

State of California
Department of Fish and Wildlife



Memorandum

Date: June 12, 2020

To: Ms. Lilian Acorda
California Department of Transportation
111 Grand Avenue
Oakland, CA 94612

DocuSigned by:

Gregg Erickson

BF74D4C93C604EA

From: Mr. Gregg Erickson, Regional Manager
California Department of Fish and Wildlife-Bay Delta Region, 2825 Cordelia Road, Suite 100, Fairfield, CA 94534

Subject: Incidental Take Permit for 2081-2017-032-03 State Route 116 at Llano Road Left-Turn Lane Project, Sonoma County, Amendment No. 1

Enclosed is the Incidental Take Permit Amendment for the above referenced project, which has been signed by the California Department of Fish and Wildlife (CDFW). Please read the permit carefully and sign the acknowledgement on the permit no later than 30 days from CDFW signature and prior to continuation of ground-disturbing activities.

You are advised to keep a copy of the signed permit in a secure location and distribute copies to appropriate project staff responsible for ensuring compliance with the conditions of the permit. Note that you are required to comply with certain conditions of approval prior to continuation of ground-disturbing activities. Additionally, a copy of the permit must be maintained at the project work site and made available for inspection by CDFW staff when requested.

The permit will not take effect until the signed acknowledgment is received by CDFW. If you wish to discuss these instructions or have questions regarding the permit, please contact Mr. Robert Stanley, Senior Environmental Scientist (Specialist), at (707) 428-2093 or Robert.Stanley@wildlife.ca.gov or Mr. Craig Weightman, Environmental Program Manager at (707) 944-5577 or Craig.Weightman@wildlife.ca.gov.

Enclosures

ec: CDFW Habitat Conservation Planning Branch

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



AMENDMENT NO. 1
(A Minor Amendment)
California Endangered Species Act
Incidental Take Permit No. 2081-2017-032-03
California Department of Transportation, District 4
State Route 116 at Llano Road Left-Turn Lane Project, Sonoma County

INTRODUCTION

On July 3, 2018, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2017-032-03 (ITP) to the California Department of Transportation (Permittee) for take of California freshwater shrimp (*Synaris pacifica*), the Covered Species associated with the State Route 116 Llano Road Left-Turn Lane Project in Sonoma County, California. In issuing the ITP, CDFW found, among other things, that Permittee's compliance with the Conditions of Approval of the ITP would fully mitigate impacts to the Covered Species and would not jeopardize the continued existence of the Covered Species.

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

First, to change the Project Description as it pertains to the Construction Schedule.

AMENDMENT

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

1. ITP Page 4, Staging and Construction Sequence section of the ITP shall be changed to read:

Staging and Construction Sequence. The construction of the project is estimated to take ~~one season~~ ***two seasons***. Stage 1 work will start in March 2019 beginning with the westbound widening. Work will then transition to the eastbound with the construction of the retaining walls, roadway widening, and abutments. Work within the creek will start June 1 with the installation of the creek diversion, demolition of the culvert and existing fill removal, then construction of the eastbound side of the bridge. ***After the eastbound side of the bridge is completed, the creek diversion will be removed and creek restoration shall be initiated.*** Once this work is completed, ***finish work (electrical, paving and striping) will occur and traffic will be shifted*** ~~work will shift to~~ ***in preparation for*** Stage 2; the westbound side of the roadway and downstream section of the bridge.

Stage 2 ***work will start in 2020, which*** includes the ***installation of the creek diversion, construction of the westbound abutments, demolition of the remaining box culvert and existing fill removal and construction of the westbound side of the bridge.***

~~construction of the westbound abutments, demolition of the remaining box culvert, removal of earthen fill, and construction of the bridge.~~ After the bridge is completed, the creek diversion will be removed and creek restoration activities conducted. Work within Covered Species Habitat should cease by October 31. After the completion of the bridge, finish work (electrical, paving and striping) will follow and traffic will be shifted to the final alignment followed by contract completion estimated in December ~~2019~~ **2020**.

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 a specific change in the number of seasons it will take to complete the Project from one season to two seasons. The resulting impacts to the Covered Species, however, including the acres of impact to Covered Species habitat as a result of the Project, will remain the same.

CDFW has determined that the 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 increasing the number of seasons in which it will take to complete the Project from one season to two seasons, 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 July 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 is not increasing the area of impact to Covered Species habitat, only the length of time in which it will take to complete the Project from one season to two seasons. 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 July 2018 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 Caltrans 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 Caltrans 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 changes the Project Description to increase the number of seasons from one to two seasons in which the Project will occur but does not change any conditions of approval authorized in 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:

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

Major Amendment No. 1
Incidental Take Permit 2081-2017-032-03
CALIFORNIA DEPARTMENT OF TRANSPORTATION
STATE ROUTE 116 AT LLANO ROAD LEFT-TURN LANE PROJECT

APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on 6/12/2020

DocuSigned by:
Gregg Erickson
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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.

DocuSigned by:
Lilian Acorda
By: _____
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Date: 6/12/2020

Printed Name: Lilian Acorda

Title: Project Manager

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