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CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
North Central Region  
1701 NIMBUS ROAD, SUITE A  
RANCHO CORDOVA, CA 95670

HABITAT CONSERVATION  
PLANNING BRANCH



AMENDMENT NO. 1  
(A Minor Amendment)  
California Endangered Species Act  
Incidental Take Permit No. 2081-2018-058-02-A1  
California Department of Transportation  
District 3 Sutter Bypass Widening and Rehabilitation Project  
in Sutter County

## INTRODUCTION

On January 22, 2019, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2018-058-02 (ITP) to the California Department of Transportation (Permittee), authorizing take of Giant garter snake (*Thamnophis gigas*, GGS) (the Covered Species) associated with and incidental to the District 3 Sutter Bypass Widening and Rehabilitation Project in Sutter County, California (Project). The Project as described in the ITP as originally issued by CDFW includes road realignment, pavement rehabilitation and shoulder widening along 6.3 miles of State Route (SR) 20. 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 purpose of the amendment is to allow the Permittee to complete work at 3 drainage locations currently under construction during the 2019 season of work, where 7 drainage locations have been successfully completed. Work activities still required at these locations includes: construction of headwall extension forms, pouring new headwalls, backfilling around new headwalls, regrading currently disturbed channel, and application of final erosion control. Drainage Systems 3, 13 and 16 within the project area will be delayed to the next season unless a time extension is granted. Allowing the time extension this year, 2019, will prevent subsequent ground disturbance during the 2020 construction season. All other measures within the ITP will remain unchanged.

This Minor Amendment No. 1 (Amendment) extends the work period by 30 days to complete work at three drainage locations within the current 2019 construction season. The deadline for Caltrans to complete work during the 2019 season will be November 1 instead of October 1.

## AMENDMENT

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



Take Minimization Measure 8.2 shall be amended to read:

**Work Period.** All Covered Activities within GGS habitat, including activity within 200 feet of aquatic habitat shall only occur from May 1 to October 1. ***For the 2019 construction season only, all Covered Activities within GGS habitat, including activity within 200 feet of aquatic habitat shall only occur from May 1 to November 1.***

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 one specific change to the ITP as originally issued. The work period has been extended by 30 days only during the 2019 work season. The resulting impacts to the Covered Species, however, including the number of acres of habitat impacts as a result of the Project, will remain the same.

CDFW has determined that a time extension for the 2019 construction season 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 the subject time extension, 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 January 2019, 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 4, sections 15162 and 15163, exist as a result of this Amendment.*

Discussion: CDFW issued the ITP in January, 2019 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 California Department of Transportation 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 the California Department of Transportation 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 extends the 2019 construction season work period by 30 days to allow completion of work currently underway, therefore limiting additional disturbance to habitat in the 2020 construction season. 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


Minor Amendment No. 1  
Incidental Take Permit 2081-2018-058-02-A1  
California Department of Transportation  
District 3 Sutter Bypass Widening and Rehabilitation Project

Habitat Conservation Planning Branch  
Attention: CESA Permitting Program  
1416 Ninth Street, Suite 1260  
Sacramento, California 95814

**APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

on

Oct 7, 2019

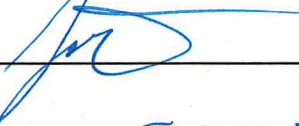


Kevin Thomas  
Regional Manager  
North Central Region

**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:

10-16-19

Printed Name:

JOHNNY TAN

Title:

Project Manager