

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: Annee Ferranti
Phone: 559-243-4005

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. 17 (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, Major Amendment No. 15, Major Amendment No. 16, and this Major Amendment No. 17, 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 nitratoides nitratoides*), (collectively, the Covered Species), species designated as threatened and endangered under CESA.

Major Amendment No. 17 makes twelve changes to the ITP, as previously amended. This Amendment 1) increases the size of the entire Project Construction Footprint by 23.45 acres (to a total of 6,486.40 acres of cumulative disturbance), which is necessary to accommodate construction of an embankment in lieu of the viaduct outside of jurisdictional waterways; changes to the bridge structures at Cole Slough, Dutch John Cut, and the Kings River channel; and a change from a bridge to two box culverts at Riverside Ditch. Design changes are also included for site preparation, demolition, utility relocations, earthwork, and roadway modifications; shifting the location of a switching station; addition of 20 new wildlife crossings; eliminating two Temporary Construction Easements; and a slight increase in the width needed to construct the HSR guideway at-grade on embankment west of State Route 43 and north of Cole Slough; 2) updates Table 1 to reflect the reduction of two TCEs; 3) updates Table 2 and text showing the change of 1.86 miles of railway from Above-grade Profile (Viaduct) to At-grade (Embankment); 4) updates Table 3 to increase the wildlife crossings in CP2-3 from 70 to 90 to allow for additional wildlife permeability needed to mitigate for design changes at the Kings River Complex; 5) changes the Project Description section Kings River Complex regarding changes at Cole Slough, Dutch John Cut, Kings River and Riverside Ditch, and updates Table 4 showing the change in impacts at Cole Slough, Dutch John Cut, Kings River and Riverside Ditch; 6) updates Table 5 to add 20 new dedicated wildlife crossing locations; 7) updates Table 6 to add 7.493 acres for the Switching Station at Latitude 36.42697594630° North, Longitude -119.60738110100° West due to a shift from the west to the east side of the HSR mainline, along with an access road; 8) updates the section entitled "Roadway Modifications" and Table 8 to include two new locations being added at 9th Avenue and Cairo Avenue in Kings County; 9) updates Table 9 and the text regarding increases in the Covered Species habitat impacts for San

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Joaquin kit fox, San Joaquin antelope squirrel, Tipton kangaroo rat, and Swainson's hawk as a result of the change to the Project Construction Footprint; 10) 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; 11) increases the Performance Security amount required for Permittee to proceed with Covered Activities; 12) modifies Exhibit 6, the "Baseline Map Book," by replacing Map Book Pages 12 through 14 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 10/31/19 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: 10/31/19
 Julie A. Vance, Regional Manager

Governor's Office of Planning & Research

Date Received for filing at OPR: OCT 31 2019

STATE CLEARINGHOUSE