



Hyundai Motor America
10550 Talbert Avenue
Fountain Valley, CA 92708
T (714) 965 3000 F (714) 965 3816
Hyundai.com

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DEC 18 2018

HABITAT CONSERVATION
PLANNING BRANCH

December 12, 2018

Via U.S. Mail

California Department of Fish and Wildlife
Habitat Conservation Planning Branch, CESA Permitting
Attn: Julie A. Vance, Regional Manager
Post Office Box 944209
Sacramento, California 94244-2090

Re: Incidental Take Permit Amendment No. 1 for the Automotive Test Course
Facility (2081-2003-009-04)

Dear Ms. Vance:

In response to your letter dated September 25, 2018 and in accord with the subsequent conversations amongst the parties, enclosed is a fully executed original of the above referenced amendment. Should you have any questions or concerns, please do not hesitate to contact me at (714) 887-2547.

Sincerely,

A handwritten signature in blue ink, appearing to be 'G. Moore', written over a horizontal line.

Geoffrey M. Moore
Managing Counsel



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



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HABITAT CONSERVATION
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September 25, 2018

David Zuckowski, Vice President, Administrative Services
Hyundai Motor America
10550 Talbert Avenue
Fountain Valley, California 92708

Subject: Incidental Take Permit Amendment No. 1 for the Automotive Test Course Facility (2081-2003-009-04)

Dear Mr. Zuckowski:

Enclosed you will find two originals of Amendment No. 1 for the incidental take permit for the above referenced Project, which have been signed by the California Department of Fish and Wildlife (Department). Please read the amendment carefully, sign the acknowledgement on both copies of the amendment, and return one original **no later than 30 days from Department signature**, and prior to initiation of ground-disturbing activities, to:

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

You are advised to keep the other original signature amendment 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 and amendment must be maintained at the Project work site and made available for inspection by Department staff when requested.

The amendment will not take effect until the signed acknowledgement is received by the Department. If you wish to discuss these instructions or have questions regarding the amendment, please contact Annee Ferranti, Environmental Program Manager, at (559) 243-4005, extension 141.

Sincerely,

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

Enclosures (2)

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
CENTRAL REGION
1234 EAST SHAW AVENUE
FRESNO, CALIFORNIA, 93710

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DEC 18 2013

HABITAT CONSERVATION
PLANNING BRANCH



AMENDMENT NO. 1

(A Major Amendment)

California Endangered Species Act

Incidental Take Permit No. 2081-2003-009-04

Hyundai Motor America and The City of California City

Automotive Test Course Facility in Kern County

INTRODUCTION

On February 3, 2004, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2003-009-04 (ITP) to Hyundai Motor America and The City of California City (Permittees) authorizing take of Mohave ground squirrel (*Spermophilus mohavensis*) (Covered Species) associated with and incidental to the Automotive Test Course Facility in Kern County, California (Project). The Project as described in the ITP originally issued by CDFW includes the development of an automotive test course facility on 4,498 acres of a 4,526.5 acre site, the development of associated access roads to the Project site from State Highway 58 on 8.5 acres, and the construction of a water supply pipeline and associated road easement on 20 acres in the northeast corner of the Project site. In issuing the ITP, CDFW found, among other things, that Permittees' compliance with the Conditions of Approval of the ITP would fully mitigate impacts to the Covered Species and would not jeopardize the continued existence of the Covered Species.

In an e-mail dated August 2016, the Permittees requested an extension of the deadline for the required acquisition, protection and transfer of all compensation lands and recordation of the required conservation easements; replacement of ITP Figure 3 with a set of new figures illustrating a revised Project boundary and conservation easement area; a reduction in the amount of compensation lands required for the Project based on the revised Project boundary and exclusion of one compensation land parcel; an increase in the amount of Project impacts that need to be mitigated based on the aforementioned revised Project boundary and exclusion of one compensation land parcel; and an update to the Permittees and Agents for Service of Process contact information.

This Major Amendment No. 1 (Amendment) makes the following changes to the existing ITP:

First, this Amendment extends the deadline for the required acquisition, protection and transfer of all compensation lands and recordation of the required conservation easements from February 3, 2004 to May 10, 2020.

Second, this Amendment replaces ITP Figure 3 with Figures 3a-3c to illustrate the revised Project boundary and conservation easement area.

Third, this Amendment reduces the amount of compensation lands required for the Project based on the revised Project boundary and the exclusion of one compensation land parcel from 1,651 acres to 1,626 acres.

Fourth, this Amendment increases the amount of Project impacts that need to be mitigated from 1,735.5 acres to 1,760.5 acres based on the revised Project boundary and the exclusion of one compensation land parcel.

Fifth, this Amendment updates the Permittees and Agents for Service of Process contact information.

AMENDMENT

The ITP is amended as follows (amended language in ***bold italics***; deleted language in strikethrough):

1. On page 1, paragraph two, Permittees shall be amended to read:

Hyundai Motor America ("Hyundai")

~~Mr. Keith Duckworth~~ **David Zuckowski** *Mr. Matt Little*

Director, HR & ~~Vice President, Administrative Services~~

10550 Talbert Avenue

Fountain Valley, California 92708

~~City of California City ("City")~~

~~Mr. Jack Stewart~~

~~City Manager~~

~~21000 Hacienda Boulevard~~

~~California City, CA 93505~~

2. On page 2, paragraph one, Agents for Service of Process shall be amended to read:

Hyundai Motor America

~~Kenny Lee, President and Chief Executive Officer~~ *W. Gerald Flannery, Jr.*

10550 Talbert Avenue

Fountain Valley, California 92708

*Executive Vice President and
General Counsel*

City of California City
City Manager
21000 Hacienda Boulevard
California City, California 93505

3. On page 6, paragraph five, Potential Impacts shall be amended to read:

Hyundai has identified an additional ~~1,651~~ **1,626** acres within the Project boundary that will not be directly impacted by grading, construction, or operations. Hyundai will provide the Department with a permanent conservation easement on these lands. This easement land will be managed by Hyundai to conserve the habitat of the Covered Species and to provide for their protection.

4. On page 6, paragraph six, Potential Impacts shall be amended to read:

The credit for previously mitigated lands and the land to be held under a conservation easement leaves ~~1,735.5~~ **1,760.5** acres of impact yet to be mitigated (Figures ~~3~~ **3a-c**).

5. On page 8, Condition of Approval 7 shall be amended to read:

All notices, consultations, meetings and reports related to covered Species issues shall be directed to the Department. The Department contact for this purpose shall be ~~Ms. Annette Tenneboe, Environmental Scientist~~ **Ms. Annee Ferranti, Environmental Program Manager**, 1234 East Shaw Avenue, Fresno, CA 93710. (559) 243-4014 x 220 **(559) 243-4005, extension 141**. atenneboe@dfg.ca.gov. annee.ferranti@wildlife.ca.gov.

6. On page 8, Condition of Approval 8 shall be amended to read:

Hyundai will provide the Department with a conservation easement over ~~1,651~~ **1,626** acres within the boundary of the proposed project **Project**, as described in Appendix E of Permittees' Application for a California Incidental Take Permit under section **Section** 2081, dated January 15, 2004. The form of the conservation easement will be approved by the Department's Office of the General Counsel, and will be recorded ~~within one year of the issuance of this Permit~~ **on or before May 10, 2020**. If for any reason that conservation easement has to be extinguished, it will be replaced with an easement over comparable habitat, as approved by the Department. The conservation easement ~~would~~ **will** be replaced at a 1:1 ratio, or at a ratio required for the site under the approved West Mojave Habitat Conservation Plan, whichever acreage amount is less.

7. On page 8, Condition of Approval 9 shall be amended to read:

Major Amendment No. 1
Incidental Take Permit 2081-2003-009-04
HYUNDAI MOTOR AMERICA/CALIFORNIA CITY
Automotive Test Course Facility

Permittees will purchase and transfer to the Department fee title to 3,922 acres of Department-approved compensation lands for the impacts to the ~~1,735.5~~ **1,760.5** remaining portion of the Project site. Permittees must complete the required acquisition, protection (enhancement) and transfer of compensation lands, with payment of endowment funds to the Department ~~within one year of Permit issuance~~ **on or before May 10, 2020.**

8. On page 9, Condition of Approval 11 shall be amended to read:

Permittees will acquire and transfer the compensation lands to the Department in fee title. Permittees ~~should~~ **shall** contact ~~Mr. Steve Juarez~~ **Ms. Annee Ferranti** at 1234 East Shaw Avenue, Fresno, CA 93710 or telephone ~~(559) 243-4014, ex.224~~ **(559) 243-4005, extension 141**, for information. All documents conveying the compensation lands and all conditions of title are subject to approval of the Department, the Department of General Services, and the Fish and Game Commission. This process will be completed ~~within one year of Permit issuance~~ **on or before May 10, 2020.**

9. On page 10, Condition of Approval 20 shall be amended to read:

The acreage figures required as compensation in this Permit ~~for~~ are based upon a map of a proposed conservation easement, which Hyundai calculated to be ~~4,654~~ **1,626** acres. The conservation easement will not be transferred to the Department prior to the signing of this Permit. If the final easement acreage of that conservation easement is determined to be different than ~~4,654~~ **1,626** acres, the required compensation acres and the endowment for those acres will be adjusted accordingly.

10. On page 17, paragraph two, Notices shall be amended to read:

Original to: **California** Department of Fish and Game ~~Wildlife~~
~~San Joaquin Valley and Southern Sierra Region~~ **Central Region**
1234 East Shaw Avenue
Fresno, California 93710
Attn: Regional Manager

Copy to: **California** Department of Fish and Game ~~Wildlife~~
Office of the General Counsel
~~1416 Ninth Street, 12th Floor~~ **Post Office Box 944209**
Sacramento, CA ~~95814~~ **94244-2090**
Attn: General Counsel

11. On page 18, paragraph three, CESA Findings shall be amended to read:

Major Amendment No. 1
Incidental Take Permit 2081-2003-009-04
HYUNDAI MOTOR AMERICA/CALIFORNIA CITY
Automotive Test Course Facility

(2) The impacts of the take will be minimized and fully mitigated through the implementation of measures required by this Permit and the Mitigation Monitoring and Reporting Program (MMRP), Attachment 1. These measures include, but are not limited to the purchase of 3,992 acres of habitat suitable for the Mohave ground squirrel, providing the Department with a conservation easement on 4,654 ~~1,626~~ acres, and monitoring and reporting during both the construction and operation phases.

All terms and conditions of the ITP and MMRP that are not expressly amended herein remain in effect and must be implemented and adhered to by the Permittees.

FINDINGS

Issuance of this Amendment will not increase the amount of take of the Covered Species compared to the Project as originally approved; nor will this Amendment increase other Project impacts on these species (i.e., "impacts of taking" as used in Fish and Game Code Section 2081, subd. (b)(2)).

Discussion: This Amendment makes changes to the ITP as originally issued pertaining to the revision of the Project boundary and the amount and location of the compensation lands for the Covered Species. This Amendment revises the ITP to allow for an increase in the Project boundary and associated Project impact acreage based on the revised Project boundary. This Amendment also excludes one compensation land parcel to increase the overall connectivity of the compensation lands by creating a more contiguous compensation habitat acreage for the Covered Species. Given the circumstances of this Project, CDFW believes that the changes to the Project or Conditions of the ITP as described in this Amendment will not increase overall impacts to the Covered Species and the consolidation of the compensation lands into a more contiguous parcel will provide the Covered Species with higher quality habitat that is better able to buffer the Covered Species from adjacent Project impacts and support a more stable and viable population of the Covered Species and will allow for more effective habitat management of these lands than as originally issued in the ITP.

Issuance of this Amendment does not affect CDFW's previous determination that issuance of the ITP 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 February 2004 that the Project, as approved, 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) does not substantively alter the measures that will be undertaken

to minimize and mitigate previously authorized impacts on the Covered Species; and (2) will increase the connectivity of the compensation lands by creating a more contiguous compensation habitat acreage for the Covered Species. Permittee's continued adherence to and implementation of the avoidance and minimization measures set forth in the ITP's Conditions of Approval and MMRP 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 ITP in February 2004 as a responsible agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) after, among other things, considering the environmental impact report certified by The City of California City as the lead agency for the Project. As explained in the findings below, CDFW finds for purposes of CESA that this Amendment represents a major change in the Project as originally approved. However, for the reasons explained above, CDFW concludes this Amendment is not a change in the Project that has the potential to create a new significant effect not previously analyzed, a substantial change in the circumstances under which the Project is being undertaken requiring major revisions to previous CEQA documents, or new information of substantial importance. As a result CDFW finds that no additional 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 will allow for an extension of the deadline for the required acquisition, protection and transfer of all compensation lands and recordation of the required conservation easements; the replacement of ITP Figure 3 with a set of new figures illustrating a revised Project boundary and conservation easement area; a reduction in the amount of compensation lands required for the Project based on the revised Project boundary and exclusion of one compensation land parcel in order to create a contiguous area of compensation lands; an increase in the amount of Project impacts that need to be mitigated based on the aforementioned revised Project boundary and exclusion of one compensation land parcel; and updates the Permittee information. As described above, these changes to the ITP will not: (1) substantively affect the Permittees' mitigation obligation under the ITP, (2) require further environmental review under CEQA, and (3) will increase the connectivity of the compensation lands by creating more contiguous compensation habitat acreage for the Covered Species. Therefore, this Amendment will not 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).

The authorization provided by this Amendment is not valid until Permittees sign and date the acknowledgement below, and return 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

Attachment:

Attachment 1

Figures 3a-3c

APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on

9/25/18

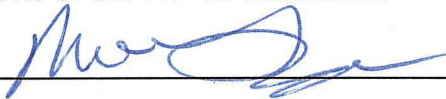


Julie A. Vance
Regional Manager
Central Region

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:

10/23/18

Printed Name:

Matt Little

Title:

Director, HR & Administrative Services

ATTACHMENT 1

Figures 3a-3c

Notes:

Total Project Area = 4498
Proposed Easement = 1626
Area given in acres

Proposed new easement is Blue shaded area. Easement acreage excludes security road and existing dirt road.

T.11.N, R.11.W, S.B.B.M.
California City, Kern County, CA

Proving Ground Access Road
From Highway 58

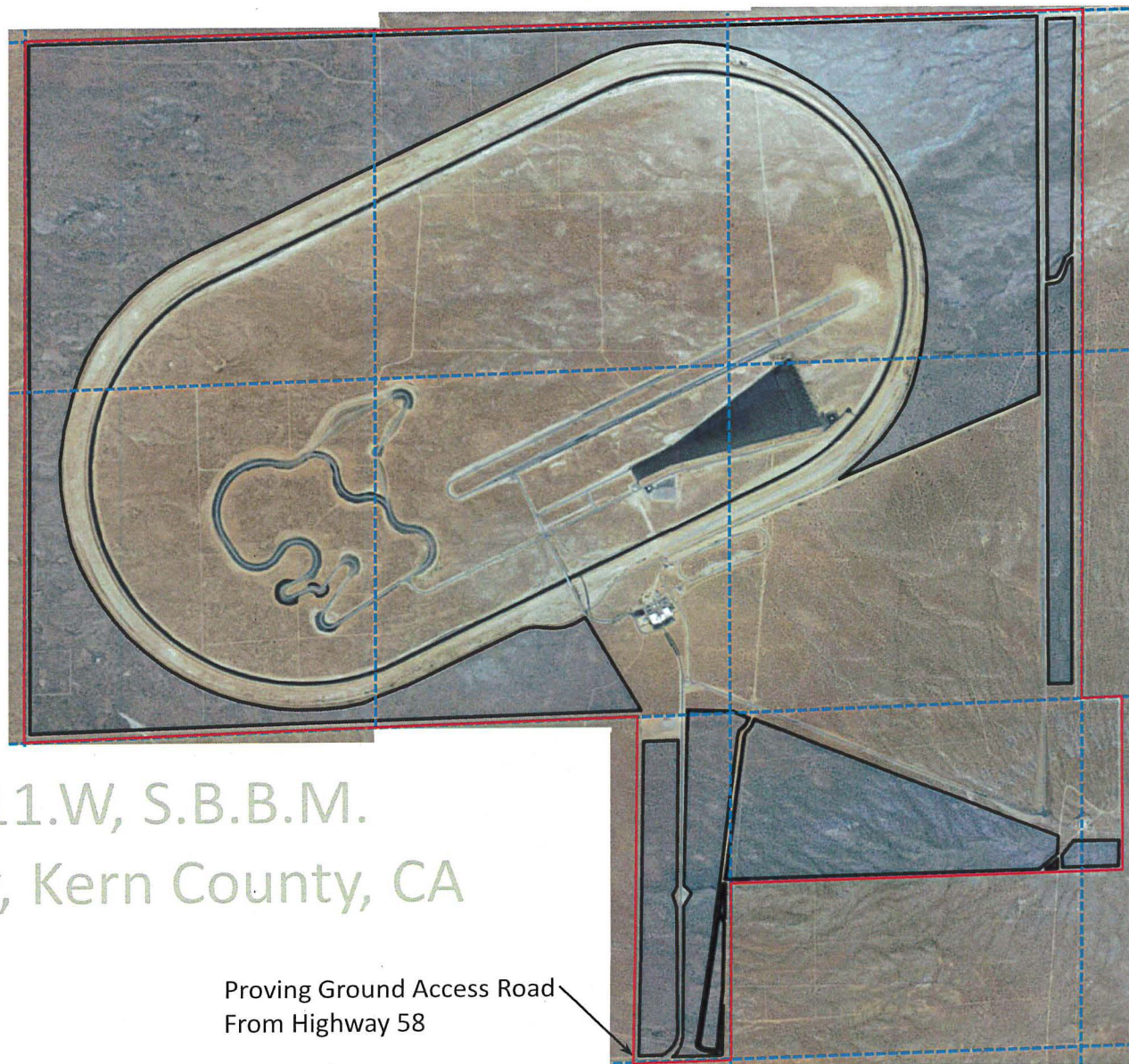
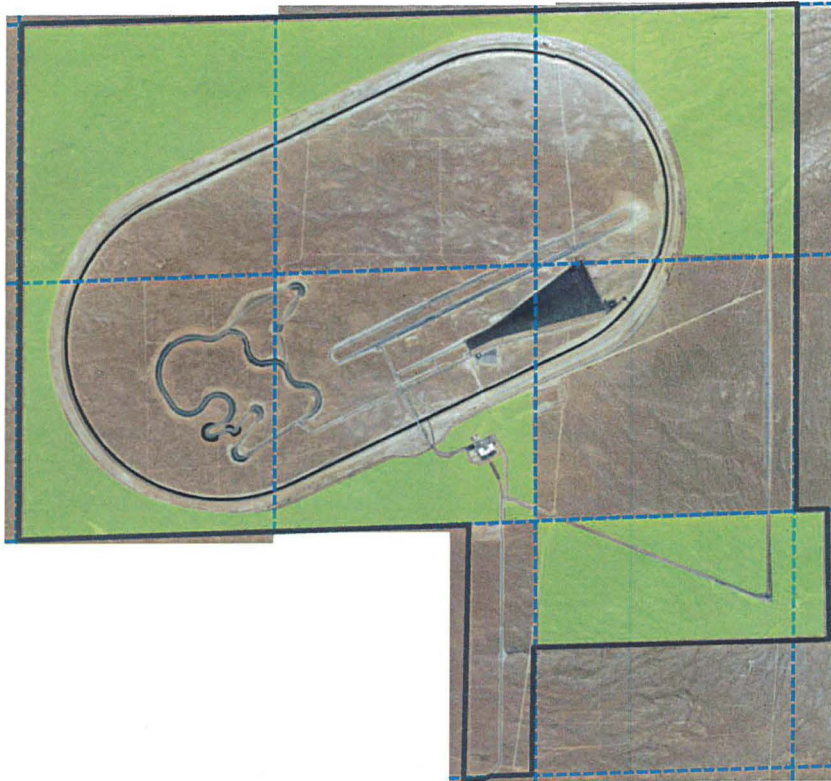


Figure 3a

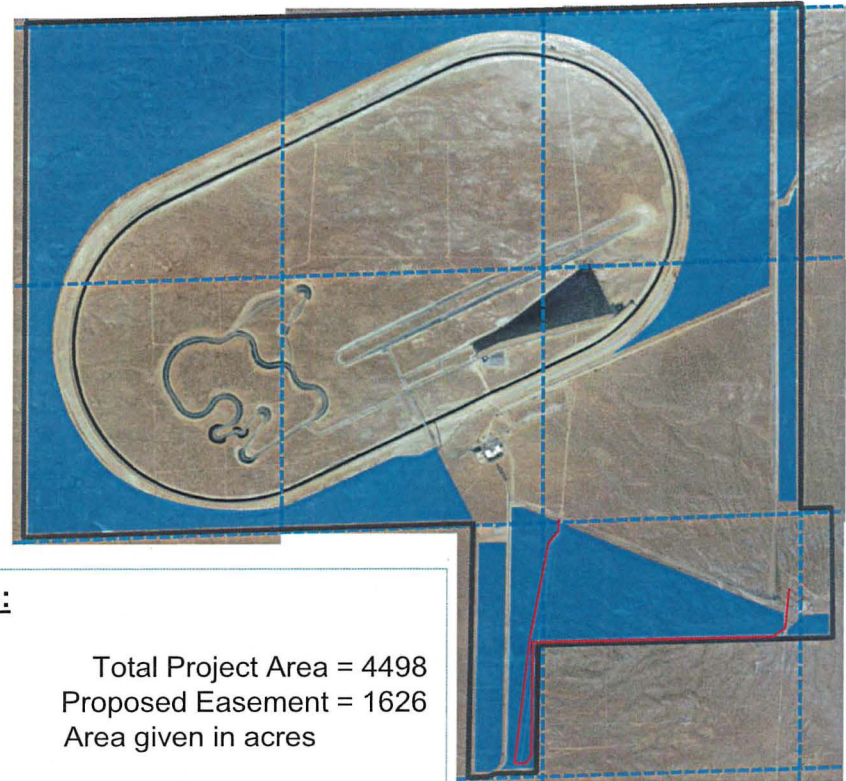
CPG Environmental Easement Proposal

August 02, 2016

Map of Original
Proposed Easement



Map of New
Proposed Easement



Notes:

Total Project Area = 4498
Proposed Easement = 1626
Area given in acres

Proposed new easement is Blue shaded area. Easement acreage excludes security road and existing dirt road (Dirt road shown in red).

SEC. 9, 10, 11, 14, 15, 16, 22, 23, AND 24 IN T.11.N., R. 11.W., S.B.B.M. IN THE CITY OF CALIFORNIA
CITY, COUNTY OF KERN, STATE OF CALIFORNIA.

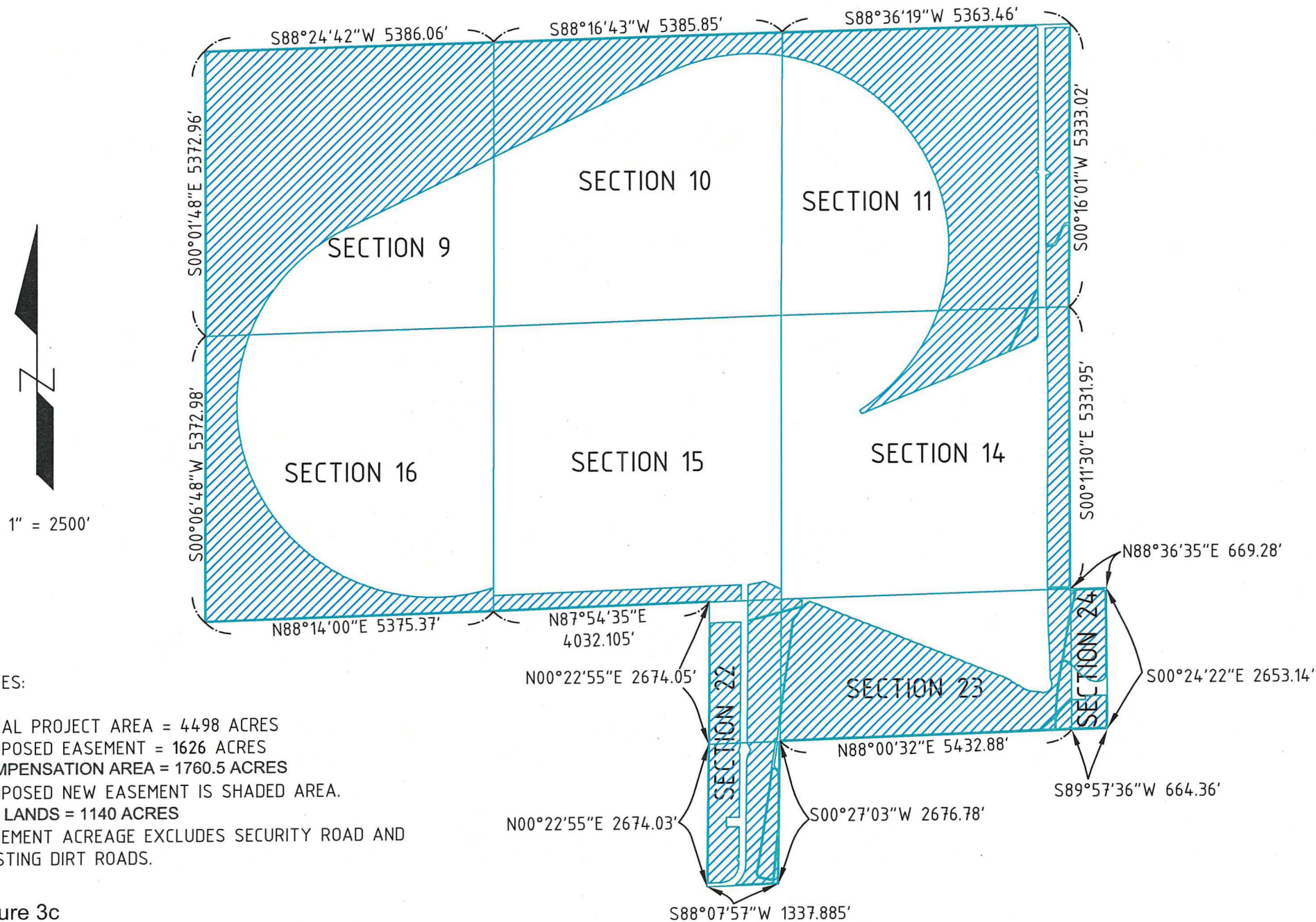


Figure 3c