

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: Krista Tomlinson  
Phone: 559-243-4014

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. 8 (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, and this Major Amendment No. 8, 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*) (collectively, the Covered Species). CTS, SWHA, and SJKF are species designated as threatened and hairy Orcutt grass is designated as endangered under CESA.

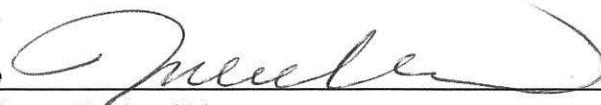
Major Amendment No. 8 makes eight changes to the ITP, as previously amended. This Amendment No. 8 will (1) increase the covered extent of take of hairy Orcutt grass (HaOrGr) from 0.94 to 1.85 acres; (2) require an increase in the HM lands requirements commensurate with the increased impacts to HaOrGr; (3) allow the scope of botanical inventories to focus on HaOrGr; (4) eliminate the requirement for the Permittee to salvage and translocate all HaOrGr within 50 feet of the Construction Footprint; (5) replace the HaOrGr salvage and translocation requirement with a requirement for the Permittee to obtain CDFW's written approval of the HaOrGr Habitat Enhancement Plan prior to initiating vegetation or ground-disturbing activities; (6) allow the Permittee to provide Security in order to proceed with Covered Activities that would take HaOrGr; (7) update impact and mitigation values in Table 6 of the ITP to reflect the increases in this Amendment as well as changes to Table 6 that should have occurred with Amendment 7; and (8) allow Security for HaOrGr HM Lands requirements to be in the form of a binding contract with a mitigation provider, subject to CDFW's written acceptance of that contract as Security.

This is to advise that CDFW, acting as [ the lead agency /  a responsible agency] approved the above-described project on 5/31/19 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.

**Notice of Determination**

- 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.

Signature  Date: 5/31/19  
Julie A. Vance, Regional Manager

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

Governor's Office of Planning & Research  
May 31, 2019  
STATE CLEARINGHOUSE