



United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE

Ecological Services
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, California 92008



In Reply Refer to:
FWS-SD-22-0012972_HCP_TA

July 20, 2022
Sent Electronically

La Jolla Band of Luiseño Indians

Norma Contreras
Chairwoman
22000 Highway 76
Pauma Valley, California 92061

Subject: Government to Government Consultation on the Amendment to the San Diego Gas and Electric Company Subregional Natural Community Conservation Plan/Habitat Conservation Plan, California

Dear Chairwoman Contreras:

This letter summarizes the government to government consultation between the U.S. Fish and Wildlife Service's Carlsbad Fish and Wildlife Office (Carlsbad Office) and the La Jolla Band of Luiseño Indians (Tribe), to address the Tribe's concerns about impacts to federally threatened and endangered species and especially to bald and golden eagles under the San Diego Gas and Electric's (SDGE) proposed amendment to its Subregional Natural Community Conservation Plan/Habitat Conservation Plan (HCP amendment). The HCP amendment is part of SDGE's application for an Incidental Take Permit (ITP) pursuant to Section 10(a)(1)(B) of the Federal Endangered Species Act (Act) of 1973, that would expire in 2050.

The Carlsbad Office initiated contact with the Tribe in a letter dated March 24, 2020 (Enclosure 1), to inform the Tribe of SDGE's HCP amendment. We then transmitted a letter to you electronically on July 28, 2021 (Enclosure 2), indicating the Service will be evaluating the effects of issuing an ITP for the HCP amendment and will include coverage for bald and golden eagles.

In response to our July 2021 letter, we received an email from Rob Roy, La Jolla Environmental Protection Director on August 12, 2021, outlining your Tribe's concerns and questions about impacts to federally threatened and endangered species and especially to bald and golden eagles from the HCP Amendment; and requesting the initiation of formal government to government consultation with the Carlsbad Office.

We provided answers to your questions in an August 31, 2021, letter transmitted electronically to you (Enclosure 3). Following transmission of that letter, representatives from the Tribe and the Carlsbad Office met virtually on November 18, 2021, to discuss your questions and concerns. At the meeting, you requested a process for reporting eagle mortalities related to SDGE's activities and facilities and, if possible, making eagle remains available to local Tribes.

In response to your request and concerns, the Service developed an eagle remains reporting and retention process that will be included in the HCP amendment (Enclosure 4). This is a new process and subject to change if needed. It addresses remains found on Tribal trust land within the SDGE service area for Tribes that hold the appropriate permit. Please note, information about the Tribal permit application can be found at the [Native American Tribal Eagle Retention permit](#) website.

We believe the eagle remains reporting and retention process addresses the concerns of the Tribe and will conclude our government to government consultation on the HCP amendment. Please confirm our responses have adequately addressed your concerns. We appreciate your Tribe's interest and concern for wildlife, including bald and golden eagles. We will notify you when the HCP amendment is released for public review and comment.

For any questions, please contact [Patrick Gower](#)¹ or [Thomas Dietsch](#)² at 760-431-9440.

Sincerely,

Scott A. Sobiech
Field Supervisor

Enclosures

cc:

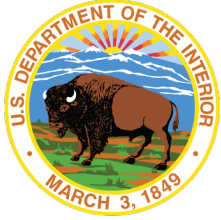
Tribal Council, La Jolla Band of Luiseño Indians

Rob Roy, Environmental Coordinator, La Jolla Band of Luiseño Indians

¹ patrick_gower@fws.gov

² thomas_dietsch@fws.gov

ENCLOSURE 1



United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE

Ecological Services
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, California 92008



In Reply Refer To:
FWS-SDG-20B0122-20CPA0111

March 24, 2020

La Jolla Band of Luiseño Indians
Fred Nelson Jr.
Chairman
22000 Highway 76
Pauma Valley, California 92061

Subject: Amendment to the San Diego Gas & Electric Company Subregional Natural
Community Conservation Plan/ Habitat Conservation Plan, California

Dear Chairman Nelson:

The U.S. Fish and Wildlife Service (Service) would like to coordinate with you on the preparation and review of an amendment to the San Diego Gas & Electric Company (SDG&E) Subregional Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP amendment), and the associated environmental assessment (EA) being prepared pursuant to the National Environmental Policy Act (NEPA). The NCCP/HCP amendment is being prepared in coordination with the California Department of Fish and Wildlife, and will encompass approximately 2,245,780 acres in SDG&E's (Applicant) service territory that includes portions of western San Diego, and southern Orange and Riverside, Counties, California. (Figure 1).

In 1995, the Service issued an Incidental Take Permit (ITP) that expires in 2050 for the NCCP/HCP to the Applicant, pursuant to Section 10(a)(1)(B) of the Federal Endangered Species Act (ESA) of 1973. The NCCP/HCP amendment is part of an application for an amendment to the ITP and the EA is being prepared to evaluate the effects of issuing an amended ITP to the Applicant. The NCCP/HCP amendment provides the basis for the issuance of a proposed amended ITP for certain activities proposed in the NCCP/HCP (Covered Activities) that could take up to 105 federally-listed and non-listed species (Covered Species; Appendix). The existing ITP originally provided take authorization for 110 federally listed and non-listed species, and provided a habitat impact cap of up to 400 acres. The amendment is proposed to reduce the number of Covered Species to 105 and allow for the take of up to 400 acres of additional habitat over the next 30 years.

This invitation is extended pursuant to Secretarial Order 3206 to harmonize actions taken under the ESA with Tribes. Further, actions taken under the authority of the ESA that affect, or may affect, Indian lands, tribal trust resources, or the exercise of American Indian tribal rights, require consultation with potentially affected tribes in furtherance of government-to-government relationships.

The proposed action in the EA will be the issuance of an amended ITP for the Applicant's Covered Activities, which include operations and maintenance activities, and minor new construction. The Covered Activities would be substantially similar to activities currently carried out by SDG&E under its NCCP/HCP. The amended ITP would also cover the conservation actions associated with implementation of the proposed NCCP/HCP amendment. The NCCP/HCP amendment is expected to be available for your review in the Federal Register in the summer of 2020.

We are available to meet with you at your convenience to further discuss the details of the NCCP/HCP amendment and EA. For any questions or meeting requests, please contact Patrick Gower at (760) 431-9440.

Sincerely,

for Scott A. Sobiech
Field Supervisor



Figure 1. San Diego Gas and Electric NCCP/HCP amendment area.

APPENDIX

Table A1. San Diego Gas and Electric Proposed Covered Species List.

Covered Species Name & Status
Plants
<i>Acanthomintha ilicifolia</i> (San Diego thornmint) FT / CE / List 1B.1
<i>Acmispon prostrata</i> (Nuttali's lotus) Regionally sensitive species / List 1B.1
<i>Agave-shawii</i> (Shaw's agave) Regionally sensitive species / List 2B.1
<i>Ambrosia pumila</i> (San Diego ambrosia) Regionally sensitive species FE //List 1B.1
<i>Aphanisma blitoides</i> (Aphanisma) Regionally sensitive species / List 1B.2
<i>Arctostaphylos glandulosa</i> var. <i>crassifolia</i> (Del Mar manzanita) FE / List 1B.1
<i>Arctostaphylos otayensis</i> (Otay manzanita) Regionally sensitive species / List 1B.2
<i>Baccharis vanessae</i> (Encinitas baccharis) FT / CE / List 1B.1
<i>Bloomeria clevelandii</i> (San Diego golden star) Regionally sensitive species / List 1B.1
<i>Brodiaea filifolia</i> (Thread-leaved brodiaea) FT / CE / List 1B.1
<i>Brodiaea orcuttii</i> (Orcutt's brodiaea) Regionally sensitive species / List 1B.1
<i>Calochortus dunnii</i> (Dunn's mariposa lily) CR / List 1B.2
<i>Caulanthus simulans</i> (Payson's jewelflower) Regionally sensitive species / List 4.2
<i>Ceanothus cyaneus</i> (Lakeside ceanothus) Regionally sensitive species / List 1B.2
<i>Ceanothus verrucosus</i> (Wart-stemmed ceanothus) Regionally sensitive species / List 2B.2
<i>Chloropyron maritimum</i> spp. <i>maritimum</i> (Salt marsh bird's-beak) FE / CE / List 1B.2
<i>Chorizanthe orcuttiana</i> (Orcutt's spineflower) FE / CE / List 1B.1
<i>Chorizanthe staticoides</i> ssp. <i>chrysacantha</i> (Orange County Turkish rugging)
<i>Clinopodium chandleri</i> (San Miguel savory) Regionally sensitive species / List 1B.2
<i>Corethrogyne filaginifolia</i> var. <i>linifolia</i> (Del Mar Mesa sand aster) List 1B.1
<i>Cylindropuntia californica</i> var. <i>californica</i> (Snake cholla) Regionally sensitive species / List 1 B.1
<i>Deinandra conjugens</i> (Otay tarplant) FT / CE / List 1B.1
<i>Dicranostegia orcuttianus</i> (Orcutt's bird's-beak) Regionally sensitive species / List 2B.1
<i>Dudleya brevifolia</i> (Short-leaved dudleya(Dudleya brevifolia) CE / List 1B.1) CE / List 1B.1
<i>Dudleya multicaulis</i> (Many-stemmed dudleya) Regionally sensitive species / List 1B.2
<i>Dudleya variegata</i> (Variegated dudleya) Regionally sensitive species / List 1B.2
<i>Dudleya viscida</i> (Sticky dudleya) List 1B.2
<i>Ericameria palmeri</i> ssp. <i>palmeri</i> (Palmer's ericameria) Regionally sensitive species / List 1B.1
<i>Eryngium aristulatum</i> var. <i>parishii</i> (San Diego button-celery) FE / CE / List 1B.1
<i>Erysimum ammophilum</i> (Coast wallflower) Regionally sensitive species / List 1B.2

Covered Species Name & Status
Plants
<i>Ferocactus viridescens</i> (San Diego barrel cactus) Regionally sensitive species / List 2B.1
<i>Harpagonella palmeri</i> (Palmer's grapplinghook) Regionally sensitive species / List 4.2
<i>Hesperocyparis forbesii</i> (Tecate cypress) Regionally sensitive species / List 1B.1
<i>Lepechinia cardiophylla</i> (Heart-leaved pitcher sage) Regionally sensitive species / List 1B.2
<i>Lepechinia ganderi</i> (Gander's pitcher sage) Regionally sensitive species/ List 1B.3
<i>Monardella hypoleuca ssp. Lanata</i> (Felt-leaved monardella) Regionally sensitive species / List 1B.2
<i>Monardella viminea</i> (Willowy monardella) FE / CE / List 1B.1
<i>Myosurus minimus ssp. Apus</i> (Little mousetail) Regionally sensitive species / List 3.1
<i>Navarretia fossalis</i> (Prostrate navarretia) FT / List 1B.1
<i>Nolina interrata</i> (Dehesa beargrass) CE / List 1B.1
<i>Orcuttia californica</i> (California Orcutt grass) FE / CE / List 1B.1
<i>Packera ganderi</i> (Gander's butterweed) CR / List 1B.2
<i>Pinus torreyana</i> (Torrey pine) Regionally sensitive species / List 1B.2
<i>Pogogyne abramsii</i> (San Diego mesa mint) FE / CE / List 1B.1
<i>Pogogyne nudiuscula</i> (Otay mesa mint) FE / CE / List 1B
<i>Rosa minutifolia</i> (Small-leaved rose) CE / List 2B.1
<i>Solanum tenuilobatum</i> (Narrow-leaved nightshade)
<i>Tetracoccus dioicus</i> (Parry's tetracoccus) Regionally sensitive species List 1B.2
Wildlife
<i>Accipiter cooperii</i> (Cooper's hawk) WL
<i>Agelaius tricolor</i> (Tricolored blackbird) SSC / CESA Candidate Endangered
<i>Aimophila ruficeps canescens</i> (Southern California rufous-crowned sparrow) WL
<i>Ammodramus savannarum</i> (Grasshopper sparrow) SSC
<i>Aquila chrysaetos</i> (Golden eagle) BEPA / WL
<i>Branchinecta sandiegoensis</i> (San Diego fairy shrimp) FE
<i>Branta canadensis</i> (Canada goose) Regionally sensitive species
<i>Bufo microscaphus californicus</i> (Arroyo southwestern toad) FE/SSC
<i>Buteo regalis</i> (Ferruginous hawk) WL
<i>Buteo swainsoni</i> (Swainson's hawk) CT
<i>Campylorhynchus brunneicapillus sandiegensis</i> (Coastal cactus wren) SSC
<i>Chaetodipus californicus femoralis</i> (Dulzura pocket mouse) SSC

Covered Species Name & Status
Wildlife
<i>Chaetodipus fallax fallax</i> (Northwestern San Diego pocket - mouse) SSC
<i>Chaetodipus fallax pallidus</i> (Pallid San Diego pocket mouse) SSC
<i>Charadrius alexandrinus nivosus</i> (coastal Western snowy plover) FT / SSC
<i>Charadrius montanus</i> (Mountain plover) SSC
<i>Circus cyaneus</i> (Northern harrier) SSC
<i>Emys marmorata pallida</i> (Southwestern pond turtle) SSC
<i>Aspidoscelis hyperythra</i> (Orangethroat whiptail) WL
<i>Coleonyx variegatus abboti</i> (San Diego banded gecko) Regionally sensitive species. SSC
<i>Crotalus ruber ruber</i> (Red diamond rattlesnake) SSC
<i>Diadophis punctatus similis</i> (San Diego ringneck snake) Regionally sensitive species
<i>Dipodomys stephensi</i> (Stephens' kangaroo rat) FE/CT
<i>Egretta rufescens</i> (Reddish egret) Regionally sensitive species
<i>Empidonax traillii extimus</i> (Southwestern willow flycatcher) FE / CE
<i>Plestiodon skiltonianus interparietallis</i> (Coronado skink) WL
<i>Falco peregrinus anatum</i> (American peregrine falcon) Delisted / FP
<i>Felis concolor</i> (Mountain lion) Regionally sensitive species. California Wildlife Protection Act.
<i>Haliaeetus leucocephalus</i> (Bald eagle) Delisted / CE / FP (BEPA)
<i>Lepus californicus bennettii</i> (San Diego black-tailed jackrabbit) SSC
<i>Lichanura trivirgata roseofusca</i> (Coastal rosy boa) Regionally sensitive species
<i>Mitoura thornei</i> (Thorne's hairstreak butterfly) Regionally sensitive species
<i>Neotoma lepida intermedia</i> (San Diego desert woodrat) SSC
<i>Numenius americanus</i> (Long-billed curlew) WL
<i>Odocoileus hemionus fuliginata</i> (Southern mule deer) Regionally sensitive species
<i>Onychomys torridus ramona</i> (Southern grasshopper mouse) SSC
<i>Panoquina errans</i> (Salt marsh skipper) Regionally sensitive species
<i>Passerculus sandwichensis beldingi</i> (Belding's savannah sparrow) CE
<i>Passerculus sandwichensis rostratus</i> (Large-billed savannah sparrow) SSC
<i>Pelecanus occidentalis californicus</i> (California brown pelican) Delisted / FP
<i>Perognathus longimembris brevinasus</i> (Los Angeles little pocket mouse) SSC
<i>Perognathus longimembris internationalis</i> (Jacumba little pocket mouse) SSC
<i>Perognathus longimembris pacificus</i> (Pacific pocket mouse) FE/SSC

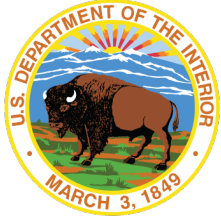
Covered Species Name & Status
Wildlife
<i>Phrynosoma (coronatum) blainvillei</i> (San Diego horned lizard) SSC
<i>Plegadis chihi</i> (White-faced ibis) WL
<i>Polioptila californica californica</i> (Coastal California gnatcatcher) FT/SSC
<i>Rallus longirostris levipes</i> (Light-footed Ridgeway's rail) FE/CE/FP
<i>Salvadora hexalepis virgultea</i> (Coast patch-nosed snake) SSC
<i>Spea hammondi</i> (Western spadefoot toad) SSC
<i>Sialia mexicana</i> (Western bluebird) Regionally sensitive species
<i>Speotyto cunicularia hypogea</i> (Western burrowing owl) SSC
<i>Sterna antillarum browni</i> (California least tern) FE/CE/FP
<i>Sterna elegans</i> (Elegant tern) WL
<i>Streptocephalus woottoni</i> (Riverside fairy shrimp) FE
<i>Taxidea taxus</i> (American badger) SSC
<i>Thamnophis hammondi</i> (Two-striped garter snake) Regionally sensitive species - SSC
<i>Vireo bellii pusillus</i> (Least Bell's vireo) FE/CE

Federal Listing Status:	State of California Department of Fish and Wildlife listing status:
FE = federally listed endangered	CE = California endangered
FT = federally listed threatened	CT = California threatened
FP = federally proposed endangered	FP= Fully Protected
	CR = California rare
	SSC = Species of special concern
	BEPA: Bald and Golden Eagle Protection Act
	WL: Watch List

CNPS Rare Plant Rank
List 1 B = Rare and endangered in California and elsewhere
List 2 = Rare and endangered in California but more common elsewhere
List 3 = More information needed
List 4 = Limited distribution (a watch list)

CNPS Threat Ranks
<ul style="list-style-type: none"> 0.1-Seriously threatened in California (over 80% of occurrences threatened / high degree of threat) 0.2-Moderately threatened in California (20-80% occurrences threatened / moderate degree of threat) 0.3-Not very threatened in California (less than 20% of occurrences threatened / low degree of threat or no current threats known)

ENCLOSURE 2



United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE

Ecological Services
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, California 92008



In Reply Refer To:
FWS-SDG-20B0122-20CPA0111

July 28, 2021
Sent Electronically

La Jolla Band of Luiseño Indians
Norma Contreras
Chairwoman
22000 Highway 76
Pauma Valley, California 92061

Subject: Amendment to the San Diego Gas and Electric Company Subregional Natural Community Conservation Plan/Habitat Conservation Plan, California

Dear Chairwoman Contreras:

The U.S. Fish and Wildlife Service (Service) would like to coordinate with you on the preparation and review of an amendment to the San Diego Gas and Electric Company (SDG&E) Subregional Natural Community Conservation Plan/Habitat Conservation Plan (HCP amendment), and the associated environmental assessment (EA) being prepared pursuant to the National Environmental Policy Act (NEPA). The HCP amendment is being prepared in coordination with the California Department of Fish and Wildlife (CDFW), and will encompass approximately 2,878,161 acres in SDG&E's (Applicant) service territory that includes portions of western San Diego, and southern Orange and Riverside, Counties, California. (Figure 1).

In 1995, the Service issued an Incidental Take Permit (ITP) that expires in 2050 for the HCP to the Applicant, pursuant to Section 10(a)(1)(B) of the Federal Endangered Species Act (Act) of 1973. The HCP amendment is part of an application for an amendment to the ITP and the EA is being prepared to evaluate the effects of issuing an amended ITP to the Applicant. The HCP amendment provides the basis for the issuance of a proposed amended ITP for certain activities proposed in the HCP (Covered Activities) that could take up to 40 federally-listed and non-listed species (Covered Species; Appendix). The existing ITP originally provided take authorization for 110 federally listed and non-listed species, including bald and golden eagles, and provided a habitat impact cap of up to 400 acres. The amendment is proposed to reduce the number of Covered Species to 40 and allow for the take of up to 400 acres of additional habitat over the next 30 years.

Bald and golden eagles will be covered species under the HCP amendment. Since eagles are an integral part of tribal religious and ceremonial practices, the Service must consider whether its permitting actions might adversely affect traditional tribal activities, practices, or beliefs. As part of our responsibilities, the Service extends the opportunity for your Tribe to consult with us on a government to government basis regarding this action. The Service is particularly interested in

the perspectives of Tribal governments and Tribal members with regard to management of bald and golden eagles.

This invitation is extended pursuant to Presidential Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, issued November 6, 2000, Department of Interior Secretarial Orders 3317, Tribal Consultation Policy, 3335 Reaffirmation of Federal Trust Responsibility and 3206 American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Act Actions taken under the authority of the Act that affect, or may affect, Indian lands, tribal trust resources, or the exercise of American Indian tribal rights, require consultation with potentially affected tribes in furtherance of government-to-government relationships.

SDG&E prepared an Eagle Conservation Plan, which is designed to avoid, minimize and mitigate adverse effects to eagles. The Eagle Conservation Plan includes adaptive management practices that are intended to reduce the risk of injury or fatality to eagles. Compensatory mitigation is proposed to compensate for the predicted loss of eagles. The Service is currently reviewing the Eagle Conservation Plan and is considering the effects of the requested HCP amendment.

The proposed action in the EA will be the issuance of an amended ITP for the Applicant's Covered Activities, which include operations and maintenance activities, and minor new construction. The Covered Activities would be substantially similar to activities currently carried out by SDG&E under its current HCP. The amended ITP would also cover the conservation actions associated with implementation of the proposed HCP amendment. The HCP amendment is expected to be available for your review in the Federal Register in the summer/fall of 2021.

We are available to meet with you at your convenience to further discuss the details of the HCP amendment and EA. For any questions or meeting requests, please contact [Patrick Gower](#)¹ at 760-431-9440, extension 352.

Sincerely,

Scott A. Sobiech
Field Supervisor

¹ patrick_gower@fws.gov

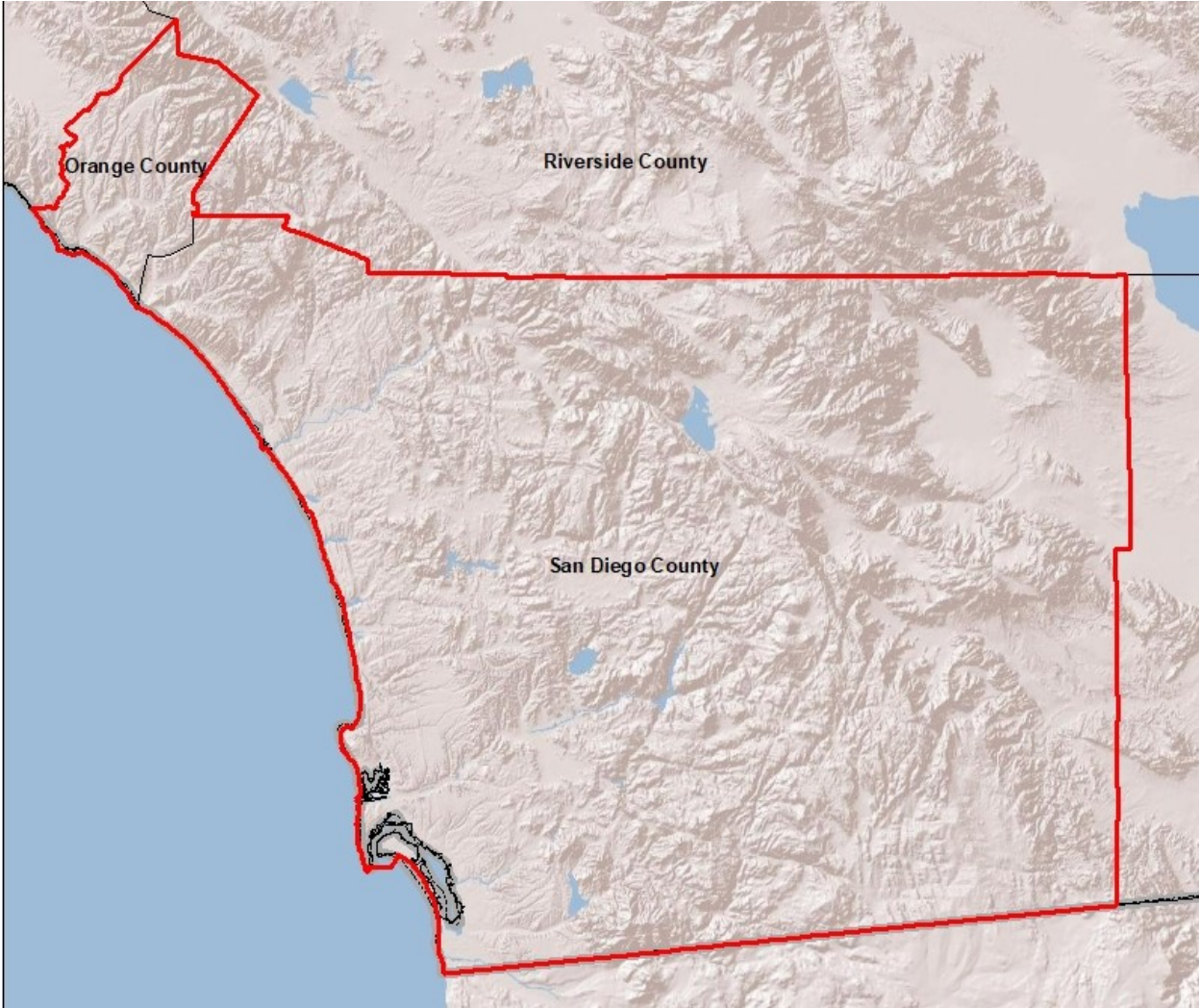


Figure 1. San Diego Gas and Electric HCP amendment area.

APPENDIX

Table A1. San Diego Gas and Electric Proposed Covered Species List.

Covered Species Name & Status
Plants
<i>Acanthomintha ilicifolia</i> (San Diego thornmint) FT / CE / List 1B.1
<i>Acmispon prostrata</i> (Nuttall's lotus) Regionally sensitive species / List 1B.1
<i>Agave-shawii</i> (Shaw's agave) Regionally sensitive species / List 2B.1
<i>Ambrosia pumila</i> (San Diego ambrosia) Regionally sensitive species FE //List 1B.1
<i>Aphanisma blitoides</i> (Aphanisma) Regionally sensitive species / List 1B.2
<i>Arctostaphylos glandulosa var. crassifolia</i> (Del Mar manzanita) FE / List 1B.1
<i>Arctostaphylos otayensis</i> (Otay manzanita) Regionally sensitive species / List 1B.2
<i>Baccharis vanessae</i> (Encinitas baccharis) FT / CE / List 1B.1
<i>Bloomeria clevelandii</i> (San Diego golden star) Regionally sensitive species / List 1B.1
<i>Brodiaea filifolia</i> (Thread-leaved brodiaea) FT / CE / List 1B.1
<i>Brodiaea orcuttii</i> (Orcutt's brodiaea) Regionally sensitive species / List 1B.1
<i>Calochortus dunnii</i> (Dunn's mariposa lily) CR / List 1B.2
<i>Caulanthus simulans</i> (Payson's jewelflower) Regionally sensitive species / List 4.2
<i>Ceanothus cyaneus</i> (Lakeside ceanothus) Regionally sensitive species / List 1B.2
<i>Ceanothus verrucosus</i> (Wart-stemmed ceanothus) Regionally sensitive species / List 2B.2
<i>Chloropyron maritimum spp. maritimum</i> (Salt marsh bird's-beak) FE / CE / List 1B.2
<i>Chorizanthe orcuttiana</i> (Orcutt's spineflower) FE / CE / List 1B.1
<i>Chorizanthe staticoides ssp. chrysacantha</i> (Orange County Turkish rugging)
<i>Clinopodium chandleri</i> (San Miguel savory) Regionally sensitive species / List 1B.2
<i>Corethrogyne filaginifolia var. linifolia</i> (Del Mar Mesa sand aster) List 1B.1
<i>Cylindropuntia californica var. californica</i> (Snake cholla) Regionally sensitive species / List 1 B.1
<i>Deinandra conjugens</i> (Otay tarplant) FT / CE / List 1B.1
<i>Dicranostegia orcuttianus</i> (Orcutt's bird's-beak) Regionally sensitive species / List 2B.1
<i>Dudleya brevifolia</i> (Short-leaved dudleya(Dudleya brevifolia) CE / List 1B.1) CE / List 1B.1
<i>Dudleya multicaulis</i> (Many-stemmed dudleya) Regionally sensitive species / List 1B.2
<i>Dudleya variegata</i> (Variegated dudleya) Regionally sensitive species / List 1B.2
<i>Dudleya viscida</i> (Sticky dudleya) List 1B.2
<i>Ericameria palmeri ssp. palmeri</i> (Palmer's ericameria) Regionally sensitive species / List 1B.1
<i>Eryngium aristulatum var. parishii</i> (San Diego button-celery) FE / CE / List 1B.1
<i>Erysimum ammophilum</i> (Coast wallflower) Regionally sensitive species / List 1B.2

Covered Species Name & Status
Plants
<i>Ferocactus viridescens</i> (San Diego barrel cactus) Regionally sensitive species / List 2B.1
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<i>Hesperocyparis forbesii</i> (Tecate cypress) Regionally sensitive species / List 1B.1
<i>Lepechinia cardiophylla</i> (Heart-leaved pitcher sage) Regionally sensitive species / List 1B.2
<i>Lepechinia ganderi</i> (Gander's pitcher sage) Regionally sensitive species/ List 1B.3
<i>Monardella hypoleuca ssp. Lanata</i> (Felt-leaved monardella) Regionally sensitive species / List 1B.2
<i>Monardella viminea</i> (Willowy monardella) FE / CE / List 1B.1
<i>Myosurus minimus ssp. Apus</i> (Little mousetail) Regionally sensitive species / List 3.1
<i>Navarretia fossalis</i> (Prostrate navarretia) FT / List 1B.1
<i>Nolina interrata</i> (Dehesa beargrass) CE / List 1B.1
<i>Orcuttia californica</i> (California Orcutt grass) FE / CE / List 1B.1
<i>Packera ganderi</i> (Gander's butterweed) CR / List 1B.2
<i>Pinus torreyana</i> (Torrey pine) Regionally sensitive species / List 1B.2
<i>Pogogyne abramsii</i> (San Diego mesa mint) FE / CE / List 1B.1
<i>Pogogyne nudiuscula</i> (Otay mesa mint) FE / CE / List 1B
<i>Rosa minutifolia</i> (Small-leaved rose) CE / List 2B.1
<i>Solanum tenuilobatum</i> (Narrow-leaved nightshade)
<i>Tetracoccus dioicus</i> (Parry's tetracoccus) Regionally sensitive species List 1B.2
Wildlife
<i>Accipiter cooperii</i> (Cooper's hawk) WL
<i>Agelaius tricolor</i> (Tricolored blackbird) SSC / CESA Candidate Endangered
<i>Aimophila ruficeps canescens</i> (Southern California rufous-crowned sparrow) WL
<i>Ammodramus savannarum</i> (Grasshopper sparrow) SSC
<i>Aquila chrysaetos</i> (Golden eagle) BEPA / WL
<i>Branchinecta sandiegoensis</i> (San Diego fairy shrimp) FE
<i>Branta canadensis</i> (Canada goose) Regionally sensitive species
<i>Bufo microscaphus californicus</i> (Arroyo southwestern toad) FE/SSC
<i>Buteo regalis</i> (Ferruginous hawk) WL
<i>Buteo swainsoni</i> (Swainson's hawk) CT
<i>Campylorhynchus brunneicapillus sandiegensis</i> (Coastal cactus wren) SSC
<i>Chaetodipus californicus femoralis</i> (Dulzura pocket mouse) SSC

Covered Species Name & Status
Wildlife
<i>Chaetodipus fallax fallax</i> (Northwestern San Diego pocket - mouse) SSC
<i>Chaetodipus fallax pallidus</i> (Pallid San Diego pocket mouse) SSC
<i>Charadrius alexandrinus nivosus</i> (coastal Western snowy plover) FT / SSC
<i>Charadrius montanus</i> (Mountain plover) SSC
<i>Circus cyaneus</i> (Northern harrier) SSC
<i>Emys marmorata pallida</i> (Southwestern pond turtle) SSC
<i>Aspidoscelis hyperythra</i> (Orangethroat whiptail) WL
<i>Coleonyx variegatus abboti</i> (San Diego banded gecko) Regionally sensitive species. SSC
<i>Crotalus ruber ruber</i> (Red diamond rattlesnake) SSC
<i>Diadophis punctatus similis</i> (San Diego ringneck snake) Regionally sensitive species
<i>Dipodomys stephensi</i> (Stephens' kangaroo rat) FE/CT
<i>Egretta rufescens</i> (Reddish egret) Regionally sensitive species
<i>Empidonax traillii extimus</i> (Southwestern willow flycatcher) FE / CE
<i>Plestiodon skiltonianus interparietallis</i> (Coronado skink) WL
<i>Falco peregrinus anatum</i> (American peregrine falcon) Delisted / FP
<i>Felis concolor</i> (Mountain lion) Regionally sensitive species. California Wildlife Protection Act.
<i>Haliaeetus leucocephalus</i> (Bald eagle) Delisted / CE / FP (BEPA)
<i>Lepus californicus bennettii</i> (San Diego black-tailed jackrabbit) SSC
<i>Lichanura trivirgata roseofusca</i> (Coastal rosy boa) Regionally sensitive species
<i>Mitoura thornei</i> (Thorne's hairstreak butterfly) Regionally sensitive species
<i>Neotoma lepida intermedia</i> (San Diego desert woodrat) SSC
<i>Numenius americanus</i> (Long-billed curlew) WL
<i>Odocoileus hemionus fuliginata</i> (Southern mule deer) Regionally sensitive species
<i>Onychomys torridus ramona</i> (Southern grasshopper mouse) SSC
<i>Panoquina errans</i> (Salt marsh skipper) Regionally sensitive species
<i>Passerculus sandwichensis beldingi</i> (Belding's savannah sparrow) CE
<i>Passerculus sandwichensis rostratus</i> (Large-billed savannah sparrow) SSC
<i>Pelecanus occidentalis californicus</i> (California brown pelican) Delisted / FP
<i>Perognathus longimembris brevinasus</i> (Los Angeles little pocket mouse) SSC
<i>Perognathus longimembris internationalis</i> (Jacumba little pocket mouse) SSC
<i>Perognathus longimembris pacificus</i> (Pacific pocket mouse) FE/SSC

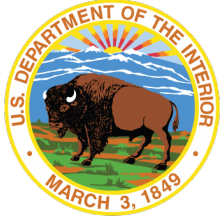
Covered Species Name & Status
Wildlife
<i>Phrynosoma (coronatum) blainvillei</i> (San Diego horned lizard) SSC
<i>Plegadis chihi</i> (White-faced ibis) WL
<i>Polioptila californica californica</i> (Coastal California gnatcatcher) FT/SSC
<i>Rallus longirostris levipes</i> (Light-footed Ridgeway's rail) FE/CE/FP
<i>Salvadora hexalepis virgultea</i> (Coast patch-nosed snake) SSC
<i>Spea hammondi</i> (Western spadefoot toad) SSC
<i>Sialia mexicana</i> (Western bluebird) Regionally sensitive species
<i>Speotyto cunicularia hypogea</i> (Western burrowing owl) SSC
<i>Sterna antillarum browni</i> (California least tern) FE/CE/FP
<i>Sterna elegans</i> (Elegant tern) WL
<i>Streptocephalus woottoni</i> (Riverside fairy shrimp) FE
<i>Taxidea taxus</i> (American badger) SSC
<i>Thamnophis hammondi</i> (Two-striped garter snake) Regionally sensitive species - SSC
<i>Vireo bellii pusillus</i> (Least Bell's vireo) FE/CE

Federal Listing Status:	State of California Department of Fish and Wildlife listing status:
FE = federally listed endangered	CE = California endangered
FT = federally listed threatened	CT = California threatened
FP = federally proposed endangered	FP= Fully Protected
	CR = California rare
	SSC = Species of special concern
	BEPA: Bald and Golden Eagle Protection Act
	WL: Watch List

CNPS Rare Plant Rank
List 1 B = Rare and endangered in California and elsewhere
List 2 = Rare and endangered in California but more common elsewhere
List 3 = More information needed
List 4 = Limited distribution (a watch list)

CNPS Threat Ranks
0.1-Seriously threatened in California (over 80% of occurrences threatened / high degree of threat)
0.2-Moderately threatened in California (20-80% occurrences threatened / moderate degree of threat)
0.3-Not very threatened in California (less than 20% of occurrences threatened / low degree of threat or no current threats known)

ENCLOSURE 3



United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE

Ecological Services
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, California 92008



August 31, 2021
Sent Electronically

La Jolla Band of Luiseño Indians
Norma Contreras
Chairwoman
22000 Highway 76
Pauma Valley, California 92061

Subject: Response to Questions for the Amendment to the San Diego Gas and Electric Company Subregional Natural Community Conservation Plan/Habitat Conservation Plan, California

Dear Chairwoman Contreras:

Thank you for your response to our July 28, 2021, invitation to coordinate with you on the preparation and review of an amendment to the San Diego Gas and Electric Company (SDG&E) Subregional Natural Community Conservation Plan/Habitat Conservation Plan (HCP amendment), and the associated environmental assessment (EA) being prepared pursuant to the National Environmental Policy Act (NEPA). The HCP amendment is being prepared in coordination with the California Department of Fish and Wildlife (CDFW), and will encompass approximately 2,878,161 acres in SDG&E's (Applicant) service territory that includes portions of western San Diego, and southern Orange and Riverside, Counties, California.

In 1995, the Service issued an Incidental Take Permit (ITP) that expires in 2050 for the HCP to the Applicant, pursuant to Section 10(a)(1)(B) of the Federal Endangered Species Act (Act) of 1973. The HCP amendment is part of an application for an amendment to the ITP, and the EA is being prepared to evaluate the effects of issuing an amended ITP to the Applicant. The HCP amendment provides the basis for the issuance of a proposed amended ITP for certain activities proposed in the HCP (Covered Activities) that could take up to 40 federally listed and non-listed species (Covered Species; Appendix). The existing ITP originally provided take authorization for 110 federally listed and non-listed species, including bald and golden eagles, and provided a habitat impact cap of up to 400 acres. The amendment is proposed to reduce the number of Covered Species to 40 and allow for the take of up to 400 acres of additional habitat over the next 30 years.

You have requested government-to-government consultation on our issuance of the ITP for SDG&E's HCP amendment. Thank you for providing the list of questions. To facilitate our government-to-government meeting on Thursday, September 2, 2021, we are providing you

Chairwoman Norma Contreras

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these responses to the questions you provided (see enclosure). We look forward to our meeting on Thursday. If you have any questions before the meeting, please feel free to contact [Thomas Dietsch](#)¹ regarding eagles and [David Zoutendyk](#)² regarding all other issues.

Sincerely,

Scott A. Sobiech
Field Supervisor

cc:

Tribal Council, La Jolla Band of Luiseño Indians

Rob Roy, Environmental Coordinator, La Jolla Band of Luiseño Indians

Enclosure

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² david_zoutendyk@fws.gov

ENCLOSURE

Response to questions on the preparation and review of an amendment to the San Diego Gas and Electric Company Subregional Natural Community Conservation Plan/Habitat Conservation Plan (HCP amendment), and the associated environmental assessment (EA) being prepared pursuant to the National Environmental Policy Act (NEPA).

1. Why are eagles in the permit?

San Diego Gas and Electric Company's (SDG&E) activities and facilities may impact Bald and Golden Eagles, so they were included as covered species in SDG&E's Subregional Natural Community Plan and Habitat Conservation Plan (HCP) that was permitted in 1995 by both the California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS). Under the proposed HCP Amendment, eagles would continue to be covered, but impacts would be avoided, minimized, and appropriately mitigated under an Eagle Conservation Plan (ECP) that will be an appendix to the HCP Amendment. SDG&E developed the ECP in collaboration with USFWS and in accordance with the Bald and Golden Eagle Protection Act (BGEPA) and its implementing regulations, which have been revised and strengthened since FWS approved the HCP in 1995.

2. What facilities or actions have the potential to harm eagles?

San Diego Gas and Electric Company operates and maintains electric distribution and transmission lines throughout their service area, and a significant amount of wood pole, steel pole, and lattice tower facilities are in rural areas where eagles have the potential to occur. Eagles may be affected in three ways: 1) electrocution from facilities; 2) collisions with facilities (e.g., wires); and 3) nest disturbance from construction and Operations and Maintenance (O&M) activities. Electric distribution lines, as opposed to the larger lattice steel tower transmission lines, generally pose a greater electrocution risk to eagles because the standard spacing between wires is narrower than the wingspan of large birds, such as eagles. In general, eagle fatalities from collision (with either transmission or distribution lines) are less common than electrocution.

San Diego Gas and Electric Company pre-construction, construction, or O&M activities have not and are not expected to kill adult eagles or nestlings; however, these activities have the potential to disturb nesting eagles when such activities are near an in-use eagle nest. Such disturbance would constitute take under BGEPA resulted in the loss of productivity at an eagle nest, including nestling mortality due to nest abandonment or reduced feeding activity.

3. What monitoring and mitigation is conducted to prevent incidental take for eagles and other species?

In 2005, SDG&E instituted an Avian Protection Program (APP) to reduce the potential for direct mortality of birds by electrocution or collision with electric distribution and transmission lines and poles. When an eagle or raptor is found to have been electrocuted, SDG&E has several ways of retrofitting existing facilities to make them avian safe for

large birds so that future electrocutions do not occur. Retrofitting is accomplished by 1) relocating conductors (wires) on a cross arm or on the pole; 2) lengthening a cross arm; 3) installing nest platforms; 4) placing covers over conductors and wires; 5) modifying the location of jumper wires; and/or 6) insulating wiring and other components of transformers. Retrofitting continues to be the most effective form of mitigation for electric service providers to prevent the loss of raptors and eagles.

In addition to retrofitting facilities after a bird electrocution has occurred, SDG&E's Avian Protection Program includes designing new or replacement poles using Avian Powerline Interaction Committee (APLIC) recommendations and guidelines to provide appropriate separation between conductors, system neutrals, and ground hardware as well as providing equipment covers to eliminate points of electrical contact. From 2016 through 2019, SDG&E retrofitted approximately 4,100 poles within their service area to reduce or eliminate electrocution risk to birds.

4. What are the results of past actions? How many listed species have been harmed or killed over the life of the current permit?

San Diego Gas and Electric Company's original HCP allowed impacts to 400 acres of habitat occupied by 110 covered species. To date, 390.4 acres have been impacted/slanted for impact. Take of covered species was expected to be in the form of death, injury, harm, or harassment. Although it is often difficult to document instances in which covered activities impact covered species, SDG&E has reported 7 incidences in which covered activities killed, injured, or harmed covered species. Impacted species include Pacific pocket mouse (1 individual), Golden Eagle (3 individuals), Stephen's kangaroo rat (1 individual), arroyo toad (1 individual), and Bald Eagle (1 individual).

5. What is done with eagles injured or killed? Are they turned over to the National Repository?

In general, eagle remains with suspected human-caused mortality have been sent to the CDFW Wildlife Investigations Lab, which sends them to the National Eagle Repository when they have completed their investigation.

The proposed ECP specifies that USFWS will be notified within 48 hours of an eagle mortality. At direction of USFWS, the remains will be sent either to the CDFW Wildlife Investigations Lab or the National Eagle Repository. San Diego Gas and Electric Company cannot possess eagle remains without prior authorization or permits.

San Diego Gas and Electric Company's records show that one mortality was removed by USFWS in 2009, and the USFWS is checking on the subsequent disposition of the remains.

In 2016, a possible electrocution of a Golden Eagle was reported by SDG&E, the remains were sent to the National Eagle Repository at the instruction of USFWS Office of Law Enforcement.

In 2019, a Bald Eagle that suffered from electrocution was first taken to a wildlife rehabilitator, who subsequently sent the remains to the CDFW Wildlife Investigations Lab.

In 2020, there was a Golden Eagle mortality reported by SDG&E; the remains were left in place while SDG&E notified USFWS. USFWS asked SDG&E to recover the remains, but they had been removed, presumably by scavengers, when SDG&E returned.

6. How effective is the proposed Eagle Conservation Plan?

We have been working with SDG&E to develop their ECP since February of this year. San Diego Gas and Electric Company has proposed a suite of measures designed to avoid, minimize, and mitigate impacts to both Bald and Golden Eagles, and based on the information provided to date, we believe their ECP is likely sufficient to support permit issuance following the public comment process. As previously stated, retrofitting of existing wood pole power lines continues to be the primary means to reduce or eliminate potential electrocution exposure to eagles, and SDG&E's mitigation approach will further reduce risk to eagles and eagle populations.

We will evaluate the ECP and work with SDG&E to ensure it meets our regulatory requirements and is an effective conservation plan. Only then would FWS authorize the incidental take of eagles.

7. Have there been any past problems or concerns from FWS, Tribes, other governments, or the public?

No.

8. What action(s) is FWS planning to take?

The USFWS is evaluating the issuance of an incidental take permit to SDG&E for its HCP Amendment to allow impacts to an additional 400 acres of habitat occupied by 40 covered species, including Bald and Golden Eagles, over the next 30 years. For this, we will be preparing an Environmental Assessment (EA) pursuant to the National Environmental Policy Act and will put the HCP Amendment and EA out for public review in the Federal Register. We will also consult with interested Tribes to understand and address, to the extent practicable, any questions or concerns they may have.

ENCLOSURE 4

SAN DIEGO GAS AND ELECTRIC COMPANY EAGLE REMAINS REPORTING AND RETENTION PROCESS

Steps:

1. Report eagle mortality per Eagle Conservation Plan. Notify the U.S. Fish and Wildlife Service (USFWS) Office of Law Enforcement (OLE) Regional Office at 916-414-6660.
2. San Diego Gas and Electric (SDGE) Company will collect location data and recover eagle remains consistent with the instructions “Collecting photos and information about the discovery” in the [FWS Eagle Handling Handbook](#).
3. SDGE will determine if eagle remains are located on Tribal trust lands [per the Bureau of Indian Affairs (BIA) tribal lands [website](#)].
4. If eagle remains are found on Tribal trust lands, SDGE will notify the USFWS Carlsbad Fish and Wildlife Office (CFWO) immediately. CFWO will identify Tribe’s leadership using the [BIA Tribal Leaders directory](#). CFWO will inform Tribal leadership of the eagle fatality and offer the option to submit an application for [Native American Tribal Eagle Retention permit](#) if they do not currently hold a permit.
5. SDGE will send eagle remains to California Department of Fish and Wildlife (CDFW) Lab of Investigations (or per OLE instructions) and notify CDFW if remains were found on Tribal trust lands. CDFW Lab of Investigations will retain the remains until they can be returned to the Tribe when they have submitted a copy of the Tribal Eagle Retention Permit. Otherwise, the eagle remains will be provided to the National Eagle Repository.
6. USFWS will coordinate with the tribe and OLE to complete a [Tribal Eagle Retention – Acquisition Form](#)
7. Once CDFW Lab of Investigations receives a copy of the Tribal Eagle Retention Permit, they will send the eagle remains to the Tribal Officer that submitted the Tribal Eagle Retention Permit.