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June 14, 2019

Ms. Kathryn Laudeman
City of Los Angeles
Department of Water and Power
Environmental Planning and Assessment
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2018011039

Subject: **Notice of a Draft Environmental Impact Report for the Power Plant 1 and Power Plant 2 Transmission Line Conversion Project, City of Los Angeles, County of Los Angeles, California**

Dear Ms. Laudeman:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Notice of Availability of a Draft Environmental Impact Report (DEIR) *for the Power Plant 1 and Power Plant 2 Transmission Line Conversion Project* (Project). Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State [Fish & Game Code, §§ 711.7, subdivision (a) & 1802; Public Resources Code, § 21070; CEQA Guidelines § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect state fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Public Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & Game Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & Game Code, § 2050 et seq.), or state-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish

and Game Code §1900 et seq.) authorization as provided by the applicable Fish and Game Code will be required.

Project Description and Summary

Objective: The Power Plant 1 (PP1) and Power Plant 2 (PP2) Transmission Line Conversion Project (Project) is proposed by the City of Los Angeles Department of Water and Power (LADWP). The Project will be located within a linear alignment in northwestern Los Angeles County (County) that extends from the Haskell Canyon Switching Station to the Sylmar Switching Station. The Project would involve replacing a 12-mile segment of an existing 115 kilovolt (kV) double circuit transmission line with a new 230 kV double circuit transmission line. The new 230 kV line would be strung on approximately 70 new transmission structures and approximately 7 existing structures. Of the 70 new structures, approximately 10 are expected to be lattice structures, and approximately 60 are expected to be steel monopoles. The new structures would range in height from approximately 100 feet to 200 feet. Construction is expected to take approximately 4 years to complete, beginning in 2019 and ending in 2023

Location: The proposed 230 kV line would be located within the same corridor as the existing 115 kV line. The project alignment extends from the Sylmar Switching Station in the south to the Haskell Canyon Switching Station in the north. The southern extent of the alignment is located within the Granada Hills-Knollwood Community Plan area immediately west of Interstate 5 (I-5), near the interchange of I-5 and I-210 and approximately 825 feet south-southeast of the intersection of San Fernando Road and Sepulveda Boulevard. The alignment then extends east for approximately 0.6-mile, crossing I-5 and entering the Sylmar Community Plan area within the City of Los Angeles, paralleling San Fernando Road. The alignment then angles north, crosses I-210, and extends through an industrial area in Sylmar before exiting the City of Los Angeles and extending through an undeveloped mountainous area in the San Gabriel Mountains (north of Sylmar) within the County. The portion of the alignment that crosses the San Gabriel Mountains extends between State Route 14 (SR 14) to the west and the Angeles National Forest boundary to the east is comprised of rugged, hilly terrain. Next, the alignment descends into the Santa Clara River basin and extends through the City of Santa Clarita for approximately 7 miles, crossing SR-14, Santa Clara River, and single-family residential neighborhoods and commercial areas. The alignment then extends for approximately 2 miles through the Haskell Canyon area, comprised of single-family residential neighborhoods and undeveloped hillsides, and then finally terminates just south of the Angeles National Forest at the Haskell Canyon Switching Station.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist LADWP in adequately identifying, avoiding and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Project Description and Related Impact Shortcoming

Comment #1: Impacts to Burrowing Owl (*Athene cunicularia*)

Issue 1: The Project has the potential to impact burrowing owls. However, the DEIR states focused burrowing owl breeding season surveys were not conducted. The DEIR includes

mitigation measure MM-BIO-6, which requires a preconstruction survey 14 days prior to disturbance using CDFW protocol. However, the CDFW-recommended burrowing owl protocol surveys requires a biologist conduct 4 survey visits during the breeding season: 1) at least one site visit between February 15 and April 15, and 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after 15 June.

Issue 2: MM-BIO-6 also states "if required, a burrowing owl monitoring and mitigation plan shall be prepared that outlines how passive relocation would occur and where replacement burrows would be constructed." It is unclear when this monitoring and mitigation plan would be required or who would prepare and approve the plan.

Specific impact: The Project may result in direct and indirect burrowing owl mortality or injury, the disruption of natural burrowing owl breeding behavior, and loss of breeding, wintering and foraging habitat for the species, as well as cumulative population declines and habitat loss and fragmentation. Project impacts would continue to contribute to statewide population declines for burrowing owl that have essentially been extirpated from the County, except for the Antelope Valley where it still persists in low densities and continues to experience significant direct and cumulative habitat loss.

Burrowing owl can be seasonally transient and may be hard to detect even when present. Therefore, a 14-day preconstruction survey window is likely to miss detection. Non-breeding season (September 1 to January 31) surveys may provide information on burrowing owl occupancy, but do not substitute for breeding season surveys because results are typically inconclusive.

Unmitigated impacts to burrowing owl and their habitat may place additional burden on adjacent properties to allocate resources to protect burrowing owl in the Antelope Valley should these properties be proposed for development and burrowing owl declines warrant further regulatory protection.

Why impact would occur: Protocol surveys are designed for maximizing detection of burrowing owl on the Project site for avoidance and mitigation planning purposes. A preconstruction survey may miss detection of burrowing owls using the site outside of the survey period, resulting in undisclosed impacts to this species.

Impacts to burrowing owl could result from vegetation clearing and other ground disturbing activities. Project disturbance activities may result in crushing or filling of active owl burrows causing the death or injury of adults, eggs and young. The Project will remove potential foraging habitat by eliminating native vegetation that supports essential rodent, insect and reptile populations that are prey for burrowing owl. Rodent control activities could result in direct and secondary poisoning of burrowing owl through ingesting treated rodents.

Evidence impact would be significant: Project impacts may result in substantial adverse effects, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service (USFWS). Burrowing owl qualifies for enhanced consideration afforded to species under CEQA, which can be shown to meet the criteria for listing as endangered, rare or threatened (CEQA Guidelines, § 15380(d)). Adverse impacts to burrowing owl may occur without proper surveys to detect the presence or absence of this species on the Project.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: If there is enough concern that burrowing owl may be on the Project site to warrant pre-construction surveys, breeding season protocol surveys should be conducted instead to accurately capture the use the site by burrowing owls. To reduce Project impacts to burrowing owl, we recommend that the Project conduct surveys for this species in accordance with CDFW's March 7, 2012, *Staff Report on Burrowing Owl Mitigation*. All survey efforts should be conducted as outlined in the Staff Report and the results of these surveys should be disclosed in the DEIR to allow CDFW and other interested parties opportunity to review and comment on Project impacts and mitigation proposed. Protocol surveys should be conducted prior to any Project habitat disturbance to soil, vegetation, or other sheltering habitat for burrowing owl.

Mitigation Measure #2: Based on the results for the burrowing owl protocol surveys, the final CEQA document should propose avoidance measures and Project alternatives that would eliminate or reduce impacts to this species.

Mitigation Measure #3: Permanent impacts to occupied burrowing owl burrows and adjacent foraging habitat should be mitigated for by setting aside replacement habitat to be protected in perpetuity under a conservation easement dedicated to a local land conservancy. CDFW recommends the LADWP require a burrowing owl mitigation plan be submitted to CDFW for review and approval prior to Project implementation.

Mitigation Measure #4: Project use of rodenticides that could result in direct or secondary poisoning to burrowing owl should be avoided.

Comment #2: Vegetation Mapping and Mitigation Measures

Issue 1: The DEIR states there will be a total of 7.32 acres of impacts to CDFW sensitive vegetation communities. This includes 5.02 acres of temporary direct impacts and 2.31 acres of permanent impacts to 12 special-status vegetation communities. The DEIR indicates 12.88 acres of the Project area was not included in the Project vegetation map due to the Project footprint changing. It is unclear if 12.88 acres of the Project area, which were not included in the Project vegetation map, have impacts disclosed in the DEIR.

Issue 2: The Project will impact seven sensitive, non-riparian vegetation communities and nine sensitive riparian vegetation communities. MM-BIO-9 states that the riparian sensitive vegetation communities will be mitigated by acquiring off-site, generally consistent habitat, at a minimum of 1:1 ratio or through permitting requirements. It is not clear if the seven, non-riparian sensitive vegetation communities will also be mitigated at a minimum 1:1 ratio.

Issue 3: MM-BIO-1 and MM-BIO-9 are included to reduce impacts to below significant for impacts to CDFW sensitive vegetation communities. MM-BIO-1 includes preconstruction surveys for rare plants, temporary fencing rare plants that are found, collecting seed from rare plants and transplanting them, salvaging 6-inches of topsoil and redistributing after construction, coordination with CDFW if a state listed plant is found. MM-BIO-9 states any sensitive vegetation communities found within a stream will be subject to CDFW Section 1600 permitting and will be mitigated at a minimum of 1:1 by purchasing habitat credit or creation.

MM-BIO-1 appears to focus more on mitigating rare plant species rather than mitigating known impacts to sensitive vegetation communities. MM-BIO-9 includes a minimum 1:1 habitat preservation or creation, but only for impacts to the 1.27-acres of sensitive vegetation communities found within CDFW Section 1600 jurisdiction, which defers to obtaining future permits for specific details.

Specific impacts: CDFW considers grading a vegetation community a permanent impact unless mitigation is proposed that includes specific criteria that ensure the exact vegetation community is recreated, with consideration for the temporal loss of the habitat as well as defined success criteria and weed management. Revegetation or acquisition/preservation would be a mitigation measure proposed to offset impacts to a CDFW sensitive vegetation community. CDFW does not consider reapplying six inches of topsoil adequate mitigation to offset impacts to sensitive vegetation communities.

CDFW is concerned the Project would stockpile soil from a 12-mile long project without keeping the topsoil for each vegetation community separated.. Lumping all the vegetation communities together or using one seed mix from Haskell Canyon through Sylmar is biologically unsupported because this would mix or introduce native plant species into areas which they do not currently occur.

The Project's constant need to clear vegetation for access, fuel modification for fire safety, and other operations serves as a pathway to allow invasive plant species to become established and proliferate in areas where vegetation is graded or thinned. This, in turn, has a negative impact on the surrounding habitat.

Why impact would occur: CDFW considers vegetation communities, alliances, and associations with a statewide ranking of S1, S2, S3 and some S4 as sensitive and declining at the local and regional level (Sawyer et al. 2008). An S3 ranking indicates there are 21 to 80 occurrences of this community in existence in California, S2 has 6 to 20 occurrences, and S1 has less than 6 occurrences. The Project may have direct or indirect effects to these sensitive vegetation communities.

Any revegetation effort should represent the actual vegetation community being impacted. Vegetation communities are named using alliances or associations. An example is California Buckwheat Scrub Alliance. The Manual of California Vegetation (MCV) (Sawyer, et al., 2008) separates the diagnostic species for the California Buckwheat Scrub Alliance into trans and cis montane stands. The species assemblages for this one alliance change over the length of this project. CDFW is concerned spreading a generic seed mix that is not truly representative of the unique plant community alliances present will impact the existing habitat, introduce species that don't occur there, and ultimately change the structure of the vegetation community. Additionally, plants that aren't found in an area may not be suited to survive there, raising the rate of failure.

Project implementation includes grading, vegetation clearing, road construction, utilities construction, road maintenance, fuel modification, and other activities that may result in direct mortality, population declines, or local extirpation of sensitive vegetation communities.

Evidence impact would be significant: Project impacts may result in substantial adverse effects, either directly or through habitat modifications, on a vegetation community identified by CDFW as sensitive.

Filing Fees

The Project, as proposed, would have an impact on fish and/or wildlife resources, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final. (California Code of Regulations, tit. 14, § 753.5; Fish and Game Code, § 711.4; Public Resources Code, § 21089).

Conclusion

We appreciate the opportunity to comment on the project to assist LADWP in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that LADWP has to our comments and to receive notification of any forthcoming hearing date(s) for the project. Questions regarding this letter and further coordination on these issues should be directed to Kelly Schmoker-Stanphill, Senior Environmental Scientist (Specialist), at (626) 335-9092 or Kelly.schmoker@wildlife.ca.gov.

Sincerely,

FOR Erinn Wilson
Environmental Program Manager I

ec: CDFW
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Joseph Stanovich – Los Alamitos
Dolores Duarte – San Diego

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References:

California Department of Fish and Wildlife, 2018. Updated Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. Accessed at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959.

California Department of Fish and Wildlife [CDFW]. March 7, 2012. Staff Report on Burrowing Owl Mitigation (see https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843).

Holland, R.F. 1986. Preliminary Descriptions of the Terrestrial Natural Communities of California. Nongame-Heritage Program, California Department of Fish and Game. October 1986.

Oberbauer, T., M. Kelly, and J. Buegge. 2008. Draft Vegetation Communities of San Diego County. March 2008. http://www.sdcanyonlands.org/pdfs/veg_comm_sdcounty_2008_doc.pdf

Sawyer, J.O., Keeler Wolf, T., and Evens J.M. 2008. A manual of California Vegetation, 2nd ed. ISBN 978 0 943460 49 9.