5.4 Biological Resources

3 5.4.1 Approach to Data Collection

5 Literature and Database Review

6 Information on biological resources within and surrounding the project area was gathered through desktop 7 analyses and field surveys conducted by the applicant and its biological consultants. Survey results for the 8 proposed project were reported in the Biological Technical Report (AECOM 2017), provided by the 9 applicant. The full survey reports can be viewed in Appendix B.

9 applicant. The full survey reports can be viewed in Appendix B.

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San Diego Gas & Electric Company (SDG&E) conducted a search of the following literature sources to
 develop their initial environmental analysis of potential biological resources in the project area:

- 13
- An April 2016 California Natural Diversity Database (CNDDB) search for special status species
 occurrences and sensitive natural communities located within 1 mile of the project area, clipped
 to the low tide line;
- The California Native Plant Society's Inventory of Rare, Threatened, and Endangered Plants of
 California;
- The U.S. Fish and Wildlife Service's (USFWS's) species occurrence and critical habitat database;
 and
- Reports from studies conducted for the proposed project by RECON and Konecny Biological
 Services, Inc.
- 23

The California Public Utilities Commission (CPUC) reviewed the results of the applicant's analysis and
 surveys to determine the potential for impacts to biological resources associated with the proposed
 project.

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28 Survey Methodology and Coverage

Table 5.4-1 describes the preliminary surveys conducted by the applicant within the Biological Survey

30 Area (BSA), an approximately 8-mile-long existing utility corridor with a 150-foot-wide buffer along

31 either side of the center line of linear proposed project features, and a 100-foot-wide buffer surrounding

32 non-linear proposed project features. In total, the BSA totaled approximately 325 acres. Full survey

33 reports and results are included in Appendix B.

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Survey Report and Focus		Method	Location	Results Summary
Aquatic Resources Survey (see Appendix B)	August 2013	USACE Wetland Delineation Manual (USACE 1987), Arid West Regional Delineation Supplement (USACE 2008), dominant vegetation species' Wetland Indicator Status (USACE 2012), "one parameter definition" in accordance with the CCC for CCC-jurisdictional wetlands (14 CCR Section 13577), Section 30107.5 of the California Coastal Act.	The transmission line right-of-way 50 feet on either side of the transmission centerline, and potential site access routes within San Dieguito Lagoon and Los Peñasquitos Lagoon.	34 hydrologic features were identified during surveys. 28 of the identified features are likely to fall under the jurisdiction of USACE, CDFW, RWQCB, and/or CCC.
Jurisdictional Waters Assessment (see Appendix B)	2016–2017	Field validation and verification of data collected during prior 2013 Aquatic Resources Survey.	Boundaries of all previously-mapped polygons identified in the 2013 Aquatic Resources Survey, and an additional approximately 6 acres of waters that were located outside of the original 2013 survey area but within the BSA.	Jurisdictional waters boundaries were verified and adjusted where required, and an additional 6 acres of waters were mapped within the BSA. Features identified to be potentially jurisdictional are likely to fall under the jurisdiction of USACE, CDFW, RWQCB, and/or CCC.
Biological Constraints General Wildlife Survey (see Appendix B)	September–October 2013	Biologists walked the survey area and potential site access routes. Inaccessible locations were observed remotely with binoculars, aerial imagery, and soil survey maps.	The 100-foot-wide transmission corridor with a minimum 50-foot buffer around each project feature (transmission poles, vaults, hand holes, guard structures, stringing sites, staging areas, and helicopter fly yards).	One special status plant species (Del Mar manzanita [<i>Arctostaphylos glandulosa</i> ssp. <i>crassifolia</i>]), and three special status wildlife species (salt marsh/wandering skipper [<i>Panoquina errans</i>], Coastal California Gnatcatcher, and Belding's Savannah Sparrow) were observed within the study area.
Rare Plants Survey (see Appendix B)	March–July 2014	Biologists compiled data pertaining to potentially occurring rare plant species (habitat preferences, soil types, vegetation maps, and known phenologies). In order to increase the detectability of rare plant species that are especially cryptic and/or have seasonally restricted blooming phenologies were selected as reference populations and checked periodically. Observed reference population conditions were incorporated into focused plant survey methods to ensure appropriate survey timing.	The 100-foot-wide transmission corridor centered on an approximately 7- mile stretch of TL674A and TL666D, with a minimum 50-foot buffer around each project feature (transmission poles, vaults, hand holes, guard structures, stringing sites, staging areas, and helicopter fly yards), and potential site access routes within San Dieguito Lagoon and Los Peñasquitos Lagoon.	17 rare plants were observed during surveys, including FE Del Mar manzanita.
Rare Plants Survey (see Appendix B)	September 2016, March 2017	Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed, and Candidate Plants (USFWS 2000) and Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFG 2009) and California Native Plant Society Botanical Survey Guidelines (CNPS 2001).	All areas within the BSA with suitable habitat for rare plants	15 special status plant species were detected within the BSA, including FE Del Mar manzanita.
Light-footed Clapper (Ridgeway's) Rail (<i>Rallus longirostris levipes</i>) (see Appendix B)	March-May 2014	USFWS recommended methods.	Survey areas included the San Dieguito site (the western portion of San Dieguito Lagoon immediately north of Racetrack Drive within Del Mar and San Diego), and the Los Peñasquitos site (south of Carmel Valley Road, extending 4,200 feet southeast to the Sorrento Valley pump station). The surveys were conducted by walking the project alignment and an approximate 150-foot buffer, stopping at areas of suitable habitat.	No Light-Footed Ridgeway's Rail were observed in the San Dieguito Site, though there was fragmented habitat within the San Dieguito River that is being restored. Two pairs of Light- Footed Ridgeway's Rail were observed at the Los Peñasquitos site.
Belding's Savannah Sparrow (<i>Passerculus sandwichensis beldingi</i>) (see Appendix B)	March–May 2014	Biologists conducted six surveys concurrently with Light-Footed Ridgway's Rail surveys, in accordance with recommendations provided to USFWS.	Survey areas included the San Dieguito site (the western portion of San Dieguito Lagoon immediately north of Racetrack Drive within Del Mar and San Diego), and the Los Peñasquitos site (south of Carmel Valley Road, extending 4,200 feet southeast to the Sorrento Valley pump station). There are approximately 33 acres of suitable habitat for this species within the BSA. The surveys were conducted by walking the project alignment and an approximate 150-foot buffer, stopping at areas of suitable habitat.	At least 13 Belding's Savannah Sparrow territories were observed in the southern coastal salt marsh along Racetrack Drive. Belding's Savannah Sparrow was observed south of the staging area near the Los Peñasquitos site. Fifteen Belding's Savannah Sparrow territories were observed within coastal salt marsh habitat in the San Dieguito site, and four territories were observed immediately adjacent to the BSA.
Western Snowy Plover (<i>Charadrius alexandrinus nivosus</i>) (see Appendix B)	March–July 2014	USFWS recommended methods	Survey areas included the San Dieguito site (the western portion of San Dieguito Lagoon immediately north of Racetrack Drive within Del Mar and San Diego), and the Los Peñasquitos site (south of Carmel Valley Road, extending 4,200 feet southeast to the Sorrento Valley pump station). The surveys were conducted by walking the project alignment and an approximate 150-foot buffer, stopping at areas of suitable habitat.	Western Snowy Plover was not observed at either site.

Table 5.4-1 Surveys Conducted for the Proposed Project

Table 5.4-1 Surveys Conducted fo	or the Proposed Project	•• ·· ·	1	
Survey Report and Focus	Date	Method	Location	Results Summary
California Least Tern (<i>Sterna antillarum browni</i>) (see Appendix B)	April–July 2014	USFWS recommended methods	Survey areas included 7.6 acres of suitable habitat within the San Dieguito site (the western portion of San Dieguito Lagoon immediately north of Racetrack Drive within Del Mar and San Diego), and the Los Peñasquitos site (south of Carmel Valley Road, extending 4,200 feet southeast to the Sorrento Valley pump station). Of the 7.6 acres, 1.9 acres occurred within the BSA. The surveys were conducted by walking the project alignment and an approximate 150-foot buffer, stopping at areas of suitable habitat.	California Least Tern was observed foraging in open water at the San Dieguito site, but was not observed at the Los Peñasquitos site.
Light-footed Ridgeway's Rail (see Appendix B)	February–April 2017	USFWS recommended methods	Surveys were conducted in portions of the BSA (150 feet on either side of the proposed project alignment) that contained suitable habitat for Light- Footed Ridgway's Rail. Suitable habitat occurs within Los Peñasquitos Lagoon south of Carmel Valley Road, east of the railroad tracks and west of I-5 and Sorrento Valley Road ("Los Peñasquitos Site") and within San Dieguito Lagoon paralleling Jimmy Durante Boulevard, west of I-5, and immediately north of Racetrack View Drive ("San Dieguito Site").	Five Light-Footed Ridgway's Rail territories were observed within the BSA in the southern portion of Los Peñasquitos Lagoon in freshwater marsh habitat, with an additional territory observed adjacent to the BSA. No Light-Footed Ridgway's Rail territories or individuals were observed at the San Dieguito site, though suitable habitat is present and one individual was observed approximately 400 feet eat of the BSA.
Belding's Savannah Sparrow (see Appendix B)	February–April 2017	Biologists conducted four surveys concurrently with Light-Footed Ridgway's Rail surveys, following USFWS-recommended survey methods, and two surveys independently. All surveys were conducted by a biologist with an appropriate CDFW Memorandum of Understanding.	Surveys were conducted in portions of the BSA (150 feet on either side of the proposed project alignment) that contained suitable habitat for Belding's Savannah Sparrow. Suitable habitat occurs within Los Peñasquitos Lagoon south of Carmel Valley Road, east of the railroad tracks and west of I-5 and Sorrento Valley Road ("Los Peñasquitos Site") and within San Dieguito Lagoon paralleling Jimmy Durante Boulevard, wester of I-5, and immediately north of Racetrack View Drive ("San Dieguito Site").	Four Belding's Savannah Sparrow territories were observed in southern coastal saltmarsh habitat at the Los Peñasquitos site, and four individual singing males were observed within the northern portion of Los Peñasquitos lagoon. One Belding's Savannah Sparrow was observed within coastal salt marsh habitat immediately outside of the BSA near the Torrey Pines Fly Yard.
Least Bell's Vireo (<i>Vireo bellii pusillus</i>) and Coastal California Gnatcatcher (<i>Polioptila californica californica</i>) (see Appendix B)	April–July 2014	USFWS protocol-level surveys	1.3 acres of suitable Least Bell's Vireo habitat (0.2 acres within the BSA) and 60.4 acres of suitable Coastal California Gnatcatcher habitat (26 acres within the BSA) occurring within a 300-foot-wide buffer surrounding the 7- mile transmission corridor and project components	No Least Bell's Vireo individuals were observed within the survey area. Six Coastal California Gnatcatcher use areas, and multiple individual Coastal California Gnatcatchers and one fledgling were observed within the survey area. An additional two Gnatcatcher use areas were observed immediately adjacent to the BSA. Coastal California Gnatcatchers and Gnatcatcher use areas were observed north of Via de la Valle, between Sorrento Valley Road and I-5, east of Old el Camino Real, and between the Torrey Pines Fly Yard and North TorreyPines Road.
Coastal California Gnatcatcher (see Appendix B)	March–May 2017	USFWS protocol-level surveys	26.02 acres of suitable habitat within the BSA	Six Coastal California Gnatcatcher pairs were observed during surveys (three pairs within the BSA and three pairs within 100 feet of the BSA). Three pairs were observed north of Via de la Valle, one within Torrey Pines State Natural Reserve Extension, one immediately north of Portofino Drive, and one between Portofino Drive and Carmel Valley Road.
Pacific Pocket Mouse (<i>Perognathus longimembris pacificus</i>) (see Appendix B)	June 2014	USFWS protocol-level surveys	Areas of suitable Pacific pocket mouse habitat that overlap with potential project-related ground disturbance (stringing sites, staging areas, guard structures, and pole replacement sites), and within all areas identified as suitable habitat during the biological constraints study.	No Pacific pocket mice or signs such as scat were observed. Some burrows observed had the potential to support Pacific pocket mice, but the burrows were generally larger than those used by Pacific pocket mice. This species has not been observed south of Camp Pendleton within San Diego County since 1932, though signs of general small mammal activity were observed during surveys.

Table 5.4-1 Surveys Conducted for the Proposed Project

Survey Report and Focus	Date	Method	Location
Wandering Skipper (<i>Panoquina errans</i>) (see Appendix B)	July-September 2014	Biologists conducted a preliminary site visit to an invertebrate collection to observe hundreds of specimens of the target species and other similar skipper species. Biologists conducted focused transect surveys for wandering skipper and its host plant during breeding season (May– September) within all potentially suitable habitat within the survey area during the typical peak flight period in temperatures greater than 70 degree Fahrenheit and sustained winds below 10 miles per hour, and when other butterfly species were observed flying.	Approximately 158 acres of suitable habitat surrounding within the 100- foot-wide transmission corridor surrounding the approximately 7-mile project area, and surrounding proposed project features and workspaces (transmission poles, vaults, handholes, guard structures, stringing sites, staging areas, and helicopter fly yards). 76.4 of the 158 acres of suitable habitat were within the BSA.
Wandering Skipper (see Appendix B)	June-September 2017	A biologist conducted a preliminary literature review to evaluate insect resources for the survey area. The biologist conducted five field surveys during flight season, during daytime hours, evaluating presence of wandering skipper and suitable habitat supporting its larval host plant (saltgrass).	Suitable habitat within the BSA

Source: AECOM 2017; Bruyea Biological Consulting 2017

Source: AECOW 2017; Bruyea Biological Consuming Key: BSA = Biological Survey Area CCC = California Coastal Commission CDFW = California Department of Fish and Wildlife FE = Federally Endangered RWQCB = Regional Water Quality Control Board USFWS = U.S. Fish and Wildlife Service

USACE = U.S. Army Corps of Engineers

Results Summary At least 40 wandering skippers were observed. Salt grass-the wandering skipper host plant—was observed throughout the survey area. A total of 23 adult wandering skippers (15 male, 6 female, 2 undetermined) were observed across three of the five survey periods, between late July through late August. No wandering skipper were observed in June or September surveys.

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DECEMBER 2018 MARCH 2019

5.4.2 Regional Setting

3 Components of the proposed project would be constructed within or would cross sections of southern Del

4 Mar and northwestern San Diego, California, as discussed in Chapter 4.0, "Project Description," and as

5 shown in Figure 4-2. The proposed project would cross several roads and run parallel to Interstate 5 (I-5)

6 in some areas. Project activities would occur between the existing Del Mar Substation and an existing

7 underground line along Vista Sorrento Parkway, immediately south of Pacific Plaza Drive. Activities

8 associated with proposed project construction would occur within San Dieguito Lagoon; Los Peñasquitos

Lagoon, including the areas within Torrey Pines State Natural Reserve; and Torrey Pines State Natural
 Reserve Extension. These areas have a high potential to support sensitive biological resources.

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12 The proposed project would be located within the Peninsular Ranges geomorphic province of the South

13 Coast Floristic Province (UC Berkeley 2017) and is located within the Del Mar and La Jolla USGS 7.5'

14 quadrangles (UCSB n.d.). It is entirely within the Coastal Zone, is near sea level, would span the San

15 Dieguito and Peñasquitos Hydrologic Units, and would cross several major aquatic features, including the

16 San Dieguito River, San Dieguito Lagoon, and Los Peñasquitos Marsh.

18 **5.4.3 Local Setting**

20 5.4.3.1 Sensitive Natural Communities

22 Vegetation communities within the BSA, described below, were identified and mapped during habitat 23 assessments and confirmed using a CNDDB search (Table 5.4-2 and Figure 5.4-1) (AECOM 2017; 24 CDFW 2017; CDFW 2018a). San Diego Association of Governments data was used to supplement 5.1 25 acres of natural communities data within the BSA that was missing from other sources (SANDAG 2012). 26 Preliminary surveys identified an approximately 325-acre BSA, based on a 150-foot buffer surrounding 27 linear project features, and a 100-foot buffer surrounding non-linear project features and workspaces, not 28 including access roads or footpaths. To ensure a consistent evaluation of natural communities surrounding 29 all proposed project features and work areas, the analysis in this report also considered access roads and 30 footpaths to be linear features that are subject to a 150-foot buffer. The updated BSA used in this analysis 31 is therefore a total of 448.3 acres. Vegetation community descriptions are from Oberbauer et al. 2008. 32 Vegetation communities that are sensitive according to the California Department of Fish and Wildlife 33 (CDFW) (CDFW 2010), which ranks vegetation communities using the thresholds defined by the 34 NatureServ Heritage Methodology (CDFG 2010), or that are listed as Tier I or Tier II species in the City 35 of San Diego Biology Guidelines and County of San Diego Biological Mitigation Ordinance (City of San 36 Diego 2012; County of San Diego 2010), are considered sensitive communities in this analysis.

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Table 5.4-2 Vegetation Communities in the BSA and ir	n Proposed Project Work Areas			
Vegetation Community (Holland Natural Community Type)	Characteristics (from Oberbauer et al. 2008)	Ranking (if Sensitive) and Tier	Acres in the BSA	Acres in Project Work Areas
Upland			77.2	0.9
Eucalyptus Woodland (Oberbauer Code 79100)	A non-native, eucalyptus-dominated woodland community that generally forms a closed canopy with little-to-no understory, occasionally supporting scattered individual eucalyptus above a dense herbaceous understory. This community is characterized by dense leaf and bark litter, preventing the success of understory species.	/ Tier IV	0.5	<0.1
Non-Native Grassland (Oberbauer Code 42200)	Generally occurs on fine-textured, clay, and occasionally waterlogged (during winter) soils below 3,000 feet in elevation. Characterized by dense or sparse annual grasses and forbs up to 3 feet high. In San Diego County, this community often contains oat and brome species. Germination occurs after late fall rains, with growth and flowering in winter through spring. Vegetation dies during the summer, remaining dormant as seeds.	/ Tier III	0.1	None
Torrey Pine Forest (Oberbauer Code 83140)	Open to moderately dense torrey pine-dominated forest. When sheltered, canopies can reach up to 65 feet, but canopy height is stunted when exposed to wind. Understories can be fully open on dry, sandstone rock substrates with heavy needle accumulation, or be heavily dominated by chaparral vegetation on mesic soils. Favors sites of low precipitation, but is often associated with seasonal fog. Often coexists with Southern Mixed Chaparral. There is a known natural stand of Torrey Pine Forest near the City of Del Mar and Torrey Pines State Reserve.	S1 / Tier I	8.7	0.2
Scrub Oak Chaparral (Oberbauer Code 37900)	A dense, wooded chaparral community up to 20 feet tall, dominated by Nuttal's scrub oak and occasionally inland scrub oak. Generally associated with mesic soils and regularly occurs on slopes.	S3 / Tier I	5.2	0.2
Southern Maritime Chaparral (Oberbauer Code 37C30)	An open chaparral community dominated by wart-stemmed ceanothus and Del Mar Manzanita (<i>Arctostaphylos glandulosa</i> ssp. <i>crassifolia</i>). Occurs on sandy substrates in areas with coastal fog. Restricted to coastal areas in San Diego County, including Torrey Pines State Reserve and sites along the San Dieguito River Valley.	S1 / Tier I	17.3	0.2
Southern Mixed Chaparral (Oberbauer Code 37120)	A shrub community 5–10 feet in height, with an open understory, often with visible soil patches. In San Diego County, it is dominated by lilacs (<i>Ceanothus</i> spp.), including lakeside ceanothus. It occurs on the northern sides of dry, rocky, slopes, Nuttal's scrub-oak is known to occupy this community. This community is known to provide suitable habitat for Belding's orange-throated whiptail (<i>Aspidoscelis hyperythra beldingi</i>) and San Diego desert woodrat.	S3 / Tier III	14.8	0.1
Diegan Coastal Sage Scrub (Oberbauer Code 32500)	Dominated by low (up to 3 feet tall), woody, drought-deciduous shrubs in dry, often clay-rich soils on steep slopes. Succulent species occasionally present. Dominant species include California sagebrush, California buckwheat. <i>Baccharis</i> -dominated Diegan Coastal Sage Scrub communities often support saltbush (<i>Atriplex</i> spp.). This community supports Coastal California Gnatcatcher, and can provide habitat for coastal whiptail, Coastal Cactus Wren, and Southern California Rufous-Crowned Sparrow (<i>Aimophila ruficeps canescens</i>).	S3 / Tier II	30.4	0.2
Valley and Foothill Grassland (Oberbauer Code 42000)	A broad grassland community that can support both native and non-native grass and forb species in dense to sparse populations.	/ Tier I	0.2	None
Riparian, Marsh, Wetlands, and Aquatic			83.8	5.6
Southern Arroyo Willow Riparian Forest (Oberbauer Code 61320)	Winter-deciduous, closed-canopy riparian forest dominated by moderately tall, broadleaf trees, especially arroyo willow (<i>Salix lasiolepis</i>). Understory usually dominated by shrubby willows. Occurs along consistently wet streams, riparian features, and floodplains. Often supports mulefat (<i>Baccharis salicifolia</i>).	S2 / Tier I	0.9	<0.1
Coastal and Valley Freshwater Marsh (Oberbauer Code 52410)	Densely populated by tall (12–16 feet), emergent, perennial aquatic plant species (i.e., cattails, sedges, reeds, spikerushes, and bulrushes), with some low-lying mugwort and pennywort. Occur in peaty substrates in sources of year-round, calm fresh water, often in coastal valleys near rivers, lakes, springs, and streams. Supports Least Bell's Vireo (<i>Vireo bellii pusillus</i>), Least Bittern (<i>Ixobrychus exilis</i>), and Northern Harrier (<i>Circus cyaneus</i>).	S2 / Tier I	13.2	0.8
Coastal Salt Marsh (Oberbauer Code 52100) including Southern Coastal Salt Marsh (Oberbauer Code 52120)	Southern Coastal Salt Marsh, a type of Salt Marsh community, occurs in bays, lagoons, and estuaries in coastal San Diego County and supports woody- stemmed species including seablite and willows (especially <i>Atriplex watsonii</i>), and Alkali heath.	S2 / Tier I	40.7	4.1
Emergent Wetland (Freshwater Marsh) (Oberbauer Code 52440)	Wetlands often occurring in previously disturbed areas where other wetland communities are not yet fully established. Common in floodplains, riversides and lakeshores, these communities can occupy freshwater or alkali wetlands throughout San Diego County, and are dominated by low-growing perennial vegetation such as sedges, rushes, spikerushes, bur-reed, and a number of other water-tolerant plants.	/ Tier I	2.3	None

Table 5.4-2 Vegetation Communities in the BSA and in Proposed Project Work Areas

Vegetation Community (Holland Natural Community Type)	Characteristics (from Oberbauer et al. 2008)	Ranking (if Sensitive) and Tier	Acres in the BSA	Acres in Project Work Areas
Open Water, Saltpan/Mudflats, Beaches (Oberbauer Codes 64100-64400)	Open water is a broad vegetation community categorization that contains multiple vegetation communities, including:	/	26.7	0.7
	• Estuarine communities (Oberbauer Code 64130), which are characterized by periodically or permanently flooded coastal areas often near rivermouths, offering varied salinity due to the influx of flowing freshwater from riparian features;			
	Freshwater (Oberbauer Code 64140)			
	• Saltpan/Mudflats (Oberbauer Code 64300) which are characterized by dry land areas with surface salt or mineral deposits resulting from evaporated water. Flooded saltpans pool water during rain, tidal, and flood events, forming mudflats. Mudflats are coastal wetlands that form when mud is deposited by the tides or rivers, and are common in protected bays, estuaries, and lagoons. For a majority of the time, saltpans are expanses of ground covered in salt or other minerals formed from evaporated water. Saltpans generally pool water when it rains, forming mudflats.			
	Beaches (Oberbauer Code 64400, which provide sandy substrates along lagoons, lakes, or coastal shorelines, but generally lack vegetation except for sparse herbaceous aquatic species such as seagrass;			
Non-Jurisdictional Features – Brown Ditch & Disspiator, Erosional Features (no Oberbauer Code)	Aquatic features such as drainages, ditches, and erosional areas that are not determined to be jurisdictional wetlands under the United States Army Corps of Engineers (USACE).	/	<0.1	<0.1
Other Land Cover Types			287.3	19.9
Bare Ground (no Oberbauer Code)	Soil not covered by any vegetation, lichen, leaf/plant litter, gravel, or rocks.	/ Tier IV	0.1	<0.1
General Agriculture (Oberbauer Code 18000)	Lands that support active agricultural operations (artificially irrigated orchard/vineyard habitat, intensive agriculture including dairies and poultry ranches, pastures, and row crops)	/ Tier IV	2.0	
Disturbed Habitat (Oberbauer Code 11300)	Predominantly non-native, introduced species (i.e., forbs, thistle, and some grasses) that thrive in disturbed areas (i.e., graded areas, regularly cleared sites, staging areas, and off-road vehicle trails). No longer recognizable as native vegetative communities, but continue to support vegetation on soil. Generally do not provide long-term wildlife habitat. Disturbed habitat can provide suitable foraging sites for Cooper's Hawk (<i>Accipter cooper</i>).	/ Tier IV	62.2	8.5
Urban/Developed (Oberbauer Code 12000)	Thoroughly developed and altered areas that can no longer support native vegetation. This landscape features permanent structures, pavement, concrete, and non-native areas requiring full irrigation, such as areas featuring ornamental vegetation. Though non-native, this community can provide suitable habitat for Cooper's Hawk and American Peregrine Falcon (<i>Falco peregrinus anatum</i>).	/	207.4	11.4
Landscape/Ornamental (Oberbauer Code 12000)	See "Urban/Developed"	/ Tier IV	15.6	<0.1
		Total acres	448.3	28.2

Sources: CDFW 2010; CDFG 2010; NatureServe 2017; Oberbauer 2008; County of San Diego 2010; City of San Diego 2012

Note: For the purpose of this analysis, vegetation communities receiving the following state risk ranking in accordance with the NatureServe Heritage Methodology were determined to be sensitive (NatureServe 2017): S1 Critically Imperiled: Critically imperiled in California because of extreme rarity (often five or fewer occurrences) or because of some factor(s) such as very steep declines making it especially vulnerable to extirpation from the state.

S2 Imperiled: Imperiled in California because of rarity due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors making it very vulnerable to extirpation from the nation or state.

S3 Vulnerable: Vulnerable in California due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors making it vulnerable to other factors.
The recommended mitigation ratios for impacted acres of Tier II, and Tier III natural communities can be found in Appendix K of the County of San Diego Biological Mitigation Ordinance (County of San Diego 2010).









- Southern Mixed Chaparral Torrey Pine Forest
- Landscape/Ornamental
 - Urban/Developed
- Proposed Project Components
- C510 Conversion
- TL666D Removal
- Workspace Boundary
- ---- Access Road
- L_IBSA
- Jurisdictional Boundary

Figure 5.4-1 **Natural Communities and ESHAs** in the BSA for the **TL 674A Reconfiguration** and TL666D Removal Project Page 3 of 6 San Diego County, California June 2018 1,000 Feet 500 0 250 Meters

125

0

ms Research Institute (ESRI) 2018







Figure 5.4-1 Natural Communities and ESHAs in the BSA for the TL 674A Reconfiguration and TL666D Removal Project Page 4 of 6 San Diego County, California June 2018





S	
nunities	
Ground	Prop
al Salt Marsh/Southern Coastal Salt Marsh	
al and Valley Freshwater Marsh	
n Coastal Sage Scrub	
ped Habitat	ī
ent Wetland	
Water, Saltpan/Mudflats, Beaches	
ern Maritime Chaparral	



Figure 5.4-1 Natural Communities and ESHAs in the BSA for the TL 674A Reconfiguration and TL666D Removal Project Page 5 of 6 San Diego County, California June 2018 0 500 1,000 Feet 0 125 250 Meters

N



1 5.4.3.2 Special Status Species

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3 Certain species of plants and wildlife have been accorded various levels of legal protection owing to 4 elevated concern for their conservation status. Analyses in this IS/MND also consider effects on species, 5 which, in the judgment of qualified professionals, meet the California Environmental Quality Act 6 (CEOA) definitions of endangered, rare or threatened. Concern may arise because of dwindling 7 populations or because additional study is needed to determine the population size. In this document, 8 "special status species" include the following: 9 10 Species listed under the Federal Endangered Species Act of 1973 (ESA) as "Endangered" (FE) or "Threatened" (FT) (Title 50, Code of Federal Regulations [CFR] Section 17.11 or 17.12); 11 12 Species listed under the California Endangered Species Act (CESA) as "Endangered" (SE), • 13 "Threatened" (ST), or "Rare" (R) (Sections 670.2 or 670.5, Title 14, California Code of 14 Regulations); 15 Species without a formal listing status that meet the definitions of "Endangered" or "Rare" under CEQA Guidelines Section 15380, including CDFW "Species of Special Concern" (SSC); 16 "Candidate" (FC), or species "Proposed" for listing under the ESA; USFWS "Birds of 17 Conservation Concern;" and California Native Plant Society rare plant ranks, which are 18 19 categorized into the following subsections: 20 1A: Presumed extinct in California 21 1B: Rare, threatened, or endangered in California and elsewhere 22 2B: Rare, threatened, or endangered in California, but more common elsewhere _ 23 3: Plants about which we need more information—A review list 24 4: Plants of limited distribution—A watch list 25 These are further subcategorized by threat ranks: 26 _ 0.1: Seriously threatened in California 27 - 0.2: Moderately threatened in California 28 - 0.3: Not very threatened in California 29 Species designated as "Fully Protected," (FP) and "Watch List" (WL) by CDFW. 30 Sensitive plant species on List A and sensitive animal species on Group 1 (and select animal 31 species on Group 2) of the San Diego Multiple Species Conservation Program (MSCP) Covered 32 Species List. 33 Species listed on SDG&E's Subregional Natural Community Conservation Plan (NCCP). • 34 35 The potential for a special status species to occur within or near the project area was evaluated based on defined occurrence thresholds, described below: 36 37 38 **Present:** The species or its signs (tracks, scat, burrows, etc.) were observed within the BSA during 39 surveys.

High: The BSA is within the known geographic range of the species, suitable habitat is present, and
 the species has recently (within the last 20 years) been observed within 1 mile of proposed project
 components.

Moderate: The BSA is located within the known geographic range of the species and the species has been observed within 1 mile of proposed project components within the last 20 years, but the species' habitat may be small or fragmented; *or* suitable habitat for the species is present within the BSA and the species has not been observed within 1 mile in the last 20 years, but the project area is at the fringe of the species' known geographic range.

9 Low: There is suitable habitat for this species within the BSA, but the habitat is extremely degraded 10 or disturbed, and there have been no documented occurrences of this species within 1 mile of the 11 proposed project in the last 20 years, and the project area is outside of the species' known geographic 12 range.

141.801

13 None: There is no suitable habitat for this species within the BSA, and there are no known

14 observations of this species within the last 20 years within 1 mile of proposed project components.

15

16 Special Status Plant Species

17 Based on the literature and database review described in Section 5.4.1, "Approach to Data Collection," 51

special status plants have the potential to occur within 1 mile of the project area. Of these 51 species, 17

19 <u>16</u> are present within the BSA, <u>10 nine</u> have a high potential to occur within the BSA and/or within 1 mile

20 of the project area, and 24 have a low or moderate potential to occur within 1 mile of the project area or

are not expected to occur. Three of the special status plant species that are present or have a high potential

to occur are listed as threatened or endangered by the ESA or CESA. Special status plant species that are

23 fully restricted to habitats and natural communities that may occur within 1 mile of the proposed project,

24 but that do not occur within the proposed project area (such as sandy beaches and the intertidal zone),

25 were not identified as having a potential to occur. Special status plant species present in the BSA or

26 having high potential to occur within 1 mile of the project area are listed in Table 5.4-3. Additional

27 information, including habitat requirements of all special status plant species that could potentially occur

28 within or near the project area, can be found in the Appendix C.

Table 5.4-3 Special Status Plants with the Potential to Occur within One Mile of the Project Area

Species	Conservation Status ^(a)	Potential to Occur
Beach goldenaster (Heterotheca sessiliflora ssp. sessiliflora)	/, 1B.1, S1	Present
California adolphia (Adolphia californica)	/, 2B.1, S2	High
Cliff spurge (Euphorbia misera)	/, 2B.2, S2	Present
Coast barrel cactus (Ferocactus viridescens var. viridescens)	/, 2B.1, S2	Present
Coast wooly-heads (Nemacaulis denudata var. denudata)	/, 1B.2, S2, MSCP	Present
Decumbent goldenbush (Isocoma menziesii var. decumbens)	/, 1B.2, S2	High
Del Mar manzanita (Arctostaphylos glandulosa ssp. crassifolia)	FE/, 1B.1, S2, MSCP, NCCP	Present
Del Mar Mesa sand aster (<i>Corethrogyne filaginifolia</i> var. <i>linifolia</i>)	/, 1B.1, S1, MSCP, NCCP	Present
Estuary seablite (Suaeda esteroa)	/, 1B.2, S2	Present
Golden-spined cereus (Bergerocactus emoryi)	/, 2B.2, G2, S2	Present
Long-spined spineflower (<i>Chorizanthe polygonoides</i> var. longispina)	/, 1B.2	High

Species	Conservation Status ^(a)	Potential to Occur
Nuttal's acmispon (previously Nuttal's lotus) (Acmispon prostratus, formerly Lotus nuttallianus)	/, 1B.1, G1, S1, MSCP, NCCP	High
Nuttal's scrub oak (Quercus dumosa)	/, 1B.1	Present
Orcutt's pincushion (Chaenactis glabriuscula var. orcuttiana)	/, 1B.1, S1	Present
Orcutt's spineflower (Chorizanthe orcuttiana)	FE/CE, 1B.1, G1, S1, NCCP	High
Palmer's frankenia (Frankenia palmeri)	/, 2B.1, S1	High
San Diego goldenstar (Bloomeria clevelandii)	/, 1B.1, G2, S2, MSCP, NCCP	High
San Diego marsh-elder (Iva hayesiana)	/, 2B.2, S2, MSCP	Present
Sand-loving wallflower (coast wallflower) (Erysimum ammophilum)	/, 1B.2, G2, S2, MSCP	Present
Sea dahlia (Leptosyne marítima)	/, 2B.2, G2, S1	Present
Shaw's agave (Agave shawii var. shawii) ^(b)	/, 2B.1, G2, S1, MSCP	High
Short-leaved dudleya (Dudleya brevifolia)	/CE, 1B.1, G1, S1, MSCP, NCCP	High
South coast saltscale (Atriplex pacifica)	/, 1B.2, S2	Present
Southern tarplant (Centromadia parryi ssp. australis)	/, 1B.1, S2	High
Summer holly (Comarostaphylis diversifolia ssp. diversifolia)	/, 1B.2, S2	Present
Torrey pine (Pinus torreyana ssp. torreyana)	/, 1B.2, G1, S1, MSCP	Present
Wart-stemmed ceanothus (Ceanothus verrucosus)	/, 2B.2, S2, MSCP	Present

Table 5.4-3 Special Status Plants with the Potential to Occur within One Mile of the Project Area

Sources: AECOM 2017; UC Berkeley 2018; CalFlora 2018; CNPS 2018; iNaturalist 2018; USFWS 2017a Notes:

^(a) Special status plant designations used in Table 5.4-3 are defined as follows:

- FE: Federally Endangered
- FT: Federally Threatened
- CE: California Endangered
- CT: California Threatened

MSCP: Sensitive plants on List A of the County of San Diego Multiple Species Conservation Plan Covered Species List NCCP: SDG&E Subregional Natural Community Conservation Plan

California Native Plant Society Rare Plant Ranks

- 1A: Presumed extinct in California
- 1B: Rare, threatened, or endangered in California and elsewhere
- 2B: Rare, threatened, or endangered in California, but more common elsewhere
- 3: Plants about which we need more information—A review list
- 4: Plants of limited distribution—A watch list

California Native Plant Society Rare Plant Ranks further subcategorized by threat ranks:

- 0.1: Seriously threatened in California
- 0.2: Moderately threatened in California
- 0.3: Not very threatened in California
- (b) Shaw's agave is considered a Narrow Endemic Species in accordance with the City of San Diego Municipal Code Land Development Manual Biology Guidelines (City of San Diego 2012).

2 Special Status Wildlife Species

3 Based on the literature and database review, 92 special status wildlife species have the potential to occur

4 within 1 mile of the project area. Of these species, 24 are present within the BSA, 23 species have a high

5 potential to occur within the BSA or within 1 mile of the proposed project, and 46 species have no, low,

6 or moderate potential to occur within 1 mile of the proposed project area. Seven species that are present

7 or have a high potential to occur are listed as endangered under the ESA or CESA, and one is a candidate

- 8 for listing under CESA. Special status wildlife species that are fully restricted to habitats that may occur
- 9 within 1 mile of the proposed project, but that do not occur within the proposed project area (such as

- 1 sandy beaches, open ocean, and the intertidal zone), were not identified as having a potential to occur.
- 2 Special status wildlife species that meet the criteria of "present" or "high potential" are listed in Table
- 3 5.4-4. Additional information, including habitat requirements of all special status wildlife species that
- 4 could potentially occur within or near the project area, can be found in Appendix C.
- 5

Table 5.4-4 Special Status Wildlife with the Potential to Occur within One Mile of the Project Area

Species ^(a)	Conservation Status	Potential to Occur
Invertebrates		
Wandering (saltmarsh) skipper (Panoquina errans)	/, MSCP	Present
Western monarch butterfly (Danaus plexippus) -	/, County of San Diego MSCP	Present
California overwintering population	Group II	
Reptiles		
Belding's orange-throated whiptail (Aspidoscelis hyperythra	/, WL, MSCP, NCCP	Present
beldingi)		
Coast horned lizard (Phrynosoma blainvillei)	/, SSC, MSCP, NCCP	High
Coronado skink (Plestiodon skitonianus interparietalis)	/, WL, NCCP	High
San Diegan tiger whiptail (Coastal whiptail) (Aspidoscelis tigris	/, SSC	Present
stejnegeri)		
San Diego ringed-neck snake (Diadophis punctatus similis)	, NCCP	High
Birds		
Allen's Hummingbird (Selasphorus sasin)	/, BCC	Present
American peregrine falcon (Falco peregrinus anatum)	/, FP, BCC, MSCP, NCCP	Present
American White Pelican (Pelecanus erythrorhynchos)	/, SSC	Present
Belding's Savannah Sparrow	/CE, MSCP, NCCP	Present
(Passerculus Sandwichensis Beldingi)		
Black Skimmer (Rynchops niger)	/, SSC, BCC	High
Burrowing Owl (wintering) (Athene cunicularia)	/, SSC, BCC, MSCP, NCCP	High
California Brown Pelican (Pelecanus occidentalis californicus)	/, FP, MSCP, NCCP	Present
California Least Tern (Sterna antillarum browni)	FE/CE, FP, MSCP, NCCP	Present
Clark's Marsh Wren (Cistophorus palustris clarkae)	/, SSC	Present
Coastal California Gnatcatcher	FT/, SSC, WL	Present
(Polioptila Californica Californica)		
Cooper's Hawk (Accipter cooperi)	/, WL, MSCP, NCCP	Present
Costa's Hummingbird (Calypte costae)	/, BCC	Present
Elegant Tern (Thalasseus elegans)	/, WL, NCCP	High
Grasshopper Sparrow (Ammodramus Savannarum Perpallidus)	/, SSC, NCCP	High
Gull-Billed Tern (Gelochelidon nilotica)	/, SSC, BCC	High
Large-Billed Savannah Sparrow	/, SSC, MSCP, NCCP	High
(Passerculus sandwichensis rostratus)		
Lawrence's Goldfinch (Spinus lawrencei)	/, BCC	High
Least Bell's Vireo (Vireo bellii pusillus)	FE/CE, MSCP, NCCP	High
Least Bittern (Ixobrychus exilis)	/, SSC, BCC	Present
Light-Footed Ridgway's Rail (Rallus obsoletus levipes)	FE/CE, FP, MSCP, NCCP	Present
Loggerhead Shrike (Lanius Iudovicanus)	/, SSC, BCC	High
Long-Billed Curlew (Numenius americanus)	/, WL, BCC, MSCP, NCCP	Present
Marbled Godwit (Limosa fedoa)	/, BCC	High
Northern Harrier (Circus cyaneus)	/, SSC, MSCP, NCCP	Present
Reddish Egret (Egretta rufescens)	/, MSCP, NCCP	Present
Saltmarsh Common Yellowthroat (Geothlypis trichas sinuosa)	/, SSC, BCC	High
Short-Billed Dowitcher (Limnodromus girseus)	/, BCC	High
Southern California Rufous-Crowned Sparrow	/, WL, MSCP, NCCP	High
(Aimophila ruficeps canescens)		

Species ^(a)	Conservation Status	Potential to Occur
Tricolored Blackbird (Agelaius Tricolor)	/Candidate Endangered, SSC,	High
	BCC, MSCP, NCCP	
Vermilion Flycatcher (Pyrocephalus rubinus)	/, SSC	High
Western Bluebird (Sialia Mexicana)	/, MSCP, NCCP	High
Western Snowy Plover	FT/, SSC, BCC, MSCP, NCCP	High
(Charadrius nivosus nivosus) – nesting populations		
Whimbrel (Numenius phaeopus)	/, BCC	Present
White-Faced Ibis (<i>Plegadis chihi</i>)	/, WL, MSCP, NCCP	Present
White-Tailed Kite (Elanus Leucurus)	/, FP	Present
Yellow-Breasted Chat (Icteria Virens)	/, SSC	High
Yellow Warbler (Setophaga Petechia)	/, SSC, BCC	Present
Mammals		
San Diego pocket mouse (Chaetodipus fallax fallax)	/, SSC, NCCP	High
Pocketed free-tailed bat (Nyctinomops femorosaccus)	/, SSC	High
Southern mule deer (Odocoileus hemionus fulginata)	/, MSCP, NCCP	Present

Table 5.4-4 Special Status Wildlife with the Potential to Occur within One Mile of the Project Area

Sources: AECOM 2017; Bruyea Biological Consulting 2017; California Herps 2018; CDFW 2016, 2017, 2018a; County of San Diego 2010; eBird 2018; iNaturalist 2018; NOAA 2016; National Audubon Society n.d.(a); SDG&E 1995; USFWS 2008; USFWS 2017a; Xerces 2016a; Xerces and NatureServe 2015; Xerces and Monarch Joint Venture 2018 Notes:

^(a) No special status amphibians were determined to be present within the BSA or with a high potential to occur within 1 mile of the project area

^(b) Western monarch butterfly is not a special status species under applicable jurisdictions, but is protected as a Group 2 MSCP species on the County of San Diego Sensitive Animal List (County of San Diego 2010), and overwintering populations of the western monarch butterfly are of recent concern due to declining populations and fragmented habitat (Xerces 2016a). Because western monarch butterfly was observed during surveys and is known to overwinter in multiple sites near the project area (Xerces and Monarch Joint Venture 2018), it has been included in this report as part of a conservative analysis.

Special status wildlife designations used in Table 5.4-4 are defined as follows:

FE: Federally Endangered FT: Federally Threatened CE: California Endangered CT: California Threatened FC: Candidate species proposed for listing under ESA FP: CDFW Fully Protected WL: CDFW "Watch List" SSC: CDFW Species of Special Concern BCC: USFWS Birds of Conservation Concern NCCP: SDG&E Subregional Natural Community Conservation Plan MSCP: Sensitive animals in Group 1 on the County of San Diego Multiple Species Conservation Plan Covered Species List

5.4.3.3 **Environmentally Sensitive Habitat Areas**

1 2 3 4 5 6

The California Coastal Act (CCA) designates Environmentally Sensitive Habitat Areas (ESHAs) as "any

area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human

7 activities and developments" (see Section 5.4.4, "Regulatory Setting") (State of California 2018). Within

8 the BSA, SDG&E has identified coastal sage scrub, maritime chaparral, wetland communities, and all

9 areas containing suitable habitat for special status species within the coastal zone, as potential ESHAs

10 (SDG&E 2017). Based on a subsequent desktop analysis of the updated 448.3-acre BSA, additional

11 natural communities have been determined to be considered for ESHA recommendation. While all natural

12 communities that are recommended for consideration as ESHAs within the proposed project alignment

13 are described in Table 5.4-5, final ESHA determination is under California Coastal Commission (CCC)

14 jurisdiction. For the purpose of maintaining a conservative environmental analysis of the proposed project

- 1 all natural communities indicated in Table 5.4-5 are considered to be ESHAs, and the CCC may make
- 2 additional environmental determinations regarding these or other sites determined to be ESHAs.
- 3

Table 5.4-5 Natural Communities within the Project Area Recommended for ESHA Consider

Natural Community	ESHA within the BSA (acres)	ESHA within Workspaces (acres)		
Diegan Coastal Sage Scrub	30.4	0.2		
(Southern) Mixed Chaparral	14.8	0.1		
(Southern) Maritime Chaparral	17.3	0.2		
Torrey Pine Forest	8.7	0.2		
Scrub Oak Chaparral	5.2	0.2		
Wetland Communities				
Open Water/Beach/Salt Pan/Mudflat	26.7	0.7		
Coastal Salt Marsh	40.7	4 1		
(including Southern Coastal Salt Marsh)		Т. І		
Emergent Wetland	2.3	none		
Southern Arroyo Willow Riparian Forest	0.9	<0.1		
Coastal and Valley Freshwater Marsh	13.2	0.8		
Total	160.2	6.5		

Sources: AECOM 2017; CDFG 2010; CDFW 2010; CCC 2018 Key:

BSA = Biological Survey Area

ESHA = Environmentally Sensitive Habitat Areas

5.4.3.4 Critical Habitat

7 USFWS designates critical habitat for plant and wildlife species that are federally listed as threatened or

8 endangered under the ESA (USFWS 2017b). Critical habitat provides physical or biological features

9 critical to the conservation of the species and may require special conservation management or protection.

10

4 5

6

11 Critical habitat in the project area was identified using the USFWS Environmental Conservation Online

12 System (ECOS) Critical Habitat ArcGIS Mapper (USFWS 2017a). There is no critical habitat within

13 proposed project work areas or within the BSA. Critical habitat within approximately 1 mile of the project

14 area is described in Table 5.4-6.

15

Table 5.4-6 Critical Habitat Within Approximately One Mile of the Project Area

Species	Critical Habitat	Distance from Nearest Project Component
Western Snowy Plover (Charadrius alexandrines nivosus)	3.93	0.11 miles
San Diego fairy shrimp (Branchinecta sandiegonensis) ^(a)	5.70	1.05 miles

Source: USFWS 2017a

Note:

^(a) Only USFWS-designated Critical Habitat within 1 mile of proposed project features was incorporated into this analysis, but the San Diego fairy shrimp critical habitat 1.05 miles from the proposed project was disclosed due to proximity to the one-mile threshold.

17 5.4.3.5 Aquatic Resources/Jurisdictional Waters

18

16

19 In 2013 Aquatic Resources surveys and in supplemental 2016–2017 surveys that were intended to update

20 2013 survey data to reflect current conditions, 61 total acres of potentially jurisdictional Waters of the

21 United States and the State of California were identified within the 325-acre BSA (AECOM 2017). These

- 22 waters are jurisdictional under the USACE, CDFW, Regional Water Quality Control Board (RWQCB),
- and/or CCC. Therefore, potentially impactful activities that would occur within these areas would be

- 1 under the jurisdiction of the applicable agency or agencies.
- 2
- 3 The proposed project is located within the Mediterranean California subregion of the Arid West Region,
- 4 as identified by the USACE (USACE 2008). Within this region, the USACE describes wetlands as often
- 5 being seasonally flooded and interspersed with non-wetland woody riparian habitats, and often occur near
- 6 reservoirs, ephemeral, intermittent, and perennial streams and rivers, man-made depressions, agricultural
- 7 areas, and man-made features. Wetlands and non-wetland waters are Waters of the United States, which
- 8 under USACE permitting authority includes surface waters, interstate waters, lakes, and wetlands
- 9 adjacent to other waters, including tidal waters (USACE n.d.).
- 10
- 11 Table 5.4-7 below identifies potentially jurisdictional aquatic natural communities within the BSA and
- 12 within proposed project work areas.
- 13

Jurisdictional		Regulatory	Acres within the	Acres within Project			
Feature Type	Natural Community	Agencies	BSA	Work Areas			
Wetland	Coastal and Valley Freshwater	USACE, CDFW,	13.2	0.8			
	Marsh	RWQCB, CCC					
Wetland	Southern Arroyo Willow	USACE, CDFW,	0.9	<0.1			
	Riparian Forest	RWQCB, CCC					
Wetland	Southern Coastal Salt Marsh	USACE, CDFW,	34.5	4.1			
		RWQCB, CCC					
Wetland	Coastal Salt Marsh	USACE, CDFW,	4.7	<0.1			
		RWQCB, CCC					
Wetland	Emergent Freshwater Marsh	USACE, CDFW,	2.3	None			
	0	RWQCB, CCC					
Wetland/	Open	USACE, CDFW,	26.7	0.7			
Non-wetland	Water/Beach/Saltpan/Mudflat(c)	RWQCB, CCC					
Waters ^(b)							
Non-wetland	Bare Ground	USACE, CDFW,	0.1	<0.1			
Waters		RWQCB, CCC					
Total ^(b) 82.3 5.6							
Mataa							

Table 5.4-7 Acres of Potentially Jurisdictional(a) Aquatic Natural Communities within the BSA and Project Work Areas

Notes:

^(a) CCC-jurisdictional ESHA natural communities, including but not limited to aquatic communities, are discussed above in Section 5.4.3.3.

(b) Open water, beach, and saltpan are considered Non-Wetland Waters of the United States, while mudflat is considered a Wetland Water of the United States.

^(c) Total acreage is an approximation due to rounding.

Key:

CCC = California Coastal Commission

CDFW = California Department of Fish and Wildlife

ESHA = Environmentally Sensitive Habitat Areas

RWQCB= Regional Water Quality Control Board

USACE= U.S. Army Corps of Engineers

- 15 Within the natural communities described above in Table 5.4-7, a total of 24 hydrologic features were
- 16 identified within the BSA during the 2013 Aquatic Resources Survey, 28 of which were identified as
- 17 likely being under USACE, CDFW, RWQCB, and/or CCC jurisdiction (RECON 2013). These 28
- 18 potentially jurisdictional hydrologic features are described below in Table 5.4-8. Features are listed by
- 19 their identifying numbers as described in the 2013 Aquatic Resources Survey Report.
- 20

Feature ID	Feature Type	Likely Regulatory Designation(s)
Feature 3	Ephemeral drainage	USACE Non-Wetland Water of the United States
		CDFW Streambed
		RWQCB Water of the State
		CCC Wetland
Feature 4	Ephemeral drainage	USACE Non-Wetland Water of the United States
		CDFW Streambed
		RWQCB Water of the State
		CCC Wetland
Feature 5	Ephemeral drainage	USACE Non-Wetland Water of the United States
		CDFW Streambed
		RWQCB Water of the State
		CCC Wetland
Feature 8*	Saltpan	USACE Wetland Water of the United States
		RWQCB Water of the State
		CCC Wetland
Feature 9*	Coastal Salt Marsh	USACE Wetland Water of the United States
	(pickleweed-dominated)	CDFW Wetland
		RWQCB Water of the State
		CCC Wetland
Feature 10	Open Water	USACE Non-Wetland Water of the United States
		CDFW Streambed
		RWQCB Water of the State
F 11 10*		
Features 11–19*	San Dieguito Estuary (Lagoon)	Open Water:
		USACE Non-Wetland Water of the United States
		CDFW Streambed
		RWQCB Water of the State
		CCC Welland
		<u>Sall Walsh.</u>
		CDEW Wetland
		BWOCB Water of the State
		CCC Wetland
		Mudflat
		USACE Special Aquatic Site
		RWQCB Water of the State
		CCC Wetland
Feature 21	Ephemeral drainage	USACE Non-Wetland Water of the United States
		CDFW Streambed
		RWQCB Water of the State
		CCC Wetland

Table 5.4-8 Potentially Jurisdictional Hydrologic Features within the BSA and Project Work Areas

Feature ID	Feature Type	Likely Regulatory Designation(s)
Features 22–31*	Peñasquitos Estuary (Lagoon)	Open Water: USACE Non-Wetland Water of the United States CDFW Streambed RWQCB Water of the State CCC Wetland Salt Marsh: USACE Wetland Water of the United States CDFW Wetland RWQCB Water of the State CCC Wetland RWQCB Water of the State CCC Wetland Mudflat: USACE Special Aquatic Site RWQCB Water of the State CCC Wetland Emergent Freshwater Marsh: USACE Wetland Water of the United States CDFW Wetland RWQCB Water of the State CCC Wetland Emergent Freshwater Marsh: USACE Wetland Water of the United States CDFW Wetland RWQCB Water of the State CCC Wetland RWQCB Water of the State CCC Wetland RWQCB Water of the State CCC Wetland Saltpan: USACE Wetland Water of the United States RWOCB Water of the State
Fosturo 22	Drainago	CCC Wetland USACE Non Wotland Water of the United States
	Dramaye	CDFW Streambed RWQCB Water of the State CCC Wetland
Feature 33	Drainage	USACE Non-Wetland Water of the United States CDFW Streambed RWQCB Water of the State CCC Wetland

Table 5.4-8 Potentially Jurisdictional Hydrologic Features within the BSA and Project Work Areas

Note:

An asterisk (*) indicates that the feature exists within or adjacent to proposed project workspaces.

Key:

CCC = California Coastal Commission CDFW = California Department of Fish and Wildlife RWQCB= Regional Water Quality Control Board

USACE= U.S. Army Corps of Engineers

1 2

5.4.3.6 Wildlife Movement

- 3 Wildlife corridors and habitat linkages allow for uninterrupted movement and migration of species, and
- 4 prevent fragmentation and isolation of plant and wildlife populations (CDFW 2018b). Riparian corridors
- 5 and drainages within or near the project area that connect upland and open space areas to expansive, intact
- 6 habitat areas are described in Table 5.4-9.

- 8 San Dieguito Lagoon and Los Peñasquitos Lagoon are important habitat corridors in the project area. The
- 9 lagoons are part of the North San Diego Lagoons, a unified group of coastal lagoons that are considered
- 10 an Important Bird Area (National Audubon Society n.d.[b]), an area of critical conservation focus for bird
- 11 species. The lagoons are also part of the Pacific Flyway, a major north-south migration corridor for birds
- 12 stretching from Alaska to Patagonia.

1		
1		
-		

Feature ID	Wildlife Corridor/Linkage	Nearest Project Feature	Distance from Feature
1	San Dieguito Lagoon (including State Marine	TL666D	Crossed
	Conservation Area)		
2	San Dieguito River	New steel pole, TL674A	Adjacent
3	Crest Canyon Neighborhood/Open Space Park	TL666D	Crossed
4	Torrey Pines State Natural Reserve Extension	TL666D	Crossed
5	Torrey Pines State Reserve (Los Peñasquitos	TL666D	Crossed
	Lagoon), including Peñasquitos Creek ^(b)		
6	Los Peñasquitos Canyon ^(c)	TL666D	0.75 miles southeast
7	Unnamed crossing beneath Interstate 5, south	TL666D	0.3 miles east
	of Carmel Valley Road ^(c)		
8	Pacific Flyway	Entire project alignment	N/A

Table 5.4-9	Wildlife Corridors and Linkages	Crossed by or Ad	jacent to the Pro	ject Feature
			1	1

Notes:

^(a) Corresponds to Figure 5.4-2.

(b) The proposed project runs adjacent to a segment of Peñasquitos Creek within Los Peñasquitos Lagoon.

(c) Los Peñasquitos Canyon and the unnamed crossing beneath Interstate 5 and south of Carmel Valley Road are not adjacent to or crossed by the proposed project, but they are both within 1 mile of the project area and are linked to Torrey Pines State Reserve, forming a connective wildlife corridor that is incorporated into this analysis. Both sites surrounded by additional suitable habitat, and Los Peñasquitos Canyon is accessible from Los Peñasquitos Creek. Los Peñasquitos Canyon is a Natural Landscape Block defined by the California Essential Habitat Connectivity Project (Spencer et al. 2010), and is therefore included in this report.

2

3 Western monarch butterflies, which migrate to coastal California in the fall, utilize eucalyptus and pine

4 trees in the lagoons to overwinter. Western monarchs were incidentally observed within the BSA during

5 wandering skipper (*Panoquina errans*) surveys. While these individuals are not part of a protected

6 overwintering population, protected overwintering sites for this species occur within 1 mile of the project

- 7 area (Table 5.4-10).
- 8

Table 5.4-10 Western Monarch Butterfly Overwintering Populations within Project Vicinity

Approximate Location	Nearest Proposed Project Feature	Approximate Distance
Intersection of 15th Street and Crest Road	C510	0.2 miles west
Where Nogales Drive meets	Del Mar Heights Fly Yard	0.3 miles west
Torrey Pines State Reserve Extension		
Where Hidden Pines Lane meets	Del Mar Heights Fly Yard	0.4 miles west
Torrey Pines State Reserve Extension		
Torrey Pines State Natural Reserve	TL666D	0.6 miles west
Torrey Pines State Natural Reserve	TL666D	0.9 miles southwest

Source: Xerces and Monarch Joint Venture 2018

10 5.4.4 Regulatory Setting

11

9

12 This section summarizes federal, state, and local laws, regulations, and standards that govern biological

- 13 resources in the proposed project area.
- 14



Sources: CPAD 2017, San Diego Gas and Electric (SDG&E) 2018; Earth Systems Research Institute (ESRI) 2018, USFWS 2018

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1 **5.4.4.1 Federal** 2

3 Federal Endangered Species Act

4 Enacted to protect threatened and endangered (T&E) species and the ecosystems upon which they

- 5 depend, the ESA (16 United States Code [U.S.C.] 1531 et seq.) is administered by USFWS and the
- 6 National Marine Fisheries Service (NMFS). The USFWS has primary responsibility for terrestrial and
- 7 freshwater organisms, while the NMFS is mainly responsible for marine wildlife. The ESA makes it
- 8 unlawful for any person to take a listed T&E species without a permit. Take is defined as "to harass,
- 9 harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such
- 10 conduct." Section 7 of the ESA requires a federal agency to consult with the USFWS when any action it
- 11 carries out, funds, or authorizes may affect a listed T&E species. For projects that are not carried out,
- 12 funded, or authorized by a federal agency, Section 10 of the ESA allows the USFWS to issue a permit to
- 13 the project proponent to take listed T&E species incidental to otherwise legal activity.
- 14

15 Migratory Bird Treaty Act

16 The Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703–712) makes it illegal to "pursue, hunt, take,

- 17 capture, kill, attempt to take, capture, kill, possess, sell, and barter" native migratory bird species without
- 18 a permit." The MBTA is a multi-national effort to protect migratory birds, including eggs, young, nests,
- and feathers, and does not discriminate between live or dead birds. This act extends to almost all
- 20 migratory birds and includes 1,026 species, including almost 60 species that may be legally hunted. The
- 21 MBTA allows the USFWS to issue permits to qualified applicants for the following types of activities:
- 22 falconry, raptor propagation, scientific collecting, special purposes (e.g., rehabilitation, education,
- 23 migratory game bird propagation, and salvage), and take of predatory birds, taxidermy, and waterfowl
- sale and disposal. The MBTA excludes upland game birds and non-native species (e.g., quail, turkeys,
- 25 European starlings).
- 26

27 Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act (16 U.S.C. 668–668d) makes it illegal to take bald eagles or

- 29 golden eagles or to trade in eagle parts, eggs, or feathers. Take has been broadly interpreted to include
- 30 altering or disturbing nesting habitat. The regulations include a USFWS program that will allow issuance
- of two new types of permits to authorize take: one addressing take in the form of disturbance or actual
- 32 physical take of eagles (50 CFR 22.26), and the other providing for removal of nests (50 CFR 22.27).
- 33 Most permits issued under the new regulations are expected to be those that would authorize disturbance,
- 34 as opposed to physical take (i.e., take resulting in mortality). The USFWS will issue permits for physical
- take in very limited cases only, where every precaution has been implemented to avoid physical take and
- 36 where other restrictions and requirements will apply.
- 37

38 Fish and Wildlife Conservation Act

- 39 The 1988 amendment to the Fish and Wildlife Conservation Act of 1980 requires the USFWS to "identify
- 40 species, subspecies, and populations of all migratory non-game birds that, without additional conservation
- 41 actions, are likely to become candidates for listing under the Endangered Species Act of 1973" (16 U.S.C.
- 42 § 2912[a][3]). The Birds of Conservation Concern (BCC) list is the result of this mandate. BCC species
- 43 are given the highest conservation priority to prevent or remove the need for additional bird listings under
- the ESA by implementing proactive management and conservation actions. The BCC list that is currently

1 in effect is the Bird of Conservation Concern 2008 list (USFWS 2008). The Bird Conservation Region 32

2 list (Coastal California) is jurisdictional within the project area.

4 Clean Water Act

5 The Clean Water Act (CWA) (33 U.S.C. 1251 et seq.) regulates the discharge of pollutants into waters of

- 6 the U.S. with the objective to restore and maintain the chemical, physical, and biological integrity of the
- 7 nation's waters.
- 8

3

9 Section 404

10 Under Section 404 of the CWA, the USACE is authorized to regulate the discharge of fill or dredged

11 material into waters of the U.S., which includes wetlands and non-wetland waterbodies, and waters that

12 are subject to the ebb and flow of the tide shoreward to the mean high water mark. Wetlands are defined

13 as land "inundated or saturated by surface or ground water at a frequency or duration sufficient to support,

14 and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in

15 saturated soil conditions" (33 CFR 328.3; 40 CFR 230.3). The USACE has the authority to determine if a

16 wetland or waterbody is subject to regulatory jurisdiction under Section 404. A Section 404 nationwide or

individual permit from the USACE is required if the project would dredge or fill waters of the U.S. A

18 nationwide permit authorizes activities that have minimal adverse environmental effects and are issued

19 for a permit of no more than five years. There are currently 54 nationwide permit categories that authorize

- a wide variety of activities across the country, such as residential developments, utility lines, road
- 21 crossings, and wetland and stream restoration activities. An individual or standard permit is issued for
- 22 activities that have potentially significant environmental impacts. The review process for an individual
- 23 permit requires public review and a public comment period. To be determined upon consultation with

24 USACE, issuance of Nationwide Permit 12, and potentially other Nationwide Permits, may be required

25 prior to commencing proposed project construction within or adjacent to jurisdictional features.

26 Nationwide Permit 12 is required for utility line activities, including the removal of existing utility lines,

27 within or adjacent to Waters of the United States, if activities do not result in the loss of more than one-

half acre of Waters of the United States. Project activities that may require Nationwide Permit 12

29 compliance would include utility line removal activities within Waters of the United States, and the

30 trenching and underground installation of utility lines adjacent to Waters of the United States (USACE

- 31 2017).
- 32

33 Section 401

34 Under federal CWA Section 401, every applicant for a federal permit or license for any activity which

35 may result in a discharge to a water body must obtain State Water Quality Certification that the proposed

activity will comply with state water quality standards. In California, the RWQCB administers the

37 Section 401 Water Quality Certification Program. Section 401 Certification is required before the USACE

38 may issue an individual or nationwide Section 404 permit.

5.4.4.2 1 State 2

3 **California Endangered Species Act**

4 The CESA (California Fish and Game Code [CFGC] Section 2050 et seq.) is similar to the federal ESA

5 and is administered by the CDFW. The CESA prohibits the take of CESA-listed species unless

- 6 specifically provided for under another state law. "Take" means hunt, pursue, catch, capture, or kill, or
- 7 attempt to hunt, pursue, catch, capture, or kill. CDFW allows take through Section 2081 agreements.
- Alternatively, where a proposed project is likely to impact species that are listed under both federal and 8
- 9 state protection, the provisions of Section 2080.1 allow the CDFW to review the federal document (i.e.,
- 10 the Biological Assessment) for consistency with the CESA and state requirements. Sections 670.2 and
- 11 670.5 list wildlife and plant species that are threatened or endangered in California or by the federal government under the ESA.
- 12
- 13

14 The CDFW also identifies species of concern as those that may become listed as threatened or endangered

15 due to loss of habitat, limited distributions, and diminishing population sizes or because the species is

16 deemed to have scientific, recreational, or educational value. Species considered future protected species

17 by the CDFW are designated California SSC. SSC currently have no legal status, but are considered

18 indicator species useful for monitoring regional habitat changes.

19 20 **California Fish and Game Code**

- 21 Protection for Wetland and Riparian Habitats (Sections 1600 et seq.). Pursuant to CFGC Section 22 1600 et seg., CDFW has authority over all perennial, intermittent, and ephemeral rivers, streams, 23 and lakes in the state. A Lake or Streambed Alteration Agreement may be required for any 24 proposed project that would result in an adverse impact to a river, stream, or lake. CDFW 25 jurisdiction typically extends to the top of the bank and out to the outer edge of adjacent riparian 26 vegetation, if present.
- 27 Protection of Birds and Raptors (Sections 3503, 3503.5). According to CFGC Section 1802, the • 28 CDFW has jurisdiction over the conservation, protection, and management of all California 29 wildlife, fish, native plants (including state-listed T&E and other special status species), and their 30 habitats necessary to maintain biologically sustainable populations. CFGC Section 3503 specifies 31 the following general provision for birds: "it is unlawful to take, possess, or needlessly destroy 32 the nest or eggs of any bird, except as otherwise provided by this code or any regulation made 33 pursuant thereto." Section 3503.5 states that it is "unlawful to take, possess, or destroy any birds 34 in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest 35 or eggs of any such bird except as otherwise provided by this code or any regulation adopted 36 pursuant thereto." Construction disturbance during the breeding season that results in the 37 incidental loss of fertile eggs or nestlings or otherwise leads to nest abandonment is considered 38 take.
- 39 Protection of Fully Protected Species (Sections 3511 and 5050). The CDFW considers • 40 disturbance that causes nest abandonment or loss of reproductive effort to be take. Sections 3511 41 and 5050 prohibit the taking and possession without a permit of birds and reptiles listed as "fully 42 protected." (FP).
- 43 Native Plant Protection Act (Section 1900). CFGC Section 1900 establishes the California Native 44 Plant Protection Act, which includes provisions that prohibit the taking of listed rare or

endangered plants from the wild. The act also includes a salvage requirement for landowners. Furthermore, it gives the CDFW authority to designate native plants as endangered or rare and establishes protection measures. Under Section 1913(B) of the California Fish and Game Code, actions undertaken by an agency or publicly or privately owned public utility to fulfill its obligation to provide service to the public are exempted from take prohibitions under the Native Plant Protection Act.

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8 Porter–Cologne Water Quality Control Act (Porter-Cologne Act)

9 The Porter–Cologne Act (California Water Code, Division 7) regulates surface water and groundwater
10 quality in the state and also assigns to the SWRCB responsibility for implementing CWA Sections 401
11 (Water Quality Certification), 402 (National Pollutant Discharge Elimination System), 303(d) (List of
12 Impaired Water Bodies), and 305(b) (Report on the Quality of Waters in California), and the SWRCB has

- 13 delegated the authority to the nine RWQCBs. The SWRCB and RWQCBs are responsible for issuing
- 14 permits for certain point source discharges and for regulating construction and stormwater runoff.
- 15

16 The RWQCBs regulate discharges to waters within their respective jurisdictions through administration

- 17 of National Pollutant Discharge Elimination System permits, waste discharge requirements, and CWA
- 18 Section 401 Water Quality Certifications. RWQCBs administer Section 401 water quality certifications to
- 19 ensure that projects with federal 404 permits do not violate state water quality standards. The SWRCB
- 20 has jurisdiction over depositing fill or dredging in "State Only Waters" and issues Waste Discharge
- 21 Requirements for these projects. Construction projects may require RWQCB approval of a 401 Water
- 22 Quality Certification, and Waste Discharge Requirements and/or a Low Threat Discharge Permit covering
- construction activities related to discharges from hydrostatic pipeline testing and construction dewatering.
- 25 The SWRCB and RWQCBs are responsible for developing and implementing regional basin plans to
- regulate all pollutants or nuisance discharges that may affect either surface water or groundwater. Basin
- 27 plans are prepared by the RWQCBs to establish water quality standards for both surface and groundwater
- bodies within their respective jurisdictions. Basin plans designate beneficial uses for surface and
- 29 groundwater, set narrative and numerical objectives that must be attained or maintained to protect the
- 30 designated beneficial uses, and describe implementation programs to protect all waters in the region.
- 31 Under Section 303(d) of the CWA, the RWQCB develops a list of impaired water bodies in which water
- 32 quality is impeding the attainment of beneficial uses.
- 33

34 California Coastal Act of 1976

- Under the CCA, the CCC, in partnership with coastal cities and counties, plans and regulates
- 36 development within the coastal zone. Development is broadly defined under the CCA to include
- 37 construction activities and the use of land and water within the coastal zone (State of California 2018).
- 38
- 39 Title 14, Section 13253 of the California Code of Regulations states that a Coastal Development Permit
- 40 (CDP) is required for projects located within the coastal zones that have the potential to damage the
- 41 coastal environment, including utility projects. The proposed project is entirely within the coastal zone
- 42 and would need to comply with regulations per the CCA. Under the CCA, authority to issue CDPs is
- 43 delegated to the local permitting agencies for which the CCC has certified a Local Coastal Program
- 44 (LCP). Local governments, in partnership with the CCC, use the LCP implementing policies as a guide to

- 1 future development activities within the coastal zone. The City of San Diego and City of Del Mar have
- 2 certified LCPs that would apply to the project area, as further described below.
- 4 The CCA also defines CCC-jurisdictional ESHAs as areas that are suitable to plants, wildlife, or habitats
- that are "rare" according to CDFW or another governing authority, or that support important ecosystem
 functions such as wildlife linkages or corridors (Caltrans 2017). The proposed project area is known to
- 7 support ESHAs, and the following CCA policies would pertain to those areas when applicable:
 - CCA Section 30121 Wetlands
- "Wetland" means lands within the coastal zone which may be covered periodically or permanently
 with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish
 water marshes, swamps, mudflats, and fens.

14 CCA Section 30240 Environmentally Sensitive Habitat Areas; Adjacent Developments

- a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
- b) Development in areas adjacent to environmentally sensitive habitat areas and parks and
 recreation areas shall be sited and designed to prevent impacts which would significantly
 degrade those areas, and shall be compatible with the continuance of those habitat and
 recreation areas.
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5.4.4.3 Regional and Local

SDG&E's public utility projects, such as the proposed project, are not subject to the regulatory jurisdiction of local governments, and are therefore not governed by the conditions of local or regional conservation planning efforts. However, CEQA requires an analysis of a project's compatibility with local and regional habitat conservation plans (see Impacts BR-5 and BR-6). SDG&E may coordinate with regional and local jurisdictions to achieve consistency with their conservation planning efforts to the

29 extent feasible. Therefore, this section gives an overview of local ordinances in San Diego County.

30

In 1992, the State of California enacted the NCCP Act. This voluntary program allows the state

- 32 government to enter into planning agreements with landowners, local governments, and other
- 33 stakeholders to prepare plans to identify lands that should be prioritized to conserve threatened or
- 34 endangered species, and lands that may be better suited to development. In California, the CDFW and
- 35 USFWS have worked to combine the NCCP program with the federal Habitat Conservation Program
- 36 (HCP) process. These plans establish conditions under which a local government, such as the County,
- 37 will receive from USFWS and CDFW certain long-term take authorizations (i.e., incidental take permits)
- 38 which allow the taking of Covered Species incidental to land development and other lawful land uses
- authorized by the County. This delegation of authority is allowed pursuant to Section 10(a)(1)(B) of the
- 40 ESA, the NCCP Act, and CESA. Several large-scale conservation plans and programs have been
- 41 approved or are in development in San Diego and Del Mar. Below are descriptions of the plans whose
- 42 boundaries the proposed project crosses.

1 Habitat Conservation Plans

2 County of San Diego MSCP: City of San Diego Subarea Plan

3 The San Diego MSCP, governed by the County of San Diego, serves as a Multiple Species Habitat

4 Conservation Program pursuant to Section 10(a)1(b) of the ESA and a Natural Community Conservation

- 5 Plan under the California Natural Communities Conservation Planning Act. The San Diego MSCP
- 6 preserves boundaries that encompass an area known as the Multiple Planning Habitat Area (MHPA). The
- 7 MSCP was developed to protect biodiversity in the region through the preservation of a network of
- 8 habitats and open space areas, outlines specific criteria and requirements for projects within the MHPA,
- 9 and authorizes take for 85 Covered Species.
- 10
- 11 Local jurisdictions implement their respective portions of the San Diego MSCP Plan through subarea
- 12 plans, which describe specific implementing mechanisms for the San Diego MSCP. The San Diego
- 13 MSCP Subarea Plan, also referred to as the South County MSCP, applies to unincorporated lands within

14 southern San Diego County. The City of San Diego also adopted a subarea plan. Additionally, much of

15 the proposed project is within the northern area of the City of San Diego MHPA in Los Peñasquitos

16 Lagoon and Torrey Pines State Natural Reserve Extension. The regional MSCP subarea plans collectively

- 17 serve as a multiple species HCP pursuant to Section 10(a)1(b) of the federal ESA.
- 18

19 The San Diego MSCP allows for the development of infrastructure and utility projects and road

- 20 modifications within MHPA boundaries if the project is consistent with adopted community or
- 21 subregional plans, and incorporates appropriate mitigation strategies and/or alternatives to minimize
- 22 impacts to sensitive biological resources. Projects within the MHPA must demonstrate compliance with
- the Land Use Considerations described in the MSCP that are intended to preserve biological resources.

24 Utility lines are considered conditionally compatible with the MHPA when developed in accordance with

- the described measures.
- 26

27 SDG&E Subregional NCCP

- 28 The proposed project is located within the boundaries of SDG&E's Subregional NCCP. The SDG&E
- 29 Subregional NCCP, adopted in 1995, was developed to establish and implement a long-term agreement
- 30 among CDFW, USFWS, and SDG&E. The NCCP authorized take of 110 Covered Species as a result of
- 31 the development, installation, operation, and maintenance of SDG&E facilities, while also providing for
- 32 the conservation and preservation of these species. The NCCP allows for up to 400 acres of impacts in
- and conservation and preservation of these species. The receipt anows for up to ros
 natural areas before requiring an amendment. (SDG&E 1995)
- 34
- 35 SDG&E Native Endangered and Threatened Species HCP
- 36 In order to obtain a USFWS incidental take permit, applicants must develop a HCP, which is a planning
- 37 document that describes potential effects of proposed take, impact minimization or mitigation measures,
- and HCP funding procedures and protocols (USFWS 2011). On March 2, 2017, SDG&E received a
- 39 Native Endangered and Threatened Species HCP, which permitted additional take of up to 15 individual
- 40 covered species between March 2017 and March 2022 due to the clearing, grading, or destruction of up to
- 41 60 acres of habitat that is otherwise covered within the SDG&E Subregional NCCP Plan Area (SDG&E
- 42 2017).

1 <u>City of San Diego General Plan</u>

- 2 The City of San Diego General Plan was adopted in 2008. The objective of the plan's Conservation
- 3 Element is to provide for the long-term conservation and sustainable management of the City's natural
- 4 resources. This element contains policies for sustainable development; preservation of open space, natural
- 5 landscapes, and native plans and wildlife; management of resources; and other initiatives to protect public
- 6 health, safety, and welfare. To achieve this goal, the Conservation Element contains recommendations for
- 7 reducing impacts on sensitive resources and goals intended to maintain consistency with the MSCP,
- 8 including a "no net loss" provision for wetlands conservation, promoting habitat recovery within aquatic
- 9 ecosystems, retaining significant mature trees, and incorporating tree planting into mitigation for
- 10 environmental impacts. (City of San Diego 2009)
- 11

12 City of San Diego Municipal Code

- 13 The City of San Diego Municipal Code contains ordinances intended to protect sensitive biological
- 14 resources through a series of regulatory measures. The ordinances described in Chapter 14, Article 3,
- 15 Division 1 pertain specifically to Environmentally Sensitive Lands that support sensitive biological
- 16 resources, including all wetlands, and upland areas included in the City of San Diego MSCP Preserve;
- 17 lands outside the MHPA that contain Tier I, II, IIIA, or IIIB Habitats; and lands that support rare,
- 18 threatened, endangered, narrow endemic, or otherwise covered species. For example, development
- 19 projects within wetland areas as described above shall incorporate agency-recommended (USACE,
- 20 USFWS, CDFW, CCC) mitigation and impact minimization strategies to protect these resources,
- 21 including a minimum 100-foot buffer surrounding wetland features, though a lesser or greater buffer may
- 22 be determined to be acceptable depending on the sensitivity of each individual feature. The Municipal
- 23 Code additionally prohibits temporary disturbance or storage of material or equipment within
- 24 Environmentally Sensitive Lands except within approved areas, and when the disturbance and/or storage
- 25 will not permanently degrade habitat. (City of San Diego 2012, 2018)
- 26

27 <u>City of San Diego Regional Subareas</u>

- 28 The City of San Diego divides the municipal area into regional subareas. Each subarea functions as its
- 29 own planning area to fit region-specific needs. The proposed project traverses four subareas: Torrey
- 30 Pines, Torrey Hills, Via de la Valle, and North City Future Urbanizing Area. The City of San Diego
- 31 transfers coastal zone planning and development decisions to each local subarea within the coastal zone
- 32 with an approved Coastal Development Plan. Additionally, the individual subarea plans identify similar
- 33 sensitive biological resources (aquatic features, habitat, and native vegetation), and share multiple policy
- 34 goals pertaining to those resources, including conserving habitat, aquatic resources, wildlife corridors, and
- 35 linkages, incorporating avoidance strategies such as buffers, setbacks, and erosion control measures, and
- 36 revegetation and restoration methods into planning and development projects, and rerouting or removing
- 37 existing infrastructure including utility realignments from within biologically sensitive areas. Policies
- 38 specific to each subarea with respect to the proposed project and biological resources are described below.
- 39
- 40 Torrey Pines Community Plan
- 41 Most of the project area south of Via De La Valle and west of I-5 is within the Torrey Pines Community.
- 42 The Open Space and Resource Management Element of the Torrey Pines Community Plan requires that
- 43 all Torrey pine trees (*Pinus torreyana*) situated on public property be preserved and protected.
- 44 Additionally, the Los Peñasquitos Lagoon Enhancement Plan and Program, as described in the Torrey

- 1 Pines Community Plan, requires that CDP applicants for projects located within the Los Peñasquitos
- 2 Lagoon watershed pay a Los Peñasquitos watershed restoration and enhancement fee to the Los
- 3 Peñasquitos Lagoon Fund. This agreement shall be made between the developing party, the City of San
- 4 Diego, and the State Coastal Conservancy. (City of San Diego 2014a)
- 5
- 6 Torrey Hills Community Plan
- 7 The Open Space and Resource Management Element of the Torrey Hills Community Plan requires that
- 8 development in identified wetland areas be consistent with the County of San Diego Resource Protection
- 9 Ordinance, which regulates development in "sensitive" areas, including floodways, floodplains, wetlands,
- 10 wetland buffer areas, and biologically sensitive areas, which include sensitive habitat areas and areas that
- 11 support sensitive vegetation communities such as coastal sage scrub communities. The Planning Context
- 12 chapter of the Torrey Hills Community Plan establishes 100-foot buffer requirements between wetlands 13 and new development, and requires that development projects within the coastal zone be consistent with
- the goals and policies described in plans, permits, and processes by applicable lead agencies.
- Additionally, CDP applicants for projects located within the Los Peñasquitos Lagoon watershed pay a
- 16 Los Peñasquitos watershed restoration and enhancement fee to the Los Peñasquitos Lagoon Fund in an
- agreement between the developer, the City of San Diego, and the State Coastal Conservancy. (City of San
- agreement between the developer, the City of San Diego, and the State Coastar Conservancy. (City of San
- 18 Diego 2014b) 19
- 20 Via De La Valle Specific Plan
- 21 The Resource Management Element of the Via De La Valle Specific Plan includes policies aimed to
- 22 preserve certain native natural communities (chamise chaparral, mixed chaparral, coastal sage scrub,
- 23 including Diegan coastal sage scrub, and Maritime succulent scrub) within the subarea. To achieve this
- 24 goal, the plan recommends that developers utilize sculptured grading techniques stabilized with native
- 25 plant species, and prohibits altering slopes greater than a 25 percent grade that support coastal mixed
- chaparral and coastal sage scrub. (City of San Diego 2007)
- 27
- 28 North City Future Urbanizing Area Framework Plan
- 29 The Open Space Element of the North City Future Urbanizing Area Framework Plan identifies sensitive
- 30 biological resources within the subarea, and promotes preserving large habitat resources linked by
- 31 wildlife corridors. The policies described in the plan are intended to protect sensitive biological resources
- 32 from human activities and development that could interfere with biological diversity, in accordance with
- 33 the City of San Diego's Environmental Tier Project. (City of San Diego 2014c)
- 34
- 35 The Community Plan for the City of Del Mar, California
- 36 The Environmental Management, Community Development, and Precise Plans sections of the City of Del
- 37 Mar Community Plan contain objectives and policies intended to preserve biological resources within the
- 38 community, including aquatic resources, native vegetation, and wildlife, by minimizing disturbance or
- 39 erosion associated with development projects. It also aims to retain and enhance natural benefits within
- 40 the San Dieguito River floodway and lagoon habitat by preserving the river mouth region. (City of Del
- 41 Mar 1985)
- 42

1 City of Del Mar Municipal Code

- 2 Chapter 8.12 of the City of Del Mar Municipal Code pertains to all portions of the San Dieguito Lagoon
- 3 and the San Dieguito River at or below the mean high tide line east of the Camino Del Mar Bridge to the
- 4 eastern City boundary, including all adjacent publicly owned properties that are known to contain
- 5 sensitive habitat resources. The City of Del Mar Municipal Code prohibits the removal and/or take of any
- 6 living or non-living marine resources from this area, and restricts vehicle access within these areas. (City
- 7 of Del Mar 2018)
- 8

9 City of Del Mar Climate Action Plan

10 The City of Del Mar Climate Action Plan aims to reduce manmade climate-related impacts through the

11 enforcement of mandated measures that will ensure a safe and healthy climate for future citizens (City of

- 12 Del Mar 2016). Measures include monitoring coastal wetland/river habitats that filter polluted runoff,
- 13 preserving and restoring native habitats, and encouraging the use of native species in landscaping while
- 14 monitoring and controlling invasive species in the area.
- 15

16 Public Tree Policy Manual for the City of Del Mar

- 17 Section 5 of the City of Del Mar Public Tree Policy Manual establishes specific regulations intended to
- 18 preserve and protect public trees within the city's public forest during construction by prohibiting
- excessive pruning, topping, and other actions that could damage the tree (City of Del Mar 2004). The 19
- 20 manual describes standards and regulations associated with permitted pruning activities, including the
- 21 timeline and process by which the applicant must obtain an Encroachment Permit prior to performing any
- 22 work on a public tree. 23

24 City of San Diego Public Tree Protection Policy

- 25 In 2005, the City of San Diego adopted a Public Tree Protection Policy, which requires that any pruning
- 26 of public trees within the public right-of-way, in parks, and on publically owned lands must occur under
- 27 the guidance of a licensed arborist, and may commence only with written approval by the City Arborist. It
- 28 recommends that CPUC projects avoid excessive pruning, topping, or tree removal associated with utility
- 29 line clearance. If such removals are necessary to prevent damage to utility infrastructure, the removal may
- 30 only occur once the City of San Diego Urban Forester determines that the threat cannot be minimized

31 through other measures. (City of San Diego 2005)

32

34

33 5.4.5 Environmental Impacts and Assessment

35 Approach to Impact Assessment

- 36 The impact analysis for biological resources was conducted by: (1) gathering and evaluating information
- 37 obtained from the applicant and numerous other sources; and (2) assessing the potential temporal and 38 spatial effects on habitats and organisms within the project area and the region as a whole. Recent survey
- 39
- data provided by the applicant were assessed for accuracy and appropriate implementation of resource 40 agency protocols. Calculations for disturbance to habitat were based on projections of land disturbance
- 41 from project features (i.e., temporary work areas, helicopter drop zones, aboveground facilities, access
- 42 areas, etc.).
- 43

1 Significance Criteria

- 2 Table 5.4-11 includes the significance criteria from Appendix G of the CEQA Guidelines' biological
- 3 resources section to evaluate the environmental impacts of the proposed project.
- 4

Table 5.4-11 Biological Resources Checklist

Wo	ould the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
а.	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?				
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 U.S. Fish and Wildlife Service?				
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?				
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?				
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		\boxtimes		
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?				

5

6 Operations and maintenance activities would be restricted to existing duct banks within an existing utility 7 ROW along a road. Occasionally, maintenance activities may be required at underground splice vaults, 8 new structure operation work pads, and hand holes, though maintenance activities would be similar to 9 those already undertaken in the existing utility ROW, and would not present a substantial change from 10 existing conditions that would have impacts on biological resources within the project area. Upon completion, removal of Line TL666D would eliminate the need to conduct operations and maintenance 11 12 activities within San Dieguito Lagoon and Los Peñasquitos Lagoon, resulting in an overall decrease in 13 potential impacts to biological resources within the lagoons, including a reduction in risk of bird 14 electrocution on overhead power lines. There are therefore no anticipated project-related impacts to 15 biological resources with respect to operations and maintenance activities. 16

1 Approach to Reducing Impacts

- 2 In the PEA, the applicant included Operational Protocols, Habitat Enhancement Measures, and applicant-
- 3 proposed measures (APMs) that are intended to minimize potential project-related impacts to biological
- 4 resources. The Operational Protocols described in Section 7.1 of SDG&E's NCCP and the Habitat
- 5 Enhancement Measures described in NCCP Section 7.2 are Best Management Practices (BMPs) intended
- 6 to minimize project-related impacts to biological resources. A full list of all Operational Protocols and
- Habitat Enhancement Measures applicable to the proposed project can be found in SDG&E's Subregional
 NCCP.
- 9

10 The APMs included in the Applicant's PEA have been incorporated with modification into the following 11 mitigation measures (MMs) to avoid or feasibly minimize effects to biological resources.

- 12
- 13 SDG&E has prepared APM-BIO-09, which addresses survey requirements for roosting bats. This
- 14 measure is adopted without modification. APM-BIO-09 and the MMs resulting from the adoption with
- 15 modification process are included below. A list of all project APMs that have been incorporated into all
- 16 project MMs, including those described below, is included in Table 4-9.
- 17

18 MM BR-1: Preconstruction Surveys. Thirty days prior to the start of construction activities in new 19 work areas that have the potential to impact biological resources (e.g., staging, vegetation clearing, 20 trenching, helicopter activities, pole removal, stringing, stockpiling), a CPUC-approved biologist 21 shall conduct preconstruction surveys for sensitive biological resources within all qualifying work 22 areas, including access roads, footpaths, fly yards, stringing sites, pole removal sites, etc. In efforts to 23 minimize the extent of human activities within San Dieguito Lagoon and Los Peñasquitos Lagoon 24 while maintaining worker safety, preconstruction surveys in the lagoon areas will be conducted from 25 a safe distance that still allows for adequate biological observation (via binoculars or other means). 26 Lagoon areas that are accessible by foot shall undergo standard preconstruction surveys. If 27 construction activities halt within a work area for fourteen days, the biological monitor shall recheck 28 the work area for any sensitive biological resources prior to the re-commencement of construction 29 activities. Avian surveys shall be conducted in accordance with SDG&E's Subregional NCCP as well 30 as all other applicable requirements, as described in MM BR-6: Nesting Bird Management Plan. Prior 31 to the start of daily project-related activities within all work areas, all areas with habitat suitable to 32 support special status plants and wildlife, and all areas and places in which wildlife could become 33 trapped (trenches, holes, excluded areas, etc.) shall undergo a daily biological clearance sweep, to be 34 conducted by a qualified, CPUC-approved biological monitor. Only after verbal clearance by the 35 biological monitor may project-related activities commence within work areas.

36 MM BR-2: Designation and Exclusion of Work Area Boundaries, Environmentally Sensitive

Areas (ESHAs, Jurisdictional Features), and Excavations. Construction activities, equipment,
 vehicles, and materials storage shall be restricted to approved work areas and laydown yards/fly
 yards, which shall be bordered by exclusionary fencing, flagging, or signage that shall be installed
 prior to the start of construction activities. Setbacks for project activities including equipment storage,
 equipment maintenance, and fueling shall be no fewer than 50 feet from aquatic resources, water
 features, and ESHAs. These areas shall be situated in such a manner as to prevent any runoff from

- 43 entering sensitive habitat and aquatic features.
- To minimize the potential for human-related impacts in sensitive areas, fencing, flagging, or signage shall not be required in helicopter access-only work areas within San Dieguito Lagoon or Los

Peñasquitos Lagoon, However, as described in MM BR-4, a CPUC-approved biological monitor shall 1 2 observe project activities within such areas from a safe distance, assisted by binoculars as needed. In 3 work areas located outside of the lagoons or within the lagoons by fully accessible by foot, in which 4 construction activities are anticipated to last less than one day, fencing and flagging installation will 5 not be required, but a CPUC-approved biological monitor must be present to observe construction 6 activities per MM BR-4. Equipment such as PVC conduit, which could potentially entrap wildlife, 7 shall be inspected by a qualified, CPUC-approved biological monitor prior to use. Areas that would 8 be subject to excavation (e.g., trenches and holes), shall be excluded and fully covered at the end of 9 each day to prevent wildlife from falling in and becoming entrapped. If a trench or hole cannot be 10 fully covered at the end of the day for any reason, the applicant shall install wildlife escape ramps at least every 100 feet, which shall have slopes no greater than 2:1. 11

12 Environmentally Sensitive Areas (areas with substantial biological resources such as special status species, sensitive natural communities, occupied and/or suitable habitat, or aquatic features), 13 14 including Environmentally Sensitive Habitat Areas (ESHAs) and potentially jurisdictional aquatic 15 features (under USACE, CDFW, RWQCB, and/or CCC jurisdiction), shall be clearly flagged, fenced, and/or indicated by signage to prevent inadvertent disturbance or trampling. Adequate buffer 16 17 distances surrounding Environmentally Sensitive Areas shall be determined by the CPUC-approved 18 biological monitor, based on the biological sensitivity of the resource and the nature of the approved 19 project-related activities occurring nearby. Buffers between staging areas, stringing sites, and both 20 ESHAs and wetland areas shall be no less than 50 feet, unless it is determined by the onsite, CPUC-21 approved biologist that a lesser buffer distance is appropriate. Buffer distance reduction requests must 22 be directed to the CPUC, and should involve consultation with relevant agencies (USFWS, USACE, 23 CDFW, and/or CCC) as needed.

24 **MM BR-3: Worker Training Program.** The applicant shall develop a Worker Environmental 25 Awareness Program (WEAP), to be submitted to the CPUC for review and approval, that shall be 26 administered to all project-related staff who will conduct on-site work (e.g., construction crews, 27 management, monitors, contractors, sub-contractors, etc.). The applicant shall submit to the CPUC 28 monthly documentation of who has undergone WEAP training. The WEAP shall describe the 29 sensitive biological resources (plants, wildlife, and sensitive natural communities) that crews may 30 encounter onsite, mitigation measures that shall be used to reduce impacts to these resources, the 31 penalties associated with violations of the conditions of the IS/MND, acquired permits, and 32 SDG&E's best management practices (BMPs). Additionally, the applicant shall develop an 33 informational handout or booklet for each employee that will contain key aspects of the WEAP, 34 including sensitive species that workers may encounter onsite, whom to contact in the event of such 35 observations, and the roles and responsibilities of the CPUC, and of other applicable agencies (e.g., 36 CDFW, USFWS, RWQCB). These materials will be posted in the onsite construction trailer(s) and 37 provided to crew supervisors, monitors, and to the SDG&E Field Construction Administrator.

MM BR-4: Construction Monitoring. The applicant shall ensure that a qualified, CPUC-approved
 biological monitor is present at all times to monitor ground-disturbing activities (e.g., grading,
 vegetation removal, trenching, digging, etc.) in areas that have the potential to support special status
 species. All ground-disturbing activities that would occur within 50 feet of Environmentally Sensitive
 Areas (areas supporting special status species, sensitive natural communities, and aquatic features),
 ESHAs, and all potentially jurisdictional aquatic features (non-wetland waters of the state, wetlands,
 streambeds, open water, tidal waters, and jurisdictional natural communities) will be monitored. To

45 minimize the potential for human-related impacts in sensitive areas and to maintain worker safety, a

biological monitor shall not be present to observe project activities within helicopter access-only 1 2 work areas in San Dieguito Lagoon or Los Peñasquitos Lagoon. The CPUC-approved biological 3 monitor shall observe project activities within such areas from a safe distance, assisted by binoculars 4 as needed. When the CPUC-approved biological monitor must observe project activities from a safe 5 distance, the monitor will maintain communication with pole removal technicians, both before and 6 after each workday, to ensure that appropriate biological resource protection protocols are 7 implemented. In work areas located outside of the lagoons, including upland habitat within Torrey 8 Pines State Natural Reserve Extension, and in work areas or within the lagoons by but fully accessible 9 by foot, the CPUC-approved biological monitor shall be present to observe project activities as 10 described above. Areas within existing pavement that do not have the potential to support special status species will receive a pre-construction survey and spot-checks, as determined by the biological 11 12 monitor in accordance with SDG&E's NCCP. The biological monitor shall have temporary stop-work 13 authority if he or she determines that project-related activities present a threat to sensitive biological 14 resources. If the biological monitor must stop work due to threat to a biological resource, work may 15 resume once the biological monitor determines that activities will no longer risk or endanger the 16 resource, or upon further consultation with the appropriate agencies (CDFW, USFWS, USACE, 17 RWQCB, or CCC).

18 MM BR-5: Natural Communities; Plant Protection Plan; Tree Protection and Preservation

19 Plan. Natural Communities, Protected Tree, and Plant Protection Plan. To minimize project-20 related impacts to natural communities, protected trees, and special status plants, SDG&E shall 21 adhere to the enhancement and restoration components of the NCTPP Natural Communities, 22 Protected Tree, and Plant Protection Plan (Plan), including the Quality Assurance restoration 23 protocols described in Chapter 7.2 Habitat Enhancement Measures. Additionally, prior to 24 construction, the applicant shall ensure that special status plant surveys are conducted during 25 appropriate phenological (blooming) periods within one year prior to the start of construction to ensure detection. If detected, special status plants shall be flagged for avoidance. All reasonably 26 27 accessible Del Mar manzanita (Arctostaphylos glandulosa ssp. crassifolia) observed within 50 feet of 28 directly adjacent to, or-within, or proximal to, proposed work areas and access roads/paths shall be 29 staked, flagged, and/or fenced by a qualified biologist prior to construction. This measure applies to Del Mar manzanita plants that could be inadvertently accessed and impacted by project activities, and 30 31 does not apply to Del Mar manzanita plants that are difficult to access and that would be unlikely to 32 be reached by construction crews or equipment. Additionally, no fewer than fourteen 30 days prior to 33 the start of construction, the applicant shall develop and submit the Plan to the CPUC, which shall 34 include, at a minimum, the following:

- A Restoration Strategy, including a long-term monitoring strategy, for each <u>protected</u> tree species and special status plant species that is known to occur within or near (within 50 feet of) proposed work areas, and that therefore could be impacted by proposed project activities. If a single restoration strategy and/or long-term monitoring strategy would be effective for multiple species or groups of species, the discussion may be include all applicable species, as appropriate longterm monitoring strategies should ensure successful restoration and recolonization by the intended species.
- Restoration and long-term monitoring plans for natural communities, including aquatic features
 and ESHAs that may experience project-related impacts.
- A Noxious and Invasive Weed Control Strategy to prevent the colonization of noxious and
 invasive weeds in areas disturbed by proposed project activities. The strategy shall include a

- procedure for washing, inspecting, documenting, and approving vehicles and equipment prior to
 being staged anywhere within the project area.
- Methods of communication between the applicant, the CPUC, and local qualified city arborists to discuss which protected trees, if any, may require trimming before or during project construction, and which protected trees may be subjected to construction activities within 20 feet of the Dripline Area.

7 Because SDG&E may feasibly encounter unanticipated vegetation during project construction, the 8 NCTPP Plan shall be a live document, which may be updated on an as-needed basis to include 9 appropriate restoration strategies for natural communities, protected trees, and special status plants 10 that are not anticipated 30 days prior to the start of construction, but that may be later observed. If an 11 unanticipated qualifying resource is observed within or near (within 50 feet of) of a work area, 12 SDG&E must avoid the resource and must incorporate appropriate restoration and long-term 13 monitoring strategies for the unanticipated biological resource into the approved NCTPP Plan within 14 fourteen 30 days of initial observation, for review and approval.

15 **MM BR-6:** Avian Protection. To minimize impacts to avian species, SDG&E shall adhere to all applicable avian protection measures as described in the NCCP, including applicable Raptor Species 16 17 protections. Additionally, the applicant shall not conduct project-related activities within at least 100 18 feet of San Dieguito Lagoon, Los Peñasquitos Lagoon (Torrey Pines State Natural Reserve), or 19 Torrey Pines State Natural Reserve Extension during nesting bird season (February 1 to August 31). 20 A CPUC-approved avian biologist who is knowledgeable about avian species native to the coastal 21 San Diego region shall conduct special status avian surveys where construction would occur during 22 nesting bird season. The avian biologist shall conduct focused avian preconstruction surveys no more 23 than fourteen days before project activities begin in each workspace, in areas containing or adjacent 24 to suitable habitat for special status avian species. For project areas within 500 feet of or within 25 suitable habitat for Western Snowy Plover (Charadrius alexandrinus nivosus), the surveying avian 26 biologist must have documented experience surveying Western Snowy Plover. Surveys shall be 27 conducted within work areas plus a buffer large enough to encompass the next nest buffer of any 28 special status avian species for which suitable habitat is present (i.e., 100 to 500 feet). In work areas 29 that contain no suitable or potentially suitable habitat for special status avian species, and that would 30 not be subject to any ground disturbance or vegetation trimming/removal, focused avian 31 preconstruction surveys are not necessary.

32 If nesting birds are observed within 500 feet of work areas within or adjacent to the lagoons, Torrey 33 Pines State Natural Reserve Extension, ESHAs, or other proposed work areas during focused avian 34 surveys or general preconstruction surveys (see MM BR-1), the avian biologist shall establish appropriate, species-specific vertical and horizontal buffers between project activities and established 35 36 nests and territories. to be no less than The buffers shall be no less than 500 feet (vertical and 37 horizontal) for all raptors, Coastal California Gnatcatcher, and Western Snowy Plover nests (unless otherwise approved by USFWS and/or CDFW). Buffers between project activities and other avian 38 39 nests shall be established on a species-specific basis, based on USFWS and CDFW recommendations 40 and avian biologist observations. the following distances for each species:

- 41 500 feet (vertical and horizontal) for all raptors, Coastal California Gnatcatcher, and Western
 42 Snowy Plovers;
- 43 300 feet (vertical and horizontal) for all other special status avian species (passerine, waders, etc.); and

1 100 feet (vertical or horizontal) from nests of non-special status avian species. 2 If non-nesting special-status avian species are observed, project activities may resume at distances 3 greater than 100 feet from San Dieguito Lagoon, Los Peñasquitos Lagoon (Torrey Pines State Natural 4 Reserve), and Torrey Pines State Natural Reserve Extension during nesting bird season (February 1-5 August 31), but a CPUC-approved biological monitor must be present. If project activities would 6 occur between 100 and 500 feet of occupied (non-nesting) Western Snowy Plover habitat, then an 7 avian biologist with documented experience surveying Western Snowy Plover must be present to 8 observe all project activities. 9 The nest buffer distances described above Nest buffer distances may be reduced on a case-by-case 10 basis, based on scientific observations and biological reasoning by the avian biologist(s), taking nest sensitivity and proposed project activities into consideration. Vertical nest buffers shall also be 11 12 established and defined in the Nesting Bird Management Plan where applicable, between helicopter 13 activities and active bird nests. The applicant shall notify the CPUC, USFWS, and CDFW of nest 14 buffer reductions on a weekly basis. The applicant shall coordinate with the USFWS and CDFW for 15 nest-buffer reductions to special status species and raptor nests and will provide verification to the CPUC of this coordination when reducing such buffers. Nest buffers for common, non-special-status 16 17 species shall be reduced per protocols established in the Nesting Bird Management Plan (NBMP). 18 Requests to decrease buffer distances must be submitted to the CPUC for review and approval prior 19 to implementation. Buffer distances may not be reduced to less than 100 feet for special status avian species. All nests with a reduced buffer shall be monitored daily during construction activities until 20 21 the young have fledged, the nest becomes inactive, or until construction activities have concluded 22 within the buffer area. 23 The applicant shall develop an Nesting Bird Management Plan (NBMP) in accordance with the Avian 24 Power Line Interaction Committee (APLIC) and USFWS guidelines (APLIC and USFWS 2005), to 25 be submitted to the CPUC no fewer than 30 days prior to the start of construction. The plan shall 26 contain, at a minimum, the following information and strategies intended to minimize impacts to 27 avian species: 28 Methods from APLIC Reducing Avian Collisions with Power Lines: The State of the Art in 2012 • 29 (APLIC 2012) that would minimize the risk of avian collisions, injuries, and electrocutions 30 associated with new poles and aboveground utility features, including those associated with the 31 C738 and C510 conversions; 32 • Species-specific USFWS and/or CDFW survey protocols and planned compliance procedures 33 with the protocol(s); 34 Survey timing, methods, and boundaries, protocols for determining whether a nest is active and • 35 how to protect active nests, documentation and reporting methods for observed active nests, and 36 surveyor qualifications; 37 Nest documentation (nest activity, active/inactive, etc.) and an established procedure for contacting the appropriate agencies (CPUC, CDFW, USFWS) with inactive nest removal requests 38 for review: 39 40 Nesting bird deterrent methods for activities to be conducted outside of the lagoons and Torrey • 41 Pines State Natural Reserve, but within nesting bird season;

- Species-specific buffer determinations relating to project components and protocols for 2 requesting a reduced buffer distance from the CPUC and from the wildlife agencies; and
- 3 Language indicating that buffer distances shall be based on biological data and site/species-4 specific observations, not generalized assumptions.

5 **MM BR-7:** Nighttime Lighting Protection. Any lighting required for construction activities, 6 including activities that would occur at staging areas/fly yards, stringing sites, drop zones, and other 7 work areas, shall be minimized to the extent feasible, and shall utilize the lowest illumination 8 necessary for worker safety, in accordance with Occupational Health and Safety Administration 9 standards. Lighting shall be selectively placed, oriented downward, and shielded to minimize offsite 10 light spill. Nighttime lighting in wildlife corridor areas shall be of low-sodium or similar lighting 11 methods, in accordance with the City of San Diego MHPA requirements. Construction equipment and vehicle speeds on unpaved roads during nighttime activities shall be restricted to 15 miles per hour as 12 13 described in SDG&E's NCCP, and biologists shall conduct vehicle checks for trapped or concealed 14 wildlife prior to moving equipment after dark to minimize strike and collision risk to nocturnal 15 wildlife species. Lights shall not be left on during nighttime hours, except as required for nighttime work and/or an emergency. 16

17 **MM BR-8: Butterfly Protection.** Any tree trimming that would occur during western monarch 18 butterfly overwintering season (September-February) shall be observed by a CPUC-approved 19 biological monitor who is knowledgeable about western monarch butterfly ecology and life history. 20 The monitor shall inspect the tree to determine the presence of overwintering western monarch 21 butterfly, or to determine if the tree has a high potential to support overwintering western monarch 22 butterfly populations, based on tree species and historic overwintering western monarch butterfly 23 occurrences (see Table 5.4-10). Trees may only be trimmed or removed if the biologist determines 24 that they do not support overwintering western monarch butterfly populations. No Torrey pines or 25 eucalyptus trees may be trimmed within San Dieguito Lagoon, Los Peñasquitos Lagoon, Torrey Pines 26 State Natural Reserve Extension, or the locations identified in Table 5.4-10 during overwintering 27 season.

- 28 To minimize the potential for impacts to wandering skipper, a Narrow Endemic Species, and in 29 accordance with SDG&E's NCCP, the applicant shall not conduct construction activities within San 30 Dieguito Lagoon or Los Peñasquitos Lagoon during peak flight season (July-September). If 31 construction activities within any work areas (within or outside of lagoon areas) would result in the 32 removal of or damage to the wandering skipper host plant (salt grass) or to native nectar sources 33 known to support western monarch butterfly, the applicant shall restore the nectar sources at a 1:1 34 ratio, restoring salt grass directly, and restoring monarch butterfly nectar sources either directly, or as 35 described by the California Coast recommendations (Xerces 2016b). Only native milkweed species 36 may be used for restoration.
- 37 **APM-BIO-09:** Prior to construction, a habitat survey for potential bat roosts that may be impacted by 38 construction activities will be conducted. During the survey, potential roost sites will be searched for 39 signs of bat use, such as urine streaking, grease marks and droppings, moth wings, and dead bats. Up 40 to two weeks prior to construction, a qualified biologist will conduct bat surveys at roost sites 41 identified as potentially active from signs of bat use identified during the survey. If bats are detected, 42 SDG&E will avoid conducting construction activities that may directly impact the active roost site. If 43 an active maternal roost is identified, no construction will occur within 200 feet of the maternal roost
- 44 during the pupping season (typically April 1 through August 31).

a. Would the project 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 Wildlife or
 U.S. Fish and Wildlife Service?

7 Special Status Plants

1

8 There are 51 special status plant species with some potential to occur within the project area (see 9 Appendix C). Of these, 17 species were observed during surveys and are therefore considered to be 10 present within the BSA. Ten species have a high potential to occur within the BSA or within 1 mile of the 11 project area. Direct, construction-related impacts to special status plants could result from vegetation 12 trimming or removal and crushing by vehicles, equipment, or construction personnel. Indirect, 13 construction-related impacts to special status plants, including federally listed species, could result from 14 competition with introduced noxious and invasive weeds; dust, which would interfere with 15 photosynthesis; soil disturbance caused by erosion, sedimentation, or runoff; or other changes in habitat 16 conditions that could make an area that previously supported special status plant species unsuitable for that species post-construction. 17 18 19 Proposed vegetation removal and trimming would be minimized as part of the proposed project design, 20 and would be restricted to minor trimming along temporary footpaths and existing all-terrain vehicle 21 roads, and surrounding certain pole foundations as needed. In total, approximately 0.3 acres of chaparral 22 vegetation with the potential to support Del Mar manzanita would be impacted within proposed project

23 construction areas. To minimize the potential for impacts to special status plants, the applicant shall

implement MM BR-1, which would require preconstruction surveys one month prior to the start of
 construction within each approved workspace to determine the presence of special status plant species,

and daily pre-activity clearance sweeps prior to the commencement of daily construction activities.

27

28 MM BR-2 would require that sensitive biological resources, including special status plants, be

29 demarcated with flagging, fencing, and/or signage to prevent inadvertent encroachment that could crush

- 30 or otherwise damage special status plants. MM BR-3 MM BR-5 would require that the applicant wash
- 31 vehicles and equipment prior to staging onsite, and to develop a Weed Control Plan to prevent the
- 32 colonization of noxious and invasive weeds that could outcompete special status plants in areas disturbed
- by construction activities. **MM BR-3** would require that the applicant develop a WEAP that would

34 describe to teach all project personnel how to identify the biological resources onsite to prevent incidental

- 35 impacts from trampling, incidental trimming, or misidentification.
- 36

MM BR-4 would require onsite biological monitoring of construction activities that would occur within
 100 50 feet of a special status plant species. MM BR-5 would require the applicant to develop a Natural

39 Community, <u>Protected</u> Tree, and Plant Protection Plan for each sensitive species. The Plan would provide

40 measures to minimize impacts to sensitive plants that would experience unavoidable disturbance

41 associated with proposed project construction.

42

43 As part of the applicant's required Stormwater Pollution Prevention Plan (SWPPP), the applicant would

- 44 be required to develop strategies and procedures that would minimize impacts to special status plants
- 45 resulting from erosion, siltation, and/or sedimentation resulting from construction activities. Furthermore,

TL 674A RECONFIGURATION AND TL666D REMOVAL PROJECT 5.4 BIOLOGICAL RESOURCES

- 1 Proposed Project Design Feature: Fugitive Dust Control would minimize fugitive dust buildup that could
- 2 potentially accumulate on vegetation, thereby interfering with photosynthesis.
- 3

4 With the implementation the SWPPP and the Project Design Feature, as well as MM BR-1, MM BR-2,

5 **MM BR-3, MM BR-4, MM BR-5**, and **MM BR-6**, impacts to special status plants would be less than significant.

- 7
- 8 Special Status Wildlife

9 There are 92 special status wildlife species with some potential to occur within the project area (see

10 Appendix C). Of these, 24 species were observed during surveys and are therefore considered to be

11 present within the BSA. Twenty-three species have a high potential to occur within the BSA or within 1

12 mile of the proposed project area. All special-status wildlife species observed within the BSA are avian

13 species (Konecny Biological Services 2014; Blackhawk Environmental, Inc. 2017). No special status

14 amphibians were determined to have a high potential to occur within 1 mile of the proposed project

- 15 alignment.
- 16
- 17 <u>Avian Species</u>
- 18 During surveys, biologists observed four special status wildlife species (all avian species) that are listed

19 under ESA and/or CESA: Belding's Savannah Sparrow (*Passerculus sandwichensis beldingi*), California

- 20 Least Tern (*Sterna antillarum browni*), Light-Footed Ridgway's Rail (*Rallus longirostris levipes*), and
- 21 Coastal California Gnatcatcher (*Polioptila californica californica*) (see Table 5.4-1) (Konecny Biological
- 22 Services 2014; Blackhawk Environmental, Inc. 2017). An additional 15 avian non-ESA/CESA species
- 23 were observed within the BSA that are listed under other designations (SCC, BCC, FP, WL, BGEPA,
- 24 MSCP) (see Table 5.4-4). Special status (non-ESA/CESA) raptor species observed during surveys include
- 25 American Peregrine Falcon (Falco peregrinus anatum), Cooper's Hawk (Accipter cooperi), Northern
- 26 Harrier (Circus cyaneus), and White-Tailed Kite (Elanus Leucurus). Observed special status (non-
- 27 ESA/CESA) avian species that are primarily aquatic (waders, gulls, and primarily pelagic species known
- to occur rarely onshore) include American White Pelican (Pelecanus erythrorhynchos), California Brown
- 29 Pelican (*Pelecanus occidentalis californicus*), Least Bittern (*Ixobrychus exilis*), Long-Billed Curlew
- 30 (Numenius americanus), Reddish Egret (Egretta rufescens), Whimbrel (Numenius phaeopus), and White-
- 31 Faced Ibis (*Plegadis chihi*). Other special status (non-ESA/CESA) passerine (songbird) and non-passerine
- 32 species observed within the project area are Allen's Hummingbird (*Selasphorus sasin*), Clark's Marsh
- 33 Wren (*Cistophorus palustris clarkae*), Costa's Hummingbird (*Calypte costae*), and Yellow Warbler
- 34 (Setophaga Petechia).
- 35
- 36 Impacts to any of the 23 avian species that have a high potential to occur within the project area (see
- Table 5.4-4) or to any other special status avian species that have potential occur within the project area
- 38 (see Appendix C) would be significant due to their special status designation. Burrowing Owl is a special
- 39 status (non-ESA/CESA) raptor species that has a high likelihood of occurrence within the project area.
- 40 Special status (non-ESA/CESA) avian species that are primarily aquatic (waders, gulls, and primarily
- 41 pelagic species known to occur rarely onshore) and that have a high likelihood of occurrence within the
- 42 project area include Black Skimmer (*Rynchops niger*), Elegant Tern (*Thalasseus elegans*), Gull-Billed
- 43 Tern (*Gelochelidon nilotica*), Marbled Godwit (*Limosa fedoa*), Short-Billed Dowitcher (*Limnodromus girseus*), and Western Snowy Plover (nesting populations). While not observed during nesting season

- 1 surveys, Western Snowy Plover is known to occur within 1 mile of the project area, and there is a
- 2 segment of critical habitat for this species within San Dieguito Lagoon, and non-critical suitable habitat
- 3 for this species elsewhere in the lagoon. Other special status (non-ESA/CESA) passerine (songbird)
- 4 species with a high likelihood to occur within the project area are Grasshopper Sparrow (Ammodramus
- 5 Savannarum Perpallidus), Large-Billed Savannah Sparrow (Passerculus sandwichensis rostratus),
- 6 Lawrence's Goldfinch (Spinus lawrencei), Least Bell's Vireo (Vireo bellii pusillus), Loggerhead Shrike
- 7 (Lanius ludovicanus), Southern California Rufous-Crowned Sparrow (Aimophila ruficeps canescens),
- 8 Tricolored Blackbird (Agelaius Tricolor; a CESA-candidate species), Vermilion Flycatcher
- 9 (Pyrocephalus rubinus), Western Bluebird (Sialia Mexicana), and Yellow-Breasted Chat (Icteria Virens).
- 10 Biologists observed a common yellowthroat individual during a February site visit, but were unable to
- 11 identify it to subspecies. Saltmarsh/San Francisco Common Yellowthroat (Geothlypis trichas sinuosa) is
- 12 therefore also considered to have a high potential to occur within the project area.
- 13
- 14 Direct construction-related impacts to any of these species would include vehicle strikes (including
- 15 helicopter strikes), which could result in injury or fatalities, nest disruption, or disturbance due to
- 16 construction-related noise or lighting that could potentially lead to nest abandonment or failure. Indirect
- 17 construction-related impacts to these species would include habitat degradation resulting from damaging,
- 18 trimming, or removing vegetation within suitable foraging or breeding habitat, and sedimentation or
- 19 siltation resulting from construction runoff into suitable foraging and/or breeding habitat. These impacts,
- 20 and impacts to any non-special status avian species that is protected under the MBTA, would be
- 21 significant.
- 22
- 23 To minimize the potential for impacts to special status avian species, the applicant shall adhere to **MM**
- BR-1, which requires daily pre-activity biological clearance sweeps prior to the commencement of daily construction activities, which would determine the presence of special status avian species within or
- 26 adjacent to proposed project work areas.
- 27
- 28 **MM BR-3** would require that the applicant develop a WEAP that would <u>describe to</u> teach all project
- personnel how to identify the biological resources onsite to prevent incidental impacts from trampling,
 incidental trimming, or misidentification.
- 31
- MM BR-4 would require onsite biological monitoring of construction activities that would occur within 100 50 feet of ESHAs and habitat occupied by special status species. MM BR-5 requires that the applicant avoid or restore special status plant species that may provide suitable habitat for avian species, therefore helping maintain suitable avian habitat within disturbed areas upon completion of the proposed project.
- 36 37
- 38 **MM BR-6** prohibits construction activities within or within 500 100 feet of San Dieguito Lagoon, Los
- 39 Peñasquitos Lagoon, and Torrey Pines State Reserve Extension during Nesting Bird Season (February 1
- 40 to August 31). It additionally requires avian-specific preconstruction surveys 14 days prior to the start of
- 41 ground-disturbing activities in areas with the potential to support special status avian species, and requires
- 42 the development of an Nesting Bird Management Plan, which would contain additional measures, such as
- 43 horizontal and vertical buffers, that would minimize potential risks to avian species. Furthermore,
- 44 **MM BR-7** restricts potentially disturbing construction-related nighttime lighting to exclusively occasions

- when it is required for project and personnel safety, and requires that lighting be directed downward and
 shielded to prevent spilling into potentially occupied habitat.
- 3

4 As part of the applicant's required SWPPP, the applicant would be required to develop strategies and

5 procedures that would minimize erosion and construction-related runoff into suitable foraging and/or

6 nesting habitat for special status species, and would additionally require that equipment be staged and

7 fueled outside of the lagoon areas, reducing the risk of fuel spills in aquatic habitat areas.

8

9 With the implementation of **MM BR-1**, **MM BR-4**, **MM BR-5**, **MM BR-6**, and **MM BR-7**, impacts to

- 10 special status avian species would be less than significant.
- 11 12 <u>Reptiles</u>

13 Two special status reptiles (Belding's orange-throated whiptail [Aspidoscelis hyperythra beldingi] and

14 San Diegan tiger whiptail [Aspidoscelis tigris stejnegeri]) were observed within the BSA, and three

15 special status reptiles (coast horned lizard [*Phrynosoma blainvillei*], Coronado skink [*Plestiodon*

16 *skitonianus interparietalis*], and San Diego ringed-neck snake [*Diadophis punctatus similis*]) were

determined to have a high potential to occur. None of the five special status reptile species are listed

18 under ESA or CESA, and all five are known to occur in chaparral natural communities, and in other

natural communities known to occur within the project area (sage scrub communities, brush, woodlands,

and grasslands). Project-related impacts to these species would result from getting crushed or struck by

21 vehicles, equipment, or workers, disruption or disturbance resulting from construction-related noise or

22 lighting, especially for nocturnal species, habitat degradation in the form of vegetation trimming or

removal, and sedimentation or siltation resulting from construction runoff, which would degrade habitat.

24

To minimize the potential for impacts to special status reptile species, the applicant shall adhere to **MM**

26 **BR-1**, which would require preconstruction surveys and daily biological clearance sweeps by a CPUC-

approved biologist familiar with herpetofauna of coastal Southern California to determine the presence of

either species within the greater project area, and within daily work areas.

29

30 **MM BR-3** would require the applicant to develop a WEAP, which would contain identification

information regarding reptile species with the potential to occur onsite, and snake safety procedures to

32 educate and prevent worker-snake conflicts. **MM BR-4** requires onsite biological monitoring of all

33 ground-disturbing activities, including ground-disturbing activities that would occur within <u>100 50</u> feet of

ESHAs, including chaparral and coastal sage scrub communities with the potential to support these

35 special status reptile species, and habitat known to be occupied by special status reptile species.

36

MM BR-7 would require the applicant to minimize nighttime lighting to times required to support worker safety, and to direct lighting that could disturb or disorient special status reptiles downward, preventing spills from workspaces into occupied habitat. MM BR-7 additionally restricts project-related vehicles to

40 an operating speed no faster than $\frac{10}{15}$ mph and requires vehicle checks for wildlife prior to moving

41 equipment, which would reduce the risk of accidental vehicular collisions with nocturnal special status

42 reptiles. Additionally, Section 7.1 Operational Protocols in SDG&E's NCCP (see Section 5.4.5.2 in this

43 report) restricts onsite (daytime) vehicles speeds to no faster than 15 mph, further minimizing the risk of

44 accidental vehicular collisions with diurnal special status reptiles.45

With the incorporation of MM BR-1, MM BR-3, MM BR-4, and MM BR-7, project-related impacts to 1 2 special status reptile species would be less than significant.

4 Mammals

3

5 One special status mammal listed under the City of San Diego MSCP (southern mule deer [Odocoileus

6 *hemionus fulginata*]) was observed within the BSA, and two special status mammals (San Diego pocket

7 mouse [Chaetodipus fallax fallax] and pocketed free-tailed bat [Nyctinomops femorosaccus]) were

8 determined to have a high potential to occur. None of the three special status mammals are listed under

9 ESA or CESA. Project-related impacts to these species would result from getting crushed or struck by

10 vehicles, equipment, or workers, disruption or disturbance resulting from construction-related noise or

- lighting, especially for species that are active during nighttime, habitat degradation in the form of 11
- 12 vegetation trimming or removal, and sedimentation or siltation resulting from construction-related runoff 13 into habitat.
- 14

15 To minimize the potential for impacts to special status mammal species, the applicant shall adhere to **MM** 16 **BR-1**, which would require preconstruction surveys and daily biological clearance sweeps by a CPUC-17 approved biologist familiar with Southern Californian mammals to determine the presence of either 18 species within the greater project area, and within daily workspaces. MM BR-3 would require that the 19 applicant develop a WEAP that would describe to teach all project personnel how to identify the 20 biological resources onsite to prevent incidental impacts from trampling, incidental trimming, or 21 misidentification. MM BR-4 requires onsite biological monitoring of all ground-disturbing activities to 22 ensure that project-related activities do not conflict with special status mammals. MM BR-5 would 23 require the applicant to develop a Natural Community, Protected Tree, and Plant Protection Plan. The 24 Plan would provide measures to minimize impacts to sensitive plants that would experience unavoidable 25 disturbance associated with proposed project construction. for each plant species that would experience 26 unavoidable disturbance associated with proposed project construction, which would restore suitable 27 habitat for special status mammal species to pre-project conditions. MM BR-7 would require the 28 applicant to minimize nighttime lighting to times required to support worker safety, and to direct lighting 29 that could disturb or disorient special status mammals downward, preventing spill from workspaces into 30 occupied habitat. MM BR-7 additionally restricts project-related vehicles to an operating speed no faster 31 than $\frac{10}{15}$ mph, and requires vehicle checks for wildlife prior to moving equipment, which would reduce 32 the risk of accidental vehicular collisions with nocturnal special status mammals. Additionally, Section 33 7.1 Operational Protocols in SDG&E's NCCP (see Section 5.4.5.2 in this report) restricts onsite (daytime) 34 vehicles speeds to no faster than 15 mph, further minimizing the risk of accidental vehicular collisions 35 with diurnal special status mammals. Additionally, APM-BIO-09 provides bat-specific protections, 36 including preconstruction bat roost surveys and avoidance strategies which would protect pocketed free-37 tailed bats. With the incorporation of MM BR-1, MM BR-3, MM BR-4, MM BR-5, MM BR-7, and 38 **APM-BIO-09**, project-related impacts to special status mammal species would be less than significant. 39

- 40 Invertebrates
- 41 Wandering (saltmarsh) skipper and western monarch butterfly were both observed within the project area
- 42 during 2014 and 2017 focused wandering skipper surveys. Wandering skipper is protected under the City
- 43 of San Diego MSCP, and the western monarch butterfly is a non-listed species under applicable
- 44 jurisdictions, but is a Group 2 species on the County of San Diego Sensitive Animal List (County of San
- 45 Diego 2010), and is of recent concern due to declining overwintering populations and fragmented habitat.
- The western monarch butterfly has therefore been included in this discussion as part of a conservative 46

- 1 analysis intended to minimize project-related impacts to biological resources. Project-related impacts to
- 2 wandering skipper and western monarch butterfly would occur if construction activities were to degrade
- 3 or destroy suitable nesting, breeding, foraging, or roosting habitat, including impacts associated with the
- 4 removal of or damage to nectar sources, caterpillar host plants, or habitat. Additional impacts could result
- 5 from vehicle strikes, and from disturbance associated with project-related noise and lighting.
- 6
- 7 To minimize potential project-related impacts to the wandering skipper and western monarch butterfly,
- 8 the applicant shall adhere to **MM BR-3**, which would require the applicant to develop a WEAP, which
- 9 would contain identification information for both wandering skipper and western monarch butterfly, and
- 10 salt grass (wandering skipper's caterpillar host species) and common overwintering western monarch
- 11 butterfly nectar sources native to the area (Xerces 2016b). MM-BR-4 MM BR-8 would require biological
- 12 monitoring whenever trees would be trimmed to eliminate the risk of impacts to overwintering western
- 13 monarch butterfly populations.
- 14
- 15 MM BR-7 would require the applicant to minimize nighttime lighting to times required to support worker
- 16 safety, and to direct lighting that could disturb wandering skipper and western monarch butterfly
- 17 downward, preventing spill from workspaces into occupied habitat, or into suitable wandering skipper
- 18 <u>habitat documented south of Via de la Valle</u>. Combined, these measures would reduce impacts on
- 19 wandering skipper and western monarch butterfly to less than significant.
- 20

MM BR-8 would require a biological monitor to be present during trimming of trees in areas that could support overwintering western monarch butterfly populations in approved areas, and prohibits the removal of wandering skipper host plant species during flight season, further minimizing the potential for impacts to butterfly species.

Significance: Less than Significant with Mitigation Incorporation

b. Would the project 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 Wildlife or U.S. Fish and Wildlife Service?

31 32 The proposed project alignment spans substantial riparian habitat, including the San Dieguito River, and 33 sensitive natural communities within San Dieguito Lagoon and Los Peñasquitos Lagoon. Because 34 completion of the proposed project would involve the removal of existing utility infrastructure from these 35 sensitive habitat areas, there are no anticipated substantial adverse effects associated with operations and 36 maintenance activities. However, aspects of the proposed project construction could substantially 37 interfere with the ecological functioning of these areas. Construction activities such as staging adjacent to 38 riparian and sensitive natural communities, dragging the removed TL666D overhead wire through 39 vegetation, and landing helicopters within sensitive natural communities could temporarily degrade 40 riparian habitat and other sensitive natural communities. Additionally, poles that are felled in lagoon areas 41 would crush vegetation within sensitive natural communities, which could temporarily degrade the 42 habitat. Furthermore, post-project colonization of noxious and invasive weeds within areas disturbed by 43 construction activities could substantially degrade the existing sensitive natural communities, and would 44 interfere with ecosystem function. Project activities adjacent to sensitive natural communities could also 45 degrade the surrounding communities if construction materials were to run offsite into nearby habitat.

46 Finally, particulate matter resulting from trenching, grading, and material moving could settle offsite on

- 1 vegetation within sensitive natural communities, interfering with photosynthesis and ecosystem function,
- 2 including resource availability for wildlife species.
- 3
- 4 Table 5.4-12 describes the acres of sensitive natural communities, including riparian communities, within
- 5 proposed project workspaces. Because all project-related biological resource impacts would be temporary
- 6 and short term, only known and potential acreages associated with these impacts are described. The exact
- 7 location and acreage of temporary impacts to each natural community cannot be fully determined at this
- 8 time, because the exact location of the footprint associated with overhead wire-dragging cannot be
- 9 identified prior to actual wire removal, similarly the footprint area associated with pole felling and
- 10 helicopter drop zones would be determined in the field based on safety and site conditions. "Potential
- 11 Temporary Impacts," therefore, refer to the entire possible footprint (in acres) in which a more limited
- 12 scope of impact (from activities such as walking, pole felling, etc.) could occur. Impacts to jurisdictional
- 13 waters, such as those resulting from dredging and filling activities, are not included as part of the
- 14 proposed project.
- 15

Table 5.4-12 Potential Temporary Impacts on Sensitive Natural Communities in Project Work

Areas

	Sensitivity	Total Acres in Work	Potential Temporary	Temporary Impacts
Natural Community ^(a)	Ranking/Tier	Areas	Impacts (acres)	(acres)
Torrey Pine Forest	S1 / Tier I	0.2		0.2
Scrub Oak Chaparral	S3 / Tier I	0.2		0.2
Southern Maritime Chaparral	S1 / Tier I	0.2		0.2
Southern Mixed Chaparral	S3 / Tier III	0.1		0.1
Diegan Coastal Sage Scrub	S3 / Tier II	0.2	<0.1	0.2
Southern Arroyo Willow Riparian Forest	S2 / Tier I	<0.1	<0.1	<0.1
Coastal and Valley Freshwater Marsh	S2 / Tier I	0.8	0.7	0.1
Coastal Salt Marsh, including Southern Coastal Salt Marsh	S2 / Tier I	4.1	3.4	0.7
Open Water, Saltpan/Mudflats, Beaches	/	0.7	0.1	0.6
	Total	6.5	4.2	2.3

Note:

(a) For the purpose of this analysis, all natural communities within Table 5.4-12 are considered ESHAs, and impacts are therefore analyzed as such. Project Area ESHAs are further described in Section 5.4.3.3 "Environmentally Sensitive Habitat Areas."

16

17 To allow for full disclosure of potential temporary impacts, the applicant provided workspace dimensions

18 of 0.1 to 0.2 square acres for each pole felling area, and 0.1 to 0.2 square acres for each helicopter drop

19 zone (10 by 10 feet or 16 by 16 feet). Impacts may occur anywhere within these work areas, as each 70 by

20 3.25-foot pole with a horizontal cover of approximately 0.005 acre would fall somewhere within the

21 designated 0.1- to 0.2-acre pole felling area. To maintain a conservative yet realistic approach to the

temporary impacts analysis, each pole was flanked by two 0.005-acre pole felling footprints within each

pole felling area, to allow for flexibility in felling direction, and one 0.2-acre (16- by 16-foot) helicopter

drop zone. This approach accounts for temporary impacts to sensitive natural communities within two

25 potential falling sites, and within one conservative helicopter drop zone.

26

27 Additionally, temporary impacts assumed a 1-foot-wide footprint to account for anticipated temporary

28 impacts resulting from dragging the removed overhead TL666D wire across sensitive natural

29 communities after it is removed from poles. In Table 5.4-12, potential temporary impacts are the impacts

- 1 assuming full temporary disturbance within all disclosed work areas. Temporary impact values provide a
- 2 conservative measure of actual disturbance footprints within work areas, based on pole and helicopter
- 3 size. Actual temporary impacts resulting from helicopter use, pole felling, and wire dragging are expected
- 4 to be slightly less than the total value described in Table 5.4-12, because the analysis conservatively
- 5 assumes temporary impacts based on all helicopter landing zones being 16 by 16 feet (0.2 acres), and
- 6 assumes two 0.005-acre falling footprints for every one pole.
- 7

8 To minimize the potential for impacts to 2.3 acres of riparian habitat and sensitive natural communities,

- 9 including ESHAs, the applicant shall implement **MM BR-2**, which requires that all Environmental
- 10 Sensitive Areas, including ESHAs and other communities that are jurisdictional under USACE, CDFW,
- 11 RWQCB, and/or CCC, be demarcated with flagging, fencing, and/or signage to prevent inadvertent
- 12 encroachment that could crush vegetation or otherwise degrade the ecological functioning of the
- 13 community. **MM BR-2** additionally requires that buffers between staging areas, stringing sites, and
- 14 wetland areas be no less than 50 feet, or 100 feet from the Los Peñasquitos Lagoon for the Torrey Pines
- 15 Fly-Yard, unless it is determined that a smaller buffer distance is appropriate upon consultation with
- 16 relevant agencies (USFWS, USACE, CDFW, and/or CCC).
- 17

18 To minimize the potential for noxious weeds to colonize sensitive natural communities disturbed by

- 19 construction activities, MM-BR-3 MM BR-5 would require that the applicant wash vehicles and
- 20 equipment prior to staging onsite, and requires that the applicant develop a Weed Control Plan to prevent
- 21 the colonization of non-native species that could outcompete native species within in sensitive natural
- 22 communities disturbed by construction activities. **MM BR-4** would require onsite biological monitoring
- 23 of construction activities that would occur within <u>100 50</u> feet of Environmentally Sensitive Areas
- 24 including sensitive natural communities and ESHAs.
- 25

Furthermore, in accordance with **MM BR-5**, the applicant shall develop a Natural Community, <u>Protected</u>

- 27 Tree, and Plant Protection Plan. The NCTPP Plan will describe sensitive natural community avoidance
- 28 methods and their implementation strategies for each sensitive natural community and ESHA that may
- 29 experience disturbance associated with proposed project construction. The Plan shall also include
- 30 achievable restoration methods and post-project monitoring strategies that will ensure adequate
- 31 restoration of impacted natural communities. Additionally, the applicant's required SWPPP would
- 32 minimize impacts to natural communities resulting from erosion, siltation, and/or sedimentation
- associated with project construction. Finally, Proposed Project Design Feature: Fugitive Dust Control
- 34 would minimize fugitive dust buildup that could potentially accumulate on vegetation and potentially
- interfere with photosynthesis and subsequent ecosystem function, such as availability of resources forwildlife.
- 37
- With the implementation of MM BR-2, MM BR-3, MM BR-4, and MM BR-5 and Proposed Project
 Design Feature: Fugitive Dust Control, impacts to riparian features and sensitive natural communities,
 including ESHAs, would be less than significant.
- 41

42 Significance: Less than Significant with Mitigation Incorporation

c. Would the project 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?

5 The proposed project alignment spans multiple miles of potentially jurisdictional aquatic features, 6 including federally protected wetlands, as defined by Section 404 of the Clean Water Act. While 7 proposed project activities would not result in the removal of these wetlands, nor would materials be 8 added to the wetlands, proposed project activities such as the removal of existing utility lines within 9 jurisdictional waters and/or the installation of new utility lines in trenches adjacent to jurisdictional waters 10 may require a Nationwide Permit under Section 404 of the Clean Water Act, to be determined upon 11 consultation with applicable regulatory agencies including USACE, as described in Section 5.4.4, 12 "Regulatory Setting." If it is determined that project activities require a Nationwide Permit under Section 404 of the Clean Water Act, or other applicable permits, the applicant shall comply with all determined

- 404 of the Clean Water Act, or other applicable permits, the applicant shall comply with all determinedpermit measures.
- 15

1 2

3

4

- 16 Because completion of the proposed project would result in the removal of existing utility infrastructure
- 17 from these features, there are no anticipated substantial adverse effects to wetlands associated with the
- 18 proposed project operations and maintenance activities. However, aspects of proposed project
- 19 construction could potentially impact wetlands or non-wetland Waters of the United States, or aquatic
- 20 features that are jurisdictional under other agencies (CDFW, RWQCB, and/or CCC). Construction
- 21 activities such as staging adjacent to protected wetlands or non-wetland waters, dragging the removed
- 22 TL666D overhead wire through jurisdictional waters, and landing helicopters and felling poles within
- 23 jurisdictional waters could have a temporarily degrade these features. Additionally, when poles are
- 24 removed from lagoon areas, they would crush vegetation within jurisdictional waters upon falling.
- 25 Furthermore, project activities adjacent to sensitive natural communities could degrade the surrounding
- 26 communities if construction materials were to run offsite into nearby habitat.
- 27
- Table 5.4-13 describes the acres of jurisdictional features within proposed project work areas. The exact
- 29 location and acreage of temporary impacts to each jurisdictional feature cannot be fully determined at this
- 30 time, because the exact location of the overhead wire-dragging footprint cannot be identified prior to wire
- 31 removal, and the exact pole felling footprints and helicopter drop zones would be determined in the field
- 32 based on safety and site conditions. For a detailed description of the analyses underlying the impact
- 33 estimates in Table 5.4-13, refer to the discussion under criterion (b) above.
- 34

Table 5.4-13 Summary of Impacts to Jurisdictional Features within Proposed Project Work Areas

Jurisdictional Feature Type	Potentially Jurisdictional Natural Community	Regulatory Agencies	Total Acres in Workspaces ^(b)	Potential Temporary Impacts	Temporary Impacts
Wetland	Coastal and Valley	USACE, CDFW,	0.8	0.7	0.1
	Freshwater Marsh	RWQCB, CCC			
Wetland	Southern Arroyo Willow	USACE, CDFW,	<0.1	<0.1	<0.1
	Riparian Forest	RWQCB, CCC			
Wetland	Southern Coastal	USACE, CDFW,	4.1	3.4	0.7
	Salt Marsh	RWQCB, CCC			
Wetland	Coastal Salt Marsh	USACE, CDFW,	<0.1	<0.1	< 0.1
		RWOCB. CCC			

Jurisdictional Feature Type	Potentially Jurisdictional Natural Community	Regulatory Agencies	Total Acres in Workspaces ^(b)	Potential Temporary Impacts	Temporary Impacts
Wetland /	Open Water / Beach	USACE, CDFW,	0.7	0.1	0.6
Non-wetland	Saltpan / Mudflat*	RWQCB, CCC			
Waters ^(a)					
Non-wetland	Bare Ground	USACE, CDFW,	<0.1	<0.1	<0.1
Waters		RWQCB, CCC			
		Total ^(c)	5.6	4.2	1.4

Table 5.4-13 Summary of Impacts to Jurisdictional Features within Proposed Project Work Areas

Notes:

(a) Open water, beach, and saltpan are considered Non-Wetland Waters of the United States, while mudflat is considered a Wetland Water of the United States.

^(b) No federally jurisdictional aquatic features within proposed project workspaces are expected to be subjected to permanent impacts

(c) Totals are approximate due to rounding

Key:

CCC = California Coastal Commission

CDFW = California Department of Fish and Wildlife RWQCB= Regional Water Quality Control Board USACE= U.S. Army Corps of Engineers

1

2 As described above in Table 5.4-13, fewer than 1.4 acres within a total 5.6-acre footprint of potentially

3 jurisdictional features may experience temporary impacts associated with proposed project activities.

4 These activities would include landing helicopters, crews walking/tracking across vegetation, pole felling,

5 and wire dragging. The approximately 1.4 acres of temporary impacts could occur at slightly different

6 locations within the defined 1-foot-wide wire dragging footprint within San Dieguito Lagoon and Los

7 Peñasquitos Lagoon, and within the approximately 0.1- to 0.2-acre defined helicopter drop zone buffers

8 and pole felling footprint buffers. The 1.4-acre value assumes two approximately 0.005-acre pole felling

9 footprints for each one pole to be removed within San Dieguito Lagoon and Los Peñasquitos Lagoon, and

10 assumes an approximately 0.005-acre helicopter drop zone footprint at each proposed landing location.

11 During construction, proposed project activities would require only one 0.005-acre pole-felling footprint

12 for each pole, and some helicopter drop zone footprints would be only 0.002 acres.

13

14 Proposed project construction methods are designed to minimize the potential for impacts to aquatic

15 resources and jurisdictional features. However, required activities within certain areas could potentially

16 temporarily impact 1.4 acres of such features. Table 5.4-8 indicates which potentially jurisdictional

17 aquatic features within the project area occur within workspaces. Features 8, 9, 11–19, and 22–31 may all

18 be subjected to such temporary impacts. No filling, removal, or hydrological interruption are anticipated

19 within these areas, though project-related impacts to vegetation within jurisdictional natural communities

20 such as those described above would be significant, as such impacts could temporarily interfere with the

20 such as those described above would be significant, as such impacts could temporarry interfere with the 21 broader ecological role of the jurisdictional community. Temporary impacts could result from damaged

vegetation resulting from pole felling, helicopter landing, or wire dragging in jurisdictional features.

Because proposed project construction would involve the removal of transmission infrastructure from

jurisdictional areas, no project-related operation or maintenance impacts to these jurisdictional features

- 25 are anticipated.
- 26

27 Some project workspaces such as staging areas/fly yards and stringing sites would be located adjacent to,

28 but not within, potentially jurisdictional features. MM BR-2 would require that buffers between staging

29 areas, stringing sites, and wetland areas be no less than 50 feet. This required setback would prevent

1 crews or vehicles from accidentally tracking into jurisdictional areas that are not approved workspaces.

- 2 Additionally, incorporation of the mandatory SWPPP further minimizes the risk of project-related waste
- 3 materials and loose soil from running into jurisdictional features by requiring that such materials be 50
- 4 feet away from such features. **MM BR-2** additionally requires that a biological monitor be present for
- 5 project-related activities within sensitive areas including jurisdictional features.
- 6

7 To further minimize construction-related temporary impacts to potentially jurisdictional features, the

8 applicant shall develop a Natural Community, Protected Tree, and Plant Protection Plan, as described in

9 **MM BR-5**, which shall include feasible restoration methods for ESHAs and potentially jurisdictional

10 aquatic features. Described methods should restore these areas to pre-project conditions, and should

11 include restoration monitoring methods to ensure restoration success within areas disturbed by project

construction activities. Through the incorporation of MM BR-2 and MM BR-5, project-related impacts
 to protected waters would be less than significant.

14

15 Significance: Less than Significant with Mitigation Incorporation

16

20

d. Would the project 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?

21 Migrating and Nesting Birds

The proposed project area is within areas known to support substantial populations of migrating and nesting birds. The entire project area occurs within the Pacific Flyway, and the San Dieguito Lagoon and Los Peñasquitos Lagoon are combined part of the North San Diego Lagoons, a unified group of coastal lagoons that together are considered an Important Bird Area (National Audubon Society n.d.[b]). Project-

- 26 related impacts to migrating birds or avian nesting populations could result from habitat degradation from
- construction-related erosion, siltation, or runoff of sediment or hazardous materials, removal of food
 sources such as vegetation with seed and/or nectar food sources and/or vegetation that supports food
- sources such as vegetation with seed and/or nectar food sources and/or vegetation that supports food resources such as insects, disturbance resulting from loud noises or bright lights in habitat areas, and the
- 30 potential for bird and nest strikes by construction equipment/vehicles including helicopters. These
- 31 impacts could substantially interfere with avian movement and could additionally impact avian species
- known to nest within or near the project area, potentially leading to nest abandonment and/or failure. All
- 33 of these impacts would be significant.
- 34

To minimize impacts to migrating and nesting avian species, the applicant shall adhere to **MM BR-1**,

36 which would require daily preconstruction activity sweeps to determine the presence of biological

37 resources including avian species within the project area. **MM BR-2** requires exclusionary fencing

- 38 surrounding sensitive biological resources, including areas that support migrating avian species. MM BR-
- **6** would specifically minimize impact to avian species by prohibiting construction within San Dieguito
- 40 Lagoon and Los Peñasquitos Lagoon during nesting bird season (February 1–August 31), establishing
- 41 nest buffers to protect active nests, and to reduce the risk of avian strikes by project-related equipment or
- 42 vehicles, including helicopters. Additionally, the applicant shall adhere to **MM BR-7**, which requires that
- 43 all nighttime construction activities utilize downward-oriented night lighting directed to minimize spill
- 44 into nearby habitat. Through the incorporation of **MM BR-2**, **MM BR-6**, and **MM BR-7**, impacts to
- 45 migrating bird populations and nesting birds would be less than significant.

1 Western Monarch Butterfly Overwintering Populations

- 2 Populations of western monarch butterfly migrate to coastal California during the overwintering season
- 3 (September to February). The western monarch butterfly was observed within the project area outside of
- 4 overwintering season, and populations are known to migrate to multiple sites within 1 mile of the project
- 5 area to roost and overwinter in eucalyptus and pine trees (see Table 5.4-8). In general, overwintering
- 6 western monarch butterfly populations are not breeding populations, so project-related impacts to western
- 7 monarch butterfly nursery sites are not anticipated. However, the removal of suitable western monarch
- 8 butterfly overwintering habitat including roosting trees and nectar sources would substantially interfere
- 9 with an established migration pattern, and would therefore be significant.
- 10
- 11 To minimize potential impacts to overwintering western monarch butterfly species, the applicant shall
- 12 adhere to MM BR-4 MM BR-8, which requires biological monitoring whenever trees would be trimmed
- 13 to eliminate the risk of impacts to overwintering western monarch butterfly populations. Additionally,
- 14 MM BR-5 would require restoration of host plant species, and prohibits the removal of host plant species
- 15 and overwintering habitat within designated areas during western monarch butterfly overwintering
- 16 season. Combined, these measures would reduce impacts to overwintering western monarch butterfly
- 17 populations to less than significant.
- 18

19 Bat Maternity Roosts

20 The pocketed free-tailed bat has a high potential to occur within the project area. Bat maternity roosts

- 21 could be subject to disturbance resulting from project-related activities, including noise and lighting
- disturbance, or disturbances associated with crews and activities near active roosting sites. These would

23 be significant impacts to wildlife nursery sites.

24

25 To minimize potential impacts to bat maternity roosts, the applicant has proposed to incorporate APM-

BIO-09, which would require the applicant to conduct a preconstruction habitat survey for potential bat

27 roosts that may be impacted by project-related activities, and establishes a minimum 200-foot buffer

28 between project construction and identified maternal bat roosts. Additionally, **MM BR-7** requires that all

29 nighttime construction activities utilize downward-oriented night lighting directed to minimize spill into

30 nearby habitat which could be disruptive and disorienting to foraging bat species. With the incorporation

- of APM-BIO-09 and MM BR-7, impacts to bat maternity roosts would be less than significant.
 32
- 33 Significance: Less than Significant with Mitigation Incorporation

Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The proposed project is not subject to local or regional regulations, policies, or ordinances because local regulation of utility projects is preempted by the CPUC. However, CEQA requires an analysis of potential conflicts with local regulations, and the applicant may implement measures and design features that maintain consistency with local authorities. The project area occurs within areas protected by local City of San Diego and City of Del Mar ordinances intended to protect biological resources. The local policies and ordinances are designed to protect resources specific to each area.

44

34

1 The City of San Diego Municipal Code

- 2 The City of San Diego defines environmentally sensitive lands as both wetland and upland areas that
- 3 support sensitive biological resources, including all wetlands and upland areas described in the City of
- 4 San Diego MSCP Preserve; lands outside the MHPA that contain Tier I, II, IIIA, or IIIB Habitats; and
- 5 lands that support rare, threatened, endangered, narrow endemic, or otherwise covered species (City of
- 6 San Diego 2018). Furthermore, ordinances §143.0140(d) and §143.0141(b)(5) from the code prohibit
- 7 temporary disturbance or storage of material or equipment in environmentally sensitive lands except
- 8 when approved in a Site Development Permit, or if demonstrated that activities will not cause permanent
- 9 habitat loss, and require a minimum 100-foot buffer between project activities and wetlands in the Coastal
- 10 Overlay Zone.
- 11
- 12 Portions of the proposed project would occur in Tier I, II, and/or III habitat areas, and in lands supporting
- 13 rare, endangered, threatened, Narrow Endemic, and/or covered species. These areas would all be
- 14 considered environmentally sensitive lands. Project-related construction activities could potentially
- 15 disturb biological resources within the environmentally sensitive lands, which would conflict with
- 16 ordinance §143.0140(d). Additionally, the proposed Torrey Pines Fly Yard is set back approximately
- 17 80 feet from coastal salt marsh wetland habitat, which conflicts with ordinance §143.0141(b)(5).
- 18

19 Torrey Hills Community Plan

- 20 As per the California Coastal Act, local permitting agencies with CCC-certified Local Coastal Programs
- 21 (LCP) are authorized to issue Coastal Development Permits. The Planning Context chapter of the Torrey
- Hills Community Plan contains Local Coastal Program Policies, including a policy requiring 100-foot
- buffers between new development and wetlands, or less if it is determined through consultation with
- 24 CDFW and USFWS that a smaller buffer will sufficiently protect the wetlands resources based on site-
- 25 specific information (City of San Diego 2014b).
- 26
- 27 Because the proposed Torrey Pines Fly Yard is less than 100 feet from coastal salt marsh wetland habitat,
- 28 project-related activities within the fly yard may conflict with this policy. However, the Community
- 29 Facilities Element of the Torrey Hills Community Plan promotes the removal or relocation of public
- 30 utility or facility projects from Los Peñasquitos Lagoon and the undergrounding of all above-ground
- 31 utility lines when feasible.
- 32

33 MM BR-2 would require at least 50-foot-wide buffers between staging areas and wetland areas, and 100-34 foot buffers between project activities in the Torrey Pines Fly Yard and Los Peñasquitos Lagoon, unless a

- 1001 butters between project activities in the Torrey Files Fly Faid and Los Fenasquitos Lagoon, unless a
- 35 different buffer distance is determined to be appropriate by the CPUC-approved biologist. As a project
- 36 under CPUC regulatory jurisdiction, CPUC authority over the project supersedes local regulatory
- 37 measures. Therefore, through the incorporation of **MM BR-2**, which establishes buffer distances between
- 38 wetlands and proposed project activities to a minimum of 50–100 feet while maintaining wetland
- 39 protection through onsite determinations made by a qualified monitor, the proposed project would be
- 40 consistent with the City of San Diego Municipal Code and with the Torrey Hills Community Plan and its
- 41 Local Coastal Program.
- 42

1 Local Tree Ordinances

- 2 The City of San Diego Public Tree Protection Policy and the City of Del Mar Tree Policy Manual both
- 3 contain restrictions regarding public tree trimming and removal. The proposed project would not involve
- 4 the removal of any public trees, though trimming of some trees may be required. Policy A from the City
- 5 of San Diego Public Tree Protection Policy allows community groups, citizens, council members, and
- 6 city officials or staff to designate trees as protected. Policy 4A, described below, pertains to trees
- 7 designated as part of a Preservation Grove, which would be considered biologically sensitive.
- 8 Preservation Grove trees are groups of at least six naturally occurring native trees of similar species or
- 9 form within a 0.25-acre area in public ROW, public or private open space, designated Environmentally
- 10 Sensitive Lands or parkland, with trunks spaced closer than 100 feet apart. Project-related trimming of
- 11 Preservation Grove-designated trees would conflict with the City of San Diego Public Tree Protection
- 12 Policy (City of San Diego 2005).
- 13
- 14 Measures and policies from the City of San Diego Public Tree Protection Policy intended to protect
- 15 designated trees require that CPUC projects take measures to avoid excessive pruning, topping or
- 16 removals related to utility line clearance, and any such trimming requires collaboration with the City
- 17 Arborist (who may approve a licensed arborist to conduct such activities) and the City's Urban Forester.
- 18
- 19 The Public Tree Policy Manual for the City of Del Mar pertains to tree protection policies during
- 20 construction, and contains policies intended to minimize construction-related impacts to trees if avoidance
- is not feasible. The manual describes prohibited and permitted tree pruning methods, and prohibits
- 22 construction or contractor personnel from pruning trees, instead requiring coordination with the City
- Arborist who may approve a qualified tree care specialist or certified tree worker for such activities.
- Additionally, the manual contains measures that minimize potential risks to protected trees and their roots
- 25 during trenching and excavation activities, including notifying the approved arborist or tree care working
- at least 24 hours prior to conducting work in the Tree Protection Zone (see **MM BR-5**), and describes
- 27 appropriate, tree-safe strategies in instances of root severance, excavations, and heavy equipment storage
- 28 (City of Del Mar 2004).
- 29
- 30 If tree trimming or pruning are determined to be necessary during proposed project construction, these
- 31 activities could potentially conflict with the policies described above. Additionally, if such activities are
- 32 conducted without prior agency approval, or without a City Arborist present during qualified activities,
- 33 the activities would conflict with the local tree protection policies. **MM BR-5** requires the development of
- 34 a Tree Protection and Preservation Plan, which shall disclose and protected trees that may require
- 35 trimming, which protected trees would potentially be subjected to construction activities within the
- 36 dripline area along with strategies to route construction out of the dripline area when feasible, describe a
- 37 Tree Protection Zone surrounding protected trees, and shall include the methods of communication
- between the applicant, the CPUC, and local qualified city arborists. With the incorporation of **MM BR-5**,
- the proposed project would be consistent with the City of San Diego Public Tree Protection Policy and
- 40 with the City of Del Mar Tree Policy Manual.
- 41

42 Significance: Less than Significant with Mitigation Incorporation

f. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

5 Most of the project area occurs within areas protected under the City of San Diego MSCP Subarea Plan.

- 6 Approximately 1.28 miles of Powerline TL674A, 6.24 miles of Powerline TL666D, 1.06 miles of
- 7 Powerline C510, and 0.1 miles of Powerline C738 are fall within the designation. Portions of the project
- 8 area within Los Peñasquitos Lagoon and the Torrey Pines State Natural Reserve Extension are located
- 9 within the City of San Diego Subarea Plan of the MSCP.
- 10
- 11 Certain project-related activities may conflict with Land Use Considerations, General Planning Policies
- 12 and Design Guidelines, and Land Use Adjacency Guidelines as described in the MSCP. The MSCP
- 13 requires mitigation when disturbance of wetlands or MSCP-covered species cannot be avoided, including
- 14 disturbance associated with temporary access roads and staging areas, and prohibits the introduction of
- 15 invasive, non-native plant species within or adjacent to MHPA lands. The MSCP prohibits construction
- 16 activities that would substantially disrupt habitat including wildlife corridors, such as equipment storage,
- 17 littering, lighting spillover, and noise disturbance. Additionally, MSCP Guideline C18, specific to the
- 18 Future Urbanizing Area, recommends a 200-foot-wide buffer between development and wetlands, though
- 19 this buffer width is not a requirement for consistency with the plan (City of San Diego 1997).
- 20
- 21 MSCP-preserved habitat, including wildlife corridors, that would be disturbed by any means during
- 22 project construction, such as by light intrusion, elevated noise levels, littering, equipment storage,
- 23 vegetation removal, or ground disturbance would conflict with the City of San Diego Subarea Plan of the
- 24 County of San Diego MSCP. Additionally, buffers less than 200 feet in width between wetlands and
- 25 development would conflict with the MSCP-recommended wetland buffer width for the Future
- 26 Urbanizing Area, though a 200-foot buffer width is not a requirement.
- 27

To maintain consistency with the MSCP and MHPA, and SDG&E shall adhere to the Operational
Protocols described in Chapter 7.1 in their own NCCP, which include (but are not limited to) the

- 30 following:
- 31
 32 *Protocol 8.* Littering is not allowed. SDG&E shall not deposit or leave any food or waste on the
 33 rights-of-way or adjacent property.

Protocol 11. All SDG&E personnel working within the project area shall participate in an employee training program conducted by SDG&E, with annual updates. The program will consist of a brief discussion of endangered species biology and the legal protections afforded to Covered Species; a discussion of the biology of the Covered Species protected under this Subregional Plan; the habitat requirements of these Covered Species; their status under the Endangered Species Acts; measures being taken for the protection of Covered Species and their habitats under this Subregional Plan; and a review of the Operational Protocols. A fact sheet conveying this information will also be distributed to all employees working in the project area.

41 42

Additionally, to maintain further consistency with the City of San Diego MSCP, the applicant shall

44 adhere to **MM BR-2**, which would ensure that all Environmentally Sensitive Areas, including ESHAs,

- 45 are demarcated to prevent impacts such as trampling, runoff, sedimentation, and habitat degradation or
- 46 destruction associated with proposed project activities. **MM BR-2** further establishes buffers no less than

1	50 feet between staging areas and wetland areas, or no less than 100 feet from the Los Peñasquitos
2	Lagoon for the Torrey Pines Fly Yard. The applicant shall also adhere to MM BR-3, which, along with
3	Operational Protocol 11, would require the development of a WEAP to ensure that crews are aware of
4	sensitive biological resources that may be encountered onsite, and MM BR-7, which prohibits project-
5	related nighttime lighting from spilling into adjacent habitat. Through the incorporation of MM NOI-3,
6	the applicant would reduce construction-related noise levels that could disturb wildlife and would conflict
7	with the City of San Diego MSCP Subarea Plan. Habitat that is degraded or disturbed by proposed project
8	activities would be restored as described in Chapter 7.2 Habitat Enhancement Measures and Chapter 7.4
9	Mitigation Credits of the NCCP, and in Table 5 in the County of San Diego Biology Guidelines for
10	impacted natural communities outside of the MSCP, and as described in Table 2a, Table 2B, and Table 3
11	in the City of San Diego Biology Guidelines for impacted natural communities within the MSCP. Should
12	there be any conflict between these guidelines. SDG&E's NCCP would supersede the direction of the
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14	
15	Significance: Less than Significant with Mitigation Incorporation
16	
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