

**AMENDMENT TO SAN DIEGO GAS & ELECTRIC COMPANY
SUBREGIONAL NATURAL COMMUNITY CONSERVATION PLAN AND
CALIFORNIA ENDANGERED SPECIES ACT AND NATURAL COMMUNITIES
CONSERVATION PLANNING ACT MANAGEMENT AUTHORIZATION
REGARDING WILDFIRE SAFETY ACTIVITIES**

This amendment (Amendment), by and between San Diego Gas & Electric (SDG&E) and the California Department of Fish and Wildlife (CDFW) for the San Diego Gas & Electric Subregional Natural Community Conservation Plan and Habitat Conservation Plan (“NCCP” or the “Plan”) and solely by CDFW for the 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 (Management Authorization), is made with reference to the following Recitals.

Recitals

I. DEFINED TERMS

1. All initially capitalized terms used in this Amendment and not otherwise defined herein shall have the meaning set forth in the San Diego Gas & Electric Company Subregional Natural Community Conservation Plan Implementing Agreement/CESA Memorandum of Understanding (IA).

II. NCCP AND AMENDMENT BACKGROUND

2. The California Natural Community Conservation Planning Act (NCCPA) allows CDFW to authorize, by permit, the incidental take of any species, including but not limited to species listed as endangered, threatened, or candidate species under the California Endangered Species Act (CESA), where the conservation and management of the species is provided for in a natural community conservation plan approved by CDFW.¹ An approved Natural Community Conservation Plan identifies and provides for the regional or areawide protection and perpetuation of natural wildlife diversity, while allowing compatible and appropriate development and growth.

3. Under Section 10 of federal Endangered Species Act (ESA), USFWS may issue a permit authorizing the incidental take of federally listed endangered or threatened species during otherwise lawful activities if certain statutory requirements are met by the applicant and such take will not appreciably reduce the likelihood of the survival and recovery of the species in the wild. To obtain a federal incidental take permit, the applicant must submit a habitat conservation plan describing, among other things, the steps the applicant will take to minimize and mitigate to the maximum extent practicable the impact of such “taking.”

4. In the mid-1990s, SDG&E, in collaboration with USFWS and CDFW, prepared the San Diego Gas & Electric Subregional Natural Community Conservation Plan and Habitat Conservation Plan. The NCCP covers 2,245,800 acres of SDG&E’s service area and was designed to avoid, minimize, and mitigate impacts to 110 Covered Species and their habitats while allowing

¹ Fish & G. Code, § 2800 et seq.

SDG&E to install, maintain, operate, and repair its existing gas and electric system and undertake anticipated expansion of that system. The NCCP includes more than 60 operational protocols that SDG&E implements for its Activities, including pre-activity surveys, to avoid impacting Covered Species and their habitat. These protocols are primarily based upon impact avoidance and minimization, recognizing that adjustments in the planning and execution of operation and maintenance and new construction activities can greatly reduce impacts to Covered Species and their habitat.

5. In December 1995, USFWS and CDFW approved the NCCP. Concurrent with that approval, on December 18, 1995, USFWS, CDFW, and SDG&E entered into the IA, and CDFW approved the Management Authorization. The IA defines the parties' roles and responsibilities with respect to the NCCP and governs NCCP implementation. The Management Authorization provides SDG&E state authorization to incidentally take Covered Species provided SDG&E complies with the terms of the Management Authorization, the NCCP, and the IA, including implementation of all avoidance, minimization, and mitigation measures outlined in the NCCP. The Management Authorization's take authorization is limited to take associated with up to a total of 400 acres of habitat modification caused by Activities before requiring a Plan amendment.²

6. Activities in the NCCP include activities SDG&E undertakes on and around its existing infrastructure to reduce wildfire risk and enhance grid resilience. These activities, described in more detail in Attachment A to Exhibit 1, which is attached hereto and incorporated herein by reference, include the following activities designed to reduce wildfire risk:

- a. Overhead (grid) hardening;
- b. Strategic undergrounding;
- c. Covered conductor;
- d. Pole replacement and inspections;
- e. Vegetation management in High Fire Threat Districts;
- f. Pole brushing; and
- g. Wildfire fuels management.

These activities are collectively referred to herein as "Wildfire Safety Activities." The Wildfire Safety Activities are NCCP Activities pursuant to the following NCCP sections:

- a. 2.1.1.5—Equipment Repair and Replacement;
- b. 2.1.1.8—Tree Trimming;
- c. 2.1.2—Underground Facilities;

² NCCP at 16.

- d. 2.1.3.8—Other Ground Disturbance, Fire Control Areas;
- e. 2.1.3.9—Vegetation Control; and
- f. 2.1.4.3—Substations and Regulator Stations, Fire Control Areas.

7. SDG&E has performed its work in accordance with the NCCP since 1995.

8. SDG&E's Wildfire Safety Activities, and associated habitat impacts, have increased in scope and frequency since 2007 in response to the increased risk and occurrence of wildfires in California. As further described in Exhibit 1, Attachment A, fifteen of the twenty largest wildfires in California recorded history have occurred since 2000 fire risk is anticipated to remain high due to climate change and recent drought in California.³ SDG&E's service area is predominantly in Tier 2 and Tier 3 High Fire Threat Districts, California Public Utility District designations for areas where there is an elevated or extreme risk for destructive utility-associated wildfires. SDG&E has responded to this risk by increasing activities to reduce the risk of catastrophic wildfires caused by SDG&E electric infrastructure, including hardening its system to make it more fire safe.

9. SDG&E's increased Wildfire Safety Activities have resulted in greater habitat impacts from Activities than was anticipated when the NCCP was enacted in 1995. Continuing these activities in the coming months and years will result in SDG&E impacting more habitat than was originally authorized in the Management Authorization in 1995.

10. SDG&E, USFWS, and CDFW have been working diligently and cooperatively to develop a long-term amendment to allow SDG&E Activities, including Wildfire Safety Activities, to continue under the NCCP for the next 30 years. This long-term amendment will increase the amount of habitat SDG&E is permitted to impact under the NCCP. It will also continue and improve upon the avoidance, minimization, and mitigation measures SDG&E is required to implement for its Activities, resulting in improved conservation for Covered Species.

11. Due to ongoing discussions and environmental review under the California Environmental Quality Act, the long-term amendment, if approved, will not be issued before the 2021, and likely 2022, fire season.

12. As shown in Exhibit 1, Attachment A, SDG&E estimates that fewer than 10 acres of habitat impacts remain from the original 400 acres authorized under the Management Authorization. SDG&E anticipates this acreage likely will not suffice to account for potential impacts from Wildfire Safety Activities through the current and upcoming fire seasons.

13. SDG&E seeks to adopt this short-term Amendment to the NCCP, and requests an accompanying Management Authorization amendment, to authorize a small number of additional acres of habitat impacts associated solely with Wildfire Safety Activities. This Amendment will allow SDG&E to continue Wildfire Safety Activities while SDG&E and CDFW work on the long-term amendment described in Recital 10. This Amendment is limited to impacts from Wildfire

³ <https://wildlife.ca.gov/Science-Institute/Wildfire-Impacts> (last visited May 28, 2021).

Safety Activities and requires SDG&E conduct such activities in accordance with current NCCP avoidance, minimization, and mitigation requirements.

14. As further described in Exhibit 1, Attachment A, SDG&E represents that it does not anticipate “take” of CESA-listed species individuals from Wildfire Safety Activities carried out under this Amendment. SDG&E is seeking this Amendment and associated take coverage under the NCCP both for regulatory certainty as well as to continue operating under the NCCP Act and the conservation benefits that flow therefrom.

15. SDG&E and CDFW agree it is critical that SDG&E continue its Wildfire Safety Activities in this and upcoming years in light of California’s historic 2021 fire season and ongoing drought, which are described in more detail in Exhibit 1, Attachment A. This Amendment provides SDG&E the authorization necessary to continue those activities in the near term, and subject to the NCCP’s avoidance, minimization, and mitigation measures, while SDG&E and CDFW work on the long-term amendment.

NOW THEREFORE, the parties agree to the following NCCP amendment:

Terms and Conditions

A. The following portions of the NCCP are amended as follows:

1. The first sentence of the second paragraph on page iv is amended to read: “Since the future cannot be accurately predicted, the Plan allows for up to 400 acres of impacts in natural areas, **and an additional 20 acres of impacts exclusively associated with Wildfire Safety Activities**⁴ before requiring a Plan amendment. “Wildfire Safety Activities” include the following activities designed to reduce wildfire risk:
 - a. Overhead (grid) hardening;
 - b. Strategic undergrounding;
 - c. Covered conductor;
 - d. Pole replacement and inspections;
 - e. Vegetation management in High Fire Threat Districts;
 - f. Pole brushing; and
 - g. Wildfire fuels management.

These activities are NCCP Activities pursuant to the following NCCP sections:

- a. 2.1.1.5—Equipment Repair and Replacement;

⁴Amended language in bold

- b. 2.1.1.8—Tree Trimming;
- c. 2.1.2—Underground Facilities;
- d. 2.1.3.8—Other Ground Disturbance, Fire Control Areas;
- e. 2.1.3.9—Vegetation Control;
- f. 2.1.4.3—Substations and Regulator Stations, Fire Control Areas.”

2. The first sentence of the fourth paragraph on page 16 is amended to read: “Since the future cannot be accurately predicted, the Plan allows for up to 400 acres of impacts in natural areas, **and an additional 20 acres of impacts exclusively associated with Wildfire Safety Activities**⁵ before requiring a Plan amendment.”

B. All other terms and conditions of the NCCP shall remain in full force and effect.

C. This Amendment to the NCCP is effective on the date of its execution by the CDFW and SDG&E.

D. Modifications to this amendment to the NCCP must be in writing and signed by both parties.

IN WITNESS THEREOF, the Parties have executed this Amendment on the dates set forth below.

SAN DIEGO GAS & ELECTRIC

Date: _____

By: _____

Its: Director of Environmental Services and Sustainability

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

Date: _____

By: _____

Its: Deputy Director, Ecosystem Conservation Division

⁵ Amended language in bold

NOW THEREFORE, CDFW amends the Management Authorization as follows:

Terms and Conditions

The following portions of the Management Authorization are amended as follows:

- a. The first sentence of the second paragraph on page 1 is amended to read: “The Plan will modify up to 400 acres **and 20 additional acres during Wildfire Safety Activities, as defined in the SDG&E Plan**, portions of which are known or potential habitat for one-hundred and ten (110) species of concern.”
 - b. The first full sentence on page 6 is amended to read: “The SDG&E Plan will result in a combined permanent loss of 400 acres **and 20 additional acres during Wildfire Safety Activities** over a 55-year period.”
 - c. The sixth full sentence on page 6 is amended to read: “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, **and 20 additional acres during Wildfire Safety Activities**⁶.”
- B. All other terms and conditions of the Management Authorization shall remain in full force and effect.
- C. This Amendment to the Management Authorization is effective on the date of its execution by CDFW.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

Date: _____

By: _____

Its: Deputy Director, Ecosystem Conservation Division

⁶ Amended language in bold