

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 re-issued Major Amendment No. 24 (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. 5-23 and this Major Amendment No. 24, 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.

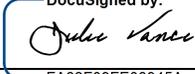
Major Amendment No. 24 is re-issued due to needed corrections and makes 15 changes to the ITP, as previously amended. This Amendment updates the Principal Officer and Contact Person, updates the location of the northern end of this Fresno to Bakersfield alignment to match the southern end of the Merced to Fresno HST alignment, increases the size of the Project Construction Footprint by 34.05 acres to a total of 6,692.58 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, removes application of dust suppressants from the list of Covered Activities on page 70, 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 the 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, modifies the way the Swainson's hawk impacts and mitigation are calculated, from a correlated approach of suitable habitat features which depended on distance from each nest to a uniform approach throughout the alignment extending to ten miles south of the southernmost known Swainson's hawk nest occurring within 0.5 miles of the Construction Footprint, updates Table 10 to include all the known Swainson's hawk nest trees up through the 2021 nesting season, adds Table 10A listing all active Swainson's hawk nest trees that have been or will be removed from within the Construction Footprint, adds Condition of Approval 7.1.5 for Small Mammal Burrow Flagging which requires flagging of burrows characteristic of kangaroo rat and San Joaquin antelope squirrel in addition to the mapping in Condition of Approval 7.1.2, 8.16.2 and 8.17.2, changes Condition of Approval 7.9 to allow for Swainson's hawk detailed information to be submitted to CNDDDB and CDFW at the end of the nesting season rather than within 60 days, adds Condition of Approval 8.14.4 regarding the annual survey for Swainson's hawk and Condition of

Notice of Determination

Approval 8.14.5 regarding Swainson’s hawk restrictions for nightwork, clarifies that den and burrow excavations can occur by the General Biological Monitor(s) under the direct supervision of the Designated Biologist(s) for San Joaquin kit fox, San Joaquin antelope squirrel, and Tipton kangaroo rat, 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 1-4, 6, 9, 27, 30, 32, and 37 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 8/24/2022 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: 8/24/2022
FA83F09FE08945A...
 Julie Vance, Regional Manager

Date Received for filing at OPR: _____