



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



July 11, 2023

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

**Subject: Incidental Take Permit Amendment No. 2 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. 2 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. Digital signatures facilitated by CDFW will be automatically returned.

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 amendments 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 Stephanie Manzo, Environmental Scientist, at stephanie.manzo@wildlife.ca.gov.

Sincerely,
DocuSigned by:

Sarah Paulson

E9964E60293D40A...

for Julie A. 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. 2**

(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 as 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 had been identified, recoating at pipeline spans where corrosion of exposed pipeline had 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 (Minor Amendment No. 1) 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.

On February 24, 2023, CDFW received a request from the Permittee for a minor amendment to the ITP and the corresponding fee payment. The request included extending the expiration date of the ITP from July 1, 2023, to July 1, 2026, to allow more time to complete Condition of Approval 6, Habitat Management Lands and Restoration. The request also included an extension of the deadline in which to complete Condition of Approval 6 from within 18 months of the effective date of the ITP to before July 1, 2026, to match the expiration date of the ITP.

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

First, Amendment No. 2 extends the expiration date for the ITP from July 1, 2023, to July 1, 2026.

Second, Amendment No. 2 extends the deadline in which to complete Condition of Approval 6 from within 18 months of the effective date of the ITP to July 1, 2026.

Third, Amendment No. 2 extends the Performance Security deadline from within 18 months of the effective date of the ITP to July 1, 2026.

AMENDMENT

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

1. The paragraph entitled "Effective Date and Expiration Date of this ITP," on page 1 of the ITP, shall be amended to read as follows:

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 ~~July 1, 2023~~ ***July 1, 2026***.

2. Condition of Approval 6.1 on page 27 of the ITP shall be amended to read as follows:

6.1. CDFW has conceptually approved to the appropriateness of 2 acres of HM lands within the 40-acre mitigation parcel as suitable to meet the HM Lands requirement of this ITP. Prior to final approval of the HM lands, CDFW shall review the information submitted as described in Condition of Approval 6.3.3. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities, or ~~within 18 months of the effective date of this ITP by~~ ***July 1, 2026***, if Security is provided pursuant to Condition of Approval 7 below for all uncompleted obligations.

3. Condition of Approval 6.2 on page 28 of the ITP shall be amended to read as follows:

6.2. Covered Species Credits. Permittee shall purchase 2 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~~ **by July 1, 2026**, if Security is provided pursuant to Condition of Approval 7 below.

4. The last paragraph of the section titled "Performance Security," on page 33 of the ITP shall be amended to read as follows:

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 18 months from the effective date of this ITP~~ **July 1, 2026**. 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.

The corresponding measures 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 Amendment No. 2 will not increase the amount of take of the Covered Species compared to the Project as originally approved, nor will Amendment No. 2 increase other Project impacts on the Covered Species (i.e., "impacts of taking" as used in Fish and Game Code Section 2081, subd. (b)(2)).

Discussion: Amendment No. 2 makes three specific changes to the ITP as originally issued: 1) extends the expiration date of the ITP from July 1, 2023, to July 1, 2026, 2) extends the deadline in which to complete the compensatory mitigation obligations from within 18 months of the effective date of the ITP to July 1, 2026, and 3) extends the deadline for the Performance Security from within 18 months of the effective date of the ITP to July 1, 2026. The resulting impacts to the Covered Species, however, 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 Amendment No. 2 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 described in Amendment No. 2 will not increase impacts to the Covered Species.

Issuance of Amendment No. 2 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 Amendment No. 2 because the Project and ITP as amended: 1) will have no effect on the amount or severity of Project impacts on the Covered Species, as discussed above, and 2) does not substantively alter the measures that will be undertaken to minimize and mitigate previously authorized impacts on the Covered Species. Amendment No. 2 acknowledges that the Permittee needs additional time to complete mitigation measures requiring acquisition and permanent protection of Habitat Management Lands or purchase of credits at a CDFW-approved Bank. 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 Amendment No. 2.

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 Amendment No. 2.

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

Discussion: Amendment No. 2 extends the expiration date of the ITP from July 1, 2023, to July 1, 2026, extends the deadline in which to complete the compensatory mitigation obligation from within 18 months of the effective date of the ITP to July 1, 2026, and extends the Performance Security deadline from within 18 months of the effective date of the ITP to July 1, 2026. These changes 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, Amendment No. 2 will not significantly modify the scope or nature of the permitted Project or activity, or the minimization, mitigation, or monitoring measures in the ITP. 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 Amendment No. 2 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 e-mail the digitally signed Amendment No. 2 to CESA@wildlife.ca.gov. Digital signatures shall comply with Government Code section 16.5. Digital signatures facilitated by CDFW will be automatically returned.

APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on 7/11/2023

DocuSigned by:
Sarah Paulson
E9964E60293D40A...

for Julie A. Vance
Regional Manager
Central Region

Minor Amendment No. 2
Incidental Take Permit 2081-2019-020-04
PACIFIC GAS AND ELECTRIC COMPANY
INVESTIGATIVE DIG 78/SPANS 24 AND 27, L-300 PROJECT

ACKNOWLEDGMENT

The undersigned: (1) warrants that they are 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:  CAD28D3C10D7458... Date: 7/17/2023

Printed Name: Craig Geldard Title: Manager, Environmental

Minor Amendment No. 2
Incidental Take Permit 2081-2019-020-04
PACIFIC GAS AND ELECTRIC COMPANY
INVESTIGATIVE DIG 78/SPANS 24 AND 27, L-300 PROJECT