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**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



April 18, 2025

Tommy Alexander, California Public Utilities Commission  
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**Subject: Manning 500/230 KV Substation Project (A-24-06-017) (Project)  
Mitigated Negative Declaration (MND)  
State Clearinghouse No. 2025030618**

Dear Tommy Alexander:

The California Department of Fish and Wildlife (CDFW) received a MND from the California Public Utilities Commission (CPUC), for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

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.

## **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, 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

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<sup>1</sup> 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.

Tommy Alexander, CPUC

April 18, 2025

Page 2

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.

**California Endangered Species Act:** A CESA Incidental Take Permit (ITP) must be obtained from CDFW if the Project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the Project. Under CESA, "take" means "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." (Fish & G. Code, § 86.) CDFW's issuance of an ITP is subject to CEQA and to facilitate permit issuance, any Project modifications and mitigation measures must be incorporated into the CEQA document analysis, discussion, and mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA permit.

CEQA requires a mandatory finding of significance if a project is likely to substantially impact threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064 & 15065.) In addition, pursuant to CEQA, the lead agency cannot approve a project unless all impacts to the environment are avoided or mitigated to less-than-significant levels, or the lead agency makes and supports findings of overriding consideration for impacts that remain significant despite the implementation of all feasible mitigation. Findings of consideration under CEQA, however, do not eliminate the Project proponent's obligation to comply with the Fish and Game Code.

**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

Tommy Alexander, CPUC

April 18, 2025

Page 3

- 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 a State 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 the 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 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 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, as specified in the CEQA Guidelines section 15380, CDFW recommends it be fully considered in the environmental analysis for the Project.

## PROJECT DESCRIPTION SUMMARY

**Proponents:** LS Power Grid California, LLC (LSPGC); Pacific Gas & Electric (PG&E)

**Objective:** The LSPGC portion of the Project proposes to construct and operate a new 500/230 kilovolt (kV) substation (Manning Substation) and an 11.5-mile 230 kV overhead transmission line, which would connect to PG&E's existing Tranquility Switching Station. The PG&E portion of the Project proposes to interconnect two existing 500 kV transmission lines (Los Banos-Midway #2 and Los Banos-Gates #1) and two existing 230 kV transmission lines (Panoche-Tranquility Switching Station #1 and #2) to Manning Substation, which involves reconductoring approximately seven miles of existing transmission lines. LSPGC has filed an application with CPUC for a certificate of public convenience and necessity for its portion of the Project, while PG&E plans to proceed with a Notice of Construction under General Order 131-E Section III.B; however, all Project components are analyzed together in the MND.

**Location:** The Manning Substation would be located on about 40 acres approximately 0.85 miles southwest of the Interstate 5 (I-5) and Manning Avenue interchange, in an unincorporated area of Fresno County near the cities of San Joaquin and Mendota. The new 11.5-mile transmission line would extend east and connect to the existing PG&E Tranquility Switching Station. PG&E's existing Los Banos-Midway #2 and Los Banos-Gates #1 transmission lines would be extended eastward approximately 0.7 and 1.1

Tommy Alexander, CPUC

April 18, 2025

Page 4

miles, respectively, from their existing corridors to Manning Substation. PG&E's existing Panoche-Tranquility Switching Station #1 and #2 transmission lines would be extended westward approximately 4.5 miles from their existing corridors to Manning Substation.

**Timeframe:** The Project plans for commercial operation by June 2028.

## COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist CPUC in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the MND.

Currently, the MND acknowledges that the Project site is within the geographic range of several special-status animal and plant species and proposes specific mitigation measures to reduce impacts to less than significant. CDFW has concerns about the ability of some of the proposed mitigation measures to reduce impacts to less than significant and avoid unauthorized take for several special-status animal and plant species, particularly in the portions of the Project site west of I-5. These species include the State and federally endangered giant kangaroo rat (*Dipodomys ingens*), State threatened San Joaquin antelope squirrel (*Ammospermophilus nelsoni*), the State threatened and federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*), the State threatened Swainson's hawk (*Buteo swainsoni*), the State candidate western burrowing owl (*Athene cunicularia hypugaea*) and Crotch's bumble bee (*Bombus crotchii*), the State species of special concern American badger (*Taxidea taxus*), and special-status plants including, but not limited to, the federally endangered San Joaquin woolly-threads (*Monolopia congdonii*).

### Giant kangaroo rat

The MND notes that giant kangaroo rat (GKR) has the potential to occur in the Project vicinity, and GKR occurrences are documented immediately adjacent to (and possibly within) the western portion of the Project site (CDFW 2025). CDFW does not concur that Construction Measure (CM) BIO-3 is sufficient to avoid significant impacts and unauthorized take of GKR for the PG&E components of the Project. CM BIO-3 does not specify the methodology that will be used for GKR pre-construction surveys. Additionally, if occupied or potentially occupied GKR burrows are identified in the Project vicinity, it is recommended that work not proceed until CDFW is consulted, even if burrows can be avoided by 50 feet. To reduce impacts to less than significant, CDFW recommends the MND include the following measures:

#### **Recommended Mitigation Measure 1: GKR Protocol-Level Surveys**

CDFW recommends that focused protocol-level live trapping surveys be conducted in all areas of potentially suitable habitat and that a trapping plan for

Tommy Alexander, CPUC

April 18, 2025

Page 5

determining presence of GKR be submitted to and approved by CDFW prior to trapping efforts. The trapping plan should follow the U.S Fish and Wildlife Service “Survey Protocol for Determining Presence of San Joaquin Kangaroo Rats” (USFWS 2013).

### **Recommended Mitigation Measure 2: GKR Consultation**

CDFW recommends that consultation with CDFW occur to discuss how to implement the Project and avoid take over the life of the Project, particularly within the western portion of the Project where known occurrences of GKR are documented. 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.

### **San Joaquin antelope squirrel**

Similarly, CDFW does not concur that CM BIO-3 is sufficient to avoid significant impacts and unauthorized take of San Joaquin antelope squirrel (SJAS) for the PG&E components of the Project. The MND states that SJAS may occur in the Project site, and multiple nearby occurrences have been reported as close as two miles from the western-most portion of the Project site (CDFW 2025). If occupied or potentially occupied SJAS burrows are identified in the Project vicinity, it is recommended that work not proceed until CDFW is consulted, even if burrows can be avoided by 50 feet. To reduce impacts to less than significant, CDFW recommends the MND include the following measure:

### **Recommended Mitigation Measure 3: 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 western portion of the Project that is 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.

### **San Joaquin Kit Fox**

The MND notes that San Joaquin kit fox (SJKF) has the potential to occur in the Project site, and SJKF occurrences are documented within and immediately adjacent to the Project site, including in disturbed/agricultural habitat (CDFW 2025). For the reasons stated below, CDFW does not concur that CM BIO-4 and Applicant-Proposed Measure (APM) BIO-8 are sufficient to reduce impacts to less than significant and avoid unauthorized take of SJKF.

Tommy Alexander, CPUC

April 18, 2025

Page 6

SJKF den in a variety of areas such as arid grassland and alkali scrub/shrub habitats in open areas with sandy soils (Grinnel et al. 1937), agricultural and fallow/ruderal habitat, and dry stream channels, and populations can fluctuate over time. Further, SJKF may be attracted to Project sites due to the type and level of ground disturbing activities and the loose, friable soils resulting from intensive ground disturbance. Therefore, the area surveyed for SJKF should not be limited to only grassland habitat or areas surrounding grassland habitat, as proposed in CM BIO-4 and APM BIO-8. To ensure accurate detection of SJKF, CDFW recommends the MND include the following measure:

#### **Recommended Mitigation Measure 4: SJKF Pre-Construction Surveys**

CDFW recommends that a qualified biologist assess the presence/absence of SJKF by conducting focused surveys to detect SJKF and their sign in all Project sites, especially the Manning Substation site as well as other areas where grading and other substantial ground-disturbing activities are anticipated, and a 500-foot buffer of Project sites. CDFW advises conducting these surveys in all areas of potentially suitable habitat no less than 14 days and no more than 30 days prior to beginning of ground-disturbing activities.

CM BIO-4 also proposes hand-excavation of unoccupied SJKF dens. CDFW does not recommend the excavation of known SJKF dens without prior take authorization due to the potential for unauthorized take. Known dens include dens that are both currently in use and those that were used at any time in the past (i.e., unoccupied dens) (USFWS 2011). SJKF change dens often and are likely to return to an 'unoccupied' den in the future. Further, even dens that are occupied often show no evidence of use. As such, den removal may directly result in unauthorized take of SJKF, and implementation of CM BIO-4 may itself result in a potentially significant impact under CEQA. To avoid potentially significant impacts to SJKF, CDFW recommends the MND include the following mitigation measure:

#### **Recommended Mitigation Measure 5: SJKF Take Authorization**

As it is likely that SJKF are present in the Project vicinity, CDFW recommends the Project proponents pursue take authorization in advance of any Project activities through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) to comply with CESA, especially if excavation of SJKF dens continues to be proposed as part of the Project.

Lastly, SJKF will readily use pipes, culverts, shipping containers, portable buildings, and stacks of materials (e.g., I-beams, wooden boards) with spaces within or underneath them for denning (Cypher et al. 2023). CDFW recommends thoroughly inspecting all construction materials or structures with sufficient spaces for SJKF before these materials are used or moved in any way. To deter foxes from creating dens under construction materials, CDFW recommends elevating materials one foot or more off the ground using k-rails or similar structures.

Tommy Alexander, CPUC

April 18, 2025

Page 7

## **Swainson's hawk**

The MND states that Swainson's hawk (SWHA) may occur within the Project site and that suitable SWHA nesting and foraging habitat is present in and adjacent to the Project site. CDFW concurs with the portion of Construction Measure BIO-E [PG&E] / Mitigation Measure BIO-5 [LSPGC] related to focused surveys for Swainson's hawk (SWHA) following the protocols developed by the SWHA Technical Advisory Committee (SWHA TAC 2000). CDFW recommends the entire survey methodology be implemented. However, a no-disturbance (and survey) buffer of ¼ mile, as proposed in this measure, is likely insufficient to reduce impacts to less than significant and avoid unauthorized take of SWHA. As such, CDFW recommends the MND include the following measures:

### **Recommended Mitigation Measure 6: SWHA Avoidance Buffer**

If Project-specific activities will take place during the SWHA nesting season (i.e., March 1 through September 15), and active SWHA nests are present, CDFW recommends 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 7: SWHA Take Authorization**

CDFW recommends that in the event an active SWHA nest is detected, and a ½-mile no-disturbance buffer is not feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. 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.

Additionally, as SWHA foraging habitat is present within the Project site, CDFW recommends the MND include the following measure:

### **Recommended Mitigation Measure 8: SWHA Foraging Habitat Mitigation**

CDFW recommends compensation for the loss of SWHA foraging habitat as described in CDFW's "Staff Report Regarding Mitigation for Impacts to Swainson's Hawks" (CDFG 1994) to reduce impacts to foraging habitat to less than significant. The Staff Report recommends that mitigation for habitat loss occur within a minimum distance of 10 miles from known nest sites. CDFW has the following recommendations based on the Staff Report:

Tommy Alexander, CPUC

April 18, 2025

Page 8

- For projects within 1 mile of an active nest tree, a minimum of 1 acre of habitat management (HM) land for each acre of development is advised.
- For projects within 5 miles of an active nest but greater than 1 mile, a minimum of ¾ acre of HM land for each acre of development is advised.
- For projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree, a minimum of ½ acre of HM land for each acre of development is advised.

**Western burrowing owl**

The MND states that BUOW has the potential to occur within the Project site, which contains potentially suitable nesting habitat. The California Fish and Game Commission approved western burrowing owl (BUOW) as a candidate for potential listing as a protected species under CESA on October 10, 2024, and published these findings in the California Regulatory Notice Register (Notice Register) on October 25, 2024. As such, BUOW is now a candidate under CESA and receives the same legal protection afforded to an endangered or threatened species (Fish & G. Code, §§ 2074.2 & 2085).

CDFW does not concur that Construction Measure BIO-F [PG&E] / Mitigation Measure BIO-6 [LSPGC] is sufficient to avoid significant impacts and unauthorized take of BUOW. CDFW concurs that focused surveys should be conducted specifically following the 2012 Staff Report on Burrowing Owl Mitigation (Staff Report; CDFG 2012); however, the no-disturbance buffers proposed in this measure do not currently reflect what is recommended in the Staff Report. As such, CDFW recommends the MND include the following measures:

**Recommended Mitigation Measure 9: BUOW Avoidance Buffer**

Should a BUOW or known BUOW den (active or inactive) be detected, either during pre-construction surveys or construction activities, CDFW recommends that no-disturbance buffers, as outlined in the Staff Report and copied below, be implemented prior to and during any ground-disturbing activities. CDFW also recommends that these buffers be implemented for both wintering and breeding BUOW.

Location*	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	200 m**	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

\* Buffers should be implemented for both wintering and breeding BUOW.

\*\* meters (m)



Tommy Alexander, CPUC

April 18, 2025

Page 9

### **Recommended Mitigation Measure 10: BUOW Take Authorization**

If a BUOW or known BUOW den (active or inactive) is detected, and the no-disturbance buffers outlined in the Staff Report are not feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

Additionally, while CDFW understands that Construction Measure BIO-F [PG&E] / Mitigation Measure BIO-6 [LSPGC] supersedes and replaces other APMs and CMs for BUOW, CDFW stresses that passive relocation of BUOW, as proposed in CM BIO-7, should not occur without prior take authorization from CDFW. Passive relocation is likely to directly result in unauthorized take of the species, and implementation of the measure could itself result in a potentially significant impact under CEQA.

Lastly, CDFW notes that AMM-18 within PG&E's San Joaquin Valley Habitat Conservation Plan (SJVHCP) is no longer sufficient to avoid unauthorized take of BUOW during PG&E's operation and maintenance activities associated with this Project or any other project. CDFW recommends that Construction Measure BIO-F [PG&E] / Mitigation Measure BIO-6 [LSPGC], with the above changes incorporated, supersede and replace AMM-18 as well.

### **Crotch's bumble bee**

As stated in the MND, Crotch's bumble bee (CBB) may be present within the Project site, which contains potentially suitable CBB nesting and foraging habitat. Multiple recent CBB occurrences are documented within five miles of the Project site (CDFW 2025). CDFW does not concur that APM BIO-16 and CM BIO-G [PG&E] are sufficient to avoid significant impacts and unauthorized take of CBB for the LSPGC and PG&E components of the Project, respectively. APM BIO-16 does not specify the methodology that will be used for CBB pre-construction surveys and limits survey areas to grassland habitats (and areas surrounding grassland habitats), while CM BIO-G [PG&E] only requires surveys if initial ground-disturbing work could not take place between August 15 and March 15. To reduce impacts to less than significant, CDFW recommends the MND include the following measures for all components of the Project:

### **Recommended Mitigation Measure 11: CBB Habitat Assessment**

CDFW recommends a qualified biologist conduct a habitat assessment to determine if the entire Project site and the immediate surrounding vicinity contain habitat suitable to support CBB. Potential nesting sites, which include all small mammal burrows, perennial bunch grasses, thatched annual grasses, brush

Tommy Alexander, CPUC

April 18, 2025

Page 10

piles, old bird nests, dead trees, and hollow logs would need to be documented as part of the assessment.

#### **Recommended Mitigation Measure 12: CBB Surveys Prior to Construction**

If potentially suitable habitat is identified, regardless of what time of year Project activities will be conducted, CDFW recommends that a qualified biologist conduct focused surveys for CBB and their requisite habitat features following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023).

#### **Recommended Mitigation Measure 13: CBB Avoidance**

If CBB is detected, CDFW recommends that all small mammal burrows and thatched/bunch grasses be avoided by a minimum of 50 feet to avoid take and potentially significant impacts. If ground-disturbing activities will occur during the overwintering period (October through February), consultation with CDFW is warranted to discuss how to implement Project activities and avoid take. Any detection of CBB prior to or during Project implementation warrants consultation with CDFW to discuss how to avoid take.

#### **Recommended Mitigation Measure 14: CBB Take Authorization**

If take cannot be avoided, CDFW recommends acquiring an ITP pursuant to Fish and Game Code Section 2081(b), prior to initiating ground-disturbing activities.

### **American badger**

The MND notes that American badger (AMBA) may occur within the Project site, however, AMBA is not included in any of the APMs or CMs listed in the MND. CDFW recommends incorporating AMBA into APM BIO-5 (Pre-Construction Wildlife and Burrow Surveys) and APM BIO-10 (Burrow and Den Avoidance), as well as ensuring potential impacts to AMBA are sufficiently mitigated for in the PG&E portion of the Project. Additionally, CDFW recommends that a qualified biologist conduct focused surveys for AMBA, as well as their requisite habitat features, to evaluate potential impacts resulting from ground disturbance. Avoidance whenever possible is encouraged via delineation of a 50-foot no-disturbance buffer around burrows. CDFW advises that any individuals observed be allowed to leave the Project site of their own volition.

### **Special-status plant species**

The MND identifies 10 special-status plant species with the potential to occur in the Project site. CDFW concurs that special-status plant surveys should follow the methodology within the CDFW *Protocols for Surveying and Evaluating Impacts to*

Tommy Alexander, CPUC

April 18, 2025

Page 11

*Special-Status Native Plant Populations and Sensitive Natural Communities* (CDFW 2018), as proposed in Construction Measure BIO-A [PG&E] / Mitigation Measure BIO-1 [LSPGC]. However, CDFW is concerned that a protective buffer of only 20 feet may not sufficiently avoid significant impacts to special-status plants if they are detected. CDFW recommends special-status plant species be avoided whenever possible by delineating and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species.

Further, the MND notes that special-status plant species may be associated with some agricultural habitats in the Project site in addition to more typical grassland habitats. For this reason, CDFW asserts the importance of including these agricultural habitats in special-status plant surveys to detect all individuals that may be present with the Project site.

### **Editorial Comments and/or Suggestions**

**Cumulative impacts:** Currently, the MND includes a very limited discussion of cumulative impacts to biological resources and does not adequately analyze cumulative impacts to specific resources. Given the relatively large number of existing and probable future projects within the Project vicinity, and the likely increase in development and/or projects that would result from completion of the Project, CDFW recommends that a cumulative impact analysis be conducted for all biological resources that will either be significantly or potentially significantly impacted by implementation of the Project. This analysis should include impacts that are determined to be less than significant with mitigation incorporated or for those resources that are rare or in poor or declining health and will be impacted by the Project, even if those impacts are relatively small (i.e., less than significant). CDFW recommends cumulative impacts be analyzed for the species below using an acceptable methodology to evaluate the impacts of past, present, and reasonably foreseeable future projects on resources and be focused specifically on the resource, not the Project. An appropriate resource study area should be identified and mapped for each resource being analyzed and utilized for this analysis. CDFW recommends a scientifically sound cumulative impacts analysis be conducted and the MND be recirculated with this updated analysis for the following species: giant kangaroo rat, San Joaquin antelope squirrel, San Joaquin kit fox, Swainson's hawk, tricolored blackbird (*Agelaius tricolor*), blunt-nosed leopard lizard (*Gambelia sila*), golden eagle (*Aquila chrysaetos*), western burrowing owl, Crotch's bumble bee, American badger, Tulare grasshopper mouse (*Onychomys torridus tularensis*), loggerhead shrike (*Lanius ludovicianus*), mountain plover (*Charadrius montanus*), northern harrier (*Circus hudsonius*), short-eared owl (*Asio flammeus*), California glossy snake (*Arizona elegans*), coast horned lizard (*Phrynosoma coronatum*), San Joaquin coachwhip (*Masticophis flagellum ruddocki*), western spadefoot (*Spea hammondi*), San Joaquin

Tommy Alexander, CPUC

April 18, 2025

Page 12

woolly-threads, monarch butterfly (*Danaus plexippus*), and nesting birds. CDFW staff is available for consultation in support of cumulative impacts analyses as a trustee and responsible agency under CEQA.

**Federally listed species:** CDFW recommends consulting with the U.S. Fish and Wildlife Service (USFWS) regarding potential impacts to federally listed species including, but not limited to, the giant kangaroo rat, San Joaquin kit fox, blunt-nosed leopard lizard, and San Joaquin woolly-threads. Take under the Federal Endangered Species Act (FESA) is more broadly defined than CESA; take under FESA 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 FESA is advised well in advance of any Project activities.

**Lake and Streambed Alteration:** The MND identifies four ephemeral streams and two agricultural ditches within the Project site. At least some of these features are likely subject to CDFW's regulatory authority pursuant to Fish and Game Code section 1600 et seq. 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 riparian vegetation); or (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 Agreement (LSAA); 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 LSAA issuance. For information on notification requirements, please refer to CDFW's website (<https://wildlife.ca.gov/Conservation/LSA>) or contact CDFW staff in the Central Region Lake and Streambed Alteration Program at (559) 243-4593.

**Nesting birds:** CDFW encourages that Project ground-disturbing activities occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the nesting season (February 1st through September 15th), 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.

Tommy Alexander, CPUC

April 18, 2025

Page 13

To evaluate Project-related impacts on nesting birds, CDFW recommends that a qualified biologist 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.

Currently, the MND specifies no-disturbance buffers of only 100 feet for non-raptor special-status birds and 20 feet for other native birds (CM BIO-E / MM BIO-7). 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 all 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 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, such as when the Project site would be concealed from a nest site by topography. CDFW recommends that a qualified biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

## **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 California Natural Diversity Databased (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

Tommy Alexander, CPUC

April 18, 2025

Page 14

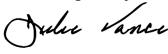
## FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees may be 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 CPUC in identifying and mitigating Project impacts on biological resources. If you have any questions, please contact Amanda Canepa, Senior Environmental Scientist (Specialist), at the address provided on this letterhead, by telephone at (805) 746-0721 or by electronic mail at [Amanda.Canepa@wildlife.ca.gov](mailto:Amanda.Canepa@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
FA83F09FE08945A...

Julie A. Vance  
Regional Manager

## ATTACHMENT

ec: Tommy Alexander  
California Public Utilities Commission  
[Tommy.Alexander@cpuc.ca.gov](mailto:Tommy.Alexander@cpuc.ca.gov)

State Clearinghouse  
Governor's Office of Planning and Research  
[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

Tommy Alexander, CPUC

April 18, 2025

Page 15

## **REFERENCES**

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1  
**Attachment 1**

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

**PROJECT: Manning 500/230 KV Substation Project by LS Power Grid  
California, LLC and Pacific Gas & Electric**

**SCH No.: 2025030618**

<b>RECOMMENDED MITIGATION MEASURE</b>	<b>STATUS/DATE/INITIALS</b>
<i>Before Disturbing Soil or Vegetation</i>	
GKR	
Recommended Mitigation Measure 1: GKR Protocol-Level Surveys	
Recommended Mitigation Measure 2: GKR Consultation	
SJAS	
Recommended Mitigation Measure 3: SJAS Consultation	
SJKF	
Recommended Mitigation Measure 4: SJKF Pre-Construction Surveys	
Recommended Mitigation Measure 5: SJKF Take Authorization	
SWHA	
Recommended Mitigation Measure 7: SWHA Take Authorization	
Recommended Mitigation Measure 8: SWHA Foraging Habitat Mitigation	
BUOW	
Recommended Mitigation Measure 10: BUOW Take Authorization	
CBB	
Recommended Mitigation Measure 11: CBB Habitat Assessment	
Recommended Mitigation Measure 12: CBB Surveys Prior to Construction	
Recommended Mitigation Measure 14: CBB Take Authorization	
<i>During Construction</i>	
SWHA	



2

Recommended Mitigation Measure 6: SWHA Avoidance Buffer	
BUOW	
Recommended Mitigation Measure 9: BUOW Avoidance Buffer	
CBB	
Recommended Mitigation Measure 13: CBB Avoidance	