

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

NORTH CENTRAL REGION  
1701 NIMBUS ROAD, SUITE A  
RANCHO CORDOVA, CA 95670



AMENDMENT NO. 1  
(A Minor Amendment)  
California Endangered Species Act  
Incidental Take Permit No. 2081-2018-016-02  
Sacramento County  
City of Rancho Cordova  
City of Galt  
Sacramento County Water Agency  
Capital SouthEast Connector Joint Powers Authority  
South Sacramento Conservation Agency  
South Sacramento Habitat Conservation Plan in Sacramento County

**INTRODUCTION**

On August 19, 2019, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2018-016-02 (ITP) to Sacramento County City of Rancho Cordova, City of Galt, Sacramento County Water Agency, Capital SouthEast Connector Joint Powers Authority, and the South Sacramento Conservation Agency (collectively, the Permittee), authorizing take of California tiger salamander (*Ambystoma californiense*), giant garter snake (*Thamnophis gigas*), tricolored blackbird (*Agelaius tricolor*), Swainson's hawk (*Buteo swainsoni*), Slender Orcutt grass (*Orcuttia tenuis*), Sacramento Orcutt grass (*Orcuttia viscida*), and Boggs Lake hedge-hyssop (*Gratiola heterosepla*) (collectively, the Covered Species) associated with and incidental to the South Sacramento Habitat Conservation Plan (SSHCP) in Sacramento County, California (Project). The Project as described in the ITP as originally issued by CDFW includes multi-jurisdictional, multi-species, 50-year HCP implementation that will protect seven (7) State listed species through minimizing and mitigating impacts on those species and their habitats. The final SSHCP was adopted on October 29, 2018. All SSHCP references are based on this version of the Final SSHCP. The Project will allow for the development of 67,618-acres for urban development within the Urban Development Area (UDA) included within the Plan Area. 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.

CDFW has initiated this first minor amendment to the ITP to update procedures and clarify the approval process for entities proposed to hold conservation easements in the ITP. This ITP is amended as provided by California Code of Regulations, Title 14, section 783.6, subdivision (c) where Project changes or changed biological conditions necessitate an ITP amendment to ensure that all Project-related impacts of the taking to

the Covered Species are minimized and fully mitigated. The ITP refers to and incorporates the SSHCP in existence on the date the ITP is issued. This amendment incorporates into this ITP a subsequent change, update, or amendments to the SSHCP as directed by the SSHCP Joint Powers Authority Board on February 1, 2021.

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

This Amendment updates the procedures in Condition of Approval 9.6 of the ITP which describes the approval process for entities proposed to hold conservation easements under the SSHCP and clarifies that all conservation easements will follow the template attached to the SSHCP as Appendix D.

## AMENDMENT

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

1. Condition 9.6, page 45 (Conservation Easement) shall be amended to read:

Conservation Easement. Conservation easements (CE) will be negotiated individually between willing sellers and the Implementing Entity ***or another entity approved by CDFW***. The terms of the easement and prices paid for easements will be variable depending on the purpose of the easement and the degree to which the easement restricts land uses. The Implementing Entity ***or other entity approved by CDFW*** will hold in perpetuity all conservation easements it purchased or accepted from a landowner. In addition, all conservation easements will include CDFW as a third-party enforcement beneficiary. Conservation easements will contain provisions that allow the Implementing Entity ***or other entity approved by CDFW*** to manage the encumbered property if it becomes necessary, such as if a property is abandoned by the owner (SSHCP Section 9.4.3).

All conservation easements acquired by the SSHCP Implementing Entity ***or another entity approved by CDFW*** will be in accordance with California Civil Code Sections 815 et seq. All conservation easements will follow the most current CDFW CE template attached ***to the SSHCP as Appendix D***, which may be found on CDFW's website <https://www.wildlife.ca.gov/Conservation/Planning/Banking/Templates>. CDFW, along with the Implementing Entity, must review and approve any modifications to the CE template language. ***Any recipient or other contract or agreement***

***between the endowment holder and the land manager that governs the holding, management, or expenditure of endowment funds must be approved in advance in writing by CDFW.***

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 two specific changes to the ITP as originally issued. This Amendment updates the procedures in Condition of Approval 9.6 of the ITP which describes the approval process for entities proposed to hold conservation easements under the SSHCP and clarifies that all conservation easements will follow the template attached to the SSHCP as Appendix D. The resulting impacts to the Covered Species, however, including the timing, number of acres of habitat that will be lost, etc. as a result of the Project, will remain the same.

CDFW has determined that changes to conditions of approval 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 updating Condition of Approval 9.6, 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 August 2019 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 updates the procedures of the conservation easement approval process. This (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'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.*

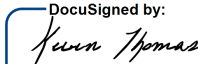
Discussion: CDFW issued the ITP in August 2019 as a responsible agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) After, among other things, considering the environmental impact report certified by Sacramento County as the lead agency for the Project. 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 Sacramento County 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 updates the procedures in Condition of Approval 9.6 of the ITP which describes the approval process for entities proposed to hold conservation easements under the SSHCP and clarifies that all conservation easements will follow the template attached to the SSHCP as Appendix D. 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).

**APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

on 2/9/2021

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Kevin Thomas  
Regional Manager  
North 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: 3/26/2021  
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Printed Name: Leighann Moffitt Title: Planning Director, Sacramento County

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Incidental Take Permit 2081-2018-016-02  
SACRAMENTO COUNTY, CITY OF RANCHO CORDOVA, CITY OF GALT, SACRAMENTO COUNTY WATER AGENCY,  
CAPITAL SOUTHEAST CONNECTOR JPA, AND SOUTH SACRAMENTO CONSERVATION AGENCY  
South Sacramento Habitat Conservation Plan