

To:
[ ] Office of Planning and Research
For U.S. Mail:
P.O. Box 3044
Sacramento, CA 95812-3044

From:
California Department of Fish and Wildlife (CDFW)
Central Region
1234 East Shaw Avenue
Fresno, CA 93710
Contact: Krista Tomlinson
Phone: 559-243-4014

Street Address:
1400 Tenth Street
Sacramento, CA 95814

Lead Agency
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814
Contact: Mark A. McLoughlin

SUBJECT: Filing of Notice of Determination pursuant to Public Resources Code § 21108
State Clearinghouse Number: 2009091126

Project Title: California High-Speed Train Project: Fresno to Bakersfield Major Amendment No. 11 (California Endangered Species Act Incidental Take Permit No. 2081-2015-024-04 (ITP))

Project Location: The Project includes the California High Speed Train (HST) alignment beginning on the south side of the G Street and San Benito Street intersection, north of Highway 41, in the City of Fresno, Fresno County, California. From this intersection, the Fresno to Bakersfield HST alignment extends south either along or adjacent to the Burlington Northern Santa Fe Railway (BNSF) for approximately 99 miles before reaching the section endpoint, at the intersection of 7th Standard Road, and Santa Fe Way, within the city limits of Shafter, in Kern County, California.

Project Description: The Project approved by CDFW consists of the ITP, Major 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, and this Major Amendment No. 11, as referenced above and as issued by CDFW, which addresses construction and operation of the Fresno to Bakersfield 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). The ITP authorizes incidental take of the threatened California tiger salamander (Ambystoma californiense), San Joaquin antelope squirrel (Ammospermophilus nelsoni), Swainson's hawk (Buteo swainsoni), and San Joaquin kit fox (Vulpes macrotis mutica) and the endangered Tipton kangaroo rat (Dipodomys nitratooides nitratooides), (collectively, the Covered Species), species designated as threatened and endangered under CESA.

Major Amendment No. 11 makes five changes to the ITP, as previously amended. This Amendment No. 11 will 1) increase the size of the entire Project Construction Footprint by 246.72 acres to a total of 6,342.95 acres of cumulative disturbance to accommodate Intrusion Protection Barrier and design variations; 2) increase the Covered Species habitat impacts for San Joaquin kit fox by 79.07 acres, and Swainson's hawk by 79.08 acres as a result of the Project Construction Footprint increase; 3) require the permanent protection of additional compensatory Habitat Management lands and increases the accompanying estimates of management costs required to mitigate for Covered Species impacts resulting from the increased Project Construction Footprint; 4) increase the Performance Security amount required for Permittee to proceed with Covered Activities; 5) modify Exhibit 6, the "Baseline Map Book," by replacing Map Book Pages 2 through 13 to reflect the increased Project Construction Footprint.

This is to advise that CDFW, acting as [ ] the lead agency / [X] a responsible agency] approved the above-described project on 4/26/19 and made the following determinations regarding the above-described project:

- 1. The project [ ] will / [X] 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. [X] An environmental impact report / [ ] A negative declaration] was prepared by the lead agency for the original project.
3. Additional mitigation measures [X] were / [ ] were not] made a condition of CDFW's approval of the project.

**Notice of Determination**

- 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 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  Date: 4/25/19  
 Julie A. Vance, Regional Manager

Governor's Office of Planning & Research

Date Received for filing at OPR: \_\_\_\_\_

APR 25 2019  
 STATE CLEARINGHOUSE

## Charissa Martinez

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**From:** OPR State Clearinghouse  
**Sent:** Thursday, April 25, 2019 2:31 PM  
**To:** Charissa Martinez  
**Subject:** FW: NOD - HST Fresno to Bakersfield, SCH No. 2009091126  
**Attachments:** NOD\_2081-2015-024-04\_Amendment11.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**From:** Yoshioka, Janice@Wildlife <Janice.Yoshioka@wildlife.ca.gov>  
**Sent:** Thursday, April 25, 2019 2:01 PM  
**To:** OPR State Clearinghouse <State.Clearinghouse@opr.ca.gov>  
**Cc:** Tomlinson, Krista@Wildlife <Krista.Tomlinson@wildlife.ca.gov>; Ferranti, Annee@Wildlife <Annee.Ferranti@wildlife.ca.gov>  
**Subject:** NOD - HST Fresno to Bakersfield, SCH No. 2009091126

Good afternoon—

Attached is the signed Notice of Determination for the California High-Speed Train Project: Fresno to Bakersfield Project ITP Amendment 11.

Would you please email a stamped copy (confirmation)?

Thank you so much.

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Janice Yoshioka  
Staff Services Analyst  
California Department of Fish and Wildlife  
Region 4  
1234 East Shaw Avenue  
Fresno, California 93710  
(559) 243-4014, extension 247

*emailed  
OK*

Governor's Office of Planning & Research

APR 25 2019

STATE CLEARINGHOUSE