 and 2013-2 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.

DocuSigned by:

 FA83F09FE08945A...

Signature

Date: 10/29/2020

Julie A. Vance, Regional Manager

Date Received for filing at OPR: _____