3. Applicable Laws, Regulations, and Standards

Federal and state endangered species legislation gives special status to a number of habitats and plant and animal species known to occur within the proposed Project. In addition, state resource agencies and professional organizations, whose lists are recognized by agencies when reviewing environmental documents, have identified additional species occurring within the proposed Project. Such species are referred to collectively as "species of special status" and include habitats, plants and animals listed, proposed for listing, or candidates for listing as threatened or endangered under the federal Endangered Species Act (ESA) or the California Endangered Species Act (CESA); animals listed as "fully protected" under the California Fish and Game Code; animals designated as "Species of Special Concern" by the California Department of Fish and Game (CDFG); and plants listed as rare or endangered by the California Native Plant Society (CNPS) in the *Inventory of Rare and Endangered Plants of California* (CNPS 2007.

3.1 Federal

Federal Endangered Species Act provisions protect federally listed threatened and endangered species and their habitats from unlawful take and ensure that federal actions do not jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. Under the ESA, "take" is defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any of the specifically enumerated conduct." The U.S. Fish & Wildlife Service's (FWS) regulations define harm to mean "an act which actually kills or injures wildlife." Such an act "may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering" (50 CFR § 17.3). Critical habitat is defined in Section 3(5)(A) of the ESA as "(i) the specific areas within the geographical area occupied by the species on which are found those physical or biological features (I) essential to the conservation of the species, and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species upon a determination by the Secretary of Commerce or the Secretary of the Interior (Secretary) that such areas are essential for the conservation of the species." The effects analyses for designated critical habitat must consider the role of the critical habitat in both the continued survival and the eventual recovery (i.e., the conservation) of the species in question, consistent with the recent Ninth Circuit judicial opinion, *Gifford Pinchot Task Force* v. *United States Fish and Wildlife Service*. Activities that may result in "take" of individuals are regulated by the FWS. The FWS produced an updated list of candidate species December 6, 2007 (72 FR 69034). Candidate species are not afforded any legal protection under ESA; however, candidate species typically receive special attention from federal and state agencies during the environmental review process. In compliance with the requirements of the ESA, the USDA Forest Service has initiated informal consultation with the USFWS regarding the effects of the Project on threatened, endangered, and candidate species that occur or could occur in the Project area. Formal consultation will begin in summer 2009. As part of consultation with USFWS, the USDA Forest Service has prepared and will submit a Biological Assessment (BA) for federally endangered or threatened species that could potentially be adversely affected by the proposed Project. Subsequently, any "take" of a federally endangered or threatened species as a result of implementation of the proposed Project would only be allowed under the context of a Biological Opinion (BO) issued by USFWS.

Raptors (e.g., eagles, hawks, and owls) and their nests are protected under both federal and state regulations. The federal Migratory Bird Treaty Act[2] (MBTA) prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary. This act encompasses whole birds, parts of birds, and bird nests and eggs. Mitigation proposed for the Project, including clearing vegetation outside of the breeding season, pre-construction nest surveys, disturbance-free buffers, and construction monitoring would ensure the proposed Project remains in compliance with the MBTA. In addition, SCE would construct the line in compliance with Avian Power Line Interaction Committee (APLIC) standards to minimize potential for birds to collide or be electrocuted during operation of the TRTP.

The Bald Eagle Protection Act of 1940 (16 U.S.C. 668, enacted by 54 Stat. 250) protects bald and golden eagles by prohibiting the taking, possession, and commerce of such birds and establishes civil penalties for violation of this Act. Take of bald and golden eagles is defined as follows: "disturb means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.'' (72 FR 31132; 50 CFR 22.3). Mitigation measures, including clearing vegetation outside of the breeding season, pre-construction nest surveys, disturbance-free buffers, and construction monitoring, would ensure that no take of bald or golden eagles occurs as a result of the implementation of this Project. In addition, SCE would construct the TRTP in compliance with APLIC standards to minimize the potential for line strikes and electrocutions.

3.1.1 Regulated Habitats

Areas meeting the regulatory definition of "Waters of the U.S." (jurisdictional waters) are subject to the jurisdiction of the U.S. Army Corps of Engineers (USACE) under provisions of Section 404 of the Clean Water Act (1972) and Section 10 of the Rivers and Harbors Act (1899). These waters may include all waters used, or potentially used, for interstate commerce, including all waters subject to the ebb and flow of the tide, all interstate waters, all other waters (intrastate lakes, rivers, streams, mudflats, sandflats, playa lakes, natural ponds, etc.), all impoundments of waters otherwise defined as "Waters of the U.S.," tributaries of waters otherwise defined as "Waters of the U.S.," the territorial seas, and wetlands (termed Special Aquatic Sites) adjacent to "Waters of the U.S." (33 CFR, Part 328, Section 328.3). Wetlands on non-agricultural lands are identified using the Corps of Engineers Wetlands Delineation Manual (Environmental Laboratory 1987). The TRTP project alignment falls within the South Pacific Division of the USACE, and is under the jurisdiction of the Los Angeles District.

Construction activities within jurisdictional waters are regulated by the USACE. The placement of fill into such waters must comply with permit requirements of the USACE. No USACE permit would be effective in the absence of state water quality certification pursuant to Section 401 of the Clean Water Act.

3.1.2 Land Management Plan: Part 1 Southern California National Forests Vision

The Land Management Plan for the Angeles National Forest (USDA 2005; R5-MB-076) includes a strategy to successfully meet the goals of the vision for the National Forests with design criteria detailed to manage the ANF. Primarily, goals relate to the long-term sustainability of social, economic, and ecological objectives of the forest. It details suitable uses (in designated areas) for land divisions of the forest. In particular, major

[2] 16 U.S.C., Sec. 703, Supp. I, 1989.

utility corridors are rated as suitable in developed area interfaces, back country, and back country motorized (use restricted areas) and not in back country non-motorized, critical biological, wilderness, or experimental forest areas. It also describes 12 designated utility corridors, including Interstate 5 (Tejon Pass), Old Ridge Route, Saugus/Mesa, Saugus/Del Sur, Ranaldi Dept Water Power, Gorge Ranaldi, BPL, Vincent Gould, Vincent Rio Hondo, 3-P Line, Midway Vincent, and Vincent Pardee (Table 484).

Many of the management tools and goals described in the plan are linked to National Strategic Plans for National Forests. For example, Invasive Species Prevention and Control (Goal IS 1) is linked to Goal 2 (Reduce the impacts from invasive species) objective 1. Seven goals apply to the proposed Project:

- IS 1 - Invasive Species Prevention and Control: Prevent the introduction of new invaders, conduct early treatment of new infestations, and contain and control established infestations (Linked to National Strategic Plan Goal 2 [Reduce the impacts from invasive species] objective 1).
- FH 1 - Vegetation Restoration: Restore vegetation through reforestation or other appropriate methods after stand replacing fires, drought, or other events or activities that degrade or cause a loss of plant communities (Linked to National Strategic Plan Goal 5 [Improve watershed condition] objective 3).
- Lands 2 - Non-recreation Special Use Authorizations: Where overhead transmission lines occur in California Condor habitat, work with utility companies or authorization holders to install high-visibility or avoidance devices and raptor guards on poles and other structures potentially used as perching sites by California Condors. Also, use signing, barriers, or other suitable measures to protect threatened, endangered, proposed, candidate, and sensitive species key and occupied habitats within special-use authorization areas.
- WL 1 - Threatened, Endangered, Proposed, Candidate, and Sensitive Species Management: Manage habitat to move listed species toward recovery and de-listing. Prevent listing of proposed and sensitive species (Linked to National Strategic Plan Goal 5 [Improve watershed condition] objective 3 and National Strategic Plan Goal 6 [Mission related work in addition to that which supports the agency goals] objective 3).
- WL 2 - Management of Species of Concern: Maintain and improve habitat for fish, wildlife, and plants, including those with the following designations: game species, harvest species, management indicator species, and watch list species (Linked to National Strategic Plan Goal 5 [Improve watershed condition] objectives 1 and 3, and National Strategic Plan Goal 6 [Mission related work in addition to that which supports the agency goals] objectives 1, 3, and 5).
- WAT 1 – Watershed Function: Protect, maintain, and restore natural watershed functions including slope processes, surface water and groundwater flow and retention, and riparian area sustainability (Linked to National Strategic Plan Goal 5 [Improve watershed condition] objectives 1, 2, and 3).
- WAT 2 – Water Management: Manage groundwater and surface water to maintain or improve water quantity and quality in ways that minimize adverse effects (Linked to National Strategic Plan Goal 5 [Improve watershed condition] objective 1).

Extensive guidance is also given for a range of conservation measures that be applied to avoid, minimize, or mitigate negative, long-term effects on threatened, endangered, proposed, candidate, or sensitive species and habitats. Sensitive species are defined as "a plant or animal species identified by a Regional Forester for which population viability is a concern, as evidenced by significant current or predicted downward trends in population numbers or density or in habitat capability that would reduce a species' existing distribution. Sensitive species are not covered under the Endangered Species Act." Also identified are FS Watch List species, which are plant species that require additional consideration but do not warrant FS Sensitive status. Guidance includes the protection of known raptor nests; protection of all spotted owl territories; allowance for movement along corridors; use of seasonal closures to protect special-status species; avoidance of collection of forest products; and avoidance of activities that result in the removal, crushing, burying, burning, or mowing of host plants within critical and occupied habitat for special-status butterfly species, among others. The Land Management Plan also lists relevant laws, regulations, agreements, and other management direction outside of the scope of the proposed Project (Appendix A of the Land Management Plan).

3.2 State

Provisions of CESA protect state-listed threatened and endangered species. The CDFG regulates activities that may result in "take" of individuals (i.e., "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill"). Habitat degradation or modification is not expressly included in the definition of "take" under the California Fish and Game Code. Additionally, the California Fish and Game Code contains lists of vertebrate species designated as "fully protected" (California Fish & Game Code §§ 3511 [birds], 4700 [mammals], 5050 [reptiles and amphibians], 5515 [fish]). Such species may not be taken or possessed.

In addition to federal and state-listed species, the CDFG also has produced a list of Species of Special Concern to serve as a "watch list." Species on this list are of limited distribution or the extent of their habitats has been reduced substantially, such that threat to their populations may be imminent. Species of Special Concern may receive special attention during environmental review, but they do not have statutory protection. The FWS also uses the label, "Species of Concern," as an informal term that refers to those species that might be in need of concentrated conservation actions. Species of Concern receive no legal protection as a result of their designation, and the use of the term does not necessarily mean that the species would eventually be proposed for listing as a threatened or endangered species. However, most, if not all, of these species are currently protected by state and federal laws.

Birds of prey are protected in California under the State Fish and Game Code.[3] Section 3503.5 states it is "unlawful to take, possess, or destroy any birds of prey (in the order Falconiformes or Strigiformes) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this Code or any regulation adopted pursuant thereto." Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "take" by the CDFG. Under Sections 3503 and 3503.5 of the State Fish and Game Code, activities that would result in the taking, possessing, or destroying of any birds-of-prey, taking or possessing of any migratory non-game bird as designated in the Migratory Bird Treaty Act, or the taking, possessing, or needlessly destroying of the nest or eggs of any raptors or non-game birds protected by the Migratory Bird Treaty Act, or the taking of any non-game bird pursuant to Fish and Game Code Section 3800 are prohibited.

Vascular plants listed as rare or endangered by the CNPS, but which might not have designated status under state endangered species legislation, are defined as follows:

- List 1A - Plants considered by the CNPS to be extinct in California
- List 1B - Plants rare, threatened, or endangered in California and elsewhere
- List 2 - Plants rare, threatened, or endangered in California, but more numerous elsewhere
- List 3 - Plants about which we need more information – a review list
- List 4 - Plants of limited distribution – a watch list

3.2.1 Regulated Habitats

The State Water Resources Control Board is the state agency (together with the Regional Water Quality Control Boards [RWQCB]) charged with implementing water quality certification in California. The TRTP project alignment falls under the jurisdiction of the Los Angeles (Region 4) RWQCB, the Santa Ana (Region 8) RWQCB, and the Lahonton (Region 6) RWQCB. The Basin Plan for the Coastal Watersheds of Los

[3] Section 3503.5, 1992.

Angeles and Ventura Counties (1995), the Santa Ana River Basin Water Quality Control Plan (updated 2008), and the Water Quality Control Plan for the Lahontan Region (2005) were reviewed to determine specific policies of each RWQCB relevant to the project. No policies specific to the project were described, although Best Management Practices (BMPs) for construction, as incorporated into the project (see below), and the need for a Streambed Alteration Agreement from the CDFG are discussed. In addition, all plans express an objective for the protection of existing wetland habitat and other special aquatic sites with their associated populations of wetland flora and fauna.

The CDFG potentially extends the definition of stream to include "intermittent and ephemeral streams, rivers, creeks, dry washes, sloughs, blue-line streams (USGS), and watercourses with subsurface flows. Canals, aqueducts, irrigation ditches, and other means of water conveyance can also be considered streams if they support aquatic life, riparian vegetation, or stream-dependent terrestrial wildlife" (CDFG 1994a). Such areas of the proposed Project were determined using methodology described in *A Field Guide to Lake and Streambed Alteration Agreements, Sections 1600-1607* (CDFG 1994a).

Activities that result in the diversion or obstruction of the natural flow of a stream; or which substantially change its bed, channel, or bank; or which utilize any materials (including vegetation) from the streambed, may require that the project applicant enter into a Streambed Alteration Agreement with the CDFG.

3.2.2 California Department of Parks and Recreation

The California State Park System encompasses nearly 1.5 million acres in more than 270 "park units" throughout the State, including, but not limited to, habitat reserves and preserves, developed and undeveloped recreational parks, wilderness areas, cultural reserves and preserves, off-highway vehicle parks, and historic parks. For the purposes of lands managed by California State Parks, the State is divided into 12 park "units," of which the Biological Resources Study Area includes the Los Angeles County Unit and portions of the Central Valley and Inland Empire Units (California Department of Parks and Recreation, 2007). The proposed Project does not traverse lands under the jurisdiction of the California Department of Parks and Recreation. However, a portion of the existing Antelope Valley California Poppy Reserve, which is under the jurisdiction of California Department of Parks and Recreation, is located within its Los Angeles County Unit, is within one-half mile of the proposed Segment 4 at MP 12.9.

All routes associated with Alternative 4 (the Chino Hills Route Alternative) would affect lands within Chino Hills State Park (Park or CHSP). The CHSP General Plan (General Plan) was adopted in February 1999 (California Department of Parks and Recreation, 1999). The General Plan provides parkwide management goals and guidelines developed for managing natural resources. Goals and guidelines for natural resources are directed towards four broad issue areas relevant to CHSP, including: (1) protecting biocorridors and facilitating the movement of animals and dispersal of plant seed within CHSP, and between the park and other wildland areas; (2) establishing, maintaining, and protecting buffers adjacent to CHSP; (3) restoring and protecting the native vegetation within CHSP through active resource management programs; and, (4) protecting, perpetuating, and restoring native wildlife populations and native aquatic species at CHSP (California Department of Parks and Recreation, 1999).

3.2.3 Food and Agricultural Code Division 23: California Desert Native Plants Act

The California Desert Native Plants Act protects California desert native plants from unlawful harvesting on both public and privately owned lands within Imperial, Inyo, Kern, Los Angeles, Mono, Riverside, San

Bernardino, and San Diego counties. The following native plants, or any part thereof, may not be harvested except under a permit issued by the commissioner or the sheriff of the county in which the native plants are growing: all species of the family Agavaceae (century plants, nolinas, yuccas); all species of the family Cactaceae; all species of the family Fouquieriaceae (ocotillo, candlewood); all species of the genus *Prosopis* (mesquites); all species of the genus *Cercidium* (palos verdes); and *Acacia greggii* (catclaw), *Atriplex hymenelytra* (desert-holly), *Dalea spinosa* (smoke tree), and *Olneya tesota* (desert ironwood, both dead and alive) (provision 80073). This provision excludes any plant that is declared to be a rare, endangered, or threatened species by federal or state law or regulations, including, but not limited to, the Fish and Game Code. The fee for the permit to remove any of these plants will not be less than $1 per plant, except for Joshua tree (*Yucca brevifolia*), which will not be less than $2 per plant. Implementation of the California Desert Native Plants Act, however, provides a specific exemption for utilities carrying out a public service. The Act does not apply to a public agency or to a publicly or privately owned public utility when acting in the performance of its obligation to provide service to the public (Food and Agricultural Code Division 23: California Desert Native Plants Act. Section 80117).

3.3 Local Policies and Habitat Conservation Plans

3.3.1 West Mojave Plan

The West Mojave Plan (WMP) is "a habitat conservation plan and federal land use plan amendment that (1) presents a comprehensive strategy to conserve and protect the desert tortoise, the Mohave ground squirrel (MGS) and nearly 100 other plants and animals and the natural communities of which they are part, and (2) provides a streamlined program for complying with the requirements of the California and federal Endangered Species Acts" (BLM 2005). The 9,359,070-acre planning area includes 3,263,874 acres of Bureau of Land Management (BLM) administered public lands; 3,029,230 acres of private lands; and 102,168 acres of lands administered by the State of California within portions of Inyo, Kern, Los Angeles, and San Bernardino counties.

The BLM issued a Record of Decision (ROD) based on the WMP Environmental Impact Report (EIR). However, the ROD addressed only BLM's amendment of the California Desert Conservation Area (CDCA) Plan, and it did not include actions proposed by State and local governments for non-federal lands, except when specifically identified (BLM 2006). The habitat conservation plan has not been completed and would require greater specificity for local governments to obtain incidental take permits under the State and Federal endangered species acts (BLM 2006).

3.3.2 South Coast Resource Management Plan

The South Coast Resource Management Plan (RMP) and ROD (1994) is a "management plan for the approximately 296,000 acres of BLM-administered land and 167,000 acres of federal mineral ownership where the surface is privately owned over a 5-county area in 296 separate parcels." Development of this RMP fulfills the mandate of Section 202 of the Federal Land Policy and Management Act of 1976. This plan covers portions of San Diego, Riverside, San Bernardino, Los Angeles, and Orange counties, including the Beauty Mountain management area. These lands have value for watershed and wildlife use as well as recreational use.

The RMP considered 4 alternatives for management of the area, and continuation of the present management was selected as the preferred alternative for the Los Angeles-Orange County Management Area. Several utility

corridors (specifically electric) occur within the Los Angeles-Orange County Management Area. The relevant policy and specific actions included in the RMP are as follows:

- All land use proposals will be evaluated for conformance with plan objectives and land use allocation (Chapter 2, #11, p. 14).
- Unique, natural plant communities should be managed to prevent further "urban and industrial development through conversion to agriculture or road construction." These include coastal sage scrub, Riversidean sage scrub, south coast live oak riparian forest, southern cottonwood-willow riparian forest, southern sycamore-alder riparian forest, southern willow scrub, or Engelman oak woodland (Chapter 2; Appendix B, p. 87).
- Measures for minimizing accelerated soil erosion will continue to be made on a site-specific basis through evaluation of management actions (Chapter 2, #19, p. 15).
- Management actions will conform to visual resource management Class 3 Objectives (Chapter 2, # 7, p. 45).

3.3.3 Southern California Association of Governments

The Southern California Association of Governments (SCAG) is the designated Metropolitan Planning Organization that develops the Regional Comprehensive Plan and Guide (RCPG) for growth management. The RCPG is currently being updated, with drafts dated 2008 available for review. Sections of the RCPG that pertain to the TRTP project are the Growth Management (will be the Land Use and Housing Section) and the Open Space and Conservation (non-mandated) section (will be Open Space and Habitat Section). In addition, the SCAG develops a State of the Region report yearly to guide local policy.

3.3.4 Los Angeles County Draft General Plan

The Los Angeles County Draft General Plan (2008) is an update of efforts begun in 1970 to formalize a development plan (adopted in 1980). It is the outline for growth and development in the unincorporated areas of Los Angeles County within the next 20 years that guides land use decisions. One of the 10 community priorities described in the plan is the protection of the natural environment, natural resources, and open spaces (Community Priority # 9, Goal C/OS-5). The Significant Ecological Area (SEA) designation provides an additional level of environmental review; any development within SEAs (described below) require a SEA-Conditional Use Permit, unless exempt[4]. Currently proposed SEAs near the project alignment include Antelope Valley, Santa Clara River, San Gabriel Canyon, Puente Hills, and Rio Hondo Wildlife Sanctuary. These SEA areas replace previously described SEA areas. Other than SEAs, other Special Management Areas include open space areas, hillside management areas, agricultural opportunity areas, and National Forests. Within the National Forests, development is not encouraged because "development requires the removal of forest vegetation around structures for fire protection, erosion from hillside development may occur, and the mountainous terrain subjects structures to potential landslides due to seismic activity." In addition, the Land Use Element of the General Plan requires development and infrastructure projects to preserve, to the best extent possible, major drainage features, riparian vegetation, rock outcroppings, and stands of other native trees. Productive farmland is also protected within Los Angeles County for local food production, open space, public health, and the local economy (Goal C/OS-6). With regards to energy sources, Los Angeles County has set policies to expand the production and use of alternative energy resources while maximizing energy

[4] The CPUC has preemptive jurisdiction over construction, maintenance, and operation of public utilities in California (CPUC's General Order Number 131-D) and the Forest Service has jurisdiction for the Project within National Forest Lands. Therefore, no local discretionary permits (e.g. Conditional Use Permits or Specific Plan approval) or local plan consistency evaluation is required for the proposed Project or the Project alternatives. However, SCE would be required to obtain all ministerial building and encroachment permits from local jurisdictions (counties and incorporated cities).

conservation (Goal C/0S-9 and 10). In addition, the Los Angeles County Zoning Code references, in detail, policies described in the General Plan, such as the Oak Tree and Brushing Ordinances, described below.

Other than the Antelope Valley Areawide Area Plan, the General Plan describes three Community and Neighborhood Plans applicable to the project: the Hacienda Heights Community Plan (1978), the Rowland Heights Community Plan (1981), and the Altadena Community Plan (1986). Six additional Community General Plans are described below: City of La Cañada Flintridge General Plan (1993), City of Rosemead General Plan (2008), City of Duarte Comprehensive General Plan (2005 to 2020) Preliminary Draft (2006), The City of Pasadena Comprehensive General Plan (2004), City of Baldwin Park 2020 General Plan (2002), and the Comprehensive General Plan of the City of San Gabriel, California (2004). Several communities did not have General Plans readily available, as they are currently being developed or updated, including Temple City, El Monte, South El Monte, Chino Hills/Los Serranos, and Chino. Policies described in the General Plan are typically put into practice through City Planning Ordinances.

3.3.4.1 County of Los Angeles Oak Tree and Brushing Ordinances

The County of Los Angeles General Plan (CLAGP) directs the protection of native oaks within developed portions of Los Angeles County, especially on steeper slopes (>25%). Section 22.56 of the County Zoning Code (Part 16) requires that any native oak more than 8 inches in diameter at breast height (dbh) or 25 inches or greater in circumference not be damaged, removed, or encroached on (within 5 feet of the drip line or 15 feet from the trunk). Oak species covered by the ordinance include coast live oak (*Quercus agrifolia*), valley oak (*Quercus lobata*), California black oak (*Quercus kelloggii*), Engelmann oak (*Quercus engelmannii*), Canyon oak (*Quercus chrysolepis*), Nuttall's scrub oak (*Quercus dumosa*), and oak species of cultural significance. A county permit is required to remove oaks, and permits must be accompanied by a county oak tree report. Removed oak trees must be replaced at a ratio of 2:1 (using 15-gallon oaks of the same species, or greater, as determined by the hearing officer), maintained for 2 years, and replaced if mortality occurs (Section 22.56.2180). When replacement or relocation of the proposed Project site is inappropriate, the applicant may request to mitigate for tree removal by payment into the oak forests special fund to plant new oak trees on public lands, maintain existing oak trees on public lands, purchase prime oak woodlands, and purchase oaks of significant cultural value. Oak trees must be protected during development projects with the installation of chain link fence (4-foot height) around the protection zone of trees prior to project initiation. Projects involving grading within the protected zone of a native oak must be supervised by an individual with special expertise with oak tree management and reporting within Los Angeles County. Excavation within the protected zone must be limited to hand tools or small hand-power equipment. Utility trenching should avoid encroaching into the protected zone.

The County Zoning Code Section 12.28 Brushing Ordinance requires a permit for the removal or destruction of natural vegetation on terrain with 8% slope or greater. The County of Los Angeles may issue permits for vegetation removal in these areas, and requests must include a description of the property; details of proposed management practices and equipment used to prevent erosion; and a map displaying topography, drainages, and the proposed Project area. Conditions may be outlined for the permit, including seasonal limitations in vegetation removal, requirements for erosion control devices, and restoration of native vegetation in impacted areas.

3.3.4.2 County of Los Angeles Significant Ecological Areas

Significant Ecological Areas are specified by the CLAGP as "ecologically important land and water systems that are valuable as plant or animal communities, often important to the preservation of threatened and

endangered species, and conservation of biological diversity within the County." There are a total of 31 existing and proposed SEAs within Los Angeles County and a total of 6 SEAs that overlap the project area: Joshua Tree Woodlands, San Andreas Rift Zone, Santa Clara River, San Gabriel Canyon, Rio Hondo Wildlife Sanctuary, and Puente Hills SEA.

Project guidelines for the Joshua Tree Woodland SEA include the retention of Joshua Tree Woodland with adequate buffers to allow for the long-term viability and integrity of this rare plant community. Guidelines for the Puente Hills SEA require the retention of Southern Coast Live Oak Riparian Forest, California Walnut Woodland, Southern Willow Scrub, Coastal Sage Scrub, and Freshwater Marsh with adequate buffers to allow for the long-term viability and integrity of these rare plant communities. Other guidelines for the Puente Hills SEA include the retention of connectivity between major canyons, ranges (Puente and Chino Hills), and habitat patches that are fragmented by roads, freeways, and other barriers. In addition, any loss of small and/or isolated habitat patches within the SEA must be mitigated through on-site restoration and revegetation efforts, in order to "prevent a cumulative net loss in the functions and values of these habitats within any one of the Puente Hills SEA habitat units" (CLAGP 2007).

The San Gabriel Canyon SEA requires protection of habitat for core populations of San Gabriel bedstraw and San Gabriel Mountains dudleya. Additionally, guidelines for this SEA require the retention of Southern Coast Live Oak Riparian Forest, Coast Live Oak Woodland, California Walnut Woodland, Southern Willow Scrub, Coastal Sage Scrub, and Riversidean Alluvial Fan Sage Scrub with adequate buffers to allow for the long-term viability and integrity of these rare plant communities. The Santa Clara River SEA requires the limitation of development outside existing floodplain margins; retention of connectivity of the Santa Clara River and its major tributaries; maintenance of habitat with adequate buffers for the unarmored three-spined stickleback, California red-legged frog, and slender-horned spineflower; and retention of Southern Coast Live Oak Riparian Forest, Bunchgrass Grassland, Bigcone Douglas Fir-Canyon Oak Forest, Southern Willow Scrub, Southern Sycamore Alder Riparian Woodland, Southern Cottonwood Willow Riparian Forest, Freshwater Marsh, Riversidean Alluvial Fan Sage Scrub, and Vernal Pools with adequate buffers to allow for the long-term viability and integrity of these rare plant communities.

3.3.5 Hacienda Heights Community Plan

The Hacienda Heights Community General Plan (1978) is currently being updated to reflect changes in demographics and emerging needs in Hacienda Heights. Hacienda Heights is a residential community lying along the north slope of the Puente Hills. Policies described in the General Plan are typically put into practice through City Planning Ordinances. The major land use policies related to the project include those under Policy 3: Permit interim use of a portion of the landfill area, subject to conditions of access or protection (these are covered, at least in part, in the Puente Hills Landfill Management Plan, described above). This plan mentions the Sycamore and Turnbull Canyon Area SEAs, described in the old Los Angeles County General Plan and incorporated into the newly proposed Puente Hills SEA. Policies pertaining to the preservation of natural resources related to the project include the following:

- 3) In non-urban areas, preserve drainage courses in their natural state to the greatest extent possible.
- 4a and 4b) To preserve the SEA, will not allow the substantial deterioration of resources such as vegetation and wildlife, watershed, areas required for ecologic and/or scientific study purposes, and streams and will not significantly increase the risk of wildland fire.
- 5) Uses of land within the SEA are permitted, including utility easements.

3.3.6 Rowland Heights Community Plan

The Rowland Heights Community Plan (1981), while an element of the Los Angeles County General Plan, delineates more clearly, and in greater detail than is possible in the Countywide General Plan, policies and standards for development in Rowland Heights, located directly east of Hacienda Heights (described above). One of the key issues identified in the development of the plan is the preservation of the rural atmosphere of the community through the maintenance of the natural hillsides. Two of the main goals are to maintain the rural atmosphere of the community through the preservation of natural hillsides and vegetation and to preserve major ridgelines and riparian corridors. Over 4,000 acres of hillside land was vacant in 1981, some of which is operated by Shell Oil Company, and the other portion is included within the newly proposed Puente Hills SEA. Additional policies applicable to the project include the following:

- 1) Preserve conservation and open space areas (utility easements are allowed)
- 5) Protect visual qualities of scenic areas including ridgelines and views from public roads and trails, particularly in the Brea Canyon Cut-off area
- 6) Require approval prior to disturbing any major stands of vegetation. Policies described in the General Plan are typically put into practice through City Planning Ordinances
- 7h) Preserve significant views from major existing residential areas and protect the visual quality of highly scenic areas
- 9) Obtain Regional Planning Commission approval of an environmental assessment before disturbing any major stands of vegetation; conservation and open space policies

3.3.7 Altadena Community Plan

The Altadena Community Plan (1986) is a replacement of the 1969 Community Plan. Altadena is located north of Pasadena adjacent to the ANF in the northwest portion of the San Gabriel Valley. The ANF represents slightly more than 8% of the area, vacant lands represent 10% of the area, and utilities comprise 3% of the area (the SCE 220 kV transmission right-of-way corridor in the San Gabriel Mountain foothills and existing transformer stations). The primary issue raised by this general plan (as most areas that are a part of the plan area that could be developed were already developed) is that existing overhead electrical and telephone lines conflict with the unique visual quality and backdrop of the San Gabriel Mountains. As such, one of the primary infrastructure goals is to encourage the installation of underground utilities and coordinate all County departments and private utilities. The other main, applicable issue described in the Community Plan is the proximity to the ANF and foothill areas that are dominated by thick vegetation and present a threat of frequent fire. Policies employed to limit fire dangers in the area include maintaining the current levels of fire protection, maintaining brush clearance standards, and to continue to develop recommendations for fire safety. Policies described in the General Plan are typically put into practice through City Planning Ordinances.

3.3.8 City of La Cañada Flintridge General Plan

The City of La Cañada Flintridge General Plan was adopted 15 November 1993 to develop policies to retain the community's natural and semi-rural nature. La Cañada Flintridge is located directly south of the ANF, north of Pasadena. Policies described in the General Plan are typically put into practice through City Planning Ordinances. There are roughly 800 acres of ANF land within City boundaries. Several goals of the plan apply to the proposed Project alignment:

- Goal 3A: Preserve and enhance, to the maximum extent possible, the natural and manmade scenic beauty of the community.
- Policy 3.2: Conduct appropriate environmental reviews for all projects affecting land use.

- Goal 4: Maintain hillside areas for the purpose of preserving the visual quality of the City, protecting the public from safety hazards, and conserving natural resources.
- Policy 4.7: In areas of hillside development, preserve ridgelines, natural slopes, and bluffs as open space, minimize erosion, and complement natural landforms through sensitive grading techniques.
- Conservation Policy 4.2: Major hillside viewscapes visible from points within the City should not be detrimentally altered by the intrusion of highly visible cut or fill slopes, building lines, and/or road surfaces.
- Vegetation Policy 4.14: The City may consider the adoption of a heritage tree ordinance for the purpose of identifying and preserving significant trees. (Note: the City Tree Ordinance protects native oaks, and deodar cedar, Chinese elm, and California pepper tree with trunks 12 inches or more in diameter, measured at 4 feet from the ground surface. A permit is required for their removal.).

3.3.9 City of Rosemead Draft General Plan

The City of Rosemead General Plan (2008) is designed to guide the City through the year 2025 by establishing goals and policies that address land use, circulation, economic development, safety, and open space. The City of Rosemead is located west of the City of El Monte in the San Gabriel Valley approximately 11 miles east of downtown Los Angeles. Several goals/policies in the General Plan are relevant to the proposed Project, including goals to provide high-quality parks, recreation, and open space facilities. Zoning ordinances are not relevant to the proposed Project, except for the Oak Ordinance, described above.

3.3.10 City of Duarte Comprehensive General Plan (2005 to 2020) Preliminary Draft

The Duarte Preliminary General Plan (2006) was last updated in 1989 and will help direct decision making and policy implementation until 2020. The City of Duarte is located near the southern terminus of Segment 6. The City is divided into 3 main areas: the mountainous region of the San Gabriel Mountains within the ANF, the foothills of the San Gabriel Mountains, and the alluvial slopes of the mountains (where urban development is concentrated). Policies described in the General Plan are typically put into practice through City Planning Ordinances. Several policies included in the Preliminary General Plan apply to the proposed Project alignment:

- Conservation Objective 1: Preserve Duarte's natural hillsides which provide significant wildlife habitat, open space, aesthetic, and a visual backdrop to the community.
- Conservation Objective 5.1: Promote the preservation of open space by discouraging development that is not sensitive to this resource.
- Conservation Objective 6.1: Assure that development maintains the character of open space natural resources.

3.3.11 City of Pasadena Comprehensive General Plan

The City of Pasadena Comprehensive General Plan (2004) was last updated in 1994 to translate broad community values into specific strategies for growth. The Draft Green Space and Conservation Element was prepared in July 2007. Pasadena is located south of the ANF, southeast of Altadena. In addition to the General Plan, 7 Specific Plans were developed to outline development strategies for key areas within urban environment. Policies described in the General Plan are typically put into practice through City Planning Ordinances. Several policies outlined in the General Plan are applicable to the proposed Project:

- Objective 19: Protect and enhance areas of the City containing important biological resources; protect and minimize disturbance of any important paleontological and/or archaeological resources that might remain in the City.
- Policy 19.1: All project proponents proposing to develop within undeveloped areas shall conduct surveys according to applicable protocols in consultation with the appropriate trustee agencies (including, but not limited

to, the USFWS and CDFG) to determine if special-status species (including, but not limited to California gnatcatcher and least Bell's vireo) or potential habitat for special-status species (including, but not limited to, coastal sage scrub and Riversidean alluvial fan sage scrub) are present or are potentially present. If the surveys and/or consultation indicate that such species or habitat are present or potentially present, appropriate mitigation measures shall be required as conditions of project approval to minimize and/or offset the project's potential effects on those species and/or habitat.

- Policy 19.2: All project proponents proposing to develop within areas containing wetlands, riparian habitat, and/or jurisdictional waters of the U.S. or the State of California shall conduct surveys in consultation with appropriate trustee agencies (including, but not limited to, the USACE, USFWS, CDFG, Los Angeles RWQCB). If the surveys and/or consultation indicate that wetlands, riparian habitat, and/or jurisdictional waters are present or potentially present, appropriate measures shall be required as conditions of project approval to minimize and/or offset the project's potential effects on those resources.
- Green Space Objective 1: Encourage and promote the stewardship of Pasadena's natural environment, including water conservation, clean air, natural open space protection, and recycling.
- Green Space Policy 1.3: Restore, enhance, and re-establish the historical native plant communities within identified critical open space areas to better support native wildlife habitat.
- Green Space Policy 1.5: Restore, protect, and enhance wildlife habitat within critical open space areas and any wildlife corridors and/or linkages.
- Green Space Objective 2: Recognize the importance to Pasadena of the history, cultural resources, and unique character of the Arroyo Seco (on the west side of Pasadena), and conserve and enhance these assets (further described in the Arroyo Seco Master Plans (2005).

3.3.12 City of Baldwin Park 2020 General Plan

The City of Baldwin Park 2020 General Plan (2002) was designed to develop a long-range plan which capitalizes on the community's physical, economic, and human resources for dealing with planning issues. Baldwin Park is located south of Duarte, south and east of the San Gabriel River. Several policies outlined within the General Plan are also covered under the City of Baldwin Park Zoning Ordinance. Although an approximately 3,000 feet length of the San Gabriel River runs through the Baldwin Park planning area, no open space/conservation measures are addressed in the General Plan and no Zoning Ordinance pertaining to the proposed Project exist.

3.3.13 Comprehensive General Plan of the City of San Gabriel, California

The Comprehensive General Plan of the City of San Gabriel, California (2004) is updated from the 1990 General Plan to develop methods to maintain a high quality of life. San Gabriel is located south of the City of San Marino and west of Temple City and Rosemead. The policies described in the General Plan are enforced through the Municipal Zoning Code. Policies in the General Plan applicable to the proposed Project include the following:

- Target 1.13.2: Fund and develop at least 2 major open space projects in conjunction with the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy.
- Action 7.1.1.2: Acquire small sites such as the Edison easements, cul-de-sacs, and street corners that can be assembled for future development of community gardens, neighborhood parks, skate parks, and recreational facilities.
- Target 8.5.3: Work with the San Gabriel Mountains and River Conservancy, and other interested agencies, to restore the San Gabriel River to a more environmentally healthy state.

3.3.14 Puente Hills Landfill Native Habitat Preservation Authority Resource Management Plan

The purpose of the Puente Hills Native Habitat Preservation Authority (Habitat Authority) is to acquire, restore, and maintain native habitat in the Puente Hills. The preserve consists of 3,860 acres west of Harbor Boulevard to Interstate 605 and State Route 60. This RMP provides a comprehensive, long-term management plan for the preserve with an adaptive management strategy. It identifies the main threats to the area as including habitat fragmentation, invasive plant species infestation, the "urban edge" effect (including light and noise pollution, exotic pests, feral pets, exotic plants, diseases, fire, and pollution), public use, and erosion. The RMP includes 7 goals pertaining to biological resources:

- Goal Bio-1: Acquire remaining open space that strengthens the ecological functioning of the preserve
- Goal Bio-2: Address risk of wildfires along the wildland urban interface
- Goal Bio-3. Maintain all populations of native plants and wildlife with special emphasis on management of locally uncommon, sensitive, federally-threatened, or endangered species and other sensitive resources (including protections for coastal sage scrub habitat for California gnatcatcher and other scrub species, protections for western spadefoot toad, protections for special-status plant species, protections for special-status raptor species, protections for Indicator Species in Los Angeles County, protections for native vegetation communities (particularly walnut woodland, oak woodland, coastal sage scrub, riparian communities, and native grassland), and the minimization of edge effects by the inclusion of an appropriate buffer in development
- Goal Bio-4. Enhance and restore degraded habitats in the preserve by increasing native vegetation, monitoring the spread or invasion of exotic species, and developing a long-term invasive, exotic plant management plan
- Goal Bio-5. Implement monitoring programs designed to identify ecosystem threats and guide adaptive management of the preserve by tracking the health, function, and integrity of habitats and ecological processes
- Goal Bio-6. Encourage university-level research to address unanswered, fundamental biological questions
- Goal Bio-7. Develop an in-house data storage and analysis system

3.3.15 Rio Hondo Watershed Management Plan

The purpose of the Rio Hondo Watershed Management Plan (2004) is to provide an organizing framework to improve water quality, health, habitat, and recreation potential of the Rio Hondo Watershed. Polluted run-off to the watershed has increased as impervious surfaces have reduced water percolation, and storm water run-off has adversely affected water quality. Two lower reaches of The Rio Hondo are designated as impaired water bodies. Six goals have been identified to create a healthy watershed with the idea that priority projects would address multiple goals simultaneously:

- Improve in-stream water quality to meet or exceed RQQCB standards and NPDES requirements by implementing a wide array of Stormwater Best Management Practices (BMPs)
- Create, enhance, and protect open space
- Improve habitat quality, quantity, and connectivity and combine existing habitat with the creation of new habitat to strengthen habitat migration corridors
- Improve recreational opportunities and use interpretative opportunities to enhance watershed awareness and identity
- Ensure that public health and safety are integrated into all aspects of watershed enhancement
- Maintain current, minimum flood protection levels and develop new flood protection strategies to meet the multiple goals required for watershed improvement

3.3.16 County of San Bernardino 2007 General Plan

The County of San Bernardino 2007 General Plan was adopted 13 March 2007. The previous General Plan was adopted in 1989. Policies stated in the General Plan are stated for all regions, or for the Valley, Mountain, or Desert Planning Region. The proposed Project alignment falls within the Valley Planning Region only. Goals relevant to the project include the following:

- Goal Lu 7. The distribution of land uses will be consistent with the maintenance of environmental quality, conservation of natural resources, and the preservation of open spaces.
- Goal CI 13. The County will minimize impacts to stormwater quality and enhances environmental quality.
- Goal CI 18. The County will ensure efficient and cost effective utilities that serve the existing and future needs of people I the unincorporated areas are provided.
- Goal CO 1. The County will maintain to the greatest extent possible natural resources that contribute to the quality of life within the county.
- Goal CO 2. The County will maintain and enhance biological diversity and healthy ecosystems throughout the county.
- Goal CO 7. The County will minimize land use conflict between open spaces and surrounding land uses.

3.3.17 Antelope Valley Areawide General Plan

The Antelope Valley Areawide General Plan (1986) is one of 3 Area Plans adopted by the Los Angeles County General Plan and was last amended 27 July 1999. Those portions of the plan that pertain to the project include the following:

- Designate significant plant and wildlife habitats in the Antelope Valley as "Significant Ecological Areas" (SEAs) and establish appropriate measures for their protection, including funding for acquisition and maintenance to promote and preserve biotic diversity (V-1, V-15)
- Minimize environmental degradation by enforcing controls on sources of pollution (including visual pollution) and noise (V-1)
- Preserve the Antelope Valley's SEAs in as viable and natural condition as possible, considering the addition of unique and rare habitat areas (V-16)
- Where a proposed discretionary application includes major riparian areas, assess the impact of the project on biotic resources and encourage project design which is sensitive to, and compatible with, the biotic resources present (V-16)
- Restrict use of off-road vehicles to public lands already disrupted by such uses or to lands exhibiting low environmental sensitivity
- Encourage uniform standards to grading practices on steep terrain

3.3.18 Lancaster General Plan

The City of Lancaster General Plan (City of Lancaster, 1997) includes a policy and specific measures to reduce adverse impacts on biological resources and protect special-status species. This policy is relevant to the Desert Wash and the Joshua Tree Woodland habitats within the proposed Project. The policy and specific actions included in the City of Lancaster General Plan relevant to the proposed Project are as follows:

- 3.4.1: Provide for the development of comprehensive management programs for significant biological resource areas remaining in the area. Specific actions under this policy provide for cooperating with federal, state, and local agencies in developing the West Mojave multi-species habitat conservation plan and initiating area wide studies under this plan to identify sensitive plants and animals within the study area.
- 3.4.2: Provide for the general protection of areas designated as Prime Desert Woodland.

- 3.4.3: Preserve significant desert wash areas to protect sensitive species that utilize these habitat areas. As part of specific environmental review, evaluate natural desert wash habitats that could be impacted by development to determine their potential to support special-status plant and wildlife species. Areas of desert wash habitat considered highly important for special-status species or that is occupied by these species shall be protected.

3.3.19 Palmdale Municipal Code

Joshua trees and juniper trees receive protection from the Palmdale Native Desert Vegetation Ordinance. Chapter 14.04 of the City of Palmdale Municipal Code (2007) requires a desert vegetation preservation plan with minimum preservation standards for removal of vegetation at sites with Joshua trees and other species included in the California Desert Native Plants Act, California Food and Agriculture Code, Division 23. However, utilities are exempt from the following provisions for actions taken to protect existing electrical power or communication lines or other property. This act requires permits from both Los Angeles and Kern counties for the removal of Joshua trees and other native vegetation. If on-site preservation is not feasible, in lieu, fees may fulfill this requirement. Conditions and measures anticipated to be included in the permit include, but are not limited to the following:

- A desert vegetation preservation plan prepared by a qualified biologist consisting of a written report and site plan depicting the location of each Joshua tree and, if determined necessary by the City of Palmdale, a long-term maintenance program for any Joshua trees left on site.
- Criteria for preservation of desert vegetation, the minimum standard for preservation being two Joshua trees per acre or as determined by the qualified biologist in accordance with the City of Palmdale. Joshua trees to be left on site shall be fenced off and left undisturbed during any grading activities or removed to a holding area until grading activities are completed. If two Joshua trees per acre cannot be preserved on site, the trees shall be transplanted to an off-site location by District No. 20 as approved by the City of Palmdale. Joshua trees may be transplanted to compensatory lands discussed in Measure 12-18. In lieu of transplantation of Joshua trees from areas to be developed, District No. 20 may satisfy the requirements of the City Code through payment of a fee to the City. At the City's discretion, compensatory mitigation for Joshua tree woodland included in Measure 12-18 may satisfy Measure12-16 if the City determines that these lands support adequate numbers of Joshua trees (Sanitation Districts of Los Angeles County 2005).
- Joshua trees preserved on site, in landscape easements, or landscape assessment districts are to be maintained in a healthy condition for a minimum of two growing seasons. The trees will be evaluated after one year by a qualified biologist. Trees determined to be failing or that have died will be replaced as determined by the City.