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From: Kearns, Zachary@Wildlife
Sent: Friday, February 7, 2025 11:15 AM
To: NSJTP@ascent.inc
Cc: Kilgour, Morgan@Wildlife; Wilson, Billie@Wildlife; Sheya, Tanya@Wildlife; Garcia, Jennifer@Wildlife; Wildlife R2 CEQA
Subject: CDFW Comments - Northern San Joaquin 230 kV Upgrade Project - SCH# 2024010207

Dear Boris Sanchez:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Availability of a DEIR from California Public Utilities Commission (CPUC) for the Northern San Joaquin 230 kV Transmission Line Project (project) pursuant the California Environmental Quality Act (CEQA) statute and guidelines.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the project that may affect California fish, wildlife, native plants, and their habitat. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code.

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Fish & G. Code, § 1802.) Similarly for purposes of CEQA, CDFW provides, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

Project Description

The project site is primarily located in northeastern San Joaquin County and is partially within an industrial area of the City of Lodi. The project traverses roughly northwest and southeast of Atkins Road in unincorporated San Joaquin County to an existing substation in eastern Lodi, approximately 9 miles to the west. The transmission alignment roughly follows East Kettleman Lane, crossing State Route (SR) 88, Bear Creek, and Paddy Creek.

The project would be partially constructed and operated by Pacific Gas and Electric (PG&E), and partially constructed by Lodi Electric Utility (LEU). The project would loop the existing overhead PG&E Brighton-Bellota 230 kV Transmission Line through an expanded PG&E Lockeford Substation and install a new overhead double-circuit 230 kV transmission line between PG&E Lockeford Substation and the proposed PG&E Thurman Switching Station adjacent to LEUs existing Fred M. Reid Industrial Substation. When the new 230 kV system is operating, the existing local PG&E 60 kV system would be reconfigured within existing alignments, including disconnecting as a source to LEU at the LEU Industrial Substation.

The project description should include the whole action as defined in the CEQA Guidelines section 15070 and should include appropriate detailed exhibits disclosing the project area, including temporary impacted areas such as equipment staging areas, spoils areas, adjacent infrastructure development, and access and haul roads if applicable.

CDFW Comments and Recommendations

CDFW recommends the following items be addressed in the future planning of the project:

Comment 01. Nesting Season, Avoid and Protect Nesting Birds from PG&E Impact, Applicant-Proposed Measure and Best Management Practices, page 3.6-28.

Issue: APM BIO-2 indicates that surveys will be conducted during the nesting season between March 1 and August 15.

Recommendation: APM BIO-2 should be adjusted to include the full estimated nesting bird season within San Joaquin County to ensure it avoids significant effects to nesting birds. CDFW recommends that nesting bird surveys be conducted if project activities are scheduled to occur between February 1 and August 31, to fully encapsulate the potential nesting season. The survey should take place no more than 15 calendar days prior to ground disturbing activities. CDFW typically recommends a minimum of a 500-foot radius for migrating birds, and a ½ mile radius for nesting raptors.

Comment 02. Preconstruction Survey Radius, Avoid and Protect Nesting Birds from PG&E Impact, Applicant-Proposed Measure and Best Management Practices, page 3.6-28.

Issue: APM BIO-2 states the survey radius will be 200 feet for non-listed raptors, ¼-mile for Swainson's Hawk (*Buteo swainsoni*, SWHA), and 100 feet for non-listed passerines. CDFW does not believe these radii will be sufficient to ensure there are not significant effects on nesting birds.

Recommendation: APM BIO-2 should be adjusted to include survey radius sufficient to avoid significant impacts to nesting and migrating birds. CDFW believes the radius should be a minimum radius of 500-feet for migrating birds and 1/2-mile for raptors.

Comment 03: Increased Perching for Predators, Appendix F: Habitat Figures for Northern San Joaquin 230 kV Transmission Project, pages 1-26.

Issue: Project implementation could increase availability and use by raptors through an increase in perching locations and could significantly reduce fossorial animal populations adjacent to the new line. According to the habitat figures, much of the habitat surrounding the new line locations will be agricultural or open fields. This reduction in fossorial animals could significantly reduce available burrows in potential Burrowing Owl (*Athene cunicularia*, BUOW) habitat. Burrowing Owls do not dig their own burrows, so an increase in predator perches could result in further extirpation of the species and limit BUOW fecundity in the area, for the duration of the transmission line's life.

Recommendation or Recommended Mitigation Measure: CDFW recommends conducting an analysis on the indirect effects of long-term project impacts on BUOW. Additionally, the DEIR references, *Suggested Practices for Avian Protection on Power Lines* (2006), which warns of increased predation risk from larger raptors on BUOW. If nesting platforms for raptors are included in the design and/or raptors are allowed to perch on the poles, CDFW recommends the CPUC consider the use of anti-perch devices or balance their use with associated refugia for BUOW (e.g.,

onsite habitat enhancement or artificial burrows) to reduce predation risk and potential habitat loss.

Pursuant to Public Resources Code sections 21092 and 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the project. Written notifications may be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670, or emailed to R2CEQA@wildlife.ca.gov.

CDFW appreciates the opportunity to comment on the project and recommends the CPUC address CDFW's comments and concerns in the forthcoming CEQA document. CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts.

If you have any questions regarding the comments provided in this letter or wish to schedule a meeting and/or site visit, please contact Zach Kearns, Senior Environmental Scientist (Specialist) at (916) 358-1134 or zachary.kearns@wildlife.ca.gov.

Sincerely,

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References

Avian Power Line Interaction Committee, Edison Electric Institute, & California Energy Commission. (2006). *Suggested Practices for avian protection on power lines: The State of the Art in 2006*. Edison Electric Institute, APLIC, and the California Energy Commission.
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