

NATIVE ENDANGERED & THREATENED SP. HABITAT CONSERVATION PLAN
ENDANGERED & THREATENED WILDLIFE**Permit Number: TE77814D-0**

Effective: 06/29/2020 Expires: 06/29/2050

Issuing Office:

Department of the Interior
U.S. FISH & WILDLIFE SERVICE
Endangered Species Permit Office
2800 Cottage Way, Suite W-2606
Sacramento, CA 95825-1846
permitsR8ES@fws.gov

ASSISTANT REGIONAL DIRECTOR

Permittee:

PACIFIC GAS AND ELECTRIC
77 /BEALE STREET
ROOM 2825B
MAIL CODE B28P
SAN FRANCISCO, CA 94105
U.S.A.

Name and Title of Principal Officer:

ANDREW WILLIAMS - VP

Authority: Statutes and Regulations: 16 USC 1539(a), 16 USC 1533(d); 50 CFR 17.22, 50 CFR 17.32, 50 CFR 13.

Location where authorized activity may be conducted:

The MRHCP plan area encompasses the area where PG&E's routine O&M and minor new construction activities will take place in 34 counties. The Plan Area is divided into regional planning areas called the Central Coast Region, North Coast Region, and Sacramento Valley and Foothills Region. The Integrated Plan Area consists of the three MRHCP regional planning areas plus the areas covered PG&E's Bay Area and San Joaquin Valley O&M HCPs

Reporting requirements:

Permittee shall submit annual reports as outlined in Chapter 6, section 6.4 of the HCP.

Authorizations and Conditions:

- A. General conditions set out in Subpart B of 50 CFR 13, and specific conditions contained in Federal regulations cited above, are hereby made a part of this permit. All activities authorized herein must be carried out in accordance with and for the purposes described in the application submitted. Continued validity, or renewal of this permit is subject to complete and timely compliance with all applicable conditions, including the filing of all required information and reports.
- B. The validity of this permit is also conditioned upon strict observance of all applicable foreign, state, local tribal, or other federal law.
- C. Valid for use by permittee named above.
- D. Acceptance of this permit serves as evidence that the Permittee, Pacific Gas and Electric Company, and its designated agents, agree to abide by the terms of this permit and all sections of Title 50 Code of Federal Regulations, part 13 and 17, pertinent to issued permits. Section 11 of the Endangered Species Act of 1973, as amended, provides of civil and criminal penalties for failure to comply with permit conditions. Title 50 Code of Federal Regulations, part 13 (General Permit Procedures) section 17.22(b) (endangered wildlife permits) and part 17.32(b) (threatened wildlife permits) regarding threatened species are attached.
- E. The incidental take authorization granted by this permit is subject to full compliance with and implementation of the final Pacific Gas and Electric Company Multiple Region Operations and Maintenance Habitat Conservation Plan (HCP), which is hereby incorporated into this permit.

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- F. The Plan contains two Permit Areas that correspond to the Study Area depicted on Figure 1-1 of the HCP, and the Integrated Plan Area depicted on Figure 1-2 of the HCP. Incidental take of Covered Species as a result of Covered Activities is permitted only within the Study Area, except for incidental take resulting from Covered Activities associated with managing mitigation parcels, which is permitted to take place within the Study Area or the Integrated Plan Area. The Study Area and Integrated Plan Area are further described in section 1.5.1 of the HCP. Take must be incidental to otherwise lawful Covered Activities described in Chapter 3 of the Plan.
- G. The permittees and designated agents are authorized under the Federal Endangered Species Act of 1973, as amended (Act), to incidentally take (injure, kill, harm) the following 24 threatened (T) and endangered (E) wildlife species (including three distinct populations segments (DPS)) that are currently listed under the Act:
1. Blunt-nosed leopard lizard (*Gambelia sila*) (E)
 2. California tiger salamander - Central California DPS (*Ambystoma californiense*) (T)
 3. California tiger salamander - Santa Barbara DPS (*Ambystoma californiense*) (E)
 4. California red-legged frog (*Rana draytonii*) (T)
 5. Conservancy fairy shrimp (*Branchinecta conservatio*) (E)
 6. Giant gartersnake (*Thamnophis gigas*) (T)
 7. Giant kangaroo rat (*Dipodomys ingens*) (E)
 8. Longhorn fairy shrimp (*Branchinecta longiantenna*) (E)
 9. Marbeled murrelet (*Brachyramphus marmoratus*) (T)
 10. Morro shoulderband snail (*Helminthoglypta walkeriana*) (E)
 11. Mount Hermon June beetle (*Polyphylla barbata*) (E)
 12. Mountain yellow-legged frog (Northern DPS) (*Rana muscosa*) (E)
 13. Northern spotted owl (*Strix occidentalis caurina*) (T)

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14. Ohlone tiger beetle (*Cicindela ohlone*) (E)
15. Point Arena mountain beaver (*Aplodontia rufa nigra*) (E)
16. San Joaquin kit fox (*Vulpes macrotis mutica*) (E)
17. Santa Cruz long-toed salamander (*Ambystoma macrodactylum croceum*) (E)
18. Sierra Nevada Yellow-Legged Frog (*Rana sierrae*) (E)
19. Smith's blue butterfly (*Euphilotes enoptes smithi*) (E)
20. Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) (T)
21. Vernal pool fairy shrimp (*Branchinecta lynchi*) (T)
22. Vernal pool tadpole shrimp (*Lepidurus packardii*) (E)
23. Yosemite toad (*Anaxyrus canorus*) (T)
24. Zayante band-winged grasshopper (*Trimerotropis infantilis*) (E)

Incidental take authorization is effective for these 24 wildlife species upon the effective date of the permit.

The Covered Species also include the foothill yellow-legged frog (*Rana boylei*), which is not currently listed under the Act. Incidental take of the foothill yellow-legged frog will become effective concurrent with its listing as threatened or endangered under the Act, to the extent that its take is prohibited by the Act.

Take is authorized to the extent that take of these species would otherwise be prohibited under section 9 of the Act and its implementing regulations, or pursuant to a rule promulgated under section 4(d) of the Act. Take must be incidental to otherwise lawful activities associated with the Covered Activities described in Chapter 3 of the HCP, as well as monitoring and minimization measures as described in Chapters 5 and 6 of the HCP, and as conditioned herein.

Permitted take in the form of habitat loss, injury, and mortality for covered animal species is depicted on Table 1. The HCP based its effects analysis for most Covered animal Species on modeled habitat. Therefore the HCP estimates the amount of take in the form of habitat loss as a surrogate for number of individuals in most cases. Additionally, implementation of the BMPs, AMMs, Hot Zone, and Map Book Zone measures are further expected to reduce the amount of direct injury and mortality. However, some amount of direct injury and mortality is possible. Therefore the Service's incidental take limits includes a small number of individuals for Covered Species, except the vernal pool invertebrates because their take of individuals will not be possible to determine. Incidental take of individuals is capped



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on both an annual, and 30-year basis; however, with the prior-written concurrence of the Service, the annual cap, and only the annual cap, for a given Covered animal Species may be exceeded by small amounts. Due to the very small size of all life stages of the Conservancy fairy shrimp, longhorn fairy shrimp, vernal pool fairy shrimp, and vernal pool tadpole shrimp, it will not be possible to determine the number of individuals lost during the permit term; therefore, we are using habitat as a surrogate for take of individuals for those species, and will measure take of these species in terms of the area of habitat lost over the permit term.

The Service must be notified within one (1) working day of finding any injured or dead listed animal species or within one (1) working day of any unanticipated damage to habitat. Injured animals shall be cared for by a licensed veterinarian or other qualified person. Notification must include the date, time, and precise location of the individual/incident clearly indicated on a USGS 7.5 minute quadrangle and other maps at a finer scale, as requested by the Service, and any other pertinent information. Dead individuals must be sealed in a freezer-grade, re-sealable plastic bag containing a paper with the date and time when the animal was found, the location where it was found, and the name of the person who found it. The bag containing the specimen must be frozen in a freezer located in a secure site. The Service contact persons are the Assistant Field Supervisor for Endangered Species at the Sacramento Fish and Wildlife Office at (916)414-6600, and the Resident Agent-in-Charge of the Service's Division of Law Enforcement, 5622 Price Avenue, Building #1040, McClellan, California 95652, at (916) 569-8444.

Table 1: Maximum Loss of Habitat and take of Individuals for Animal Covered Species

Common Name	Habitat Loss	Annual Take: Individuals	30-Year Take: Individuals
Blunt-nosed leopard lizard		1	30
Core Habitat	114.27		
Suitable Habitat	70.94		
California red-legged frog		15	450
Breeding Habitat	234.00		
Upland Habitat	768.00		
California tiger salamander (Central DPS)		18	540
Breeding Habitat	35.04		
Upland Habitat	1394.51		
California tiger salamander (S.Barbara DPS)		5	150
Breeding Habitat	0.16		
Upland Habitat	88.78		
Conservancy fairy shrimp	65.42	All	All
Foothill yellow-legged frog		15	450
Breeding Habitat	11.57		
Dispersal Habitat	139.00		
Giant garter snake		10	300
Aquatic Habitat	102.75		
Rice Habitat	350.48		
Upland Habitat	338.01		
Giant kangaroo rat	180.00	5	150
Longhorn fairy shrimp	24.39	All	All
Marbled murrelet	127.50	1 every other year	15
Morro shoulderband snail	9.00	15	450
Mount Hermon June beetle	30.00	15	450
Mountain yellow-legged frog	3.60	15	450
Northern spotted owl	825.00	1	30
Ohlone tiger beetle	30.00	10	300
Point Arena mountain beaver	10.50	3	90
San Joaquin kit fox		1	30
High Value Habitat	105.00		
Moderate Value Habitat	170.55		
Low Value Habitat	1216.85		
Santa Cruz long-toed salamander		5	150
Breeding Habitat	6.00		
Upland Habitat	60.00		
Sierra Nevada yellow-legged frog	5.16	15	450
Smith's blue butterfly	87.94	20	600
Valley elderberry longhorn beetle	No Limit	20	600
Vernal pool fairy shrimp	384.71	All	All
Vernal pool tadpole shrimp	384.71	All	All
Yosemite toad	2.50	15	450
Zayante band-winged grasshopper	18.75	15	450

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H. Take of plant species is not prohibited under the Act and is not authorized by this permit. However, twelve plants are included on the Covered Species list in recognition of the conservation benefits provided for them under the Plan. All plants on the Covered Species list are listed under the Act and include four plants listed as threatened and eight plants listed as endangered, as follows: the threatened lone manzanita (*Arctostaphylos myrtifolia*), Layne's ragwort (*Packera layneae*), Monterey spineflower (*Chorizanthe pungens* var. *pungens*), and San Benito evening-primrose (*Camissonia benitensis*); and the endangered beach layia (*Lavia cornosa*), Kern mallow (*Eremalache parryi* ssp. *kernensis*), Monterey gilia (*Gilia tenuiflora* ssp. *arenaria*), Pine Hill ceanothus (*Ceanothus roderickii*), Pine Hill flannelbush (*Fremontodendron decumbens*), robust spineflower (*Chorizanthe robusta* var. *robusta*), Stebbins' morning-glory (*Calystegia stebbinsi*), and Yadon's rein orchid (*Piperia yadonii*). Table 2 describes expected losses of habitat and individuals for Covered Plants. Assurances provided under the No Surprises Rule at 50 CFR 17.3, 17.22(b)(5), and 17.32(b)(5) extend to all plant Covered Species.

Table 2: Expected Loss of Occupied Habitat and Individuals for Plant Covered Species

Common Name	Expected Loss of Habitat and Individuals over 30 years ^a
lone manzanita	12.25 acres; 64 plants
Pine Hill ceanothus	3.67 acres; 33 plants
Pine Hill flannelbush	1.19 acres; 2 plants
Stebbins' morning-glory	2.31 acres; 787 plants
Layne's ragwort	2.86 acres; 103 plants
Beach layia	0.32 acres; 143 plants
San Benito evening-primrose	0.37 acres; 1,888 plants
Monterey spineflower	46.6 acres; 4,376 plants
Robust spineflower	1.3 acres; 3,765 plants
Kern mallow	10.5 acres; 1,226 plants
Monterey gilia	6.6 acres; 6,266 plants
Yadon's rein orchid	2.1 acres; 64 plants

a. Amounts are mutually exclusive. Loss is capped at whichever limit is reached first.

- I. All previously unreported observations of Covered Species appearing in Sections G and H of this permit- live, injured, sick, or dead - discovered during the permit term shall be reported to the Service and recorded on California Natural Diversity Data Base field sheets and sent to the California Department of Fish and Wildlife, Wildlife and Data Analysis Branch, 1807 13th Street, Sacramento, California 95814.
- J. Any other federally-listed or proposed species found - live, injured, sick, or dead - on or adjacent to any site where Covered Activities are performed must be reported within one working day of its finding. The Service contact for this information is the Assistant Field Supervisor for Endangered Species at the number in Section G above.
- K. Annual reports shall be prepared as described in the HCP. One copy of the report shall be submitted to the Service's Sacramento Fish and Wildlife Office, Assistant Field Supervisor for Endangered Species, 2800 Cottage Way, Suite W-2605, Sacramento, California 95825.
- L. A copy of this permit must be in the possession of the permittees and designated agents while conducting taking activities. Please refer to the permit number in all correspondence concerning permit activities. Any questions you may have about this permit should be directed to the Field Supervisor, Sacramento Fish and Wildlife Office.
- M. This permit also constitutes a Special Purpose Permit under 50 CFR 21.27 for the take of marbled murrelet (*Brachyramphus marmoratus*) and northern spotted owl (*Strix occidentalis caurina*) in the amount and/number identified above in Table 1 and subject to the terms and conditions specified herein. Any such take will not be in violation of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. 703-712).