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Mr. William Metz, Forest Supervisor
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Attn: Bob Hawkins (rhawkins@fs.fed.us)

Re: Comments of The Protect Our Communities Foundation, Backcountry
Against Dumps and East County Community Action Coalition on
Environmental Assessment for the San Diego Gas and Electric Master
Special Use Permit

Dear Mr. Metz and Mr. Hawkins:

Our office represents The Protect Our Communities Foundation, Backcountry Against Dumps and East County Community Action Coalition. Thank you for the opportunity to comment on the Environmental Assessment (EA) for the San Diego Gas and Electric Master Special Use Permit for power lines on the Cleveland National Forest (SDG&E master permit).

We respectfully object to this EA and the proposed SDG&E master permit, for three primary reasons. First, the proposed action and alternatives do not appear consistent with the Cleveland National Forest Land Management Plan and Federal Land Policy and Management Act. Second, the Forest Service has not provided sufficient information to support a decision not to prepare an EIS. To the contrary, it is apparent that a full environmental impact statement is required to analyze and consider the many potentially significant impacts to people and nature that might result from the SDG&E master permit. Third, the Forest Service has not complied with the Endangered Species Act.

The three organizations we represent are vitally concerned about proper management of San Diego County's fragile backcountry environment. The Protect Our Communities Foundation is a non-profit organization dedicated to the promotion of a safe, reliable, economical, renewable and environmentally responsible energy future for San Diego County. Backcountry Against Dumps is a community organization comprising many individuals and families residing in East San Diego County who are directly affected by the Forest Service's land use and resource planning and management of the Cleveland National Forest, and are vitally interested in maintaining and enhancing its ecological

integrity, scenic beauty, wildlife, recreational amenities, watershed values and groundwater resources. The East County Community Action Coalition is a newly formed coalition of community groups, individuals and organizations in East San Diego County. Its mission is to protect and enhance the quality of life for residents of East County by promoting coordinated community action, including commenting on proposed land use decisions by land managing agencies such as the Forest Service. We hope you will carefully consider our following comments.

I. The SDG&E Master Permit is Inconsistent with the Cleveland National Forest Land Management Plan and the Federal Land Policy and Management Act

There are many reasons why the proposed action and alternatives described in the SDG&E master permit EA are inconsistent with the Cleveland National Forest Land Management Plan and Federal Land Policy and Management Act. Incompatible uses such as power lines and associated access roads would be authorized inside the "Back Country Non-motorized" land use zone, and ugly and invasive industrial power lines would be authorized in areas with "High" and "Very High" scenic integrity objectives. The following are examples of additional inconsistencies with just those provisions of the land management plan and Federal Land Policy and Management Act cited in the EA (emphasis added):

Lands 2 - Non-Recreation Special Use Authorizations (LMP Part 2, Cleveland Strategy, Page 112)

Administer existing special-use authorizations in threatened, endangered, proposed and candidate species habitats to ensure they *avoid or minimize impacts to threatened, endangered, proposed and candidate species and their habitats, cultural and scenic resources, and open space values.*

Require special-use authorizations to maximize opportunities to co-locate facilities and *minimize the encumbrance of National Forest System land.*

The Federal Land Policy and Management Act (FLPMA) grants the Secretary of Agriculture authority to issue rights-of-way for the:

transmission, and distribution of electric energy [43 U.S.C. § 1761(a)(4)]

provided:

Each right-of-way shall contain--

(a) terms and conditions which will ... (ii) *minimize damage to scenic and esthetic values and fish and wildlife habitat and otherwise protect the environment.* [43 U.S.C. § 1765(a)(ii).]

The Forest Service's proposed action for the SDG&E master permit would substantially degrade the status quo as it relates to the risk of power line-related wildfire ignitions on the Cleveland National Forest. According to the description of the proposed action under the fire section of the EA:

the fire frequency related to power lines would be much the same as the past

But the Forest Service goes on to reveal that the number of fires attributable to the proposed action would average:

approximately *8 fires per decade*. Predicting the size of the fires is difficult given the skewed size distribution of the fire data, but it would be likely that there would be one large (>5,000 acre) fire within the 20 year permit period.

(See EA page 10, emphasis added.)

Perpetuating – if not substantially *exacerbating* – the existing high risk of power line-related fire over the period of the special use permit cannot by any stretch of the imagination be considered to “avoid or minimize impacts to threatened, endangered, proposed and candidate species and their habitats, cultural and scenic resources, and open space values” as required by the land management plan, or to “minimize damage to scenic and esthetic values and fish and wildlife habitat and otherwise protect the environment” as required by the Federal Land Policy and Management Act. And by failing to consider (1) reducing the number and extent of power lines occupying the forest as part of an action alternative and (2) undergrounding more than the tiny percentage of power lines described in alternative 4, the Forest Service has not “minimize[d] the encumbrance of National Forest System land” as required by the land management plan.

II. The Forest Service Has Not Provided Sufficient Information to Support a Decision Not to Prepare an EIS

As documented throughout this letter, the EA fails to provide information sufficient to support a decision not to prepare an EIS for the SDG&E master permit. Therefore an EIS is required. Additionally, the EA fails to offer any information on the Forest Service's intentions with respect to preparation of an EIS. This omission significantly impairs the public's ability to provide meaningful comments on the agency's required environmental analysis and compliance with NEPA.

The very purpose of an EA is “to determine whether to prepare an environmental impact statement.” *See* 40 C.F.R. §§ 1501.4, 1508.9. An EA is thus meant to lead to either a more detailed EIS, if the EA determines that there may be significant impacts, or a “finding of no significant impact.” *Id.* If the agency decides, based on the EA, not to prepare an EIS, it must “supply a convincing statement of reasons why potential effects are insignificant.” *Save the Yaak Committee v. Block*, 840 F.2d 714, 717 (9th Cir. 1988). The EA fails to do so.

Contrary to this NEPA mandate, the SDG&E master permit EA provides no indication about whether the Forest Service intends to prepare an EIS or a “finding of no significant impact.” This omission in turn forces the public to provide extensive information in support of preparation of an EIS, describing how the proposed action will in fact result in significant impacts to the environment. Such information would be unnecessary in the event the agency has already decided to acknowledge the obvious conclusion that an EIS is required for this action. Ultimately, resources expended by the public in arguing for preparation of any EIS would be better spent in assisting the Forest Service in identifying the details of environmental impacts in the EIS itself.

In sum, the Forest Service violated NEPA by failing to disclose whether or not an EIS will be prepared for the SDG&E master permit. Its failure to provide such fundamental information concerning the anticipated level of environmental review as part of the EA greatly reduces the effectiveness of the EA and does a disservice to the interested public.

III. Preparation of an Environmental Impact Statement is Required

NEPA’s fundamental purposes are to guarantee that: (1) agencies take a hard look at the environmental consequences of their actions before these actions occur; and (2) agencies make the relevant information available to the public so that it may also play a role in both the decision-making process and the implementation of that decision. *See, e.g.*, 40 C.F.R. § 1500.1. To assure transparency and thoroughness, agencies also must, “to the fullest extent possible . . . [e]ncourage and facilitate public involvement” in decision-making. 40 C.F.R. §1500.2(d). The public must be given adequate information about the project, alternatives, and their environmental effects, to be able to provide input prior to issuance of a decision.

The purpose of an EA is to assist the action agency in determining whether the project *may* significantly affect the environment and therefore require a full EIS. 42 U.S.C. § 4332(2)(C); 40 C.F.R. §1508.9. NEPA requires federal agencies to prepare an EIS for all “major federal actions significantly affecting the quality of the human environment.” 42 U.S.C. § 4332(2)(C); *see also* 40 C.F.R. § 1501.4. A full EIS is required if “substantial questions are raised as to whether a project . . . *may* cause significant degradation of some human environmental factor.” *Idaho Sporting Congress v. Thomas*, 137 F.3d 1146, 1149-50 (9th Cir. 1998), *emphasis added*. To trigger this

requirement, the plaintiff “need not show that significant effects *will* in fact occur;” rather, “raising substantial questions whether a project *may* have a significant environmental effect is sufficient.” *Id.* (emphases in original).

Whether an action may have “significant” impacts on the environment is determined through consideration of the “context” and “intensity” of the action. 40 C.F.R. § 1508.27. “Context” means that the significance of the project “must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality.” *Id.* § 1508.27(a). Intensity of the action is determined by considering the following ten factors:

- (1) impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial;
- (2) the degree to which the proposed action affects public health or safety;
- (3) unique characteristics of the geographic area such as proximity to ecologically critical areas;
- (4) the degree to which the effects on the quality of the human environment are likely to be highly controversial;
- (5) the degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks;
- (6) the degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration;
- (7) whether the action is related to other actions with individually insignificant but cumulatively significant impacts;
- (8) the degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources;
- (9) the degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the federal Endangered Species Act (“ESA”);
- (10) whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

40 C.F.R. § 1508.27(b)(1)-(10) (emphasis added).

In the case of the SDG&E master permit, at least eight of these significance factors clearly indicate that the Forest Service must prepare a full EIS:

- impacts that may be both beneficial and adverse;
- the degree to which the proposed action affects public health or safety;
- unique characteristics of the geographic area such as proximity to ecologically critical areas;
- the degree to which the effects on the quality of the human environment are likely to be highly controversial;
- the degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks;
- the degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration;
- the degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources;
- the degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the federal Endangered Species Act (“ESA”);

See, e.g., National Parks & Conserv. Ass’n. v. Babbitt, 241 F.3d 722, 731 (9th Cir. 2001) (either of two significance factors considered by the court “may be sufficient to require preparation of an EIS in appropriate circumstances”); *Anderson v. Evans*, 350 F.3d 815, 835 (9th Cir. 2003) (presence of one or more factors can necessitate preparation of a full EIS).

- a. The proposed action would result in impacts that may be both beneficial and adverse.

The EA describes several actions that would result in both beneficial and adverse impacts. For example, vegetation management activities such as “Removal of trees and brush from Authorized Area and Hazard Tree zone” (Table 1, Appendix B – Operation

and Maintenance Plan) could be beneficial to the extent that these activities reduce the threat of accidental wildfire or they could be extremely adverse to the extent that they remove sensitive vegetation and wildlife habitat and/or expose sensitive soils to erosion. The description of alternative 3 in the EA also states that physical measures could be installed including steel poles, line spacers, and shorter line spans and that operational measures (presumably including de-powering lines during high winds as described elsewhere in the EA) could be implemented (EA at page 5). Again, these measures could be beneficial to the extent that the risk of accidental wildfire is reduced or they could be adverse to the extent that installation of new physical measures could significantly harm natural resources, impede fire fighting or impair the availability and reliability of local electrical service. The complexity of these and other impacts that could be both beneficial and adverse requires a thorough analysis in an EIS.

b. The proposed action would significantly harm public health and safety.

It should go without saying that wildfires ignited by power lines are a significant threat to public health and safety. According to the CalFire agency, three fires sparked by power lines in 2007 alone caused enormous harm:

The Witch, Guejito and Rice Fires were determined to be caused by power lines. The Witch Fire burned 197,990 acres, destroyed 1,650 structures, valued at over \$236 million, costing taxpayers \$18 million in suppression costs. There were two civilian fatalities, 40 firefighters injured. The Witch Fire burned together with the Guejito Fire. The Rice Fire burned 9,472 acres, destroyed 248 structures, valued at over \$30 million, costing taxpayers \$6.5 million in suppression costs. There were six firefighters injured.¹

Wildfires sparked by power lines are relatively common and are responsible for a significant portion of acreage burned in southern California wildfires. In October of 2007, 9 out of the 20 devastating wildfires that burned across southern California were ignited by power lines.² Prior to the October 2007 fires, 17% of all areas burned in San Diego County since 1960 were from fires that originated from power lines.³ A recent

¹ CalFire news release *October Fire Causes*, November 16, 2007 (available upon request)

² "Power Lines and Catastrophic Wildland Fire in Southern California" Presentation to the Fire & Materials 2009 Conference, San Francisco CA, Jan 26, 2009. Powerpoint presentation by Joseph W. Mitchell, Ph.D, M-bar Technologies and Consulting, LLC (attached or available at <http://www.mbartek.com/>)

³ Testimony of Joseph W. Mitchell, Ph.D on behalf of the Mussey Grade Road Alliance, pages 18-19, submitted May 31, 2007, Exhibit MG-1 in A.06-08-010 (attached or available at http://www.mbartek.com/cpucsp/cpuc_index.html). This testimony, prepared before the October 2007 fires, obviously does not take into account the additional acreage burned in those fires.

study shows that “power line fires tend to be larger than wildland fires from other sources.”⁴ The Forest Service acknowledges in the EA that 30% of all land burned on the Cleveland National Forest since 1970 was ignited by power line fires originating on National Forest land⁵ (EA at Table 2) and that “[p]owerline related vegetation fires . . . are responsible for a significant amount of the burned acreage [on Cleveland National Forest lands], and include some of the states largest historic fires”

Yet despite this clear connection between power lines and devastating wildfires, the Forest Service’s proposed action for the SDG&E master permit would essentially at best maintain, and more likely worsen, the unacceptably high existing risk of power line-related wildfire ignitions on the Cleveland National Forest.

Under the right conditions (notably conditions that are common during much of the year in San Diego and Orange counties on the Cleveland National Forest), any one power line-related wildfire ignition can become a catastrophic fire and significant menace to public health and safety. The Forest Service has admitted in the EA that power lines on the national forest could result in approximately 8 fires per decade and that one of these fires would likely become a fire in excess of 5,000 acres. This single paragraph in the EA alone demonstrates that an EIS must be prepared for the SDG&E master permit. Other alternatives described in the EA might somewhat reduce the threat of wildfire ignition. But to the obvious extent that the risk of power line-related wildfire cannot be eliminated, an EIS must be prepared to analyze, and to explore additional measures to reduce, this enormous risk.

- c. The effects of the proposed action on the quality of the human environment are highly controversial.

The Forest Service’s conclusion that the proposed action is not controversial ignores the obvious. According to the EA, “Based on the public response to scoping, there is no controversy over the effects of the proposed action or alternatives.” This is a *non sequitur*. The scoping notice – and its placement in an obscure notice in the classified ads of a single newspaper – failed to alert the public to the adverse effects of the project, such as its undeniable perpetration if not worsening of the already unacceptably high wildfire risk posed by existing – let alone additional – backcountry power lines. Furthermore, since scoping was conducted for the SDG&E master permit, additional

⁴ “Power Lines and Catastrophic Wildland Fire in Southern California” Presentation to the Fire & Materials 2009 Conference, San Francisco CA, Jan 26, 2009. Report by Joseph W. Mitchell, Ph.D, M-bar Technologies and Consulting, LLC (attached or available at <http://www.mbartek.com/>)

⁵ Based on the fact that SDG&E is the only operator of power lines on the Cleveland National Forest and that the master permit would authorize all SDG&E power lines on the National Forest, it would appear that 30% of all land burned on the Cleveland National Forest since 1970 was from fires ignited by SDG&E power lines that are the subject of – and would thus be authorized by – this SDG&E master permit.

documentation of the broad reach and controversial nature of this action and its effects has appeared, including the following:

- (1) several power line-related wildfires in October 2007 killed 2 people, injured numerous civilians and firefighters, and burned thousands of homes;
- (2) hundreds of people have joined in class action lawsuits with claims of millions of dollars against SDG&E, a matter of widespread public interest reported closely in major newspapers due to the controversy surrounding the effect of power lines on exacerbating fire risks;
- (3) the United States Department of Energy has designated the West-wide Energy Corridor through the Cleveland National Forest and adjacent lands managed by the Bureau of Land Management pursuant to section 368 of the National Energy Policy Act of 2005;
- (4) the California Public Utilities Commission has selected the “environmentally superior southern route” for the Sunrise Powerlink project through the Cleveland National Forest;
- (5) Debenham Energy, LLC has applied to the Cleveland National Forest for approval to construct MET towers near La Posta Truck Trail for potential industrial wind turbine installation;
- (6) the San Diego County Board of Supervisors has approved implementation of the County Vegetation Management Report which relates that the Forest Area Safety Task Force (“FAST”) has identified for fuels “treatment” in the next five years: 17,000 acres of Cleveland National Forest land, 1,300 acres of BLM land, 3,000 acres of NRCS land, 16,000 acres under Cal Fire control, 1,500 acres of Cal Park Land and between 30,000 and 40,000 acres under County management; and
- (7) the County Vegetation Management Report ranks the I-8 Laguna Fire Zone as Priority Area #2 for Expanded Community Area Fuels Reduction, and Southeastern San Diego County as Priority Area #3, both of which are directly impacted by the approved route for the Sunrise Powerlink Project along with the Cleveland National Forest Urban Interface projects in the San Vicente, Carveacre and Capitan Grande areas, cumulatively affecting over 150,000 acres within the I-8 and Southeast County FAST Project Areas.

Based on these far reaching developments and controversy over past power line related fires such as the 1970 Laguna Fire, there can be no legitimate claim that this issue – and thus this proposed action – is not highly controversial.

- d. The proposed action would impact unique characteristics of the geographic area such as ecologically critical areas.

An EIS is required for the SDG&E master permit because it poses numerous possible direct or indirect impacts – construction, operation, or maintenance activities, impacts to views, erosion from access roads, unauthorized vehicle use of access roads, and others – to unique and ecologically critical areas. The fact that power lines may already exist in some of these areas does not lessen this action's impacts in allowing additional power lines such as the Sunrise Powerlink or in removing and reconfiguring existing lines in sensitive areas.

Specific, affected unique and ecologically critical areas include but are not limited to: Arroyo toad habitat on the San Luis Rey and Sweetwater rivers and Cottonwood, Hauser, La Posta, and Potrero creeks; Bald eagle habitat at Lake Henshaw habitat on the San Luis Rey River and other habitat on the Sweetwater River and Cottonwood, Hauser, La Posta, and Potrero creeks; Least Bell's vireo habitat on the San Luis Rey River and Cottonwood, Hauser and La Posta creeks; Laguna Mountain skipper critical habitat; Viejas Mountain Research Natural Area; Hauser Wilderness; Pine Creek Wilderness; Barker Valley, Cutca Valley, Sill Hill and No Name inventoried roadless areas; King Creek Critical Biological Area, and; Cottonwood Creek eligible Wild and Scenic River. Many other unique and ecologically critical areas beyond the direct footprint of the power lines and related facilities both on and off the Cleveland National Forest would be affected by any large power line-related wildfire ignited on National Forest land.

- e. The effects of the proposed action on the human environment involve unique risks.

As discussed in section IIa. above, the Forest Service and others have acknowledged that (1) power line-related wildfires are responsible for a significant portion of the burned acreage on Cleveland National Forest lands, (2) they can trigger large fires, and (3) as documented in the recent history of power line wildfires, harm to the human environment from power line-related wildfires can be extreme. Based on these indisputable facts, an EIS is required to analyze power line-related wildfires as a unique and potent risk to the human environment.

- f. The proposed action may establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration.

The EA for the SDG&E master permit contains so little information that it is impossible for the public to determine the relationship between this action and related future actions. The pending Sunrise Powerlink transmission line project provides an example of the possibility – and indeed likelihood – that the SDG&E master permit may establish precedents or represent a decision about a future action.

The Cleveland National Forest has not yet decided whether to require additional NEPA review for the Sunrise Powerlink project for portions of that project crossing the forest, according to Forest Service staff. Yet the location of some segments of power lines addressed by the SDG&E master permit appear to correspond closely to the route of the powerlink according to maps in Appendix 2 of the EA. This in turn suggests that some existing facilities such as access roads or conditions of the SDG&E master permit might be utilized or otherwise applied to the powerlink project. This issue must be addressed in detail as part of an EIS for the SDG&E master permit.

- g. The proposed action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

The Forest Service acknowledges in the EA that the proposed action and alternatives may affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. But the agency fails to provide any analysis of whether the proposed action may *adversely* affect these resources, and is silent on whether or how the project may affect significant scientific, cultural, or historical resources. Based on the discussion in the EA and information presented elsewhere in these comments, it is clear that the proposed action is likely to adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places and may cause loss or destruction of significant scientific, cultural, or historical resources, especially in the event of a large power line-related wildfire.

- h. The proposed action may adversely affect endangered or threatened species or critical habitat.

The Forest Service's conclusion in the EA "that the proposed action may affect, but is not likely to adversely affect any listed species and will not adversely modify designated critical habitat" is deeply flawed and unsupported in the project record.

Much like the agency's unsupportable claim that there is no controversy around power line-related wildfire, the Forest Service could only dismiss potential impacts on listed species and their critical habitat by unreasonably limiting its analysis -- apparently to just the footprint of existing power lines and related facilities. In so doing the agency totally ignores its own conclusions elsewhere in the EA that (1) power line fires are relatively common, (2) have burned a significant portion of the Cleveland National Forest since 1970, (3) at least one power line-related wildfire is likely within the 20 year permit period, and therefore (4) power line-ignited wildfires can cause significant harm to imperiled species and habitat.

Wildfires caused by power lines or other sources cause significant harm to federally listed species, adversely modify critical habitat, contribute to a loss of viability and trend towards federal listing of Region 5 sensitive species, and contribute to a declining trend for management indicator species. For example, the power line-related 2007 Witch Fire reburned approximately 100,000 acres of sensitive chaparral and coastal sage scrub vegetation that had burned just 4 years earlier in the 2003 Cedar Fire. As discussed in greater detail in section III.i.1. below, this extremely short interval in fire return will contribute to type conversion of native vegetation to vegetation dominated by exotic weeds which in turn eliminates habitat for federally listed species such as the California gnatcatcher, San Diego thornmint, Region 5 sensitive species like the San Diego (coastal) cactus wren and San Diego horned lizard, and management indicator species like mountain lions, Engelmann oaks, and others. Wildfires also burn up riparian habitat and cause harmful siltation of aquatic habitat used by federally listed species like the arroyo toad, Least Bell's vireo, Southern steelhead trout, Southwestern willow flycatcher, Region 5 sensitive species like the arroyo chub, Western yellow-billed cuckoo, two-striped garter snake, and others. An EIS is required to analyze all direct and indirect effects of the proposed action on these and other imperiled species.

The Forest Service's conclusion in the EA that "the Fish and Wildlife Service concurred with the Forest Service finding that the proposed action may affect, but is not likely to adversely affect any listed species and will not adversely modify designated critical habitat in the project area" (EA at page 19) is not supported by documents in the project record. On August 8, 2008 the Center for Biological Diversity submitted a Freedom of Information Act request to the Forest Service requesting among other documents "copies of any Endangered Species Act documents addressing power line special use permits on the Cleveland National Forest" The Forest Service's response dated March 20, 2009 contains two letters from the U.S. Fish and Wildlife Service where the agency concurs with the Forest Service's "not likely to adversely affect" conclusions for just *two* species, the Laguna Mountain skipper and quino checkerspot butterfly – and no others. Unless documents were missing from the Forest Service's FOIA response, the record contains no evidence that the Fish and Wildlife Service has concurred with Forest Service conclusions for any other federally listed species or designated critical habitat. This shows that the Forest Service has failed to conduct adequate consultation with the Fish and Wildlife Service in violation of section 7 of the Endangered Species Act, 16 U.S.C. section 1536, and its implementing regulations in 50 C.F.R. Part 402.

- i. The project would result in other significant adverse impacts, including cumulatively significant impacts.

NEPA documents must include an analysis of all effects of the proposed action, including cumulative impacts from other related activities. 40 C.F.R. § 1508.8 (effects

include ecological, aesthetic, historical, cultural, economic, social or health impacts, whether direct, indirect, or cumulative). NEPA defines a “cumulative impact” as the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. 40 C.F.R. § 1508.7. If the combination of these cumulative effects would result in significant impacts to the human environment, the Forest Service must prepare a full EIS. *Inland Empire Public Lands Council v. Schultz*, 992 F.2d 977, 981 (9th Cir. 1993).

Power line-related wildfires pose an extraordinary risk to natural resources and people on and around the Cleveland National Forest. This risk is greatly compounded when considered alongside the cumulative harm caused by all other wildfire and prescribed fire on the Cleveland National Forest. Unnaturally frequent fire is radically changing the face of vegetative communities throughout the San Diego and Orange County foothills and mountains, resulting in significant harm to natural resources that has yet to be meaningfully reviewed in any systematic NEPA cumulative effects analysis.

Vegetation management activities that are part of the proposed action alongside other similar ongoing Forest Service activities are also causing significant harm to natural resources on the Cleveland National Forest. In just one example, thousands of large diameter “hazard” trees and snags have been removed over the last several years by the Forest Service and other agencies in a misguided campaign to reduce the risk of fire. Yet snags provide very important wildlife values, and additional hazard tree cutting as part of the SDG&E master permit as described in the EA (Appendix 3 – Operation and Maintenance Plan at page 3) will result in significant cumulative harm to large diameter tree and snag-dependent wildlife species that must be considered in an EIS.

1. *The project would likely significantly encourage the harmful spread of exotic invasive species and contribute to harmful losses of native shrubland vegetation to type conversion as well as erosion*

Activities proposed under the SDG&E master permit would likely cause significant harm to native ecological communities when power line-related wildfires encourage the spread of exotic invasive plant species into native vegetation.

The maintenance of power lines and roads can encourage exotic invasive species through soil disturbance and the introduction and spread of seed (*see, e.g., Backer et al. 2004; Harrod & Reichard 2002; Keeley 2006*).

The long-term ecological integrity of southern California shrubland ecosystems is seriously threatened by overly frequent fire, including prescribed fire. Unnaturally

frequent accidental wildfires are likely to remain a major problem in the future. Keeley (2006) succinctly presents the process of type-conversion (citing Zedler *et al.* 1983; Zschaechner 1985; D'Antonio & Vitousek 1992; Haidinger and Keeley 1993; Keeley 2001; Keeley 2002; Jacobson *et al.* 2004; Keeley *et al.* 2005; Cuddington & Hastings 2004):

Typically a repeat fire within the first postfire decade is sufficient to provide an initial foothold for aliens. With the first entry of alien annuals into these shrubland ecosystems, there is a potential shift from a crown-fire regime to a mixture of surface and crown fires, where highly combustible grass fuels carry fire between shrub patches that have not yet attained a closed canopy capable of carrying crown fire under most weather conditions. As fire frequency increases there is a threshold beyond which the native shrub cover cannot recover. Not only do alien grasses increase the probability of burning, but also the shift from crown fires to a mixture of surface and crown fires increases the probability of alien seed-bank survivorship because grass fuels generate lower temperatures. In these shrublands and in other ecosystems, alien grasses alter fire regimes in ways that enhance their own success, in what has been described as a "grass/fire cycle," "niche construction," or "invasive engineering."

In recent years ineffective fire prevention has allowed an unnaturally high number of wildfires on chaparral landscapes, which has resulted in conversion to alien dominated grasslands Such type conversions not only affect biodiversity, but replacing slopes dominated by natural shrublands with grasslands also makes these landscapes highly vulnerable to major changes in hydrological processes. For example, experimental type conversions performed for fire hazard reduction have resulted in soil slips and other major geomorphological changes.

2. *The proposed action would increase the risk and harm from fire to people and natural resources*

The cycle of overly frequent fire, invasion by highly flammable exotic grasses, and resulting increased fire frequency poses a highly significant threat to public safety, firefighters, property, and natural resources and warrant thorough consideration in an EIS. As discussed above, "alien grasses alter fire regimes in ways that enhance their own success" and "alien grasses increase the probability of burning." (Keeley 2006).

IV. Additional Alternatives and Mitigation Measures Should be Considered

Additional alternatives and mitigation measures suggested below should be considered in a draft EIS for the SDG&E master permit:

- Alternative 4 should be expanded to include a much greater distance of undergrounding over the duration of the permit or an additional alternative should be considered that would accomplish the same goal. No information is provided in the EA on the rationale for limiting the undergrounding described in alternative 4 to only 15 miles – just 16 percent of new power line mileage. Approximately 92 miles of power lines would be authorized under the SDG&E master permit according to EA Table 1. A revised alternative 4 or new alternative should therefore consider undergrounding *all* power lines on the forest using trenchless technology to minimize harm to surface natural resources with the exception of areas where undergrounding is not technologically feasible.
- An additional action alternative should be considered that would eliminate power lines to remote facilities or communities that could instead be provided electricity with an active solar electric system and/or backup generators with the cost of such facilities covered by SDG&E as a measure to reduce the risk of power line-related wildfires and other harm to forest resources and people.
- An additional measure should be considered in alternative 3 that would require SDG&E to provide grants to enable remote facilities and communities to provide their own active solar electrical systems and/or backup generators as backup systems in the event of depowering lines during high fire risk conditions.
- Alternative 3 – “Investigation of Permit-Related Fires” – An additional measure should be added barring any disturbance by SDG&E or contractors of the ignition site of any power line-related wildfires until otherwise authorized by the Forest Service, California Public Utilities Commission, and CalFire.

Thank you for your consideration of these comments. Please contact the undersigned, or our ecosystem management expert David Hogan (at 760-809-9244) with any questions.

Very truly yours,



Stephan C. Volker
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