

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



AMENDMENT NO. 4  
 (A Minor Amendment)  
 California Endangered Species Act  
 Incidental Take Permit No. 2081-2013-050-04  
 Southern California Edison  
 San Joaquin Cross Valley Loop Transmission Line Project in Tulare County

**INTRODUCTION**

On November 20, 2013, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2013-050-04 (ITP) to Southern California Edison (Permittee), authorizing take of California tiger salamander (*Ambystoma californiense*) (Covered Species) associated with and incidental to the San Joaquin Cross Valley Loop Transmission Line Project (Project) in Tulare County, California. The Project as described in the ITP as originally issued by CDFW includes the construction and operations/maintenance (O&M) of a new 23-mile long double-circuit 220 kV transmission line that will loop to the existing Rector substation creating the new Big Creek 3-Rector and Rector-Springville transmission line circuits. The Project was necessary in order to reduce the likelihood of overloads on the existing Big Creek 1-Rector and Big Creek 3-Rector transmission lines. The Covered Activities under the ITP included both Construction Activities and O&M Activities. Construction of the new transmission line has since been completed and the O&M activities will occur through the 30-year term of the ITP. The Covered Activities were expected to result in the permanent loss of up to 4.72 acres of breeding habitat and 40.96 acres of upland refugia habitat for the Covered Species and temporary disturbance of 0.22 acres of breeding habitat and 52.40 acres of upland refugia habitat for the Covered Species. These impacts were to be mitigated for as follows:

<b>Impact Type</b>	<b>Impact Acres</b>	<b>Mitigation Ratio</b>	<b>Compensatory Mitigation</b>
<b>Reproduction Habitat</b>			
Permanent Direct Impact	0.14	3:1	0.42
Permanent Indirect Impact	4.58	2:1	9.16
Temporary Impact	0.22	2:1	0.44
<b>Total Acres</b>	<b>4.94</b>		<b>10.02</b>
<b>Upland Refugia and Foraging Habitat</b>			
Permanent Direct Impact	40.96	3:1	122.88
Permanent Indirect Impact	-	-	-
Temporary Impact	52.40	1.5:1	78.6
<b>Total Acres</b>	<b>93.36</b>		<b>201.48</b>

To meet this requirement, the Permittee secured the ITP under a Letter of Credit in the amount of \$2,892,787.70, committing to either purchase 211.50 acres (a minimum of 10.00 acres of breeding habitat plus 201.50 acres of upland refugia) of Covered Species credits from a CDFW-approved mitigation or conservation bank (Condition of Approval 9.2 of the ITP) OR provide for both the permanent protection and perpetual management of a minimum of 10.00 acres of breeding habitat and 201.50 acres of upland refugia (for a total of 211.50 acres) Habitat Management (HM) lands (Condition of Approval 9.3 of the ITP) within 18 months of ITP issuance. Construction of the new electric transmission line began in late-2013 and was completed in late-2014.

On May 5, 2015, CDFW issued Minor Amendment No. 1 (Amendment No. 1) making the following changes to the original ITP. First, Amendment No. 1 documented the reduced impacts to Covered Species breeding habitat at and near the Project Area as compared to those which were expected and covered under the original ITP. Second, Amendment No. 1 documented the reduced amount of compensatory Covered Species breeding habitat mitigation CDFW required commensurate with the reduced impacts. Third, Amendment No. 1 allowed the Permittee to provide compensatory mitigation for the reduced impacts to Covered Species breeding habitat on a "like for like" basis. Fourth, Amendment No.1 allowed the Permittee an additional 24 months to satisfy the compensatory Covered Species reduced breeding habitat and upland habitat mitigation requirement.

On December 29, 2016, CDFW issued Minor Amendment No. 2 (Amendment No. 2) making the following changes to the original ITP. First, Amendment No. 2 documented the reduced impacts to Covered Species upland refugia habitat at and near the Project Area as compared to the impacts to upland habitat which were expected and covered under the ITP, as amended. Second, Amendment No. 2 documented the reduced amount of Covered Species upland refugia habitat compensatory mitigation acreage CDFW required commensurate with the reduced upland habitat impacts. Third, Amendment No. 2 allowed the Permittee an additional 18 months to satisfy both the Covered Species wetland breeding and upland refugia habitat acreage compensatory mitigation requirement under a corresponding reduced security.

On October 25, 2018, CDFW issued Minor Amendment No. 3 (Amendment No. 3) making the following changes to the original ITP. First, Amendment No. 3 updated the Permittee contact information. Second, Amendment No. 3 allowed the Permittee an additional 18 months to satisfy both the Covered Species wetland breeding and upland refugia habitat acreage compensatory mitigation requirement under a corresponding reduced security. Third, Amendment No. 3 updated CDFW's contact information.

In issuing the ITP, Amendments No. 1, 2, and 3 (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 April 21, 2020, the Permittee notified CDFW that the federally approved Sand Creek Conservation Bank is still seeking to finish the process of approval by CDFW. The Sand Creek Conservation Bank CDFW approval process was initiated by the bank sponsor Wildlands Inc., and in January 2019, CDFW deemed the submitted prospectus acceptable. In mid-October 2019, the parent company of Wildlands Inc. transferred administrative and management responsibilities of the Sand Creek Conservation Bank to Resource Environmental Solutions (RES) to continue the process. Because the Permittee has already met its mitigation obligation for the Project under the federal permit associated with the *Cross Valley Line Habitat Conservation Plan* (permit issued November 23, 2013, and Federal ID No. TE15135B-0) by purchasing 10.397 breeding/vernal pool credits and 203.43 upland credits at the federally approved Sand Creek Conservation Bank, the Permittee is asking for CDFW to extend the timeline for meeting the compensatory mitigation obligation under the ITP, as amended, to allow for the Sand Creek Conservation Bank to complete the CDFW conservation and mitigation bank approval process. In the letter, the Permittee requested that they be allowed an additional 18 months of time to satisfy the compensatory mitigation requirement.

This Minor Amendment No. 4 (Amendment No. 4) makes the following changes to the ITP, as amended.

First, this Amendment No. 4 allows the Permittee an additional 18 months to complete the compensatory mitigation obligation by extending the deadline from 78 months to 96 months (November 20, 2021).

Second, this Amendment No. 4 updates CDFW's contact information.

#### **AMENDMENT**

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

1. The last paragraph of Condition of Approval 9 of the Habitat Land Acquisition section on page 20 of the ITP as amended, shall be further amended to read:

To meet this requirement, the Permittee shall either purchase 124.36 acres (a minimum of 4.81 acres of wetland breeding habitat (0.50 acre of known occupied breeding habitat and 4.31 acres of potentially suitable breeding habitat) plus 119.55 acres of upland refugia and foraging habitat) of Covered Species credits from a CDFW-approved mitigation or conservation bank (Condition of Approval 9.2) OR

shall provide for both the permanent protection and management of a minimum of 4.81 acres of wetland reproductive (0.50 acres of known occupied breeding habitat and 4.31 acres of potentially suitable breeding habitat) and 119.55 acres of upland refugia (for a total of 124.36 acres) Habitat Management (HM) lands pursuant to Condition of Approval 9.3 below and the calculation and deposit of the management funds pursuant to 9.4 below. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities or within ~~78~~ **96** months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 10 below for all uncompleted obligations.

2. Conditions of Approval 9.2 on page 21, shall be further amended to read:

Covered Species Credits. Permittee shall purchase 124.36 acres of Covered Species credits consisting of a minimum of 4.81 acres of wetland breeding habitat (0.5 acre of occupied and 4.31 acres of potentially suitable breeding habitat) plus 119.55 acres of upland refugia and foraging habitat credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities or no later than ~~78~~ **96** months from the issuance of this ITP if Security is provided pursuant to Condition of Approval 10 below.

3. The last paragraph of Condition of Approval 10 of the Performance Security section on page 26 of the ITP as amended, shall be further amended to read:

Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than ~~78~~ **96** months from the effective date of this ITP. 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. CDFW contact information, page 28, shall be amended to read:

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

~~Laura Peterson-Diaz~~ **Benessa Galvan**  
California Department of Fish and Wildlife  
1234 East Shaw Avenue  
Fresno, California 93710  
Telephone (559) 243-4014, extension 225  
~~laura.peterson-diaz@wildlife.ca.gov~~  
**benessa.galvan@wildlife.ca.gov**

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All terms and conditions of the ITP, as amended, and Mitigation Monitoring and Reporting Program (MMRP) that are not expressly amended herein remain in effect and must be implemented and adhered to by the Permittee.

## **FINDINGS**

*Issuance of Amendment No. 4 will not increase the amount of take of the Covered Species compared to the Project as originally approved, nor will Amendment No. 4 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. 4 makes two specific changes to the ITP as previously amended. Amendment No. 4 allows an additional 18 months to satisfy the compensatory mitigation requirement and updates CDFW’s contact information.

CDFW has determined that the additional time needed to satisfy the mitigation requirement 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 Amendment No. 4 will not increase impacts to the Covered Species.

*Issuance of Amendment No. 4 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 November 2013 that the Project, as approved, met the standards for issuance of an ITP under the California Endangered Species Act (CESA). CDFW determined in May 2015, December 2016, and October 2018 that Amendments No. 1, 2, and 3, respectively, 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 Amendment No. 4 because the Project and ITP, as amended, do 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 the 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 Amendment No. 4.*

Discussion: CDFW originally issued the ITP in November 2013 and amended the ITP in May 2015, December 2016, and October 2018 as a responsible agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) after, among other things, considering the Final Environmental Impact Report 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 Amendment No. 4 is a minor change to the ITP, as amended. CDFW finds for the same reasons under CEQA that approval of Amendment No. 4 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 Amendment No. 4.

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

Discussion: Amendment No. 4 allows the Permittee an additional 18 months to complete the compensatory mitigation required by the ITP, as amended, and updates the contact information for CDFW. 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, Amendment No. 4 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).

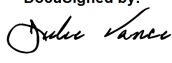
The authorization provided by Amendment No. 4 is not valid until Permittee signs and dates the acknowledgement below, and returns one of the duplicate originals of Amendment No. 4 by registered first class mail to CDFW at:

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

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

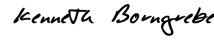
on 7/8/2020

DocuSigned by:  
  
FA83F09FE08945A

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.

DocuSigned by:  
  
By: 7419790CAFR44B0

Date: 7/9/2020

Printed Name: Kenneth Borngrebe

Title: Director

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