

Notice of Determination**- 1 -****To:**

Office of Planning and Research
 For U.S. Mail:
 P.O. Box 3044
 Sacramento, California 95812-3044

Street Address:

1400 Tenth Street
 Sacramento, California 95814

From:

California Department of Fish and Wildlife (CDFW)
 Central Region
 1234 E. Shaw Avenue
 Fresno, California 93710
 Contact: Laura Peterson-Diaz
 Phone: 559-243-8143

Lead Agency

California High Speed Rail Authority
 770 L Street, Suite 620
 Sacramento, California 95814
 Contact: Christine C. Inouye, P.E.

SUBJECT: Filing of Notice of Determination pursuant to Public Resources Code § 21108

State Clearinghouse Number: 2009091125

Project Title: California High Speed Train Project: Merced to Fresno Major Amendment No. 17
 (California Endangered Species Act Incidental Take Permit No. 2081-2013-025-04 (ITP))

Project Location: The Project includes the California High Speed Train (HST) alignment beginning at the intersection of Avenue 19 and the Burlington Northern Santa Fe (BNSF) Railway, in the City of Madera, Madera County, California. From this intersection, the Merced to Fresno HST alignment continues south along the west side of the BNSF Railway until south of Avenue 15, where the alignment transitions westward toward the Union Pacific Railroad (UPRR). Near Avenue 9, the alignment follows along the east side of the UPRR, before crossing the San Joaquin River and entering the City of Fresno, Fresno County, California. The Project ends south of State Route (SR) 41, adjacent to Los Angeles Street in the City of Fresno.

Project Description: The Project approved by CDFW consists of the ITP, Minor 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 Merced to Fresno 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). California tiger salamander (*Ambystoma californiense*, CTS), Swainson's hawk (*Buteo swainsoni*, SWHA), San Joaquin kit fox (*Vulpes macrotis mutica*, SJKF), and hairy Orcutt grass (*Orcuttia pilosa*, HaOrGr) (collectively, the Covered Species). CTS, SWHA, and SJKF are species designated as threatened and HaOrGr is designated as endangered under CESA.

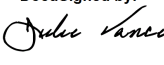
Major Amendment No. 17 makes several changes to the ITP, as previously amended. This Amendment: allows for the ground and vegetation disturbing Covered Activities to occur without monitoring in specified areas within the City of Fresno outside the range of CTS provided a SJKF Designated Biologist has determined there is no sign of SJKF in the Work Area; allows for six months of inactivity in specified areas within the City of Fresno outside the range of CTS provided a SJKF Designated Biologist has determined there is no sign of SJKF in the Work Area and there are no SWHA occupied nests within 0.5-mile; clarifies that SWHA monthly survey results are due with the monthly reports and that a copy of the CNDDDB Report is to be submitted by October 31 each year; ; allows for an exemption from Condition of Approval 7.12 (submittal of HDD and jack and bore plans) in specified areas within the City of Fresno outside the range of CTS provided a SJKF Designated Biologist has determined there is no sign of SJKF in the Work Area and there are no SWHA occupied nests within 0.5-mile; , allows for an exemption from entrapment inspections in specified areas within the City of Fresno outside the range of CTS provided a SJKF Designated Biologist has determined there is no sign of SJKF in the Work Area; clarifies that the Monthly Survey for SWHA may be submitted for the pre-construction survey provided the Monthly Survey was

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conducted within the prior 30 days; clarifies the 100-foot no work nest buffer and consultation with CDFW if a SWHA pair begins nesting within 100 feet of an already active work area; allows for a reduction in monitoring of occupied SWHA nests when the nest is at a greater than 1,000 feet from the nest and allows for modified monitoring to be requested after at least three full days of monitoring if there is a visual and sound barrier between the work area and the nest tree; adds two new Conditions of Approval for reporting SWHA nest failure and probable nest relocation; clarifies that the SWHA surveys are to be done monthly and that the results are due within 30 days of the survey; and adds new Conditions of Approval for SJKF surveys south of West Herndon Avenue which allows the Designated Biologist to make the determination that there is no sign of SJKF and therefore work can proceed absent implementation of Condition of Approval 8.15 provided Covered Activities do not lapse for more than six months.

This is to advise that CDFW, acting as [the lead agency / a responsible agency] approved the above-described project on 9/7/2023 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/EIS and Addendum 2013-1 and 2013-2 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: 9/7/2023
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 Julie A. Vance, Regional Manager

Date Received for filing at OPR: _____