



Variance Request Form

PG&E Hollister 115 kV Power Line Reconducting Project

Variance Request No.: 9

CONTRACTOR SECTION

Request Prepared By: Andy Smith

Photos? Yes No

Landowner: Not Applicable

Current Land Use: Not Applicable

Attachments? Yes No

- Attachment 1: USFWS BO amended November 9, 2011
- Attachment 2: Communication with Brandon Sanderson, CDFG

Permit Measure or Specification:

- Bio 3.4-3: Mitigation Measure Bio 3.4-3 requires a preconstruction survey in grasslands that provide potential habitat for American badger (AMBA) 14 to 30 days before construction begins
- Bio 3.4-4 Mitigation Measure Bio 3.4-4 requires a preconstruction survey in grasslands and agricultural lands that provide potential habitat for San Joaquin Kit Fox (SJKF) 14 to 30 days before construction begins
- Bio 3.4-1 Mitigation Measure Bio 3.4-1 states that if construction activities must occur during the wet season in sensitive habitat(s) or adjacent to sensitive plant or wildlife resources, the perimeter of pull sites, staging areas, landing zones, shoo-fly lines, and other active construction areas shall be fenced by October 15 with amphibian exclusion fencing.

Detailed Description of Variance:

Mitigation Measure Bio 3.4-3 and Bio 3.4-4

Pacific Gas and Electric Company (PG&E) is requesting a variance from Mitigation Measure Bio 3.4-3 and Bio 3.4-4 to change the 14 to 30 day preconstruction biological survey requirement window to a preconstruction survey window of 1 to 30 days prior to work activities in new construction zones. Changing this measure will ensure that the measures in the California Public Utilities Commission (CPUC) Mitigation, Monitoring, Reporting, and Compliance Program (MMRCP) are consistent with the United State Fish and Wildlife Service (USFWS) amended Biological Opinion (BO).

The USFWS has recently stated that they could not confirm a biological basis for the limited 14 day window. In order to allow construction to proceed in compliance with all of the various permit conditions for the project, PG&E needs to amend the 14 day waiting period stipulated in conditions 3.4-3 and 3.4-4 to allow construction to proceed anywhere between 1 to 30 days upon completion of preconstruction surveys, provided that no potential SJKF dens or evidence of SJKF are discovered during surveys. PG&E will delay construction activities if SJKF is found to be present or potential dens are detected for (1) the timeframe necessary to determine occupancy and (2) in order to consult with the appropriate agencies. The USFWS concurred with this revision and provided an amended BO on November 9, 2011, as provided in Attachment 1: USFWS BO amended November 9, 2011. The United States Army Corps of Engineers (USACE) authorized the amended BO on November 15, 2011. The USFWS determined that the amended BO will not result in any new impacts and will provide equal or greater protection to the biological resources.

Mitigation Measure Bio 3.4-1

PG&E is requesting a variance from Mitigation Measure Bio 3.4-1 to ensure that the wildlife fencing requirements are consistent between the USFWS BO, the California Department of Fish and Game (CDFG) Incidental Take Permit (ITP), and the CPUC's MMRCP.

- The USFWS BO, which was issued August 3, 2011 and amended November 9, 2011, requires that, if construction activities must occur within suitable habitat during the wet season (October through April), the perimeter of pull sites, staging areas, or landing zones will be fenced with amphibian exclusion fencing by December 3. No fencing is required in other work areas, or for work conducted outside of the wet season.
- The CDFG ITP requires that areas within 1.3 miles of potential or known CTS breeding sites will have salamander exclusion fencing established around the construction footprint and maintained throughout all construction activities. There are no specific date restrictions for the placement of the fencing; therefore, fencing may be installed at any time of year.
- The CPUC MMRCP requires that, if construction activities must occur during the wet season (October through April) in sensitive habitat(s) or adjacent to sensitive plant or wildlife resources, the perimeter of pull sites, staging areas, landing zones, shoo-fly lines, and other active construction areas shall be fenced by October 15 with amphibian exclusion fencing.



Variance Request Form

PG&E Hollister 115 kV Power Line Reconductoring Project

PG&E has been in discussions with the CDFG and the USFWS to resolve conflicting differences on the requirements for the installation of exclusion fencing. The resolution, provided by the USFWS was to issue an amended BO that revised the requirement to install fencing during the wet season at pull sites, staging areas, or landing zones prior to December 3 rather than the original October 15 date. A copy of the amended BO is provided in Attachment 1: USFWS BO amended November 9, 2011.

The resolution, provided by the CDFG, was presented in an email and in verbal discussions. CDFG stated that for work areas where construction activity would be intermittent and short in duration, the Designated Biologists may use their discretion to determine where to install exclusion fencing. The CDFG further stated that the goal of the fencing measure was to install fencing where it would help reduce the risk of take of California tiger salamander (CTS) and, conversely, not to install fencing where it would increase the risk of take due to the increase in ground disturbance. PG&E's contracted CTS 10(a)(1)(A) permitted biologists will assess project areas that would benefit from exclusion fencing from a biological resources protection standpoint.

To be consistent with the requirements of the USFWS BO, the CDFG ITP, and the professional opinions of the CTS 10(a)(1)(A) permitted biologists, PG&E is requesting a variance from the CPUC's MMRCP to install fencing at staging areas, landing zones, and pull sites on or before December 3. These sites will be used more regularly and for longer durations during construction; therefore, PG&E, USFWS, CDFG, and the CTS 10(a)(1)(A) biologists agree that it would be beneficial to CTS if these locations were fenced prior to December 3 and prior to the time CTS may be more likely to disperse. However, PG&E, USFWS, CDFG, and the CTS 10(a)(1)(A) permitted biologists have agreed that for other work areas, such as tower and pole locations, where work would be intermittent and short in duration, the installation of fencing can occur prior to construction, at any time during the year with less risk to the species than if fencing were installed in these locations by December 3. PG&E and the CDFG also determined that, based on the CTS 10(a)(1)(A) permitted biologists recommendations, some construction areas may not require fencing. At these locations, PG&E will maintain the CTS 10(a)(1)(A) permitted biologist onsite throughout the year to minimize the risk of take during fencing activities.

Variance Justification:

Mitigation Measure Bio 3.4-3 and Bio 3.4-4

The 14 day portion of the 14 to 30 day survey requirement is a carryover measure from the USFWS *Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance* (1999). This measure is intended to provide the USFWS sufficient time to evaluate survey reports submitted to the agency and determine the appropriate protection measures for SJKF prior to construction activities. However, the USFWS BO issued for this project has established reporting procedures for all biological surveys, which includes immediately communicating with the USFWS in the event that a SJKF or a known SJKF den is observed on the project. The USFWS, in communication with PG&E, agreed that the 14 day timeframe is not applicable to this project and amended the BO accordingly.

Mitigation Measure Bio 3.4-1

Extension of the fencing restriction date for pull sites, staging areas, and landing zones from October 15 to December 3 and allowing installation of fencing year-round at work areas that will be used intermittently and where use will be short in duration would provide consistency between the requirements of the USFWS BO, the CDFG ITP, the CPUC MMRCP, and the professional opinions of the CTS 10(a)(1)(A) permitted biologists.

Pull sites, staging areas, and landing zones will be used more regularly and for longer durations during construction; therefore, PG&E, USFWS, CDFG, and the CTS 10(a)(1)(A) biologists agree that it would be beneficial to CTS if these locations were fenced prior to December 3 and prior to the time CTS may be more likely to disperse. However, PG&E, USFWS, CDFG, and the CTS 10(a)(1)(A) permitted biologists feel that for other work areas, such as tower and pole locations, where work would be intermittent and short in duration, the installation of fencing can occur prior to construction, at any time during the year, with less risk to the species than if fencing were installed in these locations by December 3. PG&E and the CDFG also determined that, based on the CTS 10(a)(1)(A) permitted biologists recommendations, some construction areas may not require fencing. At these locations, PG&E will maintain the CTS 10(a)(1)(A) permitted biologist onsite to minimize the risk of take during ground disturbing activities.

Furthermore, while erecting wildlife exclusion fencing does provide a certain level of protection from direct take of CTS in areas where there is a frequent and high level of activity in the work site it can also increase the risk of direct take because it presents an obstacle to CTS dispersal to their breeding sites and can leave them exposed and vulnerable to predators and/or desiccation. Installing wildlife fencing too far ahead of construction in areas where construction may not occur immediately and may only occur for short periods of time may increase risk of take of CTS because CTS may become trapped or lost during migration, which could expose them to additional stress or predators, particularly because the CTS tend to migrate during rain events and at night when construction is not active and no person will be available to relocate the species until morning. In addition, the installation of fencing around every construction area can result in ground disturbance that exceeds the ground disturbance that would occur from construction activities in locations where activities would be intermittent and short in duration. Based on these reasons, the risk of CTS take can be minimized by erecting wildlife fencing as the work is scheduled at



Variance Request Form

PG&E Hollister 115 kV Power Line Reconductoring Project

work locations where work will be intermittent and short in duration. Therefore, the USFWS, the CDFG, and the CTS 10(a)(1)(A) permitted biologists prefer that fencing only be used in locations and within a timeframe when the risk of take from high levels of construction activity outweighs the risk of take that the fencing creates. PG&E has employed a team of CTS 10(a)(1)(A) permitted biologists to assess the locations where installing wildlife fencing would be beneficial and where it would be more appropriate to use biological monitors to prevent CTS from entering the work areas.

Impacts:

Modification of Mitigation Measure Bio 3.4-3 and Bio 3.4-4

This action will not result in any increase in impacts or effects to SJKF or AMBA. Similarly, there will not be any new impacts to cultural resources, hydrology and water quality, hazardous materials, aesthetics, or air quality.

Modification Mitigation Measure Bio 3.4-1

PG&E does not anticipate additional impacts to resources from the requested change for landing zones, staging areas and pull sites. PG&E anticipates that utilizing the professional opinions of the CTS 10(a)(1)(A) permitted biologists during the installation of wildlife exclusion fencing at tower and pole locations and coordinating the timing of the fence installation with the construction schedule would minimize the risk of take of CTS.



Variance Request Form
PG&E Hollister 115 kV Power Line Reconductoring Project

PG&E ENVIRONMENTAL SECTION

Variance Level: Level 1 Level 2 Variance From: Permit Specification Drawing Mitigation Measure

RESOURCES

Biological: No Resources Present Resources Present

Cultural: N/A (paved/graveled area & no ground disturbance) No Resources Present Resources Present

Applicable Mitigation Measure:

Haz Mat: N/A (paved/graveled area & no ground disturbance) No Haz Mat Present Haz Mat Present

Other Variance Conditions Attached: Yes No



Variance Request Form

PG&E Hollister 115 kV Power Line Reconductoring Project

PG&E Approval					
Title	Name	Approval Initials	Date	Conditions (see attached)	
Henkels & McCoy Project Manager (if applicable)	Craig Smithey	CS	11/01/11	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Henkels & McCoy Field Foreman (if applicable)	James Panter			<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Henkels & McCoy Env. Field Lead (if applicable)	Duke Sonderegger			<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Environmental Compliance Supervisor	Kevin Kilpatrick	KK	11/01/11	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Lead Environmental Inspector	Nick Fisher	NF	11/01/11	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
PG&E Project Biologist (if applicable)	Andrea Henke			<input type="checkbox"/> Yes	<input type="checkbox"/> No
PG&E Project Archaeologist (if applicable)	Wendy Nettles			<input type="checkbox"/> Yes	<input type="checkbox"/> No
PG&E Storm Water Program Manager (if applicable)	Hugo Jurado	HJ	11/01/11	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
PG&E Environmental Compliance Lead	Andy Smith	AS	11/01/11	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
PG&E Project Manager (if applicable)	Rod Parame	RP	11/01/11	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Landowner Approval (if needed)					
Landowner Name	Approval Signature	Date			
PG&E	Not applicable				
Resource Agency Approvals					
Determine required agency approvals based on the following:					
Will biological resources/habitats be affected? NO	If yes, obtain CDFG and USFWS approval				
Is this a variance from a permit? NO	If yes, obtain permitting agency approval				
Will wetlands or waters of the U.S. be affected? NO	If yes, obtain U.S. Army Corps of Engineers approval				
Will riparian areas or drainages be affected? NO	If yes, obtain CDFG approval – may require a permit				
Will surface or groundwater be affected? NO	If yes, obtain RWQCB approval				
Resource Agency	Name	Approval Initials	Date	Conditions (see attached)	
USFWS		N/A		<input type="checkbox"/> Yes	<input type="checkbox"/> No
CDFG		N/A		<input type="checkbox"/> Yes	<input type="checkbox"/> No
USACE		N/A		<input type="checkbox"/> Yes	<input type="checkbox"/> No
RWQCB		N/A		<input type="checkbox"/> Yes	<input type="checkbox"/> No



Variance Request Form
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CPUC and CPUC CONSULTANT SECTION		
Variance Approved: <input type="checkbox"/> Yes <input type="checkbox"/> No		
AFFECTED RESOURCE(s) and APPLICABLE MITIGATION MEASURES		
<input type="checkbox"/> Air Quality:	<input type="checkbox"/> Soils:	<input type="checkbox"/> Noise:
<input type="checkbox"/> Hazards and Hazardous Materials:	<input type="checkbox"/> Transportation and Traffic:	
Other Variance Conditions Attached: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
REQUIRED APPROVAL SIGNATURES		
Consultant Environmental Monitor: _____		(Note: signature signifies review only)
Consultant Project Manager: _____		<input type="checkbox"/> Level 1 Verbal Approval
CPUC Project Manager: _____		<input type="checkbox"/> Level 1 Verbal Approval
<i>Level 1 variances require only verbal approval from CPUC Project Manager and Consultant Project Manager. Level 2 variances require signatures.</i>		



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VARIANCE CONDITIONS

Condition Name:
Conditions:
Condition Name:
Conditions:
Condition Name:
Conditions:



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003

IN REPLY REFER TO:
2012-TA-0050

November 9, 2011

Jane M. Hicks, Chief
Regulatory Branch, San Francisco District
U.S. Army Corps of Engineers
1455 Market Street
San Francisco, California 94103

Subject: Amendment to the Biological Opinion for the Pacific Gas and Electric Company
Hollister 115kV Power Line Reconductoring Project (8-8-11-FS-59R)

Dear Ms. Hicks:

We have reviewed your request, dated and received in our office on November 8, 2011, to amend the subject biological opinion. The U.S. Army Corps of Engineers (Corps) is authorizing the Pacific Gas and Electric Company's (PG&E) PG&E Hollister 115kV Power Line Reconductoring Project, a 16-mile long power line reconductoring project located in Monterey and San Benito Counties, California. The project involves replacing the conductors (wires) on the two segments (the Hollister Tower Segment and the Hollister Pole Segment) of a 115-kilovolt (kV) electric power line system. Additionally, the project includes a river crossing and an upgrade to the Hollister Substation. You requested amendment of the biological opinion we issued to the Corps on September 22, 2011, on the project's effects on the federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*), and the federally threatened California tiger salamander (*Ambystoma californiense*) and California red-legged frog (*Rana draytonii*), in accordance with section 7 of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 et seq.).

On May 9, 2011, we issued a biological opinion to the Corps for the PG&E Hollister 115kV Power Line Reconductoring Project and its effects on the abovementioned federally listed species (8-8-10-F-54 (U.S. Fish and Wildlife Service (Service) 2011a)). On September 22, 2011, we issued a revised biological opinion (8-8-11-FS-59R (Service 2011b)), in response to your request for reinitiation of formal consultation, which was dated June 2, 2011, and received in our office on June 6, 2011, due to a need to extend project activities into the wet season (after October 15), and the addition of the burrow excavation measure required by the California Department of Fish and Game (California Department of Fish and Game 2011).

You are requesting an amendment to the project description based on PG&E's request to modify protective measure number 1 for California red-legged frog and California tiger salamander and protective measure number 1 for San Joaquin kit fox, as outlined in our September 22, 2011,

biological opinion (8-8-11-FS-59R). Pacific Gas and Electric Company has requested to modify protective measure number 1 for California red-legged frogs and California tiger salamanders by allowing for extension of the work window for fencing of staging areas, landing zones, and pull sites beyond the specified date of October 15, 2011, to a new end date of December 3, 2011; PG&E has had difficulty completing these activities before the October 15 date. Understanding that these modifications will extend fencing activities further into the typical rainy season, PG&E has committed to work diligently to install fencing at all applicable work areas prior to the December 3 date. PG&E will comply with all existing permit conditions in performing work during this time, and fence installation will proceed with Service-approved biologists on site at all times. In addition, PG&E is requesting modification of protective measure number 1 for the San Joaquin kit fox, by changing the 14 to 30-day preconstruction biological survey requirement window to allow for surveys to be completed between 1 and 30 days prior to work activities in new construction zones; PG&E has found the 14-day waiting period between surveys and construction to be infeasible for this project. PG&E has committed to delay construction activities if a San Joaquin kit fox is present or if potential dens are detected for (1) the timeframe necessary to determine occupancy and (2) in order to consult with the appropriate agencies. PG&E does not anticipate issues implementing the 30-day pre-construction survey window, and will ensure that surveys are repeated as necessary to stay within this timeframe. The Corps and PG&E do not anticipate additional impacts to resources from the requested changes.

We understand the Corps wishes to incorporate the amended measures into the proposed project. We have reviewed the measures and conclude that they do not conflict with the existing analysis in our September 22, 2011, biological opinion (8-8-11-FS-59R). Therefore, we are amending our biological opinion to include the amendments as part of the project description.

This concludes our amendment to formal consultation on the PG&E Hollister 115kV Power Line Reconductoring Project. As provided in 50 CFR §402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion; (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in this opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation. If you have any questions, please contact Lena Chang of my staff at (805) 644-1766, extension 302.

Sincerely,



Roger P. Root
Assistant Field Supervisor

LITERATURE CITED

California Department of Fish and Game. 2011. Incidental take permit for the Crazy Horse Canyon switching station and Hollister 115 kV power line reconductoring project (2081-2011-032-04). California Department of Fish and Game, Fresno, California.

[Service] U.S. Fish and Wildlife Service. 2011a. Biological opinion for the Pacific Gas and Electric Hollister 115 kV power line reconductoring project (8-8-10-F-54). U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office, Ventura, California.

[Service] U.S. Fish and Wildlife Service. 2011b. Reinitiation of the biological opinion for the Pacific Gas and Electric Hollister 115 kV power line reconductoring project (8-8-11-FS-59R). U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office, Ventura, California.



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
1455 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94103-1398

Regulatory Division

NOV 15 2011

SUBJECT: File Number 2009-00078S

Mr. Andy Smith
Pacific Gas & Electric Company
1455 E. Shaw Avenue, Bag 23
Fresno, California 93710

Dear Mr. Smith:

This letter is written in response to your request of October 31, 2011, concerning amendment to the existing Biological Opinion for the Hollister 115kV Reconductoring Project. The project is located within two segments of the electric power line system near Hollister and San Juan Bautista, a section of the Moss Landing – Salinas Soledad Nos. 1 and 2 power line, and a section of the Hollister Power Line. This project was authorized on October 12, 2011, under the Department of the Army Nationwide Permit 12 – Utility Line Activities and contained special conditions including the May 9, 2011 Biological Opinion of the U.S. Fish and Wildlife Service (Service) and the first amendment of September 22, 2011.

Please find enclosed the second amendment to the May 9, 2011, Biological Opinion for this project dated November 9, 2011. This amendment extends the work window for fencing of staging areas, landing zones, and pull sites until December 3, 2011. In addition, this amendment also changes the preconstruction biological survey requirement window to allow for surveys to be completed between 1 and 30 days prior to work activities in new construction zones. All other conditions and special conditions of the October 12, 2011, authorization remain unchanged and shall be implemented.

Should you have any questions regarding this matter, please call Katerina Galacatos of our Regulatory Division at 415-503-6778. Please address all correspondence to the Regulatory Division and refer to the File Number at the head of this letter. If you would like to provide comments on our permit review process, please complete the Customer Survey Form available online at <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,

A handwritten signature in black ink, appearing to read "Jane M. Hicks".

 Jane M. Hicks
Chief, Regulatory Division

Enclosures

Copy furnished (w/o enclosures):

US FWS, Ventura, CA (Attn. Lena Chang)

US NMFS, Santa Rosa, CA

CA DFG, Monterey, CA

CA RWQCB, San Luis Obispo, CA

Matthew Fagundes

From: Smith, Andy [AJS4@pge.com]
Sent: Tuesday, October 25, 2011 5:01 PM
To: Kevin Kilpatrick; Henke, Andrea L; Lauren Brudney
Cc: Janik, Kevin; Nick Fisher
Subject: FW: DOG Response to PG&E Comments on ITP (2081-2011-032-04)

FYI

-----Original Message-----

From: Brandon Sanderson [mailto:BSANDERSON@dfg.ca.gov]
Sent: Tuesday, October 11, 2011 9:54 AM
To: Smith, Andy; Gassner, Sarah
Cc: Annee Ferranti
Subject: DOG Response to PG&E Comments on ITP (2081-2011-032-04)

Andy & Sarah,

Per our phone conversations on PG&E's comments to the ITP on 9/15/2011 & 9/16/2011 the Department has provided the following responses.

4. ESA Compliance. Item # 1 Legal Compliance under Conditions of Approval states that the "permittee shall comply with all applicable State, federal, and local laws in existence on the effective date of this ITP or adopted thereafter." This includes Biological Opinions for both the Hollister Reconductoring and Crazy Horse Switching Station Projects. No need to change language.

6.1 Designated Representative. It has been documented that Andy Smith will be the PG&E Designated Representative for the Hollister Reconductoring project and Cristina Holstine the PG&E Designated Representative for the Crazy Horse Switching Station Project. We also discussed that Nick Fisher from Insignia Environmental will be the Designated Environmental Compliance Representative for the Project.

6.2 Designated Biologist. Must have permit authority to handle CTS. Must be onsite during covered activities (e.g., ground disturbance and vegetation removal) within suitable habitat that may impact CTS and SJKF.

6.7 Dust Control. Dust control measures will be implemented per ITP as well as SWPPP and MND requirements.

6.10 Delineation of Property Boundaries. Fencing, stakes, or flags will be placed within the active construction envelope (delineated work zones) where ground disturbing activities occur. These actions shall be at the discretion of the designated biologist and/or environmental compliance representative and shall be documented in Monthly Compliance Reports per ITP Condition 7.5.

6.11 Delineation of Habitat. Signs, fencing, stakes, or flags will be placed within the active construction envelope (delineated work zones) that occurs in suitable habitat for the Covered Species. These actions shall be at the discretion of the designated biologist and/or environmental compliance representative and shall be documented in Monthly Compliance Reports per ITP Condition 7.5.

7.1 Notification Before Commencement. The Department accepts notification for commencement of Covered Activities on September 26th 2011. The Department received a copy of the Final CTS Relocation Plan on 9/15/11. The Department requires that holding time for CTS as stated in

the CTS Relocation Plan, relocation option 3. be changed to no more than 4 hours. The Plan must also state that CTS will be held at a temperature the same as or below the underground temperature where CTS have been found. The Plan must also state that if CTS are found documentation will be conducted as required in ITP Condition 7.4 (e.g., date, time, GPS location, measurements, etc). This should also include a photograph of each individual.

8.2 Entrapment in Excavations. This language will be change to state, "If at any time an injured Covered Species is discovered, Permittee shall contact the United States Fish and Wildlife Service (USFWS) Ventura Office and DFGs Regional Representative within one (1) working day of the incident. This was done.

8.5 Night Work. This language will continue to state, "Covered Activities shall occur during daylight hours (sunrise to sunset).

8.8 Exclusion Fencing. Fencing shall be established within the active construction envelope (delineated work zones) that occurs in suitable habitat within 1.3 miles of potential or known CTS breeding sites. These actions shall be at the discretion of the designated biologist and shall be documented in Monthly Compliance Reports per ITP Condition 7.5.

8.9 Burrow Excavation. Small mammal burrows within exclusionary fencing shall be avoided first and foremost with a recommended 50 ft buffer. If burrows cannot be avoided and will be impacted by Covered Activities, burrows shall be fully excavated by hand. These actions shall be at the discretion of the designated biologist and shall be documented in Monthly Compliance Reports per ITP Condition 7.5.

8.10 Precipitation Monitoring and Limits. These limitations apply to rain events that exceed .25 inch and/or if a 70% or greater chance of rain is predicted each day after rain events that exceed .25 inch. Project access along roadways can be conducted only if rain events are less than .25 inch and have been previously monitored by biologist. These actions shall be at the discretion of the designated biologist and shall be documented in Monthly Compliance Reports per ITP Condition 7.5.

8.13 SJKF Pre-Construction Surveys. This condition applies to areas of suitable habitat for SJKF. These actions shall be at the discretion of the designated biologist and/or environmental compliance representative and shall be documented in Monthly Compliance Reports per ITP Condition 7.5.

8.14 Den Avoidance. This is a standard protocol measures provided by USFWS.

8.16 SJKF Den Replacement. Dens shall be avoided first and foremost. This condition only applies to dens that will be destroyed in the active construction footprint due to covered activities.

If the CPUC would like to review ITP Conditions for clarification the Department would be more than happy to honor this request.

If you have further questions please don't hesitate to call.

Thank you,

Brandon

Brandon Sanderson
Environmental Scientist
Department of Fish & Game
3196 Higuera St., Suite A

San Luis Obispo, CA 93401
805-594-6141
bsanderson@dfg.ca.gov
www.dfg.ca.gov