



State of California – Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

Bay Delta Region

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Fairfield, CA 94534

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GAVIN NEWSOM, Governor

CHARLTON H. BONHAM, Director



December 5, 2023

Rick Powell

Roblar Quarry, LLC

1313 McDonald Avenue

Santa Rosa, CA 95404

Rick@therattogroup.com

Subject: Incidental Take Permit for Roblar Road Quarry, 2081-2020-015-03,
Sonoma County, Amendment No. 1

Dear Mr. Powell:

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 Amendment 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 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. 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 original permit and 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 continuation of ground-disturbing activities. Additionally, a copy of 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 permit, please contact James Hansen, Senior Environmental Scientist (Specialist), at (707) 576-2869 or James.Hansen@wildlife.ca.gov; or Melanie Day, Senior Environmental Scientist (Supervisory), at (707) 210-4415 or Melanie.Day@wildlife.ca.gov.

Sincerely,

DocuSigned by:

Erin Chappell

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Erin Chappell

Regional Manager

Bay Delta Region

Conserving California's Wildlife Since 1870

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



**AMENDMENT NO. 1
(A Minor Amendment)
California Endangered Species Act
Incidental Take Permit No. 2081-2020-015-03
Roblar Quarry, LLC
Roblar Road Quarry in Sonoma County**

INTRODUCTION

On March 25, 2022, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2020-015-03 (ITP) to Roblar Quarry, LLC (Permittee) authorizing take of California tiger salamander (*Ambystoma californiense*) (Covered Species) associated with and incidental to the Roblar Road Quarry (Project). The Project as described in the ITP originally issued by CDFW includes the development of a hard rock quarry pit and associated infrastructure to mine rock aggregate and the realignment of Americano Creek at the quarry site to allow for upgrading of Roblar Road; upgrading approximately 1.6 miles of Roblar Road and construction of a 0.4-mile-long private access road connecting Valley Ford Road and Roblar Road; and enhancement of California tiger salamander habitat. 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.

To mitigate for impacts to the Covered Species, the ITP requires the Permittee to either purchase 193.11 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank OR provide for both the permanent protection and management of 193.11 acres of Habitat Management (HM) lands within 18 months of the effective date of the ITP if Security is provided. The effective date of the ITP is April 15, 2022, and a Security was provided. On November 10, 2023, CDFW received a letter from the Permittee requesting an additional 12 months to complete the above requirements. As of the date of this Amendment and according to documentation provided to CDFW, the Permittee has identified the location of HM lands and is in the process of submitting the required documentation.

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

This Amendment extends the date by which the Permittee must either purchase 193.11 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank OR provide for both the permanent protection and management of 193.11 acres of

HM lands from 18 months to 30 months from the effective date of the ITP if Security is provided.

AMENDMENT

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

1. The second paragraph in Condition 9, page 16 (Habitat Management Land Acquisition) shall be amended to read:

To meet this requirement, the Permittee shall purchase 193.11 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank (Condition of Approval 9.2) OR shall provide for both the permanent protection and management of 193.11 acres of Habitat Management (HM) lands pursuant to Condition of Approval 9.3 below and the calculation and deposit of the management funds pursuant to Condition of Approval 9.4 below. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities, or within ~~48~~ ***30*** months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 10 below for all uncompleted obligations.

2. The last paragraph in Condition 10, page 23 (Security) shall be amended to read:

Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than ~~48~~ ***30*** months from the effective date of this ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.

3. The corresponding MMRP Measure 19, Page 4 shall be amended to read the same as above and the timing requirement in the Implementation Schedule column for MMRP Measures 19 through 40, Pages 4 through 13 shall be amended to read:

“Before commencing ground- or vegetation-disturbing activities (or within ~~48~~ ***30*** months of issuance of the ITP if Security is provided).”

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 one specific change to the ITP as originally issued. This Amendment extends the date by which the Permittee must either purchase 193.11 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank OR provide for both the permanent protection and management of 193.11 acres of HM lands from 18 months to 30 months after the effective date of the ITP if Security is provided. The resulting impacts to the Covered Species, however, including the temporary and permanent impacts to Covered Species habitat as a result of the Project, will remain the same.

CDFW has determined that the extension of time 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 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 in March 2022 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 substantively alter the measures that will be undertaken to minimize and mitigate previously authorized impacts on the Covered Species. This Amendment acknowledges that the Permittee needs additional time to complete ITP Conditions of Approval requiring purchasing Covered Species credits OR providing permanent protection and management of HM lands. 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 March 2022 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 adopted by the City of Cotati 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 the County of Sonoma 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 extends the date by which the Permittee must either purchase 193.11 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank OR provide for both the permanent protection and management of 193.11 acres of HM lands from 18 months to 30 months after the effective date of the ITP if Security is provided. This change 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:

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

Minor Amendment No. 1
Incidental Take Permit 2081-2020-015-03
ROBLAR QUARRY, LLC
Roblar Road Quarry

Alternatively, the Permittee shall email 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 12/5/2023.

DocuSigned by:
Erin Chappell
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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: *Rick Powell* Date: 12/6/2023
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Printed Name: Rick Powell Title: Managing Member

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ROBLAR QUARRY, LLC
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