



State of California –The Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Region 1 – Northern Region
601 Locust Street
Redding, CA 96001
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



January 5, 2023

Tyler Geist
Trinity River Lumber Company
1375 Main Street
Weaverville, CA 96093

Subject: Incidental Take Permit Amendment #1 for Corral Timber Trinity Bristle Snail Incidental Take Permit (2081-2020-028-01)

Dear Mr. Geist:

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

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

Alternatively, 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.

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 Department staff when requested.

The permit will not take effect until the signed acknowledgement is received by the Department. If you wish to discuss these instructions or have questions regarding the permit, please contact David Haynes, Environmental Scientist, at (530) 225-2134.

Sincerely,

DocuSigned by:
Tina Bartlett

1D82ADE7303A474...
Tina Bartlett, Regional Manager
Region 1 – Northern Region
California Department of Fish and Wildlife

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
REGION 1 – NORTHERN REGION
601 LOCUST STREET
REDDING, CA 96001



AMENDMENT NO. 1
(A Minor Amendment)
California Endangered Species Act
Incidental Take Permit No. 2081-2020-028-01
Trinity River Lumber Company
Incidental Take Permit for Corral Timber Trinity Bristle Snail in Trinity County

INTRODUCTION

On September 9, 2020, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2020-028-01 (ITP) to Trinity River Lumber Company (Permittee), authorizing take of Trinity bristle snail (*Monadenia infumata setosa*) (collectively, the Covered Species) associated with and incidental to the Corral Timber Trinity Bristle Snail Incidental Take Permit in Trinity County, California (Project). The Project as described in the ITP as originally issued by CDFW includes 76 acres of single tree selection harvest, 72 acres of single tree selection within a Watercourse Lake Protection Zone designated as an Equipment Exclusion Zone, and the repair and/or installation of four truck road watercourse crossings and four skid trail crossings. In issuing the ITP, CDFW found, among other things, that the 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.

The purpose of the request for an amendment to the ITP, is for additional protection of the Covered Species, minimization of the potential for sediment delivery and crossing failure, and the long-term needs of the landowner for future management activities. The proposed amendment is the result of a previous consultation, performed on October 26, 2022, between the Permittee, the North Coast Water Quality Control Board, and CDFW.

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

First, this Amendment revises the current operations for watercourse crossing 30.2 to a smaller project footprint to further minimize potential impacts to the Covered Species. Originally, the operations at 30.2 were proposed to use a soil cap at the time of use, and to remove the existing Humboldt logs and soil cap at completion of use. The amended operations shall only include installing a critical dip to restore the channel alignment, and to leave the Humboldt logs in place. The revised operations shall decrease the potential for substantial negative impacts towards the Covered Species.

Second, this Amendment changes watercourse crossing 30.3 from a temporary to a permanent crossing to minimize the potential for sediment delivery and crossing failure, and to support future management activities of the landowner. The amended operations shall include a 24-inch vented ford installed as the permanent crossing.

AMENDMENT

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

1. The Project Area Operations section of the ITP, pages 2 and 3, shall be amended to read:

Crossing 30.2 shall have a critical dip installed to restore the channel alignment.

Crossings ~~30.2 and 30.5~~ shall utilize a soil cap at the time of use, and the cap and Humboldt shall be removed at completion of use. The logs shall be placed adjacent to the channel on the downstream side of the crossing to provide additional habitat elements for the Covered Species.

There are also ***four*** ~~three~~ permanent truck road watercourse crossings (29.1, 29.2, ***30.3***, 30.6). These crossings shall involve removal of existing Humboldt crossings and installation of vented fords. The Humboldt logs shall be placed adjacent to the watercourse, on the downstream edge of the crossing, to provide additional habitat elements for the Covered Species. ~~Crossing 30.3 shall be a temporary truck road watercourse crossing. Use of the crossing shall involve a soil cap, with a small culvert if there is surface flow at the time of use, then the soil cap and Humboldt shall be removed after completion of use. Similar to the other crossings, the Humboldt logs shall be placed downstream and adjacent to the watercourse upon removal.~~

2. MMRP:

No revisions to the MMRP were deemed necessary as a result of the Amendment to the ITP.

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. Watercourse crossings 30.2 and 30.3 shall be modified from their original operational outline. Crossing 30.2 shall be revised to only include the installation of a critical dip to restore the stream channel alignment. Crossing 30.3 shall be modified from a temporary to a permanent crossing, and shall include a 24-inch vented ford. The resulting impacts to the Covered Species, including the overall operational footprint within Covered Species habitat and number of acres of habitat that will be lost as a result of the Project, will remain the same.

CDFW has determined that changes to the Project operations will not increase the amount of take or the severity of other impacts of the taking on the Covered Species. Given the circumstances of the Project, CDFW believes that the changes to the Project, or Conditions of the ITP described in this Amendment, 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 on September 2020 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 substantially alter the measures that will be undertaken to minimize and mitigate previously authorized impacts on the Covered Species. 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 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 2020 as a responsible agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) After, among other things, considering the prior environmental review by CALFIRE 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 CALFIRE 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 modifies the original operational outline for two watercourse crossings in the ITP. The modifications to the two crossings are minor in scale and will only change the Project operations for the ITP. 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).

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:

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 1/13/2023

DocuSigned by:
Tina Bartlett
1D82ADE7909A474...

Tina Bartlett
Regional Manager
Region 1 – Northern 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: *Tyler Geist* Date: 1/24/2023

Printed Name: Tyler Geist Title: Log Procurement Manager

Minor Amendment No. 1
Incidental Take Permit 2081-2020-028-01
TRINITY RIVER LUMBER COMPANY
Corral Timber Trinity Bristle Snail ITP