Utility Participation in a Multispecies Plan

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ABSTRACT / Single-species listings under provisions of the federal Endangered Species Act (ESA) have caused, or have been accused of causing, significant regional economic impact. In an attempt to avoid such adverse effects on regional economic development, the state of California passed the Natural Communities Conservation Planning Act (NCCP) in 1991. It is a voluntary, consensus-based approach to balancing protection of sensitive biota and biodiversity with regional economic development. The pilot NCCP program for the conservation of several threatened, endangered, and category 1 species, plus an additional 35 coastal sage scrub-related species in southern California, was completed and submitted to the public for review and comment in December 1995. This program proposes the voluntary establishment of a 86,600-ha multispecies reserve system. Once completed, participating landowners will receive ESA Section 10(a) “incidental take” permits for present and identified future projects. Utility rights-of-way are incorporated into the program as important connective linkages between reserve units and other adjacent important habitat areas. All data and information regarding the proposed results of the NCCP are subject to change pending agency response to public comments on the draft Habitat Conservation Plan and joint EIR/EIS.

In response to a number of issues raised over alleged adverse economic impacts caused by the command-and-control procedures of the ESA, the California legislature passed the Natural Communities Conservation Planning Act (NCCP) in 1991. The NCCP was enacted as an alternative to single-species listings. It is a voluntary, collaborative planning program involving landowners, local governments, state and federal resource agencies, and environmental and special interest groups. Its purpose is to provide long-term regional protection of biodiversity while allowing compatible land uses, development, and growth. An NCCP program requires a cooperative agreement between the US Fish and Wildlife Service and the Department of Fish and Game, as these agencies have regulatory management authority for wildlife.

The NCCP pilot program began in 1993, following the listing of the coastal California gnatcatcher (Polioptila californica californica) as threatened in March 1993, under provisions of the ESA (Federal Register 1993). The gnatcatcher and its coastal sage scrub habitat were the initial focus of the pilot NCCP program. The US Fish and Wildlife Service published a “special rule” under Section 4(d) of the ESA that allowed development of special regulatory provisions for addressing threatened species, i.e., greater flexibility in development of species and habitat conservation and protection measures. This special rule formed the basis for the Fish and Wildlife Service’s participation in the coastal sage scrub NCCP. Under this rule, and with the service’s participation in the program, the coastal sage scrub NCCP pilot program was approved to: (1) serve as a comprehensive regional conservation program for coastal sage scrub habitat and associated sensitive species, and (2) meet ESA Section 10(a) Habitat Conservation Planning requirements.

NCCP Program

This report discusses the biological factors triggering the NCCP, and relevant background information about the NCCP program itself. The report also describes the study area and the proposed draft results and recommendations relative to the conservation and management of the coastal sage scrub habitat and associated species in coastal and central Orange County, California.

Coastal Sage Scrub Study Area

The Coastal Sage Scrub NCCP program guidelines (NCCP 1993) identified an approximately 6000-square-mile planning region encompassing portions of the five southern California counties that have extant coastal sage scrub habitat, as indicated above. The conservation program will, when completed, address the entire region. However, because this region is so large and has a number of varying land-use and biological considerations, the region was divided into five subregions. This report describes the process and proposed plan for the Orange County, California Coastal-Central subregion, an area of approximately 325 square miles (over 86,600 ha), including eight cities. It has 13 major vegetation

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community types, 34,492 ha of coastal sage scrub, approximately 1200 gnatcatchers, nearly 2000 cactus wrens, and several thousand whiptails (Anon. 1992).

Urbanization of southern California has contributed to significant fragmentation of coastal sage scrub habitat. This has resulted in an archipelago effect, creating islands of habitat inhabited by populations of coastal sage scrub species. The NCCP conservation efforts must therefore address habitat fragmentation and connectivity between habitat patches.

Coastal sage scrub is a semiwoody scrub habitat that grows along the coast and inland in southern California and northern Baja California generally below 1000 m elevation, where soils and marine climatic conditions influence its distribution. Annual precipitation is generally 24–48 cm/yr. For the most part, this habitat occurs on low coastal benches and foothills that are also ideal for urban development. Mankind has had the greatest influence in its distribution during the last several decades. Urban sprawl has resulted in dramatic losses of coastal sage scrub in the past 20 years. Concomitantly, this habitat loss also imperiled a number of coastal sage scrub plant and animal taxa.

Typically coastal sage scrub is dominated by species of *Artemesia*, *Salvia*, *Eriogonum*, and *Haplopappus* (Munz. 1974). Two rather distinct plant formations are recognized within the coastal sage scrub community: coastal sage scrub and coastal succulent scrub (Westman 1982). The coastal sage scrub is generally characterized by California sagebrush (*Artemesia californica*), black, purple, and white sage (*Salvia mellifera*, *S. leucophylla*, *S. apiana*), California buckwheat (*Eriogonum fasciculatum*), and *Eriogonum cinereum* (O’Leary 1990). The coastal succulent scrub is dominated by various members of the Cactaceae family (*Cactus* spp.) and Crassulaceae (stonecrop spp.).

Atwood (1990) lists 46 plant and nine vertebrate coastal sage scrub species and subspecies that have been either listed as threatened or endangered or that are being considered as possible candidates for listing by California Fish and Game and/or the US Fish and Wildlife Service. Coastal sage scrub habitat loss and fragmentation has resulted in the significant decline of a number of plant and animal species associated with this habitat. Implementation of the ESA special 4(d) rule and NCCP pilot program established an opportunity for a creative, ecologically based, ecosystem approach to this regional habitat protection program.

**Target Species**

The coastal California gnatcatcher is a small (6–7 g), obligate coastal sage scrub inhabitant that feeds on small insects. Its distribution includes portions of five southern California counties and coastal Baja California to about 30 degrees north parallel. It inhabits a few small islands of habitat in Los Angeles County, western portions of Riverside County, and much of Orange and San Diego counties. The vast majority of its coastal sage scrub habitat occurs on private lands.

At the time the US Fish and Wildlife Service and California Fish and Game signed a memorandum of agreement for the coastal sage scrub NCCP, two additional species were included in the program, the coastal cactus wren (*Campylorhynchus brunneicapillus*) and the orange-throated whiptail (*Cnemidophorus hwepterus beldings*). Both are obligate coastal sage scrub species and are candidates for listing under provisions of the ESA. The cactus wren is predominantly associated with the coastal succulent scrub formation of coastal sage scrub. The whiptail occurs throughout coastal sage scrub and generally below 400 m elevation. These species were identified for inclusion in this program by a state-appointed scientific review panel. The three species were to serve as surrogate species for a broader suite of species, both plant and animal, dependent on or highly associated with coastal sage scrub. They were considered the target species around which habitat protection and reserve design would be evaluated.

**NCCP Conservation Guidelines**

The California Department of Fish and Game and the US Fish and Wildlife Service adopted the following conservation guidelines for establishment of the NCCP program. These guidelines are the basis of the cooperative relationship between Fish and Game and the Fish and Wildlife Service during NCCP program implementation and were also developed to ensure that resource values were protected during program development.

- Establish state and federal cooperation through a memorandum of understanding. This memorandum outlined the roles and responsibilities of these agencies in implementation of the NCCP.
- Convene a scientific review panel of experts advisory to the resource agencies.
- The lead permitting agency pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Protection Act (NEPA), or its consultant, collect scientific information from landowners and local, state, and federal jurisdictions and agencies for use by the scientific review panel in assessing conservation requirements, determination of scientific study methods, protocols, etc.
- The resource agencies, California Department of Fish and Game and the Fish and Wildlife Service,