



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

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April 17, 2026

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**Subject: SCE Cal City Substation 115kV Upgrade Project (Project)
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
State Clearinghouse No.: 2023110218**

Dear Boris Sanchez:

The California Department of Fish and Wildlife (CDFW) received a DEIR from the California Public Utilities Commission 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 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,

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.

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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 that 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 may 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 section 3511, section 4700, section 5050, and section 5515, respectively. 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 for a fully protected species 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

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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, as specified in the CEQA Guidelines section 15380, CDFW recommends it be fully considered in the environmental analysis for the Project.

PROJECT DESCRIPTION SUMMARY

Proponent: Southern California Edison Company (SCE)

Objective: The Project includes activities to expand the existing SCE Cal City Substation by approximately 10 acres to accommodate upgrading the transformers from 33/12 kV to 115/33 kV along with infrastructure and associated installation of electrical equipment. Two new 115 kV subtransmission lines would be constructed and operated. The proposed Kramer - Cal City Subtransmission line would extend 42 miles from Kramer Junction to the Cal City Substation; the Cal City - Edward - Holgate Subtransmission line would extend 28 miles from the Cal City Substation to the Holgate Switchyard. The proposed Cal City - Edwards - Holgate Subtransmission line would also include a tap line to serve the Edwards Substation on the north side of Edwards Air Force Base. Fourteen new underground distribution gateways and two new underground 33 kV distribution gateways from the Cal City Substation are also proposed along the installation of telecommunication cable on both new 115 kV subtransmission lines. Telecommunication improvements also proposed at the existing Holgate Switchyard, and the Cal City, Kramer, and Edwards substations.

Location: The Project is located in unincorporated areas of Kern and San Bernadino counties, the City of California City, and Edwards Air Force Base in the Mojave region of California, on federal, State, municipal, and private properties. The proposed approximately 42-mile long Kramer - Cal City 115 kV Subtransmission Line would extend northeast from Cal City Substation and cross the Kern County line into San Bernardino County before continuing south along United States Route 395 (U.S. 395) and connecting to Kramer Substation. The proposed approximately 28-mile long Cal City – Edwards - Holgate 115 kV Subtransmission Line would generally extend east and then south from Cal City Substation before turning east at Suckow Road to connect to Holgate Switchyard. The Cal Cit y- Edwards - Holgate 115 kV Subtransmission Line would also include a tap line to serve the Edwards Substation located on Edwards Air Force Base. The Edwards tap line would extend south from the intersection of Suckow

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Road and 140th Street for approximately three miles to connect to Edwards Substation. The proposed Kramer - Cal City 115 kV Subtransmission Line occurs within the following United States Geological Survey (USGS) 7.5-minute topographic quadrangles: California City North, Galileo Hill, Boron NW, Boron NE, Saddleback Mountain, and Kramer Junction. The proposed Cal City-Edwards-Holgate 115 kV Subtransmission Line occurs within the following USGS 7.5-minute topographic quadrangles: California City North, California City South, North Edwards, Edwards, and Boron.

Project Component	Start Coordinates	End Coordinates
New Kramer - Cal City 115 kV Subtransmission Line	34.99032224, -117.54365076	35.14289368, -117.96832962
New Cal City - Edwards - Holgate 115 kV Subtransmission Line	35.01385181, -117.70839072	35.14289368, -117.96832962

Timeframe: Construction is expected to last at least 24 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. Editorial comments or other suggestions may also be included to improve the Final Environmental Impact Report (FEIR). CDFW previously submitted comments regarding the Project in response to the Notice of Preparation of the DEIR in a letter dated December 7, 2023 (NOP Comment Letter).

As stated in the DEIR, the Project area is in the northwestern part of the Mojave Desert, just north of State Route 58 and to the west of U.S. 395. The majority of the Project area is relatively flat, ranging between 2,250 and 2,600 feet above mean sea level, and includes portions of the Peerless Valley, Antelope Valley, and Fremont Valley. The Project area is bordered by the Rand Mountains and Red Mountain to the north and the Gravel Hills to the east. Desert vegetation dominates the regional landscape of the site and includes creosote bush scrub alliances, allscale scrub alliance, spinescale scrub alliance, and other desert vegetation communities and species. Landscapes in the Project area include alluvial fans, flood plains, terraces, basin floors, fan piedmonts, gravel pits, hills, mountains, quarries, rock pediments, and sand sheets.

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Special-Status Species

The DEIR evaluates the Project's potential impacts on several additional special-status species whose geographic ranges overlap (or are directly adjacent to) the Project area and concludes impacts to these species would be less than significant, either with or without mitigation incorporated. Biological technical studies were conducted in support of the DEIR, and the DEIR identifies several special-status species that could potentially be impacted by the Project. Accordingly, the DEIR proposes multiple mitigation measures to reduce the Project's impacts on special-status species to a less-than-significant level.

CDFW has concerns about the ability of some of the DEIR's proposed mitigation measures to reduce impacts to less than significant and avoid unauthorized take for several special-status animal and plant species. These species include the State endangered and federally threatened desert tortoise (*Gopherus agassizii*); the State threatened Mohave ground squirrel (*Xerospermophilus mohavensis*) and Swainson's hawk (*Buteo swainsoni*); the State fully protected golden eagle (*Aquila chrysaetos*); the State candidate endangered Crotch's bumble bee (*Bombus crotchii*), and western burrowing owl (*Athene cunicularia hypugaea*); the State protected furbearing mammal desert kit fox (*Vulpes macrotis arsipus*); the State species of special concern American badger (*Taxidea taxus*), LeConte's thrasher (*Toxostoma lecontei*), loggerhead shrike (*Lanius ludovicianus*), and gray vireo (*Vireo vicinior*); and special-status plant species including, but not limited to, the State candidate threatened western Joshua tree (*Yucca brevifolia*); the California Rare Plant Rank (CRPR) 1B.2 Barstow woolly sunflower (*Eriophyllum mohavense*), Charlotte's phacelia (*Phacelia nashiana*), alkali mariposa-lily (*Calochortus striatus*), Red Rock poppy (*Eschscholzia minutiflora* ssp. *twisselmannii*), desert cymopterus (*Cymopterus deserticola*), and recurved larkspur (*Delphinium recurvatum*); the CRPR 1B.3 Creamy blazing star (*Mentzelia tridentata*); the CRPR 2B.2 sagebrush loeflingia (*Loeflingia squarrosa* var. *artemisiarum*) and pink funnel lily (*Androstephium breviflorum*); and the CRPR 4.2 crowned muilla (*Muilla coronata*), Mojave fish-hook cactus (*Sclerocactus polyancistrus*), golden goodmania (*Goodmania luteola*), solitary blazing star (*Mentzelia eremophila*), Mojave spineflower (*Chorizanthe spinosa*), white pygmy-poppy (*Canbya candida*), and crowned muilla (*Muilla coronate*).

Desert Tortoise

As stated in the DEIR, the Project is within the geographic range of desert tortoise and overlaps United States Fish and Wildlife Service (USFWS) desert tortoise designated critical habitat (Fremont-Framer Critical Habitat Unit). The DEIR indicates that surveys conducted in 2021/2022 and 2024 detected live desert tortoise, desert tortoise burrows,

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desert tortoise carcasses, and other signs of desert tortoise within or adjacent to the Project site. The DEIR identified suitable low-, medium-, and high-quality habitat for desert tortoise on approximately 4,641 acres of the total 4,789 acres located within the proposed Project footprint and a 200-foot buffer.

CDFW concurs with AMP BIO-HERP-1 and Mitigation Measure 3.4-2b, which require preconstruction surveys to be conducted for the species; an on-site approved biologist to monitor vegetation removal and grading; desert tortoise removal under permitted conditions; take coverage and consultation with USFWS, CDFW and/or land management agencies; and development of raven management plan to be reviewed and approved by relevant wildlife agencies.

CDFW reiterates the recommendation to consult with CDFW for guidance on how to comply with CESA and obtain an ITP pursuant to Fish and Game Code section 2081, subdivision (b).

Mohave Ground Squirrel

The DEIR states that the Project is within the known range of Mohave ground squirrel, contains potential habitat corridors that could link Mohave ground squirrel core areas and known populations, and that Mohave ground squirrel has a high potential to occur. Protocol surveys have not been conducted for this Project, but Mohave ground squirrel presence will be assumed per Mitigation Measure 3.4-2e.

CDFW concurs with APM BIO-MAM-1 and Mitigation Measure 3.4-2e, which require application for an ITP to authorize Project take of Mohave ground squirrel. CDFW reiterates the recommendation to consult with CDFW for guidance on how to obtain an ITP pursuant to Fish and Game Code section 2081, subdivision (b).

Swainson's Hawk

The DEIR states that Swainson's hawk has the potential to use the Project site, but is unlikely to occur other than for foraging or during migration. The DEIR also describes suitable nesting habitat that is present in the Project area, such as stands of western Joshua trees. Although no SWHA nests were identified during surveys conducted in 2021/2022 and 2024, CDFW previously recommended in the NOP Comment Letter that a qualified biologist conduct a habitat assessment for nest sites suitable for the species within the Project site and a 0.5-mile buffer; however, a 250-foot buffer was identified for the study area in the Biological Resources Technical Report used for the DEIR analysis.

CDFW recommends that the following measures be incorporated in the FEIR:

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Recommended Mitigation Measure 1: Swainson's Hawk Nesting 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 (2000). Please note that 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 2: Swainson's Hawk Avoidance

If Project activities will take place during the Swainson's hawk nesting season of March 1 through September 15, and known SWHA nests are present, CDFW recommends that a minimum 0.5-mile no-disturbance buffer be delineated and maintained around each nest, regardless of whether it was detected by surveys or observed incidentally, and regardless of when it was found. 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 impacts, including but not limited to take of Swainson's hawk as a result of Project activities.

Recommended Mitigation Measure 3: Swainson's Hawk Take Authorization

If a 0.5-mile no-disturbance nest buffer is not feasible, consultation with CDFW is warranted. To ensure compliance with CESA, an ITP for Swainson's hawk may be necessary prior to project implementation to avoid unauthorized take, pursuant to Fish and Game Code section 2081, subdivision (b).

Recommended Mitigation Measure 4: Swainson's Hawk Foraging Habitat Mitigation

CDFW recommends compensation for the loss of Swainson's hawk foraging habitat to reduce those impacts to less than significant as described in the *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks* (CDFG 1994), which recommends that mitigation for habitat loss occur within a minimum distance of 10 miles from known nest sites:

- For projects within one mile of an active nest tree, a minimum of one acre of habitat management land for each acre of development is advised.

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- For projects within five miles of an active nest but greater than one mile, a minimum of 0.75 acre of habitat management land for each acre of development is advised.
- For projects within 10 miles of an active nest tree but greater than five miles from an active nest tree, a minimum of 0.5 acre of habitat management land for each acre of development is advised.

Golden Eagle

The Project is within the known geographic range of golden eagle and the DEIR indicates that golden eagle has a high potential to occur within the Project area. Golden eagles are known to inhabit open areas with large trees, utility towers, and cliffs for nesting (USFWS 2010). APM BIO-AVI-2 indicates that golden eagle will be included in the future Nesting Bird Management Plan; therefore, measures to identify and reduce impacts to golden eagle are not available to review in the DEIR. CDFW recommends that the following measures instead be incorporated in the FEIR:

Recommended Mitigation Measure 5: Golden Eagle Surveys

CDFW recommends that surveys following the United States Fish and Wildlife Service (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 6: Golden Eagle Avoidance

If surveys indicate the presence or potential presence of golden eagle nesting territories within 0.5 mile of the Project site, CDFW recommends that a qualified biologist be on site during all Project activities and that a 0.5-mile no-disturbance buffer be put into effect for golden eagle nests. If the 0.5-mile no-disturbance buffer cannot feasibly be implemented, CDFW recommends consultation with CDFW to assist with developing additional avoidance measures.

Crotch's Bumble Bee

The DEIR indicates that suitable habitats for Crotch's bumble bee occur within the Project site, including desert margin areas supporting western Joshua tree and creosote scrub (*Larrea tridentata*), and that Crotch's bumble bee is highly likely to occur.

CDFW concurs with Mitigation Measure 3.4-2a, which requires that a habitat assessment, protocol surveys in accordance with the most current protocols established

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by CDFW, consultation with CDFW to develop adequate take avoidance measures, and if take cannot be avoided to obtain an ITP pursuant to Fish and Game Code section 2081, subdivision (b). CDFW recommends following the *Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species* (CDFW 2023) in surveying for Crotch's bumble bee.

Western Burrowing Owl

The California Fish and Game Commission approved western burrowing owl 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, western burrowing owl is now considered a candidate species under CESA and receives the same legal protection afforded to an endangered or threatened species (Fish & G. Code, §§ 2074.2 & 2085). The DEIR indicates that western burrowing owls were present within the Project site, and active burrows and one individual were identified during the 2021/2022 and 2024 surveys conducted for the Project.

The DEIR includes AMP BIO-AVI-3 and Mitigation Measure 3.4-2d to mitigate for potential significant impacts to western burrowing owl, requiring preconstruction surveys to be conducted for the species, buffers of 300 feet horizontally and 200 feet vertically to be established, and development of a Burrowing Owl Management Plan and Burrowing Owl Passive Relocation Plan.

CDFW concurs with AMP BIO-AVI-1 for western burrowing owl surveys to be conducted in accordance with the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012). The NOP Comment Letter comments were provided prior to western burrowing owl becoming a candidate species under CESA. CDFW therefore recommends that DEIR mitigation measures be updated to reflect the candidate status. In addition, to ensure compliance with CESA, CDFW recommends that passive relocation only be conducted as an approved minimization measure in an ITP.

CDFW recommends the following comments be incorporated in the FEIR:

Recommended Mitigation Measure 7: BUOW Avoidance Buffer

Should a western burrowing owl or any known den (active or inactive) be detected during pre-construction surveys or construction activities, CDFW recommends that no-disturbance buffers as outlined in the *Staff Report on Burrowing Owl Mitigation* be implemented prior to and during any Project activities. CDFW also recommends that these buffers be implemented for

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western burrowing owls during the breeding and non-breeding/overwintering seasons.

Recommended Mitigation Measure 8: BUOW Take Authorization

If a western burrowing owl or any known den (active or inactive) is detected, and the no disturbance buffers outlined in the *Staff Report on Burrowing Owl Mitigation* 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 ITP, pursuant to Fish and Game Code section 2081, subdivision (b) is necessary to comply with CESA.

Desert Kit Fox

The Project is within the known geographic range of desert kit fox and multiple active desert kit fox dens were identified during the 2021/2022 surveys. Approximately 7,405 acres of medium- to high-quality habitat for desert kit fox was identified in the 2023 Biological Resources Technical Report habitat assessment surveys.

The DEIR includes AMP BIO-MAM-2 for mitigation of potential significant impacts to desert kit fox. The measure requires preconstruction surveys for desert kit fox, avoidance buffers around occupied maternity and non-maternity dens, burrow mapping, and passive relocation in consultation with CDFW during breeding season.

CDFW previously commented in the NOP Comment Letter that desert kit fox is protected under the California Code of Regulations, Chapter 5, Section 460, which prohibits take of the species for any reason. As a result, CDFW cannot permit the incidental take of this species, including any related to passive relocation. CDFW recommends that APM BIO-MAM-2 be updated to require consultation with CDFW for guidance on take avoidance if any individuals or any active or potential dens are found.

American Badger

The 2023 Biological Resources Technical Report indicated that approximately 7,091 acres of medium- to high-quality habitat for American badger was identified in the study area. This habitat includes relatively undisturbed, low density creosote scrub vegetation with friable soils, low levels of human activity and development, and is distant from developed roads or highways. The DEIR includes mitigation measure APM BIO-MAM-2 to minimize impacts to American badger, requiring pre-construction surveys conducted 14 days prior to start of construction and avoidance buffers around maternity and non-

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maternity dens, similar to desert kit fox. CDFW concurs that the avoidance measures described for desert kit fox are also applicable for American badger.

LeConte's Thrasher

The DEIR notes that LeConte's thrashers were documented within and adjacent to the Project site during 2021/2022 and 2024 biological surveys. Approximately 1,066 acres of medium- to high-quality habitat was identified in the 2023 Biological Resources Technical Report study area, including relatively undisturbed desert scrub vegetation with trees, shrubs, or cactus at the appropriate height for Le Conte's thrasher nesting, APM BIO-AVI-2, the Nesting Bird Management Plan, was provided in the DEIR to mitigate for potential significant impacts to nesting birds, including LeConte's thrasher. On September 16, 2025, the California Fish and Game Commission received a petition to list LeConte's thrasher as a threatened or endangered species under CESA. The California Fish and Game Commission approved LeConte's thrasher as a candidate for potential listing as a protected species under CESA on April 16, 2026, and published findings in the Notice Register are pending. Once the findings are published in the Notice Register (typically 10-15 days after the Fish and Game Commission determination), LeConte's thrasher will be considered a candidate species under CESA and will receive the same legal protection afforded to an endangered or threatened species (Fish & G. Code, §§ 2074.2 & 2085). As a candidate species or if the species is listed as threatened or endangered pursuant to CESA, 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 if full avoidance of LeConte's thrasher cannot be achieved. CDFW recommends consultation with CDFW for guidance on how to implement the Project and avoid take.

Western Joshua Tree

Western Joshua trees were mapped along both the proposed Kramer - Cal City alignment and the proposed Cal City - Edwards - Holgate alignment, with most observations concentrated along the southern segment of the proposed Cal City Edwards - Holgate alignment near the existing Holgate Switchyard. Four western Joshua trees were identified during the 2024 surveys that may be impacted by temporary construction activities and six Western Joshua trees are within 100 feet of the Holgate Switchyard.

Under CESA, species classified as a candidate species are afforded the same protection as CESA-listed species. Take of any CESA listed species is prohibited except as authorized by state law (Fish and Game Code, §§ 2080 & 2085). The

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California state legislature enacted the Western Joshua Tree Conservation Act (WJTCA), which aims to provide protection of Western Joshua tree and provides another permitting mechanism for the incidental take of Western Joshua tree.

The DEIR provides APM BIO-BOT-2 to reduce Project impacts to Western Joshua trees. APM BIO-BOT-2 requires the Project proponent to conduct pre-construction surveys to identify WJT and indicates that buffers will be established around western Joshua trees, seeds, and seedbanks. In the NOP Comment Letter, CDFW previously recommended a 290-foot no-disturbance buffer, which is warranted to avoid impacts to individual trees as well as potential impacts to the seed bank. CDFW recommends updating APM BIO-BOT-2 to include the 290-foot no-disturbance buffer for avoidance.

CDFW concurs with APM BIO-BOT-2 regarding consultation with CDFW and compliance with an CDFW take authorization permitting if take of western Joshua tree 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. Alternatively, the Project may obtain take authorization through issuance of a WJTCA ITP, pursuant to Fish and Game Code section 1927.3. Take authorization via a WJTCA ITP would require an updated WJTCA Census Protocol to be conducted within a year prior to the start of the Project.

Special-Status Plants

The DEIR identifies several special-status plant species that occur within the Project area including Barstow woolly sunflower, pink funnel lily, Mojave spineflower, and desert cymopterus, and provides APM BIO-RES-1 and APM BIO-BOT-1 to reduce impacts to special-status plants to a less-than-significant level (with the exception of western Joshua tree).

CDFW concurs with the requirement for preconstruction surveys for special-status plants to be conducted and, if detected, for special-status plants to be avoided by Project activities. CDFW previously commented in the NOP Comment Letter and recommends that APM BIO-BOT-1 be updated to include that surveys be conducted by a qualified botanist following the *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities* (CDFW 2018) during the blooming season prior to Project activities. Protocol-level surveys provide the highest probability of identifying special-status species if they occur onsite.

CDFW is concerned that a protective buffer of only 25 feet may not sufficiently avoid significant impacts to special-status plants if they are detected. CDFW previously

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recommended in the NOP Comment Letter that special-status plants 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. CDFW recommends that APM BIO-BOT-1 be updated to include 50-foot buffers and if buffers cannot be maintained, to require consultation with CDFW to determine appropriate minimization and mitigation measures for impacts to special-status plant species.

APM BIO-RES-1 and APM BIO-BOT-1 require a Habitat Restoration Plan to address mitigation, topsoil, plant or propagules salvage, and restoration and will require approval by appropriate agencies before impacts to special-status species plants occur. CDFW recommends that APM BIO-BOT-1 be modified to address State endangered, threatened, or rare plants that are identified during special-status plant surveys. If take of such species cannot be avoided, then to ensure compliance with CESA and the Native Plant Protection Act (NPPA), 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), is necessary to comply with CESA and NPPA.

The Habitat Restoration Plan has not been developed or included in the DEIR to allow for review. It is not clear if the Habitat Restoration Plan or APM BIO-BOT-1 is feasible or specifically how it will reduce impacts to less than significant. CDFW recommends that the Habitat Restoration Plan be developed and circulated for public review prior to adoption of the FEIR, with an explanation of how the proposed mitigation measure is feasible and enforceable. APM BIO-BOT-1 indicates that if required by agency regulations, and if determined to be feasible, the Habitat Restoration Plan would include salvage methods to relocate plants. CDFW recommends that the Habitat Restoration Plan salvage requirements address all required incidental take authorization, pursuant to CESA or NPPA. The DEIR also requires certain performance criteria to be incorporated into the Habitat Restoration Plan; CDFW recommends that the Habitat Restoration Plan specify whether less than 100% success of relocated plantings is considered sufficient to keep impacts to less than significant levels.

It is not clear whether recipient locations and planting activity for salvaged plants could result in impacts to any special-status species, and if the recipient planting locations are already included in the Project area addressed by the DEIR and all of the mitigation measures in the DEIR would apply to those activities. Impacts 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

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are met. CDFW recommends that the DEIR address these potential Project impacts related to salvage activities.

Editorial Comments and/or Suggestions

Lake and Streambed Alteration: Project activities will impact areas subject to CDFW's regulatory authority pursuant to Fish and Game Code section 1600 et seq. The DEIR identified 15 hardened wet-crossings that will be impacted by permanent improvements and APM WET-1 describes impacts to 28.79 acres of streambed. 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 riparian 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.

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 FEIR, 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 Inland Deserts Region LSA Program at R6LSA@wildlife.ca.gov or (909) 484-0523.

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 of 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 concurs with the required contents of the Nesting Bird Management Plan as described in APM BIO-AVI-2 and Mitigation Measure 3.4-2c; however, CDFW

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recommends updating APM BIO-AVI-2 and Mitigation Measure 3.4-2c to remove species that are listed or candidate under CESA, fully protected, or listed under the federal Endangered Species Act (ESA), from the Nesting Bird Management Plan due to differing survey methodologies and recommended buffers to protect nests, based on different species ecologies.

CDFW also concurs with the requirement in APM BIO-AVI-2 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 at each work area, 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 concurs with a minimum no-disturbance buffer of 300 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. CDFW recommends APM BIO-AVI-2 be updated to include buffers 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.

Impacts to CDFW Lands: The DEIR states that 0.6 mile of the proposed Kramer - Cal City 115 kV Subtransmission Line alignment would occur within two properties within the CDFW West Mojave Desert Ecological Reserve in San Bernardino County, which supports both Mohave ground squirrel and desert tortoise and is managed by CDFW for the protection of these and many other special-status species.

California Code of Regulations, Title 14, section 630 states "All ecological reserves are maintained for the primary purpose of developing a statewide program for protection of rare, threatened, or endangered native plants, wildlife, aquatic organisms, and

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specialized terrestrial or aquatic habitat types” and therefore, public access on these lands is restricted. CDFW requests that the draft FEIR detail of any right-of-way or an easement that may exist on CDFW properties in the Project alignment. Absent an existing easement, encroachment onto the West Mojave Desert Ecological Reserve is prohibited. Ongoing coordination with CDFW is necessary to address the Project alignment and work areas.

California Natural Diversity Database (CNDDDB): Please note that the CNDDDB is populated by records through voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDDB but where there is suitable habitat features capable of supporting species. A lack of an occurrence record in the CNDDDB does not mean a species is not present. To adequately assess any potential Project-related impacts to biological resources, surveys conducted by a qualified biologist during the appropriate survey period(s) using the appropriate protocol survey methodology are warranted to determine whether any special-status species are present at or near the Project site.

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 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 the CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to the CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES


The Project, as proposed, would have an impact on fish and/or wildlife, and 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).

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CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the California Public Utilities Commission in identifying and mitigating Project impacts on biological resources. Please see the enclosed Mitigation Monitoring and Reporting Program (MMRP) table (Attachment 1), which corresponds with the recommended mitigation measures in this comment letter. If you have any questions, please contact Benessa Galvan, Senior Environmental Scientist (Specialist), at (559) 580-3197, or by email at Benessa.Galvan@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Julie A. Vance
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Enclosure (MMRP)

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Attachment 1

Attachment 1

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

PROJECT: SCE Cal City Substation 115kV Upgrade Project

SCH No.: 2023110218

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
Swainson's Hawk	
Recommended Mitigation Measure 1: Swainson's Hawk Nesting Surveys	
Recommended Mitigation Measure 3: Swainson's Hawk Take Authorization	
Recommended Mitigation Measure 4: Swainson's Hawk Foraging Habitat Mitigation	
Golden Eagle	
Recommended Mitigation Measure 5: Golden Eagle Surveys	
Western Burrowing Owl	
Recommended Mitigation Measure 8: Western Burrowing Owl Take Authorization	
<i>During Project Activities</i>	
Swainson's Hawk	
Recommended Mitigation Measure 2: Swainson's Hawk Avoidance	
Golden Eagle	
Recommended Mitigation Measure 2: Golden Eagle Avoidance	
Western Burrowing Owl	
Recommended Mitigation Measure 7: Western Burrowing Owl Avoidance	