



THE CITY OF SAN DIEGO

November 2, 2015

California Public Utilities Commission
Attn: Billie Blanchard
505 Van Ness Avenue
San Francisco, CA 94102

Submitted via email to: sycamorepenasquitos@panoramaenv.com

Subject: **CITY OF SAN DIEGO COMMENTS ON THE DRAFT EIR FOR THE SYCAMORE-
PEÑASQUITOS 230 KILOVOLT TRANSMISSION LINE PROJECT (SCH# 2014081031)**

The City of San Diego ("City") CEQA has received the Draft Environmental Impact Report (EIR) prepared by the California Public Utilities Commission (CPUC) Energy Division and distributed it to multiple City departments for review. The City, as a Responsible Agency under CEQA, has reviewed the Draft EIR and appreciates this opportunity to provide comments to the CPUC. In response to this request for public comments, the City has identified potential environmental issues that may result in a significant impact to the environment. Continued coordination between the City, CPUC, and other local, regional, state, and federal agencies will be essential. Following are comments on the Draft EIR for your consideration.

Both the City's Transportation and Storm Water Department and the Parks and Recreation Department have provided comments to the CPUC on the Draft EIR for this project, as further detailed below.

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4.6 Hydrology and Water Resources

Page 4.6-2: In the last paragraph of Section 4.6.2.1, Regional Setting, correct terminology for the "MS4" acronym is "municipal separate storm sewer system."

Page 4.6-16: Under the City of San Diego Municipal Code heading, the Storm Water Management and Discharge Control Ordinance referenced was amended, with the revisions taking effect August 15, 2015 to comply with an updated MS4 Permit. Substitute the current NPDES Permit No. CAS0109266 (here and in other references to this permit).

Page 4.6-17: Under the City of San Diego Land Development Manual heading, please be aware that the City of San Diego Storm Water Standards Manual is being updated in compliance with the current

MS4 Permit. A Regional Best Management Practices (BMP) Design Manual that conforms to current MS4 Permit requirements will supersede the existing Countywide Model Standard Urban Runoff Stormwater Mitigation Plan (SUSMP). Also note that the City of San Diego Jurisdictional Runoff Management Plan (JRMP) encompasses City-wide programs and activities designed to prevent and reduce storm water pollution within City boundaries. This plan was adopted by the City Council on June 16, 2015. In addition, multi-jurisdictional water quality improvement plans (WQIPs) have been prepared for different watershed management areas to protect, preserve, enhance, and restore water quality of receiving water bodies. This includes the Los Peñasquitos Watershed Management Area Water Quality Improvement Plan.

9 Mitigation Monitoring and Reporting Plan

Page 9-42: The City of San Diego looks forward to reviewing the Storm Water Pollution Prevention Plan (SWPPP) as described in Table 9.1-1 under Mitigation Measure Hydrology-1.

Chris Zirkle, Deputy Director
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Executive Summary

ES.2.2: If any work or access is occurring on City of San Diego lands outside of an SDGE easement, please contact the City Real Estate Assets division to obtain a right-of-entry permit.

ES.5.2.1/2: The statement that this alternative would not result in greater environmental impacts should be revised to incorporate impacts to an MSCP-covered population of *Dudleya variegata* and an MSCP regional long-term monitoring site.

ES.5.2.3: Is the new cable pole discussed in this alternative in addition to the recently added TSP installed at the Peñasquitos junction?

ES.5.2.4: Open Space is concerned with the proposal to leave the unused H-frame and de-energized line in place on the northern border of Los Peñasquitos Canyon Preserve.

Page ES-70: Mitigation Measure Bio-1a – Please note that smoking is not allowed in City of San Diego Open Space by ordinance.

Page ES-82: Habitat Restoration Plan for City Open Space areas to be reviewed/approved by City MSCP biologist.

Page ES-90: Mitigation Measure Bio-11 – Reseeded areas on and adjacent to City of San Diego lands shall use a seed mix(es) specific to the site and approved by the City of San Diego MSCP biologist.

Failure to do this could result in significant long-term impacts to habitat quality on MSCP-conserved open space lands, costing the City extensively and resulting in jeopardy of the MSCP 'take' permit.

Project Description

1. The Project Description lists a number of construction techniques options which could conceivably be implemented to minimize biological resource impacts and the "Applicant Proposed Measures" include minimizing biological resource impacts; however, there is no commitment to using these options and techniques in environmentally sensitive areas. For example, these techniques and options include: heavy lift helicopters "in areas with limited access", micropile foundations "where access is limited" and "typical" grading quantities for "typical" work areas. The project description also notes the use of "conventional tractor-trailer pulling equipment for stringing.

Many of the proposed work sites are located in environmentally sensitive areas and are accessible only by relatively narrow and steep dirt roads with sharp corners. These should be considered areas with "limited access". It is reasonable to expect that biological resource impacts erosion impacts from ground-disturbance at these worksites and within and adjacent to the access roads could be minimized by using the smallest equipment possible and by using helicopters.

- a. The EIR should include a commitment to using such equipment and construction techniques at all work sites, including re-conductoring sites, when doing so would reduce biological resource impacts and erosion-causing ground disturbance.
 - b. The EIR should include a commitment to deviate from typically-sized work areas when doing so would reduce biological resource impacts and erosion-causing ground disturbance.
 - c. The EIR should also describe an alternative to "conventional tractor-trailer pulling equipment" as moving equipment of this size into and around work sites could result in unnecessary biological resource impacts.
2. What is the nature of impacts at and size of the work area at re-conductoring sites?
 3. Section 2.3.3.5 indicates that no tree removal would occur within structure work areas; however, the biological resources impact section indicates significant impacts to scrub oaks. This section should be revised.

Biological Resources

The Biological Resources Section of the DEIR fails to provide even a brief discussion of the City's Biology Guidelines or Environmentally Sensitive Lands Regulation. More specifically, **Subsection 4.1.4.3 Local** should include, at a minimum statement regarding the purpose and intent of the ESL Regulations which covers biological resources (uplands and wetlands), the City's MSCP/MHPA, floodplains, steep hillsides, as well as coastal bluffs and beaches. The ESL Regulations can be found in Chapter 14 of the Land Development Code. The Biology Guidelines are designed to implement the ESL Regulations.

Table 4.1-3:

Varigated dudleya should be listed as ‘high’ potential for the segment at Black Mountain Open Space Park where was known to occur within the past 25 years per the definition on page 4.1-9.

Common name for Navarretia prostrata appears to be incorrect.

San Diego Mesa Mint are known from several occurrences on Del Mar Mesa; see City’s draft Vernal Pool HCP at <http://www.sandiego.gov/planning/programs/mscp/vphcp.shtml>

Ashy spike-moss is known from the City’s long-term rare plant monitoring sites on Del Mar Mesa - <http://www.sandiego.gov/planning/programs/mscp/biomonitor/index.shtml>.

San Diego fairy shrimp are known on Del Mar Mesa from the genetic analysis component of the City’s 2002-2003 Vernal Pool Inventory - <http://www.sandiego.gov/planning/programs/mscp/biomonitor/vpi/index.shtml>

Section 4.1.3.8: Note that the identified preserve areas are conserved under the City of San Diego’s Multiple Species Conservation Program and are, in many cases, purchased with grant-funds for conservation or mitigation for development projects.

Section 4.1.3.9: Note that the core resource areas and wildlife corridors noted in this section are based on the Multiple Species Conservation Program MSCP Plan (1998). City of San Diego 2014 reference is missing from the References section.

Table 4.1-9: Coast horned lizard is MSCP covered per Section 1.3 of the City’s MSCP Subarea Plan

San Diego fairy shrimp, Western spadefoot toad, red diamond rattlesnake, coast horned lizard, two-stiped garter snake, black-tailed jackrabbit and southern mule deer have been observed on Del Mar Mesa by City biologists during surveys in the past decade.

Northern harrier and white-tailed kite have been observed at Black Mountain Open Space Park by City biologists during surveys in the past decade.

Page 4.1-65: Mitigation Measure Bio-3 – Include process for when SDGE has an easement on City lands, including City review of weed control plan.

Weed Control Plan: Extra care with treating and completely eradicating non-native species should be taken with weed control on conserved lands that the City of San Diego relies on for their MSCP coverage.

Weed Control Plan: Include preventative measures protocols including vehicle wash stations to rid vehicles of weed seeds and lindahli fairy shrimp cysts, boot wash stations, etc. It is critical that San

Diego fairy shrimp populations not be mixed with lindahli, hybrid, or other invasive and/or non-sensitive species on Del Mar Mesa; this has already occurred on Carmel Mountain in SDGE access roads and is the subject of a study in *Journal of Crustacean Biology* titled *Landscape Homogenization Threatens the Genetic Integrity of the Endangered San Diego Fairy Shrimp *Branchinecta sandiegonensis** by Drs. Simovich, Davis and Bohonak. If this problem is expanded to Del Mar Mesa during this project, the cost to remediate the situation could be extremely high and could jeopardize the potential for a 'take' permit to be issued or maintained under the City of San Diego's proposed vernal pool HCP.

Page 4.1-75: Mitigation Measure Bio-6 – In cases where impacts to sensitive vegetation communities occur in the City of San Diego MHPA, the mitigation shall also occur in the MHPA and shall be reviewed/approved by the City of San Diego MSCP Biologist.

Page 4.1-88: Impact Bio-6 – Black-tailed jack rabbit are known to occur on Del Mar Mesa (incidental sightings by City biologists during annual rare plant and vernal pool surveys).

Page 4.1-98: Indirect Impacts – An invasive species preventative measures protocol must be developed and included in the project plan to limit the invasive, non-native plant species brought into the work site on the soles of shoes or on the tires/undercarriages of vehicles/equipment.

Page 4.1-99: Mitigation Measure Bio-11 – Reseeded areas on and adjacent to City of San Diego lands shall use a seed mix(es) specific to the site and approved by the City of San Diego MSCP biologist. Failure to do this could result in significant long-term impacts to habitat quality on MSCP-conserved open space lands, costing the City extensively and resulting in jeopardy of the MSCP 'take' permit.

Page 4.1-102: Impact Bio-11 – City staff recognizes that PUC projects are not subject to local land use, zoning regulations and permitting in accordance with General Order No. 131-D, which is applicable to all components of a project including but not limited to the transmission lines and staging yards. As also stated, Section XIV.B obligates the utility to communicate with, and obtain the input of, local authorities regarding land-use matters and obtain any non-discretionary local permits. While a full analysis of the project's compliance with the ESL Regulations is not expected, should the utility be required to obtain a right of entry permit for access across City-owned open space or any other such instruments for use of, or access through City-owned lands, some degree of analysis would be required in order for staff to rely on this environmental document for issuance of ANY permit, ministerial or discretionary in nature. This section, at a minimum should include a brief discussion demonstrating how the project is consistent with the City's Environmentally Sensitive Lands Regulations (ESL) and Biology Guidelines.

Section 4.1.10.1: Special Status Species – Note that the *Dudleya* population area identified by the City is the site of a long-term monitoring program with data collected for over a decade; impacts to the site would result in the loss of this regional long-term monitoring point.

Figure 4.10-2 and Section 4.10.2.2 ‘Del Mar Mesa Preserve’: The trail system on Del Mar Mesa was expanded by a vote of City Council on August 4, 2015. The updated trail shapefile may be obtained from the City of San Diego (bmiller@sandiego.gov).

APM AES-3: Landscaping within City Open Space Parks shall consist of locally native species and be approved by the City’s MSCP Biologist.

Appendix G

Page G-17: San Diego goldenstar is present in Segment C on the State of California ‘bowtie’ parcel on Del Mar Mesa immediately to the east of the ‘no construction access’ area between E11 and E12; the site is a regional long-term rare plant monitoring location (<http://www.sandiego.gov/planning/programs/mscp/biomonitor/index.shtml>).

Page G-18: Orcutt’s brodiaea is present in Segment C on the State of California ‘bowtie’ parcel on Del Mar Mesa immediately to the east of the ‘no construction access’ area between E11 and E12 and within other vernal pools on Del Mar Mesa; the site is a regional long-term rare plant monitoring location (<http://www.sandiego.gov/planning/programs/mscp/biomonitor/index.shtml>).

Page G-20: Small-flowered morning glory in Segment C on the State of California ‘bowtie’ parcel on Del Mar Mesa immediately to the east of the ‘no construction access’ area between E11 and E12 and was recorded as part of the MSCP’s regional long-term rare plant monitoring program.

Page G-25: Variegated dudleya is present in Segment A between the Water Department storage facility and Carmel Valley Road; the site is a regional long-term rare plant monitoring location (<http://www.sandiego.gov/planning/programs/mscp/biomonitor/index.shtml>).

Page G-39: Ashy spike-moss is present in Segment C on the State of California ‘bowtie’ parcel on Del Mar Mesa immediately to the east of the ‘no construction access’ area between E11 and E12 and was recorded as part of the MSCP’s regional long-term rare plant monitoring program.

Myra Herrmann, Senior Planner/Archaeology/Tribal Liaison
Planning Department – Environmental & Resources Analysis Division

Cultural Resources

City staff generally concurs with the analysis provided in the DEIR for Cultural Resources, including proposed mitigation measures for sites within the City’s jurisdictional boundaries. However, we have the following comments or requests for revision and/or clarification in the section.

4.3.4.3 Local – Page 4.3-25

This subsection includes a discussion of the City’s General Plan, Historic Preservation Element and Historical Resources Guidelines, but fails to include a brief discussion of the Historical Resources

Regulations. This subsection identifies the Guidelines as part of the Municipal Code, when they are actually part of the Land Development Manual. Furthermore, the subsection misidentifies the Guidelines as being the regulatory authority, when in fact that rests in the Historical Resources Regulations. As such, this subsection should be revised as shown in ~~strikeout~~/underline:

City of San Diego Municipal Code

The ~~purpose and intent of the Historical Resources Guidelines~~ Regulations of the City of San Diego's Land Development Code ~~contain ordinances for~~ is to protect, preserve and, where damaged, restore the historical resources of San Diego preserving, avoiding, and mitigating damage to historic resources. The Historical Resources Guidelines are designed to implement the City's Historical Resources Regulations (Chapter 14, Division 3, Article 2) and ensure consistency in the management of the City's historical resources, including identification, evaluation, preservation/mitigation and development.

The following City of San Diego municipal codes sections also apply to Historical Resources:

- Municipal Code Chapter 11, Article 3, Division 1 defines several terms including the following: "Designated historical resource" means any historical resource, important archaeological site, or traditional cultural property which is designated by the Historical Resource Board, is included in the City of San Diego Historical Resources Board Register, or is eligible for listing in the CRHR or the NRHP.
- Municipal Code Chapter 12, Article 3, Division 2 establishes procedures to identify and designate for preservation those historical resources that embody the special elements of the City's heritage.
- Municipal Code Chapter 14, Article 3, Division 2 establishes regulations to protect, preserve, and restore the historical resources of San Diego.
- Municipal Code Chapter 14, Article 3, Division 2, Section 145.0253 requires that important archaeological sites shall be preserved in their natural state. If necessary to achieve a reasonable development area, up to 25 percent encroachment into any important archaeological site is allowed. Under specific conditions, a total encroachment of 40 percent into important archaeological sites is permitted for essential public service projects. Any encroachment into an important archaeological site shall include measures to mitigate for the partial loss of the site. APMs shall include preservation through avoidance of the remaining portion of the site and implementation of a research design and excavation program that recovers the scientific value of the portion of the site that would be lost due to encroachment.

As stated previously under the Biological Resources comments, City staff recognizes that PUC projects are not subject to local land use, zoning regulations and permitting in accordance with General Order No. 131-D and no discretionary permits would be required relative to potential impacts on historical resources; however, we respectfully request immediate notification in the event that any human remains or new archaeological sites are encountered during monitoring within the City's jurisdictional boundaries. The City's Historical Resources Guidelines provide direction for the discovery of new archaeological sites and human remains. Additionally, specific protocols for human remains consultation were developed to ensure the appropriate treatment and repatriation of the remains in a dignified manner in accordance with the California Public Resources Code and the State Health & Safety Code. Furthermore, the City has specific requirements for the treatment of soil which contains human remains and/or burial related objects before it can be removed from a project site or returned to the trench.

Should these circumstances arise during the course of construction-related activities on the project, City staff (archaeologist/Tribal Liaison) would be available to assist during consultation with the Most Likely Descendant identified by the NAHC.

Thank you for the opportunity to provide comments on the Draft EIR. Please contact me directly if there are any questions regarding the contents of this letter or if CPUC staff or the consultant team would like to meet with City staff to discuss our comments. Please feel free to contact me directly via email at mherrmann@sandiego.gov or by phone at 619-446-5372.

Sincerely,

A handwritten signature in blue ink that reads "Myra Herrmann". The signature is written in a cursive style.

Myra Herrmann, Senior Environmental Planner
Planning Department

cc: Reviewing Departments (via email)
Review and Comment online file