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November 4, 2014

Via E-Mail:

Lisa Orsaba, California Public Utilities Commission
Will Metz, United States Forest Supervisor
Cleveland National Forest, c/o Dudek
605 Third Street, Encinitas, California 92024
E-Mail: cnfmsup@dudek.com

Re: SDG&E Master Permit–DEIR/DEIS Comments

Dear Lisa Orsaba and Will Metz:

The Cleveland National Forest Foundation is a nonprofit group dedicated to preserving the plants, animals and other natural resources of Southern California mountains by protecting the land and water they need to survive. The purpose of this letter is to inform the California Public Utilities Commission, United States Department of the Agriculture, Forest Service, Cleveland National Forest that its Draft EIR for the Master Special Use Permit and Permit to Construct Power Line Replacement Projects (“Project”) fails to comply with the California Environmental Quality Act (“CEQA”), Public Resources Code § 21000 et seq., and the CEQA Guidelines, California Code of Regulations, title 14, § 15000 et seq. (“Guidelines”). For the reasons set forth below, we request that the lead agencies delay further consideration of the Project until such time as a legally adequate EIR is prepared that fully complies with CEQA.

I. Introduction

CNFF fully supports renewable energy as a means to combat global warming. CNFF would like to see SDG&E meet—and exceed—the state’s Renewable Portfolio Standard (“RPS”), which establishes a 33% renewable energy target by 2020. Unfortunately, the Project completely fails to push the needle forward on either goal.

Instead, the Project supplements the transmission of the region’s existing energy supply with a “fourfold increase in the conductor’s ability to move energy” (DEIR at G-3) without proposing any commensurate reductions in non-renewable sources, i.e. “dirty energy.” As a result, the EIR presents no evidence that the Project will make any headway towards achieving the 33% RPS target.

The EIR also violates CEQA: it obfuscates the scope of the Project, ignores its growth inducing impacts, and fails to support its conclusion that the Project will have no significant impact on climate change. Let’s be frank: By



adding energy transmission capacity this Project will remove an obstacle to enable sprawl development both in and around the forest.

II. The Project Description Omits and Obscures Critical Information.

An EIR must include a clear and comprehensive description of the proposed project, which is critical to meaningful public review. *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193. The court in *Inyo* explained why a thorough project description is necessary:

“A curtailed or distorted project description may stultify objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal’s benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the “no project” alternative) and weigh other alternatives in the balance.” d. at 192-93. Thus, “[a]n accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR.” *Santiago County Water District v. County of Orange* (1981) 118 Cal.App.3d 818, 830.

The EIR fails to satisfy CEQA’s rigorous standard. First, the EIR states that “The proposed project is needed because the existing authorizations within the CNF are expired, and the existing power lines are needed to supply power to local communities, residences, and government-owned facilities located within and adjacent to the CNF” DEIR at ES-1. Nowhere, however, do we find a quantification of the power needs of existing communities or a description of both the communities and the environmental setting of the National Forest in which those communities are found. For example the EIR states that there will be a fourfold increase in capacity of the transmission lines, but without a definition of the current users served and their energy needs we have no explanation of what purpose this fourfold increase will serve. DEIR at G-3. Who will purchase the power? For what purpose? At what cost? The EIR’s revised project description should describe these and other fundamental terms.

Second, the EIR obliquely refers to the National Forest Setting but provides no overall description of the geographic and habitat uniqueness of the mountain area known as the Cleveland National Forest. Unique in all of Southern California, the geographic landforms in the San Diego County Mountains have created a series of valleys with large meadows, including the Doane, French, Mendenhall, Dyche, and Will Valleys on Palomar, the upland grasslands on Volcan Mountain, the area around Cuyamaca lake, Corte Madera meadow, south of Pine Valley, Laguna Meadow and Will Valley on Mount Laguna. All of these facts have produced a great diversity of habitats and species in the central portion of the Peninsular Range Province.

Located within the central area of the Peninsular Range Ecosystem, the habitat value of the Cleveland National Forest is illustrated in this recent settlement agreement with the Center for Biological Diversity to establish new



Wilderness areas. “We had a monumental moment last week that will have major implications on how we manage certain areas of the Cleveland National Forest,” said Cleveland Forest Supervisor Will Metz. “The Forest now has new areas managed as wilderness, which is the highest level of protection that the Forest Service can provide and especially important in this highly developed Region”¹ These brief descriptions about the value of the forest make evident that in the age of climate change and historic drought the overarching purpose of any infrastructure project within the Cleveland Forest is to serve the needs and purpose of the forest and not vice versa. Nowhere do we find in the EIR how the project serves the forest.

III. The Draft EIR Fails to Adequately Analyze Growth Inducing Impacts.

An EIR must discuss the “Growth-Inducing Impact of the Proposed Project.” Guidelines § 15126(d). To meet this requirement, the EIR must “[d]iscuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment” Guidelines § 15126.2(d). Of particular relevance, the Guidelines note that a project can induce growth by “remov[ing] obstacles to population growth,” such as by expanding a waste water treatment plant to allow more construction within its service area. *Id.*

The EIR claims that the Project will not be growth-inducing stating “the increased capacity provided by SDG&E’s proposed project power line replacement projects would remove an obstacle to growth of new local renewable generation projects, and would therefore be considered growth-inducing under CEQA. It would be speculative, however, to draw any conclusion regarding specific growth that might occur since the proposed project, including alternatives considered, would not in and of themselves allow interconnections of new renewable generation projects.” DEIR at G-4. The EIR’s conclusion is unsupported and nonsensical. The fourfold increase in capacity will not only facilitate the delivery of energy from the 19 local renewable generation projects but will obviously, when delivered, remove a restriction to population growth by providing energy for new development. Is it credible to suggest that 19 new power generation projects are being constructed without the ability to transmit their energy? And is it credible to suggest that a fourfold increase in energy capacity and supply would not foster new growth?

Growth in San Diego’s backcountry cannot occur without energy to fuel, light, warm and cool new homes. For example, the proposed 1,746-unit Accretive/Lilac Hills project and the 430-unit Castlerock project will be served by energy from the grid—not from individual generators. Similarly, the County is considering an amendment to the County General Plan that would dramatically “upzone” certain private inholdings in the Cleveland National Forest. Namely, the Forest Conservation Initiative amendment would redesignate land to accommodate an additional 2,893 dwelling units in Alpine (Staff Recommendation), many of which would be served by energy from the grid.

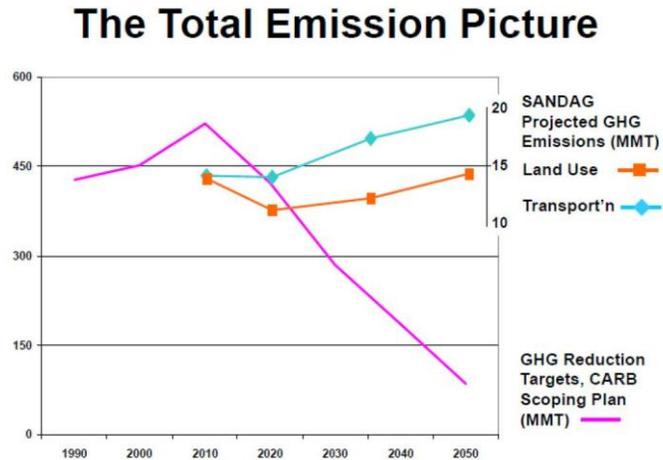
According to the EIR for the County’s General Plan Update, SDG&E’s goal is to reduce peak energy demand by a total of 268 MW. GPU DEIR at 2.16-28. In contrast, “the proposed power line replacement projects would increase capacity to move electricity, thereby removing a possible obstacle to growth of

¹ <http://www.fs.usda.gov/detailfull/cleveland/home/?cid=stelprd3821693&width=full>



new local renewable generation projects” (DEIR at G-3), without commensurately removing an existing non-renewable source. How is that movement in the opposite direction of SDG&E’s stated goal not growth inducing? Furthermore, the County is making no progress towards achieving the state-imposed 33% RPS, or the County’s Greenhouse Gas (“GHG”) reductions assumed in the County’s Climate Action Plan.

Other regional agencies, such as SANDAG, have analyzed the growth inducing impacts of providing transportation facilities. According to SANDAG, San Diego region’s land use pattern and resulting vehicle miles traveled (“VMT”) will result in a long term GHG emission picture as follows:



If SANDAG can determine the GHG impacts of regional patterns of growth, what is preventing the lead agencies from doing the same thing? The EIR should analyze the role that energy availability plays in these same growth patterns, and the resulting impacts.

Please include this corrected analysis of growth inducing impacts in the revised and recirculated draft.

IV. The Draft EIR Fails to Adequately Analyze and Mitigate Climate Change Impacts.

The DEIR fails to analyze how the project is consistent with San Diego County’s Climate Action Plan, which assumes SDG&E will fully comply with the state’s 33% RPS, and that such compliance will result in a reduction of 200,605 MT CO₂(eq). The Revised DEIR should include this analysis. Insofar as the project analysis is based on the County’s former Climate Action Plan that was declared inadequate by Appellate Court decision D064243, the revised DEIR should conform to the new standard. The growth inducing impacts of increased energy capacity and new energy generation will also generate GHG emissions that must be analyzed in the DEIR.

V. The DEIR Must Include a Distributed Generation Alternative.

The Project proposes a massive upgrade in the capacity of energy transmission lines throughout the forest. It would result in significant



environmental impacts related to visual resources, hydrology and water quality and land use and planning. The Project will violate the Wilderness Act by including replacement and motorized use in the congressionally designated Hauser Wilderness. The lead agencies must not approve such a project when feasible alternatives—such as rooftop solar and microgrid—exist.

CEQA requires every EIR to analyze a reasonable range of project alternatives. *See* § 21100(b)(4); Guidelines § 15126.6(a). The alternatives analysis lies at “[t]he core of an EIR” because it informs the decisionmakers and the public about ways of accomplishing some or all of the proposed project’s objectives with fewer environmental impacts. *Citizens of Goleta Valley v. County of Santa Barbara*, 52 Cal.3d 553, 564 (1990); Guidelines § 15126.6(b). To be considered “reasonable,” the range of alternatives analyzed in an EIR must provide enough variation from the proposed project “to allow informed decisionmaking.” *Mann v. Community Redevelopment Agency*, 233 Cal.App.3d 1143, 1151 (1991). The project alternatives must also avoid or substantially lessen the project’s significant environmental impacts while attaining most of the project’s basic objectives. *See* § 21100(b)(4); Guidelines § 15126.6(a) & (b). Finally, the lead agency must publicly disclose its reasoning for selecting the alternatives included in an EIR.

To achieve an adequate range of alternatives to the proposed Project, the lead agencies must evaluate a “distributed generation” alternative. Distributed generation (“DG”) is a method of generating electricity from multiple small energy sources very near to where the electricity is actually used. The microgrid system, for example, would be perfectly suited to the forest area whose sparse populations are concentrated in small country towns. In addition another alternative is DG, or rooftop solar. DG can accomplish the same goals as utility-scale solar projects—i.e., the development of large quantities of renewable energy—but with substantially reduced environmental impacts as it does not require developing undeveloped land. Thus, the revised EIR must analyze the feasibility of a DG or microgrid alternative. Additionally the localized energy alternatives would obviate the fire danger inherent in transmission lines.

Clearly the \$450 million project cost could cover an alternate DG or microgrid system to serve the existing users as stated in the project need.

VII. Conclusion

For the foregoing reasons, CNFF urges the lead agencies to delay further consideration of the Project unless and until it prepares and recirculates a revised draft EIR that fully complies with CEQA.

Sincerely,



Duncan McFetridge
Executive Director
Cleveland National Forest Foundation

