

## Comment Set A0024

### U.S. Fish & Wildlife Service and California Department of Fish & Game



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In Reply Refer To:  
FWS/CDFG-2008B0423/2008TA0463

Billie Blanchard, CPUC/Lynda Kastoll, BLM  
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235 Montgomery Street, Suite 935  
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APR 11 2008

Subject: Comments on the Draft Environmental Impact Report/Environmental Impact Statement for the Sunrise Powerlink Project, San Diego and Imperial Counties, California (SCH No. 2006091071)

Dear Ms. Blanchard and Ms. Kastoll:

The California Department of Fish and Game (Department) and U.S. Fish and Wildlife Service (Service), collectively the Wildlife Agencies, have reviewed the above-referenced Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the proposed Sunrise Powerlink Project. The comments provided herein are based on the information provided in the Draft EIR/EIS, the Wildlife Agencies' knowledge of sensitive and declining vegetative communities, and our participation in regional conservation planning efforts. Based on our review of the Draft EIR/EIS, we have concerns regarding the project's adequacy to 1) address impacts to current and future regional conservation planning, 2) avoid, minimize, and mitigate species specific impacts, 3) articulate specific mitigation commitments, and 4) provide a thorough assessment of the cumulative effects of the project.

The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA), Sections 15386 and 15381 respectively. The Department is responsible for the conservation, protection, and management of the State's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (CESA), and administers the Natural Community Conservation Planning Program (NCCP). 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 Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 et seq.).

The San Diego Gas and Electric Company (SDG&E) has filed applications for a Certificate of Public Convenience and Necessity (CPCN) with the California Public Utilities Commission (CPUC) for the proposed Sunrise Powerlink Project (SRPL). SDG&E has also filed an

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application for a Right-of-Way Grant with the Bureau of Land Management (BLM) allowing construction of the SRPL to be administered by the BLM on Federal lands. The stated need and purpose for the project is to bring renewable resources into San Diego County from Imperial County, and to improve electric reliability for the San Diego region. According to SDG&E, the Proposed Project is needed for three primary reasons: 1) provide transmission capability for renewable energy sources, 2) maintain reliability of service, and 3) reduce energy costs in the San Diego region.

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The Proposed Project (preferred alternative) is the construction and operation of a 150-mile electric transmission line between the El Centro area of Imperial County and northwestern San Diego County. The 150-mile line would consist of a 91-mile 500 kilovolt (kV) transmission line from El Centro to eastern San Diego County, and a 59-mile 230 kV line from eastern to western San Diego County. The Proposed Project would include 797 new support structures (e.g., lattice towers, steel poles), a new substation in central San Diego County, and upgrades at four existing substations. The Proposed Project would also include 9 miles of underground segments. New rights-of-way (ROW) would be needed for some segments of the Proposed Project, along with approximately 102 miles of new access roads that would impact 347 acres. Alternatives considered included alternative route alignments and other transmission alternatives, alternatives that could replace the Proposed Project as a whole, Non-Wire Alternatives, and the No Project/No Action Alternative. For clarity, the Proposed Project is described in five separate segments or "links" according to geographical location: Imperial Valley Link, Anza-Borrego Link, Central Link, Inland Valley Link, and Coastal Link.

There are four additional projects that are so closely related to the SRPL as to be considered "connected actions" under NEPA. These four projects are the Stirling Energy Systems solar facility, two components of the Imperial Irrigation District (IID) 230 kV transmission system upgrades, the Esmeralda-San Felipe Geothermal Project, and the Jacumba 230/500 kV Substation. One additional project, a wind project in northern Mexico's La Rumorosa area, under contract to meet Southern California Edison's renewable requirements, is considered as an "indirect effect" of the SRPL. These five projects are also evaluated and included in the Draft EIR/EIS.

Finally, there are future actions that are foreseeable and reasonably certain to occur should the SRPL project be constructed that are evaluated and included in the Draft EIR/EIS. They include a 230 kV future transmission system expansion and a 500 kV future transmission system expansion.

In addition to the Proposed Project, which includes the future transmission system expansions and connected actions, 19 Proposed Project link alternatives are proposed and 16 complete route and systems alternatives are also proposed. All are evaluated in the Draft EIR/EIS. The Interstate 8 (I-8) alternative is the major alternative that has a component that follows the I-8 corridor, and it also follows about 36 miles of the existing Southwest Powerlink transmission line (SWPL) ROW.



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The Proposed Project would impact 56 vegetation communities (this includes six developed or disturbed community types). Approximately 1,336 acres (353 of which are developed or disturbed) would be temporarily impacted, and approximately 489 acres (48 of which are developed or disturbed) would be permanently impacted. However, these impact acreages may not include impacts from all new access roads, spur roads, and staging areas. Habitat types, impacted acreages, and associated proposed mitigation ratios are listed in the Draft EIR/EIR (Table D.2-7) beginning on page D.2-85.

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There are also numerous species-specific impacts discussed in Section D.2.11 that address mitigation measures to offset project impacts; however, a summary table of these impacts and associated mitigation is not provided in the Draft EIR/EIS for the Proposed Project or any of the aforementioned alternatives.

The Wildlife Agencies are especially concerned about the potential impacts of the Proposed Project on the 26 federally and/or State-listed species known to occur, or potentially could occur, in the Proposed Project Study Area (PSA). These species include the following:

**Plants**

- |                           |   |
|---------------------------|---|
| • San Diego thorn-mint    | <i>Acanthomintha ilicifolia</i>                   |
| • Del Mar manzanita       | <i>Arctostaphylos glandulosa ssp. crassifolia</i> |
| • Encinitas baccharis     | <i>Baccharis vanessae</i>                         |
| • Nevin's barberry        | <i>Berberis nevinii</i>                           |
| • Orcutt's spineflower    | <i>Chorizanthe orcuttiana</i>                     |
| • San Diego button-celery | <i>Eryngium aristulatum var. parishii</i>         |
| • Willow monardella       | <i>Monardella viminea</i>                         |
| • Spreading navarretia    | <i>Navarretia fossalis</i>                        |
| • California Orcutt grass | <i>Orcuttia californica</i>                       |
| • San Diego mesa mint     | <i>Pogogyne abramsii</i>                          |

**Animals**

- |                                  |   |
|----------------------------------|---|
| • Quino checkerspot butterfly    | <i>Euphydryas editha quino</i>            |
| • Riverside fairy shrimp         | <i>Streptocephalus woottoni</i>           |
| • San Diego fairy shrimp         | <i>Branchinecta sandiegonensis</i>        |
| • Coastal California gnatcatcher | <i>Polioptila californica californica</i> |
| • Least Bell's vireo             | <i>Vireo bellii pusillus</i>              |
| • Southwestern willow flycatcher | <i>Empidonax traillii extimus</i>         |
| • Bald eagle                     | <i>Haliaeetus leucocephalus</i>           |
| • California condor              | <i>Gymnogyps californianus</i>            |
| • Peregrine falcon               | <i>Falco peregrinus</i>                   |
| • Swainson's hawk                | <i>Buteo swainsoni</i>                    |
| • Desert pupfish                 | <i>Cyprinodon macularius</i>              |
| • Desert tortoise                | <i>Gopherus agassizii</i>                 |
| • Arroyo toad                    | <i>Bufo californicus</i>                  |

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- Barefoot banded gecko                      *Coleonyx switaki*
- Stephens' kangaroo rat                      *Dipodomys stephensi*
- Peninsular bighorn sheep                      *Ovis canadensis*

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The PSA is also within designated critical habitat for desert pupfish, arroyo toad, coastal California gnatcatcher, southwestern willow flycatcher, and peninsular bighorn sheep.

Finally, there are 17 State-listed and/or Species of Special Concern that are likely to be impacted by the Proposed Project, including:

**Plants**

- Borrego bedstraw                      *Galium angustifolium ssp. borregoense*
- California adolphia                      *Adolphia californica*
- Delicate clarkia                      *Clarkia delicata*
- Coves' cassia                      *Senna covesii*
- Felt-leaved monardella                      *Monardella hypoleuca ssp. lanata*
- Nuttall's scrub oak                      *Quercus dumosa*
- Pygmy lotus                      *Lotus haydonii*
- Ramona horkelia                      *Horkelia truncata*
- San Diego barrel cactus                      *Ferocactus viridescens*
- San Diego gumplant                      *Grindelia hirsutula var. hallii*
- San Diego sand aster                      *Corethrogyne filaginifolia var. incana*
- San Diego sunflower                      *Hulsea californica*
- San Felipe monardella                      *Monardella nana ssp. leptosiphon*
- Summer-holly                      *Comarostaphylis diversifolia ssp. diversifolia*

**Animals**

- Flat-tailed horned lizard                      *Phrynosoma mcallii*
- Golden eagle                      *Aquila chrysaetos canadensis*
- Burrowing owl                      *Athene cunicularia*

**General Concerns***Consistency with Existing and Draft Regional Conservation Plans*

A0024-3

The Wildlife Agencies believe that a linear project of this magnitude, extending through diverse and biologically rich habitats, merits a more thorough discussion regarding the impacts the Proposed Project (including connected actions and alternatives) could have on meeting the goals and objectives articulated in existing and draft Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) efforts. It is the policy of the Wildlife Agencies to promote and foster the development of planning strategies at the ecosystem level through active participation in local development of regional NCCP/HCP's, which often include innovative multiple species



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habitat conservation planning efforts (e.g., Multiple Species Conservation Program). The success of these plans is reliant on maintaining core biological resource areas and habitat linkages that are essential to the long-term biological viability of associated flora and fauna. The Draft EIR/EIS provides limited discussion on this topic (e.g., “the project study area for the proposed project is located within and adjacent to preserve areas”). The Wildlife Agencies strongly recommend providing a separate discussion in the final EIR/EIS to identify the Proposed Project’s effects (including connected actions and alternatives) on conservation strategies that are outlined within existing or draft NCCP/HCP’s (i.e., MSCP, North County MSCP, and East County MSCP). We would emphasize that the success of these NCCP/HCP’s is also dependent on the coordination of participating local jurisdictions and other entities to ensure that there are interconnected, contiguous preserves that meet the survival and recovery needs of multiple species in perpetuity.

A0024-3 cont.

The Proposed Project does not adequately incorporate the goals, objectives, and preserve design criteria associated with NCCP/HCP’s, consequently this could severely compromise the biological functions and values and geographical integrity these plans were envisioned to achieve. For example, the Proposed Project, as currently designed, may significantly affect biological core viability in designated preserve areas (i.e., habitat fragmentation). We recommend that every effort be directed at evaluating and considering alternative routes that clearly avoid and minimize impacts to native vegetation communities and associated species. This can partially be accomplished by adherence to the conservation objectives identified within approved and draft NCCP/HCP subarea plans the Proposed Project would bisect and then applying the principle conservation strategies outlined within those plans. Consequently, consistency with the overarching goals, objectives, and conditions set forth by all applicable plans will ensure conservation of the biological resources, sensitive habitats, and high biological diversity of the region.

*Biological impacts, associated mitigation measures, and mitigation requirements*

Any unmitigable impacts to sensitive species and unique habitat types should be considered significant under the California Environmental Quality Act (CEQA). Measures to adequately mitigate for significant impacts should be articulated and analyzed in the final EIR/EIS. Further, to be considered legally adequate under CEQA, mitigation measures must be capable of rectifying the impact by repairing, rehabilitating, or restoring the impacted environment and/or reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action (CEQA Guidelines, §15370). For each significant effect, the Draft EIR/EIS must identify specific measures and articulate the potential mitigation measures that are available. Each measure should be discussed separately, and the reasons for choosing one over the other should be stated.

A0024-4

The Draft EIR/EIS states that approximately 1,360 acres of off-site mitigation lands would be required to fully offset impacts to vegetation communities; however, mitigation lands were not identified in the Draft EIR/EIS, so it is unknown if the amount of land required is available or

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would be commensurate with impacts (Table D.2-7, page D.2-86 & 87). Further, the Draft EIR/EIS outlines species-specific impacts that would require additional mitigation lands (e.g., impacts to Peninsular bighorn sheep would require approximately 271 acres of land to offset impacts) that were not identified in the Draft EIR/EIS. Moreover, purchasing land elsewhere may not offset the habitat fragmentation caused by the Proposed Project. Finally, there would be significant losses of narrow endemic plants (e.g., 17 narrow endemic plants identified within Proposed Project survey area, resulting in the removal of an estimated 8,513 individual plants) during construction of the Proposed Project. While we recognize that impact ratios and mitigation measures have been proposed, we are unable to provide detailed guidance on the suitability of the mitigation proposal because no biological details were provided for the mitigation land. Therefore, we cannot determine if biological impacts would be adequately addressed for the Proposed Project or any of the alternatives.

A0024-4 cont.

The priority in formulating feasible mitigation measures should be to avoid and minimize direct and indirect biological impacts. There are Proposed Project alternatives (and connected actions) that partially achieve those directives. For example, the Coastal Link System Upgrade Alternative would eliminate approximately 14 miles from the Proposed Project's 230kV segment between Sycamore Canyon and Peñasquitos Substations, and the Interstate 8 Alternative that follows the existing 500 kV SWPL would eliminate 35.7 miles of new transmission line construction. Additionally, project siting considerations such as the use of existing roadways and utility corridors and underground options to the maximum extent practicable would also avoid and minimize adverse biological impacts.

Finally, the Draft EIR/EIS provides an overview of Special Habitat Management Areas that the Proposed Project has the potential to be located near, adjacent to, or bisect. Acquiring lands adjacent to these areas may provide feasible mitigation to offset biological impacts. The availability of parcels should be investigated in those areas, and the project applicant should meet with the Wildlife Agencies to identify more specific mitigation measures that will be implemented. This information and analysis should be provided in the final EIR/EIS.

The Wildlife Agencies do not think it is reasonable to postpone identification of commensurate mitigation lands until the time of project approval. The final EIR/EIS should identify the specific location where impacts for each species and/or habitat would take place and the acreage of mitigation available for each potential mitigation site. Without this information, an assessment of the habitat quality and suitability of the proposed replacement habitat is not possible, which would prevent the determination of whether the proposed mitigation would function as claimed or intended. As such, the final EIR/EIS should clearly commit that impacts to habitats occupied by listed species would be offset through the preservation of occupied habitat of equal or greater conservation value than the habitat impacted, with the final determination to be made in cooperation with the Wildlife Agencies.

Impacts to critical habitat must be mitigated within the same Critical Habitat Unit where the impacts occurred. In addition, all mitigation areas should be permanently protected with a



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conservation easement or dedicated to a State or Federal land management agency with appropriate encumbrances to preclude conflicting land uses prior to impacts occurring on the project sites. The Wildlife Agencies have been part of the negotiations and preliminary approvals regarding potential mitigation parcels and acknowledge SDG&E's effort to date to accomplish these objectives. However, specific mitigation for this project has not been located or finalized.

A0024-4 cont.

Lastly, the Draft EIR/EIS states that Applicant Proposed Measures (APM) are not considered adequate to offset project impacts (page D.2-80), therefore supplemental mitigation measures are identified that would ensure most projects impacts are adequately avoided, minimized, or mitigated. However, it is unclear if the project applicant would be fully responsible for the mitigation outlined in Section D.2. The final EIR/EIS should clarify that the mitigation and management measures outlined in Section D.2 would be added under the Project Description to ensure they are incorporated and fully implemented as a part of the project.

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*Growth inducing cumulative impacts*

As portions of the Proposed Project occur within sparsely populated areas of Imperial and San Diego Counties, an increase in the availability and/or reliability of electricity has the potential to stimulate development that could lead to major adverse biological impacts in these areas. The Draft EIR/EIS indicates that the Proposed Project would not result in a growth-inducing impact (Section F.2). However, the current discussion does not specifically address whether there are reasonably foreseeable circumstances within eastern San Diego County where growth is more likely to occur. Therefore, SDG&E should provide further analysis concerning the potential growth inducing effects of the project, or conversely, discuss how this project would not facilitate growth in those areas the project traverses (CEQA Guideline §15126.2(a)).

A0024-6

Given the complexity, scope, and lack of detail regarding the proposed mitigation in the Draft EIR/EIS, it is not possible for the Wildlife Agencies to determine an alternative that would have the least impact on listed and sensitive species and regional conservation planning efforts. However, we are concerned that the Proposed Project (and many of the alternatives) would have unmitigable, significant impacts to listed plant and animal species (see enclosure for detailed information). Because the Wildlife Agencies are mandated to protect and recover these resources, we recommend an alternative that can avoid and minimize significant adverse impacts to rare and sensitive biological resources; similar to the New In-Area Renewable Generation Alternative but with additional localized generation capacity (e.g., commercial and residential rooftop solar systems) to minimize the transport of electricity from remote locations.

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We offer additional recommendations and comments in the enclosure to further assist in avoidance and minimization of impacts to biological resources, and to ensure that the project is consistent with ongoing regional habitat conservation planning efforts. If you have questions or comments regarding the contents of this letter, please contact Paul Schlitt (Region 5 at (858) 637-5510) or Jim Sheridan (Region 6 at (760) 200-9419) of the Department or Felicia Sirchia of the Service at (760) 431-9440.

Sincerely,

  
for Therese O'Rourke  
Assistant Field Supervisor  
U.S. Fish and Wildlife Service

  
for:  
Helen R. Birss  
Environmental Program Manager  
California Department of Fish and Game