



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



October 14, 2022

Serge Stanich
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, California 95814
serge.stanich@wildlife.ca.gov

**Subject: Amendment 25 to Incidental Take Permit (ITP) (2081-2015-024-04-A25)
California High-Speed Train Project Fresno to Bakersfield Section
Permitting Phase 1 (Project) Revisions to Exhibit 8
(Figure 2 and Figure 3)**

Dear Mr. Stanich:

On October 10, 2022, California Department of Fish and Wildlife (CDFW) staff received an email from the California High Speed Rail Authority (CHSRA) indicating that figures constituting Exhibit 8 in ITP Amendment 25 were incorrect. The October 10, 2022, email included a .kmz file depicting a missing area intended to be excluded from excavation and the boundaries of the area to be exempt from burrow excavation requirements. In the October 10, 2022, submitted .kmz file, CDFW noted discrepancies in the boundaries depicted in the September 23, 2022, amendment submittal .kmz files, but on October 12, 2022, CHSRA confirmed that boundaries depicted in the October 10, 2022, .kmz file are the correct boundaries and the September 23, 2022 .kmz files were incorrect. CDFW has corrected Exhibit 8 (Figures 2 and 3) based on the confirmation of the correct files from CHSRA.

Enclosed you will find an electronic copy of Amendment 25 of the ITP with the corrected Exhibit 8 (Figure 2 and Figure 3) for the above referenced Project, which has been digitally signed by the CDFW. Please read the permit carefully, sign the acknowledgement, and return the original **no later than 30 days from CDFW signature**, and prior to initiation of ground-disturbing activities. You may return a hard copy of the permit via mail to:

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

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

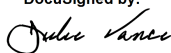
You are advised to keep the permit in a secure location and distribute copies to appropriate project staff responsible for ensuring compliance with the conditions of approval of the permit. Note that you are required to comply with certain conditions of approval prior to initiation of ground-disturbing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

Conserving California's Wildlife Since 1870

Serge Stanich
California High Speed Rail Authority
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The permit will not take effect until the signed acknowledgement is received by CDFW. If you wish to discuss these instructions or have questions regarding the permit, please contact Laura Peterson-Diaz, Senior Environmental Scientist, by email at laura.peterson-diaz@wildlife.ca.gov.

Sincerely,

DocuSigned by:


F.A83F09FE08945A...
Julie A. Vance, Regional Manager
Central Region
California Department of Fish and Wildlife

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

CENTRAL REGION

1234 EAST SHAW AVENUE

FRESNO, CALIFORNIA 93710



AMENDMENT NO. 25

(A Major Amendment)

California Endangered Species Act

Incidental Take Permit No. 2081-2015-024-04

California High-Speed Train Project Fresno to Bakersfield Section Permitting Phase 1

INTRODUCTION

On June 15, 2015, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2015-024-04 (ITP) to the California High-Speed Rail Authority (Authority or Permittee) authorizing take of California tiger salamander (*Ambystoma californiense*), Swainson's hawk (*Buteo swainsoni*), Tipton kangaroo rat (*Dipodomys nitratoide nitratoide*), San Joaquin antelope squirrel (*Ammospermophilus nelsoni*), and San Joaquin kit fox (*Vulpes macrotis mutica*) (collectively, the Covered Species) associated with and incidental to the Permitting Phase 1 of the Fresno to Bakersfield Section of the High-Speed Train (HST) Project (Project). The Project as described in the ITP originally issued by CDFW includes HST alignment beginning on the south side of the G Street and San Benito Street intersection, north of Highway 41, in the City of Fresno, Fresno County, California. From this intersection, the Fresno to Bakersfield HST alignment extends south either along or adjacent to the Burlington Northern Santa Fe Railway (BNSF) for approximately 99 miles before reaching the section endpoint, at the intersection of 7th Standard Road, and Santa Fe Way, within the city limits of Shafter, in Kern County, California.

The total length of the Project is 99 miles. The Project is the second of the nine California HST sections to be constructed; each section will function independently, but once joined together will create a statewide HST system. The HST will be an electrically powered with steel-wheel-on-steel-rail technology and state-of-the-art safety, signaling, and automated train-control systems. The trains will be capable of operating at speeds of up to 220 miles per hour (mph) over a fully graded, separated, dedicated track alignment. The Project will be built using a design/build (D/B) approach, a method of construction by which one D/B contractor works under a single contract with the Permittee to provide design and construction services. The Project as originally permitted in the ITP included construction and installation of all Project components, including disturbance of up to 5,868.00 acres (hereafter, Construction Footprint). Construction may occur at any point along the Construction Footprint, and construction may occur at multiple locations simultaneously. The Project also includes operations,

Rev. 2013.1.1

maintenance, inspection activities within the Construction Footprint (O&M), and Mitigation Activities.

In an email dated June 24, 2016, the Permittee requested a revision of the Project Description to include an increase in the Construction Footprint by 102.58 acres to 5,970.58 acres to accommodate eight additional Roadway Modifications, and in a subsequent email dated July 25, 2016, the Permittee requested the addition of a third designation of approvable project biologists to carry out small mammal habitat assessment and trapping activities. On March 7, 2017, CDFW issued **Major Amendment No. 1** to the ITP incorporating these requested revisions along with corrections to the acreage for the impacts, changes to the required Habitat Management lands acreage, and clarifications to the reporting requirement language.

On July 5, 2018 and September 19, 2018, CDFW initiated, issued, and re-issued respectively, **Major Amendment No. 2** to the ITP incorporating a Baseline Map Book as Exhibit 6 and added references to the map book throughout the ITP; further revising the Tracking Suitable Habitat Feature Disturbances, Map Updating, and Reporting requirements; added a specific Covered Activity (pile driving) and a species-specific Take Avoidance Measure for that Covered Activity; adding the third category of Biological Monitor, Designated Small Mammal Trapper, to Condition of Approval 6.2; clarified the Construction Monitoring Notebook requirement; added Condition of Approval 7.13 requiring survey and reporting requirements in advance of initiating Covered Activities; revising Conditions of Approval 8.13.2, 8.14.1, 8.15.1, 8.16.1, 8.16.2, 8.16.3, 8.17.2; and adding Condition of Approval 8.15.6. There was no change to the Construction Footprint acreage.

In a letter dated June 25, 2018, the Permittee requested a revision of the ITP to change the Mitigation Site Construction Elements from the Fagundes Compensatory Mitigation Site to a new location, now recognized as Cottonwood Creek. Because the Permittee would no longer be conducting riparian and wetland restoration at the Fagundes Compensatory Mitigation Site, all references to riparian and wetland restoration at the Fagundes site was removed and replaced with the Cottonwood Creek mitigation site. Due to the varying conditions at the Cottonwood Creek site, some Construction Elements also changed with the changes in mitigation site location. Further, on September 25, 2018, the Permittee requested a 7-day extension provision be added for San Joaquin antelope squirrel relocation. There was no change to the Construction Footprint acreage. On October 2, 2018, CDFW issued **Major Amendment No. 3** to the ITP incorporating these changes.

In an email dated October 4, 2018, the Permittee requested a revision of the ITP to extend the dry season work window beyond October 31st for ground-disturbing activities

at the Mitigation Site. There was no change to the Construction Footprint acreage. On November 15, 2018, CDFW reissued **Minor Amendment No. 4** to the ITP incorporating these changes.

In an email dated November 27, 2018, the Permittee requested a revision to the ITP to allow for San Joaquin antelope squirrel (SJAS) relocation to occur prior to April 1 and to allow SJAS relocation to occur after November 15 on a case-by-case basis. There was no change to the Construction Footprint acreage. On November 29, 2018, CDFW issued **Major Amendment No. 5** to the ITP incorporating these changes.

In a letter dated September 10, 2018, the Permittee requested to revise the Project Description to allow for an increase in the Construction Footprint of 6.92 acres for a total of 5,977.50 acres to accommodate new Work Areas for the water pipeline irrigation casing installation and level 3 fiber optic line relocation. Additionally, CDFW initiated amending the Project Description to include installation of water pipeline irrigation casings, dry jack and bore, and horizontal directional drilling as Covered Activities as well as adding Condition of Approval 7.12. On January 17, 2019, CDFW issued **Major Amendment No. 6** to the ITP incorporating these changes.

In a letter dated October 19, 2018, the Permittee requested to revise the Project Description to increase the Construction Footprint by 2.01 acres to a total of 5,979.51 acres for road improvements to Wasco Avenue to function as an access road for agricultural operations north of Kimberlina Road in Kern County. Additionally, the Permittee requested a design change to the HST/Kimberlina Road location that will be contained within the current ITP Construction Footprint at that location. On February 1, 2019, CDFW issued **Major Amendment No. 7** to the ITP incorporating these changes.

In a letter dated August 22, 2018, the Permittee requested to revise the Project Description to accommodate advanced design changes requiring roadway modifications, utility relocations, access road alterations, and canal realignments along and adjacent to the HST alignment at South Avenue; two new locations in Fresno County at Conejo Avenue, and Peach Avenue; as well as changes for existing locations at Flint Avenue and Kent Avenue in Kings County; and Avenue 88 in Tulare County resulting in a net decrease of 1.96 acres changing the Construction Footprint to 5,977.55 acres. In a subsequent email dated January 25, 2019, the Permittee requested to include the use of jack and bore and horizontal directional drilling as Covered Activities throughout the entire Construction Footprint. The Permittee also requested Condition of Approval 7.12, the notification and submission of a Horizontal Directional Drilling and Dry Jack and Bore Level 3 Fiber Optic Line Relocation Plan, be revised to serve as a notification and plan for all horizontal directional drilling and jack and bore

activities occurring within the entire Construction Footprint. On February 13, 2019, CDFW issued **Major Amendment No. 8** to the ITP incorporating these changes.

In a letter dated December 6, 2018, the Permittee requested to revise the Project Description to add construction of an intrusion protection barrier (IPB) within specific limits of the HST alignment to mitigate the risk of potential derailed trains from the adjacent BNSF rail line entering the path of the HST and increase the Construction Footprint by 0.75 acre which brought the total acres to 5,978.30. The IPB construction specific limits occurred in various locations along the California HST route from the vicinity of State Route 43 and Whisler Road to the vicinity of Madera and Poplar Avenues near the City of Shafter in Kern County. IPB construction in this vicinity required re-siting of two wildlife crossing structures. In an email dated January 23, 2019, Permittee further requested modifying the approval process for siting and constructing wildlife crossings. On February 20, 2019, CDFW issued **Major Amendment No. 9** to the ITP incorporating these changes

In a letter dated January 2, 2019, and a subsequent letter dated February 4, 2019, Permittee requested further revision to the ITP, as amended, to cover a 31.79-acre increase to the approved Project Construction Footprint and associated impacts to Covered Species to accommodate the “alternative technical concepts” (ATC) 11 and 13b (design variations). The changes were to employ “reverse stacking” over Garces Highway, Pond Road, and Peterson Road in Kern County; which means to place the railway over the surface roads instead of vice-versa; and a slight alignment revision to avoid a major agricultural water pumping facility known as the Semitropic Pump Station. In a letter dated February 12, 2019, Permittee requested amending the ITP to cover an 86.14-acre increase to the Project Construction Footprint to accommodate design variations including utility relocations, roadway modifications, temporary construction easements, and access roads at 23 locations. Altogether, this brought the Construction Footprint acreage total to 6,096.24. On March 28, 2019, CDFW issued **Major Amendment No. 10** to the ITP incorporating these changes.

In a letter dated March 11, 2019, the Permittee requested a 141.60-acre increase to the approved Project Construction Footprint and associated impacts to Covered Species to accommodate four segments of IPB between State Route 41 and approximately 1000 feet south of East American Avenue in Fresno County, and additional areas for construction access, fence and gate construction, utility relocations, and street and sidewalk modifications. In a letter dated March 12, 2019, the Permittee requested a 105.12-acre increase to the approved Project Construction Footprint and associated impacts to Covered Species to accommodate design variations at 20 locations, in Fresno County. The design variations include utility relocation and protection, roadway modifications, temporary construction easement for staging equipment and materials,

building demolition, additional earthwork, access roads, and/or waterway crossing structures. Altogether, this brought the Construction Footprint acreage total to 6,342.96. On April 25, 2019, CDFW issued **Major Amendment No. 11** to the ITP incorporating these changes.

In a letter dated January 8, 2019, Permittee requested that CDFW further amend the ITP, as amended, to cover increases in the Project Construction Footprint by 98.06 acres, for a total of 6,441.03 acres, to accommodate additional temporary access routes, staging areas, and utility relocation at several locations in Kern County referred to as "Wasco Utilities" and "North-South Utilities." Permittee provided supplemental information related to the requested activities dated January 29 and April 30, 2019. In a letter dated March 6, 2019, Permittee requested that CDFW further amend the ITP, as amended, to remove the required CDFW written approval of pre-construction survey reports. On May 20, 2019, CDFW issued **Major Amendment No. 12** to the ITP incorporating these changes.

In a letter dated April 5, 2019, Permittee requested to increase the Construction Footprint by 19.36 acres to accommodate design changes and refinements in the vicinity of State Route (SR) 46, including utility relocations, removal and construction of a Caltrans retention pond, construction of a retention pond for the Authority, building demolition, and other Covered Activities related to relocation of utilities within Kern County. In a letter dated June 21, 2019, Permittee requested to increase in the Construction Footprint by 150.46 acres to accommodate design variations including utility relocations, roadway modifications, temporary construction easements, access roads, and other Covered Activities at 19 locations within Fresno, Kings and Tulare counties. Together these design variations required an increase in the Construction Footprint of 169.82 acres, for a total of 6,610.85 acres. On August 8, 2019, CDFW issued **Major Amendment No. 13** to the ITP incorporating these changes.

In a letter dated May 3, 2019, Permittee requested a 50.89-acre expansion of the approved ITP Construction Footprint to address 68 utility conflicts involving PG&E overhead powerlines, AT&T telecommunication lines, SoCal Edison optical fiber, Semitropic irrigation lines, and North Kern Water Storage District relocation of Canal 9-22 and Canal P1030. Work to resolve the utility conflicts included bypass, civil work, protect in place, removal, relocation, and other Covered Activities within Kern County. This request also included three roadway modifications in Kern County one of which was a new location which brought the Construction Footprint to 6,661.74 acres. On September 3, 2019, CDFW issued **Major Amendment No. 14** to the ITP incorporating these changes.

In a letter dated May 9, 2019, Permittee requested amending the ITP to increase the Construction Footprint by 146.77 acres to accommodate design variations to the Tule elevated structure as well as utility relocations, roadway modifications, access roads, and other covered activities at 11 locations. The request also proposed eliminating two Temporary Construction Easements (TCEs) and two overcrossings, resulting in a 368.58-acre reduction to the Construction Footprint, for a net decrease of 221.81 acres, which brought the total Construction Footprint to 6,439.93 acres. On September 19, 2019, CDFW issued **Major Amendment No. 15** to the ITP incorporating these changes.

In a letter dated August 27, 2019, Permittee requested increasing the Project Construction Footprint by 7.94 acres at Gromer Avenue in Wasco to cover utility relocation, TCEs, and permanent access road construction. In a letter dated September 5, 2019, Permittee requested increasing the Project Construction Footprint by 15.08 acres to accommodate design variations including utilities and an access road within Semitropic Water Storage District (Semitropic WSD) that would need to be relocated at two locations. In a letter dated September 20, 2019, Permittee requested the correction of Table 1 to include the reduction of 8.93 urban acres already accounted for in Amendment 15 as well as removal of the remaining 12.13 acres of orchard in Table 1 which eliminates both TCE impacts from Amendment 15. Together these brought the new construction footprint to 6,462.95 acres. In an e-mail sent on October 10, 2019, CDFW informed Permittee that there would be two additional changes: 1) Table 9 updated to show the current number of nests taken of the maximum five covered by the ITP and 2) Measures 7.1, 8.16.2 and 8.17.2 were further updated to include Designated Small Mammal Trapper(s), 8.16.2 and 8.17.2 were updated to clarify reporting, and 8.17.2 added conditional concurrence of daily trapping forms for the early resumption and/or extension relocation period for non-business days. On October 11, 2019, CDFW issued **Major Amendment No. 16** to the ITP incorporating these changes.

In a letter dated May 2, 2019, Permittee requested increasing the Project Construction Footprint by 57.32 acres to accommodate a variation in the profile design of the HST alignment construction from elevated viaduct to embankment at the sections of the HST mainline that are outside of streams and other waterways; changes to the bridge structures at Cole Slough, Dutch John Cut, and the Kings River channel; and a change from a bridge to two box culverts at Riverside Ditch. Design changes are also included for utility relocations, roadway modifications, TCEs, staging areas, site preparation, demolition, earthwork, and access roads, and other Covered Activities at seven locations as well as shifting the location of a switching station and addition of 20 new wildlife crossings. The request also proposed the reduction of two TCEs resulting in a 33.87-acre reduction to the Construction Footprint, for a net increase of 23.45 acres,

bringing the new total Construction Footprint to 6,486.40 acres. On October 31, 2019, CDFW issued **Major Amendment No. 17** to the ITP incorporating these changes.

In a letter dated January 8, 2019, and supplemental information dated January 29, 2019, Permittee requested the “ATC 2 Variation” which included a design change in the City of Wasco from viaduct to an at-grade design. Permittee had originally submitted the ATC 2 Variation together with “Wasco Utilities” and “North-South Utilities” (Amendment 12) however, per discussion and request from CDFW, separate amendment requests were submitted. The Permittee provided additional supplemental information dated April 30, 2019, and September 20, 2019, for the ATC 2 Variation (Wasco at-grade). Permittee requested increasing the Project Construction Footprint by 12.58 acres, for a total of 6,498.98 acres to accommodate design change construction of Wasco at-grade and the addition of TCEs needed for access, staging, equipment storage, and other Covered Activities related to road modifications and building demolition. The request also proposed the addition of 13 dedicated wildlife crossings south of Wasco at-grade, San Joaquin kit fox escape refugia, and a minimum of 300 acres of additional habitat conservation lands to mitigate the reduction in wildlife permeability resulting from the Wasco viaduct design change. On November 22, 2019, CDFW issued **Major Amendment No. 18** to the ITP incorporating these changes.

In a letter dated May 14, 2019, Permittee requested design changes and refinements to accommodate several IPBs from just south of East American Ave (approximately 6.40 miles south of the City of Fresno), to just north of Ave 76, (approximately 4.95 miles north of Allensworth). The IPB Variations will not expand the ITP Construction Footprint or alter the general alignment described in the ITP. In a letter dated October 11, 2019, Permittee requested increasing the Project Construction Footprint by 12.15 acres, for a total of 6,511.13 acres, to accommodate design variations including utility relocations, roadway modifications, temporary construction easements, access roads, and other Covered Activities at McCombs Avenue and Merced Avenue. On December 12, 2019, CDFW issued **Major Amendment No. 19** to the ITP incorporating these changes.

In a letter received March 2, 2020, Permittee requested additional clarification regarding both trapping and burrow excavation for Tipton kangaroo rat (*Dipodomys nitratoide* *nitratoide*) and San Joaquin antelope squirrel (*Ammospermophilus nelsoni*) when occupied or potentially occupied burrows of either species are present in suitable habitat. There is no change to the Construction Footprint acreage. On March 27, 2020, CDFW issued **Major Amendment No. 20** to the ITP incorporating these changes.

In a letter dated July 23, 2019, and supplemental information dated July 26, 2019, Permittee requested a net 94.46-acre expansion of the approved ITP Construction

Footprint, for a total of 6,605.59 acres, to accommodate design variations of wildlife crossing structures at Cross Creek and Deer Creek as well as utility relocations, roadway modifications, temporary construction easements, access roads, and other Covered Activities at these two locations. In a letter dated November 8, 2019, Permittee requested to update Table 5 for new dedicated wildlife crossing locations and adjusted locations for existing crossings as well as updating the corresponding Mapbook pages. In a letter dated March 5, 2020, Permittee provided additional culverts for wildlife crossings near Allensworth Ecological Reserve. In a second letter dated March 5, 2020, Permittee provided supplemental information regarding San Joaquin kit fox refugia and this information was updated in a follow-up letter dated March 17, 2020. On May 22, 2020, CDFW issued **Major Amendment No. 21** to the ITP incorporating these changes.

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

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

In a letter dated April 13, 2022, Permittee requested (1) expansion of the ITP Construction Footprint by 34.05 acres to accommodate design variations, utility relocation and protection, roadway modifications, access roads, and temporary construction easements at 24 sites; and (2) update of impacts to foraging habitat and nest trees for Swainson's hawk and the associated compensatory mitigation based on

the location and extent of nest observations in annual protocol surveys of the Construction Footprint during years 2017-2021 and pre-construction survey results of suitable habitat features. On August 24, 2022, CDFW issued **Major Amendment No. 24** to the ITP incorporating these changes.

In 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, and Major Amendment No. 24 (collectively the ITP, as amended), CDFW found, among other things, that Permittee's compliance with the Conditions of Approval would fully mitigate impacts to the Covered Species and would not jeopardize the continued existence of the Covered Species.

In a letter dated September 14, 2022, Permittee requested the remaining areas of Subzones 1-4, as shown in mapping provided, be exempt from further burrow excavation, as currently required by Condition of Approval 8.13.4, due to safety concerns.

This Amendment No. 25 (Amendment), a Major Amendment, makes the following changes to the ITP, as amended:

First, this Amendment changes Condition of Approval 8.13.4 to allow for the exemption of a specific area from remaining burrow excavation for California tiger salamander near Cross Creek.

Second, this Amendment modifies the burrow avoidance measures for San Joaquin antelope squirrel and Tipton's kangaroo rat to exclude Subzones 3 and 4 from the required burrow excavation within Mapping Area 1 and adds these to the area outside of Mapping Areas 1, 2, and 3 which allow for either burrow excavation or trapping prior to commencing work.

Third, this Amendment incorporates Exhibit 8, Subzones 1-4 near Cross Creek and the area to be exempt from remaining burrow excavation into the ITP, as amended.

AMENDMENT

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

1. Condition of Approval 8.13.4 (Small Mammal Burrow Excavation) on page 92 of the ITP, as amended, shall be amended to read as follows:

8.13.4. Small Mammal Burrow Excavation. In each Work Area to be disturbed that is within 0.7 mile of known or potential breeding habitat for CTS, all small mammal burrows flagged per Condition of Approval 8.13.3 that cannot be fully avoided by at least 50 feet shall be fully excavated by hand under the direct supervision of the Designated Biologist(s). This excavation requirement applies regardless of if the burrow is located within the Work Area or the Work Area's 50-foot buffer zone. The Designated Biologist(s) shall relocate any live CTS discovered during burrow excavation in accordance with the salvage and relocation plan required in Condition of Approval 8.13.1 above. Excavation shall occur no more than 14 days after the completion of the CTS pre-construction surveys as described in Condition of Approval 8.13.2 above. ***Small mammal burrows within the Corcoran Irrigation District Basin, work area Subzones 1 – 4 (Exhibit 8), that are partially excavated or have yet to be excavated as of August 2022 are exempt from this excavation requirement.***
2. Condition of Approval 8.16.2.1 (SJAS Burrow Avoidance) on page 100 of the ITP, as amended, shall be further amended to read as follows:

8.16.2.1. If the Work Area is within Mapping Areas 1, 2, or 3 ~~in~~ ***(see Exhibit 7) except for Subzones 3 and 4 as shown in Exhibit 8,*** then Permittee shall excavate by hand all burrows characteristic of SJAS within the areas of suitable habitat, in accordance with Condition of Approval 8.16.3, (which may be facilitated by trapping, in accordance with Condition of Approval 8.16.4, if the Designated Biologist determines it to be useful) and in accordance with all applicable measures in the SJAS Relocation Plan per Condition of Approval 8.16.1.
3. Condition of Approval 8.16.2.2 (SJAS Burrow Avoidance) on page 100 of the ITP, as amended, shall be further amended to read as follows:

8.16.2.2. If the Work Area is outside Mapping Areas 1, 2, and 3 (see Exhibit 7) ***and additionally including Subzones 3 and 4 as shown in Exhibit 8,***

then the Permittee shall either (1) excavate by hand all burrows characteristic of SJAS within suitable habitat in accordance with Condition of Approval 8.16.3 (which may be facilitated by trapping, in accordance with Condition of Approval 8.16.4, if the Designated Biologist determines it to be useful) in accordance with Condition of Approval 8.16.1 and the CDFW approved SJAS Relocation Plan, as specified above, or shall (2) conduct trapping surveys for SJAS as described in the SJAS Relocation Plan and Condition of Approval 8.16.4.

4. Condition of Approval 8.17.2.1 (TKR Burrow Avoidance) on page 105 of the ITP, as amended, shall be further amended to read as follows:

8.17.2.1. If the Work Area is within TKR/SJAS Mapping Areas 1, 2, or 3 (see Exhibit 7) **except for Subzones 3 and 4 as shown in Exhibit 8**, then Permittee shall excavate by hand all burrows characteristic of TKR within areas of suitable habitat, in accordance with Condition of Approval 8.17.3, (which may be facilitated by trapping, in accordance with Condition of Approval 8.17.4, if Designated Biologist determines useful) and in accordance with all applicable measure in the CDFW approved TKR Relocation Plan per Condition of Approval 8.17.1.

5. Condition of Approval 8.17.2.2 (TKR Burrow Avoidance) on page 105 of the ITP, as amended, shall be further amended to read as follows:

8.17.2.2. If the Work Area is outside of the three TKR/SJAS Mapping Areas 1, 2, and 3 in **(see Exhibit 7) and additionally including Subzones 3 and 4 as shown in Exhibit 8**, then the Permittee shall either (1) excavate by hand all burrows characteristic of TKR within suitable habitat in accordance with Condition of Approval 8.17.3 (which may be facilitated by trapping, in accordance with Condition of Approval 8.17.4, if the Designated Biologist determines it to be useful) in accordance with Condition of Approval 8.17.1 and the CDFW approved TKR Relocation Plan, as specified above, or shall (2) conduct trapping surveys for TKR as described in the TKR Relocation Plan and Condition of Approval 8.17.4.

6. The list of Attachments on page 139 of the ITP, as amended, shall be further amended to read as follows:

EXHIBIT 1
EXHIBIT 2

Map of Project
Project Construction Elements

Major Amendment No. 25
Incidental Take Permit 2081-2015-024-04
CALIFORNIA HIGH-SPEED RAIL AUTHORITY
CALIFORNIA HIGH-SPEED TRAIN PROJECT
Fresno to Bakersfield Section Permitting Phase 1

EXHIBIT 2A	Water Pipeline Irrigation Casings Disturbance and Location Table and Map
EXHIBIT 2B	Engineered Drawings of Water Pipeline Irrigation Casings and Level 3 Fiber Optic Line
EXHIBIT 2C	Level 3 Fiber Optic Line Disturbance and Location Table and Map
EXHIBIT 3	Project Profile, Drainage Facilities, and Dedicated Wildlife Movement Structures
EXHIBIT 4	Fresno to Bakersfield Electrical Stations Diagram
EXHIBIT 5	Geotechnical Test Embankment and Borrow Site
EXHIBIT 6	Baseline Map Book
EXHIBIT 7	Tipton Kangaroo Rat and San Joaquin Antelope Squirrel Mapping Areas
EXHIBIT 8	<i>Subzones 1-4 near Cross Creek and the Areas to be Exempt from Burrow Excavation Requirement</i>
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Fieldwork Code of Practice developed by the Declining Amphibian Populations Task Force
ATTACHMENT 3A, 3B	Proposed Lands for Acquisition Form, Habitat Management Lands Checklist
ATTACHMENT 4	Letter of Credit Form
ATTACHMENT 5	Mitigation Payment

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 three specific changes to the ITP, as amended.

First, this Amendment changes Condition of Approval 8.13.4 to allow for the exemption of a specific area from remaining burrow excavation for California tiger salamander near Cross Creek.

Second, this Amendment modifies the burrow avoidance measures for San Joaquin antelope squirrel and Tipton's kangaroo rat to exclude Subzones 3 and 4 from the required burrow excavation within Mapping Area 1 and adds these to the area outside of Mapping Areas 1, 2, and 3 which allow for either burrow excavation or trapping prior to commencing work.

Third, this Amendment incorporates Exhibit 8, Subzones 1-4 near Cross Creek and the area to be exempt from remaining burrow excavation into the ITP, as amended.

CDFW has determined that although this Amendment will not likely result in an increase in take of the Covered Species, any additional impacts of the taking that would arise will be minimized and fully mitigated through implementation of the Conditions of Approval. Because the impacts will be minimized and fully mitigated, there will be no increase in Project impacts to the Covered Species with this Amendment.

Issuance of this Amendment does not affect CDFW's previous determination that issuance of the ITP, as amended meets and is otherwise consistent with the permitting criteria set forth in Fish and Game Code section 2081, subdivisions (b) and (c).

Discussion: CDFW determined in June 2015 that the Project as approved, met the standards for issuance of an ITP under CESA. CDFW determined in March 2017, in September 2018, in October 2018, twice in November 2018, in January 2019, three times in February 2019, in March 2019, in April 2019, in May 2019, in August 2019, twice in September 2019, twice in October 2019, in November 2019, in December 2019, in March 2020, in May 2020, in July 2020, in October 2021, and in August 2022 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, and No. 24 respectively, to the ITP met the standards for issuance of an ITP under CESA. This determination included findings that, among other things, the impacts of the taking would be minimized and fully mitigated and that the Project would not jeopardize the continued existence of the Covered Species. Those findings are unchanged with respect to this Amendment because the Project and ITP, as amended: (1) will be equally protective by ensuring more focused surveys in the areas with the best suitable habitat for TKR and/or SJAS; (2) does not alter the Permittee's continued adherence to and implementation of the avoidance and minimization measures set forth

in the Conditions of Approval in the ITP, as amended, and MMRP which will minimize and fully mitigate impacts of the taking on the Covered Species.

None of the factors that would trigger the need for subsequent or supplemental environmental analysis of the Project under Public Resources Code section 21166 or California Code of Regulations, title 14, sections 15162 and 15163, exist as a result of this Amendment.

Discussion: CDFW issued the original ITP in June 2015, Major Amendment No. 1 to the ITP in March 2017, Major Amendment No. 2 in September 2018, Major Amendment No. 3 in October 2018, Minor Amendment No. 4 and Major Amendment No. 5 in November 2018, Major Amendment No. 6 in January 2019, Major Amendments 7, 8, and 9 in February 2019, Major Amendment No. 10 in March 2019, Major Amendment No. 11 in April 2019, Major Amendment No. 12 in May 2019, Major Amendment No. 13 in August 2019, Major Amendments No. 14 and 15 in September 2019, Major Amendment No. 16 and 17 in October 2019, Major Amendment No. 18 in November 2019, Major Amendment No. 19 in December 2019, Major Amendment No. 20 in March 2020, Major Amendment No. 21 in May 2020, Major Amendment No. 22 in July 2020, Major Amendment No. 23 in October 2021 and Major Amendment No. 24 in August 2022 as a responsible agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) after, among other things, considering the California High-Speed Train: Fresno to Bakersfield Section Final Project Environmental Impact Report/Environmental Impact Statement (EIR/EIS) (SCH No. 2009091126) certified by the lead agency, California High-Speed Rail Authority, on May 7, 2014. As explained in the findings below, CDFW finds for purposes of CESA that this Amendment represents a major change to the ITP, as amended. However, for the reasons explained above, CDFW concludes that approval of this Amendment will not result in and does not have the potential to create any new significant or substantially more severe environmental effects than previously analyzed and disclosed by California High Speed Rail Authority during its lead agency review of the Project, particularly with respect to the impacts authorized by CDFW pursuant to the ITP, as amended. As a result, CDFW finds that no subsequent or supplemental environmental review is required by CEQA as part of CDFW's approval of this Amendment.

CDFW finds that this Amendment is a Major Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(5).

Discussion: This Amendment changes Condition of Approval 8.13.4 to allow for the exemption of a specific area from remaining burrow excavation for California tiger salamander near Cross Creek; modifies the burrow avoidance measures for San

Joaquin antelope squirrel and Tipton's kangaroo rat to exclude Subzones 3 and 4 from the required burrow excavation within Mapping Area 1 and adds these to the area outside of Mapping Areas 1, 2, and 3 which allow for either burrow excavation or trapping prior to commencing work; incorporates Exhibit 8, Subzones 1-4 near Cross Creek and the area to be exempt from remaining burrow excavation into the ITP, as amended.

Therefore, this Amendment will significantly modify the minimization, mitigation, or monitoring measures in the ITP, as amended. CDFW has determined that the changes to the ITP, as amended, constitutes a Major Amendment as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(5).

The authorization provided by this Amendment is not valid until Permittee signs and dates the acknowledgement below, and returns one of the duplicate originals of this Amendment by registered first class mail to CDFW at:

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

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


Attachment:

ATTACHMENT A25-1	EXHIBIT 8 Subzones 1-4 near Cross Creek and the area to be exempt from Burrow Excavation Requirement
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Major Amendment No. 25
Incidental Take Permit 2081-2015-024-04
CALIFORNIA HIGH-SPEED RAIL AUTHORITY
CALIFORNIA HIGH-SPEED TRAIN PROJECT
Fresno to Bakersfield Section Permitting Phase 1

APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE


on 10/5/2022

DocuSigned by:

FA83F09FE08945A...

Julie Vance
Regional Manager
Central Region

ACKNOWLEDGMENT

The undersigned: (1) warrants that he or she is acting as a duly authorized representative of the Permittee, (2) acknowledges receipt of the original ITP and this Amendment, and (3) agrees on behalf of the Permittee to comply with all terms and conditions of the ITP, as amended.

By:  Date: 10/17/2022
8A005040C9EE476...

Printed Name: Scott Smith Title: NEPA Compliance Manager

Major Amendment No. 25
Incidental Take Permit 2081-2015-024-04
CALIFORNIA HIGH-SPEED RAIL AUTHORITY
CALIFORNIA HIGH-SPEED TRAIN PROJECT
Fresno to Bakersfield Section Permitting Phase 1

ATTACHMENT 1

Exhibit 8 – Subzones 1-4 near Cross Creek and the Areas to be Exempt from Burrow Excavation Requirement

Exhibit 8. Subzones 1-4 near Cross Creek and the Areas to be
Exempt from Burrow Excavation Requirement



Figure 1



0 500 1,000 1,500 2,000 Feet

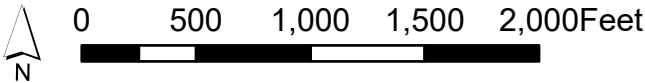
Created by: AFerrer, CDFW GIS
Source: HSRA, CDFW
10/4/2022





Maxar, Microsoft, Esri Community Maps Contributors, Fresno County Dept. PWP, California State Parks, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA

Figure 2

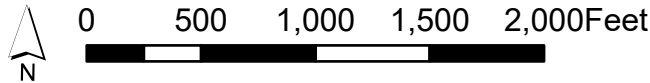


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10/12/2022





Figure 3



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Accepted: 10/11/2022 10:39:42 AM

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Laura Peterson-Diaz

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California Department of Fish and Wildlife

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Carbon Copy Events	Status	Timestamp
<p>Serge Stanich Serge.Stanich@hsr.ca.gov Director of Environmental Services Security Level: Email, Account Authentication (None)</p> <p>Electronic Record and Signature Disclosure: Accepted: 8/24/2022 3:07:53 PM ID: d6da7488-1b05-4d05-8a2d-7cd4f6690632</p>	COPIED	Sent: 10/6/2022 3:08:17 PM
<p>Krista Tomlinson Krista.Tomlinson@wildlife.ca.gov Senior Env. Sci. Sup. California Department of Fish and Wildlife Security Level: Email, Account Authentication (None)</p> <p>Electronic Record and Signature Disclosure: Not Offered via DocuSign</p>	COPIED	Sent: 10/17/2022 4:05:44 PM
<p>CESA Permitting Program CESA@wildlife.ca.gov Security Level: Email, Account Authentication (None)</p> <p>Electronic Record and Signature Disclosure: Not Offered via DocuSign</p>	COPIED	<p>Sent: 10/17/2022 4:05:45 PM</p> <p>Viewed: 10/18/2022 2:29:32 PM</p>
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Envelope Summary Events	Status	Timestamps
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Completed	Security Checked	10/17/2022 4:05:45 PM
Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

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