



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



November 22, 2022

Michael Guibord
AT&T Inc.
5001 Executive Parkway
San Ramon, California 94583
mg8329@att.com

**Subject: Incidental Take Permit Amendment No. 2 for the Airline Highway CCL00284
Urgent Telecommunications Project (2081-2021-058-04)**

Dear Michael Guibord:

Enclosed you will find an electronic copy of Amendment No. 2 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 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 Renée Robison, Senior Environmental Scientist (Specialist), at renee.robison@wildlife.ca.gov.

Sincerely,
DocuSigned by:

A handwritten signature in black ink that reads "Julie Vance".

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Julie A. Vance Regional Manager
Central Region
California Department of Fish and Wildlife

Enclosure

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
CENTRAL REGION
1234 EAST SHAW AVENUE
FRESNO, CALIFORNIA, 93710



AMENDMENT NO. 2
(A Minor Amendment)
California Endangered Species Act
Incidental Take Permit No. 2081-2021-058-04
AT&T Inc.

Airline Highway CCL00284 Urgent Telecommunications Project in San Benito County

INTRODUCTION

On September 20, 2021, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2021-058-04 (ITP) to AT&T (Permittee), authorizing take of California tiger salamander (*Ambystoma californiense*) (the Covered Species) associated with and incidental to the Airline Highway CCL00284 Urgent Telecommunications Project in San Benito County, California (Project). The Project as described in the ITP as originally issued by CDFW includes improvements to an existing access road, installation of underground utility lines (power and telecommunications), installation of four culverts/riprap along the access road, and a staging area. Construction and installation of the associated telecommunications tower is not included in the ITP. 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 June 6, 2022, CDFW issued Amendment No. 1, which: (1) updated the *Project Description and Impacts of the Taking on Covered Species* sections to include placement of asphalt among the Project's access road improvements; and (2) added Condition of Approval 6.15 describing requirements for passable curbs, berms, and/or dikes. The addition of asphalt placement along the access road had the potential to increase impacts of the Project. However, in issuing the ITP and Major Amendment No. 1 (collectively, the ITP as amended), 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 September 16, 2021, Permittee submitted a subsequent request to further amend the ITP, as amended. At that time, the Permittee requested the ITP, as amended, be further amended to extend the expiration date for a single calendar year.

This Minor Amendment No. 2 (Amendment No. 2) makes a single change to the existing ITP as amended:

1. This Amendment extends the expiration date for the ITP from September 30, 2022 to September 30, 2023.

AMENDMENT

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

1. The paragraph entitled “Effective Date and Expiration Date of this ITP”, on page 1 of the ITP, as amended, shall be further amended to read as follows:

This ITP 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 this ITP and returned to CDFW’s Habitat Conservation Planning Branch at the address listed in the Notices section of this ITP. Unless renewed by CDFW, this ITP’s authorization to take the Covered Species shall expire on September 30, ~~2022~~ **2023**.

All terms and conditions of the ITP, as amended, 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. 2 will not increase the amount of take of the Covered Species compared to the Project as originally approved, nor will Amendment No. 2 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. 2 makes one specific change to the ITP, as amended, as originally issued: The expiration date of the ITP, as amended, is extended from September 30, 2022, to September 30, 2023. The resulting impacts to the Covered Species, however, including the permanent loss of 2.56 acres and temporary loss of 0.49 acre of habitat for the Covered Species as a result of the Project, will remain the same.

CDFW has determined that Amendment No. 2 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. 2 will not increase impacts to the Covered Species.

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Issuance of Amendment No. 2 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).

Discussion: CDFW determined in September 2021 that the Project, as approved, met the standards for issuance of an ITP under CESA and in June 2022 that Amendment No. 1 to the ITP met 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. 2 because it: (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. Permittee's continued adherence to and implementation of the avoidance and minimization measures set forth in the ITP Conditions of Approval and MMRP, as amended, 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. 2.

Discussion: CDFW issued the ITP in September 2021 and Major Amendment No. 1 in June 2022 as a lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). CDFW has determined that this Project is statutorily exempt from CEQA because it is an action "necessary to prevent or mitigate an emergency (Pub. Resources Code, §21080, subd. (b)(4).). 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. 2.

CDFW finds that Amendment No. 2 is a Minor Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4).

Discussion: Amendment No. 2 extends the expiration date of the ITP, as amended, from September 30, 2022, to September 30, 2023. This change to the ITP, as amended, will not: (1) significantly 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. 2 will not significantly modify the scope or nature of the permitted Project or activity, or the minimization, mitigation, or monitoring

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measures in the ITP, as amended. CDFW has determined that the change 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. 2 is not valid until Permittee signs and dates the acknowledgement below, and returns one of the duplicate originals of Amendment No. 2 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 11/22/2022

DocuSigned by:

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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: Michael Guibord Date: 11/27/2022
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Printed Name: Michael Guibord Title: Director RAN Construction

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