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California Public Utilities Commission
c/o Panorama Environmental, Inc.
1 Embarcadero Center, Suite 740
San Francisco, CA 94111

Via Electronic Mail

RE: Comments on Draft Environmental Impact Report (EIR) for the San Diego Gas & Electric
Sycamore-Peñasquitos 230-kV Transmission Line Project
(CPUC Application No. A.14-04-011)

Thank you for the opportunity to comment on the above-referenced Draft EIR. The document evaluates several options for building and operating a new 230-kV transmission line between the Sycamore Canyon and Peñasquitos Canyon substations, in San Diego County. Certain segments of the project would also include modifications to an existing 69-kV power transmission line and related infrastructure.

Portions of the project, in particular overhead Segment D (on the northern side of Los Peñasquitos Canyon) and the planned upgrades at the Encina Hub, in Carlsbad, are located within the Coastal Zone and are subject to the resource protection policies of the California Coastal Act. Portions of the proposed development along Segment D lie within the jurisdiction of the Coastal Commission (Commission) and will require San Diego Gas & Electric (SDGE) to seek a coastal development permit (CDP) from the Commission. CDP authorization from the Cities of San Diego and Carlsbad may also be required for portions of the project occurring within the jurisdictions of their respective Local Coastal Programs (LCPs). Commission staff has conducted a preliminary review of the Draft EIR and project alternatives and offers a number of comments related to the project's consistency with Coastal Act policies protecting biological resources, coastal streams and water quality, visual and scenic resources, and recreation and public access. The comments are focused on overhead Segment D and related alternatives (Alts. 4, 5) within the Coastal Zone. As a general matter, Commission staff supports the adoption of Alternative 5 (Pomerado Road to Miramar Area North Combination Underground/Overhead), which would minimize adverse impacts to coastal resources. However, even this alternative would appear to have adverse impacts to environmentally-sensitive habitat areas (ESHA), in potential conflict with land resources policies of the Coastal Act.

Comments

1. The project should seek to avoid direct and indirect impacts to sensitive species and habitats. Segment D of the proposed project would occur along the northern edge of Los Peñasquitos Canyon Preserve, within or in close proximity to sensitive habitats supporting special status plant and animal species. Based on information presented in the Draft EIR, the biological survey area surrounding Segment D may contain over 175 acres of potential ESHA, including Diegan coastal sage scrub, mixed coastal sage-chaparral scrub, chamise chaparral, scrub oak chaparral, Southern mixed chaparral, Southern willow scrub, native grassland and vernal pools, supporting (or potentially supporting numerous) rare and sensitive plant and animal species, including federal- and state-listed

threatened or endangered species. ESHA is defined in the Coastal Act as “any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.” (PRC § 30107.5). The presence of ESHA is determined by the Commission on a case-by-case basis, but the Commission has found many of the habitats present along Segment D to constitute ESHA on numerous previous occasions. Moreover, the Commission has typically found habitats supporting (or potentially supporting) special status species, including listed threatened and endangered species and rare plants listed by the California Native Plant Society to be ESHA.

The Draft EIR indicates that the construction, operation and maintenance of Segment D of the proposed project would result in substantial adverse effects, either directly or indirectly, to sensitive habitats and special status plant and animal species. These adverse effects include permanent and temporary direct impacts to approximately 8 acres of potential ESHA and numerous individuals of rare and special status plant species, and the loss or disturbance of habitat, mortality and/or injury of special status wildlife species. The Draft EIR concludes that most of these adverse effects on sensitive species and wildlife would be reduced to a “less than significant” level with the implementation of a number of mitigation measures, including in some cases compensatory mitigation such as off-site land preservation and/or plant salvage and relocation.

As a general matter, Commission staff believes that the proposed mitigation measures are appropriate and necessary for reducing the adverse impacts of the project on biological resources. However, they may not be sufficient to achieve consistency with the land resources and ESHA policies of the Coastal Act (*see* PRC §§ 30240-30244). Crucially, Section 30240¹ allows only resource-dependent uses to occur within ESHA, and does not allow for any significant disruption of habitat values within ESHA. This policy must be resolved before turning to consideration of whether restoration, off-site mitigation or land preservation, and other mitigation measures would be adequate to compensate for losses or significant disruptions of ESHA. Similar ESHA protections contained within the City of San Diego and City of Carlsbad LCPs may also be applicable to portions of the project (e.g., Segment D, Encina Hub) within their respective jurisdictions. Commission staff recommends that the proposed project be modified to avoid development and project activities within potential ESHA. In proposed vegetation removal (including removal of special status plant species) within potential ESHA should be avoided.

2. Placement of fill in wetlands, streams, vernal pools, or other permanent or ephemeral water bodies should be avoided unless no feasible less environmentally damaging alternative exists. The Draft EIR indicates that project activities, in particular access road repairs and the filling of road rut pools along Segment D may result in the fill and/or significant disruption of vernal pools or wetland containing suitable habitat for the federal- and state-listed endangered San Diego fairy shrimp.

¹ Section 30240 Environmentally sensitive habitat areas; adjacent developments

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitats and recreation areas.

Coastal Act Section 30233(a)² requires that there be no feasible less environmentally damaging alternative to filling coastal wetlands, including vernal pools, and that such placement include all feasible mitigation measures to minimize adverse environmental effects. Moreover, the purpose of any wetland fill must fall within any of seven allowable use categories. Commission staff recommends that the Draft EIR be revised to include more information on the distribution of vernal pools and known and potential fairy shrimp habitat within project Segment D, and to evaluate project modifications that would allow for full avoidance of any such pools. Commission staff also notes that in the past, the Commission has found vernal pools and water bodies containing San Diego fairy shrimp to constitute ESHA and applied the more resource-protective policies of Coastal Act Section 30240.

3. Project Alternatives 4 and 5 would be more protective of coastal resources than the proposed project. As noted above, Commission staff's primary concern with the proposed project is the potential for significant direct and indirect adverse impacts to sensitive species and habitat which are likely to constitute ESHA under the Coastal Act. These potential impacts would appear to derive largely from (a) the proposed installation of new 95-ft steel poles to support the 69-kV transmission lines the north rim of Los Peñasquitos Canyon; (b) the removal of existing H-frame and monopole structures in the same area; and (c) other construction activities and site access along existing unpaved access roads. The new 230-kV transmission lines and steel poles along Segment D would also be expected to add new visual elements to the project area which are incompatible with the natural scenery of the surrounding area, although the removal of existing structures may partially-offset this adverse effect. Project construction and future maintenance activities within (or in close proximity to) Los Peñasquitos Canyon Preserve also have the potential to result in temporary or periodic restrictions on public access and recreation within a coastal zone recreation area.

In comparison, Alternative 4 (Segment D 69-kV Partial Underground Alignment) and Alternative 5 (Pomerado Road to Miramar Area North Combination Underground/Overhead) would appear to reduce potential impacts to coastal resources, including ESHA, scenic resources, and public access and recreation by partially or completely avoiding the installation of new support poles for the 69-kV transmission line and reducing the need for construction and future maintenance activities within

² Section 30233(a): The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

- (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
- (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
- (3) In open coastal waters, other than wetlands, including streams estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.
- (4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
- (5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
- (6) Restoration purposes.
- (7) Nature study, aquaculture, or similar resource dependent activities.

sensitive habitats and scenic recreation areas. The Draft EIR indicates that both Alternatives 4 and 5 would greatly reduce the areas of sensitive habitats subjected to permanent or temporary impacts, the numbers of sensitive plant species individuals that would be removed, and the exposure of sensitive wildlife species to adverse effects. All told, adverse effects on potential ESHA would be reduced, if not eliminated, through implementation of either of these alternatives. Alternative 4 would result in a smaller number of new structures to be erected and a smaller project footprint in or near Los Peñasquitos Canyon Preserve, while Alternative 5 would avoid the need for new structures altogether. As a result, both alternatives would reduce potential adverse effects on visual resources and public access and recreation within the Coastal Zone relative to the proposed project.

Overall, Alternative 5 appears to be the most protective of coastal resources because it would avoid adverse effects on special status plant and wildlife species, cause the least amount of permanent damage to sensitive coastal habitats (i.e., potential ESHA), avoid the need to erect new structures in a scenic, and minimize project activities within the Los Peñasquitos Canyon recreation area. Alternative 4, though environmentally-preferable to the proposed project, would appear to result in greater adverse effects to coastal resources than Alternative 5. However, it is important to note that neither Alternative 4 nor Alternative 5 would completely avoid permanent and temporary impacts to sensitive habitats which are likely to meet the Coastal Act definition of ESHA, such as Diegan coastal sage scrub, Southern mixed chaparral, and vernal pool/ephemeral aquatic habitats supporting San Diego fairy shrimp. Appendix G of the Draft EIR indicates that Alternative 4 would result in permanent impacts to approximately 0.2 acres of sensitive vegetation communities, temporary impacts to another 0.6 acres, and the removal of a number of sensitive plants; Alternative 5 would result in permanent impacts to 0.1 acres and temporary impacts to 1.8 acres of sensitive vegetation communities. Both alternatives have the potential to adversely affect pools that may support fairy shrimp. Though the scale of the adverse effects to biological resources associated with these alternatives is much reduced relative to the proposed project, the same Coastal Act concerns identified in comments 1 and 2 (above) still apply.

In summary, Commission staff recommends the adoption of a modified version of Alternative 5 which eliminates vegetation removal and other permanent impacts within potential ESHA and avoids other project activities which would, even temporarily, result in significant disruptions of habitat value within these potential ESHA areas.

Thank you again for the opportunity to comment on the Draft EIR. Please contact me at 415-904-5249 or joseph.street@coastal.ca.gov if you have questions or would like additional information.

Sincerely,

A handwritten signature in blue ink that reads "Joseph Street". The signature is written in a cursive, flowing style.

Joseph Street
Environmental Scientist
Energy, Ocean Resources & Federal Consistency Unit