

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

BAY DELTA REGION

2825 CORDELIA ROAD, SUITE 100

FAIRFIELD, CA 94534



AMENDMENT NO. 1

(A Minor Amendment)

California Endangered Species Act

Incidental Take Permit No. 2081-2022-059-03

KB Home – North Bay Division

Cherry Ranch Project

INTRODUCTION

On August 24, 2023, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2022-059-03 (ITP) to CRC Development LLC (Permittee), authorizing take of California tiger salamander (*Ambystoma californiense*) (Covered Species) associated with and incidental to the Cherry Ranch Project in Sonoma County, California (Project). The Project as described in the ITP as originally issued by CDFW includes the development of 6.87 acres of land, of which 6.40 acres are undeveloped, into a residential development. Project activities include using heavy equipment to grub and grade the entire Project site, trench digging, building and access road construction, landscaping, and other activities. In issuing the ITP, CDFW found, among other things, that 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.

On March 11, 2025, CDFW received from the Permittee a request to: 1) transfer the ITP to KB Home – North Bay Division, and 2) change Condition of Approval 7.1 initial ground disturbance work period from June 15 through October 15 to April 15 through October 15. CDFW is amenable to the work period modification request based on site-specific conditions.

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

First, this Amendment transfers the ITP from CRC Development, LLC to KB Home – North Bay Division and the associated contact information.

Second, this Amendment changes the work period for initial ground disturbance in Condition of Approval 7.1 from June 15 through October 15 to April 15 through October 15.

AMENDMENT

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

1. The first through fourth lines of the end of the first paragraph on page 1 (Authority) shall be amended to read:

Permittee: ~~CRC Development, LLC~~ ***KB Home – North Bay Division***

Principal Officer: ~~Matthew Cappiello, (415) 254-3497, MCappi@crcdevco.com~~
Kevin Fredrickson, (707) 389-7510, KFredrickson@kbhome.com

Contact Person: ~~Sarah McNamara, (925) 947-4867, ext. 208, smcnamara@monkassociates.com~~ ***Ginger Fodge, (916) 822-3230, GFodge@MadroneEco.com***

Mailing Address: ~~364 41st Street Oakland, CA 94609~~ ***4830 Business Center Drive, Suite 150, Fairfield, CA 94534***

2. The ITP Condition of Approval 7.1 shall be amended to read:

7.1 ~~Dry Season~~ Work ***Period*** Restriction. Permittee shall ensure that initial ground disturbing activities involving construction and heavy equipment use within Covered Species habitat (such as excavation, grading, and contouring) are limited to the period from ~~June 15~~ ***April 15*** to October 15 (~~Dry Season~~). Once initial ground disturbing activities have been completed in an area that is surrounded by a Covered Species Temporary Barrier (see Condition 7.5), additional ground disturbing activities such as excavation may occur in the same area in conformance with Condition of Approval 7.2.

The corresponding MMRP shall be amended to read the same as above.

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. The first change transfers the ITP from CRC Development, LLC to KB Home – North Bay Division. The second change modifies the work period for initial ground disturbance in Condition of Approval 7.1 from June 15 to October 15 to April 15 to October 15. 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 transfer of the ITP and the work period modification 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 August 2023 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 will not increase the amount or severity of Project impacts on the Covered Species, as discussed above. 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 August 2023 as a responsible agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) After, among other things, considering the Environmental Impact Report (EIR), Subsequent EIR, and Addendum certified and approved by the City of Santa Rosa 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 City of

Santa Rosa 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 transfers the ITP from CRC Development, LLC to KB Home – North Bay Division and modifies the work period for initial ground disturbance in Condition of Approval 7.1 from June 15 to October 15 to April 15 to October 15. 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:

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

Alternatively, the Permittee shall email the digitally signed ITP to CESA@wildlife.ca.gov. Digital signatures shall comply with Government Code section 16.5.

APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on 4/18/2025 .

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.

DocuSigned by:

By: *Kevin Fredrickson*

Date: 4/18/2025

Printed Name: Kevin Fredrickson

Title: VP Land

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