

CALIFORNIA ENERGY COMMISSION1516 NINTH STREET
SACRAMENTO, CA 95814-5512

September 13, 2002

Mr. Jonathan Brindle
City of Escondido
Planning Department
201 N. Broadway
Escondido, CA 92025

Dear Mr. Brindle:

**RE: Draft EIR Review for the Escondido Research and Technology Center-
SCH #2001121065**

Energy Commission staff have reviewed the Draft Environmental Impact Report (DEIR) for the Escondido Research and Technology Center (ERTC) released on July 26, 2002. Based on our review we offer the attached comments.

We recognize the difficulty in coordinating the review of the overall ERTC project along with the Energy Commission's review of the Palomar Energy Project. Our comments are premised on our understanding of the City's need to analyze the likely environmental impacts of the proposed power plant. In doing so, the City should determine if those impacts can be fully or partially mitigated, yet the authority to condition the construction of the power plant rests with the Energy Commission. In some cases, it appears to us that the DEIR has not accounted for usual and expected conditions of approval that would mitigate the power plant's impacts. We have attempted to call out those instances in our comments.

Thank you for the opportunity to review this draft. If you have any questions or concerns regarding our comments, I would be happy to set up a conference call for our respective project staff team members to discuss their comments.

Sincerely,

ORIGINAL SIGNED BY

BOB ELLER
Project Manager
Systems Assessment and
Facilities Siting Division

Enclosure

**ENERGY COMMISSION STAFF COMMENTS ON THE
ESCONDIDO RESEARCH AND TECHNOLOGY CENTER
DRAFT EIR**

PROJECT DESCRIPTION

The Energy Commission should be added to the list of other agencies taking discretionary action listed in Section 1.5.1.

ALTERNATIVES

Section 3.1.2 discusses the No Project/Existing Entitlement (Adopted Quail Hills Specific Plan) alternative. The analysis, especially the justification for rejection of this alternative, presumes that a power plant would not be allowed under the existing entitlement.

The existing Quail Hills Specific Plan is described as allowing industrial and commercial uses similar to the proposed Specific Plan. It might be possible for the Energy Commission to approve a power plant under the Quail Hills plan. If so, the no project alternative would actually still meet the project objective of providing power.

This section should either explain why a power plant would clearly not be permitted (either as a conditional or permitted use or under a finding of consistency) under the existing plan or give some other reason for rejecting this alternative.

AESTHETICS

The DEIR aesthetics discussion needs to be revised to address the following basic elements required in an EIR, as specified in the CEQA Guidelines:

Project Description

The DEIR does not and needs to describe the visual characteristics of the planned facilities, such as their dimensions, color, shape, mass, and expected specific locations.

Environmental Setting

The DEIR does not and needs to describe the visual setting of the project, including the visual characteristics of the proposed site and the vicinity. Without such a baseline, readers of the DEIR do not have a valid basis with which to compare the proposed project to determine its visual impacts.

Environmental Impacts

The DEIR states only that the project will require substantial grading and that the site will be changed from predominantly rural to urban. This statement is vague

and lacks the detail needed to provide a sufficient basis for understanding the nature of the project's visual impacts or for evaluating the validity of the DEIR's conclusions regarding the significance of those impacts. The FEIR should be revised to address the specific visual impacts of the project.

Significance of Environmental Impacts

The DEIR concludes that the visual impacts of the project will not be significant. However, the only basis that the DEIR provides for this conclusion is the statement that the transformation of the site from predominantly rural to urban will be accomplished in an orderly manner. This statement describes the administrative process by which the site will be transformed, not the severity of the changes that will occur. The DEIR needs to be revised to provide an explicit explanation of how and why the project's visual impacts will not be significant.

AIR QUALITY

Much of the DEIR Section 2.3.3.2 discusses environmental impacts that are considered in the Energy Commission's Preliminary Staff Assessment, and will be addressed in the eventual Energy Commission decision on the Palomar Energy Project. Details on power plant commissioning steps, startup and shutdown emissions, cooling tower emissions, hourly emissions from the turbines, and annual potential emissions may not be resolved until the close of the Energy Commission's licensing process. Additionally, all aspects of the dispersion modeling analysis, including PSD compliance and impacts to Class I areas, will be addressed in the San Diego Air Pollution Control District's (SDAPCD) Determination of Compliance (DOC) and our staff assessment. Power plant emissions and modeling results may be re-quantified or modified in the DOC and staff assessment. It should be noted that, if the Energy Commission certifies the project, our Conditions of Certification should fully offset any expected air quality impacts of the proposed facility.

In lieu of the extensive narrative and figures of DEIR Section 2.3.3.2, the City should simply summarize the impacts that could be anticipated with the power plant, especially in the context of the Thresholds of Significance defined in DEIR Section 2.3.2.

The anticipated impacts from operation of the power plant are most succinctly presented in Tables 2.3-10 (operational emissions), 2.3-13 (potential to violate AAQS), and 2.3-17 (risks from toxics). With these tables, the City adequately demonstrates that the power plant will have potentially significant air quality impacts if left unmitigated. As stated previously, the City should acknowledge in the Final Environmental Impact Report (FEIR) that the Energy Commission strives to fully mitigate the air quality impacts of proposed projects during our regulatory review.

COMMENTS ON CONSTRUCTION PHASE IMPACTS

Section 2.3.3.1 – Grading operations require the movement of 3.1 million cubic yards. The FEIR should note the number of internal and external truck trips needed to haul the cut and fill. The distances of these trips should also be discussed. This information would be helpful in demonstrating that limiting the amount of simultaneous activity to avoid impacts would be infeasible, as mentioned on p. 2.3-36.

Table 2.3-4, Section 2.3.3.1 – This table does not clearly identify the impacts that could be anticipated to occur during construction of the power plant after the site has been prepared. Independent of site-preparation impacts, anticipated impacts from power plant construction should be briefly summarized.

COMMENTS ON CUMULATIVE IMPACTS

A discussion of cumulative air quality impacts related to the ERTC project was not provided. This discussion should include the impact of emission sources currently operating, and those proposed for operation, in the area.

COMMENTS ON PROPOSED MITIGATION MEASURES

Section 2.3.4 – Preparation of the power plant site would cause potentially significant impacts from construction emissions of PM₁₀, NO_x, and ROG. Energy Commission staff considers a wider range of mitigation measures to be feasible than those identified in the DEIR. For preparation of the power plant site, please incorporate the mitigation measures recommended by Energy Commission staff in the Preliminary Staff Assessment for the Palomar Energy Project.

Section 2.3.4 – The City concludes that mitigation of power plant emissions through the SDAPCD's offset requirements may not be sufficient to fully reduce the impacts to less than significant levels. The power plant offset discussions (pp. 2.3-37 and 2.3-38) should note that the Energy Commission typically requires a project to provide CEQA mitigation offsets beyond the offsets required by the local air district for LORS compliance. The Energy Commission typically requires CEQA related offsets for emissions from project construction, for example, that are not included in the SDAPCD's requirements.

Section 2.3.5 – The discussion on potential exceedance of the California PM₁₀ standard should be revised by deleting the statement that the predicted exceedances are infrequent and by adding that the Energy Commission staff have identified PM₁₀ exceedances as an issue that would require additional mitigation.

BIOLOGICAL RESOURCES

Setting

The ERTC DEIR (page 2.6-11 – drawn from October 2001 Biological Resources and Impact Assessment – Appendix F.1) mentions a 1999 observation (from a Dudek survey report) of a Coronado Skink (*Eumeces skiltonianus interparietalis*). This is both a Federal and California Species of Concern. Although having an extremely restricted range in the US, this skink is not uncommon within good quality native habitats including oak/riparian woodlands, sage scrub, and chaparral. It is not easily detected, however, except for brief periods following seasonal rains when it is often found under logs, wet cardboard, leaf litter, etc. We recommend that the FEIR provide more information on which Planning Areas within the ERTC this was observed along with a discussion of potential impacts to this species and possible mitigation measures. This species is NOT covered in the Escondido Subarea Plan, but if present will need to have potential impacts mitigated accordingly. We believe that the set-aside of coastal sage scrub habitat proposed for mitigation of impacts to the California gnatcatcher will also serve to mitigate impacts to the Coronado Skink.

The discussion of *Wildlife Movement Corridors* should be expanded to address the potential value of the site as a 'stepping-stone' corridor / linkage for California gnatcatchers and possibly other coastal sage scrub bird species. This issue has recently come up on other sites in the immediate Escondido vicinity (along I-15, at Jesmond Dene, etc.). If there is a more direct connection (particularly north-south) or a better stepping-stone linkage candidate area, this should be pointed out in the FEIR. Otherwise, the loss of this site might pose a significant reduction to an already compromised north-south link. Elsewhere in the Multiple Species Conservation Plan (MSCP), the City of Oceanside has had to make significant use of such a stepping-stone connection to link with preserved areas in Carlsbad. Presently, the draft EIR only states that the specific plan area (SPA) does not connect to core conservation areas; presumably this is based on the obvious lack of a contiguous connection. The rest of this section's discussion is of a general nature about corridors/connectivity and not particularly informative about this specific property. Furthermore, referring to the habitat as "fragmented and degraded," while true from a botanical perspective, downplays the site's value as evidenced by the presence of four or more gnatcatcher territories. This appears to represent one of the largest concentrations within the City of Escondido, and should be evaluated as such in combination with any potential stepping-stone considerations. Stepping stone preserves are of much greater value if they are of sufficient size to support one or more pairs of breeding gnatcatchers.

The former agriculture area at the north end of the SPA has been re-mapped as non-native grassland. This is appropriate and is well supported by observations during a site visit on May 21, 2002. In addition, past vegetation mapping utilized a somewhat extreme micro-mapping of sage scrub. Interspaces within broader

patches of sage scrub were delineated as either disturbed or ruderal areas. In a past site visit, many of these interspaces were noted to contain small seedling shrubs indicative of sage scrub habitat; these would not have been discernable using an aerial photograph for mapping and would have required considerable ground-truthing to verify an absence of seedlings in all the interspaces. The biology section of the DEIR indicates a 3.5 acre decrease in sage scrub acreage from the 57.1 acres contained in the Dudek 1998 report. The DEIR states that this reduction may be due to "refined mapping procedure[s]." Staff wonders whether the vegetation acreage is being slightly underestimated. Also, since these interspaces are so closely associated with the sage scrub, and particularly if they are supporting pioneering sage scrub species, which presumably would mature if subsequent disturbance was eliminated, these areas may be more appropriately called out as sage scrub.

IMPACTS & MITIGATION

California gnatcatcher – Mitigation is indicated at a 2:1 replacement ratio for coastal sage scrub habitat lost in Planning Area 1 (resulting in 13.8 acres for mitigation), as per Escondido Subarea Plan guidance. The DEIR recommends acquisition of these lands "...*within the Subarea Plan Focused Planning Areas (FPAs) or in occupied gnatcatcher habitat that has been identified by the MHCP within the unincorporated San Diego County core area, or in other areas approved by the City, State, and Federal jurisdictional agencies.*" We recommend that all 13.8 acres of mitigation land be acquired as a single block in an area that currently supports nesting gnatcatchers, as conservation of an equal number of gnatcatchers (6 pairs) is also a required mitigation condition. The FEIR should include discussion of specific locations proposed as mitigation and should include a condition that the applicant will coordinate with the Wildlife Agencies and the City of Escondido on the selection of mitigation sites. Final selection must be approved by both the Wildlife Agencies and the City.

Western spadefoot toad – Mitigation for loss of this species' habitat in the Project Area is vague in the DEIR (page 2.6-34). The DEIR states that "*Western spadefoot toad impacts and seasonal basin areas would be mitigated through creation, or restoration, of an equivalent acreage of habitat that supports seasonal ponds in preserve lands within the MHCP FPAs.*" Mitigation standards (Table 5-2) of the Escondido Subarea Plan indicate a recommended wetland replacement ratio of between 1:1 and 3:1 to achieve the no net loss goal. Though the DEIR states that the three small disturbed artificial pools in the northern portion of Planning Area 1 that support spadefoot toads are isolated waters, not subject to federal regulatory purview, loss of this species' habitat is under the jurisdiction of the California Department of Fish and Game (CDFG). Consequently, the replacement ratio for the habitat lost in Planning Area 1 should be discussed with the CDFG and indicated in the FEIR. Impacts of proposed site development could be offset if this species was known to occur and breed on the selected mitigation site, therefore the applicant should mitigate at a site that is adjacent to a location that currently supports a toad population. We would not

recommend creating ponds in an area where toads are not already known to occur, or trying to translocate adult toads to a new pond. Restoration of an existing occupied pond could result in impacts to the resident toad population.

Noise Impacts – Some discussion of mitigation for the impacts of construction noise on sensitive species (e.g. nesting gnatcatchers) should be added to the FEIR (page 2.6-28).

CULTURAL RESOURCES

The site description provided in the archaeological report from EDAW concludes that sites S1 through S5 do not have a subsurface component, but indicates in the analysis that site S5 may have a subsurface component. If there is a subsurface component, the site should be formally evaluated. If the site were eligible for the California Register of Historic Resources, data recovery would be necessary as mitigation.

The cultural resources located at the project site were not considered significant, although they were not formally evaluated. Since the project plans would require demolition of these resources, the impact would be significant, if any of the sites were significant. Energy Commission staff believes that, at a minimum, site S5 should be formally evaluated.

Page 2.10-3 states that there has been substantial disturbance of the project site from past agricultural activity and that the integrity of any cultural resources has been compromised. It is possible that there are intact deposits below the level of agricultural disturbance.

Several Native Americans groups have expressed concern regarding previously recorded site CA-SDI-12,209/H. Staff agrees with the DEIR conclusion that the site is not likely to be directly impacted by the project. However, staff recommends that the City devise some sort of protection for the site. There may be impacts to the site from the increase of people in the area due to construction.

Since there were 20 previously recorded archaeological sites in the vicinity of the project site and linears and five sites identified within the ERTC footprint, mitigation measures are necessary. Energy Commission staff agrees with the DEIR that a cultural resources monitor should be onsite during all initial clearing and excavation activities. Staff recommends that the qualified archaeologist should meet Secretary of the Interior Standards for archaeology and any determinations of significance should be made by that archaeologist. Appropriate mitigation should be determined in consultation with the responsible agency. Staff recommends including a Native American monitor where there is a potential to encounter Native American artifacts.

Staff agrees with the DEIR that work in the vicinity of a find should halt until an assessment of the find can be made and any mitigation activities can be completed. The DEIR states that suspected or not readily identifiable cultural resources will be considered significant until a qualified archaeologist can make an assessment. It also states that If potentially significant cultural resources are detected and can not be avoided by construction, then impacts must be mitigated through data recovery or other means, in consultation with pertinent agencies and concerned parties. Staff cautions that it is only necessary to mitigate for significant impacts to significant cultural resources.

Cultural resources materials collected as a result of investigations or data recovery should be curated. At the conclusion of the project a cultural resources report regarding cultural resources activities (survey, investigation, monitoring, recording, data recovery) must be provided for review and approval by the responsible agency and after approval, should be submitted to the regional CHRIS by the project owner.

NOISE

BLASTING NOISE AND VIBRATION

The Palomar Energy Application for Certification indicates that blasting may be required to achieve the required grading plan for the ERTC site. The FEIR should discuss whether blasting will be required, the potential noise and vibration from blasting, criteria for acceptable exposures, and any required mitigation measures.

TRAFFIC NOISE

The analysis indicates that the project will result in an increase of 4.6 dBA in traffic noise along one roadway segment. (It is difficult to relate the text to Table 2.4-5, as the street/intersection references are different.) The “baseline” condition will result in a significant increase in traffic noise at Citracado Parkway (15.1 dBA), which will be worsened by the project. The FEIR should clarify the significance criterion as it applies at the affected roadway segment, and recommend appropriate actions. The current text avoids the issue of noise impacts due to the baseline condition, and fails to describe the potential impacts of a further degradation of what appears to be an excessive noise condition.

The project-related change in traffic noise levels in the Citracado Parkway area may or may not be significant, depending upon the locations of sensitive receivers, and whether the Circulation Element of the City of Escondido General Plan or other City policies will provide mitigation for “baseline” traffic noise conditions. If mitigation were to be required, suitable mechanisms would include acoustical requirements for future sensitive land use proposals, or measures such as barriers for existing affected sensitive receivers.

POWER PLANT NOISE

On page 2.4-16, the second sentence of the last paragraph is not clear. The data presented in Table 2.4-7 actually show that the noise from untreated gas and steam turbines contains objectionable high frequency components, in the range of about 2,000 Hz. These objectionable tones are the focus of the Energy Commission's standard requirements for acoustical treatments to ensure that the treated units produce broad-band noise, which is properly described as "pink" noise.

MITIGATION MEASURES

The FEIR should include recommended mitigation measures to ensure that noise and vibration from construction activities (including blasting) meet the local standards. The DEIR states that construction noise will constitute a significant impact, but no mitigation measures are proposed. CEQA requires that significant noise impacts be mitigated to the extent feasible. If it is not feasible to meet the City construction noise standards, the FEIR should follow CEQA protocol in defining a significant unavoidable impact and assessing the feasibility of noise mitigation. Finally, noise and vibration performance standards should be applied to the project to ensure that construction noise and vibration is mitigated to the extent feasible.

Similarly, the FEIR should consider mitigation measures for the projected increases in traffic noise along Citracado Parkway.

Energy Commission staff will recommend Conditions of Certification for the power plant that would require that noise levels due to the power plant construction and operation satisfy local ordinances, regulations, and standards, and that would ensure that there will be no significant noise impacts as assessed under CEQA. The measures required to achieve these standards may or may not include the measures proposed in the DEIR. The Energy Commission does not ordinarily prescribe specific power plant noise control measures, but instead adopts specific objective noise performance standards as Conditions of Certification for a project. Therefore, it is possible that the specific power plant operational noise mitigation measures, such as those proposed in the DEIR, will not be specifically required by the Energy Commission.

TRAFFIC AND TRANSPORTATION

GENERAL COMMENTS

The DEIR analyzes the effect that the ERTC will have on the area under maximum traffic conditions. The DEIR does not include a schedule for construction or occupancy of the proposed buildings in the different planning areas to be developed in the ERTC. Therefore, it is difficult to directly evaluate the traffic impacts associated with the construction and later the operation of the

PEP. If the majority of the building activity in the ERTC occurs after construction of the PEP is completed, the traffic impacts associated with the operation of the PEP facility would be insignificant.

SPECIFIC COMMENTS

- This PEP construction workforce and truck traffic will use what is referred to as a “rough graded” road on an extension of Citracado Parkway that will be constructed on the ERTC site off of Vineyard Avenue. The PEP workforce would enter and leave the using this rough graded road. It will eventually be completed as a paved extension of Citracado Parkway traversing the ERTC site from north to south. The FEIR needs to address the timing of this PEP road construction/grading activity in relation to overall traffic created by ERTC construction.
- The intersection of the rough graded Citracado Parkway with Vineyard Avenue could present a traffic level of service (LOS) and potential safety problem. The problem results from the addition of PEP construction workforce traffic to the existing significant levels of congestion at that intersection. The DEIR has proposed mitigation measures for this intersection that will maintain an acceptable level of service for traffic once the ERTC is built out and occupied. The concern for traffic is that the impact of PEP construction traffic will occur before the mitigation measures recommended in the DEIR are implemented. Therefore, the Energy Commission’s Preliminary Staff Assessment (PSA) on the PEP has recommended that the project owner be required to implement condition of certification **TRANS-5** during construction to maintain an acceptable level of service and traffic safety at this intersection.
- The DEIR indicates that parts of State Route 78 (SR-78) and Interstate 15 (I-15) are operating at, or will operate at a LOS of F after build-out of the ERTC and PEP facilities. The impact of the PEP facility on these roadways is difficult to determine. This is because the major traffic impact of PEP will be associated with construction, which would be of relatively short duration. Furthermore, the impact of PEP construction on the LOS on SR-78 and I-15 is dependent on the direction of traffic flow during the peak hours, and the distribution of PEP workforce travel routes.

For SR-78 the traffic congestion problems are focused on westbound morning traffic with an LOS of E or F, and eastbound traffic in the evening with an LOS of E. If PEP construction traffic were to travel in the opposite direction, the LOS is D or better. I-15 has the same type of traffic flow. The LOS for southbound traffic is F in the morning, but B or better for northbound morning

traffic. In the evening I-15 traffic traveling northbound experiences LOS of F, while the LOS for southbound traffic is D or better¹.

The DEIR indicates that ERTC construction and full occupation will have a significant traffic impact on SR-78 and I-15, which as noted above currently have severe peak hour congestion in some directions. Please discuss the City's traffic mitigation plans and any implications for the PEP.

- Please address the potential traffic impacts and expected construction schedule for the recently proposed commuter rail service at the Nordahl/Citracado intersection, and any implications for the ERTC.

WASTE MANAGEMENT

The DEIR discusses non-hazardous solid waste from facility operation only and finds no significant impacts. The FEIR should also discuss the handling and disposal of non-hazardous wastes generated during construction or of hazardous wastes generated during either construction or operation.

WATER RESOURCES

Page 2.8-7, first line: change 15.0 million gallons per day to 17.5 million gallons per day, as stated on Pg.5.4-8 of the Application for Certification (AFC) for the PEP and confirmed per phone conversation with John Hoagland, Utilities Manager, City of Escondido.

Page 2.8-7, first paragraph, 6th sentence: change "July 2002" to "by the end of 2002." Confirmed per phone conversation with John Hoagland, Utilities Manager, City of Escondido.

Page 2.8-9, the first sentence of the last paragraph states that 1,300 gpd of potable water will be consumed by the project. The AFC, on page 2-30, states that 1,400 gpd of potable water will be consumed. The term "per acre" after "gallons per day" in first sentence, last paragraph of this section should be deleted.

¹ I-15 south of 9th Avenue is forecast to decline to a LOS E in the year 2020.