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October 26, 2018

Ms. Julie A. Vance
California Department of Fish and Wildlife
Habitat Conservation Planning Branch, CESA Permitting
PO Box 944209
Sacramento, CA 94244-2090

Subject: Barren Ridge Renewable Transmission Project
Request for Amendment 2 to Incidental Take Permit No. 2081-2015-009-04

Dear Ms. Vance:

The Los Angeles Department of Water and Power (LADWP) is in receipt of your letter dated October 8, 2018. We have reviewed the finalized amendment to the incidental take permit (ITP) No. 2081-2015-009-04 and have signed the acknowledgements as requested.

Enclosed please find the original signed Amendment 2 to ITP No. 2081-2015-009-04 for the Barren Ridge Renewable Transmission Project.

If you have any questions or comments regarding this amendment, please contact Kathryn Laudeman of my staff at (213) 367-6376 or via email at kathryn.laudeman@ladwp.com.

Sincerely,

Charles C. Holloway
Manager of Environmental Planning and Assessment

KL:ns
Enclosure
c: Ms. Kathryn Laudeman

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

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HABITAT CONSERVATION
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AMENDMENT NO. 2
(A Minor Amendment)
California Endangered Species Act
Incidental Take Permit No. 2081-2015-009-04
Los Angeles Department of Water and Power
Barren Ridge Renewable Transmission Project in Kern County

INTRODUCTION

On May 28, 2015, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2015-009-04 (ITP) to Los Angeles Department of Water and Power (Permittee), authorizing take of desert tortoise (*Gopherus agassizii*) and Mohave ground squirrel (*Spermophilus mohavensis*) (collectively, the Covered Species) associated with and incidental to the Barren Ridge Renewable Transmission Project in Kern County, California (Project). The Project as described in the ITP as originally issued by CDFW includes the construction and operation of a 23-mile segment of new transmission line within a new 200-foot right-of-way (ROW) that parallels existing transmission line corridors.

On May 18, 2016, CDFW issued Amendment No. 1, a minor amendment, to allow for work to be conducted at one pulling station location without first erecting temporary desert tortoise exclusion fencing. A Designated Biologist would instead continuously monitor for desert tortoise presence. Amendment No. 1 also extended the timeline in which to complete the HM lands compensatory requirement by seven months to June 30, 2017. In issuing the ITP and Minor Amendment No. 1 (ITP, as amended), 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, as amended, would not jeopardize the continued existence of the Covered Species.

On September 17, 2018, CDFW received a letter from the Permittee requesting the ITP, as amended, be further amended to include the purchase of bank credits as an option to satisfy the compensatory requirement of Condition of Approval 9 of the ITP, as amended. The timeline to complete the compensatory mitigation requirement of the ITP, as amended, has passed but, a mitigation bank has since been approved by CDFW to sell credits for the Covered Species; therefore, CDFW is amending the ITP, as amended, to increase the timeline to complete the compensatory mitigation obligation to December 30, 2018.

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

First, Amendment No. 2 adds the option to the compensatory mitigation Condition of Approval to allow purchase of credits at a CDFW-approved mitigation bank for the Covered Species.

Second, Amendment No. 2 extends the timeline in which to complete the HM lands obligation by 18 months to December 30, 2018.

AMENDMENT

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

1. Condition of Approval 9, paragraph 2, page 16, shall be amended to read:

To meet this requirement, the Permittee shall ***either 1)*** purchase 197 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank with a service area that encompasses the Project Area;

OR

2) ~~shall provide for both the permanent protection and management of 197 acres of Habitat Management (HM) lands pursuant to Condition of Approval 9.2 below and the calculation and deposit of the management funds pursuant to Condition of Approval 9.3 below. ***Submission to CDFW of the proof of purchase of Covered Species credits from a CDFW-approved mitigation or conservation bank or***~~ permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities, or ~~within 25 months~~ ***by December 30, 2018*** of the effective date of this ITP if Security is provided pursuant to Condition of Approval 10 below for all uncompleted obligations.

The Permittee shall also restore on-site 137 acres of temporarily impacted Covered Species habitat pursuant to a restoration plan submitted and approved in writing by CDFW and Condition of Approval 9.5 below.

2. MMRP:

The corresponding MMRP Measure 22, page 5, shall be amended to read the same.

3. Condition of Approval 10, final paragraph, page 23, shall be amended to read:

Even if Security is provided, the Permittee must complete the required **Covered Species credit purchase or** acquisition, protection and transfer of all HM lands and record any required conservation easements no later than ~~25 months from the effective date of this ITP~~ **December 30, 2018**. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.

4. MMRP:

The corresponding MMRP Measure 38, page 11, shall be amended to read the same.

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 No. 2 will not increase the amount of take of the Covered Species compared to the Project as originally approved, nor will this Amendment No. 2 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: Amendment No. 2 makes two (2) specific changes to the ITP as amended to add an option to the compensatory mitigation obligation to allow purchase of Covered Species credits at a CDFW-approved mitigation bank and to extend the timeline in which to complete the compensatory mitigation obligation. The resulting impacts to the Covered Species, however, including the timing, number of acres of habitat that will be lost, and the amount of compensation as a result of the Project, will remain the same.

CDFW has determined that changes to circumstances, project description, and/or conditions of approval 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 Conditions of Approval of the ITP, as amended, and described in this Amendment No. 2, including providing an additional option for completing the compensatory mitigation obligation and extending the timeline in which to complete HM lands obligations, will not increase impacts to the Covered Species.

Issuance of this Amendment No. 2 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 May 2015 and May 2016 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 No. 2 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 No. 2.

Discussion: CDFW issued the ITP in May 2015 and Amendment No. 1 in May 2016 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 Statement/Environmental Impact Report (EIS/EIR) (SCH No.: 2008041038) certified by Los Angeles Department of Water and Power as the lead agency for the Project. As explained in the findings below, CDFW finds for purposes of CESA that this Amendment No. 2 is a minor change to the ITP, as amended. CDFW finds for the same reasons under CEQA that approval of this Amendment No. 2 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 Los Angeles Department of Water and Power 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 No. 2.

CDFW finds that this Amendment No. 2 is a Minor Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4).

Discussion: This Amendment No. 2 allows Permittee to obtain Covered Species credits at a CDFW-approved mitigation or conservation bank and extends the timeline in which

to complete the HM lands obligation to December 30, 2018. 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) 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 No. 2 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 changes 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 No. 2 is not valid until Permittee signs and dates the acknowledgement below, and returns one of the duplicate originals of this Amendment No. 2 by registered first class mail to CDFW at:

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

APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on

10/9/18



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, Amendment No. 1 and this Amendment No. 2, and (3) agrees on behalf of the Permittee to comply with all terms and conditions of the ITP as amended.

By:

Charles C. Holloway

Date:

10/23/18

Printed Name: Charles C. Holloway

Title: Utility Services Manager

Minor Amendment No. 2
Incidental Take Permit 2081-2015-009-04
LOS ANGELES DEPARTMENT OF WATER AND POWER
Barren Ridge Renewable Transmission Project