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January 11, 2017

Mr. Robert Peterson  
California Public Utilities Commission  
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**Subject: Comments on the Draft Environmental Impact Report for the Suncrest Dynamic Reactive Support Project, Community of Alpine, San Diego County, California (Project Number SCH # 2016011004)**

Dear Mr. Peterson:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Draft Environmental Impact Report (DEIR) for the Suncrest Dynamic Reactive Support Project Draft Environmental Impact Report (DEIR) dated November 2016. The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act, [CEQA] Guidelines § 15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code § 2050 *et seq.*) and Fish and Game Code section 1600 *et seq.* The Department also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program. The County of San Diego (County) participates in the NCCP program by implementing its approved Multiple Species Conservation Program (MSCP) Subarea Plan (SAP), and the draft East County MSCP Plan through a signed Planning Agreement. The Suncrest Reactive Power Support Project is located within the County of San Diego, the MSCP, and the draft East County Plan MSCP planning areas.

The Suncrest Dynamic Reactive Power Support Project (Proposed Project) is located in unincorporated south-central San Diego County, approximately 5.75 miles southeast of the community of Alpine, off of Bell Bluff Truck Trail Road. The lands surrounding the Proposed Project are primarily undeveloped, with some rural-residential development to the east and south—the existing Suncrest Substation located at the western terminus. The Proposed Project is located partially on and west of the former Wilson construction yard that was restored to natural habitat as part of the Sunrise Powerlink Project mitigation obligations. The Proposed Project is located approximately 1.8 miles south of Interstate-8, and Japatul Valley Road (State Highway 79) is approximately 1.2 miles to the southeast. The Proposed Project is planned to be located on private property within the administrative boundary of the Cleveland National Forest.

The Proposed Project includes two primary components: 1) a Static Var Compensator (SVC) facility, to be located approximately 1 mile east of the existing Suncrest Substation; and 2) an approximately 1-mile-long 230 kV transmission line from the proposed SVC facility to the existing substation.

Construction of the SVC facility generally would include site clearing, grubbing, grading, and installation of foundations and electrical equipment. Construction of the underground transmission line would be anticipated to be concurrent with construction of the SVC and would follow a general process of utility line locating; survey; asphalt cutting of pavement; trench excavation; installation of duct bank and vaults; pavement restoration; installation of conductor cables and fiber optic cables; and splicing and testing of the line. Grading for the SVC may result in up to 4,000 cubic yards of excess material, which would be hauled off site. In select locations, where material cannot be excavated using a backhoe and/or bulldozer, material removal may require scraping, ripping, drilling, hammering, cutting and localized low energy blasting. Construction of the Proposed Project would result in approximately 6.2 acres of temporary disturbance, accounting for staging area impacts and trenching for underground transmission line installation. When added to the permanent disturbance area of the SVC, total disturbance from the Proposed Project would be approximately 12.2 acres including the Project footprint, temporary, and permanent disturbance areas.

As identified in our February 2, 2016, Notice of Preparation (NOP) comment letter, golden eagle (*Aquila chrysaetos*) territories are known within the project vicinity, and could potentially be adversely impacted by the Proposed Project, particularly the potential blasting associated with the transmission line. As a fully protected species (Fish and Game Code § 3511), take (Fish and Game Code § 86) is prohibited. Anthropogenic presence and disruptive noise, such as noise associated with blasting, has the potential to interfere with early pairing and successful nesting attempts made by golden eagle. Given the proximity of at least one historic territory, the Department believes that blasting is inappropriate if all other construction alternative or locations have not been exhausted. Should the EIR continue to consider the use of blasting, additional detail regarding the extent, timing, and duration should be provided and the Department and U.S. Fish and Wildlife Service (Service) should be consulted for additional mitigation measures beyond the DEIR's mitigation measures BIO-5 and BIO-6.

The Proposed Project would also remove coast live oak (*Quercus agrifolia*) woodland including Engelmann oak (*Quercus engelmannii*). The Department considers coast live oak habitat sensitive, and the habitat is further addressed by Public Resource Code section 21083.4 *et seq* which generally directs the conservation and mitigation of oak species within the genus *Quercus*. The County also considers the coast live oak woodland an Environmentally Sensitive Land and is regulated by the County's Resource Protection Ordinance (RPO) adopted in 1989 and amended in 1991 and 2007. Per the County Biology Guidelines, "[i]mpacts to RPO sensitive habitat lands shall only be allowed when: (a) all feasible measures have been applied to reduce impacts; and (b) mitigation provides an equal or greater benefit to the affected species" (County, 2009). In addition to oak species, the Proposed Project has the potential to impact several sensitive plant species including Jacumba milkvetch (*Astragalus douglasii* var. *perstrictus*), San Diego milkvetch (*Astragalus oocarpus*), and species of *Monardella* among others. The Department considers impacts to sensitive plant communities and individuals significant without mitigation.

The Department offers the following comments and recommendations to assist the California Public Utilities Commission (CPUC) in avoiding, minimizing, and adequately mitigating Project-related impacts to biological resources.

To reduce the potential biological and land use planning impacts associated with the Proposed Project, the Department recommends that the CPUC adopt the Suncrest Substation Alternative (a location alternative) in lieu of the Proposed Project. On February 2, 2016, the Department

provided comments to the CPUC suggesting that the Suncrest Substation Alternative would have less environmental impacts than the Proposed Project's configuration. Subsequent to our NOP comments, we have reviewed the DEIR and reiterate our original position and generally agree with the DEIR's assertion that the Suncrest Substation Alternative is the environmentally superior option (CPUC, 2016 pp. ES-9, 20-13, 20-14) because "...[t]he Suncrest Substation Alternative would avoid virtually all of the potential environmental impacts of the Proposed Project. Under the Suncrest Substation Alternative, there would be no land disturbance, trenching, or installation of new structures outside of the existing substation" (CPUC, 2016).

Following our review of the information presented in the DEIR, the Department recommends that the CPUC adopt the Suncrest Substation Alternative as the final design certified in the final EIR. CEQA Guidelines section 15126.6(f) instructs EIRs to evaluate alternatives based on the "rule of reason" which, in part, establishes a three-part structure in analyzing project alternatives including: 1) feasibility; 2) alternative locations; and 3) excluding speculative or remote project alternatives. Below, we outline our rationale for concluding that the Suncrest Substation Alternative should be approved based on a progressive analysis of CEQA Guideline's rule of reason (CEQA Guidelines, § 15126.6(f)).

A. §15126.6(f)(1) Feasibility

Based on the Department's review of the information provided in the DEIR, the Suncrest Substation Alternative achieves a superior project design based on the *Feasibility* criteria established under CEQA Guidelines section 15126.6(f)(1) "[a]mong the factors that may be taken into account when addressing the feasibility of alternatives are *site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries* (projects with a regionally significant impact should consider the regional context), and whether the proponent can *reasonably acquire*, control or otherwise have access to the alternative site [emphasis added]...."

- The Suncrest Substation Alternative offers superior *site suitability* over the Proposed Project by locating the Static Var Compensator (VAR) dynamic reactive device within the existing boundaries of the current Suncrest Substation—eliminating the need for *any* physical loss of habitat or earth-moving construction equipment. In addition to eliminating the need for a new construction pad, the Suncrest Substation Alternative would also eliminate approximately 1 mile of trenching and/or blasting to install the off-site transmission line the Proposed Project requires thereby minimizing the potential impacts to golden eagle and other species.
- The Department cannot, nor should it, assess the *economic viability* of the Suncrest Substation Alternative compared to that of the Proposed Project.
- Unlike the Proposed Project, and due to the Suncrest Substation Alternative's co-location of the VAR Compensator within the existing substation facility, no additional transmission lines, driveways, access roads, or storm water basins would be required. Based on our review of the above, the *availability of infrastructure* (generally, preexisting for the substation) greatly favors the Suncrest Substation Alternative over the Proposed Project.

- As identified in the DEIR, the Suncrest Substation Alternative achieves *consistency with the San Diego County General Plan* by conforming to the following County Open Space Element and Land Use Element goals and policies:
  - a) “COS-2.1 Protection, Restoration and Enhancement. Protect and enhance natural wildlife habitat outside of preserves as development occurs according to the underlying land use designation. Limit the degradation of regionally important natural habitats within the Semi-Rural Lands and regional categories....” The Suncrest Substation Alternative would protect existing and recently restored rural and natural habitats.
  - b) “COS-2.2 Habitat Protection Through Site Design. Require development to be sited in the least biologically sensitive areas and minimize the loss of natural habitat through site design”. Both the DEIR, and the Department’s review of the information contained therein, conclude that the siting of the VAR Compensator within the Suncrest Substation (i.e., the Suncrest Substation Alternative) develops the least biologically sensitive area and also avoids any direct habitat loss associated with the currently Proposed Project configuration.
  - c) “LU-12.4 Planning for Compatibility. Plan and site infrastructure for public utilities and public facilities in a manner compatible with community character, minimize visual and environmental impacts, and whenever feasible, locate any facilities and supporting infrastructure outside preserve areas.” The Suncrest Substation Alternative would avoid duplicative or additional driveways, access roads, and storm water treatment basins while also minimizing environmental impacts associated with the multiple development locations of the Proposed Project. Additionally, the Suncrest Substation Alternative minimizes the impacts within the draft East County Plan’s conceptual preserve design—the Focused Conservation Area (see discussion below).
  - d) “Policy LU-5.3 – Rural Land Preservation. Ensure the preservation of existing open space and rural areas (e.g., forested areas, agricultural lands, wildlife habitat and corridors, wetlands, watersheds, and groundwater recharge areas) when permitting development under the Rural and Semi-Rural Land Use Designations.” As identified above, the Suncrest Substation Alternative would better preserve rural lands, to the benefit of biological resources, by consolidating two developments within one existing location.
- With regard to *other plans or regulatory limitations and jurisdictional boundaries*, a Planning Agreement for the East County MSCP between the County of San Diego, the Department, and the Service was executed on November 18, 2008, and subsequently amended in May 2014. The Planning Agreement guides the planning and preparation of the MSCP plan including defining the parties’ goals and commitments, defining the scope of the conservation planning areas, and establishing an interim review process intended to meet the preliminary conservation objectives and reserve assemblage. While the CPUC is not a party to the East County MSCP Planning Agreement, the CPUC should consider the Proposed

Project's consistency with existing plans and draft planning efforts as the Proposed Project is located within the MSCP planning area, specifically within the conceptual reserve design (the Focused Conservation Area; FCA).

Pursuant to the Planning Agreement, the Department has worked cooperatively with the County, Service, and other stakeholders to develop a conceptual comprehensive strategy for the draft East County MSCP. The draft East County MSCP facilitates comprehensive planning by identifying FCAs for assembling an open space preserve and other areas outside of the FCA suitable for development. FCAs are areas identified by the draft East County MSCP where conservation and mitigation are anticipated in order to assemble the East County MSCP preserve (Independent Science Advisor's Documentation Binder/Workshop #1, February 2006 and the January 2007 Workshop). The Proposed Project is located within an East County MSCP FCA—denoted as Agricultural or Natural Upland Habitat within a FCA. While the Suncrest Substation is also located within the same FCA designation, co-locating the VAR Compensator within the existing Suncrest Substation footprint eliminates redundant building pads within an FCA. To avoid conflicts with the draft East County MSCP, we recommend that the final EIR include a discussion regarding the Proposed Project's compliance with the guidance provided in the Planning Agreement's Interim Review Process to ensure successful implementation of the Proposed Project and MSCP plans.

- In accordance with the DEIR, the Suncrest Substation Alternative does not represent a speculative alternative and therefore meets the CEQA Guideline standards of *whether the proponent can reasonably acquire, control or otherwise have access to the alternative site* as evidence in the DEIR “[u]nder this alternative [the Suncrest Substation Alternative], NEET West would construct, own, and operate the SVC” (CPUC, 20016 p.20-12).

B. §15126.6(f)(2) Alternative Locations

As posed by section 15126.6(f)(2), “The key question and first step in analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location” (CEQA Guidelines). As evidenced by the DEIR, “... [t]he Suncrest Substation Alternative would avoid virtually all of the potential environmental impacts of the Proposed Project” (CPUC, 2016). The Department believes that the Suncrest Substation Alternative avoids most, if not all, biological effects of the VAR Compensator for the reasons outlined in the sections above.

C. §15126.6(f)(3) Is the Project Remote or Speculative

In accordance with the DEIR's Table 20-1 Alternatives Screening Summary, the Suncrest Substation Alternative is not speculative. Subsection (f)(3) of CEQA Guidelines section 15126.6 does not require further evaluation of a remote or speculative project alternative.

Based on A-C above, the Suncrest Substation Alternative provides a superior project design while simultaneously achieving all four of the Proposed Project's Objectives outlined by the DEIR: 1) Provide reactive support to Suncrest Substation; 2) Improve and maintain transmission grid reliability; 3) Facilitate delivery of renewable energy generation from the Imperial Valley

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area to population centers to the west; and 4) Support the achievement of California's Renewables Portfolio Standard (CPUC, 2016 p. 4). In addition to fulfilling the Project Objectives, the Suncrest Substation Alternative avoids and minimizes potentially significant biological impacts associated with the Proposed Project (see DEIR Impacts BIO-1, through Impact BIO-10) as directed by Public Resources Code section 21002.1(b). The Department recommends that the CPUC approve the Suncrest Substation Alternative absent the DEIR detailing the infeasibility of that alternative pursuant to CEQA Guidelines section 15091(b). For these reasons, the Department believes that the Suncrest Substation Alternative (e.g., the Environmentally Superior Alternative as identified by the DEIR) meets all of the stated project objectives and supports the Findings of Fact pursuant to CEQA Guidelines section 15091(a)(3)—that specific considerations do not make a project alternative (in this case the Environmentally Superior Suncrest Substation Alternative) necessary to certify the EIR.

We appreciate the opportunity to comment on the DEIR for the Proposed Project and to assist the CPUC in further minimizing and mitigating project impacts to biological resources. The Department requests an opportunity to review and comment on any response that the CPUC has to our comments and to receive notification to the forthcoming hearing date for this project. If you have questions or comments regarding this letter, please contact Eric Weiss, Senior Environmental Scientist at [REDACTED]

Sincerely,



Gail K. Sevens  
Environmental Program Manager  
South Coast Region

cc: State Clearinghouse, Sacramento  
Eric Porter, U.S. Fish and Wildlife Service, Carlsbad  
Kirsten Winter, U.S. Forest Service

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