

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

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2. Extensive discussion was provided in the Draft EIR/EIS for many of the affected sensitive plant species, including offsetting measures pertaining to salvage, relocation, and reseedling (Mitigation Measure B-5a). Additional discussion should be provided as to whether these measures are feasible/effective for those affected species. Mitigation measures should emphasize avoidance, and where avoidance is infeasible, minimization of project impacts. The Wildlife Agencies generally do not support the use of relocation, salvage, and/or translocation as mitigation for impacts on rare, threatened, or endangered species. Studies have shown that these efforts are experimental in nature and largely unsuccessful.
3. For Section D.2.12, Nesting Birds (and elsewhere in the document concerning mitigation measures for nesting birds), the Wildlife Agencies recommend the following standard conservation measures be incorporated along with those measures already identified for avoidance/minimization of impacts on migratory birds within the document:

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To avoid any direct and indirect impacts to raptors and/or any migratory birds, grubbing and clearing of vegetation that may support active nests and construction activities adjacent to nesting habitat, should occur outside of the breeding season (January 15 to August 15). If removal of habitat and/or construction activities is necessary adjacent to nesting habitat during the breeding season, SDG&E shall retain a Wildlife Agency-approved biologist to conduct a pre-construction survey to determine the presence or absence of non-listed nesting migratory birds on or within 100-feet of the construction area, determine the presence or absence of federally- or State-listed birds (e.g., coastal California gnatcatcher, least Bell's vireo) on or within 300-feet of the construction area and determine the presence or absence of nesting raptors within 500-feet of the construction area. The pre-construction survey must be conducted within 10 calendar days prior to the start of construction, the results of which must be submitted to the Wildlife Agencies for review and approval prior to initiating any construction activities. If nesting birds are detected by the Wildlife Agency-approved biologist, the following buffers should be established: 1) no work within 100 feet of a non-listed nesting migratory bird nest, 2) no work within 300 feet of a listed bird nest, and 3) no work within 500 feet of a raptor nest. However, there may be a reduction of these buffer widths depending on site-specific conditions (e.g., the width and type of screening vegetation between the nest and proposed activity) or the existing ambient level of activity (e.g., existing level of human activity within the buffer distance). If construction must take place within the recommended buffer widths above, the project applicant should contact the Wildlife Agencies to determine the appropriate buffer.

A bio-monitor shall be present on-site during all initial grubbing and clearing of vegetation to ensure that perimeter construction fencing is being maintained and to minimize the likelihood that nests containing eggs or chicks are abandoned or fail due to construction activity. A bio-monitor shall also perform periodic inspections of the construction site during all major grading to ensure that impacts to sensitive

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plants and wildlife are minimized. These inspections should take place once or twice a week, as defined by the Wildlife Agencies, depending on the sensitivity of the resources. The bio-monitor shall send weekly monitoring reports to SDG&E and shall notify both SDG&E and the Wildlife Agencies immediately if clearing is done outside of the permitted project footprint.

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4. Desert Bioregion Revegetation/Restoration Guidance

Restoration of desert vegetation communities post-construction should include the following:

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- a. Alleviate soil compaction to improve water infiltration and allow for plant root growth. Current methods for rehabilitating closed routes include ripping and scarifying compacted surfaces using farming implements such as tillers and disks pulled by tractors. After the compacted surface is broken up, other implements can be used to smooth the rough surface and return it to its original contour. Among the equipment used are drag harrows with both spike-tines and flex-tines or link-chain harrows. Road berms may need to be broken up and leveled to visually eliminate the roadbed and to allow natural drainage of the area. Pitting or imprinting implements that can be pulled by a pickup truck or a tractor may also be used. A pitted soil surface allows plants to become more easily established by providing small areas where seeds and rainwater can be captured. Planting native shrubs and/or seeding native plants to the prepared area may facilitate restoration. However, restoration in desert scrub communities is often unsuccessful, and restoration techniques are not well-studied in the very arid regions of the Sonoran Desert. Restoration at route intersections is especially important to discourage vehicle use. Planted seedlings also provide a barrier to traffic, because plants will usually need to be protected by wire mesh cages for the first year.
- b. When planting seedlings, a critical element of survival is the amount of root biomass the plant has when it is planted. The root biomass will keep the plant alive during the long hot summer. Some slow growing species, such as creosote bush (*Larrea tridentata*), may need to grow for one to two years before planting to acquire the necessary root mass to survive without watering. Other critical elements in successful restoration projects which use container stock include; 1) spring planting, 2) proper conditioning at the nursery, 3) anti-herbivory cages around each plant, and 3) maintenance of the restoration project (Bauder and Larigauderie 1991).

Seeds from native plants can be collected nearby and broadcast over or placed in imprinted depressions in the newly prepared soil. Although irrigating may be possible in some small locations, the success of most seedlings is dependent on unpredictable rainfall. Broadcast seeding is relatively inexpensive, and, if rainfall is fortuitous, plants may become established at a relatively high density and in a random pattern. Although the methods for seeding are varied, they may not accomplish the desired restoration, therefore use of container plants may be necessary. However, seeding techniques are less

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time consuming and much less expensive than planting and may, in some cases, be as effective. The success of seeding projects is increased if seeding occurs immediately before the rainy season, seeds are covered, a mulch is used, and seeds are collected near the restoration site (Bauder and Larigauderie 1991).

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Responses to Comment Set A0024**U.S. Fish & Wildlife Service and California Department of Fish & Game**

A0024-1 The commenter's summary of the project description and agency permitting requirements are acknowledged.

A0024-2 The commenter states a concern that the biological impact acreages may not include impacts from all new access roads, spur roads, and staging areas. In fact, the Draft EIR/EIS analyzed the impacts associated with all of the access roads, spur roads, and staging areas provided by SDG&E as part of the preliminary engineering as described in Section D.2.1.1 (Data Analysis and Use) on page D.2-10 of Volume 1 of the Draft EIR/EIS and as shown on the Biological Resources/Impacts figures in Appendices 8D through 8J on the compact disc included with Volume 6 of the Draft EIR/EIS. The Draft EIR/EIS provides an adequate assessment of impacts and required information based on information developed by multiple studies and study methods including habitat assessments, field surveys, analysis of aerial photography, and literature review as described in Section D.2.1.1 (Approach to Data Collection) beginning on page D.2-1 of Volume 1 of the Draft EIR/EIS. Also see General Response GR-16 (Adequacy of Biological Surveys). The final total amount of mitigation required for impacts to sensitive habitat will be fine-tuned and calculated based on the route that is chosen and the final engineering that is submitted for the route. See also General Response GR-15 (Biological Resources Jurisdictional Delineations).

In response to the commenter's request for a summary table of impacts and associated mitigation for species specific impacts,) a comparison table has been prepared for this Final EIR/EIS and is presented in Appendix 8P, Consolidated Biology Impact Matrix.

A0024-3 The commenter's request to analyze consistency with all approved and draft NCCP/HCP subarea plans (i.e., the MSCP, North County MSCP, and East County MSCP) is acknowledged, and Appendix 8O, titled Consistency with Existing and Draft Regional Conservation Plans, has been prepared and included in this Final EIR/EIS in response to this comment. Please also see General Response GR-17 (Consistency with Existing and Draft Regional Conservation Plans).

A0024-4 Impact significance is presented in the EIR/EIS as requested; unmitigable impacts are defined as significant, and mitigation is presented to the extent that feasible mitigation could be developed. The commenter requests that for each significant impact, the EIR/EIS should identify specific measures, discuss each potential mitigation measure separately, and articulate the reason for choosing one measure over the other. Numerous potential mitigation measures were considered during the preparation of the Draft EIR/EIS. Potential mitigation measures were discussed at multiple meetings and conversations with state and federal resource agencies during the preparation of the Draft EIR/EIS. These meetings and conversations occurred as follows.

- August 9, 2006—Meeting among BLM, CPUC, USFWS, CDFG, and EIR/EIS team.
- October 10, 2006—Meeting among State Parks and HELIX Environmental Planning, Inc. (HELIX)
- January 1, 2007—E-mail correspondence between BLM and HELIX.

- February 1, 2007—Meeting among State Parks, USFWS, CDFG, Conservation Biology Institute, and HELIX.
- February 8, 2007—Meeting among BLM, USFWS, and EIR/EIS team.
- April 12, 2007—Phone conversation and e-mail correspondence between HELIX and USFWS.
- May 14, 2007—Phone conversation between HELIX and USFWS.
- June 27, 2007—Phone conversation between HELIX and USFWS.
- July 13, 2007—E-mail correspondence between HELIX and BLM.
- November 30, 2007—E-mail correspondence between HELIX and BLM.

The CPUC and BLM are receptive to additional mitigation measures or modification to mitigation measures, as can be seen by changes made in response to various comments. However, since no specific changes are suggested in this comment, no change is proposed to the Draft EIR/EIS based on this comment.

The commenter's concern regarding the identification of mitigation lands is noted. Identification of potential mitigation lands is in progress, but it is not practical or reasonably feasible to identify available mitigation land for each of the various alternatives analyzed in the EIR/EIS prior to a final decision on project approval because the extent of impacts to different habitat types varies among the alternatives. Identification of appropriate mitigation lands will be based on the ultimate decisions of the CPUC and BLM. In light of the uncertainty regarding the availability of mitigation land, the EIR/EIS did not assume that establishing mitigation measures alone could reduce impacts to less than significant. Please see General Response GR-18 (Identification of Biological Resources Mitigation Lands).

The commenter's request that Proposed Project, alternatives, connected actions, and project siting considerations avoid and minimize direct and indirect biological impacts is acknowledged. Shorter linear length and fewer vegetation impacts is one of the reasons why the southern route was found to be environmentally superior to the "environmentally superior northern route" and the Proposed Project (see Section H.5 in Volume 5 of the Draft EIR/EIS).

The commenter's statement that impacts to critical habitat must be mitigated within the same critical habitat unit where the impacts occurred is also acknowledged. The following changes will be made to pages D.2-116, D.2-121, D.2-138, and E.1.2-32, respectively:

Furthermore, the Applicant shall provide compensation for direct loss of critical habitat at a 5:1 ratio for permanent impacts and at a 3:1 ratio (including a combination of onsite restoration and offsite purchase) for temporary impacts with PBS critical habitat or other habitat acceptable to the Wildlife Agencies, BLM, and State Parks (for critical habitat in ABDSP). Impacts to PBS critical habitat must be mitigated within the same Critical Habitat Unit where the impacts occurred.

Mitigation for the loss of least Bell's vireo- or southwestern willow flycatcher-occupied habitat (or designated critical habitat for the flycatcher) shall be implemented

as follows. Permanent impacts to occupied habitat and/or designated critical habitat shall include offsite acquisition and preservation of occupied habitat or designated critical habitat at a 3:1 ratio. Temporary impacts to occupied habitat or designated critical habitat shall include 1:1 onsite restoration and 2:1 offsite acquisition and preservation of occupied habitat and/or designated critical habitat. Impacts to least Bell's vireo or southwestern willow flycatcher critical habitat must be mitigated within the same Critical Habitat Unit where the impacts occurred.

Mitigation for the loss of unoccupied designated critical habitat for the gnatcatcher shall be implemented as follows. Permanent impacts to unoccupied designated critical habitat shall include offsite acquisition and preservation of designated critical habitat at a 2:1 ratio. Temporary impacts to unoccupied designated critical habitat shall include 1:1 onsite restoration. Impacts to coastal California gnatcatcher critical habitat must be mitigated within the same Critical Habitat Unit where the impacts occurred.

For the I-8 Alternative, the required mitigation for impacts to designated critical habitat includes 6.9 acres of onsite restoration and 20.3 acres of offsite acquisition and preservation of acres of QCB critical habitat or other habitat acceptable to Wildlife Agencies, BLM, or other applicable agencies. Impacts to QCB critical habitat must be mitigated within the same Critical Habitat Unit where the impacts occurred. Furthermore, should the Proposed Rule issued on January 17, 2008 by the USFWS to revise the area of designated critical habitat for the Quino be adopted by USFWS prior to construction, the impacts to critical habitat shall be recalculated by a qualified biologist (see Mitigation Measure B-1c), and the required number of acres of compensation/restoration land required by this mitigation measure shall be revised based on the ratios set forth in Mitigation Measure B-7i. The recalculations and revisions to the required mitigation shall be submitted to the CPUC, BLM, and the Wildlife Agencies for review and approval prior to the commencement of construction in critical habitat. All other QCB mitigation described in Mitigation Measure B-7i for the Proposed Project (Section D.2.11) is also required for the I-8 Alternative.

- A0024-5 See General Response GR-13, Biological Resources Applicant Proposed Measures (APMs), which clarifies that compliance with all APMs as well as all applicable APMs will be required. Mitigation has been developed in each case where APMs did not provide sufficient reduction in impacts.
- A0024-6 Section F.2.2 in Volume 5 of the Draft EIR/EIS addresses growth related to the provision of additional electric power. As stated in Section F.2.2 the Proposed Project is not intended to supply power related to growth for any particular development, either directly or indirectly and would not result in direct growth-inducing impacts. This can be seen because the Proposed Project would include only 500 kV and 230 kV transmission lines which are not appropriate for residential or other development and must be further reduced in voltage before being available for residential use. Only upon reaching the Peñasquitos Substation would a reduction in voltage occur to such an extent as to be applicable for residential or commercial purposes. However, the Proposed Project would facilitate growth indirectly by removing obstacles to population growth through the additional increased capacity of electric power that it would make available.

Section F.2.2 further states that the Proposed Project may encourage the developed of renewable projects in the Imperial Valley, Mexico, and eastern San Diego County which would lead to indirect growth in these regions. Indeed, the identification of connected actions (see Section B.6) shows that other projects would be constructed as a result of the construction of the Sunrise Powerlink. The connected actions have been analyzed in the Draft EIR/EIS to provide additional information to the decision-makers and do include a full analysis of all the resource areas including biological resources.

Please refer to the remaining responses within this comment set for additional details on mitigation and impacts to listed and sensitive species from the Proposed Project and alternatives. The commenter's support for approval of an alternative similar to the New In-Area Renewable Generation Alternative but with additional localized generation capacity is acknowledged. Such an alternative is within the range of alternatives already considered in the EIR/EIS. An EIR is not required to consider every conceivable alternative. (CEQA Guidelines § 15126.6(a).) Similarly, the Council on Environmental Quality's (CEQ) NEPA Regulations provide that "[w]hen there are potentially a very large spectrum of alternatives, only a reasonable number of examples, covering the full spectrum of alternatives, must be analyzed and compared in the EIS." (CEQ 40 FAQs, No. 1b.) The EIR/EIS includes a reasonable range of alternatives that meet CEQA and NEPA requirements.

A0024-7

The commenter requests that the Final EIR/EIS include a more detailed discussion regarding how operations and maintenance activities will be mitigated, tracked and reported. Operations and maintenance activities with potential to create impacts will be tracked and reported through biological monitoring (see Draft EIR/EIS page D.2-92 and D.2-93, Mitigation Measure B-1c). The biological monitor's responsibilities will include ensuring that all requirements of the APMs and mitigation measures are being met by being present during construction activities. The following criterion will be added to the Monitoring/Reporting Action line for Mitigation Measure B-1c in Table D.2-24 (page D.2-513) as follows:

CPUC/BLM biological monitor shall oversee monitoring and ensure compliance with APMs and mitigation measures. The biological monitor shall submit weekly monitoring reports to SDG&E during construction. The biological monitor shall submit weekly reports to the CPUC and BLM during construction and throughout the maintenance period. Reports shall include a summary of activities and tracking of the APM and mitigation measure requirements. The biological monitor shall submit a final report of impact/mitigation calculations to the CPUC, BLM, State Parks (for monitoring in ABDSP), USDA Forest Service (for alternatives that require monitoring on National Forest lands), and the Wildlife Agencies.

Additionally, Mitigation Measure B-1c (page D.2-92) of Volume 1 of the Draft EIR/EIS has been revised to specify monitoring of maintenance activities as follows.

B-1c Conduct biological monitoring. Monitoring shall be provided by a qualified biologist approved by the CPUC, BLM, State Parks (for monitoring in ABDSP), USDA Forest Service (for alternatives that require monitoring on National Forest lands), and the Wildlife Agencies to ensure that all impacts occur within designated limits. Monitoring entails communicating with contractors, taking daily notes, and ensuring that the requirements of the APMs

and mitigation measures are being met by being present during construction activities including all initial grubbing and clearing of vegetation. Additionally, a qualified biologist employed by SDG&E shall be present during maintenance involving ROW repair requiring ground disturbance (i.e., grading/repair of access road and work areas and spot repair of areas subject to flooding or scouring). Biological monitoring of these maintenance activities is to prevent impacts to vegetation communities or wildlife habitat not within the permanent project impact footprint or to record and report unauthorized impacts outside the footprint to the CPUC, BLM, State Parks (for monitoring in ABDSP), USDA Forest Service (for alternatives that require monitoring on National Forest lands), and the Wildlife Agencies to ensure the unauthorized impacts are mitigated in accordance with Mitigation Measure B-1a. The qualified biologist shall conduct monitoring for any area subject to disturbance from construction and the maintenance activities listed above (or access roads used during maintenance activities in the case of vernal pools/water-holding basins; see Mitigation Measure B1b). The qualified biologist shall perform periodic inspections of construction once or twice per week, as defined by the Wildlife Agencies, depending on the sensitivity of the resources. The qualified biologist shall send weekly monitoring reports to the CPUC and BLM and shall record any reduction or increase in construction impacts so that mitigation requirements can be revised accordingly. The final impact/mitigation calculations shall be submitted to the CPUC, BLM, State Parks (for monitoring in ABDSP), USDA Forest Service (for alternatives that require monitoring on National Forest lands), and the Wildlife Agencies for review and approval. The qualified biologist shall send annual monitoring reports of maintenance activities to the CPUC, BLM, State Parks (for monitoring of maintenance activities in ABDSP), and USDA Forest Service (for alternatives that require monitoring of maintenance activities on National Forest lands) that describe the types of maintenance that occurred, at what locations they occurred, and whether or not there were unauthorized impacts that require mitigation. The applicant, its contractors and subcontractors, and their respective project personnel, shall refer all environmental issues, including wildlife relocation, sick or dead wildlife, hazardous waste, or questions about environmental impacts to the qualified biologist. Experts in wildlife handling (e.g., Project Wildlife) may need to be brought in by the qualified biologist for assistance with wildlife relocations.

The qualified biologist shall have the authority to issue stop work orders if any part of the mitigation measures or APMs are being violated. The qualified biologist shall immediately notify the CPUC, BLM, State Parks (for monitoring in ABDSP), USDA Forest Service (for alternatives that require monitoring on National Forest lands), and the Wildlife Agencies of any significant events, including impacts outside the construction zone or maintenance impacts outside the authorized permanent impact footprints if they are discovered during construction or monitoring of maintenance ~~monitoring~~ activities. Reinitiation of work following a stop work order shall only occur when the CPUC, BLM, State Parks (for impacts in ABDSP), USDA Forest Service (for alternatives with impacts on National Forest lands), and the Wildlife Agencies are satisfied that the impacts have been fully documented, that com-

pensation for these impacts shall be made, and that any additional protection measures they deem necessary shall be undertaken.

A0024-8 The commenter's request to identify additional conservation lands owned and/or managed by CDFG is acknowledged. Section D.2.1.2.1 has been revised to include the conservation lands owned and/or managed by CDFG (San Felipe Valley Wildlife Management Area, Iron Mountain, Cañada de San Vicente, and Del Mar Mesa/Lopez Ridge Ecological Reserve). Text in Section D.2.1.2.1 has been modified to clarify that Sycamore Canyon/Goodan Ranch is under joint ownership between CDFG and the County of San Diego.

San Felipe Valley Wildlife Area. Located approximately 10 miles northeast of the town of Julian between SR78 and SR79 is a critical link in a large network of open space and wildlife habitat that stretches from the Pacific Ocean through the coastal range and inland forests to California's resource-rich desert. The wildlife area is surrounded by other open space lands including the ABDSP, Cuyamaca Rancho State Park, the San Dieguito River Park's Volcan Mountain Preserve, Cleveland National Forest, the Santa Ysabel Indian Reservation, and BLM lands. The area, owned and managed by the CDFG, provides important foraging and fawning habitat for resident mule deer and preserves riparian, oak woodland, and upland habitats used by a variety of game and non-game species.

Cañada de San Vicente Proposed Ecological Reserve. This proposed reserve is owned and/or managed by the CDFG, and is located in the foothills several miles south of the community of Ramona. It is made up of approximately 4,400 acres of riparian, coastal sage scrub, chaparral, grassland, woodland, and forest habitats. It was one of the largest parcels available for purchase within the rural lands of the San Diego River watershed and the largest parcel available for purchase within the Core Biological Area of the MSCP.

Del Mar Mesa/Lopez Ridge Ecological Reserve. This 92-acre reserve, owned and/or managed by the CDFG, was preserved to protect southern mixed chaparral, chamise chaparral, scrub oak chaparral, Diegan coastal sage scrub, vernal pools, and associated species such as Orcutt's brodiaea, San Diego mesa mint, San Diego goldenstar, San Diego button-celery, San Diego horned lizard, mountain lion, and southern mule deer.

City of Poway MSCP Subarea Plan. In July 1996, the City of Poway finalized its multi-species Habitat Conservation Plan (HCP)/Natural Communities Conservation Plan (NCCP) subarea plan, which provides protection and incidental take coverage for 43 species of plants and animals. The Subarea Plan establishes a 13,300-acre Poway Mitigation Area where habitat conservation is emphasized. Approximately 10,800 acres of natural habitat within this Mitigation Area will be conserved (CDFG, 2007a). One of the Preserve Cornerstone Lands (i.e., a large block of land on which biological resources are currently afforded substantial protection) is the 865-acre Iron Mountain Cornerstone that comprises the extreme eastern corner of Poway. It contains rugged slopes covered with chamise chaparral, and its southwest corner supports coastal sage scrub with diverse species composition. Much of this cornerstone land contains habitats rated as moderate and high value by the Public Review Draft MSCP habitat evaluation model.

Text in Section D.2.1.2.1 has been also modified to clarify that Sycamore Canyon/Goodan Ranch is under joint ownership between CDFG and the County of San Diego as follows.

Sycamore Canyon/Goodan Ranch Open Space Preserve. The Sycamore Canyon/Goodan Ranch Open Space Preserve (a joint City of Santee, City of Poway, County of San Diego, and CDFG preserve) covers approximately 1,820 acres in southeast Poway.

The commenter suggests that the impacts to the long-term management objectives of the CDFG preserves should be discussed. The specific management objectives were not identified by the commenter; however, it is assumed that they include measures to protect and preserve wildlife and its habitats in perpetuity.

The San Felipe Valley Wildlife Management Area would have been impacted by the Partial Underground ABDSP SR78 to S2 Alternative; however, this alternative is not considered part of the Final Environmentally Superior Northern Route considered in this Final EIR/EIS. It has been replaced with the Partial Underground ABDSP SR78 to S2 Alternative All Underground Option, so the entire alternative would occur under SR78, and there would be no direct impacts to the San Felipe Valley Wildlife Management Area.

The Chuck Wagon Road Alternative would impact the Cañada de San Vicente Proposed Ecological Reserve as described in Response to Comment A0024-11. The Interstate 8 Alternative is estimated to potentially impact approximately two acres of northern mixed chaparral in Welker Canyon. The Proposed Project is estimated to potentially impact approximately one acre of Iron Mountain. These impacts are the combined total of permanent and temporary impacts. For all impacts to CDFG preserves described herein, the mitigation required for the Sunrise Powerlink Project would protect and preserve wildlife and its habitat from direct and indirect impacts or would provide compensation measures where preservation is not possible (see Appendix 12 of this Final EIR/EIS for the full text of all of the mitigation measures). Due to the limited extent of the impacts and the required mitigation, the Sunrise Powerlink Project would not result in significant impacts to the specific management objectives of these preserves.

The commenter also suggests that Table A-1 (Section A.6.5) be revised to add easements to the list of requirements under the Permit or Regulatory Requirement column for the California Department of Fish and Game. This requirement has been added as follows:

Table A-1. Permits or Other Actions Required Prior to Construction of the SRPL

Agency	Jurisdiction	Permit or Regulatory Requirement
STATE		
California Department of Fish and Game	Manage fish, wildlife, plant resources and habitats; California ESA, California Native Plant Protection Act, California Fish and Game Code Section 1601	- Streambed Alteration 1601 Permit - Section 2061 Incidental Take Permit - Mitigation agreement/plan - Certification of EIR <u>Easement</u>

A0024-9 It is acknowledged that upgraded or new maintenance roads could improve access and increase the potential for off-road vehicles on CDFG lands or other sensitive habitat areas. Mitigation Measure B-1a (page D.2-88) of Volume 1 of the Draft EIR/EIS has been revised based on similar comments (see Response to Comment E0004-154) and the revised text of this portion of the measure can be found in Response to Comment A0024-11.

The commenter also suggests that Mitigation Measure B-12a be revised to include off-road vehicle patrols to address potential long-term resource impact concerns. Changes to Mitigation Measure B-1a (Provide restoration/compensation for affected sensitive vegetation communities) address these concerns, and therefore revisions to Mitigation Measure B-12a (Conduct maintenance activities outside the general avian breeding season) are not necessary.

A0024-10 The commenter's request to consider potential impacts to the Goodan Ranch Preserve as cumulative and to double the mitigation ratios is acknowledged. However, there would be no impacts to Goodan Ranch, and therefore, cumulative impacts would not occur.

A0024-11 The commenter is concerned that the project would impede access to the Cañada de San Vicente Preserve for people responsible for it. Mitigation Measure B-1a has been revised as follows to address this concern.

B-1a Provide restoration/compensation for affected sensitive vegetation communities. ...

All limits of construction shall be delineated with orange construction fencing. During and after construction, entrances to access roads shall be gated to prevent the unauthorized use of these roads by the general public. SDG&E shall coordinate with the authorized officer for the applicable federal, State, or local land owner/administrator at least 60 days before construction in order to determine if gates shall be installed on access roads, especially trails that would be dually used as access roads, to prevent unauthorized vehicular access to the ROW. Gate installation shall be required at the discretion of the land management agency. On trails proposed for dual use as access roads, gates shall be wide enough to allow horses, bicycles, and pedestrians to pass through. SDG&E shall document its coordination efforts with the administering agency of the road/trail and provide this documentation to the CPUC, BLM, and all affected jurisdictions 30 days prior to construction. Signs prohibiting unauthorized use of the access roads shall be posted on these the installed gates. To control unauthorized use of project access roads by off-road vehicle enthusiasts, SDG&E shall provide sufficient funding to land management entities responsible for areas set aside for habitat conservation to provide for off-road vehicle enforcement patrols. The responsible land management entities will formulate what funding is reasonable to control unauthorized use of project access roads.

The commenter's request to consider potential impacts to the Cañada de San Vicente Preserve as cumulative and to double the mitigation ratios because it is mitigation land is acknowledged. Table D.2-21 on page D.2-451 of the Draft EIR/EIS has been revised to show the impacts and increased mitigation for impacts to Cañada de San Vicente from the Chuck Wagon Road Alternative, and a footnote has been added at the bottom of Table D.2-21 as follows.

Chaparrals								
Southern mixed chaparral – burned	1.60	1:1	1.60	1.46	1:1	1.46	0.00	1.60
Southern mixed chaparral – disturbed	<u>2.790.57</u>	<u>1:1</u>	<u>2.790.57</u>	<u>2.100.30</u>	<u>1:1</u>	<u>2.100.30</u>	<u>0.00</u>	<u>2.790.57</u>
Southern mixed chaparral – disturbed ¹	<u>2.22</u>	<u>2:1¹</u>	<u>4.44</u>	<u>1.80</u>	<u>2:1¹</u>	<u>1.80</u>	<u>1.80</u>	<u>6.24</u>
Subtotal	4.39	—	4.396.61	3.56	—	3.56	0.001.80	4.398.41

¹ These impacts to southern mixed chaparral-disturbed occur in the Cañada de San Vicente Proposed Ecological Reserve on land already in use as mitigation for other projects. Therefore, as is standard practice in San Diego County, these impacts shall be mitigated at double the rate of the mitigation that is otherwise required, as shown in Table D.2-21.

Furthermore, a sentence has been added to Mitigation Measure B-1a in Section D.2.5 (page D.2-88) of Volume 1 of the Draft EIR/EIS as follows.

Mitigation ratios and mitigation acreages for construction within authorized limits are provided in Table D.2-7 for the Proposed Project (see Impacts to Vegetation Communities and Required Mitigation tables in alternatives sections for the alternatives). The mitigation ratios also apply to impacts from emergency repairs. In cases where the impacts to sensitive vegetation communities occur on lands already in use as mitigation for other projects, the mitigation ratios shall be doubled, as is standard practice in San Diego County.

Impacts to Cañada de San Vicente will not be considered cumulative because no impacts have occurred to the preserve by previous projects. The Cumulative Impacts section for the Proposed Project and the alternatives (Section G in Volume 5 of the Draft EIR/EIS) analyzed impacts by other projects in the vicinity of the Sunrise Powerlink Project.

A0024-12

The commenter's concern about the potential effects to existing infrastructure and maintenance of Cañada de San Vicente Preserve facilities is acknowledged. Approximately the first 1.8 miles of the Chuck Wagon Road Alternative would be constructed underground in the roadway; therefore, existing roads, culverts, and bridges would be damaged if this alternative were to be constructed. Damaged roads, roadside drainage structures, and bridges would be repaired by SDG&E, as required by Mitigation Measure T-5a (Repair roadways damaged by construction activities) and other mitigation measures presented in the Traffic and Transportation section (Section D.9.17.4 of Volume 3 of the Draft EIR/EIS).

Desert roadway watercourse crossings are typically at-grade or with relatively small culverts which could be overtopped or bypassed by large floods, resulting in scour damage to the roadway as well as the power line. Mitigation Measure H-8a (Bury power line below 100-year scour depth) in Section D.12.17.4 of Volume 3 of the Draft EIR/EIS would apply to any stream crossing capable of scour.

The commenter also states the Draft EIR/EIS did not adequately address the potential for golden eagle collisions with new overhead lines between MP CWR-2 and CWR-3. No change to the Draft EIR/EIS will be made based on this portion of the comment because golden eagle collision risk was assessed as part of the overall collision risk for listed and special status bird species (Impact B-10, page D.2-460 of the Draft EIR/EIS) as follows:

Therefore, as with the Proposed Project, it is assumed that some migrating species could be federal or State listed or of other special status, and their mortality would be a significant impact that is not mitigable to less than significant levels (Class I) according to Significance Criterion....

A0024-13 The commenter's concern that new access roads could result in impacts to sensitive habitat and associated species within the Iron Mountain proposed ecological reserve is acknowledged. See Response to Comment A0024-8.

A0024-14 The restrictions to land within the San Felipe Valley Wildlife Areas are noted. The commenter's request to underground all powerlines if this alignment is selected is acknowledged. The underground alternative is recommended as part of the Final Environmentally Superior Northern Route (identified on page 5-2 in Section 5.1 of the Recirculated Draft EIR/Supplemental Draft EIS) partially because of this impact concern. The final determination on route selection and the feasibility of alternatives will be made the decision-makers, who will consider all comments.

A0024-15 The commenter states the Final EIR/EIS should include a discussion and a review of project consistency with the City of Santee's Draft MSCP Subarea Plan, Riverside County's MSHCP, and southern Orange County's HCP.

None of the project alternatives are located within the City of Santee's Subarea Plan, so there are no direct affects within the Subarea Plan. It is noted that the City's draft Subarea Plan proposes a 300-foot wildlife corridor connecting Santee open space on the Fanita Ranch project with open space on MCAS Miramar. The configuration of the open space on Fanita Ranch requires placement of a wildlife corridor in a location where it is necessary to construct a 300-foot wide path on top of an existing oxidation pond. The proposed SDCPP (ENPEX) project site is located west of where the wildlife corridor proposed in the Draft Santee subarea Plan would connect. Please See Response to Comment A0025-7.

With regard to consistency with the Western Riverside County MSHCP, the only alternative that is located within the MSHCP area is the LEAPS Project. The LEAPS Project Final EIS dated January 2007 evaluates the Department of the Interior's recommendation that the co-applicants demonstrate that the LEAPS Project is consistent with the MSHCP, Stephens' Kangaroo Rat HCP, and the North County Multi-Species HCP. The project effects on core reserves and linkages were cited as being of particular concern (LEAPS Final EIR, Page 3-113). The LEAPS Project also has a Draft Biological Opinion issued by the USFWS that presumably considers project effects to listed species in the context of these plans. Finally, the LEAPS Project will also require an EIR that will presumably include evaluation of the project's consistency with the MSHCP and other pertinent plans. The EIS and BO require additional pre-construction special status plant and animal surveys at transmission line tower sites and along

transmission alignment access roads to ensure compliance with the MSHCP. Based on the information available to date, the project has not been shown to be inconsistent with the MSHCP, and measures have been included in the project to help ensure compliance.

With regard to consistency with the southern Orange County HCP, the only project alternative that is located within this plan area is the Margarita Peaker Power Plant site. The existing substation is located on 3 acres of generally undeveloped land. Construction required for implementation of the alternative described in the Draft EIR/EIS would require approximately 8 acres of temporary laydown area, in an area that is vegetated mainly with non-native grassland, a relatively low sensitivity vegetation type. No new construction of transmission lines would be required. Construction of this project would not have an adverse affect on the Southern Orange County HCP because the proposed alternative is limited in size and not located in a sensitive area.

A0024-16 The commenter's request to provide a discussion regarding the use of regional habitat assessment models to assist in identifying suitable habitats to fulfill mitigation requirements is noted. See Response to Comment A0024-4. SDG&E is currently conducting preliminary work on mitigation concepts for the Sunrise Powerlink based on the analysis in the Draft EIR/EIS. It has obtained maps from the USFWS that identify desired mitigation lands. It has begun to link potential vegetation impacts associated with Sunrise to specific mitigation parcels within USFWS-identified mitigation land target areas. See General Response GR-18 (Identification of Biological Resources Mitigation Lands).

A0024-17 The commenter requests that a specific statement be included under the heading "Lake and Streambed Alteration Program" on page D.2-69 of the Draft EIR/EIS. The statement has been incorporated in Section D.2.3.2 (page D.2-69) as follows:

Prior to the project applicant's commencement of any activity that would substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank (which may include associated riparian resources) of a river, stream or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake, the project applicant shall submit a complete Lake or Streambed Alteration Program notification package and fee to the CDFG. The Lake and Streambed Alteration Program is a California law that requires that any person, State or local government agency, or public utility notify the CDFG prior to beginning any of the activities listed above ~~activity that would obstruct or divert the natural flow of, use material from, or deposit or dispose of material into, a river, stream, or lake, whether they are permanent, intermittent, or ephemeral waterbodies.~~ The CDFG has 30 days....

The suggested revisions to the Water Resources Section have been made by adding the second paragraph under the heading "State" in Section D.12.3 of the Draft EIR/EIS, as follows:

Prior to the commencement of any activity that would substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank (which may include associated riparian resources) or a river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it

may pass into any river, stream, or lake, the project Applicant is required to submit a complete Lake or Streambed Alteration Program notification package and fee to the California Department of Fish and Game.

- A0024-18 The commenter's opposition to eliminating watercourses and/or their channelization or conversion to subsurface drains is acknowledged. Please see General Response GR-15 (Biological Resources Jurisdictional Delineations).
- A0024-19 The commenter's request to ensure all impacts to jurisdictional waters are accounted for in the Final EIR/EIS is acknowledged. See General Response GR-15 (Biological Resources Jurisdictional Delineations).
- A0024-20 The information required in order to process a Streambed Alteration Agreement is acknowledged. See General Response GR-15 (Biological Resources Jurisdictional Delineations).
- A0024-21 The commenter's request for a consolidated matrix of biological impacts is noted. In response to this and other comments, a consolidated matrix of biological impacts for the Proposed Project and several other transmission alternatives has been added as new Appendix 8P to clarify the analysis in the Draft EIR/EIS. This appendix includes a table that summarizes biological impacts for a wide variety of biology categories, and it provides the reader with a comparison of impacts for those alternatives.

Several comments on the Draft EIR/EIS requested that data be presented in the Final EIR/EIS that allows comparison of the Proposed Project to other complete transmission line routes evaluated in the EIR/EIS. Other environmental disciplines besides biological resources (habitat loss) in which routes can be compared based solely on data calculations are: fire and fuels management (various statistics including assets at risk), environmental justice, and agricultural land effects. Section 8 in Executive Summary of the Final EIR/EIS discusses each of the comparisons. It is noted that these comparisons based solely on data are not the only, and not even the most important means of comparing alternatives, but this data offers one way of comparing one transmission line route to another.

The commenter's recommendation to narrow the scope of the Final EIR/EIS including an analysis of what mitigation lands would be needed and what lands are available is also noted. See General Response GR-18 (Identification of Biological Resources Mitigation Lands).

- A0024-22 The request to distinguish between direct and indirect biological impacts in Section D.2.4.3 is noted. The text in the first paragraph of this section (page D.2-77 of Volume 1 of the Draft EIR/EIS) has been revised as follows:

In this EIR/EIS, 12 general impacts to biological resources are evaluated (See Table D.2-6). Several of the general impacts include analyses of direct and indirect impacts. Direct impacts immediately alter the affected biological resources such that those resources are permanently or temporarily eliminated. Indirect impacts consist of secondary effects of a project such as introduction of non-native plant species; generation of excessive noise that may adversely affect breeding behavior; creation of dust that could degrade vegetation; injury to, or mortality of, special status bird species

from collision with project features; and increased predation of special status species. Several impacts include subsets of analysis for specific special status species. These impacts are discussed in more detail in subsequent sections. Immediately following is an overview of the impacts.

The request to emphasize avoidance and minimization in Section D.1.4.1 is acknowledged; however, Section D.1.4.2 explains that the Applicant has incorporated into its project description measures and procedures (i.e., Applicant Proposed Measures) to avoid or reduce impacts, so no change to the Draft EIR/EIS has been made based on this comment.

A0024-23 The request to define the key indirect biological effects in Section D.2.4.3 is acknowledged. See Response to Comment A0024-22.

A0024-24 The commenter's request to identify inconsistencies with, and impacts to, the biological value of all current or draft NCCP/HCPs preserve areas is acknowledged. See Response to Comment A0024-3 and General Response GR-17 (Consistency with Existing and Draft Regional Conservation Plans).

A0024-25 The commenter's request that the Final EIR/EIS provide summary tables for impacts to special status plant species and sensitive wildlife species is acknowledged. See Response to Comment A0024-21 and new Appendix 8P.

A0024-26 The commenter's request to provide a summary table of anticipated biological impacts of the future transmission system expansion is acknowledged. The impacts from future transmission systems are not quantifiable at this time because these potential transmission projects have not been proposed or designed. Without preliminary design that defines specific corridors and tower locations, these impacts cannot be quantified. Special status plant and wildlife species that occur within the portions of the FTSE that would parallel the Proposed Project (using the results of the 2007 surveys for the Proposed Project), however, were disclosed, and the locations of critical habitat within the FTSE were also disclosed.

A0024-27 The request to revise Section D.2.20 to reflect that a quantitative impact analysis was not conducted for construction activities associated with the Connected Actions and Indirect Effects is acknowledged. The second paragraph of Section D.2.20 (page D.2-264) of Volume 1 of the Draft EIR/EIS has been revised as follows:

A quantitative impact analysis for sensitive biological resources was not conducted for the construction activities associated with the Connected Actions and Indirect Effects because these actions are not defined in detail at this time. Construction activities of the Connected Actions and Indirect Effects, particularly at the Stirling Concentrating Solar Power site, would...

The request to edit the statement in Section D.2.20, "...alteration of the soil and surface conditions, including the loss of native seed banks..." to reflect the significance of the impacts that were stated at the beginning of Section D.2.19.1 is acknowledged. However, both statements are the same, and no inconsistency appears to be present. No change has been made to the Draft EIR/EIS based on this portion of the comment.

The request to provide a summary table of biological impacts in Section D.2.20 is acknowledged. An additional table showing specific impacts for the Proposed Project and other transmission alternatives has been added as new Appendix 8P. Appendix 8P provides the specific impacts and the mitigation requirements for the 4 composite transmission routes being compared in the Final EIR/EIS (Proposed Project, Final Environmentally Superior Northern Route, SDG&E's "Enhanced" Northern Route, and Final Environmentally Superior Southern Route). Please also see Draft EIR/EIS Table D.26 (in Section D.2), which provides a list of impacts identified for the Proposed Project. Impacts and required mitigation for the FTSE, Connected Actions and Indirect Effects associated with the Sunrise Powerlink project are not included in Appendix 8P because the table was prepared to provide a means to compare the 4 composite transmission routes. Impacts and required mitigation for the Connected Actions and Indirect Effects (see Section D.2.19 of the Draft EIR/EIS) would be the same across the 4 composite routes being compared. SDG&E would be required to submit a new application for an FTSE; for which an environmental review process (including an analysis of biological impacts) would need to be completed once an application is submitted.

A0024-28 The commenter states that the Draft EIR/EIS lists permanent and temporary impacts to desert scrub and dune habitats in ABDSP as 156.69 acres and 600.84 acres, respectively. These acreage numbers are for the entire Proposed Project, not for impacts within ABDSP. The permanent and temporary impacts to vegetation within ABDSP (as listed on page D.2-80 of Volume 1 of the Draft EIR/EIS) total approximately 38 acres and 64 acres, respectively.

The commenter states the discussion regarding desert scrub and dune habitat restoration should be expanded to include contingency measures if the desert restoration fails (e.g., identify mitigation [offsite acquisition and preservation] for 600 acres of [what would be considered] permanent impact). Mitigation Measure B-1a (page D.2-89) of Volume 1 of the Draft EIR/EIS includes this contingency measure (as revised based on another comment on the Draft EIR/EIS) as follows:

For areas where habitat restoration cannot meet mitigation requirements, as determined by the Habitat Restoration Specialist in coordination with CPUC, BLM, State Parks (for ABDSP restoration), USDA Forest Service (for alternatives with restoration on National Forest lands), and the Wildlife Agencies, off-site purchase and dedication of habitat shall be provided at the mitigation ratios provided in Table D.2-7 for the Proposed Project (see Impacts to Vegetation Communities and Required Mitigation tables in alternatives sections for the alternatives) or as otherwise required by the Wildlife Agencies, ~~or ABDSP, or USDA Forest Service....~~

The commenter also states that the discussion regarding desert scrub and dune habitat restoration should be expanded to include details from the Desert Bioregion Revegetation/Restoration Guidance. Mitigation Measure B-1a (page D.2-89) of Volume 1 of the Draft EIR/EIS has been revised, as follows, in response to this portion of the comment.

Hydroseeding, drill seeding, or an otherwise proven restoration technique shall be utilized on all disturbed surfaces using a locally endemic native seed mix approved by the CPUC, Wildlife Agencies, BLM, State Parks (for ABDSP restoration), and USDA Forest Service (for National Forest land restoration).

The Habitat Restoration Plan shall incorporate Desert Bioregion Revegetation/Restoration Guidance measures for restoration of temporary impacts to desert scrub and dune habitats. These measures generally include alleviating soil compaction, returning the surface to its original contour, pitting or imprinting the surface to allow small areas where seeds and rain water can be captured, planting seedlings that have acquired the necessary root mass to survive without watering, planting seedlings in the spring with herbivory cages, broadcasting locally collected seed immediately prior to the rainy season, and covering the seeds with mulch.

A0024-29 The request for more detailed information regarding the proximity of construction staging area and helicopter fly yards to sensitive biological habitats and whether the impacts are direct, indirect, or cumulatively significant is acknowledged. In SDG&E's response to CPUC Data Request #32 (dated 8/5/08), SDG&E provided the locations of all of the fly yards that would be used if a northern route (Proposed Project and/or northern alternatives) is constructed. SDG&E also provided the locations of the fly yards that would be used if a southern route is constructed. The sizes and locations of the construction staging areas were also refined in SDG&E's response to CPUC Data Request #32. The direct impacts associated with the fly yards and staging areas are included in the analysis completed for Appendix 8P (Consolidated Biology Impact Matrix) in this Final EIR/EIS, which provides the impacts and associated mitigation requirements for the Final Environmentally Superior Northern Route, SDG&E's "Enhanced" Northern Route, and the Final Environmentally Superior Southern Route.

SDG&E did not make any changes to the locations of fly yards or staging areas for the Proposed Project. The additional indirect effects associated with the fly yards and staging areas do not change the significance of impacts or impact conclusions because the Draft EIR/EIS included an analysis of indirect impacts associated with fly yards and staging areas that were proposed in the Draft EIR/EIS (see Response to Comment A0024-22 for a clarification of indirect impacts associated with the project). Similarly, the cumulative impact analysis completed in Section G.3 (Proposed Project) and Section G.4 (Alternatives) of the Draft EIR/EIS would not change as a result of the additional fly yards and refinement of the staging areas.

The commenter also requested clarification whether the total impact acreage listed in Table D.2-7 includes staging areas and spur road impacts. Table D.2-7 (pages D.2-85 through D.2-87 of Volume 1 of the Draft EIR/EIS) presents the specific impacts to vegetation communities from the Proposed Project including impacts from proposed tower locations, laydown/staging areas, spur roads, access roads, fly yards, and pull sites. However, additional information to clarify the information provided in the Draft EIR/EIS was provided by SDG&E, and this data has been modified to incorporate the updated impact acreages in the Final EIR/EIS.

A0024-30 The commenter requested a modification to the text in Mitigation Measure B-7c (page D.2-115 of Volume 1 of the Draft EIR/EIS) to change the PBS lambing season to January 1 through June 30. See Response to Comment A0024-32 for the revised text in Mitigation Measure B-7c.

A0024-31 The commenter requested modification to the text in Mitigation Measure B-7c (page D.2-115 of Volume 1 of the Draft EIR/EIS) to clarify restrictions on helicopter flights

in PBS habitat. See Response to Comment A0024-32 for the revised text in Mitigation Measure B-7c.

A0024-32 The commenter requested changes to the bulleted statements in Mitigation Measure B-7c (page D.2-115 of Volume 1 of the Draft EIR/EIS) for clarification. Mitigation Measure B-7c has been revised based on Comments A0024-30 through A0024-32 as follows:

With regard to timing of activities, construction and maintenance activities (including the use of helicopters) in bighorn sheep critical habitat shall be limited to outside the lambing season and the period of greatest water need, or a minimum ceiling of 1,500 feet for helicopter flights shall be maintained. The lambing season is ~~February~~ January 1 through June 30 ~~August~~. The period of greatest water need is May through September.

As discussed in Response to Comment A0001-27, to help reconnect PBS subpopulations and at least partially offset impacts to the overall population of PBS caused by the project, the Applicant shall:

- fund the design and construction of an overpass (for sheep) or tunnel (for vehicles) to facilitate PBS movement across ~~SR-78~~ a highway 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 for the life of the project, and install and maintain water sources at locations determined by the USFWS (in coordination with State Parks and CDFG)

Please see also Response to Comment E0002-170 regarding SDG&E's comment on construction during the lambing season.

A0024-33 The commenter raised concerns about impacts to PBS, PBS critical habitat, and PBS habitat connectivity. See Responses to Comments E0002-163 through E0002-171.

A0024-34 The commenter's concerns regarding appropriate assessment of impacts and mitigation for burrowing owl are acknowledged. The burrowing owl was considered one of the highly sensitive, non-listed species that was analyzed as though it were a listed species in the Draft EIR/EIS (see Impact B-7C on page D.2-116 of Volume 1 of the Draft EIR/EIS). The Proposed Project and FTHL Eastern Alternative would impact occupied burrowing owl habitat, and mitigation and compensation for these impacts is provided in Mitigation Measure B-7d (pages D.2-117 through D.2-119 and page D.2-181, respectively, of Volume 1 of the Draft EIR/EIS).

The commenter requests clarification whether surveys and mitigation are consistent with the 1995 CDFG Staff Report on Burrowing Owl Mitigation. Surveys for the Proposed Project were conducted by SDG&E's consultant (Arcadis) in accordance with the 1993 California Burrowing Owl Consortium survey guidelines, which included a habitat assessment, burrow survey, a breeding season survey, and a wintering season survey. Surveys for the alternatives were conducted by the CPUC/BLM consultant (Helix) in accordance with the 1995 CDFG Staff Report. The requirements in Mitigation Measure

B-7d, which apply to the Proposed Project as well as the alternatives, follow the mitigation guidance in the 1995 CDFG Staff Report.

- A0024-35 The commenter requests clarification on the Proposed Project's impacts to desert pupfish critical habitat. No direct impacts to desert pupfish critical habitat would result from construction of the Proposed Project or alternatives. No change to the Draft EIR/EIS will be made based on this comment because the following impact assessment was provided on page D.2-124 of Volume 1 of the Draft EIR/EIS.

The Proposed Project route crosses critical habitat for the desert pupfish at San Felipe Creek near MP 40 of the Imperial Valley Link (see Appendix 8A). This critical habitat is assumed to be occupied by the desert pupfish; focused surveys for it were not conducted. By virtue of its design, the Proposed Project would avoid impacts to San Felipe Creek by locating towers and access roads on either side of the creek. Additionally, BIO-APM-4 and BIO-APM-6 would confine construction to predetermined areas and would ensure that applicable environmental laws and regulations are followed including, without limitation, those regulating and protecting wildlife and its habitat.

- A0024-36 The commenter requests that protocol arroyo toad surveys be conducted between MP 126 and MP 127 for the Proposed Project to address upland impacts because arroyo toads are known to occur in the drainage adjacent to the project. Because arroyo toads are known to occur in San Vicente Creek, as noted by the historic location and the CNDDDB locations in Figure Ap.8A-22, all habitat within one kilometer of the historic and CNDDDB locations was assumed to be occupied by the toad; therefore, it is not necessary to conduct a protocol arroyo toad survey to analyze the upland impacts. Project impacts within 1 kilometer of the documented locations in San Vicente Creek have been calculated and added to the arroyo toad upland habitat impacts in Impact B-7K in the Final EIR/EIS. The required mitigation for these impacts has been updated in Mitigation Measure B-7j for the Proposed Project, as shown below.

Mitigation for the loss of arroyo toad-occupied habitat shall be implemented as follows. Permanent impacts to occupied, arroyo toad breeding habitat shall include offsite acquisition and preservation of occupied arroyo toad breeding habitat at a 3:1 ratio. Permanent impacts to occupied, upland burrowing habitat shall include offsite acquisition and preservation of occupied, upland burrowing habitat at a 2:1 ratio. Temporary impacts to occupied breeding habitat shall include 1:1 onsite restoration and 2:1 offsite acquisition and preservation of occupied breeding habitat. Temporary impacts to occupied, upland burrowing habitat shall include 1:1 onsite restoration and 1:1 offsite acquisition and preservation of occupied, upland burrowing habitat. For the Proposed Project, the required mitigation for arroyo toad occupied habitat includes 10.63 ~~8.7~~ acres of on-site restoration and 96.33 ~~15.5~~ acres of off-site acquisition and preservation of occupied toad habitat consisting of 4.46 ~~0.2~~ acres of breeding habitat and 91.87 ~~15.3~~ acres of upland burrowing habitat. Any acquired arroyo toad habitat shall be approved by the CPUC, BLM, Wildlife Agencies, and USDA Forest Service (for mitigation parcels to be National Forest lands).

A0024-37 The commenter states that the regional standard for vernal pool mitigation is a 3:1 ratio and recommends that the 2:1 ratio in the Draft EIR/EIS be updated to reflect this standard. The ratio has been changed to 3:1. Please see Response to Comment B0041-20.

The commenter states that restoration of lost basin area should occur onsite rather than offsite. Mitigation Measure B-1b (page D.2-92) of Volume 1 of the Draft EIR/EIS does not state that the restoration would occur offsite, just outside of the impact zone, and the CPUC, BLM, and Wildlife Agencies would have to approve of the restoration site whether it is onsite or offsite. Therefore, no change has been made to the Draft EIR/EIS based on this portion of the comment.

The commenter requests additional detail regarding the vernal pool restoration plan. Mitigation Measure B-1b (page D.2-92) requires a mitigation plan be prepared, which would include methods and success criteria. Mitigation Measure B-1b also states that the Applicant shall work with the CPUC, BLM, and Wildlife Agencies until such a plan is approved by all. Mitigation Measure B-1b also contains contingency language should the restoration fail to meet success criteria, including extension of the maintenance and monitoring period beyond five years until the criteria are met or unless otherwise approved by the CPUC, BLM, and Wildlife Agencies. Therefore, no change has been made to the Draft EIR/EIS based on this portion of the comment.

A0024-38 The commenter requests narrow endemic species impacts be presented in a table/matrix format and a consolidated overview of biological resource impacts be provided. See Response to Comment A0024-21 and new Appendix 8P.

A0024-39 The commenter requests additional analysis of potential collision and electrocution impacts to birds using avian migratory flyways. There is considered to be no risk of electrocution as described in Section D.2.14 (beginning on page D.2-144) of the Draft EIR/EIS. The commenter noted that pre-construction surveys were not conducted as part of the Draft EIR/EIS analysis, and states that this information would be helpful in assessing bird collision impacts. The commenter requests that the Applicant conduct pre-construction bird surveys, in addition to the post-construction study that is already required in Mitigation Measure B-10a. During preparation of the Draft EIR/EIS, a local expert on bird migration and bird movement, Phil Unitt, was consulted regarding potential areas with high risk of bird collision. Areas having potential for bird collision are identified in Draft EIR/EIS in Impact B-10 (beginning on page D.2-145 of Volume 1 of the Draft EIR/EIS for the Proposed Project, for example), and mitigation is required for transmission lines constructed in those locations in Impact B-10a (on page D.2-147 of Volume 1 of the Draft EIR/EIS for the Proposed Project, for example). To gather specific information regarding migration patterns, it would be necessary to study these patterns during spring and fall migration periods (including at night) during different weather conditions and for multiple years since the patterns can vary. This level of survey effort is infeasible prior to construction, which is why a conservative approach to the impact from collision for listed species was taken and was considered to be Class I (and Class II for non-sensitive species and daytime migration). Although the impact was considered to be Class I, Mitigation Measure B-10a on page D.2-147 of the Draft EIR/EIS includes mitigation for collision, although it would not reduce the potential impacts to a level of less than significant for listed species. No changes to the Draft EIR/EIS have been made in response to this comment.

- A0024-40 The request for additional information regarding wildlife corridors in the study area is acknowledged. A study of wildlife corridors is not considered necessary for this project because transmission lines are not expected to prevent wildlife movement along established wildlife corridors. Transmission lines are supported on towers located over 1,000 feet apart, with conductors about 100 feet above the ground. Towers located this far apart, and wires and conductors located so far above the ground, would not impede the movement of wildlife that move along the ground. See the discussion in Section D.2.13 (Impact B-9 on pages D.2-142 through -143) of Volume 1 of the Draft EIR/EIS. The impacts to birds as a result of collision with transmission lines/towers are discussed in Impact B-10 (page D.2-144 through -147 of Volume 1 of the Draft EIR/EIS). As a result, wildlife movement is not anticipated to be significantly impacted. It is acknowledged that locating any type of development, including transmission corridors in sensitive habitat areas results in impacts to patches of habitat and isolated populations or individuals. However, the potential impact of transmission facilities on potential wildlife movement corridors does not require additional study due to the spacing of facilities noted above. It should be noted that the Draft EIR/EIS does identify significant impacts for certain species, (i.e., Peninsular bighorn sheep [Impact B-7B on page D.2-113 of Volume 1 of the Draft EIR/EIS] and golden eagles [Impact B-7H on page D.2-126 of Volume 1 of the Draft EIR/EIS]), because placement of transmission facilities is likely to create significant and unmitigable (Class I) impacts.
- A0024-41 The commenter's request that statements of consistency with adopted General Plans be prefaced by a caveat regarding potential unavailability of suitable mitigation land is acknowledged. Although Class I impacts have been assumed for some impact categories due to the uncertainty of the project being able to locate adequate mitigation land to satisfy every aspect of every mitigation measure for the various species and vegetation communities, it is noted that overall the mitigation package (the proposed mitigation lands, habitat management plans, funding assurances, etc.) must be approved by state and federal resource and regulatory agencies. Please see General Response GR-18 (Identification of Biological Resources Mitigation Lands).
- A0024-42 The commenter's concern regarding consistency with current or draft NCCP/HCPs is acknowledged. See General Response GR-17 (Consistency with Existing and Draft Regional Conservation Plans) and new Appendix 8O.
- A0024-43 Type conversion is addressed in Section D.2.5 of Volume 1 and Section G.14 (Impact F-6) of Volume 5 of the Draft EIR/EIS, and is identified as a significant, unavoidable (Class I) impact in both cases. Type conversion is largely a cumulative problem: it depends on the time since the last fire (ignited by any source), on the number of other ignitions from all other sources, and on such things as land use policy changes and road-building. Because the wildfire ignition rate of high-voltage transmission lines is small, because Santa Ana wind conditions occur only on a few days per year, and because the likelihood of any given fire potentially caused by the project to occur in a recently burned area is also small, it would be unduly burdensome to carry out a detailed analysis of potential type conversion as a result of the project, because the probability of it occurring is small, and depends on a number of complex, cumulative factors. Furthermore, the impacts of type conversion are poorly defined, and any study of this type would be speculative. The Draft EIR/EIS acknowledges that type conversion is a potential impact of the project, and it would be significant and unavoidable should it occur. Mitigation

Measure B-3a, Weed Control Plan, would help reduce the colonization of weeds in the project areas after a fire. In addition, a new mitigation measure has been added to partially mitigate the risk of type conversion from a project-caused fire. Mitigation Measure B-1k has been added to the Biological Resource Sections of the EIR/EIS (Sections D.2, E.1.2, E.2.2, E.3.2, E.4.2, E.5.2, E.6.2, and E.7.2) to partially mitigate Impact B-1 (Construction activities would result in temporary and permanent losses of native vegetation). Please refer to Response to Comment G0013-3 for the full text of the mitigation measure. Please also refer to Response to Comment Sets G0013 and B0006.

- A0024-44 The commenter notes a concern regarding lack of available biological data for the Stirling Energy Systems Solar Facility. The analysis provided in the Draft EIR/EIS was prepared by using vegetation information gathered by aerial photo interpretation and special status species data from the CNDDDB and BLM. This information is considered adequate to disclose the potential biological impacts of this Connected Action to decision-makers and the public. Prior to construction or approval, the Stirling project will undergo complete NEPA and CEQA review by the California Energy Commission and the BLM. The Application for Certification to the CEC was submitted in July 2008, and can be viewed at: <http://www.energy.ca.gov/sitingcases/solartwo/documents/applicant/afc>.
- A0024-45 The commenter's concern regarding the potential for the fence around the Stirling Energy Systems Solar facility to restrict FTHL or other animal movement between management areas is acknowledged; however only the transmission line would be located in special habitat management areas. The solar facility itself would not. Regardless, Impact B-9 on page D.2-207 of Volume 1 of the Draft EIR/EIS acknowledges that wildlife would generally not be able to move through the fenced facility and would have to traverse long distances to move around it, and this impact would be adverse but less than significant (Class III).
- A0024-46 The commenter's concerns regarding potential impacts of shading and periodic washing of the solar dishes and the need to conduct a before-after control-impact study are acknowledged; however, the entire 8,000-acre site is considered to be permanently impacted, and it is anticipated that the site will no longer be suitable for the flat-tailed horned lizard post-construction (although mitigation is required as shown on page D.2-206 of Volume 1 of the Draft EIR/EIS to reduce the impact [particularly for the transmission line], but not to a level less than significant). Additionally, Impact B-1 on page D.2-199 of Volume 1 of the Draft EIR/EIS states that the 36,000 CSP dishes will cast a shadow over an estimated 4,000 acres of the 8,000-acre CSP facility. This shading, plus an increase in water availability from washing the CSP dishes 11 times annually with a total estimated water volume of 30 acre-feet per year (10 million gallons per year) would substantially change the microclimate of the 8,000-acre site, which is anticipated to reduce or eliminate habitat suitability for many desert species (including the flat-tailed horned lizard), and may increase habitat suitability for others including invasive, non-native, or noxious plant species that could spread to the surrounding desert area. Mitigation Measure B-3a(CA) (page D.2-203, Volume 1 of the Draft EIR/EIS) includes the requirement for a pre-construction weed inventory and, for the life of the project, long-term measures to control the introduction and spread of noxious weeds that could change the environment of the site and reduce or eliminate

suitability for desert species. Therefore, no change has been made to the Draft EIR/EIS based on this comment.

- A0024-47 Please refer to General Responses GR-1 and GR-2 for a discussion of subsequent actions required for implementation of the New In-Area All-Source Alternative or the New In-Area Renewables Alternative (the Non-Wires Alternatives).
- A0024-48 The potential need for appropriate permits should project construction activities be required in proximity to Telegraph Canyon Creek is acknowledged. The Draft EIR/EIS addresses the likely need for such permits as applicable; specific requirements would be addressed during the project permitting phase. Project permitting was included in Section D.2, Table D.2-24 (Mitigation Monitoring Program) on pages D.2-514 through D.2-515 of Volume 1 of the Draft EIR/EIS.
- A0024-49 As stated in Section E.6.2 under “Biological Surveys,” the biological setting and survey information for the Draft EIR/EIS, including a list of all habitat types, and vegetation and wildlife species that could be affected, was summarized from the South Bay Replacement Project AFC.¹ Therefore, the commenter is correct that the biological survey data associated with the SBRP project was not included in Draft EIR/EIS Appendix 8L and the text in Section E.6.2, Biological Resources for SBRP, has been modified to delete reference to Appendix 8L as follows:

Habitat Types and Species Supported

The following sections summarize information from the South Bay Replacement Project AFC and describe all habitat types and vegetation and wildlife species that could be affected by SBRP (SBRP, 2006). Habitat types that would be affected during construction activities in the SBRP area consist of primarily ruderal habitat with areas of annual grassland, baccharis scrub, landscape, and drainage features. ~~Table 8.2-2 (presented in Appendix 8L to this EIR/EIS) presents a list of plant species observed on the site during botanical surveys. Table 8.2-3 (presented in Appendix 8L to this EIR/EIS) presents a list of wildlife species observed on the site during on-site field surveys.~~

- A0024-50 The commenter’s request for a discussion regarding conformance of the New In-Area All-Source Generation Alternative to the City of Chula Vista Subarea Plan is acknowledged. Please see General Response GR-17 (Consistency with Existing and Draft Regional Conservation Plans).
- A0024-51 The commenter’s concern regarding the consistency of SDCPP project siting on the City of San Diego and City of Santee Subarea Plans is acknowledged. Please see General Response GR-17 (Consistency with Existing and Draft Regional Conservation Plans) with regard to the consistency with subarea plans. See Response to Comment A0025-7 with regard to the City of Santee Subarea Plan consistency.

With regard to effects to wildlife movement linkages/corridors in Santee, see Response to Comment A0025-7. Note also that the Recirculated Draft EIR/Supplemental Draft

¹ SBRP AFC. 2006. South Bay Replacement Plant Application for Certification. Filed June 30, 2006. <http://www.energy.ca.gov/sitingcases/southbay/documents/applicants/afc/index>. Accessed December 4, 2007.

EIS (Section 4.2) includes additional discussion of the wildlife corridor in Santee, specifically with discussion of Impact B-9 (Adverse effects to linkages or wildlife movement corridors, the movement of fish, and/or native wildlife nursery sites).

- A0024-52 The commenter states that all biological resource impacts associated with the SDCPP should be identified as significant until the site-specific surveys are completed. Biological field surveys included an examination of the eastern section of Site 1B/1C from a public road adjacent to MCAS Miramar (see page E.6-53 in Volume 5 of the Draft EIR/EIS). Similar to the other non-wires alternatives in Section E.5 (Volume 4) and E.6 (Volume 5), the analysis of SDCPP in the EIR/EIS was based on all available information about that project and included the use of existing biological information (e.g., CNDDDB, CNPS). The SDCPP analysis also included the use of biological information included in MCAS Miramar's INRMP. Reasonable assumptions about the project and its impacts were made based on that information. The CPUC and BLM used its best efforts to find out and disclose all that it reasonably could about the various components of the New In-Area All-Source Generation Alternative, including SDCPP in accordance with CEQA Guidelines § 15144. Where CPUC and BLM have determined that a particular impact is too speculative for evaluation at this time, the EIR/EIS sets forth appropriate measures to ensure the mitigation of impacts at such time as they become reasonably foreseeable, such as pre-construction surveys. As explained in General Response GR-1, if the CPUC and/or BLM select a non-wires alternative after consideration of the Sunrise Powerlink proceeding, it would be within the CPUC's authority to order SDG&E to issue a Requests for Offers (RFO) for the type(s) of generation included in the non-wires scenario. SDG&E would then receive bids from interested parties, and after selecting one, the party selected to construct and operate the generation would initiate permitting and CEQA and/or NEPA compliance for each project. In addition, Section 4.2 of the Recirculated Draft EIR/Supplemental Draft EIS provides additional analysis of another potential site for SDCPP and the effects of a proposed wildlife corridor.
- A0024-53 The commenter states that similar to the level of attention provided for the SBRP proposal, impact analyses should be provided for indirect effects to biological resources for SDCPP. The biological impact discussion was completed at the same level of detail for the Proposed Project and the alternatives (including the SBRP and SDCPP) in the EIR/EIS and included an analysis of direct and indirect impacts (see Response to Comment A0024-22). Indirect impacts identified for the SDCPP included erosion and sedimentation (Impact B-2), introduction of non-native plant species (Impact B-3), introduction of dust (Impact B-4), noise and visual disturbance on wildlife (Impacts B-6, B-7, and B-15). There is not a general consensus on the effects of air pollutants on vegetation; therefore air pollutants were not one of the potential indirect effects for SDCPP. Please also refer to Response to Comment A0024-52.
- A0024-54 The Final EIR/EIS clarifies that the noise attenuation for the SDCPP site would be limited because of the relatively unobstructed line-of-sight with the following revision to Section E.6.8.
- Noise-Sensitive Receptors.** The SDCPP site is primarily open space with ridges and valleys with riparian corridors, but approximately 1,400 feet from the southeast border of the SDCPP site is a residential community. Additionally, the City of Santee

has approved the development of 1,380 homes on land east of the SDCPP site (the Fanita Ranch development). Residences along Strathmore Drive and the camping area at the north end of Santee Lakes would have a relatively unobstructed line-of-sight which provides minimal noise attenuation over the distance. These residences would be protected by the San Diego County policies and regulations for noise protection and the City of Santee noise ordinance.

Noise attenuation measures for sensitive biological receptors (least Bell's vireo and coastal California gnatcatcher) are described in Mitigation Measures B-7e and B-7l of the Draft EIR/EIS. Noise attenuation measures for breeding birds, including those covered by the Migratory Bird Treaty Act, are described in Mitigation Measure B-8a. of the Draft EIR/EIS. The full text of these mitigation measures can be found in Appendix 12. No changes to the biological resources analysis in the Draft EIR/EIS are needed based on this comment.

A0024-55 The Draft EIR/EIS addresses bird collisions with power plant structures and the new transmission lines as a Class I impact for listed species and Class II impact for non-listed sensitive species and daytime migration (see Section E.6, page E.6-46 for the SBRP and Section E.6, page E.6-55 for the SDCPP). Please also see Response to Comment A0024-53 and General Response GR-2.

A0024-56 The commenter's suggestion that all biological resources impacts for the New In-Area Renewable Generation Alternative be considered significant and unmitigable until subsequent analysis and feasible mitigation measures demonstrates otherwise is acknowledged. As with the New In-Area All-Source Generation Alternative, the analysis of New In-Area Renewable Generation Alternative in the EIR/EIS was based on all available information. Reasonable assumptions about the various project components and their impacts were made based on that information. The CPUC and BLM used its best efforts to find out and disclose all that it reasonably could about the various components of the New In-Area Renewable Generation Alternative in accordance with CEQA Guidelines § 15144. Where CPUC and BLM have determined that a particular impact is too speculative for evaluation at this time, the EIR/EIS sets forth appropriate measures to ensure the mitigation of impacts at such time as they become reasonably foreseeable, such as pre-construction surveys. As explained in General Response GR-1 and GR-2, additional CEQA and/or NEPA compliance and permitting processes would be required for each generation project. Please see Response to Comment A0024-53 and General Response GR-2.

A0024-57 The commenter's suggestion that the California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development (CEC and CDFG, 2007) be used as a minimum requirement for design features and siting standards of wind generation facilities is acknowledged. Mitigation Measures B-13a (page E.5-92) and B-14a (page E.5-93) of Volume 4 of the Draft EIR/EIS as well as Appendix 12 of Volume 6 of the Draft EIR/EIS have been revised by adding the following bullets.

B-13a Implement measures to reduce avian impacts from turbine activities.
This mitigation measure includes the following.

- The Applicant shall consider implementing the voluntary guidelines of the California Guidelines for Reducing Impacts to Birds and Bats from

Wind Energy Development (California Energy Commission and CDFG 2007) to help reduce impacts to birds and bats from new development of wind energy projects in California.

B-14a Implement a scientifically defensible monitoring program to estimate bat fatality rates from new turbines. The following shall also be implemented.

- The Applicant shall consider implementing the voluntary guidelines of the California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development (California Energy Commission and CDFG, 2007) to help reduce impacts to birds and bats from new development of wind energy projects in California.

A0024-58 The commenter expresses concerns regarding significant impacts to biological resources of the LEAPS Project. The USFWS Draft Biological Opinion (FWS-WRIV-08B0009/08F0004) addresses the impacts associated with the 500 kV Lake to Pendleton transmission line and the generation component of the project (i.e., it does not address the 230 kV Talega-Escondido upgrades). The Draft BO concludes that the coastal California gnatcatcher and the Quino checkerspot butterfly and their critical habitat are unlikely to be adversely affected by the 500 kV transmission line and generation components of the LEAPS project. The Draft BO concludes that this portion of the project is consistent with the Habitat Conservation Plan for the Stephens' kangaroo rat. Finally, the draft BO concludes that the arroyo toad and its critical habitat are unlikely to be jeopardized by the project with incorporation of the conservation recommendations listed in the Draft Biological Opinion. The Draft EIR/EIS has been revised to include Impact B-7K (arroyo toad) for the Lake-Pendleton 500 kV transmission line project (Section E.7.1.2).

Impact B-7K: Direct or indirect loss of arroyo toad or direct loss of habitat (Class II)

The arroyo toad is known to occur near the project area in Los Alamos Creek and approximately 2 miles downstream of the project in San Juan Creek (USFWS 1999c). Construction of the Lake-Pendleton 500 kV transmission line project would not directly impact arroyo toad riparian breeding habitat (i.e., wetland/riparian habitats). The project features for the project have not been engineered, and their locations are conceptual. So, it is expected that, as with the SRPL Proposed Project, impacts to riparian/wetland habitats would likely be avoided by spanning drainages, and access roads would ultimately be designed to avoid these resources as well.

Upland burrowing habitat for the toad would be impacted by construction of new towers, staging areas, or access roads within suitable upland burrowing habitat (i.e., upland vegetation communities such as coastal sage scrub or oak woodland that contain sandy soil; can have gravel or cobbles) within one kilometer of arroyo toad occupied breeding habitat. Potential indirect impacts to the arroyo toad from erosion, sedimentation, or decrease in water quality would occur if they were also to affect arroyo toad breeding habitat if they were to occur.

The USFWS issued a Draft Biological Opinion (FWS-WRIV-08B0009/08F0004) for the project on March 3, 2008, which indicated a potential for direct effects to toads near Los Alamos Creek and potential for indirect effects (e.g., sedimentation,

unauthorized vehicle use, non-native species, and reduction in water quantities). The Draft Biological Opinion concluded that the proposed action would not jeopardize the continued existence of the arroyo toad and allowed for Incidental Take of up to one arroyo toad annually. The Draft Biological Opinion included two Conservation Recommendations: 1) FERC should monitor the status of the arroyo toad and its habitat in Los Alamos and San Juan creeks; and 2) FERC should aid the Forest Service in implementing non-native species removal efforts in Los Alamos and San Juan creeks.

Impacts to arroyo toad would be significant according to Significance Criterion 1.a. (substantial adverse effect, either directly or indirectly, on one or more individuals of a federal or State listed species) but would be mitigable to less than significant levels (Class II) with implementation of USDA Forest Service Conditions 15 and 35; FERC Environmental Measures 14 and 15; and Mitigation Measures B-1a(LE), B-1c(LE), B-2a(LE), and B-7j(LE).

Mitigation Measures for Impact B-7K: Direct or indirect loss of arroyo toad or direct loss of habitat

USFS-15 Condition No. 15—Erosion Control Plan.

USFS-35 Condition No. 35—Surface Water Resources Management Plan.

FERC-14 Environmental Measure 14—Employee Awareness Training.

FERC-15 Environmental Measure 15—Consult with USFWS.

B-1a(LE) Provide restoration/compensation for affected sensitive vegetation communities. See Table D.2-7 for compensation ratios.

B-1c(LE) Conduct biological monitoring.

B-2a(LE) Provide restoration/compensation for affected jurisdictional areas. See Table D.2-7 for compensation ratios.

B-7j(LE) Conduct arroyo toad surveys, and implement appropriate avoidance/minimization/compensation strategies. Mitigation Measure B-7j(LE) is identical to Mitigation Measure B-7j for the SRPL Proposed Project with the exception that CPUC and BLM shall be replaced with “Lead Agencies”, and State Parks, USDA Forest Service, USFWS, CDFG, and/or Wildlife Agencies shall be replaced with “other agencies with jurisdiction over the project”.

In addition, the National Marine Fisheries Service (NMFS) Biological Opinion on the LEAPS Project (SWR/2006/07524:SCG) finds that the project is unlikely to adversely affect the Southern California Distinct Population Segment (DPS) of steelhead (*Oncorhynchus mykiss*) or its critical habitat. The Draft EIR/EIS has been revised to include Impact B-7S (steelhead) for the LEAPS generation facilities project (Section E.7.2.2).

Impact B-7S: Direct or indirect loss of steelhead or direct loss of habitat (No Impact)

The Southern California Distinct Population Segment (DPS) of steelhead is federal listed as endangered. The project occurs in the upper portions of the San Juan and San Mateo creek watersheds, which lie within the Southern California DPS of steelhead. Portions of the San Juan and San Mateo creek watersheds contain designated critical habitat for steelhead; however the locations of the LEAPS project components are outside steelhead critical habitat. The National Marine Fisheries Service issued a Biological Opinion for the LEAPS project (SWR/2006/07524:SCG) on May 30, 2008 and concluded that the construction and implementation of the LEAPS project is not likely to adversely affect the endangered Southern California DPS of steelhead or its critical habitat for the following reasons: (1) the project is outside of critical habitat and miles from areas where the species is known to occur; (2) direct and indirect effects to steelhead via reduction in surface discharge are not expected; (3) introduction of poor water quality and exotic species into San Juan Creek are not expected because the reservoir will be double-lined with an impermeable liner and the site is not seismically active; and (4) water quality alterations (e.g., sedimentation and turbidity) are not expected in San Mateo and San Juan creeks because the project includes a large number of BMP's and an erosion control plan. Therefore, it is anticipated that there would be No Impact on steelhead from the project.

Operation of the LEAPS Project would be dependent on the water level at Lake Elsinore being maintained at an elevation of 1,240 feet msl. One of the Applicant's proposed Protection, Mitigation, and Enhancement measures, WQ-PME-6, would obligate TNHC to "Pay an annual lake management fee to Elsinore Valley MWD for make-up water to maintain Lake Elsinore at elevation of 1,240 feet msl, or above." The effectiveness of this measure, as pointed out by USFWS, is contingent on the implementation of the Lake Elsinore Stabilization and Enhancement Project. This project is discussed as a cumulative project in Section G.4.4, and cumulative impacts of the LEAPS Generation and Transmission Alternative in combination with this and other projects have already been evaluated in the Draft EIR/EIS.

- A0024-59 The commenter expressed concerns regarding the potential impacts to steelhead trout and associated impacts to the habitat functions/values of lower San Juan Creek that would result with the proposed reservoir. Please see Response to Comment A0024-58.
- A0024-60 The commenter expressed concerns regarding potential impacts to steelhead spawning and rearing habitat in San Juan Creek due to the potential for non-native species introduction and water quality impacts due to the proposed reservoir. Please see Responses to Comments A0024-58 and A0024-61.
- A0024-61 The commenter expressed concerns regarding the potential impacts (water quality and non-native species impacts) to arroyo chub, southwestern pond turtle, and tidewater goby due to the proposed reservoir. In Biological Opinion SWR/2006/07524:SCG issued by the National Marine Fisheries Service (NMFS) for the LEAPS project, NMFS concurs with FERC's determination that the project is not likely to adversely affect steelhead or its critical habitat. The NMFS BO concludes that water quality alterations are not expected in San Mateo and San Juan Creeks and discharges (and failures) from the dam are unlikely. Tidewater goby was not addressed in the NMFS BO or in the USFWS' Draft BO (FWS-WRIV-08B0009/08F0004) for the project,

presumably because the species occurs approximately 15 miles downstream from the project and water quality alterations in San Mateo and San Juan Creeks are not expected. The Draft EIR/EIS concluded No Impact on arroyo chub (page E.7-243) because discharges from the reservoir are unlikely and because of the low potential for non-native species to be introduced. The Draft EIR/EIS listed southwestern pond turtle as having a moderate to high potential to occur within the project area (page E.7-234). Impacts to southwestern pond turtle (and all other non-listed sensitive species) were considered to be a Class I impact because adequate mitigation lands for impacts to sensitive vegetation communities may not be available (see Impact B-7 on pages E.7-241 and E.7-242 of the Draft EIR/EIS).

A0024-62 The commenter states that DFG did not concur with the findings of the LEAPS Draft EIS that critical habitat for arroyo toad would not be affected, and requests that the Sunrise Powerlink EIR/EIS disclose the potential impacts of the LEAPS Project Alternatives to this species. Please see Response to Comment A0024-58 for the Lake-Pendleton 500 kV transmission line and generation portions of the LEAPS project. Impacts to arroyo toad from the Talega-Escondido 230 kV transmission line upgrades are addressed in Impact B-7K on pages E.7-47 and E.7-48 (Section E.7.1.2) of the Draft EIR/EIS.

A0024-63 The wildlife agencies comment that the 2:1 mitigation ratio for oak trees included in the 2007 FERC and USFS Final EIS for the LEAPS Project was insufficient. The mitigation ratio for oaks required for the LEAPS Alternatives in the Sunrise Powerlink EIR/EIS is 3:1 per Mitigation Measure B-1a(LE). The agencies note that the issue of oak mitigation is unresolved in the EIR/EIS due to a lack of information about whether sufficient mitigation land is available for restoration and/or acquisition. However, Section E.7.1.2 of the EIR/EIS makes clear that this would be a Class I impact unless sufficient mitigation land were available to accommodate a 3:1 mitigation ratio for oak trees. It should be noted that until final selection of a project route is made, it is infeasible to identify mitigation lands to address the wide variety of mitigation requirement possibilities for all the alternatives identified in the Draft EIR/EIS.

A0024-64 The commenter's request for additional corridor distance and biological baseline data for Path 44 for the No Project/No Action Alternative (Section E.8.2) is acknowledged. The Path 44 Upgrades were considered as part of the No Project/Action scenario and also as an alternative to the Proposed Project. As discussed in Section 4.9.4 in Appendix 1 of the Draft EIR/EIS, path rating studies would need to be conducted by CAISO with SCE and SDG&E with WECC oversight in order to fully determine the scope of the Path 44 Upgrades. As such, the expected components cannot be identified in detail, but modifications would be needed on SCE's existing Barre-Ellis and Del Amo-Ellis lines, primarily in Orange County. The components would likely occur within existing transmission line ROWs owned by SDG&E or SCE and within existing substation properties: the existing Barre Substation in the City of Stanton, the Del Amo Substation in southern Los Angeles County, and the Ellis Substation in Huntington Beach. In general the corridors would be within heavily populated areas and would likely include:

- Loop SCE's existing SONGS-Viejo-Chino 230 kV line into SDG&E's Talega Substation, creating a new SONGS-Talega and Talega-Viejo line. This would transfer one of SCE's four existing North of SONGS paths to South of SONGS, and allow

import of power from SCE to SDG&E's Talega over a line from Chino instead of through Ellis. This would involve construction of possibly several additional towers between the existing SONGS-Viejo 230 kV line and the Talega Substation.

- Upgrade SCE's existing 13-mile Barre-Ellis 230 kV line to improve its thermal performance, potentially by reconductoring with high-temperature low-sag (HTLS) conductors and/or conductors on new "inter-set-towers" that would increase the physical weight bearing capability of the tower-line within the existing Barre-Ellis ROW, but the number of additional towers needed is not known.² SCE would need to conduct engineering studies to determine if HTLS or composite conductors would provide ratings increases greater than upgrading to higher-capacity ACSR conductor.
- Modify SCE's existing Del Amo-Ellis 230 kV line and adjacent 66 kV subtransmission lines to accommodate the reconductoring on the Barre-Ellis 230 kV line.

The text in Section E.8.2 of the Draft EIR/EIS has been revised to include the corridor distance of the Barre-Ellis upgrades as follows:

The 13-mile Barre-Ellis transmission upgrade would require installation of new conductors and possibly some replacement towers within existing transmission line ROWs and existing substations in Orange County.

A0024-65 Please refer to Response to Comment A0025-6 for a discussion of growth inducement. As indicated in Section B.4.8 and in Section D.14.2 of the Draft EIR/EIS, the Proposed Project would employ up to 800 skilled or semi-skilled construction personnel (Table B-43, Construction Labor), with a maximum of 125 personnel working within any one link at any one time. Most of the labor would be required to install structure foundations between October 2008 and December 2010. The required labor would be drawn primarily from the local population, and thus use of U.S. Census countywide data for Imperial and San Diego Counties is appropriate given the geographic area of the labor pool. Consequently, few, if any, workers are expected to relocate permanently during project construction. Therefore, Sections D.14.4.3 and F.2.1 of the Draft EIR/EIS, conclude that there would not be an impact on housing in the project area and likewise construction of additional housing would not occur as a result of construction along the Proposed Project route or the alternative routes.

A0024-66 The commenter correctly states that the impact acreages reported in Section D.2.5 do not correspond to the impact values presented in Section F.3.1. The text in Section F.3.1 has been corrected as shown below:

There would be approximately ~~654.5~~ 656.48 acres of permanent loss to ~~native~~ vegetation plus approximately ~~169~~ 1,168.17 acres of additional temporary loss to ~~native~~ vegetation. However, implementation of the Applicant Proposed Measures (APMs) and mitigation measures for biological resources recommended in this EIR/EIS (see Section D.2) would ensure that project-induced loss of vegetation and habitat would be less than significant because SDG&E would designate approximately ~~1,504~~ 1,538.54 acres to off-site mitigation and approximately ~~134~~ 831.89 additional acres to on-site restoration for impacts to sensitive vegetation.

² SCE February 15, 2007 Response to CPUC Data Request SCE-2 and SCE Exhibit SCE-5 for the SONGS Steam Generator Replacement Project, A.04-02-026, p. 25, February 2004.

Summary impact acreage data for route alternatives is presented in new Appendix 8M.

The commenter also states that there are inconsistencies between Section D.2.1.2.3 (Wetland and Aquatic Resources Overview) and Section D.12 (Water Resources). Please see Responses to Comments E0002-174 through E0002-178.

A0024-67 With regard to the suggested revisions to the APMs, it should be noted that these measures include environmental measures that are already required by existing regulations and/or requirements, or are SDG&E's standard practices that would minimize or prevent potential impacts. The APMs were proposed by SDG&E in its Proponent's Environmental Assessment (PEA) and are considered to be part of the description of the Proposed Project. Please see General Response GR-13 regarding APMs proposed to reduce impacts to biological resources. In certain instances, portions of the APMs are not appropriate or are not adequate to provide mitigation for the project's impacts. Such portions are shown in struck text in Appendix 8N that has been added to the Final EIR/EIS. Mitigation measures that are proposed in addition to the applicable portions of the APMs to avoid, minimize, or mitigate the relevant impacts of the project are shown in the second column of Appendix 8N. This new appendix clarifies applicable requirements for the Mitigation Monitoring Reporting Program (Section D.2.27 of Volume 1 of the EIR/EIS). Section D.2.4.2 of Volume 1 of the Draft EIR/EIS has been revised to clarify how the APMs were applied to the analysis as follows:

Rather, they are integrated as part of the project description. Therefore, the assessment of potential project-related impacts and levels of significance is discussed in the context of ~~these~~ the applicable parts of the APMs being included as part of the project, and a determination is was made as to whether additional project-specific mitigation measures would be required to further limit or reduce any impacts ~~to less than significant~~. The full text of the APMs is included in Table D.2-5; however, it should be noted that the APMs are based on SDG&E's NCCP, which is not applicable to this project (see discussion in Section D.2.3.3). As a result, in some cases portions of the APMs are not appropriate or are not adequate to provide mitigation for the project. In these cases, mitigation measures are proposed in addition to the applicable portions of the APMs. Appendix 8N lists each biological APM, shows what portions of the APMs do not apply to the project, and what mitigation measures are required in addition to the applicable portions of the APMs to avoid, minimize, or mitigate impacts of the project.

Additionally, a new biology appendix, titled Applicant Proposed Measures, has been added to the document explaining that, in some cases, portions of the APMs are not appropriate or are not adequate to provide mitigation for the project. In these cases, mitigation measures are proposed in addition to the applicable portions of the APMs. See Appendix 8N – Applicant Proposed Measures for Biology.

A0024-68 The commenter's suggestion that an introductory summary to the mitigation measures of the anticipated strategy and prioritization of associated goals and/or objectives is acknowledged. This suggested strategy (e.g., avoid, minimize, mitigate, requirement of HMPs with funding for in-perpetuity management, etc.) is already included in the text of the mitigation measures themselves. No change has been made to the Draft EIR/EIS based on this comment.

A0024-69 The commenter's concern regarding the feasibility and effectiveness of relocation, salvage, and/or transplantation as mitigation for impacts to sensitive plant species is acknowledged. Mitigation Measure B-5a (page D.2-103) of Volume 1 of the Draft EIR/EIS includes an option to salvage and relocation for federal or State listed plant species as follows (i.e., acquisition of offsite, occupied habitat as determined by CPUC, BLM, State Parks, USDA Forest Service, and Wildlife Agencies), so no change has been made to the Draft EIR/EIS based on this comment. See the text below that was copied from Mitigation Measure B-5a of the Draft EIR/EIS:

Impacts to federal or State listed plant species shall first be avoided where feasible, and, where not feasible, impacts shall be compensated through salvage and relocation (salvage and relocation for plants in ABDSP shall be determined in consultation with, and approval of, State Parks) via a restoration program and/or offsite acquisition and preservation of habitat containing the plant at a 2:1 ratio. Avoidance may not be feasible due to physical or safety constraints. The CPUC, BLM, State Parks (for activities in ABDSP), USDA Forest Service (for alternatives with activities on National Forest lands), and the Wildlife Agencies shall decide whether the Applicant can restore rare plant populations or shall acquire habitat with rare plant populations offsite (locations to be approved by the CPUC, BLM, State Parks [for activities in ABDSP], USDA Forest Service [for alternatives with activities on National Forest lands], and the Wildlife Agencies).

A0024-70 The commenter suggests incorporation of standard conservation measures in Section D.2.12 and elsewhere concerning mitigation measures for nesting birds. The suggested conservation measures have been added to Volume 1 of the Draft EIR/EIS as follows:

Mitigation Measure B-1c (page D.2-93) has been revised as follows:

Monitoring entails communicating with contractors, taking daily notes, and ensuring that the requirements of the APMs and mitigation measures are being met by being present during construction activities including all initial grubbing and clearing of vegetation....The qualified biologist shall perform periodic inspections of construction once or twice per week, as defined by the Wildlife Agencies, depending on the sensitivity of the resources. The qualified biologist shall send weekly monitoring reports to the CPUC and BLM....

The qualified biologist shall immediately notify the CPUC, BLM, State Parks (for monitoring in ABDSP), USDA Forest Service (for alternatives that require monitoring on National Forest lands), ~~and~~ the Wildlife Agencies, and SDG&E of any significant events, including impacts outside the construction zone or maintenance impacts outside the authorized permanent impact footprints if they are, discovered during construction or monitoring of maintenance ~~monitoring activities.~~

Mitigation Measure B-7e (pages D.2-120 and D.2-121) has been revised as follows:

...habitat in which least Bell's vireos and/or southwestern willow flycatchers are known to occur or have potential to occur, a biologist permitted by the USFWS shall survey for least Bell's vireos and southwestern willow flycatchers within ~~one week~~ 10 calendar days prior to initiating activities in an area. The results of the survey shall be submitted to the Wildlife Agencies for review and approval prior to initiating any construction activities.

If/when an active nest is located, a 300-foot no-construction buffer zone (USFWS, 2007b) shall be established around each nest site; however, there may be a reduction of this buffer zone depending on site-specific conditions or the existing ambient level of activity. The Applicant shall contact the Wildlife Agencies to determine the appropriate buffer zone.

Mitigation Measure B-7l (D.2-137 and D.2-138) has been revised as follows:

A USFWS permitted biologist shall survey for coastal California gnatcatchers within ~~one week~~ 10 calendar days prior to initiating activities in an area. The results of the survey shall be submitted to the Wildlife Agencies for review and approval prior to initiating any construction activities.

If/when an active nest is located, a 300-foot no-construction buffer (USFWS, 2007b) shall be established around each nest site; however, there may be a reduction of this buffer zone depending on site-specific conditions or the existing ambient level of activity. The Applicant shall contact the Wildlife Agencies to determine the appropriate buffer zone.

Section D.2.12 (page D.2-141, Mitigation Measures for Impact B-8) has been revised to include Mitigation Measures B-7e and B-7l as follows:

Mitigation Measure for Impact B-8: Construction activities would result in a potential loss of nesting birds (violation of the Migratory Bird Treaty Act)

B-7e Conduct least Bell's vireo and southwestern willow flycatcher surveys, and implement appropriate avoidance/minimization/compensation strategies.

B-7l Conduct coastal California gnatcatcher surveys, and implement appropriate avoidance/minimization/compensation strategies.

Mitigation Measure B-8a (pages D.2-141 and D.2-142) has been revised as follows:

B-8a Conduct pre-construction surveys and monitoring for breeding birds. All vegetation clearing, except tree trimming or removal, shall take place between ~~September~~ August 16 and ~~February~~ January 14 (i.e., outside of the general avian breeding season of ~~February~~ January 15 through ~~September~~ August 15)....

If project construction (not vegetation clearing or tree trimming/removal) cannot occur completely outside the general avian breeding season, then pre-construction surveys for non-listed bird species' nests shall be conducted by a qualified biologist within ~~300~~ 100 feet of the construction zone ~~no more than seven~~ within 10 calendar days prior to the initiation of construction that would occur between ~~February~~ January 15 and ~~September~~ August 15. The results of the survey shall be submitted to the Wildlife Agencies for review and approval prior to initiating any construction activities.

If project construction (not vegetation clearing or tree trimming/removal) including the use of helicopters cannot occur completely outside the raptor breeding season, then pre-construction surveys for active raptor nests shall be conducted by a qualified biologist within 500 feet of the construction zone ~~no more than seven~~ within 10 calendar days prior to the initiation of construc-

tion that would occur between January 1 and September 15. The results of the survey shall be submitted to the Wildlife Agencies for review and approval prior to initiating any construction activities.

...work may proceed provided that construction activity is 1) located at least 500 feet from raptor nests (USFWS, 2007b), 2) located at least 160 to 250 feet from occupied burrowing owl burrows (CDFG, 1995; see Mitigation Measure B-7d), 3) located at least 300 feet from ~~all other~~ listed bird species nests (see Mitigation Measure B-7e and B-7l), ~~and~~ 4) located at least 100 feet from non-listed bird species nests, and 5) noise levels do not exceed 60 dB(A)hourly Leq at the edge of nesting territories (American Institute of Physics, 2005) as determined by a qualified biologist in coordination with a qualified acoustician. There may be a reduction of these buffer zones depending on site-specific conditions or the existing ambient level of activity. The Applicant shall contact Wildlife Agencies to determine the appropriate buffer zone.

A0024-71 The commenter's suggestion to include additional specifications for post-construction restoration of desert vegetation communities is acknowledged. See Response to Comment A0024-28.