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# County of San Diego

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October 25, 2010

Mr. Eric K. Solorio  
Project Manager  
Siting, Transmission and Environmental Protection (STEP) Division  
California Energy Commission  
1516 Ninth Street, MS-15  
Sacramento, CA 95814

Dear Mr. Solorio,

The County of San Diego (County) appreciates the opportunity to provide input regarding the proposed Pio Pico Energy Center (PPEC) located in the City of Chula Vista, specifically how the proposed project relates to approved management and concept plans that are implemented by the County. This information is intended to assist the California Energy Commission (CEC) in making a project conformance finding to §25527 of the Warren-Alquist Act<sup>1</sup>.

The proposed location for the PPEC is in the Otay River Valley between the southern end of Lower Otay Lake and the Otay River and is within the boundaries of the adopted Otay Valley Regional Park (OVRP) Concept Plan Area and the Otay Ranch Preserve. The OVRP is run cooperatively through a Joint Exercise of Powers Agreement (JEPA)<sup>2</sup> among the County and the cities of San Diego and Chula Vista. These public agencies work together to coordinate acquisition, planning, and design of the OVRP for the benefit of their citizens and the public. Per the OVRP JEPA, the eastern portion of the park, including the project site, is to be operated and maintained by the County as public lands designated for natural open space purposes. The Otay Ranch Preserve is run cooperatively through a

<sup>1</sup> § 25527 of the Act follows.

The following areas of the state shall not be approved as a site for a facility, unless the commission finds that such use is not inconsistent with the primary uses of such lands and that there will be no substantial adverse environmental effects and the approval of any public agency having ownership or control of such lands is obtained:

- (a) State, regional, county and city parks; wilderness, scenic or natural reserves; areas for wildlife protection, recreation, historic preservation; or natural preservation areas in existence on the effective date of this division.
- (b) Estuaries in an essentially natural and undeveloped state.

In considering applications for certification, the commission shall give the greatest consideration to the need for protecting areas of critical environmental concern, including, but not limited to, unique and irreplaceable scientific, scenic, and educational wildlife habitats; unique historical, archaeological, and cultural sites; lands of hazardous concern; and areas under consideration by the state or the United States for wilderness, or wildlife and game reserves.

<sup>2</sup> Joint Exercise of Powers Agreement among the County of San Diego and the Cities of Chula Vista and San Diego for the Otay Valley Regional Park. Dated July 5, 2006. <http://www.ovrp.org/pc-cac/documents/OVRP%20JEPA%20APPROVED%202006.pdf>

Joint Powers Agreement (JPA)<sup>3</sup> between the County and the City of Chula Vista (City). The County and the City have been designated as the Preserve Owner/Manager (POM) for the Otay Ranch Preserve. The POM is responsible for management of resources, restoration of habitat, and enforcement of open space restrictions for the preserve.

The PPEC is a power generation facility that consists of three General Electric LMS100 natural gas-fired combustion turbine generators measuring 100-foot tall. The project site and facilities would encompass 12.95 acres of permanent improvement (8.20-acre plant site, 1.45-acre substation, 3.30-acre buffer area) and would temporarily utilize 6.90 acres of laydown area. The project also has several linear components comprising 4,050 feet of generally combined gas and sewer lines, a 1,600-foot access road, and two approximately 1,500-foot transmission lines.

Both the project site and the laydown area are located within the adopted OVRP Concept Plan Area. The primary project site is owned by the City, and the proposed laydown area is within the Otay Lakes County Park that is owned by the County. The OVRP is intended to provide a mix of active and passive recreational activities; protect environmentally sensitive areas; protect cultural and scenic resources; and, encourage compatible agricultural uses. The project site is designated as Open Space/Core Preserve Area by the adopted OVRP Concept Plan and is intended to protect biologically sensitive habitat areas and provide a regional wildlife corridor from South San Diego Bay to Otay Lakes. The project laydown area is within an existing 78 acre recreation area, Otay Lakes County Park, within existing natural open space.

Siting a power plant in the proposed location appears to conflict with the adopted OVRP Concept Plan goals and the designation of this area as Open Space/Core Preserve Area. It may also conflict with the trails planned and shown in the OVRP Concept Plan. Through the commitment of the JEPAs public agencies and the dedicated members of its Citizens Advisory Committee, over 8 miles of trails have been constructed in the western portion of the OVRP of the 11 miles envisioned connecting the Pacific Ocean to Otay Lakes County Park. These trails will connect to trails planned for eastern OVRP and will eventually extend further eastward connecting to the California Riding and Hiking Trail – a regional trail identified in the County's Trail Program.

As stated above, the proposed project site location, with the exception of the laydown area, is also located within the Otay Ranch Preserve. The project site is being managed by the POM through funding generated from a Community Facility District (CFD 97-2) administered by the City and created to fund the perpetual operation, maintenance and monitoring of the Otay Ranch Preserve. The Resource Management Plan (RMP Phase I)<sup>4</sup> for the Otay Ranch Preserve was approved by the San Diego County Board of Supervisors and the Chula Vista City Council in October 1993 to establish a permanent preserve within Otay Ranch to protect and enhance biological, paleontological, cultural and scenic resources, maintain biological diversity, and promote the survival and recovery of native

<sup>3</sup> Joint Powers Agreement between the City of Chula Vista and the County of San Diego for the Planning, Operation and Maintenance of the Otay Ranch Open Space Preserve. Dated March 6, 1996.

<sup>4</sup> Otay Ranch Resource Management Plan. Adopted October 28, 1993. [http://www.co.san-diego.ca.us/reusable\\_components/images/parks/doc/OtayRanch\\_RMP.pdf](http://www.co.san-diego.ca.us/reusable_components/images/parks/doc/OtayRanch_RMP.pdf)

species and habitats. RMP Phase I, Policy 5.9 states "Preserve lands become the property of the Preserve Owner/Manager and are not available for development."

The site proposed for the PPEC was included within the Otay Ranch Preserve boundary because it was identified as an area of "Key Biological Resource Area/Potential Connections" linking key resource areas into a contiguous open space system. As described in RMP Phase I:

The northern slopes of the valley support maritime succulent scrub and coastal sage scrub inhabited by California gnatcatchers (*Polioptila californica californica*), cactus wrens (*Campylorhynchus brunneicapillus sandiegoensis*), and blue grosbeak (*Guiraca caerulea*). The northern slopes of the valley also support a variety of sensitive plants, including San Diego barrel cactus (*Ferocactus viridescens*), ashy spike-moss (*Selaginella cinerascens*), snake cholla (*Opuntia parryi* var. *serpentina*), San Diego sunflower (*Viguiera laciniata*), and Coulter's matilija poppy (*Romneya coulteri*). The scrub habitat of the valley provides a potential corridor for movement of cactus wrens and California gnatcatchers. (pgs 47-48)

The Baseline Biodiversity Survey for the Otay Ranch Preserve<sup>5</sup> dated May 2010 and Chapter 5.6 of the Application for Certification for the PPEC<sup>6</sup> dated June 2010 both confirm that these special-status wildlife and plants are still found within the project study area. Additionally, the study area is within the U.S. Fish and Wildlife designated critical habitat for the Quino checkerspot butterfly. Although the Baseline Biodiversity Survey does not document any Quino sightings within the study area, it does identify *Plantago erecta*, a Quino host plant. A Quino survey report is noted in the Application for Certification for the PPEC to be completed in summer of 2010. To date, the report is not available on the CEC website.

The proposed PPEC will impact the project site and the surrounding lands that have been designated as preserve lands. These preserve lands were carefully delineated to protect sensitive and significant biological, cultural, paleontological, floodplain, visual, and agricultural resources. The lands are also intended to be accessed and used by the public through a trail system with staging areas, viewpoints and overlooks and connections to recreation areas and adjacent public lands and trails. The proposed project will likely impact the resources that were meant to be protected in perpetuity and may impede the planned trail connections for this area. It is difficult to determine the extent of direct and indirect impacts until all technical surveys and reports for the project are completed. As reported by Apex Power Group, LLC, all surveys and reports along with a preliminary CEC staff assessment will be completed and available for public review by March 2011.

Proposals to address the significant impacts anticipated as a result of the proposed location would need to be mitigated. Conflicts with the adopted OVRP Concept Plan goals, the designation of the area as Open Space/Core Preserve Area, connections with

<sup>5</sup> Baseline Biodiversity Survey for the Otay Ranch Preserve. Prepared by Dudek for the County of San Diego. May 2010. [http://www.sdcounty.ca.gov/reusable\\_components/images/parks/doc/Otay\\_Ranch\\_Bio\\_Baseline-FINAL.pdf](http://www.sdcounty.ca.gov/reusable_components/images/parks/doc/Otay_Ranch_Bio_Baseline-FINAL.pdf)

<sup>6</sup> Application for Certification for the Pio Pico Energy Center. Submitted by Pio Pico Energy Center, LLC. June 2010. <http://www.energy.ca.gov/sitingcases/piopico/documents/applicant/afc/>

planned trails, direct impacts to biological habitat, impact to surrounding preserve, and conflicts with land management directives would all need to be resolved. At present time, as designated land managers of the proposed project site as documented in the OVRP JEP A and the Otay Ranch Preserve JPA, the County believes that the proposed location of the PPEC would not conform to the Warren-Alquist Act for the reasons outlined above. However, if the project is approved to be sited in the park, we will work with the Apex Power Group to ensure resolution of our concerns and appropriate mitigation is achieved. We appreciate this opportunity to provide information to assist the CEC in making a determination as to whether the proposed PPEC site conforms with §25527 of the Warren-Alquist Act. If you have any questions or comments pertaining to this letter please contact Cheryl Goddard at (858) 966-1374 or via email at [cheryl.goddard@sdcounty.ca.gov](mailto:cheryl.goddard@sdcounty.ca.gov).

Sincerely,



CHANDRA L. WALLAR  
Deputy Chief Administrative Officer

cc: Carol Watson, California Energy Commission  
Brian Albright, Director, County Department of Parks and Recreation