

State of California
Department of Fish and Wildlife



Memorandum

Date: July 24, 2023

To: Caitlin De La Torre
California Department of Transportation
District 4
Office of Environmental Management
111 Grand Avenue
Oakland, CA 94623
Caitlin.DeLaTorre@dot.ca.gov

DocuSigned by:

Erin Chappell

From: Erin Chappell, Regional Manager
California Department of Fish and Wildlife-Bay Delta Region, 2825 Cordelia Rd, Ste 100, Fairfield, CA 94534

Subject: Incidental Take Permit Application for State Route 84 Niles Canyon Safety Improvements Project, Alameda County; ITP No. 2081-2018-085-03 Major Amendment No. 1

The California Department of Fish and Wildlife (CDFW) has reviewed your request for a Major Amendment received June 13, 2023 for authorization, pursuant to Fish and Game Code section 2081(b), to incidentally take¹ Alameda whipsnake (*Masticophis lateralis euryxanthus*) a species designated as threatened pursuant to the California Endangered Species Act (CESA) (Fish and Game Code, § 2050 et seq.). [See Cal. Code Regs., tit. 14, § 670.5, subd. (b)(4)(D)]. CDFW has determined the above-referenced application, which concerns the State Route 84 Niles Canyon Safety Improvements Project, is complete.

In accordance with the California Code of Regulations, Title 14, Section 783.5, CDFW has 90 days from the date the application is accepted as complete to finalize the Permit major amendment. CDFW cannot finalize the Permit major amendment until CDFW has received your certified California Environmental Quality Act (CEQA) document along with the Findings, Notice of Determination, and a copy of proof of payment for the environmental filing fee. If you have any questions, please contact Will Kanz, Environmental Scientist, at (707) 337-1187 or Will.Kanz@wildlife.ca.gov; or Wesley Stokes, Senior Environmental Scientist (Supervisory), at (707) 339-6066 or Wesley.Stokes@wildlife.ca.gov.

cc: California Department of Fish and Wildlife, Habitat Conservation Planning Branch

¹ Pursuant to Fish and Game Code section 86, "'Take' means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." See also *Environmental Protection Information Center v. California Department of Forestry and Fire Protection* (2008) 44 Cal.4th 459, 507 (for purposes of incidental take permitting under Fish and Game Code section 2081, subdivision (b), "'take' ... means to catch, capture or kill").