

**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. 23 (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 7<sup>th</sup> 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. 5-22 and this Major Amendment No. 23, 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. 23 makes five changes to the ITP, as previously amended. This Amendment increases the size of the Project Construction Footprint by 26.40 acres to a total of 6,658.53 acres of cumulative disturbance to accommodate access and egress, design improvements for McCombs Avenue, SR 46 and the Merced Overpass, utility relocations, and other Covered Activities; updates Table 8 to include work on utilities as well as road modification and adds 3 new locations; updates Table 9 and the text regarding increases in the Covered Species habitat impacts; updates Table 11 and increases the required compensatory HM lands and the Performance Security amount required to mitigate for Covered Species impacts resulting from the increased Project Construction Footprint in Covered Species habitat; and modifies Exhibit 6, the Baseline Map Book.

This is to advise that CDFW, acting as [ the lead agency /  a responsible agency] approved the above-described project on 10/12/2021 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).

**Notice of Determination**

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.

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Signature

Date: 10/12/2021

*Julie A. Vance, Regional Manager*

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