

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. 15 (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, Major Amendment No. 12, Major Amendment No. 13, Major Amendment No. 14, and this Major Amendment No. 15, 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. 15 makes seven changes to the ITP, as previously amended. This Amendment No. 15, 1) decreases the size of the entire Project Construction Footprint by 221.81 acres to a total of 6,439.93 acres of cumulative disturbance. The increase in the Construction Footprint by 146.77 acres is necessary to accommodate design variations to the Tule elevated structure as well as utility relocations, roadway modifications, access roads, and other covered activities at 11 locations. The decrease in the Construction Footprint by 368.58 acres is due to the elimination of two Temporary Construction Easements (TCEs) and two overcrossings; 2) updates the section entitled Table 1 to show the removal of 311.65 acres from two TCEs, 150.74 acres of orchard and 160.90 acres of hay crop, in Tulare County because these areas will not be used for staging areas; 3) updates the section entitled "Roadway Modifications" and Table 8 to include the eight new locations being added, as well as new activities for three existing locations and the elimination of activities at two locations in Tulare County. This Amendment also updates Table 8 to include the changes for the two locations in Kern County from Amendment 14; however, the new location at State Route 46, is removed changing the number in Kern County back to 16 locations; 4) updates Table 9 and increases the Covered Species habitat impacts for San Joaquin antelope squirrel and Tipton kangaroo rat by 89.23 acres, decreases impacts for San Joaquin kit fox by 55.72 acres, and decreases impacts for Swainson's hawk by 55.72 acres as a result of the change to the Project Construction Footprint; 5) updates Table 11 and the required 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 in Covered Species habitat; 6) increases the Performance Security amount required

Notice of Determination

for Permittee to proceed with Covered Activities; and 7) modifies Exhibit 6, the "Baseline Map Book," by replacing Map Book Pages 28 through 33 (a total of 6 pages) to reflect the decreased Project Construction Footprint.

This is to advise that CDFW, acting as [the lead agency / a responsible agency] approved the above-described project on 9/9/19 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).
- 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: 9/9/19
 Julie A. Vance, Regional Manager
 Governor's Office of Planning & Research

Date Received for filing at OPR: SEP 10 2019

STATE CLEARINGHOUSE