

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: Serge Stanich

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. 25 (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.

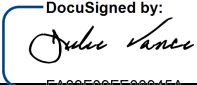
Project Description: The Project approved by CDFW consists of the ITP, Major Amendments Nos. 1, 2, and 3, Minor Amendment No. 4, Major Amendments Nos. 5-24 and this Major Amendment No. 25, as referenced above and as issued by CDFW, which addresses construction and operation of the Fresno to Bakersfield 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 nitratooides nitratooides*), (collectively, the Covered Species), species designated as threatened and endangered under CESA.

Major Amendment No. 25 makes three specific changes to the ITP, as previously amended. This Amendment changes Condition of Approval 8.13.4 to allow for the exemption of a specific area from remaining burrow excavation for California tiger salamander near Cross Creek; modifies the burrow avoidance measures for San Joaquin antelope squirrel and Tipton's kangaroo rat to exclude Subzones 3 and 4 from the required burrow excavation within Mapping Area 1 due to safety concerns and adds these to the area outside of Mapping Areas 1, 2, and 3 which allow for either burrow excavation or trapping prior to commencing work; incorporates Exhibit 8, Subzones 1-4 near Cross Creek and the area to be exempt from remaining burrow excavation into the ITP, as amended.

Notice of Determination

This is to advise that CDFW, acting as the lead agency / a responsible agency] approved the above-described project on 10/5/2022 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: 10/5/2022
 Julie Vance, Regional Manager

Date Received for filing at OPR: _____