

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

CENTRAL REGION

1234 EAST SHAW AVENUE

FRESNO, CALIFORNIA 93710



AMENDMENT NO. 32

(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 nitratoide nitratoide*)(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,

Rev. 2013.1.1

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 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. On December 20, 2024, CDFW issued **Major Amendment No. 31** 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, Major

Amendment No. 30, and Major Amendment No. 31 (collectively the ITP, as amended), CDFW found, among other things, that Permittee's compliance with the Conditions of Approval would fully mitigate impacts to the Covered Species and would not jeopardize the continued existence of the Covered Species.

In a letter dated March 14, 2025, the Permittee requested incidental take coverage for western burrowing owl (*Athene cunicularia hypugaea*)(BUOW), a species designated as a candidate for listing pursuant to the California Endangered Species Act (CESA)(Fish & Game Code, § 2068 et seq.).

Amendment No. 32 (this Amendment), a Major Amendment, makes the following changes to the ITP, as amended:

- 1) This Amendment adds BUOW as a Covered Species to the ITP and updates corresponding Conditions of Approval.
- 2) This Amendment updates Table 9 to account for Project related impacts to BUOW habitat.
- 3) This Amendment adds species-specific Conditions of Approval for BUOW.

AMENDMENT

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

1. On page 66, the Covered Species Subject to Take Authorization Provided by this ITP section, and its associated footnote shall be amended to read:

This ITP covers the following species:

Name	CESA Status
1. California tiger salamander (<i>Ambystoma californiense</i>)	Threatened ¹
2. Tipton kangaroo rat (<i>Dipodomys nitratoide nitratoide</i>)	Endangered ²

¹See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(3)(G).

²See Cal. Code Regs. tit. 14 § 670.5, subd (a)(6)(D).

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| 3. San Joaquin antelope squirrel
(<i>Ammospermophilus nelsoni</i>) | Threatened ³ |
| 4. Swainson's hawk
(<i>Buteo swainsoni</i>) | Threatened ⁴ |
| 5. San Joaquin kit fox
(<i>Vulpes macrotis mutica</i>) | Threatened ⁵ |
| 6. Western burrowing owl
(<i>Athene cunicularia hypugaea</i>) | Candidate⁶ |

These species and only these species are the "Covered Species" for the purposes of this ITP.

2. Beginning on page 68, Table 9. Covered Species Habitat Impacts shall be amended to read:

Table 9. Covered Species Habitat Impacts

Covered Species	Habitat Type	Impact Type	Impact Acres
California tiger salamander	Upland refugia (annual grassland at Mitigation Site)	Temporary	16.56
	Aquatic Breeding (vernal pools at and Seasonal wetland Mitigation Site)	Temporary	0.76
		<u>Total</u>	<u>17.32</u>
Tipton kangaroo rat	Annual grassland, Alkali desert scrub, barren, pasture, inactive agriculture, and ruderal	Direct	729.34
San Joaquin antelope squirrel	Annual grassland, Alkali desert scrub, barren, pasture, inactive agriculture, and ruderal	Direct	729.34

³See Cal. Code Regs. tit. 14 § 670.5, subd (b)(6)(B).

⁴See Cal. Code Regs. tit. 14 § 670.5, subd (b)(5)(A).

⁵See Cal. Code Regs. tit. 14 § 670.5, subd (b)(6)(E).

⁶ ***The species' status may change following the decision of the Fish and Game Commission to designate the species as threatened or endangered but if there is such a designation, the species will remain a covered species. See 2024 Cal. Reg. Notice Register, No. 43-Z, p. 1400 (October 25, 2024).***

Covered Species	Habitat Type	Impact Type	Impact Acres
Swainson's hawk	Foraging (California annual grassland, pasture, barren, fallow field, inactive agriculture, ruderal, field crops, row crops, and irrigated hay crops)	Direct	2,375.02
	Foraging (annual grassland at Mitigation Site)	Temporary	17.32
San Joaquin kit fox	<u>Natural</u> (Alkali desert scrub, annual grassland, barren, pasture, and ruderal)	Direct	830.35
	Agricultural (inactive agriculture, fallow field, field crops, row crops, and irrigated hay crops)	Direct	3,084.64
		Total	3,914.99
	Foraging and denning (annual grassland at Mitigation Site)	Temporary	17.32
Western burrowing owl	Nesting, foraging, and refugia	Direct	1,119.22

3. On page 79, western burrowing owl shall be added to the end of the Impacts of the Taking on Covered Species section:

Western Burrowing Owl:

The extent of the impacts of the taking of western burrowing owl (BUOW) is based on the amount of land that could function as BUOW nesting, foraging, and refugia habitat within the Construction Footprint, the assumption that all potential habitat in the Construction Footprint would be permanently destroyed, and an evaluation of Project direct and indirect impacts. The Covered Activities are expected to result in the permanent loss of up to 1,119.22 acres of potential habitat (Table 9.).

Incidental take of BUOW in the form of mortality ("kill") may occur as a result of Covered Activities such as vehicle and equipment strikes; entombment from burrow collapse during ground disturbing activities and deposition of stockpiled material or spoils; burial or crushing of individuals or eggs in burrows; destruction of burrows or refugia; entrapment in holes, trenches, or pipes; vehicle and equipment strikes; loss of refugia; exposure to predation

and loss of eggs, young, or fledglings due to nest abandonment. Incidental take of individuals of BUOW may also occur from Covered Activities in the form of pursuit, catch, or capture or attempt to do so, by entrapment in equipment, facilities and materials as well as displacement and nest abandonment from increased human presence or Covered Activity-related noise/vibrations, relocation of individuals during salvage efforts required by this ITP, installation of one-way doors, and excavation of burrows used for nesting and refuge. Direct impacts to foraging BUOW habitat could also affect migrating individuals, and the fitness of BUOW young raised near the Project due to reduced or disrupted foraging opportunities that reduce the ability of parents to acquire food for their dependent young. Other potential indirect impacts to BUOW and their habitat include effects of the novel disturbance 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.

4. On page 86 of the ITP, Condition of Approval 7.1.1.1 shall be amended to read:

7.1.1.1 Work Area Burrow Map. In Work Areas with suitable habitat, prior to either trapping or burrow excavation, the Designated Biologist with assistance from the General Biological Monitor(s) or Designated Small Mammal Trapper shall flag all potential ***SJKF dens and TKR, BUOW*** and SJAS burrows within the entire Work Area, and its ***respective 50-foot*** buffer zone(s) 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.

5. Following Condition of Approval 7.4.1.7, Condition of Approval 7.4.1.8 shall be added to read:

7.4.1.8 BUOW nesting, foraging, and refugia

6. On Page 96, Record of Covered Species Handled shall be amended to read:

Record of Covered Species Handled. The Designated Biologist(s) shall maintain a record of all CTS handled under their supervision. The Designated Biologist(s) and Designated Small Mammal Trapper(s) shall maintain a record of all SJAS and TKR

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

7. On Page 98, Entrapment Prevention shall be amended to read:

Entrapment Prevention. The following measures shall be implemented in all areas with the potential for either TKR, SJKF, CTS, ***BUOW***, or SJKF as described in Condition of Approval 7.4.1, except where an approved SJKF Designated Biologist has determined there is no sign of SJKF within the City of Fresno to 1,000 feet south of East American Avenue (north of Latitude 36.6607 Longitude -119.7502) according to Condition of Approval 8.15.1.1.

8. Beginning on Page 120, Specific Measures for BUOW shall be added as Condition of Approval 8.18:

8.18 Specific Measures for BUOW.

8.18.1 Vehicle Parking. *Vehicles shall not be parked or staged within the avoidance buffers described in the **BUOW Burrow Avoidance Condition of Approval** below.*

8.18.2 Vehicle Equipment Inspection. *Workers shall inspect for BUOW under vehicles and equipment every time before the vehicles and equipment are moved. If a BUOW is present, workers shall notify the BUOW Designated Biologist(s) and the individual shall be allowed to move from the Work Area of its own volition. Should the BUOW remain in the Work Area, the BUOW Designated Biologist shall consult CDFW for further direction.*

8.18.3 BUOW Mortality Reduction Plan. *A BUOW Mortality Reduction Plan shall be prepared by a BUOW Designated Biologist and submitted to CDFW prior to commencing BUOW burrow exclusion, burrow excavation, artificial burrow construction, and other relocation activities (collectively termed **BUOW Exclusion***

Activities). BUOW Exclusion Activities shall not proceed until this plan has been approved in writing by CDFW. The BUOW Mortality Reduction Plan shall include, but not be limited to: a detailed description of survey methodology; monitoring duration and frequency of active nests; burrow exclusion and excavation methods; proposed Covered Activities that may be performed within BUOW avoidance buffers (may also be provided on a case-by-case basis); identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured BUOW or care for at-risk BUOW, BUOW eggs, and/or BUOW chicks; and a procedure for collection and storage of BUOW carcasses. Only CDFW-approved BUOW Designated Biologists, or General Biological Monitors following directions from and under the direct supervision of a BUOW Designated Biologist, are authorized to handle and transport injured BUOW for treatment or impacted BUOW eggs for salvage. All other BUOW handling is prohibited.

Once the BUOW Mortality Reduction Plan is approved in writing by CDFW, it shall be used for the duration of this ITP unless updated by CDFW to reflect best available science and/or to update mitigation and conservation strategies in which case CDFW will contact the Permittee to discuss necessary updates. Any proposed changes to the BUOW Mortality Reduction Plan shall be submitted in writing to CDFW for review and written approval prior to the implementation of any proposed modifications.

8.18.4 BUOW Burrow Replacement Plan. Each known BUOW burrow (as defined in the BUOW Burrow Avoidance Condition of Approval) that cannot be avoided within the Project Area shall be replaced with an artificial burrow to compensate for the loss of important shelter used by BUOW for protection, reproduction, and escape from predators. Permittee shall submit a BUOW Burrow Replacement Plan prepared by an approved Designated Biologist to CDFW no less than 30 days prior to planned implantation of the BUOW Burrow Replacement Plan. Implementation of the BUOW Burrow Replacement Plan shall not proceed until this plan has been approved in writing by CDFW. The BUOW Burrow Replacement Plan shall include, but not be limited to: a discussion and map of potential artificial burrow

replacement locations; description of the replacement burrow design and dimensions (e.g., depth and width of burrow, width of burrow entrance, orientation of burrow entrance, number and placement of entrances to natal burrows); artificial burrow installation methods; long-term artificial burrow maintenance methods; and timing of BUOW burrow installation/construction.

Once the BUOW Burrow Replacement Plan is approved in writing by CDFW, it shall be used for the duration of this ITP unless updated by CDFW to reflect best available science and/or to update mitigation and conservation strategies in which case CDFW will contact the Permittee to discuss necessary updates. Any proposed changes to the BUOW Burrow Replacement Plan shall be submitted, in writing, to CDFW and approved by CDFW in writing prior to the implementation of any proposed modifications.

8.18.5 BUOW Observational Data. Permittee shall submit to CDFW a baseline accounting of Project-related BUOW observations made January 1, 2022 through July 1, 2025 within 30 days of initiating Covered Activities that may result in take of BUOW. The submittal shall include available data , such as the date and location the initial observation was made, the number of individuals observed, the approximate age of the each individual observed, nesting behavior that may have been noted and whether the nest was successful for that year, type of Covered Activities occurring at the time of the observation, and whether the burrow was destroyed/blocked (if the latter, note the date the burrow was unblocked).

8.18.6 BUOW Surveys and Reporting. Surveys for BUOW shall be performed via the following process:

Where ground- or vegetation-disturbing Covered Activities have lapsed for longer than 30 days, or where initial ground- or vegetation disturbing Covered Activities have not occurred – focused BUOW surveys shall be performed no more than 30 days prior to ground- or vegetation-disturbing Covered Activities. The BUOW Designated Biologist(s) or General Biological Monitor(s) shall conduct surveys to identify potential,

known, and/or nesting BUOW burrows (as defined in the BUOW Burrow Avoidance below). Surveys shall include the Work Area and 500 feet (where feasible) beyond the limits of the distinct Work Areas within Project Area, unless otherwise approved in advance in writing by CDFW. Should ground-disturbing Covered Activities lapse for more than 30 days, a subsequent survey shall be performed as described above

Where initial ground- or vegetation-disturbing Covered Activities have been performed, and they have not lapsed for longer than 30 days – focused BUOW burrow surveys shall be performed at least once every 30 days. The BUOW Designated Biologist(s) or General Biological Monitor(s) shall conduct surveys to identify potential, known, and/or nesting BUOW burrows (as defined in the BUOW Burrow Avoidance below). Surveys shall include the Work Area and 500 feet (where feasible) beyond the limits of the distinct Work Areas within Project Area, unless otherwise approved in advance in writing by CDFW. Should ground-disturbing Covered Activities lapse for more than 30 days, a subsequent survey shall be performed as described above.

Permittee shall provide the survey results in a written report to CDFW's Regional Representative prior to starting BUOW Exclusion Activities in the Project Area or in each distinct Work Area(s). The report shall include, but not be limited to, a burrow map (see Burrow Map), methodology, survey date, and apparent status of each burrow (potential, known, or nesting). If the BUOW Designated Biologist(s) identifies any potential, known, or nesting BUOW burrows, the burrow(s) shall be avoided per BUOW Burrow Avoidance, or otherwise monitored following BUOW Burrow Blockage and BUOW Burrow Excavation.

8.18.7 Burrow Map. The Designated Biologist or General Biological Monitor shall provide a KMZ map to CDFW of all BUOW burrows found during the surveys performed per the BUOW Surveys and Reporting Condition of Approval. The map shall show details and locations of all BUOW sightings and potential, known, and nesting BUOW burrows as defined in the BUOW Burrow Avoidance Condition of Approval. The map shall include an outline of the Project Area and any distinct Work Area(s)

surveyed within the Project Area, title, north arrow, scale bar, and legend.

8.18.8 BUOW Burrow Avoidance. No-disturbance buffer zones shall be established around known and nesting BUOW burrows according to the following guidelines:

- ***Any time a known BUOW burrow (a burrow that shows evidence the burrow is being used, is known to have been used, or shows evidence of past use by a BUOW) or an "atypical" burrow (e.g., a pipe, culvert, buckled concrete, etc.) showing signs of occupancy (e.g. BUOW presence, whitewash, pellets, prey remains, etc.) is discovered, the Permittee shall establish a minimum no-disturbance buffer of at least 100 feet around the burrow. A no-disturbance buffer of at least 500 feet shall be established around known BUOW burrows currently occupied by BUOW during the nesting season (typically February 1 to August 31 in this area).***
- ***Any time a nesting BUOW burrow (e.g. known BUOW burrow with indications of a pair, the presence of eggs, chicks, dependent young, and/or brooding or egg incubation) is discovered, the Permittee shall notify CDFW's Regional Representative immediately via e-mail. A no-disturbance buffer of at least 500 feet shall be established around the nest burrow.***

If BUOW burrows cannot be avoided as described above, then the BUOW Burrow Blockage, BUOW Burrow Excavation, and BUOW Mortality Reduction Plan Conditions of Approval shall be followed as appropriate. If BUOW are visibly stressed by the Covered Activities or the presence of workers in their vicinity after these no-disturbance buffers are established, all work in the vicinity shall immediately cease and increased no-disturbance buffers will be determined by the Designated Biologist(s) based on their behavioral observations of the affected BUOW.

The buffers prescribed above shall not be reduced or otherwise modified without prior written CDFW approval. If the BUOW Designated Biologist determines that specific Covered Activities

are not likely to affect the BUOW using known or nesting BUOW burrows due to the nature of the specific Covered Activities and/or due to objects or topography that might reduce potential noise disturbance and obstruct view of the Covered Activities from the nest, then the BUOW Designated Biologist may email a written request to CDFW to reduce the buffer distance with documented observational data (Buffer Reduction Request). CDFW will review each Buffer Reduction Request on a case-by-case basis and provide a determination in response to each Buffer Reduction Request in writing. CDFW may request additional and/or ongoing biological monitoring prior to approving a Buffer Reduction Request.

8.18.9 BUOW Burrow Blockage. *Where CDFW has approved a buffer reduction, BUOW Burrows located within the buffer distances prescribed by the BUOW Burrow Avoidance Condition of Approval, but outside the discrete Work Area(s) within the Project Area where ground- and vegetation-disturbing Covered Activities will be performed shall be blocked, rather than destroyed. Burrows (including burrows in natural substrate and in/under man-made structures) may be blocked only immediately after the BUOW Designated Biologist(s) has conducted 72 consecutive hours of monitoring with wildlife camera and determined that BUOW is not currently present. Nesting BUOW nest burrows shall not be blocked until CDFW has provided written concurrence to do so, and the BUOW Designated Biologist confirms that the chicks and adults have vacated the burrow and/or the chicks have fledged and are no longer dependent on the nest. All blocked burrows shall be monitored by the BUOW Designated Biologist or General Biological Monitor at least once every 48 hours to ensure that the exclusion material is still intact. If BUOW regains access to the burrow, the Permittee shall contact CDFW immediately and obtain written guidance regarding how to proceed. All blocked burrows shall be unblocked within 48 hours of completion of construction-related Covered Activities within the prescribed buffer distance.*

8.18.10 BUOW Burrow Excavation. *The BUOW Designated Biologist, or General Biological Monitor under direct supervision of the Designated Biologist, shall excavate known or potential BUOW burrows (including burrows in/under man-made structures) that*

cannot be avoided per the BUOW Burrow Avoidance Condition of Approval and that are within the Project Area. Burrows to be destroyed shall be fully excavated, filled with dirt, and compacted to ensure that BUOW cannot reenter or use the burrow during the period that Covered Activities occur in the Work Area. If an individual BUOW does not vacate a burrow, Permittee shall consult with CDFW for written guidance before proceeding with burrow excavation. An established BUOW burrow no-disturbance buffer may be removed once the burrow is fully excavated and BUOW are no longer attempting to use the burrow.

- ***Excavation of known BUOW burrows shall only occur after the BUOW Designated Biologist has determined that BUOW is not currently present, following 72 consecutive hours of monitoring with wildlife cameras. If the excavation process reveals evidence of current use by BUOW, then burrow excavation shall cease immediately, and wildlife camera monitoring as described above shall be conducted/resumed. Excavation of the burrow may be completed when the BUOW Designated Biologist has determined all BUOWs have escaped from the partially destroyed burrow. BUOW burrows shall be carefully excavated with hand tools, or with mechanical assistance if a specific methodology is approved in writing by CDFW.***
- ***Potential BUOW burrows without any sign of BUOW use may be excavated under the direct supervision of the Designated Biologist without prior camera monitoring.***
- ***Nesting BUOW burrows shall not be excavated until the BUOW Designated Biologist confirms that the chicks have fledged and are no longer dependent on the nest and only after written concurrence from CDFW.***

An established BUOW burrow no-disturbance buffer may be removed once the burrow is collapsed and the BUOW(s) is/are no longer using the burrow.

8.18.11 Restrictions for Nightwork. *All nightwork shall follow the BUOW Burrow Avoidance Condition of Approval. Permittee shall ensure that no permanent or temporary, fixed, exterior lighting, including motion-triggered security lighting, will cast light on BUOW habitat beyond the Work Area. The BUOW Designated Biologist shall be on-site during all vegetation or ground disturbing Covered Activities performed at night. Permittee shall ensure that all vehicle traffic during nighttime Covered Activities maintain speed of less than 10 mph to minimize impacts to BUOW.*

8.18.12 BUOW Injury. *If a BUOW is injured or found dead within the vicinity of the Project or Work Area, the Permittee shall notify CDFW of the injury or mortality to the BUOW immediately by e-mail. The Designated Biologist shall follow the BUOW Mortality Reduction Plan to either immediately transport injured individuals to a CDFW-approved wildlife rehabilitation center or veterinary facility or follow approved collection and storage procedures for deceased animals. Permittee shall bear any cost associated with care and recovery of any injured BUOW adults, nestling(s) or egg(s) and hacking (controlled release of captive reared young).*

8.18.13 BUOW Observations and Notification. *All workers shall inform the BUOW Designated Biologist if BUOW is seen within or near the Work Area during implementation of Covered Activities. All work in the vicinity of the BUOW which could harm the individual, shall cease until the individual moves from the Work Area of its own accord or the BUOW Designated Biologist passively encourages the individual to move out of harm's way, in compliance with the timing and methods identified in the BUOW Mortality Reduction Plan.*

9. On Page 138, Table 11. Required Mitigation for Project-Related Impacts to Covered Species shall be amended to read:

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
San Joaquin antelope squirrel (<i>Ammospermophilus nelsoni</i>)	Natural	729.34	2,188.02
Tipton kangaroo rat (<i>Dipodomys nitratoides nitratoides</i>)	Natural	729.34	2,188.02
Swainson's hawk (<i>Buteo swainsoni</i>)	Foraging habitat	2,375.02	2,375.02
San Joaquin kit fox (<i>Vulpes macrotis</i>)	Natural and agriculture	3,914.99	2,588.06
Western Burrowing Owl (<i>Athene cunicularia hypugaea</i>)	Nesting, foraging, and refugia	1,119.22	1,119.22*
Total Compensatory Mitigation			9,388.88 10,458.34

***San Joaquin kit fox habitat mitigation lands are also suitable for western burrowing owl.**

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

FINDINGS

Issuance of this Amendment will increase the amount of take of western burrowing owl compared to the Project as originally approved; however, by implementing the avoidance and minimization measures contained in the ITP and the purchase of Covered Species habitat mitigation lands, it is not expected that this Amendment will

increase Project impacts on these species (i.e., “impacts of taking” as used in Fish and Game Code Section 2081, subd. (b)(2)).

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

- 1) This Amendment adds western burrowing owl (*Athene cunicularia hypugaea*, BUOW) as a Covered Species to the ITP and updates corresponding Conditions of Approval.
- 2) This Amendment updates Table 9 to account for Project related impacts to BUOW habitat.
- 3) This Amendment adds species-specific Conditions of Approval for BUOW.

CDFW has determined that species-specific avoidance and minimization measures, including but not limited to pre-construction surveys; BUOW burrow avoidance, monitoring, and excavation; burrow replacement for BUOW individuals that will be directly impacted by Project activities, and the permanent protection of compensatory habitat are required to fully mitigate Project related impacts of the taking on Covered Species. This Amendment requires that prior to the initiation of ground- or vegetation-disturbing activities in all areas of suitable habitat for Covered Species, Covered Species habitat shall be permanently protected through a habitat acreage credit purchase at a CDFW-approved mitigation.

CDFW has determined that although the Amendment will result in an increase in take of the Covered Species, the additional impacts of the taking that would arise will be minimized and fully mitigated through implementation of the Conditions of Approval.

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, in April 2024, and in December 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, No. 30, and No. 31 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 require habitat compensation for each species in proportion to the Project related 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, Major Amendment No. 30 in April 2024, and Major Amendment No. 31 in December 20, 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

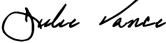
amended. However, for the reasons explained above, CDFW concludes that approval of this Amendment will not result in and does not have the potential to create any new significant or substantially more severe environmental effects than previously analyzed and disclosed by California High Speed Rail Authority 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 adds the State Candidate BUOW to the list of Covered Species subject to take authorization and adds associated take minimization measures, and includes compensatory mitigation for BUOW. Therefore, this Amendment will significantly modify the scope or nature of the permitted Project or activity, or the minimization, mitigation, or monitoring measures in the ITP. CDFW has determined that the change to the ITP constitutes a Major Amendment as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(5).

APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on 6/26/2025

DocuSigned by:

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Julie A. Vance
Regional Manager
Central Region

Major Amendment No. 32
Incidental Take Permit 2081-2015-024-04
CALIFORNIA HIGH-SPEED RAIL AUTHORITY
CALIFORNIA HIGH-SPEED TRAIN PROJECT
Fresno to Bakersfield Section Permitting Phase 1