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4.4 BIOLOGICAL RESOURCES

Would the Project:		Potentially Significant Impact	Potentially Significant Unless APMs Incorporated	Less than significant Impact	No Impact
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.4.1 Introduction

This section of the PEA describes the biological resources in the vicinity of the Proposed Project, and identifies potential impacts to habitats and species that could result from the construction, operation, and maintenance of the Proposed Project. Additionally, potential impacts to sensitive vegetation communities, jurisdictional wetlands and waters, and migratory wildlife corridors are addressed.

The Proposed Project would incorporate the standard set of operational protocols and mitigation set forth in *SDG&E’s Subregional NCCP*. The *SDG&E Subregional NCCP* is a Habitat Conservation Plan permitted under Section 10A of the Federal Endangered Species Act (FESA) for incidental take and a NCCP permitted under a management authorization pursuant to Section 2835 of the California Fish and Game (CFG) Code. SDG&E entered into an Implementation

Agreement with the USFWS and CDFG, respectively, for the management and conservation of multiple species and their associated habitats as established according to the federal and state endangered species acts and the state's NCCP Act. Through the avoidance of resources, application of protective measures and mitigation in the *SDG&E Subregional NCCP*, and habitat enhancement, Proposed Project impacts to biological resources would be less than significant.

4.4.2 Methodology

4.4.2.1 Literature Review

Prior to performing the biological field surveys, documentation relevant to the Proposed Project and surrounding area was reviewed, and a special status species list was prepared for the Proposed Project.

Special Status Species

A special status species list was prepared from record searches for the United States Geological Survey (USGS) 7.5-minute Cañada Gobernadora, San Juan Capistrano, San Clemente, and Dana Point quadrangles within three miles of the Proposed Project. Special status species include all federally and state listed endangered and threatened species, candidates for listing, species proposed for listing, Fully Protected (FP) species, Species of Special Concern [SSC]), species listed as rare or endangered by California Native Plant Society (CNPS), and special status species that are identified under the *SDG&E Subregional NCCP* that had ranges within Orange County and suitable habitat was present along the Proposed Project alignment, including *SDG&E Subregional NCCP* Covered Species (Covered Species). A sensitive species was considered a potential inhabitant of the Proposed Project if its known geographical distribution either encompassed part of the Proposed Project or was within the vicinity of the Proposed Project (within approximately three miles), and its general habitat requirements (e.g., roosting, nesting, or foraging habitat, specific soil type, permanent water source) were within the boundaries of the Proposed Project. Sources of information that were used to compile the species list included the CDFG California Natural Diversity Data Base (CNDDDB), the CNPS online inventory, and the *SDG&E Subregional NCCP* Covered Species List. A complete list of species assessed is included in Appendix 4.4-A, Biological Resources Assessment (Appendix A – CNDDDB and CNPS Special Status Species Table).

Critical Habitat

The USFWS critical habitat areas for listed species were searched using geographic information systems shapefiles provided by the USFWS within three miles of the Proposed Project alignment.

Drainages and Other Water Features

The potential presence of drainages and other water resources was assessed by reviewing USGS topographic maps to identify any blue line streams, searching the USFWS National Wetlands Inventory (NWI), and by reviewing recent aerial images of the Proposed Project.

Soils

The USDA NRCS online Soil Survey was used to assess soils mapped along the Proposed Project alignment, and GIS data was used to create a map.

Field Surveys

Field surveys were conducted within a 500-foot corridor, including approximately 250 feet on either side of the proposed transmission line alignment and substation boundaries (herein referred to as the Proposed Project survey area). The Proposed Project alignment would follow an existing SDG&E ROW, and substation activities would take place within the existing Capistrano and Talega Substation facilities. Some Proposed Project activities, such as staging areas or pull/tension sites, may occur outside of the existing ROW or facilities. The following sections describe the methods used for reconnaissance-level and habitat assessment surveys, rare plant surveys, and focused species surveys. In all instances, resources were mapped in the field using a Trimble handheld GPS and/or drawn on a 200-scale color aerial photograph.

Reconnaissance-level and Habitat Assessment Surveys

Reconnaissance-level surveys and a general habitat assessment were conducted within the Proposed Project survey area by TRC Biologists Matthew Willis and Paula Potenza on February 26 through February 28, 2008 and March 25, 2008 to map existing vegetation communities and assess the potential for sensitive or listed plant and wildlife species, including species covered under the SDG&E's Subregional NCCP. Additional habitat assessments were conducted by TRC Biologist Ceri Williams-Dodd on September 28 through 30, October 11 through 12, and November 2, 2011. In addition TRC Biologist Travis Kegel conducted surveys on December 28 and 29, 2011, and February 16 and 28, 2012. Surveys were conducted using vehicles and on foot along access roads and around proposed tower locations. Meandering transects were also conducted on foot through the surrounding habitat within the 500-foot survey corridor. A meandering transect is a type of survey search pattern that minimizes overlap and maximizes survey coverage in a given area.

Suitable habitat for special status species was determined by the presence of diagnostic habitat elements, including but not limited to appropriate vegetation communities. The habitat assessment surveys were conducted along the Proposed Project in areas supporting vegetation. Therefore, in some cases, the survey corridor was less than 500 feet wide (and sometimes more due to staging areas outside) due to the presence of residential and commercial development. The assessment surveys determined which wildlife or plant species were present, had the potential to occur, or would require USFWS or CDFG protocol-level surveys. Animal species were either observed directly, with the aid of binoculars, or detected from calls, tracks, scat, or other sign.

Vegetation communities were recorded on aerial photographs and GPS, and were further refined during rare plant surveys. Mapped data was then digitized or downloaded in GIS. The vegetation mapping was based upon descriptions provided by Sawyer and Keeler-Wolf and Holland field guides.

Sensitive Status Plant Species and Vegetation Communities

Field surveys for sensitive plants were conducted in accordance with the standardized guidelines issued by the USFWS, CDFG, and the CNPS. The surveys were intended to determine the presence/absence of listed and special status plant species within the Proposed Project survey area. Surveys for sensitive plant species were conducted on April 15, 17, and 18, 2008 by TRC biologist Marc Doalson and on April 19, 20, 21, 24, and 25, 2010 by TRC Biologists Darren Burton and Ken McDonald. The Proposed Project survey area was walked on foot, except in developed or residential areas. Meandering transects were performed, and all plants encountered were identified to a level necessary to ensure detection of sensitive species. The plant nomenclature used follows *The Jepson Manual: Higher Plants of California*. A complete list of plant species observed during the surveys is provided in Appendix 4.4-A (Appendix B, Plants and Wildlife Observed On-site).

Drainages and Other Water Features

Suspected jurisdictional areas identified during the literature review from aerial and USGS topographic maps were field checked for the presence of definable channels and/or wetland vegetation, soils and hydrology. Field checks were not limited to suspected jurisdictional areas identified during the literature review; the entire Proposed Project survey area was assessed for the presence of drainages, wetlands, and vernal pools. This involved physically identifying hydrologic, vegetative, and geomorphic characteristics within the Proposed Project survey area in order to delineate potentially jurisdictional waters and wetlands.

“Waters of the United States” (WUS) were identified pursuant to criteria outlined in Section 401 and Section 404 of the CWA, including but not limited to the presence of an Ordinary High Water Mark (OHWM) and connection to a downstream jurisdictional water body. The OHWM was determined by observing signs of flow including but not limited to shelving, drift lines, and disturbed vegetation. “Waters of the State” regulated by CDFG were identified pursuant to criteria outlined in Section 1600 of the CFG Code, including the presence of a defined bed and bank and any associated vegetation. Drainages that appeared to meet the criteria for “Waters of the State” were considered potentially jurisdictional, as any determination is subject to verification by the regulatory agencies.

Potential wetland habitats on the site were evaluated using the methodology set forth in the 1987 Wetlands Delineation Manual (Manual) and the Regional Supplement to the Wetland Delineation Manual for the Arid West Region. This involved digging pits to inspect soils in suspected wetland areas. Soil pits were generally at locations where hydrophytic vegetation was observed, or if other wetland indicators were observed or suspected. Soils were assessed for hydric indicators, texture, consistency, and color. The color was assessed using a Munsell chart and then cross-referenced with hydric soil lists. The locations of the soil pits were recorded using a handheld GPS unit. Hydrological and vegetation conditions were recorded for each soil pit using the United States Army Corps of Engineers (ACOE) wetland delineation data forms. The wetland indicator status of the plants was determined using *The National List of Plant Species that Occur in Wetlands*.

Fieldwork for the delineation was conducted in May and July 2010 and December 2011 by TRC biologists Darren Burton, Ken McDonald, Travis Kegel, and Lauralyn K. Jensen. While in the

field, the jurisdictional areas (lengths and widths) were recorded onto a 200-scale color aerial photograph using visible landmarks and/or were mapped with a Garmin e-trex GPS hand-held unit. Field data was then digitized using GIS to determine acreages. Additional details on the methodology are provided in the Jurisdictional Waters and Wetlands Delineation prepared for the Proposed Project included in Appendix 4.4-A (Appendix C, Jurisdictional Waters and Wetlands Delineation).

Wildlife Surveys

Some of the vegetation communities within the Proposed Project survey area provide habitat for one or more of the special status species known to occur or with the potential to occur in the Proposed Project survey area. The region provides habitat for a number of federally endangered (FE), federally threatened (FT), state endangered (SE), and state threatened (ST) species. Appropriate habitat for the coastal California gnatcatcher (*Polioptila californica* FT, SSC), least Bell's vireo (*Vireo bellii pusillus*, FE, SE) and southwestern willow flycatcher (*Empidonax traillii extimus* FE, SE) was identified within the Proposed Project survey area. USFWS protocol-level surveys were therefore conducted in 2008 and 2010. Focused surveys for the Arroyo toad (*Bufo californicus* FE, SSC) were also conducted in 2010 to determine whether suitable breeding or upland habitat for the species was present in the Proposed Project survey area. Additional details on these surveys are provided below.

Coastal California Gnatcatcher

TRC conducted surveys for the coastal California gnatcatcher in 2008 and 2010. Permitted TRC biologists Paula Potenza (Permit No. TE-037508-1) and Vanessa Tisdale (Permit No. TE-163994-0), conducted surveys in 2008 with the aid of additional biologists under the direct supervision of an authorized biologist. The additional biologists are also listed under Permit No. TE-037508-1. Paula Potenza and supervised biologists repeated the surveys in 2010. Surveys for the coastal California gnatcatcher were conducted according to the USFWS Coastal California Gnatcatcher Presence/Absence Survey Guidelines for NCCPs. Following this protocol, a minimum of three surveys were conducted at least one week apart. Only suitable coastal California gnatcatcher habitat, consisting of coastal sage scrub (CSS) and disturbed CSS, was surveyed. All focused surveys occurred within the coastal California gnatcatcher breeding season (March 15 through June 30). Surveys were often spread over more than one day to cover all suitable habitats, and each area surveyed had a different survey window due to staggered start times.

All surveys were conducted between approximately 6:00 a.m. and 12:35 p.m. Weather conditions during the surveys consisted of temperatures from 43 to 74 degrees Fahrenheit, winds from 0 to 10 miles per hour, and cloud cover from 0 to 100 percent. During periods of excessive heat, wind, rain, fog, or other inclement weather, surveys were either halted or postponed. Taped vocalizations and “pishing” sounds were used to initially locate gnatcatchers. Taped calls were not used to elicit or prompt further behaviors from birds once identified. Surveys were conducted by slowly walking survey routes and no more than 100 acres of suitable coastal California gnatcatcher habitat were surveyed per biologist per day. A detailed description of the methodology is included in the 2008 and 2010 survey reports provided as Appendix 4.4.A (Appendix D, 2008 Coastal California Gnatcatcher Survey Report and Appendix E, 2010 Coastal California Gnatcatcher Survey Report).

Least Bell's Vireo

TRC conducted protocol surveys for the least Bell's vireo in 2008 and 2010. TRC biologists Paula Potenza and Vanessa Tisdale conducted surveys in 2008, and Paula Potenza conducted surveys in 2010. The surveys were conducted according to the USFWS Least Bell's Vireo Presence/Absence Survey Protocol with modifications pursuant to the *SDG&E Subregional NCCP*. The *SDG&E Subregional NCCP* states that "in situations where more than one visit may be necessary to identify a given species, such as certain birds, no more than three site visits shall be required" (*SDG&E's Subregional NCCP*, Section 7.1.3). As such, three surveys for least Bell's vireo occurred per habitat area. The surveys occurred within the least Bell's vireo breeding season (April 10 through July 31). Surveys were conducted in appropriate habitat for the species which included all riparian habitats within the Proposed Project survey area. Least bell's vireos were identified by calls/songs and by sight, and were watched and followed only if identification and location needed to be confirmed.

All surveys were conducted between approximately 6:45 a.m. and 11:35 a.m. Weather conditions during the surveys consisted of temperatures from 48 to 86 degrees Fahrenheit, winds from 0 to 6 miles per hour, and cloud cover from 0 to 100 percent. During periods of excessive heat, wind, rain, fog, or other inclement weather, surveys were halted or postponed. Surveys were conducted by slowly walking survey routes along the edges and through riparian vegetation. No more than 3 linear kilometers or 125 acres of least Bell's vireo habitat were surveyed per biologist per day. A detailed description of the methodology is included in the survey report provided in Appendix 4.4-A (Appendix F, 2010 Least Bell's Vireo [*Vireo bellii pusillus*] Survey Result).

Southwestern Willow Flycatcher

Protocol surveys for southwestern willow flycatcher were conducted by TRC biologist Paula Potenza in 2008, and by Peter Bloom (Bloom Biological, Inc., Permit No. TE787376) in 2010. The most recent surveys were conducted on May 15 and June 5, 11, 17, and 25, 2010 in three locations (refer to Appendix 4.4-A [Appendix G, Results of Protocol Surveys for Federally-Endangered Arroyo Toad and Southwestern Willow Flycatcher]) that contained potential breeding habitat. The surveys were conducted according to the USFWS standard protocol as outlined within Sogge, et. al. (2010). Surveys included the use of taped southwestern willow flycatcher songs to simulate a territorial intrusion by another southwestern willow flycatcher, which generally would elicit a defensive response by the territorial bird, increasing its detectability. Taped calls were not used to elicit or prompt further behaviors from birds once individuals were identified. A detailed description of the methodology is included in the survey report provided in Appendix 4.4-A (Appendix G, 45 Day Report for Arroyo Toad and Southwest Willow Flycatcher).

Arroyo Toad

Protocol surveys for Arroyo toad were conducted by Peter Bloom on April 30, May 7, 15, 23, and 29, and June 5, 2010 in three locations that contained potential breeding habitat. The surveys were conducted according to the USFWS standard protocol as outlined within the USFWS Survey Protocol for the Arroyo Toad and included both daytime and nighttime surveys. Daytime surveys were conducted by walking slowly along stream margins and in adjacent riparian habitat, visually searching for eggs, larvae, and juveniles. Nighttime surveys were

conducted by walking slowly and carefully on stream banks. Surveyors would stop periodically and remain still and silent for approximately 15 minutes at appropriate sites to wait for Arroyo toads to begin calling. A detailed description of the methodology is included in the survey report provided as Appendix 4.4-A (Appendix G, Results of Protocol Surveys for Federally-Endangered Arroyo Toad and Southwestern Willow Flycatcher).

4.4.3 Existing Conditions

4.4.3.1 Regulatory Setting

Federal

Federal Endangered Species Act

The United States Congress passed the FESA in 1973. FESA protects plants and wildlife that are listed as “endangered” or “threatened” by the USFWS and the National Marine Fisheries Service (NMFS). It also requires the evaluation of effects to “proposed” species. Section 9 of FESA prohibits the “take” of endangered wildlife, where take is defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in such conduct”. For plants, this statute governs removing, possessing, maliciously damaging, or destroying any endangered plant on federal land and removing, cutting, digging-up, damaging, or destroying any endangered plant on non-federal land in knowing violation of state law. Under Section 7 of FESA, federal agencies are required to consult with the USFWS and/or NMFS if their actions, including permit approvals or funding, could adversely affect a threatened or endangered plant or wildlife species, or could adversely affect designated critical habitat. Through consultation and the issuance of a biological opinion, the USFWS and/or NMFS may issue an “incidental take statement” allowing take of the species, provided the action would not jeopardize the continued existence of any federally listed species or result in the destruction or adverse modification of habitat of such species. Section 10 of FESA provides for issuance of incidental take permits to private parties provided a HCP is developed.

Federal Clean Water Act

The purpose of the Clean Water Act (CWA) is to “restore and maintain the chemical, physical, and biological integrity of the nation’s waters.” Section 404 of the CWA prohibits the discharge of dredged or fill material into WUS without a permit from the ACOE. In addition, Section 401 of the CWA requires any applicant for a federal license or permit to conduct any activity that may result in a discharge of a pollutant into WUS, to obtain a certification that the discharge will comply with the applicable effluent limitations and water quality standards. A Water Quality Certification or waiver pursuant to Section 401 is required for Section 404 permit actions, and is issued by the RWQCB.

“Discharges of fill material” are defined as the addition of fill material into WUS including, but not limited to, the following: placement of fill that is necessary for the construction of any structure, or impoundment requiring rock, sand, dirt, or other material for its construction; site-development fills for recreational, industrial, commercial, residential, and other uses; causeways or road fills; or fill for intake and outfall pipes and subaqueous utility lines. The definition of WUS includes rivers, streams, estuaries, the territorial seas, ponds, lakes, mudflats, sandflats, sloughs, wet meadows, and wetlands. Boundaries between jurisdictional waters and uplands are

determined in a variety of ways depending on which type of water is present. A brief overview of methods for delineating wetlands and non-tidal waters are described below.

Wetlands are defined as “those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.” The methodology set forth in the Manual and the Arid West Supplement generally require that, in order to be considered a wetland, the vegetation, soils, and hydrology of an area exhibit at least minimal hydric characteristics, often referred to as a “three-parameter wetland.”

The lateral extent of non-tidal waters is determined by delineating the OHWM (33 CFR Section 328.4(c)(1)). The OHWM is defined by the ACOE as “that line on shore established by the fluctuations of water and indicated by physical character of the soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.”

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA), first enacted in 1916, prohibits any person, unless permitted by regulation, to:

...pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatsoever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird, included in the terms of this Convention . . . for the protection of migratory birds . . . or any part, nest, or egg of any such bird (16 USC 703).

As authorized by the MBTA, the USFWS issues permits to qualified applicants for the following types of activities: falconry, raptor propagation, scientific collecting, special purposes (rehabilitation, education, migratory game bird propagation, and salvage), take of depredating birds, taxidermy, and waterfowl sale and disposal.

The list of migratory birds includes nearly all bird species native to the United States. The Migratory Bird Treaty Reform Act of 2004 further defined species protected under the act and excluded all non-native species. The statute was extended in 1974 to include parts of birds, as well as eggs and nests.

Birds of Conservation Concern

Birds of Conservation Concern (BCC) is a USFWS list of bird species identified to have the highest conservation priority, and with the potential for becoming candidates for listing as federally threatened or endangered. The chief legal authority for BCC is the Fish and Wildlife Conservation Act of 1980 (FWCA). Other authorities include the FESA, the Fish and Wildlife Act of 1956, and the Department of the Interior U.S Code (16 U.S.C. § 701). The 1988 amendment to the FWCA requires the Secretary of the Interior, through the USFWS, to “identify species, subspecies, and populations of all migratory nongame birds that, without additional

conservation actions, are likely to become candidates for listing under the Endangered Species Act of 1973.”

State

California Environmental Quality Act

CEQA was enacted in 1970 to provide for full disclosure of environmental impacts to the public before issuance of a permit by State and local public agencies. In addition to federal or State listed species, "sensitive" plants and animals receive consideration under CEQA. Sensitive species include but are not limited to wildlife Species of Special Concern listed by CDFG and plant species in the CNPS's List 1A (presumed extinct), List 1B (rare, threatened, or endangered in California and elsewhere; eligible for State listing) or List 2 (rare, threatened or endangered in California but more common elsewhere; eligible for State listing).

California Endangered Species Act

The State of California enacted the California Endangered Species Act (CESA) in 1984. CESA directs agencies to consult with CDFG on projects or actions that could affect listed species, directs CDFG to determine whether jeopardy would occur, and allows CDFG to identify “reasonable and prudent alternatives” to the project consistent with conserving the species. CESA generally parallels the main provisions of FESA, but unlike its federal counterpart, CESA applies the “take” prohibitions to species proposed for listing (called “candidates” by the State). “Take” is defined in Section 86 of the CFG Code as to “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” Section 2080 of the CFG Code prohibits the taking, possession, purchase, sale, and import or export of endangered, threatened, or candidate species, unless otherwise authorized by permit or in the regulations. Under CFG Code Section 2081, CESA allows CDFG to authorize exceptions to the state’s prohibition against “take” of a listed species (except for designated “fully protected species”) if the "take" of a listed species is incidental to carrying out an otherwise lawful project that has been approved under CEQA. Section 2080.1 of the CFG Code allows for “take” once an applicant obtains a Federal Incidental Take Statement, submits it to the CDFG Director in writing, and receives a confirmed determination that the federal statement is “consistent” with CESA (a Consistency Determination letter). There is a 30-day window for issuance of a Consistency Determination letter. If, however, the Federal Incidental Take Statement is not determined to be consistent with CESA, then a State Incidental Take Permit under Section 2081(b) of the CFG Code must be applied for. Both Sections 2081 and 2080.1 require that take be minimized and fully mitigated.

California Fully Protected Species

The State of California first began to designate FP species prior to the creation of CESA and FESA. Lists of FP species were initially developed to provide protection to those animals that were rare or faced possible extinction, and included fish, amphibians and reptiles, birds, and mammals. Most FP species have since been listed as threatened or endangered under CESA and/or FESA. The regulations that implement the Fully Protected Species Statute (CFG Code Section 4700) state that FP species may not be taken or possessed at any time. Furthermore, CDFG prohibits any state agency from issuing incidental take permits for fully protected species, except for necessary scientific research.

In September 2011, the California Legislature sent the Governor legislation authorizing CDFG to permit the incidental take of 36 FP species pursuant to an NCCP approved by CDFG (Senate Bill 618 [Wolk]). The legislation gives FP species the same level of protection as is provided under the NCCP Act for endangered and threatened species. The NCCP Act, enacted in the 1990s, authorizes the incidental take of species “whose conservation and management” is provided for in a conservation plan approved by CDFG.

California Species of Special Concern

In addition to formal listing under FESA and CESA, species receive additional consideration by CDFG and lead agencies during the CEQA process. Species that may be considered for review are included on a list of SSC developed by CDFG. The list tracks species in California whose numbers, reproductive success, or habitat may be in decline.

California Fish and Game Code for Birds of Prey

Section 3503.5 of the CFG Code states that it is

...unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.

Disturbance activities that result in abandonment of an active bird-of-prey nest in areas adjacent to the disturbance may also be considered a violation of the CFG Code.

California Native Plant Protection Act and California Native Plant Society

The California Native Plant Protection Act of 1977 (CFG Code Sections 1900-1913) affords the CFG Commission the authority to designate native plants as endangered or rare and protects such endangered or rare plants from take. In addition, plants that are not state-listed, but meet the standards for listing, are also protected under CEQA. The CNPS maintains a list of plant species native to California with low population numbers, limited distribution, or that are otherwise threatened with extinction. Potential impacts to populations of CNPS listed plants receive consideration under CEQA review. Typically, special status plants are considered those on lists 1A, 1B, and 2. The definitions for each of the CNPS listings are below:

- List 1A: Plants presumed Extinct in California
- List 1B: Plants Rare, Threatened, or Endangered in California and elsewhere
- List 2: Plants Rare, Threatened, or Endangered in California, but more numerous elsewhere
- List 3: Plants about which we need more information — A Review List
- List 4: Plants of limited distribution — A Watch List

California Lake and Streambed Alteration Program

Sections 1600 through 1616 of the CFG Code require that a Lake and Streambed Alteration Agreement (LSAA) Program Notification Package be submitted to CDFG for “any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake.” CDFG reviews the proposed actions and, if necessary, provides the applicant with a proposal for measures to protect affected fish and wildlife resources. The final proposal on which CDFG and the applicant agree is an LSAA signed by both parties. Often, projects that require an LSAA also require a permit from the ACOE under Section 404 of the CWA and the RWQCB under Section 401 of the CWA. In these instances, the conditions of the Section 404/401 permits and the LSAA may overlap.

Local*SDG&E Subregional Natural Community Conservation Plan*

In December 1995, the USFWS and the CDFG approved the *SDG&E Subregional NCCP*, developed in coordination with such agencies that addresses potential impacts to species and habitat associated with SDG&E's ongoing installation, use, maintenance, and repair of its gas and electric systems, and typical expansion to those systems throughout much of SDG&E's existing service territory. As a part of the *SDG&E Subregional NCCP*, SDG&E has been issued incidental take permits (Permit PRT-809637) by the USFWS and the CDFG for 110 Covered Species. The *SDG&E Subregional NCCP* was developed by following the multiple species and habitat conservation planning approach. Even with the *SDG&E Subregional NCCP*, SDG&E's goal is to avoid “take” of Covered Species whenever possible and to implement measures to minimize and mitigate any take to the maximum extent possible. The *SDG&E Subregional NCCP* includes mitigation measures and operational protocols that apply to construction and operations and maintenance activities. In approving the NCCP, USFWS, and CDFG determined that the mitigation measures and operational protocols avoid potential impacts and provide appropriate mitigation where such impacts are unavoidable, and ensure the protection and conservation of federal and state listed species and Covered Species. The Proposed Project falls within the area in which SDG&E's utility operations are governed by the *SDG&E Subregional NCCP* and will be applied to the Proposed Project. As such, the NCCP fully addresses all of the potential construction and operations and maintenance impacts of the Proposed Project on federal and state listed species and Covered Species. The NCCP mitigation measures and operational protocols have been incorporated as part of the Proposed Project description.

SDG&E is a public utility regulated by the CPUC. As described in the *SDG&E Subregional NCCP Implementing Agreement*, local governments are precluded from regulating public utilities through their zoning laws, land use laws, ordinances and other police powers (including other NCCPs or HCPs) by the exclusive jurisdiction of the CPUC. Therefore, as stated in the *SDG&E Subregional NCCP Implementing Agreement*, the *SDG&E Subregional NCCP* “is independent of other NCCP/HCPs and the Covered Species for which Incidental Take is authorized under the Take Authorizations is not dependent upon the implementation of such plans.”

Southern Orange County Subregional Natural Community Conservation Plan

The *Southern Orange County Subregional NCCP* is a comprehensive, long-term HCP developed to provide conservation for multiple species and the preservation of natural vegetation communities in South Orange County. The *Southern Orange County Subregional NCCP* serves as an NCCP under the NCCP Act of 2001, a Master Streambed Alteration Agreement under Sections 1600 through 1616 of the CFG Code, and as well as a HCP pursuant to Section 10(a)(1)(B) of the FESA of 1973.

The Proposed Project traverses through areas within the *Southern Orange County Subregional NCCP*, as shown within Appendix 4.4-A (Figure 2, Local Habitat Conservation Plans). The Proposed Project is proposed to occur within and follow the requirements of the *SDG&E Subregional NCCP*; therefore, no conflicts are expected with the *Southern Orange County Subregional NCCP*. No impacts to preserve areas designated by the *Southern Orange County Subregional NCCP* are proposed. If potential conflicts occur with the *Southern Orange County Subregional NCCP*, the Proposed Project would follow the requirements of the *SDG&E Subregional NCCP*. The *SDG&E Subregional NCCP* is independent of other NCCP/HCPs; and therefore is not dependent upon the implementation of such plans and is not superseded by other plans. SDG&E would coordinate with the appropriate authorities during the Proposed Project approval process to ensure that the impacts, mitigation measures, and operational protocols are implemented for the Proposed Project under the *SDG&E Subregional NCCP*.

City of San Juan Capistrano Tree Ordinance

The city of San Juan Capistrano's Municipal Code (Section 9-2.349) establishes regulations for removal of trees within their boundaries. The ordinance regulates the removal of trees over six inches in diameter measured three feet above grade. Tree removal permits are required for new development projects, utility easements, common landscape areas, nonresidential projects, city of San Juan Capistrano facilities and ROW, individual residential lots, and heritage trees.

Tree removals requiring city of San Juan Capistrano Community Development Department review and action take approximately one to three weeks. Trees requiring Planning Commission review will require one to three months for final action. Approved tree removal permits expire six months from the date of approval. If the permit expires and trees covered by the permit have not been removed, a new tree removal permit application is required.

To the extent issuance of a tree removal permit by the city of San Juan Capistrano is a discretionary action; CPUC approval of the CPCN would preempt local authority.

City of San Clemente Tree Ordinance

The city of San Clemente ordinance, City Owned Trees: Protection and Administration (Policy 301-2-1), provides the mechanism for protecting the community's urban forest and establishes a policy for managing trees owned by the city of San Clemente. The ordinance protects street trees and all trees planted on city of San Clemente land. This includes all trees at beaches, parks, golf courses, and conditionally those along public streets. This definition extends to trees that exist on any developed or undeveloped property owned and maintained by the city of San Clemente. Replacement of any trees removed would be considered and is at the discretion of the San Clemente Director of Beaches, Parks and Recreation.

To the extent issuance of a tree removal permit by the city of San Clemente is a discretionary action; CPUC approval of the CPCN would preempt local authority.

Other Conservation Plans

The Proposed Project traverses through areas with other adopted conservation plans and associated mitigation or preservation areas, including the Talega and Rancho San Juan developments. The Proposed Project is anticipated to occur within SDG&E's ROW; therefore no conflicts should occur with any other conservation plans or mitigation/preservation areas. If potential conflicts occur with mitigation or preservation areas, the *SDG&E Subregional NCCP* is independent of other NCCP/HCPs; and therefore is not dependent upon the implementation of such plans and is not superseded by theirs. SDG&E would coordinate with the appropriate authorities during the Proposed Project approval process to ensure that the impacts, mitigation measures, and operational protocols are implemented for the Proposed Project under the *SDG&E Subregional NCCP*.

The Proposed Project also traverses through Camp Pendleton, which is subject to the Integrated Natural Resources Management Plan (INRMP). The INRMP is a planning document that guides the management and conservation of natural resources under the base's control. The INRMP was produced to meet the requirements of the Sikes Act (U.S.C. Title 16, Sections 670 et. seq.) and the implementing directives of the Department of Defense, the Secretary of the Navy, and the commandant of the Marine Corps.

4.4.3.2 Biological Setting

Orange and San Diego Counties are biologically diverse regions that support rare and declining native habitats, numerous federally and state-listed plant and animal species, and an increasing amount of federally designated critical habitat for listed species.

The Proposed Project is approximately eight miles in length, and includes work at the San Juan Capistrano and Talega Substations. The Proposed Project is primarily located in portions of the cities of San Juan Capistrano and San Clemente within Orange County, as well as unincorporated Orange and San Diego Counties, and Camp Pendleton. This Proposed Project has an anticipated in-service date of 2017. The Talega Substation is on land owned by Camp Pendleton. All but 1,200 linear feet of the Proposed Project ROW would be located within an existing SDG&E ROW.

The Proposed Project survey area transects a mixture of habitats and land uses including urbanized areas where local hydrology and drainage patterns have been significantly altered, along with undeveloped land comprised of rough foothills with steep valleys and ravines. The undeveloped areas are comprised primarily of coastal sage scrub and ruderal vegetation bordered by residential and commercial land uses. Surface water runoff within the Proposed Project survey area appears to be captured by perennial creeks and underground storm water systems associated with the urban developments.

The following sections describe the existing conditions of the major vegetation communities and cover types found within the Proposed Project's ROW. Acreages of each vegetation community are summarized in Table 4.4-1, Vegetation Communities in the Proposed Project Area. The following sections also address the potential to support listed, sensitive, or covered species. The

vegetation mapping was based upon descriptions provided by Sawyer and Keeler-Wolf, *SDG&E Subregional NCCP* Section 3.1, and Holland.

Table 4.4-1: Vegetation Communities in the Proposed Project Area

Vegetation Community	Acres
Coastal Sage Scrub	121.16
Disturbed Coastal Sage Scrub	61.19
Coastal Freshwater Marsh	0.20
Southern Willow Scrub	9.18
Disturbed Southern Willow Scrub	0.78
Riparian Scrub	2.65
Ruderal	139.55
Disturbed	28.89
Ornamental	63.34
Dirt Roads	20.42
Developed	121.13

Vegetation Communities and Associated Wildlife

Coastal Sage Scrub (Holland Code 32000)

CSS is comprised of low, soft-woody subshrubs approximately one meter in height, many of which are facultatively drought-deciduous. This association is typically found on dry sites, such as steep, south-facing slopes or clay-rich soils that are slow to release stored water. Dominant shrub species in this vegetation type may vary, depending on local site factors and levels of disturbance. Plant species commonly observed within this community include coyote bush (*Baccharis pilularis*), California sagebrush (*Artemisia californica*), California buckwheat (*Eriogonum fasciculatum*), white sage (*Salvia apiana*), and laurel sumac (*Malosma laurina*).

CSS is the dominant native vegetation community within the Proposed Project survey area, comprising a total of 121.16 acres of CSS (refer to Appendix 4.4-A [Appendix H, Vegetation and Sensitive Species Maps]).

Plant species commonly observed within this community in the Proposed Project survey area included coyote bush, California sagebrush, California buckwheat, white sage, black sage (*Salvia mellifera*), California encelia (*Encelia californica*), toyon (*Heteromeles arbutifolia*), prickly pear cactus (*Opuntia littoralis*), goldenbush (*Isocoma menziesii*), Mexican elderberry (*Sambucus mexicana*), lemonade berry (*Rhus integrifolia*), laurel sumac, coyote gourd (*Cucurbita palmata*), ragweed (*Ambrosia psilostachya*), giant wild rye (*Leymus condensatus*), orange bush monkeyflower (*Mimulus aurantiacus*), deerweed (*Lotus scoparius*), and oaks (*Quercus* spp., including coast live oak/*Q. agrifolia*). Much of the CSS along the Proposed Project survey area is found in scattered patches surrounded by disturbed and ruderal habitats, and often in close proximity to residential areas. Several patches are located in the vicinity of the Prima Deshecha Landfill and one moderate-sized patch is located approximately 0.5 mile south of the landfill. The largest area of this vegetation community is found along the easternmost 1.5 miles of the Proposed Project where the transmission line connects to the Talega Substation. Most of this area is comprised of CSS, bordered by a commercial area to the north and a golf course to the south. Small areas of CSS located in the vicinity of the golf course near the Talega Substation are dominated by broom baccharis (*Baccharis sarothroides*). Some areas of CSS also appear to have been planted based on the presence of surface irrigation lines, possibly as mitigation, primarily in the Rancho San Juan and Talega areas.

Disturbed Coastal Sage Scrub (Holland Code 32000)

Disturbed CSS has similar characteristics to CSS with more areas of human disturbance and/or invasion of non-native plant species. This vegetation community tends to have a lower amount of native species cover and a higher amount of non-native plant species. Non-native species prevalent in Disturbed CSS include black mustard (*Brassica nigra*), thistle (*Silybum* spp.), and non-native grasses (e.g., *Bromus* spp.).

A total of 61.19 acres of Disturbed CSS occur in the Proposed Project survey area (refer to Appendix 4.4-A), most often bordering or adjacent to intact areas of CSS. The Disturbed CSS is similar in species composition and structure to intact CSS; however, the Disturbed CSS has a higher cover of non-native plant species. Non-native species observed in the Disturbed CSS include black mustard, artichoke thistle (*Cynara cardunculus*), brome grasses, fennel (*Foeniculum vulgare*), and other species also observed in adjacent ruderal areas (see below).

Coastal Freshwater Marsh (Holland 52410)

Freshwater marsh plant communities are dominated by perennial, emergent monocots, up to three meters tall. Bulrush (*Scirpus* spp.) and cattails (*Typha* spp.) are often dominant, typically forming completely closed canopies. Freshwater marsh plant communities are found in sites lacking significant flow, that are permanently flooded by fresh water, and in areas where there is prolonged saturation with the accumulation of deep, peaty soils.

A total of 0.20 acre of Coastal Freshwater Marsh areas occur within the Proposed Project survey area (refer to Appendix 4.4-A [Appendix H, Vegetation and Sensitive Species Maps, Sheets 14 and 16]). These areas are found in association with drainage systems in the south of the Proposed Project survey area, namely in Tributary to Segunda Deshecha Cañada 3, and Tributary to Christianitos Creek 1. These areas are monocultures of cattails and bulrushes within permanently saturated areas fed by urban run-off. Both areas of Coastal Freshwater Marsh were

determined to be ACOE wetlands and are described further in Appendix 4.4-C. Additionally, in both areas of Coastal Freshwater Marsh, it appears as if the area has been revegetated to create this vegetation community.

Southern Willow Scrub (Holland Code 63320)

Southern willow scrub (SWS) communities are generally composed of dense, winter-deciduous broadleaf species, dominated by a variety of willow species (*Salix* spp.). Often present are occasional Fremont cottonwood (*Populus fremontii*) and California sycamore (*Platanus racemosa*). Tree stands are generally too dense for development of an understory. These communities are found on loose, fine or sandy gravelly alluvium near stream channels and experience repeated flooding.

A total of 9.18 acres of SWS occur in the Proposed Project survey area (refer to Appendix 4.4-A), just east of the I-5 freeway at San Juan Creek, Segunda Deshecha Cañada, and near the southern terminus of the alignment in Tributary to Christianitos Creek 1. Smaller patches of SWS are also found where the Proposed Project survey area crosses smaller creeks and tributaries. Dominant species observed in this vegetation community included various willows, mulefat (*Baccharis salicifolia*), giant reed (*Arundo donax*), and cattails (*Typha latifolia*).

Disturbed Southern Willow Scrub (Holland Code 63320)

Disturbed SWS has similar characteristics to SWS with more areas of human disturbance and/or invasion of non-native plant species. This vegetation community tends to have a lower amount of native species cover and a higher amount of non-native plant species.

A total of 0.78 acre of disturbed SWS occur in the Proposed Project survey area (refer to Appendix 4.4-A), generally bordering intact areas of SWS. The disturbed SWS are similar in species composition and structure to intact SWS; however, the disturbed SWS have a higher cover of non-native plant species. Examples of non-native species observed in disturbed SWS include black mustard, artichoke thistle, brome grasses, and giant reed.

Riparian Scrub (Holland Code 63000)

Riparian Scrub is found on or adjacent to the banks of rivers or streams, typically in drier areas that experience flooding. Riparian plants can include a variety of species such as mulefat, cottonwood trees, coast live oak, and willows.

A total of 2.65 acres of Riparian Scrub occur in the Proposed Project survey area (refer to Appendix 4.4-A), predominately within and adjacent to Tributary to Prima Deshecha Cañada and Tributary to Christianitos Creek 1. Prevalent species in the Proposed Project survey area included mulefat, willow species (including arroyo willow/*Salix lasiolepis*), coast live oak, horseweed (*Conyza canadensis*), stinging nettle (*Urtica dioica*), ragweed, and a few scattered CSS species such as California sagebush, prickly pear cactus, lemonadeberry, poison oak (*Toxicodendron diversilobum*), and California buckwheat.

Ruderal (No Holland Code)

Ruderal vegetation is dominated by non-native weedy species in areas that have been significantly disturbed by agriculture, construction, or other land-clearing activities. Ruderal communities generally occupy waste areas, often on roadsides with heavily compacted soils with little available oxygen. These areas may be maintained but not typically on a regular basis, therefore allowing the establishment of a more dense cover of vegetation. Typical species can vary depending on the site and level of disturbance, but are often dominated by herbaceous annuals and grasses. Species can include black mustard, radish (*Raphanus sativus*), wild oat (*Avena* spp.), riggut grass (*Bromus diandrus*), foxtail chess (*Bromus madritensis* ssp. *rubens*), Australian saltbush (*Atriplex semibaccata*), tocalote (*Centaurea melitensis*), fennel, telegraph weed (*Heterotheca grandiflora*), crown daisy (*Chrysanthemum coronarium*), castor bean (*Ricinus communis*), pineapple-weed (*Chamomilla suaveolens*), common knotweed (*Polygonum arenastrum*), sowthistle (*Sonchus oleraceus*), horseweed, common fiddleneck (*Amsinckia menziesii*), Russian thistle (*Salsola tragus*), tree tobacco (*Nicotiana glauca*), bristly ox-tongue (*Lactuca serriola*), and goosefoot (*Chenopodium* spp.). Ornamental species may also colonize and proliferate in ruderal communities.

A total of 139.55 acres of Ruderal vegetation occur throughout the Proposed Project survey area in areas of historical disturbance (refer to Appendix 4.4-A). Weedy and disturbance-loving plants were identified in these areas included species such as artichoke thistle, brome grasses, short pod mustard, wild oats, curly dock (*Rumex crispus*), telegraph weed, Russian thistle, tree tobacco, bristly ox-tongue, doveweed (*Croton setigerus*), castor bean (*Ricinus communis*), red-stem filaree (*Erodium cicutarium*), fennel, various thistle and sunflower species (these species were dead at the time of the survey and could not be positively identified), and cheeseweed (*Malva parviflora*). Some scattered native species were also observed including, but not limited to, species such as coyote bush, goldenbush, common fiddleneck, and coast live oak. Only one ruderal area, directly north of San Juan Creek, contained coast live oak and appeared associated with a revegetation project.

Disturbed (Holland Code 11300)

Disturbed areas are composed entirely, or predominately, of unvegetated ground due to ongoing maintenance, and may support only a few isolated individuals of non-native and/or native species. These species are generally composed of the same plants found in ruderal vegetation communities.

A total of 28.89 acres of Disturbed areas occur in the Proposed Project survey area, primarily comprised of regularly maintained sites around the transmission poles (refer to Appendix 4.4-A). The areas were predominately bare with a few weedy and disturbance-loving species such as mustard, doveweed (*Croton setigerus*), red-stem filaree, and cheeseweed, in addition to scattered individuals of CSS species.

Ornamental (Holland Code 11100)

Ornamental consists of landscaped areas most commonly associated with developments (residential or commercial) and open areas such as parks, which have been planted with either a variety of non-native trees and shrubs, or monocultures of one species. These non-native plants

can include many different species including, but not limited to, pines (*Pinus* sp.) and eucalyptus (*Eucalyptus* sp.). Whilst ornamental more typically comprises non-native plants it may also include native species such as oaks (*Quercus* spp.), sycamores (*Platanus racemosa*), and cottonwoods (*Populus fremontii*). Generally ornamental areas are planted as a windbreak, or for aesthetic and horticultural purposes around houses and other developed areas. The understory of ornamental areas are typically lacking due to maintenance or, in the case of eucalyptus trees, chemicals in the leaves. These chemicals build up in the soil from debris and leaf-litter and prevent the establishment of most other plants. Eucalyptus trees are not native, but many species of eucalyptus have become naturalized and have invaded natural riparian areas. Ornamental vegetation can provide nesting habitat for several bird and raptor species.

A total of 63.34 acres of Ornamental vegetation occur throughout the Proposed Project survey area (refer to Appendix 4.4-A). These areas comprise predominately non-native species, including a small eucalyptus grove that borders the Proposed Project survey area just west of the San Juan Creek crossing that is dominated by several species of eucalyptus. Native ornamental areas were also observed, including coast live oaks and sycamores within Arroyo Park in San Juan Capistrano, and areas of CSS associated with the Talega development appeared to have been planted as landscaping. Some Ornamental areas were observed to include a mix of native and non-native species, including a park west of the Capistrano Substation that was planted with non-native pines and both native cottonwoods and sycamores. Additional species observed in Serra Park and Marbella Country Club in San Juan Capistrano included alder (*Alnus rhombifolia*), pepper trees (*Schinus terebinthifolius* and *S. molle*), bougainvillea (*Bougainvillea spectabilis*), bottlebrush (*Callistemon* spp.), and palm trees (*Washingtonia robusta* and *Phoenix* sp.).

Dirt Roads (No Holland Code)

Dirt roads are unpaved roads that are typically used for access only. A total of 20.42 acres of Dirt roads occur throughout the Proposed Project survey area (refer to Appendix 4.4-A), consisting of cleared, maintained access roads to the pole sites.

Developed (Holland Code 12000)

Developed areas typically include paved roads, structures, and associated infrastructure, and may also include ornamental landscaping.

A total of 121.13 acres of Developed areas occur throughout the Proposed Project survey area (refer to Appendix 4.4-A), primarily including paved roads, and commercial or residential structures with associated landscaping.

Sensitive Vegetation Communities

Some of the vegetation communities occurring within the Proposed Project survey area are considered sensitive or have special status due to their natural rarity and their decline as a result of development, and/or due to the number of sensitive plant or animal species dependent upon them. Sensitive habitats also include those regulated by the federal government under the CWA (i.e., jurisdictional wetlands), the FESA (i.e., site-specific designated critical habitat areas for federally listed wildlife species), or categorized as sensitive habitat by the *SDG&E Subregional NCCP* (CSS, riparian/wetland, and nonnative grassland habitats). Special status vegetation

communities in the survey area include CSS, Disturbed CSS, and riparian communities (SWS, Coastal Freshwater Marsh, and Riparian Scrub) which include jurisdictional areas (refer to Section 5.7 of Appendix 4.4-A).

CSS is considered a sensitive habitat type by both federal and state resource agencies, local jurisdictions, and conservation organizations throughout southern California. Losses of up to 85 percent have been estimated for CSS in southern California, largely attributable to residential development and agricultural activities. The trend for continued losses has resulted in the selection of this community as the focus of the state of California's first habitat-based conservation planning program, the NCCP Act. CSS provides habitat for the coastal California gnatcatcher, a federally threatened species, as well as a variety of other animal and plant species which are candidates for federal listing, state species of special concern, or considered sensitive by local jurisdictions.

All riparian communities in southern California, including SWS, are considered sensitive by federal and state resource agencies. Estimated losses of riparian habitat in southern California range as high as 95 to 97 percent. Habitat destruction and degradation has resulted from wetland conversion for agricultural purposes, urban development, and flood control projects. Riparian vegetation provides shelter, food, and breeding habitat for numerous plant and wildlife species.

Critical Habitat

Critical habitat for two species, the arroyo toad and coastal California gnatcatcher, is located within the Proposed Project survey area. Additionally, critical habitat for the thread-leaved brodiaea (*Brodiaea filifolia*) and San Diego fairy shrimp (*Branchinecta sandiegonensis*) is located approximately two miles to the northeast of the Proposed Project survey area. All special status species identified in the literature search, including the four addressed here, were assessed for their potential to occur within the Proposed Project survey area. It should also be noted that the designation of critical habitat for the coastal California gnatcatcher specifically excludes areas within functioning HCPs, such as *SDG&E's Subregional NCCP*. Specifically, essential coastal California gnatcatcher habitat owned by SDG&E and covered under the *SDG&E Subregional NCCP* was determined to have greater benefits to coastal California gnatcatcher than from lands designated as critical habitat. Arroyo toad is a covered species under the *SDG&E Subregional NCCP* which has already identified and covered impacts to arroyo toad habitat and individuals.

Sensitive Plants

Seventy four sensitive plant species were identified from the literature review as having the potential to occur within three miles of the Proposed Project survey area. Appendix 4.4-A provides a list of these species, as well as their status and potential to occur in the Proposed Project area. This list was derived from CNDDDB and CNPS records searches, *SDG&E Subregional NCCP* species, and suitable habitat identified during the rare plant and habitat assessment surveys. With the exception of three species, cliff spurge (*Euphorbia misera*), white rabbit-tobacco (*Pseudognaphalium leucocephalum*), and chaparral ragwort (*Senecio aphanactis*), all plant species were surveyed for during the appropriate blooming season. Of the three species surveyed outside their blooming period, one is an obvious shrub and the other two are unlikely to occur within or adjacent to the ROW due to habitat requirements that do not exist within the

Proposed Project survey area. No special status plants were observed during the focused plant surveys. A complete list of all plant species observed during the focused surveys can be found in Appendix 4.4-A.

Five of the plant species: big-leaved crownbeard (*Verbesina dissita*; FT, ST), Encinitas baccharis (*Baccharis vanessae*; FT, SE), Laguna Beach dudleya (*Dudleya stolonifera*; FT, ST), Santa Monica dudleya (*Dudleya cymosa* ssp. *ovatifolia*; FT), and thread-leaved brodiaea (*Brodiaea filifolia*; FT, SE Covered Species) are federal or state-listed species. All None of these species were observed during the focused plant surveys or other surveys conducted for the Proposed Project, therefore none of these species are unlikely likely to occur in the Proposed Project survey area. These species are discussed in more detail within Appendix 4.4-A.

Special Status Wildlife

Some of the vegetation communities and waterways within the Proposed Project survey area provide habitat for one or more sensitive or *SDG&E Subregional NCCP* Covered Species known to occur or with potential to occur in the Proposed Project survey area. Based on the literature search, reconnaissance and habitat assessment surveys, and additional focused biological surveys, 36 special status wildlife species are known to occur or have the potential to occur in the Proposed Project survey area. These species, their status, documented occurrence, and the potential for their presence within the Proposed Project survey area are summarized in Appendix 4.4-A. A list of common and scientific names of wildlife species observed during the surveys can be found in Appendix 4.4-A.

In addition to the species identified in Appendix 4.4-A, raptor species such as the red-tailed hawk (*Buteo jamaicensis*), red-shouldered hawk (*Buteo lineatus*), and American kestrel (*Falco sparverius*) have the potential to nest within the Proposed Project survey area. During habitat assessment and focused surveys conducted for this Proposed Project between February and June 2008, several stick nests, including two active red-tailed hawk nests, were identified on various tower structures within the Proposed Project survey area. Locations of these nests can also be found in Appendix 4.4-A (Appendix H).

Of the 36 species outlined in Appendix 4.4-A, 34 sensitive wildlife species have a potential to occur (30 of which are Covered Species) and six are found within and in the vicinity of the Proposed Project survey area (of which only one, white-tailed kite, is not a Covered Species). Of the 36 species, 18 species are listed below because of their presence in the survey area and/or a moderate or high potential to occur within the Proposed Project survey area due to presence of suitable habitat. These species are discussed in further detail within Appendix 4.4-A, Section 5.6.

Special Status Wildlife Found Onsite

Six special status wildlife species were observed in the Proposed Project survey area:

- American peregrine falcon (*Falco peregrinus anatum*, BCC, FP, Covered Species)
- coastal California gnatcatcher (FT, SSC, Covered Species)
- Cooper's hawk (*Accipiter cooperii*, Watch List [WL], Covered Species)

- least Bell's vireo (FE, SE, SSC, Covered Species)
- southwestern willow flycatcher (FE, SE, Covered Species)
- white tailed kite (*Elanus leucurus*, FP)

Special Status Wildlife with Moderate to High Potential to Be On-Site

Twelve special status wildlife species were found to have a moderate to high potential for occurrence in the Proposed Project survey area:

- Arroyo Chub (*Gila orcuttii*; SSC)
- Arroyo Toad (*Bufo californicus*; FE, SSC, Covered Species)
- Burrowing Owl (*Athene cunicularia*; SSC, Covered Species)
- Coast horned lizard (*Phrynosoma coronatum blainvillei*; SSC, Covered Species)
- Mountain lion (*Felis concolor*; Covered Species)
- Northern red-diamond rattlesnake (*Crotalus ruber ruber*; SSC, Covered Species)
- Orange-throated whiptail (*Aspidoscelis hyperythra*; SSC, Covered Species)
- Southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*, WL, Covered Species)
- Stephen's kangaroo rat (*Dipodomys stephens*, FE, ST)
- Two-striped garter snake (*Thamnophis hammondi*; SSC, Covered Species)
- Western pond turtle (*Emys marmorata*; SSC, Covered Species)
- Western spadefoot (*Spea hammondi*; SSC, Covered Species)

Jurisdictional Delineation of Waters and Wetlands

The Proposed Project survey area supports twelve different drainages (refer to Appendix 4.4-A [Appendix C]). These drainages include eight relatively permanent waters, known as Horno Creek, San Juan Creek, Segunda Deshecha Cañada, Tributary to Segunda Deshecha Cañada 1, 2, and 3, and Tributary to Christianitos Creek 1 and 3. The remaining four drainages are non-relatively permanent waters known as the Tributary to Prima Deshecha Cañada, Tributary to San Juan Creek, the Rancho San Juan Drainage, and Tributary to Christianitos Creek 2. All drainages within the Proposed Project survey area total approximately 6.69 acres of WUS of which 3.43 acres are wetland, and 13.83 acres of "Waters of the State," of which 13.52 acres are riparian. The locations and boundaries of these jurisdictional waters are depicted on the attached Appendix 4.4-A (Appendix C, Figure 2). A summary of jurisdiction by acreage is provided below in Table 4.4-2: Potentially Jurisdictional Waters in Proposed Project Survey Area.

Table 4.4-2: Potentially Jurisdictional Waters in Proposed Project Survey Area

Drainage Name	ACOE Wetland	Total ACOE¹	CDFG Riparian	Total CDFG²	Linear Feet
Horno Creek	0.05	0.19	1.08	1.08	540
San Juan Creek	2.00	3.86	4.86	4.86	665
Tributary to San Juan Creek	-	0.05	-	0.05	1,630
Whispering Hills Drainage	-	0.94	2.55	2.55	960
Tributary to Prima Deshecha Cañada	-	0.22	0.59	0.72	3,880
Segunda Deshecha Cañada	0.68	0.68	1.38	1.38	1,040
Trib to Segunda Deshecha Cañada 1	0.01	0.04	0.01	0.04	155
Trib to Segunda Deshecha Cañada 2	-	0.03	-	0.03	715
Trib to Segunda Deshecha Cañada 3	0.26	0.28	0.55	0.56	515
Trib to Christianitos Creek 1	0.26	0.34	2.24	2.25	1,040
Trib to Christianitos Creek 2	-	0.04	-	0.04	610
Trib to Christianitos Creek 3	-	0.02	0.26	0.27	630
<i>Totals</i>	<i>3.26</i>	<i>6.69</i>	<i>13.52</i>	<i>13.83</i>	<i>12,380</i>

¹ Includes all wetlands and waters (relatively permanent water (RPW) and non-RPW).

² Includes bed and bank and associated riparian habitat, where present.

4.4.4 Potential Impacts

The following discussion describes the Proposed Project's potential to impact sensitive species and habitat that may occur as a result of construction and operation of the Proposed Project. As part of the Proposed Project description, SDG&E would be operating under its own NCCP, which was established according to the FESA and CESA and the state's NCCP Act. SDG&E would implement the *SDG&E Subregional NCCP* Operational Protocols, habitat enhancement, and mitigation requirements to avoid, minimize, and mitigate potential impacts to ensure the protection and conservation of listed and covered species and their habitats. The *SDG&E Subregional NCCP* is described more fully in Section 3, Project Description.

4.4.4.1 Significance Criteria

Potential impacts to biological resources are separated into those likely to occur from construction (both short and long term impacts) and those that could occur as a result of transmission line and substation operation and maintenance.

Standards of impact significance were derived from Appendix G of the *CEQA Guidelines*. Under these guidelines, the Proposed Project could have a potentially significant impact to biological resources if it would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFG or USFWS;
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFG or USFWS;
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- Conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or state HCP.

4.4.4.2 Question 4a - Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFG or USFWS?

Construction – Less than Significant Impacts

Overview

Impacts to sensitive species could result in impacts to habitats for special status species, including Covered Species. Impacts could result from blading, scraping, excavation, and erosion, along with fragmentation and human access to restricted areas. Modification of habitat may reduce the prey base or other biological resources for special status species and thereby affect their ability to survive. Impacts can also occur from take of individual animals, such as harassment, death or displacement, or impacts to habitats. Harassment is the most common impact to individual animals and can occur as an unavoidable and unintentional consequence of factors such as human activity, operation of machinery or equipment, and associated noise. Harassment can also result in the disruption of normal behaviors and abandonment of nests. Direct killing or injury to individuals may result from being struck by vehicles or equipment, or being crushed or trapped in their burrows. Displacement may occur when individual animals move away from the work area to surrounding areas, either temporarily or permanently, either due to noise or removal of nests or nesting/foraging habitat. Some wildlife may be temporarily displaced during construction, at least during daylight hours. Permanent displacement results in animals being forced to compete with other animals in new areas for food and living space. Other potential impacts include wildlife falling into and becoming trapped within transmission pole excavation areas or inside equipment/supplies. These potential impacts would be avoided, minimized, and mitigated through implementation of all measures in the *SDG&E Subregional NCCP*. A detailed description of the potential impacts and *SDG&E Subregional NCCP* Operation Protocols, Habitat Enhancement Measures and Mitigation are described below. With the implementation of the *SDG&E Subregional NCCP* as a project feature, impacts are expected to be less than significant.

Impacts to Vegetation Communities

The Proposed Project would permanently impact approximately 0.85 acre of CSS, 0.72 acre of Disturbed CSS, 2.38 acres of Ruderal vegetation, 2.83 acres of Disturbed habitat, 2.34 acres of Ornamental vegetation, 1.23 acres of existing Dirt roads and 10.05 acres of Developed land. The Proposed Project would also temporarily impact 0.44 acre of CSS, 0.86 acre of Disturbed CSS, 8.69 acres of Ruderal vegetation, 5.3 acres of Disturbed habitat, 1.16 acres of Ornamental vegetation, 1.41 acres of Dirt roads, and 4.84 acres of Developed areas. There would be no permanent or temporary impacts to Coastal Freshwater Marsh, SWS, Disturbed SWS, or Riparian Scrub habitat. Impacts to sensitive habitats are limited to CSS and Disturbed CSS. A map of temporary and permanent construction impacts to vegetation communities is provided in Appendix 4.4-A (Appendix J, Impact Maps). These impacts are also summarized in Table 4.4-3: Vegetation Community Impacts in Acres.

Table 4.4-3: Vegetation Community Impacts in Acres

Vegetation Community	Permanent Impacts	Temporary Impacts
Sensitive Habitats		
Coastal Sage Scrub	0.85	0.44
Disturbed Coastal Sage Scrub	0.72	0.86
Coastal Freshwater Marsh	0	0
Southern Willow Scrub	0	0
Disturbed Southern Willow Scrub	0	0
Riparian Scrub	0	0
<i>Subtotal</i>	<i>1.57</i>	<i>1.30</i>
Non-sensitive Habitats		
Ruderal	2.38	8.69
Disturbed	2.83	5.30
Ornamental	2.34	1.16
Dirt Roads	1.23	1.41
Developed	10.05	4.84
<i>Subtotal</i>	<i>18.83</i>	<i>21.4</i>
<i>Total</i>	<i>20.40</i>	<i>22.70</i>

The *SDG&E Subregional NCCP* allows for impacts to habitats when incidental to otherwise lawful activities and when conducted in full compliance with the *SDG&E Subregional NCCP*. Compliance with the *SDG&E Subregional NCCP* is designed to avoid impacts whenever possible and to implement measures to minimize and mitigate any take to the maximum extent possible. Consistent with the *SDG&E Subregional NCCP*, the Proposed Project has been designed to avoid sensitive habitat areas when possible, including not placing poles in drainage areas, using existing access roads to the greatest extent possible, and placing any new facilities, staging areas, or access roads outside habitats when feasible. Where avoidance of sensitive

habitat areas (CSS and Disturbed CSS) is not possible or where sensitive habitat areas exist adjacent to Proposed Project work areas, implementation of the measures in Section 7.1 and 7.2 of the *SDG&E Subregional NCCP* for remaining impacts to sensitive habitats would reduce these impacts to a less than significant level.

Impacts to Sensitive Plant Species

Compliance with the *SDG&E Subregional NCCP* is designed to avoid take of Covered Species whenever possible and to implement measures to minimize and mitigate any take to the maximum extent possible. Take of Narrow Endemic Covered Species, including certain plant species, is to be avoided except for emergencies and unavoidable impacts from repairs to existing facilities.

None of the sensitive plant species identified in the literature search are likely to occur within the Proposed Project survey area based on focused field surveys and observations. Based on the results of the field survey, the potential for occurrence was determined for each plant species and is included as Appendix 4.4-A. No sensitive plant species were found during habitat assessments or rare plant surveys conducted in 2008 and 2010.

Since special status plant species were not observed in the Proposed Project survey area and determined to have an unlikely potential to occur, no impacts to these species are expected. Pre-activity surveys required pursuant to the *SDG&E Subregional NCCP* would confirm absence of special status plants. If any are found, compliance with Sections 7.1 and 7.2 of the *SDG&E Subregional NCCP* would reduce any impacts to a less than significant level. These include measures outlined at the end of this section.

Impacts to Sensitive Wildlife Species

There are 34 sensitive wildlife species that have a potential to occur (30 of which are Covered Species) and six are found within and in the vicinity of the Proposed Project survey area (of which only one, white-tailed kite, is not a Covered Species). The potential presence of species is based on their known or recorded occurrence within the region, and/or appropriate habitat being present in the Proposed Project area.

In addition to the species identified in Appendix 4.4-A, raptor species such as the red-tailed hawk (*Buteo jamaicensis*), red-shouldered hawk (*Buteo lineatus*), and American kestrel (*Falco sparverius*) have the potential to nest within the Proposed Project survey area. During habitat assessment and focused surveys conducted for this Proposed Project, two active red-tailed hawk nests were identified on various tower structures within the Proposed Project survey area. Construction activities could potentially impact nesting raptors, passerines, and other sensitive bird species such as migratory birds protected under the MBTA. Impacts may include the removal of potential nesting habitat and the disruption of nesting behavior due to a temporary increase in noise from construction equipment and vehicles. SDG&E would comply with Sections 7.1 and 7.2 of the *SDG&E Subregional NCCP* (including pre-activity surveys, determining the presence or absence of nesting species, and implementing avoidance and minimization measures). These measures would also comply with the MBTA. Through

compliance with the *SDG&E Subregional NCCP*, impacts to breeding and nesting birds are would be less than significant.

Consistent with the *SDG&E Subregional NCCP*, the Proposed Project has been designed to avoid sensitive habitat areas that may support special status wildlife species when possible, including not placing poles in drainage areas, using existing access roads to the greatest extent possible, and placing any new facilities, staging areas, or access roads outside habitats when feasible. Due to the small permanent footprint of the Proposed Project, and the presence of potential foraging adjacent to the Proposed Project, wildlife habitat is not expected to be adversely affected. Where avoidance of sensitive habitat areas supporting special status wildlife is not possible, or where sensitive habitat areas exist adjacent to Proposed Project work areas, implementation of the measures in Section 7.1 and 7.2 of the *SDG&E Subregional NCCP* would reduce these impacts to less than significant, including but not limited to those listed below. The applicable *SDG&E Subregional NCCP* section is provided in brackets and can be used to reference the *SDG&E Subregional NCCP* for additional details. Compliance with the *SDG&E Subregional NCCP*, which includes mitigation for loss of habitat, would reduce impacts to Covered Species to a less than significant level. Pre-activity surveys required pursuant to the *SDG&E Subregional NCCP* would also confirm the absence of any other special status species not covered under the *SDG&E Subregional NCCP*. If any non-Covered Species special status species are found or suspected, compliance with Sections 7.1 and 7.2 of the *SDG&E Subregional NCCP* would allow avoidance, minimization and mitigation of impacts, as applicable. Based on Section 4.4.3.2 of this report, presence or potential presence of non-Covered Species is expected to be limited to white-tailed kite, arroyo chub, and Stephen's kangaroo rat. No impacts would occur to arroyo chub habitat as a result of the Proposed Project, and avoidance of any impacts to white tailed kite and Stephen's kangaroo rat (if present) is expected through compliance measures in the *SDG&E Subregional NCCP*. CDFG and/or USFWS would be consulted if impacts to non- Covered Species cannot be avoided.

Common Species

Consistent with the *SDG&E Subregional NCCP*, the Proposed Project has been designed to avoid sensitive habitat areas that may support common wildlife species when possible, including not placing poles in drainage areas, using existing access roads to the greatest extent possible, and placing any new facilities, staging areas, or access roads outside habitats when feasible. Due to the small permanent footprint of the Proposed Project, and the presence of potential foraging adjacent to the Proposed Project, wildlife habitat is not expected to be adversely affected. Where avoidance of sensitive habitat areas supporting special status wildlife is not possible, or where sensitive habitat areas exist adjacent to Proposed Project work areas, implementation of the measures in Section 7.1 and 7.2 of the *SDG&E Subregional NCCP*, as described above, would reduce these impacts to less than significant.

Transmission lines and other structures provide potential perching opportunities for raptor species, which can increase the potential for predation of wildlife by raptors. Since the Proposed Project is within an existing transmission ROW, the extent of predation on sensitive and common wildlife species is not anticipated to change from existing conditions, and therefore have a less than significant impact on common wildlife.

SDG&E Subregional NCCP Operation Protocols, Habitat Enhancement Measures and Mitigation (Incorporated Into Proposed Project Design)

- Vehicles would be kept on access roads and limited to 15 mph (Section 7.1.1, 1.).
- No plants would be collected (Section 7.1.1, 2.).
- Measures to prevent or minimize wild fires would be implemented, including exercising care when driving and not parking vehicles where catalytic converters can ignite dry vegetation (Section 7.1.1, 9.).
- Field crews would refer all environmental issues, including questions regarding environmental impacts, to the Environmental Surveyor (Section 7.1.1, 10.).
- All SDG&E personnel would participate in an environmental training program conducted by SDG&E, with annual updates (Section 7.1.2, 11.).
- The Environmental Surveyor would conduct preactivity studies for all activities occurring in natural areas, and would complete a preactivity study form including recommendations for review by a biologist and construction monitoring, if appropriate. The form would be provided to CDFG and USFWS but does not require their approval (Section 7.1.3, 13.).
- The Environmental Surveyor would flag boundaries of habitats to be avoided and, if necessary, the construction work boundaries (Section 7.1.3, 14.).
- The Environmental Surveyor would conduct monitoring as recommended in the preactivity study form (Section 7.1.4, 35.).
- Fugitive dust would be controlled by regular watering and speed limits (Section 7.1.4, 39.).
- New access roads would be designed and constructed according to the SDG&E *Guide for Encroachment on Transmission Rights-of-Way (4/91)* (Section 7.1.6, 46.). No wildlife, including rattlesnakes, would be collected or harmed, except to protect life and limb (Section 7.1.1, 2. and 7.).
- Feeding of wildlife is not allowed (Section 7.1.1, 4.).
- No pets are allowed within the ROW (Section 7.1.1, 5.).
- Littering is not allowed, and no food or waste would be left on the right-of-way or adjacent properties (Section 7.1.1, 8.).
- Field crews would refer all environmental issues, including wildlife relocation, dead or sick wildlife, or questions regarding environmental impacts to the Environmental Surveyor. Biologists or experts in wildlife handling may be necessary to assist with wildlife relocations (Section 7.1.1, 10.).
- Supplies, equipment, or construction excavations where wildlife could hide (e.g., pipes, culverts, pole holes, trenches) would be inspected prior to moving or working on/in them (Section 7.1.4, 37. and 38.).

- During the nesting season, the presence or absence of nesting species (including raptors) shall be determined by a biologist who would recommend appropriate avoidance and minimization measures (Section 7.1.6, 50).

Operation & Maintenance – No Impact

SDG&E currently maintains and operates extensive existing electric transmission, distribution and substation facilities throughout the Proposed Project site. SDG&E's existing operations and maintenance activities constitute the baseline against which the impacts of the Proposed Project are evaluated.

Operations and maintenance activities for the Proposed Project would not materially increase in frequency or intensity. Any future potential maintenance-related construction projects will be evaluated under G.O. 131-D and CEQA for purposes of assessing whether further CPUC approval is required and will be conducted in compliance with the *SDG&E Subregional NCCP*.

4.4.4.3 Question 4b - Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFG or USFWS?

Construction – Less than Significant Impact

Construction activities could result in impacts to sensitive natural communities. Impacts could result from blading, scraping, excavation, and erosion, along with fragmentation and human access to restricted areas. The *SDG&E Subregional NCCP* allows for impacts to habitats when incidental to otherwise lawful activities and when conducted in full compliance with the SDG&E Subregional NCCP. Compliance with the *SDG&E Subregional NCCP* is designed to avoid impacts whenever possible and to implement measures to minimize and mitigate any take to the maximum extent possible. Here, implementation of the *SDG&E Subregional NCCP* would mitigate potential impacts to a less than significant level.

As described in Section 4.4.4.2, there would be no permanent or temporary impacts to riparian habitats including Coastal Freshwater Marsh, SWS, Disturbed SWS, or Riparian Scrub habitat. Impacts to sensitive habitats are limited to 1.57 acres of permanent impact and 1.30 acres of temporary impact to CSS and Disturbed CSS habitats. A map of temporary and permanent construction impacts to vegetation communities is provided in Appendix 4.4-A. These impacts are also summarized above in Table 4.4-2: Vegetation Community Impacts in Acres.

Consistent with the *SDG&E Subregional NCCP*, the Proposed Project has been designed to avoid sensitive habitat areas when possible, including not placing poles in drainage areas, using existing access roads to the greatest extent possible, and placing any new facilities, staging areas, or access roads outside habitats when feasible. Where avoidance of sensitive habitat areas (CSS and Disturbed CSS) is not possible, or where sensitive habitat areas exist adjacent to Proposed Project work areas, implementation of the measures in Section 7.1 and 7.2 of the *SDG&E Subregional NCCP* would reduce these impacts to less than significant, including but not limited to those listed below.

SDG&E Subregional NCCP Operation Protocols, Habitat Enhancement Measures and Mitigation

- Impacts to CSS and Disturbed CSS habitat for new facilities would be mitigated for permanent impacts at a 2:1 ratio in preserve areas and at a 1:1 ratio outside preserve areas (*SDG&E Subregional NCCP* Section 7.2).
- Impacts to CSS and Disturbed CSS habitat for new facilities would be mitigated for temporary impacts through basic site remediation, including hydroseeding for erosion control, if necessary. For areas greater than 500 square feet, any acreage not meeting *SDG&E Subregional NCCP* criteria would be deducted from SDG&E Mitigation Credits at a 1:1 ratio. For areas of less than 500 square feet, success criteria would not be required to be met (Sections 7.2 and 7.4).

As a result of implementation of the above measures, potential impacts from construction would be less than significant.

Operation & Maintenance – No Impact

SDG&E currently maintains and operates extensive existing electric transmission, distribution and substation facilities throughout the Proposed Project site. SDG&E's existing operations and maintenance activities constitute the baseline against which the impacts of the Proposed Project are evaluated.

Operations and maintenance activities for the Proposed Project would not materially increase in frequency or intensity. Any future potential maintenance-related construction projects will be evaluated under G.O. 131-D and CEQA for purposes of assessing whether further CPUC approval is required and will be conducted in compliance with the *SDG&E Subregional NCCP*.

4.4.4.4 Question 4c - Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**Construction– Less than Significant Impact**

Construction of the Proposed Project would result in no permanent impacts to waters under the jurisdiction of the ACOE, RWQCB, and CDFG. A total of approximately 0.0006 acre of ephemeral jurisdictional waters, out of the total of 13.83 acres of waters of the State and 6.69 acres of WUS, would be temporarily impacted. The temporary impacts are to a 25-foot linear ephemeral drainage with a one-foot width located within Tributary to Prima Deshecha Cañada. This water has a low biological value and has no associated riparian vegetation. Nevertheless, SDG&E would avoid this drainage to the greatest extent possible, obtain permits from the regulatory agencies (ACOE, RWQCB, and CDFG), and mitigate for impacts as described in the *SDG&E Subregional NCCP* (Sections 7.1 and 7.2) and as required by the permitting process. Indirect impacts to jurisdictional drainages would be avoided through the use of state-of-the-art technical design and construction techniques to minimize and avoid erosion and siltation into any creeks, streams, rivers, or bodies of water by use of BMPs (*SDG&E Subregional NCCP* Section 7.1.4, 20). Through compliance of the *SDG&E Subregional NCCP* and permits to be obtained

from the regulatory agencies, direct and indirect impacts to jurisdictional waters would be less than significant.

Operation & Maintenance– No Impact

SDG&E currently maintains and operates extensive existing electric transmission, distribution and substation facilities throughout the Proposed Project site. SDG&E's existing operations and maintenance activities constitute the baseline against which the impacts of the Proposed Project are evaluated.

Operations and maintenance activities for the Proposed Project would not materially increase in frequency or intensity. Any future potential maintenance-related construction projects will be evaluated under G.O. 131-D and CEQA for purposes of assessing whether further CPUC approval is required and will be conducted in compliance with the *SDG&E Subregional NCCP*. If necessary, SDG&E will obtain any wetlands permits required to conduct maintenance activities that would impact wetlands.

4.4.4.5 Question 4d - Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Construction– Less than Significant Impact

It is not anticipated that the Proposed Project would have a significant effect on wildlife movement. The Proposed Project would be located almost entirely within an existing ROW where transmission lines are currently present, and on existing SDG&E substation sites. Placement of pole and tower structures for the new overhead transmission line would occur in the vicinity of existing structures within the ROW, and due to their small footprint would maintain wide natural areas to allow the continued movement of wildlife species. The Proposed Project would also avoid or span existing drainages that often serve as wildlife movement corridors. Some local wildlife movement may be temporarily disrupted during construction, at least during daylight hours. It is expected that regional wildlife movement would not be significantly impacted by the Proposed Project due to minimal loss of protective cover (vegetation), roosts, forage habitat, or movement corridors. Furthermore, the measures outlined in Section 4.4.4.2 and 4.4.4.3 would avoid or minimize impacts associated with construction. Therefore, the potential impacts to wildlife movement are anticipated to be less than significant.

Operation & Maintenance– No Impact

SDG&E currently maintains and operates extensive existing electric transmission, distribution and substation facilities throughout the Proposed Project site. SDG&E's existing operations and maintenance activities constitute the baseline against which the impacts of the Proposed Project are evaluated. Placement of pole and tower structures for the new overhead transmission line would occur in the vicinity of existing structures within the ROW. Due to the overall decrease in number of structures and the associated small footprint of these structures, wide natural areas would be maintained to allow the continued movement of wildlife species. Once construction is completed, no effects are expected that would preclude wildlife from returning. Therefore, impacts to wildlife movement corridors are anticipated to be less than significant.

4.4.4.6 Question 4e - Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**Construction– No Impact**

Local governments are precluded from regulating public utilities through their zoning laws, land use laws, ordinances and other police powers by the exclusive jurisdiction of the CPUC. To the extent issuance of a tree removal permit or other approval by a local jurisdiction is a discretionary action; CPUC approval of the CPCN would preempt local authority. Because these local policies or ordinances do not apply, there would be no impact.

Operation & Maintenance– No Impact

SDG&E currently maintains and operates extensive existing electric transmission, distribution and substation facilities throughout the Proposed Project site. SDG&E's existing operations and maintenance activities constitute the baseline against which the impacts of the Proposed Project are evaluated. Operations and maintenance activities for the Proposed Project would not materially increase in frequency or intensity. Standard operational and maintenance activities, such as road grading, tree trimming, structure installation, and replacement and repairs, would not conflict with any local policies or ordinances protecting biological resources. Therefore no impacts are expected as result of operation and maintenance of the Proposed Project.

4.4.4.7 Question 4f - Conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or state habitat conservation plan?**Construction– No Impact**

The Proposed Project traverses through areas within the *Southern Orange County Subregional NCCP* and the INRMP at Camp Pendleton. The Proposed Project would occur within and follow the requirements of the SDG&E Subregional NCCP; the SDG&E Subregional NCCP contains measures to coordinate with HCP implementing entities and to provide additional mitigation in the event of permanent impacts to HCP/NCCP preserve areas. Therefore, no conflicts are expected with the Southern Orange County Subregional NCCP or the INRMP. The SDG&E Subregional NCCP is independent of other NCCP/HCPs; and therefore is not dependent upon the implementation of such plans and is not superseded by other plans. SDG&E would coordinate with the appropriate authorities during the Proposed Project approval process to ensure that the impacts, mitigation measures, and operational protocols are implemented for the Proposed Project under the *SDG&E Subregional NCCP*. With the implementation of the *SDG&E Subregional NCCP*, no impacts are expected.

Operation & Maintenance– No Impact

SDG&E currently maintains and operates extensive existing electric transmission, distribution and substation facilities throughout the Proposed Project site. SDG&E's existing operations and maintenance activities constitute the baseline against which the impacts of the Proposed Project are evaluated. Operations and maintenance activities for the Proposed Project would not materially increase in frequency or intensity. Any future operations and maintenance activities will be conducted in compliance with the *SDG&E Subregional NCCP*. Standard operational and

maintenance activities, such as road grading, tree trimming, structure installation, and replacement and repairs, would not conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or state habitat conservation plan. Therefore there is no impact as a result of operation and maintenance of the Proposed Project.

4.4.5 Applicant Proposed Measures

Potential impacts to biological resources would be less than significant through the avoidance of resources, application of protective measures and mitigation in the *SDG&E Subregional NCCP*, and habitat enhancement, which have been incorporated as part of the Proposed Project description. Therefore, no APMs in addition to those already included in the Proposed Project as part of the *SDG&E Subregional NCCP* are required or proposed.

4.4.6 References

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