



**COUNTY OF TEHAMA
DEPARTMENT OF PUBLIC WORKS**

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Road Commissioner
Surveyor
Engineer
Public Transit
Flood Control & Water
Conservation District
Sanitation District No. 1

June 25, 2019

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

RECEIVED

JUN 26 2019

**HABITAT CONSERVATION
PLANNING BRANCH**

**Subject: Incidental Take Permit for Jellys Ferry Road Bridge Replacement Project
(2081-2016-002-01) Minor Amendment 1**

Dear Sir or Madam:

Enclosed you will find a copy of the incidental take permit minor amendment for the above referenced Project, which has been signed by the Director of Public Works, Tim McSorley. A second signed copy of this agreement has been retained by our Department for appropriate distribution and project work site maintenance.

Should there be any questions regarding this matter, please do not hesitate to contact Tim McSorley at tmcsorley@tcpw.ca.gov or (530) 385-1462.

Thank you for your time and attention to this matter.

Regards,

Timothy McSorley, P.E.
Director of Public Works

Enclosure: One signed copy of the incidental take permit amendment

RECEIVED

JUN 26 2019

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
NORTHERN REGION
601 LOCUST STREET
REDDING, CA 96001
(530) 225-2300

HABITAT CONSERVATION
PLANNING BRANCH



AMENDMENT NO. 1
(A Minor Amendment)

California Endangered Species Act
Incidental Take Permit No. 2081-2016-002-01
Tehama County Department of Public Works
Jellys Ferry Road Bridge Replacement Project in Tehama County

INTRODUCTION

On April 5, 2016, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2016-002-01 (ITP) to the Tehama County Department of Public Works (Permittee), authorizing take of Sacramento River Winter-Run Chinook Salmon (*Oncorhynchus tshawytscha*) and Central Valley Spring-Run Chinook Salmon (*Oncorhynchus tshawytscha*) (collectively, the Covered Species) associated with and incidental to the Jellys Ferry Road Bridge Replacement Project in Tehama County, California (Project). The Project as described in the ITP as originally issued by CDFW includes replacement of the existing bridge, realignment of Jellys Ferry Road, and relocation of a portion of the Bureau of Land Management (BLM) recreational facilities. In issuing the ITP, CDFW found, among other things, that Permittee's compliance with the Conditions of Approval of the ITP would fully mitigate Project impacts of the taking on the Covered Species and that issuance of the ITP would not jeopardize the continued existence of the Covered Species.

The Project consists of three elements; replacement of the existing bridge, realignment of Jellys Ferry Road, and relocation of a portion of the Bureau of Land Management (BLM) recreational facilities, as described in ITP on pages 2 and 3. To mitigate impacts to Covered Species, Tehama County Department of Public Works (Tehama County) is required to install and remove anti-spawning mats between March 1 and April 15, and between October 15 and October 30, respectively.

Due to unforeseen high runoff in excess of 17,000 cubic feet per second (CFS), installation of anti-spawning mats will be delayed. In consultation with the National Marine Fisheries Service (NMFS) and CDFW it has been determined that the timeframe for installation of the anti-spawning mats may be extended until June 1 without additional impacts to the Covered Species.

In addition, start-up of Project activities has been delayed from the originally proposed construction period of Spring 2016 through October 2017. A revised construction schedule will run from 2019 through December 31, 2022.

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

First, this Amendment allows the Permittee to install anti-spawning mats from March 1 through June 1.

Second, this Amendment extends the expiration date of this ITP until December 31, 2022.

AMENDMENT

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

1. ITP Condition 8.3, page 11, shall be amended to read:

Anti-Spawning Mat Installation. Anti-spawning mats shall only be utilized during the first construction season. The mats shall be installed between March 1 and ~~April 15~~ ***June 1***. Installation shall be monitored by the Designated Biologist.

2. The corresponding Mitigation Monitoring and Reporting Plan (MMRP) Measure 30, page 7, shall be amended to read:

Anti-spawning Mats Installation. Anti-spawning mats shall only be utilized during the first construction season. The mats shall be installed between March 1 and ~~April 15~~ ***June 1***. Installation shall be monitored by the Designated Biologist.

3. Effective Date and Expiration Date on page 1 of this ITP shall be modified to read:

This ITP shall be executed in duplicate original form and shall become effective once a duplicate original is acknowledged by signature of the Permittee on the last page of this ITP and returned to CDFW's Habitat Conservation Planning Branch at the address listed in the Notices section of this ITP. Unless renewed by CDFW, this ITP's authorization to take the Covered Species shall expire on December 31, ~~2019~~ ***2022***.

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 Permittee.

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 the Covered Species (i.e., "impacts of taking" as used in Fish and Game Code Section 2081, subd. (b)(2)).

Discussion: This Amendment makes two specific changes to the ITP as originally issued. Those changes include extending the time period for installation of anti-spawning mats from April 15 to June 1 and changes expiration date of the ITP until December 31, 2022. The resulting impacts to the Covered Species, however, including the timing, construction methods, and number of acres of habitat that will be lost, as a result of the Project, will remain the same.

CDFW has determined that changes to the installation period of anti-spawning mats and an extension of the expiration date of the ITP will not increase the amount of take or the severity of other impacts of the taking on the Covered Species. Given the circumstances of this Project, CDFW believes that the changes to the Project or Conditions of the ITP described in this Amendment, including extending anti-spawning mat installation until June 1 will not increase impacts to the Covered Species.

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 April 2016 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) will have no effect on the amount or severity of Project impacts on the Covered Species, as discussed above, and (2) does not substantively alter the measures that will be undertaken to minimize and mitigate previously authorized impacts on 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 April 2016 as a responsible agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) After, among other things, considering the mitigated negative declaration adopted by the Tehama County as the lead agency for the Project. As explained in the findings below, CDFW finds for purposes of CESA that this Amendment is a minor change to the original ITP. CDFW finds for the same reasons under CEQA that approval of the 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 Tehama County 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 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 Minor Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4).

Discussion: This Amendment modifies the timing of an avoidance and minimization measure as well as extending the expiration date of the ITP. These changes to the ITP will not: (1) [increase the level of take or other Project impacts on Covered Species previously analyzed and authorized by the ITP, (2) affect Permittee's substantive mitigation obligations under the ITP, (3) require further environmental review under CEQA, or (4) increase temporal impacts on 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 Minor Amendment as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4).

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:

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

Minor Amendment No. 1
Incidental Take Permit 2081-2016-002-01
TEHAMA COUNTY DEPARTMENT OF PUBLIC WORKS
Jellys Ferry Road Bridge Replacement Project

APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on June 14, 2019

Tina Bartlett

Tina Bartlett
Regional Manager
Northern 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: 6/24/2019

Printed Name: TIMOTHY J. MCSORLEY Title: DIRECTOR OF
PUBLIC WORKS