

**Comment Letter C**

State of California  
Department of Fish and Game



**Memorandum**

Date: May 4, 2009

To: Mr. Chris Huitt  
California State Lands Commission  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825  
Fax (916) 574-1885

From: Mr. Kent Smith  
Habitat Conservation Program Manager  
California Department of Fish and Game  
1701 Nimbus Road, Suite A  
Rancho Cordova, CA 95670

Subject: Proposed PG&E Pease-Marysville 60kV Transmission Line reconstruction project

The Department of Fish and Game (DFG) has reviewed the Mitigated Negative Declaration for the proposed PG&E Pease-Marysville 60kV Transmission Line reconstruction project (proposed project). The proposed project consists of replacing power poles and reconductoring an existing 8.3 mile 60kV transmission line between the Pease and Marysville substations in the Yuba City and Marysville areas in Yuba and Sutter Counties.

We recommend that construction activities be scheduled to avoid the breeding and nesting season of the State-threatened Swainson's hawk (*Buteo swainsonii*) March 1<sup>st</sup> – September 15<sup>th</sup>, in areas where suitable habitat exists. If construction is to occur within this timeframe, pre-construction surveys for Swainson's hawk should be carried out pursuant to the "Recommended Timing and Methodology for Swainson's hawk Nesting Surveys in California's Central Valley", prepared by the Swainson's hawk Technical Advisory Committee on May 31, 2000, (copy available upon request). For areas where helicopter work is to occur, surveys within suitable nesting habitat should occur within ½ mile of all work areas.

We recommend that if active nests are found, clearing and construction within ¼ mile (and helicopter work within ½ mile) shall be postponed or halted until the nest is vacated, juveniles have fledged, and there is no evidence of a second nesting attempt. These determinations should be made by a qualified biologist in consultation with the DFG. The ¼ mile setback may be adjusted in consultation with DFG.

Please be advised that a California Endangered Species Act (CESA) permit must be obtained if the project has the potential to result in take of species of plants or animals listed under CESA, either during construction, or over the life of the project. Early consultation is encouraged, as modification of the project may be required in order to obtain a CESA permit.

C-1  
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C-3

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Pursuant to Public Resources code Sections 21092 and 21092.2, the DFG requests written notification of proposed actions and pending decisions regarding this project. Written notifications should be directed to this office.

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Thank you for the opportunity to review this project. If the DFG can be of further assistance, please contact Ms. Julie Newman, Staff Environmental Scientist, telephone (530) 832-4069, or Mr. Jeff Drongesen, Senior Environmental Scientist, telephone (916) 358-2919.

cc: Mr. Jeff Drongesen  
Department of Fish and Game  
1701 Nimbus Road, Suite A  
Rancho Cordova, CA 95670



**STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
Department of Fish and Game  
North Central Region**



1701 Nimbus Road, Suite A  
Rancho Cordova, CA 95670  
Phone Number (Main Office): (916) 358-2900

**FAX COVER SHEET**

**TO:** MR. Chris Huitt  
**PHONE NO.** \_\_\_\_\_  
**FAX NO:** 916-574-1885  
**FROM:** Julie Newman  
**PHONE NO:** 530-832-4069  
**FAX NO:** (916) 358-2912  
**DATE:** 5-6-09  
**PAGES:** 3 page(s) total, including this cover sheet  
**MESSAGE:**

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TRANSMISSION VERIFICATION REPORT

TIME : 05/06/2009 12:23  
 NAME : DFG REG 2  
 FAX : 9163582902  
 TEL :  
 SER. # : BROH4J887961

DATE, TIME : 05/06 12:22  
 FAX NO./NAME : 5741885  
 DURATION : 00:00:54  
 PAGE(S) : 03  
 RESULT : OK  
 MODE : STANDARD  
 ECM

*J=66 = his secretary*  
*HuittC@slc.ca.gov*



STATE OF CALIFORNIA  
 THE RESOURCES AGENCY  
 Department of Fish and Game



North Central Region

1701 Nimbus Road, Suite A  
 Rancho Cordova, CA 95670

Phone Number. (Main Office): (916) 358-2900

FAX COVER SHEET

TO: Mr. Chris Huitt - Planning  
 PHONE NO. \_\_\_\_\_  
 FAX NO: 916-574-1885 - good  
 FROM: Julie Newman  
 PHONE NO: 520-832-4069  
 FAX NO: (916) 358-2912  
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**Response to Comment Letter C**  
**California Department of Fish and Game**  
**May 4, 2009**

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**C-1** Mitigation Measure BIO-1u of the MND (page 3.3.4-40) requires that construction activities be scheduled to avoid the breeding and nesting season of special-status avian species (including Swainson’s hawk) in the area. This measure further requires that pre-construction nesting bird surveys be conducted for Swainson’s hawk within suitable habitat areas for this species within 0.25 mile of all construction areas (consistent with the California Department of Fish and Game’s (CDFG’s) November 8, 1994, "Staff Report Regarding Mitigation for Impacts to Swainson’s Hawk in the Central Valley of California"). As a result of this comment, in the Final MND, Mitigation Measure BIO-1u has been revised to clarify that the timing and extent of the surveys will be conducted pursuant to the “Recommended Timing and Methodology for Swainson’s Hawk Nesting Surveys in California’s Central Valley,” prepared by the Swainson’s Hawk Technical Advisory Committee on May 31, 2000. The measure has also been revised to clarify that where helicopter work is to occur, surveys within suitable nesting habitat will occur within 0.50 mile of all work areas.

**C-2** Mitigation Measure BIO-1v of the MND (page 3.3.4-40) requires that if active nests of special-status avian species (including Swainson’s hawk) are discovered during pre-construction surveys that clearing and construction will be postponed or halted until the nest is vacated, juveniles have fledged, and there is no evidence of a second attempt at nesting, consistent with the commenter’s recommendation. As a result of this comment, in the Final MND, this measure will be revised to clarify that the setback distance for the postponement or halting of such work for Swainson’s hawk will be 0.25 mile for construction work and 0.50 mile for helicopter work, that such determinations will be made in consultation with the CDFG, and that the 0.25-mile setback may be adjusted in consultation with CDFG.

**C-3** Comment acknowledged. The MND (page 3.3.4-29) briefly summarizes the intent of the California Endangered Species Act (CESA) and notes that a CESA take permit would be necessary for any “take” of a state-listed species. Because of the unique design of the project and with implementation of the numerous mitigation measures to ensure avoidance of impacts to state-listed species, no take of such species is anticipated during construction or over the life of the project.

- 1 **C-4** As requested, CSLC will notify CDFG of all proposed actions and pending  
2 decisions regarding this project.