



**STATE OF CALIFORNIA • NATURAL RESOURCES AGENCY**

Gavin Newsom, Governor

**DEPARTMENT OF FISH AND WILDLIFE**

Charlton H. Bonham, Director

Central Region

1234 East Shaw Avenue | Fresno, California 93710 | (559) 243-4005

August 14, 2023

Christine Inouye  
California High-Speed Rail Authority  
770 L Street, Suite 800  
Sacramento, California 95814  
[Christine.Inouye@hsr.ca.gov](mailto:Christine.Inouye@hsr.ca.gov)

Subject: Amendment 27 to Incidental Take Permit for California High-Speed Train Project Fresno to Bakersfield Section Permitting Phase 1 (2081-2015-024-04-A27)

Dear Christine Inouye:

Attached you will find an electronic copy Amendment 27 of the incidental take permit for the above referenced Project, which has been digitally signed by the California Department of Fish and Wildlife (CDFW). Please read the permit carefully, sign the acknowledgement, and return the original **no later than 30 days from CDFW signature**, and prior to initiation of ground-disturbing activities. You may return a hard copy of the permit via mail to:

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

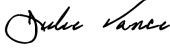
Alternatively, you may return an electronic copy of the permit with digital signature to [CESA@wildlife.ca.gov](mailto:CESA@wildlife.ca.gov). Digital signatures shall comply with Government Code section 16.5.

You are advised to keep the permit in a secure location and distribute copies to appropriate project staff responsible for ensuring compliance with the conditions of approval of the permit. Note that you are required to comply with certain conditions of approval prior to initiation of ground-disturbing activities. Additionally, a copy of the permit must be maintained at the project work site and made available for inspection by CDW staff when requested.

Christine Inouye  
California High-Speed Rail Authority  
2081-2015-024-04-A27  
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The permit will not take effect until the signed acknowledgement is received by CDFW. If you wish to discuss these instructions or have questions regarding the permit, please contact Laura Peterson-Diaz, Senior Environmental Scientist (Specialist), at [laura.peterson-diaz@wildlife.ca.gov](mailto:laura.peterson-diaz@wildlife.ca.gov).

Sincerely,

DocuSigned by:  


EAB3F09FE08945A...  
Julie A. Vance, Regional Manager  
Central Region  
California Department of Fish and Wildlife

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

CENTRAL REGION

1234 EAST SHAW AVENUE

FRESNO, CALIFORNIA 93710



**AMENDMENT NO. 27**

(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 (Authority or Permittee) authorizing take of California tiger salamander (*Ambystoma californiense*), Swainson's hawk (*Buteo swainsoni*), Tipton kangaroo rat (*Dipodomys nitratooides nitratooides*), 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 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 reissued **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 26, 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 9, 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 HST 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 a letter received March 2, 2020, Permittee requested additional clarification regarding both trapping and burrow excavation for Tipton kangaroo rat (*Dipodomys nitratoides nitratoides*) 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. On March 27, 2020, April 10, 2020, and April 23, 2020, CDFW issued and twice reissued **Major Amendment No. 20** to the ITP incorporating these changes.

In a letter dated July 23, 2019, and supplemental information dated July 26, 2019, Permittee requested a net 94.46-acre expansion of the approved ITP Construction Footprint, for a total of 6,605.59 acres, to accommodate design variations of wildlife crossing structures at Cross Creek and Deer Creek as well as utility relocations, roadway modifications, temporary construction easements, access roads, and other

Covered Activities at these two locations. In a letter dated November 8, 2019, Permittee requested to update Table 5 for new dedicated wildlife crossing locations and adjusted locations for existing crossings as well as updating the corresponding Mapbook pages. In a letter dated March 5, 2020, Permittee provided additional culverts for wildlife crossings near Allensworth Ecological Reserve. In a second letter dated March 5, 2020, Permittee provided supplemental information regarding San Joaquin kit fox refugia and this information was updated in a follow-up letter dated March 17, 2020. On May 22, 2020, CDFW issued **Major Amendment No. 21** to the ITP incorporating these changes.

In a letter dated January 6, 2020, Permittee requested a 26.539-acre expansion of the approved ITP Construction Footprint, for a total of 6,632.13 acres, to accommodate design variations including (1) installation of a private access easement in the vicinity of Magnolia Avenue, (2) construction of a new BNSF access road along BNSF right-of-way (ROW) to ensure maintenance and access to BNSF signal equipment and facilities, (3) proposed improvements for Canal 9-22 north of the City of Wasco, (4) installation of drainage ponds and drainage connections within the City of Wasco under the ROW, and (5) installation of a new Pacific Gas and Electric (PG&E) access road to be constructed parallel to the BNSF ROW, and other Covered Activities within and in the vicinity of the City of Wasco. On July 8, 2020, CDFW issued **Major Amendment No. 22** to the ITP incorporating these changes.

In a letter dated May 4, 2021, and in supplemental information submitted to CDFW on June 4, June 22, July 28, and August 11, 2021, Permittee requested a 26.40-acre expansion of the approved ITP Construction Footprint, for a new total of 6,658.53 acres, to accommodate design variations including: (1) installation of improvements to facilitate access and egress for construction, operation, and maintenance of the HST; (2) design improvements for McCombs Avenue; (3) anticipated roadway improvements at SR 46 and associated roundabout and related drainage facilities; (4) design improvements for the Merced Overpass; (5) utility relocations, and (6) other Covered Activities within and in the vicinity of the City of Wasco. On October 12, 2021, CDFW issued **Major Amendment No. 23** to the ITP incorporating these changes.

In a letter dated April 13, 2022, Permittee requested (1) expansion of the ITP Construction Footprint by 34.05 acres to accommodate design variations, utility relocation and protection, roadway modifications, access roads, and temporary construction easements at 24 sites; and (2) update of impacts to foraging habitat and nest trees for Swainson's hawk and the associated compensatory mitigation based on the location and extent of nest observations in annual protocol surveys of the Construction Footprint during years 2017-2021 and pre-construction survey results of suitable habitat features. On August 24, 2022, CDFW issued **Major Amendment No. 24** to the ITP incorporating these changes.

In a letter dated September 14, 2022, the Permittee requested the remaining areas of Subzones 1-4, be exempt from further burrow excavation, as currently required by Condition of Approval 8.13.4, due to safety concerns. On October 6, 2022, and October 17, 2022, CDFW issued and reissued **Major Amendment No. 25** to the ITP incorporating these changes.

In a letter dated October 5, 2022, Permittee requested expansion of the ITP Construction Footprint by 7.63 acres to accommodate design variations including access road installation and to facilitate site preparation of the construction of the catenary switching station system site relocation within Kern County. In a letter dated December 23, 2022, Permittee requested expansion of the ITP Construction Footprint by 0.06 acres to accommodate utility relocation and protection at two locations to the north and south of Houston Avenue in Kings County. CDFW also initiated the update of Table 10 to include all the known Swainson's hawk nest trees utilized during the 2023 nesting season, updated the due date for the Swainson's Hawk Report and updated Conditions of Approval 7.7 and 8.7. On February 16, 2023, CDFW issued **Major Amendment No. 26** 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, Major Amendment No. 19, Major Amendment No. 20, Major Amendment No. 21, Major Amendment No. 22, Major Amendment No. 23, Major Amendment No. 24, Major Amendment No. 25, and Major Amendment No. 26 (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 dated March 16, 2023, Permittee requested a 6.04-acre expansion of the approved ITP Construction Footprint, for a total of 6,706.31 acres, to accommodate the Avenue 88, Fresno Irrigation District Access Roads, and Alpaugh Irrigation District Basin Variations.

This Amendment No. 27 (Amendment No. 27), a Major Amendment, makes the following changes to the ITP, as amended:

- 1) This Amendment increases the size of the Project Construction Footprint by 6.04 acres to a total of 6,706.31 acres of cumulative disturbance to accommodate

Avenue 88, Fresno Irrigation District Access Roads, and Alpaugh Irrigation District Basin Variations and other Covered Activities.

- 2) This Amendment updates Table 8 for Roadway and Utility Modifications by adding four new locations and adding a new activity and acreage to one existing location.
- 3) This Amendment updates Table 9 and the text regarding increases in the Covered Species Habitat Impacts for Tipton kangaroo rat, San Joaquin antelope squirrel, Swainson's hawk and San Joaquin kit fox resulting from the increase to the Project Construction Footprint.
- 4) This Amendment updates Table 10 with the new Swainson's hawk nest location for 2023 and corrections for past locations.
- 5) This Amendment updates Table 11 and increases the required compensatory HM lands and the Performance Security amount based on the accompanying estimates of management costs required to mitigate for Covered Species impacts.
- 6) This Amendment modifies Exhibit 6, the "Baseline Map Book," by replacing Map Book Pages 4, 5, 33, and 36 to reflect the increased Project Construction Footprint.

## AMENDMENT

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

1. The section entitled "Project Description" on page 3 of the ITP, as amended, paragraph one shall be further amended to read as follows:

The Project is approximately 99 miles in length and includes construction and installation of all Project components (Exhibits 1 and 2). Construction and installation of all Project components will disturb up to **6,706.31** ~~6,700.27~~ acres (hereafter, Construction Footprint). Construction may occur at any point along the Construction Footprint, and construction may occur at multiple locations simultaneously.

2. The section entitled "Roadway and Utility Modifications" starting on page 43 of the ITP, as amended, shall be further amended to read as follows:

**Roadway and Utility Modifications:** Changes to existing roads along or crossing the HST ROW will be needed because the HST requires a fully dedicated grade-separated track alignment for public safety and to achieve the desired speeds. In addition to the roadway modifications, many locations also require utility work for installations, relocations and/or additional protection. The Project will require **155** roadway modifications: **56** in Fresno County, 39 in Kings County, 33 in Tulare County, and 27 in Kern County. Roadway and utility modifications will impact **2,181.29** total acres of the Construction Footprint (Table 8). At some locations, there will be an option to perform the modification as either an undercrossing or an overcrossing of the HST ROW. In these instances, the more conservative impact in terms of acreage (e.g., higher acreage) has been included and evaluated in this ITP. Handrails, fences, and walkways will be provided for the safety of pedestrians and bicyclists during roadway modification.

3. Table 8 starting on page 43 of the ITP, as amended, shall be further amended (showing only the lines just before to just after where changes occurred in the table) to read as follows:

**Table 8. Location and Size of Project Roadway and Utility Modifications**

Location	County	Activity	Latitude	Longitude	Acres
West of BNSF, south of E American Ave	Fresno	Access Roads	36.660269	-119.75033	0.55
<b>Storey</b>	<b>Fresno</b>	<b>Cul-de-sac</b>	<b>36.661756</b>	<b>-119.747884</b>	<b>0.72</b>
Houston Ave	Fresno	Utility relocation and protection	36.660269 36.652195	-119.747884 -119.747980	0.06
E Jefferson Ave	Fresno	Closed road. Access road, utility relocation, and modified watercourse.	36.648887	-119.750098	31.44
<b>Washington</b>	<b>Fresno</b>	<b>Cul-de-sac</b>	<b>36.652195</b>	<b>-119.747980</b>	<b>0.72</b>
E Lincoln Ave	Fresno	Access road improvements and to accommodate construction activities associated with roadway modifications and utility relocations.	36.649563	-119.750328	2.61
E Clayton Ave	Fresno	E Clayton Ave closed with alternative crossings at E Lincoln Ave and E Adams Ave. Road modifications, modified watercourse, and utility relocations.	36.641677	-119.750534	4.70
<b>Oleander Loop</b>	<b>Fresno</b>	<b>Access Roads</b>	<b>36.638115</b>	<b>-119.750009</b>	<b>1.47</b>

Major Amendment No. 27  
Incidental Take Permit 2081-2015-024-04  
CALIFORNIA HIGH-SPEED RAIL AUTHORITY  
CALIFORNIA HIGH-SPEED TRAIN PROJECT  
Fresno to Bakersfield Section Permitting Phase 1

Location	County	Activity	Latitude	Longitude	Acres
E Adams Ave	Fresno	E Adams Ave will pass over the HST BNSF tracks along the current street alignment. Access road and utility relocations.	36.634363	-119.750283	29.92
<b><i>Oleander Hammerhead</i></b>	<b><i>Fresno</i></b>	<b><i>Access Roads</i></b>	<b><i>36.630762</i></b>	<b><i>-119.748022</i></b>	<b><i>1.02</i></b>
E Sumner Ave	Fresno	Closed road. Access road improvements, roadway modifications, and utility relocations.	36.627145	-119.750539	5.56
~	~	[70 lines with no changes skipped]	~	~	~
Ave 96	Tulare	Add roadway modifications and utility relocations.	35.963832	-119.458183	5.92
Ave 88	Tulare	East-west Ave 88 will flare away south from the existing road on the west to cross over the HST, RR, and SR 43, then curve north to intersect Ave 88 to the east of SR 43 with road improvements to the Ave 88 and SR 43 intersection and access roads. <b><i>Waterway Crossing Structures</i></b>	<b><i>35.949264,</i></b> 35.947926	<b><i>-119.465056,</i></b> -119.447170	<b><i>26.08</i></b> <del>24.54</del>
Rd 40 / Ave 88	Tulare	Shift in roadway modifications and improvements resulting from updated surveys.	35.983010 35.949161	-119.482835, -119.459275	10.35

4. The section entitled “Impacts of the Taking on Covered Species” on page 67, of the ITP, as amended, shall be further amended to read as follows:

This ITP covers all Project related activities that cumulatively disturb no more than **6,706.31** ~~6,700.27~~ acres within the Construction Footprint (as depicted in the Baseline Map Book, Exhibit 6, Baseline Maps 1 through 53 and generated from the metadata provided by the Permittee) and no more than 17.32 acres at the Mitigation Site (collectively, the Project Area). Project activities are more fully described in the Project Description of this ITP and include subsurface geotechnical drilling and boring; habitat grubbing, vegetation removal, clearing, demolition, construction of a geotechnical test embankment and associated borrow site excavation and mass grading followed by the mobilization of equipment and materials; earthwork including construction of temporary and permanent excavation support structures; pile driving, excavation of open cut slope and fill, at grade profile excavation and leveling, and retained fill cut, rail bed foundation soil compaction, and elevated profiles and elevated profile structure components including construction and installation of straddle bents, foundations, pile caps,

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substructures, and superstructures; potholing, trench digging, bore pit excavation, jack and bore, and other subsurface utility installation, relocation, and protection; pad preparation and construction of a batch plant, materials storage, fabrication, casting areas, access roads, and staging areas; rotary drilled reinforced concrete cast in place pile and drive pile installation; excavation of drainage swales and fabrication and installation of underground drainage culverts and pipes; roadway modifications including realignment and resurfacing, construction of new access roads, overcrossing, and undercrossing; construction of waterway crossing structures over the Kings River Complex, Cross Creek, Tule River, Deer Creek, Poso Creek, and other watercourse crossings, partial dewatering and diversion of water; construction and assembly of tie and ballast and slab track railway systems, and shoofly track; erecting mast poles; construction of electrical systems facilities including the OCS, nine TPSS, up to nine switching stations, and up to 27 paralleling stations; construction of signal huts and bungalows including installation of cabling to the field hardware and track stations; traction electrification; excavation and construction of wildlife crossings, construction of the Kings/Tulare Regional Station; construction of a maintenance-of-infrastructure facility; installation of AD and AR fence; construction of temporary job site trailers and field offices including the development of building pads and preparation of parking areas; operation and maintenance activities such as track, power, structure, signaling, train control, communications, intruder, and right-of way inspection and repair; equipment staging, mowing, inoculum collection, land grading, and excavation of wetlands at the Mitigation Site; and hand tool or auger planting of trees and shrubs, and other activities within the Construction Footprint and Mitigation Site described in the Project Description section of this ITP. All these Project activities are collectively referred to as the Covered Activities.

5. Table 9 on page 69 of the ITP, as amended, shall be further amended to read as follows:

**Table 9. Covered Species Habitat Impacts**

Covered Species	Habitat Type	Impact Type	Impact Acres
California tiger salamander	Upland refugia (annual grassland, pasture, barren, fallow field, inactive agriculture, and ruderal)	Direct	35.42
		Direct	11.14
	Aquatic breeding (vernal pool, open water, seasonal wetland)	Total	46.56

Covered Species	Habitat Type	Impact Type	Impact Acres
	Upland refugia (annual grassland at Mitigation Site)	Temporary	16.56
	Aquatic breeding habitat (vernal pools at Mitigation Site)	Temporary	0.76
		Total	17.32
Tipton kangaroo rat	Annual grassland, Alkali desert scrub, barren, pasture, fallow field, inactive agriculture, and ruderal	Direct	<del>725.37</del> <b>726.98</b>
San Joaquin antelope squirrel	Annual grassland, Alkali desert scrub, barren, pasture, fallow field, inactive agriculture, and ruderal	Direct	<del>725.37</del> <b>726.98</b>
Swainson's hawk	Foraging (California annual grassland, pasture, barren, fallow field, inactive agriculture, ruderal, field crops, row crops, and irrigated hay crops)	Direct	<del>2,350.24</del> <b>2,352.49</b>
	Foraging (annual grassland at Mitigation Site)	Temporary	17.32
San Joaquin kit fox	Alkali desert scrub, annual grassland, barren, pasture, fallow field, inactive agriculture, ruderal, field crops, row crops, and irrigated hay crops	Direct	<del>3,931.47</del> <b>3,936.19</b>
	Foraging and denning (annual grassland at Mitigation Site)	Temporary	17.32

6. The first paragraph of the section titled "Tipton Kangaroo Rat," on page 70 of the ITP, as amended, shall be further amended to read as follows:

The extent of the impacts of the taking of Tipton kangaroo rat (TKR) is based on the amount of vegetation cover types that could function as TKR foraging, burrowing, and breeding habitat within the Construction Footprint, the assumption that all potentially suitable habitat in the Construction Footprint would be permanently destroyed, and an evaluation of Project indirect impacts. The Covered



Activities are expected to result in the permanent loss of up to **726.98** ~~725.37~~ acres of potential habitat (Table 9).

7. The first paragraph of the section titled “San Joaquin Antelope Squirrel,” on page 71 of the ITP, as amended, shall be further amended to read as follows:

The extent of the impacts of the taking of San Joaquin antelope squirrel (SJAS) is based on the amount of vegetation cover types that could function as SJAS foraging, burrowing, and breeding habitat within the Construction Footprint, the assumption that all potentially suitable habitat in the Construction Footprint would be permanently destroyed, and an evaluation of Project indirect impacts. The Covered Activities are expected to result in the permanent loss of up to **726.98** ~~725.37~~ acres of potential habitat (Table 9).

8. The first paragraph of the section titled “Swainson’s hawk,” on page 72 of the ITP, as amended, shall be further amended to read as follows:

Up to **2,352.49** ~~2,350.24~~ acres of foraging habitat, including areas within active agricultural production, and up to 13 active nest trees for Swainson’s hawk (SWHA) could be permanently impacted by removal as a result of Covered Activities (Table 10A). In addition, grading and excavation at the Mitigation Site would also result in up to 17.32 acres of temporary impacts to SWHA foraging habitat (Table 9). It is expected that all potentially suitable habitat (**2,352.49** ~~2,350.24~~ acres) within the Construction Footprint would be permanently destroyed. Based on the results of baseline surveys conducted within the Construction Footprint in spring 2013, there were five known SWHA nest trees within 0.5-miles of the Construction Footprint. Surveys over subsequent years have added to the quantity of known active SWHA nest trees totaling 124 by the end of the 2021 nesting season (Table 10). The foraging habitat impact acres were initially determined based on the five 2013 nest trees along with the guidelines set forth in the Staff Report Regarding Mitigation for Impacts to Swainson’s Hawks (*Buteo swainsoni*) in the Central Valley of California (CDFW, 1994). Due to the increase in the number of known nests within 0.5 miles of the Construction Footprint, the mitigation for foraging habitat impacts will be based on suitable habitat types within the Construction Footprint, within 10 miles, of all the known SWHA nest trees up to the end of the 2021 nesting season. The southern extent of the SWHA 10-mile buffer along the centerline of the alignment is a point approximately 3,300 feet due south of the center line of Pond Avenue and approximately 3,790 feet due east of the center line of Magnolia Avenue (35.708591°, -119.353266°). The mitigation will be uniform for all SWHA habitat types; so, any new nests discovered within 0.5

miles of the alignment north of the current southern extent will be afforded coverage by this ITP.

9. Table 10 on page 73 of the ITP, as amended, shall be further amended to read as follows:

**Table 10. Known Locations of Swainson's Hawk Nests Near Construction Footprint**

<b>County</b>	<b>Nest ID</b>	<b>Latitude</b>	<b>Longitude</b>	<b>Location *</b>	<b>Years Occupied</b>
Fresno	CP1'17-1	36.672490	-119.751003	<del>in</del> <b>Removed</b>	2017
Fresno	multiple	36.672486	-119.750889	<del>in</del> <b>Removed</b>	2017, 2018
Fresno	CP1'16-03	36.671954	-119.750348	<del>in</del> <b>Removed</b>	2016
Fresno	multiple	36.671150	-119.751020	<del>in</del> <b>Removed</b>	2018, 2019
Fresno	multiple	36.664213	-119.761881	outside	2019, '21
<b>Fresno</b>	<b>multiple</b>	<b>36.605154</b>	<b>-119.753439</b>	<b>in</b>	<b>2022, '23</b>
Fresno	32552	36.606219	-119.754801	edge	2019
Fresno	multiple	36.606062	-119.754768	edge	2018, '21
Fresno	59823	36.605154	-119.753439	in	2022
Fresno	31517	36.597184	-119.755176	outside	2019
Fresno	multiple	36.593570	-119.755375	outside	2016, '17
Fresno	31529	36.551046	-119.737826	in	2019
Fresno	41704	36.551023	-119.739035	in	2020
Fresno	2434	36.551019	-119.737691	edge	2016
Fresno	59811	36.551015	-119.737857	edge	2022
Fresno	50319	36.550980	-119.737946	edge	2021
<b>Fresno</b>	<b>68951</b>	<b>36.550037</b>	<b>-119.737219</b>	<b>edge</b>	<b>2023</b>
Fresno	25241	36.546880	-119.739582	edge	2018
Kings	13810	36.446134	-119.630095	outside	2017
Kings	50628	36.442674	-119.616789	outside	2021

Kings	<b>58806 multiple</b>	36.439336	-119.616131	outside	2022, '23
Kings	multiple	36.431535	-119.606985	outside	2017, '21, '22, '23
Kings	multiple	36.430148	-119.609625	outside	2018, '19, '21
Kings	40702	36.386483	-119.589229	edge	2020
Kings	multiple	36.371842	-119.577461	outside	2017, '21
Kings	59340	36.365429	-119.581921	outside	2022
Kings	59946	36.341283	-119.584192	outside	2022
Kings	13384	36.332302	-119.582506	outside	2017
Kings	multiple	36.328690	-119.606016	outside	2017, '18, '19
<b>Kings</b>	<b>69281</b>	<b>36.327362</b>	<b>-119.610127</b>	<b>outside</b>	<b>2023</b>
Kings	2612	36.327904	-119.598055	Removed	2016
Kings	23897	36.314216	-119.581970	outside	2018
<b>Kings</b>	<b>multiple</b>	<b>36.313056</b>	<b>-119.588172</b>	<b>inside</b>	<b>2022, '23</b>
Kings	multiple <b>13744</b>	36.312935	-119.588111	edge <b>outside</b>	2017, '22
Kings	31715	36.310806	-119.582539	outside	2019
Kings	16028	36.305805	-119.599961	outside	2017
Kings	multiple	36.302195	-119.599216	outside	2018, '20, '22
Kings	multiple	36.302150	-119.599240	outside	2017, '19
Kings	multiple	36.299419	-119.582834	outside	2016, '17, '19, '21
Kings	41509	36.299418	-119.582494	outside	2020
<b>Kings</b>	<b>67883</b>	<b>36.299395</b>	<b>-119.582658</b>	<b>outside</b>	<b>2023</b>
Kings	multiple	36.298752	-119.582804	outside	2020, '22
Kings	multiple	36.290340	-119.583698	outside	2016, '17
Kings	61414	36.289644	-119.583179	outside	2022
Kings	31661	36.283631	-119.583380	outside	2019
Kings	6455	36.276006	-119.582649	outside	2016
Kings	13396	36.274902	-119.581971	outside	2017

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<b>Kings</b>	<b>68270</b>	<b>36.256074</b>	<b>-119.600446</b>	<b>outside</b>	<b>2023</b>
Kings	multiple	36.253032	-119.601295	outside	2019, '20, '23
Kings	59580	36.249570	-119.601513	outside	2022
Kings	multiple	36.240498	-119.594102	outside	2016, '17, '18, '19, '20
Kings	multiple	36.236514	-119.600168	in	2018, '19, '20
Kings	multiple	36.234340	-119.601133	in	2018, '21, '22, '23
Kings	multiple	36.234031	-119.601402	Removed	2016, '17
Kings	51201	36.226362	-119.617732	outside	2021
Kings	24524	36.222486	-119.600988	outside	2018
Kings	34034	36.222097	-119.597407	outside	2019
Kings	multiple	36.222051	-119.598517	outside	2017, '21, '22, '23
Kings	61085	36.211844	-119.619574	outside	2022
Kings	50661	36.211621	-119.608569	outside	2021
Kings	multiple	36.211072	-119.627624	outside	2017, '18, '19, '20, '21, '22, '23
Kings	<del>50664</del> <b>multiple</b>	36.210721	-119.620287	<del>edge</del> / <b>outside</b>	2021, '23
Kings	<del>58896</del> <b>multiple</b>	36.208861	-119.608801	outside	2022, '23
Kings	59763	36.202425	-119.609779	outside	2022
Kings	multiple	36.171466	-119.608868	edge	2017, '21, '22
Kings	31718	36.167502	-119.602219	outside	2019, '23
Kings	13399	36.136590	-119.580969	outside	2017
Kings	multiple	36.136551	-119.581056	outside	2016, '18
Kings	40483	36.136445	-119.582559	edge	2020
Kings	51015	36.131705	-119.563636	outside	2021
<b>Kings</b>	<b>67784</b>	<b>36.118209</b>	<b>-119.561953</b>	<b>outside</b>	<b>2023</b>
Kings	multiple	36.116878	-119.558832	outside	2017, '18, '22
Kings	multiple	36.116388	-119.559444	edge	2016, '17

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Kings	25121	36.116262	-119.580795	outside	2018
Kings	13972	36.116162	-119.580138	outside	2017
Kings	multiple	36.115455	-119.559126	in	2020, '21
Kings	multiple	36.115032	-119.566013	outside	2019, '21, '22, <b>'23</b>
<b>Kings</b>	<b>68447</b>	<b>36.114973</b>	<b>-119.563199</b>	<b>outside</b>	<b>2023</b>
Kings	6353	36.112117	-119.556244	Removed	2016
Kings	multiple	36.111581	-119.552407	outside	2017, '18
Kings	40672	36.111066	-119.553787	edge	2020
Kings	32834	36.110647	-119.553252	Removed	2019
Kings	25118	36.109144	-119.567152	outside	2018
Kings	multiple	36.108666	-119.553200	in	2020, '21, '22
Kings	6449	36.097873	-119.544097	Removed	2016
Kings	multiple	36.097893	-119.543086	Removed	2017, '18, '19
Kings	23885	36.069924	-119.537257	outside	2018
Kings	multiple	36.069885	-119.537274	outside	2016, '20, <b>'23</b>
Kings	16265	36.069811	-119.537254	outside	2017
Kings	13993	36.069703	-119.537159	outside	ITP original, 17
Kings	multiple	36.069652	-119.537173	outside	2019, '21, '22
Tulare	6593	36.061330	-119.527750	outside	2016
Tulare	58797	36.061312	-119.527644	outside	2022
Tulare	multiple	36.061308	-119.527826	outside	2020, '21, <b>'23</b>
Tulare	33776	36.061304	-119.527438	outside	2019
Tulare	16271	36.061170	-119.527942	outside	2017
Tulare	13378	36.059929	-119.528289	outside	2017
Tulare	multiple	36.056403	-119.523000	Removed	2016, '17
Tulare	multiple	36.049902	-119.526136	outside	ITP original, '17, '22
Tulare	multiple	36.049593	-119.526071	outside	2018, '19, '20, '21, <b>'23</b>

Tulare	<del>50292</del> <b>multiple</b>	36.042430	-119.517453	outside	2021, '23
Tulare	2359	36.042371	-119.517022	edge	2016
Tulare	2606	36.042494	-119.514473	outside	2016
Tulare	14074	36.042488	-119.513802	outside	2017
Tulare	24038	36.042475	-119.514208	outside	2018
Tulare	<del>14005</del> <b>multiple</b>	36.042081	-119.520158	outside	2017, '23
Tulare	multiple	36.041831	-119.520551	outside	2021, '22
<b>Tulare</b>	<b>70067</b>	<b>36.041588</b>	<b>-119.505285</b>	<b>outside</b>	<b>2023</b>
Tulare	25208	36.041573	-119.505086	outside	2018
Tulare	13372	36.041066	-119.510310	outside	2017
Tulare	41407	36.040806	-119.507206	outside	2020
Tulare	14077	36.040784	-119.507412	outside	2017
Tulare	31685	36.040725	-119.512860	outside	2019
Tulare	6596	36.040480	-119.513160	outside	2016
Tulare	~	36.040447	-119.508818	outside	ITP original
<b>Tulare</b>	<b>68441</b>	<b>36.040372</b>	<b>-119.507794</b>	<b>outside</b>	<b>2023</b>
Tulare	~	36.040328	-119.513100	outside	ITP original
Tulare	59796	36.040276	-119.507976	outside	2022
Tulare	23873	36.038505	-119.511977	outside	2018
Tulare	multiple	36.036461	-119.515609	edge	2020, '21, '22
Tulare	15920	36.036244	-119.501642	outside	2017
Tulare	13732	36.022161	-119.498698	outside	2017
Tulare	multiple	36.021400	-119.492458	outside	2019, '22
Tulare	<del>15896</del> <b>multiple</b>	36.021308	-119.492585	outside	2017, '23
Tulare	multiple	36.008030	-119.484639	outside	2017, '19
Tulare	multiple	36.007999	-119.484906	outside	2018, '20

Tulare	multiple	36.007841	-119.484882	outside	2021, '22, '23
Tulare	58653	35.999704	-119.491960	outside	2022
Tulare	multiple	35.990057	-119.478732	Removed	ITP original, 2016, '17, '18, '19, '20, '21
Tulare	60405	35.985459	-119.475439	in	2022, '23
Tulare	23882	35.963654	-119.478243	outside	2018
<b>Tulare</b>	<b>69059</b>	<b>35.944487</b>	<b>-119.443856</b>	<b>outside</b>	<b>2023</b>
Tulare	41974	35.942033	-119.441176	outside	2020
Tulare	13975	35.935195	-119.437377	outside	2017
Tulare	multiple	35.934511	-119.447245	outside	2016, '18, '19
Tulare	50403	35.920689	-119.429438	outside	2021
Tulare	43420 <b>multiple</b>	35.920667	-119.429500	outside	2020, '23
Tulare	13978	35.920546	-119.427321	edge	2017
Tulare	26231	35.920345	-119.427672	edge	2018
Tulare	15953	35.920204	-119.428370	in	2017
Tulare	59802	35.920224	-119.418792	outside	2022
Tulare	40229 <b>multiple</b>	35.920216	-119.418990	outside	2020, '23
Tulare	6425	35.915834	-119.427791	outside	2016
Tulare	13981	35.914878	-119.428703	outside	2017
<b>Tulare</b>	<b>68858</b>	<b>35.914819</b>	<b>-119.428003</b>	<b>outside</b>	<b>2023</b>
<b>Tulare</b>	<b>69068</b>	<b>35.898061</b>	<b>-119.430954</b>	<b>outside</b>	<b>2023</b>
Tulare	58878	35.896607	-119.411583	outside	2022
Tulare	14011	35.896043	-119.409656	outside	2017
Tulare	multiple	35.895830	-119.409533	outside	2020, '21
Tulare	51465 <b>multiple</b>	35.894996	-119.411771	outside	2016, '21
<b>Tulare</b>	<b>68840</b>	<b>35.891811</b>	<b>-119.406908</b>	<b>outside</b>	<b>2023</b>
Tulare	61501	35.891781	-119.411639	edge	2022

Tulare	multiple	35.891424	-119.447576	edge	2020, '21
Tulare	58815	35.887785	-119.446990	outside	2022
Tulare	25304	35.856845	-119.390131	outside	2018
Tulare	14008	35.854682	-119.393163	outside	2017
Tulare	multiple	35.850508	-119.389764	outside	2019, '20, '21, '22

\* Relative to the Construction Footprint boundary

10. The first paragraph of the section titled “San Joaquin Kit Fox,” on page 78 of the ITP, as amended, shall be further amended to read as follows:

The extent of the impacts of the taking of San Joaquin kit fox (SJKF) is based on the amount of vegetation cover types that could function as SJKF foraging, denning, and breeding habitat within the Construction Footprint, the assumption that all potentially suitable habitat in the Construction Footprint would be permanently destroyed, and an evaluation of Project indirect impacts. The Covered Activities are expected to result in the permanent loss of up to ~~3,936.19~~ **3,934.47** acres of potential habitat (Table 9). Grading and excavation at the Mitigation Site would also result in up to 17.32 acres of temporary impacts to SJKF habitat.

11. Table 11 on page 135 of the ITP, as amended, shall be further amended to read as follows:

**Table 11. Required Mitigation for Project-Related Impacts to Covered Species**

Covered Species Name Common Name (Scientific Name)	Habitat Type	Project Impacts	Required Mitigation Acreage
California tiger salamander ( <i>Ambystoma californiense</i> )	Upland	35.42	106.26
	Aquatic	11.14	1.11
Tipton kangaroo rat ( <i>Dipodomys nitratooides nitratooides</i> )	Natural	<del>725.37</del> <b>726.98</b>	<del>2,176.11</del> <b>2,180.93</b>
San Joaquin antelope squirrel ( <i>Ammospermophilus nelsoni</i> )	Natural	<del>725.37</del> <b>726.98</b>	<del>2,176.11</del> <b>2,180.93</b>
Swainson’s hawk ( <i>Buteo swainsoni</i> )	Foraging habitat	<del>2,350.24</del> <b>2,352.49</b>	<del>2,350.24</del> <b>2,352.49</b>

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Covered Species Name Common Name (Scientific Name)	Habitat Type	Project Impacts	Required Mitigation Acreage
San Joaquin kit fox ( <i>Vulpes macrotis mutica</i> )	Natural and agriculture	3,931.47 <b>3,936.19</b>	2,549.20 <b>2,552.85</b>
<b>Total Compensatory Mitigation</b>			9,359.03 <b>9,374.57</b>

12. Condition of Approval 9.1 (Cost Estimates) on pages 135 of the ITP, as amended, shall be further amended to read as follows:

- 9.1. Cost Estimates. CDFW has estimated the cost of acquisition, protection, and perpetual management of the HM lands as follows:
- 9.1.1. Land acquisition costs for HM lands identified in Condition of Approval 9.2 below, estimated at an average of \$11,413.90/acre for up to **9,374.57** ~~9,359.03~~ acres: **\$107,000,404.52** ~~\$106,823,032.52~~. Land acquisition costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements.
- 9.1.2. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 9.2.5 below, estimated at **\$4,983,909.84** ~~\$4,975,648.13~~.
- 9.1.3. Interim management period funding as described in Condition of Approval 9.2.6 below, estimated at **\$2,202,259.83** ~~\$2,198,609.20~~.
- 9.1.4. Long-term management funding as described in Condition of Approval 9.3 below, estimated at \$3,570.26/acre for up to **9,374.57** ~~9,359.03~~ acres: **\$33,469,652.29** ~~\$33,414,170.45~~. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.
- 9.1.5. Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval 9.4, estimated at \$12,000.

13. Condition of Approval 10.1 (Performance Security) on page 40 of the ITP, is amended to read as follows:

- 10.1. Security Amount. The Security shall be in the amount of **\$147,668,226.48** ~~\$147,423,460.29~~. This amount is based on the cost estimates identified in Condition of Approval 9.1 above.

14. Exhibit 6 (“Baseline Map Book”) in the list of attachments on page 145 of the ITP, as amended, is amended to include the replacement of Map Book Pages 4, 5, 33, and 36 with the corresponding page included in Attachment A of this Amendment, to reflect the increased Project Footprint.

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 not likely increase the amount of take of the Covered Species compared to the Project as originally approved and this Amendment will not likely increase Project impacts on the Covered 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.

- 1) This Amendment increases the size of the Project Construction Footprint by 6.04 acres to a total of 6,706.31 acres of cumulative disturbance to accommodate Avenue 88, Fresno Irrigation District Access Roads, and Alpaugh Irrigation District Basin Variations and other Covered Activities.
- 2) This Amendment updates Table 8 for Roadway and Utility Modifications by adding four new locations and adding acreage to one existing location.
- 3) This Amendment updates Table 9 and the text regarding increases in the Covered Species Habitat Impacts for Tipton kangaroo rat, San Joaquin antelope squirrel, Swainson’s hawk and San Joaquin kit fox resulting from the increase to the Project Construction Footprint.

- 4) This Amendment updates Table 10 with the new Swainson's hawk nest location for 2023 and corrections for past locations.
- 5) This Amendment updates Table 11 and increases the required compensatory HM lands and the Performance Security amount based on the accompanying estimates of management costs required to mitigate for Covered Species impacts.
- 6) This Amendment modifies Exhibit 6, the "Baseline Map Book," by replacing Map Book Pages 4, 5, 33, and 36 to reflect the increased Project Construction Footprint.

CDFW has determined that although this Amendment will not likely result in an increase in take of the Covered Species, any additional impacts of the taking that would arise 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, in December 2019, in April 2020, in May 2020, in July 2020, in October 2021, in August 2022, in October 2022, and in February 2023 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, No. 19, No. 20, No. 21, No. 22, No. 23, No. 24, No. 25, and No. 26 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 increase the habitat compensation in proportion to the increase in impacts so that the fully mitigate standard is still met, (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, Major Amendment No. 19 in December 2019, Major Amendment No. 20 in April 2020, Major Amendment No. 21 in May 2020, Major Amendment No. 22 in July 2020, Major Amendment No. 23 in October 2021, Major Amendment No. 24 in August 2022, Major Amendment No. 25 in October 2022 and Major Amendment No. 26 in February 2023 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 increases the size of the Project Construction Footprint by 6.04 acres to a total of 6,706.31 acres of cumulative disturbance to accommodate

Avenue 88, Fresno Irrigation District Access Roads, and Alpaugh Irrigation District Basin Variations and other Covered Activities, updates Table 8 for Roadway and Utility Modifications by adding four new locations and adding acreage to one existing location, updates Table 9 and the text regarding increases in the Covered Species Habitat Impacts for Tipton kangaroo rat, San Joaquin antelope squirrel, Swainson's hawk and San Joaquin kit fox resulting from the increase to the Project Construction Footprint, updates Table 10 with the new Swainson's hawk nest location for 2023 and corrections for past locations, updates Table 11 and increases the required compensatory HM lands and the Performance Security amount based on the accompanying estimates of management costs required to mitigate for Covered Species impacts, modifies Exhibit 6, the "Baseline Map Book," by replacing Map Book Pages 4, 5, 33, and 36 to reflect the increased Project Construction Footprint.

Therefore, this Amendment will 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


Alternatively, the Permittee shall email the digitally signed amendment to [CESA@wildlife.ca.gov](mailto:CESA@wildlife.ca.gov). Digital signatures shall comply with Government Code section 16.5.

**Attachment:**

ATTACHMENT A26-1      EXHIBIT 6 Baseline Map Book Pages 4, 5, 33, and 36

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

on 8/14/2023

DocuSigned by:  
  
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Julie A. Vance  
Regional Manager  
Central Region

**ACKNOWLEDGMENT**

The undersigned: (1) warrants that they are 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:  Date: 8/15/2023

Printed Name: Christine C. Inouye Title: Chief Engineer of Strategic Delivery

Major Amendment No. 27  
Incidental Take Permit 2081-2015-024-04  
CALIFORNIA HIGH-SPEED RAIL AUTHORITY  
CALIFORNIA HIGH-SPEED TRAIN PROJECT  
Fresno to Bakersfield Section Permitting Phase 1