



California Department of Fish and Wildlife
Inland Deserts Region
3602 INLAND EMPIRE BLVD., SUITE C-220
ONTARIO, CA, 91764

California Endangered Species Act
 Incidental Take Permit No. 2081-2024-060-06

CAJON WASH EMERGENCY PROJECT

I. Authority:

This California Endangered Species Act (CESA) incidental take permit (ITP) is issued by the California Department of Fish and Wildlife (CDFW) pursuant to Fish and Game Code section 2081, subdivisions (b) and (c), and California Code of Regulations, Title 14, section 783.0 et seq. CESA prohibits the take¹ of any species of wildlife designated by the California Fish and Game Commission as an endangered, threatened, or candidate species. However, CDFW may authorize the take of any such species by permit pursuant to the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c). (See Cal. Code Regs., tit. 14, § 783.4.)

Permittee:	Southern California Edison
Principal Officer:	Roger Overstreet, Biology Program Manager
Contact Person:	Vicky Furnish, 626-302-1272
Mailing Address:	2244 Walnut Grove Avenue Rosemead, CA 91770

II. Effective Date and Expiration Date of this ITP:

This ITP is effective as of the date signed by CDFW below. Unless renewed by CDFW, this ITP and its authorization to take the Covered Species shall expire on **June 15, 2025**. Notwithstanding the expiration date on the take authorization provided by this ITP, Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Habitat Management Land Acquisition obligations required by Condition of Approval 5.1 of this ITP.

III. Project Location:

The Cajon Wash Emergency Project (Project) is located along the west side of the Cajon Wash near Muscoy, within unincorporated San Bernardino County, California (See Figures 1 and 2). San Bernardino County Assessor's parcel number is 0262241040000. The Project is located approximately 2.1 miles northwest of where Interstate 210 crosses over Cajon Wash at approximately 34.16138 latitude, - 117.36556 longitude. The Project site is bound by the confluence of Cajon Wash and Cable Creek to the immediate northeast and Lytle Creek to the West.

¹Pursuant to Fish and Game Code section 86, "'take' means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." (See also *Environmental Protection Information Center v. California Department of Forestry and Fire Protection* (2008) 44 Cal.4th 459, 507 [for purposes of incidental take permitting under Fish and Game Code section 2081, subdivision (b), "'take' ... means to catch, capture or kill".])

IV. Project Description:

The Project included emergency replacement of a fire-damaged wooden utility pole on the Power 4 kilovolt distribution circuit in Muscoy. Project activities included pole replacement, anchor replacement, overland travel by backhoe to excavate the new pole hole, helicopter work, and other activities. Additional equipment used to support the emergency work included a refueling truck, light duty pickup trucks, bucket trucks, auger truck, and a water tank to control dust. A helicopter landing zone was established at a small clearing along the south side of the project area. Project activities occurred on May 2-3, 2024, and resulted in the take of five (5) individuals of Santa Ana River Woollystar (SARWS) and impacts to 0.025 acres of SARWS habitat.

V. Covered Species Subject to Take Authorization Provided by this ITP:

This ITP covers the following species:

<u>Name</u>	<u>CESA Status</u> ²
1. Santa Ana River Woollystar (<i>Eriastrum densifolium ssp. sanctorum</i>)	Endangered ³

This species and only this species is the “Covered Species” for the purposes of this ITP.

VI. Impacts of the Taking on Covered Species:

Project activities resulted in the incidental take of five (5) individuals of the Covered Species, and impacts to 0.025 acres of habitat. One plant was partially crushed by the swinging pole during helicopter operations, due to unpredictable movements of the pole caused by wind sway. One plant was crushed during deployment of the outriggers on a truck, as the truck had to be staged in an area of relatively dense plant population at the site. Three plants were located on the edge of the access route and were unavoidable due to the width of the vehicles (Covered Activities).

Incidental take of individuals of the Covered Species in the form of mortality (“kill”) occurred as a result of the above-described Covered Activities. Additionally, take may have occurred in the form of decline and death resulting from damaged root systems; destruction and/or damage to seedbank and germinating seeds through use of equipment; removing seedbank; crushing and/or burying living seeds in the soil; rendering living seeds inviable and/or causing them to be killed; entombment of seedbank from building of permanent structures; and eliminating and modifying habitat. The areas where authorized take of the Covered Species occurred is outlined in Figure 3 below.

The Project caused impacts to 0.025 acres of habitat for the Covered Species, and five individuals. 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: destruction or modification of Covered Species habitat; destruction of macro- and micro-vegetation elements; compacting of soils resulting in decreased seedling survival and infiltration rates; and stress or

² Under CESA, a species may be on the list of endangered species, the list of threatened species, or the list of candidate species.

³See Cal. Code Regs. tit. 14 § 670.2, subd. (a)(25)(A).

damage to individuals.

VII. Incidental Take Authorization of Covered Species:

This ITP authorizes incidental take of the Covered Species and only the Covered Species. With respect to incidental take of the Covered Species, CDFW authorizes the Permittee, its employees, contractors, and agents to take Covered Species incidentally in carrying out the Covered Activities, subject to the limitations described in this section and the Conditions of Approval identified below. This ITP does not authorize take of Covered Species from activities outside the scope of the Covered Activities, take of Covered Species outside of the Project Area, take of Covered Species resulting from violation of this ITP, or intentional take of Covered Species.

VIII. Conditions of Approval:

Unless specified otherwise, the following measures apply to all Covered Activities within the Project Area, including areas used for vehicular ingress and egress, staging and parking CDFW's issuance of this ITP and Permittee's authorization to take the Covered Species are subject to Permittee's compliance with and implementation of the following Conditions of Approval:

- 1. Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
- 2. ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below.

3. General Provisions:

- 3.1. Designated Representative.** Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.
- 3.2. Education Program.** Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, and penalties for violations. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at

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least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.

- 3.3. Refuse Removal. Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.

4. Notification and Reporting Provisions:

- 4.1 Notification of Non-compliance. The Designated Representative shall immediately notify CDFW if the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.

5. **Habitat Management Land Acquisition:** CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result from implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the protected acreage required to provide for adequate compensation.

To meet this requirement, the Permittee shall purchase 0.25 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank such as the Vulcan Materials (Vulcan) Cajon Creek Conservation Bank pursuant to Condition of Approval 5.1 below.

- 5.1. Covered Species Credits. Permittee shall purchase 0.25 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank no later than 30 days from the issuance of this ITP. Prior to purchase of Covered Species credits, Permittee shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt within 30 days of issuance of this ITP.

IX. Amendment:

This ITP may be amended as provided by California Code of Regulations, Title 14, section 783.6, subdivision (c), and other applicable law. This ITP may be amended without the concurrence of the Permittee as required by law, including if CDFW determines that continued implementation of the Project as authorized under this ITP would jeopardize the continued existence of the Covered Species

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or where Project changes or changed biological conditions necessitate an ITP amendment to ensure that all Project-related impacts of the taking to the Covered Species are minimized and fully mitigated.

X. Stop-Work Order:

If CDFW determines the Permittee has violated any term or condition of this ITP or has engaged in unlawful take, CDFW may issue Permittee a written stop-work order instructing the Permittee to suspend any Covered Activity for an initial period of up to 30 days or risk suspension or revocation of this ITP. CDFW can issue a stop-work order to prevent or remedy a violation of this ITP, including but not limited to the failure to comply with reporting or monitoring obligations, or to prevent the unauthorized take of any CESA endangered, threatened, or candidate species, regardless of whether that species is a Covered Species under this ITP. Permittee shall stop work immediately as directed by CDFW upon receipt of any such stop-work order. Upon written notice to Permittee, CDFW may extend any stop-work order issued to Permittee for a period not to exceed 30 additional days.

If Permittee fails to remedy the violation or to comply with a stop-work order, CDFW may proceed with suspension and revocation of this ITP. Suspension and revocation of this ITP shall be governed by California Code of Regulations, Title 14, section 783.7, and any other applicable law. Neither the Designated Biologist nor CDFW shall be liable for any costs incurred in complying with stop-work orders.

XI. Compliance with Other Laws:

This ITP sets forth CDFW's requirements for the Permittee to implement the Project pursuant to CESA. This ITP does not necessarily create an entitlement to proceed with the Project. Permittee is responsible for complying with all other applicable federal, state, and local law.

XII. Notices:

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by email or registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2024-060-06) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Heidi Calvert, Regional Manager
California Department of Fish and Wildlife
Inland Deserts Region
3602 Inland Empire Blvd, Suite C-220
Ontario, CA 91764
Telephone (909) 484-0523

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R6CESA@Wildlife.ca.gov and a copy to:

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

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

Nicholas Barton
California Department of Fish and Wildlife
Inland Deserts Region 3602 Inland Empire Blvd., Suite C-220 Ontario, CA 91764
Telephone (760) 644-5711
Nicholas.Barton@wildlife.ca.gov

XIII. Findings Pursuant to CESA:

These findings are intended to document CDFW's compliance with the specific findings requirements set forth in CESA and related regulations. (Fish & G. Code § 2081, subs. (b)-(c); Cal. Code Regs., tit. 14, §§ 783.4, subds. (a)-(b), 783.5, subd. (c)(2).)

CDFW finds based on substantial evidence in the ITP application, the post-activity report provided by Permittee July 14, 2024, the results of consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

- (1) Take of Covered Species as defined in this ITP was incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be fully mitigated through the implementation of permanent habitat management and protection measures required by this ITP. Measures include: (1) permanent habitat protection; and (2) a worker education program. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of 0.25 acres of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed by the Project, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;


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- (3) The mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;
- (6) This ITP is consistent with any regulations adopted pursuant to Fish and Game Code sections 2112 and 2114;
- (7) Permittee has ensured adequate funding to implement the measures required by this ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project; and
- (8) Issuance of this ITP will not jeopardize the continued existence of the Covered Species based on the best scientific and other information reasonably available, and this finding includes consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of (1) known population trends; (2) known threats to the species; and (3) reasonably foreseeable impacts on the species from other related projects and activities. Moreover, CDFW's finding is based, in part, on CDFW's express authority to amend the terms and conditions of this ITP without concurrence of the Permittee as necessary to avoid jeopardy and as required by law.

XIV. Attachments:

FIGURE 1	Map of Project location and vicinity map
FIGURE 2	Map of Project location within USGS quadrangle background
FIGURE 3	Map of SARWS locations identified within Project Area

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ON APRIL 17, 2025

DocuSigned by:

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Heidi Calvert, Regional Manager

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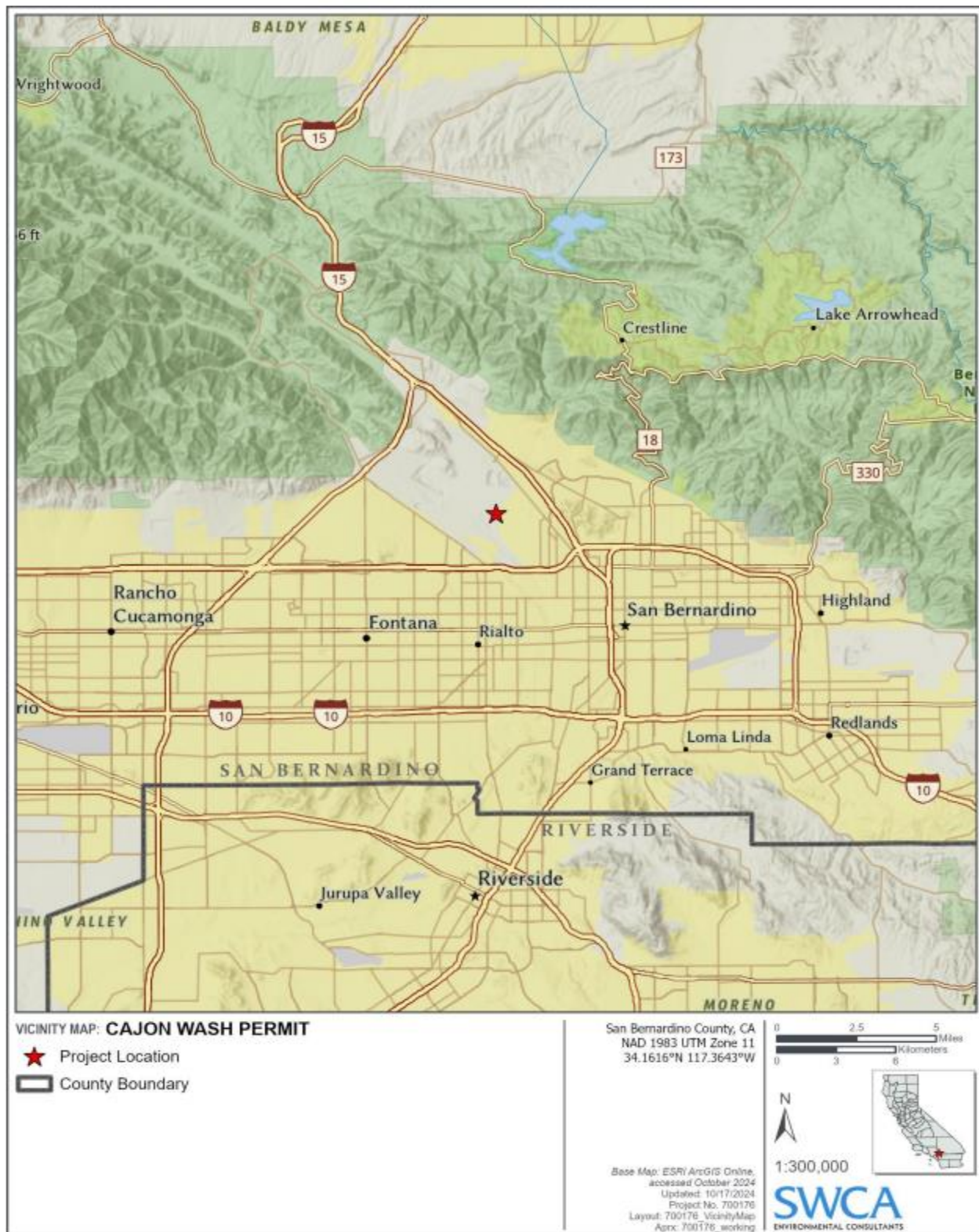


Figure 1. Project location and vicinity map.

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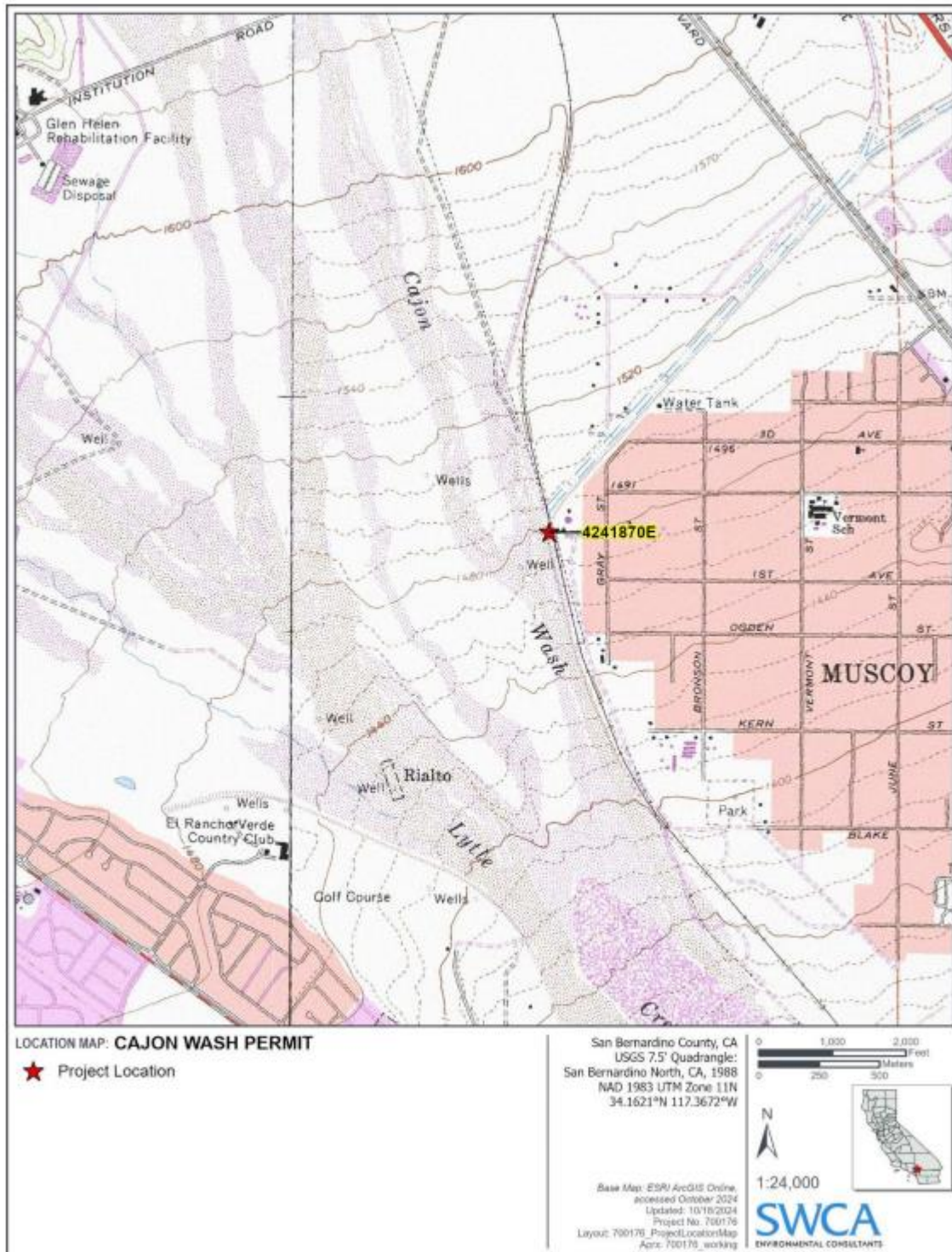


Figure 2. Project location with USGS quadrangle background.

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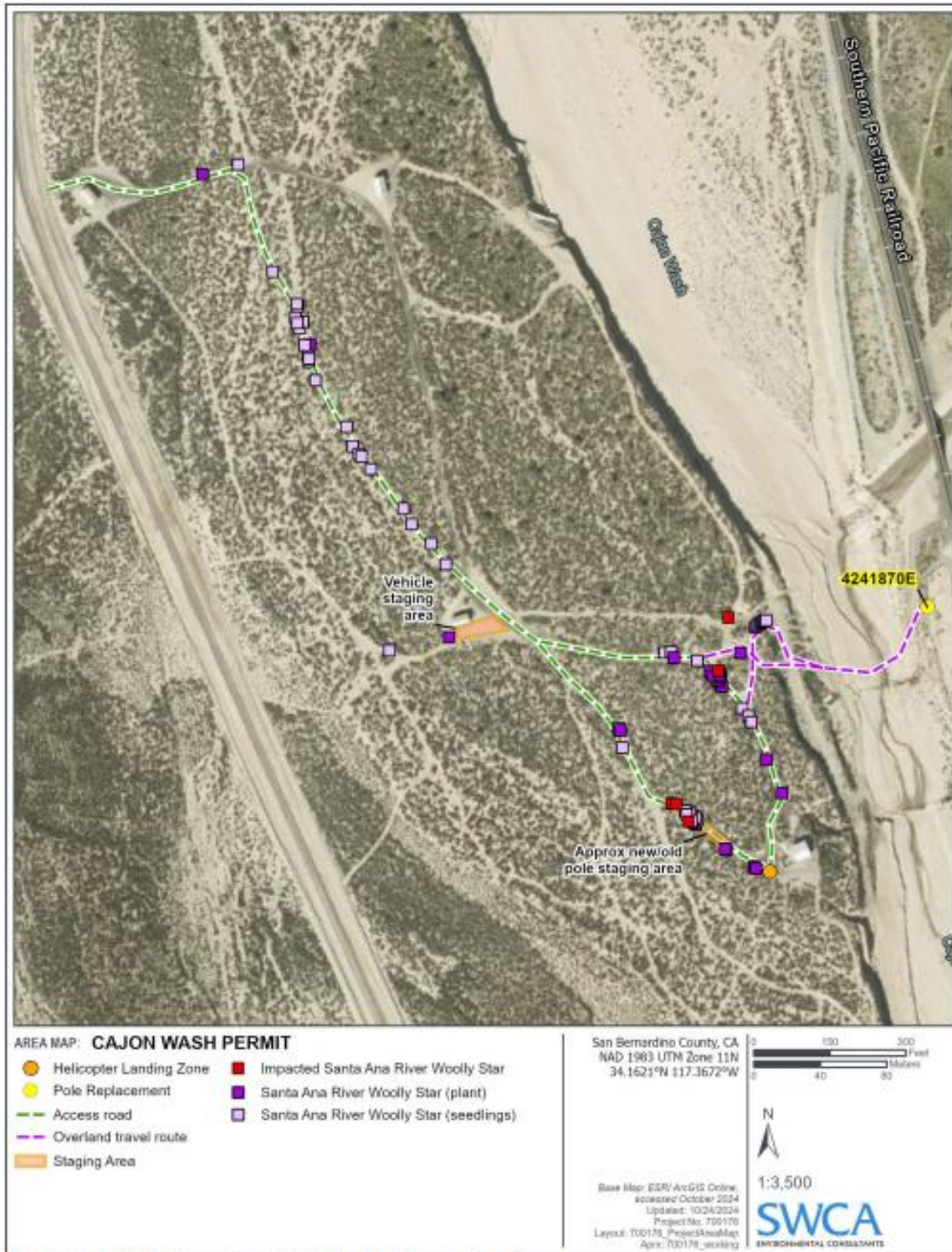


Figure 3. SARWS locations identified within Project Area.

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