



Issuing Office:

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Digitally signed by

Permittee:

SAN DIEGO GAS & ELECTRIC
8315 CENTURY PARK COURT CP21E
SAN DIEGO, California 92123
U.S.A.

Name and Title of Principal Officer:

Estela de Llanos Vice President of Land & Environmental Services

Authority: Statutes and Regulations: 16 U.S.C. 1539 (a), 16 U.S.C. 1533 (d), 16 U.S.C. 668-668(d) 50 CFR 17.22, 50 CFR 17.32, 50 CFR 22.11, 50 CFR 13

Location where authorized activity may be conducted:

The service area for the San Diego Gas & Electric Company (SDG&E), covering about 4,100 square miles in southern California, including San Diego County, southern Orange County, and the Moreno Compressor Station site in Morena Valley in Riverside County, as depicted in Figure 1 of the San Diego Gas & Electric Company Habitat Conservation Plan Amendment (HCP Amendment).

Reporting requirements:

Permittee shall submit annual reports as outlined in Chapter 6, Section 6.4 of the HCP Amendment. A separate annual report will be prepared and submitted for golden and bald eagles consistent with Section 7 of the Eagle Conservation Plan (ECP) (Appendix B of the HCP Amendment).

Authorizations and Conditions:

Authority:

Endangered Species Act of 1973, as amended (ESA) Statute

16 USC 1533(d) - Protective regulations

16 USC 1539 (a) - Exceptions - Permits

U.S. Fish and Wildlife Service Regulations

50 CFR 13 - General Permit Procedures

ESA Regulations

50 CFR 17.22 - Permits for Incidental Take of Endangered Species

50 CFR 17.32 - Permits for Incidental Take of Threatened Species

Bald and Golden Protection Eagle Act, enacted 1940, as amended (BGEPA) Statute



16 USC 668-668d

BGEPA Regulations

50 CFR 22.80 - Permits for eagle take that is associated with, but not the purpose of, an activity

50 CFR 22.85 - Removal of eagle nests

Authorizations and Conditions:

A. General conditions set out in Subpart B of 50 CFR 13, and specific conditions contained in Federal regulations cited above, are hereby made a part of this permit. All activities authorized herein must be carried out in accordance with and for the purposes described in the application submitted. Continued validity, or renewal of this permit is subject to complete and timely compliance with all applicable conditions, including the filing of all required information and reports.

B. The validity of this permit is also conditioned upon strict observance of all applicable foreign, state, local, tribal, or other federal law.

C. Valid for use by permittee named above.

D. Acceptance of this permit serves as evidence that the Permittee, SDG&E, and its designated agents, agree to abide by the terms of this permit and all sections of Title 50 Code of Federal Regulations, part 13 and 17, pertinent to issued permits. Section 11 of the ESA provides of civil and criminal penalties for failure to comply with permit conditions. Title 50 Code of Federal Regulations, part 13 (General Permit Procedures) section 17.22(b) (endangered wildlife permits) and part 17.32(b) (threatened wildlife permits) regarding threatened species are attached.

E. The incidental take authorization granted by this permit is subject to full compliance with and implementation of the SDG&E HCP Amendment and the associated ECP, which are hereby incorporated into this permit.

F. Take must be incidental to otherwise lawful Covered Activities described in Chapter 2 of the HCP Amendment.

G. The following threatened (T) and endangered (E) wildlife species currently listed under the ESA are identified as Covered Species in the HCP Amendment:

The permittee and designated agents are authorized under the ESA to incidentally take (injure, kill, harm) 13 of these wildlife species (all species in Table 1 except western snowy plover, California least tern, and Peninsular bighorn sheep). Incidental take authorization is effective upon the effective date of the permit.

Table 1. Animal Covered Species Currently Listed as Threatened or Endangered under the ESA.

Invertebrates		
<i>Branchinecta sandiegonensis</i>	San Diego fairy shrimp	E
<i>Streptocephalus woottoni</i>	Riverside fairy shrimp	E
<i>Pyrgus ruralis lagunae</i>	Laguna Mountains skipper	E
<i>Lycaena hermes</i>	Hermes copper butterfly	T
Amphibians		
<i>Anaxyrus californicus (Bufo microscaphus californicus)</i>	Arroyo toad	E
<i>Rana draytonii (Rana aurora draytonii)</i>	California red-legged frog	T
Birds		
<i>Charadrius nivosus nivosus (Charadrius alexandrinus nivosus)</i>	Western snowy plover (Pacific Coast population distinct population segment) ¹	T
<i>Coccyzus americanus</i>	Western yellow-billed cuckoo (western distinct population segment)	T
<i>Empidonax traillii extimus</i>	Southwestern willow flycatcher	E
<i>Polioptila californica californica</i>	Coastal California gnatcatcher	T



<i>Rallus obsoletus levipes</i> (<i>Rallus longirostris levipes</i>)	Light-footed Ridgway's rail (light-footed clapper rail)	E
<i>Sternula antillarum browni</i> (<i>Sterna antillarum browni</i>)	California least tern ¹	E
<i>Vireo bellii pusillus</i>	Least Bell's vireo	E
Mammals		
<i>Dipodomys stephensi</i>	Stephens' kangaroo rat	T
<i>Ovis canadensis nelsoni</i>	Peninsular bighorn sheep ¹	E
<i>Perognathus longimembris pacificus</i>	Pacific pocket mouse	E

¹ With implementation of the avoidance and minimization measures in the HCP Amendment, we anticipate that Covered Activities will not result in take of western snowy plover, California least tern, and Peninsular bighorn sheep.

Animal Covered Species also include the following species that are not currently listed under the ESA (Table 2). Incidental take authorization pursuant to the ESA for the unlisted animal Covered Species will become effective concurrent with their listing as threatened or endangered under the ESA, to the extent that its take is prohibited by the ESA. Incidental take authorization pursuant to BGEPA is effective for golden eagles and bald eagles upon the effective date of the permit.

Table 2. Animal Covered Species Currently Unlisted under the ESA.

Amphibians	
<i>Spea hammondi</i> or <i>Scaphiopus hammondi</i>	Western spadefoot
Reptiles	
<i>Actinemys pallida</i>	Southwestern pond turtle
<i>Phrynosoma blainvillii</i>	Coast horned lizard
Birds	
<i>Agelaius tricolor</i>	Tricolored blackbird
<i>Athene cunicularia</i> (<i>Athene cunicularia</i> ssp. <i>hypugaea</i>)	Burrowing owl
<i>Aquila chrysaetos</i>	Golden eagle
<i>Campylorhynchus brunneicapillus sandiegensis</i>	Coastal cactus wren
<i>Haliaeetus leucocephalus</i>	Bald eagle
<i>Passerculus sandwichensis beldingi</i>	Belding's savannah sparrow

Take is authorized to the extent that take of these species would otherwise be prohibited under section 9 of the ESA and its implementing regulations; pursuant to a rule promulgated under section 4(d) of the ESA; or pursuant to BGEPA. Take must be incidental to otherwise lawful activities associated with the Covered Activities described in Chapter 2 of the HCP Amendment, and as conditioned herein.

Permitted take pursuant to the ESA is in the form of habitat loss, injury, and mortality for animal Covered Species. Permitted take pursuant to BGEPA is in the form of nest removals, disturbance, injury, and death. The Service expects that incidental take of individuals of various animal Covered Species, except for golden eagles and bald eagles, will be difficult to detect or quantify for the following reasons: 1) the aquatic nature of certain of the organisms or the relatively small body size makes the finding of a dead specimen unlikely; 2) the secretive nature of certain species makes detection or quantification difficult; 3) species abundance may be masked by seasonal fluctuations in numbers or other



causes; 4) species occur in habitats that make them difficult to detect; 5) the species use of the habitat is intermittent; and 6) the HCP Amendment will be implemented over the duration of the Incidental Take Permit (ITP) until 2050, so populations of animal Covered Species are likely to fluctuate substantially over this time.

Because it is not possible to track impacts to individuals of most animal Covered Species over the duration of the HCP Amendment, impacts to animal Covered Species (except for golden eagles and bald eagles) from Covered Activities will be tracked primarily based on impacts to acres of modeled and unmodeled habitat that is known or assumed to be occupied (collectively Tracked Habitat). Although population densities of animal Covered Species can vary substantially within Tracked Habitat, Tracked Habitat is nevertheless strongly correlated with the number of individuals for all of the animal Covered Species. In addition, implementation of the conservation measures in the HCP Amendment will ensure that impacts to individuals will be avoided and minimized when impacts to occupied habitat do occur. Thus, we anticipate that impacts to animal Covered Species will remain consistent with the analysis in this biological opinion despite variation in the number of individuals present in different areas of Tracked Habitat.

SDG&E proposes up to 400 acres of permanent habitat impacts, 210 acres of temporary habitat impacts, and 210 acres of Wildfire Fuels Management habitat impacts from Covered Activities in accordance with requirements, conditions, measures, and processes described in the HCP Amendment that will result in the incidental take of animal Covered Species. In addition, to these overall impact limits, the HCP Amendment includes species-specific limits to Tracked Habitat, as shown in Table 3, and to number of golden and bald eagle nests and individuals, as shown in Table 4.

Table 3. Maximum Loss of Tracked Habitat for Animal Covered Species (other than Golden Eagles and Bald Eagles)

Common Name	Maximum Habitat Impacts (Acres)
San Diego fairy shrimp	10.18
Vernal pool basin	1.70
Watershed	8.48
Riverside fairy shrimp	14.94
Vernal pool basin	2.50
Watershed	12.44
Laguna Mountains skipper	0.23
Hermes copper butterfly	314.18
Arroyo toad	843.53
Breeding	20.31
Non-breeding	823.22
California red-legged frog	45.25
Western spadefoot	668.26
Breeding	27.97
Non-breeding	640.29
Southwestern pond turtle	40.86
Coast horned lizard	449.28
Tricolored blackbird	8.98



Common Name	Maximum Habitat Impacts (Acres)
Burrowing owl	117.57
Coastal cactus wren	188.12
Western snowy plover (Pacific Coast population distinct population segment)	0.85
Western yellow-billed cuckoo (western distinct population segment)	16.64
Southwestern willow flycatcher	38.47
Belding's savannah sparrow	1.41
Coastal California gnatcatcher	127.18
Light-footed Ridgway's rail (light-footed clapper rail)	3.99
California least tern	0.41
Least Bell's vireo	31.05
Stephens' kangaroo rat	14.92
Peninsular bighorn sheep	11.95
Pacific pocket mouse	10.92
Direct	2.37
Noise and Vibration	8.55

Table 4. Maximum Disturbance, Injury, or Death of Golden Eagles and Bald Eagles

Common Name	Nest Disturbance	Electrocution	Collision	Nest Removal
Golden eagle	72 incidents	26 eagles	13 eagles	12 nests
Bald eagle	21 incidents	13 eagles	6 eagles	4 nests

The Permittee will implement the ECP to comply with the BGEPA nest removal and incidental take authorization granted by this permit. Specifically:

- Avoidance and Minimization measures are required as described in Chapter 5 of the ECP
- Take is authorized in the form of nest removals and incidental take from disturbance, injury and death of golden and bald eagles as summarized in Table 4 of this permit.
- Compensatory mitigation and nest removal mitigation will be implemented as described in Chapter 6 of the ECP.
- Monitoring will be implemented as described in Section 6.4 of the ECP.

Eagle Take Five Year Reviews: The Permittee will prepare and submit annual reports to the Service as described in Section 7.3 of the ECP. At no more than 5 years from the issuance of the original permit date and at least every 5 years thereafter, the Service will review the data on eagle take, monitoring spatial buffer data, and other relevant information to evaluate the project's compliance with the permit and validate that



impacts to eagles were within the authorized limit and expected take rates. We will evaluate the compensatory mitigation provided, and if appropriate, credit excess mitigation for the future permit term. We may consider adjustments to monitoring protocols and avoidance and minimization measures in accordance with the adaptive management plan based on the available data.

Duration of BGEPA authorization: The U.S. Fish and Wildlife Service's HCP Handbook references the Service's May 10, 2011, Memorandum, *Use of Endangered Species Act Section 10 Permits to Provide Bald and Golden Eagle Act Authorization for Incidental Take of Bald and Golden Eagles*. The memorandum states that ESA Section 10 permits are not legally bounded to an eagle permit's shorter tenure when covering eagles under one of the ESA authorizations. Therefore, the BGEPA nest removal and incidental take authorizations under this permit are valid for this ITPs duration. This permit term here accordingly overrides Section 7.2 of the ECP and 50 CFR 22.85(f) permit tenure respective statement and requirement.

The Service must be notified within 48 hours of finding any injured or dead listed animal species or within 48 hours of any unanticipated damage to habitat. Injured animals shall be cared for by a licensed veterinarian or other qualified person. Notification must include the date, time, and precise location of the individual/incident clearly indicated on a USGS 7.5-minute quadrangle and other maps at a finer scale, as requested by the Service, and any other pertinent information. Dead individuals must be sealed in a freezer-grade, re-sealable plastic bag containing a paper with the date and time when the animal was found, the location where it was found, and the name of the person who found it. The bag containing the specimen must be frozen in a freezer located in a secure site. The Service contact persons are the Assistant Field Supervisor for Endangered Species at the Carlsbad Fish and Wildlife Office at 760-431-9440 and the Resident Agent-in-Charge of the Service's Division of Law Enforcement in Torrance, California, at 310-328-6307. If any unanticipated impacts to golden eagles or bald eagles occur, the Migratory Bird Regional Permit Office must also be contacted at fw8_eaglepermits@fws.gov (mailto:fw8_eaglepermits@fws.gov) or 916-414-6571 and the Service's Division of Law Enforcement at the Regional Office at 916-414-6660. If a dead eagle is observed, follow the Incident Reporting process in Section 7.1 of the ECP and provide information regarding the incident in the Service's Injury and Mortality Reporting (IMR) database at <https://ecos.fws.gov/imr/welcome> (<https://ecos.fws.gov/imr/welcome>).

H. Take of plant species is not prohibited under the ESA and is not authorized by this permit. However, sixteen plants are included on the Covered Species list in recognition of the conservation benefits provided for them under the HCP Amendment. Table 5 describes listing status and expected losses of habitat and impacts to occurrences for Covered Plant Species. Assurances provided under the No Surprises Rule at 50 CFR 17.3, 17.22(b)(5), and 17.32(b)(5) extend to all Covered Plant Species.

Table 5. Expected Loss of Habitat for Covered Plant Species

Scientific Name	Common Name	Listing Status	Expected Loss of Habitat through 2050 (acres)
<i>Acanthomintha ilicifolia</i>	San Diego thorn-mint	T	85.64
<i>Ambrosia pumila</i>	San Diego ambrosia	E	11.69
<i>Arctostaphylos glandulosa</i> ssp. <i>crassifolia</i>	Del Mar manzanita	E	14.82
<i>Baccharis vanessae</i>	Encinitas baccharis	T	27.62
<i>Brodiaea filifolia</i>	Thread-leaved brodiaea	T	18.83
<i>Chloropyron maritimum</i> ssp. <i>maritimum</i> (<i>Cordylanthus maritimus</i> ssp. <i>maritimus</i>)	Salt marsh bird's-beak	E	0.38
<i>Chorizanthe orcuttiana</i>	Orcutt's spineflower	E	5.53
<i>Deinandra conjugens</i> (<i>Hemizonia conjugens</i>)	Otay tarplant	T	11.59
<i>Nolina interrata</i>	Dehesa beargrass	-	2.13
<i>Dudleya brevifolia</i>	Short-leaved dudleya	-	5.99



NATIVE ENDANGERED & THREATENED SP. HABITAT
CONSERVATION PLAN

Permit Number: ESPER4956429

Version Number: 0

Effective: 2023-10-20 **Expires:** 2050-10-19

<i>Eryngium aristulatum</i> var. <i>parishii</i>	San Diego button-celery	E	7.82
Vernal pool basin			1.30
Watershed			6.52
<i>Monardella viminea</i> (<i>Monardella linoides</i> ssp. <i>viminea</i>)	Willow monardella	E	25.29
<i>Navarretia fossalis</i>	Spreading navarretia	T	7.82
Vernal pool basin			1.30
Watershed			6.52
<i>Orcuttia californica</i>	California Orcutt grass	E	10.78
Vernal pool basin			1.8
Watershed			8.98
<i>Pogogyne abramsii</i>	San Diego mesa mint	E	4.42
Vernal pool basin			0.74
Watershed			3.68
<i>Pogogyne nudiuscula</i>	Otay Mesa mint	E	1.5
Vernal pool basin			0.25
Watershed			1.25