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Subject: Soitec - Biology EIR section
Date: Monday, September 16, 2013 4:13:30 PM
Attachments: [Ch 2.4 Biological Resources 9.16.13.docx](#)

Hi Ashley,

Attached is the Biology EIR section for the County's review. Below are our responses to County comments.

Please coordinate with us on any issues that arise prior to the end of the County review period so that we can begin working on addressing them as soon as possible.

Thanks,
Megan

7 - 1	Chapter 2.4- Biological Resources	Throughout Chapter 2.4, outstanding survey information for the offsite gen-tie route must be updated once completed.	Has been updated. There is one more survey for special-status plant species to occur in fall 2013.	5/31/2013	
7 - 2	Chapter 2.4- Biological Resources	Throughout Chapter 2.4, only the phrase "less than significant" should be used, not the phrase "not considered significant". Make factual determinations based on whether the significance guidelines have been exceeded.	Revised.	5/31/2013	
7 - 3	Chapter 2.4- Biological Resources	Throughout Chapter 2.4, species are referred to as being "incidentally" observed. Please clarify that the survey was completed according to County Requirements and included directed searches for the County list of potential sensitive faunal and floral species. The entire project site (100%) was surveyed by personnel on the ground over multiple field days and all sensitive environmental resources were mapped and analyzed together with the project's engineering plans. The County-approved biologist responsible for the survey is required to use the survey methods required in the County Content and Format Requirements (County of San Diego, LUEG, Report Format and Content Requirements, Biological Resources, September 15, 2010). For Biological Resource Reports, methods require that surveys cover the "entire project parcel(s) and habitat mapping must include land 100 feet off site." Please remove the statements referring to wildlife that was detected "incidentally" and just say "observed" or detected in conjunction with the required surveys .	"Incidentally" removed. Added paragraph to section 2.4.1.1 clarifying survey methods.	5/31/2013	
7 - 4	Chapter 2.4- Biological Resources	Page 2.4-33: The Sunrise Powerlink is not "transportation oriented development". Please revise.	Revised.	5/31/2013	
7 - 5	Chapter 2.4- Biological Resources	Page 2.4-44: Please include quino survey information for the gen-tie alignment for Tierra Del Sol, and update the methods section.	Updated.	5/31/2013	
7 - 6	Chapter 2.4- Biological Resources	Page 2.4-47: Please include additional details on the open water area onsite and why it does not qualify as an RPO wetland (similar to the information included in the TDS Biological Resources Report).	Revised.	5/31/2013	
7 - 7	Chapter 2.4- Biological Resources	Page 2.4-70: Since a jurisdictional delineation has not been completed for the LanEast site, it should be indicated that an RPO buffer of an appropriate width would be provided (rather than concluding that 50-feet is appropriate). At this point, it should be concluded that Walker Creek which crosses the site is an RPO wetland.	Revised/Added.	5/31/2013	
	Chapter 2.4- Biological Resources	Page 2.4-71 and 2.4-79: The following sentence is unclear "the impact of SR-94/Old Highway 80 on funneling movement through the project site is, however, less significant relative to I-8". The conclusion should		5/31/2013	

7 - 8		substantiate why the project would not significantly impact wildlife movement. Evidence has not been provided to substantiate whether the LanEast and LanWest projects would hinder east to west wildlife movement.	Revised.		
7 - 9	Chapter 2.4- Biological Resources	Page 2.4-77: Footnote #1 on Table 2.4-4 is unclear. Please revise and clarify.	Revised.	5/31/2013	
7 - 10	Chapter 2.4- Biological Resources	Page 2.4-78: Rather than saying "a 50-foot RPO buffer was chosen", say that a 50-foot buffer "is appropriate" and substantiate with facts. Staff will review and comment.	Revised.	5/31/2013	
7 - 11	Chapter 2.4- Biological Resources	Page 2.4-96: The EIR indicates that QCB surveys were completed in 2012 while the technical study indicates that they were completed in 2011. Please correct.	Revised. Only Rugged surveys were completed in 2011. TDS surveys were completed March and April 2012.	5/31/2013	
7 - 12	Chapter 2.4- Biological Resources	Page 2.4-99: Rather than saying "all" of the tecate cypress would be impacted, specify the number. Determine if this is an impact to a landscaped area or a native grouping of trees.	Revised.	5/31/2013	
7 - 13	Chapter 2.4- Biological Resources	Page 2.4-103: More information is needed regarding Swainson's hawk. Is this site important for their annual migration? Do they have specific or non-specific foraging areas?	Revised.	5/31/2013	
7 - 14	Chapter 2.4- Biological Resources	Page 2.4-115: The rationale provided for Guideline G is weak. While it is indicated that the site may constitute a portion of a core wildlife area, there is not a good justification for why impacts within the area would not be significant. Generally, the County's definition of a core wildlife area is 500 acres or more of native habitat. Based on this definition, please revise this section and support the conclusion that is made.	Revised.	5/31/2013	
7 - 15	Chapter 2.4- Biological Resources	Page 2.4-116: There is mention of potential for electrocutions and/or collisions from the proposed panels. Is this a potential for wildlife to be electrocuted from perching on the panels? If so, please expand on why this would not be a significant impact. Additional analysis is also needed regarding potential impacts from the gen-tie. To the degree possible, the impact analysis needs to be quantitative.	Revised. Impacts from electrocutions is only related to transmission lines.	5/31/2013	
7 - 16	Chapter 2.4- Biological Resources	Page 2.4-126 and 128: Tables 2.4-10 and 2.4-11 have columns for "impact neutral". Please clarify what these areas consist of. Is this all areas surveyed but not within the Major Use Permit footprint?	Revised. These are now characterized as "undeveloped lands"	5/31/2013	
7 - 17	Chapter 2.4- Biological Resources	Page 2.4-130: It is indicated that Tule Road was previously analyzed and therefore is not analyzed in this document. Has mitigation been implemented for this impact and is the road built? If not, the impacts should be analyzed in this document as well.	Tule road was analyzed as part of MUP 3300-09-019 and is considered part of the environmental baseline in this EIR.	5/31/2013	
7 - 18	Chapter 2.4- Biological Resources	Page 2.4-134: Guideline C- comments on the groundwater studies for TDS and Rugged are ongoing. This section may need to be updated pending changes to the groundwater studies. Additional analysis and substantiation should be added to the section for Rugged (i.e.: what is the existing aquifer depth?)	Updated.	5/31/2013	
7 - 19	Chapter 2.4- Biological Resources	Page 2.4-141: Based on the plot plan for TDS, the area mapped as open water does not appear to be avoided. Please verify and update this discussion as necessary.	Open water area not classified as federally protected wetlands.	5/31/2013	
	Chapter 2.4- Biological Resources	Page 2.4-142: The LanEast and LanWest discussions indicate that portions of the site would be avoided allowing for continued movement through the site. Since these are being evaluated at a program level and we do not have site specifics, a PDF or MM is necessary		5/31/2013	

7 - 20		to ensure avoidance for wildlife movement. Examples of criteria for the avoidance would be RPO wetland/wetland buffers and wildlife movement corridors consistent with County standards (1,000 feet wide with a pinch point of a 400 foot width, for no more than a 500 foot length).	Added.		
7 - 21	Chapter 2.4- Biological Resources	Page 2.4-143/144: The discussions for LanWest and LanEast seem to be faulty considering the information presented previously regarding wildlife movement. The phrase "the project area is part of a larger area of scattered rural residential uses and open space allowing relatively unconstrained wildlife movement" is very generic and does not accurately portray the site conditions.	Revised.	5/31/2013	
7 - 22	Chapter 2.4- Biological Resources	Page 2.4-144: Please expand on why the Rugged project would not create any artificial wildlife corridors. Provide evidence to support that the 1,000 foot wide corridor between the development areas would not be artificial.	Revised.	5/31/2013	
7 - 23	Chapter 2.4- Biological Resources	Page 2.4-146: Please clarify if the project "is likely to deter wildlife movement" or "is <i>NOT</i> likely to deter wildlife movement".	Revised.	5/31/2013	
7 - 24	Chapter 2.4- Biological Resources	Page 2.4-151: The Rugged section states that "a final determination about the designation of sensitive habitat lands in the project area will be determined through further coordination with the County". This determination can and must be made and included in the EIR. Areas to be considered sensitive habitat lands would include areas supporting listed species and wildlife corridors.	Determination added.	5/31/2013	
7 - 25	Chapter 2.4- Biological Resources	Page 2.4-153/154: For the discussions under Guidelines F and H, remove the references to the future ECMSCP and simply state that the guideline does not apply or that the project site is not within the MSCP.	Revised.	5/31/2013	
7 - 26	Chapter 2.4- Biological Resources	Page 2.4-157: Additional input on the golden eagle will be requested from the wildlife agencies. Based on their guidance regarding golden eagle, additional comments may be provided.	Noted.	5/31/2013	
7 - 27	Chapter 2.4- Biological Resources	Page 2.4-160 and 162: It is unclear how the interim review under the future ECMSCP would address cumulative impacts to proposed covered species.	Revised.	5/31/2013	
7 - 28	Chapter 2.4- Biological Resources	Page 2.4-161, 163 and 164: Several sections assume that cumulative projects are "not likely to be constructed simultaneously". Since there is no guarantee on timing, the worst case scenario of all projects being constructed at once should be analyzed.	Revised.	5/31/2013	
7 - 29	Chapter 2.4- Biological Resources	Page 2.4-165: Depending on the additional analysis provided on page 116, the cumulative analysis may need to be redefined and evaluated. The analysis should also substantiate why the impacts is unmitigable.	Revised. As agreed upon at DEIR working session on 8/7/13, a dual approach using both qualitative and quantitative analysis was used.	5/31/2013	
7 - 30	Chapter 2.4- Biological Resources	Page 2.4-167, 168: It is indicated that since suitable land is available in the cumulative project area, that there would not be a cumulatively significant impact. This is an unsubstantiated conclusion and must be revised and expanded upon. The projects that would be cumulatively imp active should be included by name and should provide sufficient details on their components (i.e.: length of transmission line, number of panels, number of turbines).	Revised.	5/31/2013	
7 - 31	Chapter 2.4- Biological Resources	Page 2.4-168: It is stated that the proposed project is not anticipated to have a significant impact after mitigation on the movement of wildlife. It is unclear if this mitigation entails only offsite preservation of habitat or additional measures. An additional measure to provide for continued movement through the LanWest/LanEast sites along Walker Creek is	Revised.	5/31/2013	

		necessary.			
7 - 32	Chapter 2.4- Biological Resources	Page 2.4-168, 169: The cumulative analysis for wildlife movement is not sufficiently substantiated. The discussion should be expanded to include information on existing movement patterns and a thorough discussion substantiating why the cumulative projects would not hinder movement in these areas.	Revised.	5/31/2013	
7 - 33	Chapter 2.4- Biological Resources	Page 2.4-170: MM-1 indicates that the habitat would be "generally consistent" with the impacted habitat. Per comments on the Rugged and TDS Biological Resources Reports, staff has requested additional information to support this.	Revised. Information included in Mitigation Lands Memo.	5/31/2013	
7 - 34	Chapter 2.4- Biological Resources	Page 2.4-170: MM-1 should also indicate a 2:1 ratio for Tecate tarplant impacts.	Revised.	5/31/2013	
7 - 35	Chapter 2.4- Biological Resources	Page 2.4-177: MM-10 should be broken into two conditions, one condition requiring the submittal of a NBMMP and another for pre-construction survey requirements should grading occur during the bird breeding season.	Revised.	5/31/2013	
7 - 36	Chapter 2.4- Biological Resources	Page 2.4-180: MM-15 and MM-16 seem to overlap with MM-1. Additional clarification should be provided or the mitigation measures should be combined.	Revised. MM-15 and MM-16 are now incorporated into MM-1 through the use of a table which shows acreages of impacts and mitigation required.	5/31/2013	
7 - 37	Chapter 2.4- Biological Resources	Page 2.4-183: Rugged will result in impacts to RPO wetlands. A specific mitigation measure should be included requiring the following: no net loss of wetlands and any impacts to wetlands shall be mitigated at a minimum ratio of 3:1 (this shall include a minimum 1:1 creation component, while restoration/ enhancement of existing wetlands may be used to make up the remaining requirements for a total 3:1 ratio).	Revised.	5/31/2013	
7 - 38	Chapter 2.4- Biological Resources	Page 2.4-184: Based on the previous comments, the conclusions in Section 2.4.6.4 (Wildlife Movement) are not accepted at this time.	Revised.	5/31/2013	
7 - 39	Chapter 2.4- Biological Resources	Figure 2.4-26: The yellow and orange colors (for offsite impacts) are not shown on the map. Please include.	Revised.	5/31/2013	
7 - 40	Chapter 2.4- Biological Resources	Staff will discuss required changes to this section at a scheduled meeting.	Noted.	5/31/2013	

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