

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

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Lead Agency

California High Speed Rail Authority

770 L Street, Suite 620

Sacramento, CA 95814

Contact: Scott Rothenberg

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. 26 (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. 5-25 and this Major Amendment No. 26, 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.

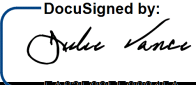
Major Amendment No. 26 makes ten specific changes to the ITP, as previously amended. This Amendment increases the size of the Project Construction Footprint by 7.69 acres to a total of 6,700.27 acres of cumulative disturbance to accommodate access road installation, site preparation for the catenary switching station system location, utility relocations and protection, and other Covered Activities, updates Table 8 for Roadway and Utility Modifications by adding 7 new locations and adding acreage to 14 existing locations, updates Table 9 by adding impacts to the Covered Species Habitat Impacts types for Tipton kangaroo rat, San Joaquin antelope squirrel, Swainson's hawk and San Joaquin kit fox resulting from the increase to the Project Construction Footprint, but also decreases the total impact to Swainson's hawk habitat due to a re-evaluation of suitable habitat features at the time of the pre-construction surveys despite the increase in the number of nests within half a mile of the Construction Footprint, updates Table 10 to include all the known

Notice of Determination**- 2 -**

Swainson's hawk nest trees utilized during the 2023 nesting season and makes three corrections for prior nest locations, corrects three prior Swainson's hawk nest locations in Table 10A, updates what needs to be included in the Monthly Compliance Report in Condition of Approval 7.7, changes the due date in Condition of Approval 7.9 for the submittal of the Swainson's Hawk Report with the nesting season details to be submitted to CDFW, allows for alternatives to current excavation coverings or ramping for animal escape in Condition of Approval 8.7, updates Table 11 and increases the required compensatory HM lands and the Performance Security amount based on the accompanying estimates of management costs required to mitigate for Covered Species impacts, modifies Exhibit 6, the "Baseline Map Book," by replacing Map Book Pages 20, 39, 40, and 42 to reflect the increased Project Construction Footprint.

This is to advise that CDFW, acting as [the lead agency / a responsible agency] approved the above-described project on 2/16/2023 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: 2/16/2023
 Julie A. Vance, Regional Manager

Date Received for filing at OPR: _____