

DEPARTMENT OF FISH AND GAME

South Coast Region
 4949 Viewridge Avenue
 San Diego, California 92123
 (858) 467-4201
 FAX (858) 467-4239



August 28, 2002

Mr. John Boccio
 California Public Utilities Commission
 c/o Environmental Science Associates
 436 14th Street, Suite 600
 Oakland, California 94612

RE: Comments on the Sempra Communications Programmatic Environmental Impact Report

Dear Mr. Boccio:

This letter is in response to the draft Programmatic Environmental Impact Report (PEIR) for the Sempra Communications Application for a Certificate of Public Convenience and Necessity (CPUC A.00-02-020). The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act, Sections 15386 and 15381 respectively. The Department is responsible for the conservation, protection, and management of the state's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act. The Department also administers the Natural Community Conservation Planning program (NCCP). We offer the following comments to the PEIR:

Due to the abbreviated timeframe to respond to projects covered under the Programmatic EIR, for projects located in Los Angeles, Orange, and San Diego counties, we recommend that project-related materials be submitted directly to the Department's South Coast Regional Office located at 4949 Viewridge Avenue in San Diego. Appropriate submittals should also be submitted through the State Clearinghouse.

C-1

Please note that due to the high level of habitat loss from urbanization and agriculture, habitat types considered widespread or common elsewhere often require mitigation in coastal southern California. This includes mitigation for impacts to upland vegetation communities, including annual (non-native) grassland and various forms of chaparral. Mitigation ratios applied to these and other recognized sensitive upland habitats should be consistent with local regulations (e.g., local subarea plans, etc) and/or policies. Mitigations ratios applied should reflect the habitat type, quality, and the presence of sensitive species.

C-2

A species of particular concern in coastal southern California is the federal-listed Threatened, coastal California gnatcatcher (*Poliophtila californica californica*). The recognized breeding season for this species is February 15 through August 30. Impacts to sage scrub should be avoided during this timeframe. In most cases, using this timeframe as an avoidance window would also prevent direct impacts to other breeding species

C-3

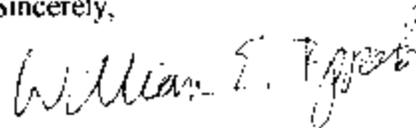
Mr. John Boccio
August 28, 2002
Page 2

When habitat restoration is a component of project mitigation, a revegetation plan should be prepared. The Wildlife Agencies should be afforded the opportunity to review and approve such plans where they occur within established or anticipated preserves, or where the habitat is expected to provide an important contribution to species conservation. Even in instances of temporary impact, mitigation is likely to consist of off-site habitat acquisition and on-site habitat restoration.

C-4

If you have any questions regarding this letter, please contact David Mayer of the Department at 858-467-4234.

Sincerely,



William E. Tippetts
Environmental Program Manager
South Coast Region
California Department of Fish and Game

C. CALIFORNIA DEPARTMENT OF FISH AND GAME, SOUTH COAST REGION, WILLIAM TIPPETS – ENVIRONMENTAL PROGRAM MANAGER

C-1 Comment noted. Work plans proposed in Los Angeles, Orange, and San Diego counties will be submitted directly to the Department's South Coast Regional Office at 4949 Viewridge Avenue in San Diego. Appropriate documents will also be submitted to the State Clearinghouse.

C-2 As stated in the DEIR on page 4.4-65, **Impact BIO-13** indicates that construction activities have the potential to conflict with provisions of approved Habitat Conservation Plans specifically within undeveloped areas. This impact was considered less than significant because during development of a work plan, Sempra Communications will review local, city and county policies, ordinance and conservation plans, and comply with all applicable requirements. Additionally, it is stated that compliance may include submittal of plans for review and approval by local agencies.

Work plans would be prepared in accordance with the DEIR mitigation measures, which set forth a framework and process for fully documenting and evaluating potential effects of subsequent activities on special status species, habitats, and other locally protected biological resources. Additionally, all work plans proposed by Sempra Communications must comply with approved local, city and county ordinances and conservation plans including implementation of mitigation measures for impacts to upland vegetation communities and application of mitigation ratios as appropriate where required. As part of the process outlined in the EIR for subsequent activities, the proposed work plan will be circulated to all responsible and interested agencies and trustees for final review, however, this process will not supercede permitting authority from local, state and federal jurisdictions.

C-3 Impacts to nesting birds as a result of construction that occurs within or adjacent to habitat that may disrupt breeding behavior is addressed in the DEIR on page 4.4-54, **Impact BIO-3**. As the potential exists for nesting birds to occur throughout the project area, mitigation measures in the DEIR (**BIO-3a** and **BIO-3b**, pages 4.4-54 and 4.4-55) address the impacts generally and indicate that construction activities scheduled during the breeding season would be subject to case-by-case consideration of the breeding activity and species. Measures to avoid or minimize disturbance of nesting behavior would be developed in consultation with CDFG and/or USFWS, and would be consistent with previously approved actions with similar circumstances (i.e., Natural Community Conservation Plans [NCCP]). As mentioned by the commentor, coastal California gnatcatcher is federal-listed Threatened and of particular concern in southern California with a breeding season from February 15 through August 30.

A biological report as required under **Mitigation Measure BIO-1a** (page 4.4-48) would identify potential nesting/roosting habitat for special status birds, including California gnatcatcher, and whether any non-breeding season protocols have been established by CDFG and/or USFWS for that species. Measures such as avoidance and passive relocation of species, which are included in

these protocols, would be required for construction activities within or adjacent to suitable habitat.

C-4 As indicated in the DEIR on page 4.4-62, **Mitigation Measure BIO-10a**, removal of sensitive natural communities would be avoided wherever feasible. If avoidance of this habitat is not feasible, only the minimum area necessary to complete the work would be subject to disturbance. Consultation with USFWS, CDFG, and other agencies, as applicable, would determine appropriate compensatory mitigation including habitat restoration, revegetation, conservation easements, and habitat replacement ratios both on-site and off-site. The mitigation measure will further include the following additional text to address the commentors' concerns:

“The Wildlife Agencies, including CDFG and USFWS, will be afforded the opportunity to review and approve the appropriate compensatory mitigations, including revegetation plans, where they occur within established or anticipated preserves, or where the habitat is expected to provide an important contribution to species conservation.”