

I. LAND USE AND PLANNING

Land use planning in California is primarily the responsibility of local government. Each city and county is required by the State to adopt a General Plan and to establish goals, policies, and implementation measures for long-term development, protection from environmental hazards, neighborhood preservation, conservation of identified natural resources, and sound planning for urban development.

The principal means of implementing the goals and policies presented in the General Plan of a city or county is its zoning ordinance, which identifies use zones in the jurisdiction, the land uses permitted on each parcel, and the standards for each permitted use according to zone. The zoning ordinance is required by state law to be consistent with the General Plan.

In addition to local city and county governments, the regulation of land use and development within the project area is also provided by other levels of government at the regional, state, and federal levels. An overview of land use regulation in the identified project area is provided below.

SETTING

The land-use setting for the project would be primarily urban metropolitan areas. Surrounding land uses would include high density, mixed-use residential, commercial, and industrial. A list of the counties and cities served by the project is provided in Chapter 2, Project Description. FIG technology includes conduit installation in existing natural gas pipelines, therefore, activities would occur predominantly in the utility rights-of-way where those pipelines were previously installed in developed environments including roadways rights-of-way.

REGULATIONS, APPROVALS, AND PERMITS APPLICABLE TO LAND USE AND PLANNING

FEDERAL

The National Environmental Policy Act (NEPA) provides general information on the effects of federally funded projects. The act is implemented by regulations included in the Code of Federal Regulations (40CFR6) which require careful consideration of the environmental effects of Federal actions or plans, including projects that receive federal funds. Impacts on land uses and conflicts with state, regional, or local plans and policies are among the considerations included in the regulations. The regulations also require that projects requiring NEPA review seek to avoid or minimize adverse effects of proposed actions, and restore and enhance environmental quality as much as possible.

Bureau of Land Management

The Bureau of Land Management (BLM) manages large rural land areas, including land that is environmentally sensitive. The BLM governs the uses that will be allowed on land that it

manages, striving to balance environmental protection and conservation goals with other uses such as recreation and grazing. Land managed by the BLM may be encountered within the project area. The entire eastern portion of the southern California is dominated by a public/private “checkerboard” of lands that make up BLM managed areas. The California Desert Conservation Area Plan is used to manage BLM-controlled areas. The Plan area provides a recreation opportunity spectrum that includes use of desert open space and scenic resources, dispersed recreation activities, nature studies, trails, education and research opportunities, wilderness areas, off-highway vehicle use, and competitive vehicular events (such as dry-lake sailing and motorized vehicle races). In addition to its land management responsibilities, BLM also implements biological resource management policies through its designation of Areas of Critical Environmental Concern.

US Forest Service

The US Forest Service USFS is responsible for the conservation of large areas of National Forest land that it manages. National forests account for several millions of acres of land in the southern California region, and are primarily managed for outdoor recreation uses (such as camping, picnicking, hiking, backpacking, riding, fishing, hunting, skiing, sightseeing, nature interpretation) and for resource preservation by USFS. Several National Forests fall within the project area boundaries. These forests include the Cleveland National Forest, Angeles National Forest, and San Bernardino National Forest. These national forests also contain several, more protected, Wilderness Areas.

US Fish and Wildlife Service

The US Fish and Wildlife Service (USFWS) administers the Federal Endangered Species Act (FESA) and designates critical habitat for endangered species to carry out its mission to conserve, protect, and enhance the nation’s fish and wildlife and their habitats for the continuing benefit of people. Critical habitat areas cannot be disturbed without permission from USFWS and/or other federal agencies, depending on land ownership. USFWS responsibilities under FESA are described in the Biological Resources setting section of this chapter.

US Army Corps of Engineers

Among its responsibilities, the US Army Corps of Engineers (Corps) administers Section 404 of the Clean Water Act, which governs specified activities in waters of the United States, including wetlands. In this role, the Corps requires that a permit be obtained if a project would place structures, including dredged or filled materials, within navigable waters or wetlands, or result in alteration of such areas. Key provisions of Section 404 are described in the Biological Resources setting section in this chapter.

National Park Service

The National Park Service (NPS) manages national parks and wilderness areas, the latter being less accessible, less developed, and often less intensively visited. The purpose of NPS is to manage the natural resources of the national park system to maintain, rehabilitate, and perpetuate their inherent integrity. The natural resource policies of NPS are aimed at providing the American people with the opportunity to enjoy and benefit from natural environments evolving through natural processes minimally influenced by human actions. NPS owns and operates all national

parcs and is responsible for accommodating conservation and recreation needs for the land it manages, which are frequently in environmentally sensitive areas.

STATE

California Department of Transportation

Caltrans' jurisdiction includes right-of-ways of state and interstate routes within California. Any work within the right-of-way of a federal or state transportation corridor is subject to Caltrans regulations governing allowable actions and modifications to the right-of-way. Caltrans issues permits to encroach on land within their jurisdiction to ensure encroachment is compatible with the primary uses of the State Highway System, ensure safety, and to protect the State's investment in the highway facility. The encroachment permit requirement applies to persons, corporations, cities, counties, utilities, and other government agencies.

California Department of Fish and Game

The mandate of the California Department of Fish and Game (CDFG) is to manage California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public. In particular, CDFG is required under the California Endangered Species Act (CESA), the California Native Plant Protection Act, CEQA, and the Natural Community Conservation Planning Act to conserve species through listing, habitat acquisition and protection, review of local land use planning, multi-species conservation planning, stewardship, recovery, research, and education. CDFG protects rare, threatened and endangered species by managing habitat in legally designated ecological reserves or wildlife areas. CDFG responsibilities under CESA were previously described in the Biological Resources section (3.D) of this chapter.

LOCAL

General Plan

City and county General Plans provide the most comprehensive land use planning documentation for the proposed project. As required by Government Code Section 65300 (State Planning and Zoning Law), local governments are required to prepare and adopt a comprehensive and long-term General Plan as a guide for future development. The project area encompasses numerous cities and counties and would be subject to the local plans and policies of these cities and counties. As mentioned above, each city's or county's General Plan provides goals, policies, and implementation measures that, together with land use designations and zoning codes, are designed to guide land use and resource planning and development. Topical "elements" required by State law include land use, circulation, housing, conservation, open space, noise, and safety. Other topics frequently addressed by local governments include public facilities, parks and recreation, community design, and growth management, among others. County General Plans must cover areas not included by city General Plans (i.e., unincorporated areas) and must remain consistent with city General Plans.

Zoning

Zoning regulations vary by jurisdiction throughout project area. Within some jurisdictions, construction involved in work on existing utilities is permitted as an allowable use under the zoning ordinance. In other jurisdictions, a conditional use permit or similar discretionary action would be required, but less common. Typically, discretionary actions require notification at a public hearing. At the hearing, the local zoning board or zoning administrator would consider the proposal, public testimony, and the findings of a CEQA review. FIG installation activities could be required to meet conditions intended to comply with local ordinance or environmental quality requirements.

Specific and Master Plans

A city or county may also provide land use planning guidance by developing community and/or specific plans for smaller, more specific areas within their jurisdiction. These more localized plans provide for focused guidance for developing a specific area, with development standards tailored to the area, as well as systematic implementation of the General Plan. For proposed FIG installation activities, SCG/SDG&E would be required to adhere to the policies and objectives contained within a Community, Master, and/or Specific Plan in addition to those contained in the city's or county's General Plan.

Growth Control

Local growth control endeavors to control or manage community growth through various methods, including restraining development to infrastructure capacity, limiting the number of new housing units, setting limits on the increase of commercial square footage, or the adoption of urban growth boundaries. Instituting growth control is generally in response to changes in a community or area that are perceived as undesirable, such as rapid increases in residential or commercial development, roadway congestion, or suburbanization of open space. Growth control measures have been imposed in various parts of California, as initiatives, city or county council actions, General Plan policies, or zoning changes. In a majority of the project area, numerous counties have adopted urban growth boundaries or urban limit lines to constrict urban growth from encroaching into open space, agricultural, and/or other environmentally sensitive areas.

HABITAT CONSERVATION PLANS AND NATURAL COMMUNITY CONSERVATION PLANS

A Habitat Conservation Plan (HCP) is a land use plan that allows nonfederal landowners to obtain an "incidental take permit" for species that are listed as threatened or endangered under FESA in return for conservation commitments. Incidental take permits allow landowners to carry out specified economic activities on their land that destroy habitats or otherwise harm, or "take," threatened or endangered species. The Secretary of the Interior or the Secretary of Commerce must approve an HCP. Prior to this approval, the appropriate Secretary must determine that the landowner's activities will not reduce the likelihood of species survival and recovery and that the adverse impacts of those activities will be mitigated to the maximum extent practicable. Additionally, the landowner needs to ensure that there will be adequate funding to carry out the HCP.

The Natural Community Conservation Planning (NCCP) program of CDFG is an effort by the State of California and numerous private and public partners that takes a broad-based ecosystem approach to planning for the protection and perpetuation of biological diversity. An NCCP identifies and provides for the regional or area wide protection of plants, animals, and their habitats, while allowing compatible and appropriate economic activity. The program, which began in 1991 under the State's NCCP Act, is broader in its orientation and objectives than CESA and FESA. These laws are designed to identify and protect individual species that have already declined in number significantly. The primary objective of the NCCP program is to conserve natural communities at the ecosystem scale while accommodating compatible land use. The program seeks to prevent the controversies caused by listings by focusing on the long-term stability of wildlife and plant communities.

In areas where HCPs and/or NCCPs have been adopted or could potentially be adopted, SCG/SDG&E would be required to follow guidelines provided in the plan.

IMPACTS AND MITIGATION MEASURES

<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>
LAND USE AND PLANNING—				
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

APPROACH TO ANALYSIS

The analysis of land use impacts of the proposed project focussed on identification of the changes expected to result from project implementation and evaluation of the significance of such changes, based on significance criteria discussed below. The changes that would be expected to occur due to the project are identified based on information presented in Chapter 2, Project Description, concerning FIG installation procedures.

CRITERIA FOR DETERMINING SIGNIFICANCE

The significance of impacts of the proposed project is based on the CEQA Environmental Checklist criteria (above) and whether the project would result in the following:

- substantial changes to land uses in its vicinity, or
- incompatibility with long-term uses on adjacent properties.

IMPACT MECHANISMS

Proposed projects would have a significant effect if they create a physical barrier in an established community or neighborhood, such as a structure that would prevent circulation by pedestrians or vehicles. Projects would also have a significant effect if they involve uses other than those indicated for the project area in local land use plans, or if they would not comply with policies or regulations established by general or specific plans, or with those set by zoning, subdivision, grading, or other ordinances that concern land use. Compliance with land use policies and zoning regulations are intended to protect against incompatibility of adjacent uses, since incompatibility of adjacent or proximate land uses can lead to substantial changes in land uses on other properties. A proposed project may have a significant impact if it would jeopardize a biological resource protected by a habitat conservation or natural community conservation plan.

IMPACT ASSESSMENT

In general, the proposed project would have minimal impacts to land use. SCG/SDG&E's proposed project includes the implementation of a technology that places conduit within existing natural gas pipelines. The project involves only the modification of existing natural gas lines and would not carry with it any action to develop new utility rights-of-way. The proposed project will most often be located within an urban/developed physical environment due to the high costs and/or lack of space for traditional trench-and-lay construction methods. Access points would be flush with ground level or in otherwise unobtrusive locations. The construction phase would be the source of the entire disturbance associated with the proposed project.

a. Would the project physically divide an established community?

The proposed project is limited to implementation of FIG technology to install conduit within existing natural gas pipelines. Improvements would occur primarily within existing SCG/SDG&E rights-of-way or easements commonly found along or adjacent to public roadways. Where necessary, SCG/SDG&E would obtain additionally temporary construction easements for construction activities. Implementation of FIG technology would not result in the division or disruption of existing communities. Therefore, no impacts would occur.

b. Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the proposed project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Impact LUP-1: Possible conflict with applicable local land use plans, policies, and regulations might occur.

The CPUC has jurisdictional over public utility activities therefore the project as proposed is not subject to discretionary approval of applicable local plans and regulations concerning land use.

However, potential conflict is not likely to occur with local land use plans and zoning regulations because the project involves only the modification of existing natural gas lines for installation of empty conduit and would not carry with it any action to develop new utility rights-of-way.

However, administrative permits are still required to implement the project, therefore, SCG/SDG&E would obtain, at a minimum, encroachment permits to work in public road rights-of-way. Therefore, this potential impact would be less than significant.

Mitigation Measure: No mitigation required.

c. Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?

Within the project area, regional conservation efforts have been formalized into subregional and subarea comprehensive habitat and multiple species conservation plans proposed by local governments, local agencies, and private entities. In areas where these plans have been adopted or could potentially be adopted, SCG/SDG&E would be required to follow guidelines provided in the plan.