

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
SOUTH COAST REGION
3883 RUFFIN ROAD
SAN DIEGO, CA 92123

INLAND DESERT REGION
3602 INLAND EMPIRE BOULEVARD SUITE C-220
ONTARIO, CA 91764

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HABITAT CONSERVATION
PLANNING BRANCH



AMENDMENT NO. 6
California Endangered Species Act
Incidental Take Permit No. 2081-2010-022-05
San Diego Gas and Electric Company
Sunrise Powerlink in Imperial County

INTRODUCTION

On December 15, 2010, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2010-022-05 (ITP) to San Diego Gas & Electric Company (Permittee) for take of Barefoot-banded gecko (*Coleonyx switaki*) (Covered Species), associated with the Sunrise Powerlink Project (Project) in Imperial County, California. The Project includes construction of 117 miles of new 500 kilovolt (kV) and 230kV transmission line that the Permittee will operate and maintain in the two counties. In issuing the ITP, CDFW found, among other things, that the Permittee's compliance with the conditions of approval of the ITP would fully mitigate impacts to the Covered Species and would not jeopardize the continued existence of the Covered Species. Those conditions include the acquisition and permanent preservation and management of Covered Species habitat in an offsite location. As indicated in the ITP, the Suckle property (now known as Mountain Springs) is the proposed mitigation site. CDFW provided preliminary approval of the mitigation site when the ITP was issued, pending completion of the applicable conditions. SDG&E subsequently purchased the Mountain Springs property.

On August 25, 2011, CDFW issued Minor Amendment No. 1 to the ITP authorizing additional temporary impacts associated with two guard structures and modified several permit conditions in conflict with construction requirements to further minimize project impacts to Covered Species habitat. In issuing Minor Amendment No. 1, CDFW found, among other things, that Minor Amendment No. 1 did not change the mitigation requirements at the Mountain Springs property and that compliance with the conditions of approval of the ITP as amended fully mitigates impacts to the Covered Species and would not jeopardize the continued existence of the Covered Species.

On June 5, 2012, CDFW issued Minor Amendment No. 2 to the ITP extending the timeline in Condition 8 regarding the offsite mitigation property by 18 months in addition to updating the Permittee's contact information in the ITP. In issuing Minor Amendment

No. 2, CDFW found, among other things, that Minor Amendment No. 2 did not change the mitigation requirements at the Mountain Springs property and that compliance with the conditions of approval of the ITP as amended fully mitigates impacts to the Covered Species and would not jeopardize the continued existence of the Covered Species.

Subsequent to the approval of Minor Amendment No. 2, SDG&E: (1) worked with CDFW and U.S. Fish and Wildlife Service (Service) to identify the land manager for the property (Riverside Lands Conservancy, RLC) and worked with RLC to finalize the habitat management plan; and (2) established a preliminary Property Analysis Record (PAR) for the property for final CDFW and USFWS review.

On March 5, 2014, CDFW issued Minor Amendment No. 3 to the ITP extending the timeline in Condition 8 regarding the offsite mitigation property by 18 months. In issuing Minor Amendment No. 3, CDFW found, among other things, that Minor Amendment No. 3 did not change the mitigation requirements at the Mountain Springs property and that compliance with the conditions of approval of the ITP as amended fully mitigates impacts to the Covered Species and would not jeopardize the continued existence of the Covered Species.

Subsequent to the approval of Minor Amendment No. 3, SDG&E: (1) worked with the land manager, Riverside Lands Conservancy (RLC) to finalize the Habitat Management Plan; (2) finalized a Property Analysis Record (PAR) for the property; (3) fully funded the long-term endowment at The San Diego Foundation; and (4) provided interim land management.

On June 3, 2015, CDFW issued Minor Amendment No. 4 to the ITP extending the timeline in Condition 8 regarding the offsite mitigation property by 18 months. In issuing Minor Amendment No. 4, CDFW found, among other things, that Minor Amendment No. 4 did not change the mitigation requirements at the Mountain Springs property and that compliance with the conditions of approval of the ITP as amended fully mitigates impacts to the Covered Species and would not jeopardize the continued existence of the Covered Species.

Subsequent to the approval of Minor Amendment No. 4, SDG&E: has prepared a Habitat Mitigation Lands Acquisition (HMLA) package, including a draft conservation easement.

On November 11, 2016, CDFW issued Minor Amendment No. 5 to the ITP extending the timeline in Condition 8 regarding the offsite mitigation property by 18 months. In issuing Minor Amendment No. 5, CDFW found, among other things, that Minor Amendment No. 5 did not change the mitigation requirements at the Mountain Springs property and that compliance with the conditions of approval of the ITP as amended

fully mitigates impacts to the Covered Species and would not jeopardize the continued existence of the Covered Species.

Subsequent to the approval of Minor Amendment No. 5, CDFW and the U.S. Army Corps of Engineers (Corps) continue to work toward a mutually agreeable conservation easement. Although the Corps and CDFW have made progress in negotiating a conservation easement, an extension to the Condition 8 deadline is necessary because the existing 18-month timeline, which required completion by June 22, 2018, cannot be met. Additional time is necessary to provide other permitting agencies with an opportunity to comment and make recommendations on the conservation easement prior to CDFW's final approval of the mitigation property.

With the concurrence of the Permittee, CDFW hereby amends ITP 2081-2010-022-05 through Amendment No. 6 (Amendment) and makes the following changes to the existing ITP: (1) extends, by an additional 36 months, Condition 8 – Habitat Management Lands Acquisition. Amendment No. 6 requires completion of Condition 8 – Habitat Management Lands Acquisition by June 22, 2021.

AMENDMENT

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

1. The third paragraph of Condition 8 is hereby amended as follows:

To meet the above stated requirements, the Permittee shall provide for the permanent protection and management of the HM Lands by completing the transfer of fee title, the recordation of a conservation easement, and calculation and deposit of management funds before starting Covered Activities, or within ~~90~~-***126*** months of the effective date of this ITP if Security is provided pursuant to Condition 9 below.

All terms and conditions of the ITP and 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 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: This Amendment makes one specific change to the ITP as originally issued by (1) extending the time for completing the transfer and conservation easement recordation for the habitat mitigation lands (Mountain Springs). The Permittee has already acquired the Mountain Springs property, which CDFW preliminarily approved as offsite mitigation. The Permittee also has funded a management endowment for the Property and has finalized a management plan in coordination with CDFW, the Service, and RLC. The Permittee has prepared and submitted a HMLA package for review and approval. The cooperating agencies continue to negotiate a collectively amenable conservation easement. Permittee has met the security requirements specified in Condition 9. Notwithstanding the extension of time to complete the protection of the HM Lands, the resulting impacts to the Covered Species, including the number of acres of habitat that will be lost and the location and extent of the habitat mitigation lands as a result of the Project, will remain the same.

CDFW has determined that the extension of time to complete the habitat mitigation lands transfer, fund the management endowment, and establish management arrangements 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 concludes the changes to the Project or Conditions of the ITP described in Amendment No. 6 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 December 2010 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: do not change the scope or magnitude of Project impacts to Covered Species or affect the location and extent of habitat mitigation lands; rather, Amendment No. 6 merely extends the timeline for the conveyance and protection of the habitat mitigation lands. 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 4, sections 15162 and 15163, exist as a result of this Amendment.

Discussion: CDFW issued the ITP in December 2010 as a responsible agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) after, among other things, considering the environmental impact report certified by the California Public Utilities Commission (CPUC) as the lead agency for the Project. As explained in the findings below, CDFW finds for purposes of CESA that this Amendment is a negligible change to the original ITP. CDFW finds for the same reasons under CEQA that approval of Amendment No. 6 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 by CPUC during its lead agency review of the Project, particularly with respect to the impacts authorized by CDFW pursuant to the ITP as amended. 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 an Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(2).

Discussion: This Amendment extends the timeline for the Permittee to finalize conveyance of the habitat mitigation lands (Mountain Springs) to CDFW. This change to the ITP will not: (1) increase 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 an Amendment as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(2).

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
3383 Ruffin Road
San Diego, CA 92123

Minor Amendment No. 6
Incidental Take Permit 2081-2010-022-05
SAN DIEGO GAS AND ELECTRIC
Sunrise Powerlink

APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on

Edmund J. Pert

Edmund J. Pert
Regional Manager
South Coast Region

on

Leslie MacNair

Leslie MacNair
Regional Manager
Inland Deserts Region

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.

By:

R. Scott Pearson

Date:

November 29, 2018

Printed Name:

R. Scott Pearson

Title:

Dir. Environmental