

Comment Set A0024, cont.
U.S. Fish & Wildlife Service and California Department of Fish & Game

Ms. Blanchard and Ms. Kastoll (FWS-SD/CDFG-2008B0423/2008TA0463)

7

project to allow for impact comparisons to the Proposed Project, and to adequately disclose the cumulative-related impacts that would result from the expansion of the two 230 kV circuits. Opportunities exist at this programmatic-level review to provide a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action [CEQA Guideline §15168 (b)(1)]. Furthermore, to adequately use this document for decision-making purposes (to fulfill NEPA mandates), technical data should be consolidated (rather than provided within multiple pages of narrative), impacts clearly defined, and the environmental consequences of the entire project fully disclosed (CEQA Guideline §15147).

A0024-26 cont.

7. Under Section D.2.20, the second paragraph should be revised to accurately reflect that a quantitative impact analysis (for sensitive biological resources) was not conducted for construction activities associated with the Connected Actions and Indirect Effects. The statement, "...alteration of the soil and surface conditions, including the loss of native seed banks..." should be revised to accurately reflect the significance of the impacts that were stated in the beginning of section D.2.19.1. Considering Section D.2.20 serves as a summary of biological impacts for all anticipated phases of the Proposed Project, impacts should be fully disclosed and consolidated in a matrix or table-based format.

A0024-27

8. In ABDSP the Draft EIR/EIS lists both permanent (156.69 acres) and temporary (600.84 acres) impacts to Desert Scrub and Dune Habitats (Table D.2-7). As accurately stated in the Draft EIR/EIS, desert ecosystems are especially sensitive to ground disturbance and can take decades to recover, if at all (page D.2-79). Also, restoration in desert environments is challenging due to high temperatures, intense sunlight, limited moisture, high levels of herbivory, and low soil fertility (Lovich and Bainbridge 1999). A more thorough discussion should be provided in the final EIR/EIS to identify contingencies in the event restoration of the aforementioned 600 acres fails (e.g., identify mitigation for 600 acres of permanent impact). Finally, the restoration plan should include the Desert Bioregion Revegetation/Restoration Guidance, provided in the Mitigation Measures section below.

A0024-28

9. The final EIR/EIS should provide supplemental information regarding the proximity of the proposed construction staging areas (Section B.4.5) and helicopter fly yards in relation to sensitive biological habitats. Potential impacts should be identified in terms of being direct, indirect, or cumulatively significant. Also, please clarify whether construction staging area and spur road impacts are included in the total impact acreage listed in section D.2 (Table D.2-7).

A0024-29

Species Specific Comments

1. Peninsular Bighorn Sheep (PBS)

The Draft EIR/EIS states that construction and maintenance activities in PBS habitat would be limited to outside the lambing season and the period of greatest water need. The lambing season is listed as February through August. However, the Service's Recovery Plan for the PBS lists lambing season as January 1 through June 30. Please revise the final EIR/EIS accordingly.

A0024-30

Comment Set A0024, cont.
U.S. Fish & Wildlife Service and California Department of Fish & Game

Ms. Blanchard and Ms. Kastoll (FWS-SD/CDFG-2008B0423/2008TA0463)

8

Because helicopter flights are known to adversely impact PBS (Bleich et al. 1994, USFWS 2000), please add the following sentence to the mitigation measure B-7c on page D.2-115:

A0024-31

All helicopter flights in occupied PBS habitat shall be limited to outside of the lambing season (generally June through December) or a minimum ceiling of 1,500' shall be maintained.

Please revise the first and second bullet points under mitigation measure B-7c to read:

A0024-32

- Fund the design and construction of an overpass or tunnel to facilitate PBS movement across SR78 at a location determined by the USFWS, in coordination with State Parks and CDFG. Tunnel or overpass design must be approved by the Wildlife Agencies.
- Fund removal of tamarisk and fences in perpetuity and install and maintain water sources at locations determined by the USFWS, in coordination with State Parks and CDFG.

The Proposed Project and all Interstate 8 transmission line alternatives would bisect critical habitat, fragment connectivity, and cause direct or indirect loss of bighorn sheep or their habitat. Additionally, the Proposed Project would adversely impact PBS through disturbance from construction activities, loss of habitat, and possible abandonment of traditional lambing and foraging areas. The Draft EIR/EIS concludes these adverse impacts cannot be mitigated to below significant levels. The Wildlife Agencies recommend an alternative where all adverse impacts to PBS can be avoided, minimized, or mitigated, such as the All Underground 230 kV ABDSP SR78 to S2 Alternative.

A0024-33

The Recovery Plan for the PBS identified habitat connectivity as a critical factor for the long-term persistence of the PBS population as subpopulations needed room to shift their habitat use in response to seasonal and long-term environmental changes, and the long-term viability of the overall population was dependent on gene flow and demographic interchange between subpopulations (USFWS 2000). Therefore, we are concerned the Proposed Project and I-8 alternatives may limit the recovery potential of the PBS because both would bisect critical habitat and fragment connectivity.

Table D.2-6 lists identified impacts to biological resources from construction of the Proposed Project. Impact B-9 in Table D.2-6 states that "Construction or operational activities would adversely affect linkages or wildlife movement corridors, the movement of fish, and/or native wildlife nursery sites," and section D.2.4.1 (Significance criteria 4.c) identifies impacts that result in fragmentation of a species' population as significant. It is unknown whether PBS would abandon habitat near the transmission line and/or avoid moving under the transmission lines or if construction activities would adversely impact lambing and subsequent reproductive success. Nonetheless, some may argue that because bighorn sheep in other regions have adapted to using or crossing areas impacted by comparable utility projects, the proposed project is not likely to fragment population connectivity. However, this argument overlooks the fact that bighorn sheep behavior varies by individual animal and on a population

Comment Set A0024, cont.
U.S. Fish & Wildlife Service and California Department of Fish & Game

Ms. Blanchard and Ms. Kastoll (FWS-SD/CDFG-2008B0423/2008TA0463)

9

basis. As stated in the Recovery Plan (p. 43), “Attempts to ascribe relative importance, distinguish among, or generalize the effects of different activities on sheep behavior are not supportable, given the range of potential reactions reported in the literature and different variables impinging on given situations.” Therefore, because the Proposed Project and I-8 alternatives could fragment connectivity of the PBS population, impact B-9 would also be considered a significant unmitigable impact, or Class I, and the final EIR/EIS should be revised accordingly. Furthermore, movement of rams and occasional ewes between ewe groups maintains genetic diversity and augments populations of individual ewe groups. If PBS avoid areas bisected by the transmission lines, it could isolate the ewe groups, cutting off gene flow and increasing the population’s risk of genetic and demographic extinction (Brown and Kodric-Brown 1977, Gilpin and Soulé 1986, Schwartz et al. 1986, Burgman et al. 1993). It is unclear how this adverse impact would be mitigated.

A0024-33 cont.

Lastly, a long-term goal stated in the Recovery Plan for PBS is to re-establish connectivity with populations of bighorn sheep south of the US-Mexico border (USFWS 2000, p.79). Preliminary findings by the Independent Science Advisors for the San Diego East County MSCP indicated one goal of the regional plan should be to facilitate and promote connectivity across the international border to the extent feasible, and that linkages to Mexico should be hard-coded into reserve design (Noss et. al 2007). Consequently, the Proposed Project, I-8 alternatives, and La Rumorosa wind project appear to be inconsistent with stated PBS recovery goals as well as long-term regional conservation planning efforts. These inconsistencies should be addressed in the final EIR/EIS.

2. Burrowing Owl

The 500 kV Lattice, the West Main Canal/Huff Road Modification Alternative, the FTHL Eastern Alternative, the Interstate 8 Alternative, and the West of Dunaway Alternative are all located in western burrowing owl habitat. This species is designated as a California Species of Special Concern. Section 15380 of the California Environmental Quality Act (CEQA) requires the lead agency to treat sensitive species as though they were listed, if the species meets the criteria for listing described in the section. The Department believes that the Proposed Project could further the decline of this sensitive species. This species must be treated as though it were listed and appropriate avoidance, mitigation, and compensation for impacts need to be identified. Unavoidable impacts to the western burrowing owl should be mitigated through acquisition and protection, in perpetuity, of high quality biological habitat. In addition, please specify in the final EIR/EIS whether surveys and mitigation are consistent with the 1995 Department Staff Report on Burrowing Owl Mitigation.

A0024-34

3. Desert Pupfish

A portion of the proposed 500 kV line passes through the eastern edge of Desert Pupfish Designated Critical Habitat. It is unclear from the Draft EIR/EIS what impacts to Critical Habitat would occur during construction and maintenance of the Proposed Project as specific impacts from pull sites and access roads (see Figure Ap. 8A-7) are not articulated in the Draft

A0024-35

Comment Set A0024, cont.
U.S. Fish & Wildlife Service and California Department of Fish & Game

Ms. Blanchard and Ms. Kastoll (FWS-SD/CDFG-2008B0423/2008TA0463)

10

EIR/EIS. The final EIR/EIS should clarify whether designated Critical Habitat for the desert pupfish will be impacted and how it will be offset.

A0024-35 cont.

4. Arroyo Toad

Arroyo toads are known to occur along the Proposed Project route between MP 126 and MP 127 near San Vicente Creek (USGS 2003). These locations are not included on Figure Ap. 8A-22. However, they are included and labeled as “Historic Observation” in the Figure depicting arroyo toad survey locations in Appendix 8C. Since these occurrences were found in 2003, the area is considered occupied, therefore, impacts to the arroyo toad may occur in this location as arroyo toads have been documented as moving 1 kilometer (0.6 mile) away from the stream, into native upland habitats (Holland 1995, Sweet 1992). Protocol surveys should be conducted in this area and impacts should be addressed in the final EIR/EIS.

A0024-36

5. Vernal Pools

Activities that alter hydrology, increase vernal pool habitat fragmentation, or decrease land types suitable for vernal pool formation have the potential to limit the survivability and recovery of vernal pool species such as the San Diego fairy shrimp, San Diego mesa mint, San Diego button celery, and Orcutt’s brodiaea (Service 1998). Because the proposed action includes these activities, negative impacts to vernal pool species are expected to occur with construction of the Proposed Project. Impacts to vernal pools should be avoided; however, if impacts cannot be avoided, the mitigation ratios proposed in the Draft EIR/EIS are not consistent with current regional standards for development projects or the MSCP. Impacts to vernal pools, regardless of the presence of listed species, are typically mitigated at a 3:1 ratio and on-site restoration is preferred to maintain locally adapted genotypes (Bohonak 2005). Therefore, we recommend the final EIR/EIS be updated to reflect standard vernal pool mitigation ratios to be consistent with current regional standards and that lost basin area is restored on-site rather than off-site.

A0024-37

Additionally, any vernal pool restoration plan should be approved by the Wildlife Agencies and include, at a minimum, methods for implementation of a 5-year maintenance and monitoring program and reporting requirements, focusing on the success criteria to be met, maintenance requirements, and monitoring requirements (measured during average, or above, rainfall years) to evaluate success criteria. The plan should also include methods of site preparation, seed and soil translocation, pre- and post-grading micro-topographic mapping, plant propagation and installation, upland habitat restoration, and contingency measures should the monitored success criteria fall short of those stated in the plan.

6. Narrow Endemics

The Draft EIR/EIS lists 17 narrow endemic species within the Proposed Project footprint and a total of 8,513 individuals would be removed during construction-related activities. This information was provided in three pages of narrative. It would have been helpful to have also provided these data in a tabular format. The final EIR/EIS should provide the critical impact data in table/matrix format, to facilitate the public disclosure process, while providing a

A0024-38

Comment Set A0024, cont.
U.S. Fish & Wildlife Service and California Department of Fish & Game

Ms. Blanchard and Ms. Kastoll (FWS-SD/CDFG-2008B0423/2008TA0463)

11

concise overview of anticipated impacts from such a large scale development project. At a minimum, these data could be provided as a separate column heading in Table D.2-3. Likewise, all other portions of the final EIR/EIS should provide a consolidated overview of biological resource impacts.

A0024-38 cont.

7. Avian Migratory Flyways, Bird Collision/Electrocution Impacts

The Proposed Project traverses between the Salton Sea (and its adjacent wetlands) and the wetlands of the San Sebastian Marsh and San Felipe Creek. Surveys of bird use and movement between these areas were not undertaken to identify the collision risk posed by the Proposed Project. However, previous bird surveys for these areas have shown that approximately 400 different species of seabirds, waterbirds, shorebirds, birds of prey, and passerines use and/or migrate through this area, and the adjacent agricultural fields, each year (Patten et al. 2003, Shuford et al. 2002). Therefore, impacts to rare, sensitive, and migratory species that use this flyway could occur and thus would pose a significant impact (U.S. v. Moon Lake Electric Association, 98-CR-228-B, D.Colo., 1999). The Wildlife Agencies are specifically concerned about collision and electrocution impacts to the bald eagle, golden eagle, peregrine falcon, and western burrowing owl.

A0024-39

To reduce bird collision impacts, mitigation measure B-10a (page D.2-147) states the project applicant would install the transmission lines utilizing Avian Power Line Interaction Committee (APLIC) standards (APLIC 1994). However, there is no mention in the Draft EIR/EIS that demonstrates the project applicant used the APLIC guidelines in planning the route and locating the towers. For example, APLIC guidelines provide methods to determine a number of factors necessary to locate powerlines to minimize collision and electrocution. These include: 1) flight altitude and direction, 2) intensity of movement, 3) species composition, and 4) temporal variations.

We do not concur that it is impossible to determine the numbers of or what species might be impacted by the Proposed Project (D.2-146). There are many examples in the published literature that demonstrate the use of several techniques for discerning numbers and species of birds migrating through an area, both day and night (Williams et al. 2001, Mabee and Cooper 2004, Mabee et al. 2006, Farnsworth et al. 2004, Farnsworth and Russell 2007). The final EIR/EIS should provide site specific data on the numbers and species that would be significantly impacted by collision with and electrocution from the transmission line especially through identified migration corridors, e.g., MP 50 and 88. The Wildlife Agencies recommend adding the following to mitigation measure B-10a:

SDG&E would conduct pre- and post-construction monitoring of transmission and distribution lines for the purposes of: 1) detection of high electrocution or collision risk line segments or poles; 2) assessing the efficacy of installed diverters, perch guards, and other preventative facility measures; and 3) establishing baseline collision and electrocution impact information to inform adaptive management for further reducing impacts and risks. Should areas of high risk be found along a

Comment Set A0024, cont.
U.S. Fish & Wildlife Service and California Department of Fish & Game

Ms. Blanchard and Ms. Kastoll (FWS-SD/CDFG-2008B0423/2008TA0463)

12

particular transmission segment or tower prior to construction, SDG&E should consider the realignment of the section or relocation of the tower to avoid or minimize the adverse impacts. Should areas of high risk be found along a transmission segment or tower post construction, SDG&E should meet with the Wildlife Agencies to determine next steps in reducing the impact.

A0024-39 cont.

8. Wildlife Corridors

The Draft EIR/EIS (Section D.2.4.1, number 4), considers substantially interfering with wildlife movement through movement corridors a significant impact, requiring mitigation. Impacts from the Proposed Project for this impact are considered either a Class II impact (significant, can be mitigated to a level that is less than significant) or No Impact (see impact B-9, Table). Since a definition of a wildlife corridor was not provided in the Draft EIR/EIS, and areas considered wildlife corridors were not delineated on biological resource maps, it seems the analysis for this impact assumes the entire Proposed Project alignment overlaps with wildlife corridors. Typically, wildlife corridors are defined as landscape features, usually narrow and linear in nature, that connect two large core habitat patches allowing for the movement of animals from one patch to the other. There are several areas of the Proposed Project alignment that bisect core habitat patches, therefore, these areas would not be considered wildlife corridors; however, because wildlife corridors were not delineated in the Draft EIR/EIS, it is difficult for us to determine whether wildlife movement is being affected.

A0024-40

The final EIR/EIS should define what is considered a wildlife corridor, delineate these areas on the biological resources maps, and describe how these areas may or may not be impacted (e.g., new access roads, increased non-native species, etc). Since a majority of the wildlife corridors identified in regional NCCP/HCPs are currently constrained with encroaching development, the Wildlife Agencies do not concur with the statement that “the creation of permanent access roads may, in some cases, make wildlife movement through otherwise dense vegetation easier” (Page D.2-143). For some species, open areas discourage movement especially those that are highly cover-dependent. Once wildlife corridors have been delineated, a more detailed, specific analysis can be conducted to determine impacts. The final EIR/EIS should identify where the project might further constrain movement in these areas and describe what efforts would be conducted to avoid, minimize, or mitigate this impact.

Plan Consistency

1. The Alternatives Consistency Review Section (Section D.16.3) suggests that the Proposed Project is consistent with local jurisdiction’s planning documents (e.g., San Diego or Imperial County General Plans) in terms of meeting stated vegetation and wildlife conservation policies/objectives. The current premise that the Proposed Project is consistent with these plans is by the application of mitigation measures to address habitat loss. This is misleading, as the Draft EIR/EIS states that “it is unknown if the land required by Mitigation Measure B-1a is available.” Until equivalent lands are identified and mitigation of biological impacts is

A0024-41

Comment Set A0024, cont.
U.S. Fish & Wildlife Service and California Department of Fish & Game

Ms. Blanchard and Ms. Kastoll (FWS-SD/CDFG-2008B0423/2008TA0463)

13

clearly ameliorated, findings of consistency with these plans should be prefaced by stating that conservation of lands and biological resources is currently not ensured due to a lack of specificity with regards to commensurate mitigation lands.

A0024-41 cont.

2. The applicability of the County of Diego's MSCP Subarea Plan should be discussed within the Policy Consistency section, considering that there are portions of the Inland Valley Link and Interstate 8 Alternative route transecting this subarea plan. Although the Draft EIR/EIS mentions that the Proposed Project and alternatives would not be subject to the MSCP, the Wildlife Agencies strongly recommend that the final EIR/EIS identify the specific inconsistencies between the Propose Project and current or draft NCCP/HCP's by which regional conservation efforts are guided [CEQA Guideline 15125 (d)]. Also, in association with discussion above, an overlay map of existing MSCP Subarea Plan boundaries should be provided in the final EIR/EIS, similar to highlighted BLM Planning Areas shown in Figure D.17-1.

A0024-42

Fire

The CEC expects that "...wildfires in the grasslands and chaparral ecosystems of southern California are expected to increase by approximately 30 percent toward the end of the century..." (CEC 2006). Further, a significant portion of the northern route transects lands that burned during the 2007 Witch fire, which was caused by a powerline ignition. Although fire is a natural part of the grassland, chaparral, and other natural communities, placing high voltage lines in undisturbed backcountry may increase the risk of fire and fire frequency, leading to type conversion of these habitats. In the final EIR/EIS, please discuss how this will be addressed and mitigated.

A0024-43

Connected Actions

1. Stirling Energy Systems Solar Facility

A biological survey report should be available for the site. The final EIR/EIS should incorporate data included in this survey and use it to adequately assess biological impacts and define appropriate mitigation.

A0024-44

Section D.2.19 of the Draft EIR/EIS indicates that the entire 8,000 acre site would be fenced. A management objective outlined in the FTHL Rangewide Management Strategy (RMS) states that effective habitat corridors between management areas will be maintained to allow for interchange between populations. The habitat corridor between West Mesa MA and Yuha Basin MA is specifically mentioned in the RMS. The final EIR/EIS should include a discussion on the type of fence to be used and whether it would restrict FTHL or other animal movement between these management areas.

A0024-45

Data regarding impacts of this type of solar facility on desert ecosystems are lacking. We anticipate that the large amount of shading and periodic (11 times a year) washing of the

A0024-46