

Notice of Determination**- 1 -****To:**

Office of Planning and Research
 For U.S. Mail:
 P.O. Box 3044
 Sacramento, CA 95812-3044

Street Address:

1400 Tenth Street
 Sacramento, CA 95814

From:

California Department of Fish and Wildlife (CDFW)
 Central Region
 1234 East Shaw Avenue
 Fresno, CA 93710
 Contact: Renée Robison
 Phone: (559) 243-4005

Lead Agency

San Benito County
 2301 Technology Parkway, 1st floor
 Hollister, CA 95023
 Contact: Planning Division
 Phone: 831-637-5313

SUBJECT: Filing of Notice of Determination pursuant to Public Resources Code § 21108

State Clearinghouse Number: 1988062818

Project Title: Graniterock A.R. Wilson Quarry Project at South Canyon (California Endangered Species Act Incidental Take Permit No. 2081-2020-020-04 (ITP) Major Amendment No. 1)

Project Location: The Graniterock A.R. Wilson Quarry Project at South Canyon (Project) is located near the City of Aromas in San Benito County. The Project is comprised of two discrete locations: 1) the "Project Overburden Site" and 2) the "Mitigation Site". The Project Overburden Site is located immediately south of the existing Graniterock A.R. Wilson Quarry, approx. 0.59 miles north of the intersection of California State Route 156 and Cannon Road within U.S. Geological Survey (USGS) San Juan Bautista 7.5-minute quadrangle. The Mitigation Site is approx. 1.2 miles northeast of the Project Overburden Area and 1 mile west of the intersection of California State Route 129/United States Route 101 within USGS Chittenden 7.5-minute quadrangle.

Project Description: The Project includes two discrete elements: 1) the placement of approximately 4.4 million cubic yards of soil and sedimentary rock (overburden), removed from the A.R Wilson Graniterock Quarry, within a 36.87-acre portion of the South Canyon portion of the Brigantino property (Project Overburden Site) and 2) habitat restoration and enhancement activities within approximately 1.98 acres of an 86-acre off-site parcel to address Lake and Streambed Alteration Agreement mitigation requirements (LSAA Mitigation Site). Overburden placement will also include the installation of long-term wildlife exclusion fencing, installation of surface and subsurface drainage systems to prevent runoff- and stormwater-related issues, and reclamation and revegetation once overburden placement is complete. Restoration activities will involve the reestablishment, rehabilitation, and enhancement of on-site ephemeral drainages (i.e., streams) to restore function and/or provide stabilization against erosion and creation of a pond. In addition, to compensate for the loss of riparian habitat from the Project Overburden Site, willow and oak riparian areas will be established through installation of riparian plantings.


Major Amendment No. 1 makes the following specific changes to the ITP: 1) removes Permittee's proposal to permanently protect and perpetually manage the LSAA Mitigation Site to serve as the Habitat Management Lands pursuant to Condition of Approval 9; 2) removes the Project activities associated with topsoil removal and stockpiling at the Project Overburden Site; 3) removes the Project activities associated with the construction of a pond at the LSAA Mitigation Site; 4) modifies the Project Description to reflect the updated locations of all restoration activities at the LSAA Mitigation Site; 5) recalculates the impacts of the Project based on the revised Project Description; and 6) modifies Conditions of Approval 8.2 and 8.3 to no longer require the flagging and excavation of burrows/crevices within the eucalyptus groves at the Project Overburden Site.

The Project will result in the permanent loss of 27.67 acres of upland habitat for California tiger salamander (*Ambystoma californiense*) within the Project Overburden Site and the temporary loss of 0.79 acres of upland habitat for California tiger salamander at the LSAA Mitigation Site. The project is expected to result in incidental take of California tiger salamander, which is designated as a threatened species under the California Endangered Species Act (CESA). The ITP referenced above as issued by CDFW authorizes incidental take of species listed under CESA that may occur as a result of Project implementation.

This is to advise that CDFW, acting as [the lead agency / a responsible agency] approved the above-described project on 2/21/2024 and made the following determinations regarding the above described project:

Notice of Determination

1. The project [will / will not] have a significant effect on the environment (This determination is limited to effects within CDFW's permitting jurisdiction as a responsible agency).
2. [An environmental impact report / A negative declaration] was prepared by the lead agency for the original project.
3. Additional mitigation measures [were / were not] made a condition of CDFW's approval of the project.
4. A mitigation reporting or monitoring plan [was / was not] adopted by CDFW for this project.
5. A Statement of Overriding Considerations [was / was not] adopted by CDFW for this project.
6. Findings [were / were not] made by CDFW pursuant to Public Resources Code § 21081(a).
7. Compliance with the environmental filing fee requirement at Fish and Game Code § 711.4 (check one):
 - Payment is submitted with this notice.
 - A copy of a receipt showing prior payment was submitted to CDFW.
- Responsible Agency statement: The EIR prepared by the lead agency for the Project is available to the general public at the office location listed above for the lead agency. CDFW's administrative record of proceedings related to the incidental take permit is available to the public for review at CDFW's regional office.

DocuSigned by:

 Signature _____ Date: 2/21/2024
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Julie A. Vance, *Regional Manager*

Date Received for filing at OPR: _____