

**Notice of Exemption**

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**To:**

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

**From:**

California Department of Fish and Wildlife  
 Central Region  
 1234 East Shaw Avenue  
 Fresno, CA 93710

**Street Address:**

1400 Tenth Street  
 Sacramento, CA 95814

**State Clearinghouse Number:** 2021090363

**Project Title:** Major Amendment No. 1 to California Endangered Species Act (CESA) Incidental Take Permit (ITP) No. 2081-2021-058-04 for the Airline Highway CCL00284 Urgent Telecommunications Project in San Benito County (Project)

**Project Location:** The Project is located on a private residential property at 32005 Airline Highway in the town of Paicines in San Benito County, approximately 28 miles south of the City of Hollister and approximately 1.3 miles east-southeast of the intersection of State Route (SR) 25 and SR 146. The Project is bounded by Airline Highway and Pinnacles National Park to the southwest, surrounded by undeveloped land. The Project is specifically within the United States Geological Survey 7.5-Minute San Benito Quadrangle Map in Township 16 South, Range 8 East, Sections 20, 21, 28, and 29, Mount Diablo Base and Meridian on Assessor's Parcel Numbers 028-130-026-000 and 028-150-024-000, at approximately Latitude 36° 31' 7.33" N, Longitude 121° 6' 49.32" W.

**Project Description:** The California Department of Fish and Wildlife (CDFW) has issued a CESA (Fish & G. Code, § 2050 et seq.) ITP and this Major Amendment No. 1 to authorize AT&T Inc. to incidentally take California tiger salamander (*Ambystoma californiense*) which is listed as threatened under CESA (Fish & G. Code § 2050 et seq.; see Cal. Code Regs., tit. 14, § 670.5, subd. (b)(3)(G)).

The Project includes activities necessary to address the absence of Band-14 coverage in and around Pinnacles National Park, including E911 (emergency services) coverage, which is urgently required for health and human safety. Major Amendment No. 1 makes seven changes to the ITP: 1) adds activities related to placement of asphalt as an access road improvement to the Project Description; 2) adds placement of asphalt among the Covered Activities; 3) revises and accordingly replaces Figure 3 of the ITP with a new figure, titled *Access Road Improvements*, depicting the location of ground cover type along the access road; 4) adds Figure 4, titled *Burrow/Crevice Excavation Area*, initially specified as Figure 3 in the ITP as originally issued; 5) updates the figure reference in Condition of Approval 6.2 to reflect updated figure numbering; 6) adds Condition of Approval 6.15 describing requirements for passable curbs, berms, or dikes; and 7) updates the Attachments section of the ITP to reflect the addition of and updated numbering of figures.

**Public Agency Approving Project:** CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

**Person or Public Agency Carrying Out Project:** AT&T Inc., Michael Guibord, 5001 Executive Parkway, San Ramon, California 94583

**Exempt Status:**

- Statutory Exemption. California Code of Regulations, Title 14, section 15269, subdivision (c); Public Resources Code, section 21080, subdivision (b)(4)  
 Categorical Exemption.

**Reasons why project is exempt:** See Attachment**CDFW Contact Person:** Renée Robison (Sr. Environmental Scientist, Specialist), 559-580-3201

DocuSigned by:  
  
 Signature: \_\_\_\_\_  
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Date: 6/6/2022

Valerie Cook  
 Acting Regional Manager, Central Region

Date received for filing at OPR: \_\_\_\_\_

## **Attachment to Notice of Exemption**

### **California Endangered Species Act Incidental Take Permit No. 2081-2021-058-04 Major Amendment No. 1 Airline Highway CCL00284 Urgent Telecommunications Project**

Approval of this Project is subject to the statutory exemption for “Specific actions necessary to prevent or mitigate an emergency” (Emergency Project; Pub. Resources Code, §21080, subd. (b)(4)) under the California Environmental Quality Act (CEQA; Pub. Resources Code, §21000 et seq.). “Emergency” is defined as “A sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services” (Pub. Resources Code, § 21060.3).

The Project is necessary to address the absence of Band-14 coverage in and around Pinnacles National Park, a remote area in San Benito County. The Office of Emergency Services has identified the Project Area as one of the 13 most important new sites in northern California. The Project Area has been identified as the only possible site with the coverage capability around the Pinnacles area, including E911 (emergency services) coverage. The Project constitutes an emergency measure which is required for immediate health and human safety.

On March 15, 2022, the Permittee submitted a request to Amend the ITP to include placement of asphalt among the access road improvements identified in the ITP. The ITP, as originally issued, contemplated placement of gravel along the entirety of the access roadway. The modified Project Description now includes placement of asphalt in three discontinuous portions of the access roadway, spanning approximately 3,282-feet of asphalt ground cover in total.

CDFW has determined that, although this Amendment may result in an increase in take of the Covered Species, it will not cause an increase in Covered Species habitat impacts from that contemplated in the ITP as originally issued because: 1) asphalt will be placed within the previously identified access roadway and 2) the additional impacts of the taking will be minimized and fully mitigated through implementation of a Condition of Approval requiring passable curbs. Because the impacts will be minimized and fully mitigated, there will be no increase in Project impacts to the Covered Species with this Amendment. Impacts will be minimized and fully mitigated through the implementation of measures required by Incidental Take Permit No. 2081-2021-058-04, as amended. Measures include: 1) requirements for passable curbs, berms, and dikes; 2) establishment of avoidance zones; 3) worker education; 4) burrow/crevice excavation; and 5) permanent habitat protection.