

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: 559-243-8141

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. 10 (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, Major Amendment No. 8, Major Amendment No. 9, and this Major Amendment No. 10 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. 10 makes ten changes to the ITP, as previously amended. This Amendment No. 10 will 1) allow an increase in the entire Project Construction Footprint by 10.07 acres to a total of 2,140.56 acres of cumulative impact disturbance; 2) adds Horizontal Directional Drilling (HDD) and the "jack and bore" method of pipeline construction and relocation as Covered Activities; 3) adds 11 locations with Project design variations; 4) increases the Covered Species impacts for Swainson's hawk, California tiger salamander, and San Joaquin kit fox by 3.73 acres as a result of the modified Project Construction Footprint, and a 0.10-acre increase in direct impacts to potential California tiger salamander breeding (aquatic) habitat; 5) changes 0.02 acre of indirect impacts to potential California tiger salamander breeding (aquatic) habitat to 0.02 acre of direct impact as a result of modifying the Project Construction Footprint; 6) adds a notification and submission requirement for an HDD and Jack and Bore Plan for approval; 7) requires Permittee to purchase additional Covered Species credits or permanently protect additional HM lands, and provide accompanying management costs to compensate for Covered Species impacts associated with the increase in the Construction Footprint; 8) increases the Performance Security amount required for the Permittee to proceed with Covered Activities; 9) allows for security for all Covered Species HM Lands requirement, in excess of available HM Land Mitigation at the Lazy K Ranch Mitigation Site, to be a form acceptable to CDFW and subject to CDFW's written acceptance and increases the completion of the required acquisition, protection and transfer of all HM lands and recording of any required conservation easements by one year; and 10) revises the Baseline Map Book, Exhibit 5, maps 36 through 39 (a total of 4 pages) to reflect the increased Project Area. Furthermore, to the extent the potential for new significant effects or a substantial increase in the severity of a significant effect exists, CDFW finds adherence to and implementation of the conditions of Project approval adopted by the lead agency, as well as adherence to and implementation of the Conditions of Approval imposed by CDFW through the issuance of the ITP, as previously amended, and Major Amendment No. 10 will avoid or reduce such potential effects to below a level of significance.

Notice of Determination

This is to advise that CDFW, acting as [the lead agency / a responsible agency] approved the above-described project on August 8, 2019 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/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: 8-8-19
 Julie A. Vance, Regional Manager

Date Received for filing at OPR: _____

Governor's Office of Planning & Research

AUG 08 2019

STATE CLEARINGHOUSE