

# **Draft Compatibility Determination**

## **Title**

Draft Compatibility Determination for Right-of-Way Permits for San Diego Gas and Electric Company's Circuit 75 and Tie Line 627, San Diego National Wildlife Refuge

## **Refuge Use Category**

Rights-of-way and Rights to Access

## **Refuge Use Type(s)**

Right-of-way (Utility)

## **Refuge**

San Diego National Wildlife Refuge

## **Refuge Purpose(s) and Establishing and Acquisition Authority(ies)**

The San Diego National Wildlife Refuge (NWR or Refuge) was established in 1996 under the authorities of the Fish and Wildlife Act of 1956, as amended (16 U.S. C. 742(a)-754); Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1544, 87 Stat. 884); and Refuge Recreation Act of 1962, as amended (16 U.S.C. 460k-460k-4). Establishment occurred on April 10, 1996, when approximately 1,826 acres of land (referred to at the time as Rancho San Diego) were conveyed to the United States Fish and Wildlife Service (Service) for management as a refuge.

The purposes, establishing, and acquisition authorities for the San Diego NWR included:

*"... to conserve (A) fish or wildlife which are listed as endangered species or threatened species ... or (B) plants. ..." 16 U.S.C. § 1531-1544 (Endangered Species Act of 1973, as amended);*

*"... for the development, advancement, management, conservation, and protection of fish and wildlife resources ... for the benefit of the United States Fish and Wildlife Service, in performing its activities and services..." 16 U.S.C. 742a-742j (Fish and Wildlife Act of 1956, as amended);*

*"...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds..." 16 U.S.C. 715-715d (Migratory Bird Conservation Act, as amended);*

*“ . . . (1) incidental fish and wildlife-oriented recreational development, (2) the protection of natural resources, (3) the conservation of endangered species and threatened species . . . ”* 16 U.S.C. § 460k-460k-4 (Refuge Recreation Act of 1962).

In accordance with the 1997 *Land Protection Plan*, “The purpose of the San Diego NWR is to protect, manage, and restore habitats for federally listed endangered and threatened species and migratory birds and to maintain and enhance the biological diversity of native plants and animals” (Service 1997).

## **National Wildlife Refuge System Mission**

The mission of the National Wildlife Refuge System (Refuge System) is to administer a national network of lands and waters for the conservation, management, and, where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans (Pub. L. 105-57; 111 Stat. 1252).

## **Description of Use**

Is this an existing use?

No.

What is the use?

The U.S. Fish and Wildlife Service (Service) proposes to issue right-of-way permits to San Diego Gas and Electric (SDG&E) for the right to use and possibly alter the landscape through construction, maintenance, and operation of electrical power lines and associated infrastructure on the San Diego NWR for Circuit 75 and Tie Line (TL) 627.

### **Circuit 75**

SDG&E currently holds easements for public utilities and incidental purposes on parcels within the San Diego NWR (Assessor’s Parcel Number 506-021-30, Tract 10a) that predate Refuge ownership. The easements were recorded in 1959 and 1986, and the Refuge acquired the parcel in 1996 subject to the easements.

SDG&E has requested to remove an existing pole and install a new distribution pole and anchors, while using existing unpaved roads to string the associated overhead alignment within the San Diego NWR. This would cut over the transformer on Z30346 to Circuit 91, as the current feed of overhead conductor for Circuit 75 in this area is being under-grounded, and without the installation of this new pole would leave this transformer without energization. It is important for the transformer to remain active to serve the water tower on the hill.

## **TL 627**

SDG&E currently holds easements for public utilities and incidental purposes on parcels within the San Diego NWR (Assessor's Parcel Number 506-140-16, Tract F) that predates Refuge ownership. The easements were recorded in 1912, and the Refuge acquired the parcel in 1996 subject to the easements.

SDG&E has requested to construct three maintenance pads, remove three existing poles, install three new poles (Pole Location 38/Z971738, Pole Location 39/Z971737, and Pole Location 41/Z971735), reconductor the power lines along the proposed project alignment, conduct stormwater improvements consisting of temporary best management practices, and install a retaining wall at one pole location. Existing adjacent access roads to the pole locations would be utilized. The proposed maintenance pads would allow safe and timely maintenance of the new electric utility poles in emergency situations and/or severe weather to decrease power outages in the community.

## **Circuit 75 and TL 627**

As a part of demolition of portions of the old powerlines and installation of the new powerlines, existing powerline poles would be removed by way of a combination of helicopter for Circuit 75, as well as ground-based vehicles and foot crews for Circuit 75 and TL 627. Extraction of materials would be carried out through existing access routes. The work proposed for Circuit 75 and TL 627 would assist in hardening SDG&E's infrastructure to wildfire and creating better resiliency of the electrical system.

Is the use a priority public use?

No

Where would the use be conducted?

## **Circuit 75**

The replacement of the pole, powerline, and associated infrastructure would take place within Tract 10a, located on the San Diego NWR, east of the Sweetwater River and north of State Route 94. Circuit 75 would be located less than half a mile south of the intersection of State Route 94 and State Route 54/Jamacha Road in unincorporated San Diego County, California (**Figure 1**).

The right-of-way permit would be for an approximately 15 by 15-foot work area. When including existing access roads, the area of potential effect (APE) is 0.607 acres. The proposed project is located within coastal sage scrub and disturbed habitat and could permanently impact approximately two square feet of coastal sage scrub habitat, which SDG&E would mitigate at a 2:1 ratio. There is critical habitat for

Hermes copper butterfly (*Lycaena hermes*) and coastal California gnatcatcher (*Polioptila californica californica*) within the proposed project footprint, as well as potentially suitable habitat for least Bell's vireo (*Vireo bellii pusillus*), Quino checkerspot butterfly (*Euphydryas editha quino*), and western spadefoot (*Spea hammondi*) (SDG&E 2024a). As the proposed project area is located within the Low Effect Habitat Conservation Plan (HCP) area and contains potentially suitable habitat for Quino checkerspot butterfly, although the species and host plant were not observed, two square meters of permanent impacts to this species habitat would be mitigated at a 2:1 ratio, withdrawn from SDG&E's Quino checkerspot butterfly mitigation bank (SDG&E 2007). While Hermes copper butterfly's host plant, spiny redberry (*Rhamnus crocea*), was observed by the Refuge Manager immediately adjacent to the proposed project footprint, prior species surveys did not detect any occurrences of the species. Akin to Hermes copper butterfly, prior species surveys did not produce detections for least bell's vireo or western spadefoot toad. However, coastal California gnatcatchers were documented calling during field surveys of the proposed project area. Species-specific protocols for coastal California gnatcatcher, least bell's vireo, Hermes copper butterfly, and western spadefoot would be followed per SDG&E's 2023 *Habitat Conservation Plan Amendment*.

#### **TL 627**

The replacement of the poles, powerlines, and associated infrastructure would take place within Tract F, located on the San Diego NWR. TL 627 is directly southwest of the intersection of Campo Road and Jamacha Boulevard in unincorporated San Diego County, California (**Figure 2**). SDG&E crews would need to access the proposed project areas using both sides of Jamacha Boulevard. During construction, there could be traffic due to crews entering and exiting the San Diego NWR through Jamacha Boulevard and potentially Campo Road. However, traffic control crews would be in place to support traffic flow in a safe manner.

The right-of-way permit would be for approximately 0.445 acres for TL 627. When including existing access roads, the area would be approximately 1.35 acres within the APE, and is located within coastal sage scrub and disturbed habitat. Hermes copper butterfly has suitable habitat within the proposed Project area and spiny redberry was observed by the Refuge Manager within the habitat of the proposed Project; however, 2023 survey results were negative for the species. Coastal California gnatcatcher and least Bell's vireo are likely to occur within the proposed project area and the proposed project could permanently impact approximately 8,088 square feet and temporarily impact approximately 6,736 square feet of coastal sage scrub habitat (SDG&E 2024b). SDG&E would mitigate at a 2:1 ratio for permanent impacts (2:1 for impacts within Preserve land per SDG&E's *Habitat Conservation Plan Amendment* and restore or enhance temporary impacts to coastal sage scrub habitat under the *Restoration and Enhancement Program* (SDG&E 2023). The Project would utilize SDG&E's *Subregional*

*Natural Community Conservation Plan, Short-Term Amendment to the Natural Community Conservation Plan, and Habitat Conservation Plan Amendment* to mitigate for habitat impacts associated with the Project (SDG&E 1995, 2022, and 2023). Additionally, species specific protocols will be followed for coastal California gnatcatcher, least bell's vireo, hermes copper butterfly, and western spadefoot toad as per SDGE's 2023 *Habitat Conservation Plan Amendment*.

### When would the use be conducted?

The utilities within the right-of-way permits area would be in service year-round, once completed, for both Circuit 75 and TL 627.

#### **Circuit 75**

Construction of Circuit 75 is anticipated to be approximately 12 hours per day over approximately seven days (SDG&E 2024a). The one-time removal and replacement of the pole and infrastructure and the periodic maintenance of the distribution line would occur outside of the breeding season for coastal California gnatcatcher (which is from February 15 to August 30), the breeding season for least Bell's vireo (which is generally from April 10 to July 31), as well as the flight seasons for Hermes copper butterfly (June) and the Quino checkerspot butterfly (late January to late March). No work would be conducted within those timeframes unless work is approved by the Refuge Manager after biological clearance surveys are conducted to ensure no nesting birds or adult listed butterflies would be harmed. SDG&E would also follow the *Habitat Conservation Plan Amendment* for western spadefoot (SDG&E 2023). Ongoing maintenance after the initial installation, involving reduction of shrubland and associated vegetation around existing poles, would be required to be performed outside of the sensitive species period as described above to minimize disturbance to potentially inhabiting species, unless otherwise approved by the refuge manager. The Refuge would incorporate these conditions in the Special Use Permit issued to SDG&E.

#### **TL 627**

Construction of TL 627 is anticipated to be approximately 12 hours per day over approximately four to six months (SDG&E 2024c and 2024d). The one-time construction of the three maintenance pads, installation of the new poles, reconductoring the power lines along the proposed project alignment, stormwater improvements, and building a retaining wall would occur outside of the breeding season for coastal California gnatcatcher (February 15 to August 30) and the breeding season for least Bell's vireo (which is generally from April 10 to July 31). No work would be conducted within those timeframes unless work is approved by the Refuge Manager after biological clearance surveys are conducted to ensure no nesting birds would be harmed. Ongoing maintenance after the initial installation, involving reduction of shrubland and associated vegetation around existing poles, would be

required to be performed outside of the sensitive species period as described above to minimize disturbance to potentially inhabiting species, unless otherwise approved by the refuge manager. The Refuge would incorporate these conditions in the Special Use Permit issued to SDG&E.

### How would the use be conducted?

A Special Use Permit would be needed for both Circuit 75 and TL 627. As noted above, SDG&E proposes for the work to be conducted via ground-based vehicles and foot crews through existing access roads and footpaths for both Circuit 75 and TL 627, as well as via helicopter for Circuit 75. Vegetation, including approximately two feet along proposed footpaths, would be trimmed with the use of small chainsaws, rakes, and other small hand equipment. Future maintenance would include vegetation trimming around poles by hand crews. The trimmed vegetation would be removed and disposed of at an approved facility. Overhead work would be conducted via vehicles on the access road or by climbing crews. Equipment needed for installation could include shovels, digging bars, and occasionally a compressor/jackhammer, should rock be encountered. The diggers would walk to each site using the existing dirt access roads and proposed footpaths.

For Circuit 75, the location of the Incidental Landing Area (ILA) has not been determined and would likely occur off the Refuge. Should the ILA be proposed on the Refuge, it would be at the discretion of the Refuge Manager to approve prior to construction commencing. Ground access to the proposed project work area would be via existing dirt access road and proposed footpaths. No helicopters are proposed for TL 627, as the crews would use the maintenance pads.

### **Circuit 75**

SDG&E proposes to use heavy equipment to remove one existing pole, as well as install one new pole via direct burial, within a 15-foot by 15-foot work area, approximately two feet from the old pole. The excavation to install the pole would be approximately 36 inches in diameter and 10 feet in depth. The two anchors would be installed southeast and northeast of the new pole and the excavations for each anchor would be 30 inches by 30 inches with a five-foot-deep and four-inch-wide trench leading to the pole and would be backfilled using native soil following installation of the anchor plate. A 10-foot by 10-foot work area would be utilized at each anchor site to facilitate the installation. The overhead alignment would consist of two spans of approximately 343 feet and 448 feet by 15 feet wide. The existing service roads to the east and southwest of the new pole location would be used as stringing sites. The APE for Circuit 75 is shown in **Figure 5**, which includes existing access roads. The total right-of-way permit would be for approximately a 15 by 15-foot work area for the Circuit 75 portion of the proposed project.



## TL 627

SDG&E proposes to use heavy equipment to construct three maintenance pads, remove three existing poles, install three new poles (Pole Location 38/Z971738, Pole Location 39/Z971737, and Pole Location 41/Z971735), reconductor the power lines along the proposed project alignment, include stormwater improvements consisting of temporary best management practices, and install a retaining wall at one pole location. Existing adjacent access roads to the pole locations would be utilized.

- **Pole 38:** Construction of Pole 38 would include temporary anchors (consisting of four anchor plates up to two feet wide and up to eight feet deep) for the shoo-fly, which is a temporary structure consisting of a wood pole (up to 18 inches wide and 9.5 feet deep) with guys to hold it down, in order to hold up the wires and keep the line energized during construction, once the old pole is removed. Once grading of the maintenance pad is complete, a new Pole 38 would be installed, and the temporary structure would be removed. Pole 38 would be installed via micropile, with a 20-foot radius work area for the pole installation. The excavation to install Pole 38 would be approximately 25 feet deep, with a 5.1-foot diameter. There would be a retaining wall approximately 120 feet long and 12 feet deep and an existing access road would be utilized as a stringing site. Temporary impacts would be approximately 0.040 acres, permanent impacts would be approximately 0.069 acres, for a total of 0.109 acres for Pole 38.
- **Pole 39:** Pole 39 would be installed via direct bury (and the old pole would be removed), with a 10-foot radius work area for the pole installation and would not include a shoo-fly (i.e. temporary anchors and poles). The excavation to install Pole 39 would be approximately 16.5 feet deep, with a 2.3-foot diameter. Temporary impacts would be approximately 0.054 acres, permanent impacts would be approximately 0.101 acres, for a total of 0.155 acres for Pole 39.
- **Pole 41:** Construction of Pole 41 would include temporary anchors (consisting of four anchor plates up to two feet wide and up to eight feet deep) with guys to hold it down, similar to Pole 38, except the temporary pole would be up to 19 inches wide and 10 feet deep. Once grading of the maintenance pad is complete, a new Pole 41 would be installed, and the temporary structure would be removed. Pole 41 would be installed via micropile, with a 20-foot radius work area for the pole installation. The excavation to install Pole 41 would be approximately 25 feet deep, with a 5.6-foot diameter. Temporary impacts would be approximately 0.067 acres, permanent impacts would be approximately 0.114 acres, for a total of 0.181 acres for Pole 41.
- The sites for Pole 39 and Pole 41 would be sloped off with native soil from other cuts within the right-of-way permit area and extra clean fill would be used, if necessary. Stormwater improvements would be the installation of temporary best management practices across approximately 0.3 miles within the right-of-

way permit area. The power line would be reconductored along the Project alignment, with the overhead alignment, consisting of one span of approximately 857 feet by 20 feet wide. The APE for TL 627 is shown in **Figure 6**, which includes existing access roads, and the total right-of-way permit would be for approximately 0.445 acres for the TL 627 portion of the proposed project.

### Why is this use being proposed or reevaluated?

The use is proposed for unique 50-year right-of-way permits for Circuit 75 and TL 627, respectively, for the construction, maintenance, and operation of electrical power lines and associated infrastructure. This use would allow SDG&E to create better resiliency of electricity delivery to commercial and residential customers, including to the Service's SoCal Fire Zone's Fire Station 36 and offices on the San Diego NWR, if one portion of the circuitry needs to be de-energized.

The use of covered wire conductors would reduce the risk of the wires starting a wildfire on San Diego NWR land, and according to the existing SDG&E HCP, changing the poles from wood to metal increases resiliency of the distribution poles and circuitry in the event of wildfire. Impacts would be offset by SDG&E through the *Habitat Conservation Plan Amendment* (SDG&E 2023).

Issuing a right-of-way permit to SDG&E for the right to use and possibly alter the landscape through construction, maintenance, and operation of power lines for Circuit 75 and TL 627 would allow construction of a more resilient and easily maintained powerline on the San Diego NWR for existing and future customers adjacent to the refuge.

## Availability of Resources

The San Diego NWR and the Service have sufficient staff and funding resources to cover the minor administrative cost to process the utility right-of-way permits for Circuit 75 and TL 627, as well as to monitor in the long-term. Maintenance of the powerlines and associated infrastructure would be the responsibility of SDG&E, not the Refuge.

## Anticipated Impacts of the Use

### Potential impacts of a proposed use on the refuge's purpose(s) and the Refuge System mission

The short-term nature of the work, the location, the size of the area to be disturbed, and the timing of the work is likely to result in negligible impacts to listed species that may inhabit the coastal sage scrub habitat. The right-of-way permits, and the poles, powerlines, and associated infrastructure are not anticipated to have long-term



impacts on Refuge management, nor do we anticipate long-term impacts from the use. Upon review of the Refuge's 2017 CCP, the Refuge objectives are still achievable with issuance of the proposed right-of-way permits and implementation of the proposed projects.

## Short-term impacts

### **Circuit 75**

#### **Federally Listed Species and Sensitive Habitat**

Short-term construction related impacts would involve the use of heavy equipment, the removal and replacement of soil, removal of the existing powerline pole and associated equipment, and possibly the staging of construction equipment and vehicles on-site. The primary concerns regarding this use would be related to wildlife disturbance and the loss or degradation of wildlife habitat beyond vegetation clearing to facilitate removal of the old powerlines and construction of the new powerlines.

There is critical habitat for Hermes copper butterfly and coastal California gnatcatcher within the proposed project footprint, as well as potentially suitable habitat for least Bell's vireo, Quino checkerspot butterfly, and western spadefoot. Affected areas of coastal sage scrub would be mitigated at a 2:1 ratio. Species-Specific Protocols for coastal California gnatcatcher, Hermes copper butterfly, and western spadefoot would be followed per SDG&E's 2023 *Habitat Conservation Plan Amendment* (Service 2025). The construction period would occur outside the coastal California gnatcatcher and least Bell's vireo breeding seasons, as well as the Hermes copper and Quino Checkerspot butterflies' flight seasons, unless work is approved by the Refuge Manager after biological clearance surveys are completed to ensure no nesting birds or adult listed butterflies would be harmed. While critical habitat for the threatened coastal California gnatcatcher and endangered Hermes copper butterfly is within the project area, impacts to each species critical habitat is anticipated to be minor in intensity and temporal scale, thus not likely to lead to adverse modification for each species. Specifically, gnatcatchers widespread use of critical habitat immediately adjacent to the area and lack of spiny redberry, hermes copper's host plant, combined with the hermes copper butterfly's recent extirpation from the site further reduces potential for adverse impacts to each respective species. Actions to reduce electrocution risk to perching birds, especially raptors, would be implemented as part of the pole top infrastructure component of the project. Refuge staff performed a walkthrough of all areas that could be impacted and spiny redberry were observed immediately adjacent to the proposed Project footprint; however, no other resources of concern were observed (pers. observation, D. Binns 2023).

The short-term nature of the work, the location, the size of the area to be disturbed, and the timing of the work is likely to result in negligible impacts to listed species

that may inhabit the coastal sage scrub habitat present (USFWS 2025).

#### Visitor Use

This portion of the San Diego NWR is not open to the public. Therefore, impacts to visitor use from construction, maintenance, and operation are not anticipated.

#### **TL 627**

#### Federally Listed Species and Sensitive Habitat

Short-term construction related impacts would result from the use of heavy equipment, the removal and replacement of soil, removal of existing powerline poles and associated equipment, and possibly the staging of construction equipment and vehicles on-site. The primary concerns regarding this use would be related to wildlife disturbance and the loss or degradation of wildlife habitat beyond vegetation clearing to facilitate removal of the old powerlines and construction of the new powerlines.

The construction period would occur outside the Coastal California gnatcatcher and least Bell's vireo breeding seasons, unless work is approved by the Refuge Manager after biological clearance surveys are completed to ensure no nesting birds would be harmed. The proposed project could temporarily impact approximately 0.155 acres of coastal sage scrub habitat. SDG&E would restore or enhance temporary impacts to coastal sage scrub habitat under the *Restoration and Enhancement Program* (SDG&E 2023). The Project would utilize SDG&E's *Subregional Natural Community Conservation Plan*, *Short-Term Amendment to the Natural Community Conservation Plan*, and *Habitat Conservation Plan Amendment* to mitigate for habitat impacts associated with the Project (SDG&E 1995, 2022, and 2023). Species-Specific Protocols for coastal California gnatcatcher, Hermes copper butterfly, and western spadefoot would be followed per SDG&E's 2023 *Habitat Conservation Plan Amendment* (Service 2025). The construction period would occur outside the coastal California gnatcatcher and least Bell's vireo breeding seasons, as well as the Hermes copper and Quino Checkerspot butterflies' flight seasons, unless work is approved by the Refuge Manager after biological clearance surveys are completed to ensure no nesting birds, adult listed butterflies would be harmed or incidental disturbance to western spadefoot occur. Ongoing construction within the sensitive species breeding seasons will require an onsite permitted biologist, provided by SDG&E, to monitor the project for potential disturbance to the inhabiting species. The short-term nature of the work, the location, the size of the area to be disturbed, and the timing of the work is likely to result in minimal disturbance to listed species that may inhabit the coastal sage scrub habitat present (Service 2025). Refuge staff performed a walkthrough of all areas that could be impacted and spiny redberry were observed within the vicinity of the proposed Project footprint; however, no other resources of concern were observed (pers. observation, D. Binns 2023).

The short-term nature of the work, the location, the size of the area to be disturbed, and the timing of the work is likely to result in negligible impacts to listed species that may inhabit the coastal sage scrub habitat present. If work were to be proposed during sensitive time periods for each species, appropriate sensitive species actions would be implemented to minimize impact, maintaining negligible impacts to aid a flexible construction schedule (Service 2025).

#### Visitor Use

This portion of the San Diego NWR is not open to the public. Therefore, impacts to visitor use from construction, maintenance, and operation are not anticipated.

### Long-term impacts

#### Circuit 75

Although the proposed project could permanently impact approximately two square feet of coastal sage scrub habitat, SDG&E would mitigate at a 2:1 ratio. Additionally, two square meters of permanent impacts to this Quino checkerspot butterfly potentially suitable habitat would be mitigated at a 2:1 ratio withdrawn from SDG&E's Quino checkerspot butterfly mitigation bank. Species-Specific Protocols for coastal California gnatcatcher, Hermes copper butterfly, and western spadefoot would be followed per SDG&E's 2023 *Habitat Conservation Plan Amendment*. The one-time removal and replacement of the pole and infrastructure and the periodic maintenance of the distribution lines would occur outside of the breeding seasons for coastal California gnatcatcher and least Bell's vireo, as well as the flight seasons for Hermes copper butterfly and the Quino checkerspot butterfly. SDG&E would also follow the *Habitat Conservation Plan Amendment* for western spadefoot (SDG&E 2023). Lastly, ongoing maintenance of the area, involving reduction of shrubland and associated vegetation around existing poles, is normal operating protocol for infrastructure health and damage minimization and will be expected at this project location.

Similarly to initial construction, all ongoing maintenance will be directed to occur outside of the sensitive breeding or adult flight seasons for the species listed above, further minimizing impacts. If work is needed to occur within the respective species breeding seasons, regardless of initial construction or ongoing maintenance, all commencement of work will require approval by the refuge manager after biological clearance surveys are completed to ensure no nesting birds or adult listed butterflies would be harmed (Service 2025).

Increased disturbance to native wildlife, wildlife use patterns on the Refuge, and impacts to their native habitats are not anticipated over the long-term from implementation of the proposed project, due to the measures listed above that would be implemented as part of the proposed use.

## **TL 627**

The proposed project could permanently impact approximately 8,088 square feet of coastal sage scrub habitat. SDG&E would mitigate at a 2:1 ratio for permanent impacts (2:1 for impacts within Preserve land per SDG&E's *Habitat Conservation Plan Amendment*). The Project would utilize SDG&E's *Subregional Natural Community Conservation Plan*, *Short-Term Amendment to the Natural Community Conservation Plan*, and *Habitat Conservation Plan Amendment* to mitigate for habitat impacts associated with the Project (SDG&E 1995, 2022, and 2023). The one-time construction of the three maintenance pads, installation of the new poles, reconductoring the power lines along the Project alignment, stormwater improvements, and retaining wall would occur outside of the breeding season for coastal California gnatcatcher (February 15 to August 30) and the breeding season for least Bell's vireo (which is generally from April 10 to July 31). Lastly, Ongoing annual maintenance after the initial installation, involving reduction of shrubland and associated vegetation around existing poles and associated pad and retaining wall infrastructure, is normal operating protocol for infrastructure health and damage minimization and will be expected at this project location.

Similarly to initial construction, all ongoing maintenance will be directed to occur outside of the sensitive breeding or adult flight seasons for the species listed above, further minimizing impacts. If work is needed to occur within the respective species breeding seasons, regardless of initial construction or ongoing maintenance, all commencement of work will require approval by the refuge manager after biological clearance surveys are completed to ensure no nesting birds or adult listed butterflies would be harmed (Service 2025).

Increased disturbance to native wildlife, wildlife use patterns on the Refuge, and impacts to their native habitats are not anticipated over the long-term from implementation of the proposed project, due to the measures listed above that would be implemented as part of the proposed use.

## **Circuit 75 and TL 627**

Ecological integrity is a focus of Refuge management within the Refuge System. There could be minor indirect impacts to ecological integrity through the disturbance of soil within the proposed project areas, which could increase invasive plants, as well as fuel sources for wildfire within the San Diego NWR. However, where feasible, SDG&E crews would coordinate with their Project Biologist to implement preventative invasive weed control best management practices found in *Prevention BMPs for Transportation and Utility Corridors – California Invasive Plant Council* to minimize the spread of invasive plants (California Invasive Plant Council 2012 and SDG&E 2024b). Best management practices may include vehicle washing, use of weed free substrates, educating SDG&E contractors on protocols such as washing/brushing

boots between sites, and removing weed biomass from sites during weed control activities with disposal at an approved green waste facility.

In addition, potential impacts to Federally listed species and their habitats could occur as a result of the proposed project. However, potential impacts would be negligible, as evaluated by the service's intraservice biological consultation along with activities being conducted in accordance with the *Operational Protocols* in SDG&E's 2023 HCP Amendment, as well as follow SDG&E's *Short-Term Amendment to the NCCP* (SDG&E 1997 and 2022). *Species-Specific Protocols* would also be implemented in accordance with SDG&E's 2023 HCP Amendment.

San Diego NWR's 2017 CCP describes SDG&E's existing public utilities right-of-way and easements on the San Diego NWR, which are covered by SDG&E's *Subregional NCCP* (Service Take Permit PRT 809637, 1995) and their *Implementing Agreement/California Endangered Species Act Memorandum of Understanding*. The Environmental Assessment for the CCP states that the CCP does not preclude the potential for the extension of utility easements through the San Diego NWR. In addition, *Objective 2.6: MSCP-Covered Bird Species* of the CCP states that one of the strategies is to work with SDG&E to retrofit utility poles on the Refuge and in the surrounding areas to reduce the risk of electrocution to perched raptors (Service 2017).

## **Public Review and Comment**

The Service's 2017 CCP for the San Diego NWR provides a description of the desired future conditions and long-range guidance to accomplish the purposes for which the Refuge was established. Comments on public utilities were received, including that the proposed CCP did not adequately address the existence of essential public utilities and the effect of the CCP on such utilities or acknowledge the SDGE *Subregional Plan* and recognize that the conservation measures in the Plan would apply to all Operations and Maintenance activities conducted by SDGE on rights-of-way within the Refuge. The draft CCP did acknowledge the presence of SDGE's electric transmission and distribution lines within the Refuge boundary. Neither the draft nor the Final CCP proposed any actions that would interfere with continued operation and maintenance activities by SDGE within existing easements or right-of-way that were established in the area prior to acquisition of the underlying or adjoining Refuge lands. To better inform future management on the Refuge, we expanded the discussion of electricity facilities within and adjacent to the Refuge in Section 4.5.4 of the Final CCP and have included information to acknowledge SDG&E's *Subregional Plan*.

The draft compatibility determination will be available for public review and comment 14 days from (1/16/2026) to (1/30/2026). The public will be made aware of

this opportunity to comment through letters to potentially interested people, such as adjacent landowners, states, and tribes. A hard copy of this document will be posted at the San Diego NWR Complex headquarters at 1080 Gunpowder Point Drive Chula Vista, San Diego 91910 and a major trailhead public use area (Sweetwater interpretive loop). It will be made available electronically on the refuge website (<https://www.fws.gov/refuge/san-diego/news>). Concerns expressed during the public comment period will be addressed in the final Compatibility Determination.

## **Determination**

Is the use compatible?

Yes

### **Stipulations Necessary to Ensure Compatibility**

The Service proposes 50-year permit durations for Circuit 75 and TL 627 given the nature of these utility right-of-way permits. Per 50 CFR 25.21(h), after November 17, 2000, no uses would be permitted or re-authorized, for a period longer than 10 years, unless the terms and conditions for such long-term permits specifically allows for modifications to the terms and conditions, if necessary, to ensure compatibility. The Service would make a new Compatibility Determination prior to extending or renewing such long-term uses at the expiration of the authorization. When the Service prepares a Compatibility Determination for re-authorization of existing rights-of-way, we would base our analysis on the existing conditions with the use in place, not from a pre-use perspective. For this Compatibility Determination and in compliance with 50 CFR 25.21(h), these right-of-way permits allow for modifications to the terms and conditions at any point in the permit duration.

Construction

#### ***Circuit 75 and TL 627***

- **Existing Easement and Proposed Right-of-Way Permit Areas:** All work would be confined to existing easements and the proposed right-of-way permit areas, or other location (ILA, laydown areas), as approved by the Refuge Manager.
- **Construction Work Areas:** Construction work areas shall be identified in advance by the Service and these specific locations shall be shown on the construction plans.
- **Best Management Practices:** SDGE and their contractors will follow all best management practices identified for the construction.
- **Vegetation Trimming:** Vegetation removal or disturbance will be limited to the extent necessary to establish access to pole and anchor installation sites without exception. Vegetation, including approximately two feet along



proposed footpaths, would be trimmed with the use of small chainsaws, rakes, and other small hand equipment. Future maintenance would include vegetation trimming around poles by hand crews. The trimmed vegetation would be removed and disposed of at an approved facility.

- **Overhead Work:** Overhead work would be conducted via vehicles on the access road or by climbing crews.
- **Diggers:** The diggers would walk to each site using the existing dirt access roads and proposed footpaths.
- **Incidental Landing Area:** For Circuit 75, the location of the ILA has not been determined and would likely occur off the Refuge. Should the ILA be proposed on the Refuge, it would be at the discretion of the Refuge Manager to approve prior to construction commencing. Access to the proposed project work area would be via existing dirt access road and proposed footpaths. No helicopters are proposed for TL 627, as the crews would use the maintenance pads.
- **Special Use Permits:** The Refuge would incorporate all stipulations in the Special Use Permits issued to SDG&E.

### **Circuit 75**

- **Species-Specific Protocols:** Species-specific protocols for coastal California gnatcatcher, Hermes copper butterfly, and western spadefoot would be followed per SDG&E's 2023 *Habitat Conservation Plan Amendment*.
- **Nesting and Flight Seasons:** The one-time removal and replacement of the pole and infrastructure and the periodic maintenance of the distribution line would occur outside of the breeding season for coastal California gnatcatcher (which is from February 15 to August 30), the breeding season for least Bell's vireo (which is generally from April 10 to July 31), as well as the flight seasons for Hermes copper butterfly (June) and the Quino checkerspot butterfly (late January to late March). No work would be conducted within those timeframes unless work is approved by the Refuge Manager after biological clearance surveys are conducted to ensure no nesting birds or adult listed butterflies would be harmed.
- **Western Spadefoot:** SDG&E would follow the *Habitat Conservation Plan Amendment* for western spadefoot (SDG&E 2023).

### **TL 627**

- **Nesting Seasons:** The one-time construction of the three maintenance pads, installation of the new poles, reconductoring the power lines along the proposed project alignment, stormwater improvements, and building a retaining wall would occur outside of the breeding season for coastal California gnatcatcher (February 15 to August 30) and the breeding season for least Bell's vireo (which is generally from April 10 to July 31). No work shall be conducted within those timeframes unless work is initially approved by the Refuge

Manager after a biological clearance survey, provided by SDGE, is conducted to ensure no nesting birds would be harmed or nectaring adult butterflies are in the area of proposed construction. All ongoing construction work within the established sensitive seasons will only be allowed under direct supervision of an onsite permitted biologist monitoring for disturbance to the appropriate sensitive species. If species are expected to be disturbed during the ongoing construction period, the onsite biologist shall discuss disturbance minimization measures with the refuge manager before work can continue, up to ceasing of construction until the sensitive species period ends.

## Maintenance

- **Best Management Practices:** The applicant shall follow all maintenance best management practices as outlined in the SDGE HCP (SDGE 2023).
- **Nesting and Flight Seasons:** Maintenance shall be performed outside of the California gnatcatcher breeding season (February 15 to August 31), least Bell's vireo (which is generally from April 10 to July 31), as well as the flight seasons for Quino Checkerspot butterfly (late January to late March) and Hermes copper flight season (June). If minor maintenance of the powerline infrastructure is proposed within any of the sensitive species' seasons, SDGE shall provide a biological clearance survey that examines if any active migratory bird nests are present or nectaring adult butterflies are in the area of proposed maintenance.

## Justification

### Circuit 75 and TL 627:

This powerline alignment would not materially interfere with the purposes of the Refuge or the mission of the Refuge System. Replacement of the poles, powerlines, and associated infrastructure may produce minor, short-term impacts on the biological resources within the Refuge; however, the overall project would reduce the detrimental maintenance impacts to Refuge resources and protect the powerline infrastructure against consistent and more frequent wildfires, as it would allow strategic de-energization during high wildfire risk events, thus giving protection to the Refuge from utility line-caused wildfire. Adjacent landowners to the Refuge parcel are the main constituents of this existing powerline infrastructure established before the Refuge's acquisition and we aim to maintain this access for the landowners, while reducing SDG&E's potential for on-going habitat disturbance for the life of the infrastructure.

## **Signature of Determination**

Refuge Manager Signature and Date

## **Signature of Concurrence**

Assistant Regional Director Signature and Date

## **Mandatory Reevaluation Date**

Mandatory reevaluation date is 50 years from signature, subject to the stipulations in compliance with 50 CFR 25.21(h) allowing modifications to the terms and conditions at any point in the permit duration.

## **Literature Cited/References**

California Invasive Plant Council. 2012. *Preventing the Spread of Invasive Plants Best Management Practices for Transportation and Utility Corridors*.

San Diego Gas and Electric (SDG&E). 1995. *Subregional Natural Community Conservation Plan*.

SDG&E. 2007. *SDG&E Low-Effect Habitat Conservation Plan for Quino Checkerspot Butterfly*.

SDG&E. 2022. *Amendment to San Diego Gas & Electric Company Subregional Natural Community Conservation Plan and California Endangered Species Act and Natural Communities Conservation Planning Act Management Authorization Regarding Wildfire Safety Activities*.

SDG&E. 2023. *Final Environmental Assessment for the San Diego Gas & Electric Company Habitat Conservation Plan Amendment*.

SDG&E. 2023. *SDG&E Habitat Conservation Plan Amendment*.

SDG&E. 2024a. *ESH Circuit 75 Project Standard Form 299 Supplemental Information*.

SDG&E. 2024b. *TL 627 Biological Resources Assessment for United States Fish*

*and Wildlife San Diego National Wildlife Refuge Easement Procurement.*

*SDG&E. 2024c. Air Quality Technical Memorandum for the SDG&E TL 627 WTS Project.*

*SDG&E. 2024d. Noise Technical Memorandum for the SDG&E TL 627 WTS Project.*

*U.S. Fish and Wildlife Service (Service). 1997. Environmental Assessment and Land Protection Plan. Otay-Sweetwater Unit, San Diego National Wildlife Refuge, San Diego County, California.*

*U.S. Fish and Wildlife Service (Service). 2017. Final Comprehensive Conservation Plan, Environmental Assessment, and Finding of No Significant Impact for San Diego National Wildlife Refuge.*

*U.S. Fish and Wildlife Service (Service). 2025. Endangered Species Act Section 7 Biological Evaluation Form Easement modification for a Right of Way Permit for Circuit 75 and TL 627 on San Diego National Wildlife Refuge (NWR).*

## Figure(s)

Figure 1. Circuit 75 Project Location on San Diego NWR

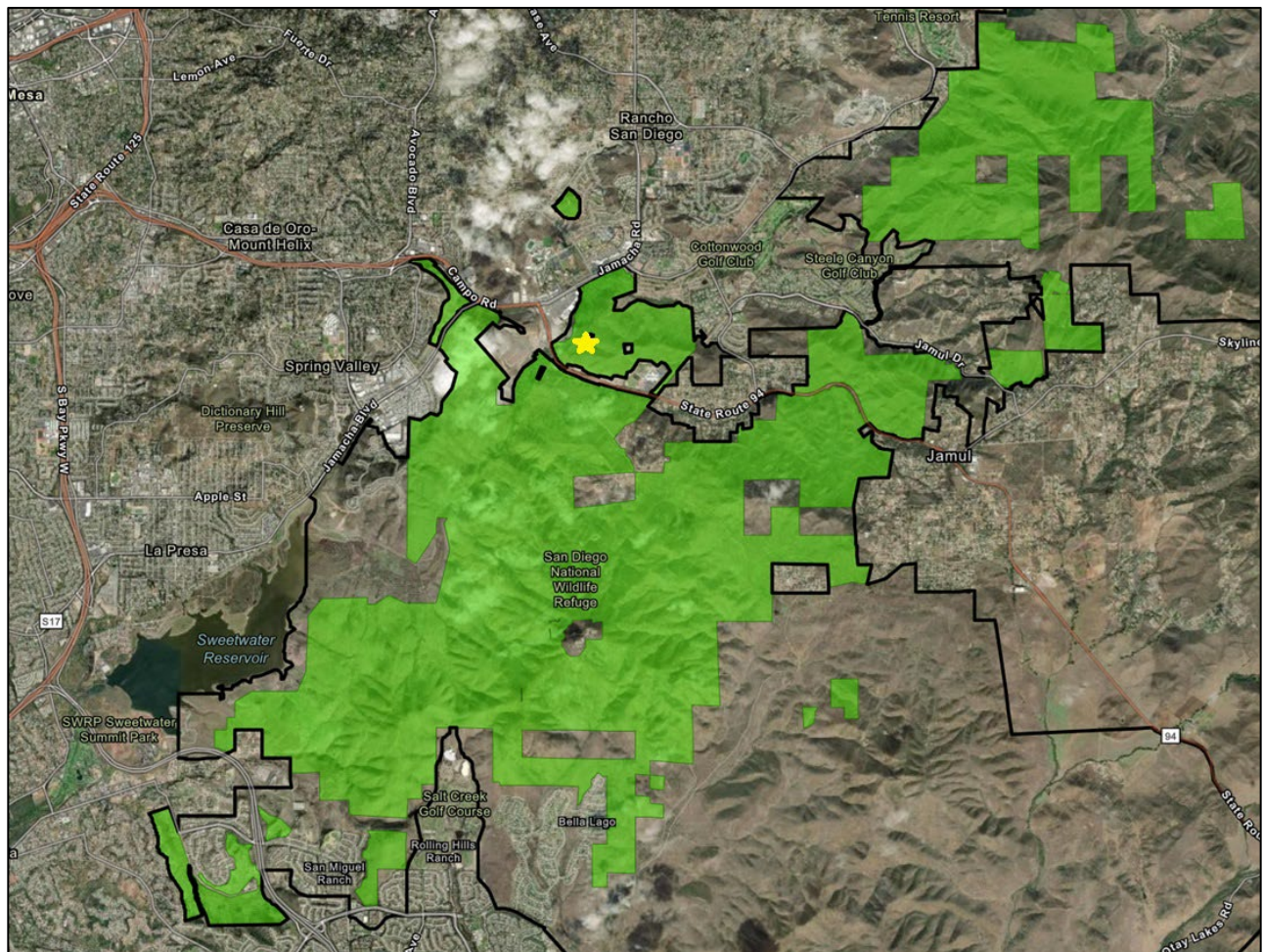




Figure 2. TL 627 Project Location on San Diego NWR

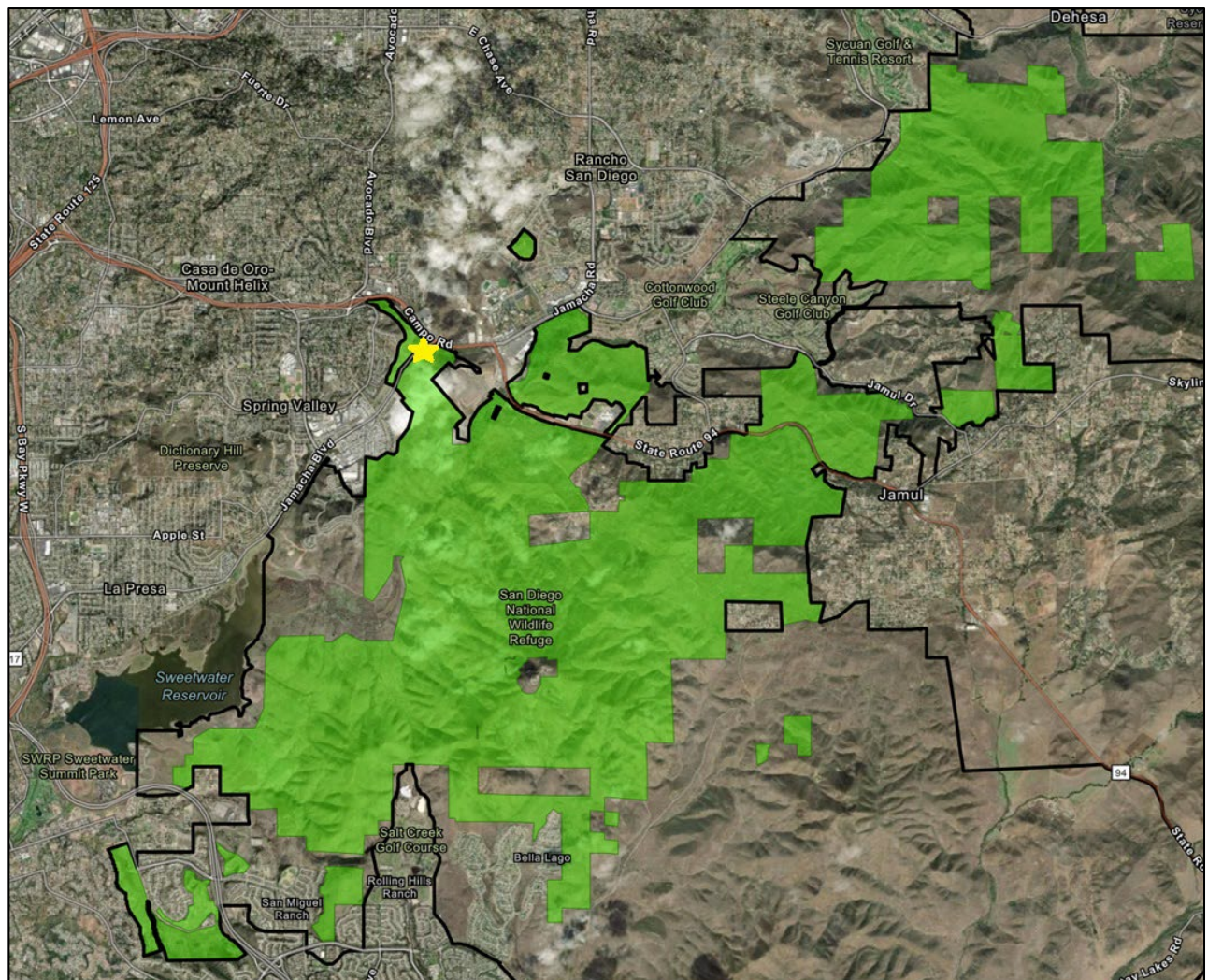




Figure 3. Circuit 75 Right-of-Way Permit Request Area

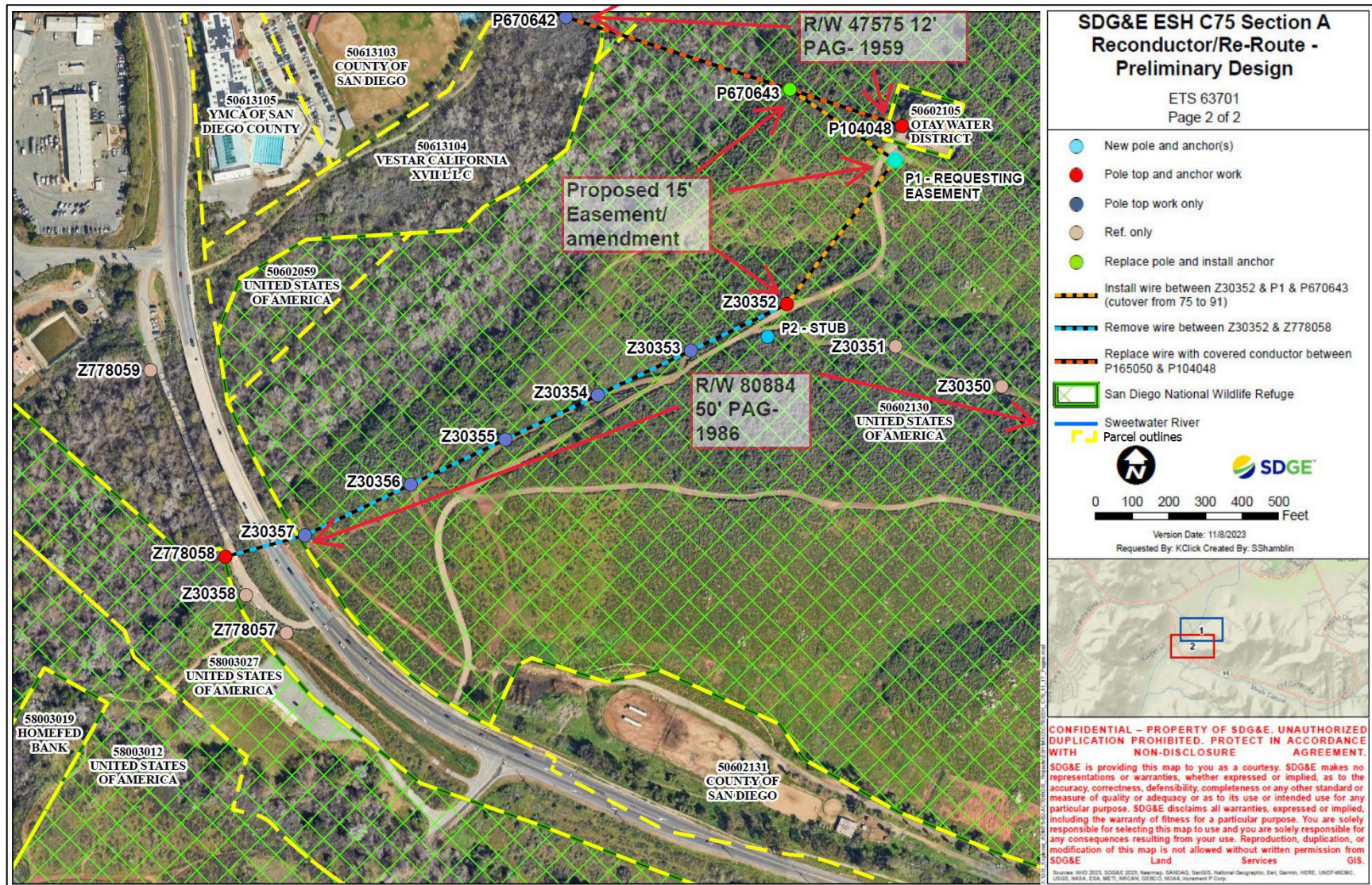






Figure 5. Circuit 75 Area of Potential Effect

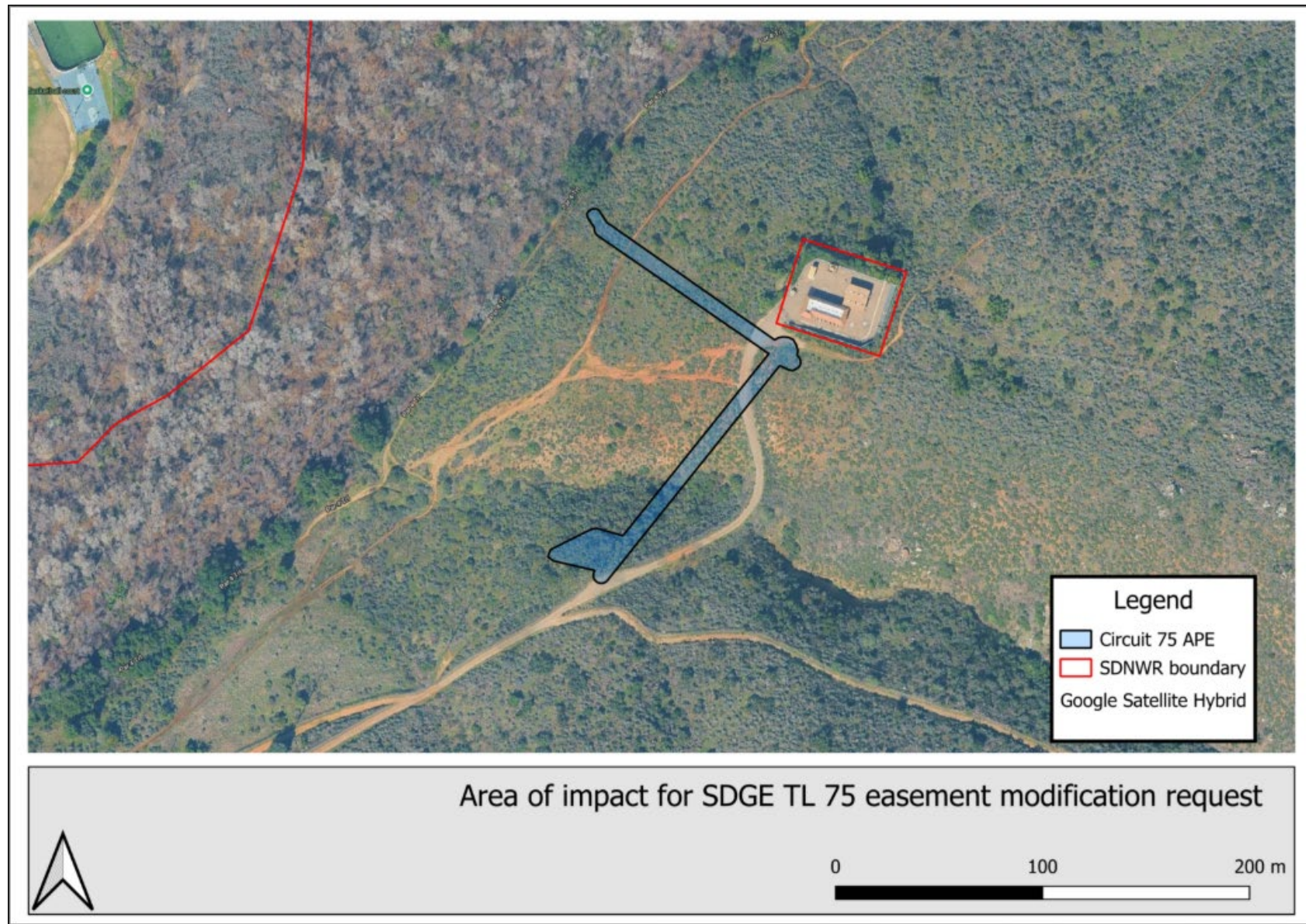




Figure 6. TL 627 Area of Potential Effect

