

**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

Central Region

1234 East Shaw Avenue

Fresno, California 93710

Contact: Laura Peterson-Diaz

Phone: (559) 417-3235

**Lead Agency:**

California High-Speed Rail Authority

770 L Street, Suite 800

Sacramento, California 95814

Contact: Serge Stanich

**SUBJECT: Filing of Notice of Determination pursuant to Public Resources Code section 21108****State Clearinghouse Number:** 2009091126**Project Title:** California High-Speed Train Project: Fresno to Bakersfield Permitting Phase 1 (Amendment No. 24 to Master Streambed Alteration Agreement No. 1600-2015-0033-R4).**Project Location:** The Construction Footprint spans approximately 95 miles, from approximately 1,000 feet south of American Avenue south of the city of Fresno (Fresno County, Latitude 36°38.29"N, Longitude -119°45'32.3"W) to 7th Standard Road near the unincorporated community of Crome (Kern County; Latitude 35°26'29.07"N, Longitude -119°11'56.70"W) and generally parallels the Burlington Northern Santa Fe Railway or State Route 43. The Agreement also authorizes activities that will occur at Restoration Sites.**Project Description:** The California Department of Fish and Wildlife (CDFW) has executed Amendment No. 24 to Master Streambed Alteration Agreement number 1600-2015-0033-R4 (Agreement), to the Permittee, California High-Speed Rail Authority.


The Agreement addresses construction and operation of the Fresno to Bakersfield segment of the California High-Speed Train, 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. Amendment No. 24 allows for work outside daylight hours at Deer Creek Basin related to long duration, continuous concrete pours seven nights a week outside of nesting season and two nights a week during the nesting season with a possible increase at the beginning and end of the season if no raptors are nesting within half a mile, and no other avian species are nesting within 500 feet at that time. The night work allowances for Deer Creek Basin are to enable continuous construction of the Deer Creek viaduct.

This is to advise that CDFW, acting as a Responsible Agency, approved the above-described project on 11/15/2022 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/Environmental Impact Statement 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.

**Notice of Determination**

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

DocuSigned by:  
  
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Signature:

11/15/2022

Date:

Julie A. Vance, Regional Manager

Date Received for filing at OPR: \_\_\_\_\_