

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



AMENDMENT NO. 35
(A Major Amendment)
California Endangered Species Act
Incidental Take Permit No. 2081-2015-024-04
California High-Speed Train Project Fresno to Bakersfield Section Permitting Phase 1

INTRODUCTION

On June 15, 2015, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2015-024-04 (ITP) to the California High-Speed Rail Authority (Authority or Permittee) authorizing take of California tiger salamander (*Ambystoma californiense*) (CTS), Swainson's hawk (*Buteo swainsoni*) (SWHA), Tipton kangaroo rat (*Dipodomys nitratoide nitratoide*) (TKR), San Joaquin antelope squirrel (*Ammospermophilus nelsoni*) (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 SJKE 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.

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. On January 27, 2026, CDFW issued **Major Amendment No. 34** 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, Major Amendment No. 33, and Major Amendment No. 34 (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 March 9, 2026, the Permittee submitted a request to CDFW to change multiple Conditions of Approval regarding monitoring for initial ground disturbance, for SWHA, and BUOW. Lastly, the amendment would revise the language within multiple existing Conditions of Approval for clarification and consistency including changes initiated by CDFW to the Conditions of Approval for blunt-nosed leopard lizard, adding covered activities and updating the Swainson's hawk Tables.

Amendment No. 35 (this Amendment), a Major Amendment, makes the following changes to the ITP, as amended:

- 1) This Amendment includes CDFW-initiated changes to the ITP to update the SWHA information in Tables 10 and 10A.
- 2) This Amendment includes CDFW-initiated changes to add new Covered Activities to the list under Impacts of the Taking on Covered Species for BNLL.
- 3) Adds new covered activities for Track and Systems installation and allows for exemption of certain Conditions of Approval for the installation.
- 4) This Amendment changes multiple Conditions of Approval regarding monitoring for initial ground disturbance, for SWHA, and BUOW.
- 5) This Amendment revises the language within multiple existing Conditions of Approval for clarification and consistency.
- 6) This Amendment includes CDFW-initiated changes to the ITP to clarify current BNLL Conditions of Approval and add new BNLL Conditions of Approval.

AMENDMENT

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

1. The paragraph listing the Impacts of the Taking on Covered Species, starting on page 69 of the ITP, as amended, shall be further amended to read as follows:

This ITP covers all Project related activities that cumulatively disturb no more than **5,930.27** acres within the Construction Footprint (as depicted in Exhibit 6, the Construction Footprint Map Book, Maps 1 through 53 and generated from the metadata provided by the Permittee) and no more than 17.32 acres at the mitigation site (collectively, the Project Area). Project activities are more fully described in the Project Description of this ITP and include subsurface geotechnical drilling and boring; habitat grubbing, vegetation removal, clearing, demolition, construction of a geotechnical test embankment and associated borrow site excavation and mass grading followed by the mobilization of equipment and materials; installation, maintenance and removal of temporary wildlife exclusion fencing; earthwork including construction of temporary and permanent excavation support structures;

pile driving, excavation of open cut slope and fill, at grade profile excavation and leveling, and retained fill cut, rail bed foundation soil compaction, and elevated profiles and elevated profile structure components including construction and installation of straddle bents, foundations, pile caps, substructures, and superstructures; potholing, trench digging bore pit excavation, jack and bore, and other subsurface utility installation, relocation, and protection (e.g., pressurized transmission mains, natural gas and petroleum lines, fiber optic and communication lines, water and sewage lines); above surface utility relocations (e.g., overhead tension wires and transmission lines, fiber optic and communication lines, water and sewage lines, canals, and freight rail); pad preparation and construction of a batch plant, materials storage, fabrication, casting areas, access roads, and staging areas; rotary drilled reinforced concrete cast in place pile and drive pile installation; excavation of drainage swales and fabrication and installation of underground drainage culverts and pipes; roadway modifications including realignment and resurfacing, construction of new access roads, overcrossing, and undercrossing; construction of waterway crossing structures over the Kings River Complex, Cross Creek, Tule River, Deer Creek, Poso Creek, and other watercourse crossings, partial dewatering and diversion of water; construction and assembly of tie and ballast and slab track railway systems, and shoofly track; erecting mast poles; **site preparation; installation of track drainage, cable containment, sub ballast, ties, direct fixed track, special trackwork, catenary poles and support structures, and overhead catenary system foundations, cantilevers, and wiring; construction of sound walls; rail laying, clipping, grinding, welding, and destressing; ballast laying, compaction, shaping, and sweeping/profiling;** construction of electrical systems facilities including the OCS, nine TPSS, up to eight switching stations, and up to 25 paralleling stations; construction of signal huts and bungalows including installation of cabling to the field hardware and track stations; traction electrification; excavation and construction of wildlife crossings, construction of the Kings/Tulare Regional Station; construction of a maintenance-of-infrastructure facility; installation of AD and AR fence; construction of temporary job site trailers and field offices including the development of building pads and preparation of parking areas; application of CDFW approved dust suppressants; operation and maintenance activities such as track, power, structure, signaling, train control, communications, intruder, and right-of way inspection and repair; equipment staging, mowing, inoculum collection, land grading, and excavation of wetlands at the Mitigation Site; and hand tool or auger planting of trees and shrubs, and other activities within the Construction Footprint and Mitigation Site described in the Project Description section of this ITP. All these Project activities are collectively referred to as the Covered Activities.

2. Table 10 Known Locations of Swainson's Hawk Nests within and 0.5 miles of the Construction Footprint, starting on page 73 of the ITP, as amended, shall be further amended to read as follows:

Table 10. Known Locations of Swainson's Hawk Nests ~~Trees~~ within and 0.5 Miles of the Construction Footprint

County	Nest Tree ID	Latitude	Longitude	Location *	Years Occupied
Fresno	CP1 '17-1	36.672490	-119.751003	outside	2017
Fresno	multiple	36.672486	-119.750889	to be Removed	2017, 2018
Fresno	CP1 '16-3	36.671954	-119.750348	Removed	2016
Fresno	multiple	36.671150	-119.751020	Removed	2018, 2019
Fresno	multiple	36.664213	-119.761881	outside	2019, '21
Fresno	2026-287	36.661573	-119.755859	outside	2026
Fresno	2025-216	36.646216	-119.754186	outside	2025
Fresno	2024-86	36.644480	-119.744650	outside	2024
Fresno	2026-286	36.643659	-119.754162	outside	2026
Fresno	32552	36.606219	-119.754801	Removed	2019
Fresno	multiple	36.606062	-119.754768	edge	2018, '21
Fresno	multiple	36.605154	-119.753439	in	2022, '23, '24, '25, '26
Fresno	31517	36.597184	-119.755176	Removed	2019
Fresno	multiple	36.593570	-119.755375	outside	2016, '17
Fresno	31529	36.551046	-119.737826	in	2019
Fresno	41704	36.551023	-119.739035	in	2020
Fresno	2434	36.551019	-119.737691	edge	2016
Fresno	59811	36.551015	-119.737857	edge	2022
Fresno	50319	36.550980	-119.737946	edge	2021
Fresno	68951	36.550037	-119.737219	to be Removed	2023

County	Nest Tree ID	Latitude	Longitude	Location *	Years Occupied
Fresno	25241	36.546880	-119.739582	edge	2018
Fresno	2026-256	36.531675	-119.732170	outside	2026
Fresno	2024-99	36.527473	-119.736380	outside	2024
Fresno	2025-220	36.500214	-119.711764	outside	2025
Fresno	2026-260	36.495751	-119.699823	outside	2026
Fresno	2024-50	36.494075	-119.702192	outside	2024
Fresno	2026-288	36.492724	-119.710132	outside	2026
Fresno	2024-101	36.474289	-119.647497	outside	2024
Kings	13810	36.446134	-119.630095	outside	2017
Kings	50628	36.442674	-119.616789	Removed	2021
Kings	multiple	36.439336	-119.616131	outside Removed	2022, '23
Kings	multiple	36.431535	-119.606985	outside	2017, '21, '22, '23, '25, '26
Kings	multiple	36.430148	-119.609625	outside	2018, '19, '21, '24
Kings	2024-94 multiple	36.429090	-119.600450	outside	2024, '25
Kings	2024-103 multiple	36.428747	-119.615420	outside	2024, '25
Kings	2026-247	36.428566	-119.614479	outside	2026
Kings	40702	36.386483	-119.589229	edge	2020
Kings	multiple	36.371796	-119.577526	outside	2017, '21
Kings	multiple	36.365429	-119.581921	outside	2022, '24
Kings	59946	36.341283	-119.584192	outside	2022
Kings	multiple	36.332302	-119.582506	outside	2017, '24
Kings	2026-294	36.332258	-119.582751	outside	2026
Kings	multiple	36.328690	-119.606016	outside	2017, '18, '19
Kings	multiple	36.327362	-119.610127	outside	2023, '24, '26

Major Amendment No. 35
Incidental Take Permit 2081-2015-024-04
CALIFORNIA HIGH-SPEED RAIL AUTHORITY
CALIFORNIA HIGH-SPEED TRAIN PROJECT
Fresno to Bakersfield Section Permitting Phase 1

County	Nest Tree ID	Latitude	Longitude	Location *	Years Occupied
Kings	2025-176	36.327913	-119.610468	in	2025
Kings	2612	36.327904	-119.598055	Removed	2016
Kings	2024-35	36.318328	-119.583705	outside	2024
Kings	23897	36.314216	-119.581970	outside	2018
Kings	multiple	36.313056	-119.588172	in	2022, '23
Kings	13744	36.312935	-119.588111	outside	2017
Kings	2024-51	36.311491	-119.580865	outside	2024
Kings	31715	36.310806	-119.582539	outside	2019
Kings	multiple	36.309939	-119.582604	outside	2024, '25
Kings	16028 multiple	36.305805	-119.599961	outside	2017, '26
Kings	multiple	36.302195	-119.599216	outside	2018, '20, '22
Kings	multiple	36.302150	-119.599240	outside	2017, '19, '24
Kings	multiple	36.299419	-119.582834	Removed	2016, '17, '19, '21
Kings	multiple	36.299418	-119.582494	outside	2020, '25, '26
Kings	multiple	36.299386 36.299395	-119.582575 -119.582658	Outside Removed	2020, '23, '24
Kings	multiple	36.298752	-119.582804	outside	2020, '22, '25
Kings	multiple	36.290340	-119.583698	outside	2016, '17
Kings	2024-18 multiple	36.289772	-119.583883	outside Removed	2024, '25
Kings	61414	36.289644	-119.583179	outside	2022
Kings	2026-308	36.288815	-119.595674	in	2026
Kings	2024-110	36.283648	-119.583330	outside	2024
Kings	31661 multiple	36.283631	-119.583380	outside	2019, '24
Kings	6455	36.276006	-119.582649	outside	2016
Kings	13396	36.274902	-119.581971	outside	2017

County	Nest Tree ID	Latitude	Longitude	Location *	Years Occupied
Kings	2026-273	36.288815	-119.595674	outside	2026
Kings	2024-12	36.273529	-119.582484	outside	2024
Kings	68270 multiple	36.256074	-119.600446	outside	2023, '25
Kings	2024-22	36.255632	-119.599913	outside	2024
Kings	multiple	36.253032	-119.601295	outside	2019, '20, '23, '25
Kings	59580	36.249570	-119.601513	outside	2022
Kings	2024-22	36.255632	-119.599913	outside	2024
Kings	multiple	36.240498	-119.594102	outside	2016, '17, '18, '19, '20, '25, '26
Kings	multiple	36.236497	-119.600191	In Removed	2018, '19, '20, '24, '25
Kings	multiple	36.234340	-119.601133	to be Removed	2018, '21, '22, '23
Kings	multiple	36.234250	-119.601408	Removed	2016, '17
Kings	2026-271	36.231667	-119.601521	outside	2026
Kings	51201	36.226362	-119.617732	outside	2021
Kings	2026-270	36.225784	-119.607483	outside	2026
Kings	2025-227	36.225717	-119.622923	outside	2025
Kings	2024-34	36.225475	-119.607877	edge	2024
Kings	24524	36.222486	-119.600988	outside	2018
Kings	34034	36.222097	-119.597407	outside	2019
Kings	multiple	36.222051	-119.598517	outside	2017, '21, '22, '23, '25, '26
Kings	2026-306	36.216178	-119.622061	outside	2026
Kings	2024-66 multiple	36.214605	-119.611842	outside	2024, '25
Kings	2025-222	36.214497	-119.618662	outside	2025
Kings	61085	36.211844	-119.619574	outside	2022
Kings	50661	36.211621	-119.608569	outside Removed	2021

Major Amendment No. 35
Incidental Take Permit 2081-2015-024-04
CALIFORNIA HIGH-SPEED RAIL AUTHORITY
CALIFORNIA HIGH-SPEED TRAIN PROJECT
Fresno to Bakersfield Section Permitting Phase 1

County	Nest Tree ID	Latitude	Longitude	Location *	Years Occupied
Kings	multiple	36.211072	-119.627624	outside	2017, '18, '19, '20, '21, '22, '23, '24, '25
Kings	multiple	36.210721	-119.620287	outside	2021, '23
Kings	2024-118	36.210322	-119.580856	outside	2024
Kings	multiple	36.208861	-119.608801	outside Removed	2022, '23
Kings	2024-10	36.208166	-119.619267	outside	2024
Kings	multiple	36.202425	-119.609779	outside	2022, '24, '25, '26
Kings	2026-280	36.201969	-119.619083	outside	2026
Kings	2025-178	36.181401	-119.601423	Removed	2025
Kings	2024-111	36.176505	-119.596186	outside	2024
Kings	multiple	36.171466	-119.608868	outside	2017, '21, '22
Kings	multiple	36.167486	-119.602325	outside	2019, '23, '24, '25, '26
Kings	2025-185	36.138010	-119.587532	in	2025
Kings	13399	36.136590	-119.580969	outside	2017
Kings	multiple	36.136551	-119.581056	outside	2016, '18
Kings	40483	36.136445	-119.582559	Outside tree died	2020
Kings	2026-296	36.135199	-119.576969	outside	2026
Kings	51015	36.131705	-119.563636	outside	2021
Kings	2024-36	36.130907	-119.579591	outside	2024
Kings	2024-106	36.118290	-119.562191	outside	2024
Kings	67784	36.118209	-119.561953	outside	2023
Kings	multiple	36.116878	-119.558832	outside	2017, '18, '22, '24, '25, '26
Kings	multiple	36.116388	-119.559444	edge	2016, '17
Kings	2025-223	36.116194	-119.577597	outside	2025
Kings	25121	36.116139	-119.580909	outside	2018

Major Amendment No. 35
Incidental Take Permit 2081-2015-024-04
CALIFORNIA HIGH-SPEED RAIL AUTHORITY
CALIFORNIA HIGH-SPEED TRAIN PROJECT
Fresno to Bakersfield Section Permitting Phase 1

County	Nest Tree ID	Latitude	Longitude	Location *	Years Occupied
Kings	13972	36.116162	-119.580138	outside	2017
Kings	2024-107 multiple	36.116161	-119.578072	outside	2024, '26
Kings	2024-71	36.115658	-119.565818	outside	2024
Kings	multiple	36.115455	-119.559126	in	2020, '21
Kings	multiple	36.115032	-119.566013	outside	2019, '21, '22, '23
Kings	68447	36.115041	-119.563387	outside	2023
Kings	6353	36.112117	-119.556244	Removed	2016
Kings	multiple	36.111581	-119.552407	outside	2017, '18
Kings	40672	36.111066	-119.553787	edge	2020
Kings	32834	36.110647	-119.553252	Removed	2019
Kings	multiple	36.109787	-119.567327	outside	2025, '26
Kings	25118	36.109144	-119.567152	outside Removed	2018
Kings	multiple	36.108666	-119.553200	in to be Removed	2020, '21, '22, '25
Kings	2025-235	36.108402	-119.538760	outside	2025
Kings	2025-180	36.105821	-119.553789	outside	2025
Kings	2024-47	36.105706	-119.554219	outside	2024
Kings	6449	36.097873	-119.544097	Removed	2016
Kings	multiple	36.097893	-119.543086	Removed	2017, '18, '19
Kings	2024-124	36.072944	-119.543330	outside	2024
Kings	23885	36.069924	-119.537257	outside	2018
Kings	multiple	36.069885	-119.537274	outside	2016, '20, '23
Kings	16265	36.069811	-119.537254	outside	2017
Kings	13993	36.069703	-119.537159	outside	ITP original, 17
Kings	multiple	36.069652	-119.537173	outside	2019, '21, '22

County	Nest Tree ID	Latitude	Longitude	Location *	Years Occupied
Tulare	6593	36.061330	-119.527750	outside	2016
Tulare	58797 multiple	36.061312 36.061324	-119.527644 - -119.527526	outside	2019, '22, '26
Tulare	multiple	36.061308	-119.527826	outside	2020, '21, '23, '24, '25
Tulare	33776	36.061304	-119.527438	outside	2019
Tulare	16271	36.061170	-119.527942	outside	2017
Tulare	13378	36.059929	-119.528289	outside	2017
Tulare	multiple	36.056403	-119.523000	Removed	2016, '17
Kings Tulare	2024-53	36.051375	-119.502108	outside	2024
Tulare	multiple	36.049902	-119.526136	outside	ITP original, '17, '22
Tulare	multiple	36.049593	-119.526071	outside	2018, '19, '20, '21, '23, '24, '25, '26
Tulare	2025-225	36.045185	-119.507419	outside	2025
Tulare	2026-264	36.042580	-119.517348	edge	2026
Tulare	multiple	36.042430	-119.517453	outside	2021, '23
Tulare	2359	36.042371	-119.517022	outside	2016
Tulare	2606	36.042494	-119.514473	outside	2016
Tulare	14074	36.042488	-119.513802	outside	2017
Tulare	24038	36.042475	-119.514208	outside	2018
Kings Tulare	2024-32 multiple	36.042405	-119.517645	outside	2024, '25
Tulare	multiple	36.042081	-119.520158	outside	2017, '23
Tulare	multiple	36.041831	-119.520551	outside	2021, '22
Tulare	70067	36.041588	-119.505285	outside	2023
Tulare	25208	36.041573	-119.505086	outside	2018
Tulare	13372	36.041066	-119.510310	outside	2017
Tulare	41407	36.040806	-119.507206	outside	2020

Major Amendment No. 35
Incidental Take Permit 2081-2015-024-04
CALIFORNIA HIGH-SPEED RAIL AUTHORITY
CALIFORNIA HIGH-SPEED TRAIN PROJECT
Fresno to Bakersfield Section Permitting Phase 1

County	Nest Tree ID	Latitude	Longitude	Location *	Years Occupied
Tulare	14077	36.040784	-119.507412	outside	2017
Tulare	31685	36.040725	-119.512860	outside	2019
Tulare	6596	36.040480	-119.513160	outside	2016
Tulare	~	36.040447	-119.508818	outside	ITP original
Tulare	68441	36.040372	-119.507794	outside	2023
Tulare	~	36.040328	-119.513100	outside	ITP original
Tulare	59796	36.040276	-119.507976	outside	2022
Tulare	23873	36.038505	-119.511977	outside Removed	2018
Tulare	multiple	36.036461	-119.515609	outside	2020, '21, '22
Tulare	multiple	36.036244	-119.501642	outside	2017, '24, '25, '26
Tulare	2025-231	36.030876	-119.516704	outside	2025
Kings Tulare	2024-49	36.023694	-119.513022	outside	2024
Tulare	13732	36.022161	-119.498698	outside	2017
Tulare	multiple	36.021400	-119.492458	outside Removed	2019, '22
Tulare	multiple	36.021308	-119.492585	outside Removed	2017, '23
Kings Tulare	2024-52	36.008980	-119.496099	outside	2024
Tulare	multiple	36.008030	-119.484639	outside	2017, '19, '25
Tulare	multiple	36.007999	-119.484906	outside	2018, '20, '26
Tulare	multiple	36.007841	-119.484882	outside	2021, '22, '23, '24
Tulare	58653	35.999704	-119.491960	outside	2022
Tulare	multiple	35.990057	-119.478732	Removed	ITP original, 2016, '17, '18, '19, '20, '21
Tulare	multiple	35.985459	-119.475439	Removed	2022, '23
Tulare	multiple	35.975444	-119.465076	outside	2025, '26

Major Amendment No. 35
Incidental Take Permit 2081-2015-024-04
CALIFORNIA HIGH-SPEED RAIL AUTHORITY
CALIFORNIA HIGH-SPEED TRAIN PROJECT
Fresno to Bakersfield Section Permitting Phase 1

County	Nest Tree ID	Latitude	Longitude	Location *	Years Occupied
Tulare	2024-80	35.963695	-119.455280	outside	2024
Tulare	23882	35.963654	-119.478243	outside	2018
Tulare	multiple	35.955439	-119.464596	outside	2025, '26
Tulare	2024-81	35.953086	-119.451489	to be Removed	2024
Tulare	69059	35.944487	-119.443856	outside	2023
Tulare	41974 multiple	35.942022	-119.441005	outside	2020, '25
Tulare	13975	35.934955	-119.436919	outside	2017
Tulare	2026-281	35.934526	-119.436603	outside	2026
Tulare	multiple	35.934511	-119.447245	outside	2016, '18, '19, '24
Tulare	2024-93	35.934513	-119.449163	outside	2024
Tulare	multiple	35.920739	-119.429364	outside	2021, '24, '25
Tulare	multiple	35.920667	-119.429500	outside	2020, '23, '26
Tulare	13978	35.920546	-119.427321	edge	2017
Tulare	26231	35.920345	-119.427672	Removed	2018
Tulare	59802	35.920224	-119.418792	outside	2022
Tulare	multiple	35.920216	-119.418990	outside	2020, '23, '25
Tulare	15953	35.920204	-119.428370	Removed	2017
Tulare	2024-39	35.920172	-119.420478	outside	2024
Tulare	6425	35.915834	-119.427791	outside	2016
Tulare	13981	35.914878	-119.428703	Removed	2017
Tulare	68858	35.914819	-119.428003	outside	2023
Tulare	2026-267	35.913715	-119.423579	outside	2026
Tulare	2024-43 multiple	35.913573	-119.423667	outside	2024, '25
Tulare	2024-87	35.906260	-119.429816	outside	2024

County	Nest Tree ID	Latitude	Longitude	Location *	Years Occupied
Tulare	multiple	35.898175	-119.42469	outside	2025, '26
Tulare	2026-300	35.898168	-119.423742	outside	2026
Tulare	69068	35.898061	-119.430954	outside	2023
Tulare	58878	35.896607	-119.411583	outside	2022
Tulare	14011	35.896043	-119.409656	outside	2017
Tulare	multiple	35.895830	-119.409533	outside	2020, '21
Tulare	51465	35.894996	-119.411771	outside	2021
Tulare	2024-46	35.894952	-119.413188	outside	2024
Tulare	68840	35.891811	-119.406908	outside	2023
Tulare	2024-40 multiple	35.891805	-119.408444	outside	2024, '25, '26
Tulare	61501	35.891781	-119.411639	edge	2022
Tulare	2024-37	35.891728	-119.447435	in	2024
Tulare	2024-38 multiple	35.891693	-119.421620	outside	2024, '25, '26
Tulare	multiple	35.891424	-119.447576	Removed	2020, '21
Tulare	multiple	35.887785	-119.446990	outside	2022, '24
Tulare	25304	35.856845	-119.390131	outside	2018
Tulare	14008	35.854682	-119.393163	outside	2017
Tulare	multiple	35.850508	-119.389764	outside	2019, '20, '21, '22, '24, '25, '26
Tulare	2024-69	35.850492	-119.389802	outside	2024
Tulare	2024-67	35.833829	-119.384687	outside	2024
Tulare	2024-117	35.833222	-119.375123	outside	2024
Kern	2025-#1	35.719971	-119.360849	outside	2025
Tulare	2026-179	35.615588	-119.332884	outside	2026
Tulare	2026-178	35.615127	-119.332407	outside	2026

County	Nest Tree ID	Latitude	Longitude	Location *	Years Occupied
Kern	2025-#2	35.613757	-119.332378	in	2025

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

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

Table 10A - SWHA Historically Active Nest Trees Removed or to be Removed from within the Construction Footprint

County	Latitude	Longitude	SWHA Nest ID # (s)
Fresno	36.672495	-119.751015	SWHA-2017-4
Fresno	36.672483	-119.750876	SWHA-2018-1
Fresno	36.671954	-119.750348	SWHA-2016-3
Fresno	36.671161	-119.750951	SWHA-2019-2
Fresno	36.550037	-119.737219	2023-68951
Kings	36.327904	-119.598055	2016-02612
Kings	36.236497	-119.600191	2018-24011, 2019-35840, 2020-40666, 2024-16, 2025-198
Kings	36.234340	-119.601133	2018-24521, 2021-51612, 2022-58914, 2023-68402
Kings	36.234250	-119.601408	2016-06398, 2017-13357
Kings	36.112117	-119.556244	2016-06353
Kings	36.110647	-119.553252	2019-32834
Kings	36.108666	-119.553200	41647, 50553, 58692, 2025-243
Kings	36.097873	-119.544097	2016-06449
Kings	36.097850	-119.543209	2017-16367, 2018-25115, 2019-31289
Tulare	36.056400	-119.522993	2016-02603, 2017-13996
Tulare	35.990057	-119.478732	2016-02609, 2017-15905, 2018-23879, 2019-32816, 2020-41485, 2021-50307
Tulare	35.985459	-119.475439	2022-60405, 2023-68837
Tulare	35.953086	-119.451489	SWHA-2024-81

4. The list of Covered Activities under Impacts of the Taking on Covered Species for blunt-nosed leopard lizard, starting on page 84 of the ITP, as amended, shall be further amended to read as follows:

Blunt-Nosed Leopard Lizard:

The extent of the impacts of the taking of blunt-nosed leopard lizard (BNLL) is based on the amount of land that could function as BNLL foraging, breeding, and refugia habitat within the Construction Footprint, the assumption that all potential habitat in the Construction Footprint would be permanently destroyed, and an evaluation of Project direct and indirect impacts. The Covered Activities are expected to result in the permanent loss of up to 255.30 acres of potential habitat (Table 9.).

Covered Activities could result in incidental take of BNLL in the form of mortality ("kill") as a result of: vehicle strikes; crushing by heavy equipment; collapse of burrows; entombment during earthwork; being crushed in shallow burrow systems; noise and ground vibration; exposure to predation and adverse environmental conditions; and entanglement in fences or in construction staging materials. Incidental take of individual BNLL may also occur from the Covered Activities in the form of pursuit or capture or attempt to do so, from falling into trenches, excavated holes, pipes, open pipelines, and confined areas when exclusion fencing is constructed around portions of the Project Site and during active exclusion efforts ***(including herding individuals off-site and/or corraling individuals into a confined area for capture by hand), burrow scoping***, burrow excavation, salvage, collection, relocation or translocation activities as required by this ITP to reduce the potential for direct mortality.

Potential indirect impacts to BNLL and their habitat include effects of construction activities associated with implementation of Covered Activities. These include stress resulting from construction related noise and lighting; ground vibration; fugitive dust; habitat loss and modification; introduction and spread of invasive species; pesticide use, temporary displacement, stress resulting from capture and relocation, increased competition for food and space and increased vulnerability to predation.

Potential long-term indirect impacts associated with Covered Activities include foraging habitat loss, fragmentation and degradation, including that caused by the spread or introduction of invasive species, increased light, and increased noise.

5. Condition of Approval 6.2 beginning on page 86, of the ITP as amended, shall be amended to read:

6.2. Biological Monitor(s). Permittee shall submit to CDFW in writing the name, qualifications, business address(es), and contact information of each proposed Biological Monitor(s) [Designated Biologist(s), Designated Small Mammal Trapper(s), and General Biological Monitor(s)] at least 30 days before starting Covered Activities. Permittee shall obtain CDFW approval of the Biological Monitor(s) in writing before starting Covered Activities and shall also obtain written approval in advance if any of the Biological Monitor(s) must be changed. CDFW may approve Biological Monitor(s) for specific areas of the Project, for specific Covered Species, or for specific timeframes as applicable. The Biological Monitor(s) shall monitor all ground and vegetation disturbing Covered Activities per ***Conditions of Approval 6.2.1, 6.2.2, and 6.2.3***, ~~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 8.11.2.~~

6. Condition of Approval 6.2.1 beginning on page 86, 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. 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, ***and resources for Covered Species (e.g., potential BNLL/SJAS/SJKF/TKR burrows/dens, occupied SWHA nests, known BUOW burrows) or their***

established avoidance and/or monitoring buffers, except for areas excluded according to Conditions of Approval 8.11.3.

7. Condition of Approval 6.2.2 on page 87, 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 ***with monitoring per Conditions of Approval 6.2.1 and 6.2.3, if applicable*** ~~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. 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.

8. Condition of Approval 6.2.3 beginning on page 87, 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 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 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, **and resources for Covered Species (e.g., potential BNLL/SJAS/SJKF/TKR burrows/dens, occupied SWHA nests, known BUOW burrows) or their established avoidance and/or monitoring buffers**, except for areas excluded according to Conditions of Approval 8.11.3.

9. Condition of Approval 7.7 beginning on page 101, of the ITP as amended, shall be amended to read:

7.7. Monthly Compliance Report. For the duration of the construction related Covered Activities within the Construction Footprint Activities and Mitigation Site Activities, the Designated Representative or Designated Biologist(s) shall compile the observation and inspection records identified in Condition of Approval 7.3 into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure as supported by the Monitoring Logs to be included in a separate attachment. Monthly Compliance Reports shall also include:

- (1) A table summarizing **the results of** all Pre-Construction Surveys ~~Reports~~, Site Assessments (with Supplemental Survey results if applicable), **BUOW surveys (all year around)**, and all Monthly SWHA **Monthly Surveys (during the nesting season)** ~~survey results~~.
- (2) A table summarizing all Covered Activities performed the previous month and current month, organized by Work Area and Covered Activity start date. Each Work Area shall include the original Pre-Construction Survey Report name, **the** ~~and~~-date performed, **and** any updated surveys. If applicable, any LSAA subnotification number shall also be included to ensure compliance with Condition of Approval 3.

- (3) A table including the date Conditions of Approval compliance issues were observed, the date that these compliance issues were resolved, and an explanation if the compliance issues were not resolved the same day.
- (4) An accounting of the number of acres that have been disturbed within the Project Area, both for the prior month and a total since ITP issuance.
- (5) The cumulatively disturbed acreage of identified habitat features for each of the Covered Species within the Project Area, both for preceding 30 days and a total since ITP issuance.
- (6) The acreage of identified habitat features anticipated to be disturbed over the succeeding 30 days.
- (7) The up-to-date GIS layers, associated metadata, and photo documentation to track acreages of suitable habitat features as identified in Conditions of Approval 7.4 and as required by Condition of Approval 7.5.
- (8) A table summarizing all the Covered Species observed and/or handled including the details recorded per Conditions of Approval 7.12.

Monthly Compliance Reports shall be submitted to CDFW's Regional Office no later than the 15th day of the month. The Monthly Compliance Report is due at the office listed in the Notices section of this ITP and via e-mail to RRR.R4@wildlife.ca.gov and the appropriate CDFW's Regional Representative. CDFW may at any time increase or decrease the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.

10. Condition of Approval 7.9 on page 103, of the ITP as amended, shall be amended to read:

- 7.9. CNDDDB Observations. The Permittee shall submit all observations (within the Construction Footprint or adjacent areas) of Covered Species except for **BUOW and** 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 Due~~ **to** the high numbers of **BUOW and** SWHA found during surveys each year, all the ~~BUOW and~~ SWHA observations and information may be submitted in a combined **BUOW Annual Report (BAR) and 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 7.9.2 is added after 7.9.1 on page 103, of the ITP as amended, shall be amended to read:

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

- The total number of SWHA pairs monitored for the year.
- The total number of nests started.
- The total number of nests with confirmed incubation.
- The total number of nests with confirmed hatched chicks.
- The total number of nests with confirmed fledged chicks.
- The total number of nests that fell apart before the end of the season.
- The total number of nests presumed to have failed.

12. New Condition of Approval 7.9.2 is added after 7.9.1 on page 103, of the ITP as amended, shall read:

7.9.2. BUOW Annual Report. The BAR shall include all the information that is part of the standard CNDDDB Reporting form in a table along with photos and maps labeled with the corresponding known burrow number. The BAR shall also include a summary with the following statistical information:

- ***The total number of known BUOW burrows monitored for the year.***
- ***The total number of nesting BUOW burrows monitored for the year.***
- ***The final status of any nesting BUOW burrows (e.g., fledged, failed).***

13. Condition of Approval 7.12. on page 103, of the ITP as amended, shall be amended to read:

7.12. Record of Covered Species Handled or Observed. The Designated Biologist(s) shall maintain a record of all CTS and BNLL handled under their

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

14. New Condition of Approval 7.13. is added after 7.12 on page 104, of the ITP as amended, shall read:

7.13. Track and Systems Installation Limited Exemptions. Track and overhead catenary system construction activities (e.g., site preparation; installation of track drainage, cable containment, sub ballast, ties, direct fixed track, special trackwork, catenary poles and support structures, and overhead catenary system foundations, cantilevers, and wiring; construction of sound walls; rail laying, clipping, grinding, welding, and destressing; ballast laying, compaction, shaping, and sweeping/profiling) that take place on the top of the constructed guideway and extending 8 feet out from the deck hinge point are exempt from the following COAs:

6.11 – Delineation of Habitat

7.1 – 14-day Notification Before Commencement and Pre-Construction Survey or Site Assessment

7.4 – Tracking Suitable Habitat Feature Disturbances, Map Updating, and Reporting

7.5 – Reporting Approved Maps

8.11 – Vegetation Removal Methods

8.14.1 through 8.14.4, 8.14.6 – Specific Measures for SWHA

8.15 – all Specific Measures for SJKF

8.16 – all Specific Measures for SJAS

8.17 – all Specific Measures for TKR

8.18.1 through 8.18.10, 8.18.13 – Specific Measures for BUOW

8.19 – all Specific Measures for BNLL

7.13.1 Track and Systems Notification. *The permittee will notify CDFW of track and overhead catenary system construction activities commencement in the monthly compliance reports.*

7.13.2 Track and Systems Monitoring. *All work will be monitored by CDFW-approved designated biologists or general biological monitors in compliance with ITP COA 7.3. General biological monitors will be supervised by designated biologists, and designated biologists will be available to respond to the field promptly if the need arises.*

7.13.3 Track and Systems Covered Species Response. *If Covered Species are observed on the constructed guideway or within 50 feet of the constructed guideway, the following steps shall be implemented:*

- (1) A Designated Biologist for the particular species observed shall be called if one is not already on site.*
- (2) The Covered Species shall be allowed to leave the constructed guideway on its own volition and will be monitored by the General Biological Monitor until the Designated Biologist arrives on site.*
- (3) If the Covered Species does not or is unable to leave the constructed guideway on its own volition due to Project related obstructions (e.g., fencing, vehicles, Project materials), the Biological Monitor may clear a pathway or establish an area for a passive exit leading and oriented away from the constructed guideway.*
- (4) If the passive exit pathway is unsuccessful, the Designated Biologist shall implement the appropriate species-specific MRP or MRRP.*

15. Condition of Approval 8.11, 8.11.1, and 8.11.2 and 8.11.3 on pages 108-109, of the ITP as amended, shall be amended to read:

8.11. **Vegetation Removal Methods.** Vegetative cover removal, clearing and grubbing shall be completed for the entire Work Area prior to grading or other Covered Activities ***with monitoring per Conditions of Approval 6.2.1 and***

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

- 8.11.1. Subsequent Vegetation Removal After Less than 6 Months of Inactivity. If any vegetation encroaches into the Work Area during a period of inactivity of **more than 30 days but** less than 6 months, then a General Biological Monitor(s) approved for each of the Covered Species with the potential to be present shall be on site to monitor the vegetation removal.
- 8.11.2. Subsequent Vegetation Removal After More than 6 Months of Inactivity. The applicable Designated Biologist(s) **or Designated Small Mammal Trapper(s)** shall also be on site for new subsequent vegetation and initial soil disturbing activities **per Conditions of Approval 6.2.1 and 6.2.3, if applicable**. This includes areas that may have been disturbed previously and may or may not have been suitable habitat at the time of initial disturbance, but due to the passage of time have converted into suitable habitat with potential for presence of Covered Species. If the Work Area meets all the criteria under the Site Assessment per Condition of Approval 7.1.2, then a single Designated Biologist approved for SJKF, **BUOW, BNLL, SJAS**, and/or TKR **or Designated Small Mammal Trapper approved for SJAS and/or TKR** may do the monitoring.
- 8.11.3. Vegetation Removal Conditional Monitoring Exemption. Provided an approved SJKF Designated Biologist has determined that there is no sign of SJKF presence in the area per Condition of Approval 8.15.1.1., then monitoring of vegetation removal may be forgone specifically in the areas within the City of Fresno to 1,000 feet south

of East American Avenue (north of Latitude 36.6607 Longitude - 119.7502).

16. Condition of Approval 8.14.1 beginning on page 110, of the ITP as amended, shall be amended to read:

8.14.1. Pre-construction SWHA Surveys. No more than 30 calendar days prior to Permittee beginning Covered Activities in each Work Area, the **SWHA** Designated Biologist(s) shall conduct pre-construction surveys during the SWHA nesting season (February 15th through September 15th), prior to conducting Covered Activities in each Work Area. Pre-construction surveys shall occur no more than 30 days prior to beginning Covered Activities and shall include a 0.5-mile survey ~~buffer~~**radius** around each Work Area. The **SWHA** Designated Biologist(s) shall survey all suitable habitat/nest trees for nesting SWHA. The **SWHA** Designated Biologist(s) or Designated Representative shall provide the nesting season survey results to CDFW in a written report at least ten days prior to beginning Covered Activities. If no SWHA occupied nest is observed within 0.5-mile of the Work Area during Monthly SWHA surveys (**GOA Condition of Approval 8.14.4**), those surveys will be referenced and provided with the pre-construction survey, then an additional SWHA pre-construction survey is not required. If the Monthly Survey is from more than 30 days prior, and ~~e~~**Covered a**Activities are to begin within the nesting season, a supplemental survey will occur within 0.5-mile of the Work Area, and those results will be included in the pre-construction survey.

17. Conditions of Approval 8.14.2 on Pages 110, of the ITP as amended, shall be amended to read:

8.14.2. SWHA No Work Nest Buffer. The Permittee and **SWHA** Designated Biologist(s) shall ensure that no Covered Activities are initiated within 100 feet of an occupied SWHA nest during the nesting season (February 15th through September 15th). If a SWHA pair begins nesting inside or within 100 feet of an active Work Area, all work **within 100 feet of the occupied nest location** will stop immediately. **If work needs to commence or resume within 100 feet of an occupied SWHA nest**, CDFW shall be contacted and consulted regarding the current level of activity at the location and any further Covered Activities planned during the nesting season. Work shall not resume **within 100 feet of the occupied nest location** without written approval (email can suffice) from CDFW **or until the nest is no longer occupied**.

18. Condition of Approval 8.14.3 beginning on page 110, of the ITP as amended, shall be amended to read:

8.14.3. SWHA Nest Monitoring. If a nesting SWHA is found at any time within ~~0.5-mile~~ **1,000 feet** of an active Work Area buffer (~~see Condition of Approval 8.14.1~~), the **SWHA** Designated Biologist(s) ~~or shall be present daily for at least three full days to monitor the behavior of the potentially affected SWHA to establish baseline behavior. After the initial three days of monitoring,~~ General Biological Monitors may perform SWHA nest monitoring according to Conditions of Approval **8.14.3.1, 8.14.3.2, and 8.14.3.3** ~~or if specific approval is granted by CDFW.~~ The **SWHA** Designated Biologist(s) or General Biological Monitor(s) shall have the authority to order the cessation of all Covered Activities if the bird(s) exhibits distress and/or abnormal nesting behavior (swooping/stooping, excessive vocalization [distress calls], agitation, failure to remain on nest, failure to deliver prey items for an extended time period, failure to maintain nest, etc.) which may cause reproductive failure (nest abandonment and loss of eggs and/or young). Permittee shall not resume Covered Activities until CDFW has been consulted by the **SWHA** Designated Biologist(s), and both the Designated Biologist(s) and CDFW confirm that the bird's behavior has normalized.

8.14.3.1. Monitoring within 100-~~1,000~~**500** feet of an active-~~occupied~~ nest. If a nesting SWHA is found within 100-1,000 feet of an active Work Area, ~~the~~ **SWHA** Designated Biologist(s) shall be present daily for the entire duration of any **daytime** Covered Activities **occurring** within the Work Area **100-500 feet of an occupied SWHA nest** to monitor the behavior of the potentially affected SWHA. A SWHA General Biological Monitor(s), as an alternative to monitoring by a **SWHA** Designated Biologist(s) may be approved by CDFW **to conduct the required monitoring** on a case-by-case basis depending on the circumstances of the specific nest (e.g., location, type of work to be performed, and the bird's tolerance of activity).

8.14.3.2. Monitoring within **500-1,000** feet-~~0.5 miles~~ of an active-~~occupied~~ nest. If a nesting SWHA is found within ~~1,000-0.5 mile~~ of an active Work Area, ~~the~~ **SWHA** Designated Biologist(s) or General Biological Monitor(s) (after the initial three days of monitoring by a **SWHA** Designated Biologist) shall be present for at least two 1-hour intervals at different times every day and for at least one hour any time a new Covered Activity is initiated.

- 8.14.3.3. Modified Nest Monitoring. If the **SWHA** Designated Biologist determines ~~after the initial three days of nest observation~~, that Covered Activities are not likely to affect the nest due to compelling biological or ecological reasons, then a written request with documented observational data can be submitted to CDFW seeking a reduction of the monitoring duration at specified monitoring distances **and/or a request for a SWHA General Biological Monitor at less than 500 feet**. CDFW will review the request and determine whether to grant the reduction, which if granted, would be provided in writing (email can suffice).
- 8.14.3.4. Nest Relocation. Any time a nesting **SWHA** pair vacates one ~~tree~~ **nest while** simultaneously ~~with the start of~~ **building and/or occupying** a new nest nearby, indicating a high probability of nest relocation, CDFW shall be contacted immediately and all monitoring ~~logs~~**notes** from the preceding seven days shall be provided to CDFW for review. ***If the new nest is in the same tree, it will retain the same identification number. If the new nest is in a different tree, it will receive a new identification number. If there is a high level of certainty that it is the same SWHA pair, there should be one CNDDDB entry for the pair with the location information regarding both nest trees and when the pair used each nest tree.***
- 8.14.3.5. Nest Failure. Any time an **occupied SWHA** nest **with eggs or chicks (confirmed or assumed)** ~~becomes inactive-is abandoned by the SWHA adults or otherwise fails~~ prior to evidence of **documentation of** the young fledging and leaving the nest, CDFW shall be contacted immediately and all monitoring ~~logs~~**notes** from the preceding 30 days shall be provided to CDFW for review.

19. New Condition of Approval 8.14.4 beginning on page 112, of the ITP as amended, shall be amended to read:

- 8.14.4. SWHA Monthly Survey. Each year during the nesting season, SWHA Designated Biologist(s) shall survey the entire alignment once a month for any arriving SWHA pairs and new nests. Permittee shall prepare a SWHA Survey Plan detailing the methodology to be followed and submit to CDFW for written approval prior to commencing with SWHA surveys. Surveys shall be conducted in accordance with the approved SWHA Survey Plan, and the survey results submitted to CDFW no later than 30 days after each

survey has been completed **or** with the next Monthly Compliance Report, whichever comes first.

20. New Condition of Approval 8.14.5 beginning on page 112, of the ITP as amended, shall be amended to read:

8.14.5. SWHA Restrictions for Nightwork. Permittee shall ensure that any nightwork (***Covered Activities conducted between one half hour after sunset to one half hour before sunrise***) done in the vicinity of an occupied SWHA **nest** is over 1,000 feet from the nest tree and that any lighting utilized is directed away from the nest ~~tree~~ **location**. The Permittee may request a variance from the 1,000-foot nest buffer during ~~night work~~ **nightwork**, which CDFW will consider on a case-by-case basis when there is a compelling biological reason to do so, such as when the ~~Work Area~~ **nightwork** would be concealed from a nest site by topography **or other visual barriers**. All work done under an approved variance shall be monitored by a **SWHA Designated Biologist or General Biological Monitor** for the full duration of the nighttime activities.

21. New Condition of Approval 8.14.6 beginning on page 112, of the ITP as amended, shall be amended to read:

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

22. New Condition of Approval 8.14.7 is added after 8.14.6 on page 113, of the ITP as amended, and shall read:

8.14.7. SWHA Injury. If a SWHA is injured or found dead within the vicinity of the Project or Work Area, the Permittee shall notify CDFW of the injury or mortality to the SWHA immediately by phone and e-mail. The SWHA Designated Biologist shall either immediately transport injured individuals to a CDFW-approved wildlife rehabilitation center or

veterinary facility or follow approved collection and storage procedures for deceased animals according to Condition of Approval 8.11 Notification of Take or Injury. Permittee shall bear any cost associated with care and recovery of any injured SWHA adults, nestling(s) or egg(s) and hacking (controlled release of captive reared young).

23. Condition of Approval 8.18.6 beginning on page 131, 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 ***method and reports shall be submitted according to the following*** process:

8.18.6.1. BUOW Pre-construction Survey. 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 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 Work Areas, unless otherwise approved in advance in writing by CDFW. Should ground-disturbing Covered Activities lapse for more than 30 days, a ***new pre-construction*** subsequent survey shall be performed as described above.

8.18.6.2. BUOW Monthly Surveys. For active Work Areas where initial ground- or vegetation-disturbing Covered Activities have been performed,

and **Covered Activities** they have not lapsed for longer than 30 days, focused BUOW burrow surveys, **as described in Condition of Approval 8.18.6.1 BUOW Pre-construction Survey**, shall be **repeated** performed at least once every 30 days **year-round to ensure any newly arriving BUOW are found**. 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 known, and/or nesting BUOW burrows. Surveys shall include the Work Area and 500 feet (where feasible) beyond the limits of the Work Areas, 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.

8.18.6.3. BUOW Pre-construction Survey Reporting. Permittee shall provide the **pre-construction** survey results in a written report to CDFW's Regional Representative within 14 days of completing the surveys. 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 surveyor(s)**.

8.18.6.4. BUOW Monthly Survey Reporting. **The report shall include, but not be limited to, a burrow map (see Burrow Map), methodology, survey date, surveyor(s),** and apparent status of each burrow (known or nesting, blocked or excavated **following a prior survey**). If the BUOW Designated Biologist(s) identifies any **new** known or nesting BUOW burrows, the burrow(s) shall be avoided per BUOW Burrow Avoidance. **BUOW Exclusion Activities per, or otherwise monitored following BUOW Burrow Blockage and BUOW Burrow Excavation shall not be implemented prior to submitting a written report for the respective**

Work Area. Otherwise, the BUOW monthly survey reporting may be submitted with the Monthly Compliance Report.

24. Condition of Approval 8.18.7 beginning on page 133, 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 the distinct Work Area(s) associated with the survey. The map(s) shall also include the date the survey was performed, a title, north arrow, scale bar, and legend. **Mapping for BUOW Monthly surveys shall also include all blocked BUOW burrows and all BUOW burrows destroyed either by excavation or covered activities.**

25. Condition of Approval 8.18.9 beginning on page 135, 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~~ **burrows** that will not be directly impacted by construction activities shall ~~may~~ be blocked (e.g. via the use of sandbags), ~~rather than prior to or instead of being~~ 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 determined via 72 consecutive hours of monitoring with wildlife camera that BUOW is not currently present.~~ **At the discretion of the BUOW Designated Biologist, a one-way door may be installed for occupied BUOW burrows to evict the BUOW prior to blocking and/or excavation outside of the nesting season.** Burrow blockage or the installation of one-way doors shall not be performed on active BUOW nesting burrows **during the nesting season. Once blocked, the no-disturbance buffer for the known burrow may be reduced to a minimum of 10 feet to protect the integrity of the burrow for the duration of the blockage.** 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~~ **process described above shall be reimplemented if the blockage needs to be replaced**. All blocked burrows shall be unblocked within 48 hours of completion of construction-related Covered Activities within the prescribed buffer distance **or within 48 hours of a Work Area becoming inactive for 30 days**.

At locations where monitoring BUOW burrows with a wildlife camera is not feasible due to theft concerns – the **BUOW** 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 **immediately prior to blockage or excavation**, and the action taken to treat the burrow (**excavation**, blockage, **and/or** one-way door).

26. Condition of Approval 8.18.10 beginning on page 136, 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~~ **installation of a one-way door may occur, as described in the BUOW Burrow Blockage Condition of Approval, to evict the BUOW** 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, burrow excavation shall cease immediately, 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 **BUOW** 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 ***immediately prior to blockage or excavation***, and the action taken to treat the burrow (***excavation***, blockage, ***and/or*** one-way door).

27. Condition of Approval 8.19.8 on page 143, of the ITP as amended, shall be amended to read:

8.19.1. BNLL Mortality Reduction and Relocation Plan. Permittee shall submit a BNLL Mortality Reduction and Relocation Plan to CDFW before resuming Covered Activities in Work Areas that have become inactive within the area defined by Exhibit 9 BNLL Potential Habitat following the issuance of Amendment No. 33 and the effective date of this Amended ITP. BNLL capture, burrow excavation, and relocation activities shall not proceed until this plan has been approved in writing by CDFW's Regional Representative (e-mail will suffice). The BNLL Mortality Reduction and Relocation Plan shall include, but not be limited to detailed descriptions of the following:

- (1) Timing of BNLL mortality reduction and relocation activities (e.g., an avoidance time window to avoid torpid BNLL or excessive heat during burrow excavations).
- (2) Detailed description of survey methods, including when and where different methods might be utilized (i.e., Annual BNLL protocol level surveys and Pre-Construction surveys).
- (3) Detailed description ***of*** capture, handling, and transportation methods for individual BNLL.
- (4) Relocation methods including release location(s) and release methods (i.e., ~~hard~~ ***local*** release [only to suitable habitat in the immediate vicinity on the outside of intact exclusion fencing] or ~~soft~~ ***off-site*** release [only to lands protected by a conservation easement ***or in CDFW ownership*** and ~~with~~ ***may include*** potential artificial burrow design and installation methods included] or another method).
- (5) Potential artificial burrow design and installation methods ***if off-site release location is not on CDFW lands***.
- (6) Detailed burrow excavation methods.
- (7) Methods and procedures for what to do with any torpid BNLL.
- (8) Methods and procedures to protect BNLL eggs ***in place*** if found ***via scoping before being uncovered*** and other likely nests (e.g., cease excavation for 60 days).
- (9) Identification of a veterinary facility capable of and willing to treat injured BNLL.
- (10) Communication Plan between CDFW, USFWS, and the approved

Veterinary facility before any BNLL individuals or eggs are transported.

Only CDFW approved BNLL Designated Biologist(s) are authorized to capture, handle, relocate and transport BNLL. Once the BNLL Mortality Reduction and Relocation Plan is approved by CDFW, it shall be used for all BNLL mortality reduction activities for the duration of this ITP unless updated by CDFW to reflect the best available science, and/or to update mitigation and conservation strategies in which case CDFW will contact the Permittee to discuss needed updates. The **BNLL** Designated Biologist may also propose updates to the CDFW-approved BNLL Mortality Reduction and Relocation Plan based on new information gathered through the Compliance Monitoring and ~~Monitoring~~ **Reporting** Program. Any proposed changes from Permittee to the CDFW-approved BNLL Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and must be approved by CDFW in writing prior to implementation of any proposed Plan modifications.

28. Condition of Approval 8.19.2 on page 139, of the ITP as amended, shall be amended to read:

8.19.2. Protocol-Level BNLL Survey. The BNLL Designated Biologist(s) assisted by the BNLL General Biologist~~cal~~ **Monitor**(s) shall survey Work Areas within the Project footprint in all areas **where the Permittee intends to follow the Site Assessment Process to forgo burrow excavation** ~~identified by~~ **according to** Condition of Approval 7.1.2.3. **BNLL Assessment**. Surveys will be done to identify individual BNLL and to identify, ~~flag,~~ and **digitally** map the locations of all ~~known~~ BNLL burrows **known to be occupied by BNLL and all locations where BNLL were observed above ground but not seen entering a burrow**. Annual protocol-level BNLL survey shall be conducted no more than one year prior to commencing Covered Activities, using methods consistent with **Condition of Approval 8.19.1 BNLL Mortality Reduction and Relocation Plan** and the Approved Survey Methodology for the Blunt Nosed Leopard Lizard (October 2019 Revised). Survey reports and kmz mapping will be transmitted to CDFW within 30 days of the survey completion for review and approval.

29. Condition of Approval 8.19.4 on page 140, 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 ~~s~~Surveys for areas identified in Exhibit 9, shall be performed no more than 30 days prior to ground- or vegetation-disturbing Covered Activities ***following the methodology described in the approved BNLL Mortality Reduction and Relocation Plan.*** Surveys shall include the Work Area and, where feasible, 50 feet beyond the limits of each Work 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 ~~s~~Survey shall be performed.

Permittee shall 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, ***or recommencing, and continuing with ongoing Covered Activities.*** The reports shall include, but not be limited to, limits of the survey area, ***who conducted the survey, weather conditions, survey time, site specific methodology (e.g., spacing between transects based on the density of the vegetation on-site),*** and survey date.

30. Condition of Approval 8.19.4 on page 140, of the ITP as amended, shall be amended to read:

8.19.4. Temporary Wildlife Exclusion Fencing. Permittee shall install Temporary Wildlife Exclusion Fencing around the perimeter of each Work Area within the Project Area in which burrow excavations will occur ***or for areas where the Permittee intends to use the Site Assessment process to avoid burrow excavation and/or to prevent BNLL from moving into an area where they have not previously been found.*** Fencing shall be installed following surveys to flag all potential Covered Species burrows and dens in accordance with Condition of Approval 7.1.1.1 but timed so installation of fencing immediately precedes any BNLL relocation in accordance with Condition of Approval 8.19.7. Prior to any new fence installation, Permittee shall submit for review and approval in writing by CDFW an Exclusion Wildlife Exclusion Fencing Plan which shall include, but not be limited to: the timing of installation, fencing material, design (including one-way escape exits spaced every 100 feet and whether it is trenched in or trenchless), installation methods (e.g., equipment and tools to be used), access gates, fence inspection frequencies, and a map of fence installation locations. For

areas identified in Exhibit 9, that have fencing already installed, mapping and design plans must also be included for CDFW review and approval.

31. Condition of Approval 8.19.6 on page 141, of the ITP as amended, shall be amended to read:

8.19.6. BNLL Individual Avoidance. The Permittee shall notify CDFW's Regional Representative within 24 hours via telephone or e-mail if any BNLL are discovered within or immediately adjacent to the Project Area. If an individual (adult or juvenile) BNLL is detected above ground within the Project Area, any Covered Activities occurring in the associated Work Area and within a 50-foot buffer must temporarily cease until one of the following has been completed. ~~The following shall be implemented in sequence:~~

- (1) **Passive Exclusion**. *In areas where Access Restriction fencing has not yet been installed and where the BNLL can be prevented from going down a burrow,* ~~The BNLL shall first~~ **may** be allowed to leave the Work Area on its own volition monitored by the **BNLL** Designated Biologist.
- (2) **Assisted Passive Exclusion**. If the BNLL is unable to leave the Work Area on its own volition due to Project related obstructions (e.g., fencing, vehicles, Project materials, etc.), the **BNLL** Designated Biologist may need to clear a pathway **and** establish an area for a passive exit leading/oriented away from the Project Area into suitable habitat only (i.e. not into the path of a road, etc.). ***If there are a few burrows the BNLL could potentially enter, they will be temporarily blocked (e.g., with plywood or sandbags) until the BNLL has exited the Work Area.*** ~~Once the BNLL has left the Work Area~~ **The BNLL** Designated Biologist shall **then** re-establish the **temporary** wildlife exclusion fencing.
- (3) **Active Exclusion**. If the passive exit pathway is unsuccessful **or unsuitable because there are too many burrows the BNLL could enter or it is not possible to block the burrows,** the **BNLL** Designated Biologist may initiate non-handling/non-contact methods to guide the BNLL out of the Work Area into suitable adjacent habitat with active exclusion. The **BNLL** Designated Biologist may utilize sequential movement of temporary fencing or handheld boards/flashing to implement this process **of safely herding the BNLL to adjacent**

suitable habitat. The ***BNLL*** Designated Biologist shall always have such equipment ready and on-site.

- (4) ***Capture.*** If ~~*an areas already has Access Restriction fencing installed or at any time,*~~ based on the ***BNLL*** Designated Biologist's assessment that the BNLL will not successfully exit the Project Area with passive or active exclusion, the ***BNLL Designated Biologist*** may ~~*immediately be corral,*~~ captured ***by hand,*** and moved ~~*the BNLL*~~ outside of the temporary wildlife exclusionary fencing ***to adjacent suitable habitat*** or relocated ~~*the BNLL off-site*~~ according to Conditions of Approval 8.19.1 and 8.19.7 if adjacent habitat is not suitable.

- (5) ***Occupied Burrow Monitoring.*** ~~*If a BNLL goes down a burrow, the burrow will be identified and visually monitored by a BNLL Designated Biologist until dark. The next morning before dawn the visual monitoring will resume. Once the BNLL comes out, the BNLL Designated Biologist shall immediately proceed with capture of the BNLL as described in (4) above.*~~

32. Condition of Approval 8.19.7 on page 142, of the ITP as amended, shall be amended to read:

- 8.19.7. ***Off-site BNLL Relocation.*** Prior to Covered Activities within the Project Area, and following the methods outlined in Condition of Approval 8.19.1, any above ground BNLL detected by the ***BNLL*** Designated Biologist within the Project Area that cannot be avoided~~*excluded,*~~ per Condition of Approval 8.19.5~~*6,*~~ shall be live captured by the ***BNLL*** Designated Biologist immediately following exclusion fence installation or immediately after detection, in the event additional animals are detected after initial relocation activities. The ***BNLL*** Designated Biologist shall relocate all captured BNLL immediately to the CDFW approved ~~*release off-site*~~ ***release location*** identified in the BNLL Mortality Reduction and Relocation Plan ***if adjacent habitat is not suitable.*** The ***BNLL*** Designated Biologist(s) shall submit daily capture and release forms to CDFW for review and concurrence to continue (or not) with live capture. Daily capture forms shall include, but not be limited to: on-site shaded air temperatures measured 1-2 centimeters (cm) from above the ground and time(s) of captures; capture details (e.g., attempts made, capture response, total duration of hold times); relocation details (e.g., behavioral response) and supporting photos and/or videos; weather conditions (e.g., wind and cloud cover) during capture and post release, etc. Permittee shall propose a final capture activity date for CDFW

review and written approval. Following the CDFW-approved final day of capture activity, burrow excavation according to Condition of Approval 8.19.8 may begin.

33. Condition of Approval 8.19.8 on page 143, of the ITP as amended, shall be amended to read:

8.19.8. **BNLL Burrow *Scoping and* Excavation.** Immediately following live capture activities conducted to address Conditions of Approval 8.19.1 **BNLL Mortality Reduction and Relocation Plan**, 8.19.6. **BNLL Individual Avoidance**, and 8.19.7 **Off-site BNLL Relocation** and prior to beginning Covered Activities within the Work Area, the ***BNLL*** Designated Biologist, or ***BNLL*** General Biological Monitor under the direct supervision of the ***BNLL*** Designated Biologist, shall ***scope and*** fully excavate by hand all burrows potentially occupied by BNLL within each fenced Work Area to be disturbed by Covered Activities. ***A fiber optic scope or similar device may be used to visually inspect the burrows needing to be excavated for BNLL by up to three-foot sections. The BNLL Designated Biologist will then scope the next three-foot (or smaller) section before that section is excavated until the end of the burrow is reached or the remaining portion of the burrow is outside the Project Area. For those excavated burrows that extend outside the Project Area, an entrance to the burrow will be dug so that any wildlife occupying the burrow can exit.*** The ***BNLL*** 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 the~~ ***Fresno Chaffee Zoo as described*** in the BNLL Mortality Reduction and Relocation Plan. The ***BNLL*** 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.

34. Condition of Approval 8.19.9 shall be added following 8.19.8.2 on page 144, of the ITP as amended, and shall read:

8.19.9. **BNLL Injury, Mortality, Eggs, or Torpid Individuals.** ***If a BNLL is injured or found dead within the vicinity of the Project Area, the Permittee shall notify CDFW of the injury or mortality immediately by e-mail as described in the Condition of Approval 7.11 Notification of Take or Injury. If eggs or torpid BNLL individuals are found during burrow***

excavation the Permittee shall notify CDFW immediately by phone prior to moving eggs, torpid or injured BNLL unless they are in imminent danger, in which case they may be moved out of harm's way. After phone notification to CDFW, the BNLL Designated Biologist shall follow the BNLL Mortality Reduction Plan to either immediately transport injured or torpid individuals or eggs to the Fresno Chaffee Zoo as described in the BNLL Mortality Reduction Plan or as directed by Fresno Chaffee Zoo staff or follow approved collection and storage procedures for deceased animals. Permittee shall bear any cost associated with care, recovery, and lifelong housing of any injured BNLL the Fresno Caffee Zoo determines is not eligible for release.

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 five changes to the ITP, as amended.

- 1) This Amendment includes CDFW-initiated changes to the ITP to update the SWHA information in Tables 10 and 10A.
- 2) This Amendment includes CDFW-initiated changes to add new Covered Activities to the list under Impacts of the Taking on Covered Species BNLL.
- 3) Adds new covered activities for Track and Systems installation and allows for exemption of certain Conditions of Approval for the installation.
- 4) This Amendment changes multiple Conditions of Approval regarding monitoring for initial ground disturbance, for SWHA, and BUOW.
- 5) This Amendment revises the language within multiple existing Conditions of Approval for clarification and consistency.

- 6) This Amendment includes CDFW-initiated changes to the ITP to clarify BNLL Conditions of Approval and add new BNLL Conditions of Approval.

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, in June 2025, in August 2025, and in January 2026 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, No. 33, and No. 34 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, Major Amendment 33 in August 2025, and Major Amendment 34 in January 2026 (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 includes CDFW-initiated changes to the ITP to update the SWHA information in Tables 10 and 10A; adds new Covered Activities for BNLL as well as Track and Systems installation; adds Condition of Approval allowing exemption of certain Conditions of Approval during Track and Systems installation; changes multiple Conditions of Approval regarding monitoring for initial ground disturbance, for SWHA, and BUOW; revises the language within multiple existing Conditions of Approval for

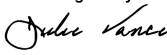
clarification and consistency; and includes CDFW-initiated changes to the ITP to clarify BNLL Conditions of Approval and add new BNLL Conditions of Approval.

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

8/14/2026

DocuSigned by:

 FA83F09FE00945A...

Julie A. Vance
 Regional Manager
 Central Region

Major Amendment No. 35
 Incidental Take Permit 2081-2015-024-04
 CALIFORNIA HIGH-SPEED RAIL AUTHORITY
 CALIFORNIA HIGH-SPEED TRAIN PROJECT
 Fresno to Bakersfield Section Permitting Phase 1