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dishes are likely to have impacts; however these impacts are, as yet, unknown. The Flat-tailed Horned Lizard Interagency Coordinating Committee (ICC) has recommended conducting studies (e.g., before-after control-impact plots) to determine the effect this type of facility would have on the FTHL. The final EIR/EIS should include a mitigation requirement to design, fund, and implement this type of study, and any associated mitigation needs.

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Alternatives

New In-Area All Source Generation Alternative (SBRP and SDCPP proposals)

As mentioned in the Draft EIR/EIS, the applicant withdrew their Application for Certification for the South Bay Replacement Project (SBRP) to the California Energy Commission (CEC) on October 22, 2007. However, an analysis was still prepared for the SBRP to serve as a representative example of the type of new baseload power plant that could be located elsewhere in the County of San Diego (and statement that “the replacement plant may yet be a viable project”). Based upon the current design specifications and biological survey results performed in 2005 and 2006, the Wildlife Agencies have the following comments:

1. The Draft EIR/EIS should clarify whether subsequent CEQA analysis for the development of individual components of any of the stand-alone alternatives proposed would be required (e.g., San Diego Community Power Project (SDCPP) proposal). Given the broad-scale discussion on impacts and lack of specifics for commensurate mitigation areas, development of alternative elements from those specified in the Draft EIR/EIS could require supplemental CEQA documentation that more accurately reflects pre-construction estimates of impacts and proposed mitigation (CEQA Guideline §15162).
2. If construction activity is required in proximity to Telegraph Canyon Creek and activities have the potential for impacts, 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, that the project applicant shall submit a complete Lake or Streambed Alteration Program notification package and fee to the Department. This condition should also be incorporated into conditions for the Mitigation Monitoring and Reporting Program.
3. Tables 8.2-2 and 8.2-3 are mentioned to contain the necessary biological survey data associated with the SBRP proposal; however upon review of Appendix 8L, there is no corresponding data related to this proposal.
4. Although the lead agency and applicant are not signatories to the MSCP, the Wildlife Agencies encourage, where applicable, that the Proposed Project and all alternatives be consistent with regional plans (e.g., principal goals and objectives), especially since it was

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stated within the Draft EIR/EIS that the “New In-Area All Source Generation Alternative would be subject to the federal, state, and regional environmental regulations, plans and standards applicable to this region.” Further, we acknowledge that the CEC certification has preemptory jurisdiction over local agencies; however a consistency discussion was still provided concerning relevant land use plans and policies for the City of Chula Vista. Consequently, in the context of fostering meaningful public participation and informed decision making during the Draft EIR/EIS process, we recommend that the final EIR/EIS, within section E.6.4, includes a discussion regarding conformance to the Subarea Plan for the City of Chula Vista.

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5. Due to the potential indirect effect of project siting of the SDCPP on the City of San Diego’s MSCP (based on Figure E.6.1-3), along with potentially altering the current design elements and conservation efforts for the draft MSCP Subarea Plan for the City Santee, we request a similar review for conformity of the SDCPP to the respective Subarea Plans. We are particularly concerned about alteration to the draft Santee Subarea Plan preserve design and effects to wildlife movement linkages/corridors in the area. For example, no analysis was provided for Impact B-9 (Adverse effects to linkages or wildlife corridors, the movement of fish, and/or native wildlife nursery sites). Further discussion is merited considering that plant siting is 500 feet due west of a major riparian corridor that potentially serves as a linkage from areas north of MCAS Miramar to Mission Trails Regional Park. The hard-line preserve boundaries of approved and draft (if available) Subarea plans should be provided as part of the figure details.
6. There is no reference within the biological resources setting discussion as to whether biological field surveys were conducted for the SDCPP. If surveys have not been conducted, then all reference to impacts being mitigated to less than significant should be removed until surveys have been completed. Before a determination of the significance of an impact can be made, the presence and nature of the biological resource must be established (specifically quantification of impacts). All biological resource impacts should be identified as significant until the site-specific surveys are completed.
7. Similar to the level of attention that was provided for the SBRP proposal, impact analyses should also be provided for indirect effects to biological resources for the SDCPP. Depending on the circumstance, indirect effects of a project may be as significant as the direct effects of the project. Indirect effects are best addressed by a well thought out design that focuses on avoidance and minimization at the onset of the development process. Particular attention has been given to this issue at the construction phase of this alternative (e.g., consideration was given to the indirect effect of noise, dust, or lighting connected to construction activities). The final EIR/EIS should acknowledge that indirect impacts associated with development adjacent to sensitive habitats would result in the degradation of the habitat (i.e., post-construction concerns such as loss of a biological buffer, urban run-off into a biological system, air pollutants degrading habitat over an extended period of time).

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8. Noise attenuation mitigation language used to address indirect noise-related impacts for the SBRP is also required for SDCPP (given that plant construction would occur over a 24-month time period).

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9. The Draft EIR/EIS states a new 230kV line (1 mile), extending through undeveloped land, exclusively within MCAS Miramar (routing to Sycamore Canyon-Elliot Substation Recondutor), would be built for this alternative. There is some potential that this new line could contribute to bird strikes; however, impact category B-10 has not been included as a potential construction/operation impact. The route should be delineated, potential impacts identified, and significance determined.

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New In-Area Renewable Generation

1. The Wildlife Agencies consider the current environmental analysis for this alternative solely at a programmatic level as the biological impact assessment was based primarily upon aerial photograph interpretation of those resources. Before a determination of the significance of environmental impacts can be made, the presence and extent of the biological resource must be established by site-specific surveys in accordance with specified protocols. Consequently, this particular alternatives analysis should acknowledge that all biological resource impacts are significant and unmitigable until the subsequent analysis and feasible mitigation measures demonstrates the project's effect on the environment is less than significant [CEQA Guideline 15162 (a)].

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2. The portion of the project involving a wind generation component should incorporate design features and siting standards that, at a minimum, meet those defined in the California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development (CEC and CDFG 2007).

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Lake Elsinore Advanced Pump Storage Project (LEAPS)

1. The Department issued comments to the Draft Application for License of Major Unconstructed Project (FERC filing Project No. 11858) on December 8, 2003, the subsequent Notice of Preparation for the LEAPS Project on October 21, 2004 (CEQA Filing - SCH# 2004091057), and the Draft Environmental Impact Statement on April 25, 2006 (FERC File No. P11858-002). Additionally, the Service issued comments on the Initial Stage Consultation Document on August 15, 2001, the Final Application for FERC Permit No. 11858 on May 11, 2004, and the Notice of Intent to Prepare a Draft Environmental Impact Statement on September 23, 2004. The Wildlife Agencies continue to have concerns outlined in the aforementioned correspondence regarding significant impacts to biological resources that would occur with this proposed alternative.

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Additionally, in May of 2005, the Service provided comments on the Draft EIR for the Lake Elsinore Stabilization and Enhancement Program. It is our understanding that the LEAPS

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project is dependent upon this project to maintain a water source. Therefore the water stabilization project would be reasonably certain to occur should the LEAPS alternative be built. Should the LEAPS alternative be included in the final EIR/EIS, impacts and appropriate mitigation for Lake Elsinore Stabilization and Enhancement Program project should be incorporated.

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2. The Department previously identified concerns for potential impacts to steelhead trout and associated impacts to the habitat functions/values of the lower San Juan Creek that would result with the proposed reservoir. The Department did not concur with the findings of the environmental document that determined the placement of the reservoir in Decker Canyon would not have an adverse impact to steelhead trout (*Oncorhynchus mykiss*). In the LEAPS Draft EIS (page 3-69) the *Effects of Operations of the Interbasin Water Transfer and Upper reservoir* section determined that the “storage of low quality Lake Elsinore water in the upper reservoir within the San Juan Creek watershed could negatively affect the water quality of the San Juan Creek drainage.” The lower reaches of San Juan Creek were designated by National Oceanic and Atmospheric Administration Fisheries (NOAA) in August 2005 as critical habitat for the steelhead. Additionally, several steelhead have been observed and relocated from San Juan Creek verifying its use by the species.

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The placement of the reservoir in the headwaters to the San Juan Creek watershed and the pumping of Lake Elsinore Water into the watershed would likely introduce non-native fish species to the San Juan Creek watershed. The Department currently maintains non-native fish species in Lake Elsinore for game species. The exotic and invasive species would compete with native steelhead for habitat and prey on steelhead eggs and fry. The Department is concerned that the introduction of these species and the impact to the water quality of the lower reaches of San Juan Creek could adversely impact the ability of the steelhead to use the spawning and rearing habitat in the watershed. Additionally, the introduction of “low-quality” water from Lake Elsinore could impact the sustainability of the San Juan Creek as Critical Habitat for steelhead. The Department recommends surveys for steelhead in the San Juan Creek consistent with the Department protocol (and NOAA requirements) to identify the project’s impacts to steelhead, as well as to the portion of the Creek that has been designated as Critical Habitat. The Department further recommends the applicant coordinate with the Department in developing minimization measures to ensure compliance with Department guidelines (similar efforts should be considered with NOAA).

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3. The proposed project would result in a significant impact to water quality of the San Juan Creek watershed. San Juan Creek also supports the following State species of concern: arroyo chub (*Gila orcutti*), southwestern pond turtle (*Emy marmorata pallida*), and the tidewater goby (*Eucyclogobius newberryi*), a federally endangered and state listed species of concern. Minimal discussion was provided in the Draft EIR/EIS regarding these potential impacts. The Department continues to have concerns on the resultant impacts that the reservoir would have on these sensitive species, along with contributing to the introduction of non-native species to the watershed.

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4. The Department did not concur with the findings in the LEAPS Draft EIS that Critical Habitat for arroyo toad (*Bufo californicus*) would not be affected. The current alternatives analysis provided limited discussion to address these concerns (instead deferring to the LEAPS Project final EIR). The potential discharge of sediment associated with the construction of the reservoir, permanent reduction in water quality to the creek, as well as the introduction of non-native species that prey on arroyo toad would have an impact on the species and its Critical Habitat. The Draft EIR/EIS needs to adequately disclose the potential impacts to this species. A0024-62
5. The Department previously commented on the mitigation proposed for oak woodlands for LEAPS Draft EIS. The Department recommended mitigation ratios higher than the 2:1 included in the Alternatives analysis due to the maturity and size of the oak trees being impacted. This issue remains unresolved due to acknowledgement within the Draft EIR/EIS that adequate mitigation land required by Mitigation Measure B-1a for restoration and/or acquisition may not be available. A0024-63

No Project/No Action Alternative

At a minimum, the corridor distance associated with the Path 44 (also referred to as South of SONGS path) upgrade should be identified in the biological resources section for the No Project/No Action Alternative (Section E.8.2), to provide some perspective on potential extent of impacts (even with the current Draft EIR/EIS assumptions that impacts are negligible due to expansion within existing ROWs). Furthermore, the lack of sufficient biological baseline data does not allow a meaningful evaluation, analysis, and comparison to the Proposed Project. At a minimum, some form of quantifiable data should be provided to facilitate analysis. A0024-64

Other CEQA and NEPA Requirements

1. The Draft EIR/EIS concludes that there would be no direct growth-inducing impacts as a result of the Proposed Project. However, for a specific area or region (e.g., sparsely populated areas) there would be effects from additional housing demands due to increased activities from construction of the Proposed Project. Because specific housing data along the Proposed Project route (or alternative routes) was not factored into the analysis, the conclusion that no additional housing would be needed (Section F.2.1) has not been thoroughly substantiated. We would consider housing requirements for 300-500 personnel for a period of five years as long-term growth inducement. We do not agree with the application of broad US census-wide data, from which this conclusion was derived. Therefore, prior to concluding that there will be no growth-inducement, the scope of the analysis should be narrowed to the potential impacts associated with the Proposed Project route. A0024-65

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2. The impact acreages reported in section D.2.5 do not correspond to the impact values provided in Section F.3.1. It is important that impact acreages be correctly referenced throughout the document. The final EIR/EIS should reflect identical impact categories and acreage values in these two sections. This information should also be provided within the Biological Resource section of the Executive Summary (i.e., ES.5 Impacts of the Proposed Project). Furthermore, the Water Resources discussion (Section D.12) states that 172 identified watercourses would need to be crossed by the Proposed Project, whereas the Wetland and Aquatic Resources Overview (Section D.2.1.2.3) states this number as 167. Please correct the inconsistencies between sections and incorporate this information in the Executive Summary. Emphasis should be directed at ensuring critical data is reported throughout the Executive Summary and is consistent with data reported in the body of the final EIR/EIS.

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Applicant Proposed Measures (APM's)

The Wildlife Agencies are providing the following revisions to the APM's to better avoid, minimize, and mitigate project impacts.

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1. BIO-APM-1 (page B-135) states that "...impacts, then mitigation through SDG&E's NCCP mitigation credits or if necessary compensation via another on- or off-site purchase or dedication of habitat at a ratio of 2:1 for impacts inside preserves and 1:1 for impacts outside of preserves would be identified and implemented." Because the size and scope of the Proposed Project is beyond what was envisioned in SDG&E's NCCP/HCP, mitigation developed for SDG&E's subarea plan should not be used to offset impacts from this project. New, Wildlife Agency approved mitigation areas would have to be identified and secured prior to any project construction. Further, the Proposed Project should not be evaluated by the standards set forth in the SDG&E HCP/NCCP (page D.2-69), as the impacts of this project were not analyzed or considered when the NCCP/HCP permits were issued. In addition, the mitigation ratios described in the NCCP/HCP were agreed to in the context of the overall conservation benefits of the NCCP/HCP, and would not necessarily be appropriate for the project.
2. BIO-APM-3 (Page D.2-73) states that "When it is not feasible to keep vehicles on existing access roads..." Please explain under what circumstances it would not be feasible to keep vehicles on existing access roads.
3. BIO-APM-8. Remove the reference that "CDFG may remove such plant(s)." CDFG is limited to providing recommendations to minimize or reduce species take. Furthermore, any salvage of plant resources will not be permissible until it has been demonstrated to the satisfaction of the Wildlife Agencies that avoidance of impacts is not possible and that required mitigation ratios have been met. Separate collection procedures should be developed to address species that may need to be salvaged and measures to ensure

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survivability. These measures should be directly linked to those areas predetermined for fulfilling mitigation requirements.

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4. BIO-APM-9 states that the “biological resource monitor would make sure that the vegetation to be cleared contains no active migratory bird nests, burrows, or active dens prior to clearing.” Please clarify how active migratory bird nests would be found. Also, please define what is meant by “reconnaissance-level survey.”
5. BIO-APM-14. Please replace the first sentence with the following sentence. To protect against wildlife entrapment, all steep-walled trenches or excavations used during construction shall be covered at all times, except when being actively utilized for construction.
6. BIO-APM-19. Mitigation for stand-alone projects should be habitat and species specific. It is not appropriate to standardize mitigation ratios to offset impacts for this project, please remove the reference to habitat ratios. Further, the mitigation bank developed for SDG&E’s NCCP/HCP should not be used to mitigate the biological impacts incurred by this project.
7. BIO-APM-21. The project should conform to Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006 (not the 1981 version).

Mitigation Measures

1. The Wildlife Agencies appreciate and recognize the attention to detail that has been provided in the proposed mitigation measures, however, in addition to the material currently outlined, we recommend that an introductory summary of the anticipated strategy and prioritization of goals and/or objectives associated with mitigation measures be included in the final EIR/EIS. Areas of emphasis or consideration should include the following:
 - a. On-site active enhancement and management of appropriate areas through implementing measures that improve the amount and quality of water, food, and cover used by wildlife (e.g., increase and protect important areas by providing fencing, signing, and other measures to reduce disturbance and intrusion into breeding and rearing areas).
 - b. Establishment of an off-site habitat compensation endowment fund with emphasis on the long-term maintenance and management of compensation acreage. The fund must be large enough to do some or all of the following depending on the situation:
 - Develop habitat management plans
 - Implement habitat enhancement programs
 - Develop species and ecosystem research programs to develop monitoring and management plans
 - Develop species monitoring programs
 - Perform analyses of population viability/sustainability to ensure protection of adequate area and viable species populations has occurred

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