

State of California
Department of Fish and Wildlife



Memorandum

Date: June 8, 2022

To: Ms. Cristin Hallissy
California Department of Transportation
111 Grand Avenue
Oakland, CA 94612
Cristin.Hallissy@dot.ca.gov

DocuSigned by:

Erin Chappell

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

Subject: Incidental Take Permit for 2081-2017-040-03 Gleason Beach Roadway Alignment Project, Sonoma County, Amendment No. 2

Enclosed you will find an electronic copy of the Incidental Take Permit Amendment (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 **no later than 30 days from CDFW signature** and prior to continuation of ground-disturbing activities. 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 Amendment and the original 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 with the 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 Mr. Robert Stanley, Senior Environmental Scientist (Specialist), at (707) 339-6534 or Robert.Stanley@wildlife.ca.gov or Mr. Craig Weightman, Environmental Program Manager at (707) 944-5577 or Craig.Weightman@wildlife.ca.gov.

Enclosures

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



AMENDMENT NO. 2
(A Major Amendment)
California Endangered Species Act
Incidental Take Permit No. 2081-2017-040-03
California Department of Transportation (Caltrans), District 4
Gleason Beach Roadway Alignment Project, Sonoma County

INTRODUCTION

On July 27, 2018, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2017-040-03 (ITP) to the California Department of Transportation (Permittee) for take of Coho Salmon – South of Punta Gorda (*Oncorhynchus kisutch*), the Covered Species associated with the Gleason Beach Roadway Alignment 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.

On August 5, 2021, CDFW issued ITP No. 2081-2017-040-03 Amendment No.1. The amendment extended the date from which the HM lands package is due to CDFW for review and approval from within 18 months of the effective date of the ITP to within 18 months of the start of Covered Activities, update the security submission due date and update administrative errors within the CEQA Findings section of the ITP.

This amendment (Amendment No.2) seeks to allow Caltrans to install a temporary access bridge comprised of steel beams and timbers constructed on habitat protection mats and span across Scotty Creek. The temporary bridge will be constructed no earlier than June 15, 2022 and removed no later than October 15, 2022. The temporary bridge will be used to transport construction equipment and materials over Scotty Creek during the construction of the State Route 1 bridge. The temporary bridge will be 70 feet long and 24 feet wide and accessed via ramps constructed over the existing habitat protection mats. The bottom of the steel support beam will be 3 feet above the top of Scotty Creek's banks. Temporary k-rails will be installed along each side of each ramp and handrails will be installed along each side of the temporary bridge. A geotextile material will be placed between the ground surface and temporary habitat protection mats to prevent debris from entering Scotty Creek. Construction of the temporary bridge will not require ground disturbing activities to remedy the grade elevation difference between the banks north and south of Scotty Creek. Minor vegetation removal including mowing of grass will be needed to install the temporary bridge. No creek dewatering will be required for the installation and removal of the temporary bridge.

This Major Amendment No. 2 (Amendment) makes the following change to the existing ITP:

Addition of a detailed explanation to the Project Description of a new temporary access bridge.

AMENDMENT

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

1. The following paragraph is added to the Project Description

Installation of a Temporary Bridge Over Scotty Creek. A temporary access bridge comprised of steel beams and timbers will be constructed on habitat protection mats and span across Scotty Creek. The temporary bridge will be constructed no earlier than June 15, 2022 and removed no later than October 15, 2022. The temporary bridge will be used to transport construction equipment and materials over Scotty Creek during the construction of the State Route 1 bridge. The temporary bridge will be 70 feet long and 24 feet wide and accessed via ramps constructed over the existing habitat protection mats. The bottom of the steel support beam will be 3 feet above the top of Scotty Creek's banks. Temporary k-rails will be installed along each side of each ramp and handrails will be installed along each side of the temporary bridge. A geotextile material will be placed between the ground surface and temporary habitat protection mats to prevent debris from entering Scotty Creek. Construction of the temporary bridge will not require ground disturbing activities to remedy the grade elevation difference between the banks north and south of Scotty Creek. Minor vegetation removal including mowing of grass will be needed to install the temporary bridge. No creek dewatering will be required for the installation and removal of the temporary bridge.

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; the amendment proposes to build a temporary access bridge over Scotty Creek and keep it in place from June 15, 2022 to October 15, 2022. 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)).

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 requests only to allow the temporary access bridge to be built and maintained over Scotty Creek from June 15, 2022 to October 15, 2022. 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 certified by the California Department of Transportation, 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 the building of a temporary access bridge across Scotty Creek from June 15, 2022 to October 15, 2022. This change does not result in additional take of the Covered Species but does, in effect change the project description and cause additional shading, and noise pollution. 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 signed by all parties and returned to CDFW. Digital signatures facilitated by CDFW will be automatically returned and shall comply with Government Code section 16.5. Wet signatures on duplicate original paper copies shall be returned by the Permittee via registered first-class mail or overnight delivery to the following address:

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

APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on 6/8/2022

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: *Cristin Hallissy* Date: 6/9/2022

Printed Name: Cristin Hallissy Title: Chief, Office of Biological Science and Permits