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In Reply Refer To:
FWS/CDFW-SDG-15B0169-16TA0094

NOV 18 2015

Billie Blanchard
Senior Analyst/Project Manager
California Public Utilities Commission
c/o Panorama Environmental, Inc.
1 Embarcadero Center, Suite 740
San Francisco, California 94111

Subject: Comments on the Draft Environmental Impact Report for the Sycamore-Peñasquitos
230-KV Transmission Line Project (SCH No. 2014081031)

Dear Ms. Blanchard:

The U.S Fish and Wildlife Service (Service) and the California Department of Fish and Wildlife (Department), collectively referred to as the Wildlife Agencies, have reviewed the Draft Environmental Impact Report (DEIR) dated September, 2015 for the Sycamore-Peñasquitos 230-KV Transmission Line Project (project) in the City of San Diego (City), California. The comments and recommendations provided herein are based on: 1) the information provided in the DEIR, *2015 Southwestern Willow Flycatcher Survey Summary Report for the Encina Hub Portion of the Proposed San Diego Gas & Electric Company Sycamore to Peñasquitos 230 kV Transmission Line Project, San Diego County, California* (prepared by Busby Biological Services September 28, 2015), 2) our knowledge of sensitive and declining vegetation communities in the region, and 3) our participation in San Diego Gas and Electric's (SDG&E) Subregional Natural Community Conservation Plan/Habitat Conservation Plan (Subregional NCCP/HCP) and its associated Vernal Pool Clarification.

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Federal Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA; §§ 15386 and 15381, respectively) and is responsible for ensuring appropriate conservation of the state's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (CESA; 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. SDG&E currently participates in the NCCP program by implementing its approved SDG&E Subregional NCCP/HCP.

The project is located in the cities of San Diego, Poway, and Carlsbad, and on Marine Corps Air Station Miramar. The proposed project will construct approximately 13.9 miles of overhead

transmission line and 2.8 miles of underground line divided into four construction segments including: 1) 8.31 miles of 230-kV transmission line on new steel poles from the Sycamore Canyon Substation to Carmel Valley Road; 2) 2.84 miles of 230-kV underground transmission line in Carmel Valley Road; 3) 2.19 miles of 230-kV conductor line on existing steel lattice structures and a new tubular steel pole (TSP) between Carmel Valley Road and Peñasquitos Junction; and, 4) 3.34 miles of 230-kV conductor line on existing double-circuit steel lattice towers and a TSP between the Peñasquitos Junction and the Peñasquitos Substation. The project will also include modifications to the Sycamore Canyon, Peñasquitos, Chicarita, San Luis Rey, and Mission Substations as well as the Encina Hub. The project will also include 75 acres of temporary staging yards at Camino Del Sur, Carmel Valley Road, Evergreen Nursery, State Route (SR) 56, Stonebridge Parkway, and Stowe staging yard. Project access will occur within the existing SDG&E right of way (ROW) easements, access roads, and public roadways.

The Wildlife Agencies recommend Alternative 5 referenced in sections 3.5.5 and 6.4.4.2 of the DEIR, given that it has been identified as the environmentally superior alternative. This alternative would avoid impacts to vernal pools to the maximum extent possible within the Del Mar Mesa Preserve, consistent with the SDG&E Subregional NCCP/HCP and our Vernal Pool Clarification. In addition, Alternative 5 would avoid potential impacts to sensitive resources at the Black Mountain Ranch and Peñasquitos Canyon Preserves, the Encina Hub, the San Luis Rey Substation, and the San Luis Rey phase transposition site.

The Wildlife Agencies offer the following comments and recommendations (enclosure) to assist the California Public Utilities Commission (CPUC) in avoiding or minimizing potential project impacts on biological resources. We appreciate the opportunity to comment on the DEIR. If you have questions regarding this letter, please contact Patrick Gower (Service) at 760 431-9440 extension 352 or Eric Hollenbeck (Department) at 858 467-2720.

Sincerely,



Karen A. Goebel
Assistant Field Supervisor
U.S. Fish and Wildlife Service



for Gail K. Sevrens
Environmental Program Manager
California Department of Fish and Wildlife

Enclosures

Enclosure 1

Wildlife Agency Comments and Recommendations on the Draft Environmental Impact Report (DEIR) for the for the Sycamore-Penasquitos 230-KV Transmission Line Project

1. Page 4.1-18; thread-leaved brodiaea (*Brodiaea filifolia*): The Final Environmental Report (FEIR) should describe and provide locations for thread-leaved brodiaea suitable habitat referenced in Sections C and D of the DEIR and indicate if surveys have been performed. In addition, the project should be consistent with Table 3.1 of the SDG&E Subregional NCCP/HCP that prioritizes avoidance of impacts to thread-leaved brodiaea suitable habitat that may support populations of undetected individuals.
2. Page 4.1-20: The DEIR designates some areas of non-native grassland and disturbed habitat as unsuitable for burrowing owl. Because burrowing owls are known to utilize both non-native grassland and disturbed habitats for occupation and foraging, the Wildlife Agencies recommend the FEIR include further evaluation of areas suitable for this species. In addition, it is not clear if a habitat assessment and/or focused surveys for burrowing owl were completed as recommended in Appendix G.
3. 2.4.1.1: The FEIR should provide further information on the location, potential impacts, and proposed mitigation for the new permanent work areas. In addition, the maps in the appendices should be revised to show these areas.
4. Table 4.1-15: This table indicates that the project will impact a total of 34.97 acres (3.96 acres of permanent, 25.69 acres of temporary, and 5.32 acres from access roads). However, Section 2.3.2 and Table 2.3-1 indicate that the project will permanently and temporarily impact 53.9 acres and 139.3 acres, respectively. Please provide a discussion clarifying the differences between the two tables and identify which reflects the current anticipated project impacts. In addition, please clarify how the project impacts indicated in the DEIR compare to the 29.41 acres of impacts that SDG&E provided to the Wildlife Agencies during discussions on the NCCP/HCP impact cap and were included in our June 29, 2015, letter (enclosure 2).
5. Table 4.1-15: To aid in review for consistency with the SDG&E Subregional NCCP/HCP, the FEIR should divide access road impacts into temporary and permanent, and new versus existing.
6. Page 4.1-69: Mitigation Measure Biology-4: The mitigation measure should be consistent with the Vernal Pool Clarification dated July 23, 2004, which allows SDGE to maintain (e.g. grade), as needed, the access roads on Del Mar Mesa provided SDG&E offers documentation that mitigation at a 3:1 ratio has been completed. This can include restoration of onsite degraded pools or the advanced creation, restoration, and/or enhancement of vernal pool basins in pre-approved areas such as Carmel Mesa and Otay Mesa.
7. Table 4.1-10; and Chapter 9 MMRP: Mitigation Measure Biology-6: Compensatory Mitigation for Impacts to Habitat: This table should indicate permanent and temporary impacts and be consistent with Table 7.4 in SDG&E's Subregional NCCP/HCP that includes a 2:1 and 1:1 mitigation ratio for permanent and temporary impacts, respectively, inside of a preserve (MHPA).

8. Table 4.1 indicates that least Bell's vireo (*Vireo bellii pusillus*) are known to occur within the riparian vegetation adjacent to the Encina Hub project site. In order to avoid or minimize impacts to this species, the project should include the following measures consistent with the Service's August 8, 2013, informal consultation with the U.S. Army Corps of Engineers on Various Operations, Maintenance and Minor New Construction Activities Routinely Performed by San Diego Gas and Electric, in San Diego, Riverside and Orange Counties, California (File No. SPL-2004-01522-LAM) (FWS-SDG-09B0111-13I0309):
- a. Project activities within waters of the U.S. that may support vireo and flycatcher will occur between September 16 and March 14 when practicable to avoid the vireo and flycatcher breeding season.
 - b. Project activities within waters of the U.S. that may support vireo and flycatcher that cannot be timed to avoid the breeding season will adhere to the following measures:
 - i. A biologist knowledgeable of vireo and/or flycatcher biology and ecology, approved by the Agencies, will survey within the project impact footprint and a 300-foot buffer (within waters of the U.S.) before clearing vegetation or project construction to check for vireo and/or flycatcher nesting activity. Should an active nest be located in the impact footprint, then work will be suspended until the nest is vacated.
 - ii. Biological buffers of at least 100 feet will be maintained adjacent to nests.
 - c. For project activities during the breeding season adjacent to known occupied vireo and/or flycatcher nesting habitat, the biologist will monitor nesting bird activity. If the biologist determines that nesting birds are being disrupted by project activities, then work will be suspended until effective minimization measures (e.g., noise attenuation structures) developed in coordination with the Agencies are in place or until after the breeding season is completed.
 - d. Any lighting required during project activities will be shielded and directed away from vireo and/or flycatcher habitat to ensure that these areas not artificially illuminated.



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FWS/CDFW-SDG-09B0047-15CPA0269

JUN 29 2015

Mr. Scott Pearson
Director, Environmental Services
San Diego Gas & Electric Company
8315 Century Park Court
San Diego, California 92123

Subject: Take Authorization under the SDG&E Subregional Natural Community Conservation Plan

Dear Mr. Pearson:

The U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Wildlife (Department) (collectively, the Wildlife Agencies) are providing the following updated information with regard to the take authorizations granted to San Diego Gas & Electric (SDG&E) through the company's Subregional Natural Community Conservation Plan (NCCP). The Wildlife Agencies and SDG&E have completed our review of the habitat impacts authorized under the NCCP to date. Our review revealed that the habitat impacts were previously overstated and the available take acreage under the NCCP is now confirmed as 180.83 acres.

SDG&E has provided a list of completed and ongoing construction projects that will be included in the 2015 NCCP annual report¹. These projects will use 51.41 acres of the available take acreage under the NCCP, leaving 129.42 acres available for pending and future projects.

By this letter we confirm that sufficient take acreage is available to SDG&E to cover the four projects pending California Public Utilities Commission (CPUC) approval that were previously identified in our May 21, 2015 letter, and will rely, or are relying, on the NCCP take authorizations to ensure compliance with the Federal Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), the California Endangered Species Act (Fish and Game Code § 2050 *et seq.*), and the NCCP program. The four projects will impact 122 total acres of sensitive habitat types covered by the NCCP as follows:

- South Orange County Reliability (14.84 acres);
- SX-PQ (29.41 acres);

¹ These projects include the seven projects listed in our letter dated May 21, 2015, for which construction was complete or ongoing ("in-construction"), which included 46.04 acres, and the miscellaneous projects previously estimated as 13.3 acres in our May 21, 2015 letter. The adjusted take acreage for all of these projects is 51.41 acres or 7.79 acres less than previously reported. The Cleveland National Forest Master Special Use Permit (CNF MSUP) project is now more appropriately included in a list of projects provided by SDG&E that are still in the planning phase.

- Salt Creek Substation (11.02 acres); and
- CNF MSUP (66.73).

Assuming CPUC approval and SDG&E construction of these four projects, only 7.42 acres of available take will remain under the NCCP. We recommend SDG&E move forward to address the future needs of the company for compliance with State and Federal endangered species laws through the development of a new or revised and amended NCCP.

As agreed to during telephone conversations to address habitat characterization issues related to NCCP take acreage calculations, SDG&E has committed to mitigate for 6.18 acres of habitat identified during the review for which the Wildlife Agencies and SDG&E could not reach consensus on the appropriate habitat category (i.e., reported as disturbed or agriculture, but supporting a component of non-native grassland). Because the language in the NCCP does not provide clear guidance on the characterization of the disturbed and agriculture habitat types, these 6.18 acres are not counted against the NCCP take cap but will be mitigated in accordance with the plan. Given the small amount of acreage at issue, the Wildlife Agencies agree that a reasonable compromise has been made to resolve this issue; however, future discussions to better define and characterize these two habitat types are needed and should be addressed prior to completion of the 2015 annual report.

Finally, we expect the 2015 annual report to include a discussion of the measures taken to ensure the validity of the adjusted take acreages reported and confirmed herein, including the methods and all supporting documentation for this significant effort. Please coordinate with us prior to submitting the final 2015 annual report to ensure that all requested documentation is provided.

We appreciate your efforts to ensure compliance with the SDG&E NCCP. If you have questions regarding the information in this letter, please contact David Mayer of the Department at 858-467-4234 or David Zoutendyk of the Service at 760-431-9440, extension 222.

Sincerely,



Karen A. Goebel
Assistant Field Supervisor
U.S. Fish and Wildlife Service



Gail K. Sevens
Environmental Program Manager
California Department of Fish and Wildlife

cc: Mary Jo Borak, CPUC
Molly Sterkel, CPUC
Ron Freeman, San Diego Gas & Electric