

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



AMENDMENT NO. 1
(A Major Amendment)
California Endangered Species Act
Incidental Take Permit No. 2081-2016-051-04
CalMat Company dba Vulcan Materials Company, West Region
Austin Quarry Project in Madera County

INTRODUCTION

On October 11, 2018, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2016-051-04 (ITP) to CalMat Company dba Vulcan Materials Company, West Region (Permittee) authorizing take of California tiger salamander (*Ambystoma californiense*) (Covered Species) associated with and incidental to the Austin Quarry Project in Madera County, California (Project). The Project as described in the ITP originally issued by CDFW involves development and operation of a hard rock quarry over approximately half of a 672-acre Project site.

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.

On July 2, 2020, Permittee submitted an Application to Amend the ITP (Application). In the Application, Permittee requested the ITP be amended to include work within the Caltrans State Route (SR) 145 right-of-way where it adjoins the 672-acre Austin Quarry Project Site to the north, and where it extends east beyond the Project Site to its intersection with SR 41. This work will involve widening of the paved roadway and shoulder backing, replacing three culverts and extending a fourth culvert to accommodate the widened roadway and shoulder backing, and the installation of temporary and permanent signage. This work could result in take of individuals of the Covered Species as it will occur in occupied Covered Species habitat. Supplemental to the Application, Permittee provided a Notice of Revalidation wherein the California Department of Transportation prepared and approved an Addendum to the original Environmental Impact Report considering this work within the right-of-way.

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

First, this Amendment revises the Project Location section of the ITP to include a portion of the Caltrans SR 145 right-of-way immediately north (and east) of the 672-acre Austin Quarry Project Site.

Second, this Amendment revises the Project Description section of the ITP to include a description of the roadway and shoulder backing widening work, the culvert extension and replacement work, and the installation of signage.

Third, this Amendment revises the Impacts of the Taking on Covered Species section of the ITP to include a discussion of the impacts to the Covered Species associated with the roadway and shoulder backing, culvert, and signage work.

Fourth, this Amendment references revalidation of the Environmental Impact Report through an Addendum prepared and approved by the Permittee, acting as lead agency under the California Environmental Protection Act, in 2019.

Fifth, this Amendment references a second Lake or Streambed Alteration Agreement which has been issued by CDFW for the Project.

Sixth, this Amendment provides the Permittee the option of purchasing conservation bank credits to partially fulfill its mitigation obligation under this ITP.

Seventh, this Amendment revises the total acreage of the revised Project-related impacts to the Covered Species habitat, the compensatory mitigation required under the ITP, and restates Permittee's proposal to mitigate through the purchase of Covered Species credits from a CDFW-approved conservation bank.

Eighth, this Amendment revises the estimate of the security required under this ITP, specifically the security based on Permittee's proposal to purchase Covered Species credits from a CDFW-approved conservation bank.

Ninth, this Amendment revises the Security section of the ITP to consider and allow Permittee to secure the Covered Activities associated with the SR 145 improvement work separate from the Quarry development and operation work.

AMENDMENT

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

1. On page 2 of the ITP, the Project Location section shall be amended to read:

Generally, the approximately 672-acre Austin Quarry Project (Project) site is located southwest of the intersection of State Route (SR) 145 and SR 41 in central Madera County (Figure 1) and approximately 12 miles east of the City of Madera. More specifically, the Project site constitutes portions of the parcels identified **as** APN 051-185-004 and 051-183-001 located within Sections 4 and 5 of

Township 11 South, Range 20 East, Mount Diablo Baseline and Meridian. The Project site and surrounding lands exist as rangeland. The Project site is owned by the Urrutia family and will be leased to the Permittee.

The Project will also involve improvements to the approximately 1.51-mile (7,965-foot) long segment of SR 145 which exists immediately north of the 672-acre Austin Quarry Project site and extends east of the Project site to the intersection of SR 41. This 17.12-acre area includes paved roadway and engineered shoulder backing (8.66 acres), and ruderal habitat areas beyond the roadway/shoulder backing (8.46 acres).

2. On page 2 of the ITP, the Project Description section shall be amended to read:

The Project involves development and operation of a hard rock quarry over approximately half of the 672-acre Project site, ***and improvements within the SR 145 right-of-way which adjoins the Project site and extends east to the intersection of SR 41.*** The approximately 348-acre Project Area (Project Area) will encompass an aggregate mine that will not exceed 257 acres and processing plant/operations/access road area that will not exceed 92 acres. The remaining area of the Project site will be placed into an approximately 324-acre Exclusion Area which will be completely avoided and left undisturbed for the life of the Project (Figure 2). ***Improvements within the SR 145 right-of-way will involve widening of the paved roadway to incorporate acceleration/deceleration lanes and left/right turn lanes, work on four existing culverts to accommodate the widened roadway, and the installation of signage.*** Project implementation will commence in 2018 and the quarry will operate for 97 years, at which time aggregate mining/processing will cease and a three-year reclamation phase will commence.

The approximately 92-acre processing plant/operations/access road area will include a 78-acre plant site and materials processing facility. The plant site and materials processing facility will be comprised of an aggregate processing plant, rock conveyor/crushing/washing equipment, aggregate stockpile areas, a 0.5-acre process and storm water storage/recycling pond, freshwater conveyance facilities, an above-ground clarifier and water tank, a well, load-out facility, load-out scales, a maintenance shop, and administrative offices. The plant site will also include areas for transport-vehicle staging and employee vehicle parking. In addition, the plant/operations/access road area will include a 4-acre paved entrance road connecting with SR 145, through which all Project-related traffic will enter and exit. Approximately 7 acres of perimeter roads will serve the quarry. Also, an approximately 3,000-foot long/1.4-acre linear segment along the south side of SR 145 to the west of the paved entrance road will be landscaped and irrigated to

provide a vegetative screen. An 8.56-acre, 10-foot-high vegetated berm along the northern quarry perimeter will provide visual screening. An additional 4-foot-high vegetated berm along the eastern, southern, and southwestern perimeter will serve as a safety barrier. These berms will be constructed as components of buildout of each project phase.

The processing plant/operations/access road area will also include the diverted reach of a storm water swale. A natural drainage channel traverses the quarry site and drains from north to south. Prior to topsoil removal, this seasonal drainage will be routed west around the Project Area by pipe to an existing downstream point within the natural drainage channel upstream of Madera Canal. The diversion pipe will be installed underground and be maintained for the lifespan of quarry operations.

The approximately 257-acre aggregate mine will be developed over six (6) phases (Figure 3). Project implementation will commence in 2018 with concurrent development of Phase 1; a retention and recharge basin, conveyance pipeline, and overburden stockpiling area within the boundary of Phase 6; the processing plant/operations/access road area; installation of visual/safety barrier berms using the topsoil and overburden from Phase 1; and the piped diversion of a natural swale around the aggregate mine. Quarrying of Phase 1, which will not exceed 42 acres, will begin in 2018 and continue over approximately 10 years. Phases 2 through 6 of the mine will be quarried in accordance with the schedule set forth in Table 1, below.

Mine Phase	Phase Acreage* (ac)	Phase Development (yr)
2	52 acres	2028
3	26 acres	2046
4	59 acres	2055
5	15 acres	2072
6	63 acres	2083

* Acreages are approximate

At each mine phase, hard rock will be exposed by removing the topsoil and overburden, then extracted by drilling, blasting, and crushing the hard rock to moveable sizes, which can be transferred to the on-site processing plant for further crushing, sizing, washing, and stockpiling. Groundwater encountered within the mine pit will be pumped to the retention and recharge basin initially constructed within the boundary of mine Phase 6. When mine Phase 6 is prepared for mining in

2083, the retention and recharge basin will be relocated to the processing plant/operations/access road area. None of the encountered groundwater will be discharged from the Project Area outside of the rainy season (December through April). This discharge during the rainy season will: coincide with storm events producing storm water run on into the mine; be limited in volume to just mimic run on into the mine; and will be in compliance with Waste Discharge Requirements adopted by the California Regional Water Quality Control Board for the Project.

Development of the processing plant/operations/access road area and each phase of the mine will involve the use of heavy equipment for vegetation clearing, grubbing, excavation, backfilling, stockpiling, compacting, grading, contouring, trenching, paving, blasting, and the transport and handling of construction materials. The heavy equipment needed to accomplish development of the quarry will include bulldozers, excavators, excavator hammers, backhoes, trenchers, wheel tractors, motor graders, shovel scrapers, water trucks, front-end loaders, pavers, sweepers, rollers, rock drillers, man lifts, artificial lighting, service trucks, cranes, and haul trucks. Operation of the quarry for the production of crushed aggregate will involve some of the same equipment.

In 2115, mining operations will cease and the three-year long reclamation phase of the Project will be initiated, in accordance with the *Reclamation Plan* approved for the Project by Madera County. Upon final reclamation, the diversion pipe diverting the storm water swale will be removed and a surface drainage channel will be constructed around the quarry excavation along an alignment similar to the diversion pipe alignment.

Improvements within the SR 145 right-of-way will involve widening of the paved roadway approaching and departing the Austin Quarry Project site. Along the north boundary of the 672-acre Project Site, SR 145 exists as two 12-foot wide eastbound and westbound through lanes. The existing roadway within 800 feet east of the Austin Quarry Project site entrance will be widened to accommodate a new 12-foot deceleration/left turn lane and a 12-foot wide eastbound acceleration lane. The existing roadway within 2,020 feet west of the Austin Quarry Project site entrance will be widened to accommodate a new 12-foot wide deceleration/right turn lane and a 12-foot wide westbound acceleration lane. This work will result in the conversion of what currently exists as unpaved compacted/engineered shoulder backing and adjoining grasslands within the right-of-way to paved roadway and new compacted/engineered shoulder backing, entirely south of the existing roadway.

Four culverts currently convey ephemeral streams across SR 145 with inlets located north of the roadway but within the right-of-way, and outlets located south of the roadway but within the right-of-way. Three of the culverts will be replaced and the fourth culvert will only be extended (to the south). The culvert replacement work will involve ground disturbance directly over and within ten feet beside the culvert north and south of the roadway. The culvert extension work will involve ground disturbance directly over and within ten feet beside the culvert south of the roadway.

Temporary and permanent signage will be installed north and south of the widened roadway where it exists immediately north of the 672-acre Project Site. All work within the right-of-way will be done under an Encroachment Permit issued to the Permittee by the California Department of Transportation.

3. On page 4 of the ITP, the Impacts of the Taking on the Covered Species section shall be amended to read:

The Project activities which are expected to result in incidental take of individuals of the Covered Species are collectively referred to as the Covered Activities, and, as described above include blasting; operation of heavy equipment to accomplish grading, cut-and-fill, scraping, contouring, vegetation-clearing, grubbing, excavating, trenching, stockpiling, backfilling, compacting, ***asphalt removal and paving***, and drilling in association with the development and mining activities at the Project Area ***and within the SR 145 right-of-way adjoining the Project Area and extending east of the Project Area to the intersection of SR 41***; as well as pre-disturbance excavation of small mammal burrows, salvage, and relocation efforts required by this ITP.

Incidental take of individuals of the Covered Species in the form of mortality (“kill”) may occur as a result of Covered Activities. This mortality could occur as a result of: construction vehicle/equipment strikes and burrow collapse associated with earthwork, vegetation removal, road construction; crushing or suffocation by heavy equipment or laydown of equipment and materials; entrapment and desiccation within trenches, open pipelines, and uncovered excavations; entombment from deposition of stockpiled soil over occupied burrows, and during vegetation removal and earthwork associated with development of roadbeds, paved parking, building pads, and other infrastructure. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursuit or capture through: entrapment in holes or trenches; capture of individuals in confined areas when exclusion fencing is constructed around portions of the Project Area ***and adjoining segment of the SR 145 right-of-way where it adjoins the***

Project Area and extending east to SR 41, and when individuals of the Covered Species are salvaged, collected, and relocated or translocated out of harm's way as required by this ITP. Take of the Covered Species is only authorized and expected to occur in the Project Area and only as a result of Covered Activities.

The Project is expected to cause the permanent loss of ~~345~~ **346.55** acres of upland refugia habitat and three (3) acres of potential breeding habitat for the Covered Species, **and temporary impacts to 6.91 acres of upland refugia habitat for the Covered Species**. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: introduction or spread of invasive species; changes in drainage patterns that favor different vegetative growth; stress resulting from noise and vibrations from earthwork, equipment operation, blasting, and traffic; temporary displacement; increased competition for food and space; increased vulnerability to predation, exposure, or stress through disorientation; loss of foraging opportunities; and loss of burrowing habitat used for shelter and escape cover. Individuals displaced due to habitat loss and degradation may be unable to survive in adjacent areas if these areas are at carrying capacity or are unsuitable for colonization

4. On page 5 of the ITP, Condition of Approval No. 2. California Environmental Quality Act Compliance shall be amended to read:

Permittee shall implement and adhere to the mitigation measures related to the Covered Species in **both** the Biological Resources section of the Environmental Impact Report (SCH No.: 2010071036) certified by Madera County Planning Department on 12 September 2016 as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.); **and the Addendum to the Environmental Impact Report approved by the California Department of Transportation on 13 January 2020**.

5. On page 6 of the ITP, Condition of Approval No. 3. LSA Agreement Compliance shall be amended to read:

Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in ~~the~~ **both** Lake or Streambed Alteration Agreement (LSAA) Notification Nos. 1600-2014-0228-R4 **and 1600-2020-0077-R4** for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq.

6. On page 17 of the ITP, the first paragraph of Condition of Approval No. 9 Habitat Management Land Acquisition, and the first paragraph of Mitigation Measure No. 19 in the Mitigation Monitoring and Reporting Program (MMRP) shall be amended to read:

CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result with implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, CDFW's estimate of the acreage required to provide for adequate compensation, the existence of a severed mineral right covering a portion of the proposed mitigation site, and the duration Habitat Management (HM) lands will be permanently protected and managed prior to impacts associated with Project Phases 2-6. Protection and management of HM lands prior to Project Phases 2-6 allow opportunities to refine management techniques and adaptively manage the HM lands to benefit the Covered Species for years, and in some cases decades, before Project impacts occur in these phases. ***Alternatively, or in combination with the permanent protection and perpetual management of compensatory habitat, Permittee may purchase Covered Species credits from a CDFW-approved conservation bank.***

7. On page 17 of the ITP, the second and third paragraphs of Condition of Approval No. 9 Habitat Management Land Acquisition, and the second and third paragraphs of Mitigation Measure No. 19 in the MMRP shall be amended to read:

To meet this requirement, ***the Permittee proposes the purchase of 12.75 Covered Species credits from a CDFW-approved conservation bank to mitigate the Project-related take of the Covered Species in association with the SR 145 improvement work, pursuant to Condition of Approval 9.1, below. Further,*** the Permittee proposes to provide for both the permanent protection and perpetual management of 765 acres adjoining the Project site ***to mitigate the Project-related take of the Covered Species in association with the Quarry development and operation,*** pursuant to Conditions of Approval 9.2 and 9.3, below. This 765-acre property is commonly referred to as the Fenston Property, and is owned in fee title by the Permittee. This property is fenced, exists as non-native grassland/vernal pool habitat immediately west and southwest of the Project site, is comprised of high quality grassland refugia surrounding known Covered Species breeding habitat, and represents superior functional quality habitat relative to the habitat being permanently impacted by the Project. CDFW considers the 765-acre Fenston Property high quality upland habitat, superior to

that constituting the ~~348~~ **356.46**-acre Project Area, due the relatively high burrow density compared to the burrow density at the Project Area. In September 2016 and on behalf of the Permittee, ESR, Inc. surveyed burrow densities at both the Project Area and the Fenston Property. ESR, Inc., found fewer than one (0.93) burrow opening per acre at the Project Area and almost seven (6.6) burrow openings per acre at the Fenston Property (Figure 4). Further, the Fenston Property contains significant breeding habitat and the perpetual management of the Fenston Property will include management of predators (e.g., bullfrogs) of the Covered Species. The mineral rights for a portion of the Fenston Property are severed from the surface rights and are not owned by the Permittee (Figure 5). However, remoteness opinions have been prepared which conclude that development of mineral resources on the Fenston Property are so remote as to be considered negligible. Prior to CDFW conceptually approving the Fenston Property, CDFW shall review applicable biological information, conduct a site visit, and review the information submitted as described in Conditions of Approval 9.2.2 and 9.2.3

Permanent protection and funding for perpetual management of all 765 acres of the Fenston Property will be completed before starting any Covered Activities or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 10, below. ***The purchase of Covered Species credits from a CDFW-approved conservation bank will be completed before starting any Covered Activities associated with the SR 145 improvement work, or within 18 months after Security is provided, pursuant to Condition of Approval 10, below.***

8. On page 18 of the ITP, subsection 9.1 Cost Estimates and Mitigation Measure and Mitigation Measure No. 20 in the MMRP shall be amended to read:
 - 9.1. Cost Estimates. CDFW has estimated the cost of acquisition, protection, and perpetual management of the HM lands, ***the purchase of Covered Species credits from a CDFW-approved conservation bank***, and restoration of temporarily disturbed habitat as follows:
 - 9.1.1. Land acquisition costs for HM lands identified in Condition of Approval 9.3 below, estimated at \$10,300.00/acre for 765 acres: \$7,879,500.00. Land acquisition costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements;

- 9.1.2. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 9.2.5 below, estimated at \$402,076.35 (\$525.59/acre);
- 9.1.3. Interim management period funding as described in Condition of Approval 9.2.6 below, estimated in 2018 at \$348,564.60 (\$455.64/acre);
- 9.1.4. Long-term management funding as described in Condition of Approval 9.3 below, estimated at \$2,605.80/acre for 765 acres: \$1,993,437.00. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.
- 9.1.5. Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW, estimated at \$12,000.
- 9.1.6 Upland credits at a CDFW-approved conservation bank purchased for the benefit of the Covered species estimated at \$20,000 per credit, for a total of \$255,000 for the purchase of 12.75 credits.**

9. On page 24 of the ITP, section 10 Performance Security and Mitigation Measure and Mitigation Measure No. 34 in the MMRP shall be amended to read:

10. Performance Security:

The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 9 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:

- 10.1. Security Amount. ***The Covered Activities associated with the Quarry development and operation work may be secured separately, or at the same time as the Covered Activities associated with the SR 145 improvement work. Before commencing the Quarry development and operation work, the Security shall be in the amount of \$10,635,577.95. Before commencing the SR 145 improvement work, additional Security in the amount of \$255,000 shall be provided.*** This

~~amount is~~ **These amounts are** based on the cost estimates identified in Condition of Approval 9.1 above.

- 10.2. Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 4) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.
- 10.3. Security Timeline. The Security shall be provided to CDFW before Covered Activities begin as described above in subsection 10.1. ~~or within 30 days after the effective date of this ITP, whichever occurs first.~~
- 10.4. Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.
- 10.5. Security Transmittal. If CDFW holds the Security, Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 5) or by way of an approved instrument such as escrow, irrevocable letter of credit, or other.
- 10.6. Security Drawing. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP.
- 10.7. Security Release. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:
- Written documentation of the acquisition of the HM lands;
 - Copies of all executed and recorded conservation easements;
 - Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and
 - Timely submission of all required reports.

Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands, **provide a bill of sale for the purchase of conservation bank credits**, and record any required conservation easements no later than 18 months from the effective date of

this ITP, ***or in accordance with timelines set forth by CDFW at the time the Security is accepted.*** CDFW may require the Permittee to provide additional HM lands, ***additional Covered Species credits,*** and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.

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 increase the amount of take of the Covered Species compared to the Project as originally approved; however, by implementing the originally required minimization measures and compensatory mitigation, it is not expected that this Amendment will increase Project impacts on these species (i.e., "impacts of taking" as used in Fish and Game Code Section 2081, subd. (b)(2)).

Discussion: This Amendment reflects an increase in the number of individuals which could be impacted by the Covered Activities. This change in take assessment is based on a small increase in the acreage of Covered Species habitat which will be permanently lost and temporarily disturbed during the SR 145 improvement activities.

This Amendment will not increase other Project impacts on the species because, in all other respects, the types of activities authorized by the ITP remain unchanged.

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 September 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, (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 a small amount of Covered Species habitat will be permanently lost and temporarily disturbed. However, Permittee's continued adherence to and implementation of the minimization measures and compensatory mitigation 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 September 2018 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 certified by the County of Madera as the lead agency for the Project. As explained in the findings below, CDFW finds for purposes of CESA that this Amendment represents a major change in the Project as originally approved. However, for the reasons explained above, CDFW concludes this Amendment is not a change in the Project that has the potential to create a new significant effect not previously analyzed, a substantial change in the circumstances under which the Project is being undertaken requiring major revisions to previous CEQA documents, or new information of substantial importance. 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 Major Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(5).

Discussion: This Amendment contemplates improvements to the SR 145 roadway where it adjoins the Austin Quarry Project Site to the north. These improvement activities will result in the conversion of approximately 1.55 acres of Covered Species habitat to roadway and engineered/compacted shoulder backing. Further, the improvement activities will result in longer culverts to accommodate the widened roadway and temporary impacts to 6.91 acres of Covered Species habitat associated with the construction activities. Therefore, this Amendment will significantly modify the scope or nature of the permitted Project in the ITP. CDFW has determined that the change to the ITP constitutes a Major Amendment as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(5).

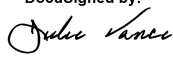
The authorization provided by this Amendment is not valid until Permittee signs and dates the acknowledgement below, and returns one of the duplicate originals of this Amendment by registered first class mail to CDFW at:

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

Major Amendment No. 1
Incidental Take Permit 2081-2016-051-04
CALMAT COMPANY DBA VULCAN MATERIALS COMPANY, WEST REGION
Austin Quarry Project

APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

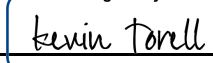
on 2/8/2021

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Julie A. Vance
Regional Manager
Region 4 Central

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: 
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Date: 2/8/2021

Printed Name: Kevin Torell

Title: Permit Manager