

Notice of Determination

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 East Shaw Avenue
Fresno, CA 93710
Contact: Krista Tomlinson
Phone: 559-243-4014

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. 12 (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, Major Amendment No. 11, and this Major Amendment No. 12, 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 nitratoideus nitratoideus*), (collectively, the Covered Species), species designated as threatened and endangered under CESA.

Major Amendment No. 12 makes six changes to the ITP, as previously amended. This Amendment No. 12 will 1) increase the size of the entire Project Construction Footprint by 98.07 acres to a total of 6,441.02 acres of cumulative disturbance to accommodate additional temporary access routes, staging areas, and utility relocation; 2) increase the Covered Species habitat impacts for San Joaquin kit fox by 26.91 acres, Tipton kangaroo rat and San Joaquin antelope squirrel by 20.84 acres, and Swainson's hawk by 9.80 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) remove the requirement for CDFW to provide written approval for pre-construction survey reports prior to Covered Activities commencing in the areas addressed by those reports; and 6) modify Exhibit 6, the "Baseline Map Book," by replacing Map Book Pages 40 through 49 to reflect the increased Project Construction Footprint.

This is to advise that CDFW, acting as the lead agency / a responsible agency] approved the above-described project on 5/26/19 and made the following determinations regarding the above-described project:

- 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).

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- 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 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: 5/20/19
 Julie A. Vance, Regional Manager

Governor's Office of Planning & Research

Date Received for filing at OPR: _____
MAY 20 2019

STATE CLEARINGHOUSE