

## EXHIBIT 1

# CALIFORNIA ENDANGERED SPECIES ACT AND NATURAL COMMUNITIES CONSERVATION PLANNING ACT MANAGEMENT AUTHORIZATION FOR IMPLEMENTATION OF

San Diego Gas and Electric Company  
Subregional Natural Community Conservation Plan

(Tracking No. 2835-1995-79-5)

## SUMMARY

The San Diego Gas and Electric Company (hereafter "SDG&E" or "Permittee") has requested an Authorization for Management ("Management Authorization" or "MA") of Endangered Species pursuant to California Fish and Game Code Sections 2081 and 2835 for the San Diego Gas and Electric Company Subregional Natural Community Conservation Plan (hereinafter "SDG&E Plan") for the construction, maintenance, repair and operation of facilities as identified in the SDG&E Plan.

The Plan will modify approximately up to 400 acres, portions of which are known or potential habitat for one-hundred and ten (110) Species of Concern. Twenty-nine (29) of these Species of Concern are presently listed as Endangered, Threatened or Rare Species pursuant to Fish and Game Code 2070 and California Code of Regulations Title 14, Sections 670.2 and 670.5. The "take" of these "listed" species is prohibited unless authorized by the Department pursuant to Fish and Game Code Sections 2081.

Pursuant to Sections 2081 and 2835, the California Department of Fish and Game (hereinafter "Department" or "CDFG") authorizes Permittee to "take" the following enumerated species, subject to the terms and conditions of this MA. Species in **bold text** are those which are state-listed or both state and federally listed.

### Plants

1. **California orcutt grass (*Orcuttia californica*) (endangered)**
2. **Coastal dunes milk vetch (*Astragalus tener* var. *titi*) (endangered)**
3. **Dehesa bear-grass (*Nolina interrata*) (endangered)**
4. **Dunn's mariposa lily (*Calochortus dunnii*) (rare)**

5. Encinitas baccharis (*Baccharis vanessae*) (endangered)
6. Gander's butterweed (*Senecio ganderi*) (rare)
7. Nevin's barberry (*Berberis nevinii*) (endangered)
8. Orcutt's Spineflower (*Chorizanthe orcuttiana*) (endangered)
9. Otay mesa mint (*Pogogyne nudiuscula*) (endangered)
10. Otay tar plant (*Hemizonia conjugens*) (endangered)
11. Salt marsh bird's beak (*Cordylanthus maritimus* spp. *maritimus*) (endangered)
12. San Diego button-celery (*Eryngium aristulatum* var. *parishii*) (endangered)
13. San Diego mesa mint (*Pogogyne abramsii*) (endangered)
14. San Diego thorn-mint (*Acanthomintha illicifolia*) (endangered)
15. Short-leaved dudleya (*Dudleya blochmaniae* ssp. *brevifolia*) (endangered)
16. Slender-pod jewelflower (*Caulanthus stenocarpus*) (rare)
17. Small-leaved rose (*Rosa minutifolia*) (endangered)
18. Thread-leaf brodiaea (*Brodiaea filifolia*) (endangered)
19. Willowy monardella (*Monardella linoides* ssp. *viminea*) (endangered)
20. Aphanisma (*Aphanisma blitoides*)
21. Coast wallflower (*Erysimum ammophilum*)
22. Del Mar manzanita (*Arctostaphylos glandulosa* var. *crassifolia*)
23. Del Mar Mesa sand aster (*Lessingia filaginifolia* var. *linifolia*)
24. Dense reed grass (*Calamogrostis koelerioides*)
25. Felt-leaved monardella (*Monardella hypoleuca* ssp. *lanata*)
26. Gander's pitcher sage (*Lepechinia ganderi*)
27. Heart-leaved pitcher sage (*Lepechinia cardiophylla*)
28. Lakeside ceanothus (*Ceanothus cyaneus*)
29. Little mousetail (*Myosurus minimus* ssp. *apus*)
30. Many-stemmed dudleya (*Dudleya multicaulis*)
31. Narrow-leaved nightshade (*Solanum tenuilobatum*)
32. Nuttall's lotus (*Lotus nuttallianus*)
33. Orange County Turkish rugging (*Chorizanthe staticoides* ssp. *chrysacantha*)
34. Orcutt's bird beak (*Cordylanthus orcuttianus*)
35. Orcutt's brodiaea (*Brodiaea orcuttii*)
36. Otay manzanita (*Arctostaphylos otayensis*)
37. Parry's tetracoccus (*Tetracoccus dioicus*)
38. Payson's jewelflower (*Caulanthus simulans*)
39. Palmer's ericameria (*Ericameria palmeri* ssp. *palmeri*)
40. Palmer's grappling hook (*Harpagonella palmeri*)
41. Protstrate navarretia (*Navarretia fossalis*)
42. San Diego barrel cactus (*Ferocactus viridescens*)
43. San Diego golden star (*Muilla clevelandii*)
44. San Diego ambrosia (*Ambrosia pumila*)
45. San Miguel savory (*Satureja chandleri*)
46. Shaw's agave (*Agave shawii*)

47. Snake cholla (*Opuntia parryi* var. *serpentina*)
48. Sticky dudleya (*Dudleya viscida*)
49. Tecate cypress (*Cupressus forbesii*)
50. Torrey pine (*Pinus torreyana*)
51. Wart-stemmed ceanothus (*Ceanothus verrucosus*)
52. Variegated dudleya (*Dudleya variegata*)

#### Invertebrates

53. Riverside fairy shrimp (*Streptocephalus woottoni*)
54. Salt marsh skipper (*Panoquina errans*)
55. San Diego fairy shrimp (*Branchinecta sandiegoensis*)
56. Thorne's hairstreak butterfly (*Mitoura thornei*)

#### Amphibians

57. California red-legged frog (*Rana aurora draytonii*)
58. Arroyo southwestern toad (*Bufo microscaphus californicus*)
59. Western spadefoot toad (*Scaphiopus hammondi*)

#### Reptiles

60. Coast patch-nosed snake (*Salvadora hexalepis virgulata*)
61. Coastal rosy boa (*Lichanura trivirgata rosafusca*)
62. Coronado skink (*Eumeces skiltonianus interparietalis*)
63. Northern red rattlesnake (*Crotalus ruber ruber*)
64. Orangethroat whiptail (*Cnemidophorus hyperythrus beldingi*)
65. San Diego banded gecko (*Coleony variegatus abboti*)
66. San Diego horned lizard (*Phrynosoma coronatum blainvillei*)
67. San Diego ringneck snake (*Diadophis punctatus similis*)
68. Southwestern pond turtle (*Clemmys marmorata pallida*)
69. Two-striped garter snake (*Thamnophis hammondi*)

#### Birds

70. American peregrine falcon (*Falco peregrinus anatum*) (endangered)
71. Bald eagle (*Haliaeetus leucocephalus*) (endangered)
72. Belding's savannah sparrow (*Passerculus sandwichensis beldingi*) (endangered)
73. California brown pelican (*Pelecanus occidentalis californicus*) (endangered)
74. California least tern (*Sterna antillarum browni*) (endangered)
75. Least Bell's vireo (*Vireo bellii pusillus*) (endangered)
76. Light-footed clapper rail (*Rallus longirostris levipes*) (endangered)

77. Southwestern willow flycatcher (*Empidonax traillii extimus*) (endangered)
78. Swainson's hawk (*Buteo swainsoni*) (threatened)
79. California rufous-crowned sparrow (*Aimophila ruficeps canescens*)
80. Canada goose (*Branta canadensis*)
81. Coastal cactus wren (*Campylorhynchus brunneicapillus coastal*)
82. Coastal California gnatcatcher (*Polioptila californica californica*)
83. Cooper's hawk (*Accipiter cooperii*)
84. Elegant tern (*Sterna elegans*)
85. Ferruginous hawk (*Buteo regalis*)
86. Golden eagle (*Aquila chrysaetos*)
87. Grasshopper sparrow (*Ammodramus savannarum*)
88. Large-billed savannah sparrow (*Passerculus sandwichensis rostratus*)
89. Long-billed curlew (*Numenius americanus*)
90. Mountain plover (*Charadrius montanus*)
91. Northern harrier (*Circus cyaneus*)
92. Reddish egret (*Egretta rufescens*)
93. Tricolored blackbird (*Agelaius tricolor*)
94. Western bluebird (*Sialia mexicna*)
95. Western burrowing owl (*Speotyto cunicularia hypogea*)
96. Western snowy plover (*Charadrius alexandrinus nivosus*)
97. White-faced ibis (*Plegadis chihi*)

#### Mammals

98. Stephens' kangaroo rat (*Dipodomys stephensi*) (threatened)
99. American badger (*Taxidea taxus*)
100. Dulzura pocket mouse (*Chaetodipus californicus femoralis*)
101. Jacumba pocket mouse (*Perognathus longimembris internationalis*)
102. Los Angeles pocket mouse (*Perognathus longimembris brevinasus*)
103. Mountain lion (*Felis concolor*)
104. Northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*)
105. Pacific little pocket mouse (*Perognathus longimembris pacificus*)
106. Pallid San Diego pocket mouse (*Chaetodipus fallax pallidus*)
107. San Diego black-tailed jackrabbit (*Lepus californicus bennettii*)
108. San Diego desert woodrat (*Neotoma lepida intermedia*)
109. Southern grasshopper mouse (*Onychomys torridus ramona*)
110. Southern mule deer (*Odocoileus hemionus fuliginata*)

The Department has found and determined that the SDG&E Plan, as implemented by the Implementation Agreement (IA) and this MA, meets the requirements for a Natural Community Conservation Plan (NCCP) for purposes of the NCCP Act, and specifically for purposes of California Fish and Game Code Sections 2081 and 2835. The "take" authorization provided by this MA extends to each of the enumerated species and shall extend to any such species listed

pursuant to Fish and Game Code Sections 2070 or 2074.2 after the effective date of this MA.

The Department has determined that the preservation, conveyance, acquisition, and long-term management of habitat for the enumerated species will offset the impacts contemplated by the SDG&E Plan and will result in preserving core areas for the species in order to achieve sustainable populations. The Department has determined further that the SDG&E Plan will not result in jeopardy to the continued existence of the enumerated species and may, through the acquisition of habitat lands, protect the species from further degradation.

## PROJECT DESCRIPTION

### PROJECT LOCATION

The SDG&E Plan area covers approximately two million (2,000,000) acres of service territory that traverses throughout western San Diego County, the southern-most portion of Orange County and a portion of Riverside County.

### PROJECT DESCRIPTION

SDG&E desires to: 1) develop, operate, install, maintain, and repair its public utility facilities which are or will be necessary to provide natural gas, electricity, and other services to its customers throughout its service area; and (2) minimize and mitigate the impacts on Species of Concern and their habitats by providing for the conservation of such species and their habitat.

Development activities contemplated by SDG&E and IA involve two broad categories: operation and maintenance and new construction. Specific activities include 1) the placement of steel towers, wood poles and related anchoring supports; 2) installation of electrical equipment; 3) trimming of trees; 4) inspection and maintenance of underground facilities; 4) grading, trenching and filling activities to repair erosion damage, control invasive roots, and repair structures; 5) construction and maintenance of substations, access roads and culverts; 6) construction of pads and staging areas for structures and equipment; 7) geotechnical remediation and testing; and 8) fire, vegetation, and pest control activities.

### HABITAT DESCRIPTION

Thirty-six habitat types occur within the SDG&E NCCP: Southern foredunes, Southern coastal bluff scrub, Maritime succulent scrub, Coastal sage scrub, Alluvial fan scrub, Chaparral, Southern maritime chaparral, Coastal sage/Chaparral mix, Grassland, Meadow/seep, Southern coastal salt marsh, alkali marsh, freshwater marsh, coast live oak riparian forest, riparian forest, riparian woodland, riparian scrub, open oak woodland, open engelmann oak woodland, dense engelmann oak woodland, coast live oak forest, black oak forest, torrey pine forest, mountain conifer forest, coulter pine forest, big cone spruce, jeffrey pine, eucalyptus forest, tecate cypress

forest, inland water, shallow bays, disturbed wetlands, non-vegetated flood channel, beach salt pan, disturbed habitat, and agricultural.

## PROJECT IMPACTS

The SDG&E Plan will result in a combined permanent loss of no greater than 400 acres over a 55-year period. Although small portions of the habitat types could be affected by SDG&E activities, the most common and most affected would be coastal sage scrub, chaparral, oak woodland and grasslands.

## SPECIES OF CONCERN

Databases for the regional conservation programs covering all of San Diego County and parts of Riverside and Orange Counties provide the biological basis, approximate locations, and local distribution of the Species of Concern for the SDG&E Plan.

## EFFECTS ON SPECIES OF CONCERN

The enumerated species will be subject to direct and indirect adverse impacts and take associated with site construction, operation, and maintenance in the SDG&E Plan. These temporary and permanent impacts would include habitat destruction and fragmentation, disruption of wildlife movement and breeding areas, and harassment.

Adverse effects on listed endangered species in the SDG&E Plan area include the loss of up to 400 acres, which includes an estimated permanent loss of 124 acres of habitat.

Anticipated impacts to the twenty-nine (29) listed species, as well as the other Species of Concern, are summarized in the SDG&E Plan.

## HABITAT MANAGEMENT LANDS

## PRESERVATION OF LANDS

In association with this project, SDG&E will provide for the acquisition of approximately 196 acres of high-quality habitat which shall be designated as the SDG&E mitigation bank as specified in the IA.

## SPECIFIC CONDITIONS REQUIRED

## MITIGATION MEASURES

SDG&E shall conduct activities in accordance with the Operational Protocols mitigation measures specified in section 7.1 of the SDG&E Plan- (pages 103-110, inclusive). SDG&E shall

not modify the mitigation measures specified in the Operational Protocols without prior approval from the Department and Service.

## HABITAT ENHANCEMENT MEASURES

Habitat enhancement activities shall occur under the direction of a Habitat Restoration Specialist. All disturbed areas, whether inside or outside of preserves, and which do not need to be maintained in a cleared state, shall be stabilized, restored or enhanced as specified in the IA. Vegetation restoration entails a range of techniques.

For SDG&E Activities occurring within the Preserve, and for SDG&E Activities affecting riparian/wetland areas, the particular enhancement methodology will be proposed by SDG&E, with USFWS and CDFG concurring prior to implementation. For all other areas outside of the Preserve, SDG&E has discretion over the enhancement method selected, although it is expected that a standard coastal sage scrub seed mix will be used for reseeded many disturbed areas. If habitat enhancement is not selected, or is not successful according to the criteria specified in the mitigation flow chart (Figure 24, page 115 of the SDG&E Plan), then a deduction from the SDG&E Mitigation Credits shall be made in accordance with ratios contained in Section 7.4 of the SDG&E Plan. For areas of less than 500 square feet, success criteria will not be required to be met. In such areas, refer to erosion control measures contained in Section 7.1 of the SDG&E Plan.

### Vegetation Restoration

*From here through p. 9 is same as on pp. 111 through 114 in SDG&E's Subregional NCCP*

The Habitat Restoration Specialist has a range of vegetation restoration techniques from which to choose:

#### *Hydroseeding*

Vegetation restoration will typically be done using a native seed mix obtained from a commercial seed provider and shall be applied by hydroseeding. For hydroseeding inside the preserve areas, seed will be obtained from the local gene-pool and similar composition to the reference site.

Vegetation restoration shall be conducted from mid-November through mid-January to take advantage of rainy season precipitation, and should not be artificially irrigated.

Seed mix specifications and application techniques shall be provided by the Habitat Restoration Specialist, who will be an acknowledged specialist in native habitat restoration or a plant ecologist with experience developing native restoration plans in Southern California. The Habitat Restoration Specialist will be responsible for restoration plans within the preserve.

If restoration lands contain areas used for temporary roads, staging areas, or other

intensive activities, the soil may become so compacted that revegetation is difficult. In cases such as this, disking and plowing the compacted soil will loosen it and improve the success of hydroseed revegetation. Disking may also foster weed growth and should only be used where an influx of weeds would not adversely affect adjacent native plant communities.

Consideration shall be given to supplemental planting of species of concern in areas where it is desirable to expand existing colonies. For example, supplemental planting may be highly desirable in areas containing chollas or prickly pear cactus. Supplemental planting and plant relocation should only be done in disturbed areas that are thought to be suitable. Habitat conversion and impacts to extant native vegetation should be avoided.

#### *Hand-Seeding*

Seed may be applied by hand and raked into the top inch of soil. This method is best suited for small areas and areas that are inaccessible to a hydroseed truck.

#### *Imprinting*

Imprinting is the mechanical formation of smooth-walled V-shaped furrows in the soil surface, application of seed and injection of beneficial mycorrhizal fungi into the soil surface. This method is best suited for areas that are accessible by bulldozer and where there is a potential problem with weeds.

#### *Soil and Plant Salvage*

Native vegetation from the area to be impacted should be removed, mulched and stockpiled separately. Top soil should also be removed and stockpiled separately. Following construction activities, the top soil should be replaced and covered with the mulch. The top soil and mulch both have native propagules and the mulch reduces the erosion potential. This method is well suited for temporary roads, staging areas, or other intensive activities.

#### *Quality Assurance*

Monitoring, involving visual inspection, shall be conducted on restoration sites after one year. A second application may be made. If, after one more year, restoration is deemed unsuccessful, the wildlife agencies, in cooperation with SDG&E, will determine whether the remaining loss shall be mitigated through a deduction from the SDG&E Mitigation Credits, or a third application would better achieve the intended purpose.

Coverage standards will be based on comparisons with established stands of the target vegetation, or another reference area. The means of determining success should be based on estimates of cover by native species and cover of exotic species. The cover of native species should increase and the cover of weed species should decrease, eventually approximating the

reference area. The reference areas should be a nearby stand of vegetation that the restoration is attempting to emulate. It should have a similar aspect, slope, and soil type.

Cover for the restoration and references areas should be estimated using repeatable cover classes. One tested system to be considered is provided on page 113 of the SDG&E Plan. Targets for the success criteria are as described on page 114 of the SDG&E Plan.

### **Habitat Reclamation**

Habitat reclamation techniques shall be implemented when re-seeding would be an ineffective habitat enhancement due to the presence of stronger and more prolific exotic vegetation in the proximity.

Habitat reclamation involves the elimination of existing exotic vegetation (weed abatement) to facilitate the natural re-colonization of a native habitat. An example of where habitat reclamation would be appropriate is in wetland areas containing tamarisk or giant reed.

In order to avoid net loss of wetland and riparian habitat, exotic species should be removed at a 2:1 ratio. Exotics should be removed from the site and disposed of off-site. Soil should be prepared for new native growth to occur. In areas larger than 500 square feet, reseedling will supplement the recovery of native vegetation

Reclamation shall be limited to initial removal and one-time removal of new growth within one year if necessary. In certain cases, such as with *Arundo* removal, it may be necessary to clear invasive vegetation a third time. Once weeds are controlled, if extensive reclamation is undertaken, supplemental planting may be necessary to keep weeds out.

The habitat reclamation shall be done under the direction of the Habitat Restoration Specialist who will determine the abatement technique to be used and the area in the vicinity of the project site on which abatement would be most effective in facilitating reclamation on the project site.

### **Procedure**

For temporary disturbances, SDG&E shall follow the procedure as depicted in the mitigation flow diagram (Page 115, Figure 24 of the SDG&E Plan).

### **FEE-OWNED RIGHTS-OF-WAY**

The fee-owned rights-of-way subject to this subsection are identified on Figure 25a and 25b, pages 118 and 119, respectively in the SDG&E Plan).

As a further mitigation measure, SDG&E will restrict the use and development of such

lands to those SDG&E activities covered by the SDG&E Plan and activities under license to other public utilities as specified in the IA. Subject to the terms and conditions of the Implementing Agreement, SDG&E shall effect such use and development restriction by granting a prohibitory easement in favor of USFWS and CDFG, or their designee, to be recorded in County Recorder's Office for the County in which such land is located.

To assist in the creation of these corridors, SDG&E agrees that it will not, and that it will not allow any other person, to use such rights-of-way for any purpose other than for SDG&E Activities conducted in accordance with this Agreement, the Permits and the Subregional Plan. SDG&E's agreement to limit its use of such rights-of-way shall remain effective for so long as the U.S. Fish and Wildlife Service ("Service") and CDFG continuously uses such rights-of-way in combination with other real property rights acquired by USFWS and CDFG in adjoining property, the use of which is subject to similar limited or restricted uses, to establish functional and effective corridors for Covered Species between separated Habitat and Preserve Areas, and, for so long as such corridors are properly functioning and necessary for the conservation of Covered Species. SDG&E's agreement to limit the use of such rights-of-way will be memorialized in a negative or open space easement in favor of USFWS and CDFG, or their designee, and recorded in the County Recorder's Office for the county in which such rights-of-way are located. However, in the event that any of such rights-of-way shall cease to be an essential element of a properly functioning, effective and necessary corridor, all easement rights conveyed by SDG&E affecting any such right-of-way shall terminate and revert back to SDG&E without limitation or reservation.

To the extent SDG&E rights-of-way extend over land in which it does not hold an undivided fee ownership interest, SDG&E agrees not to object to the conveyance, grant or dedication of such land by the fee owner to any relevant Habitat Conservation Planning Management entity for wildlife conservation purposes; provided, however, any such conveyance, grant or dedication shall be subject to the authorizations and Permitted Activities granted by USFWS and CDFG to SDG&E herein and to the rights of SDG&E to use such property for public utility purposes to the extent SDG&E held such rights, in law or in equity, at the time of such conveyance, grant or dedication.

#### MITIGATION CREDITS

On the effective date of the IA, and in accordance with the Funding Agreement, SDG&E will provide the USFWS and the CDFG with funds to enable the procurement of approximately 196 acres of high quality habitat land for the purposes of the SDG&E Plan. The provision of such funds will create a conservation bank in favor of SDG&E in which SDG&E will hold 196 acres of Mitigation Credits for impacts to covered species or their habitats which result from SDG&E Activities. Mitigation Credits associated with the SDG&E Subregional Plan will be drawn upon and deducted from available Mitigation Credits to mitigate for unavoidable impacts associated with SDG&E Activities. Habitat enhancement opportunities may be available and pursued prior to such deductions being taken from the SDG&E Mitigation Credits as discussed in Section 7.2.

The habitat associated with the SDG&E Mitigation Credits is of very high value. The location and configuration of the land will play a critical role in meeting region-wide conservation goals. As such, the Mitigation Credits serve as mitigation for both in-kind and out-of-kind covered species and habitat impacts, without regard to the type of habitat and the biological value of the habitat impacted, except with regard to wetlands falling within the jurisdiction of the Army Corps of Engineers pursuant to Section 10 of the Rivers and Harbors Act and Sections 403 and 404 of the Clean Water Act.

f all of the parties agree.

#### EFFECTIVE DATE

The term of this MA shall commence on the date that the IA is executed by the last of the parties thereto and shall terminate 55 years from that date. This period is subject to earlier termination pursuant to provisions of the IA.

#### DISCLAIMER

Upon timely satisfaction of the conditions of this MA, SDG&E will have adequately mitigated impacts to endangered species and achieved compliance with the California Endangered Species Act with regard to the project. Nonetheless, SDG&E must understand and recognize that this MA does not constitute or imply compliance with, or entitlement to proceed with the project, under laws and regulations beyond the authority and jurisdiction of the Department. SDG&E has independent responsibility for compliance with any and all applicable laws and regulations.

Following execution of the SDG&E Plan and issuance by the Department of this MA, SDG&E's decision whether or not to proceed with said project shall be voluntary, and subject to all other pertinent law and regulations. As such, SDG&E will hold the State of California and the Department of Fish and Game harmless, in any lien, suit, or claim of injury or damage which may result from any violation of any law, IA, SDG&E Plan, and this MA pertaining to any aspect of the project.

#### DEPARTMENT FINDINGS

#### SPECIES OF CONCERN

The Department has found and determined that the SDG&E Plan, as implemented by the IA and this MA, meet the requirements for an NCCP for purposes of the NCCP Act, and specifically for purposes of California Fish and Game Code Sections 2081 and 2835. In this regard, the Department has found and determined that if the terms conditions of this MA are complied with, the taking of the enumerated species, including the modification of their habitat, as contemplated by the SDG&E Plan, the IA, and this MA, will not result in jeopardy to their

continued existence and may, through the preservation, acquisition, and conveyance of the Conserved Habitat and the Offsite Conservation Lands, protect the species from further degradation. The SDG&E Plan and the IA, to the extent practicable, minimize and mitigate the impacts of the taking of the enumerated species (including, without limitation, the modification of their habitat). The Department has considered the Initial Study regarding the issuance of this MA and execution of the IA amending this MA allowing the Project and Plan activities to proceed as contemplated by SDG&E.

#### OTHER SPECIES

In the event that a species not enumerated in this MA is listed as endangered or threatened pursuant Fish and Game Code Section 2070, or is a candidate for such listing pursuant to Fish and Game Code Section 2074.2, the Department shall consider, and if appropriate, expeditiously act to negotiate and execute, an MOU with SDG&E providing for the management of the species in order that the Project and the Plan Activities may proceed in accordance with CESA.

In determining whether any further mitigation measures are required to amend this MA to include an additional species, the Department shall: (1) take into consideration that SDG&E has minimized and mitigated the impacts to the species enumerated in this MA within the Plan Area to the maximum extent practicable; and, (2) cooperate with SDG&E in good faith to minimize, consistent with CESA, any impediment to the Project's completion resulting from the listing of a species not enumerated in this MA.

CALIFORNIA DEPARTMENT  
OF FISH AND GAME

BY: A. P. [Signature]

TITLE: Deputy Director

DATED: 12-13-95