

Hingtgen, Robert J

From: Bill Tippets <btippets@tnc.org>
Sent: Tuesday, February 25, 2014 9:51 AM
To: Hingtgen, Robert J; Fogg, Mindy; Stephenson, Bobbie
Cc: Alfredo B. Gonzalez; Laura Crane; Bill Christian; Trish Smith; John Randall; Jerre Stallcup; Dan Silver (dsilverla@me.com); Gail Sevrens (Gail.Sevrens@wildlife.ca.gov); Doreen Stadlander (Doreen_Stadlander@fws.gov)
Subject: Soitec PEIR Comments
Attachments: Soitec PEIR final TNC comments_25 Feb 14.pdf

Dear Mr. Hingtgen, et al.,

Attached are The Nature Conservancy's comments on the Soitec PEIR. The Conservancy has been involved in conservation planning and helping to build the conservation reserves in San Diego County for two decades. East San Diego County does not have a formal reserve plan, and large projects that may impact future conservation efforts should be carefully analyzed for, and avoid significant impacts to, habitat lands that could preclude effective conservation in that part of the County. The Conservancy supports renewable energy projects as an important component of the larger efforts to reduce greenhouse gas emissions and address climate change effects when they are compatible with effective conservation planning.

Our comments identify a number of concerns about the level of available biological information in the PEIR documents and potential effects that the project or alternatives could have on future conservation planning. This is a complex project and we appreciate the extent of public involvement and information sharing that the County has provided. We look forward to working with the County as this project proceeds.

Regards,

Bill Tippets

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February 25, 2014

Planning and Development Services
County of San Diego
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Attention: Robert Hingtgen

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RE SOITEC SOLAR DEVELOPMENT PROGRAM ENVIRONMENTAL IMPACT REPORT (PEIR), LOG NO. PDS2012-3910-120005 (ER); 3800-12-010 (GPA); TIERRA DEL SOL, 3300-12-010 (MUP); 3600-12-005 (REZ); 3921-77-046-01 (AP); RUGGED SOLAR, 3300-12-007 (MUP); SCH NO. 2012121018

Dear Mr. Hingtgen:

The Nature Conservancy (Conservancy) is an international non-profit conservation organization working around the world to protect ecologically important lands and waters for nature and people, seeking to preserve the lands and waters upon which all life depends. We are known for our science-based collaborative approach to developing creative solutions to conservation and development challenges. We carry out on-the-ground conservation work in all 50 states and across the globe with the support of approximately one million members, and have protected nearly 15 million acres of land in the US and Canada, including 1.5 million acres in the State of California.

In California, the Conservancy participates actively in large-scale energy siting and mitigation issues. We contributed extensively to the BLM's Solar Programmatic Environmental Impact Statement and to the ongoing state and federal Desert Renewable Energy Conservation Plan processes. We also worked with the Bureau of Land Management, the U.S. Fish and Wildlife Service, and California state agencies in evaluating mitigation approaches to solar energy development proposals on private land in the Carrizo Plain. Our primary focus has been to advocate the use of landscape-level analysis and planning as the foundation for making siting and mitigation decisions. We believe that our work, centered to date on renewable energy development, has been useful to permitting agencies, energy developers, and key stakeholders.

We have worked in San Diego County, an area of global ecological significance, for more than 20 years. Since 2004, the Conservancy has included eastern San Diego County in our conservation planning; this area has significant biological resources and functions as a key part of the Peninsular Range landscape connectivity to Baja California. The Conservancy acknowledges the importance and need for California (and San Diego County) to increase clean, renewable energy supplies and supports efforts to develop renewable energy that is consistent with good conservation planning.

The Proposed Project encompasses a total of approximately 1,490 acres within the Mountain Empire Subregional Plan area in unincorporated San Diego County. The four individual solar farms comprising the Proposed Project would utilize concentrator photovoltaic (CPV) electric generation system technology to produce solar energy at the utility-scale. Together, these four solar farms comprise the whole of the action as defined by the California Environmental Quality Act (CEQA). The Proposed Project would produce up to 168.5 megawatts (MW) of solar energy and would be located on approximately 1,490 acres in southeastern San Diego County.

As noted in the PEIR, the Soitec project is an Environmental Leadership Development Project. That designation and the Project Objectives identify certain expectations and commitments on the project including but not limited to adding to the State's renewable energy supply, economic investment and job creation in California, and environmental benefits (e.g., supporting the State's climate change goals). The PEIR provides a detailed description of key elements of the project and

how it would meet the project objectives. It provides specific analyses of the Rugged and Tierra Del Sol project components but not the Lan East and West components, and presents a range of alternatives to the Proposed Project and identifies an Environmentally Superior Alternative that would address all components (Alternative 7).

In reviewing the Soitec PEIR and associated documents, we have identified a number of substantive issues and additional information needs that should be addressed in the document in order for the public and lead agency/decision-makers to be fully informed about the project and its impacts. Our focus is on biological resources, potential impacts to those resources, and the ramifications to conservation in eastern San Diego County.

Regional Conservation Issues

The County of San Diego has prepared a draft Focused Conservation Area (FCA) map for east county. However, that map does not include all of the biological considerations that constitute a full habitat and species conservation planning map – such as those prepared for the Multiple Species Conservation Plan areas that address the western portions of the County. Also, the draft map was created prior to the County finalizing General Plan 2020. The PEIR should provide an updated evaluation of existing conserved lands, potential conservation (i.e., the FCA analysis, with additional information collected a part of this PEIR process) and other regional conservation assessments such as the Las Californias Binational Conservation Initiative (which is referenced in the PEIR documents).

The PEIR includes a map (Figure 1-12) illustrating past, present and reasonably foreseeable projects in project area that could contribute to cumulative effects – which should address effects on regional conservation. An important regional conservation concern is what effects the project would have on animal movement in the area. The PEIR acknowledges that no specific movement studies were conducted (Page 2.3-140 et seq.) but states that there are no known or defined wildlife movement corridors on proposed project area and the proposed project as well as the other foreseeable project pose a cumulative impact that is less-than-significant to habitat linkages and wildlife corridors. We believe that this conclusion is not supported by the information in the documents. Wildlife tracking studies on the project site(s), as well as along Interstate 8 within the project area would provide the information necessary to determine whether – or where – the project would pose a significant potential impact to wildlife. For example, if wildlife is using undercrossings within or near the project development sites, development may cause animals to avoid the project development areas and use other crossings that may be less safe or effective.

Alternatives Analysis

The alternatives analysis describes eight alternatives (the “reasonable range of feasible alternatives”) to the proposed project. However, four of the alternatives (Alternative Locations 1-4) would relocate substantial portions of the proposed project development to the “Los Robles” property. The biological condition and resources on that property are only generally described, and the level of information is not comparable to what is provided for the Rugged and Tierra Del Sol sites, or even the Lan East and West sites (which are not analyzed at the level of detail as Rugged and Tierra Del Sol). The lack of comparable site information, specifically biological resources, presents a significant obstacle to evaluating the merits of those alternative locations and is a serious omission in the PEIR.

Sensitive species are found throughout this part of the County. It is not clear what species, and what level of impacts, would occur if a large portion of the Los Robles site were developed. While the PEIR states that the acreage of that site could allow for development to be sited to avoid/minimize impacts to sensitive species, the absence of species information compromises the presumed certainty of that statement of intent. Ideally, information about the Los Robles alternative site should be have been obtained during the periods when the bulk of the Rugged and Tierra Del Sol sites were surveyed.

As documented in the "Evaluation of Biological Resources for Soitec Mitigation Site" (November 2013) by Dudek Consultants, the occurrence and numbers of sensitive species can vary greatly within a single site under different annual conditions. That complicates the assessment of the comparability of biological resources among both impact and mitigation sites if the information is obtained in different years and under different weather conditions (precipitation amounts and seasonality, temperatures, etc.). Although the November 2013 report does use "reference" sites on Rugged and Tierra Del Sol to provide a relative value assessment for the proposed offsite mitigation property, the Los Robles site does not provide even that level of information from which to evaluate potential impacts from its development.

Hydrology

Wetlands, oak riparian woodlands and other Resource Protection Ordinance (RPO) resources are significant wildlife habitat. The project proposes substantial construction period on-site groundwater extraction (44 AF) with lower, long-term extraction. The project expects to mostly avoid and minimize impacts and to impose a monitoring program to determine if those efforts are effective. However, the primary mitigation measure for groundwater-dependent oak trees presumes that these trees, if affected, would demonstrate noticeable (and presumably substantial/negative) effects within one year of beginning the project's ground water extraction, based on pre-project tree condition and groundwater measurements and calculations.

The Rugged Groundwater Monitoring and Mitigation Plan (GMMP) Report states: "As the historical low groundwater level near the groundwater-dependent habitat is unknown, significant impacts to this habitat may result due to groundwater extraction from Wells 6a and 6b over the short-term. Long-term operational water demands are relatively low, well within the sustainable yield of the aquifer system, and have minimal impact... Additionally, the County's Guidelines for Determining Significance for Biological Resources (County of San Diego, 2010) defines a project-related drawdown of 3 feet below historical low groundwater levels as causing a significant impact to riparian habitat or a groundwater sensitive natural community. The thresholds established below incorporate these guidelines and represent a conservative basis for monitoring and mitigating potential groundwater impacts related to the Project."

"A new monitoring well, referred to hereafter as Oak Monitoring Well (MW-O), will be installed with a hollow-stem auger as close as possible to the coast live oak and mixed oak woodland, approximately 400 feet west of Wells 6a and 6b. The completion depth of MW-O will correspond to the depth of the alluvium, which is approximately 60 to 80 feet bgs in the vicinity of Wells 6a and 6b. As the baseline water levels need to be established prior to the onset of any water extraction, well MW-O will be installed at least 1 month prior to the onset of groundwater extraction from any of the projects slated to use wells 6a and 6b."

"The historical low groundwater level in the vicinity of the oak woodland is not known over the period corresponding to the lifespan of mature oaks. This lack of historical water level data precludes determination of a water level threshold 3 feet below the historical low. Therefore, routine biological monitoring of the oak woodland for the duration of the 1 year Project construction period will serve as a means to continually assess oak health."

However, the GMMP also states "If an International Society of Arboriculture (ISA) Certified Arborist or Registered Profession Forester observes that no impact to the oak woodland has occurred over the construction period, biological monitoring of the oak woodland will cease. In addition to biological monitoring, a water level threshold of 10 feet of drawdown below baseline at MW-O will be established to protect the oaks' ability to continually access groundwater from the alluvial aquifer."

We have several significant concerns about the proposed groundwater and habitat monitoring approach. Oak trees, which are slow-growing and have extensive root systems compared to smaller and shallower-rooted plants, may show delayed

Mr. Robert Hingtgen
February 25, 2014
Page 4

effects. The PEIR/associated hydrology documents do not specify what would trigger a finding of impacts by the certified arborist or registered professional forester although a list of factors is included (tree height, number of stems, presence of pests, overall condition, etc.). As currently proposed, the evaluation of oak tree impacts would only occur during the construction period, the majority of which would occur within 60 days, but could be up to one year. The PEIR/additional documents include a second evaluation factor (“...a water level threshold of 10 feet of drawdown below baseline at MW-O will be established to protect the oaks’ ability to continually access groundwater from the alluvial aquifer.”). It appears that well is downslope from most of the oak woodland and it is not clear how that criterion was established and how it relates to the County’s 3-foot groundwater drawdown below historic low ground water level threshold (which should be measured within the oak woodlands). Also, the project proposes to install tensiometers within the oak tree areas, but does not present a clear approach to link results from those devices to either the habitat

groundwater monitoring well (MW-0) results or the tree condition results. Last, the region has been in a drought condition for nearly a year, and absent strong on-site historical data, a longer monitoring period seems warranted. For those reasons, a reasonable and precautionary approach would be to have the project commit to a 5-year post-project-extraction monitoring unless the first 3-year monitoring of groundwater and oaks shows no significant effects (and the thresholds for significant oak effects need to be more clearly delineated/defined) compared to the pre-project condition. The project should also consider establishing a comparable oak reference site that is not affected by the project for comparing project-site oak tree effects.

Summary Recommendation

Based on the above concerns about the amount of information provided in the PEIR to assess regional conservation impacts, the alternatives analysis, and the groundwater mitigation and monitoring program, we recommend the County of San Diego consider the sufficiency of the PEIR and the need to recirculate the PEIR.

If you have any questions about these comments, please contact me at btippets@tnc.org. Thank you for the opportunity to comment.

Sincerely,



Bill Tippetts
San Diego/Baja California Project Director
South Coast and Deserts Region

cc: Mindy Fogg, Bobbie Stephenson (County of San Diego, Planning and Development Services)