

California Department of Fish and Wildlife
CENTRAL REGION
1234 EAST SHAW AVENUE
FRESNO, CALIFORNIA 93710



AMENDMENT NO. 34
(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*) (SJAS), 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 it 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 and maintenance (O&M) and inspection activities within the Construction Footprint, and Mitigation Activities.

In an email to CDFW 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 to CDFW 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** incorporating these changes.

In an email to CDFW 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 to CDFW 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 to CDFW 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 to CDFW 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 to CDFW 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 to CDFW 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 to CDFW 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 to CDFW 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 to CDFW 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 to CDFW 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 to CDFW 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 to CDFW 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 to CDFW 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 to CDFW 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 to CDFW 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 to CDFW 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 to CDFW 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 to CDFW 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 to CDFW 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 to CDFW 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 to CDFW 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 to CDFW 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 to CDFW 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 to CDFW 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 to CDFW 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 to CDFW 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 to CDFW 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 to CDFW 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 a letter to CDFW 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.). On June 26, 2025, CDFW issued **Major Amendment No. 32** to the ITP incorporating these changes.

In a letter to CDFW dated October 23, 2024, the Permittee requested incidental take coverage for blunt-nosed leopard lizard (*Gambelia sila*) (BNLL), a species designated as state fully protected and state endangered (Fish & Game Code § 5050 and § 2080, respectively). On August 21, 2025, CDFW issued **Major Amendment No. 33** 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, Major Amendment No. 31, Major Amendment No. 32, and Major Amendment No. 33 (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.

On August 22, 2025, the Permittee submitted a request to CDFW to authorize the use of San Joaquin antelope squirrel (SJAS) alternative surveys under the pre-construction survey process, and to remove the requirement for the 68 – 86 degree temperature range to persist in the forecast for at least four hours when performing SJAS trapping activities. On November 24, 2025, the Permittee submitted a revised request to add the option for a variance to waive Covered Species burrow excavation requirements. Subsequent discussions between CDFW and the Permittee through mid January 2026 resulted in additional changes to the ITP to address both Permittee and CDFW concerns.

Amendment No. 34 (this Amendment), a Major Amendment, makes the following changes to the ITP, as amended:

- 1) This Amendment allows CDFW to review and approve Permittee requests for a variance to waive the requirement to excavate Covered Species burrows due to safety concerns.

- 2) This Amendment authorizes the use of SJAS Alternative Surveys under the Preconstruction Survey process.
- 3) This Amendment removes the 4-hour forecast requirement for the temperature criteria needed to implement live trapping and SJAS Alternative Surveys.
- 4) This Amendment includes CDFW-initiated changes to the ITP to clarify the Biological Monitor section, reporting Covered Species observations, BUOW and BNLL COAs, and Security section.

AMENDMENT

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

1. Condition of Approval 6.2.1 beginning on page 84, of the ITP as amended, shall be amended to read:

6.2.1 Designated Biologist(s). Permittee shall ensure that each Designated Biologists knowledgeable and experienced in the biology, natural history, capturing/collecting, and handling of the applicable Covered Species, excavating small mammal burrows for the Covered Species, enforcing no-disturbance buffers, and monitoring construction activities under an ITP. 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. ~~Based on the CDFW Approved Survey Methodology for the Blunt-Nosed Leopard Lizard October 2019 (Revised), the~~ **The BNLL** Designated Biologist shall have equal or greater experience than a Level II Surveyor, **as it is defined in the CDFW-Approved BNLL Survey Methodology October 2019**. 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 Work 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 8.11.3.

2. Condition of Approval 6.2.2 on page 85, of the ITP as amended, shall be amended to read:

6.2.2 General Biological Monitor(s). General Biological Monitor(s) are biologists with general roles and technical responsibilities. General Biological Monitors may be used instead of Designated Biologist(s) only for general monitoring activities within each discreet area of the Project under active construction (Work Area), and only after initial site disturbance in that particular Work Area has occurred under the supervision of a Designated Biologist(s). General Biological Monitors must be experienced in the general biology, natural history, and identification of the applicable Covered Species. The General Biological Monitors 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. ~~Based on the CDFW Approved Survey Methodology for the Blunt Nosed Leopard Lizard October 2019 (Revised),~~ **The BNLL** General Biological Monitors shall have equal or greater experience than a Level I Surveyor, **as it is defined in the CDFW-Approved BNLL Survey Methodology October 2019**. The General Biological Monitors shall receive training and direct supervision from the Designated Biologist(s) for each task performed. The General Biological Monitor(s) shall communicate daily with the Designated Biologist(s) and shall immediately report any occurrence of Covered Species within the Project Area or buffer areas, as well as any apparent non-compliance with any provision of this ITP.

3. Condition of Approval 6.2.3 beginning on page 85, of the ITP as amended, shall be amended to read:

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, except for

Conditions of Approval 8.16.5, 8.17.5, **8.51.2, and 8.51.3.1** ~~8.49.2 and 8.49.3.4~~ 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 **Work** 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 8.11.3.

4. Condition of Approval 7.1.1.4 beginning on page 90, of the ITP as amended shall be added to read:

7.1.1.4. Burrow Excavation Variance Requests. *The excavation of burrows within specific constructed portions of the Project such as embankments, IPBs, viaduct supports, bridge columns, and abutments could impair the integrity or stability of these structures. Further, the excavation of burrows near certain Project structures, roads, utilities or rail lines, and of burrows within embankments may pose safety hazards to the Designated Biologist(s) and support staff.*

Where the above structural and safety concerns are identified by the Permittee, a variance for any Condition of Approval that requires burrow excavation may be requested on a case-by-case basis for CDFW review and approval. If approved, the variance shall allow for construction activities to proceed without prior burrow excavation.

These variance requests may apply to individual TKR; SJAS; BNLL, SJKF and BUOW burrows or clusters of burrows that would otherwise be subject to excavation. Burrow excavation variance requests may be submitted with a Pre-Construction Survey Report or as a standalone written request (e-mail will suffice) for active Work Areas. Burrow excavation variance requests shall include: location of the burrow(s) that will be subject to the variance, the associated 14-Day Notification and Work Area, associated Covered Species, reason for the excavation variance (structural impacts concern, safety risks or both), and the species-specific Conditions of Approval that have implemented or are pending implementation to confirm the burrows are not in use by Covered Species. CDFW shall review the request and

shall provide a written response (email will suffice) within 14 calendar days of receipt of the excavation variance request.

These burrows shall not be destroyed until CDFW has approved the variance request in writing and all remaining species-specific Conditions of Approval have been completed to confirm that the burrow is not in use by Covered Species. A Designated Biologist for each relevant Covered Species shall be present to monitor the destruction of Covered Species burrows, with the ability to stop work should Covered Species be discovered. If a Covered Species is found, Covered Activities shall stop immediately and CDFW consultation shall be initiated. Burrow destruction via construction activities shall proceed within two business days following CDFW approval or immediately following removal of burrow blockage materials (where applicable).

5. Condition of Approval 7.1.2 beginning on page 90, of the ITP as amended, shall be amended to read:

7.1.2. Site Assessment. The Designated Representative shall provide CDFW with a 14-Day Notification and a Site Assessment **Report** before resuming Covered Activities. If CDFW does not respond within 14 days of the submittal with questions or concerns, then the work as proposed in the ~~Site Assessment~~ **14-Day Notification** may proceed. If any future lapses in Covered Activities exceed 6 months at any given Work Area, then a new Site Assessment shall be completed and submitted to CDFW with a new 14-Day Notification **prior to resuming Covered Activities**. Where applicable, work may proceed absent a new Pre-Construction Survey Report provided all the following criteria are met:

- Work Areas where initial ground disturbance (e.g., vegetation removal, clearing, grubbing, and grading) was previously completed.
- There is no recent CNDDDB record(s) (i.e., published or submitted < 10 years) or other known occurrences (<10 years) for BNLL, SJKF, SJAS or TKR within 1,000 feet of the Work Area.

6. Condition of Approval 7.1.2.2 on page 91, of the ITP as amended, shall be amended to read:

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

- (1) **If** previous trapping and/or excavation **was required, and** 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 has no potential TKR and SJAS burrows, and SJAS is~~ **has not been** 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 **are** not met, then Supplemental Surveys for both SJAS and TKR are required.

7. Condition of Approval 7.1.3 on page 92, of the ITP as amended, shall be amended to read:

- 7.1.3. Site Assessment with SJAS Supplemental Survey. ~~The Permittee shall submit a~~ **A** Work Area burrow map per Condition of Approval 7.1.1.1 and **a** new SJAS Site-Specific Plan **shall be submitted** to CDFW per Conditions of Approval **7.1.1.1 and 8.16.1.1.**

~~For the Supplemental Surveys the Permittee shall trap for SJAS~~ **shall be live trapped** 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 **live** trapping, ~~surveys once the detailed methodology has been submitted to CDFW in an~~ **pursuant to the CDFW-approved** SJAS Mortality Reduction Plan per Condition of Approval 8.16.1. ~~and approved by CDFW.~~

If approved by CDFW in writing, (e-mail will suffice), **SJAS** 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 may be submitted to CDFW along with negative Supplemental Survey results~~ **shall be submitted to CDFW after the completion of live trapping or SJAS Alternative Surveys.** CDFW shall review the results and shall provide a response 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.

8. Condition of Approval 7.1.4 beginning on page 92, of the ITP as amended, shall be amended to read:

7.1.4. Site Assessment with TKR Supplemental Survey. ~~The Permittee shall submit a Work Area burrow map per Condition of Approval 7.1.1.1 and new TKR Site-Specific Plan~~ **shall be submitted** to CDFW per Conditions of Approval **7.1.1.1 and 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 may be submitted to CDFW along with negative Supplemental Survey results. CDFW shall review the results and shall provide a response within three business days of receipt of the Supplemental Survey results (e-mail will suffice). Vegetation removal, clearing, grubbing, ~~scrapping~~ **scraping** and/or grading shall not proceed until after CDFW has approved the survey results.

9. Condition of Approval 7.3 beginning on page 93, of the ITP as amended, shall be amended to read:

7.3. Compliance Monitoring. The Designated Biologist(s) shall monitor all initial ground disturbing activities (e.g., vegetation removal, clearing, grubbing, and grading) for the entire duration of the activity daily at each Work Area. After initial ground disturbing activities, the Biological Monitor(s) shall conduct compliance inspections a minimum of once per day within each of the Work Area(s) where Covered Activities are occurring. Biological Monitor(s) shall conduct compliance inspections a minimum of once a month during periods of inactivity unless the inactive Work Area has holes, sumps, trenches, or pipes with long term covers or fencing which must still be checked daily per Condition of Approval 8.7. The Biological Monitor(s) shall conduct compliance inspections to achieve the following objectives:

- 1) minimize incidental take of the Covered Species
- 2) prevent unlawful take of species

- 3) check for compliance with all applicable measures of this ITP
- 4) check all exclusion zones
- 5) ensure that **Covered Species avoidance buffers**, signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area
- 6) check all open and covered holes, sumps, trenches, or pipes according to Condition of Approval 8.7.

Biological Monitor(s) shall prepare daily written observation and inspection records (**including photos with GPS coordinates**) for each active Work Area, summarizing oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP for each day compliance monitoring is conducted.

10. Condition of Approval 7.9 on page 99, of the ITP as amended, shall be amended to read:

- 7.9. CNDDDB Observations. The ~~Designated Biologist(s)~~ **Permittee** 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 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.

11. Condition of Approval 8.6 on page 102, of the ITP as amended, shall be amended to read:

- 8.6. Covered Species Observations. ~~At any time while engaged in Covered Activities, all workers~~ **Workers** shall inform the Biological Monitor(s) if a Covered Species is seen within or near the Work Area. All Covered Activities in the vicinity of the Covered Species, which could injure or kill the animal,

shall cease until the Covered Species is moved by the Biological Monitor(s) **according to the species-specific Conditions of Approval**, or it moves from the Work Area of its own accord. **Incidental Covered Species observations shall be included in the Monthly Compliance Report, along with the associated 14-day notification (if applicable) and coordinates for the Covered Species observed (approximate coordinates, if seen outside the Project Area).**

12. Condition of Approval 8.9 on page 104, of the ITP as amended, shall be amended to read:

8.9. Vehicle and Equipment Inspection. Workers shall **always** inspect for Covered Species under vehicles and equipment ~~before the each time~~ prior to moving vehicles and equipment. If a Covered Species is present, the worker shall notify the Biological Monitor(s) and wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Permittee shall contact the Designated Biologist to determine if the Designated Biologist can safely move the Covered Species out of harm's way in compliance with this ITP.

13. Condition of Approval 8.16.1.1 beginning on page 114, of the ITP as amended, shall be amended to read:

8.16.1.1. SJAS Site-Specific Plans. Fourteen days prior to initiating **SJAS Alternative Surveys, live** 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 **SJAS Supplemental** trapping or ~~SJAS Alternative Survey~~. **SJAS Alternative Surveys shall be performed for a minimum of two consecutive days, shall not occur during inclement weather (e.g., rain) and may only be utilized during daylight hours (sunrise to sunset) when temperatures on site are within the temperature criteria of 68 to 86 degrees Fahrenheit. The Designated Biologist or Designated Small Mammal Trapper shall submit a written report of all SJAS Alternative Survey results to CDFW after survey completion (e-mail will suffice). CDFW will review the results and will provide a response within three business days of receipt of the SJAS Alternative Survey results (e-mail will suffice). Vegetation removal, clearing, grubbing, scraping and/or grading shall not proceed until after CDFW has approved the survey results. 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).~~

Permittee may request to perform SJAS live trapping or Alternative Surveys outside of the required temperature criteria, if supported by active SJAS observations from a reference site within the western San Joaquin Valley floor of Kern, Kings, or Fresno County within seven calendar days and with similar temperature and weather conditions. The request shall include: name(s) of the Designated Biologist(s) or Designated Small Mammal Trapper(s) that observed the SJAS, photos of the observed SJAS, reference site location(s) and habitat type, observation date and time, and weather data (e.g. cloud cover, humidity, chance of precipitation, and temperature) recorded at the time of the observation(s). SJAS live trapping or Alternative Surveys shall not be implemented outside of the required temperature criteria until CDFW approves the request in writing.

Each SJAS Site-Specific Plan shall include specific information for each Work Area that includes the name(s) of the Designated Biologist(s) **or Designated Small Mammal Trapper(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 **survey-specific** information ~~pertinent to the type of survey~~ as described below.

- (1) ~~Trapping **Survey** Details.~~ For areas where there will be trapping the following information is also required **The SJAS Site-Specific Plan shall also include:** 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 **The SJAS Site-Specific Plan shall also include:** 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).

- (3) Camera Trapping **Survey** Details. ~~For areas where there will be camera trapping surveys, the following information is also required~~ **The SJAS Site-Specific Plan shall also include:** 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).

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

14. Conditions of Approval 8.16.2, 8.16.2.1. and 8.16.2.2 on Pages 115-116, of the ITP as amended, shall be amended to read:

8.16.2. SJAS Pre-Construction Survey or Site Assessment. No more than 30 calendar days prior to **commencing** ~~the commencement of any~~ Covered Activities in all areas of **with** 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 50-foot buffer zone beyond the Work Area's boundaries. The Designated Biologist(s) **or Designated Small Mammal Trapper** shall submit a Pre-Construction Survey ~~Report~~ or Site Assessment **Report** 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 a~~ Supplemental Survey results **is required** per Condition of Approval 7.1.3 ~~are required to eliminate the need for burrow excavation.~~

8.16.2.1. 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 TKR/SJAS~~

~~Mapping Area 1 as shown in Exhibit 8, then Permittee shall excavate by hand all potential SJAS burrows **shall be (1) excavated** in accordance with Condition of Approval 8.16.5 **or (2) live trapped**, and may trap for SJAS in accordance with Condition of Approval 8.16.4, if the Designated Biologist determines it to be useful **or (3) SJAS Alternative Surveys shall be implemented in accordance with Condition of Approval 8.16.1.1.**~~

~~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.~~

- 8.16.2.2. 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 **all potential SJAS burrows shall be (1) excavated in accordance with Condition of Approval 8.16.5 or (2) live trapped for SJAS in accordance with Condition of Approval 8.16.4, or (3) SJAS Alternative Surveys shall be implemented in accordance with Condition of Approval 8.16.1.1.** the Permittee shall either (1) trap in accordance with Condition of Approval 8.16.4 or (2) excavate all potential SJAS burrows in accordance with Condition of Approval 8.16.5.

15. Condition of Approval 8.16.3 on page 116, of the ITP as amended, shall be amended to read:

- 8.16.3. SJAS Burrow Avoidance. Potential SJAS burrows shall be avoided by 50 feet unless otherwise approved in writing (e-mail 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, grubbing, scraping and/or grading), 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 or Site Assessment Report for the Work Area per Condition of Approval 7.1.2.

16. Conditions of Approval 8.16.4 through 8.16.4.4 beginning on page 116 through page 118, of the ITP as amended, shall be amended to read:

8.16.4. SJAS Trapping. Permittee shall submit a Work Area burrow map and Site-Specific Plan (described in Condition of Approval 8.16.1.1) to CDFW for review and written approval prior to conducting the trapping surveys.

8.16.4.1. Trapping Area Size Limit. Work Areas that require small mammal **where SJAS live** trapping **will be implemented** shall be no larger than 10 acres. ~~and may need to be smaller if there is~~ **Work Areas with** high burrow density **may require a greater trapping effort, as determined by CDFW**. ~~Permittee may~~ **A written request (e-mail will suffice) may be submitted** in writing **for** an exception to the ~~maximum~~ 10-acre size trapping area **limit**. ~~that~~ **The request** shall contain a compelling ecological reason (e.g., low burrow density) along with the Work Area burrow map and SJAS Site-Specific Plan. CDFW will review the exception request along with the 14-Day Notification, the Work Area burrow map and SJAS Site-Specific Plan. Under no circumstances shall **SJAS** trapping occur in a Work Area exceeding 10 acres in size without written CDFW approval. For **SJAS trapping Trapping** conducted in areas with high burrow density, more than one Designated Biologist or **Designated** Small Mammal Trapper may be needed for each Work Area.

8.16.4.2. Trapping Commencement. ~~In Work Areas where SJAS trapping surveys will be implemented, traps~~ **Traps** shall only be open during the time of day **daylight hours (sunrise to sunset), and** when on-site temperatures are within the 68-to-86-degrees 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~~ **Traps shall not be opened if** inclement weather (e.g., a predicted 40 percent or greater chance of precipitation) **is forecasted**. 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 optimal activity period for the species (April 1 to September 30) and for a minimum of six consecutive days that yield no positive detections of SJAS when trapping (October 1 through March 31) outside of the optimal activity period.

8.16.4.3. Trapping Completion and Reporting. The Designated Biologist(s) **or Designated Small Mammal Trapper(s)** shall **prepare and** submit a written report of all survey and trapping activities to CDFW after completion of the required number of consecutive days of trapping that yield no positive detections of SJAS (email will suffice). The report 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~~ **scraping** and/or grading shall not proceed until after CDFW has approved the survey results.

8.16.4.4. Following Trapping. Either **burrow** excavation efforts, or commencement of initial ground disturbing activities (e.g., vegetation removal, clearing, grubbing, and grading) without burrow excavation, ~~per Condition of Approval 8.16.2.2~~ 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 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 new survey will also be required, otherwise the results of the SJAS trapping efforts can be used for up to six months.

17. Conditions of Approval 8.16.5 through 8.16.5.2 beginning on page 118 through page 119, of the ITP as amended, shall be amended to read:

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 within the portion of the Work Area to be disturbed shall **may** 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.

8.16.5.1. Excavation Area Size Limit. Work Areas that require **where** burrow excavation **will be implemented** shall be no larger than 10 acres and may need to be smaller if the Designated Biologist has reason to believe burrow excavation would take longer than 15 days calendar days (e.g., high burrow density). ~~Permittee may~~ **A written request (e-mail will suffice) in writing may be submitted to CDFW for** an exception to the 10-acre maximum excavation **limit**. ~~size that~~ **The request** shall contain a compelling ecological reason (e.g., low burrow density) along with the Work Area burrow map and SJAS Site-Specific Plan (if applicable). CDFW will review the exception request and provide written approval or denial within four (4) business days of receiving the burrow map and ~~survey trap plan~~ **SJAS Site-Specific Plan** (if applicable). Under no circumstances shall **burrow** excavation occur in a Work Area exceeding 10 acres in size without written CDFW approval.

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 **burrow** excavation ~~efforts~~, prior to commencement of ground disturbing activities, a new survey with an updated Work Area burrow map will be required to determine if there are any new burrows in need of excavation.

18. Condition of Approval 8.18.3 on page 125, of the ITP as amended, shall be amended to read:

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 blocking, installation of one-way doors, installation of visual screens/noise barriers, and/or 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 **monitoring** frequency of active ~~nests~~ **burrows**; ~~burrow exclusion methods for burrow blockage and the installation of one-way doors;~~ and excavation methods; proposed ~~Covered Activities~~ **non-ground disturbing 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.

19. Condition of Approval 8.18.4 on page 126, of the ITP as amended, shall be amended to read:

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~~ ***is excavated or is otherwise destroyed by Construction Activities*** within the Project Area shall be replaced with an artificial burrow ***within 12 months after the BUOW burrow is destroyed.*** ~~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 a~~ ***BUOW Designated Biologist to for CDFW approval*** no less than 30 days prior to ***the implementation of BUOW burrow replacement activities.*** ~~planned implantation of the BUOW Burrow Replacement Plan.~~ ***The BUOW Burrow Replacement Plan may be submitted for Project-wide use, or on a case-by-case basis.*** Implementation of the BUOW Burrow Replacement Plan(s) 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.

Each burrow that has been excavated or otherwise destroyed by construction activities (according to BUOW Burrow Excavation and Burrow Excavation Variance Requests) shall be tabulated and reported in their respective Monthly Compliance Report. The table shall include: lat./long. location of the burrow, burrow ID, date the burrow was excavated or otherwise destroyed by construction

activities, and the name(s) of the Biological Monitor(s) that oversaw the destruction or excavation of the burrow. Additionally, the status of each burrow that has been excavated or otherwise destroyed by construction activities shall be reported in the Annual Status Report. This table shall include the lat./long. location of the burrow, the burrow ID, the date the burrow was excavated or otherwise destroyed by construction activities, and information describing whether or not the burrow has been replaced (if replaced, provide the date and location of the replacement).

20. Condition of Approval 8.18.6 beginning on page 126, of the ITP as amended, shall be amended to read:

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 focused surveys shall consist of pedestrian transects when the survey area contains vegetation that may obstruct burrows from view, or where known BUOW burrows exist in the Work Area or within 500 feet of the Work Area. In survey areas where 100% of the potential BUOW burrowing habitat (survey area) is visible from a drivable surface, the focused surveys may consist of driving surveys. Driving surveys shall be performed by a BUOW Designated Biologist, as a passenger, whom is driven along the survey area by another person. This driving survey shall be performed in a manner that ensures the surveyor has visually inspected 100% of the survey area with an unobstructed view, which may require multiple passes and sometimes exiting the vehicle for a complete view of the embankment or survey area.*** 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 focused surveys shall consist of pedestrian transects when the survey area contains vegetation that may obstruct burrows from view, or where known BUOW burrows exist in the Work Area or within 500 feet of the Work Area. In survey areas where 100% of the potential BUOW burrowing habitat (survey area) is visible from a drivable surface, the focused surveys may consist of driving surveys. Driving surveys shall be performed by a BUOW Designated Biologist, as a passenger, whom is driven along the survey area by another person. This driving survey shall be performed in a manner that ensures the surveyor has visually inspected 100% of the survey area with an unobstructed view, which may require multiple passes and sometimes exiting the vehicle for a complete view of the embankment or survey area.*** The BUOW Designated Biologist(s) or General Biological Monitor(s) shall conduct surveys to identify potential known, and/or nesting BUOW burrows. 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 within 14 days of completing the surveys, ~~and prior to starting BUOW burrow avoidance or BUOW Exclusion Activities in the Project Area or in each distinct Work Area(s).~~ ***BUOW Exclusion Activities shall not be implemented prior to submitting a written report for the respective Work Area.*** The report shall include, but not be limited to, a burrow map (see Burrow Map), methodology, survey date, and apparent status of each burrow (known or nesting, ***blocked or excavated***). If the BUOW Designated Biologist(s) identifies any 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.

21. Condition of Approval 8.18.7 beginning on page 127, of the ITP as amended, shall be amended to read:

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 known, and nesting BUOW burrows as defined in the BUOW Burrow Avoidance Condition of Approval. The map shall include an outline of the ***survey area, the Project Area and any the distinct Work Area(s) associated with the survey, surveyed within the Project Area, The map(s) shall also include the date the survey was performed, a title, north arrow, scale bar, and legend.***

22. Condition of Approval 8.18.8 beginning on page 128, of the ITP as amended, shall be amended to read:

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) 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).
- Anytime an “atypical” burrow (e.g., a pipe, culvert, buckled concrete, etc.) showing sign 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, **or as otherwise approved in the *BUOW Mortality Reduction Plan***. 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). ***A written Buffer Reduction Request shall be submitted to CDFW for approval prior to the placement of materials meant to reduce noise disturbance or obstruct the view of Covered Activities from the burrow. In such instances, the Buffer Reduction Request shall include: the proposed design, materials, and installation method of the object, proposed monitoring by the BUOW Designated Biologist during its use, and steps taken should the Designated Biologist observe BUOW exhibiting signs of disturbance resulting from Covered Activities.*** 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.

23. Condition of Approval 8.18.9 on page 129, of the ITP as amended, shall be amended to read:

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 ***that will not be directly***

impacted by construction activities shall be blocked (***e.g. via the use of sandbags***), rather than destroyed, ***in accordance with the methodology described in the BUOW Mortality Reduction Plan. Alternatively, a one-way door allowing BUOW to exit may be installed at the discretion of the Designated Biologist.*** Burrows (including burrows in natural substrate and in/under man-made structures) may be blocked ***or have one-way door installed*** only immediately after the BUOW Designated Biologist(s) has ~~conducted~~ ***determined via*** 72 consecutive hours of monitoring with wildlife camera ~~and determined~~ that BUOW is not currently present. ***Burrow blockage or the installation of one-way doors shall not be performed on active BUOW nesting burrows.*** 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 ***BUOW*** 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.

At locations where monitoring BUOW burrows with a wildlife camera is not feasible due to theft concerns – the Designated Biologist shall perform both in-person monitoring, and monitoring via the use of tracking medium (e.g. diatomaceous earth) in accordance with the methods described in the approved BUOW Mortality Reduction Plan. The in-person monitoring shall consist of a minimum of six, two-hour monitoring sessions over the course of 72 hours. The BUOW Designated Biologist(s) shall visit the burrow each morning and evening, within three hours after dawn, and within three hours before dusk.

Results of the monitoring effort (in-person, camera, and tracking medium) shall be prepared by the BUOW Designated Biologist(s) and included in the Monthly Compliance Report. The report shall include: the dates monitoring was performed, name of the BUOW Designated Biologist(s) that performed the in-person monitoring or reviewed the photographic data, and confirmation the BUOW was not present

within the burrow, and the action taken to treat the burrow (blockage or one-way door).

24. Condition of Approval 8.18.10 beginning on page 135, of the ITP as amended, shall be amended to read:

8.18.10 BUOW Burrow Excavation. The BUOW Designated Biologist, or General Biological Monitor under direct supervision of the Designated Biologist, shall excavate known 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 **BUOW or** evidence of current use by BUOW, ~~then~~ burrow excavation shall cease immediately, ~~and~~ wildlife camera monitoring as described above shall be conducted/resumed, **and CDFW shall be contacted immediately (e-mail will suffice)**. 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.
- 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.

At locations where monitoring BUOW burrows with a wildlife camera is not feasible due to theft concerns – the Designated Biologist shall perform both in-person monitoring, and monitoring via the use of tracking medium (e.g. diatomaceous earth) in accordance with the methods described in the approved BUOW Mortality Reduction Plan. The in-person monitoring shall consist of a minimum of six, two-hour monitoring sessions over the course of 72 hours. The BUOW Designated Biologist(s) shall visit the burrow each morning and evening, within three hours after dawn, and within three hours before dusk.

Results of the monitoring effort (in-person, camera, and tracking medium) shall be prepared by the BUOW Designated Biologist(s) and included in the Monthly Compliance Report. The report shall include: the dates monitoring was performed, name of the BUOW Designated Biologist(s) that performed the in-person monitoring or reviewed the photographic data, and confirmation the BUOW was not present within the burrow, and the action taken to treat the burrow (blockage or one-way door).

25. Condition of Approval 8.19.3 on page 133, of the ITP as amended, shall be amended to read:

8.19.3. BNLL Pre-Construction Surveys and Reporting. Surveys for BNLL shall be performed via the following process:

BNLL Pre-Construction surveys for areas identified in Exhibit 9, shall be performed no more than 30 days prior to ground- or vegetation-disturbing Covered Activities. Surveys shall include the Work Area and, where feasible, up to 50 feet beyond the limits of **each** 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 and negative protocol level BNLL survey results are over one year old, a subsequent Pre-Construction survey shall be performed.

Permittee shall ~~Provide~~**provide** survey results in a written report to CDFW's Regional Representative within 14 days of completing the surveys

or starting BNLL Exclusion Activities in the Project Area or in each distinct Work Area(s). The reports shall be submitted for CDFW's review and written approval prior to commencing, recommencing, and continuing with ongoing Covered Activities. The reports shall include, but not be limited to, limits of the survey area, methodology, and survey date.

26. Condition of Approval 8.19.8 on page 136, of the ITP as amended, shall be amended to read:

8.19.8. BNLL Burrow Excavation. Immediately following live capture activities conducted to address Conditions of Approval 8.19.1 and 8.19.7 and prior to beginning Covered Activities within the Work Area, the Designated Biologist, or individuals **General Biological Monitor** under the direct supervision of the Designated Biologist, shall fully excavate by hand all burrows potentially occupied by BNLL within each fenced Work Area to be disturbed by Covered Activities. The Designated Biologist shall immediately relocate any active BNLL encountered during burrow excavation to the CDFW approved release site(s) identified in the BNLL Mortality Reduction and Relocation Plan. Any BNLL eggs or torpid BNLL discovered during burrow excavation shall be transported to an identified and approved care facility and described as in the BNLL Mortality Reduction and Relocation Plan. The Designated Biologist(s) shall submit a report documenting the results of the burrow excavation to CDFW within five (5) calendar days after completing the excavation.

27. Conditions of Approval 9.1 through 9.1.5 beginning on page 156 through page 157, of the ITP as amended, shall be amended to read:

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~~ **2,704.97** acres: \$30,874,257.08. 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 \$1,438,074.13.
- 9.1.3. Interim management period funding as described in Condition of Approval 9.2.6 below, estimated at \$635,447.47.
- 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~~ **2,704.97** acres: \$9,657,446.19. 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.

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 four changes to the ITP, as amended.

- 1) This Amendment allows CDFW to review and approve Permittee requests for a variance to waive the requirement to excavate Covered Species burrows due to safety concerns.
- 2) This Amendment authorizes the use of SJAS Alternative Surveys under the Preconstruction Survey Process.
- 3) This Amendment removes the 4-hour forecast requirement for the temperature range criteria needed to implement live trapping and SJAS Alternative Surveys.
- 4) This Amendment includes CDFW-initiated changes to the ITP to clarify the Biological Monitor section, reporting Covered Species observations, BUOW and BNLL COAs, and Security section.

CDFW has determined that although the 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, in April 2024, in December 2024 and in June 2025 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, No. 31, No. 32, and No. 33 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, 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, Major Amendment No. 31 in December 20, 2024, Major Amendment No. 32 in June 2025, and Major Amendment 33 in August 2025 (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 allows CDFW to review and approve requests for a variance to waive the requirement to excavate Covered Species burrows due to safety concerns, authorizes the use of SJAS Alternative Surveys under the Preconstruction Survey process, removes the 4-hour forecast requirement for the temperature range criteria needed to implement live trapping and SJAS Alternative Surveys, and includes CDFW initiated amendments to the ITP to clarify the Biological Monitor section, reporting Covered Species observations, BUOW and BNLL COAs, and Security section

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 1/27/2026

DocuSigned by:

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Julie A. Vance
Regional Manager
Central Region

Major Amendment No. 34
Incidental Take Permit 2081-2015-024-04
CALIFORNIA HIGH –SPEED RAIL AUTHORITY
CALIFORNIA HIGH-SPEED TRAIN PROJECT
Fresno to Bakersfield Section Permitting Phase 1