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CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
BAY DELTA REGION 3
2825 CORDELIA ROAD, SUITE 100
FAIRFIELD, CA 94534

HABITAT CONSERVATION
PLANNING BRANCH



AMENDMENT NO. 1
(A Minor Amendment)
California Endangered Species Act
Incidental Take Permit No. 2081-2017-037-03
California Department of Transportation District 4
State Route 12/113 Intersection Roundabout Project in Solano County

INTRODUCTION

On June 28, 2018, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2017-037-03 (ITP) to the California Department of Transportation (Caltrans) (Permittee), authorizing take of California tiger salamander (*Ambystoma californiense*) (collectively, the Covered Species) associated with and incidental to the State Route 12/113 Intersection Roundabout Project in Solano County, California (Project). The Project as described in the ITP as originally issued by CDFW includes construction of a single-lane roundabout at the intersection of SR12 and SR113. The Project components consist of approach legs, splitter islands, center island, traversable apron, roadway, intersection widening, drainage system, guard rail replacement, lighting installation, construction staging, site clean-up and restoration. 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.

In a letter dated September 30, 2019, Caltrans requested the installation of four new variable message signs (VMS). These VMS signs will have no new lighting impacts or direct impacts on Covered Species habitat because the VMS signs and associated electrical conduits will be installed on already disturbed land and the overall lighting footprint from the VMS signs are within previously identified areas of light pollution impacts. Furthermore, the VMS will not be in constant operation and only turned on during specific events, such as closure of the bridge at Rio Vista, which should be very infrequent throughout the year.

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

First, this Amendment adds the installation of four (4) variable message signs (VMS).

AMENDMENT

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

Utilities Relocation. Underground electrical lines will be rerouted to provide power to six new light poles, and four flashing beacon light poles ***and four (4) variable message signs (VMS)*** around the intersection as well as the relocation of one existing light pole. Each pole requires a five-foot deep cast-in-drilled-hole foundation and trenching back to the existing power source.

Trenching will be 48 inches deep and 12 inches wide. Increased lighting may increase predation of covered species; illumination towards off pavement areas shall be minimized to the maximum extent feasible.

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 (1) specific change to the ITP as originally issued. The installation of four (4) new visual message signs. The resulting impacts to the Covered Species, however, including the 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 Project description 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 installation of four (4) new VMS signs 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 June 2018 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 because the installation of the four (4) new VMS signs and associated trenching for conduits will occur within the prism of the existing roadway and within areas of impact that have already been described. Furthermore, the possible impacts by light pollution from the new VMS fall within the proposed area of impact previously considered for light impacts. 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 June 2018 as a responsible agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) after, among other things, considering the State Route 12/State Route 113 Intersection Improvement Project Mitigated Negative Declaration (SCH No.: 2016112050) 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 to install four (4) new VMS signs will not change any conditions of approval within this ITP, the only changes will occur to the Project Description. 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:

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

Minor Amendment No. 1
Incidental Take Permit 2081-2017-037-03
CALIFORNIA DEPARTMENT OF TRANSPORTATION
State Route 12/113 Intersection Improvement Project

APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on 10/29/19



Gregg Erickson
Regional Manager
Bay Delta 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: 11/21/19

Printed Name: ERIC SCHEN

Title: REGIONAL PROJECT MANAGER