

Notice of Determination**- 1 -****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: Laura Peterson-Diaz
 Phone: 559-243-8143

Lead Agency

California High Speed Rail Authority
 770 L Street, Suite 620
 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. 21 (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, Major Amendment No. 17, Major Amendment No. 18, Major Amendment No. 19, Major Amendment No. 20, and this Major Amendment No. 21, 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. 21 makes eleven changes to the ITP, as previously amended. This Amendment 1) increases the size of the entire Project Construction Footprint by 94.46 acres to a total of 6,605.59 acres of cumulative disturbance. The increase in the Construction Footprint acres is necessary to accommodate design variations of crossing structures at Cross Creek and Deer Creek as well as any utility relocations, roadway modifications, temporary construction easements, access roads, and other Covered Activities at these two locations; 2) updates Table 3 to increase the number of Dedicated Wildlife Crossings (DWC) to 171 locations; 3) adds the Tule River information to the proper location in Table 4 and also updates the text paragraph regarding Tule River; 4) updates Table 4 and the text regarding new changes relating to Cross Creek and Deer Creek; 5) this Amendment updates Table 5 to add 44 new DWC locations as well as adjusts many existing locations and adds culverts to DWCs at existing locations; 6) makes a correction to the section entitled "Roadway Modifications" and Table 8 removing Tule River; 7) updates Table 9 and the text regarding increases in the Covered Species habitat impacts for California tiger salamander, Tipton kangaroo rat, San Joaquin antelope squirrel, Swainson's hawk and San Joaquin kit fox as a result of the 94.46-acre increase to the Project Construction Footprint; 8) updates Condition of Approval 8.15.6, requiring installation and maintenance of SJKF escape refugia and adds locations for escape refugia north of Deer Creek; 9) 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;

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10) this Amendment increases the Performance Security amount required for Permittee to proceed with Covered Activities; and 11) modifies Exhibit 6, the "Baseline Map Book," by replacing Map Book Pages 12-14 and 23-48 to reflect the increased Project Construction Footprint and to show the new and updated locations of Dedicated Wildlife Crossings.

This is to advise that CDFW, acting as the lead agency / a responsible agency] approved the above-described project on 5/15/2020 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.

DocuSigned by:

 Signature _____ Date: 5/15/2020
 Julie A. Vance, Regional Manager **Governor's Office of Planning & Research**

Date Received for filing at OPR: MAY 18 2020

STATE CLEARINGHOUSE