

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**  
BAY DELTA REGION  
2825 CORDELIA ROAD, SUITE 100  
FAIRFIELD, CA 94534



**AMENDMENT NO. 1**  
(A Major Amendment)  
California Endangered Species Act  
Incidental Take Permit No. 2081-2017-011-03  
Pacific Gas and Electric Company  
R649, R700 and R707 Natural Gas Transmission  
Pipeline 131 Replacement Project in Alameda County

**INTRODUCTION**

On August 28, 2018, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2017-011-03 (ITP) to Pacific Gas and Electric Company (PG&E) (Permittee) authorizing take of California tiger salamander (*Ambystoma californiense*) (Covered Species) associated with and incidental to the R649, R700, and R707 Natural Gas Transmission Pipeline 131 Replacement Project in Alameda County, California (Project, Figure 1). The Project as described in the ITP originally issued by CDFW includes the replacement of approximately 5 miles of natural gas transmission pipeline L131. The Project is composed of separate pipeline segments, all of which required replacement. The existing natural gas transmission pipeline L131 is a 24-inch-diameter pipeline originally installed in 1944. Recent studies have determined that portions of the original asphalt pipe coating were in poor conditions, so the Permittee replaced the 5-mile section of L131 with new 24-inch-diameter pipe. In issuing the ITP, CDFW found, among other things, that 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.

Since issuance of the ITP, Permittee has identified a need to modify and expand the Project to add two pipeline components for replacement and maintenance (Figure 1) which were not included in the ITP. On April 10, 2019, Permittee applied for an Amendment to add an approximately 820-foot length of Natural Gas Transmission Pipeline 131 (L-131; Site R-893, Figure 2) for replacement and a segment of Natural Gas Transmission Pipeline 114 (L-114; Site D-915, Figure 3) for inspection and repair.

**Site R-893**

Work includes replacement of an 825-foot segment of the 24-inch L-131 pipeline. The eastern portion of this pipeline replacement overlaps with the southern portion of the R-649 component of the Project. A new 24-inch line would be installed approximately 80 to 150 feet west and parallel to the existing line. Construction would be three areas,

which lie north, south, and beneath the Interstate 580 (I-580) corridor and Arroyo Las Positas Creek. In the northern area, south of Shea Homes on Tranquility Circle in Livermore, a segment of approximately 440 feet of pipeline would be installed via open trench approximately 10 feet below ground surface. A portion of the eastern end of this pipeline segment was part of the Project's R-649 component.

Auger boring would be used for the installation of pipeline beneath I-580 and approximately 30 feet of a large ephemeral drainage, Arroyo Las Positas. Boring would require excavation of an entry pit (60 feet wide by 25 feet long) and exit pit (20 feet wide by 10 feet long) down to the new pipeline depth. A 24-inch metal-coated pipe would be welded and pushed into the bore in 40-foot sections. Crews would weld and coat each pipe joint prior to the pipe being pushed into the bore. Bore pits would be excavated to approximately 28 feet below the bottom of the pipeline, no less than 10 feet below the streambed, to allow for adequate construction access. Permittee will develop a frac-out contingency plan in case of inadvertent fracture through alluvium or bedrock below the channel. After installation of the pipeline, excavated subsoil would be placed into the bore pits followed by placement of topsoil to restore the original grade to approximate pre-project contours.

#### **Site D-915**

Work includes excavation, visual assessment, and potential repairs on approximately 24 feet of the L-114 pipeline at two separate locations on 0.17 acres of workspace near the Permittee's Dalton Substation (1.65 miles southeast of the eastern terminus of the L-131 pipeline, detached from other sections of the Project). Two 12-foot-long sections of pipe would be excavated within 8-foot-wide bell holes. Examination of the pipeline would include removing pipeline coating, performing an inspection to identify corrosion, dents, manufacturing anomalies, and pipe body and weld cracks. Pipeline repairs would be made, and the site would then be backfilled and restored to the approximate pre-project conditions. Access to the bell holes would primarily be along an existing dirt track through an undeveloped upland.

#### **Additional Background and Summary of Changes**

In 2019, Permittee proposed to CDFW its intention to use acreage on three privately held parcels in Alameda and Contra Costa counties to fulfill its mitigation obligations of 56.15 acres for the ITP and the additional estimated 1.47 acres for the two components described in this Amendment. The parcels contain suitable upland habitat for the Covered Species. Upon CDFW approval of the HM Lands package, Permittee would be able to conserve the parcels to satisfy compensatory mitigation requirements associated with the ITP. Until the package is fully approved by CDFW and a

conservation easement is adopted, Permittee will maintain an additional Letter of Credit with CDFW as financial assurance of mitigation.

In order to allow time to permit and construct these two sites, an extension is required for the current expiration date of the ITP to December 31, 2022. In addition, the Permittee representative has changed from Adam Cleary to Craig Geldard, the current manager of this work.

Amendments and additions have been made to the Conditions of Approval to improve clarity for implementation and effectiveness of protection of Covered Species. This Project must be compliant with the California Environmental Quality Act (CEQA), and protective measures developed in the Project's Subsequent Mitigated Negative Declaration have been incorporated as modifications or additions to original Conditions of Approval. Performance standards for protective Conditions of Approval have been updated as needed to reflect current CDFW practice. The new locations for Covered Activities described in the Amendment required new or amended Conditions of Approval related to protection of and buffers from swale and stream habitats, respectively. Minor changes were also made in order to account for new acronyms or numbering of Figures.

This Major Amendment No. 1 (Amendment) makes the following changes to the ITP:

First, this Amendment changes the contact information for the Permittee to Craig Geldard, Manager, (925) 286-9590.

Second, this Amendment renews and extends the expiration date of the ITP to December 31, 2022.

Third, this Amendment adds two construction activities, identified as excavation and repairs at R-893 and D-915 in the Amendment application.

Fourth, this Amendment changes the Project Location to include two sites identified as R-893 and D-915 in the Amendment application.

Fifth, this Amendment increases the required compensatory mitigation required by 1.47 acres.

Sixth, this Amendment increases the required security and provides six months from the effective date of this Amendment to secure the previous obligation of 56.15 acres and the additional increment of 1.47 acres to provide a reasonable time period for the Permittee to fulfill all past and new mitigation requirements of this Amendment.

## **AMENDMENT**

Major Amendment No. 1  
Incidental Take Permit 2081-2017-011-03  
PACIFIC GAS AND ELECTRIC COMPANY  
R649, R700, AND R707 NATURAL GAS TRANSMISSION  
PIPELINE 131 REPLACEMENT PROJECT

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

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

Permittee: Pacific Gas and Electric Company  
Principal Officer: ~~Adam Cleary~~ ***Craig Geldard***, Manager (925) ~~328-5028-286-9590~~

2. The expiration date on page 1 shall be amended to read:

This ITP shall be executed in duplicate original form and shall become effective once a duplicate original is acknowledged by signature of the Permittee on the last page of this ITP and returned to CDFW's Habitat Conservation Planning Branch at the address listed in the Notices section of this ITP. Unless renewed by CDFW, this ITP's authorization to take the Covered Species shall expire on **December 31, 20192022**.

3. The Project Location on page 2 shall be amended to read:

The Natural Gas Transmission Pipeline 131 (L131) Replacement Project for R649, R700, and R707 (Project) is located in eastern Alameda County, north of the City of Livermore, between Interstate 580 (I-580), immediately east of Isabel Avenue and extending northeast to Vasco Road. The Project includes portions of the Altamont, Byron Hot Springs, Livermore, and Mt. Diablo United States Geological Survey (USGS) 7.5-minute quadrangles. The majority of the Project is located north of the City of Livermore in an unincorporated part of Alameda County. At the northern terminus, the Project extends from Vasco Valve Station (37.761230 N, -121.736744 W) west of Vasco Road (1.24 miles north of Rooney Ranch Road) for approximately 5 miles southwest to the Shea Homes housing development between I-580 and Portola Avenue (37.701488 N, -121.794396 W).

The Project is composed of three separate pipeline segments, all of which are located in the same area and require replacement:

- R649 Site: Replace two short segments of L131, as follows: 1) approximately 300 feet between pipeline mile post (MP) 31.83 and MP 31.90, beginning at the south end of R700 and extending to immediately north of Portola Avenue; and 2) approximately 100 feet north of I-580 at MP 32.29 between a residential development and Arroyo Las Positas.
- R700 Site: Replace an approximately 4-mile segment of L131 between MPs 28.00 and 31.83, beginning at the south end of R707 and extending south to the north end of R649 north of Portola Avenue. R700 crosses Hartman Road, North

Livermore Avenue, May School Road, and Dagnino Road as it continues northeast from Portola Avenue to R707.

- R707 Site: Replace an approximately 1-mile segment of L131 between MPs 27.02 and 28.00, extending from the Vasco Crossover Station adjacent to Vasco Road in the north to a location just east of the end of Dagnino Road to the southwest, at the north end of R700.

***The Project also includes the following locations:***

- ***Site D-915 is 1.6 miles north of I-580, 0.5 mile west of North Vasco Road, and about 500 feet northeast from the corner of Raymond Road and Ames Street and the Dalton Crossover PG&E Substation. It has two separate pipe inspection and repair sites, approximately 830 feet apart: Site 1: Latitude 37°44'4.16"N Longitude 121°43'59.21"W, Site 2: Latitude: 37°43'55.68"N Longitude 121°43'59.28"W.***
- ***Site R-893 is located in the City of Livermore and overlaps with a portion of the R-649 site of the Project, adjacent to the Shea Homes Sage residential complex near Tranquility Circle. The northern portion of the R-893 component is about 0.25 mile east of Isabel Avenue, and 0.25 mile west of Portola Avenue, at Latitude 37°42'5.56"N Longitude 121°47'41.69"W. The activity extends approximately 825 south, underneath Interstate 580, to the southern portion of the site, a bore entry pit south of East Airway Boulevard, at Latitude 37°42'1.08"N Longitude 121°47'44.14"W.***

4. The Project Description on pages 2 and 3 shall be amended to read:

The Project includes the replacement of approximately 5 miles of natural gas transmission pipeline L131. The Project is composed of three separate pipeline segments, all of which are located in the same area and require replacement. The existing natural gas transmission pipeline L131 is a 24-inch-diameter pipeline originally installed in 1944. Recent studies have determined that portions of the original asphalt pipe coating are in poor condition, and corrosion engineering assessments have concluded that a 5-mile section of L131 cannot be adequately protected by the existing cathodic protection (CP) system. The Permittee will replace the 5-mile section of L131 with new 24-inch-diameter pipe. The Project is scheduled to be completed by ~~the end of 2018~~ November **2021**, with any remaining portions to be completed in spring and summer ~~2019~~ **2022** as needed.

***The R-893 component would replace approximately 825 feet of the existing pipeline near Tranquility Circle, below I-580, and on private property south of***

**East Airway Boulevard. The D-915 component would include excavation, inspection, and repair of approximately 24 feet of the L-114 pipeline in two locations approximately 830 feet apart.**

5. Condition of Approval 2 CEQA Compliance on page 6 shall be amended to read:

Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the **Subsequent** Mitigated Negative Declaration and Initial Study (SCH #2018062074) adopted by the California Department of Fish and Wildlife (**CDFW**) as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). For purposes of this ITP, where the terms and conditions for the Covered Species in the Mitigated Negative Declaration are less protective of the Covered Species, **as determined by CDFW**, or otherwise conflict with this ITP, the conditions of approval set forth in this ITP shall control.

6. Condition of Approval 3 LSA Agreement Compliance on page 6 shall be amended to read:

LSA Agreement Compliance **with Fish and Game Code section 1600 et seq.:** Permittee shall implement and adhere to the terms and measures and conditions related to the Covered Species in the Lake and Streambed Alteration Agreement (LSAA) (Notification No. 1600-2017-041-R3) for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq. **Permittee shall comply with any and all relevant portions of Fish and Game Code section 1600 et seq. if any subsequent Project activity substantially changes or uses any material from the bed, bank or channel of any stream in the Project areas.** For purposes of this ITP, where the terms and conditions for the Covered Species in the streambed alteration agreement are less protective of the Covered Species or otherwise conflict with this ITP, the conditions of approval set forth in this Amended ITP shall control.

7. Condition of Approval 6.2 Designated Biologist(s) on page 7 shall be amended to read:

Permittee shall submit to CDFW in writing **and in the format requested by CDFW** the name, qualifications, business address, and contact information, **including mobile phone numbers**, of the biological monitor(s) (Designated Biologist(s)) at least 20 days before starting Covered Activities. Information included in this notification should include, at a minimum: (1) relevant education; (2) relevant training on species identification, survey techniques, handling individuals of different age classes, and handling of different life stages by a permitted biologist or recognized

species expert; (3) a summary of field experience conducting requested activities; (4) a summary of Incidental Take Permits of U.S. Fish and Wildlife Service (USFWS) biological opinions under which they were authorized to work with the listed species and at what level (e.g. construction monitoring versus handling); this should also include the names and qualifications of persons under which the work was supervised as well as the amount of work experience on the actual project; (5) any relevant professional references with contact information. Permittee shall ensure that the Designated Biologist(s) is knowledgeable and experienced in the biology and natural history of the Covered Species. At least one Designated Biologist(s) who is legally authorized to collect and handle the Covered Species shall be always on-site or on-call within 30 minutes of travel time from active Work Areas during Covered Activities. Authorizations from CDFW for biologists that lack collecting and handling experience may be limited to working under the supervision of more experienced biologists. The Designated Biologist(s) 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(s) in writing before starting Covered Activities and shall also obtain written approval in advance if the Designated Biologist(s) must be changed.

8. Condition of Approval 6.5 Construction Monitoring Binder on page 8 shall be amended to read:

The Designated Biologist(s) shall maintain a construction- monitoring binder on-site throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring binder is available for review at the Project site upon request by CDFW **or its agents**.

9. Condition of Approval 6.8 Equipment and Invasive Plant Species on page 8 shall be amended to read:

Permittee shall ensure off-road equipment is clean of mud, soil, and plant parts prior to being brought to the Project Area. **Cleaning will occur by brushing, washing, or other means of manual or mechanical removal and shall be confirmed clean by a biological monitor before entering sensitive habitats.** Permittee shall ensure off-road equipment moved from areas of known and targeted noxious weeds are to be cleaned prior to being moved to another site not in the immediate vicinity. If Permittee operates on-road equipment on contaminated, vegetated surfaces, Permittee shall ensure the equipment is cleaned prior to departing areas with known weed populations. **Degree of infestation by noxious weeds (defined as those**

**that are listed on the Cal-IPC high or moderate lists) across the entirety of the Project Area shall be determined by a biologist prior to construction. This assessment will inform and be reflected in the Final Vegetation Restoration Plan (Condition of Approval 9.6).**

10. Condition of Approval 6.12 Delineation of Habitat on page 9 shall be amended to read:

Permittee shall clearly delineate habitat of the Covered Species, **including the swale at D-915, Location 1 and in accordance with Condition of Approval 6.21**, within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place barriers as necessary to minimize the disturbance of Covered Species' habitat and minimize risk to Covered Species. Permittee shall remove barriers and delineation materials as soon as possible, after cessation of construction activity and in accordance with Condition of Approval 8.3 (Exclusion Barrier), unless otherwise authorized by CDFW. Permittee shall maintain all signage and delineation materials in working order until it is removed.

11. Condition of Approval 6.13 Project Access on page 9 shall be amended to read:

Project-related personnel shall access the Project Area using routes identified in Figures ~~2-0 through 2-9~~ **2 and 3** and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, designated overland travel routes, staging, and parking areas. Vehicles will not exceed a speed limit of 15 mph on unpaved roads within natural land-cover types, or 5 mph during off-road travel. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.

12. Condition of Approval 6.14 Staging Areas on page 9 shall be amended to read:

Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas **or areas approved by the biological monitor after determining Covered Species will not be adversely affected**. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area.

13. Condition of Approval 6.16 CDFW Access on page 10 shall be amended to read:



Permittee shall provide CDFW staff **and its agents** with reasonable access to, and within, the Project Area and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.

14. Condition of Approval 6.19 shall be added to read:

**6.19. Refueling and Equipment Maintenance. Vehicle and equipment fueling, and maintenance operations shall be conducted in designated areas only; these will be equipped with appropriate spill control materials and containment. Vehicles or equipment shall not be refueled within 150 feet of a wetland, stream, or other waterway unless a bermed and lined refueling area is constructed.**

15. Condition of Approval 6.20 shall be added to read:

**6.20. Stockpiling. Stockpiling of material shall occur outside of seasonal swales and ephemeral drainages.**

16. Condition of Approval 6.21 shall be added to read:

**6.21. Avoidance of Swale and Stream Habitats. Access across the alkali seasonal wetland swale along the D-915 Locations A and B access route shall occur during the dry season, when no flowing or standing water is anticipated, to avoid any significant alteration of this Covered Species habitat. Heavy construction equipment shall minimize travel through the crossing to an extent feasible, with the frequency subject to written CDFW approval. A temporary clear-span bridge shall be installed to further prevent any impacts to the feature unless Permittee requests and receives approval for a variance to this requirement due to seasonal desiccation of swale wetland moisture and vegetation. At the R-893 Site, the Designated Biologist will demarcate riparian habitat that is adjacent to Arroyo las Positas Creek in order to prevent entry of construction equipment.**

17. Condition of Approval 7.10. Temporary Impact Criteria on page 12 shall be amended to read:

To be considered a temporary impact, all temporary impacts must meet the following criteria: (1) recontouring and seeding of each temporary impact area shall occur by October 31 of the year of the temporary impact; ~~and~~ (2) **seeding of each temporary impact area shall occur by the later of the following: October 31 of the year of temporary impact or within 10 days of the first rainfall exceeding ¼ inch in a 24-hour period of the year of the temporary impact; and (3)** temporary impact sites have achieved vegetation success as described in the **Final** Vegetation

Restoration Plan (Condition of Approval 9.6).

Permittee shall purchase additional mitigation credits using the Eastern Alameda County Conservation Strategy-adjusted 2:1 ratio for any temporary work areas not restored by the first significant rainfall.

18. Condition of Approval 8.1 Pre-activity Covered Species Surveys on page 12 shall be amended to read:

Prior to the commencement of Covered Activities, the Designated Biologist(s) shall survey all Work Areas for presence of Covered Species and shall follow earthmoving equipment to look for Covered Species during initial site staging and grading.

**Surveys shall include all potentially suitable upland habitat such as rodent burrows, cracks, ruts, holes near root structures, foundations, abutments, and leaf litter within the Project Area that contain potential habitat for these species.** If the Designated Biologist(s) or anyone else discovers a Covered Species, Permittee shall cease all activity in the vicinity of the occurrence **and the Designated Biologist shall contact CDFW and the USFWS to determine if moving any of the Covered Species is appropriate. In making this determination, CDFW and USFWS shall consider if an appropriate relocation site exists as provided in the Relocation Plan. If relocation is approved, activity in the vicinity of the occurrence shall cease** until relocation has been completed in accordance with Condition of Approval 8.15.

19. Condition of Approval 8.2 Covered Species Exclusion Plan on pages 12 and 13 shall be amended to read:

Covered Species Exclusion Plan **Implementation.** ~~At least 15 days prior to commencing Covered Activities, Permittee shall submit to CDFW a Covered Species Exclusion Plan for CDFW review and approval. The plan shall evaluate each Work Area based on, planned work activities, season of work, Covered Species occurrence to date, duration of site activity, and potential Covered Species breeding locations. The plan shall include the locations of the exclusion barrier and indicate when the barrier will be erected and removed. The exclusion barrier shall not include plastic monofilament netting in its construction. The plan shall include multiple escape funnels, ramp, or other methods to allow Covered Species to leave the Project Area unharmed.~~ **Permittee shall implement the Final Covered Species Exclusion Plan, as approved by CDFW, to facilitate prevention of entry of Covered Species to the Project Area.**

20. Condition of Approval 8.4 Exclusion Barrier Inspection and Maintenance on page 13. The last sentence shall be amended to read:

Permittee will remove the exclusion barrier as soon as possible, but no later than 7 days after activities have ceased, unless the barrier is required to remain longer to ensure Stormwater Pollution Prevention Plan (**SWPP**) or **Site-specific Erosion and Sediment Control Plan (S-ESCP)** compliance.

21. Condition of Approval 8.8 Time of Day Work Restrictions on page 14 shall be amended to read:

Permittee shall terminate all major construction activities 30 minutes before sunset and shall not resume them until 30 minutes after sunrise. Permittee shall use sunrise and sunset times established by the U.S. Naval Observatory Astronomical Applications Department. ~~If an activity has been started that cannot be finished during daylight hours, Permittee may conduct nighttime work for up to a total of seven nights at each individual grassland or riparian Work Area while this ITP is valid and will notify CDFW prior to each night of work.~~ **If Covered Activities cannot be avoided during this period because of safety or emergency reasons, they shall proceed only for the minimum time necessary to abate the risk to safety or emergency and limited to a maximum of 7 total nights at each individual work area.** Permittee shall limit nighttime work in extent, duration, and brightness to the maximum extent possible. **Prior to commencing Covered Activities at night, Permittee will provide CDFW with notice of where and when such work will occur, and measures implemented to protect Covered Species. If more than seven (7) total nights of work are necessary at any work area with habitats that support Covered Species, due to requirements in local permits or unforeseen circumstances, additional nights of work will only occur if approved by CDFW and in compliance with other regulatory entities with jurisdiction.** Permittee shall face lighting downward and will only use lighting in the immediate workspace **to achieve a safe working environment.** The Designated Biologist(s) will continue to be present during all night work **and will ensure that lighting is used to the minimum extent feasible.** Permittee shall not conduct any nighttime work if a 40% or more chance of rain is predicted within 72 hours (see Condition of Approval 8.7).

22. Condition of Approval 8.9 Structure Inspection on page 14 shall be amended to read:

Structure **Storage and** Inspection. Permittee shall ensure that all construction pipes, culverts, or similar structures ~~that are stored~~ in the Project Area for one or more overnight periods are **stored so as to prevent Covered Species from using these as temporary refuges (i.e., securely capped prior to storage)**, or thoroughly inspected by the Designated Biologist(s) **each morning and** before the pipe is buried, capped, or otherwise used or moved in any way. If a Covered Species is discovered, it shall be relocated according to the Covered Species Relocation Plan, Condition of Approval 8.15.

23. Condition of Approval 8.10 Open Construction Excavation, Trenches, and Inspection on pages 14 and 15 shall be amended to read:

To prevent the accidental entrapment of Covered Species, Permittee shall cover all excavated holes or trenches deeper than 6 inches with plywood or similar material **with and bury the perimeters, leaving** no cracks or open spaces, at the end of each workday. Edges of plywood shall be sealed with dirt and plywood shall be weighted down to prevent it from moving. At the end of each workday, Permittee shall ramp trenches or **and** large excavations that cannot easily be covered to allow trapped animals **an to escape method**.

The ramp may be constructed of either dirt fill or wood planking or other suitable material placed at an angle no greater than 30 degrees, **and shall be installed at intervals of no less than 30- to 45-inches apart unless otherwise authorized by CDFW**. The Designated Biologist(s) shall inspect holes, trenches, and ramps each morning that Covered Activities occur, or otherwise at intervals of no less than 24 hours. The Designated Biologist(s) will thoroughly inspect such holes or trenches for trapped Covered Species. If a Covered Species is discovered, it shall be relocated according to the Covered Species Relocation Plan, Condition of Approval 8.15. Protection of Covered Species within excavations made by biologists around burrows shall be in accordance with the burrow excavation protocol in Measure 8.6.

24. Condition of Approval 8.12 Spoil Piles on page 15 shall be amended to read:

Permittee shall place spoils piles away from concentrations of small mammal burrows. Permittee shall place all spoils piles within demarcated Work Areas identified in ~~Figures 2-1 through 2-13.~~

25. Condition of Approval 8.15 Covered Species Relocation on pages 15 and 16 shall be amended to read:

Permittee shall submit a Covered Species Relocation Plan to CDFW for its approval prior to the start prior to the start of Covered Activities. The Relocation Plan will include relocation site selection criteria, and may be combined with an Excavation Protocol document. When Covered Species are observed, the Designated Biologist(s) shall relocate any individuals found to an active rodent burrow system located no more than 300 feet outside of the Project Area, or the nearest suitable burrow beyond that distance. **All relocation burrows will be away from roads and pavement/graveled areas to the extent possible**. The Covered Species shall be released as soon as possible. A suitable burrow should be at least 3 inches in depth and have moist and cool conditions. If burrow density allows, the Designated Biologist(s) shall only release one animal per burrow. Covered Species may be

encouraged to enter the burrows by gently nudging if they do not enter on their own. If the animal repeatedly walks away from the burrow, or partially enters it and then turns around, the Designated Biologist(s) shall remove it and find another burrow.

The Designated Biologist(s) shall document occurrence and relocation sites by photographs and GPS positions. When handled, **Covered Species shall be photographed and measured (snout-vent and total length) for identification purposes prior to relocation.** ~~the Designated Biologist(s) will photograph and measure (snout-vent) the Covered Species for identification purposes prior to relocation.~~ The Designated Biologist(s) shall monitor the Covered Species until it is determined that it is not imperiled by predators or other dangers. The Designated Biologist(s) shall release individual Covered Species one at a time rather than as a group. Permittee shall provide all documentation to CDFW within 48 hours of Covered Species relocation.

26. Condition of Approval 8.16 Covered Species Handling and Injury subsection b) on page 16 shall be amended to read:

If the Designated Biologist(s) determines that the Covered Species has major or serious injuries as result of Project-related activities, it shall be transported immediately to the Lindsay Wildlife Museum or another CDFW approved facility. If taken into captivity, the individual shall remain in captivity and shall not be released into the wild unless it has been kept in quarantine and the release is authorized by CDFW and USFWS. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. Permittee shall document the circumstances of the injury, the procedure followed, and the final disposition of the injured animal in a written incident report **within 24 hours of relocation and** as described in Condition of Approval 7.8.

27. Condition of Approval 9 Habitat Management Land Acquisition and Restoration paragraph 2 on page 17 shall be amended to read:

To meet this requirement, the Permittee shall either purchase a total of ~~56.45~~ **57.65** acres (**an additional 1.5 acres from what was required in the original ITP**) of Covered Species credits from a CDFW-approved mitigation or conservation bank (Condition of Approval 9.2) within the East Alameda County Conservation Strategy (EACCS) CTS North mitigation area (Chapter 3, Figure 3-10, dated October 2010) OR shall provide for both the permanent protection and management of ~~56.45~~ **57.65** acres of Habitat Management (HM) lands pursuant to Condition of Approval 9.3 below and the calculation and deposit of the management funds pursuant to Condition of Approval 9.4 below. **The Permittee shall also restore on-site 57.62 acres of temporarily impacted Covered Species habitat pursuant to Condition**

**of Approval 9.6 below. If any temporary impacts do not meet the criteria identified in ITP Conditions of Approval 7.10 and 9.6, then CDFW may require compensatory mitigation to offset the additional Project temporal impacts. If Permittee does not complete seeding of temporary impact areas by October 31 of the year of the impact, but restores impact areas within 2 years of the impact consistent with Conditions of Approval 7.10 and 9.6, then CDFW shall consider those disturbed areas as long-term temporary, and require compensatory mitigation at a 2:1 ratio (acres of mitigation: acres of impact). If Permittee does not restore areas considered temporarily disturbed within 2 years, then CDFW shall consider those areas as permanent impacts, and require compensatory mitigation at a 3:1 ratio (acres of mitigation: acres of impact).**

28. Condition of Approval 9.1, 9.1.1 and 9.1.2 Cost Estimate on page 17 shall be amended to read:

9.1. Cost Estimates. CDFW has estimated the cost of acquisition, protection, and perpetual management of the HM lands and the restoration of temporarily disturbed habitat as follows:

9.1.1. Purchase of ~~56.45~~ **57.65** acres of California tiger salamander credits from a CDFW-approved mitigation or conservation bank is estimated at ~~\$2,228,000~~ **\$2,288,000**.

9.1.2. Restoration of on-site temporary effects to Covered Species habitat as described in Condition of Approval 9.6 is estimated at ~~\$188,000~~ **\$195,000**.

29. Condition of Approval 9.2 Covered Species Credits on page 17 shall be amended to read:

Permittee shall purchase ~~56.45~~ **57.65 (an additional 1.5 acres from what was required in the original ITP)** acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 18 months from the issuance of this ITP if Security is provided pursuant to Condition of Approval 10 below. **Permittee shall obtain CDFW written approval of the Covered Species credits before acquisition. Permittee shall provide CDFW with a copy of the bill of sale for the required credits.**

30. Condition of Approval 9.6 Habitat Restoration on page 19 and 20 shall be amended to read:

Habitat Restoration **and Vegetation Restoration Plan**. Permittee shall restore on-site the ~~56.45~~ **57.62** acres of Covered Species habitat that will be temporarily

disturbed during construction to pre-project or better conditions. ~~Within one month of issuance of this ITP, the Permittee shall prepare a~~ **implement the Final** Vegetation Restoration Plan, **as approved by CDFW**, to facilitate revegetation of ~~56.15~~ **57.62** acres of temporary construction disturbance on-site, and shall ensure that the contractor successfully implements the Plan. The Plan shall include detailed specifications for restoring all temporarily disturbed areas, such as seed mixes and application methods. The seed mix shall be a naturalized combination of rangeland non-invasive grasses and forbs. The plan shall also indicate the best time of year for seeding to occur, and three years of monitoring and success criteria. Plantings undertaken between April 15 and October 15 shall include regular watering to ensure adequate growth if necessary. Permittee shall not plant, seed, or otherwise introduce invasive plant species. Prohibited exotic plant species include those identified in the California Invasive Plant Council's Inventory Database, which is accessible at: <http://www.cal-ipc.org/paf/>.

31. Condition of Approval 10.1 Security Amount on page 22 shall be amended to read.

**The Security shall be in the amount of ~~\$2,416,000.~~ \$2,483,000 (an additional \$67,000 from what was required in the original ITP). This amount is based on the cost estimates identified in Condition of Approval 9.1 above.**

All MMRP Measures corresponding to the changes above shall be amended to read the same as above.

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 increase the amount and location of take of the Covered Species compared to the Project as originally approved; however, by implementing restoration of temporarily-disturbed habitat, reducing the total amount of disturbed habitat, increasing the amount of upland habitat credits purchased or upland habitat acreage conserved, and continued compliance with the Conditions of Approval in the ITP, it is not expected that this Amendment will increase Project impacts on these species (i.e., "impacts of taking" as used in Fish and Game Code Section 2081, subd. (b)(2)).*

**Discussion:** This Amendment reflects an increase of impact area to Covered Species habitat. This change is due to the addition of two locations for overall pipeline safety inspection and enhancement. Neither of these locations is directly adjacent to the Project activities, and therefore may impact previously undisturbed populations of

Covered Species. Therefore, CDFW is requiring purchase of additional upland habitat conservation credits or protection of additional upland habitat acres conserved for the additional Project impacts that may adversely affect the Covered Species. The Permittee shall provide CDFW with additional Security prior to construction to ensure additional mitigation credits are purchased. Permittee shall purchase additional mitigation credits using a 2:1 ratio for any temporary work areas not restored by the first significant rainfall. The 2:1 ratio (as opposed to 3:1 assessed for permanent effects) is appropriate, given that upland habitat will only be affected for one or two seasons and not in perpetuity.

*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 August 2018 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 does not substantively alter the measures that will be undertaken to minimize and mitigate previously authorized impacts on Covered Species. Permittee's purchase of additional mitigation credits or conservation upland habitat acreage, and restoration of temporarily disturbed habitat will minimize and fully mitigate for any increased duration of Project area impact. 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.

*CDFW prepared a subsequent environmental analysis of the Project under Public Resources Code section 21166 or California Code of Regulations, title 14, sections 15162 and 15163.*

Discussion: CDFW issued the ITP in August 2018, as a lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) after, among other things, preparing and adopting a mitigated negative declaration (MND) for the Project. As explained in the findings below, CDFW finds for purposes of CESA that this Amendment represents a major change in the Project as originally approved. Also, CDFW prepared and adopted a subsequent MND that analyzes the changes to the Project that occurred after adopting the 2018 MND.

This Amendment, along with CDFW's related CEQA findings, which are available as a separate document, provide evidence of CDFW's consideration of the subsequent MND



for the Project and the environmental effects related to issuance of this Amendment. CDFW finds that issuance of this Amendment will not result in any significant adverse effects on the environment.

*CDFW finds that this Amendment is a Major Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(5).*

**Discussion:** This Amendment adds two new sites where Covered Activities will take place, allows a corresponding increase of the area (1.47 acres) of authorized take and habitat impacts of the Covered Species, adjusts several Conditions of Approval to increase effectiveness of Covered Species protections, and adds an entirely new construction method, mechanical boring. As described above, these changes : (1) increase the level of take or other Project impacts on Covered Species previously analyzed and authorized by the ITP, (2) increase the Permittee's substantive mitigation obligations under the ITP, (3) increase temporal impacts on the Covered Species. This Amendment therefore constitutes a significant change in the scope of the Project. Additional implementations, with some modifications, of all of the original protective measures, including full restoration of vegetation at the new sites will be necessary. Additional Security will be provided by increasing the LOC to cover the cost to purchase up to an additional 1.5 acre-credits at a mitigation bank, or equivalent purchase of Habitat Mitigation lands. Therefore, this Amendment will 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 a Major Amendment as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(5).

The authorization provided by this Amendment is not valid until signed by all parties and returned to CDFW. Digital signatures facilitated by CDFW will be automatically returned and shall comply with Government Code section 16.5. Wet signatures on duplicate original paper copies shall be returned by the Permittee via registered first-class mail or overnight delivery to the following address:

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

## **ATTACHMENTS**

FIGURES 1 to 3      Maps of New Project Components  
ATTACHMENT 1      Mitigation Monitoring and Reporting Program (Amendment No. 1)

Major Amendment No. 1  
Incidental Take Permit 2081-2017-011-03  
PACIFIC GAS AND ELECTRIC COMPANY  
R649, R700, AND R707 NATURAL GAS TRANSMISSION  
PIPELINE 131 REPLACEMENT PROJECT

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

on 6/18/2021 \_\_\_\_\_.

DocuSigned by:  
*Gregg Erickson*  
DE74D4C93C684EA...  
\_\_\_\_\_  
Gregg Erickson, Regional Manager  
Bay Delta 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: 6/20/2021

Printed Name: Craig Geldard Title: Manager, Environmental

Major Amendment No. 1  
Incidental Take Permit 2081-2017-011-03  
PACIFIC GAS AND ELECTRIC COMPANY  
R649, R700, AND R707 NATURAL GAS TRANSMISSION  
PIPELINE 131 REPLACEMENT PROJECT