



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



October 26, 2021

Craig Geldard
Pacific Gas and Electric Company
6111 Bollinger Canyon Road, Office 3220C
San Ramon, California 94583

Subject: Incidental Take Permit for ID-78/Spans 24 and 27, L-300 (2081-2019-020-04)

Dear Mr. Geldard:


Enclosed you will find an electronic copy of Amendment No. 1 to the incidental take permit for the above referenced Project, which has been digitally signed by the California Department of Fish and Wildlife (CDFW). Please read the amendment carefully, sign the acknowledgement, and return the original **no later than 30 days from CDFW signature**, and prior to initiation of ground-disturbing activities. You may return a hard copy of the amendment via mail to:

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

Alternatively, you may return an electronic copy of the amendment with digital signature to CESA@wildlife.ca.gov. Digital signatures shall comply with Government Code section 16.5.

You are advised to keep the 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 amendment must be maintained at the project work site and made available for inspection by CDFW staff when requested.

The amendment will not take effect until the signed acknowledgement is received by CDFW. If you wish to discuss these instructions or have questions regarding the amendment, please contact Craig Bailey, Senior Environmental Scientist (Supervisory), at craig.bailey@wildlife.ca.gov.

Sincerely,
DocuSigned by:

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

Enclosure

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



AMENDMENT NO. 1
(A Minor Amendment)
California Endangered Species Act
Incidental Take Permit No. 2081-2019-020-04
Pacific Gas and Electric Company
Investigative Dig 78/Spans 24 and 27, L-300 Project in San Benito County

INTRODUCTION

On August 27, 2021, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2019-020-04 (ITP) to Pacific Gas and Electric Company (Permittee), authorizing take of giant kangaroo rat (*Dipodomys ingens*), San Joaquin antelope squirrel (*Ammospermophilus nelsoni*) and San Joaquin kit fox (*Vulpes macrotis mutica*) (collectively, the Covered Species) associated with and incidental to the Investigative Dig 78/Spans 24 And 27, L-300 Project in San Benito County, California (Project). The Project described in the ITP as originally issued by CDFW includes maintenance and repair activities associated with an investigative dig and associated sniff holes on Gas Line 300B where a potential internal anomaly has been identified, recoating at pipeline spans where corrosion of exposed pipeline has occurred in two locations on both Gas Line 300A and Gas Line 300B, and cross compression. In issuing the ITP, 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 would not jeopardize the continued existence of the Covered Species.

On October 15, 2020, CDFW initiated a minor amendment to the ITP to clarify the intent of a specific Condition of Approval for San Joaquin antelope squirrel burrow excavation that once burrow excavation begins during specific weather conditions, it should continue until it is completed within that Work Area, even if it is no longer occurring during the stated weather conditions. CDFW initiated this amendment to minimize potential impacts to San Joaquin antelope squirrel that may result from partially excavated burrows and burrows complexes if excavation is paused for appropriate weather conditions to resume.

This Minor Amendment No. 1 (Amendment) makes the following changes to the ITP, as amended:

First, this Amendment clarifies Condition of Approval 5.26 that once San Joaquin antelope squirrel burrow excavation is initiated within a Work Area when daytime high temperatures are between 68 and 86 degrees Fahrenheit, burrow excavation shall

continue until it is completed, even if on-site daytime high temperatures are below 68 degrees Fahrenheit or above 86 degrees Fahrenheit.

AMENDMENT

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

1. Condition of Approval 5.26 (SJAS Burrow Excavation) on page 24 of the ITP shall be amended to read as follows:

- 5.26. SJAS Burrow Excavation. Immediately following live trapping activities conducted to address Condition of Approval 5.25 and prior to commencing Covered Activities, the Designated Biologist, or an individual under the direct supervision of the Designated Biologist, shall fully excavate by hand any potential SJAS burrows present within the portion of the Work Area to be disturbed by Covered Activities. SJAS Burrow Excavation shall ~~occur~~**commence** during the same weather conditions as discussed in Condition of Approval 5.25 above. The Designated Biologist shall relocate any SJAS encountered during burrow excavation to the CDFW-approved release site(s) identified in the SJAS Mortality Reduction and Relocation Plan by the Designated Biologist (Condition of Approval 4.4). Any dormant SJAS encountered shall be collected by the Designated Biologist and relocated to an artificial burrow installed at the CDFW-approved release site. All burrow excavation shall be ~~completed~~**initiated** within ~~72 hours of~~**immediately after** the conclusion of live trapping **and shall continue until completed even if on-site daytime high temperatures are below 68 degrees Fahrenheit or above 86 degrees Fahrenheit.**

The corresponding measure in the Mitigation Monitoring and Reporting Program (MMRP) (Attachment 1 of the ITP) 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 not increase the amount of take of the Covered Species compared to the Project as originally approved, nor will this Amendment increase other Project impacts on the Covered Species (i.e., "impacts of taking" as used in Fish and Game Code Section 2081, subd. (b)(2)).

Discussion: This Amendment makes one specific change to the ITP. It adds language which clarifies the intent of Condition of Approval 5.26 is that once San Joaquin

antelope squirrel burrow excavation is initiated within a Work Area when daytime high temperatures are between 68 and 86 degrees Fahrenheit, burrow excavation shall continue until it is completed, even if on-site daytime high temperatures are below 68 degrees Fahrenheit or above 86 degrees Fahrenheit. The resulting impacts to the Covered Species, including the temporary loss of 1.41 acres of habitat for the Covered Species as a result of the Project, will remain the same.

CDFW has determined that this Amendment 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 Conditions of the ITP 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 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 2021 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 does not alter the Permittee's continued adherence to, and implementation of, the avoidance and minimization measures set forth in the Conditions of Approval in the ITP 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 issued the ITP in August 2021 as the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). CDFW has determined that this Project is statutorily exempt from CEQA because the Project is subject to California Code of Regulations, Title 14, section 15282, subsection (k), "The installation of new pipeline or maintenance, repair, restoration, removal, or demolition of an existing pipeline as set forth in section 21080.21 of the Public Resources Code, as long as the project does not exceed one mile in length". Public Resources Code, section 21080.21 states "This division does not apply to any project of less than one mile in length within a public street or highway or any other right-of-way for the installation of a new pipeline or the maintenance, repair, restoration, reconditioning, relocation, replacement, removal, or demolition of an existing pipeline."

“Pipeline’ includes subsurface facilities but does not include any surface facility related to the operation of the underground facility.” (Pub. Resources Code, §21080.21(a)). 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 clarifies the intent of a specific Condition of Approval for San Joaquin antelope squirrel burrow excavation that once burrow excavation begins during specific weather conditions, it should continue until it is completed within that Work Area, even if it is no longer occurring during the weather conditions stated. This change to the ITP will not: (1) increase the level of take or other Project impacts on Covered Species previously analyzed and authorized by the ITP (2) affect Permittee’s substantive mitigation obligations under the ITP, (3) require further environmental review under CEQA, or (4) increase temporal impacts on the Covered Species. Therefore, this Amendment will not significantly modify the scope or nature of the permitted Project or activity, or the minimization, mitigation, or monitoring measures in the ITP. CDFW has determined that the change to the ITP constitutes a Minor Amendment as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4).

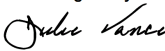
The authorization provided by this Amendment is not valid until Permittee signs and dates the acknowledgement below, and returns one of the duplicate originals of this Amendment by registered first class mail to CDFW at:

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

Alternatively, the Permittee shall e-mail the digitally signed Amendment to CESA@wildlife.ca.gov. Digital signatures shall comply with Government Code section 16.5.

APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

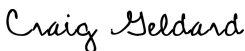
on 10/26/2021

DocuSigned by:

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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:

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By: _____ Date: 10/26/2021

Printed Name: Craig Geldard Title: Manager, Environmental