



April 22, 2019

California Department of Fish and Wildlife
Habitat Conservation Branch, CESA Planning
PO Box 944209
Sacramento, CA 944209-2090

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APR 29 2019

**HABITAT CONSERVATION
PLANNING BRANCH**

**Subject: Southern California Edison Downs Substation Expansion Project ITP
2081-2014-03204 Amendment No.2**

Habitat Conservation Branch,

Please find enclosed the signed amendment request No. 2 for the Downs Substation ITP. Let me know if there are any questions regarding this submittal.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger Overstreet", with a long, sweeping horizontal line extending from the end of the name.

Roger Overstreet
Biological Resources Program Manager
Southern California Edison
626-862-7432
roger.overstreet@sce.com



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



April 5, 2019

Kenneth Borngrebe
Southern California Edison
2244 Walnut Grove Avenue
Rosemead, California 91770

Subject: Incidental Take Permit Amendment No. 2 for the Downs Substation Expansion Project (2081-2014-032-04)

Dear Mr. Borngrebe:

Enclosed you will find two originals of Amendment No. 2 for the incidental take permit for the above referenced Project, which have been signed by the California Department of Fish and Wildlife (Department). Please read the amendment carefully, sign the acknowledgement on both copies of the amendment, and return one original **no later than 30 days from Department signature**, and prior to initiation of ground-disturbing activities, to:

California Department of Fish and Wildlife
Habitat Conservation Planning Branch, CESA Permitting
Post Office Box 944209
Sacramento, California 94244-2090

You are advised to keep the other original signature amendment in a secure location and distribute copies to appropriate Project staff responsible for ensuring compliance with the conditions of approval of the permit. Note that you are required to comply with certain conditions of approval prior to initiation of ground-disturbing activities. Additionally, a copy of the permit and amendments must be maintained at the Project work site and made available for inspection by Department staff when requested.

The amendment will not take effect until the signed acknowledgement is received by the Department. If you wish to discuss these instructions or have questions regarding the amendment, please contact Laura Peterson-Diaz, Senior Environmental Scientist (Specialist), at (559) 243-4014, extension 225.

Sincerely,

Julie A. Vance, Regional Manager
Central Region
California Department of Fish and Wildlife

Enclosures (2)

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
CENTRAL REGION
1234 EAST SHAW AVENUE
FRESNO, CALIFORNIA 93710

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HABITAT CONSERVATION
PLANNING BRANCH



AMENDMENT NO. 2
(A Minor Amendment)
California Endangered Species Act
Incidental Take Permit No. 2081-2014-032-04
Southern California Edison
Downs Substation Expansion Project in Kern County

INTRODUCTION

On January 23, 2015, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2014-032-04 (ITP) to Southern California Edison (Permittee) authorizing take of Mohave ground squirrel (*Spermophilus mohavensis*) (Covered Species) associated with and incidental to the Downs Substation Expansion Project in Kern County, California (Project). The Project as described in the ITP originally issued by CDFW includes the construction and operations and maintenance (O&M) of upgrades and expansion of the existing Downs Substation and performing modifications and upgrades to the associated transmission and telecommunications facilities in the greater Ridgecrest area through the 30-year term of the ITP.

On September 23, 2016, CDFW issued Amendment No. 1, a minor amendment, to allow the Permittee to use the excess land from the 697.94 acres of Habitat Management (HM) Lands acquired as mitigation for incidental take of desert tortoise (*Gopherus agassizii*) and Mohave ground squirrel associated with the Tehachapi Renewable Energy Transmission Project (ITP No. 2081-2010-028-05). The ITP for the Tehachapi Renewable Transmission Project was amended to reduce its authorized impacts of desert tortoise and Mohave ground squirrel and associated HM Lands resulting in the Permittee having more HM Land than necessary to fulfill its HM Lands obligation for take of desert tortoise and Mohave ground squirrel authorized by ITP No. 2081-2010-028-05. These lands provide similar species and habitat values for both the Project and the Tehachapi Renewable Energy Transmission Project. To maximize the conservation values, Amendment No. 1 allowed for the management of the HM Lands for the Project and the Tehachapi Renewable Energy Transmission Project in an integrated and consistent manner as envisioned by the original acquisition by merging the management plans and endowments for these two obligations. In issuing the ITP and Minor Amendment No. 1 (collectively referred to as the ITP, as amended), CDFW found, among other things, that the Permittee's compliance with the Conditions of Approval of the ITP, as amended, would fully mitigate the Project-related impacts of the taking on the Covered Species, and that issuance of the ITP, as amended, would not jeopardize the continued existence of the Covered Species.

In a letter dated March 18, 2019, the Permittee notified CDFW that they are requesting minor modifications to the minimization measures in the ITP, as amended. No new measures or the removal of measures are proposed. These changes are being requested after consultation with CDFW staff, including discussion of the level of disturbance resulting from O&M involving ground disturbance (i.e., pole replacement) and the appropriateness of having a Biological Monitor on-site, rather than a Designated Biologist, when the risk of impacts to Covered Species is very low due to low likelihood of presence in the specific impact footprint. In the letter, the Permittee requested: 1) contact information be updated; 2) Biological Monitor responsibilities and authorities be expanded to include monitoring O&M activities with minor ground disturbance, provided a Designated Biologist is available on call in the unlikely event handling of the Covered Species is required; 3) the requirement for either wallet cards or fact sheets to be distributed at every training be modified; and 4) reporting changes including clarification for Reporting twice a year, a reduction of the number of days prior to work the Survey Report must be submitted and allowance for *either the Designated Representative or the Designated Biologist* to contact CDFW to report the potential need for burrow excavation.

This Minor Amendment No. 2 (Amendment) makes the following changes to the ITP, as amended.

First, this Amendment updates the Permittee contact information and address on the cover page.

Second, this Amendment expands the responsibility of the Biological Monitor to help minimize or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat.

Third, this Amendment expands the authority of the Biological Monitor to stop work.

Forth, this Amendment allows the Biological Monitor to give the education presentation and modifies the training material requirement.

Fifth, this Amendment clarifies that the bi-annual Compliance Reporting will consist of one Bi-Annual Compliance Report after the first 6 months and the Annual Status Report at the end of the year; also, it updates the CDFW contact in Condition of Approval 5.8.

Sixth, this Amendment allows the Biological Monitor to be on site during O&M Activities with minor ground disturbance provided the Designated Biologist is on call.

Seventh, this Amendment allows the Biological Monitor to conduct Pre-O&M Activity Surveys and changes submittal from 7 days prior to 5 days prior.

Eighth, this Amendment allows the Biological Monitor to establish the buffer around burrows, allows the Permittee Representative to contact CDFW if burrows cannot be avoided by 50 feet, and adds the clarification that if burrow excavation is required the Designated Biologist will be on site to supervise and the Biological Monitor may assist.

Ninth, This Amendment updates all contact information on page 38.

AMENDMENT

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

1. The Permittee contact information, page 1, shall be amended to read:

Permittee:	Southern California Edison (SCE)
Principal Officer:	Kenneth Borngrebe, Manager of the Natural and Cultural Resources Group Principal Manager <i>Environmental Resource Management Division</i>
Contact Person:	Jack Goldfarb, (626) 862-5087 <i>Roger Overstreet, Program Manager (626) 862-7432</i>
Mailing Address:	1218 South 5th Avenue Monrovia, California 91016 <i>2244 Walnut Grove Avenue Rosemead, California 91770.</i>

2. Condition of Approval 4.2, final paragraph, page 20, shall be amended to read:

Designated Biologist. Permittee shall submit in writing to CDFW for approval the name, qualifications, business address, and contact information of the proposed Designated Biologist before starting Covered Activities. The Designated Biologist ***or Biological Monitor*** 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 Biologist in writing before starting Covered Activities, and shall also obtain approval in advance in writing if the Designated Biologist must be changed. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, natural

history, collecting and handling of the Covered Species. Permittee has the option of utilizing a biological monitor to assist the Designated Biologist in compliance monitoring under direction of the Designated Biologist. If Permittee chooses to hire a biological monitor, the Permittee shall submit in writing to CDFW for approval the name, qualifications, business address, and contact information of the proposed biological monitor. Biological monitors may not handle covered species, but may assist the Designated Biologist as specified in this ITP.

The corresponding MMRP Measure 2, page 1, shall be amended to read the same.

3. Condition of Approval 4.3, final paragraph, page 20, shall be amended to read:

Designated Biologist Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist **or Biological Monitor** 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.

4. Condition of Approval 4.4, final paragraph, page 20, shall be amended to read:

Education Program. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist **or Biological Monitor** 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. Permittee shall prepare and ~~distribute~~ **make available** ~~wallet-sized cards or~~ a fact sheet handout containing this information for workers ~~to carry 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 long-term and/or permanent employees that will be conducting work in the Project Area.

The corresponding MMRP Measure 4, page 2, shall be amended to read the same.

5. Condition of Approval 5.8, final paragraph, page 24, shall be amended to read:

Bi-Annual Compliance Report (O&M Activities). The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approvals 5.4, 5.5, and 5.6 into a Bi-Annual Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure for O&M activities. ***Information for the Bi-Annual report for the second half of the year will be included in the Annual Status Report as required by ITP Condition of Approval 5.9.*** Bi-Annual Compliance Reports shall also include an accounting of vegetation disturbance during O&M activities, a total for the last 6 months, and a total since ITP issuance. Bi-Annual Compliance Reports shall be submitted to CDFW's Regional Office at the office listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative on the 15th of the month that the report is due. ~~At the time of this ITP's approval, the CDFW Regional Representative is Reagan O'Leary (Reagan.OLeary@wildlife.ca.gov)~~ ***Laura Peterson-Diaz (Laura.Peterson-Diaz@wildlife.ca.gov)***. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.

The corresponding MMRP Measure 22, page 9, shall be amended to read the same.

6. Condition of Approval 6.17, final paragraph, page 30, shall be amended to read:

O&M Activity Designated Biologist or Biological Monitor On-site. The Designated Biologist ***or Biological Monitor*** shall be on-site during all O&M Activities that may result in ground or vegetation disturbing activities within Covered Species habitat. ***If the Biological Monitor is on-site, then the Designated Biologist shall be available for same day response in time to prevent exposure harm to covered species. If a Covered Species is discovered, it shall be allowed to move from the construction area on its own accord as described in Condition of Approval 6.9, or it shall be sheltered in place until the Designated Biologist arrives.***

The corresponding MMRP Measure 53, page 14, shall be amended to read the same and the corresponding ITP Condition # corrected: ~~6.18~~ ***6.17***.

7. Condition of Approval 6.18, final paragraph, page 30, shall be amended to read:

Pre-O&M Activity Surveys. The Designated Biologist **or Biological Monitor** shall perform a Pre-O&M Activity Survey for the Covered Species no more than 30 days prior to O&M Activities that would result in ground- or vegetation disturbance. The Pre-O&M Activity Survey shall cover the O&M Activity area and 50 feet beyond the limits of the O&M Activity area to identify all potential burrows used by the Covered Species. Permittee shall provide the Pre-O&M Activity Survey results in a written report to CDFW's Regional Representative at least ~~7~~ **5** days prior to the beginning of O&M Activities that would result in ground- or vegetation disturbance. The Pre-O&M Activity Survey report shall include, but not be limited to, methodology, date and time of survey, a discussion and map of the locations of each potential MGS burrow, and an estimated date of MGS relocation as defined in Condition of Approval 5.3.

The corresponding MMRP Measure 54, page 15, shall be amended to read the same.

8. Condition of Approval 6.20, final paragraph, page 30, shall be amended to read:

O&M Activity Burrow Avoidance. The Designated Biologist **or Biological Monitor** shall establish an ESA of 50 feet or greater around suspected or known to be occupied Covered Species burrows during O&M Activities that would result in ground- or vegetation disturbance. The **Designated Representative or** Designated Biologist shall contact CDFW if occupied Covered Species burrows cannot be avoided by 50 feet to determine if burrow excavation is warranted. ***If Burrow excavation is required, the Designated Biologist will be on-site to supervise and the Biological Monitor may assist.***

The corresponding MMRP Measure 56, page 15, shall be amended to read the same.

9. CDFW contact information, page 38, shall be amended to read:

Habitat Conservation Planning Branch
California Department of Fish and Wildlife
Attention: CESA Permitting Program
~~1416 Ninth Street, Suite 1260~~
Post Office Box 944209
Sacramento, California ~~95814~~ **94244-2090**

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and

other communications shall reference the Project name, Permittee, and ITP Number (2081-2014-032-04) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

~~Jeffrey R. Single, Ph.D.,~~ **Julie A. Vance**, Regional Manager
California Department of Fish and Wildlife
1234 East Shaw Avenue
Fresno, California 93710
~~Telephone (559) 243-4014, extension 244~~
Telephone (559) 243-4005
~~Fax (559) 243-4020~~

Unless Permittee is notified otherwise, CDFW's Regional Representative for purposes of addressing issues that arise during implementation of this ITP is:

~~Reagen O'Leary,~~ **Laura Peterson-Diaz**, Senior Environmental Scientist (**Specialist**)
California Department of Fish and Wildlife
1234 East Shaw Avenue
Fresno, California 93710
Telephone (559) 243-4014, extension 224 **225**
~~Fax (559) 243-4022~~
laura.peterson-diaz@wildlife.ca.gov

All terms and conditions of the ITP, as amended, 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 nine specific changes to the ITP as previously amended. These changes include: updating contact information including the Permittee contact and address and also the CDFW contact, expanding the authority and responsibility of the Biological Monitor to include: avoid and minimize take, stop activities, conduct education program, conduct Pre-O&M Activity Surveys, monitor O&M Activities with minor ground disturbance, and establish buffer area around potential covered species burrows, modifying the requirement for training materials, modifying

reporting requirements including: clarifies that the Annual Report counts as one of the Bi-Annual Compliance Reports to be submitted during O&M activities; reduces the number of days prior to starting work the Survey Report must be submitted; and allows either the Designated Biologist or Permittee Representative to contact CDFW if occupied Covered Species burrows cannot be avoided by 50 feet to determine if burrow excavation is warranted. Nothing in this Amendment changes the timing, amount, or location of the project or activities. The resulting impacts to the Covered Species, including the number of acres of habitat that will be lost because of the Project, will remain the same.

CDFW has determined that the changes to the contact information, the Biological Monitor responsibilities and authorities, the requirement to distribute materials at every training, and the reporting requirements 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, as amended, and as 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, as amended 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 January 2015 upon approval of the ITP, and in September 2016 upon approval of Major Amendment No. 1 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: 1) will have no effect on the amount or severity of Project impacts on the Covered Species, as discussed above, and 2) does not substantively alter the measures that will be undertaken to minimize and mitigate previously authorized impacts on the Covered Species. Permittee's continued adherence to and implementation of the avoidance and minimization measures set forth in the Conditions of Approval in the ITP, as amended, 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 originally issued the ITP in January 2015 and amended the ITP in September 2016 as a responsible agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) after, among other things, considering the Mitigated Negative Declaration (SCH No. 2012011044) adopted by the California Public Utilities Commission as the lead agency for the Project. As explained in the findings below, CDFW finds, for purposes of CESA, that this Amendment is a minor change to the ITP, as amended. CDFW finds for the same reasons under CEQA that approval of this 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 by the California Public Utilities Commission 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 a Minor Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4).

Discussion: This Amendment updates contact information including the Permittee contact and address and also the CDFW contact; expands the authority and responsibility of the Biological Monitor to include: avoid and minimize take, stop activities, conduct education program, conduct Pre-O&M Activity Surveys, monitor O&M Activities with minor ground disturbance, and establish buffer area around potential covered species burrows provided a Designated Biologist is on call during ground disturbance and on site for burrow excavation; modifies the requirement for training materials; modifies reporting requirements including: clarifies that the Annual Report counts as one of the Bi-Annual Compliance Reports to be submitted during O&M activities; reduces the number of days prior to starting work the Survey Report must be submitted; and allows either the Designated Biologist or SCE Representative to contact CDFW if occupied Covered Species burrows cannot be avoided by 50 feet to determine if burrow excavation is warranted. These changes to the ITP, as amended, will not: (1) increase the level of take or other Project impacts on Covered Species previously analyzed and authorized by the ITP, as amended, (2) significantly affect Permittee's substantive mitigation obligations under the ITP, as amended, (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, as amended. CDFW has determined that the change to the ITP, as amended 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:

Habitat Conservation Planning Branch
California Department of Fish and Wildlife
Attention: CESA Permitting Program
Post Office Box 944209
Sacramento, California 94244-2090

APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on

4/9/19



Julie A. Vance
Regional Manager
Central 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:



Date:

4/17/19

Printed Name:

Kenneth Bornygrebe

Title:

Principal Manager

Minor Amendment No. 2
Incidental Take Permit 2081-2014-032-04
SOUTHERN CALIFORNIA EDISON
SCE Downs Substation Expansion Project