

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 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, 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. 12 (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.

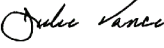
Project Description: The Project approved by CDFW consists of the ITP, Minor Amendment No. 1, Major Amendment No. 2, Major Amendment No. 3, Minor Amendment No. 4, Major Amendment No. 5, Major Amendment No. 6, Major Amendment No. 7, Major Amendment No. 8, Major Amendment No. 9, Major Amendment No. 10, Major Amendment No. 11, and this Major Amendment No. 12 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. 12 makes nine changes to the ITP, as previously amended. This Amendment No. 12 will 1) increase the size of the entire Project Construction Footprint by 45.46 acres to a total of 2,186.02 acres of cumulative impact disturbance. The increase in the Construction Footprint acres is necessary to accommodate shifting the HST alignment approximately 50 feet west and addressing the changes to public roads, access roads, drainage facilities, access-restricted fencing, soundwalls, culverts, the bridge at Schmidt Creek, signage and utilities to the east and west of the permitted alignment resulting from the shift and for the extension of BNSF culverts at Schmidt Creek and Schmidt Creek Tributary as required to accommodate the all-weather access roads; 2) adds three Road Modification Locations and updates Table 3; 3) moves one Dedicated Wildlife Crossing (DWC) approximately 700 feet southwest and renames all six Madera County DWCs from north to south and updates Table 4; 4) increases the Covered Species impacts for Swainson's hawk, San Joaquin kit fox and California tiger salamander upland, each by 19.09 acres; and also increase impacts to potential California tiger salamander breeding (aquatic) habitat by 0.70-acre for indirect impacts and by 0.38-acre for direct impacts as a result of the modified Project Construction Footprint and updates Table 5; 5) requires 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 as described in Condition of Approval 9; 6) separates Table 6 into Table 6 just for HaOrGr and Table 6A for SWHA, SJKF, and CTS, with Table 6A now also including mitigation completed and mitigation still outstanding; 7) increases the Performance Security amount required for the Permittee to proceed with Covered Activities commensurate with the increased impacts; 8) changes Condition of Approval 10, Security Timeline (10.3) to extend the deadline to complete the required acquisition, protection and transfer of all HM lands and recording of any required conservation easements by one year; and 9) revises the Baseline Map Book, Exhibit 5, Map Book Pages 36 through 39 (a total of 4 pages) to reflect the increased Project Footprint.

Notice of Determination

This is to advise that CDFW, acting as [the lead agency / a responsible agency] approved the above-described project on 9/1/2020 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/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.

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Signature

Date: 9/1/2020

Julie A. Vance, Regional Manager

Governor's Office of Planning & Research

Date Received for filing at OPR: Sep 01 2020

STATE CLEARINGHOUSE