

Comment Set A.16: Department of Fish and Game, South Coast Region



State of California – The Resources Agency
DEPARTMENT OF FISH AND GAME
<http://www.dfg.ca.gov>
South Coast Region
4949 Viewridge Avenue
San Diego, CA 92123
(858) 467-4201

ARNOLD SCHWARZENEGGER, *Governor*



October 13, 2006

RECEIVED
OCT 20 2006

BY:.....

Mr. John Buccio/Ms. Marian Kadota
CPUC/USDA Forest Service
c/o Aspen Environmental Group
30423 Canwood Street, Suite 215
Agoura Hills, CA 91303

**Draft Joint Environmental Impact Report/Environmental Impact Statement for
Antelope-Pardee 500-kV Transmission Project
SCH # 2005061161, Los Angeles County**

Dear Mr. John Buccio/Ms. Marian Kadota:

The Department of Fish and Game (Department) has reviewed the Draft Joint Environmental Impact Report (DEIR)/Environmental Impact Statement (DEIS) relative to impacts to biological resources. The DEIR/DEIS considers Southern California Edison Company's (SCE) application to build and operate the Antelope-Pardee 500-kV Transmission Project. SCE proposes to construct a new 25.6-mile 500-kV transmission line between SCE's existing Antelope and Pardee substations in north Los Angeles County. The project would replace an old 66-kV transmission line within an existing 12.60-mile utility right of way approved several decades ago through the Angeles National Forest (ANF). The proposed 500-kV transmission line would start at the Antelope Substation in the City of Lancaster, traverse through the Angeles National Forest and terminate at the Pardee Substation in the City of Santa Clarita. The project would result in 63 acres of temporary disturbances and 59 acres of permanent disturbances resulting from construction activities and access road construction.

The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (CEQA Section 15386) and pursuant to our authority as a Responsible Agency under the California Environmental Quality Act (CEQA), Section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code Section 2050 et seq) and Fish and Game Code Section 1600 et seq.:

IMPACTS TO BIOLOGICAL RESOURCES

1. General Comment on Preferred Project Proposal – It is apparent that a major factor influencing the placement of the proposed project through the Angeles National Forest (ANF) is that the ANF is the shortest distance between the Antelope and Pardee Substations and therefore the most expedient and cost effective pathway of securing approval through an existing right or way under one jurisdictional land holder. The Department questions the biological validity of continuing the use of utility right of ways through public lands when these areas could be retired and restored to their natural

A.16-1

A.16-2

Mr. John Buccio/Ms. Marian Kadota
October 13, 2006
Page 2

condition once existing utilities become obsolete and require replacement. Newly proposed replacement transmission lines may then be routed around the ANF within lands of less biological diversity. The ANF provides the largest wildlife habitat core of protected public land within a region whose habitat values are continually being tested as the result of development pressures. The incremental loss of habitat acreage around the ANF continues to increase the biological value of remaining habitat within the ANF. Efforts to preserve and restore habitat within the ANF should be a top priority.

A.16-2
cont'd

Approval of the project by the lead agency would perpetuate the continued use of public lands as convenient shortcuts for other large utility and transportation projects in the future. This precedence may result in the incremental degradation of habitat and watershed values within an area designed to preserve such public values for future generations and should be considered an adverse cumulative impact under CEQA.

A.16-3

2. Project Alternatives - The DEIR discusses several alternatives to the preferred project including the no project alternative and alternative number 5 which takes the majority of the project outside the boundary of the ANF.

The Department cannot endorse any project alternatives which necessitate passing through the ANF or any areas supporting high biological values and intact ecosystems. Locating utilities outside the boundary of the ANF, preferably within existing utility corridors occupying disturbed lands of low biological diversity with minimal strategic wildlife movement location value would minimize the overall impact of such a project on biological resources.

A.16-4

3. Sensitive Biological Resources – The DEIR includes a discussion of the project's proposed impacts to special status species that occur or have a potential to occur on the project site.

The Department recommends that further analysis be conducted regarding unavoidable impacts, avoidance and mitigation measures for the following species and vegetative communities:

- a. Swainson's Hawk – Table C.3-3 on page C.3-26 fails to recognize the possibility of the occurrence of the state threatened Swainson's hawk as a breeding bird within the proposed project area. The Department has documented several breeding pairs of Swainson's hawk in the Antelope Valley on a yearly basis within agricultural tree rows located adjacent to agricultural fields. Nest trees for Swainson's hawk do not have to be substantial in size to provide adequate nest sites. Focused breeding season surveys for Swainson's hawk should take place within and near the project footprint within appropriate habitat to determine project impacts, avoidance and mitigation measures to reduce impacts to below significant levels under CEQA. If the project will adversely impact Swainson's hawk, the applicant should consult further with the Department under the California Endangered Species Act prior to project approval and commencement.
- b. Burrowing Owl - It is not clear in the DEIR if breeding season surveys conducted in 2005 as referenced in Table C.3-3 on page C.3-26 were consistent with the measures and goals described in the Department's 1995 Burrowing Owl Mitigation Guidelines. These guidelines are designed to assist in maximizing detection of burrowing owl presence and use of the site by burrowing owl in order to avoid take and on-site habitat loss or to

A.16-5

A.16-6

Mr. John Buccio/Ms. Marian Kadota
October 13, 2006
Page 3

mitigate for unavoidable project related impacts to occupied burrowing owl habitat. If no burrowing owl are detected during focused breeding season surveys, the Department recommends that preconstruction surveys for burrowing owls be conducted no sooner than 30 days prior to site disturbances. Preconstruction surveys should consist of four site visits on separate days during optimal viewing conditions in order to maximize detection. The Department does not consider negative focused breeding season survey results greater than one year old as representative of current or future site conditions for the purposes of determining breeding status for burrowing owl, avoidance and mitigation measures under CEQA.

A.16-6
cont'd

4. Special Status Plant Species – Mitigation measure APM BIO-7 states that “If it is determined that unanticipated and unavoidable impacts to any special status species-resources will occur, SCE would purchase lands or otherwise enhance habitat to compensate.”

Any mitigation plans for special status plant species and communities should be reviewed and approved by the Department. Unavoidable Impacts to state listed plants species that would result in incidental take would require further consultation with the Department under the California Endangered Species Act.

A.16-7

5. Impacts to Riparian Resources – The DEIR states that SCE would secure a Streambed Alteration Agreement with the Department for any unavoidable project impacts to Department jurisdictional drainages.

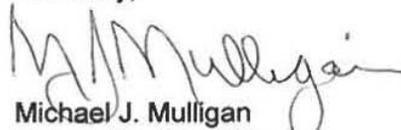
The Department concurs that a streambed agreement may be required with the applicant prior to any direct or indirect impact to a lake or stream bed, bank or channel or associated riparian resources within the entire project site footprint. The Department's issuance of a SAA may be a project that is subject to CEQA. To facilitate our issuance of the Agreement when CEQA applies, the Department as a responsible agency under CEQA may consider the local jurisdiction's (lead agency) document for the project. To minimize additional requirements by the Department under CEQA the document should fully identify the potential impacts to the lake, stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the Agreement. Early consultation is recommended, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources.

A.16-8

The Department recommends that the above concerns be addressed prior to lead agency approval of the proposed project.

Thank you for this opportunity to provide comment. Questions regarding this letter and further coordination on these issues should be directed to Mr. Scott Harris, Associate Wildlife Biologist, at (626) 797-3170.

Sincerely,



Michael J. Mulligan
Deputy Regional Manager

Response to Comment Set A.16: Department of Fish and Game, South Coast Region

- A.16-1 The proposed Project and existing 66 kV transmission line are located primarily in an existing SCE utility right of way. Section A.2 (Proposed Project/Action and Alternatives) describes the existing transmission line corridor and alternatives routes selected for inclusion in the Draft EIR/EIS. Costs are only an appropriate consideration in an EIR/EIS if they would render an alternative or a mitigation measure infeasible.
- A.16.2 The Draft EIR/EIS does provide language regarding the removal of existing 66 kV transmission line within the ANF. The Draft EIR/EIS also agrees that NFS lands provide habitat for a wide variety of plants and wildlife in addition to supporting large areas of contiguous open space. However, it is important to note that the ANF LRMP provides for multiple use activities on NFS lands including but not limited to utilities, mining, off highway vehicle use, and hunting. In addition as discussed in General Response GR-4, the USDA Forest Service was directed in a letter dated January 24, 2003 that National Energy Policy (NEP) goals “should be an important consideration when responding to proposals for the siting of energy and energy related facilities on NFS lands.”
- A.16.3 Please see Response to Comment A.16.2.
- A.16.4 Thank you for your comment regarding project alternatives. Please see Response to Comment A.16.2.
- A.16.5 Table C.3-3 does provide specific information regarding the potential for the presence of Swainson’s hawk in the project area. In addition, nesting Swainson’s hawks were not identified in the project area. Region wide this species is known to nest and forage near Avenue 110 approximately 8 miles north of the project terminus. Mitigation Measure B-6 (Conduct Pre-construction Surveys and Monitoring for Breeding Birds) identified under Impact B-6 (Construction activities during the breeding season would result in a potential loss of nesting birds) would be implemented prior to construction. In addition, as a matter of law impacts to State listed species would be addressed through the 2081 process with the CDFG.
- A.16.6 Focused Phase I and Phase II burrowing owl surveys were conducted in areas supporting suitable habitat consistent with the requirements identified in Section 1 of the Burrowing Owl Survey Protocol Guidelines. As indicated in the Draft EIR/EIS although this species was not identified in the project area, burrowing owls may still occur. Implementation of Phase III surveys would be required if burrows or owls are identified during the preconstruction surveys. Mitigation Measure B-19 (Relocate Individual Burrowing Owls During the Non-Breeding Season) specifically requires that focused surveys for this species be conducted prior to construction and if present to coordinate with CDFG regarding any relocation efforts that may be required.
- A.16.7 Mitigation B-7 (Conduct Surveys for Listed Plant Species) provides specific language regarding survey periods and avoidance mechanisms for State and federal listed species. In addition, as a matter of law impacts to State listed species would be addressed through the 2081 process with the CDFG.
- A.16.8 SCE has indicated that impacts to State or federal waters would be avoided to the extent feasible during construction of the proposed project. In addition, Mitigation Measure B1b- (No Activities

will occur in Riparian Conservation Areas) would avoid impacts to riparian areas on NFS lands. Impact B-28 (The Project would result in the loss of jurisdictional waters and wetlands) has language indicating that SCE would comply with CDFG requirements regarding the 1600 process. The author agrees with the CDFG comment in that SCE should consult with the CDFG if impacts would occur to areas requiring a 1602 permit.