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

HABITAT CONSERVATION
PLANNING BRANCH



AMENDMENT NO. 1
(A Minor Amendment)
California Endangered Species Act
Incidental Take Permit No. 2081-2016-032-04
San Benito County Department of Public Works
Hospital Road Bridge (No. 43C0065) Low Water Crossing Replacement
in San Benito County

INTRODUCTION

On June 28, 2017, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2016-032-04 (ITP) to San Benito County Department of Public Works (Permittee), authorizing take of California tiger salamander (*Ambystoma californiense*) (collectively, the Covered Species) associated with and incidental to the Hospital Road Bridge (No. 43C0065) Low Water Crossing Replacement (Project) in San Benito, California (Project). The Project as described in the ITP as originally issued by CDFW includes the construction of a 6-span, cast-in-place, pre-stressed, reinforced concrete box girder bridge on a new roadway alignment. 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 an email dated May 30, 2019, the Permittee's consultant, Mike Trueblood, informed CDFW that the Permittee would not advertise the construction bid to build the Project until August 2019, which would be after the current ITP expires, and inquired about the steps necessary to extend the expiration date of the ITP until July 2022 to allow for the later start to Project activities. In a letter dated June 19, 2019, the Permittee requested an amendment to the ITP to extend its expiration date to the "maximum allowed time possible." In an email dated June 25, 2019, the Permittee clarified their request and asked for an extension to April 25, 2023, to have the same expiration date as their Lake and Streambed Alteration Agreement.

This Minor Amendment No. 1 (Amendment) extends the ITP expiration date from July 31, 2019 to April 25, 2023.

AMENDMENT

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

1. The first paragraph under "Effective Date and Expiration Date of this ITP", page 2 shall be amended 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 ~~July 31, 2019~~ **April 25, 2023.**

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. This amendment extends the ITP's expiration date from July 31, 2019, as originally issued, to April 25, 2023. 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 extension of the ITP's expiration date 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 this change 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 2017 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 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 alter the measures that will be

undertaken to minimize and mitigate previously authorized impacts on the Covered Species. This Amendment acknowledges that the San Benito County Department of Public Works needs additional time to initiate and complete the Project. San Benito County Department of Public Work'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 2017 as a responsible agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) after, among other things, considering the negative declaration adopted by San Benito County Department of Public Works 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 San Benito County Department of Public Works 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 ITP's expiration date. This change 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:

Minor Amendment No. 1
Incidental Take Permit 2081-2016-032-04
SAN BENITO COUNTY DEPARTMENT OF PUBLIC WORKS
Hospital Road Bridge (No. 43C0065) Low Water Crossing Replacement

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

APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on

11/15/19

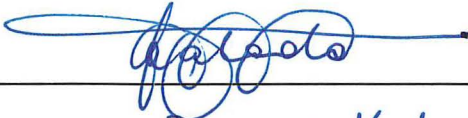


Julie A. Vance
Regional Manager
Central Region

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:

12/2/2019

Printed Name:

Deems Katada

Title:

Interim Senior Engineer