

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

NORTH CENTRAL REGION

1701 NIMBUS ROAD, SUITE A

RANCHO CORDOVA, CA 95670



AMENDMENT NO. 02

(A Minor Amendment)

California Endangered Species Act

Incidental Take Permit No. 2081-2017-047-02

Yuba County Water Agency

Log Cabin and Our House Diversion Dams Sediment Management Plan

INTRODUCTION

On September 13, 2018, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2017-047-02 (ITP) to Yuba County Water Agency (Permittee), authorizing take of foothill yellow-legged frog (*Rana boylei*) (the Covered Species) associated with and incidental to the Log Cabin and Our House Diversion Dams Sediment Management Plan Project in Yuba County, California (Project). The Project as described in the ITP as originally issued by CDFW includes the passage of sediment and mechanical removal of sediment at both the Log Cabin and Our House Diversion Dams. In issuing the ITP, CDFW found 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.

CDFW has initiated this second minor amendment to the ITP to update the Principal Officer to Jacob Vander Muelen and change the expiration date to February 28, 2026. This ITP is amended as provided by California Code of Regulations Title 14, section 783.6, subdivision (c) for Permittee's request, department amendments, and change of name, to ensure that all Project-related impacts of the taking to the Covered Species are minimized and fully mitigated. The ITP incorporates into the ITP subsequent changes, corrections, and updates to Log Cabin and Our House Diversion Dams Sediment Management Plan Project.

This Minor Amendment No. 2 (Amendment) makes the following changes to the existing ITP:

First, this Amendment updates the Principal Officer title to Jacob Vander Muelen.

Second, this Amendment updates the expiration date to February 28, 2026.

AMENDMENT

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

1. The Principal Officer's name shall be amended to read:

Principal Officer: ~~Willie Whittlesey~~ ***Jacob Vander Muelen***

2. The expiration date shall be amended to read:

Unless renewed by CDFW, this ITP's authorization to take the Covered Species shall expire on ~~December 31, 2025~~ ***February 28, 2026***.

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. This Amendment updates the Principal Officer's name and the expiration date. The resulting impacts to the Covered Species, however, including the timing, and Project description as a result of the Project, will remain the same.

CDFW has determined that changes to the Principal Officer's name and the expiration date 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 September 2018 that the Project, as approved, met the standards for issuance of an ITP under CESA. This determination included findings

that 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 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. 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 2018 as a responsible agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) After considering the Mitigated Negative Declaration by Yuba County Water Agency 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 Yuba County Water Agency 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 updates the Principal Officer's name and the expiration date. 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).

APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on

12/29/2025

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Morgan Kilgour, PhD
Regional Manager
North Central Region

Minor Amendment No. 2
Incidental Take Permit 2081-2017-047-02
YUBA COUNTY WATER AGENCY
Log Cabin and Our House Diversion Dams Sediment Management Plan