



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Central Region  
1234 East Shaw Avenue  
Fresno, California 93710  
(559) 243-4005  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



June 6, 2022

Michael Guibord  
AT&T Inc.  
5001 Executive Parkway  
San Ramon, California 94583  
[mg8329@att.com](mailto:mg8329@att.com)

**Subject: Incidental Take Permit Amendment No. 1 for the Airline Highway CCL00284  
Urgent Telecommunications Project (2081-2021-058-04)**

Dear Mr. Guibord:

Enclosed you will find an electronic copy of Amendment No. 1 for the incidental take permit for the above referenced Project, which has been digitally signed by the California Department of Fish and Wildlife (CDFW). Please read the amendment carefully, sign the acknowledgement, and return the original **no later than 30 days from CDFW signature**, and prior to initiation of ground-disturbing activities. You may return a hard copy of the amendment via mail to:

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

Alternatively, you may return an electronic copy of the amendment with digital signature to [CESA@wildlife.ca.gov](mailto:CESA@wildlife.ca.gov). Digital signatures shall comply with Government Code section 16.5. Digital signatures facilitated by CDFW will be automatically returned.

You are advised to keep the amendment 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 and amendment must be maintained at the project work site and made available for inspection by CDFW staff when requested.

The amendment will not take effect until the signed acknowledgement is received by CDFW. If you wish to discuss these instructions or have questions regarding the amendment, please contact Renée Robison, Senior Environmental Scientist (Specialist), at [renee.robison@wildlife.ca.gov](mailto:renee.robison@wildlife.ca.gov).

Sincerely,  
DocuSigned by:

Handwritten signature of Valerie Cook in blue ink.  
96D42C58E092466...

Valerie Cook, Acting Regional Manager  
Central Region  
California Department of Fish and Wildlife

Enclosure

*Conserving California's Wildlife Since 1870*

**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. 2081-2021-058-04

AT&T Inc.

Airline Highway CCL00284 Urgent Telecommunications Project in San Benito County

**INTRODUCTION**

On September 20, 2021, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2021-058-04 (ITP) to AT&T, Inc. (Permittee) authorizing take of California tiger salamander (*Ambystoma californiense*) (the Covered Species) associated with and incidental to the Airline Highway CCL00284 Urgent Telecommunications Project in San Benito County, California (Project). The Project as described in the ITP originally issued by CDFW included improvements to an existing access road, installation of underground utility lines (power and telecommunications), installation of four culverts/riprap along the access road, and a staging area. Construction and installation of the associated telecommunications tower was not included in the ITP. The Project was expected to cause the permanent loss of 2.56 acres and temporary loss of 0.49 acre of habitat for the Covered Species.

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 March 15, 2022, Permittee submitted a request to Amend the ITP. At that time, the Permittee requested the ITP be amended to include placement of asphalt along the Project's access road as among the access road improvements identified in the ITP. The ITP, as originally issued, contemplated placement of gravel along the entirety of the access roadway. Placement of asphalt is required to satisfy California Department of Forestry and Fire Protection (CAL FIRE) and local fire department access-road-requirements related to ground cover types for roads whose grade is 8% or greater.

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

1. Updates the Project Description to include placement of asphalt among access road improvements.
2. Updates the Impacts of the Taking on Covered Species section to include placement of asphalt as a Covered Activity.

Rev. 2013.1.1

3. Revises and accordingly replaces Figure 3 of the ITP with a new figure, titled *Access Road Improvements*, depicting areas of asphalt and gravel access road improvements.
4. Adds Figure 4, which is the *Burrow/Crevice Excavation Area* figure, initially specified as Figure 3, in the ITP as originally drafted.
5. Updates the figure reference in Condition of Approval 6.2 to reflect updated figure numbering, as described above.
6. Adds Condition of Approval 6.15 describing requirements for passable curbs, berms, and/or dikes.
7. Updates the Attachments section of the ITP to reflect the addition of and updated numbering of figures.

## AMENDMENT

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

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

Access road improvements include expanding the existing road from 12-foot to 16-foot wide via grading, soil compaction, placement of gravel and riprap along the road to stabilize sloped areas, and removal of small mammal burrows. ***To comply with CAL FIRE and local fire department access-road-requirements, asphalt will be placed in three discontinuous segments covering approximately 3,282 linear feet of the access road's 1.3-mile length. The remainder of the access road will be covered in ¾-inch Aggregate Base, Class 2 gravel (Figure 3).*** Installation of the four Reinforced Concrete Pipe (RCP) culverts within the road includes the excavation, culvert placement, and backfilling as follows:

2. On page 3 of the ITP, the fifth paragraph of the Project Description shall be amended to read:

Materials, such as conduit and fiber optic lines, equipment, and construction vehicles will be stored at a single 0.59-acre staging area. The access road improvement activities overlap with 0.1 acre of the staging area. Project activities include trenching and excavating, soil compaction, backfilling of

trenches/excavations, road grading and widening, culvert installation, placement of gravel, **asphalt**, and riprap, and equipment and materials storage and staging.

3. On page 3 of the ITP, the sixth paragraph of the Project Description shall be amended to read:

In total, the Project will occur within an area of approximately 3.05 acres and will result in approximately 2.56 acres of permanent disturbance and 0.49 acre of temporary disturbance of undeveloped land. Equipment to be used includes: grader, **asphalt machine, paver, drum roller**, bulldozer, loader, backhoe, excavator, trencher, dump truck, bucket trucks, work trucks, pickup trucks, and other similar equipment.

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

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include: soil compaction; road grading/widening; culvert installation; excavating/trenching, stockpiling soil, and backfilling; placement of rip rap, **asphalt**, and gravel; heavy equipment operation; materials and equipment laydown and storage; transporting construction materials and other Project-related traffic; and other activities described in the Project Description section of this ITP (Covered Activities). Construction and installation of the associated telecommunications tower is not a Covered Activity under this ITP.

5. On page 11 of the ITP, the first sentence of Condition of Approval 6.2 Burrow Excavation and Reporting, and Mitigation Measure No. 23 in the ITP's Mitigation Monitoring and Reporting Program (MMRP) shall be amended to read:

Immediately prior to commencing ground-disturbing Covered Activities within a 0.25-mile radius around Pond 1 (as specified in Figure **43**), all animal burrows and crevices that CTS could occupy within this buffer and the Project Area shall be located, mapped, flagged, and fully excavated to their terminus.

6. Addition of Condition of Approval 6.15, which shall read:

**Curbs, Berms, and/or Dikes. Permittee shall not construct roadways with steep curbs, berms, or dikes, which prevent Covered Species from exiting the roadway. If curbs are necessary for safety and/or surface runoff, the Permittee shall design them to allow Covered Species to walk over them. Caltrans' Standard Plan Type E curbs and Type D and Type E dikes are**

***preferred designs and shall be used where possible (refer to Caltrans' Standard Plan A87, Curbs, Dikes, and Driveways). These rounded or gently sloping structures allow Covered Species to crawl over them. If steep dikes are required, design shall include over-side drains or curb/dike breaks spaced at intervals of 25 feet to allow Covered Species passage.***

7. The section entitled "Attachments", on page 19 of the ITP, shall be amended to read:

FIGURE 1	Site Vicinity
FIGURE 2	Project Area
<b>FIGURE 3</b>	<b>Access Road Improvements</b>
FIGURE 4	Burrow/Crevice Excavation Area
ATTACHMENT 1	Mitigation Monitoring and Reporting Program

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 may increase the amount of take of the Covered Species compared to the Project as originally approved; however, by implementing (1) burrow/crevice excavation; (2) permanent habitat protection; (3) establishment of avoidance zones; (4) worker education; and 5) requirements for passable curbs, berms, and dikes, it is not expected that this Amendment will increase Project impacts on the species (i.e., "impacts of taking" as used in Fish and Game Code Section 2081, subd. (b)(2)).*

Discussion: This Amendment makes seven specific changes to the ITP as originally issued: 1) adds activities related to placement of asphalt as an access road improvement to the Project Description; 2) adds placement of asphalt among the Covered Activities; 3) revises and accordingly replaces Figure 3 of the ITP with a new figure, titled *Access Road Improvements*, depicting the location of ground cover type along the access road; 4) adds Figure 4, titled *Burrow/Crevice Excavation Area*, initially specified as Figure 3 in the ITP as originally issued; 5) updates the figure reference in Condition of Approval 6.2 to reflect updated figure numbering; 6) adds Condition of Approval 6.15 describing requirements for passable curbs, berms, or dikes; and 7) updates the Attachments section of the ITP to reflect the addition of and updated numbering of figures.

CDFW has determined that although this Amendment may result in an increase in take of the Covered Species, the additional impacts of the taking will be minimized and fully mitigated through implementation of the Conditions of Approval. Because the impacts

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will be minimized and fully mitigated, there will be no increase in Project impacts to the Covered Species with this Amendment.

*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: 1) does not result in an increase in impacts to the Covered Species habitat since permanent disturbance of the access road was contemplated in the ITP as originally issued; 2) adds Condition of Approval 6.15 requiring passable curbs, berms or dikes; and 3) does not alter the Permittee's continued adherence to and implementation of the avoidance and minimization measures set forth in the ITP's Conditions of Approval and MMRP which 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 the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). CDFW has determined that this Project is statutorily exempt from CEQA because it is an action "necessary to prevent or mitigate an emergency (Pub. Resources Code, §21080, subd. (b)(4)). 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 adds the placement of asphalt among the access road improvements to the Project Description and Covered Activities. Placement of asphalt may increase the amount of take of the Covered Species. Additionally, as described above, these changes precipitate the need for inclusion of an additional Condition of Approval related to roadway construction and requirement of passable curbs, berms, and dikes. Therefore, this Amendment will significantly modify the scope or nature of the permitted Project or activity, or the minimization, mitigation, or monitoring measures in

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Airline Highway CCL00284 Urgent Telecommunications Project

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

Alternatively, the Permittee shall e-mail the digitally signed Amendment to CESA@wildlife.ca.gov. Digital signatures shall comply with Government Code section 16.5. Digital signatures facilitated by CDFW will be automatically returned.

**Attachments:**

ATTACHMENT A1-1	Figure 3	Access Road Improvements
ATTACHMENT A1-2	Figure 4	Burrow/Crevise Excavation Area

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

on 6/6/2022

DocuSigned by:  
  
96D42C58E092466...

Valerie Cook  
Acting 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: 6/7/2022  
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Printed Name: Michael Guibord Title: Director RAN Construction

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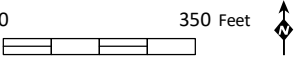
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## ATTACHMENT A1-1

### Figure 3 Access Road Improvements



Figure 3



Source: Aerial Imagery (DigitalGlobe, 8/30/2021)



ATTACHMENT A1-2

Figure 4 Burrow/Crevice Excavation Area

**Figure 43**