

Notice of Determination

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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:
Department of Fish and Wildlife
Central Region
1234 East Shaw Avenue
Fresno, California 93710
Contact: Kelley Nelson
Phone: (559) 243-4014 ext.214

Lead Agency:
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, California 95814
Contact: Mark A. McLoughlin

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

State Clearinghouse Number: 2009091125, 2009091126

Project Title: California High-Speed Train Project: Merced to Fresno Permitting Phase 1 and Fresno to Bakersfield Section, CP1C Permitting Phase 1 (Amendment No. 14 to Master Streambed Alteration Agreement No. 1600-2013-0060-R4).

Project Location: The Project will begin at the intersection of Road 27 in Madera County, California (Latitude 37°0'24.59"N, Longitude 120°3'22.39"W). It will continue south along the west side of the BNSF Railway until south of Avenue 15, where the alignment will transition westward toward the Union Pacific Railroad (UPRR). Near Avenue 9, the alignment will follow along the east side of the UPRR, before crossing the San Joaquin River and entering the City of Fresno. The Project will end south of the City of Fresno, approximately 1,000 feet south of American Avenue in Fresno County, California (Latitude 36°38.29"N, Longitude 119°45'32.3"W).

Project Description: The California Department of Fish and Wildlife (CDFW) has executed Amendment No. 14 to Master Streambed Alteration Agreement number 1600-2013-0060-R4 (Agreement), to the Permittee, California High-Speed Rail Authority.

The Project approved by CDFW consists of the Agreement identified above, which addresses construction and operation of the Merced to Fresno segment of the California High-Speed Train (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 Fish and Game Code Section 1600 *et seq.* The Agreement authorizes certain activities contemplated in Section 1602 of the Fish and Game Code that could cause substantial adverse effects to fish and wildlife resources. The Agreement in this respect will facilitate construction and operation of the Project. The Project as originally permitted will impact fish and wildlife habitat subject to the notification requirement in Section 1602 of the Fish and Game Code within and/or adjacent to the Fresno River, Main Canal, Cottonwood Creek, San Joaquin River, Herndon Canal, Dry Creek Canal, Chowchilla River, North Central Canal, Central Canal West, Central Canal East, an Unnamed Canal, Viau Canal, Fresno Colony Canal, and the Schmidt Creek Tributary. Amendment No. 14 adds additional temporary and permanent impact areas within Dry Creek Canal, adds Jack and Bore as a Covered Activity, includes avoidance and minimization measures for such activity, and increases the required habitat management land for impacts resultant from Amendments 2, 3, 5, 6, 8, 9, 11, 13, and this Amendment No. 14.

This is to advise that CDFW, acting as a Responsible Agency, approved the above described project on 5/2/19 and has made the following determinations regarding the project pursuant to California Code of Regulations section 15096, subdivision (i):

1. The project 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. CDFW considered the Environmental Impact Report prepared by the Lead Agency for this project pursuant to California Code of Regulations section 15096, subdivision (f).
3. Mitigation measures were made a condition of CDFW's approval of the project.
4. A mitigation reporting or monitoring plan was adopted by CDFW for this project.
5. A statement of overriding considerations was not adopted by CDFW for this project.
6. Findings were made by CDFW pursuant to California Code of Regulations section 15091.

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The final Environmental Impact Report prepared for the project is available to the general public at the office location listed above for the Lead Agency.

Signature  Date: 5/2/19
Julie A. Vance, Regional Manager Governor's Office of Planning & Research

MAY 02 2019

Date Received for filing at OPR: STATE CLEARINGHOUSE