

Attachment 4

**Request for Concurrence on Utility Pole Retrofits for  
Shiloh IV Eagle Take Permit Compensatory Mitigation,  
Monterey County, California**

---





# 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:  
08EVEN00-2014-I-0257

May 5, 2014

## Memorandum

To: Chief of Migratory Birds and State Programs, Pacific Southwest Regional Office,  
Sacramento, California

From: Deputy Assistant Field Supervisor, Ventura Fish and Wildlife Office, Ventura,  
California

Subject: Request for Concurrence on Utility Pole Retrofits for Shiloh IV Eagle Take Permit  
Compensatory Mitigation, Monterey County, California

We have reviewed your request, dated April 1, 2014, and received by our office on April 7, 2014, for our concurrence that the subject plan may affect but is not likely to adversely affect the federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*), and the federally threatened California red-legged frog (*Rana draytonii*) and purple amole (*Chlorogalum purpureum* var. *purpureum*). Your request and our response are in accordance with section 7 of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

The Regional Migratory Bird Program proposes to issue a programmatic eagle take permit (permit) pursuant to the Bald and Golden Eagle Protection Act (Eagle Act) to the Shiloh IV Wind Project, LLC (applicant). To meet permit issuance standards, the applicant is providing compensatory mitigation for eagles by retrofitting 133 electric utility poles. The proposed retrofitting would involve repairing or replacing aerial equipment on the utility poles to reduce or eliminate the risk of electrocution to bald eagles (*Haliaeetus leucocephalus*) and golden eagles (*Aquila chrysaetos*). The mitigation will occur within Pacific Gas and Electric's Oilfields 1103 circuit, near Lake San Antonio, Monterey County, California. To avoid impacts to listed species, the following conservation measures will be required under the permit:

1. Public and private roads will be used for access to the utility poles. In areas without road access, the work crew will walk to the utility poles. No new roads will be created.
2. The proposed work will be conducted during the dry season (July 1 through October 31, or until the first significant rainfall). In the event of unseasonal rainfall, work will not occur for 10 days after a rainfall event of 0.5 inch or more precipitation.
3. Retrofit activities will not occur on poles located in or adjacent to wetlands, vernal pools, ponds, or riparian areas.

4. Retrofit activities will not involve ground disturbing activities.
5. Vehicles will maintain a speed limit of 10 miles-per-hour in the work area.

San Joaquin kit fox, California red-legged frog, and purple amole are known to occur in the vicinity of the proposed project (CNDDDB 2014). Suitable potential habitat occurs within vicinity of area with the utility poles designated for retrofitting; however, avoiding ground disturbing activities and restricting vehicles and equipment to existing roadways will avoid affects to listed species and their potential habitat.

We concur with your determination that the proposed action is not likely to adversely affect San Joaquin kit fox, California red-legged frog, or purple amole. This concurrence is based on the expected effects of the activities proposed and the proposed avoidance measures. Therefore, further consultation, pursuant to section 7 of the Act is not necessary. If the proposed action changes in any manner that may affect a listed species, you must contact us immediately to determine whether additional consultation is required.

If you have any questions, please contact Christopher Diel of my staff at (805) 644-1766, extension 305.

## LITERATURE CITED

[CNDDDB] California Natural Diversity Data Base. 2014. Rarefind: A database application for the California Department of Fish and Wildlife, Natural Heritage Division, California Natural Diversity Data Base, Sacramento, California.