

**APPENDIX C:
STATUS OF NCCP REMAINING TAKE AUTHORIZATION**



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California Department of Fish and Wildlife
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In Reply Refer To:
FWS/CDFW-SDG-09B0047-15CPA0248

MAY 21 2015

Mr. Scott Pearson
Director, Environmental Services
San Diego Gas & Electric Company
8315 Century Park Court
San Diego, California 92123

Subject: Take Authorization under the SDG&E Subregional Natural Community Conservation Plan

Dear Mr. Pearson:

The U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Wildlife (Department) (collectively, the Wildlife Agencies) are providing the following information with regard to the potential for San Diego Gas & Electric (SDG&E) to exceed the take authorizations granted through the SDG&E Subregional Natural Community Conservation Plan (NCCP). The Wildlife Agencies and SDG&E are in the process of auditing all habitat impacts authorized under the NCCP. Our review of the preliminary information indicates that the audit will likely confirm that the habitat impacts to date have been overstated and that once the audit is complete, SDG&E will have sufficient take acreage to cover the projects discussed below. However, final confirmation cannot be provided before audit completion. We anticipate that the audit will be completed in June.

In addition to our ongoing efforts to confirm the precise take acreage available under the NCCP, we have reviewed the following projects that will rely, or are relying, on the NCCP. These projects are under construction or in immediate need of documentation that the NCCP take authorizations can be relied on to ensure compliance with the Federal Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), the California Endangered Species Act (Fish and Game Code § 2050 *et seq.*), and the NCCP program:

- TL637 - 9.03 acres (construction complete);
- TL670 - 0.5 acres (construction complete);
- South Bay Substation - 20.3 acres (in construction);
- TL6914 - 3.83 acres (in construction);
- Fanita Junction - 5.17 acres (in construction);
- Gas Line 1600 Pipeline Integrity - 1.5 acres (in construction);
- Los Coches Substation Modification - 5.71 acres (in construction); and
- CNF MSUP - 66.73 acres (awaiting FEIR).

These projects total 112.77 acres. An additional 13.3 impact acres were used for miscellaneous projects, bringing the total to 126.07 acres. Our preliminary review of the audit information indicates

that the available take acreage under the NCCP will likely exceed 126 acres. Moreover, because take authorizations are not "debited" until habitat is actually cleared during construction, it is unlikely that take authorizations would be exceeded within the next few years. SDG&E has completed sufficient advanced mitigation to fully comply with the mitigation requirements under the NCCP for these and additional projects (i.e., available mitigation credits available exceed take limits).

In addition to the above projects, SDG&E has advised us of three pending projects for which they will seek take authorization under the NCCP:

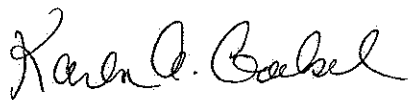
- South Orange County Reliability - 14.84 acres [Draft Environmental Impact Report (DEIR) comment period closed];
- SX-PQ - 29.41 acres (DEIR pending); and
- Salt Creek Substation - 11.02 acres (DEIR pending).

Based on our review of the preliminary audit findings, we believe the audit will likely show sufficient take acreage will also be available to confirm NCCP coverage for these projects prior to completion of their environmental review processing. For example, our continuing audit includes the review of more than 55 acres of potentially overstated impacts, some or all of which have the potential to increase the amount of take acreage available. Again, final confirmation cannot be provided before the audit is completed in June.

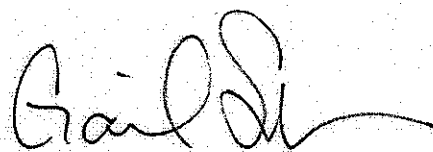
We are working closely with SDG&E to determine whether an amendment to the NCCP will be needed for future projects beyond those identified in this letter. In the interim, if the audit reveals that the available take acreage will be exceeded by any of the three pending projects, the environmental documentation for the project(s) should not include the NCCP as an alternative to address take exemptions for Federal and State listed species or to fulfil mitigation requirements.

We appreciate the coordination and review of your existing and pending projects and your efforts to ensure compliance with the SDG&E NCCP. If you have questions regarding the information in this letter, please contact David Mayer of the Department at 858- 467-4234 or David Zoutendyk of the Service at 760-431-9440, extension 222.

Sincerely,



Karen A. Goebel
Assistant Field Supervisor
U.S. Fish and Wildlife Service



Gail K. Sevens
Environmental Program Manager
California Department of Fish and Wildlife

cc: Mary Jo Borak, CPUC
Molly Sterkel, CPUC
Ron Freeman, San Diego Gas & Electric



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FWS/CDFW-SDG-09B0047-15CPA0269

JUN 29 2015

Mr. Scott Pearson
Director, Environmental Services
San Diego Gas & Electric Company
8315 Century Park Court
San Diego, California 92123

Subject: Take Authorization under the SDG&E Subregional Natural Community Conservation Plan

Dear Mr. Pearson:

The U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Wildlife (Department) (collectively, the Wildlife Agencies) are providing the following updated information with regard to the take authorizations granted to San Diego Gas & Electric (SDG&E) through the company's Subregional Natural Community Conservation Plan (NCCP). The Wildlife Agencies and SDG&E have completed our review of the habitat impacts authorized under the NCCP to date. Our review revealed that the habitat impacts were previously overstated and the available take acreage under the NCCP is now confirmed as 180.83 acres.

SDG&E has provided a list of completed and ongoing construction projects that will be included in the 2015 NCCP annual report¹. These projects will use 51.41 acres of the available take acreage under the NCCP, leaving 129.42 acres available for pending and future projects.

By this letter we confirm that sufficient take acreage is available to SDG&E to cover the four projects pending California Public Utilities Commission (CPUC) approval that were previously identified in our May 21, 2015 letter, and will rely, or are relying, on the NCCP take authorizations to ensure compliance with the Federal Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), the California Endangered Species Act (Fish and Game Code § 2050 *et seq.*), and the NCCP program. The four projects will impact 122 total acres of sensitive habitat types covered by the NCCP as follows:

- South Orange County Reliability (14.84 acres);
- SX-PQ (29.41 acres);

¹ These projects include the seven projects listed in our letter dated May 21, 2015, for which construction was complete or ongoing ("in-construction"), which included 46.04 acres, and the miscellaneous projects previously estimated as 13.3 acres in our May 21, 2015 letter. The adjusted take acreage for all of these projects is 51.41 acres or 7.79 acres less than previously reported. The Cleveland National Forest Master Special Use Permit (CNF MSUP) project is now more appropriately included in a list of projects provided by SDG&E that are still in the planning phase.

- Salt Creek Substation (11.02 acres); and
- CNF MSUP (66.73).

Assuming CPUC approval and SDG&E construction of these four projects, only 7.42 acres of available take will remain under the NCCP. We recommend SDG&E move forward to address the future needs of the company for compliance with State and Federal endangered species laws through the development of a new or revised and amended NCCP.

As agreed to during telephone conversations to address habitat characterization issues related to NCCP take acreage calculations, SDG&E has committed to mitigate for 6.18 acres of habitat identified during the review for which the Wildlife Agencies and SDG&E could not reach consensus on the appropriate habitat category (i.e., reported as disturbed or agriculture, but supporting a component of non-native grassland). Because the language in the NCCP does not provide clear guidance on the characterization of the disturbed and agriculture habitat types, these 6.18 acres are not counted against the NCCP take cap but will be mitigated in accordance with the plan. Given the small amount of acreage at issue, the Wildlife Agencies agree that a reasonable compromise has been made to resolve this issue; however, future discussions to better define and characterize these two habitat types are needed and should be addressed prior to completion of the 2015 annual report.

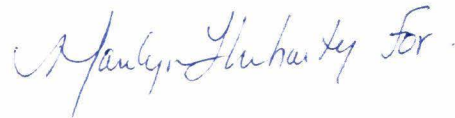
Finally, we expect the 2015 annual report to include a discussion of the measures taken to ensure the validity of the adjusted take acreages reported and confirmed herein, including the methods and all supporting documentation for this significant effort. Please coordinate with us prior to submitting the final 2015 annual report to ensure that all requested documentation is provided.

We appreciate your efforts to ensure compliance with the SDG&E NCCP. If you have questions regarding the information in this letter, please contact David Mayer of the Department at 858-467-4234 or David Zoutendyk of the Service at 760-431-9440, extension 222.

Sincerely,



Karen A. Goebel
Assistant Field Supervisor
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