



STATE OF CALIFORNIA • NATURAL RESOURCES AGENCY

Gavin Newsom, Governor

DEPARTMENT OF FISH AND WILDLIFE

Charlton H. Bonham, Director

Central Region

1234 East Shaw Avenue | Fresno, California 93710 | (559) 243-4005

August 14, 2023

Robin Owen
Parkside LLC
804 Via Vista
Taft, California 93268

Subject: Incidental Take Permit Amendment No. 3 for the Parkside Residential Development (2081-2007-032-04)

Dear Robin Owen:

Enclosed you will find an electronic copy of Amendment No. 3 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. Digital signatures shall comply with Government Code section 16.5. Digital signatures facilitated by CDFW will be automatically returned.

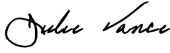
You are advised to keep the amendment in a secure location and distribute copies to appropriate project staff responsible for ensuring compliance with the conditions of approval of the permit. Note that you are required to comply with certain conditions of approval prior to initiation of ground-disturbing activities. Additionally, a copy of the permit and amendments must be maintained at the

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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 Shaelyn Latronica, Environmental Scientist, at Shaelyn.Latronica@wildlife.ca.gov.

Sincerely,

DocuSigned by:

FA83F09FE08945A...

Julie A. Vance
Regional Manager

Enclosure

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

CENTRAL REGION

1234 EAST SHAW AVENUE

FRESNO, CALIFORNIA, 93710



AMENDMENT NO. 3

(A Minor Amendment)

California Endangered Species Act

Incidental Take Permit No. 2081-2007-032-04

Robert (Bob) Colston, Parkside LLC

Parkside Residential Development in Kern County

INTRODUCTION

On October 1, 2008, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2007-032-04 (ITP) to Robert (Bob) Colston, Parkside LLC (Permittee), authorizing take of San Joaquin kit fox (*Vulpes macrotis mutica*) and San Joaquin antelope squirrel (*Ammospermophilus nelsoni*) in Kern County, California (Project). The Project as described in the ITP as originally issued by CDFW includes the construction and development of up to 300 single family dwellings and associated infrastructure on a 96.86-acre portion [Tentative Tract Number (TTN) 6244] of a 126.89-acre parcel of undeveloped land on the western edge of the City of Taft. In addition to the 96.86-acre residential development, the 126.89-acre parcel encompassed a 30.03-acre designated remainder to be recorded as a conservation easement in favor of CDFW and 3.68 acres of Sunset railroad right-of-way (ROW) that would become part of the City of Taft's "rails-to-trails" parkway. The 30.03-acre portion of the parcel included approximately 2.43 acres of the 3.68 acres of railroad ROW that would contain a dirt foot-path.

On June 5, 2014, CDFW issued Major Amendment 1 (Amendment No. 1) which included multiple extensive revisions and minor administrative changes to the ITP. The Permittee requested the removal of the "rails-to-trails" parkway portion of the Project as it was clarified that the City of Taft was the fee title owner for the Sunset railroad ROW (APN: 032-152-34) and changes to the Project description to reflect the updated development plan. The first modification corrected and updated the Permittee name, title, company name, and contact person information. The second modification extended the ITP expiration date to December 31, 2022. The third modification removed the "rails-to-trails" parkway, consisting of the 3.68-acres of Sunset railroad ROW, and all Conditions of Approval related to Covered Activities associated with this element of the Project. The fourth modification changed the Project description to reflect the Vesting Tentative Track Numbers approved by the City of Taft; decreased acreage of development from 96.86 acres to 90.33 acres; substituted a parcel of land owned by the Permittee for the Sunset railroad ROW; increased the approximate number of single family dwellings to be built from 300 to up to 350; and added additional roads, modified the paved road width, and included additional utilities necessary to accommodate the

increase in single family dwellings. The fifth modification decreased the Impacts of the Taking on Covered Species from 96.86 acres to 90.33 acres.

The sixth modification in Amendment No. 1 included changes to the Project description and incorporated new and modified specific Conditions of Approval which (1) defined acreage of planned ground disturbance for each of the discrete phases of development and construction; (2) defined pro-rated Habitat Management (HM) Land acreage needed to be acquired commensurate with the impacts of each discrete phase; (3) prohibited incidental take coverage for each construction phase until the Permittee has acquired, permanently preserved, and fully funded the management of the HM Lands necessary to mitigate the impacts associated with that construction phase; (4) identified the amount of security funding to be provided to CDFW rather than transferring the title or recording conservation easements for all HM Lands for each construction phase prior to engaging in any ground-disturbing activities based on CDFW's cost estimates for acquisition, protection and perpetual management of the phased mitigation obligations; and (5) incorporated new and modified existing Conditions of Approval to track ongoing, projected, and cumulative acreages of ground disturbance throughout the duration of each discrete construction phase and the life of the Project; the acreages of HM Lands acquired, protected, and fully funded for management purposes in perpetuity; and the frequency of routine reporting of these acreages.

The seventh modification in Amendment No. 1 changed the designated remainder from 30.03 acres to 30.04 acres within the Project's 119.41-acre parcel and divided the remainder into three areas referred to as Designated Remains "A" (9.19 acres), "B" (20.05 acres), and "C" (0.80 acres). The eighth modification removed Condition of Approval number 38 and modified the CDFW-approved San Joaquin Antelope Squirrel Relocation and Monitoring Program to remove the provision to radio collar ten (10) percent of the total San Joaquin antelope squirrel trapped and relocated out of the Project construction footprint. The ninth modification replaced the 90-day Report in Condition of Approval number 41 with Monthly Monitoring Reports and added compliance monitoring requirements. The tenth modification added language regarding the endowment funds.

On January 4, 2018, CDFW issued Minor Amendment 2 (Amendment No. 2) which made 4 modifications to the ITP. The first modification updated the contact person and contact person's mailing address, phone numbers, and email address. The second modification gave the Permittee the option of utilizing a CDFW-approved biological monitor to assist in compliance monitoring and Covered Species handling under the direct supervision of the Authorized Biologist and provided the biological monitor with authority to immediately stop any activity not in compliance with the ITP and order any reasonable measure to avoid the take of an individual of the Covered Species. This authority extends to performing open hole and trench inspections, pre-activity and

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ROBERT COLSTON
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pre-construction surveys for Covered Species, and being an on-site monitor of Covered Species and/or during ground- and vegetation-disturbing activities for each phase of the Project. The third modification revised Condition of Approval number 23 by changing the type of fencing/exclusion barrier to CDFW-approved siltation fencing/exclusion barrier. The last modification made by Amendment No. 2, revised Condition of Approval number 31.4 by changing the installation of the wire fencing to a three-strand slick wire fencing.

In issuing the ITP, Major Amendment No.1 and Minor Amendment No. 2 (collectively, the ITP, as amended), CDFW found, among other things, that Permittee's compliance with the Conditions of Approval of the ITP, as amended, would fully mitigate Project impacts of the taking on the Covered Species and that issuance of the ITP, as amended, would not jeopardize the continued existence of the Covered Species.

On October 21, 2022, CDFW received the official request and the corresponding fee payment on November 1, 2022, from the Permittee for a Minor Amendment (Amendment No. 3) to the ITP, as amended. The requested Minor Amendment will make changes to the ITP, as amended, updating the Permittee from Bob Colston, Parkside LLC to Parkside LLC, extend the expiration date of this ITP, as amended, from December 31, 2022, to December 31, 2032, and update the principal officer from Bob Colston, Parkside LLC, to Robin Owen, Parkside LLC, due to Robert (Bob) Colston's passing.

This Minor Amendment No. 3 (Amendment No. 3) makes the following changes to the existing ITP, as amended:

First, Amendment No. 3 changes the Permittee from Bob Colston, Parkside LLC to Parkside LLC.

Second, Amendment No. 3 changes the ITP expiration date from December 31, 2022, to December 31, 2032.

Third, Amendment No. 3 changes the principal officer from Bob Colston, Parkside LLC, to Robin Owen, Parkside LLC.

AMENDMENT

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

1. The bold section entitled "Permittee", on page 1 of the ITP, shall be amended to read as follows:

Permittee: ~~Bob Colston, Parkside LLC~~ **Parkside LLC**

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2. The paragraph entitled "Effective Date and Expiration Date of Permit", on Page 1 of the ITP, as amended, shall be further amended to read as follows:

This Permit shall be executed in duplicate original form and shall become effective once a duplicate original is acknowledged by signature of the Permittee on the last page of the Permit and returned to DFG's Habitat Conservation Branch at the address listed in the Notices section of this Permit. Unless renewed by DFG, this Permit's authorization to take covered Species shall expire on December 31, ~~2022~~ **2032**.

3. The bold section entitled "Name and title of principal officer", on page 1 of the ITP, shall be amended to read as follows:

Name and title of principle officer: ~~Bob Colston, Parkside LLC~~ **Robin Owen, Parkside LLC**

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 Amendment No. 3 will not increase the amount of take of the Covered Species compared to the Project as originally approved, nor will Amendment No. 3 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: Amendment No. 3 makes three specific changes to the ITP, as amended: 1) updates the Permittee from Bob Colston, Parkside LLC to Parkside LLC; 2) extends the expiration date of the ITP from December 31, 2022, to December 31, 2032; and 3) and updates the principal officer from Bob Colston, Parkside LLC, to Robin Owen, Parkside LLC. The resulting impacts to the Covered Species, however, including the permanent loss of 90.33 acres of habitat for the Covered Species as a result of the Project, will remain the same.

CDFW has determined that Amendment No. 3 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, as amended, described in Amendment No. 3, will not increase impacts to the Covered Species.

Issuance of Amendment No. 3 does not affect CDFW's previous determination that issuance of the ITP, as amended, meets and is otherwise consistent with the permitting criteria set forth in Fish and Game Code section 2081, subdivisions (b) and (c).

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Discussion: CDFW determined in April 2009 that the Project, Major Amendment No. 1 in June 2014, and Minor Amendment No. 2 in January 2018, 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 Amendment No. 3 because the Project and ITP, as amended, does not alter the Permittee's continued adherence to and implementation of the avoidance and minimization measures set forth in the Conditions of Approval in the ITP, as amended, 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 Amendment No. 3.

Discussion: CDFW issued the ITP in April 2009, Major Amendment No. 1 in June 2014, and Minor Amendment No. 2 in January 2018 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 (SCH No. 2005031022) adopted on November 7, 2007, by the City of Taft as the lead agency for the Project. As explained in the findings below, CDFW finds for purposes of CESA that Amendment No. 3 is a minor change to the original ITP, as amended. CDFW finds for the same reasons under CEQA that approval of Amendment No. 3 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 the City of Taft 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 Amendment No. 3.

CDFW finds that Amendment No. 3 is a Minor Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4).

Discussion: Amendment No. 3 updates the Permittee from Bob Colston, Parkside LLC, to Parkside LLC, extends the expiration date of the ITP, as amended, from December 31, 2022, to December 31, 2032, and updates the principal officer from Bob Colston, Parkside LLC to Robin Owen, Parkside LLC. These changes to the ITP, as amended, will not: (1) increase the level of take or other Project impacts on Covered Species previously analyzed and authorized by the ITP, as amended, (2) affect Permittee's substantive mitigation obligations under the ITP, as amended, (3) require further environmental review under CEQA, or (4) increase temporal impacts on the Covered Species. Therefore, Amendment No. 3 will not significantly modify the scope or nature

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of the permitted Project or activity, or the minimization, mitigation, or monitoring measures in the ITP, as amended. CDFW has determined that the changes to the ITP, as amended, constitutes a Minor Amendment as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4).

The authorization provided by Amendment No. 3 is not valid until Permittee signs and dates the acknowledgement below, and returns one of the duplicate originals of Amendment No. 3 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 ITP to CESA@wildlife.ca.gov. Digital signatures shall comply with Government Code section 16.5. Digital signatures facilitated by CDFW will be automatically returned.

APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on 8/15/2023

DocuSigned by:
Julie Vance
FA83F09FE08945A...

Julie A. Vance, Regional Manager
CENTRAL REGION

ACKNOWLEDGMENT

The undersigned: (1) warrants that they are 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: 8/21/2023

Printed Name: Robin Owen

Title: Manager of Parkside Development, LLC

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