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Subject: Southern California Edison (SCE) Transmission Line Rating Remediation Gorman-Kern River 66kV Project (Project) Mitigated Negative Declaration (MND) State Clearinghouse No.: 2024110564

Dear Eric Chiang:

The California Department of Fish and Wildlife (CDFW) received a MND from the California Public Utilities Commission, as Lead Agency, for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code. While the comment period may have ended, CDFW respectfully requests that California Public Utilities Commission still consider our comments.

CDFW ROLE

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,

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802.). Similarly, for purposes of CEQA, CDFW is charged by law to provide, 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 is also submitting comments 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.), related authorization as provided by the Fish and Game Code will be required.

Fully Protected Species: CDFW has jurisdiction over fully protected species of birds, mammals, amphibians and reptiles, and fish, pursuant to Fish and Game Code sections 3511, 4700, 5050, and 5515. Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is for necessary scientific research,
- Efforts to recover a fully protected, endangered, or threatened species, live capture, and relocation of a bird species for the protection of livestock, or
- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

Additionally, specified types of infrastructure projects may be eligible for an Incidental Take Permit (ITP) for unavoidable impacts to fully protected species if certain conditions are met (see Fish & G. Code, § 2081.15). Project proponents should consult with CDFW early in the project planning process if an ITP may be pursued for a project.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include section 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), section 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and section 3513 (regarding unlawful take of any migratory nongame bird).

Unlisted Species: Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened (E, R, or T) on any State or federal list to be

considered E, R, or T under CEQA. If a species can be shown to meet the criteria for E, R, or T under CEQA Guidelines section 15380, CDFW recommends that it be fully considered in the environmental analysis for the Project.

PROJECT DESCRIPTION SUMMARY

The Project includes activities to rebuild 65.3 miles of existing 66kV subtransmission circuits by removing and replacing existing subtransmission towers and poles, removing and replacing existing conductor, installing optical ground wire, and modifying existing substations facilities associated with the powerline located in Kern and Los Angeles counties. No new subtransmission lines or substations would be constructed as part of the Project.

Existing structures to be modified throughout the Project area include lattice steel towers, wood H-frames, two- and three-pole structures, tubular steel poles, insulators on structures, distribution under build, vaults or pull boxes to support the installation of optical ground wire/all-dialectric self-supporting fiber optic cable, and marker balls on overhead wires. Concrete foundations and/or micropile foundations will be used for tubular steel poles. Most light-weight steel structures would be directly buried to a depth of up to 30 feet. Optical ground wire would also be replaced and reused on structures and would be installed at the top of each substransmission structure, to provide lightening protection, grounding, and communications. All-dialectric self-supporting fiber optic cable would be installed below the conductor. Marker balls are visibility markers placed on overhead ground or optical ground wire to make the conductor crossings visible for aircraft pilots.

Modifications at Banducci 66-kV Substation, Gorman 66-kV Substation, and Kern River 1 Hydroelectric 66-kV Substation would include replacing conductors at existing positions, connecting optical ground wire to the ground grid, installing telecommunications equipment including new cable line within existing underground cable raceways, and installing new or replacing existing infrastructure within existing control buildings or mechanical-electrical equipment rooms.

Construction would be performed in work areas including helicopter landing zones and touchdown areas; temporary work pads for facility installation, modification, or removal; temporary guard structures; temporary pull-and-tension/stringing sites; and splice sites for conductor and overhead ground wire removal and installation.

Multiple staging sites would be utilized encompassing 133.8 acres. Staging area preparation would involve grubbing (i.e., vegetation removal) and/or minor grading to provide a flat and compacted surface for the application of gravel or crushed rock, with the exception of staging areas that are already asphalted or have a rock base. Any land that may be disturbed in a staging area would be returned to preconstruction conditions following construction completion.

Approximately 84 miles of existing access and spur road would be used and may require rehabilitation work, including regrading and repairing the existing roadbeds. Access and spur road would be cleared of vegetation, blade-graded to remove surface irregularities, and re-compacted. In some locations, temporary road base, plating, or matting may be used and removed at the end of construction. Additional improvements to the road may include road widening and installing new or repairing existing drainage structures. Approximately 2.4 miles of new overland access routes would be established. Helicopters would be used to support construction.

Proponent: Southern California Edison Company (SCE)

Objective: The objective of the Project is to ensure compliance with California Public Utilities Commission General Order 95 Rules For Overhead Electric Line Construction and will address reliability concerns related to the conditions of existing infrastructure on the affected subtransmission lines.

Location: The Project area is in unincorporated Kern County, unincorporated Los Angeles County, and the Kern County cities of Arvin and Bakersfield. The Project is divided into five segments:

- Segment 1 spans approximately 20.4 miles from the existing Kern River 1 Hydroelectric Substation to and including Structure M20-T3. The existing structures in Segment 1 support portions of the Gorman-Kern River 1 and Banducci-Kern River 1 66 kV subtransmission lines.
- Segment 2 spans approximately 26.5 miles from Structure M20-T3 to and including Structure M46-T6. The existing structures in Segment 2 support portions of the Gorman-Kern River 1 66 kV Subtransmission Line.
- Segment 3 spans approximately 4.1 miles from Structure M46-T6 to the existing Gorman Substation. The existing structures in Segment 3 support portions of the Gorman-Kern River 1 and Frazier Park-Gorman 66 kV subtransmission lines.
- Segment 4 spans approximately 11.3 miles from Structure M02-T3 to and including Structure M11-T3. The existing structures in Segment 4 support portions of the Banducci-Kern River 1 66 KV Subtransmission Line.
- Segment 5 spans approximately 3 miles from Pole X766E to the existing Banducci Substation. The existing structures in Segment 5 support portions of the Banducci-Kern River 1 66k V Subtransmission Line, distribution circuitry, and telecommunications infrastructure.

Timeframe: The Project would commence in 2026 and is anticipated to be constructed within approximately 23 months.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the California Public Utilities Commission in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Based on review of the Project description, review of the MND, review of the California Natural Diversity Database (CNDDB), and review of aerial imagery, multiple special status species could potentially be impacted by Project activities.

The MND acknowledges that the Project site is within the geographic range of many special-status animal and plant species, and multiple special-status animal and plant species have been identified in field surveys. The MND proposes specific mitigation measures to reduce impacts to less than significant; however, CDFW has concerns about the ability of some proposed mitigation measures to reduce impacts to less than significant and to avoid unauthorized take for multiple special-status species, including but not limited to those in Table 1.

Table 1: Special Status Species Potentially Impacted by the Project

Common Name	Scientific Name	State Status	Federal Status	California Rare Plant Rank
Plants				
Adobe yampah	*Perideridia pringlei*	---	---	4.3
Alkali mariposa-lily	*Calochortus striatus*	---	---	1B.2
Aromatic canyon gooseberry	*Ribes menziesii var. ixoderme*	---	---	1B.2
Bakersfield cactus	*Opuntia basilaris var. treleasei*	Endangered	Endangered	1B.1
Baja navarretia	*Navarretia peninsularis*	---	---	1B.2
Big Bear Valley woollypod	*Astragalus leucolobus*	---	---	1B.2
Calico monkeyflower	*Diplacus pictus*	---	---	1B.2
California jewelflower	*Caulanthus californicus*	Endangered	Endangered	1B.1
Comanche Point layia	*Layia leucopappa*	---	---	1B.1
Fort Tejon woolly sunflower	*Eriophyllum lanatum var. hallii*	---	---	1B.1
Horn's milk-vetch	*Astragalus hornii var. hornii*	---	---	1B.1
Kern mallow	*Eremalche parryi* ssp. *kernensis*	---	Endangered	1B.2
Lemmon's jewelflower	*Caulanthus lemmonii*	---	---	1B.2

Common Name	Scientific Name	State Status	Federal Status	California Rare Plant Rank
Lost Hills crownscale	*Atriplex coronate var. vallicola*	---	---	1B.2
Oil nestraw	*Stylocline citroleum*	---	---	1B.1
Palmer's mariposa lily	*Calochortus palmeri var. palmeri*	---	---	1B.2
Piute Mountains navarretia	*Navarretia setiloba*	---	---	1B.1
Robbins' nemacladus	*Nemacladus secundiflorus var. robbinsii*	---	---	1B.2
Rose-flowered larkspur	*Delphinium purpusii*	---	---	1B.3
San Bernardino aster	*Symphyotrichum defoliatum*	---	---	1B.2
San Joaquin adobe sunburst	*Pseudobahia peirsonii*	Endangered	Threatened	1B.1
San Joaquin bluecurls	*Trichostema ovatum*	---	---	4.2
San Joaquin woollythreads	*Monolopia congdonii*	---	Endangered	1B.2
Shevock's golden aster	*Heterotheca shevockii*	---	---	1B.3
Spiny-sepaled button-celery	*Eryngium spinosepalum*	---	---	1B.2
Striped adobe-lily	*Fritillaria striata*	Threatened	---	1B.1
Tehachapi monardella	*Monardella linoides* ssp. *oblonga*	---	---	1B.3
Tejon poppy	*Eschscholzia lemmonii* ssp. *kernensis*	---	---	1B.1
Tracy's eriastrum	*Eriastrum tracyi*	---	---	3.2
Vasek's clarkia	*Clarkia tembloriensis* ssp. *calientensis*	---	---	1B.1
Invertebrates				
Crotch's bumble bee	*Bombus crotchii*	Candidate	---	---
Amphibians				
Kern Canyon slender salamander	*Batrachoseps simatus*	Threatened	Proposed Threatened	---
Tehachapi slender salamander	*Batrachoseps stebbinsi*	Threatened	---	---
Western spadefoot	*Spea hammondii*	Species of Special Concern	Proposed Threatened	---
Reptiles				
Bakersfield legless lizard	*Anniella grinnelli*	Species of Special Concern	---	---
Blunt-nosed leopard lizard	*Gambelia sila*	Endangered	Endangered	---

Common Name	Scientific Name	State Status	Federal Status	California Rare Plant Rank
		Fully Protected		
California glossy snake	*Arizona elegans occidentalis*	Species of Special Concern	---	---
California legless lizard	*Anniella pulchra*	Species of Special Concern	---	---
Coastal whiptail	*Aspidoscelis tigris stejnegeri*	Species of Special Concern	---	---
Coast horned lizard	*Phrynosoma blainvillii*	Species of Special Concern	---	---
Northwestern pond turtle	*Actinemys marmorata*	Species of Special Concern	Proposed Threatened	---
San Joaquin coachwhip	*Masticophis flagellum ruddocki*	Species of Special Concern	---	---
Sierra night lizard	*Xantusia vigilis sierrae*	Species of Special Concern	---	---
Southern California legless lizard	*Anniella stebbinsi*	Species of Special Concern	---	---
Southern rubber boa	*Charina umbratical*	Threatened	---	---
Two-striped garter snake	*Thamnophis hammondii*	Species of Special Concern	---	---
Birds				
Bald eagle	*Haliaeetus leucocephalus*	Endangered Fully Protected	---	---
Common yellowthroat	*Geothlypis trichas*	Species of Special Concern	---	---
Golden eagle	*Aquila chrysaetos*	Fully Protected	---	---
Grasshopper sparrow	*Ammodramus savannarum*	Species of Special Concern	---	---
Loggerhead shrike	*Lanius ludovicianus*	Species of Special Concern	---	---
Long-eared owl	*Asio otus*	Species of Special Concern	---	---
Northern harrier	*Circus hudsonius*	Species of Special Concern	---	---
Purple martin	*Progne subis*	Species of Special Concern	---	---
Swainson’s hawk	*Buteo swainsoni*	Threatened	---	---
Tricolored blackbird	*Agelaius tricolor*	Threatened	---	---
Vaux’s swift	*Chaetura vauxi*	Species of Special Concern	---	---
Western burrowing owl	*Athene cunicularia hypugaea*	Candidate	---	---
Yellow warbler	*Setophaga petechia*	Species of Special Concern	---	---

Common Name	Scientific Name	State Status	Federal Status	California Rare Plant Rank
Mammals				
American badger	*Taxidea taxus*	Species of Special Concern	---	---
Pallid bat	*Antrozous pallidus*	Species of Special Concern	---	---
San Joaquin antelope squirrel	*Ammospermophilus nelsoni*	Threatened	---	---
San Joaquin kit fox	*Vulpes macrotis mutica*	Endangered	Threatened	---
Tehachapi pocket mouse	*Perognathus alticola inexpectatus*	Species of Special Concern	---	---
Tipton kangaroo rat	*Dipodomys nitratoides nitratoides*	Endangered	Endangered	---
Townsend's big-eared bat	*Corynorhinus townsendii*	Species of Special Concern	---	---
Western mastiff bat	*Eumops perotis californicus*	Species of Special Concern	---	---

COMMENT 1: Special Status Plants

The MND lists adobe yampah, Bakersfield cactus, calico monkeyflower, Kern mallow, Piute mountains navarretia, and San Joaquin bluecurls as present within the vicinity of the Project. Approximately 50 adobe yampah, 300 Bakersfield cactus, 150 Kern mallow, six Calico monkeyflower, 180 individuals and two populations (totaling 133 individuals) of Piute mountain navarettia, and 7,500 San Joaquin bluecurls were observed in 17 locations and were identified partially or entirely within work areas. Due to the large area of the Project site and as noted in the MND Master Species List, additional special status plant species have the potential to occur within and adjacent to the Project area.

The MND indicates that California Rare Plant Rank species that are ranked 3 and 4 were not considered during the MND analysis and information about the potential for these species to occur focuses on San Joaquin bluecurls and adobe yampah. CDFW recommends that all California Rare Plant Rank ranked 3 and 4 plants be analyzed in the MND due to their rare status and be included with the requirements for Mitigation Measure Biology-1. CDFW recommends adding the following mitigation measures addressing special status plant species to the MND.

Recommended Mitigation Measure 1: Special-Status Plant Surveys
CDFW recommends that the Project area be surveyed for special-status plants by a qualified botanist following the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (CDFW 2018). This protocol, which is intended to maximize detectability, includes

identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. Please note that adverse conditions from yearly weather patterns may prevent botanical field surveyors from determining the presence of, or accurately identifying, some special status plants in the surveyed area. Disease, drought, predation, fire, herbivory, or other disturbance may also preclude presence or identification of special status plants in any given year. Visiting the survey site in more than one year increases the likelihood of detection. CDFW also recommends surveying areas according to elevation bands and/or habitat types, due to the long, linear configuration of the Project.

Recommended Mitigation Measure 2: Special-Status Plant Consultation and Take Authorization

If State endangered, threatened, or rare plants are identified during special status plant surveys, consultation with CDFW is recommended. If take cannot be avoided, then to ensure compliance with CESA and the Native Plant Protection Act (NPPA), CDFW recommends consultation with CDFW for acquisition of an ITP, pursuant to Fish and Game Code section 2081, subdivision (b) and/or California Code of Regulations, Title 14, section 786.9, subdivision (b).

Recommended Mitigation Measure 3: Salvage and Replanting Plan

The MND requires that if special-status species cannot be avoided, SCE must develop a Salvage and Replanting Plan for CDFW approval and that applicable take authorization from CDFW must also be acquired, prior to implementation of the Salvage and Replanting Plan. CDFW recommends that the Salvage and Replanting Plan include any requirements incorporated into any incidental take authorization, pursuant to CESA or NPPA.

The MND requires that the Salvage and Replanting Plan include a minimum 3-year period of maintenance and monitoring of relocated plants. CDFW recommends that maintenance and monitoring occur for five to 10 years, based on the specific species and due to the arid nature of the Project areas. The MND requires certain performance criteria to be incorporated into the Salvage and Replanting Plan; CDFW recommends that the MND also specify whether less than 100% success of relocated plantings is considered sufficient to keep impacts to less than significant levels. CDFW recommends that the MND also incorporate compensatory mitigation into the Salvage and Replanting Plan, based on the affected area of lost individuals or populations of special-status plants and consideration of the individual species impacted, as well as part of the contingency measures of the Salvage and Replanting Plan in the event that relocation is not successful.

CDFW anticipates that recipient locations where salvaged plants will be installed would not result in impacts to any special status species, or if such impacts could occur, that the recipient planting locations will be considered part of the Project area

addressed by the MND and that all of the mitigation measures in the MND will apply to those activities. These could include but not be limited to ground disturbance from site preparation, non-native species removal, planting, watering, and other maintenance that is necessary until establishment criteria defined in the approved Salvage and Replanting Plan (including any take that is also addressed through CESA or NPPA) have been met.

COMMENT 2: Crotch's Bumble Bee (CBB)

The MND and MND Master Species List indicate that CBB has a high likelihood to occur and that foraging and nesting habitat is present throughout the majority of the Project area. CDFW concurs with Mitigation Measure Biology-4 for conducting focused surveys in suitable habitat, following the CDFW (2023) *Survey Considerations for CESA Candidate Bumble Bee Species*. CDFW also recommends that the following mitigation measures be included in the MND.

Recommended Mitigation Measure 4: CBB Avoidance
If CBB individuals or a nest is detected during surveys or at any time during the active period of April 1 to August 31, then CDFW recommends that all suitable habitat features for the species such as small mammal burrows, thatched/bunch grasses, brush piles, rock piles, and fallen logs be avoided by a minimum of 50 feet. Outside the active period, ground-disturbing activities cold result in impacts to queens overwintering underground. CDFW recommends that for Project work outside the active season, consultation with CDFW occur to discuss how to implement Project activities and avoid take. Any detection of CBB prior to or during Project implementation warrants consultation with CDFW.

Recommended Mitigation Measure 5: CBB Take Authorization
If take of CBB individuals and/or a nest cannot be avoided, for CESA compliance, CDFW recommends that an ITP pursuant to Fish and Game Code section 2081, subdivision (b), be acquired prior to initiating Project activities.

Recommended Mitigation Measure 6: CBB Habitat Restoration and Compensation
CDFW recommends that CBB be included in the Minimization Measure-Biology 2 list of special status for which disturbed habitat areas would be returned to pre-construction conditions. Habitat features that support CBB nesting may serve as nursery sites and CDFW recommends that losses of those features be identified and tracked, to inform restoration activities on the Project site, even if disturbance or removal occurs outside the CBB active period. CDFW also recommends that Mitigation Measure Biology-4 include a description of how habitat compensation for impacts to CBB habitat will be determined. Habitat replacement at a rate of one acre for each acre disturbed or removed would not clearly address temporal impacts or

habitat fragmentation within the Project area and vicinity. The MND does not make clear when off-site mitigation for CBB would be required or what the basis will be for determining that replacement at a rate greater than one-to-one for impacted habitat would be required. CDFW recommends including those parameters in the MND to inform the mitigation requirement.

COMMENT 3: Kern County Slender Salamander (KCSS)

The MND Master Species List indicates that four KCSS individuals were observed during field surveys conducted in February and March of 2024 in Segment 1 along the Kern River in the Kern River Canyon. KCSS have seasonally restricted surface activity, shelter in underground burrows during unfavorable conditions, are typically nocturnal, and are found primarily under cover objects (U.S. Fish and Wildlife Service (USFWS) 2024). KCSS are highly sedentary with high site fidelity, and are thought to rarely venture more than 50 feet from the shelter of cover objects (USFWS 2024). Due to their ecology and behaviors, KCSS can be difficult to detect when they are present.

The MND indicates that approximately 63 acres of suitable habitat will be temporarily disturbed and less than four acres will be permanently impacted for KCSS, yellow-blotched salamander (*Ensatina eschscholtzii croceater*), and Tehachapi slender salamander, but the MND does not disclose how much KCSS-specific habitat will be impacted or if take of KCSS is an anticipated impact. Mitigation Measure Biology-7 directs SCE to disclose to CDFW the area of impacts to KCSS habitat and to document the area of proposed habitat restoration and compensatory mitigation to offset Project impacts. The requirements for SCE to protect mitigation areas using a conservation easement held by an entity approved by CDFW and to provide CDFW a letter of credit if mitigation is not competed prior to the start of Project activity appear to suggest that the MND requires SCE to acquire an Incidental Take Permit from CDFW for potential or anticipated take of KCSS. CDFW would not otherwise have authority to approve a form of easement or mitigation funding security. CDFW recommends that the following measures be included in the MND.

Recommended Mitigation Measure 7: KCSS Take Authorization
KCSS presence is recently confirmed within the Project area. CDFW recommends consultation with CDFW to discuss Project implementation in suitable habitat and sites known to be occupied by KCSS. For sites where the species is known to occur and any other areas where take avoidance is not feasible, to comply with CESA, CDFW recommends that an ITP be acquired prior to any ground disturbing activities, pursuant Fish and Game Code section 2081, subdivision (b). CDFW recommends that the MND describe whether the CDFW approvals it describes related to mitigation would be associated with an ITP for Project-related incidental take of KCSS based on documented presence or potentially for assumed presence.

Recommended Mitigation Measure 8: KCSS Compensatory Mitigation
If any areas of suitable KCSS habitat will not be included in an ITP authorizing incidental take of KCSS, CDFW recommends that CEQA compensation for loss of KCSS habitat be based on an analysis of specific impacts, such as temporal loss during habitat restoration and habitat fragmentation. The MND describes that mitigation would occur at a rate of at least one to one (lost to restored area). CDFW recommends that the MND disclose for review and comment the basis of how impacts would inform the rate of restoration or mitigation, based on species ecology.

COMMENT 4: Tehachapi Slender Salamander (TSS)

The MND Master Species List indicates that TSS has a high potential to occur, based on nearby occurrences and potential habitat along Grapevine Creek in Segment 2 of the Project. TSS occur primarily under surface objects such as pieces of wood or talus rocks in moist areas or in leaf litter, and may enter termite tunnels and earthworm burrows. Their home ranges are not well known but considered to be small, and detection through surveys is difficult if individuals are present (CDFW 2024b).

The MND indicates that approximately 63 acres of suitable habitat will be temporarily disturbed and less than four acres will be permanently impacted for KCSS, yellow-blotched salamander, and TSS, but does not state how much TSS specific habitat will be impacted or whether take of TSS is an anticipated impact. Mitigation Measure Biology-7 directs SCE to disclose to CDFW the area of impacts to TSS habitat and to document the area of proposed habitat restoration and compensatory mitigation to offset Project impacts. The requirements for SCE to protect mitigation areas using a conservation easement held by an entity approved by CDFW and to provide CDFW a letter of credit if mitigation is not competed prior to the start of Project activity appear to suggest that the MND requires SCE to acquire an Incidental Take Permit from CDFW for TSS. CDFW would not otherwise have authority to approve a form of easement or mitigation funding security. CDFW recommends that the following measures be included in the MND.

Recommended Mitigation Measure 9: TSS Habitat Assessment and Survey
CDFW recommends consultation with CDFW when developing surveys and survey locations for TSS and that the biologist(s) conducting surveys have any authorization determined to be needed for TSS via the CDFW Scientific Collecting Permit process.

Recommended Mitigation Measure 10: TSS Take Authorization
If TSS are found, either during surveys or Project activities, consultation with CDFW is warranted to discuss how to implement the Project and avoid take; or if avoidance is not feasible, to potentially acquire an ITP for TSS prior to Project activities, pursuant Fish and Game Code section 2081, subdivision (b). CDFW recommends that the MND describe that the CDFW approvals it describes related to mitigation

would be associated with an ITP for Project-related incidental take of TSS based on documented presence or potentially for assumed presence.

Recommended Mitigation Measure 11: TSS Compensatory Mitigation
If any areas of suitable TSS habitat will not be included in an ITP authorizing incidental take of TSS, CDFW recommends that CEQA compensation for loss of TSS habitat be based on an analysis of specific impacts, such as temporal loss during habitat restoration or habitat fragmentation. The MND describes that mitigation would occur at a rate of at least one to one (lost to restored area). CDFW recommends that the MND disclose for review and comment the basis of how impacts would inform the rate of restoration or mitigation, based on species ecology.

COMMENT 5: Western Spadefoot (WESP)

The MND Master Species List indicates that two western spadefoot individuals were observed during field surveys in Segment 4 at the edge of a stockpond located 0.01 mile (approximately 53 feet) from the Project. WESP occurs primarily in grasslands and seasonal wetlands with appropriate upland habitat features, which may be present in additional areas within the Project site. CDFW concurs with the process in Mitigation Measure Biology-5 for surveys, monitoring and avoidance, and recommends that the following measures also be included in the MND.

Recommended Mitigation Measure 12: WESP Habitat Assessment
CDFW recommends that a qualified biologist conduct a habitat assessment to determine if Project sites and the immediate surrounding vicinity contain habitat suitable to support WESP.

Recommended Mitigation Measure 13: WESP Survey
CDFW recommends that prior to the start of Project activity, a qualified biologist conduct focused surveys in all areas of suitable habitat for western spadefoot.

Recommended Mitigation Measure 14: WESP Avoidance and Minimization
If burrows, cracks, loose soil areas or other refugia are found to be used by WESP during focused surveys, CDFW recommends avoidance using a 50-foot no-disturbance buffer around these resources. If WESP individuals are observed on the Project site, CDFW recommends that Project activities at the site cease, allowing individuals to leave the Project site of their own volition. Alternately, a qualified biologist with appropriate handling permitting may relocate them to a suitable location out of harm’s way.

COMMENT 6: Blunt-Nosed Leopard Lizard (BNLL)

The MND Master Species List describes BNLL as present within the Project area, based on the presence of suitable habitat within the Project area and recent observations of the species within 0.5 to one mile of the Project. The MND indicates that up to 23 acres of BNLL suitable habitat would be permanently impacted by Project activities.

The MND includes the *SCE Gorman Kern River Project Blunt-nosed Leopard Lizard Minimization and Avoidance Strategy* (BNLL Avoidance Strategy), which is intended to avoid mortality of any blunt-nosed leopard lizard during the Project. CDFW has concerns that activities described in the BNLL Avoidance Strategy include plugging of burrows, use of a one-way door for burrow entrances, burrow excavation, fiber optic-type scoping, and coverboard placement over burrows; these methods all have the potential to result in take of BNLL, including lethal take, if used in areas where BNLL are known to be or are potentially present. The BNLL Avoidance Strategy also does not discuss avoidance of BNLL eggs in burrows. The BNLL Avoidance Strategy may provide minimization but does not clearly describe take avoidance of fully protected BNLL. Additionally, implementation of Mitigation Measure Biology-2 regarding revegetation and restoration activities could result in BNLL take in areas where BNLL are known to be or are potentially present.

Mitigation Measure Biology-6 directs SCE to disclose to CDFW the area of impacts to BNLL habitat and to document the area of proposed habitat restoration and compensatory mitigation to offset Project impacts. Clarification is needed regarding the requirement that SCE protect mitigation areas using a conservation easement or that any land acquired in fee would be transferred to CDFW, and that SCE must provide a letter of credit to CDFW if Project activity begins prior to completing the compensatory mitigation requirements. Prior consultation between CDFW and SCE and between CDFW and the California Public Utilities Commission has suggested that incidental take of fully protected species cannot be authorized by CDFW in an ITP for the Project activities as currently proposed. CDFW recommends that the MND clearly disclose the nature of the impacts to BNLL that may result from Project implementation, including whether take of individuals is possible or expected, and whether take of BNLL would constitute a significant effect. CDFW recommends that the following measures be incorporated into the MND.

Recommended Mitigation Measure 15: BNLL Surveys
CDFW recommends that a qualified biologist conduct protocol surveys following the *Approved Survey Methodology for the Blunt-nosed Leopard Lizard* (CDFW 2019) prior to Project implementation at sites within the species range where suitable habitat is present.

Recommended Mitigation Measure 16: BNLL Avoidance
Based on the linear footprint of the Project, CDFW recommends that any BNLL detection, known or potentially occupied burrows, or egg clutch sites be avoided and protected using a minimum 50-foot avoidance buffer. Additionally, if BNLL, known or occupied burrows, or egg clutch sites are detected, CDFW recommends that an appropriate number of qualified biologists be present during all Project activities, including ingress and egress to the Project sites, to help ensure that BNLL above ground are detected and not impacted; and that any BNLL individual that enters the Project area be allowed to leave unobstructed of its own volition.

Recommended Mitigation Measure 17: BNLL Compensatory Mitigation
CDFW recommends that the MND clarify if the BNLL compensatory mitigation requirement is to offset CEQA impacts based on losses to habitat and ecologically important areas, or if mitigation would also be intended to address take of BNLL. CDFW would not have jurisdictional authority to hold easement or accept land in fee as mitigation outside a CDFW regulatory process such as an ITP. The MND describes that mitigation would occur at a rate of at least one to one (lost to restored area). For CEQA compensatory mitigation to offset losses of suitable habitat for BNLL without take of BNLL, CDFW recommends that the MND disclose for review and comment the basis of how impacts would inform the rate of restoration or mitigation; for example, whether temporal loss, habitat fragmentation, creation of barriers, or other impacts would increase the rate of mitigation.

COMMENT 7: Northwestern Pond Turtle (NWPT)

The MND Master Species List indicates that approximately 200 NWPT occurrences have been noted in the vicinity of Project area along the Kern River and Castaic Lake. Review of aerial imagery shows habitats that NWPT utilize for nesting, overwintering, dispersal, and basking, including streams, ponded areas, irrigation canals, and riparian and upland habitats. NWPT are known to nest in the spring or early summer within 100 meters of a water body, although nest sites as far away as 500 meters have also been reported (Thomson et al. 2016). Noise, vegetation removal, movement of workers, construction, and ground disturbance as a result of Project activities have the potential to significantly impact NWPT populations. Without appropriate avoidance and minimization measures for NWPT, potentially significant impacts associated with Project activities could include nest reduction, inadvertent entrapment, reduced reproductive success, reduction in health or vigor of eggs and/or young, and direct mortality.

Recommended Mitigation Measure 18: NWPT Surveys
CDFW recommends that a qualified biologist conduct focused surveys for NWPT within 10 days prior to any Project activity, and that focused surveys for nests occur during the egg-laying season of March through August in areas of suitable habitat.

Recommended Mitigation Measure 19: NWPT Avoidance and Minimization
CDFW recommends that any NWPT nests that are discovered remain undisturbed with a no-disturbance buffer maintained around the nest until the eggs have hatched and neonates are no longer in the nest or Project areas. If NWPT individuals are discovered at the site during surveys or Project activities, CDFW recommends that they be allowed to move out of the area of their own volition without disturbance.

COMMENT 8: Southern Rubber Boa (SRB)

SRB occurrences have been noted in the vicinity of the Project area and portions of the Project area are within the species range (CDFW 2024d). SRB occur at an elevational range is from sea level to 2,740 meters (9,040 feet) and are found in a variety of montane forest habitats including red fir, ponderosa pine, hardwood, hardwood-conifer, Douglas fir, redwood, mixed conifer and riparian (CDFW 2024c). SRB are generally found under logs, boards, and other debris and sometimes on roads at dusk (California Herps 2024). CDFW recommends that the following measures be incorporated into the MND.

Recommended Mitigation Measure 20: SRB Habitat Assessment and Survey
CDFW recommends consultation with CDFW when developing surveys and survey locations for SRB and that the biologist(s) conducting surveys have any authorization determined to be needed for SRB via the CDFW Scientific Collecting Permit process.

Recommended Mitigation Measure 21: SRB Take Authorization
If SRB are found, either during surveys or Project activities, consultation with CDFW is warranted to discuss how to implement the Project and avoid take; or if avoidance is not feasible, to potentially acquire an ITP prior to any ground disturbing activities, pursuant Fish and Game Code section 2081, subdivision (b).

COMMENT 9: Other Special-Status Reptile Species

The MND Master Species List indicates that Bakersfield legless lizard, California glossy snake, California legless lizard, coastal whiptail, coast horned lizard, San Joaquin coachwhip, Sierra night lizard, southern California legless lizard, and two-striped garter snake have potential to occur within the Project area and its vicinity. CDFW concurs with implementing Mitigation Measure Biology-5 to minimize potential impacts to these species by implementing pre-construction surveys, avoidance buffers, and monitoring.

COMMENT 10: Bald Eagle (BAEA)

The Project site is within the known geographic range of BAEA and the MND Master Species List indicates a high potential of occurrence. BAEA require large bodies of

water with hunting perches of large limbed trees to pounce on fish or small mammals. These habitat features are present within the Project vicinity. CDFW recommends that the following measures be incorporated into the MND.

Recommended Mitigation Measure 22: BAEA Surveys
CDFW recommends that focused BAEA surveys following the *Bald Eagle Breeding Survey Instructions* (CDFW 2010) protocol be conducted by qualified biologists prior to Project implementation.

Recommended Mitigation Measure 23: BAEA Avoidance
If a BAEA is found prior to or during construction, CDFW recommends implementation of a minimum ½-mile no-disturbance buffer. CDFW advises that this buffer remain in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon parental care for survival**.** In the event that a BAEA is detected during surveys, and a ½-mile no-disturbance buffer is not feasible, consultation with CDFW is recommended.

COMMENT 11: Golden Eagle (GOEA)

The Project site is within the known geographic range of GOEA and the MND documents occurrences of foraging GOEA in the Project vicinity. GOEA are known to inhabit open areas with large trees, utility towers, and cliffs for nesting (USFWS 2010). CDFW recommends that the following measures be incorporated into the MND.

Recommended Mitigation Measure 24: GOEA Surveys Prior to Construction
CDFW recommends that surveys following the USFWS (2010) *Protocol for the Interim Golden Eagle Inventory and Monitoring Protocols; and Other Recommendations*, be completed the survey season immediately prior to Project activities in potential nesting habitat.

Recommended Mitigation Measure 25: GOEA Avoidance
If surveys indicate the presence or potential presence of GOEA nesting territories within ½-mile of the Project site, implementation of avoidance measures are warranted. CDFW recommends that a qualified wildlife biologist be on site during all Project activities and that a ½-mile no disturbance buffer be put into effect. If the ½-mile no disturbance buffer cannot feasibly be implemented, consultation with CDFW to assist with providing and implementing additional avoidance measures is suggested.

COMMENT 12: Swainson's Hawk (SWHA)

The MND Master Species List notes that a SWHA individual was observed near Tejon Creek. SWHA exhibit high nest-site fidelity year after year in the San Joaquin Valley (CDFW 2016). The MND indicates that over 1,000 large trees would be removed for Project activities, but that the impact is not significant due to the locations of the tree removal. It is not stated whether any of the trees slated for removal are known nesting trees. CDFW concurs generally with Mitigation Measure Biology-11 to minimize potential impacts by implementing pre-construction surveys, avoidance buffers, and monitoring, and also recommends that the following measures be incorporated in the MND.

Recommended Mitigation Measure 26: SWHA Surveys
CDFW recommends that surveys to detect nesting SWHA be conducted following the entirety of the survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC 2000). Please note the survey protocol includes early season surveys to assist the Project proponent in implementing necessary avoidance and minimization measures, and in identifying active nest sites during the nesting season immediately prior to initiating Project activities.

Recommended Mitigation Measure 27: SWHA Avoidance
If Project activities will take place during the SWHA nesting season (i.e., March 1 through September 15), and known SWHA nests are present, CDFW recommends that a minimum ½-mile no-disturbance buffer be delineated and maintained around each nest, regardless of whether it was detected by surveys or observed incidentally. These buffers would remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival, to prevent nest abandonment and other take of SWHA as a result of Project activities.

Recommended Mitigation Measure 28: SWHA Take Authorization
If a ½-mile no-disturbance nest buffer is not feasible, consultation with CDFW is warranted, and an ITP for SWHA may be necessary prior to project implementation to avoid unauthorized take, pursuant to Fish and Game Code section 2081, subdivision (b).

COMMENT 13: Tricolored Blackbird (TRBL)

The MND Master Species List indicates that eight TRBL were observed in marshes along Grapevine Creek in Segment 2. TRBL breed within the vicinity of fresh water, primarily in marshy areas. Important sites for nesting colonies include cattails, tules, thistles, willows, blackberries, mustard, nettles, and salt cedar (Grinnell and Miller 1944). TRBL are also known to breed in alfalfa, wheat, and other low agricultural crop

fields (Beedy et al. 2023). Mitigation Measure Biology-8 indicates that TRBL will be included in the Nesting Bird Management Plan; however, CDFW recommends that listed, candidate, or fully protected species be addressed separately, because the survey requirements are based on specific species ecology and can be more rigorous, and avoidance buffers are typically larger. As this species has been observed previously and potential habitat is present, CDFW recommends that the following measures be incorporated into the MND.

Recommended Mitigation Measure 29: TRBL Survey
CDFW recommends that Project activities be timed to avoid the typical bird breeding season (February 1 through September 15); however, if Project activities must take place during the breeding season, CDFW recommends that a qualified biologist conduct focused surveys for nesting TRBL. Because TRBL colonies can expand over time, CDFW recommends conducting pre-construction surveys of an identified nesting colony within 10 days prior to the start of Project activities to reassess the colony's current extent.

Recommended Mitigation Measure 30: TRBL Avoidance
If an active TRBL nesting colony is found during the pre-construction surveys, CDFW recommends implementation of a minimum 300-foot no-disturbance buffer around the colony in accordance with the CDFW (2015) *Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015*. CDFW recommends that this buffer remain in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon the colony or parental care for survival.

Recommended Mitigation Measure 31: TRBL Take Authorization
If a TRBL nesting colony is detected during surveys, consultation with CDFW is warranted to discuss how to implement the Project and avoid take, or if avoidance is not feasible, to acquire an ITP, pursuant to Fish and Game Code section 2081, subdivision (b), prior to the start of Project activities.

COMMENT 14: Western Burrowing Owl (BUOW)

The California Fish and Game Commission approved BUOW as a candidate for potential listing as a protected species under CESA on October 10, 2024, and published findings in the California Regulatory Notice Register (Notice Register) on October 25, 2024. As such, BUOW is now considered a candidate under CESA and receives the same legal protection afforded to an endangered or threatened species (Fish & G. Code, §§ 2074.2 & 2085).

The MND Master Species List indicates that BUOW is present within the Project area, with one BUOW and two active burrows observed in Segment 4 southeast of Arvin and east of the California Aqueduct during reconnaissance surveys. Additionally, approximately 462 acres of suitable habitat may be temporarily impacted and 26 acres may be permanently impacted. To reflect BUOW candidate status under CESA, CDFW recommends that Mitigation Measure Biology-9 be updated to include contacting CDFW if BUOW are discovered to discuss adequate avoidance measures, including appropriate buffers, or the potential need for an ITP for Project activities. As noted in the MND, passive relocation to evict individuals from an occupied burrow would require an ITP from CDFW. CDFW also recommends that the following measures be incorporated into the MND.

Recommended Mitigation Measure 32: BUOW Surveys
CDFW recommends that surveys, following the CBOC (1993) *Burrowing Owl Survey Protocol and Mitigation Guidelines* and the CDFW's (CDFG 2012) *Staff Report on Burrowing Owl Mitigation* be conducted within areas of suitable habitat the survey season immediately prior to construction.

Recommended Mitigation Measure 33: BUOW Consultation
For BUOW or known burrows that are currently or previously occupied by BUOW, either during surveys or Project activities, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. or if take avoidance is not feasible, to acquire an ITP prior to any ground disturbing activities, pursuant Fish and Game Code section 2081, subdivision (b).

Recommended Mitigation Measure 34: BUOW Compensatory Mitigation
The MND requires compensatory mitigation for loss of BUOW habitat. For mitigating the loss of areas that will not be addressed in an ITP authorizing incidental take of BUOW, CDFW recommends that CEQA compensation be based on an analysis of specific impacts, such as temporal loss and habitat fragmentation. The MND describes that mitigation would occur at a rate of at least one to one (lost to restored area). CDFW recommends that the MND disclose for review and comment the basis of how impacts would inform the rate of restoration or mitigation, based on species ecology.

COMMENT 15: American Badger (AMBA)

The MND Master Species List notes that three active AMBA dens were observed: one in Cottonwood Creek in Segment 1 and two dens in north-facing slopes of the Tehachapi Mountains in Segment 3. CDFW recommends incorporating the following measure into the MND.

Recommended Mitigation Measure 35: AMBA Surveys and Eviction
CDFW recommends that surveys for AMBA be conducted the day of grading or vegetation clearing, due to the potential for new AMBA burrows to be dug overnight. CDFW also recommends that any plans for eviction of AMBA from a den be reviewed by CDFW prior to implementation.

COMMENT 16: San Joaquin Antelope Squirrel (SJAS)

The Project site is within the known geographic range of SJAS and one historical occurrence was documented in Segment 2. Suitable habitat for SJAS includes areas of grassland, upland scrub, and alkali sink habitats that contain requisite habitat elements, such as small mammal burrows. Based on a review of aerial imagery, portions of the Project site may contain habitat for SJAS. CDFW recommends the following measures:

Recommended Mitigation Measure 36: SJAS Habitat Assessment and Surveys
In order to determine if SJAS currently occupy the Project site, CDFW recommends that a qualified biologist conduct a habitat assessment for SJAS within areas of the Project that are within the range of the species. CDFW recommends that a qualified biologist conduct focused daytime visual surveys for SJAS in areas of suitable habitat prior to Project activities commencing in those areas. Conditions considered appropriate for SJAS surveying include daytime temperatures between 68 to 86 degrees Fahrenheit and between April 1 and September 30 (Bradley 1967).

Recommended Mitigation Measure 37: SJAS Consultation
CDFW recommends that consultation with CDFW occur to discuss how to implement the Project and avoid take over the life of the Project, specifically within the portions of the Project that are adjacent to habitats with known occurrences of SJAS. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081, subdivision (b) is necessary to comply with CESA

COMMENT 17: San Joaquin Kit Fox (SJKF)

The MND Master Species List notes that SJKF is present: a potential active burrow was observed at the base of the western foothills within the Tehachapi Mountains in Segment 2 and an individual was observed in Crane Canyon in Segment 3. The MND indicates that approximately 235 acres of suitable SJKF habitat will be temporarily disturbed and approximately 12 acres of permanent impacts will occur from Project activities.

Mitigation Measure Biology-13 describes mitigation for potential impacts to SJKF habitat. The requirements for SCE to protect mitigation areas using a conservation easement held by an entity approved by CDFW and to provide CDFW a letter of credit if

mitigation is not competed prior to the start of Project activity appear to suggest that the MND requires SCE to acquire an Incidental Take Permit from CDFW for SJKF. CDFW recommends that the MND disclose whether take of SJKF is a possible or anticipated as a result of Project activity. CDFW would not otherwise have authority to approve a form of easement or mitigation funding security. CDFW recommends that the following measures be included in the MND.

Recommended Mitigation Measure 38: SJKF Surveys and Avoidance
CDFW recommends that qualified biologists conduct transect surveys of the Project area to detect SJAS individuals and their sign, and that surveys be repeated the survey season immediately prior to the start of Project activity. During Project activity, CDFW recommends that the USFWS (2011) *Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance* (USFWS Standard Recommendations) be implemented.

Recommended Mitigation Measure 39: SJKF Take Authorization
If the no-disturbance buffers outlined in the USFWS Standard Recommendations is not feasible, CDFW recommends that consultation with CDFW occur to discuss how to implement the Project and avoid take. If take cannot be avoided, CDFW recommends the Project proponent pursue take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081, subdivision (b) to comply with CESA.

Recommended Mitigation Measure 40: SJKF Compensatory Mitigation
If any areas of suitable SJKF habitat will not be included in an ITP authorizing incidental take of SJKF, CDFW recommends that CEQA compensation for loss of SJKF habitat be based on an analysis of specific impacts, such as temporal loss during habitat restoration or habitat fragmentation. The MND describes that mitigation would occur at a rate of at least one to one (lost to restored area). CDFW recommends that the MND disclose for review and comment the basis of how impacts would inform the rate of restoration or mitigation, based on species ecology.

COMMENT 18: Tipton Kangaroo Rat (TKR)

The Project site is within the known geographic range of TKR and the MND documents suitable habitat for TKR in Segment 2. Suitable TKR habitat includes areas of grassland, upland scrub, and alkali sink habitats that contain requisite habitat elements, such as small mammal burrows. Based on a review of aerial imagery, portions of the Project site may contain habitat for TKR. CDFW concurs generally with implementing Mitigation Measure Biology-14 to survey and apply avoidance and minimization measures for TKR, and recommends that the following measures be incorporated in the MND.

Recommended Mitigation Measure 41: TKR Surveys
CDFW recommends that trapping surveys be conducted following the USFWS (2013) *Survey Protocol for Determining Presence of San Joaquin Kangaroo Rats* during the survey season immediately prior to construction.

Recommended Mitigation Measure 42: TKR Consultation
If TKR are discovered during trapping or Project activities, CDFW recommends that consultation with CDFW occur to discuss how to implement the Project and avoid take, specifically within the portions of the Project that are adjacent to habitats with known occurrences of TKR. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081, subdivision (b), would be necessary to comply with CESA.

COMMENT 19: Special-Status Bat Species

The MND acknowledges that the Project site contains habitat features, such as large trees, crevices in rock outcrops, and railroad trellis, that have the potential to support roosting pallid bat, Townsend's big-eared bat, and western mastiff bat. These species are known to occur in the vicinity of the Project site and historical and recent CNDDB observations for these species have been documented (CDFW 2024d). Project activities have the potential to affect habitat upon which special-status bat species depend on for successful breeding and have the potential to impact individuals and local populations. Mitigation Measure Biology-15 details focused surveys, avoidance buffers, and eviction of individuals from a roost. CDFW concurs with conducting surveys within each area of disturbance and recommends the addition of the following mitigation measure.

Recommended Mitigation Measure 43: Bat Roost Disturbance Minimization and Avoidance
If bats are present, CDFW recommends that a 100-foot no-disturbance buffer be placed around the roost and that a qualified biologist who is experienced with bats monitor them for signs of disturbance to bats from Project activity. If a bat roost is identified and work is planned to occur during the breeding season, CDFW recommends that no disturbance to maternity roosts occur and that CDFW be consulted to determine measures to prevent breeding disruption or failure.

EDITORIAL COMMENTS

California Natural Diversity Database (CNDDB): Please note that the CNDDB is populated by records through voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDB but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record in the CNDDB does not mean a species is not present. In order to adequately

assess any potential Project related impacts to biological resources, surveys conducted by a qualified biologist during the appropriate survey period(s) and using the appropriate protocol survey methodology are warranted in order to determine whether or not any special-status species are present at or near the Project site.

Lake and Streambed Alteration: Project activities will impact areas subject to CDFW's regulatory authority pursuant to Fish and Game Code 1600 et seq. The MND Mitigation Measure Biology-16, Mitigation Measure Hydrology-1, and Mitigation Measure Hydrology-2 describe temporary and permanent impacts to 1.72 acres of wetland and 18.71 acres of riparian areas. All Project activities that substantially change the bed, bank, and channel of any river, stream, or lake are subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of vegetation): (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial and may include those that are highly modified such as canals and retention basins.

CDFW is required to comply with CEQA in the issuance of a Lake or Streambed Alteration (LSA) Agreement; therefore, if the CEQA document approved for the Project does not adequately describe the Project and its impacts to lakes or streams, a subsequent CEQA analysis may be necessary for LSA Agreement issuance. Any LSA Agreement may include additional measures beyond what is required in the MND, as needed to protect fish, wildlife, and plants, and may include compensatory mitigation. For information on notification requirements, please refer to CDFW's website (https://wildlife.ca.gov/Conservation/LSA) or contact CDFW for the Central Region LSA Program at R4LSA@wildlife.ca.gov or (559) 243-4593, or for the South Coast Region LSA Program at R5LakeandStreambed@wildlife.ca.gov or (858) 636-3160.

Nesting Birds: CDFW encourages that Project activities occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the nesting season (January 1 through September 15), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Code sections as referenced above.

CDFW agrees with the required contents of the Nesting Bird Management Plan as described in MM Biology-8; however, CDFW recommends that species that are listed or candidate under CESA, fully protected, or listed under the federal Endangered Species Act (ESA) be removed from the Nesting Bird Management Plan due to differing survey

methodologies and recommended buffers to protect nests, based on different species ecologies.

CDFW also agrees with the requirement for a qualified biologist to conduct a pre-construction survey for active nests no more than 10 days prior to the start of ground or vegetation disturbance, to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected, either directly or indirectly, by the Project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. CDFW recommends that a qualified biologist establish a behavioral baseline of all identified nests. Once Project activities begin, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is a compelling biological or ecological reason to do so. CDFW recommends that a qualified biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

Federally Listed Species: CDFW recommends consulting with USFWS regarding potential impacts to federally listed or proposed listed species including but not limited to Bakersfield cactus, California jewelflower, Kern mallow, San Joaquin adobe sunburst, San Joaquin woollythreads, KCSS, WESP, BNLL, NWPT, SJKF, and TKR. ESA is more broadly defined than CESA; take under ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with ESA is advised well in advance of any Project activities.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, §

21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDB. The CNDDB field survey form can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data. The completed form can be mailed electronically to the CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to the CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

FILING FEES

The Project, as proposed, could have an impact on biological resources, an assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final (Cal. Code Regs., tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the California Public Utilities Commission in identifying and mitigating Project impacts on biological resources. A Mitigation Monitoring and Reporting Program (Attachment 1) is included below to assist the California Public Utilities Commission with incorporating the recommended mitigation measures provided above.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (https://www.wildlife.ca.gov/Conservation/Survey-Protocols). If you have any questions regarding this letter or further coordination, please contact Benessa Galvan, Senior Environmental Scientist (Specialist), at (559) 580-3197 or by email at Benessa.Galvan@wildlife.ca.gov.

Sincerely,

Signed by:
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For Julie A. Vance
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Attachment 1

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

PROJECT: Southern California Edison (SCE) Transmission Line Rating Remediation Gorman-Kern River 66kV Project (Project)
Mitigated Negative Declaration (MND)
State Clearinghouse No.: 2024110564

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
Before Project Activity	
Special Status Plants	
Recommended Mitigation Measure 1: Special-Status Plant Surveys	
Recommended Mitigation Measure 2: Special-Status Plant Consultation and Take Authorization	
Recommended Mitigation Measure 3: Salvage and Replanting Plan	
CBB	
Recommended Mitigation Measure 5: CBB Take Authorization	
Recommended Mitigation Measure 6: CBB Habitat Restoration and Compensation	
KCSS	
Recommended Mitigation Measure 7: KCSS Take Authorization	
Recommended Mitigation Measure 8: KCSS Compensatory Mitigation	
TSS	
Recommended Mitigation Measure 9: TSS Habitat Assessment and Survey	
Recommended Mitigation Measure 10: TSS Take Authorization	
Recommended Mitigation Measure 11: TSS Compensatory Mitigation	
WESP	
Recommended Mitigation Measure 12: WESP Habitat Assessment	

Recommended Mitigation Measure 13: Preconstruction Survey for WESP	
BNLL	
Recommended Mitigation Measure 15: BNLL Surveys	
Recommended Mitigation Measure 17: BNLL Compensatory Mitigation	
NWPT	
Recommended Mitigation Measure 18: NWPT Surveys	
SRB	
Recommended Mitigation Measure 20: SRB Habitat Assessment and Survey	
Recommended Mitigation Measure 21: SRB Take Authorization	
BAEA	
Recommended Mitigation Measure 22: BAEA Surveys	
GOEA	
Recommended Mitigation Measure 24: GOEA Surveys Prior to Construction	
SWHA	
Recommended Mitigation Measure 26: SWHA Surveys	
Recommended Mitigation Measure 28: SWHA Take Authorization	
TRBL	
Recommended Mitigation Measure 29: TRBL Survey	
Recommended Mitigation Measure 31: TRBL Take Authorization	
BOUW	
Recommended Mitigation Measure 32: BUOW Surveys	
Recommended Mitigation Measure 33: BUOW Consultation	
Recommended Mitigation Measure 34: BOUW Compensatory Mitigation	
AMBA	
Recommended Mitigation Measure 35: AMBA Surveys and Eviction	
SJAS	
Recommended Mitigation Measure 36: SJAS Habitat Assessment and Surveys	
Recommended Mitigation Measure 37: SJAS Consultation	
SJKF	

Recommended Mitigation Measure 38: SJKF Surveys and Avoidance	
Recommended Mitigation Measure 39: SJKF Take Authorization	
Recommended Mitigation Measure 40: SJKF Compensatory Mitigation	
TKR	
Recommended Mitigation Measure 41: TRK Surveys	
Recommended Mitigation Measure 42: TKR Consultation	
During Project Activity	
CBB	
Recommended Mitigation Measure 4: CBB Avoidance	
WESP	
Recommended Mitigation Measure 14: WESP Avoidance and Minimization	
BNLL	
Recommended Mitigation Measure 16: BNLL Avoidance	
NWPT	
Recommended Mitigation Measure 19: NWPT Avoidance and Minimization	
BAEA	
Recommended Mitigation Measure 23: BAEA Avoidance	
GOEA	
Recommended Mitigation Measure 25: GOEA Avoidance	
SWHA	
Recommended Mitigation Measure 27: SWHA Avoidance	
TRBL	
Recommended Mitigation Measure 30: TRBL Avoidance	
AMBA	
Recommended Mitigation Measure 35: AMBA Surveys and Eviction	
SJKF	
Recommended Mitigation Measure 38: SJKF Surveys and Avoidance	
Special Status Bats	
Recommended Mitigation Measure 44: Bat Roost Disturbance Minimization and Avoidance	
After Project Completion	
CBB	

Recommended Mitigation Measure 6: CBB Compensatory Mitigation	
KCSS	
Recommended Mitigation Measure 8: KCSS Compensatory Mitigation	
TSS	
Recommended Mitigation Measure 11: TSS Compensatory Mitigation	
BNLL	
Recommended Mitigation Measure 17: BNLL Compensatory Mitigation	
BUOW	
Recommended Mitigation Measure 34: BUOW Compensatory Mitigation	
SJKF	
Recommended Mitigation Measure 40: SJKF Compensatory Mitigation	
TKR	
Recommended Mitigation Measure 43: TKR Compensatory Mitigation	