Response to Comment Letter O7

The Nature Conservancy
Bill Tippets
February 25, 2014

O7-1 The County of San Diego (County) appreciates the Nature Conservancy’s comment and acknowledges the Nature Conservancy’s role in conservation planning in the region. Specific comments on the Proposed Project are addressed below.
The County concurs with this comment. This comment does not raise specific issues related to the Proposed Project or adequacy of the environmental analysis in the Draft Program Environmental Impact Report (DPEIR); therefore, no additional response is provided or required.

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Specific comments on the Proposed Project are addressed below.

The comment is acknowledged; since 2008, there have been a number of initiatives which seek to conserve key linkages across the U.S./Mexico border (South Coast Wildlands, Las Californias, La Posta Linkage, etc.), but none is as comprehensive as the completion of the East County Multiple Species Conservation Program (ECMSCP) promises. Only the completion of the ECMSCP would meet the full need.

The applicant continues to work with the County to help the entire ECMSCP move forward. That effort has to be integrated into the larger County process, which due to resources, staffing, and more development pressure, prioritizes the completion of the more urbanizing North County MSCP over the ECMSCP. Due to these constraints, the applicants coordinated with other projects, both renewable and otherwise, under the rubric of the East County Renewables Coalition, to ensure that future preserve planning will not have options foreclosed with the forthcoming projects going forward. In other words, the Proposed Project was planned as if the preserve plan were done and fit within that construct. The applicants continue to push for funding, and have worked to obtain San Diego Association of Governments (SANDAG) grants to fund regional
mapping of key constituent species such as golden eagles (*Aquila chrysaetos*). These studies will be used as part of the database to inform future planning decisions as the ECMSCP moves forward.

In addition, the Interim Review Process provided in the Planning Agreement (County et al. 2008) for the ECMSCP ensures that projects initiated in the ECMSCP planning area prior to the adoption of the ECMSCP do not compromise the successful implementation of the ECMSCP (Planning Agreement, Exhibit B, p. 1). Through the Interim Review Process, the CDFW and USFWS collaboratively review projects that may have the potential to preclude long-term preservation planning or impact the viability of biological resources. The project analysis supports the finding that the Proposed Project would not preclude or prevent the preparation of the ECMSCP because the Proposed Project has been designed in accordance with the preliminary conservation objectives outlined in the Planning Agreement.

The County disagrees that the analysis in the DPEIR is adequate to support less-than-significant conclusions regarding impacts to habitat linkages and wildlife corridors from development of the Tierra del Sol and Rugged solar farms. The analysis is based on surveys of the site and site visits, and takes into consideration geography of the region, the presence/absence of riparian

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corridors and other water bodies, connectivity to adjacent sites, and existing habitat, among other factors. The County also disagrees that wildlife tracking studies are required to determine whether the Proposed Projects pose a potentially significant impact to wildlife corridors. Please refer to the analysis presented in Section 2.3.3.4, Wildlife Movement and Nursery Sites, of the FPEIR. In response to comments such as this and others from CDFW, the DPEIR has been revised to refrain from making certain significance conclusions for LanEast and LanWest regarding wildlife movement and more specifically, substantial interference with connectivity between blocks of habitat or interference with a local or regional wildlife corridor or linkage; see response to comment S3-3.

O7-7 The County generally agrees that the biological condition and resources were only generally described for the Los Robles property and the level of information that was provided was of less detail than for the four solar farm sites composing the Proposed Project. The County disagrees with the commenter’s assertion that the lack of comparable information for the Los Robles site presents an obstacle to evaluating the merits of this alternative location. The County does not agree that this constitutes a serious omission in the DPEIR. Please refer to the responses to comments F1-15 and F1-18 related to the level of detail required for analysis of an alternative location. Additionally,
Response to Comments

O7-8
The County agrees with this comment, which is not inconsistent with the existing content of the DPEIR.

O7-9
To address the commenter’s concern regarding the potential for oak habitat to show delayed effects, as well as in response to other groundwater-related comments received from the public, the County has made several revisions and clarifications to M-BI-PP-14 in the DPEIR (the mitigation measure has been renumbered M-BI-PP-15 in the FPEIR). These revisions are presented in strikeout/underline format; refer to Section 2.3.6 of the FPEIR (see M-BI-PP-15). These revisions have been made to more accurately reflect both the GMMPs that have been prepared for the Rugged Solar Project and the Tierra del Sol Solar Project. Part of the revisions include clarifying that monitoring would continue in years 2 through 5 following initiation of project-related groundwater extraction if the drawdown thresholds for the groundwater-dependent habitat monitoring wells are reached at any time during the construction phase of either project.

The action triggers associated with water level declines in Wells MW-O1 and MW-O2 (Rugged) and wells RM-1 explained in the response to comment S3-18, further information could not have been obtained on the Los Robles site as the Rugged and Tierra del Sol sites were being surveyed because of applicants’ lack of access to the Los Robles site at that time.
and RM-3 (TDS) are independent of observable effects on oak health. Although oak trees, if affected by water level declines, may not show observable effects within one year of the peak pumping period, the water level thresholds established in M-BI-PP-15 would indicate whether the potential for a delayed significant impact exists, and monitoring would then continue past the 1-year construction phase to a maximum of 5 years. As described in greater detail in Response O10-23, if impacts to groundwater-dependent habitat were to occur as a result of pumping-induced water level drawdowns, such impacts would first become apparent in locations closer to the pumping center and in species that have roots deep enough to actually access the available groundwater. The setup of the oak woodland and well monitoring network is appropriate because it would trigger action at the first sign of project-related impacts. Pumping cessation or curtailment, if triggered by evidence of a significant impact (through project-induced water level declines and/or observed groundwater-related stress in oak trees), would likewise avoid substantial adverse impacts to more distant (and/or topographically elevated) groundwater-dependent habitats.

The commenter also claims that there are no specific triggers for a finding of significant impact by the forester during oak habitat monitoring. The Certified Arborist / Registered Professional Forester will have numerous data points (water level monitoring data, biological
indicators, and tensiometers) upon which to make an informed professional decision. The GMMP (and M-BI-PP-15; see Section 2.3.6 of the FPEIR) does provide examples of indicators, and explains the purpose of tensiometers. For example, as stated in M-BI-PP-15, the oak monitoring would “focus on examining crowns for discoloration, loss of vigor, foliage curling, and/or pest presence; and trunks and root crowns for beetle/borer symptoms, bleeding cankers, or seeping areas (indicative of fungal infections). These and similar signs may indicate that a tree or a grouping of trees is experiencing stress, which can be corroborated by tensiometer readings.” Monthly and annual reports will describe the results of ongoing habitat monitoring, and will contain recommendations that are based on the professional judgment of both the Certified Arborist (or Registered Professional Forester) and the Certified Hydrogeologist registered in the State of California.

The commenter questions the source of the water-level threshold of 10 feet drawdown for Wells MW-O1 and MW-O2 (Rugged) and wells RM-1 and RM-3 (TDS). As stated in the GMMPs, the 10-foot water level drawdown threshold is based on the typical variation of water levels that has been observed through prior work on the groundwater resource investigations (i.e., water levels have been observed to vary by about 7 feet, thus the 10 feet threshold, which is 3 feet below the observed low). The drawdown will be measured against
effects. The PEIR/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 included a second evaluation factor (“...a water level threshold of 10 feet of drawdown below baseline at MW-O will be established to protect the oak’s 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 these devices to either the habitat groundwater monitoring well (MW-d) 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 reexamine the PEIR.

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

Sincerely,

Bill Tippets
San Diego Baja California Project Director
South Coast and Desert Region
c: Mindy Fogg, Bobbie Stephenson (County of San Diego, Planning and Development Services)

Please refer to previous response O7-9; the purpose of the tensiometers is to corroborate whether a tree or a grouping of trees is experiencing stress.

The commenter mentions the prevailing drought conditions and suggests a longer minimum monitoring period. The commenter is referred to response O7-9. The baseline water levels established during the one-month preconstruction well monitoring period. This is actually quite conservative, because the County’s actual threshold is 3 feet below the historical low. The basis for using the historical low as a measuring point is that oak trees have adapted to large fluctuations in water availability (e.g., periods of extreme drought); the water level threshold of 10 feet of drawdown established in M-BI-PP-15 is based on limited time period and is in all likelihood significantly above the historical low. In regards to the location of well MW-O1 (identified as MW-O in the Groundwater Monitoring and Mitigation Plan for the Rugged Solar Farm Project), the commenter is referred to Figure 2 of the Groundwater Monitoring and Mitigation Plan for the Rugged Solar Farm Project. Well MW-O1 is proposed to be located within approximately 100 feet of mapped Coast Live Oak Woodland and within approximately 50 feet of mapped Big Sagebrush Scrub vegetation and would therefore be located near on-site oak woodland and other groundwater dependent vegetation.
trigger for requiring continued monitoring after the one-year construction period is very conservative, as it is based on three feet below the observed conditions rather than the historical low. As described in M-BI-PP-15 in Chapter 2.3 of the FPEIR, if there is evidence that water level declines are stressing the oaks, the approach will be to continue monitoring for a longer period of time, or stop pumping altogether. Furthermore, as stated in M-BI-PP-15, if an impact to the oak woodland habitat is observed by the monitoring Certified Arborist or Registered Professional Forester over the duration of the project construction period, routine monitoring of the oak woodland will continue for a maximum up to 5 years following initiation of project-related groundwater extraction. The monitoring Certified Arborist or Registered Professional Forester will base mitigation recommendations on the type and extent of tree issues observed. If groundwater drawdown is determined to be the cause of tree stress, resulting in the presence of secondary pests (insects and/or disease), halting groundwater extraction may be recommended.

If measured water level declines do not exceed the established thresholds during the construction phases of the Rugged and Tierra del Sol solar farms, it is reasonable to allow monitoring activities to cease, because yearly operational water demands are substantially lower (by roughly a factor of 10) than the construction-related demands of the project.
### Response to Comments

**O7-12**  
As described in Responses O7-9 and O7-11, the GMMPs (and M-BI-PP-15; see Chapter 2.3 of the FPEIR) will generate enough data points to allow professionals to make reasonable, informed decisions about whether project-related pumping is causing stress to groundwater-dependent habitat.

**O7-13**  
The County disagrees with the commenter’s assertion regarding the sufficiency of the DPEIR and the need for recirculation. The DPEIR has provided adequate information to assess regional conservation impacts, Proposed Project alternatives, and groundwater mitigation and monitoring, as discussed above in the responses to comments O7-5 through O7-7 and O7-9 through O7-12. The County does not believe there is a need for recirculation in this circumstance.

Under the California Environmental Quality Act (CEQA), if subsequent to the commencement of public review and interagency consultation but prior to final environmental impact report (EIR) certification, the lead agency adds “significant new information” to an EIR, the agency must issue new notice and must recirculate the revised EIR, or portions thereof, for additional commentary and consultation (California Public Resources Code, Section 21092.1; 14 CCR 15088.5). Recirculation is generally required when the addition of new information deprives the public of a meaningful opportunity to comment on substantial adverse project impacts or feasible mitigation.
measures or alternatives that are not adopted (*Laurel Heights Improvement Ass’n v. Regents of University of California* (1993) 6 Cal. 4th 1112). The purpose of recirculation is to give the public and other agencies an opportunity to evaluate the new data and the validity of conclusions drawn from it. However, “the Legislature did not intend to promote endless rounds of revision and recirculation of EIR’s. Recirculation was intended to be an exception, rather than the general rule” (*Laurel Heights Improvement Ass’n v. Regents of University of California* (1993) 6 Cal. 4th 1132).

Here, no new information or analysis is necessary related to regional conservation impacts, alternatives, or groundwater mitigation and monitoring; therefore, recirculation is not required.

O7-14 This comment concludes the letter and does not raise an environmental issue for which a response is required.

**References**
