



DEPARTMENT OF FISH AND WILDLIFE

Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

May 25, 2022

Mr. Bill DenBeste, President
DenBeste California Properties, LLC
810 DenBeste Court, Suite 107
Windsor, CA 95492
bdenbeste@denbeste.com

Subject: Incidental Take Permit for DenBeste Transportation Warehouse Project,
2081-2019-011-03, Sonoma County, Amendment No. 1

Dear Mr. DenBeste:

Enclosed you will find an electronic copy of the Incidental Take Permit Amendment for the above referenced Project, which has been digitally 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 initiation of ground-disturbing activities covered by the Amendment. You may return an electronic copy of the permit with digital signature to CESA@wildlife.ca.gov. Digital signatures shall comply with Government Code section 16.5. Alternatively, you may return a hard copy of the permit via mail to:

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

You are advised to keep the permit in a secure location and distribute copies to appropriate project staff responsible for ensuring compliance with the conditions of approval of the permit. Note that you are required to comply with certain conditions of approval prior to initiation 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 acknowledgement is received by CDFW. If you wish to discuss these instructions or have questions regarding the permit, please contact Melanie Day, Senior Environmental Scientist (Supervisory), at Melanie.Day@wildlife.ca.gov or (707) 210-4415; or Craig Weightman, Environmental Program Manager, at Craig.Weightman@wildlife.ca.gov or (707) 339-1332.

Sincerely,

DocuSigned by:
Erin Chappell
Erin Chappell
Regional Manager
Bay Delta Region

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



AMENDMENT NO. 1
(A Major Amendment)
California Endangered Species Act
Incidental Take Permit No. 2081-2019-011-03
DenBeste California Properties, LLC
Denbeste Transportation Warehouse Project in Sonoma County

INTRODUCTION

On September 3, 2021, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2019-011-03 (ITP) to DenBeste California Properties, LLC (Permittee) authorizing take of California tiger salamander (*Ambystoma californiense*) (the Covered Species) associated with and incidental to the Denbeste Transportation Warehouse Project in Sonoma County, California (Project). The Project as described in the ITP originally issued by CDFW includes the development of 1.38 acres of undeveloped land into an approximately 28,600-square-foot warehouse and parking lot, and planting five oak trees (*Quercus* sp.) just south of the driveway. 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.

In a letter received by CDFW on April 14, 2022, the Permittee requested the addition of two bioretention areas increasing the Project impact area of Covered Species habitat from 1.38 acres to 1.42 acres in order to meet the North Coast Regional Water Quality Control Board's standards under the Clean Water Act Section 401 Water Quality Certification and Porter-Cologne Water Quality Control Act.

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

1. This Amendment increases the impacts of taking on the Covered Species by increasing the acreage of undeveloped land the Project will impact from **1.38 acres** to **1.42 acres**.
2. This Amendment increases the estimated cost of the purchase of credits at a conservation or mitigation bank OR acquisition, protection, and perpetual management of Habitat Management lands identified in Condition of Approval 8.1 from **\$303,600** to **\$312,400**.
3. This Amendment increases the amount of Covered Species Credits the Permittee shall purchase identified in Condition of Approval 8.2 from **1.38 acres** to **1.42 acres**.

4. This Amendment increases the security amount identified in Condition of Approval 9.1 from **\$303,600** to **\$312,400**.
5. This Amendment replaces **Figure 2 Project Area Map** with **Figure 2 Project Area Map (revised)**.

AMENDMENT

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

1. The ITP Project Location, Page 2 is amended to read:

The DenBeste Transportation Warehouse Project (Project) is located at 5496 Skylane Boulevard, north of the City of Santa Rosa, in unincorporated Sonoma County (Figure 1). The Project is located approximately 0.17 miles south of the Town of Windsor and approximately 0.65 miles east of the Charles M. Schulz Sonoma County Airport. The Project is bounded by Aviation Boulevard to the north, Skylane Boulevard to the west, and undeveloped land to the east and south. The Project footprint is ~~4.38~~ **1.42** acres and is located on Assessor's Parcel Number 059-340-011 within Township 8N, Range 9W, Section 25 of the Healdsburg U.S. Geological Survey 7.5-minute quadrangle map, Mt. Diablo meridian, at approximately Latitude 38.51558°, Longitude -122.79832° (Figure 2).

2. The ITP Project Description, Page 2 is amended to read:

The Project includes the development of ~~4.38~~ **1.42** acres of undeveloped land into an approximately 28,600-square-foot warehouse and parking lot, and planting five oak trees (*Quercus* sp.) just south of the driveway. Project activities include using heavy equipment to grub and grade the entire Project site, trench digging, building and driveway construction, concrete-pouring, landscaping, ***installing bioretention areas***, and other activities.

3. The second and third paragraphs in the ITP Impacts on the Taking of Covered Species, Page 3 are amended to read:

Incidental take of individuals of the Covered Species in the form of mortality ("kill") may occur as a result of Covered Activities such as crushing and entombing of individuals during building, ***bioretention area***, and driveway construction; cut and fill grading; vehicular access; installing vegetation; collapsing of burrows; and entrapment in excavated pits, trenches, storm drains, or within construction materials. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursue, catch, capture, or attempt to do so of the Covered Species from surveying and relocating operations. The areas

where authorized take of the Covered Species is expected to occur include: the entire ~~4.38~~ **1.42**-acre Project site (collectively, the Project Area).

The Project is expected to cause the permanent loss of ~~4.38~~ **1.42** acres of upland 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: stress resulting from noise and vibrations from tunneling and capture and relocation, and long-term effects due to increased pollution, displacement from preferred habitat, increased competition for food and space, and increased vulnerability to predation, capture, and relocation.

4. The second paragraph in the ITP Condition of Approval 8, Page 14 (Habitat Management Land Acquisition) is amended to read:

To meet this requirement, the Permittee shall either purchase ~~4.38~~ **1.42** acres of Covered Species credits from a CDFW-approved mitigation or conservation bank (Condition of Approval 8.2) OR shall provide for both the permanent protection and management of ~~4.38~~ **1.42** acres of Habitat Management (HM) lands pursuant to Condition of Approval 8.3 below and the calculation and deposit of the management funds pursuant to Condition of Approval 8.4 below. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities, or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 9 below for all uncompleted obligations.

5. The ITP Condition of Approval 8.1, Page 15 (Cost Estimates) is amended to read:

Cost Estimates. CDFW has estimated the cost of purchase of credits at a conservation or mitigation bank OR acquisition, protection, and perpetual management of HM lands identified in Condition of Approval 8.3 at \$220,000 per acre; therefore, for ~~4.38~~ **1.42** acres the estimated cost is ~~\$303,600~~ **\$312,400**.

6. The ITP Condition of Approval 8.2, Page 15 (Covered Species Credits) is amended to read:

Covered Species Credits. Permittee shall: 1) purchase ~~4.38~~ **1.42** acres of Covered Species credits from a CDFW-approved mitigation or conservation bank, 2) obtain written confirmation from CDFW that the aforementioned bank is in good standing prior to purchasing the credits, unless otherwise approved in writing by CDFW, 3) provide copies of executed Bill(s) of Sale and Payment Receipt(s) to CDFW, and 4) obtain CDFW's written acceptance of the credits. Permittee shall implement items 1 through 4 prior to initiating Covered Activities, or no later than 18 months

from the issuance of this ITP if Security is provided pursuant to Condition of Approval 9 below.

7. The ITP Condition of Approval 9.1, Page 19 (Performance Security) is amended to read:

Security Amount. The Security shall be in the amount of ~~\$303,600~~ **\$312,400**. This amount is based on the cost estimates identified in Condition of Approval 8.1 above.

8. The fourth paragraph in the ITP Findings Pursuant to CESA, Page 23 is amended to read:

Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent protection of habitat; (2) establishment of avoidance zones; (3) worker education; and (4) Quarterly Compliance Reports. CDFW evaluated 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, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of ~~4.38~~ **1.42** acres of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed by the Project, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project

9. The Attachments, Page 24 is amended to read:

FIGURE 2 Project Area Map (**revised**)

The corresponding MMRP shall be amended to read the same as above.

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 increasing the amount of offsite habitat acquisition and protection in perpetuity and with continued compliance with the Conditions of Approval in the ITP, 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 Project impact area and; therefore, an increase in the potential number of individuals of the Covered Species that Project activities may impact. Therefore, CDFW has approved an increase in off-site habitat purchase and management in perpetuity for the additional Project impacts that may adversely affect 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 September 2021 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: do not substantively alter the measures that Permittee will undertake to minimize and mitigate impacts on 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 and mitigation obligation to increase the total amount of land acquisition for the Covered Species 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 2021 as a responsible agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) after, among other things, considering the mitigated negative declaration adopted by Sonoma County 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 authorizes an increase of the amount of authorized take of, and habitat impacts to, the Covered Species constituting a significant change in the scope of the Project. However, this Amendment modifies the ITP to reflect the proportional increase in the Permittee's mitigation obligations by increasing the total amount of land acquisition for the Covered Species. Therefore, this Amendment will 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 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, CA 94244-2090

Alternatively, the Permittee shall email the digitally signed ITP to CESA@wildlife.ca.gov. Digital signatures shall comply with Government Code section 16.5.

APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on 5/26/2022

DocuSigned by:
Erin Chappell
Erin Chappell, 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.

By: *Bill Denbeste* Date: 6/7/2022

Printed Name: Bill Denbeste Title: Owner

Major Amendment No. 1
Incidental Take Permit 2081-2019-011-03
DENBESTE CALIFORNIA PROPERTIES, LLC
Denbeste Transportation Warehouse Project

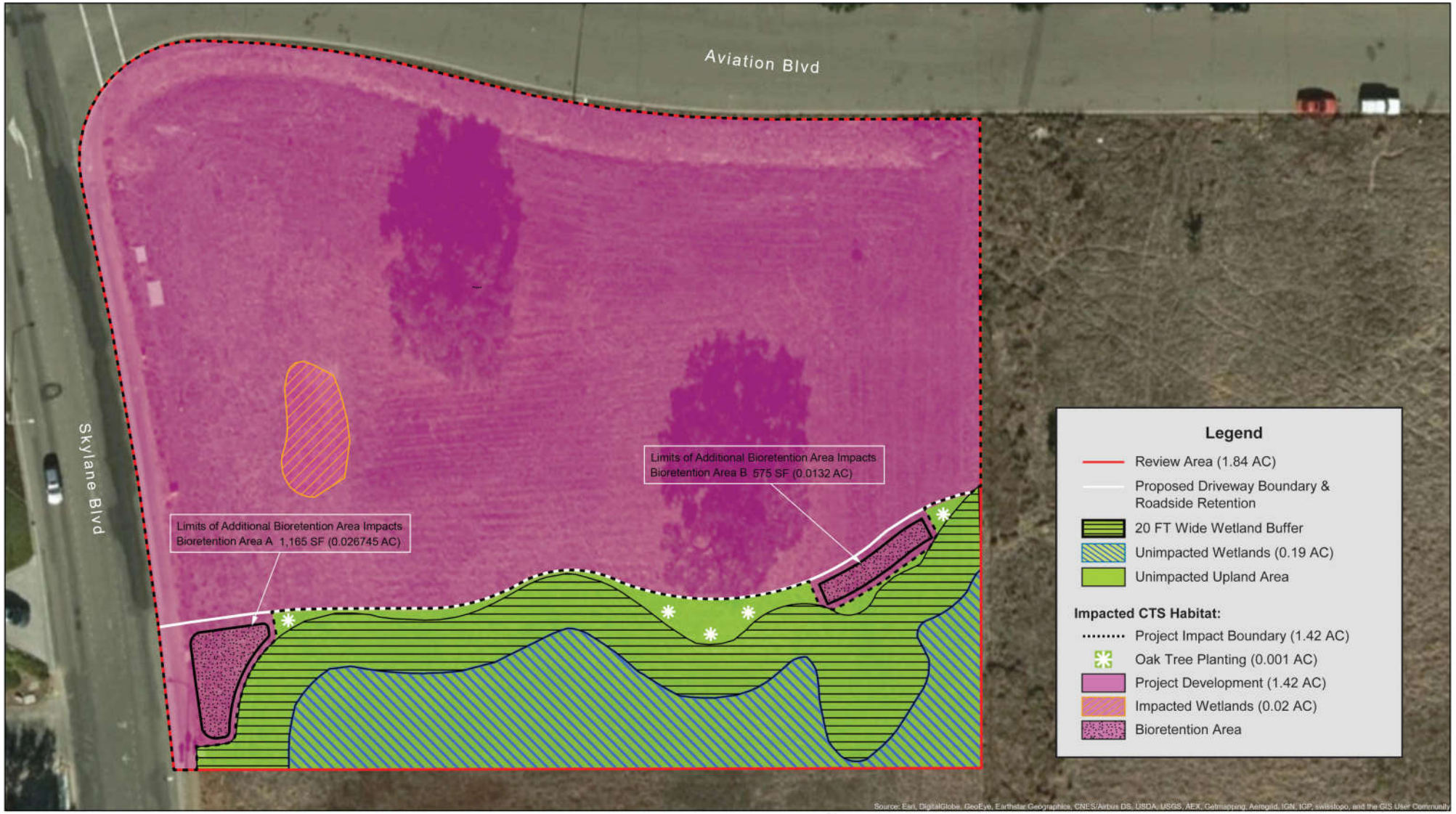
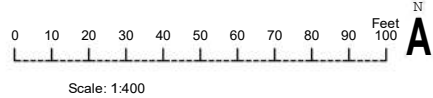


Figure 2. Project Area Map (revised)
 DenBeste Warehouse Project
 Santa Rosa, Sonoma County, California



Spatial Reference
 Name: NAD 1983 2011 StatePlane California II FIPS 0402 Ft US
 PCS: NAD 1983 2011 StatePlane California II FIPS 0402 Ft US
 GCS: GCS NAD 1983 2011
 Datum: NAD 1983 2011
 Projection: Lambert Conformal Conic
 Central Meridian: -122.0000
 Latitude of Origin: 37.6667

122°47'49"W 38°30'55"N