



August 10, 2018

Neal Ewald  
Green Diamond Resource Company  
P.O. Box 68  
Korbel, CA 95550

**Subject: Green Diamond Resource Company Foothill Yellow-Legged Frog  
(*Rana Boylii*) Incidental Take Permit Amendment**

Dear Mr. Ewald:

On July 26, 2018, the Department of Fish and Wildlife (CDFW) issued Green Diamond Resource Company (GDRCo) an incidental take permit (ITP) for Foothill Yellow-Legged Frog (FYLF).

On July 23, 2018, Matt House (GDRCo) contacted Nick Simpson (CDFW) to propose minor changes and address minor errors in the ITP. Per conversation between GDRCo and CDFW staff, the following items were changed:

- Page 4 (last paragraph): Correction relating to number of Class II road crossings treated per year.
- Page 6 (Item 5.2 and 5.3): Changed designated biologist to multiple designated biologists.
- Page 6 (Item 5.4), Item 3 of Attachment A: Changed education program to address only road supervisors.
- Page 7: (Item 5.5) Changed monitoring notebook to notes, and removed the requirement for the list of signatures on site.
- Page 7: (Item 6.3), Item 6 of Attachment A: Revised compliance monitoring to known high density FYLF breeding sites.
- Page 8: (Item 6.4), Item 19 of Attachment A: Changed GDRCo's 2018 survey timing to FYLF breeding season.
- Page 9: (Item 6.6): The CNDDDB report entry was extended to January 31<sup>st</sup>.

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If you concur with these revised measures included in the attached ITP Amendment, please sign the last page and return to:

Tiffany Manko  
Department of Fish and Wildlife  
601 Locust Street  
Redding, CA 96001

If you have any questions, please direct them to Senior Environmental Scientist Nicholas Simpson at (707) 445-6512, or email [nicholas.simpson@wildlife.ca.gov](mailto:nicholas.simpson@wildlife.ca.gov).

Sincerely,



*for* **Neil Manji**  
Regional Manager

ec: Green Diamond Resource Company  
Neal Ewald, Matt House, Keith Hamm  
[newald@greendiamond.com](mailto:newald@greendiamond.com), [mhouse@greendiamond.com](mailto:mhouse@greendiamond.com),  
[khamm@greendiamond.com](mailto:khamm@greendiamond.com)

California Department of Fish and Wildlife  
Neil Manji, Joe Croteau, Jon Hendrix, Nick Simpson  
[neil.manji@wildlife.ca.gov](mailto:neil.manji@wildlife.ca.gov), [joe.croteau@wildlife.ca.gov](mailto:joe.croteau@wildlife.ca.gov),  
[jon.hendrix@wildlife.ca.gov](mailto:jon.hendrix@wildlife.ca.gov), [nicholas.simpson@wildlife.ca.gov](mailto:nicholas.simpson@wildlife.ca.gov)

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
NORTHERN REGION  
601 LOCUST STREET  
REDDING, CA 96001



AMENDMENT NO. 1  
(A Minor Amendment)  
California Endangered Species Act  
Incidental Take Permit No. 2081-2018-026-1  
Green Diamond Resource Company  
Foothill Yellow-Legged Frog (*Rana boylei*)

## INTRODUCTION

On July 3, 2018 the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2018-026-1 (ITP) to Green Diamond Resource Company (GDRCo), authorizing take of Foothill Yellow-Legged Frog (FYLF), associated with and incidental to forest management practices in Humboldt and Del Norte Counties, California (Project).

The Project as described in the ITP includes commercial timber harvesting operations and associated activities such as site preparation and construction and maintenance of roads, stream crossings, skid trails and landings on 365,000 acres of private industrial forest lands. The Project is consistent with the forest management and conservation activities on its California timberland ownership for timber production and other purposes pursuant to California's Timberland Productivity Act, the Z'Berg Nejedly Forest Practice Act, the Board of Forestry's Forest Practice Rules, various other state laws, and GDRCo's internal management documents, policies and guidelines.

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.

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

This Amendment addresses minor errors in the original document, and minor changes to general, monitoring, notification and reporting provisional measures.

## AMENDMENT

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

1. On Page 4 of the ITP (last paragraph), the number of Class II road crossings treated per year shall be amended from 88 to 115 :

Table 1 shows an average of ~~88~~ 115 Class II crossing activities occurring annually on GDRCo property.

2. On Page 6 of the ITP, Items 5.2 and 5.3 shall be amended from a single designated biologist to multiple designated biologists:

5.2 Designated Biologists. Permittee shall submit to CDFW, in writing, the name, qualifications, business address, and contact information of a biological monitors (Designated Biologists) at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologists are knowledgeable and experienced in the biology, natural history collecting and handling of the Covered Species. The Designated Biologists shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologists in writing before starting Covered Activities, and shall also obtain approval in advance, in writing, if the Designated Biologists must be changed.

5.3 Designated Biologists Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologists shall have authority to immediately stop any activity that does not comply with this ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species.

3. On page 6 of the ITP (Item 3 of Attachment A), the education program shall be changed to address only road supervisors:

5.4 Education Program. Permittee shall conduct an education program for all **road supervisors** ~~persons~~ employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologists that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. ~~Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are~~

~~authorized to perform work in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for road supervisors responsible for work in the Project Area.~~

4. On page 7 of the ITP, Item 5.5 shall be revised to remove the requirement to have the list of signatures from trained individuals and a monitoring notebook on site.

~~**5.5 Construction Monitoring Notes Notebook.** The Designated Biologists shall maintain a construction monitoring notesbook on site throughout the construction period, which and shall include a copy of this ITP with attachments on site, and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction monitoring notesbook is are available for review at the Project site upon request by CDFW.~~

5. On page 7 of the ITP, Item 6.3 (Item 6 of Attachment A) shall be revised to indicated compliance monitoring will only occur at known high density FYLF breeding sites.

~~**6.3 Compliance Monitoring.** At Class I river crossings (eg. i.e. Mad River, Van Duzen River, Redwood Creek. etc), the Designated Biologists shall be on-site daily when bridge construction activities occur where known high density FYLF breeding sites exist. FYLF are determined to be present. The Designated Biologists shall conduct compliance inspections to (1) conduct survey and relocation efforts; (2) minimize incidental take of the Covered Species; (3) prevent unlawful take of species; (4) check for compliance with all measures of this ITP; (5) check all exclusion zones; and (6) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP.~~

	Mitigation Measures	Source	Implementation Schedule	Responsible Party	Status/Date/Initials
6	At Class I river crossings (eg. i.e. Mad River, Van Duzen River, Redwood Creek. etc), the Designated Biologists shall be on-site daily when bridge construction activities occur where known	ITP Condition # 6.3	Annually	Permittee	

<p>high density FYLF breeding sites exist. FYLF are <del>determined to be present</del>. The Designated Biologists shall conduct compliance inspections to (1) conduct survey and relocation efforts; (2) minimize incidental take of the Covered Species; (3) prevent unlawful take of species; (4) check for compliance with all measures of this ITP; (5) check all exclusion zones; and (6) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP.</p>				
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6. On page 8 of the ITP, Item 6.4 (Item 19 of Attachment A) shall be revised to describe GDRCo's 2018 survey timing to FYLF breeding season.

**6.4 Population Monitoring:** In addition, GDRCo will survey approximately 50 miles of stream **during the FYLF breeding season first two weeks of 2018**, to assess FYLF breeding habitat across their property. The results of this survey will also be included in the 2019 ASR.

	Mitigation Measures	Source	Implementation Schedule	Responsible Party	Status/Date/Initials
19	In addition, GDRCo will survey approximately 50 miles of stream <b>during the FYLF breeding season first two weeks of 2018</b> , to assess FYLF breeding habitat across their property. The results of this survey will also be included in the 2019 ASR	ITP Condition # 6.4	2018	Permittee	

7. On page 9 of the ITP, Item 6.6 shall be revised to extend the California Natural Diversity Database (CNDDDB) report entry to January 31<sup>st</sup>.

**6.6 CNDDDB Observations.** The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) ~~within 60 calendar days of the observation~~ **by January 31<sup>st</sup> of the year after the project occurred** and the Designated Biologists shall include copies of the submitted forms with the ASR.

All other terms and conditions of the ITP and the 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 permit an increase in 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 seven specific changes to the ITP as originally issued. Changes include minor error corrections, and address minor changes to general, monitoring, notification and reporting provisional measures. The resulting impacts to the Covered Species; as a result of the Project, will remain the same.

CDFW has determined these modifications 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 July, 2018 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 retains take minimization measures, habitat protection and restoration measures, and monitoring, notification and reporting provisions.

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 July 2018 as a lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq). 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. 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 makes seven specific changes to the ITP as originally issued. Changes include minor error corrections, and address minor changes to general, monitoring, notification and reporting provisional measures. 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:

Department of Fish and Wildlife  
Habitat Conservation Planning Branch  
Attention: CESA Permitting Program  
1416 Ninth Street, Suite 1260  
Sacramento, California 95814

**APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

on

8/9/18

  
Neil Manji  
Regional Manager-Northern Region

Minor Amendment No. 1  
Incidental Take Permit 2081-2018-026-1  
GREEN DIAMOND RESOURCE COMPANY  
FOOTHILL YELLOW-LEGGED FROG



**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.

**Green Diamond Resource Company**

By:  Date: 8/13/18

Printed Name: NEAL D. EWALD Title: SENIOR VICE PRESIDENT