

3.4 Biological Resources

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
4. BIOLOGICAL RESOURCES— Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
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?	☐	☒	☐	☐
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?	☐	☐	☐	☒

3.4.1 Environmental Setting

The proposed project is located in northern San Benito and Monterey Counties, within the Inner South Coast Ranges of the California Floristic Province (Hickman, 1993). This region experiences a Mediterranean climate influenced by coastal weather patterns; winters are cool and wet, while summers are hot and dry. The project area ranges in elevation from 140 feet to 580 feet, with topography varying from flat agricultural lands to rolling foothills. The project area is predominantly comprised of agricultural lands around the community of Hollister and large expanses of privately-owned livestock grazing land in the surrounding foothills; low-density residential development is present in some areas.

Upland Habitat

The following upland habitats were identified within the study area: annual grassland, coastal scrub, coastal oak woodland, eucalyptus, irrigated row and field crop, urban, and disturbed (ICF International, 2009). Annual grassland is a common vegetation community in the project

area, used by numerous wildlife species and providing potential habitat for several special-status species, including California tiger salamander (*Ambystoma californiense*), California red-legged frog (*Rana draytonii*), burrowing owl (*Athene cunicularia*), and San Joaquin kit fox (*Vulpes macrotis mutica*). Oak woodland is found on the north-facing slopes of project-area foothills, providing nesting and foraging habitat for birds, and potential summer aestivation habitat for California red-legged frog. Coastal scrub is present intermittently in the project area, providing habitat for birds, rabbits (*Sylvilagus audubonii*), black-tailed jackrabbits (*Lepus californicus*), coyote (*Canis latrans*), and the special-status plant Pajaro manzanita (*Arctostaphylos pajaromensis*). A eucalyptus stand occurs in the project area north of Tower 06/40A, bordering a pond; eucalyptus stands occasionally support nesting raptors. Irrigated field and row crops are common in the project area, and support rodents and common birds. Low-density urban development occurs in several places throughout the project area, and is associated with adaptable wildlife species such as Virginia opossum (*Didelphis virginiana*), raccoon (*Procyon lotor*), and house sparrow (*Passer domesticus*). Disturbed habitat, characterized as mostly bare and vegetated with non-native, weedy species, is present in the project area; while California ground squirrel (*Spermophilus beecheyi*) and burrowing owl sometimes inhabit these disturbed areas, they generally offer little habitat value.

Wetland and Riparian Habitat

The following wetland and riparian habitats have been identified within the study area: valley foothill riparian, freshwater emergent wetland, seasonal wetland, drainage, and lacustrine (ICF International, 2009). Valley foothill riparian habitat is present in the project area along San Benito Creek, providing high-quality habitat for invertebrates, amphibians, aquatic reptiles, raptors and songbirds, and mammals. Project-area riparian areas provide potential habitat for special-status animals including California red-legged frog, western pond turtle (*Actinemys marmorata*), bank swallow (*Riparia riparia*), and least Bell's vireo (*Vireo bellii pusillus*), among others. Freshwater emergent and seasonal wetlands occur in several portions of the project area, providing high-quality habitat for amphibians, reptiles, birds, and mammals, including potential habitat for special-status species such as California red-legged frog, California tiger salamander, and western spadefoot. Drainages occur throughout the project area, including natural seasonal, intermittent, and perennial drainages as well as irrigation ditches. Drainages provide foraging habitat for various reptiles, amphibians, birds, and mammals, and, depending on stream flow and other characteristics, can provide amphibian breeding habitat. Several natural and constructed ponds in the study area also provide potential habitat for California red-legged frog, California tiger salamander, and western spadefoot.

Waters of the United States/Waters of the State

In 2008, a preliminary wetland delineation was conducted for the project (ICF International, 2009) that assessed all potential disturbance areas. A total of 6.92 acres of potential Waters of the U.S. were identified in the project study area, comprised of seasonal wetland (3.16 acres), riverine wetland (2.78 acres), freshwater emergent wetland (0.41 acre), ephemeral drainage (0.26 acre), detention basin (0.25 acre), and intermittent drainage (0.06 acre). With the exception

of a detention basin, all wetland features were considered to be potential jurisdictional Waters of the U.S., though the results of the wetland delineation have not yet been verified. If any of these isolated wetlands are not considered jurisdictional by the Corps, they are still likely to be protected under the jurisdiction of California Department of Fish and Game (CDFG) and Regional Water Quality Control Board (RWQCB) as “waters of the state”, as described in the Regulatory Section, below.

Special Status Species

Based upon a species list prepared in support of the proposed project (CDFG, 2010), and the results of focused botanical surveys within the project corridor (ICF International, 2009), a total of 23 special status wildlife and plant species were identified as occurring or having the potential to occur in the project area. Focused plant surveys considered the following special-status plants, which were found absent from the project area: Hickman’s onion (*Allium hickmanii*), Santa Cruz manzanita (*Arctostaphylos andersonii*), Gabilan Hills manzanita (*A. gabilanensis*), Hooker’s manzanita (*A. hookeri* ssp. *hookeri*), toro manzanita (*A. montereyensis*), sandmat manzanita (*A. pumila*), King’s Mountain manzanita (*A. regismontana*), alkali milk-vetch (*Astragalus tener* var. *tener*), San Joaquin spearscale (*Atriplex joaquiniana*), round-leaved filaree (*California macrophylla*), pink creamsacs (*Castilleja rubicundula* spp. *rubicundula*), Congdon’s tarplant (*Centromadia parryi* spp. *congdonii*), Hernandez spineflower (*Chorizanthe biloba* var. *immemora*), Monterey spineflower (*C. pungens* var. *pungens*), robust spineflower (*C. robusta* var. *robusta*), seaside bird’s beak (*Cordylanthus rigidus* spp. *littoralis*), Hutchinson’s larkspur (*Delphinium hutchinsoniae*), Eastwood’s goldenbush (*Ericameria fasciculata*), Pinnacles buckwheat (*Eriogonum nortonii*), Hoover’s button-celery (*Eryngium aristulatum* var. *hooveri*), sand-loving wallflower (*Erysimum ammophilum*), fragrant fritillary (*Fritillaria liliacea*), sand gilia (*Gilia tenuiflora* spp. *arenaria*), Loma Prieta hoita (*Hoita strobilina*), Santa Cruz tarplant (*Holocarpha macradenia*), Kellogg’s horkelia (*Horkelia cuneata* spp. *sericea*), Contra Costa goldfields (*Lasthenia conjugens*), woolly-headed lessingia (*Lessingia hololeuca*), Indian Valley bush-mallow (*Malacothamnus aboriginum*), San Antonio Hills monardella (*Monardella antonina* spp. *antonina*), prostrate navarretia (*Navarretia prostrata*), Monterey pine (*Pinus radiata*), Santa Cruz Mountains beardtongue (*Penstemon rattanii* var. *kleei*), Yadon’s rein orchid (*Piperia yadonii*), hairless popcorn flower (*Plagiobothrys glaber*), pine rose (*Rosa pinetorum*), most beautiful jewel-flower (*Streptanthus albidus* spp. *peramoenus*), Santa Cruz clover (*Trifolium buckwestiorum*), and saline clover (*T. depauperatum* var. *hydrophilum*). More information on these species can be found in the Proponent’s Environmental Assessment under Special-Status Plant Species (ICF International, 2009). A focused list of special-status species considered for the project is provided in **Table 3.4-1**.

**TABLE 3.4-1
FOCUSED LIST OF SPECIAL-STATUS SPECIES CONSIDERED FOR THE
HOLLISTER 115 KV POWER LINE RECONDUCTORING PROJECT**

Common Name Scientific Name	Listing Status USFWS/CDFG/ CNPS	General Habitat Requirements	Potential for Species Occurrence Within the Project Area
FEDERAL AND STATE LISTED SPECIES OR PROPOSED FOR LISTING			
ANIMALS			
Fish			
South-Central California Coast Steelhead <i>Oncorhynchus mykiss</i>	FT/ --	Larger rivers serve as migration pathways for adults; juvenile rear in smaller tributaries.	Presumed present. San Benito River is designated critical habitat for steelhead, serving as a migration pathway to the Pajaro River spawning area. Present, at least seasonally, in the project area at the river crossing.
Amphibians			
California tiger salamander <i>Ambystoma californiense</i>	FT/CC	Wintering sites occur in grasslands; breed in fresh emergent and seasonal wetlands, and slow-moving or receding streams.	Presumed present. This species is presumed present based on USFWS guidance. At least 56 potential breeding locations are known within 1.2 miles of the project area. Small mammal burrows offer aestivation and foraging opportunities.
California red-legged frog <i>Rana draytonii</i>	FT/CSC	Breeds in fresh emergent and seasonal wetlands, and slow-moving streams. Aestivation habitat includes oak woodlands and grasslands.	Presumed present. This species is presumed present based on USFWS guidance. At least 56 potential breeding locations are known within 1.2 miles of the project area. Seasonal wetlands provide aquatic refugia. Grasslands, small mammal burrows, and rock and debris piles offer summer habitat.
Birds			
Bank swallow <i>Riparia riparia</i>	--/CT	Nests in bluffs or banks of soft earth, usually in riparian areas.	Low potential. Historically known from the San Benito River drainage northwest from the project area (1931).
Least Bell's vireo <i>Vireo belli pusillas</i>	FE/CE	Nests and forages in dense riparian woodlands.	Low potential. Nearest record is about 6 miles north of the project area, along Llagas Creek. Riparian woodlands along San Benito River provide low-quality habitat.
Mammals			
San Joaquin kit fox <i>Vulpes macrotis mutica</i>	FE/CT	Arid grasslands and open scrubland.	Presumed present. Documented within 1 mile of the project area. Suitable habitat is present for denning and foraging.
FEDERAL OR STATE SPECIES OF SPECIAL CONCERN			
ANIMALS			
Amphibians			
Western spadefoot <i>Spea hammondi</i>	--/CSC	Found in dry grasslands, often near extensive areas of friable soil. Reproduce in seasonal wetlands, and aestivate in mammal burrows.	Moderate. Suitable habitat is present in the project area grasslands, with at least 56 potential breeding locations within 1.2 miles. Nearest known occurrence is 4 miles.

TABLE 3.4-1 (Continued)
FOCUSED LIST OF SPECIAL-STATUS SPECIES CONSIDERED FOR THE
HOLLISTER 115 kV POWER LINE RECONDUCTORING PROJECT

Common Name <i>Scientific Name</i>	Listing Status USFWS/CDFG/ CNPS	General Habitat Requirements	Potential for Species Occurrence Within the Project Area
FEDERAL OR STATE SPECIES OF SPECIAL CONCERN (cont.)			
ANIMALS (CONT.)			
Reptiles			
Western pond turtle <i>Actinemys marmorata</i>	--/CSC	Lakes, ponds, reservoirs, and slow-moving streams and rivers, primarily in foothills and lowlands.	Presumed present. This species is known from the San Benito River. Western pond turtle may be found in ponds, drainages, riparian areas, and uplands.
San Joaquin coachwhip <i>Masticophis flagellum ruddocki</i>	--/CSC	Open, dry habitats with minimal tree cover. Refugia and breeding locations provided by rock outcrops and small mammal burrows.	Presumed present. This species is documented from grasslands adjacent to the San Benito River. Project area grasslands provide suitable habitat.
Coast horned lizard <i>Phrynosoma coronatum</i>	--/CSC	Sandy areas and river washes, as well as riparian woodland clearings, chaparral, and alkali flats.	Moderate potential. This species is not documented within 5.0 miles of the project area. May be present in sandy washes of San Benito River channel or other drainages.
Birds			
Tricolored blackbird <i>Agelaius tricolor</i>	--/CSC	A colonial nester; nests in dense freshwater emergent vegetation.	High potential. Breeding is known from a large tule thicket south of Tower 37/232. Emergent wetlands associated with San Benito River also provide suitable habitat.
Golden eagle <i>Aquila chrysaetos</i>	--/CDFG fully protected	Nests in open areas on cliffs and in large trees.	Present. A nest is believed to be located near Tower 4/25 (ICF, pers. comm., 2009). Large trees and towers provide nesting habitat; grasslands provide foraging habitat.
Short-eared owl <i>Asio flammeus</i>	--/CSC	Nests in grasslands, usually on the ground.	Moderate potential. Grasslands in the project area provide nesting habitat for short-eared owl.
Burrowing owl <i>Athene cunicularia</i>	--/CSC	Nests and forages in low-growing grasslands that support burrowing mammals.	High potential. This species is documented 2 miles west of the San Benito River crossing; project area grasslands provide suitable habitat.
White-tailed kite (nesting) <i>Elanus leucurus</i>	--/CDFG fully protected	Nests near wet meadows and open grasslands in dense oak, willow or other large tree stands.	Moderate potential. Potential nesting habitat is present along riparian corridors. Grasslands and agricultural areas provide suitable foraging habitat.
Loggerhead shrike <i>Lanius ludovicianus</i>	--/CSC	Scrub, open woodlands, and grasslands.	Moderate potential. Shrike nesting sites may occur in grasslands and trees throughout the project area.
Mammals			
Pallid bat <i>Antrozous pallidus</i>	--/CSC	Day roosts are mainly in caves, crevices and mines; also found in buildings and under bark. Forages in open lowland areas.	Moderate potential. Documented within 5 miles of the project area. Potential roosting habitat is available in large diameter oaks and cottonwoods, and rural structures such as barns.

TABLE 3.4-1 (Continued)
FOCUSED LIST OF SPECIAL-STATUS SPECIES CONSIDERED FOR THE
HOLLISTER 115 kV POWER LINE RECONDUCTORING PROJECT

Common Name <i>Scientific Name</i>	Listing Status USFWS/CDFG/ CNPS	General Habitat Requirements	Potential for Species Occurrence Within the Project Area
FEDERAL OR STATE SPECIES OF SPECIAL CONCERN (cont.)			
ANIMALS (CONT.)			
Mammals (cont.)			
Hoary bat <i>Lasiurus cinereus</i>	--/CSC	Roosts in dense foliage of large trees; solitary rooster.	Low-moderate potential. Roosting habitat is available in Idense woodlands with large trees.
Yuma myotis <i>Myotis yumanensis</i>	--/CSC	Roosts in caves, old buildings and under bark. Forms maternity colony in the spring.	Low to moderate potential. Roosting habitat is available in large diameter oaks and cottonwoods, and rural structures such as barns.
San Francisco dusky-footed woodrat <i>Neotoma fuscipes</i>	--/CSC	Occur in forests with established understory. Construct nests from woody debris.	High potential. Riparian areas associated with the San Benito River and other drainages provide suitable habitat.
Brazilian free-tailed bat <i>Tadarida brasillensis</i>	--/CSC	Roosts in caves, mines, buildings or other human-made structures for roosting. Forages in open lowland areas.	Low to moderate potential. Roosting habitat is available in large diameter oaks and cottonwoods, and rural structures such as barns.
American badger <i>Taxidea taxus</i>	--/CSC	Grasslands, savannas, deserts, timberline mountain meadows.	High potential. Documented within 1 mile of the project area; grasslands provide suitable habitat.
Plants			
Pajaro Manzanita <i>Arctostaphylos pajaroensis</i>	--/--/CNPS List 1B	Grows in coastal scrub and chaparral, on sandy soils, at elevations ranging from 98 feet to 2,493 feet.	Present. Habitat in the project area consists of coastal scrub at an elevation of approx. 394 feet, near Tower 0/04.

STATUS CODES:

FEDERAL: (U.S. Fish and Wildlife Service)

FE = Listed as Endangered (in danger of extinction) by the Federal Government.

FT = Listed as Threatened (likely to become Endangered within the foreseeable future) by the Federal Government.

FC = Candidate to become a *proposed* species.

FSC = Federal Species of Concern. May be Endangered or Threatened, but not enough biological information has been gathered to support listing at this time.

STATE: (California Department of Fish and Game)

CE = Listed as Endangered by the State of California

CT = Listed as Threatened by the State of California

CC= Candidate to become a proposed species

CSC = California Species of Special Concern

SOURCE: CDFG, 2010; USFWS, 2009; ICF, 2009

3.4.2 Regulatory Setting

Federal Regulations

Endangered Species Act

The United States Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) have jurisdiction over species listed as threatened or endangered under Section 9 of the federal Endangered Species Act (ESA). In the project area, NMFS would be responsible for protection of anadromous fish and USFWS would be responsible for the protection of other listed species. The federal Endangered Species Act protects listed species from “take”, which is defined broadly as “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct”.

If a listed species or its habitat would be affected by the project, and the project involves a federal agency, that agency must consult with USFWS in accordance with ESA Section 7. More specifically, if another federal approval is required, ESA Section 7 consultation and issuance of a Biological Opinion (BO), and potentially also an Incidental Take Statement, would be necessary. The Endangered Species Act (16 USC § 1531 et seq.) requires federal agencies to consult with USFWS or NMFS, as appropriate, to ensure that any undertaking or action they take, including permit issuance, is not likely to jeopardize the continued existence of a listed species (plant or animal) or result in the destruction or modification of critical habitat. 50 CFR § 402.01(a).

Clean Water Act

The Clean Water Act regulates discharges to waters of the U.S. and is the principal federal law protecting the nation’s surface waters, including project area rivers, streams, wetlands, and natural ponds. If a project requires a federal approval and could affect state water quality, the federal agency must obtain state certification through Section 401. Section 402 regulates construction-related stormwater discharges through the National Pollutant Discharge Elimination Systems (NPDES) program. Administered by the U.S. Environmental Protection Agency (EPA), in California the State Water Resources Control Board is authorized to oversee the NPDES program. The U.S. Army Corps of Engineers (Corps) administers Section 404, and coordinates with the EPA to regulate the discharge of dredged and fill materials into waters of the U.S. via a permitting process.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) prohibits the killing, possessing, or trading of migratory birds, bird parts, eggs and nests. If a project could have a negative impact on migratory birds, then Executive Order 13186 instructs federal agencies to coordinate with the USFWS in developing a Memorandum of Understanding to conserve migratory bird populations. Migratory Bird Permit Memorandum (MBPM-2) dated April 15, 2003, clarifies that destruction of most unoccupied bird nests is permissible under the MBTA, except for the nests of federally threatened or endangered migratory birds, bald eagles, and golden eagles. Most project-area bird species and their occupied nests are protected under the MBTA.

Bald and Golden Eagle Protection Act

Under the Bald and Golden Eagle Protection Act, it is illegal to import, export, molest, disturb, sell, purchase or barter any bald eagle or golden eagle or part thereof. The USFWS oversees enforcement of this act. The 1978 amendment authorizes the U.S. Secretary of the Interior to permit the taking of golden eagle nests that interfere with resource development or recovery operations.

Eagle Permits under Code of Federal Regulations (50 CFR Sections 22.26 and 22.27)

New regulations effective November 10, 2009 provide for issuance of permits to take bald and golden eagles. Section 22.26 provides permit issuance where the taking is incidental to the activity and cannot practicably be avoided; most take authorized under this section is in the form of disturbance, but permits may authorize non-purposeful take that is likely to result in mortality. Section 22.27 (3) establishes permits for removing eagle nests when the nest prevents use of a human-engineered structure; only inactive nests may be taken, except in the case of safety emergencies.

State Regulations

Porter-Cologne Water Quality Control Act

California retains authority to maintain water quality by regulating discharges into any waters of the State, regardless of concurrent federal jurisdiction (per State Water Code Section 13260, which requires “any person discharging waste, or proposing to discharge waste, within any region that could affect waters of the state to file a report of discharge”). The Porter-Cologne Water Quality Control Act defines “waters of the state” to be “any surface water or groundwater, including saline waters, within the boundaries of the state.” The regulatory agency with responsibility for waters of the state is the Regional Water Quality Control Board.

California Environmental Quality Act

The California Environmental Quality Act is the regulatory framework by which California public agencies identify and mitigate significant environmental impacts. In addition to threatened and endangered species, a species not listed under the federal or state endangered species act may be considered rare or endangered if the species meets the criteria identified in Section 15380(b)(2).

California Endangered Species Act

The California Endangered Species Act regulates the listing and “take” of state-listed threatened and endangered species. In California, “take” is defined as “hunt, pursue, catch, capture, or kill” or to attempt to do these things. The California Department of Fish and Game (CDFG) may allow take of a listed species through special permit issuance, except for fully protected species.

California Fish and Game Code

Fully Protected Species.

CDFG code sections 3511, 4700, 5050, and 5515 designate fully protected species and protection measures. Fully protected species may not be taken or possessed at any time, and no licenses or permits may be issued for their take except when collecting these species is necessary for scientific research or relocation of birds is necessary for livestock protection.

Protection of Nesting Birds

Nesting birds are protected under CDFG code sections 3503 and 3503.5, which make it (1) unlawful to take, possess, or destroy the nests or eggs or any such bird of prey except as otherwise provided by the code; and (2) protect the active nests of all other birds (except house sparrow (*Passer domesticus*) and European starling (*Sturnus vulgaris*)). Disturbance that causes nest abandonment and/or reproductive failure is considered a take. No take permits are issued under these statutes.

Streambed Alterations

Activities that would interfere with the natural flow of, or substantially alter the channel, bed, or bank of a lake, river, or stream are regulated by CDFG code sections 1600 through 1616 and require a Streambed Alteration Agreement permit.

Local Regulations

The CPUC has exclusive jurisdiction over the siting, design, and construction of the proposed project, and is therefore not subject to local regulations governing discretionary land use. However, the CPUC strives to be in compliance with local regulations wherever possible, and a review of applicable local regulations assists with CEQA review.

San Benito County General Plan

Goals and policies related to biological resources found within the San Benito County General Plan's Open Space and Conservation Element include development restrictions, preservation of wildlife corridors, wetland avoidance and mitigation, complementary mitigation measures (e.g., abating fire hazards shall not significantly degrade habitat), regeneration of oak woodlands, and minimized development within drainage basins.

Monterey County General Plan

The Monterey County General Plan establishes a goal to conserve designated critical habitats for listed plant and animal species, and establishes numerous policies in support of this goal, along with other policies in support of the protection and conservation of biological resources. Policies include biological surveys and mapping, landscaping with native plants, carefully-planned development, establishing and implementing Specific Area Plans, and conservation of large areas of native habitat.

San Benito County Tree Ordinance

The California Code of Ordinances, San Benito County, Chapter 19.33 provides for the Management and Conservation of Woodlands. Exhibit A identifies protected trees native to San Benito County. The ordinance applies to unincorporated areas of San Benito County and limits tree removal, establishes canopy retention standards, and describes conditions under which discretionary tree removal permits or exemptions would apply.

Monterey County Tree Protection

Monterey County has policies and codes that regulate the removal of trees and native vegetation, along with a separate oak protection ordinance. Generally, a permit is required to remove or significantly trim protected trees, but specific policies differ by area, with each area having its own Tree Policy and Habitat Policy. The County also promotes the voluntary long-term conservation of oak woodlands through dissemination of the Voluntary Oak Woodland Stewardship Guidelines.

3.4.3 Applicant Proposed Measures

PG&E proposes the following applicant proposed measures (APMs) to minimize impacts on biological resources from the Proposed Project. The impact analysis in this MND assumes that these APMs would be implemented to reduce impacts to biological resources discussed below.

APM BIO-1: Conduct an environmental training and monitoring program for construction crews before beginning construction. An Environmental Training and Monitoring Program for construction crews will be conducted before beginning construction and will be ongoing during construction activities for new crew members. The education program will include information about the federal and state Endangered Species Acts, the consequences for noncompliance with environmental laws, identification of special-status plant and wildlife species and wetland habitats, and review of mitigation measures. (Also see APM HYDRO-2, which requires communicating environmental concerns and appropriate work practices, including spill prevention, emergency response measures, and applicable BMPs, to all construction personnel in an Environmental Training and Monitoring Program.)

APM BIO-2: Restrict vehicles to established roadways and approved access routes and staging areas.

APM BIO-3: Retain an environmental monitor onsite during construction activities near sensitive habitat. An environmental monitor will be onsite during any construction activity near sensitive habitat to ensure implementation of, and compliance with, APMs. The monitor will have authority to stop construction activities and develop alternative work practices, in consultation with construction personnel and resources agencies, if construction activities are likely to impact special-status species or other sensitive biological resources.

APM BIO-4: Set back staging areas from waterbodies to avoid impacts on riparian habitat. Staging areas will be set back at least 50 feet from streams, creeks, or other water bodies to avoid impacts on riparian habitat.

APM BIO-5: Contact the environmental monitor if special-status species are located.

If construction personnel observe special-status species within the work area prior to, or during construction activities, construction personnel will contact the environmental monitor. The monitor will notify PG&E contacts via an established communication protocol that will be developed prior to the start of construction. The USFWS Biological Opinion will state agency notification protocols should a federally-listed species be observed within the work area.

APM BIO-6: Complete photodocumentation of sensitive habitat conditions before beginning and immediately after completing construction activities.

Photodocumentation of preconstruction habitat conditions will occur at all construction locations within sensitive habitats prior to the start of construction and immediately after completing construction activities.

APM BIO-7: Prohibit trash, firearms, and pets in the project area during construction. Additional APMs (identified below) to avoid and minimize specific potential impacts to biological resources will be implemented as necessary to reduce potentially significant impacts. In some cases, conducting preconstruction surveys to determine the presence or absence of special-status plant and wildlife species within the project area and subsequent avoidance of identified resources will avoid significant impacts. Due to the extent of the project, however, specific project components—such as grading new access roads and digging new tower footings—will affect areas where the presence of special-status species is presumed based on occurrence of suitable habitat, CNDDB occurrences in relation to the project area, or results of prior biological resource assessment surveys.

APM BIO-8: Restore upland and riparian habitat types temporarily disturbed during construction. Following construction, PG&E will restore upland and riparian habitat types temporarily disturbed during construction. As part of a Habitat Mitigation Plan (HMP) developed for the project, a list of specific actions necessary to restore habitats disturbed onsite will be prepared by a qualified biologist prior to construction. While some habitats in the project area may require minimal restoration actions, such as restoration of the topography and topsoil following construction, the HMP will detail the specific measures necessary for each habitat and area disturbed to ensure that the functions and values of the disturbed habitat are restored.

APM BIO-9: Implement sudden oak death preventative measures when trimming or removing oak trees. PG&E will implement BMPs to control the potential introduction or spread of sudden oak death when trimming or removing trees as part of the project. At a minimum, the BMPs will include the following measures:

- All debris from host species (wood, branches, and chips) shall be left onsite following trimming.
- All tools used to perform the work shall be disinfected before leaving infested areas.

APM BIO-10: Avoid impacts to protected trees, track protected trees removed during construction, and mitigate for impacts to protected trees.

- PG&E will avoid impacts to protected trees to the extent feasible. If avoidance is not feasible, PG&E will track the trees removed, including their species and size, and will replace protected trees as stipulated in applicable local regulations. To avoid

removal of active nests, tree trimming, vegetation removal, and removal of towers should be conducted during the non-breeding season (August 16–March 1).

APM BIO-11: Implement general protection measures for waters of the United States.

During construction, PG&E will implement the following measures to minimize or avoid impacts on waters of the United States:

- Establish exclusion zones and minimize the amount of area disturbed to the minimum amount necessary to complete the work. Align work areas to avoid wetland areas and margins as much as feasible.
- Delineate wetland areas, and restrict construction personnel and equipment from entering fenced protected areas.
- Conduct all fueling of vehicles, equipment, and helicopters at least 100 feet from wetlands and other waterbodies.
- To the extent feasible, complete road construction adjacent or within waters of the United States during the dry season. If it is not feasible to complete road construction work during the dry season, PG&E will use appropriate erosion control measures for the site that will be identified in the SWPPP (see APM HYDRO-1 in Section 4.8).

APM BIO-12: Develop a wetlands mitigation plan. PG&E will develop a wetlands mitigation plan to offset effects to waters of the United States, including wetlands. The plan will be developed in consultation with the Corps and will include, at a minimum, plans for restoration of any temporarily disturbed wetlands and other waters of the United States and methods to achieve mitigation for permanent impacts at a minimum ratio of 1:1. Mitigation may include onsite restoration and improvement of existing wetlands or other offsite compensation.

APM BIO-13: Complete spring surveys for special-status plants in all unsurveyed disturbance areas. Prior to construction, a qualified botanist will complete spring surveys for special-status plants at all unsurveyed staging areas, helicopter landing areas, and new access roads to determine the presence or absence of special-status plants. The surveys should be completed by qualified botanists and should be conducted during the appropriate period(s) necessary to observe special-status plants known to occur in the region.

APM BIO-14: Avoid impacts on special-status plants. PG&E will, under the direction of a qualified botanist and to the extent possible, adjust the location of staging areas, pull sites, helicopter landing areas, access roads, and other project components to completely avoid impacts on Pajaro manzanita and other special-status plants that are discovered prior to or during construction. If this avoidance measure is not feasible, PG&E will implement APM BIO-15 (Minimize impacts on special-status plants) and APM BIO-16 (Restore habitat for special status plants disturbed during construction).

APM BIO-15: Minimize impacts on special-status plants. Avoidance areas will be clearly staked and flagged in the field by a qualified botanist prior to construction. If Pajaro manzanita and other special-status plants cannot be avoided during construction, PG&E will minimize impacts by reducing the work area to the smallest area necessary to complete the work. Where temporary disturbance is necessary, PG&E will conduct project activities and necessary ground disturbance in a manner that is consistent with the successful

reestablishment of the species to the extent feasible. The specific actions necessary will depend on the biology of the species in question; however, the actions will be designed to ensure successful reestablishment of the species following temporary disturbance. As part of an HMP, a list of specific actions will be prepared by a qualified botanist prior to construction that will include onsite restoration actions, or reseeding plans specific to any impacted construction areas (described below in APM BIO-16).

To minimize impacts to Pajaro manzanita, which is already known to occur in the project area, PG&E will implement the following measures:

- Vegetation clearing in occupied Pajaro manzanita habitat should be conducted after Pajaro manzanita has set seed and before flowering begins (typically between May and November).
- If mechanical brushing is conducted in occupied Pajaro manzanita habitat, mastication implements should not come within 6 inches of the ground surface to avoid disturbing the seed bank.
- Where feasible, removal of entire Pajaro manzanita plants from the ground should be avoided.

The Environmental Training and Monitoring Program (see APM BIO-1) will also include information on the location of special-status plants in the project area and the measures that will be implemented to avoid or minimize impacts on the plants.

APM BIO-16: Restore habitat for special-status plants disturbed during construction.

If impacts on special status plants are unavoidable, PG&E will develop a special-status plant restoration plan as part of the HMP and in consultation with CDFG. The specific actions necessary will depend on the biology of the species in question and the type of impact (i.e., temporary or permanent); however, the actions will be designed to ensure successful reestablishment of the species following disturbance. The plan will be prepared by a qualified botanist prior to construction and will indicate when and where the actions will be implemented during construction.

APM BIO-17: Implement management practices to control the introduction and spread of invasive plants. Prior to construction, PG&E will identify the location of noxious weed species of concern within areas that will be disturbed as part of the project. Appropriate management practices will be designed by a botanist and implemented during construction to reduce the likelihood of spreading already established weeds into new areas or increasing their abundance, and of introducing new weed species to the project area. Actions to prevent noxious weed establishment will be described within the HMP and will be consistent with PG&E's strategy for managing invasive plants. The project SWPPP will include BMPs such as using construction equipment that has been cleaned of soil and plant parts, including seeds, before entering the project area and using weed-free straw for erosion control. Disturbed areas will be revegetated with appropriate locally based native seed mixes. Implementing the management practices described above will reduce potentially significant impacts related to non-native invasive plants to a less-than-significant level.

APM BIO-18: Implement avoidance and mitigation measures outlined in the USFWS biological opinion for California red-legged frog and California tiger salamander.

USFWS will specify avoidance and mitigation measures to minimize impacts to California

red-legged frogs and California tiger salamanders in the biological opinion they will draft for the project. PG&E will follow and implement the measures that are outlined in the biological opinion.

APM BIO-19: Compensate for permanent impacts on California red-legged frog and California tiger salamander upland habitat. It was determined that the project would result in permanent impacts to suitable upland habitat for California red-legged frogs and California tiger salamanders. To compensate for anticipated permanent impacts to suitable upland habitat for California red-legged frogs and California tiger salamanders, PG&E may preserve additional upland habitat within a USFWS-approved conservation area; specific actions will be determined in coordination with USFWS. The ratio of compensation, specific mitigation acreages, and location of the conservation area will be determined through formal consultation with USFWS.

APM BIO-20: Conduct tree trimming, vegetation removal, and, if possible, tower removal during the non-breeding season. To avoid removal of active nests, tree trimming, vegetation removal, and removal of towers should be conducted during the non-breeding season (August 16–March 1). If this is not possible, APM BIO-21 will be implemented.

APM BIO-21: Conduct preconstruction surveys for nesting migratory birds and raptors, and develop an Avian Protection Plan. Construction activities are anticipated to occur mainly during the nesting season for migratory birds and raptors (generally early February through early August) (Avian Power Line Interaction Committee and USFWS, 2005). PG&E will retain a qualified wildlife biologist to conduct preconstruction surveys for nesting birds, for all construction activities that occur within or near suitable breeding habitat. The surveys will be staggered so that they are conducted no more than 1 week prior to the start of construction activities in any one area. Surveys will include the power line route, staging areas, pull sites, and areas of access road improvements where ground disturbance or vegetation clearing is required, at a frequency and timing appropriate for nest detection. If no active nests are detected, no additional mitigation measures are required.

PG&E will develop a project-specific Avian Protection Plan that will outline protection measures for nesting migratory birds and raptors, in the event that nesting migratory birds or raptors are identified in areas where construction activities will occur during preconstruction surveys.

APM BIO-22: Avoid disturbance of active nests by helicopter use. Use of helicopters will be restricted to necessary trips to install and remove towers and poles, install power lines, and deliver and remove equipment to areas lacking vehicle access. Helicopter flight paths will be designed to minimize impacts to nests, and buffers of active nests may be greater than those stated above to avoid helicopter disturbance of active nests identified in preconstruction surveys of the project sites. If active nests occur under planned helicopter flight paths, especially those near landing areas, coordination with CDFG will be required to determine whether modification of the flight path is necessary to avoid disturbance of active nests.

APM BIO-23: Conduct preconstruction surveys for active burrowing owl burrows. CDFG (1995) recommends that preconstruction surveys be conducted in suitable habitat in the project study area (Exhibit 1) and in a 250 foot-wide buffer zone around the construction

site to locate active burrowing owl burrows. PG&E will retain a qualified biologist to conduct preconstruction surveys for active burrows according to the CDFG guidelines. The surveys will include a nesting season survey and a wintering season survey, which is the season immediately preceding construction. The surveys will cover all affected areas, including the power line route, staging areas, pull sites, and areas of access road improvements where ground disturbance is required. If no burrowing owls are detected, no further mitigation is required. If active burrowing owl burrows are detected, PG&E will implement APM BIO-24 (Implement CDFG guidelines for burrowing owl mitigation, if necessary).

APM BIO-24: Implement CDFG (1995) guidelines for burrowing owl mitigation, if necessary. Disturbance of occupied burrows will be avoided to the maximum extent feasible. Disturbance is generally defined as activities occurring within 250 feet of active burrowing owl nesting pairs during the breeding season (February 1 through August 31), or within 160 feet of occupied burrows in the non-breeding season (September 1–January 31).

During the non-breeding season, if direct impacts to an occupied burrow are unavoidable, passive relocation techniques may be considered after all other alternatives have been exhausted. Relocation may involve installing one-way doors at occupied burrow entrances and ensuring that alternative suitable burrows are available. Any relocation effort will be implemented in coordination with CDFG and in accordance with standard burrowing owl guidelines. Any burrowing owl exclusion process will be coordinated by a biologist with prior burrowing owl relocation experience.

PG&E will support site-specific mitigation measures for any burrowing owls with potential to be impacted by construction activities. Measures may include onsite burrow enhancement or artificial burrow installation, in coordination with CDFG. In the event that a site-specific burrowing owl relocation is implemented, PG&E will consult with CDFG regarding suitable replacement of foraging and burrow habitat.

APM BIO-25: Implement avoidance and mitigation measures outlined in the USFWS biological opinion for San Joaquin kit fox. USFWS will specify avoidance and mitigation measures to minimize impacts on San Joaquin kit foxes in the biological opinion they will draft for the project. PG&E will follow and implement the measures outlined in the biological opinion.

3.4.4 Environmental Impacts and Mitigation Measures

- a) **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service: *LESS THAN SIGNIFICANT WITH MITIGATION.***

Project activities, including construction-related ground disturbance, tree-trimming, and the operation of heavy equipment, could result in adverse effects on sensitive and special-status species including Pajaro manzanita, south-central California coastal steelhead, California tiger salamander, California red-legged frog, western spadefoot, western pond turtle, California horned lizard, San Joaquin coachwhip, bank swallow, golden eagle, least Bell's vireo, loggerhead shrike, tricolored blackbird, western burrowing owl, white-tailed kite, American badger, San Joaquin kit

fox, numerous bat species, and nesting birds. Operational activities could adversely affect birds, despite design compliance with Avian Power Line Interaction Committee (APLIC) Guidelines that are designed to reduce bird collision and electrocution. Candidate species will not be affected. Most effects are temporary and construction-related; some are permanent habitat loss effects resulting from tower placement and new access roads. All effects can be mitigated to a less-than-significant level.

Pajaro Manzanita

The Applicant has performed focused botanical surveys within the project corridor, and Applicant-Proposed Measure BIO-13 commits to appropriately-timed botanical surveys in any remaining unsurveyed disturbance areas. Pajaro manzanita, a California List 1B plant, is present near PG&E Tower 0/04 within approximately 60 feet and habitat could be temporarily impacted during construction and maintenance activities. Construction and maintenance activities and/or the temporary (e.g. shoo-fly lines) and permanent placement of tower footings could also result in the permanent loss of individuals.

APMs BIO-14, BIO-15 and BIO-16 call for avoidance of Pajaro Manzanita; or, if avoidance is not feasible, reduction of the work area to the smallest area possible, implementation of specific actions to ensure the successful reestablishment of the species following temporary disturbance and limitations on the types of activities that could affect Pajaro Manzanita; or, if impacts on the species are unavoidable, restoration of Pajaro Manzanita habitat as part of a Habitat Mitigation Plan to be developed in consultation with SDFG. These measures would mitigate potential impacts to a less-than-significant level.

California Tiger Salamander and California Red-legged Frog

California tiger salamander and California red-legged frog, both federally-listed species, are presumed present in the project area, with more than 45 potential breeding locations within 1.24 miles (ICF International, 2009). The proximity of known breeding locations and the species' documented movement distances dictate a presumed presence in aquatic and upland habitat throughout the project area. During the breeding season, which coincides with the rainy season (November to May), adult California tiger salamanders are known to travel distances greater than 1.2 miles to reach breeding locations (Orloff, 2007). For the remainder of the year they retreat to small mammal burrows in adjacent uplands. California red-legged frogs can be expected year-round in any aquatic or semi-aquatic environments in or near the project area, and are expected to use ephemeral drainages as seasonal movement corridors, especially after the onset of fall rains (Tatarian, 2004). Additionally, red-legged frogs are expected to migrate intermittently through annual grasslands and other upland habitats throughout the year.

Project construction would temporarily impact approximately 66.4 acres of upland habitat, and approximately 150 permanent structures would be erected in upland grassland or riverine habitat, resulting in an estimated permanent loss of between 1 and 3 acres of habitat and risking the potential loss of individuals. Construction activities are expected to result in temporary impacts on 0.20 acre of suitable aquatic habitat, including 0.01 acre of freshwater emergent marsh, 0.13 acre of seasonal wetlands, and 0.06 acre of valley foothill riparian habitat (ICF International, 2010). At

least one structure would be erected partially within a seasonal wetland, permanently impacting approximately 0.01 acre of aquatic habitat. California tiger salamander and California red-legged frog, and their upland habitat, could also be temporarily impacted during maintenance activities.

APM BIO-19 would compensate for permanent upland habitat impacts by preserving upland habitat within a USFWS-approved conservation area and APM BIO-12 would offset wetland impacts through onsite restoration and mitigation or offsite compensation. However, implementation of these measures alone is unlikely to fully mitigate potential impacts on California tiger salamander and California red-legged frog because no habitat avoidance, impact-minimization, and species-protection measures are identified for implementation during the construction process. Accordingly, the following measure also shall be implemented to reduce potential impacts to a less-than-significant level:

Mitigation Measure 3.4-1: PG&E and/or its contractors shall implement the following measures for construction areas and maintenance areas located in suitable habitat:

- The project will avoid direct impacts to sensitive wetlands areas and minimize disturbances to wetland and riparian corridors, wherever possible. Ground disturbance and construction footprints shall be minimized to the greatest degree feasible.
- Work activities within or adjacent to suitable habitat will be completed between April 15 and October 31, when possible.
- If construction activities must occur during the wet season, the perimeter of pull sites, staging areas, landing zones, shoo-fly lines, and other active construction areas shall be fenced by October 15 with amphibian exclusion fencing.
- A qualified biological resource monitor will conduct worker awareness training for construction personnel, addressing the species' basic biology and identifying characteristics, legal status, job-specific protection measures, and penalties for non-compliance.
- A preconstruction survey will be conducted each day by an onsite monitor immediately preceding construction activity that occurs within or adjacent to suitable habitat.
- Suitable habitat that is temporarily impacted by project-related activities will be restored to pre-project conditions.
- Temporary impacts to upland habitat will be compensated at a 0.5:1 ratio (i.e., restoration of temporarily disturbed areas, plus permanent conservation of an additional area at a 0.5:1 ratio) and permanent impacts to upland and aquatic habitat will be compensated at a 3:1 ratio or at ratios as prescribed by the U.S. Fish and Wildlife Service and California Department of Fish and Game. Compensation will be secured at an approved, off-site mitigation bank, with documentation provided to the resource agencies (i.e., U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and California Department of Fish and Game) at least 4 weeks before construction begins.

Western Spadefoot

The project site provides potential breeding and refugia habitat for western spadefoot. Western spadefoot is not specifically known to be present in the project site, but the project area is within the species' known range. They breed in seasonal wetlands and spend most of the year in underground burrows, and could experience direct injury or mortality during construction and maintenance activities.

Including western spadefoot in the implementation of APM BIO-1, along with the implementation of APMs BIO-3 and BIO-5, and Mitigation Measure 3.4-1 for the protection of California red-legged frog and California tiger salamander, would reduce direct and/or indirect impacts on western spadefoot to a less-than-significant level by designing the project to avoid and minimize habitat impacts, implementing protection measures during project construction, restricting work activities near aquatic habitats, and compensating for upland and aquatic habitat impacts.

Western Pond Turtle

Western pond turtle is known to occur in the San Benito River and in drainages east of the Hollister Tower Segment. Despite declining populations, western pond turtles are widespread habitat generalists known to occur in nearly all aquatic habitats, albeit infrequently. For this reason, they are presumed present in all aquatic habitats in the project corridor, and may be present in upland habitats up to 500 meters (0.3 mile) from aquatic habitat. Hatchlings move towards aquatic habitats during early spring (e.g., March) and nesting turtles move towards upland habitats during mid-summer (e.g., June and July); these movement periods coincide with planned project construction. Western pond turtle may experience direct injury or mortality during construction and maintenance activities, especially from ground disturbance and movement of large equipment.

Western pond turtle should be included in the implementation of APM BIO-1, APM BIO-2 and APM BIO-3, which would reduce impacts by implementing protection measures during project construction and limiting areas of vehicular movement. The following mitigation measure shall reduce potential impacts on western pond turtle to a less-than-significant level by incorporating western pond turtle into the identified APMs, and requiring ongoing surveys within suitable habitat:

Mitigation Measure 3.4-2: PG&E and/or its contractors shall implement the following measures for construction areas located in suitable habitat within 0.3 mile of aquatic features:

- Include western pond turtle in the Environmental Training and Monitoring Program.
- Before daily activities begin near areas of suitable habitat, the onsite monitor shall perform pond turtle surveys within suitable aquatic and upland habitat. Any pond turtles located within the construction area would be relocated to the nearest safe location.
- To minimize the likelihood of encountering turtles in upland areas near stream crossings, construction footprints shall be restricted to the smallest area possible.

California Horned Lizard and San Joaquin Coachwhip

The project area provides potential habitat for California horned lizard and San Joaquin coachwhip, and is within the species' known range. There is a single record of San Joaquin coachwhip occurrence along the San Benito River in the project vicinity, and no records for California horned lizard. Each of these species could be impacted during construction and maintenance activities.

Including California horned lizard and San Joaquin coachwhip in APMs BIO-1 and BIO-5, along with implementation of APMs BIO-2 and BIO-3 would reduce impacts on California horned lizard and San Joaquin coachwhip to a less-than-significant level by implementing protection measures during construction activities and restricting vehicles to established work areas.

Western Burrowing Owl

Western burrowing owl is known to occur approximately 2 miles from the project area, and grassland portions of the project corridor provide suitable habitat. The Applicant conducted general wildlife surveys during August 2006 and no burrowing owls were observed; focused surveys were conducted in July 2009 and again no burrowing owls were observed. Protocol surveys will be conducted in Spring 2010. Nonetheless, if present, this species and its habitat could be impacted by project construction and maintenance activities including ground disturbance, equipment operation, and increased activity and noise levels.

APMs BIO-23 and BIO-24 would reduce impacts on western burrowing owl to a less-than-significant level by requiring pre-construction surveys to identify active burrows and, if present, implementing protection and mitigation procedures established by CDFG.

American Badger

American badger is known to occur approximately 1 mile from the project area, and grassland portions of the project corridor provide suitable habitat. Project construction is anticipated to occur between February and August, and maternal dens, if present, would be active during this period. American badger and its habitat could be impacted during project construction and maintenance activities. The following mitigation measure shall be implemented to reduce potential impacts to a less-than-significant level.

Mitigation Measure 3.4-3: PG&E and/or its contractors shall implement the following measures for construction areas located in grasslands that provide potential habitat for American badger:

- Include American badger in the Environmental Training and Monitoring Program.
- Preconstruction surveys shall be conducted within 200 feet of work areas to identify potential maternal badger dens or other refugia in and surrounding work areas. A qualified biologist shall conduct the survey 14 to 30 days before construction begins. If no evidence of badger presence is detected, no further mitigation is required.
- Suitable, as determined by the Environmental Monitor, vacated burrows that are located within the work area and that will not be destroyed by construction activities

will be temporarily covered using plywood sheets or other similar material to prevent badgers from occupying the burrows within the work areas.

- If active, non-maternal dens are located, badgers will be passively relocated via installation of one-way doors.
- If active maternal dens are located, the den will be avoided during construction by establishment of a 100-foot buffer. Smaller buffers, if required for construction, would be established in coordination with CDFG.

San Joaquin Kit Fox

San Joaquin kit fox is known to occur within 1 mile of the project area, and grassland portions of the project corridor provide suitable habitat. San Joaquin kit fox and its habitat could be impacted during project construction and maintenance activities. Reconnaissance and focused wildlife surveys were performed by the Applicant during August 2006 and July 2009, and although numerous burrows of suitable size were observed in the project corridor no evidence of kit fox presence was observed. The Applicant identified that installation of the Hollister Pole Segment from poles 15/00 to 15/09 would result in the permanent loss of 0.07 acre of potential kit fox foraging habitat, and that installation of poles 15/00 to 20/02 and towers 5/34 to 6/40A, along with installation of temporary shoo-fly lines, would result in the temporary loss of 38.22 acres of potential kit fox foraging habitat.

PG&E and/or its contractors shall implement Mitigation Measure 3.4-4 in natural and agricultural areas, and other areas that may potentially support kit fox. Implementation of Mitigation Measure 3.4-4, derived from the *USFWS Standardized Recommendations for Protection of the San Joaquin Kit Fox* (USFWS, 1999), would reduce direct and/or indirect impacts on San Joaquin kit foxes to a less-than-significant level.

Mitigation Measure 3.4-4: PG&E and/or its contractors shall implement the following San Joaquin kit fox protection measures for construction areas located in grasslands and agricultural lands that provide potential habitat for San Joaquin kit fox.

- Preconstruction surveys shall be conducted within 200 feet of work areas to identify potential San Joaquin kit fox dens or other refugia in and surrounding work areas. A qualified biologist shall conduct the survey 14 to 30 days before construction begins. All potential dens shall be monitored for evidence of kit fox use by placing an inert tracking medium at den entrances and monitoring for at least three consecutive nights. If no activity is detected at these sites, they may be closed following guidance established in the 1999 *USFWS Standardized Recommendations for Protection of the San Joaquin Kit Fox*.
- If kit fox occupancy is determined at a given site, den closure activities shall immediately be halted and the USFWS contacted. Depending on the den type, reasonable and prudent measures to avoid effects to kit fox could include seasonal limitations on project construction at the site (i.e., restricting the construction period to avoid spring-summer pupping season), and/or establishing a construction exclusion zone around the identified site, or resurveying the den a week later to determine species presence or absence.

- To minimize the possibility of inadvertent kit fox mortality, project-related vehicles shall observe a maximum 20 miles per hour speed limit on private roads in kit fox habitat. Nighttime vehicle traffic shall be kept to a minimum on nonmaintained roads. Off-road traffic outside the designated project area shall be prohibited in areas of kit fox habitat.
- To prevent accidental entrapment of kit fox or other animals during construction, all excavated holes or trenches greater than two feet deep shall be covered at the end of each work day by suitable materials, or escape routes constructed of earthen materials or wooden planks shall be provided. Before filling, such holes shall be thoroughly inspected for trapped animals. All pipes, culverts, or similar structures with a diameter of 4 inches or greater must be capped at both ends while not in use, and otherwise inspected for kit fox presence prior to relocation or use.
- All food-related trash items (such as wrappers, cans, bottles, and food scraps) shall be disposed of in closed containers and removed daily from the project area.
- To prevent harassment and mortality of kit foxes or destruction of their dens, no pets shall be allowed in the project area.
- Suitable habitat that is temporarily impacted by project-related activities will be restored to pre-project conditions.
- Temporary impacts will be compensated at a minimum of 0.5:1 ratio (i.e., restoration of temporarily disturbed areas, plus permanent conservation of an additional area at a 0.5:1 ratio) and permanent impacts will be compensated at a minimum 3:1 ratio or at ratios as prescribed by the U.S. Fish and Wildlife Service and California Department of Fish and Game. Compensation will be implemented by participating in the San Joaquin Kit Fox Conservation Fund, which is administered via trust by the Center for Natural Lands Management.

Special-status Bats

Pallid bats are known to occur approximately 5 miles from the project area, and the project area is within the range of several other bat species that roost under remote bridges, in barns, in tree cavities, and in rock formations (roosts are protected by CDFG regardless of the status of the bat species). A rural barn is present approximately 700 feet from tower (1/11) and approximately 80 feet from the proposed access road to this tower, and may provide habitat for bats. The access road, which is also part of the construction traffic travel route, crosses a small wooden bridge that spans a seasonal drainage. As part of the Proposed Project, a culvert will be installed at this crossing, and the bridge is likely to be widened and/or reinforced to accommodate construction equipment. While bridges can provide habitat for bats, this one is very low to the ground (approximately two feet) over a drainage that may flood during storm events and submerge the underside of the bridge; it is also easily accessible to potential predators. Further, some bat species require a drop-to-flight distance that this bridge does not offer. The potential for submergence and its proximity to the ground makes it unlikely to be used by bats. No mitigation is required.

Nesting Birds

The project area provides potential habitat for nesting birds, including listed or fully-protected species such as bank swallow, golden eagle, white-tailed kite, least Bell's vireo, loggerhead shrike, and tricolored blackbird. Bank swallows are historically known (recorded in 1931) to occur along the banks of the Pajaro River approximately 2.5 miles from the nearest proposed structure, but they were not observed in the project area during reconnaissance surveys. A golden eagle is believed to nest on the hill near towers 4/25 and 4/26 (ICF biologist Steve Avery, pers. comm.). Least Bell's vireo was not identified in the project area during reconnaissance surveys, but there is a low likelihood it could be present in the riparian woodlands near the river crossing. Loggerhead shrike and white-tailed kite were observed foraging in the project area during reconnaissance surveys, but nesting was not observed. A resident tricolored blackbird colony occurs in a wetland approximately 1,000 feet from tower 37/232, but nesting activity was not observed in project corridor wetlands. The general nesting period for breeding birds is February 1 through August 31; the nesting period for golden eagle is generally between March 1 and August 15.

APMs BIO-20 through BIO-22 require tree trimming and vegetation removal to occur during the non-breeding season, along with tower removal if possible; preconstruction surveys during the breeding season and development of a project-specific Avian Protection Plan; and helicopter avoidance of active nests. However, even with these mitigation measures, the Proposed Project could have a substantial adverse effect, either directly or through habitat modifications, on nesting birds.

Accordingly, the following additional mitigation measure shall be implemented to reduce potential impacts to a less-than-significant level.

Mitigation Measure 3.4-5: PG&E and/or its contractors shall implement the following measures for the protection of nesting birds and raptors:

- Project design, construction, and maintenance will conform with PG&E's corporate Avian Protection Plan and Avian Power Line Interaction Committee (APLIC) Guidelines.
- A project-specific Avian Protection Plan would be developed and would include routine ground surveys by a qualified avian biologist, ground surveys staggered over time in concert with project implementation, additional ground surveys by a qualified environmental monitor, species-specific buffers, and a minimum 1,000-foot helicopter buffer for active eagle nests.
- During the permitting process, the USFWS may identify the need for protocol surveys for least Bell's vireo.
- If active nests are not identified during the preconstruction survey, no further action is required for breeding birds.
- If active nests are identified during the preconstruction survey, the following measures, which shall be included in the project-specific Avian Protection Plan, will be implemented to avoid and minimize impacts.

- For golden eagle, construction contractors shall observe CDFG avoidance guidelines, which stipulate a minimum 500-foot buffer zone around active golden eagle nests. Buffer zones of 50 feet for passerine birds and 250 feet for raptors other than golden eagles will be established or closer as needed with resources agency permission. Buffer zones shall remain until young have fledged.
- Monitoring of the nest by a qualified biologist may be required if the project-related activity has potential to adversely impact the nest.
- CDFG may, on a case-by-case basis, allow construction activities to continue even if raptors and passerine birds nest within the buffers of the work activities during the nesting season.
- For activities conducted with agency approval within a raptor-nesting buffer zone, a qualified biologist shall monitor construction activities and the nest(s) to monitor reactions to activities. If activities are deemed to have a negative effect on nesting raptors, the biologist shall immediately inform the construction manager that work should be halted, and CDFG will be consulted. While the USFWS issues limited take permits for golden eagle, this species and certain other raptors are fully-protected under California law.
- Following construction, PG&E will comply with the PG&E company-wide Avian Protection Plan.

South-central California Coast Steelhead

South-central California coast steelhead are present in the San Benito River and use the project area river segment as a migratory corridor to upstream areas of the Pajaro River; additionally, the San Benito River is designated critical habitat for the species. The proposed project does not involve any work within the river channel, and no direct impacts to the river channel are anticipated. APMs HYDRO-1, BIO-1, BIO-2, BIO-3, and BIO-4 would mitigate potential impacts on steelhead to a less-than-significant level by protecting water quality, respecting riparian setbacks, and implementing protective measures during project construction.

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: *LESS THAN SIGNIFICANT WITH MITIGATION.*

The project would temporarily impact riparian habitat during construction. Eight riverine wetlands exist in the project area, totaling 2.78 acres in size and consisting of channel segments completely vegetated by cattails (*Typha* spp.), willows (*Salix* spp.), perennial pepperweed (*Lepidium latifolium*), and blackberry (*Rubus* ssp.), among other less frequent species. The construction of new access roads and the staging of pull sites and work areas may involve crossing streams and impacting riparian vegetation, although activities associated with the proposed San Benito River crossing are not anticipated to occur within the river channel. Pull sites, helicopter landing areas, and staging areas would be sited at least 50 feet from the river channel to avoid disturbing riparian vegetation.

The Proposed Project relocates an existing pole segment outside of the San Benito River flood plain, which also relocates future maintenance activities outside of this sensitive riparian corridor. The existing wooden poles would be topped and left in place, with all activities to occur by helicopter to avoid ground disturbance.

APM BIO-8 would restore any riparian and upland habitat that is disturbed during construction in accordance with a to-be-developed Habitat Mitigation Plan. This measure, in coordination with APMs BIO-2, BIO-3, BIO-4, and BIO-6, would minimize impacts by respecting riparian setbacks, implementing protection measures during project construction, and providing restoration accountability through photodocumentation. Nonetheless, potentially significant impacts on riparian habitat or other sensitive natural communities could remain. Accordingly, the following additional mitigation measure shall be implemented to reduce potential impacts to a less-than-significant level.

Mitigation Measure 3.4-6: PG&E and/or its contractors shall implement the following measures for the protection and restoration of riparian and upland habitat:

- PG&E shall complete a Habitat Management Plan to be approved by the resource agencies at least 4 weeks prior to construction in potential restoration areas.
- The Habitat Management Plan will include, at a minimum, quantifiable success criteria, contingency provisions, and follow-up monitoring responsibilities and schedules.
- Affected riparian and upland habitat shall be restored to pre-project conditions.

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: *LESS THAN SIGNIFICANT IMPACT*.

Approximately 6.92 acres of federally-protected wetlands occur in the project area, with 0.18 acre anticipated to be temporarily impacted during construction and 0.001 acre anticipated to be permanently impacted by construction. In addition to the riverine wetlands identified above, 3.16 acres of seasonal wetlands, a single 0.41-acre emergent wetland, a single 0.25-acre detention basin, a single 0.06-acre intermittent drainage, and 12 ephemeral drainages totaling 0.26 acres also exist in the project area.

APMs BIO-11 and BIO-12 would mitigate potentially significant impacts on federally protected wetlands to a less-than-significant level because they would implement general protection measures for Waters of the United States and would require development of a Wetlands Mitigation Plan and compensation at a minimum 1:1 ratio.

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: *LESS THAN SIGNIFICANT IMPACT.*

The Proposed Project could interfere with the movement of any native resident or migratory fish or wildlife species, or with established movement corridors, or impede the use of native wildlife nursery sites, but any such interference would not be substantial. The San Benito River is designated critical habitat for steelhead, and steelhead use the project-area stream segment as a migratory corridor to upstream areas of the Pajaro River. However, no in-channel work is anticipated for the proposed San Benito River crossing. No established wildlife corridors or nursery sites are known to occur in the project site, and, with the exception of the golden eagle nest near the vicinity of towers 4/15 and 4/26, no wildlife corridors or nursery sites are known to occur in the surrounding project area.

As discussed in a), above, APMs HYDRO-1, BIO-1, BIO-2, BIO-3, and BIO-4 would mitigate potential impacts on steelhead to a less-than-significant level by protecting water quality, respecting riparian setbacks, and implementing protection measures during project construction.

Similarly, implementation of APMs BIO-20, BIO-21 and BIO-22 together with Mitigation Measure 3.4-5, the previously-discussed protection measures for nesting birds, would mitigate potential impacts on the known eagle nest to a less-than-significant level.

Impacts on wildlife movement corridors, if present in the project area, would be less than significant, as the permanent construction of power structures does not significantly impede or restrict movement. Potential avoidance behavior exhibited by native wildlife in response to the noise and disturbance associated with temporary construction and maintenance activities would also be less than significant.

In sum, the Proposed Project would have a less than significant impact on native resident or migratory fish or wildlife species, established native resident or migratory wildlife corridors, and the use of native wildlife nursery sites. Thus, no mitigation is required.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance: *LESS THAN SIGNIFICANT WITH MITIGATION.*

The CPUC has exclusive jurisdiction over the Proposed Project's siting, design, and construction. However, under APM BIO-10, the Applicant would comply with local tree protection policies and ordinances by replacing protected trees as stipulated in the applicable local regulations. Mitigation Measure 3.4 -7 would further protect native trees by establishing survivability criteria and providing for post-planting tree care. Therefore, any conflicts with local policies or ordinances would be less than significant. The Proposed Project would remove approximately 144 native oak trees, mostly coast live oaks (*Quercus agrifolia*) and three other native trees, and would trim approximately 124 native oak trees and approximately 14 other native trees including willows (*Salix* spp.) and California bay laurel (*Umbellularia californica*).

APM BIO-10 would track protected trees removed during construction and minimize impacts on protected trees through tree replacement. Nonetheless, without adequate post-planting care, potentially significant impacts on native trees could remain. Accordingly, the following additional mitigation measure shall be implemented to reduce potential impacts to a less-than-significant level.

Mitigation Measure 3.4-7: PG&E and/or its contractors shall implement the following additional measures for the protection and restoration of impacted native trees:

- The record of protected trees removed during construction and the associated plans for native tree replacement will be included in the Habitat Management Plan required under Mitigation Measure 3.4-6, above.
- For replacement trees, the Habitat Management Plan shall include, at a minimum, quantifiable success criteria, contingency provisions, and follow-up monitoring responsibilities and schedules.

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: *NO IMPACT.*

The project area does not fall within the geographic boundaries of any Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. There is no impact.

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