

DEPARTMENT OF TRANSPORTATION

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April 30, 2019

California Department of Fish and Wildlife
Attn: Habitat Conservation Planning Branch (CESA Permitting)
P.O. Box 944209
Sacramento, CA 94244-2090

To Whom it May Concern,

Please find enclosed the signed Minor Amendment for Incidental Take Permit 2081-2015-057-04 for the Caltrans San Benito Route 156 Improvement Project.

If you have any questions, please contact me at (805) 542-4688 or Paul.Andreano@dot.ca.gov, or my supervisor Larry Bonner at (805) 549-3999 or Larry.Bonner@dot.ca.gov.

Sincerely,

A handwritten signature in green ink, appearing to read "Paul Andreano".

Paul Andreano
Associate Biologist/Environmental Planner – Caltrans District 5

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

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MAY 06 2019

HABITAT CONSERVATION
PLANNING BRANCH



AMENDMENT NO. 1
(A Minor Amendment)

California Endangered Species Act
Incidental Take Permit No. 2081-2015-057-04
California Department of Transportation
San Benito Route 156 Improvement Project in San Benito County

INTRODUCTION

On June 7, 2016, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2015-057-04 (ITP) to California Department of Transportation (Caltrans) District 5 (Permittee), authorizing take of California tiger salamander (*Ambystoma californiense*) (Covered Species) associated with and incidental to the San Benito Route 156 Improvement Project in San Benito County, California (Project).

The Project as described in the ITP originally issued by CDFW includes widening and realigning a five-mile segment of State Route (SR) 156 in San Benito County from two lanes to a four-lane expressway, correcting existing roadway deficiencies by elevating the roadway in sections prone to flooding, and realigning a compound curve at Union Road/Mitchell Road. The existing two-lane SR-156 was to be resurfaced and converted into a frontage road on the northern side and consolidated private driveways (access easements) were to be provided for the adjacent parcels on the south side of the expressway. The Project also included improvements to several surface streets where they intersect the five-mile segment of SR 156. The Project was to result in the permanent development of 8.36 acres of upland habitat and temporary impacts to 9.62 acres of upland habitat for Covered Species resulting in a total habitat disturbance of 17.98 acres.

In a letter dated September 11, 2018, the Permittee requested an amendment to the ITP to extend the term, and to amend the proposed construction start and end dates.

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

First, this Amendment No. 1 extends the expiration date of the ITP.

Second, this Amendment No. 1 changes the proposed construction start and end dates.

AMENDMENT

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

1. the first paragraph of the Effective Date and Expiration Date of this ITP: on Page 1 of the ITP shall be amended to read as follow:

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 2023***.

2. The fourth paragraph of the Project Description: on Page 3 of the ITP shall be amended to read as follows:

Construction is scheduled to begin ~~July 15, 2017~~ ***May 15, 2020*** and end by November 1, ~~2019~~ ***2023***.

All terms and conditions of the ITP and Mitigation Monitoring and Reporting Program (MMRP) that are not expressly amended herein remain in effect and must be implemented and adhered to by the Permittee.

FINDINGS

Issuance of Amendment No. 1 will not increase the amount of take of the Covered Species compared to the Project as originally approved, nor will Amendment No. 1 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: Amendment No. 1 makes two specific changes to the ITP as originally issued on June 7, 2016. It modifies the Effective Date and Expiration Date of Permit section by extending the existing permit expiration date for a four-year period, and it also modifies the scheduled construction start and end dates. CDFW has determined that extending the existing permit expiration date for a four-year period 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 No. 1 will not increase impacts to the Covered Species.

Issuance of Amendment No. 1 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 previously determined in June 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 Amendment No. 1 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, as amended, 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 Amendment No. 1.

Discussion: CDFW issued the ITP in June 2016 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 adopted by Caltrans as the lead agency for the Project. As explained in the findings below, CDFW finds for purposes of CESA that Amendment No. 1 is a minor change to the original ITP. CDFW finds for the same reasons under CEQA that approval of Amendment No. 1 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 Caltrans during its lead agency review of the Project, particularly with respect to the impacts authorized by CDFW pursuant to the ITP. As a result, CDFW finds that no additional subsequent or supplemental environmental review is required by CEQA as part of CDFW's approval of Amendment No. 1.

CDFW finds that this Amendment No. 1 is a Minor Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4).

Discussion: Amendment No. 1 modifies the Effective Date and Expiration Date of Permit in the original ITP and extends the existing permit expiration date by a four-year period. Amendment No. 1 also modifies the proposed construction start and end dates. 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, Amendment No. 1 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:

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 4/16/19 
 Julia 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: 4/30/19
Printed Name: Andrew Dominguez Title: Acting Senior Environmental Planner