

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
 Region 4 Central
 1234 East Shaw Avenue
 Fresno, CA 93710
 Contact: Sarah Bahm
 Phone: (559) 243-4005

Lead Agency

Madera County Planning Department
 200 West Fourth Street, 3rd Floor
 Madera, CA 93637
 Contact: Jamie Bax
 Phone: (559) 675-7821

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

State Clearinghouse Number: 2010071036

Project Title: Major Amendment No. 3 to the California Endangered Species Act (CESA) Incidental Take Permit (ITP) No. 2081-2016-051-04 for the CalMat Company dba Vulcan Materials Company, West Region Austin Quarry Project (Project)

Project Location: The Project site is located southwest of the intersection of State Route (SR) 145 and SR 41 in central Madera County and approximately 12 miles east of the City of Madera. More specifically, the Project site constitutes portions of the parcels identified as APN 051-185-004 and 051-183-001 located within Sections 4 and 5 of Township 11 South, Range 20 East, Mount Diablo Baseline and Meridian. The Project Location also includes a portion of the SR 145 right-of-way which adjoins the Project Site to the north.

Project Description: The California Department of Fish and Wildlife (CDFW) has issued a CESA (Fish & G. Code, § 2050 et seq.) ITP, Major Amendment No. 1, Minor Amendment No. 2, and this Major Amendment No. 3 to authorize CalMat Company dba Vulcan Materials Company, West Region 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 involves the development and operation of a hardrock quarry. The approximately 365.44-acre Project Area encompasses an aggregate mine that will not exceed 257-acres and a processing plant/operations/access road area that will not exceed 92 acres, and a State Route 145 improvement area that will not exceed 17.12 acres to accommodate operation of the Project. Major Amendment No. 3 makes nine specific changes to the ITP, as amended: (1) updates the Permittee's information; (2) modifies the boundary of the Phase 1 mine area by 6 acres; (3) adds a new interior haul road within Phase 3 mine area; (4) adds installation of a 7-acre 2,800-kilowatt solar facility and associated infrastructure within a 10-acre portion of the 59-acre Phase 4 mine area; (5) adds installation, operations and maintenance of the solar facility and associated infrastructure to the Covered Activities; (6) references the Addendum to the Final Environmental Impact Report prepared and approved by Madera County Planning Department; (7) revises Condition of Approval 8.11 to allow Covered Activities to occur at night during predicted rainfall or rainfall events under certain circumstances; (8) extends the deadline in which to complete the purchase of Covered Species Credits from a CDFW-approved conservation bank; and (9) updates the ITP's attachments to reflect updates to the adjusted mine Phase areas, the new haul road location, and solar facility within the Project Site. The resulting impacts of the Project to the Covered Species remain the same.

This is to advise that CDFW, acting as [the lead agency / a responsible agency] approved the above-described project on 11/21/2023 and made the following determinations regarding the above described project:

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 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.

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- 5. A Statement of Overriding Considerations was / was not adopted by CDFW for this project.
- 6. Findings were not made/ were 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 final 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.

Signature  _____ Date: 11/21/2023

Julie A. Vance, *Regional Manager*

Date Received for filing at OPR: _____