



State of California –The Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

Central Region

1234 East Shaw Avenue

Fresno, California 93710

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[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

*GAVIN NEWSOM, Governor*

*CHARLTON H. BONHAM, Director*



August 1, 2022

Charles Holloway

Los Angeles Department of Water and Power

Post Office Box 51111

Los Angeles, California 90051-5700

**Subject: Incidental Take Permit Amendment No. 3 for the Barren Ridge Switching Station Expansion Project (2081-2013-067-04)**

Dear Mr. Holloway:

Enclosed you will find an electronic copy Amendment No. 3 of 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 permit 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 permit via mail to:

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

Alternatively, you may return an electronic copy of the permit with digital signature to [CESA@wildlife.ca.gov](mailto:CESA@wildlife.ca.gov). Digital signatures shall comply with Government Code section 16.5.

You are advised to keep the permit 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 must be maintained at the project work site and made available for inspection by CDW 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 Carrie Swanberg, Senior Environmental Scientist (Specialist), at [carrie.swanberg@wildlife.ca.gov](mailto:carrie.swanberg@wildlife.ca.gov) or (559) 538-4110.

Sincerely,

DocuSigned by:

*Bob Stafford*

5343A684FF02469

**FOR** Julie Vance, Regional Manager

Central Region

California Department of Fish and Wildlife

Enclosure

*Conserving California's Wildlife Since 1870*

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

CENTRAL REGION

1234 EAST SHAW AVENUE

FRESNO, CALIFORNIA 93710



**AMENDMENT NO. 3  
(A Major Amendment)**

California Endangered Species Act  
Incidental Take Permit No. 2081-2013-067-04  
Los Angeles Department of Water and Power  
Barren Ridge Renewable Transmission Project:  
Barren Ridge Switching Station in Kern County

**INTRODUCTION**

On December 17, 2013, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2013-067-04 (ITP) to Los Angeles Department of Water and Power (LADWP) (Permittee) authorizing take of desert tortoise (*Gopherus agassizii*) and Mohave ground squirrel (*Xerospermophilus mohavensis*) (collectively, the Covered Species) associated with and incidental to the Barren Ridge Renewable Transmission Project: Barren Ridge Switching Station Expansion in Kern County, California (Project). The Project as described in the ITP originally issued by CDFW included a single construction phase resulting in development of an additional 3.7 acres of previously undeveloped land to expand the existing 2.9-acre Barren Ridge Switching Station (Switching Station) and operation and maintenance (O&M) of the entire resultant 6.6-acre Switching Station and the existing 0.75-mile access road. 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.

On April 1, 2021, CDFW issued Major Amendment No. 1, which changed the Project description to expand the Switching Station footprint by 11.23 acres for a total footprint of 17.83 acres. Amendment No. 1 also increased the amount of Habitat Management land required to compensate for the increase in permanent impacts to Covered Species.

On August 26, 2021, CDFW issued Minor Amendment No. 2, which added the option for a Biological Monitor to assist Designated Biologists and replaced a figure that correctly identified the expanded Project area.

In issuing the ITP and Amendment Nos. 1 and 2 (collectively, the ITP, as amended), CDFW found, among other things, that Permittee's compliance with the Conditions of Approval of the ITP, as amended, would fully mitigate impacts of the taking on Covered Species and would not jeopardize the continued existence of the Covered Species.

In a letter dated January 18, 2022, Permittee requested a third amendment of the ITP, as amended, to expand the Switching Station footprint by an additional 1.60 acres, to

accommodate a new stormwater retention basin and the relocation of an existing dirt access road, for a total Switching Station footprint of 19.43 acres.

This Major Amendment No. 3 (Amendment) makes the following changes to the existing ITP, as amended:

1. Modifies the Project Description, adding a Phase 4 development, with details of the retention basin and road relocation footprints that account for the 1.60-acres of additional permanent impacts.
2. Updates the Impacts of the Taking of Covered Species to incorporate permanent impacts resulting from all phases of development.
3. References Addendum Number 2 to the Environmental Impact Report (EIR) prepared and approved by the Permittee, acting as lead agency under the California Environmental Quality Act (CEQA).
4. Modifies Conditions of Approval 8 and 9 to reflect the mitigation requirements for the 1.60 acres of additional permanent impacts. These modifications describe the additional Habitat Management (HM) lands, funding, and security required for compensation for Phase 4 development.
5. Adds Figure 5 as a Project Map for Phase 4, identifying the expanded Project area.

## **AMENDMENT**

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

1. The Project Description on Pages 2 and 3 of the ITP as amended, shall be amended to read:

The Project includes the development of 3.7 acres of undeveloped land to expand the existing Barren Ridge Switching Station (Switching Station). The existing 2.9-acre Switching Station was authorized as part of the Pine Tree Wind Development Project (ITP No. 2081-2005-046-04). The Switching Station expansion will occur in ~~three~~ ***four*** phases on the ***north, west, and east side sides*** of the existing switching station.

### ***Phase 4***

***The Switching Station will be expanded northward and will include 1.60 acres of additional ground disturbance for the construction of a***

**stormwater retention basin and an expansion of the dirt access road. The total Switching Station footprint after completion of Phase 4 will be 19.43 acres (Figure 5).**

**The 0.34-acre stormwater retention basin will be constructed on the north side of the STATCOM/Static VAR Compensator device to be constructed in Phase 3. The retention basin will be 101.4 feet by 162.7 feet and will accommodate volume of 13,390 cubic feet of water at 1.4 to 2 feet deep. Additional features of the retention basin include a 0.5 to 4.5-foot-high dirt berm around the perimeter, a maintenance access ramp, two 18-inch diameter corrugated steel pipe inlets, and one 20-foot long by 12-foot-wide overflow outlet. Twelve-inch riprap will be installed 18-inches deep at the outlet. The retention basin will be lined with 3 inches of concrete aggregate. Two drop inlet catch basins will be constructed within the Switching Station that will direct water into the retention basin through 18-inch diameter corrugated steel pipes. Approximately 640 feet of 8-foot-high chain link fencing and one 14-foot-wide double swing gate will be installed around the perimeter of the retention basin.**

**The existing dirt access road, previously expanded and relocated in the Phase 3 development, will be relocated again by approximately 40 feet to the west. The road will remain at 360 feet long by 14 feet wide.**

2. The second and third paragraphs in Impacts of the Taking on Covered Species on Page 3 of the ITP as amended, shall be amended to read:

Incidental take of individuals of the Covered Species in the form of mortality (“kill”) may occur as a result of Covered Activities such as collisions with light vehicles or heavy equipment; crushing of occupied burrows or shelter sites; entrapment in uncovered excavations; and noise and ground vibration that could cause tortoises to leave burrows at inappropriate times, potentially increasing their stress levels and exposure to predation and adverse environmental conditions. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of capture of the Covered Species from relocation of Covered Species to minimize the potential of direct take via mortality. The areas where authorized take of the Covered Species is expected to occur include the ~~47.8~~ **19.43**-acre Barren Ridge Switching Station and associated 0.75-mile access road (collectively, the Project Area). O&M activities will occur within the entire ~~47.83~~ **19.43**-acre Switching Station and on 0.75-mile of access road from the Switching Station to Highway 14.

The Project is expected to cause the permanent loss of 44.93 **16.53** acres of habitat for the Covered Species. An additional one acre of Covered Species habitat will be temporarily disturbed by a parking area during Project construction within the first expansion phase. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: health impacts associated with short-term construction-generated fugitive dust; herbicide application for weed control that could affect individuals directly or through their food sources; altered behavior resulting from Project activity in occupied habitat areas, including potential loss of water sources due to grading of depressions that temporarily capture water; and the possibility for disease transmission to the species from handling and relocation efforts. Desert tortoises could suffer increased predation of juveniles by common ravens perching or nesting on constructed towers or other Switching Station facilities.

3. Condition of Approval 2, on page 4 of the ITP as amended, shall be amended to read:

Permittee shall implement and adhere to the mitigation measures related to the Covered Species in ~~both~~ **the following three documents:** the Biological Resources section of the EIR (SCH No.: 2008041038) certified by Los Angeles Department of Water and Power (LADWP) on September 20, 2012, as lead agency for the Project pursuant to CEQA (Pub. Resources Code, § 21000 et seq.); ~~and the Addendum to the EIR approved by LADWP in October 2018;~~ **and the Addendum No. 2 to the EIR approved by LADWP in January 2022.**

4. Condition of Approval 8, page 18 of the ITP, as amended, shall be amended to read:

To meet this requirement, the Permittee shall either purchase ~~45~~ **50** acres of Covered Species credits from a CDFW-approved mitigation or conservation bank (Condition of Approval 8.2) OR shall provide for both the permanent protection and management of ~~45~~ **50** acres of Habitat Management (HM) lands pursuant to Condition of Approval 8.3 below and the calculation and deposit of the management funds pursuant to Condition of Approval 8.4 below. Permanent protection and funding for perpetual management of compensatory habitat for each phase must be complete before starting Covered Activities within the corresponding phase, or within 18 months of the Performance

Security deposit for that phase of the effective date of this ITP if Security is provided pursuant to Condition of Approval 9 below for all uncompleted obligations. The Permittee shall also restore on-site 1 acre of temporarily impacted Covered Species habitat pursuant to Condition of Approval 8.6 below.

5. Condition of Approval 8 and Table 1, pages 11 and 12 of Amendment No. 1, shall be amended to read:

Prior to initiating the ~~third~~ **fourth** and final development phase, the remainder of the ~~45~~ **50** acres of HM lands shall be acquired and/or permanently protected (e.g., transfer title or record conservation easements) and the remaining required enhancement and endowment funds deposited in accordance with Conditions of Approval 8.3, 8.4 and 8.5 and Table 1, below. The acres of disturbance for each development phase shall not permanently impact a greater amount of acreage than summarized in Tables 1 and 2, for a maximum cumulative Project disturbance of ~~44.93~~ **16.53** acres of permanent impacts to Covered Species habitat.

Table 1. Project Development/Mitigation Phase Schedule

Project Development Phase	Project Mitigation Phase
Development of Phase 1 will involve permanent impacts to and construction in the development envelope encompassing a maximum of 3.7 acres of Covered Species habitat.	To mitigate for Development Phase 1-related impacts to the Covered Species, the Permittee will permanently protect and fund the perpetual management of - or shall purchase Covered Species credits from a CDFW-approved mitigation or conservation bank - a minimum of 12 acres of HM lands. <b><i>At the time of the writing of Amendment No. 3, the Phase 1 obligation has been met.</i></b>
Development Phase 2 will involve permanent impacts to and construction in the development envelope encompassing a maximum of 5.7 acres of Covered Species habitat.	To mitigate for Development Phase 2-related impacts to the Covered Species, the Permittee will permanently protect and fund the perpetual management of - or shall purchase Covered Species credits from a CDFW-approved mitigation or conservation bank - a minimum of 17 acres of HM lands. <b><i>At the time of the writing of Amendment No. 3, the Phase 2 obligation has been met.</i></b>
Development Phase 3 will involve permanent impacts to and construction in the development envelope encompassing a maximum of 5.53 acres of Covered Species habitat.	To mitigate for Development Phase 3-related impacts to the Covered Species, the Permittee will permanently protect and fund the perpetual management of - or shall purchase Covered Species credits from a CDFW-approved mitigation or conservation bank - a minimum of 16 acres of HM lands. <b><i>At the time of the writing of Amendment No. 3, the Phase 3 obligation has been met.</i></b>

Project Development Phase	Project Mitigation Phase
<i>Development Phase 4 will involve permanent impacts to and construction in the development envelope encompassing a maximum of 1.60 acres of Covered Species habitat.</i>	<i>To mitigate for Development Phase 4-related impacts to the Covered Species, the Permittee will permanently protect and fund the perpetual management of – or shall purchase Covered Species credits from a CDFW-approved mitigation or conservation bank – a minimum of 5.0 acres of HM lands.</i>
Not to exceed <del>44.93</del> <b>16.53</b> -acre disturbance	<del>45</del> <b>50</b> acres HM lands

6. Condition of Approval 8.1, on page 20 and Conditions of Approval 8.11 through 8.15, on pages 18 through 19 of the ITP as amended, (pages 12 and 13 of Amendment No. 1) shall be amended to read:

Cost Estimates. CDFW has estimated the cost of acquisition, protection, and perpetual management of the HM lands and restoration of temporarily disturbed habitat as follows. The cost estimates are based on 2013 evaluations; therefore beginning January 1, 2014 the start-up costs, interim management funding, and long-term management funding shall be adjusted and increased annually for each Development Phase based on the most recent Gross Domestic Product Price Deflator (GDPPD), as published by the United States Bureau of Economic Analysis, until the time of deposit, in accordance with Condition of Approval 8.4.2 and 9.1 below.

- 8.1.1. Land acquisition costs for HM lands identified in Condition of Approval 8.3 below, estimated at \$4,000.00/acre for ~~45~~ **50** acres: ~~\$180,000~~ **\$200,000**. Land acquisitions costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements;
- 8.1.2. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 8.3.5 below, estimated at \$591.00/acre ~~for \$26,595.00~~ **\$29,550.00**;
- 8.1.3. Interim management period funding as described in Condition of Approval 8.3.6 below, estimated at \$1,978.71/acre ~~for \$89,041.91~~ **\$98,935.50**;
- 8.1.4. Long-term management funding as described in Condition of Approval 8.4 below, estimated at \$35,828.40/acre for ~~45~~ **50** acres: ~~\$1,612,278.00~~

**\$1,791,420.** Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.

8.1.5. Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval 9.5, estimated at \$5,000.00.

7. Table 2 in Condition of Approval 9, on page 17 of Amendment No. 1 shall be amended to read:

Table 2. Performance Security Funding Schedule

Development Phase	Acreage of Impact	Minimum HM lands Preservation Acreage	Minimum Security Funding <sup>1</sup>
1	3.7 acres	12 acres	\$513,777.31 <sup>2, 3</sup>
2	5.7 acres	17 acres	\$720,767.86 <sup>3</sup>
3	5.53 acres	16 acres	\$678,369.74 <sup>3</sup>
<b>4</b>	<b>1.60 acres</b>	<b>5 acres</b>	<b>\$211,990.59</b>
TOTAL	<del>44.93</del> <b>16.53</b> acres	<del>45</del> <b>50</b> acres	<del>\$1,912,914.91</del> <b>\$2,124,905.50</b>

<sup>1</sup> Minimum Performance Security funding pro-rated on the average estimated cost per acre of security for a minimum of ~~45~~ **50** acres of HM lands including land acquisition, start-up, interim, and long-term management costs as identified in Condition of Approval 8.1. Minimum security funding is based on 2013 cost estimates. Beginning January 1, 2014 the minimum Performance Security funding shall be adjusted for each development phase in accordance with Condition of Approval 8.4.2.

<sup>2</sup> Phase 1 includes a \$5,000.00 account set up fee as identified in Condition of Approval 8.1.5.

<sup>3</sup> **At the time of the writing of Amendment No. 3, Development Phases 1, 2, and 3 obligations have been met.**

8. Condition of Approval 9.1 on page 24 of the ITP and page 17 of Amendment No. 1, shall be amended to read:

Security Amount. The total Security for the Project as a whole (~~45~~ **50** acres of HM lands) shall be in the amount of ~~\$1,912,914.91~~ **\$2,124,905.50** in 2013 dollars. This amount is based on the cost estimates identified in Condition of

Approval 8.1 above. Because the Project is phased, and separate Security may be deposited for each development phase, the Security amounts shown in Table 2 above shall increase annually as per the GDPPD until the time of Security posting as approved by CDFW. The Security amounts in Table 2 are based on the cost estimates identified in Condition of Approval 8.1 above. Security for the initial development phase shall be deposited with CDFW before Covered Activities begin or within 30 days of this ITP's effective date, whichever occurs first. Security for subsequent development phases shall be provided to CDFW before Covered Activities begin in those respective phases.

9. The Attachments, specified on page 28 of the ITP as amended, shall be amended to include the map attached to this Amendment No. 3 as Figure 5.

**Attachments:**

FIGURE 1	Location Map
FIGURE 2	Phase 1 Project Map
FIGURE 3	Phase 2 Project Map
FIGURE 4	Phase 3 Project Map
<b>FIGURE 5</b>	<b>Phase 4 Project Map</b>
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Desert Tortoise Exclusion Fence Guidelines
ATTACHMENT 3	Guidelines for Handling Desert Tortoises – Mojave Population and their Eggs
ATTACHMENT 4A, 4B	Habitat Management Lands Checklist; PLFAF Form
ATTACHMENT 5	Letter of Credit Form
ATTACHMENT 6	Mitigation Payment Transmittal Form

All terms and conditions of the ITP 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 of take of the Covered Species compared to the Project as originally approved; however, through an increase in the minimum number Covered Species credits that shall be purchased from a CDFW-approved mitigation and conservation bank, 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 modifies the ITP, as amended, to allow increased take of the Covered Species by increasing the number of acres permanently impacted by Project activities. This change in take assessment is based on changes to the Project description resulting in 1.60 additional acres of permanent impacts to Covered Species habitat. As a result, this Amendment increases the minimum compensatory mitigation required under Condition of Approval 8 Habitat Management Land Acquisition and Restoration from 45 acres to 50 acres.

*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 December 2013 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 severity of Project-related impacts on the Covered Species because of the requirement of acquisition, protection, and perpetual management of additional HM lands or purchase of additional Covered Species credits from a CDFW-approved mitigation or conservation bank; 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 ITP's Conditions of Approval 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 December 2013 as a responsible agency under the CEQA (Pub. Resources Code, § 21000 et seq.) after, among other things, considering the EIR adopted by LADWP as the lead agency 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. However, for the reasons explained above, CDFW concludes this Amendment is not a change in the Project that has the potential to create a new significant effect not previously analyzed, a substantial change in the circumstances under which the Project is being undertaken

requiring major revisions to previous CEQA documents, or new information of substantial importance. 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 Major Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(5).*

Discussion: This Amendment allows an increase of the amount of authorized take and habitat impacts constituting a significant change in the scope of the Project. However, by requiring the acquisition, protection, and perpetual management of additional HM lands or purchase of Covered Species credits from a CDFW-approved mitigation or conservation bank, it not expected that this Amendment will increase Project impacts on the Covered Species over the long term. As described above, this Amendment requires additional compensatory mitigation and modifies the ITP, as amended, to reflect the increased acreage of Covered Species habitat impacted, the revised Project scope, as well as the proportional increase in the Permittee's mitigation obligations. 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, as amended. CDFW has determined that the change to the ITP, as amended, 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 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:

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

Alternatively, the Permittee shall email the digitally signed amendment to [CESA@wildlife.ca.gov](mailto:CESA@wildlife.ca.gov). Digital signatures shall comply with Government Code section 16.5.

**Attachments:**

ATTACHMENT 1      FIGURE 5      Phase 4 Project Map

Major Amendment No. 3  
Incidental Take Permit 2081-2013-067-04  
LOS ANGELES DEPARTMENT OF WATER AND POWER  
Barren Ridge Renewable Transmission Project: Barren Ridge Switching Station Expansion

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

on 8/4/2022

DocuSigned by:  
*Bob Stafford*  
5945A004FF02409...

FOR 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: *Charles Holloway*  
740ADB07EEF4E1...

Date: 8/9/2022

Printed Name: Charles Holloway

Manager, Environmental Planning  
Title: \_\_\_\_\_

