

California High Speed Train Project –  
Merced to Fresno Permitting Phase 1

Clean Water Act Section 401 Water  
Quality Certification

## **Attachment G**

CEQA Findings of Fact and Statement  
of Overriding Considerations

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**State Water Resources Control Board  
CEQA Findings of Fact and Statement of Overriding Considerations for the  
California High Speed Rail Authority's  
High Speed Train – Merced to Fresno Permitting Phase 1 Project**

**A. INTRODUCTION**

Pursuant to CEQA, these Findings of Fact and Statement of Overriding Considerations (Findings) support the issuance of this Certification based on the Project Final Environmental Impact Report (FEIR), and other supplemental documentation, including, the Project Mitigation Monitoring and Reporting Plan (MMRP) and the application for Certification with attachments. (Cal. Code Regs., tit. 14, §§ 15091 & 15096, subd. (h).) In preparation of the Findings, the State Water Board has utilized the FEIR, as well as the Final Program Environmental Impact Report/Environmental Impact Statement for the Proposed California High Speed Train System (Program EIR) and other relevant material in the State Water Board's administrative record (Cal. Code Regs., tit. 14, § 15096, subd. (f)).

**CEQA Finding Requirement**

Prior to approving or carrying out a project for which an EIR has been certified which identifies one or more significant environmental effects, all public agencies must make one or more written findings for each of those significant impacts, accompanied by a brief explanation of the rationale for each finding. (Pub. Resources Code, § 21081, subd. (a); Cal. Code Regs., tit. 14, §§ 15091, subd. (a) & § 15082, subd. (b)(2)) This requirement applies to the lead agency and responsible agencies under CEQA (Pub. Resources Code, § 21081; Cal. Code Regs., tit. 14, §§ 15091, subd. (a) & § 15096, subd. (h)). As specified in the CEQA Guidelines, the possible findings are:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment;
- (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency; or
- (3) Economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

The State Water Board is a responsible agency under CEQA for purposes of approving the Certification for Project activities. To that end, these Findings provide the specific reasons supporting the State Water Board's decisions under CEQA as they relate to the issuance of the Project Certification. The Findings are supported by substantial evidence in the State Water Board's administrative record (Cal. Code Regs., tit. 14, § 15091 subd. (b)).

As a responsible agency, the State Water Board's CEQA obligations are more limited than those of the lead agency. (Cal. Code Regs., tit. 14, § 15096, subd. (g)(1).) The State Water Board, in particular, is "responsible for considering only the effects of those activities involved in

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[the] project which it is required by law to carry out or approve." (Pub. Resources Code, § 21002.1, subd. (d).) Thus, while the State Water Board must "consider the environmental effects" of the Project as disclosed in the environmental documents described above, the State Water Board "has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve." (Cal. Code Regs., tit. 14, § 15096, subds. (f), (g)(1).)

## **B. INCORPORATION BY REFERENCE**

All project impacts and mitigation measures, including those discussed below, are analyzed in greater detail in the Project Final EIR (FEIR), which is incorporated herein by reference. The Project FEIR is available at:

[http://www.hsr.ca.gov/Programs/Environmental\\_Planning/final\\_merced\\_fresno.html](http://www.hsr.ca.gov/Programs/Environmental_Planning/final_merced_fresno.html)

The Program EIR, which includes analyses of broad statewide HST impacts and serves as a first tier document for the FEIR, is available at:

[http://www.hsr.ca.gov/docs/programs/eir-eis/brdmtg1105\\_item7\\_8mitigation.pdf](http://www.hsr.ca.gov/docs/programs/eir-eis/brdmtg1105_item7_8mitigation.pdf)

Project mitigation measures and reporting responsibilities are also summarized in the Project Mitigation Monitoring and Reporting Plan (MMRP), which is incorporated herein by reference.

The MMRP is available at: [http://www.hsr.ca.gov/docs/programs/merced-fresno\\_eir/final\\_EIR\\_MerFres\\_MMRP\\_Rev2\\_A\\_SIGNED.pdf](http://www.hsr.ca.gov/docs/programs/merced-fresno_eir/final_EIR_MerFres_MMRP_Rev2_A_SIGNED.pdf)

Also incorporated by reference into these Findings is High Speed Rail Authority's (HSRA) application for Certification with all attachments, which include detailed project maps, a detailed project description, copies of information provided to other resource agencies, compensatory mitigation ratio-setting methodologies, and other supporting information.

## **C. ENVIRONMENTAL REVIEW:**

On May 3, 2012, the HSRA, as lead agency, certified a Final Environmental Impact Report (State Clearinghouse (SCH) No. 2009091125) for the *California High Speed Train, Merced to Fresno Section* in accordance with CEQA (Resolution # HSRA 12-19). As directed by CEQA, the State Water Board has been deemed to have waived any objection to the adequacy of the FEIR and the FEIR is conclusively presumed to comply with CEQA for purposes of use by the State Water Board (Pub. Resources Code, § 21167.3, subd. (b); Cal. Code Regs., tit. 14, §§ 15096, subd. (e)(2) & § 15231). Based on the administrative record, the State Water Board finds that no Subsequent EIR or Supplement to the FEIR is necessary per the requirements of CEQA (Cal. Code Regs., tit. 14, §§ 15162 & § 15163).

Prior to reaching a decision on the issuance of Certification for the project, the State Water Board has considered the environmental effects of the project as shown in the FEIR, as well as the Program EIR (Cal. Code Regs., tit. 14, § 15096, subd. (f)). The FEIR specifies mitigation measures for identified impacts, and a Mitigation, Monitoring and Reporting Plan (MMRP) is in place to document the mitigation measures and how they are to be implemented. The Findings specified below are provided for each of those significant project impacts identified in the FEIR that are subject to the State Water Board's jurisdiction. Part D addresses potentially significant impacts which cannot be avoided or substantially lessened to a less than significant level. Part

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E addresses potentially significant impacts which can be avoided or lessened to a less-than-significant level.

**D. GENERAL FINDINGS ON SIGNIFICANT AND UNAVOIDABLE IMPACTS ASSOCIATED WITH THE HYBRID ALTERNATIVE WHICH CANNOT BE AVOIDED OR SUBSTANTIALLY LESSENNED TO A LESS-THAN-SIGNIFICANT LEVEL.**

**PK IMPACT #4: Restricted Use at Camp Pashayan (City of Fresno).** Construction of the Project would displace park users during construction for two to four years. The FEIR states that although mitigation is available to minimize the impact, there remains a residual significant impact that is unavoidable; no feasible mitigation is available to avoid or substantially lessen the impact to a less than significant level.

Findings:

Changes or alterations have been required in, or incorporated into, the Project, which minimizes the significant environmental effect as identified in the final EIR.

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures to reduce this impact to a less-than-significant level.

The remaining unavoidable and irreversible impacts of the project are acceptable in light of economic, legal, social, technological, and other considerations set forth herein because the benefits of the project (as described in Section H) outweigh any significant and unavoidable or irreversible environmental impact of the project

Rationale: Although the area of the park that would be affected does not include recreational facilities for activities that require the use of equipment or designated facilities, courses, or fields, the area that would be affected is an area that can currently be actively used and would be completely closed to visitor use for a period of approximately 2 to 4 years while construction take place in the vicinity of the park. Preventing the use of an established or planned park, recreation, or open space is considered a significant impact under CEQA. The construction activities located at the southern end of Camp Pashayan and the duration of the construction activities would restrict the recreational use of this area for safety purposes, including some water based recreational uses, and therefore would be a significant impact under CEQA.

Two beneficial uses of water associated with recreation are designated in Central Valley Regional Water Quality Control Board's Basin Plan for the San Joaquin River which flows through Camp Pashayan. These are "Water Contact Recreation (REC-1) for activities which involve body contact with water, and "Non-Contact Recreation" (REC-2) for activities involving proximity to water, but where there is generally no body contact with water. These beneficial uses would be unavoidably subject to Project impacts that cannot be mitigated; i.e., temporary loss of some recreational uses of Camp Pashayan (within the San Joaquin River Ecological Reserve). Construction of the Project would displace park users during construction for two to four years.

The proposed mitigation measure compensating for staging in park property (PK-MM #1) would reduce, the impact, but not to a level that is less than significant. No additional feasible or

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practicable mitigation measures or Certification conditions would further reduce this impact. A statement of overriding considerations for this impact is presented in Section H below.

**CUMULATIVE IMPACTS: Wetlands.** The FEIR reports that cumulative effects to wetlands are significant and unavoidable, and that these impacts cannot be mitigated to a less than significant level. The Final EIR states:

*Wetlands may be affected by the project and other foreseeable projects. Potential wetland losses would be small relative to the quantity of existing wetland habitat in the study area but would contribute to the net loss of wetland habitat within the California Central Valley. Avoidance, minimization, and mitigation measures would minimize impacts on wetlands. Nevertheless, cumulative impacts would likely have substantial intensity under NEPA and be cumulatively considerable under CEQA (FEIR, Sec. 3.19.3.6).*

The HSRA's CEQA Findings of Fact and Statement of Overriding Considerations (May 2012) (CEQA Findings of Fact) state:

*Wetlands may be affected by the project and other foreseeable projects. Potential wetland losses would be small relative to the quantity of existing wetland habitat in the study area but would contribute to the net loss of wetland habitat within the California Central Valley. Avoidance, minimization, and mitigation measures would minimize impacts on wetlands, but would be cumulatively considerable under CEQA (section 4.4, p. 4-2).*

And in section 7, Statement of Overriding Considerations:

*The overall amount of land that would be converted to urban and transportation uses under the cumulative condition and buildout of the HST System, would result in cumulatively considerable impacts on wetlands.*

The Project EIR also states that "The HST Project would implement biological resources [including wetlands] mitigation measures provided in Section 3.7.7. No additional mitigation is needed to address the project's contribution to cumulative biological impacts. Biological impacts resulting from projects proposed by others would be mitigated in accordance with the requirements under permits obtained for those projects, as necessary."

Findings:

Changes or alterations have been required in, or incorporated into, the Project, which minimizes the significant environmental effect as identified in the final EIR.

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures to reduce this impact to a less-than-significant level.

The remaining unavoidable and irreversible impacts of the project are acceptable in light of economic, legal, social, technological, and other considerations set forth herein because the

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benefits of the project (as described in Section H below) outweigh any significant and unavoidable or irreversible environmental impact of the project.

Rationale:

Various mitigation measures are proposed in the FEIR to mitigate Project impacts to waters of the state, including wetlands. Mitigation measures incorporated into the project requiring compensatory mitigation for loss of jurisdictional waters, when implemented along with the conditions of this Certification, are adequate to minimize these cumulative impacts, but not to a level that is less than significant. No feasible mitigation measures are available to reduce this cumulative impact to a less-than-significant level. A statement of overriding considerations for this impact is presented in section H below.

**E. SIGNIFICANT IMPACTS THAT ARE AVOIDED OR SUBSTANTIALLY LESSENERED TO A LESS THAN SIGNIFICANT LEVEL BY MITIGATION MEASURES INCORPORATED INTO, OR REQUIRED AS A CONDITION OF APPROVAL OF, THE PROJECT**

**BIO IMPACT #1. Introduction of Noxious Weeds.** The FEIR concludes that ground disturbance associated with grading and construction Project may result in introduction of noxious weeds, or invasive or non-native plant species ("weeds"). In addition, movement of personnel, equipment and materials can spread weed propagules. According to the FEIR, introduction of weeds is a significant impact under CEQA. Weed dispersal or establishment in any part of the Project area would potentially affect watershed function and lead to colonization by weed populations in waters of the state.

Findings:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

Rationale: Mitigation measures Bio-MM#4 and 5 are proposed to address this impact. These measures require implementation of various BMPs that are widely accepted as the feasible and effective for weed control and management. These measures are consistent with good construction management and ecological restoration practice and are likely to result in eventual restoration of sites disturbed by Project activity. As concluded in the FEIR, implementation of the approach specified in Bio-MM#4 and 5, are adequate to reduce impacts due to noxious weed dispersal and colonization to a less than significant level. These mitigation measures, as presented in the MMRP, are incorporated by reference in the Certification.

**BIO IMPACT #2. Construction of the Project would disturb Great Valley mixed riparian forest and other riparian habitat.** The FEIR concludes that riparian communities would be impacted by the Project, including over 39 acres of Great Valley mixed riparian forest, Central Coast arroyo willow riparian forest, Great Valley riparian scrub, and Great Valley oak riparian forest. Riparian forests and habitats support water quality and the beneficial uses of waters of the state. According to the FEIR, disturbance of these areas, even temporarily, significantly affect a wide range of aquatic resource functions and beneficial uses such as rare species (RARE).

Findings:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

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Rationale:

The FEIR and MMRP describe six mitigation measures which would reduce the level of this impact: Bio-MM-#4, 5, 6, 8 10 and 15 (described in Section H, Table A). These measures constitute common and accepted avoidance and minimization measures, and will provide for adequate restoration of unavoidable temporary impacts to aquatic resources when implemented. As concluded in the FEIR, implementation of the approach specified in Bio-MM#4, 5, 6, 8, 10, and 15 are adequate to reduce impacts to a less than significant level. These measures, as presented in the MMRP, are incorporated by reference in the Certification.

**BIO IMPACT #4. Construction of the Project would disturb suitable habitat that has potential to support vernal pool branchiopods.** The FEIR concludes that construction of the Project would affect potentially suitable habitat for vernal pool branchiopods including the federally listed vernal pool fairy shrimp, vernal pool tadpole shrimp, and Conservancy fairy shrimp. Activities causing impacts to these habitats would be in violation of water quality standards in that the designated beneficial use of waters would be affected (i.e. rare species habitats (RARE)). The Project would directly impact up to 15.7 acres and indirectly impact up to 11.57 acres of potentially suitable habitat for these and other vernal pool branchiopods. According to the FEIR, impacts to vernal pool communities that provide potential habitat for vernal pool branchiopods are a significant impact under CEQA.

Findings:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

Rationale:

The FEIR proposes mitigation measures to address this impact. In addition to Bio-MM#3, 4, 5, 6, 7, 8 and 10, Bio-MM#20 requires a seasonal work restriction that would help to avoid and minimize impacts to vernal pool branchiopods and Mitigation Bio-MM#12 provides for work stoppage if Project Biologists or Biological Monitors determine that take of protected vernal pool branchiopods could occur. Bio-MM#45 also requires monitoring of construction activities within jurisdictional waters. These measures are consistent with good construction management and ecological restoration practice and are adequate for the timely restoration of sites disturbed by Project activity, when implemented along with the conditions of this Certification. As concluded in the FEIR, implementation of the approach specified in Bio-MM#3, 4, 5, 6, 7, 8, 10, 12, 20, and 45 are adequate to reduce impacts to a less than significant level. These measures, as presented in the MMRP, are incorporated by reference in the Certification.

**BIO IMPACT #5. Construction of the Project would disturb suitable habitat that has potential to support the valley elderberry longhorn beetle.** The FEIR concludes that the Project would impact populations of Mexican elderberry shrubs, specifically along the San Joaquin River area. The Project would also affect habitat communities that potentially contain elderberry shrubs. Populations of the valley elderberry longhorn beetle are protected under the federal Endangered Species Act, and the loss of elderberry shrubs could impair the survival of self-sustaining populations. Consequently, the FEIR concludes that the potential impact on suitable habitat for valley elderberry longhorn beetles is significant under CEQA. Because these habitats are typically associated with riparian areas, activities causing impacts to those habitats would be in violation of water quality standards in that the designated beneficial use of waters would be affected (i.e. rare species habitats (RARE)).



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Findings:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

Rationale:

The FEIR proposes mitigation measures to address this impact. In addition to Bio-MM#3, 4, 5, 6, 7, 8 and 10, 12, 13 and 14 (as previously described), and conditions of this Certification, Bio-MM#11 will require entrapment protection measures and Bio-MM#22 will require adherence to the *Conservation Guidelines for the Valley Elderberry Longhorn Beetle* (USFWS 1999a) and will require various avoidance measures around individual elderberry plants. These measures are consistent with good construction management and ecological restoration practice and are likely to result in timely restoration of sites disturbed by Project activity, when implemented along with the conditions of this Certification. As concluded in the FEIR, implementation of the approach specified in Bio-MM#3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, and 22 are adequate to reduce impacts to a less than significant level. These measures, as presented in the MMRP, are incorporated by reference in the Certification.

**BIO IMPACT #6. Construction of the Project would disturb California tiger salamander (CTS) habitat.** The FEIR concludes that project construction would potentially disturb suitable breeding and upland habitat for California tiger salamanders. All suitable vernal pool and other seasonal wetland habitat with associated upland areas are assumed to be occupied by California tiger salamanders. According to the FEIR, the potential impact on suitable habitat for California tiger salamanders would be significant under CEQA. Activities causing impacts to these habitats would be in violation of water quality standards in that the designated beneficial use of waters would be affected (i.e. rare species habitats (RARE)).

Findings:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

Rationale:

The FEIR proposes mitigation measures to address this impact. In addition to Bio-MM#3, 4, 5, 6, 7, 8, 10, 12, 13, 14, 20, 44, and 45 (as previously described), and conditions of this Certification, species specific measures are also required. Bio-MM#9 prohibits the use of monofilament netting in erosion control materials. Bio-MM#11 requires entrapment prevention. Bio-MM#23 specifies translocation requirements for CTS found in areas where construction activity is about to start. Bio-MM#24 requires erection of amphibian exclusion fencing around work areas. These measures are consistent with good construction management and ecological restoration practice and are likely to result in timely restoration of sites disturbed by Project activity, when implemented along with the conditions of this Certification. As concluded in the FEIR, implementation of the approach specified in Bio-MM#3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 20, 24, 40, and 45 are adequate to reduce impacts to a less than significant level. These measures, as presented in the MMRP, are incorporated by reference in the Certification.

**BIO IMPACT #7. Construction of the Project would disturb western spadefoot toad habitat.** The FEIR concludes that project construction would potentially disturb suitable breeding habitat for western spadefoot toads. The loss of suitable breeding habitat could impair the survival of self-sustaining populations. According to the FEIR, the potential impact on suitable habitat for western spadefoot toads would be significant under CEQA. Activities causing impacts to these habitats would be in violation of water quality standards in that the

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designated beneficial use of waters would be affected (i.e. rare species habitats (RARE)).

Findings:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

Rationale:

The FEIR proposes mitigation measures to address this impact. In addition to Bio-MM#3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 20, 21, 22, 24, and 45, , Bio-MM#25 requires emergence and larval surveys for western spadefoot toads. These measures, along with the conditions of this Certification, are adequate to reduce this impact to aquatic resources to a less than significant level.

The HSRA's findings for this impact have a typographical error, referencing Bio-MM#46, which requires installation of "free-ranging mammal-proof fencing." According to discussions with HSRA (and as evidenced in HSRA's MMRP), installation of amphibian exclusion fencing, as would be required under Bio-MM#24 is intended as mitigation for Project impacts to spadefoot toad.

These measures, as shown in the MMRP, are generally consistent with good construction management and ecological restoration practice and are likely to result in protection of western spadefoot toads and their aquatic habitats. As concluded in the FEIR, implementation of the approach specified in Bio-MM#3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 20, 21, 22, 24, 25, and 45 are adequate to reduce impacts to a less than significant level. These measures, as presented in the MMRP, are incorporated by reference in the Certification.

**BIO IMPACT #8. Construction of the Project would disturb habitat that supports the western pond turtle.** The FEIR concludes that project construction would disturb suitable habitat for populations of western pond turtles. According to the FEIR, the potential impact on suitable habitat for western pond turtles would be significant under CEQA. To the extent that habitats for western pond turtles are typically associated aquatic and riparian habitats, impacts to those habitats would be in violation of water quality standards in that a designated beneficial use of waters would be affected (i.e. rare species habitats (RARE)).

Findings:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

Rationale:

The FEIR proposes mitigation measures to address this impact. In addition to Bio-MM#3, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 44, and 45 (described above), and the conditions of this Certification, Bio-MM#26, 27 and 28 require implementation of species-specific measures including western pond turtle surveys, monitoring, avoidance and relocation measures. As concluded in the FEIR, implementation of the approach specified in Bio-MM#3, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 44, and 45 are adequate to reduce impacts to a less than significant level. These measures, as presented in the MMRP, are incorporated by reference in the Certification.

**BIO IMPACT #16. Construction of the Project would temporarily convert special-status plant communities (e.g., Great Valley mixed riparian forest, coastal and valley freshwater marsh, vernal pools).** The FEIR concludes that project construction would temporarily impact

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up to 4.07 acres of Great Valley mixed riparian forest, up to 0.22 acre of other riparian vegetation communities, and 1.64 acres of Freemont Cottonwood forested wetlands. According to the FEIR, impacts to these special-status plant communities are a significant impact under CEQA. Activities causing impacts to these habitats would be in violation of water quality standards in that a designated beneficial use of waters would be affected (i.e. rare species habitats (RARE)).

Findings:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

Changes or alterations are within the responsibility and jurisdiction of another public agency and not the jurisdiction of the State Water Board. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Rationale:

The FEIR proposes mitigation measures to address this impact. In addition to Bio-MM#4, 5, 6, 7, 8, 10, 44 and 45, measures specific to vernal pools are also required. As described above, Bio-MM#19 requires pre-construction sampling and assessment of vernal pool fauna; Bio-MM#20 provides season restrictions on operations in vernal pools; and Bio-MM#21 which specifies measures to be implemented to avoid and minimize direct project impacts to vernal pools. These measures are consistent with good construction management and ecological restoration practice and are likely to result in timely restoration of sites disturbed by Project activity, when implemented along with the conditions of this Certification. As concluded in the FEIR, implementation of the approach specified in Bio-MM#4, 5, 6, 7, 8, 10, 19, 20, 21, 44, and 45 are adequate to reduce impacts to a less than significant level. These measures, as presented in the MMRP, are incorporated by reference in the Certification.

**BIO IMPACT #17. Construction of the Project would have indirect impacts on waters of the state.** The FEIR concludes that indirect impacts on waters of the state resulting from Project construction would potentially include: erosion, siltation, and runoff into natural and constructed watercourses, and soil and water contamination from construction equipment leaks. According to the FEIR, these impacts would be significant under CEQA. The potential indirect impacts listed are those most likely to occur, but that this list should not be considered a complete list of all possible indirect impacts.

Findings:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

Rationale:

The FEIR proposes mitigation measures to address this impact. In addition to Bio-MM#3, 4, 5, 7, 8, 10, 15, 19, 20, 21, 44, and 45 (described above), HSRA has proposed compensatory mitigation for indirect impacts. These proposals are described in the 401 application and supporting documents, and in the PRMP. These measures are consistent with good construction management and ecological restoration practice. As concluded in the FEIR, implementation of the approach specified in Bio-MM#3, 4, 5, 7, 8, 10, 15, 19, 20, 21, and 44 are adequate to reduce impacts to a less than significant level. These measures, as presented in the MMRP, are incorporated by reference in the Certification.

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**BIO IMPACT #21. Construction of the Project would disturb Camp Pashayan (San Joaquin River Ecological Reserve).** The FEIR concludes that a portion of Camp Pashayan (within the San Joaquin River Ecological Reserve) is within and adjacent to the construction footprint of the Hybrid Alternative and therefore would be affected by construction of the Project. Bio Impact #21 would include loss of riparian and aquatic habitats in Camp Pashayan that are subject to the State Water Board's authority (additional consideration of impacts to water based recreation is provided in the discussion of PK Impact # 4 and #7). According to the FEIR, these impacts on Camp Pashayan would be significant under CEQA, and may directly or indirectly affect designated beneficial uses of waters (i.e. rare species habitats (RARE)) and contact and non-contact water-based recreation (REC-1 and REC-2).

Findings:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

Rationale: The FEIR proposes mitigation measures to address this impact. In addition to Bio-MM#15, 18, 19, 20, 21, 44 and 45, Bio-MM#17 will require that pre-construction surveys identify special status plant species and implement avoidance measures or, if avoidance is not feasible, incorporate the species into the relocation/compensation program defined in *Bio-MM#48: Compensate for Impacts on Special-Status Plant Species*. PK-MM#4 would also provide for minimization and avoidance of impacts in the park, and would provide In-Lieu Fee contributions for property impacts associated with pier installation. These measures are consistent with good construction management and ecological restoration practice and are likely to result in timely restoration of sites disturbed by Project activity. As concluded in the FEIR, implementation of the approach specified in Bio-MM#4, 15, 17, 18, 19, 20, 21, 44, 45, and 48 are adequate to reduce impacts to a less than significant level. These measures, as presented in the MMRP, are incorporated by reference in the Certification.

**BIO IMPACT #22. Project period impacts would permanently convert Great Valley mixed riparian forest and other riparian habitat (Coastal and Valley Freshwater Marsh and vernal pools addressed in BIO IMPACT #16).** The FEIR concludes that the Project would directly and permanently convert up to 4.96 acres of Great Valley mixed riparian forest and up to 1.23 acres of other riparian vegetation communities. According to the FEIR, these impacts would be significant under CEQA. Riparian forests and habitats support water quality and the beneficial uses of waters of the state, such as RARE. Permanent loss of these habitats can be a significant impact affecting a wide range of aquatic resource functions and beneficial uses.

Findings:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

Rationale:

The FEIR proposes mitigation measures to address this impact: Bio-MM#4, 14, 49, 57, 58, and 59. These measures are consistent with good construction management and ecological restoration practice. As concluded in the FEIR, implementation of the approach specified in Bio-MM#4, 14, 49, 57, 58, and 59 are adequate to reduce impacts to a less than significant level. These measures, as presented in the MMRP, are incorporated by reference in the Certification.

**BIO IMPACT #24. Project period impacts from the Project would permanently convert suitable habitat that has the potential to support vernal pool branchiopods.**

The FEIR concludes that the Project would directly impact up to 2.82 acres of vernal pools. Vernal pools are suitable habitat for vernal pool branchiopods, which are special-status species. According to the FEIR, this impact would be significant under CEQA, and may directly or indirectly affect designated beneficial uses of waters would be affected (i.e. rare species habitats (RARE)). Vernal pool branchiopod habitat is one designated beneficial use of waters of the state (RARE).

Findings:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

Rationale:

The FEIR proposes Bio-MM#4, 14, 57, 58, 59, and 60 to address this impact. These measures are consistent with good construction management and ecological restoration practice and are likely to result in timely restoration of sites disturbed by Project activity, when implemented along with the conditions of this certification. As concluded in the FEIR, implementation of the approach specified in Bio-MM#4, 14, 57, 58, 59, and 60 are adequate to reduce impacts to a less than significant level. These measures, as presented in the MMRP, are incorporated by reference in the Certification.

**BIO IMPACT #25. Project period impacts from the Project would permanently convert suitable habitat that has the potential to support valley elderberry longhorn beetle.** The FEIR concludes that the Project would displace populations of Mexican elderberry shrubs, specifically along the San Joaquin River area. Up to 1.31 acres of habitat that potentially contains elderberry shrubs would be directly impacted. According to the FEIR, this impact would be significant under CEQA. To the extent that valley elderberry longhorn beetle habitats may occur in waters of the state, impacts to those habitats would be in violation of water quality standards in that a designated beneficial use waters would be affected (i.e. rare species habitats (RARE)).

Findings:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

Rationale:

The FEIR proposes mitigation measures Bio-MM#4, 14, 51, and 60 to address this impact, along with concurrent implementation of project-wide measures Bio-MM#57, 58, & 59. As concluded in the FEIR, implementation of the approach specified in Bio-MM#4, 14, 51, 57, 58, 59, and 60 are adequate to reduce impacts to a less than significant level. These measures, as presented in the MMRP, are incorporated by reference in the.

**BIO IMPACT #26. Project period impacts from the Project would permanently convert suitable habitat that has the potential to support California tiger salamander (CTS).**

The FEIR concludes that the Project would displace potentially suitable breeding habitat for California tiger salamanders. Up to 15.57 acres of potentially suitable aquatic breeding habitat would be directly impacted. According to the FEIR, this impact would be significant under CEQA. To the extent that some seasonal CTS habitats are typically in or closely associated with

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waters of the state, impacts to those habitats would be in violation of water quality standards in that a designated beneficial use of waters would be affected (i.e. rare species habitats (RARE)).

Findings:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

Rationale:

The FEIR proposes mitigation measures to address this impact: Bio-MM#4, 14, 25, and 52 (Which incorporates Bio-MM#57, 58, 59, and 60). As concluded in the FEIR, implementation of the approach specified in Bio-MM#4, 14, 25, 52, 57, 58, 59, and 60 are adequate to reduce impacts to a less than significant level. These measures, as presented in the MMRP, are incorporated by reference in the Certification.

**BIO IMPACT #27. Project period impacts from the Project would permanently convert suitable habitat that has the potential to support western spadefoot toad.** The FEIR concludes that the Project would displace potentially suitable aquatic breeding and upland habitat for western spadefoot toad. The loss of suitable breeding and upland habitat could impair the survival of self-sustaining populations. According to the FEIR, the conversion of suitable habitat for western spadefoot toad would be significant under CEQA. To the extent that these habitats are typically in or closely associated with waters of the state, impacts to those habitats would be in violation of water quality standards in that a designated beneficial use of waters would be affected (i.e. rare species habitats (RARE)).

Findings:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

Rationale:

The FEIR proposes mitigation measures to address this impact. In addition to Bio-MM#4, 14, and 25, Bio-MM#52 (which incorporates Bio-MM#57, 58, 59, and 60) is also proposed. As concluded in the FEIR, implementation of the approach specified in Bio-MM#4, 14, 25, 52, 57, 58, 59, and 60 are adequate to reduce impacts to a less than significant level. These measures, as presented in the MMRP, are incorporated by reference in the Certification.

**BIO IMPACT #28. Project period impacts from the Project would permanently convert suitable habitat that has the potential to support western pond turtle.** The FEIR concludes that the Project footprint contains potentially suitable habitat for populations of western pond turtles. All suitable aquatic habitats are assumed to be occupied by western pond turtles. The loss of suitable habitat could impair the survival of self-sustaining populations and, according to the FEIR, would be significant under CEQA. To the extent that western pond turtle habitats occur in waters of the state, impacts to those habitats would be in violation of water quality standards in that a designated beneficial use of waters would be affected (i.e. rare species habitats (RARE)).

Findings:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

Rationale:

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The FEIR proposes mitigation measures to address this impact, including Bio-MM#4, 14, 49, and 53 (which incorporates Bio-MM#57, 58, and 59). These measures are consistent with good construction management and ecological restoration practice and are likely to result in protection of western pond turtles. As concluded in the FEIR, implementation of the approach specified in Bio-MM#4, 14, 49, 53, 57, 58, and 59 are adequate to reduce impacts to a less than significant level. These measures, as presented in the MMRP, are incorporated by reference in the Certification .

**BIO IMPACT #37. Project period impacts from the Project would permanently convert jurisdictional waters.** The FEIR concludes that construction of the Project would “displace” (i.e. permanently fill or otherwise irreversibly impact) “wetlands and jurisdictional waters regulated by [CDFW], the USFWS, and the ACOE”. According to the FEIR, this impact would be significant under CEQA.

Findings:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen this significant environmental effect as identified in the FEIR.

Rationale:

The FEIR proposes mitigation Measures to address this impact.

- Bio-MM#4: Prepare and Implement a Weed Control Plan (Described Above)
- Bio-MM#14: Post-Construction Compliance Reports (Described Above).
- Bio-MM#57: Conduct Delineation of Jurisdictional Waters and State Streambeds (Described Above).
- Bio-MM#58: Prepare and Implement a Habitat Mitigation and Monitoring Plan (Described Above).
- Bio-MM#59: Compensate for Permanent Impacts on Jurisdictional Waters (Described Above).
- Bio-MM#60: Offsite Habitat Restoration, Enhancement, and Preservation (Described Above).

These measures are consistent with good construction management and ecological restoration practice and are likely to result in protection of jurisdictional waters and beneficial uses of waters of the state when implemented along with the conditions of this Certification. As concluded in the FEIR, implementation of the approach specified in Bio-MM#4, 14, 57, 58, 59 and 60 are adequate to reduce direct impacts to a less than significant level (note, however, that as discussed for cumulative effects in Section D above, these measures are sufficient to minimize impacts, but not to a level that is less than significant). These measures, as presented in the MMRP, are incorporated by reference in the Certification.

**BIO IMPACT #40. Construction in Camp Pashayan.** The FEIR concludes that construction of the Project would displace vegetation within Camp Pashayan (within the San Joaquin River Ecological Reserve), and would thereby also impact recreational use of the park. According to the FEIR, this impact would be significant under CEQA.

Findings:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

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Rationale: The FEIR proposes mitigation measures to address these impacts. Mitigation Measure PK-MM#1 requires compensation for lost recreational opportunities through various park management actions and ecological restoration practices. PK-MM #4 will include in-lieu fee payments for property impacts associated with pier installation as well as revegetation of disturbed areas with native plantings. As concluded in the FEIR, implementation of the approach specified in Bio-MM#1 and 4 are adequate to reduce impacts to a less than significant level. These measures, as presented in the MMRP, are incorporated by reference in the Certification.

**PK IMPACT #7. Acquisition of Camp Pashayan Park Property.** The FEIR concludes that construction of the Project would cause the permanent loss of use of part of Camp Pashayan (within the San Joaquin River Ecological Reserve) as a result of acquisition of 0.6 acre of park lands for the High Speed Train alignment and footprint. This may reduce the opportunities for park and trail use, including access to water based recreational opportunities. According to the FEIR, this impact would be significant under CEQA.

Findings:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

Rationale: The FEIR proposes mitigation measures to address this impact. Mitigation Measure PK-MM#1 requires compensation for lost recreational opportunities through various park management actions and ecological restoration practices. PK-MM #4 will include in-lieu fee payments for property impacts associated with pier installation as well as revegetation of disturbed areas with native plantings. As concluded in the FEIR, implementation of the approach specified in Bio-MM#1 and 4 are adequate to reduce impacts to a less than significant level. These measures, as presented in the MMRP, are incorporated by reference in the Certification.

## **F. MITIGATION AND MONITORING PROGRAM**

As mentioned in the discussion of Project impacts above, HSRA has approved a Project Mitigation Monitoring and Reporting Plan (MMRP) to guide implementation of all project mitigation measures by assigning implementation and reporting responsibilities and specifying timelines. The MMRP lists all Project mitigation measures and reporting and is herewith incorporated by reference. The MMRP is available at:  
[http://www.hsr.ca.gov/docs/programs/merced-fresno\\_eir/final\\_EIR\\_MerFres\\_MMRP\\_Rev1\\_A\\_SIGNED.pdf](http://www.hsr.ca.gov/docs/programs/merced-fresno_eir/final_EIR_MerFres_MMRP_Rev1_A_SIGNED.pdf)

The MMRP incorporates by reference all “terms and conditions” of all permits including the conditions of this Certification (see Mitigation Measure Bio-5).

## **G. STATEMENT OF OVERRIDING CONSIDERATIONS**

As noted in part A above, The HSRA's CEQA Findings of Fact concludes that implementing the Hybrid Alternative will result in certain significant impacts to the environment that cannot be avoided or substantially lessened with the application of feasible mitigation measures or feasible alternatives. Because there are significant and unavoidable impacts within the State Water



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Board's jurisdiction, the State Water Board provides this Statement of Overriding Considerations in compliance with CEQA (Pub. Resources Code, § 21081; Cal. Code Regs., tit. 14, §§ 15093 & § 15096, subd. (h)).

The significant and unavoidable impacts and the benefits related to implementing the HST system in the Merced to Fresno Section via the Hybrid Alternative are disclosed in the HSRA's CEQA Findings of Fact. The unavoidable impacts to resources under the jurisdiction of the State Water Board are discussed in Section D above.

The State Water Board has considered the economic, legal, social, technological, and other benefits, including region-wide or statewide environmental benefits, of the Project against its unavoidable environmental risks and finds that the specific economic, legal, social, technological benefits, including region-wide or statewide environmental benefits of implementing the Project outweigh the significant and unavoidable environmental impacts. These benefits are largely associated with resources that are not part of the State Water Board's authorities. However, the State Water Board agrees with the listing of benefits of the Project cited in the HSRA's CEQA Findings of Fact including long term transportation benefits, air quality benefits, greater energy efficiency, reduced highway noise and social benefits. In addition, the State Water Board agrees that the Project is consistent with the state policies in Executive Order S-3-05, Assembly Bill 32 (Stats. 2006, ch. 488) and Senate Bill 375 (Stats. 2008, ch. 728). Specifically, the Project would provide improved intercity transportation options throughout the Project's service area. To the extent that the Project displaces air and personal vehicle travel, benefits to air quality, greenhouse gas emissions, and highway congestion are expected.

These benefits are supported by substantial evidence in the record and are adequate to support a Finding of Overriding Considerations that offset the unavoidable adverse environmental effects.

## **H. MITIGATION MEASURES**

Mitigation measures cited above are presented in Table A.

Note that all references to "CDFG" are within citations from Project documents and the MMRP, which was compiled before that agency was renamed the Department of Fish and Wildlife.

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<p style="text-align: center;"><b>TABLE A</b> <b>Mitigation Measures Applicable to Resources Subject to the Water Boards Authorities for the</b> <b>High Speed Rail Merced to Fresno Permitting Phase 1 Project</b></p>		
<b>MITIGATION MEASURE</b>	<b>MITIGATION MEASURE REQUIREMENT</b>	<b>ADDITIONAL STATE WATER BOARD STAFF FINDINGS AND COMMENTS</b>
Bio-MM#3	Prepare and Implement a Worker Environmental Awareness Program.	The mitigation measure, as presented in the Final EIR and MMRP, states that construction crews will be informed during the WEAP training that, to the extent possible, travel within the marked project site will be restricted to established roadbeds. Established roadbeds include all pre-existing and project-constructed unimproved, as well as improved roads.
Bio-MM#4	Prepare and Implement a Weed Control Plan.	This plan will be linked to the Project Restoration and Revegetation Plan (Bio-MM#6) and will be part of the BRMP. Note that this plan is referenced by many other mitigation measures.
Bio-MM#5	Prepare and Implement a Biological Resources Management Plan.	Many of the Project impacts to resources under the State and Regional Water Boards authority, as identified in the FEIR, are to be mitigated in part through development of a Biological Resources Management Plan (BRMP) as specified in Mitigation Measure Bio-MM#5. The goal of the BRMP is to assist the Project Biologist with an organized reporting tool to ensure the mitigation measures and terms and conditions from the various project permits, including this Certification, are implemented and reported in a timely manner. The BMP will include all avoidance, minimization, repair, mitigation, and compensatory actions stated in the mitigation measures or terms and conditions.
Bio-MM#6	Prepare and Implement a Restoration and Revegetation Plan	During final design, the Contractor's Biologist will prepare a restoration and revegetation plan (RRP) for upland communities and verified by the Project Biologist. This plan will be part of the BRMP.
Bio-MM#7	Delineate Environmentally Sensitive Areas and Environmentally Restricted Areas (on plans and in-field).	Bio-MM#7 states: "Prior to ground-disturbing activities, to the extent practicable, the Project Biologist will verify that environmentally sensitive areas (ESAs) and environmentally restricted areas (ERAs) are delineated as appropriate." In addition, sensitive resource areas will be specially delineated so that special operating rules (e.g., no equipment staging within 100' of waters) can be enforced.
Bio-MM#8	Project-wide Restrictions on Location of Equipment Staging Areas.	Project-wide restrictions on location of staging areas specify that sensitive resources are to be avoided.
Bio-MM#9	Monofilament Netting	Prohibits the use of monofilament netting in erosion control materials.

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**TABLE A (cont.)** Mitigation Measures Applicable to Resources Subject to the Water Boards Authorities for the  
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<b>MITIGATION MEASURE</b>	<b>MITIGATION MEASURE REQUIREMENT</b>	<b>MITIGATION MEASURE SUMMARY</b>
Bio-MM#10	Vehicle Traffic	Restrictions on traffic and vehicular/equipment operation specify that sensitive resources are to be avoided.
Bio-MM#11	Entrapment Prevention	Requires BMPs to prevent wildlife entrapment in construction sites, equipment and materials.
Bio-MM#12	Work Stoppage	Requires immediate cessation of activity if special status species gain access to Project footprint.
Bio-MM#13	"Take" Notification and Reporting	Contractor's Biologist, in coordination with the Project Biologist and Mitigation Manager, will notify the USFWS and/or CDFW immediately in the case of an accidental death or injury to a federal or state listed species during project-related activities. The Authority or its designee will be notified prior to the notification to the agencies. The Project Biologist will submit a memorandum to the Mitigation Manager documenting compliance.
Bio-MM#14	Post-Construction Compliance Reports	Requires that after each construction period is completed, the Project Biologist will submit post-construction compliance reports consistent with the appropriate agency protocols.
Bio-MM#15	Restoration of Temporary Riparian Impacts	During post-construction, the Contractor's Biologist will revegetate all disturbed riparian areas using appropriate plants and seed mixes. Bio-MM-#15 requires simultaneous compliance with Bio-MM-#4, 5, 6, 7, 8, 10 and 15.
Bio-MM#17	Conduct Pre-Construction Surveys for Special-Status Plant Species.	Conduct pre-construction surveys for special-status plant species in suitable habitat areas subject to ground disturbing activities.
Bio-MM#18	Prepare and Implement Plan for Salvage, Relocation, and/or Propagation of Special-Status Plant Species	Prepare and implement a plan prior to ground-disturbing activities to address monitoring, salvage, relocation, and propagation of special-status plant species.
Bio-MM#19	Conduct Pre-Construction Sampling and Assessment for Vernal Pool Fauna	Prior to ground-disturbing activities, the Project Biologist will conduct pre-construction, non-protocol surveys in seasonally inundated habitats (seasonal wetland, non-inundated wetlands) within the construction footprint.

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MITIGATION MEASURE	MITIGATION MEASURE REQUIREMENT	MITIGATION MEASURE SUMMARY
Bio-MM#20	Seasonal Vernal Pool Work Restriction	For seasonal avoidance of special-status vernal pool branchiopods and vernal pool dependent species (e.g., California tiger salamander), the Contractor will not work within 250 feet of aquatic habitats suitable for these species (e.g., vernal pools and other seasonal wetlands) from October 15 to June 1.
Bio-MM#21	Implement and Monitor Vernal Pool Protection	If construction impacts can be avoided, the vernal pool(s) will be protected by erecting exclusion fencing. Otherwise, impacts will be minimized with BMPs, timing, and other practices.
Bio-MM#22	Implement Conservation Guidelines During the Construction Period for Valley Elderberry Longhorn Beetle	Requires adherence to the <i>Conservation Guidelines for the Valley Elderberry Longhorn Beetle</i> (USFWS 1999a) and will require various avoidance measures around individual elderberry plants.
Bio-MM#23	Translocation of California Tiger Salamanders	Prior to ground-disturbing activities... conduct a pre-construction survey and relocate any California tiger salamanders from within the construction footprint in accordance with the Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander (USFWS 2003).
Bio-MM#24	Erect Amphibian Exclusion Fencing	Mitigation measure states: "The Contractor's Biologist will install exclusion barriers (i.e. silt fences) to influence the movement of California tiger salamander, including other amphibian species (sic), within impacted areas."
Bio-MM#25	Conduct Emergence and Larval Surveys for Western Spadefoot Toad.	Conduct pre-construction emergence and larval surveys for western spadefoot toad during the fall and winter rainy season. Emergence surveys will be conducted within the appropriate time period(s) after precipitation events.
Bio-MM#26	Conduct Western Pond Turtle Pre-Construction Surveys and Relocation.	Conduct pre-construction surveys for western pond turtles to determine the presence or absence of western pond turtles within the construction footprint. If western pond turtles are found within the construction footprint, conduct daily clearance surveys prior to the initiation of any construction activities.
Bio-MM#27	Conduct Western Pond Turtle Monitoring	During ground disturbing activities, the Project Biologist will observe all construction activities within habitat that supports populations of western pond turtles.

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<b>TABLE A (cont.) Mitigation Measures Applicable to Resources Subject to the Water Boards Authorities for the High Speed Rail Merced to Fresno Permitting Phase 1 Project</b>		
<b>MITIGATION MEASURE</b>	<b>MITIGATION MEASURE REQUIREMENT</b>	<b>MITIGATION MEASURE SUMMARY</b>
Bio-MM#28	Implement Western Pond Turtle Avoidance and Relocation	Prior to ground-disturbing activities, if a western pond turtle nesting area is present and will be affected by ground-disturbing activities as determined by the Project Biologist, the Contractor will avoid western pond turtle nesting areas. If avoidance is not feasible, as determined by the Authority or its designee, the Project Biologist will coordinate with CDFG to identify where to relocate western pond turtles.
Bio-MM#44	Restore Temporary Impacts on Jurisdictional Waters.	Sets restoration requirements for temporary Impacts on Jurisdictional Waters.
Bio-MM#45	Monitor Construction Activities within Jurisdictional Waters.	Requires monitoring of construction activities within jurisdictional waters.
Bio-MM#48	Compensate for Impacts to Special Status Plants	Requires compensatory mitigation for special status plants.
Bio-MM#49	Compensate for Permanent Impacts to waters	Requires compensation for permanent impacts to all classes or types of riparian resources.
Bio-MM#50	Compensate for Impacts on Special-Status Plant Species.	Prior to Final Design and during the permitting process, Purchase credits from an existing mitigation bank or conduct a special-status plant re-establishment program within the same watershed or in proximity to the impact area at a 1:1 ratio.
Bio-MM#51	Implement Conservation Guidelines During the Project Period for Valley Elderberry Longhorn Beetle.	Conduct compensatory mitigation for the valley elderberry longhorn beetle, including transplantation and replacement of elderberry shrubs, and maintenance for replacement shrubs.
Bio-MM#52	Compensate for Impacts on California Tiger Salamander	Determine compensatory mitigation for the temporary and permanent loss of suitable upland and aquatic breeding habitat.
Bio-MM#53	Implement Western Pond Turtle Mitigation Measures.	Mitigate the impacts on western pond turtle in accordance with the USFWS Biological Opinion and/or CDFG 2081(b).
Bio-MM#57	Conduct Delineation of Jurisdictional Waters and State Streambeds	States that HSRA will "conduct a jurisdictional delineation, documenting jurisdictional waters and state streambeds consistent with USACE, SWRCB, and CDFG guidance."

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<b>MITIGATION MEASURE</b>	<b>MITIGATION MEASURE REQUIREMENT</b>	<b>MITIGATION MEASURE SUMMARY</b>
Bio-MM#58	Prepare and Implement a Habitat Mitigation and Monitoring Plan.	Prepare an HMMP to mitigate for temporary and permanent impacts on jurisdictional waters and state streambeds. Note: This HMMP was presented as the PRMP in the Certification Application.
Bio-MM#59	Compensate for Permanent Impacts on Jurisdictional Waters.	Mitigate permanent wetland impacts through compensation determined in consultation with the USACE, SWRCB, USFWS, and CDFW.
Bio-MM#60	Off-site Habitat Restoration, Enhancement, and Preservation.	Prior to site preparation at the mitigation site, the Authority or its designee will consider the off-site habitat restoration, enhancement, or preservation program, and identify short-term temporary and/or long-term permanent effects on the natural landscape. A determination will be made on any effects from the physical alteration of the site to onsite biological resources, including plant communities, land cover types, and the distribution of special status plants and wildlife.
PK-MM#1	Compensate for Staging in Park Property	Reduces loss of recreational opportunity, including REC-1 and REC-2 water based recreational opportunity, at Camp Pashayan.
PK-MM#4	Acquire Park Property for Camp Pashayan	Final design will continue to seek to minimize right-of-way impacts and pier placement in Camp Pashayan. Mitigation will include in-lieu fee for property impacts associated with pier installation as well as revegetation of disturbed areas.