

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

CENTRAL REGION

1234 EAST SHAW AVENUE

FRESNO, CALIFORNIA 93710



AMENDMENT NO. 20

(A Major Amendment)

California Endangered Species Act

Incidental Take Permit No. 2081-2015-024-04

California High-Speed Train Project Fresno to Bakersfield Section Permitting Phase 1

**INTRODUCTION**

On June 15, 2015, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2015-024-04 (ITP) to the California High-Speed Rail Authority (Permittee) authorizing take of California tiger salamander (*Ambystoma californiense*), Swainson's hawk (*Buteo swainsoni*), Tipton kangaroo rat (*Dipodomys nitratoides nitratoides*), San Joaquin antelope squirrel (*Ammospermophilus nelsoni*), and San Joaquin kit fox (*Vulpes macrotis mutica*) (collectively, the Covered Species) associated with and incidental to the Permitting Phase 1 of the Fresno to Bakersfield Section of the High-Speed Train (HST) Project (Project). The Project as described in the ITP originally issued by CDFW includes 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.

The total length of the Project is 99 miles. The Project is the second of the nine California HST sections to be constructed; each section will function independently, but once joined together will create a statewide HST system. The HST will be an electrically powered with steel-wheel-on-steel-rail technology and state-of-the-art safety, signaling, and automated train-control systems. The trains will be capable of operating at speeds of up to 220 miles per hour (mph) over a fully graded, separated, dedicated track alignment. The Project will be built using a design/build (D/B) approach, a method of construction by which one D/B contractor works under a single contract with the Permittee to provide design and construction services. The Project as originally permitted in the ITP included construction and installation of all Project components, including disturbance of up to 5,868.00 acres (hereafter, Construction Footprint). Construction may occur at any point along the Construction Footprint, and construction may occur at multiple locations simultaneously. The Project also includes operations,

maintenance, inspection activities within the Construction Footprint (O&M), and Mitigation Activities.

In an email dated June 24, 2016, the Permittee requested a revision of the Project Description to include an increase in the Construction Footprint by 102.58 acres to 5,970.58 acres to accommodate eight additional Roadway Modifications, and in a subsequent email dated July 25, 2016, the Permittee requested the addition of a third designation of approvable project biologists to carry out small mammal habitat assessment and trapping activities. On March 7, 2017, CDFW issued **Major Amendment No. 1** to the ITP incorporating these requested revisions along with corrections to the acreage for the impacts, changes to the required Habitat Management lands acreage, and clarifications to the reporting requirement language.

On July 5, 2018 and September 19, 2018, CDFW initiated, issued, and re-issued respectively, **Major Amendment No. 2** to the ITP incorporating a Baseline Map Book as Exhibit 6 and added references to the map book throughout the ITP; further revising the Tracking Suitable Habitat Feature Disturbances, Map Updating, and Reporting requirements; added a specific Covered Activity (pile driving) and a species-specific Take Avoidance Measure for that Covered Activity; adding the third category of Biological Monitor, Designated Small Mammal Trapper, to Condition of Approval 6.2; clarified the Construction Monitoring Notebook requirement; added Condition of Approval 7.13 requiring survey and reporting requirements in advance of initiating Covered Activities; revising Conditions of Approval 8.13.2, 8.14.1, 8.15.1, 8.16.1, 8.16.2, 8.16.3, 8.17.2; and adding Condition of Approval 8.15.6. There was no change to the Construction Footprint acreage.

In a letter dated June 25, 2018, the Permittee requested a revision of the ITP to change the Mitigation Site Construction Elements from the Fagundes Compensatory Mitigation Site to a new location, now recognized as Cottonwood Creek. Because the Permittee would no longer be conducting riparian and wetland restoration at the Fagundes Compensatory Mitigation Site, all references to riparian and wetland restoration at the Fagundes site was removed and replaced with the Cottonwood Creek mitigation site. Due to the varying conditions at the Cottonwood Creek site, some Construction Elements also changed with the changes in mitigation site location. Further, on September 25, 2018, the Permittee requested a 7-day extension provision be added for San Joaquin antelope squirrel relocation. There was no change to the Construction Footprint acreage. On October 2, 2018, CDFW issued **Major Amendment No. 3** to the ITP incorporating these changes.

In an email dated October 4, 2018, the Permittee requested a revision of the ITP to extend the dry season work window beyond October 31<sup>st</sup> for ground-disturbing activities

at the Mitigation Site. There was no change to the Construction Footprint acreage. On November 15, 2018, CDFW originally issued **Minor Amendment No. 4** to the ITP incorporating these changes.

In an email dated November 27, 2018, the Permittee requested a revision to the ITP to allow for San Joaquin antelope squirrel (SJAS) relocation to occur prior to April 1 and to allow SJAS relocation to occur after November 15 on a case-by-case basis. There was no change to the Construction Footprint acreage. On November 29, 2018, CDFW issued **Major Amendment No. 5** to the ITP incorporating these changes.

In a letter dated September 10, 2018, the Permittee requested to revise the Project Description to allow for an increase in the Construction Footprint of 6.92 acres for a total of 5,977.50 acres to accommodate new Work Areas for the water pipeline irrigation casing installation and level 3 fiber optic line relocation. Additionally, CDFW initiated amending the Project Description to include installation of water pipeline irrigation casings, dry jack and bore, and horizontal directional drilling as Covered Activities as well as adding Condition of Approval 7.12. On January 17, 2019, CDFW issued **Major Amendment No. 6** to the ITP incorporating these changes.

In a letter dated October 19, 2018, the Permittee requested to revise the Project Description to increase the Construction Footprint by 2.01 acres to a total of 5,979.51 acres for road improvements to Wasco Avenue to function as an access road for agricultural operations north of Kimberlina Road in Kern County. Additionally, the Permittee requested a design change to the HST/Kimberlina Road location that will be contained within the current ITP Construction Footprint at that location. On February 1, 2019, CDFW issued **Major Amendment No. 7** to the ITP incorporating these changes.

In a letter dated August 22, 2018, the Permittee requested to revise the Project Description to accommodate advanced design changes requiring roadway modifications, utility relocations, access road alterations, and canal realignments along and adjacent to the HST alignment at South Avenue; two new locations in Fresno County at Conejo Avenue, and Peach Avenue; as well as changes for existing locations at Flint Avenue and Kent Avenue in Kings County; and Avenue 88 in Tulare County resulting in a net decrease of 1.96 acres changing the Construction Footprint to 5,977.55 acres. In a subsequent email dated January 25, 2019, the Permittee requested to include the use of jack and bore and horizontal directional drilling as Covered Activities throughout the entire Construction Footprint. The Permittee also requested Condition of Approval 7.12, the notification and submission of a Horizontal Directional Drilling and Dry Jack and Bore Level 3 Fiber Optic Line Relocation Plan, be revised to serve as a notification and plan for all horizontal directional drilling and jack and bore

activities occurring within the entire Construction Footprint. On February 13, 2019, CDFW issued **Major Amendment No. 8** to the ITP incorporating these changes.

In a letter dated December 6, 2018, the Permittee requested to revise the Project Description to add construction of an intrusion protection barrier (IPB) within specific limits of the HST alignment to mitigate the risk of potential derailed trains from the adjacent BNSF rail line entering the path of the HST and increase the Construction Footprint by 0.75 acre which brought the total acres to 5,978.30. The IPB construction specific limits occurred in various locations along the California HST route from the vicinity of State Route 43 and Whisler Road to the vicinity of Madera and Poplar Avenues near the City of Shafter in Kern County. IPB construction in this vicinity required re-siting of two wildlife crossing structures. In an email dated January 23, 2019, Permittee further requested modifying the approval process for siting and constructing wildlife crossings. On February 20, 2019, CDFW issued **Major Amendment No. 9** to the ITP incorporating these changes.

In a letter dated January 2, 2019, and a subsequent letter dated February 4, 2019, Permittee requested further revision to the ITP, as amended, to cover a 31.79-acre increase to the approved Project Construction Footprint and associated impacts to Covered Species to accommodate the “alternative technical concepts” (ATC) 11 and 13b (design variations). The changes were to employ “reverse stacking” over Garces Highway, Pond Road, and Peterson Road in Kern County; which means to place the railway over the surface roads instead of vice-versa; and a slight alignment revision to avoid a major agricultural water pumping facility known as the Semitropic Pump Station. In a letter dated February 12, 2019, Permittee requested amending the ITP to cover an 86.14-acre increase to the Project Construction Footprint to accommodate design variations including utility relocations, roadway modifications, temporary construction easements, and access roads at 23 locations. Altogether, this brought the Construction Footprint acreage total to 6,096.24. On March 28, 2019, CDFW issued **Major Amendment No. 10** to the ITP incorporating these changes.

In a letter dated March 11, 2019, the Permittee requested a 141.60-acre increase to the approved Project Construction Footprint and associated impacts to Covered Species to accommodate four segments of IPB between State Route 41 and approximately 1000 feet south of East American Avenue in Fresno County, and additional areas for construction access, fence and gate construction, utility relocations, and street and sidewalk modifications. In a letter dated March 12, 2019, the Permittee requested a 105.12-acre increase to the approved Project Construction Footprint and associated impacts to Covered Species to accommodate design variations at 20 locations, in Fresno County. The design variations include utility relocation and protection, roadway modifications, temporary construction easement for staging equipment and materials,

building demolition, additional earthwork, access roads, and/or waterway crossing structures. Altogether, this brought the Construction Footprint acreage total to 6,342.96. On April 25, 2019, CDFW issued **Major Amendment No. 11** to the ITP incorporating these changes.

In a letter dated January 8, 2019, Permittee requested that CDFW further amend the ITP, as amended, to cover increases in the Project Construction Footprint by 98.06 acres, for a total of 6,441.03 acres, to accommodate additional temporary access routes, staging areas, and utility relocation at several locations in Kern County referred to as "Wasco Utilities" and "North-South Utilities." Permittee provided supplemental information related to the requested activities dated January 29 and April 30, 2019. In a letter dated March 6, 2019, Permittee requested that CDFW further amend the ITP, as amended, to remove the required CDFW written approval of pre-construction survey reports. On May 20, 2019, CDFW issued **Major Amendment No. 12** to the ITP incorporating these changes.

In a letter dated April 5, 2019, Permittee requested to increase the Construction Footprint by 19.36 acres to accommodate design changes and refinements in the vicinity of State Route (SR) 46, including utility relocations, removal and construction of a Caltrans retention pond, construction of a retention pond for the Authority, building demolition, and other Covered Activities related to relocation of utilities within Kern County. In a letter dated June 21, 2019, Permittee requested to increase in the Construction Footprint by 150.46 acres to accommodate design variations including utility relocations, roadway modifications, temporary construction easements, access roads, and other Covered Activities at 19 locations within Fresno, Kings and Tulare counties. Together these design variations required an increase in the Construction Footprint of 169.82 acres, for a total of 6,610.85 acres. On August 8, 2019, CDFW issued **Major Amendment No. 13** to the ITP incorporating these changes.

In a letter dated May 3, 2019 Permittee requested a 50.89-acre expansion of the approved ITP Construction Footprint to address 68 utility conflicts involving PG&E overhead powerlines, AT&T telecommunication lines, SoCal Edison optical fiber, Semitropic irrigation lines, and North Kern Water Storage District relocation of Canal 9-22 and Canal P1030. Work to resolve the utility conflicts included bypass, civil work, protect in place, removal, relocation, and other Covered Activities within Kern County. This request also included three roadway modifications in Kern County one of which was a new location which brought the Construction Footprint to 6,661.74 acres. On September 3, 2019, CDFW issued **Major Amendment No. 14** to the ITP incorporating these changes.

In a letter dated May 9, 2019, Permittee requested amending the ITP to increase the Construction Footprint by 146.77 acres to accommodate design variations to the Tule elevated structure as well as utility relocations, roadway modifications, access roads, and other covered activities at 11 locations. The request also proposed eliminating two Temporary Construction Easements (TCEs) and two overcrossings, resulting in a 368.58-acre reduction to the Construction Footprint, for a net decrease of 221.81 acres, which brought the total Construction Footprint to 6,439.93 acres. On September 19, 2019, CDFW issued **Major Amendment No. 15** to the ITP incorporating these changes.

In a letter dated August 27, 2019, Permittee requested increasing the Project Construction Footprint by 7.94 acres at Gromer Avenue in Wasco to cover utility relocation, TCEs, and permanent access road construction. In a letter dated September 5, 2019, Permittee requested increasing the Project Construction Footprint by 15.08 acres to accommodate design variations including utilities and an access road within Semitropic Water Storage District (Semitropic WSD) that would need to be relocated at two locations. In a letter dated September 20, 2019, Permittee requested the correction of Table 1 to include the reduction of 8.93 urban acres already accounted for in Amendment 15 as well as removal of the remaining 12.13 acres of orchard in Table 1 which eliminates both TCE impacts from Amendment 15. Together these brought the new construction footprint to 6,462.95 acres. In an e-mail sent on October 10, 2019, CDFW informed Permittee that there would be two additional changes: 1) Table 9 updated to show the current number of nests taken of the maximum five covered by the ITP and 2) Measures 7.1, 8.16.2 and 8.17.2 were further updated to include Designated Small Mammal Trapper(s), 8.16.2 and 8.17.2 were updated to clarify reporting, and 8.17.2 added conditional concurrence of daily trapping forms for the early resumption and/or extension relocation period for non-business days. On October 11, 2019, CDFW issued **Major Amendment No. 16** to the ITP incorporating these changes.

In a letter dated May 2, 2019, Permittee requested increasing the Project Construction Footprint by 57.32 acres to accommodate a variation in the profile design of the HST alignment construction from elevated viaduct to embankment at the sections of the HSR mainline that are outside of streams and other waterways; changes to the bridge structures at Cole Slough, Dutch John Cut, and the Kings River channel; and a change from a bridge to two box culverts at Riverside Ditch. Design changes are also included for utility relocations, roadway modifications, TCEs, staging areas, site preparation, demolition, earthwork, and access roads, and other Covered Activities at seven locations as well as shifting the location of a switching station and addition of 20 new wildlife crossings. The request also proposed the reduction of two TCEs resulting in a 33.87-acre reduction to the Construction Footprint, for a net increase of 23.45 acres, bringing the new total Construction Footprint to 6,486.40 acres. On October 31, 2019, CDFW issued **Major Amendment No. 17** to the ITP incorporating these changes.

In a letter dated January 8, 2019, and Supplemental information dated January 29, 2019, Permittee requested the “ATC 2 Variation” which included a design change in the City of Wasco from viaduct to an at-grade design. Permittee had originally submitted the ATC 2 Variation together with “Wasco Utilities” and “North-South Utilities” (Amendment 12) however, per discussion and request from CDFW, separate amendment requests were submitted. The Permittee provided additional supplemental information dated April 30, 2019 and September 20, 2019 for the ATC 2 Variation (Wasco at-grade). Permittee requested increasing the Project Construction Footprint by 12.58 acres, for a total of 6,498.98 acres to accommodate design change construction of Wasco at-grade and the addition of TCEs needed for access, staging, equipment storage, and other Covered Activities related to road modifications and building demolition. The request also proposed the addition of 13 dedicated wildlife crossings south of Wasco at-grade, San Joaquin kit fox escape refugia, and a minimum of 300 acres of additional habitat conservation lands to mitigate the reduction in wildlife permeability resulting from the Wasco viaduct design change. On November 22, 2019, CDFW issued **Major Amendment No. 18** to the ITP incorporating these changes.

In a letter dated May 14, 2019, Permittee requested design changes and refinements to accommodate several IPBs from just south of East American Ave (approximately 6.40 miles south of the City of Fresno), to just north of Ave 76, (approximately 4.95 miles north of Allensworth). The IPB Variations will not expand the ITP Construction Footprint or alter the general alignment described in the ITP. In a letter dated October 11, 2019, Permittee requested increasing the Project Construction Footprint by 12.15 acres, for a total of 6,511.13 acres, to accommodate design variations including utility relocations, roadway modifications, temporary construction easements, access roads, and other Covered Activities at McCombs Avenue and Merced Avenue. On December 12, 2019, CDFW issued **Major Amendment No. 19** to the ITP incorporating these changes.

In issuing the ITP, Major 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, Major Amendment No. 10, Major Amendment No. 11, Major Amendment No. 12, Major Amendment No. 13, Major Amendment No. 14, Major Amendment No. 15, Major Amendment No. 16, Major Amendment No. 17, Major Amendment No. 18, and Major Amendment No. 19 (collectively the ITP, as amended), CDFW found, among other things, that Permittee’s compliance with the Conditions of Approval would fully mitigate impacts to the Covered Species and would not jeopardize the continued existence of the Covered Species.

In a letter received March 2, 2020, Permittee requested additional clarification regarding both trapping and burrow excavation for Tipton kangaroo rat (*Dipodomys nitratooides nitratooides*) and San Joaquin antelope squirrel (*Ammospermophilus nelsoni*) when occupied or potentially occupied burrows of either species are present in suitable habitat. There is no change to the Construction Footprint acreage.

This Amendment No. 20 (Amendment), a Major Amendment, makes the following changes to the ITP, as amended:

First, this Amendment updates Condition of Approval 7.1 to include Work Area burrow mapping as part of the Notification and adds new review timelines.

Second, this Amendment makes a correction to the numbering of two previously added measures included in by Amendment 1 and Amendment 6 which were both given Condition of Approval number 7.12.

Third, this Amendment updates multiple Conditions of Approval relating to trapping and burrow excavation for Tipton kangaroo rat (TKR) and San Joaquin antelope squirrel (SJAS) to provide alternatives for minimization of take depending on the Work Area location and whether or not it is located in TKR/SJAS Mapping Areas 1, 2, and 3 (Figures 1-3) identified in the new Exhibit 7.

Fourth, this Amendment changes the numbering of 8.17.4 for Record of Covered Species Handled to accommodate the additional trapping measure.

Fifth, this Amendment makes a correction to the numbering of the two Conditions of Approval under "Take Minimization Measures" subsection titled "Specific Measures for SJKF," due to the previous utilization of the number 8.15.6 in Amendment 2.

Sixth, this Amendment incorporates Exhibit 7, TKR/SJAS Mapping Areas 1, 2, and 3 (Figures 1-3) into the ITP, as amended.

## **AMENDMENT**

The ITP, as amended, is further amended as follows (amended language in ***bold italics***; deleted language in ~~strikethrough~~):

1. Monitoring, Notification and Reporting Provision 7.1, on page 70 of the ITP, as amended, shall be further amended to read as follows:



7.1 Notification Before Commencement and Pre-Construction Survey: The Designated Representative shall notify CDFW at least 14 calendar days, but no more than 30 calendar days, before starting Covered Activities in each Work Area. The Notification shall include the Pre-Construction Survey and shall document compliance with all pre-Project Conditions of Approval before starting such Covered Activities. ~~The Notification~~ **and** shall also include the **following**:

**7.1.1 Work Areas, Covered Activities and Equipment**. *The locations of each proposed work area and Geographic Information System (GIS) data for the points either as a KMZ file or Shapefile that can be referenced to each Work Area location and to depict the detailed location(s) where the written description of the Covered Activities will occur within specific Work Area(s).*

**7.1.2 Work Area Burrow Map**. *In Work Areas with suitable habitat, the Designated Biologist shall prepare a burrow map for burrows characteristic of kangaroo rat and SJAS and submit it to CDFW for review and approval prior to either trapping or burrow excavation.*

**7.1.2.1** *CDFW shall review the Work Area burrow map and shall provide written approval (email will suffice) within four (4) business days of receipt of the burrow map.*

**7.1.2.2** *If during the review of the submitted Work Area burrow map CDFW determines more information is needed, CDFW shall notify the Permittee in writing (email will suffice) within three (3) business days of receiving the burrow map. CDFW will request specific information or a site visit to resolve information gaps and/or confirm site conditions (notes/decision/confirmations from such site visit will be provided via email to Permittee).*

**7.1.2.3** *If a revised Work Area burrow map is requested and after the receipt of the revised Work Area burrow map, CDFW will review the amended burrow map within three (3) business days and provide approval in writing (email will suffice) prior to burrow excavations of burrows characteristic of kangaroo rat and SJAS in all areas of*

***suitable habitat features (as described in ITP Conditions of Approval 7.4.1.3 and 7.4.1.4).***

**7.1.3 Pre-Construction Survey Report.** No more than 30 calendar days prior to Permittee beginning or resuming Covered Activities in each Work Area, the Designated Biologist(s), or Designated Small Mammal Trapper(s), with assistance (if needed) from the General Biological Monitor(s), shall perform pre-construction surveys for Covered Species in the Work Area and appropriate buffer zones for each Covered Species (as defined in Conditions of Approval 8.13.2, 8.14.1, 8.15.1, 8.16.2, 8.17.2). A list of all equipment to be used and all Covered Activities, as identified specifically in the ITP, that will take place at the Work Area will be included in the pre-construction survey. The Designated Biologist(s) shall submit a report of the pre-construction survey(s) to CDFW at least ~~ten~~ **14 business calendar** days prior to commencement of Covered Activities within the particular Work Area.

**7.1.4 Lapse in Continuity of Work Activities.** Should an unplanned or planned lapse of Covered Activities occur at any Work Area for more than 30 calendar days, a new Notification Before Commencement and Pre-Construction Survey shall be performed and submitted per the above.

2. The numbering for two new measures added by Amendment 1 and Amendment 6 were both given Condition of Approval number 7.12 on page 76 of the ITP, as amended. The Amendment 6 Condition of Approval numbering shall be corrected as follows:

~~7.12~~ **7.13** Notification and Submission of a HDD and Dry Jack and Bore Level 3 Fiber Optic Line Relocation Plan.

3. The numbering for two new measures added by Amendment 18 to Condition of Approval 8 entitled "Take Minimization Measures" subsection titled "Specific Measures for SJKF," on pages 84-86 of the ITP, as amended, shall be corrected as follows:

~~8.15.6.~~ **8.15.7** SJKF Escape Refugia Plan.

~~8.15.7~~ **8.15.8** SJKF Escape Refugia Installation.

4. Take Minimization Measure 8.16.2, under Specific Measures for SJAS on page 86 of the ITP, as amended, shall be further amended to read as follows:

8.16.2 **SJAS Burrow Avoidance**. No more than 30 calendar days prior to the commencement of any ground disturbing activities in ***all areas of suitable habitat features per Conditions of Approval 7.4.1.3 and 7.4.1.4*** ~~any areas occupied or potentially occupied by SJAS,~~ the Designated Biologist or Designated Small Mammal Trapper(s), assisted (if needed) by the General Biological Monitor, shall conduct a visual survey for burrows ~~occupied or potentially occupied by~~ ***characteristic of SJAS***. Any burrows present within the portion of the Project Area to be disturbed by earthwork, that are ~~suspected or known to be occupied or potentially occupied by~~ ***characteristic of SJAS***, and that cannot be avoided by the 50-foot avoidance buffer shall be ***identified in the Work Area Burrow Map and submitted as part of the Notification and Pre-Construction for the Work Area per Condition of Approval 7.1.2.***

***8.16.2.1 If the Work Area is within Mapping Areas 1, 2, or 3 in Exhibit 7 then Permittee shall excavate by hand all burrows characteristic of SJAS within the areas of suitable habitat, in accordance with Condition of Approval 8.16.3, (which may be facilitated by trapping, in accordance with Condition of Approval 8.16.4, if the Designated Biologist determines it to be useful) and in accordance with all applicable measures in the SJAS Relocation Plan per Condition of Approval 8.16.1.***

***8.16.2.2 If the Work Area is outside Mapping Areas 1, 2, and 3 (see Exhibit 7) then the Permittee shall either (1) excavate by hand all burrows characteristic of SJAS within suitable habitat in accordance with Condition of Approval 8.16.3 (which may be facilitated by trapping, in accordance with Condition of Approval 8.16.4, if the Designated Biologist determines it to be useful) in accordance with Condition of Approval 8.16.1 and the CDFW approved SJAS Relocation Plan, as specified above, or shall (2) conduct trapping surveys for SJAS as described in the SJAS Relocation Plan and Condition of Approval 8.16.4.***

~~live trapped using Tomahawk type squirrel traps (or similar squirrel trap) by the Designated Biologist(s) or Designated Small Mammal Trapper(s)~~

~~prior to the initiation of ground-disturbing activities in the occupied location. SJAS shall be trapped and relocated to the CDFW-approved release site identified in the SJAS relocation plan (described in Condition of Approval 8.16.1). SJAS shall be relocated only after young of the year SJAS are observed above ground and during the main activity period for the species (April 1 to September 30).~~

**8.16.2.3 *If trapping and burrow excavation are conducted at a particular Work Area for SJAS,*** ~~The~~ Designated Biologist(s) shall submit a report of all survey and trapping activities to CDFW prior to commencement of burrow excavation within the particular Work Area. Burrow excavation will commence once written approval (email will suffice) is received from CDFW. All burrow excavation shall be completed within ~~96 hours~~ **fifteen (15) consecutive calendar days** of approval. Project activities may commence once written approval (email will suffice) is received from CDFW.

~~8.16.2.1 Early resumption and/or extension relocation period. The Permittee may request a 7-day early resumption and/or extension to the relocation period (beginning no sooner than March 1 through no later than November 15 except on a case-by-case basis) if daytime temperatures (sunrise to sunset) are predicted by the National Weather Service to remain within the temperature criterion of 68 – 86 degrees Fahrenheit with no prediction of inclement weather (e.g., a predicted 40 percent or greater chance of precipitation). Subsequent 7-day resumptions and/or extensions may be requested and approved by CDFW so long as weather conditions are predicted by the National Weather Service to remain within the above temperature criterion. In each request, the Permittee shall provide evidence of young of the year SJAS prior to April 1 and/or adults after September 30 observed above ground at a CDFW-approved reference site. Any captured lactating/nursing female or dependent juvenile SJAS shall be released immediately at the trap location and trapping shall cease until young of the year SJAS are observed above ground and no longer dependent on their mother. The relocation resumption and/or extension request(s) shall be approved in advance and in writing by CDFW (email will suffice). The Designated Biologist(s) shall submit a report of the burrow survey to CDFW at least five business days prior to commencement of Covered Activities~~

~~within the particular Work Area. If relocation occurs prior to April 1 and/or after September 30, the Designated Biologist(s) shall submit daily trapping forms to CDFW for review and concurrence to continue to proceed with trapping. Daily trapping forms shall include but not be limited to on-site temperatures when traps are opened, when traps are checked, and when animals are relocated; weather conditions (e.g., wind and cloud cover); as well as information about number and type of trap used. After review of the final daily trapping form and concurrence with trapping results, CDFW will approve burrow excavation in advance and in writing (email will suffice) following the final day of trapping. All burrow excavation shall be completed within 96 hours of approval. Covered Activities will commence once written approval (email will suffice) is received from CDFW.~~

5. Take Minimization Measure 8.16.3, under Specific Measures for SJAS on page 86 of the ITP, as amended, shall be further amended to read as follows:

8.16.3 SJAS Burrow Excavation. Following live trapping activities, ***if trapping is conducted***, and before ground-disturbing activities commence, any occupied or potentially occupied SJAS burrows ***characteristic of SJAS*** present within the portion of the Work Area to be disturbed shall be fully excavated by hand by the Designated Biologist(s) ***in an area not to exceed 10 acres in size*** to allow any remaining SJAS an opportunity to escape or be captured by hand as necessary. Any SJAS encountered in the excavated burrows shall be relocated to a CDFW-approved release site identified in the SJAS relocation plan (described in Condition of Approval 8.16.1). Dormant or torpid SJAS encountered shall also be collected and moved to an artificial burrow installed at a CDFW-approved release site identified in the SJAS relocation plan (described in Condition of Approval 8.16.1). “Soft-release” methods in cages with artificially constructed burrows shall be used at the release (receiver) sites.

***8.16.3.1 Permittee may request in writing an exception to the 10-acre maximum excavation size that shall contain a compelling ecological reason (e.g., low burrow density) along with the burrow map and survey trap plan (if applicable). CDFW will review the exception request and provide written approval or denial within four (4) business days of receiving the burrow map and survey trap plan (if***

***applicable). Under no circumstances shall excavation occur in a Work Area exceeding 10 acres in size without written CDFW approval.***

6. Take Minimization Measure 8.16.4 is added under Specific Measures for SJAS on page 86 of the ITP, as amended, and shall include some text previously in 8.16.2.2 as well as new text:

***8.16.4 SJAS Trapping. Permittee shall submit a Work Area burrow map and survey plan to CDFW for review and written approval prior to conducting the trapping surveys. The Work Area to be trapped shall not exceed 10 acres in size. Along with the Work Area burrow map, the survey trap plan shall include, but not be limited to: (1) the names of the Designated Biologists who will conduct the trapping; (2) the configuration, density, and geographic layout of proposed trap arrays or clusters based on the burrow map; (3) confirmation of the type of trap to be used; (4) trap bait and bedding material to be used in the trap; and any other pertinent information.***

***8.16.4.1 Permittee may request in writing an exception to the 10-acre maximum trapping size that shall contain a compelling ecological reason (e.g., low burrow density) along with the burrow map and survey trap plan. CDFW will review the exception request and provide written approval or denial within four (4) business days of receiving the burrow map and survey trap plan. Under no circumstances shall trapping occur in a Work Area exceeding 10 acres in size without written CDFW approval.***

***8.16.4.2 CDFW shall review the burrow map per Condition of Approval 7.1.2.1 and survey trap plan. If CDFW approves the survey trap plan along with all other necessary submittals, that approval will be transmitted in writing (email will suffice) and implementation of trapping can proceed. If additional information is needed, CDFW will transmit the request to the Permittee in writing (email will suffice) per Condition of Approval 7.1.2.2.***

***8.16.4.3 After completion of six (6) consecutive days of trapping that yield no positive detections of SJAS, the Permittee shall notify CDFW in writing (email will suffice) of the***

**trapping results and shall include copies of all trapping field data forms. Ground-disturbing Covered Activities in the trapped area may then commence without subsequent burrow excavation, provided ground disturbing activities occurs within six (6) months of the negative trapping results if site conditions (e.g., burrow density) remain unchanged.**

**8.16.4.4 If SJAS are detected within the Work Area, all trapping shall cease, CDFW shall be notified in writing, and burrows shall be hand excavated in accordance with the CDFW-approved SJAS Relocation plan (Condition of Approval 8.16.1) and Condition of Approval 8.16.3. If more than 30 days lapse following trapping and/or excavation efforts an updated pre-construction survey will be required per Condition of Approval 7.1; however, results of the SJAS trapping and/or excavation efforts can be used for up to six (6) months if CDFW determines site conditions remain unchanged.**

**8.16.4.5 In Work Areas with identified burrows characteristic of SJAS, trapping surveys per the SJAS Relocation Plan shall commence in accordance with ITP Condition of Approval 8.16.1 and according to the following: live trapping shall be done using Tomahawk type squirrel traps (or similar squirrel trap) by the Designated Biologist(s) or Designated Small Mammal Trapper(s) prior to the initiation of ground-disturbing activities in the occupied location. SJAS shall be trapped and relocated to the CDFW-approved release site identified in the SJAS relocation plan (described in Condition of Approval 8.16.1). SJAS shall be relocated only after young of the year SJAS are observed above ground and during the main activity period for the species (April 1 to September 30).**

**8.16.4.6 Early resumption and/or extension of the Trapping period. The Permittee may request a 7-day early resumption and/or extension to the relocation period (beginning no sooner than March 1 through no later than November 15 except on a case-by-case basis) if daytime temperatures (sunrise to sunset) are predicted by the National Weather Service to remain within the temperature criterion of 68 to 86 degrees**

***Fahrenheit with no prediction of inclement weather (e.g., a predicted 40 percent or greater chance of precipitation). Subsequent 7-day resumptions and/or extensions may be requested and approved by CDFW so long as weather conditions are predicted by the National Weather Service to remain within the above temperature criterion. In each request, the Permittee shall provide evidence of young of the year SJAS prior to April 1 and/or adults after September 30 observed above ground at a CDFW-approved reference site. Any captured lactating/nursing female or dependent juvenile SJAS shall be released immediately at the trap location and trapping shall cease until young of the year SJAS are observed above ground and no longer dependent on their mother. The relocation resumption and/or extension request(s) shall be approved in advance and in writing by CDFW (email will suffice). The Designated Biologist(s) shall submit a report of the trapping survey to CDFW at least five (5) business days prior to commencement of Covered Activities within the particular Work Area. If relocation occurs prior to April 1 and/or after September 30, the Designated Biologist(s) shall submit daily trapping forms to CDFW for review and concurrence to continue to proceed with trapping. Daily trapping forms shall include but not be limited to on-site temperatures when traps are opened, when traps are checked, and when animals are relocated; weather conditions (e.g., wind and cloud cover); as well as information about number and type of trap used.***

7. Take Minimization Measure 8.17.2, under Specific Measures for TKR on page 87 of the ITP, as amended, shall be further amended to read as follows:

***TKR Burrow Avoidance.*** No more than 30 calendar days prior to the commencement of any ground disturbing activities in ***all areas of suitable habitat features per Conditions of Approval 7.4.1.3 and 7.4.1.4*** ~~any areas occupied or potentially occupied by TKR,~~ the Designated Biologist or Designated Small Mammal Trapper(s), assisted (if needed) by the General Biological Monitor, shall conduct a visual survey for burrows ~~occupied or potentially occupied by~~ ***characteristic of TKR.*** ~~Occupied or potentially occupied~~ ***Burrows characteristic of TKR burrows*** shall be avoided by 50 feet unless otherwise approved in writing (email will suffice) by CDFW. If earthwork (clearing and grubbing, grading, blading, filling) must occur within areas of ~~occupied or potentially occupied~~ ***burrows***



***characteristic of TKR burrows, these areas shall be identified in the Work Area Burrow Map and submitted as part of the Notification and Pre-Construction for the Work Area per Condition of Approval 7.1.2.***

***8.17.2.1 If the Work Area is within TKR/SJAS Mapping Areas 1, 2, or 3 (see Exhibit 7), then Permittee shall excavate by hand all burrows characteristic of TKR within areas of suitable habitat, in accordance with Condition of Approval 8.17.3, (which may be facilitated by trapping, in accordance with Condition of Approval 8.17.4, if Designated Biologist determines useful) and in accordance with all applicable measure in the CDFW approved TKR Relocation Plan per Condition of Approval 8.17.1.***

***8.17.2.2 If the Work Area is outside of the three TKR/SJAS Mapping Areas 1, 2, and 3 in Exhibit 7 then the Permittee shall either (1) excavate by hand all burrows characteristic of TKR within suitable habitat in accordance with Condition of Approval 8.17.3 (which may be facilitated by trapping, in accordance with Condition of Approval 8.17.4, if the Designated Biologist determines it to be useful) in accordance with Condition of Approval 8.17.1 and the CDFW approved TKR Relocation Plan, as specified above, or shall (2) conduct trapping surveys for TKR as described in the TKR Relocation Plan and Condition of Approval 8.17.4.***

~~live trapped by the Designated Biologist(s) or Designated Small Mammal Trapper(s) prior to the initiation of ground-disturbing activities in these areas to minimize direct mortality. Any captured TKR shall be relocated to a CDFW approved release site identified in the TKR relocation plan (described in Condition of Approval 8.17.1). The Designated Biologist(s) shall submit a report of all survey and trapping activities to CDFW at least five business days prior to commencement of Covered Activities within the particular Work Area. Covered Activities will commence once written approval (email will suffice) is received from CDFW.~~

***8.17.2.3 If trapping and burrow excavation are conducted at a Work Area for TKR, the Designated Biologist(s) shall submit a report of all survey and trapping activities to CDFW prior to commencement of burrow excavation within the particular Work***

Area. Burrow excavation will commence once written approval (email will suffice) is received from CDFW. All burrow excavation shall be completed within ~~96 hours~~ **fifteen (15) consecutive calendar days** of approval. Project activities may commence once written approval (email will suffice) is received from CDFW.

8. Take Minimization Measure 8.17.3, under Specific Measures for TKR on page 87 of the ITP, as amended, shall be further amended to read as follows:

TKR Burrow Excavation. Following live trapping activities, ***if trapping is conducted***, any ~~occupied or potentially occupied~~ ***burrows characteristic of TKR burrows present*** within the portion of the Project site to be disturbed shall be fully excavated by hand by the Designated Biologist(s) ***in an area not to exceed 10 acres in size*** to allow any remaining TKR an opportunity to escape or be captured by hand as necessary. Any TKR encountered in the excavated burrows shall be relocated to a CDFW-approved release site identified in the TKR relocation plan (described in Condition of Approval 8.17.1). Dormant or torpid TKR encountered shall also be collected and moved to an artificial burrow installed at a CDFW-approved release site identified in the TKR relocation plan (described in Condition of Approval 8.17.1). “Soft-release” methods in cages with artificially constructed burrows shall be used at the release (receiver) sites.

***8.17.3.1 Permittee may request in writing an exception to the 10-acre maximum excavation size that shall contain a compelling ecological reason (e.g., low burrow density) along with the burrow map and survey trap plan (if applicable). CDFW will review the exception request and provide written approval or denial within four (4) business days of receiving the burrow map and survey trap plan (if applicable). Under no circumstances shall excavation occur in a Work Area exceeding 10 acres in size without written CDFW approval.***

9. Take Minimization Measure 8.17.4 is added under Specific Measures for TKR on page 87 of the ITP, as amended, and shall include some text previously in 17.2.2 as well as new text:

***8.17.4 TKR Trapping Permittee shall submit a Work Area burrow map and survey trap plan to CDFW for review and written approval prior to conducting the trapping surveys. The Work Area to be trapped shall***

**not exceed 10 acres in size. Along with the Work Area burrow map, the survey trap plan shall include, but not be limited to: (1) the names of the Designated Biologists who will conduct the trapping; (2) the configuration, density, and geographic layout of proposed trap arrays or clusters based on the burrow map; (3) confirmation of the type of trap to be used; (4) trap bait and bedding material to be used in the trap; and any other pertinent information.**

**8.17.4.1 Permittee may request in writing an exception to the 10-acre maximum trapping size that shall contain a compelling ecological reason (e.g., low burrow density) along with the burrow map and survey trap plan. CDFW will review the exception request and provide written approval or denial within four (4) business days of receiving the burrow map and survey trap plan. Under no circumstances shall trapping occur in a Work Area exceeding 10 acres in size without written CDFW approval.**

**8.17.4.2 CDFW shall review the burrow map and survey trap plan per Condition of Approval 7.1.2.1. If CDFW approves the survey trap plan along with all other necessary submittals, that approval will be transmitted in writing (email will suffice) and implementation of the trapping can proceed. If additional information is needed, CDFW will transmit the request to the Permittee in writing (email will suffice) per Condition of Approval 7.1.2.2.**

**8.17.4.3 If after completion of five (5) nights of consecutive trapping during the optimal activity period or completion of six (6) nights of consecutive trapping outside of the optimal activity period yield no positive detections of TKR, the Permittee shall notify CDFW in writing (email will suffice) of the trapping results and shall include copies of all trapping field data forms. Ground-disturbing Covered Activities in the trapped area may then commence without subsequent burrow excavation, provided ground disturbing activities occurs within six (6) months of the negative trapping results if site conditions (e.g., burrow density) remain unchanged.**

**8.17.4.4** *If TKR are detected within the Work Area, all trapping shall cease, CDFW shall be notified in writing, and burrows shall be hand excavated in accordance with the CDFW approved TKR Relocation plan (Condition of Approval 8.17.1) and Condition of Approval 8.17.3. If more than 30 days lapse following trapping and/or excavation efforts an updated pre-construction survey will be required per Condition of Approval 7.1 however, results of the TKR trapping and/or excavation efforts can be used for up to six (6) months if CDFW determines site conditions remain unchanged.*

**8.17.4.5** *In Work Areas with identified burrows characteristic of TKR, trapping surveys per the TKR Relocation Plan shall commence in accordance with Condition of Approval 8.17.1 and according to the following: live trapped by the Designated Biologist(s) or Designated Small Mammal Trapper(s) prior to the initiation of ground-disturbing activities in these areas to minimize direct mortality. Any captured TKR shall be relocated to a CDFW-approved release site identified in the TKR relocation plan (described in Condition of Approval 8.17.1). The Designated Biologist(s) shall submit a report of all survey and trapping activities to CDFW at least five (5) business days prior to commencement of Covered Activities within the particular Work Area. Covered Activities will commence once written approval (email will suffice) is received from CDFW.*

**8.17.4.6** *If the survey trapping will occur outside of the optimal activity range for TKR (April 1 through October 31), trapping shall occur for six (6) consecutive nights.*

*(1) If there is a predicted 40 percent chance or greater of precipitation, the traps shall be closed. When the chance of precipitation is predicted to be less than 40 percent, trapping can commence, and the consecutive nights shall be reset to start at zero and continue for six (6) consecutive nights.*

*(2) If ambient air temperature falls below 50 degrees Fahrenheit, traps shall be checked every three (3) hours. If animals are lethargic or showing signs of decreased*

**body temperature or stress, trapping shall cease, the traps shall be closed, and CDFW shall be consulted before trapping resumes.**

**8.17.4.7 If the survey trapping will occur within of the optimal activity range for TKR (April 1 through October 31), trapping shall occur for five (5) consecutive nights.**

**(1) If ambient air temperature exceeds 99 degrees Fahrenheit, traps shall be closed and CDFW shall be consulted before trapping resumes to determine if a sufficient trapping effort was performed to add up to the five (5) consecutive nights or if the trap effort needs to be reset to start at zero and continue for five (5) consecutive nights.**

10. The numbering for 8.17.4 under Specific Measures for TKR on pages 87 of the ITP, as amended, shall be changed as follows:

~~8.17.4~~ **8.17.5** Record of Covered Species Handled. The Designated Biologist(s) shall maintain a record of all SJAS and TKR handled, and all documented observations of SJKF. This information shall include for each animal: a) the locations (Global Positioning System [GPS] coordinates and maps) and time of capture and/or observation as well as release; b) sex; c) approximate age (adult/juvenile); d) weight; e) general condition and health, noting all visible conditions including gait and behavior, diarrhea, emaciation, salivation, hair loss, ectoparasites, and injuries; and f) ambient temperature when handled and released.

11. The list of Attachments on page 115 of the ITP, as amended, shall be further amended to read as follows:

- EXHIBIT 1                      Map of Project
- EXHIBIT 2                      Project Construction Elements
- EXHIBIT 2A                    Water Pipeline Irrigation Casings Disturbance and Location Table and Map
- EXHIBIT 2B                    Engineered Drawings of Water Pipeline Irrigation Casings and Level 3 Fiber Optic Line
- EXHIBIT 2C                    Level 3 Fiber Optic Line Disturbance and Location Table and Map
- EXHIBIT 3                      Project Profile, Drainage Facilities, and Dedicated Wildlife Movement Structures

EXHIBIT 4	Fresno to Bakersfield Electrical Stations Diagram
EXHIBIT 5	Geotechnical Test Embankment and Borrow Site
EXHIBIT 6	Baseline Map Book
<b>EXHIBIT 7</b>	<b><i>Tipton Kangaroo Rat and San Joaquin Antelope Squirrel Mapping Areas</i></b>
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Fieldwork Code of Practice developed by the Declining Amphibian Populations Task Force
ATTACHMENT 3A, 3B	Proposed Lands for Acquisition Form; Habitat Management Lands Checklist
ATTACHMENT 4	Letter of Credit Form
ATTACHMENT 5	Mitigation Payment Transmittal Form

The corresponding measures in the Mitigation Monitoring and Reporting Program (MMRP) (Attachment 1 of the ITP, as amended) shall be further amended to read the same as above. All terms and conditions of the ITP, as amended, and the MMRP that are not expressly amended herein remain in effect and must be implemented and adhered to by the Permittee.

## **FINDINGS**

*Issuance of this Amendment will increase the amount of take for some of the Covered Species compared to the Project as originally approved; however, because the HM lands protection and management funding requirements will be commensurately increased, it is not expected that this Amendment will increase Project impacts on these species (i.e., "impacts of taking" as used in Fish and Game Code Section 2081, subd. (b)(2)).*

Discussion: This Amendment makes six specific changes to the ITP, as amended.

First, this Amendment updates Condition of Approval 7.1 to include Work Area burrow mapping as part of the Notification and adds new review timelines.

Second, this Amendment makes a correction to the numbering due to two previous measures added by Amendment 1 and Amendment 6 which were both given Condition of Approval number 7.12.

Third, this Amendment updates multiple Conditions of Approval relating to trapping and burrow excavation for Tipton kangaroo rat (TKR) and San Joaquin antelope squirrel (SJAS) to provide alternatives for minimization of take depending on the Work Area

location and whether or not it is inside or outside Mapping Areas 1, 2, and 3 (Figures 1-3) identified in the new Exhibit 7.

Fourth, this Amendment changes the numbering of 8.17.4 for Record of Covered Species Handled to accommodate the additional trapping measure.

Fifth, this Amendment makes a correction to the numbering of the two Conditions of Approval under "Take Minimization Measures" subsection titled "Specific Measures for SJKF," due to the previous utilization of the number 8.15.6 in Amendment 2.

Sixth, this Amendment incorporates Exhibit 7, TKR/SJAS Mapping Areas 1, 2, and 3 (Figures 1-3) into the ITP, as amended.

CDFW has determined that although this Amendment may result in an increase in take of the Covered Species, and increased Covered Species Habitat impacts, the additional impacts of the taking will be minimized and fully mitigated through implementation of the Conditions of Approval. Because the impacts will be minimized and fully mitigated, there will be no increase in Project impacts to the Covered Species with this Amendment.

*Issuance of this Amendment does not affect CDFW's previous determination that issuance of the ITP, as amended meets and is otherwise consistent with the permitting criteria set forth in Fish and Game Code section 2081, subdivisions (b) and (c).*

Discussion: CDFW determined in June 2015 that the Project as approved, met the standards for issuance of an ITP under CESA. CDFW determined in March 2017, in September 2018, in October 2018, twice in November 2018, in January 2019, three times in February 2019, in March 2019, in April 2019, in May 2019, in August 2019, twice in September 2019, twice in October 2019, in November 2019, and in December 2019 that Amendments No. 1, No. 2, No. 3, No. 4, No. 5, No. 6, No. 7, No. 8, No. 9, No. 10, No. 11, No. 12, No. 13, No. 14, No. 15, No. 16, No. 17, No. 18, and No. 19, respectively, to the ITP met the standards for issuance of an ITP under CESA. This determination included findings that, among other things, the impacts of the taking would be minimized and fully mitigated and that the Project would not jeopardize the continued existence of the Covered Species. Those findings are unchanged with respect to this Amendment because the Project and ITP, as amended: (1) will be equally protective by ensuring more focused surveys in the areas of suitable habitat where TKR and/or SJAS have historically been documented to occur; (2) does not alter the Permittee's continued adherence to and implementation of the avoidance and minimization measures set forth in the Conditions of Approval in the ITP, as amended, and MMRP which will minimize and fully mitigate impacts of the taking on the Covered Species.

*None of the factors that would trigger the need for subsequent or supplemental environmental analysis of the Project under Public Resources Code section 21166 or*

*California Code of Regulations, title 14, sections 15162 and 15163, exist as a result of this Amendment.*

**Discussion:** CDFW issued the original ITP in June 2015, Major Amendment No. 1 to the ITP in March 2017, Major Amendment No. 2 in September 2018, Major Amendment No. 3 in October 2018, Minor Amendment No. 4 and Major Amendment No. 5 in November 2018, Major Amendment No. 6 in January 2019, Major Amendments 7, 8, and 9 in February 2019, Major Amendment No. 10 in March 2019, Major Amendment No. 11 in April 2019, Major Amendment No. 12 in May 2019, Major Amendment No. 13 in August 2019, Major Amendments No. 14 and 15 in September 2019, Major Amendment No.16 and 17 in October 2019, Major Amendment No.18 in November 2019, and Major Amendment No.19 in December 2019 as a responsible agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) after, among other things, considering the California High-Speed Train: Fresno to Bakersfield Section Final Project Environmental Impact Report/Environmental Impact Statement (EIR/EIS) (SCH No. 2009091126) certified by the lead agency, California High-Speed Rail Authority, on May 7, 2014. As explained in the findings below, CDFW finds for purposes of CESA that this Amendment represents a major change to the ITP, as amended. However, for the reasons explained above, CDFW concludes that approval of this Amendment will not result in and does not have the potential to create any new significant or substantially more severe environmental effects than previously analyzed and disclosed by California High Speed Rail Authority during its lead agency review of the Project, particularly with respect to the impacts authorized by CDFW pursuant to the ITP, as amended. As a result, CDFW finds that no subsequent or supplemental environmental review is required by CEQA as part of CDFW's approval of this Amendment.

*CDFW finds that this Amendment is a Major Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(5).*

**Discussion:** This Amendment updates Condition of Approval 7.1 to include Work Area burrow mapping as part of the Notification and adds new review timelines; makes a correction to the numbering due to two measures added by Amendment 1 and Amendment 6 which were both given Condition of Approval number 7.12; updates multiple Conditions of Approval relating to trapping and burrow excavation for Tipton kangaroo rat (TKR) and San Joaquin antelope squirrel (SJAS) to provide alternatives for minimization of take depending on the Work Area location and whether or not it is inside or outside Mapping Areas 1, 2, and 3 (Figures 1-3 ) identified in the new Exhibit 7; changes the numbering of 8.17.4 for Record of Covered Species Handled to accommodate the additional trapping measure; makes a correction to the numbering of the two Conditions of Approval under "Take Minimization Measures" subsection titled "Specific Measures for SJKF," due to the previous utilization of the number 8.15.6 in Amendment 2; and incorporates Exhibit 7, TKR/SJAS Mapping Areas consisting of



Mapping Areas 1, 2, and 3 (Figures 1-3) into the ITP, as amended. Therefore, this Amendment will substantially increase the scope or nature of the permitted Project or activity, or significantly modify the minimization, mitigation, or monitoring measures in the ITP, as amended. CDFW has determined that the changes to the ITP, as amended, constitutes a Major Amendment as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(5).

The authorization provided by this Amendment is not valid until Permittee signs and dates the acknowledgement below, and returns one of the duplicate originals of this Amendment by registered first class mail to CDFW at:

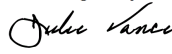
California Department of Fish and Wildlife  
Habitat Conservation Planning Branch  
Attention: CESA Permitting Program  
Post Office Box 944209  
Sacramento, California 94244-2090

**Attachment:**

ATTACHMENT 1 EXHIBIT 7 Tipton Kangaroo Rat and San Joaquin Antelope Squirrel Mapping Areas

**APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

on 4/23/2020

DocuSigned by:  
  
FA83F09FE08945A...

Julie A. Vance, Regional Manager  
Central Region

**ACKNOWLEDGMENT**

The undersigned: (1) warrants that he or she is acting as a duly authorized representative of the Permittee, (2) acknowledges receipt of the original ITP and this Amendment, and (3) agrees on behalf of the Permittee to comply with all terms and conditions of the ITP, as amended.

By:   
437AA2E68E7842B... Date: 4/27/2020

Printed Name: Mark A. McLoughlin Title: Director of Environmental Services

Major Amendment No. 20  
Incidental Take Permit 2081-2015-024-04  
CALIFORNIA HIGH-SPEED RAIL AUTHORITY  
CALIFORNIA HIGH-SPEED TRAIN PROJECT  
Fresno to Bakersfield Section Permitting Phase 1