

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. 13 (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 7<sup>th</sup> 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, 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 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. 13 makes six changes to the ITP, as previously amended. This Amendment No. 13 1) increases the size of the entire Project Construction Footprint by 169.82 acres to a total of 6,610.85 acres of cumulative disturbance to accommodate additional temporary and permanent work areas and construction easements for access, retention pond removal and construction, building demolition, utility relocation, and equipment and materials staging at 20 locations; 2) updates the section entitled "Roadway Modifications" and Table 8 to include the nine new locations being added by this Amendment and new activities for ten existing locations as well as including the 2 modifications from Amendment 8, 23 modifications from Amendment 10, and 20 modifications from Amendment 11; 3) increase the Covered Species habitat impacts for San Joaquin antelope squirrel and Tipton kangaroo rat by 63.36 acres, San Joaquin kit fox by 111.26 acres, and Swainson's hawk by 109.20 acres as a result of the Project Construction Footprint increase; 4) requires the permanent protection of additional compensatory HM lands and increases the accompanying estimates of management costs required to mitigate for Covered Species impacts resulting from the increased Project Construction Footprint; 5) increases the Performance Security amount required for Permittee to proceed with Covered Activities; and 6) modify Exhibit 6, the "Baseline Map Book," by replacing Map Book Pages 6, 12, 14-23, 25-29, 32-33, and 45 (a total of 20 pages) 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 8-8-19 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 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  for Julie Vance Date: 8-8-19  
 Julie A. Vance, Regional Manager

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

Governor's Office of Planning & Research

**AUG 08 2019**  
**STATE CLEARINGHOUSE**