

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 E. Shaw Avenue
Fresno, California 93710
Contact: Krista Tomlinson
Phone: 559-243-8141

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: 2009091125

Project Title: California High-Speed Train Project: Merced to Fresno Major Amendment No. 9 (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 and this Major Amendment No. 9 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*) (collectively, the Covered Species). CTS, SWHA, and SJKF are species designated as threatened and hairy Orcutt grass is designated as endangered under CESA.

Major Amendment No. 9 makes five changes to the ITP, as previously amended. This Amendment No. 9 will (1) increase the size of the entire Project Construction Footprint by 89.78 acres to a total of 2,130.49 acres of cumulative impact disturbance. This increase in the Construction Footprint is necessary to accommodate 24 additional design variations including additional work to either temporarily or permanently relocate, bypass or modify existing utilities including gas pipeline, electrical distribution lines, telecommunication facilities, sewer, storm drain, water main, and irrigation utilities; some utilities may require additional work and subsurface exploration to find their exact location; additional civil work and maintenance of traffic (MOT) work including removal, temporary installation, modification or new installation of sidewalks, curbs, fences, retaining walls, driveways, roads, ramps, ramp meters, signs traffic lights, roadway improvements including slurry seal and restriping, realignment of bridges and onramps, onramp widening, raising an irrigation levee, clearing and grubbing, demolition of structures, site grading, and site restoration. Acquisition of temporary construction easements or new right of way, of new parcels, or full acquisition of partial parcels, will be required to accomplish these activities and for construction staging areas and parking for both construction and public; (2) add the description of the 24 design variations, construction of an additional 69,834 linear feet of IPB, and three wildlife crossing variations to the Project Description; (3) increase the Covered Species impacts for Swainson's hawk by 24.09 acres and San Joaquin kit fox by 89.78 acres resulting in a total increase of impacts to habitat of 89.78 acres; (4) require either the purchase of additional Covered Species credits or the permanent protection of additional HM lands and accompanying management costs to compensate for Covered Species impacts associated with the increase in the Construction Footprint; and (5) increase the Performance Security amount required in order for the Permittee to proceed with Covered Activities.

Notice of Determination

This is to advise that CDFW, acting as the lead agency / a responsible agency] approved the above-described project on 6/10/19 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/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.

Signature  Date: 6/10/19
 Julie A. Vance, Regional Manager
 Governor's Office of Planning & Research

Date Received for filing at OPR: **JUNE 11 2019**

STATE CLEARINGHOUSE