

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

CENTRAL REGION

1234 EAST SHAW AVENUE

FRESNO, CALIFORNIA 93710



AMENDMENT NO. 31

(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*)(CTS), Swainson's hawk (*Buteo swainsoni*)(SWHA), Tipton kangaroo rat (*Dipodomys nitratooides nitratooides*)(TKR), San Joaquin antelope squirrel (*Ammospermophilus nelsoni*), and San Joaquin kit fox (*Vulpes macrotis mutica*)(SJKF) (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 7th 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 SJAS 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 31st 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 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, SJKF 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 (TKR) and SJAS 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 SJKF 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 SWHA 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 SWHA 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 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. On August 15, 2023, CDFW issued **Major Amendment No. 27** to the ITP incorporating these changes.

In a letter dated July 27, 2023, the Permittee requested changes to the Conditions of Approval regarding SJKF specifically in the City of Fresno and changes to the Conditions of approval for SWHA to reduce levels of monitoring where there is relatively low potential for the species to be impacted. In a letter dated August 7, 2023, the Permittee requested changes be made to Table 5 for the length and height of 20 dedicated wildlife crossings in ITP improving the Openness Factor for 16 of them and to Condition of Approval 8.14.5 regarding SWHA Restrictions for Nightwork allowing for requested variance. On October 19, 2023, CDFW issued **Major Amendment No. 28** to the ITP incorporating these changes.

In a letter dated December 12, 2023, the Permittee requested changes to multiple Conditions of Approval relating to surveys and burrow excavation. Additional changes for clarification regarding monitoring and reporting were initiated by CDFW. On March 18, 2024, CDFW issued **Major Amendment No. 29** to the ITP incorporating these changes.

In a letter dated August 25, 2023, the Permittee requested a removal of approximately 7.38 linear miles at the southern end of the alignment described in the ITP. This would reduce the Construction Footprint by 806 acres. This southern end of the alignment will be included through future permitting of the Locally Generated Alternative portion of the alignment. Of the 806 acres to be removed from the ITP, 43.73 acres are suitable habitat for Covered Species. In a letter dated October 11, 2023, the Permittee requested a 13.903-acre expansion of the approved ITP Construction Footprint to accommodate utility relocation and protection at five locations and two roadway modifications. On April 5, 2024, CDFW, in consultation with the Permittee, initiated the clarification for multiple Conditions of Approval that had been modified in Amendment 29 and one that had been changed in Amendment 28. In addition, CDFW initiated the removal of CTS impacts from the HST Alignment, removing the need for associated CTS avoidance and minimization measures. However, CTS avoidance and minimization measures were still included in the ITP for initial enhancement activities (e.g. fencing, etc.) at the Cross Creek West and Cottonwood Creek Mitigation Sites, where there is the potential for CTS to be present. On April 25, 2024, CDFW issued **Major Amendment No. 30** 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, Major Amendment No. 26, Major Amendment No. 27, Major Amendment No. 28, Major Amendment No. 29, and Major Amendment No. 30 (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 July 11, 2024, and supplemental information submitted on August 13, 2024, the Permittee requested a 0.484-acre expansion of the approved ITP Construction Footprint to accommodate utility relocation and protection near Lansing Avenue as well as revisions to language in the Conditions of Approval regarding SWHA nest monitoring. In a letter dated August 20, 2024, the Permittee requested a 5.966-acre expansion of the approved ITP Construction Footprint to accommodate a staging area to the west at Manning Avenue in Fresno County and utility work to install an AT&T telecom line underneath Houston Avenue in Kings County. In a letter dated

October 21, 2024, the Permittee requested a 9.613-acre expansion of the approved ITP Construction Footprint to accommodate a staging area to the east at Manning Avenue in Fresno County

Amendment No. 31 (this Amendment), a Major Amendment, makes the following changes to the ITP, as amended:

- 1) This Amendment updates the Project length on pages 2 and 3 and in Table 2 Project Vertical Profiles page 7. Table 2 is also updated to reflect past changes to the vertical profile.
- 2) This Amendment expands the Project Construction Footprint by 16.06 acres to accommodate staging, utility relocation and protection at three locations. This change results in a new total of 5,930.27 acres of cumulative disturbance.
- 3) This Amendment updates Table 9 and associated text regarding increases in the Covered Species Habitat Impacts for TKR, SJAS, SWHA, and SJKF resulting from the increase in Project Construction Footprint.
- 4) This Amendment updates Tables 10 and 10A with the latest information regarding SWHA nests and nest tree removal.
- 5) This Amendment makes changes and clarifications to Conditions of Approval 6.2.1, 6.2.3, 7.1.1.1, 7.1.2.2, 7.1.3, 7.1.4, 7.4.1.7, 7.9, 8.11, 8.14.3, 8.14.3.1, 8.14.3.2, 8.14.5, 8.16.1.1, 8.16.2, 8.16.2.1, 8.16.2.2, 8.16.3, 8.16.4.1, 8.16.4.3, 8.16.4.4, 8.16.4.5, 8.16.5, 8.16.5.2, 8.16.6.1, 8.16.6.2, 8.17.2.1, 8.17.2.2, 8.17.3, 8.17.4.1, 8.17.4.3, 8.17.4.4, 8.17.4.5, 8.17.5, 8.17.5.2, 8.17.6.1, 8.17.6.2, removes six Conditions of Approval 8.16.4.2, 8.16.6, 8.16.6.3, 8.17.4.2, 8.17.6, 8.17.6.3, and adds new Conditions of Approval 7.9.1 and 8.14.6.
- 6) This Amendment makes changes to SWHA Conditions of Approval to allow for General Biological Monitors to perform monitoring activities under certain circumstances without additional permission and at other times with additional CDFW approval.
- 7) This Amendment updates Table 11 and increases the required compensatory Habitat Mitigation (HM) lands and the Performance Security amount based on

the accompanying estimates of management costs required to mitigate for Covered Species impacts.

- 8) This Amendment changes the name of Exhibit 6, from “Baseline Map Book,” to “Construction Footprint Map Book” and replaces Map Book Pages 6, 20, and 24 to reflect the changes to the 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 Location” on page 2 of the ITP, as amended, paragraph one shall be further amended to read as follows:

This ITP is for Permitting Phase 1 of the Fresno to Bakersfield Section of the High-Speed Train (HST) Project (Project) which will begin south of Monterey Street at State Route (SR) 41, in the City of Fresno, Fresno County, California (36.7244778 -119.7857083). 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 **91.68** ~~92.17~~ miles before reaching the section endpoint, at the intersection of Poplar Avenue, and Madera Avenue, within the city limits of Shafter, in Kern County, California (35.521212, -119.295941).

2. 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 **91.68** ~~92.17~~ 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 **5,930.27** ~~5,914.21~~ acres (hereafter, Construction Footprint). Construction may occur at any point along the Construction Footprint, and construction may occur at multiple locations simultaneously.

3. Table 2. Project Right-of-Way Vertical Profiles on page 7 of the ITP, as amended, shall be further amended to read as follows:

Table 2. Project Right-of-Way Vertical Profiles

Profile in Linear Miles	CP 1C	CP 2-3	CP 4	Total Linear Miles
Retained-fill	0	4.34	4.33	8.67
Elevated Viaduct	1.21	3.34	1.06	5.61
Above-grade Profile All Bridges, Viaducts, and DWCs	1.21	7.68 3.89	5.39 0.57	14.28 5.67
At-grade Profile Embankment and Retained Fill	2.62 2.52	57.82 61.59	23.55 20.62	83.99 84.73
Below-grade Profile ground Retained-cut (Trenches)	1.28	0	0	1.28
Total	5.11 5.01	65.50 65.48	28.94 21.19	99.55 91.68

4. The section entitled “Impacts of the Taking on Covered Species” on page 68, 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 **5,930.27** ~~5,914.21~~ acres within the Construction Footprint (as depicted in Exhibit 6, the Construction Footprint Map Book, Maps 1 through 53 and generated from the metadata provided by the Permittee) and no more than 17.32 acres at the mitigation sites (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, substructures, and superstructures; potholing, trench digging, bore pit excavation, jack and bore, and other subsurface utility installation, relocation, and protection (e.g., pressurized transmission mains, natural gas and petroleum lines, fiber optic and communication lines, water and sewage lines); above surface utility relocations (e.g., overhead tension wires and transmission lines, fiber optic and communication lines, water and sewage lines, canals, and freight rail); 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 eight switching stations, and up to 25 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; application of CDFW approved dust suppressants; 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.

- Table 9 on page 70 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	<u>Upland refugia</u> (annual grassland at Mitigation Sites),	Temporary	16.56
	<u>Aquatic breeding</u> (vernal pool and Seasonal wetland at Mitigation Sites)	Temporary	0.76
		Total	17.32

Covered Species	Habitat Type	Impact Type	Impact Acres
Tipton kangaroo rat	Annual grassland, Alkali desert scrub, barren, pasture, ruderal, inactive agriculture, and fallow field	Direct	729.34 729.18
San Joaquin antelope squirrel	Annual grassland, Alkali desert scrub, barren, pasture, ruderal, inactive agriculture, and fallow field	Direct	729.34 729.18
Swainson's hawk	<u>Foraging</u> (California annual grassland, pasture, barren, ruderal, inactive agriculture, fallow field, field crops, row crops, and irrigated hay crops)	Direct	2,375.02 2361.04
Swainson's hawk	<u>Foraging</u> (annual grassland at Mitigation Site)	Temporary	17.32
San Joaquin kit fox	<u>Natural</u> (Alkali desert scrub, annual grassland, barren, pasture, and ruderal), <u>Agricultural</u> (inactive agriculture, fallow field, field crops, row crops, and irrigated hay crops)	Direct	830.35 816.57
		Direct	3,084.64 3,084.56
		Total	3,914.99 3,901.01
San Joaquin kit fox	<u>Foraging and denning</u> (annual grassland at Mitigation Site)	Temporary	17.32

6. The first paragraphs of the section titled "Tipton Kangaroo Rat," 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 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 ~~729.18~~ **729.34** acres of potential habitat (Table 9).

7. The first paragraphs of the section titled “San Joaquin Antelope Squirrel,” on page 72 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 ~~729.18~~ **729.34** 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:

The extent of the impacts of the taking of Swainson’s hawk (SWHA) is based on the amount of vegetation cover types that could function as ~~Up to 2361.04 acres of foraging habitat, including areas within active agricultural production, 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.*** ~~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 (2361.04 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 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. **The Covered Activities are expected to result in the permanent loss of up to 2,375.02 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 SWHA habitat.**

9. The third paragraph of the section titled “Swainson’s hawk,” on page 73 of the ITP, as amended, shall be further amended to read as follows:

Potential indirect impacts to SWHA and their habitat include effects of construction activities associated with implementation of Covered Activities. These include construction-related noise; ground vibration; fugitive dust; habitat loss and modification; introduction or spread of invasive species; and increased human activity which could result in a reduction in prey abundance and/or availability. Noise and vibration could cause physiological and/or behavioral disruptions that may interfere with breeding, result in nest abandonment, and a loss of fitness in dependent young resulting from interruptions to brooding and/or feeding schedules. **Due to high nest fidelity, one of the indirect impacts tracked is the removal of historically “active” nest trees, those used within the last 5 years but not currently occupied by SWHA, when the nest tree removal is done for the Project (Table 10A).**

10. Table 10 Known Locations of Swainson’s hawk Nests Near Construction Footprint, starting 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 within and 0.5 miles of the Construction Footprint

County	Nest ID	Latitude	Longitude	Location *	Years Occupied
Fresno	CP1 '17-1	36.672490	-119.751003	Removed outside	2017
Fresno	multiple	36.672486	-119.750889	to be Removed	2017, 2018

County	Nest ID	Latitude	Longitude	Location *	Years Occupied
Fresno	CP1-16-3	36.671954	-119.750348	Removed	2016
Fresno	multiple	36.671150	-119.751020	Removed	2018, 2019
Fresno	multiple	36.664213	-119.761881	outside	2019, '21
Fresno	2024-86	36.644480	-119.744650	outside	2024
Fresno	multiple	36.605154	-119.753439	in	2022, '23
Fresno	32552	36.606219	-119.754801	edge Removed**	2019
Fresno	multiple	36.606062	-119.754768	edge	2018, '21
Fresno	59823 multiple	36.605154	-119.753439	in	2022, '23, '24
Fresno	31517	36.597184	-119.755176	outside Removed**	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
Fresno	68951	36.550037	-119.737219	edge to be Removed	2023
Fresno	25241	36.546880	-119.739582	edge	2018
Fresno	2024-99	36.527473	-119.736380	outside	2024
Fresno	2024-50	36.494075	-119.702192	outside	2024
Fresno	2024-101	36.474289	-119.647497	outside	2024
Kings	13810	36.446134	-119.630095	outside	2017
Kings	50628	36.442674	-119.616789	outside	2021
Kings	multiple	36.439336	-119.616131	outside	2022, '23
Kings	multiple	36.431535	-119.606985	outside	2017, '21, '22, '23

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County	Nest ID	Latitude	Longitude	Location *	Years Occupied
Kings	multiple	36.430148	-119.609625	outside	2018, '19, '21, '24
Kings	2024-91	36.429090	-119.600450	outside	2024
Kings	2024-103	36.428747	-119.615420	outside	2024
Kings	40702	36.386483	-119.589229	edge	2020
Kings	multiple	36.371842 36.371796	-119.577461 - -119.577526	outside	2017, '21
Kings	59340 multiple	36.365429	-119.581921	outside	2022, '24
Kings	59946	36.341283	-119.584192	outside	2022
Kings	13384 multiple	36.332302	-119.582506	outside	2017, '24
Kings	multiple	36.328690	-119.606016	outside	2017, '18, '19
Kings	69281 multiple	36.327362	-119.610127	outside	2023, '24
Kings	2612	36.327904	-119.598055	Removed	2016
Kings	2024-35	36.318328	-119.583705	outside	2024
Kings	23897	36.314216	-119.581970	outside	2018
Kings	multiple	36.313056	-119.588172	inside	2022, '23
Kings	13744	36.312935	-119.588111	outside	2017
Kings	2024-51	36.311491	-119.580865	outside	2024
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, '24
Kings	multiple	36.299419 36.299418	-119.582834 -119.582494	outside	2016, '17, '19, '21
Kings	41509	36.299395 36.299386	-119.582658 -119.582575	outside	2020, '23, '24
Kings	multiple	36.298752	-119.582804	outside	2020, '22

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County	Nest ID	Latitude	Longitude	Location *	Years Occupied
Kings	multiple	36.290340	-119.583698	outside	2016, '17
Kings	2024-18	36.289772	-119.583883	outside	2024
Kings	61414	36.289644	-119.583179	outside	2022
Kings	2024-110	36.283648	-119.583330	outside	2024
Kings	31661	36.283631	-119.583380	outside	2019
Kings	6455	36.276006	-119.582649	outside	2016
Kings	13396	36.274902	-119.581971	outside	2017
Kings	2024-12	36.273529	-119.582484	outside	2024
Kings	68270	36.256074	-119.600446	outside	2023
Kings	multiple	36.253032	-119.601295	outside	2019, '20, '23
Kings	59580	36.249570	-119.601513	outside	2022
Kings	2024-22	36.255632	-119.599913	outside	2024
Kings	multiple	36.240498	-119.594102	outside	2016, '17, '18, '19, '20
Kings	multiple	36.236514 36.236497	-119.600168 -119.600191	in	2018, '19, '20, '24
Kings	multiple	36.234340	-119.601133	in to be Removed	2018, '21, '22, '23
Kings	multiple	36.234250	-119.601408	Removed	2016, '17
Kings	51201	36.226362	-119.617732	outside	2021
Kings	2024-34	36.225475	-119.607877	edge	2024
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	2024-66	36.214605	-119.611842	outside	2024
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, '24

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County	Nest ID	Latitude	Longitude	Location *	Years Occupied
Kings	multiple	36.210721	-119.620287	outside	2021, '23
Kings	2024-118	36.210322	-119.580856	outside	2024
Kings	multiple	36.208861	-119.608801	outside	2022, '23
Kings	2024-10	36.208166	-119.619267	outside	2024
Kings	59763 multiple	36.202425	-119.609779	outside	2022. '24
Kings	2024-111	36.176505	-119.596186	outside	2024
Kings	multiple	36.171466	-119.608868	edge outside	2017, '21, '22
Kings	31718 multiple	36.167502 36.167486	-119.602219 -119.602325	outside	2019, '23, '24
Kings	13399	36.136590	-119.580969	outside	2017
Kings	multiple	36.136551	-119.581056	outside	2016, '18
Kings	40483	36.136445	-119.582559	edge outside	2020
Kings	51015	36.131705	-119.563636	outside	2021
Kings	2024-36	36.130907	-119.579591	outside	2024
Kings	2024-106	36.118290	-119.562191	outside	2024
Kings	67784	36.118209	-119.561953	outside	2023
Kings	multiple	36.116878	-119.558832	outside	2017, '18, '22, '24
Kings	multiple	36.116388	-119.559444	edge	2016, '17
Kings	25121	36.116262 36.116139	-119.580795 -119.580909	outside	2018
Kings	13972	36.116162	-119.580138	outside	2017
Kings	2024-107	36.116161	-119.578072	outside	2024
Kings	2024-71	36.115658	-119.565818	outside	2024
Kings	multiple	36.115455	-119.559126	in	2020, '21
Kings	multiple	36.115032	-119.566013	outside	2019, '21, '22, '23
Kings	68447	36.114973 36.115041	-119.563199 -119.563387	outside	2023

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County	Nest ID	Latitude	Longitude	Location *	Years Occupied
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	2024-47	36.105706	-119.554219	outside	2024
Kings	6449	36.097873	-119.544097	Removed	2016
Kings	multiple	36.097893	-119.543086	Removed	2017, '18, '19
Kings	2024-124	36.072944	-119.543330	outside	2024
Kings	23885	36.069924	-119.537257	outside	2018
Kings	multiple	36.069885	-119.537274	outside	2016, '20, '23
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, '23, '24
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
Kings	2024-53	36.051375	-119.502108	outside	2024
Tulare	multiple	36.049902	-119.526136	outside	ITP original, '17, '22
Tulare	multiple	36.049593	-119.526071	outside	2018, '19, '20, '21, '23, '24
Tulare	multiple	36.042430	-119.517453	outside	2021, '23

County	Nest ID	Latitude	Longitude	Location *	Years Occupied
Tulare	2359	36.042371	-119.517022	edge outside	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
Kings	2024-32	36.042405	-119.517645	outside	2024
Tulare	multiple	36.042081	-119.520158	outside	2017, '23
Tulare	multiple	36.041831	-119.520551	outside	2021, '22
Tulare	70067	36.041588	-119.505285	outside	2023
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
Tulare	68441	36.040372	-119.507794	outside	2023
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 outside	2020, '21, '22
Tulare	45920 multiple	36.036244	-119.501642	outside	2017, '24
Kings	2024-49	36.023694	-119.513022	outside	2024
Tulare	13732	36.022161	-119.498698	outside	2017
Tulare	multiple	36.021400	-119.492458	outside	2019, '22
Tulare	multiple	36.021308	-119.492585	outside	2017, '23
Kings	2024-52	36.008980	-119.496099	outside	2024

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County	Nest ID	Latitude	Longitude	Location *	Years Occupied
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, '24
Tulare	58653	35.999704	-119.491960	outside	2022
Tulare	multiple	35.990057	-119.478732	Removed	ITP original, 2016, '17, '18, '19, '20, '21
Tulare	multiple	35.985459	-119.475439	in	2022, '23
Tulare	2024-80	35.963695	-119.455280	outside	2024
Tulare	23882	35.963654	-119.478243	outside	2018
Tulare	2024-81	35.953086	-119.451489	to be Removed	2024
Tulare	69059	35.944487	-119.443856	outside	2023
Tulare	41974	35.942033 35.942022	-119.441176 -119.441005	outside	2020
Tulare	13975	35.935195 35.934955	-119.437377 -119.436919	outside	2017
Tulare	multiple	35.934511	-119.447245	outside	2016, '18, '19, '24
Tulare	2024-93	35.934513	-119.449163	outside	2024
Tulare	50403 multiple	35.920689 35.920739	-119.429438 -119.429364	outside	2021, '24
Tulare	multiple	35.920667	-119.429500	outside	2020, '23
Tulare	13978	35.920546	-119.427321	edge	2017
Tulare	26234	35.920345	-119.427672	edge	2018
Tulare	59802	35.920224	-119.418792	outside	2022
Tulare	multiple	35.920216	-119.418990	outside	2020, '23
Tulare	45953	35.920204	-119.428370	in	2017
Tulare	2024-39	35.920172	-119.420478	outside	2024
Tulare	6425	35.915834	-119.427791	outside	2016
Tulare	43984	35.914878	-119.428703	outside	2017

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County	Nest ID	Latitude	Longitude	Location *	Years Occupied
Tulare	68858	35.914819	-119.428003	outside	2023
Tulare	2024-43	35.913573	-119.423667	outside	2024
Tulare	2024-87	35.906260	-119.429816	outside	2024
Tulare	69068	35.898061	-119.430954	outside	2023
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	35.894996	-119.411771	outside	2021
Tulare	2024-46	35.894952	-119.413188	outside	2024
Tulare	68840	35.891811	-119.406908	outside	2023
Tulare	2024-40	35.891805	-119.408444	outside	2024
Tulare	61501	35.891781	-119.411639	edge	2022
Tulare	2024-37	35.891728	-119.447435	in	2024
Tulare	2024-38	35.891693	-119.421620	outside	2024
Tulare	multiple	35.891424	-119.447576	outside	2020, '21
Tulare	58815 multiple	35.887785	-119.446990	outside	2022, '24
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
Tulare	2024-69	35.850492	-119.389802	outside	2024
Tulare	2024-67	35.833829	-119.384687	outside	2024
Tulare	2024-117	35.833222	-119.375123	outside	2024

*** Edge: over 10% of the tree canopy crosses the Construction Footprint boundary.**

11. Table 10A SWHA Active Nest Trees Removed or to be Removed, starting on page 73 of the ITP, as amended, shall be further amended to read as follows:

Table 10A - SWHA Historically Active Nest Trees Removed or to be Removed

County	Latitude	Longitude	SWHA Nest ID #(s)
Fresno	36.672495	-119.751015	SWHA-2017-4
Fresno	36.672486 36.672483	-119.750889 -119.750876	SWHA-2017-4 , SWHA-2018-1
Fresno	36.671954	-119.750348	SWHA-2016-3
Fresno	36.671161	-119.750951	SWHA-2019-2
Fresno	36.550037	-119.737219	2023-68951
Kings	36.327904	-119.598055	2016-02612
Kings	36.234340	-119.601133	2018-24521, 2021-51612, 2022-58914, 2023-68402
Kings	36.234250	-119.601408	2016-06398, 2017-13357
Kings	36.112117	-119.556244	2016-06353
Kings	36.110647	-119.553252	2019-32834
Kings	36.097873	-119.544097	2016-06449
Kings	36.097850	-119.543209	2017-16367, 2018-25115, 2019-31289
Tulare	36.056400	-119.522993	2016-02603, 2017-13996
Tulare	35.990057	-119.478732	2016-02609, 2017-15905, 2018-23879, 2019-32816, 2020-41485, 2021-50307
Tulare	35.985459	-119.475439	2022-60405, 2023-68837
Tulare	35.953086	-119.451489	SWHA-2024-81
Tulare	35.920204	-119.428370	2017-15953

12. The first paragraph of the section titled “San Joaquin Kit Fox,” on page 80 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 **3,914.99** ~~3901.01~~ 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.

13. Condition of Approval 6.2.1 on page 82 of the ITP, as amended, shall be further amended to read as follows:

6.2.1. Designated Biologist(s). Permittee shall ensure that each Designated Biologist is knowledgeable and experienced in the biology, natural history, collecting, and handling of the applicable Covered Species. The Designated Biologist may be approved by CDFW on a species-specific basis, and in those cases will only be authorized to complete surveys and monitoring of the Covered Species for which they are specifically approved. The Designated Biologists shall be responsible for conducting all activities specific to a Covered Species including initial surveys and any handling or other actions necessary if individuals of Covered Species are found in the Project Area. The Designated Biologists shall be responsible for supervising the General Biological Monitors. At least one Designated Biologist for each Covered Species will be present within the Project Area during initial vegetation and soil disturbance in Work Areas with identified habitat features suitable for Covered Species per Condition of Approval 7.4.1 as determined during pre-construction surveys, **except for areas** excluded according to Conditions of Approval 8.11.23.

14. Condition of Approval 6.2.3 on page 83 of the ITP, as amended, shall be further amended to read as follows:

6.2.3. Designated Small Mammal Trapper(s). Permittee shall ensure that each Designated Small Mammal Trapper is knowledgeable and experienced in the biology, natural history, collecting, and handling of the applicable Covered Species. The Designated Small Mammal Trapper shall be approved by CDFW on a species-specific basis for TKR and/or SJAS, and in those cases will only be authorized to complete surveys and monitoring of the Covered Species for which they are specifically approved. The Designated Small Mammal Trapper shall be responsible for conducting all activities specific to TKR and/or SJAS including initial surveys and any handling or other actions necessary if individuals of Covered Species are found in the Project Area, ~~with the exception of measures 8.16.3, 8.17.3, 8.52.2, and 8.52.3.1~~ **except for Conditions of Approval 8.16.5, 8.17.5, 8.49.2 and 8.49.3.1** that pertain to burrow excavation. Only a Designated Biologist approved by CDFW for TKR and/or SJAS may lead burrow excavation activities for these species. The Designated Small Mammal Trapper shall be responsible for supervising the General Biological Monitors during initial surveys, trapping, or handling activities. At least one Designated Biologist or Designated Small Mammal Trapper for each Covered Species will be present within the Project Area during initial vegetation and soil disturbance in Work Areas with identified

habitat features suitable for Covered Species per Condition of Approval 7.4.1 as determined during pre-construction surveys, **except for areas** excluded according to Conditions of Approval 8.11.23.

15. Condition of Approval 7.1.1.1 on page 87 of the ITP, as amended, shall be further amended to read as follows:

7.1.1.1. Work Area Burrow Map. In Work Areas with suitable habitat, prior to either trapping or burrow excavation, the Designated Biologist shall with assistance from the General Biological Monitor(s) or Designated Small Mammal Trapper shall flag all potential TKR and SJAS burrows within ~~any portion of the~~ **entire Work Project Area, and** or its 50-foot buffer zone to alert biological and work crews to their presence, prepare a map of all flagged burrows and submit the Work Area burrow map to CDFW for review and approval. **All pin flagging shall be collected immediately after trapping or burrow excavation (whichever occurs later) and removed from the Work Area, except for burrows that are to be avoided by 50 feet. Flagging for burrow avoidance shall be replaced as needed for the duration of the buffer and removed as soon as they are no longer needed.** ~~according to the following procedure:~~

- ~~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 Work Area burrow map.~~
- ~~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 Work Area 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).~~
- ~~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 Work Area 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).~~

16. Condition of Approval 7.1.2.2 on page 88 of the ITP, as amended, shall be further amended to read as follows:

7.1.2.2. SJAS and TKR Assessment. Work may proceed ~~absent~~ ***without*** further SJAS and TKR specific minimization provided ***all the following criteria are met***:

- (1) Previous trapping and/or excavation provided negative results for SJAS and TKR prior to previous initiation of ground disturbing activities (e.g., vegetation removal, clearing, grubbing, and grading).
- (2) An approved SJAS and TKR Designated Biologist or Designated Small Mammal Trapper has determined the Work Area ~~does not exhibit sign of kangaroo rat (e.g., tail drag, runways, thumping pads)~~, has no ***potential TKR and SJAS*** ~~suitable small mammal~~ burrows, and SJAS is not observed.
- (3) Patches of annual grasslands, pasture, or alkali desert scrub habitats within 500 feet of the Work Area are less than 20 acres.

If any one of the above criteria is not met, then Supplemental Surveys for both SJAS and TKR are required.

17. Condition of Approval 7.1.3 on pages 89-90 of the ITP, as amended, shall be further amended to read as follows:

7.1.3. Site Assessment with SJAS Supplemental Survey. ~~If suitable small mammal burrows are present within the Work Area or if there are patches of annual grasslands, pasture, or alkali desert scrub habitats within 500 feet of the Work Area that are greater than 20 acres, then a Supplemental Survey shall be required.~~ The Permittee shall submit a Work Area burrow map per Condition of Approval 7.1.1.1 and new SJAS Site-Specific Plan to CDFW per Condition of Approval 8.16.1.1. For the Supplemental Surveys the Permittee shall trap for SJAS in accordance with Condition of Approval 8.16.4 instead of burrow excavation. Alternatively, either camera trapping or walking transect surveys (hereafter, SJAS Alternative Surveys) may be utilized instead of trapping surveys once the detailed methodology has been submitted to CDFW in an SJAS Mortality Reduction Plan per Condition of Approval 8.16.1 and approved by CDFW. ~~SJAS Alternative surveys may only be utilized when daytime temperatures (sunrise to sunset) are predicted by the National Weather Service to remain within the temperature criterion of 68 to 86~~

~~degrees Fahrenheit for a sufficient period of time to allow for trapping with no prediction of inclement weather (e.g., a predicted 40 percent or greater chance of precipitation).~~

If approved by CDFW in writing, e-mail will suffice, Alternative Surveys shall proceed according to the SJAS Site-Specific Plan and SJAS Mortality Reduction Plan or trapping shall proceed according to the SJAS Site-Specific Plan and Condition of Approval 8.16.4. **A request to proceed without burrow excavation** Negative Supplemental Survey results may be submitted to CDFW along with **negative Supplemental Survey results** ~~a request to proceed without burrow excavation~~. CDFW shall review the results and shall provide **a response** ~~written approval (email will suffice)~~ within three business days of receipt of the Supplemental Survey results **(e-mail will suffice)**. **Vegetation removal, clearing, grubbing, scrapping and/or grading shall not proceed until after CDFW has approved the survey results.**

18. Condition of Approval 7.1.4 on page 90 of the ITP, as amended, shall be further amended to read as follows:

7.1.4. Site Assessment with TKR Supplemental Survey. ~~If suitable small mammal burrows are present within the Work Area or if there are patches of annual grasslands, pasture, or alkali desert scrub habitats within 500 feet of the Work Area that are greater than 20 acres, then a current TKR Trapping Survey shall be conducted.~~ The Permittee shall submit a Work Area burrow map per Condition of Approval 7.1.1.1 and new TKR Site-Specific Plan to CDFW per Condition of Approval 8.17.1.1

If approved by CDFW in writing, e-mail will suffice, trapping shall proceed according to the TKR Site-Specific Plan and Condition of Approval 8.17.4. **A request to proceed without burrow excavation** Negative Supplemental Survey results may be submitted to CDFW along with **negative Supplemental Survey results** ~~a request to proceed without burrow excavation~~. CDFW shall review the results and shall provide **a response** ~~written approval (email will suffice)~~ within three business days of receipt of the Supplemental Survey results **(e-mail will suffice)**. **Vegetation removal, clearing, grubbing, scrapping and/or grading shall not proceed until after CDFW has approved the survey results.**

19. Condition of Approval 7.4.1.7 on page 96 of the ITP, as amended, shall be further amended to read as follows:

7.4.1.7 SJKF denning, foraging, and/or dispersal (entire Construction Footprint)

- California annual grassland
- **Alkali desert scrub**
- Pasture
- Barren
- Fallow field
- Inactive agriculture
- Ruderal
- Field crops
- Row crops
- Irrigated hay crops

20. Condition of Approval 7.9 on page 96 of the ITP, as amended, shall be further amended to read as follows:

7.9. CNDDDB Observations. The Designated Biologist(s) shall submit all observations (within the Construction Footprint or adjacent areas) of Covered Species except for SWHA to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist(s) shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation. Because of the high numbers of SWHA found during surveys each year, all the SWHA observations and information may be submitted in a combined Swainson's Hawk **SWHA Annual Report (SAR)** to CNDDDB and to CDFW after the end of the nesting season, but no later than October 31 of that year.

21. New Condition of Approval 7.9.1 is added after 7.9 on page 96 of the ITP, as amended, to read as follows:

7.9.1. SWHA Annual Report. The SAR shall include all the information that is part of the standard CNDDDB Reporting form, in a table along with photos and maps labeled with the corresponding nest tree number. The SAR shall also include a summary with the following statistical information:

- **The total number of SWHA pairs monitored for the year.**
- **The total number of nests started.**
- **The total number of nests with confirmed incubation.**
- **The total number of nests with confirmed hatched chicks.**
- **The total number of nests with confirmed fledged chicks.**

- ***The total number of nests that fell apart before the end of the season.***
- ***The total number of nests presumed to have failed.***

22. Condition of Approval 8.11 on page 101 of the ITP, as amended, shall be further amended to read as follows:

8.11. Vegetation Removal Methods. Vegetative cover removal, clearing and grubbing shall be completed for the entire Work Area prior to grading or other Covered Activities in Work Areas with identified habitat features suitable for Covered Species. Where possible, hand tools (e.g., trimmer, chain saw, etc.) shall be used to trim or remove shrub vegetation. All initial vegetation removal in areas with identified habitat features suitable for Covered Species shall be monitored directly (e.g., directly observed) by the applicable Designated Biologist(s) to minimize impacts to all Covered Species potentially present. All initial ground disturbance (e.g., vegetation removal, clearing, grubbing, and grading) shall be started within 30 days after the last day of trapping and/or burrow excavation, and shall be completed within six months. Any lapse in work greater than 30 days shall require a ~~refresher~~ **new** survey to ensure the site conditions (e.g., burrow density) remain unchanged in areas where ground disturbing activities are not yet completed.

23. Condition of Approval 8.14.3 on page 103 of the ITP, as amended, shall be further amended to read as follows:

8.14.3. SWHA Nest Monitoring. If a nesting SWHA is found at any time within 0.5-mile of an active Work Area buffer (see Condition of Approval 8.14.1), the Designated Biologist(s) shall be present daily for at least three full days to monitor the behavior of the potentially affected SWHA to establish baseline behavior. ***After the initial three days of monitoring, General Biological Monitors may perform SWHA nest monitoring according to Condition of Approval 8.14.3.2 or if specific approval is granted by CDFW.*** The Designated Biologist(s) ***or General Biological Monitor(s)*** shall have the authority to order the cessation of all Covered Activities if the bird(s) exhibits distress and/or abnormal nesting behavior (swooping/stooping, excessive vocalization [distress calls], agitation, failure to remain on nest, failure to deliver prey items for an extended time period, failure to maintain nest, etc.) which may cause reproductive failure (nest abandonment and loss of eggs and/or young). Permittee shall not resume Covered Activities until CDFW has been consulted by the Designated Biologist(s), and both the Designated Biologist(s) and CDFW confirm that the bird's behavior has normalized.

24. Condition of Approval 8.14.3.1 on page 103 of the ITP, as amended, shall be further amended to read as follows:

8.14.3.1. Monitoring within 100-1,000 feet of an active nest. If a nesting SWHA is found within 100-1,000 feet of an active Work Area, the Designated Biologist(s) shall be present daily for the entire duration of any Covered Activities within the Work Area to monitor the behavior of the potentially affected SWHA. ***SWHA General Biological Monitor(s), as an alternative to monitoring by a Designated Biologist(s) may be approved by CDFW on a case-by-case basis depending on the circumstances of the specific nest (e.g., location, type of work to be performed, and the bird's tolerance of activity).***

25. Condition of Approval 8.14.3.2 on page 103 of the ITP, as amended, shall be further amended to read as follows:

8.14.3.2. Monitoring within 1,000 feet-0.5 miles of an active nest. If a nesting SWHA is found within 1,000-0.5 mile of an active Work Area, the Designated Biologist(s) ***or General Biological Monitor(s) (after the initial three days of monitoring by a Designated Biologist)*** shall be present for at least two 1-hour intervals at different times every day and for at least one hour any time a new Covered Activity is initiated.

26. Condition of Approval 8.14.5 on page 104 of the ITP, as amended, shall be further amended to read as follows:

8.14.5. SWHA Restrictions for Nightwork. Permittee shall ensure that any nightwork done in the vicinity of an occupied SWHA is over 1,000 feet from the nest tree and that any lighting utilized is directed away from the nest tree. The Permittee may request a variance from the 1,000-foot nest buffer during night work, which CDFW will consider on a case-by-case basis when there is a compelling biological reason to do so, such as when the Work Area would be concealed from a nest site by topography. ***All work done under an approved variance shall be monitored by a Designated Biologist for the full duration of the nighttime activities.***

27. New Condition of Approval 8.14.6 shall be added to the ITP, as amended, after 8.14.5 on page 104 to read as follows:

8.14.6 Removal of historic 'Active' Nest Trees. All trees within the Project footprint that must be removed shall be removed when the tree is

unoccupied either outside of the nesting season (September 16 to February 14th) or after a SWHA Designated Biologist has verified that the nest is not in current use. All historic 'Active' trees that need to be removed for the Project shall be documented in Table 10A. CDFW shall be notified via e-mail prior to removal if such a tree needs to be removed and it is not already in Table 10A. Addition of new nests to Table 10A may wait until the submittal of an Amendment request or may be initiated by CDFW.

28. Condition of Approval 8.16.1.1. on pages 109-110 of the ITP, as amended, shall be further amended to read as follows:

8.16.1.1. SJAS Site-Specific Plans. Fourteen days prior to initiating trapping, excavation, or relocation activities at any given Work Area, a SJAS Site-Specific Plan shall be submitted to CDFW for review and approval with the 14-day Notification and the Pre- Construction Survey Report or Site Assessment with trapping or SJAS Alternative Survey. ***All SJAS Alternative surveys (walking transect or camera trapping) shall only be conducted during the time of day when on-site temperatures are within the 68-to-86-degree Fahrenheit criterion and only when temperatures are predicted by the National Weather Service to remain within that range for more than four hours and when there is no prediction of inclement weather (e.g., a predicted 40 percent or greater chance of precipitation).***

Each SJAS Site-Specific Plan shall include specific information for each Work Area that includes the names of the Designated Biologist(s) who will lead the trapping, SJAS Alternative Survey, or excavation, a list of all General Biological Monitors who will be assisting with the trapping, SJAS Alternative Survey, or excavation, the area to be trapped or excavated, number of burrows, the site where captured individuals will be relocated, and all other information pertinent to the type of survey as described below.

(1) Trapping Details. For areas where there will be trapping the following information is also required: number of traps to be used, density of traps (e.g. number of traps per hectare), configuration of proposed trap arrays, and/or geographic layout based on the Work Area burrow map due to site specific conditions (e.g., clusters of burrows); and the type of trap (e.g., Tomahawk type squirrel traps or similar squirrel trap), bait, shading materials, and bedding material to be used.

(2) Walking Transect Survey Details. For areas where there will be walking transect surveys the following information is also required: distance between transects considering vegetation height and density, transect length, and overall geographic configuration based on the Work Area burrow map due to site specific conditions (e.g., burrow distribution). ~~SJAS Alternative surveys may only be utilized when 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).~~

(3) Camera Trapping Details. For areas where there will be camera trapping surveys, the following information is also required: number of camera traps to be used, density of camera traps (e.g. number of camera traps per hectare), configuration of proposed camera trap arrays, and/or geographic layout based on the Work Area burrow map due to site specific conditions (e.g., clusters of burrows). ~~SJAS Alternative surveys may only be utilized when 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).~~

In Work Areas that meet all the criteria for the Site Assessment per Conditions of Approval 7.1.2 and 7.1.2.2, an SJAS Site-Specific Plan is not required.

29. Condition of Approval 8.16.2 on pages 110-111 of the ITP, as amended, shall be further amended to read as follows:

8.16.2. SJAS Pre-Construction Survey or Site Assessment. No more than 30 calendar days prior to the commencement of any Covered Activities in all areas of suitable habitat features per Conditions of Approval 7.4.1.3 and 7.4.1.4, the Designated Biologist, or Designated Small Mammal Trapper(s), assisted (if needed) by the General Biological Monitor, shall conduct either a Pre-Construction Survey or Site Assessment of the specific Work Area per Condition of Approval 7.1. The Pre-Construction Survey or Site Assessment shall cover the Work Area and a 500-foot buffer zone beyond the Work Area's boundaries. The Designated Biologist(s) shall submit a Pre-Construction Survey Report or Site Assessment to CDFW at least 14 calendar days prior to commencement of Covered Activities within the

Work Area. If the criteria under Condition of Approval 7.1.2 and 7.1.2.2 are met, then the SJAS specific measures following this Condition of Approval do not apply. If the criteria for Condition of Approval 7.1.2 are met but 7.1.2.2 are not met, then negative Supplemental Survey results per Condition of Approval 7.1.3 are required to eliminate the need for burrow excavation.

30. Conditions of Approval 8.16.6.1 and 8.16.6.2 shall be moved from pages 114-115 of the ITP, as amended, to 8.16.2.1 and 8.16.2.2 after 8.16.2 on page 111 and shall be further amended as follows:

8.16.62.1. Pre-Construction Survey Within Mapping Areas 1, 2, 3. If the Work Area is within TKR/SJAS Mapping Areas 1, 2, or 3 (see Exhibit 7) except for parts of Subzones 3 and 4 in TKR/SJAS Mapping Area 1 as shown in Exhibit 8, then Permittee shall excavate by hand all **potential SJAS** burrows ~~characteristic of SJAS~~ in accordance with Condition of Approval 8.16.5, and may trap for SJAS in accordance with Condition of Approval 8.16.4, if the Designated Biologist determines it to be useful.

If the Work Area is in specific parts of Subzones 3 and 4 in TKR/SJAS Mapping Area 1 as shown in Exhibit 8, then the Permittee shall trap for SJAS in accordance with Condition of Approval 8.16.4 instead of burrow excavation. Alternatively, for these two identified Work Areas, SJAS Alternative Surveys may be utilized **according to Condition of Approval 8.16.1.1** instead of trapping surveys once the detailed methodology has been submitted to CDFW in a SJAS Mortality Reduction Plan and approved by CDFW. ~~Alternative surveys may only be utilized when 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).~~

8.16.62.2. Pre-Construction Survey Outside Mapping Areas 1, 2, 3. If the Work Area is outside TKR/SJAS Mapping Areas 1, 2, and 3 (see Exhibit 7) then the Permittee shall either (1) trap in accordance with Condition of Approval 8.16.4 or (2) excavate all **potential SJAS** burrows ~~characteristic of SJAS~~ in accordance with Condition of Approval 8.16.5.

31. Condition of Approval 8.16.3 on page 111 of the ITP, as amended, shall be further amended to read as follows:

8.16.3. SJAS Burrow Avoidance. ~~*Potential SJAS*~~ ~~Burrows characteristic of SJAS~~ shall be avoided by 50 feet unless otherwise approved in writing (email will suffice) by CDFW. If the 50-foot no-disturbance buffer cannot be established, then any ~~*potential SJAS*~~ burrows present within the portion of the Work Area to be impacted by ground disturbing activities (e.g., vegetation removal, clearing, and grubbing, ~~*scraping*~~ and/or grading), ~~that are characteristic of SJAS,~~ shall be flagged and identified in the Work Area burrow map and submitted as part of the 14-Day Notification and Pre-Construction Survey Report for the Work Area per Condition of Approval 7.1.1.

32. Condition of Approval 8.16.4.1 on page 111 of the ITP, as amended, shall be further amended as follows:

8.16.4.1. Trapping Area Size Limit. Work Areas that require small mammal trapping shall be no larger than 10 acres and may need to be smaller if there is high burrow density and required excavation. Permittee may request in writing an exception to the ~~*maximum*~~ 10-acre ~~maximum~~ **size** trapping ~~area~~ size that shall contain a compelling ecological reason (e.g., low burrow density) along with the Work Area burrow map and ~~**SJAS Site Specific**~~ survey trap ~~p~~**Plan**. CDFW will review the exception request and provide written approval or denial within four (4) business days of receiving ~~along with the~~ **14-Day Notification**, the Work Area burrow map, and ~~**SJAS Site Specific**~~ survey trap ~~p~~**Plan**. Under no circumstances shall trapping occur in a Work Area exceeding 10 acres in size without written CDFW approval. For Trapping conducted ~~*in areas with high burrow density, more than*~~ pursuant to Condition of Approval 7.1.3 ~~Site Specific Plans may include larger areas for approval provided there is one Designated Biologist or Small Mammal Trapper may be needed for each 10 acres~~ **Work Area** to be trapped.

33. Condition of Approval 8.16.4.2 on page 112 of the ITP, as amended, shall be removed as follows:

~~8.16.4.2. CDFW Review. CDFW shall review the Work Area burrow map per Condition of Approval 7.1.1.1 and Site Specific Plan per Condition of Approval 8.16.1.1. If CDFW approves the Site Specific 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) within three (3) business days.~~

34. Condition of Approval previously 8.16.4.3 now 8.16.4.2 on page 112 of the ITP, as amended, shall be further amended to read as follows:

8.16.4.32. Trapping Commencement. In Work Areas where SJAS trapping surveys will be implemented, ***traps shall only be open during the time of day when on-site temperatures are within the 68-to-86-degree Fahrenheit criterion and only when temperatures are predicted by the National Weather Service to remain within that range for more than four hours and when there is*** ~~only 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). Live trapping shall be done by the Designated Biologist(s) or Designated Small Mammal Trapper(s) according to the Site-Specific Plan and the SJAS Mortality Reduction Plan (described in Condition of Approval 8.16.1). If a lactating female is trapped, the burrows in the vicinity shall be hand excavated until the young are found, even outside Mapping Areas 1, 2, and 3 (Exhibit 7). The young shall then be relocated together with the lactating female. Trapping shall continue for ***a minimum of five consecutive days that yield no positive detections of SJAS*** during the ~~main~~-***optimal*** activity period for the species (April 1 to September 30) and for ***a minimum of six*** consecutive days of ***that yield no positive detections of SJAS when trapping (October 1 through March 31)*** outside of the optimal activity period (~~October 1 through March 30~~).~~

35. Condition of Approval previously 8.16.4.4 now 8.16.4.3 on page 112 of the ITP, as amended, shall be further amended to read as follows:

8.16.4.43. Trapping Completion and Reporting. The Designated Biologist(s) shall submit a written report of all survey and trapping activities to CDFW ~~within seven calendar days~~ after completion of the required number of consecutive days of trapping that yield no positive-detections of SJAS (email will suffice). The report ~~of~~***on*** the trapping results shall include copies of all trapping field data forms. ***CDFW will review the results and will provide a response within three business days of receipt of the trapping results (e-mail will suffice). Vegetation removal, clearing, grubbing, scrapping and/or grading shall not proceed until after CDFW has approved the survey results.***

36. Condition of Approval previously 8.16.4.5 now 8.16.4.4 on page 113 of the ITP, as amended, shall be further amended to read as follows:

8.16.4.54. Following Trapping. Either excavation efforts, or commencement of initial ground disturbing activities (e.g., vegetation removal, clearing, grubbing, and grading) without burrow excavation per Condition of Approval 8.16.6 **8.16.2.2** or resumption of ground disturbing activities per Condition of Approval 7.1.3 shall begin within 30 days after negative trapping results. If more than 30 days lapse following trapping before excavation efforts or commencement/resumption of ground disturbing activities a ~~refresher~~ **new** survey will be required to determine if site conditions (e.g., burrow density) remain unchanged. If there is a break of more than 30 days during the vegetation removal, clearing, grubbing, and grading, then a ~~refresher~~ **new** survey will also be required, otherwise the results of the SJAS trapping ~~and/or excavation~~ efforts can be used for up to six months.

37. Condition of Approval 8.16.5 on page 113 of the ITP, as amended, shall be further amended to read as follows:

8.16.5. SJAS Burrow Excavation. Following live trapping activities, if trapping is conducted, and before initial ground disturbing activities (e.g., vegetation removal, clearing, grubbing, **scraping** and/or grading) commence, any **potential SJAS** burrows characteristic of SJAS within the portion of the Work Area to be disturbed shall be fully excavated by hand by the Designated Biologist(s) or by the General Biological Monitor(s) under the direct supervision of the Designated Biologist(s). ***If deemed appropriate by the Designated Biologist, mechanical excavation (mini-excavator or similar equipment) may be utilized to remove any excess materials from around the burrow and/or used to bench, slope, or lay back the surrounding soils for the safety of the excavating biologist(s). Any equipment will be used under the direct supervision of the Designated Biologist.*** Hand excavation **of the burrow itself** is required to allow any SJAS potentially in the burrows 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 Mortality Reduction 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 Mortality Reduction Plan (described in Condition of Approval 8.16.1). “Soft-release” methods or modified “soft-release” methods in cages

with artificially constructed burrows shall be used at the release (receiver) sites.

38. Condition of Approval 8.16.5.2 on page 114 of the ITP, as amended, shall be further amended to read as follows:

8.16.5.2. Following Excavation. **After burrow excavation is completed at a Work Area for SJAS, the Designated Biologist(s) shall submit a report of all burrow excavation results including any updated mapping of burrow locations to CDFW within 7 calendar days.** Ground disturbing activities (e.g., vegetation removal, clearing, grubbing, and grading) shall begin as soon as possible after burrow excavation. If more than 30 days lapse following excavation efforts, prior to commencement of ground disturbing activities, a ~~Refresh~~ **new** ~~Survey~~ survey with an updated Work Area burrow map will be required to determine if there are any new burrows in need of excavation.

39. Condition of Approval 8.16.6 on page 114 of the ITP, as amended, shall be removed as follows:

~~8.16.6. Pre-Construction Survey Exceptions to Trapping and Burrow Excavation. Mapping Areas 1, 2, and 3 as shown in Exhibit 7 and Subzones 1, 3, and 4 as shown in Exhibit 8. have specific exceptions to trapping and burrow excavation requirements when following Condition of approval 7.1.1.~~

40. Conditions of Approval 8.16.6.1 and 8.16.6.2 shall be moved to page 111 of the ITP, as amended, and removed from page 114-115 as follows:

~~8.16.6.1. Pre-Construction Survey Within Mapping Areas 1, 2, 3. If the Work Area is within TKR/SJAS Mapping Areas 1, 2, or 3 (see Exhibit 7) except for parts of Subzones 3 and 4 in TKR/SJAS Mapping Area 1 as shown in Exhibit 8, then Permittee shall excavate by hand all burrows characteristic of SJAS in accordance with Condition of Approval 8.16.5, and may trap for SJAS in accordance with Condition of Approval 8.16.4, if the Designated Biologist determines it to be useful.~~

~~If the Work Area is in specific parts of Subzones 3 and 4 in TKR/SJAS Mapping Area 1 as shown in Exhibit 8, then the Permittee shall trap for SJAS in accordance with Condition of Approval 8.16.4 instead of burrow excavation. Alternatively, for these two identified Work Areas, SJAS Alternative Surveys may be utilized instead of trapping surveys once the~~

~~detailed methodology has been submitted to CDFW in a SJAS Mortality Reduction Plan and approved by CDFW. Alternative surveys may only be utilized when 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).~~

~~8.16.6.2. Pre-Construction Survey Outside Mapping Areas 1, 2, 3. If the Work Area is outside TKR/SJAS Mapping Areas 1, 2, and 3 (see Exhibit 7) then the Permittee shall either (1) trap in accordance with Condition of Approval 8.16.4 or (2) excavate all burrows characteristic of SJAS in accordance with Condition of Approval 8.16.5.~~

41. Condition of Approval 8.16.6.3 on page 115 of the ITP, as amended, shall be removed as follows:

~~8.16.6.3. Results. If After surveys and/or burrow excavation are conducted at a particular Work Area for SJAS, the Designated Biologist(s) shall submit a report of all survey and/or burrow excavation results to CDFW within 7 calendar days of completion of surveys or burrow excavation.~~

42. Conditions of Approval 8.17.6.1 and 8.17.6.2 shall be moved from page 120 of the ITP, as amended, to 8.17.2.1 and 8.17.2.2 after 8.17.2 on page 117 and further amended as follows:

~~8.17.6.2.1. Pre-Construction Survey Within Mapping Areas 1, 2, 3. If the Work Area is within TKR/SJAS Mapping Areas 1,2, or 3 (see Exhibit 7) except for parts of Subzones 3 and 4 in Mapping Area 1 as shown in Exhibit 8, then Permittee shall excavate all **potential TKR** burrows characteristic of TKR in accordance with Condition of Approval 8.17.5, and may trap for TKR in accordance with Condition of Approval 8.17.4, if Designated Biologist determines useful.~~

If the Work Area is within parts of Subzone 1 north of TKR/SJAS Mapping Area 1 or within parts of Subzones 3 and 4 in TKR/SJAS Mapping Area 1 as shown in Exhibit 8, then the Permittee shall trap for TKR in accordance with Condition of Approval 8.17.4.

~~8.17.6.2.2. Pre-Construction Survey Outside Mapping Areas 1, 2, 3. If the Work Area is outside TKR/SJAS Mapping Areas 1,2, and 3 (see Exhibit 7) then the Permittee shall either (1) trap in accordance with Condition of Approval~~

8.17.4 or (2) excavate all **potential TKR** burrows characteristic of TKR in accordance with Condition of Approval 8.17.5.

43. Condition of Approval 8.17.3 on page 117 of the ITP, as amended, shall be further amended as follows:

8.17.3. TKR Burrow Avoidance. ~~Potential TKR Burrows characteristic of TKR~~ burrows shall be avoided by 50 feet unless otherwise approved in writing (email will suffice) by CDFW. If the 50-foot no-disturbance buffer cannot be established, then any **potential TKR** burrows present within the portion of the Work Area to be impacted by ground disturbing activities (e.g., vegetation removal, clearing, grubbing, **scrapping** and/or grading) ~~that are characteristic of TKR~~, these areas shall be identified in the Work Area Burrow Map and submitted as part of the 14-Day Notification and Pre-Construction Survey Report for the Work Area per Condition of Approval 7.1.1.

44. Condition of Approval 8.17.4.1 on page 117 of the ITP, as amended, shall be further amended as follows:

8.17.4.1. Trapping Area Size Limit. Work Areas that require small mammal trapping shall be no larger than 10 acres and may need to be smaller if there is high burrow density ~~and require excavation~~. Permittee may request in writing an exception to the **maximum** 10-acre ~~maximum size~~ trapping ~~size area~~ that shall contain a compelling ecological reason (e.g., low burrow density) along with the Work Area burrow map and **TKR** Site-Specific Plan. CDFW will review the exception request and provide written approval or denial within four (4) business days of receiving **along with the 14-Day Notification**, the Work Area burrow map and **TKR Site-Specific** survey trap pPlan. Under no circumstances shall trapping occur in a Work Area exceeding 10 acres in size without written CDFW approval. **For Trapping conducted in areas with high burrow density, more than one Designated Biologist or Small Mammal Trapper may be needed for each Work Area**

45. Condition of Approval 8.17.4.2 on page 117 of the ITP, as amended, shall be removed as follows:

~~8.17.4.2. CDFW Review. CDFW shall review the Work Area burrow map per Condition of Approval 7.1.1.1 and Site-Specific Plan per Condition of Approval 8.17.1.1. If CDFW approves the Site-Specific 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) within three (3) business days.~~

46. Condition of Approval previously 8.17.4.3 now 8.17.4.2 on pages 117-118 of the ITP, as amended, shall be further amended to read as follows:

~~8.17.4.3~~ **2. Trapping Commencement.** In Work Areas where TKR, trapping surveys per the Site-Specific Plan will be implemented. Trapping shall commence only if there is no prediction of inclement weather (e.g., a predicted 40 percent or greater chance of precipitation). Live trapping shall be done by the Designated Biologist(s) or Designated Small Mammal Trapper(s) according to the Site-Specific Plan and the TKR Mortality Reduction Plan (described in Condition of Approval 8.17.1). If a lactating female is trapped, the burrows in the vicinity shall be hand excavated until the young are found, even outside Mapping Areas 1, 2, and 3 (Exhibit 7). The young shall then be relocated together with the lactating female. Trapping shall continue for **a minimum of five consecutive nights that yield no positive detections of TKR** during the main **optimal** activity period for the species (April 1 to October 30~~1~~) and for **a minimum of six** consecutive nights of **that yield no positive detections of TKR when trapping (November 1 through March 31) outside** of the optimal activity period (November 1 through March 30).

- (1) 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.
- (2) If ~~ambient~~ air temperature exceeds 99 degrees Fahrenheit, traps shall be closed and CDFW shall be consulted before trapping resumes.

47. Condition of Approval previously 8.17.4.4 now 8.17.4.3 on page 118 of the ITP, as amended, shall be further amended to read as follows:

8.17.4.3. Trapping Completion and Reporting. The Designated Biologist(s) shall submit a written report of all survey and trapping activities to CDFW ~~within seven calendar days~~ after completion of the required number of consecutive **trapping nights** ~~days of trapping~~ that yield no positive detections of TKR, ~~the Permittee shall notify CDFW in writing (email will suffice).~~ The report of ~~on~~ the trapping results shall include copies of all

trapping field data forms. ***CDFW shall review the results and shall provide a response within three business days of receipt of the trapping results (e-mail will suffice). Vegetation removal, clearing, grubbing, scrapping and/or grading shall not proceed until after CDFW has approved the survey results.***

48. Conditions of Approval previously 8.17.4.5 now 8.17.4.4 on pages 118-119 of the ITP, as amended, shall be further amended to read as follows:

8.17.4.54. Following Trapping. Either excavation efforts, or commencement of initial ground disturbing activities (e.g., vegetation removal, clearing, grubbing, and grading) without burrow excavation per Condition of Approval ~~8.17.6~~ **8.17.2.2** or resumption of ground disturbing activities per Condition of Approval 7.1.4 shall begin within 30 days after negative trapping results. If more than 30 days lapse following trapping before excavation efforts or commencement/ resumption of ground disturbing activities a ~~refresher~~ **new** survey will be required to determine if site conditions (e.g., burrow density) remain unchanged. If there is a break of more than 30 days during the vegetation removal, clearing, grubbing, and grading, then a ~~refresher~~ **new** survey will also be required, otherwise the results of the TKR trapping efforts can be used for up to six months.

49. Condition of Approval 8.17.5 on page 119 of the ITP, as amended, shall be further amended to read as follows:

8.17.5. TKR Burrow Excavation. Following live trapping activities, if trapping is conducted, and before initial ground disturbing activities (e.g., vegetation removal, clearing, grubbing, ***scrapping*** and/or grading) commence, any ***potential TKR*** burrows characteristic of TKR burrows present within the portion of the Project site ***Work Area*** to be disturbed shall be fully excavated by hand by the Designated Biologist(s) or by the General Biological Monitor(s) under the under the direct supervision of the Designated Biologist(s). ~~in that area not to exceed 10 acres in size~~ ***If deemed appropriate by the Designated Biologist(s), mechanical excavation (mini-excavator or similar equipment) may be utilized to remove any excess materials from around the burrow and/or used to bench, slope, or lay back the surrounding soils for the safety of the excavating biologist(s). Any equipment will be used under the direct supervision of the Designated Biologist(s). Hand excavation of the burrow itself is required*** 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 Mortality Reduction 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 Mortality Reduction 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.

50. Condition of Approval 8.17.5.2 on page 120 of the ITP, as amended, shall be further amended to read as follows:

8.17.5.2. Following Excavation. ***After burrow excavation is completed at a Work Area for TKR, the Designated Biologist(s) shall submit a report of all burrow excavation results including any updated mapping of burrow locations to CDFW within 7 calendar days.*** Ground disturbing activities (e.g., vegetation removal, clearing, grubbing, and grading) shall begin as soon as possible after burrow excavation. If more than 30 days lapse following excavation efforts, prior to commencement of ground disturbing activities, a ~~refresher~~ ***new*** survey with an updated Work Area burrow map will be required to determine if there are any new burrows in need of excavation.

51. Condition of Approval 8.17.6 on page 120 of the ITP, as amended, shall be removed as follows:

~~8.17.6. Pre Construction Survey Exceptions to Trapping and Burrow Excavation. Mapping Areas 1, 2, and 3 as shown in Exhibit 7 and Subzones 1, 3, and 4 as shown in Exhibit 8. have specific exceptions to trapping and burrow excavation requirements when following Condition of approval 7.1.1.~~

52. Conditions of Approval 8.17.6.1 and 8.17.6.2 shall be moved to page 120 of the ITP, as amended, and removed from page 120 as follows:

~~8.17.6.1. Pre Construction Survey Within Mapping Areas 1, 2, 3. If the Work Area is within TKR/SJAS Mapping Areas 1,2, or 3 (see Exhibit 7) except for parts of Subzones 3 and 4 in Mapping Area 1 as shown in Exhibit 8, then Permittee shall excavate all burrows characteristic of TKR in accordance with Condition of Approval 8.17.5, and may trap for TKR in accordance with Condition of Approval 8.17.4, if Designated Biologist determines useful.~~

If the Work Area is within parts of Subzone 1 north of TKR/SJAS Mapping Area 1 or within parts of Subzones 3 and 4 in TKR/SJAS Mapping Area 1 as shown in Exhibit 8, then the Permittee shall trap for TKR in accordance with Condition of Approval 8.17.4.

~~8.17.6.2. Pre-Construction Survey Outside Mapping Areas 1, 2, 3. If the Work Area is outside TKR/SJAS Mapping Areas 1, 2, and 3 (see Exhibit 7) then the Permittee shall either (1) trap in accordance with Condition of Approval 8.17.4 or (2) excavate all burrows characteristic of TKR in accordance with Condition of Approval 8.17.5.~~

53. Condition of Approval 8.17.6.3 on page 120 of the ITP, as amended, shall be removed as follows:

~~8.17.6.3. Results. If trapping After surveys and/or burrow excavation are conducted at a Work Area for TKR, the Designated Biologist(s) shall submit a report of all survey and/or burrow excavation results to CDFW within 7 calendar days of completion of surveys or burrow excavation.~~

54. Table 11 on page 143 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
Tipton kangaroo rat (<i>Dipodomys nitratoides nitratoides</i>)	Natural	729.18 729.34	2,187.55 2,188.02
San Joaquin antelope squirrel (<i>Ammospermophilus nelsoni</i>)	Natural	729.18 729.34	2,187.55 2,188.02
Swainson's hawk (<i>Buteo swainsoni</i>)	Foraging habitat	2,361.04 2,375.02	2,361.04 2,375.02
San Joaquin kit fox (<i>Vulpes macrotis mutica</i>)	Natural and agriculture	3,901.01 3,914.99	2,560.25 2,588.06
Total Compensatory Mitigation			9,346.15 9,388.88

55. Condition of Approval 9.1 (Cost Estimates) on page 140 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 for all Covered Species habitat impacts as summarized in Table 11, but not including additional lands and measures for SJKF, 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 ~~9,388.88~~ ~~9,346.15~~ acres: **\$107,163,737.43** ~~\$106,676,021.49~~. 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 **\$4,991,517.63** ~~\$4,968,800.59~~.

9.1.3. Interim management period funding as described in Condition of Approval 9.2.6 below, estimated at **\$2,205,621.51** ~~\$2,195,583.45~~.

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 ~~9,388.88~~ ~~9,346.15~~ acres: **\$33,520,742.71** ~~\$33,368,185.50~~. 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.

56. Condition of Approval 10.1 (Performance Security) on page 146 of the ITP, is amended to read as follows:

10.1. Security Amount. The Security shall be in the amount of **\$147,893,619.28** ~~\$147,220,591.02~~. This amount is based on the cost estimates identified in Condition of Approval 9.1 above.

57. Exhibit 6 (“Construction Footprint Map Book”) in the list of attachments on page 150 of the ITP, as amended, is amended to include the replacement of Map Book Pages 6, 20, and 24 with the corresponding page included in Attachment A of this Amendment, to reflect the areas where the Project Footprint was increased and where it was decreased.

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 eight specific changes to the ITP, as amended.

- 1) This Amendment updates the Project length on pages 2 and 3 and in Table 2 Project Vertical Profiles page 7. Table 2 is also updated to reflect past changes to the vertical profile.
- 2) This Amendment modifies the Project Construction Footprint by adding 16.06 acres to accommodate staging, utility relocation and protection at three locations. These changes result in a new total of 5,930.27 acres of cumulative disturbance.
- 3) This Amendment updates Table 9 and associated text regarding increases in the Covered Species Habitat Impacts for TKR, SJAS, SWHA, and SJKF resulting from the changes to the Project Construction Footprint.
- 4) This Amendment updates Tables 10 and 10A with the latest information regarding SWHA nests and nest tree removal.
- 5) This Amendment makes changes and clarifications to 37 Conditions of Approval, removes six Conditions of Approval, and adds two Conditions of Approval.

- 6) This Amendment makes changes to SWHA Conditions of Approval to allow for General Biological Monitors to perform monitoring activities under certain circumstances without additional permission and at other times with additional CDFW approval.
- 7) 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.
- 8) This Amendment changes the name of Exhibit 6, from “Baseline Map Book,” to “Construction Footprint Map Book” and replaces Map Book Pages 6, 20, and 24 to reflect the changes to the 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, in February 2023, in August 2023, in October 2023, in January 2024, and in April 2024 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, No. 26, No. 27, No. 27, No. 28, No. 29, and No. 30 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 for each species in proportion to the increase in impacts for each species 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, Major Amendment No. 26 in February 2023, Major Amendment No. 27 in August 2023, Major Amendment No. 28 in October 2023, Major Amendment No. 29 in January 2024, and Major Amendment No. 30 in April 2024 (collectively, the ITP as amended), 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 the 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 the Project length and vertical profile to reflect past changes; adds 16.06 acres to the Construction Footprint for a total of 5,930.27 acres of cumulative disturbance; updates Covered Species impacts for TKR, SJAS, SWHA, and SJKF; makes changes and clarifications to 37 Conditions of Approval, removes six Conditions of Approval, and adds two Conditions of Approval. These changes modify: SWHA Conditions of Approval to allow for General Biological Monitors to perform monitoring activities under certain conditions; updates Tables 2, 9, 10, 10A, and 11; increases impacts for TKR, SJAS, SWHA, and SJKF resulting from the changes to the Project Construction Footprint; increases the required compensatory HM lands and the Performance Security; and replaces Map Book Pages 6, 20, and 24 to reflect the changes to the Project Construction Footprint.


As described above, these changes to the ITP, as amended, 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).

Attachment:

ATTACHMENT A31-1 EXHIBIT 6 Map Book Pages 6, 20, and 24.

APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

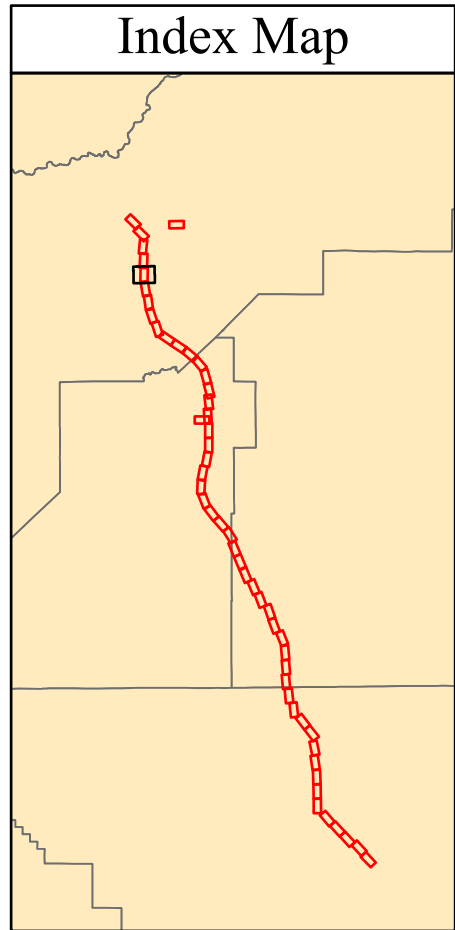
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Julie A. Vance
Regional Manager
Central Region

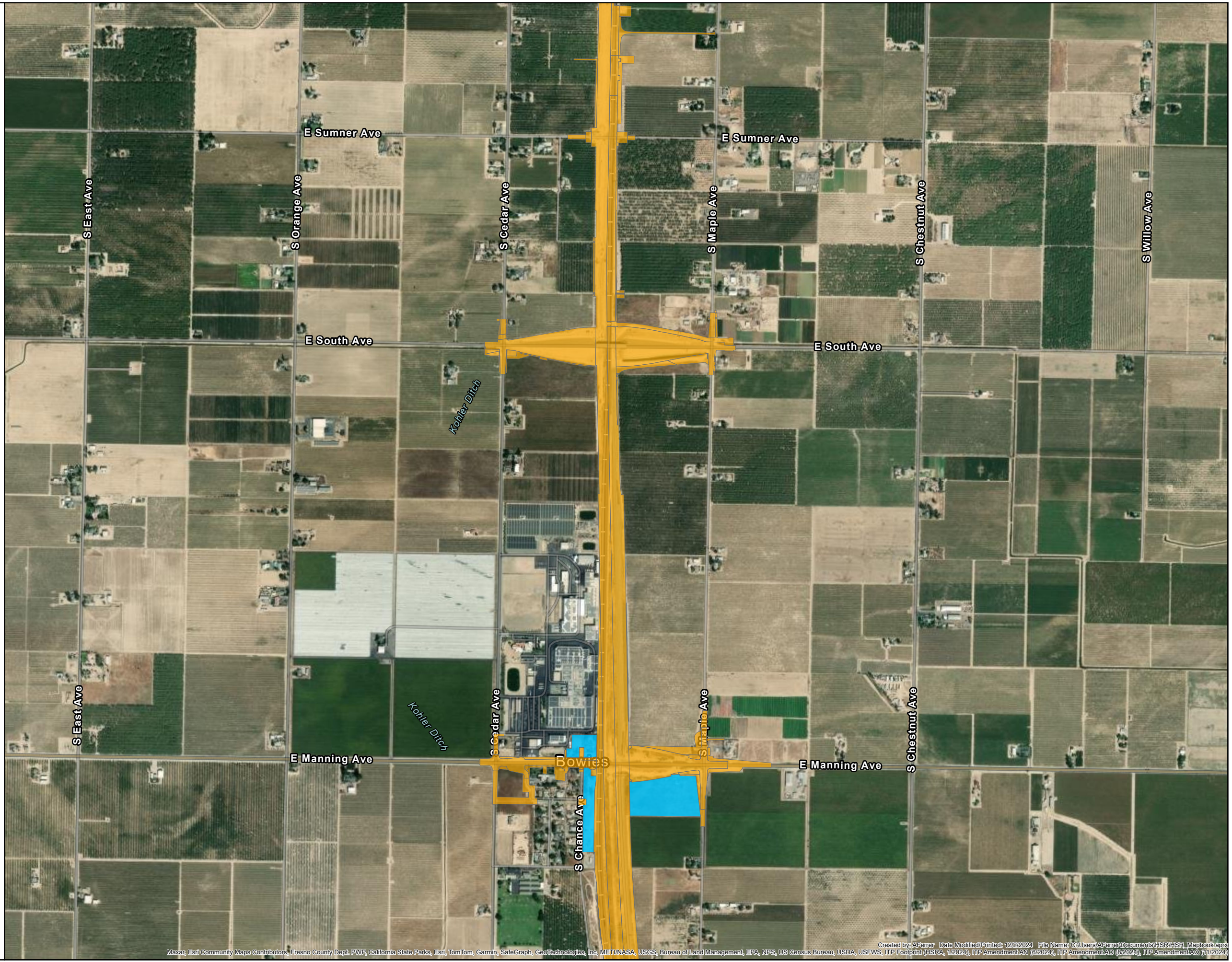
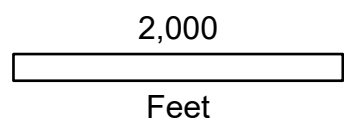
Major Amendment No. 31
Incidental Take Permit 2081-2015-024-04
CALIFORNIA HIGH –SPEED RAIL AUTHORITY
CALIFORNIA HIGH-SPEED TRAIN PROJECT
Fresno to Bakersfield Section Permitting Phase 1

High-Speed Train Fresno to Bakersfield Construction Footprint CP2-3

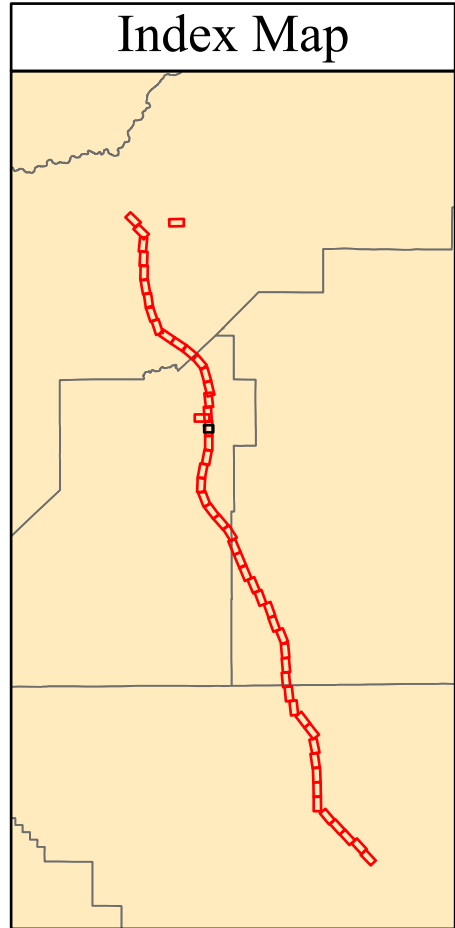


ITP Footprint

- Amendment 31
- ITP Footprint

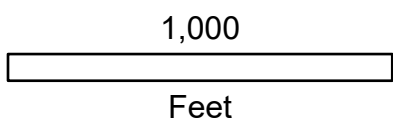


High-Speed Train Fresno to Bakersfield Construction Footprint CP2-3



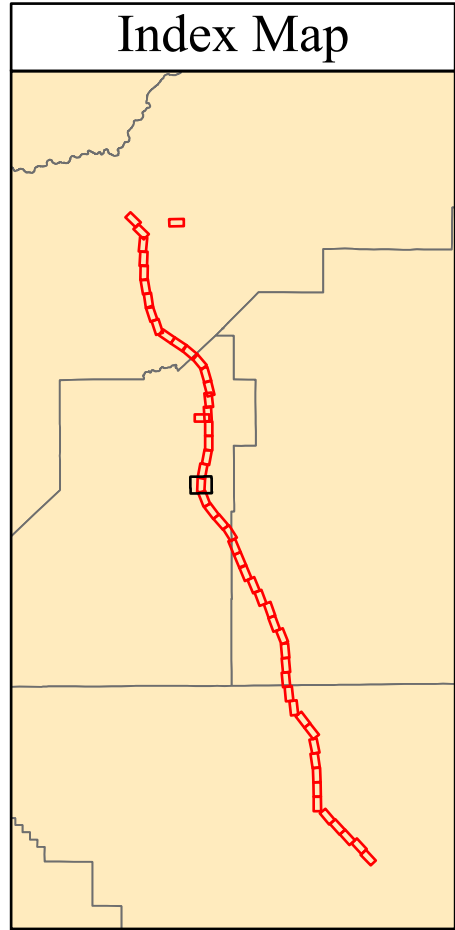
ITP Footprint

- Amendment 31
- ITP Footprint



Map 24 of 53

High-Speed Train Fresno to Bakersfield Construction Footprint CP2-3



ITP Footprint

- Amendment 31
- ITP Footprint

