



# Puente Hills Habitat Preservation Authority

Endowment Provided by the Puente Hills Landfill

Agenda Item XVI

WCCA

8/14/13

May 23, 2013

John Boccio/Lorraine Gerchas  
CPUC/USDA Forest Service  
c/o Aspen Environmental Group  
5020 Chesebro Road, Suite 200  
Agoura Hills, CA 91301

Re: Comments on Draft Supplemental Environmental Impact Report / Environmental Impact Statement (Draft SEIR/EIS) for the Tehachapi Renewable Transmission Project (TRTP) Proposed by Southern California Edison (SCE) (SCH No. 2007081156)

Dear Mr. Boccio/Ms. Gerchas:

The Puente Hills Habitat Preservation Authority (Habitat Authority) is a joint powers authority established pursuant to California Government Code Section 6500 *et seq.* with a Board of Directors consisting of the City of Whittier, County of Los Angeles, Sanitation Districts of Los Angeles County, and the Hacienda Heights Improvement Association. According to our mission, the Habitat Authority is dedicated to the acquisition, restoration, and management of open space in the Puente Hills for preservation of the land in perpetuity, with the primary purpose to protect the biological diversity. Additionally, the agency will endeavor to provide opportunities for outdoor education and low-impact recreation. The Habitat Authority's jurisdiction extends within eastern Los Angeles County approximately from the intersection of the 605 and 60 Freeways in the west to Harbor Boulevard in the east.

The Habitat Authority previously commented on the Draft and Final Environmental Impact Report / Impact Statement (FEIR/EIS and DEIR/EIS), as well as the Notice of Preparation (NOP) for the Supplemental Environmental Impact Report / Environmental Impact Statement (SEIR/EIS), for the Tehachapi Renewable Transmission Project (TRTP). The agency appreciates the opportunity to comment on the Draft Supplemental Environmental Impact Report / Environmental Impact Statement (SEIR/EIS) for the Tehachapi Renewable Transmission Project.

The Habitat Authority is a public agency and major land owner and land manager within Segment 8 of the proposed project. The Habitat Authority lands were set aside for preservation and management due to their unique value to local biodiversity and they represent some of the last remaining fragments of natural habitat in the area.



## **The Project**

Since adoption of the FEIR/EIS, and in compliance with Mitigation Measure L-2b, SCE consulted with the Federal Aviation Administration (FAA) on completed final engineering. During their review of various portions of the Project, the FAA recommended installation of marker balls on certain spans of transmission lines and aviation lights on certain transmission towers. The Draft SEIR/EIS was prepared since changes to the Project would result in new or substantially different impacts than those analyzed in the FEIR/EIS.

## **Summary of Comments**

The Habitat Authority believes that the proposed installation of marker balls and lighting on the transmission lines and towers, as recommended by the FAA, will result in potentially significant biological impacts requiring additional mitigation measures. The Habitat Authority's comments are in the attached Detailed Comments exhibit.

Thank you for your consideration, and please include me on the mailing list associated with the proceedings for this project. Please do not hesitate to contact me or Andrea Gullo, Executive Director, for discussion at (562) 945-9003 or [agullo@habitatauthority.org](mailto:agullo@habitatauthority.org).

Sincerely,



Bob Henderson  
Chairman

Copy: Board of Directors and Advisory Committee

**Detailed Comments**  
**Draft SEIR/EIS for the Tehachapi Renewable Transmission Project**

Biological Resources

***Impacts to wildlife, particularly nesting birds, from the installation of marker balls on transmission lines will be greater than anticipated in the FEIR/EIS and potentially significant, requiring additional mitigation.***

The Habitat Authority agrees with the determination that once installed, the marker balls will not detrimentally impact biological resources. However, the process of installing these marker balls may result in significant impacts beyond those anticipated in the FEIR/EIS, particularly due to the use of helicopter installation.

The Draft SEIR/EIS states that installation of the marker balls would almost exclusively involve helicopter operation (no spans have been identified within Segment 8 that would restrict helicopter use and require installation by spacer cart). Based on the information provided in Table 2.3-1 of the Draft SEIR/EIS, it appears that approximately 200 marker balls would be installed on transmission lines that occur on or adjacent to Habitat Authority land. Based on the Draft SEIR/EIS estimate that a helicopter crew can install 15 to 20 marker balls per 10-hour day, it would take approximately 10 days to install these 200 marker balls.

The Draft SEIR/EIS states that impacts to nesting birds from helicopter installation of marker balls would be less than significant because it would “not substantially increase the severity of impacts compared with the Approved Project.” However, helicopter use analyzed in FEIR/EIS was limited to stringing of conductor wire (except in Segment 11 on NFS land, where helicopters were used for tower construction), and was estimated to be for only four hours per day. The helicopter installation of marker balls would involve 10-hour days, which would more than double the helicopter use time analyzed in the FEIR/EIS, prolonging the disturbance not only to wildlife and nesting birds, but to nearby residents and recreational trail users in the Puente Hills Preserve. In addition, the FEIR/EIS did not quantify how many four-hour days would be used for helicopter conductor stringing, so it cannot be compared to the amount of helicopter use proposed for marker ball installation. Therefore, due to the substantial increase in hours of helicopter use per day and insufficient information regarding the number of days used for helicopter conductor stringing in the FEIR/EIS, helicopter marker ball installation cannot be found to “not substantially increase the severity of impacts compared with the Approved Project.” Therefore, this impact should be considered potentially significant unless further analysis is provided.

The timing of the helicopter marker ball installation could be critical, as it may disturb nesting bird behavior during the breeding season (Feb. 1-Aug 31; starting as early as January 15 for many local raptors). The Draft SEIR/EIS states that this potentially significant impact is mitigated through Mitigation Measure MM B-5 from the FEIR/EIS, which involves surveys during the nesting season and avoidance of helicopter work within a one-mile buffer of an active nest (if the helicopter is flying below 300 feet). However, MM B-5 only requires such

surveys “within 500 feet of tower sites, laydown/staging areas, substation sites, and access/spur road locations.” MM B-5 does not require surveys for marker ball installation locations along transmission lines. The Habitat Authority suggests that Mitigation Measure MM B-5 be revised in the Draft SEIR/EIS to require pre-construction nest surveys within at least 500 feet of marker ball installation locations along transmission lines to reduce the chances of impacting nesting birds.

Based on the above information, helicopter installation of marker balls on transmission lines could have a substantial adverse effect on nesting birds protected by Migratory Bird Treaty Act and the California Fish and Game code, resulting in a potentially significant impact. In order to fully mitigate this potentially significant impact to nesting birds, additional mitigation must include additional surveys for marker ball installation locations as discussed above. However, the most optimal mitigation measure would be to avoid all helicopter activity during the nesting bird season.

***Significant permanent impacts to birds from proposed tower lighting are expected; therefore, install L-864 lights instead of L-810 to reduce bird impacts and consider additional mitigation.***

The Draft SEIR/EIS indicates that red flashing and steady burning lights will need to be installed on towers over 200 feet, and lighting is also suggested for towers shorter than 200 feet. The Habitat Authority believes that bird collisions with the towers as well as with other birds due to the proposed tower lighting are a potentially significant impact requiring additional mitigation.

Numerous studies have documented the high bird mortality rates associated with towers and wires, with one such study estimating that approximately 130 million birds are killed annually due to transmission line collisions in the United States<sup>1</sup>. The Final EIR states that passerines have a lower potential for collisions than larger birds, such as raptors, and that passerines tend to fly under powerlines. However, during migration, passerines fly at greater heights. In addition, because most passerines migrate at night, they have been found to be highly susceptible to lights placed on tall towers, particularly red and steady-burning lights<sup>2,3</sup>. The birds are attracted to these lights, especially in poor visibility conditions, and become disoriented, causing them to collide with the towers, wires, or other birds.

Given that the Puente Hills are one of the few remaining open space areas in the region, and that it lies at the western end of the Puente-Chino Hills Corridor, this area is a part of the Pacific Flyover and serves as an important migratory stopover point for birds migrating through southern California twice a year. The addition of aviation lighting to towers is likely to result in a permanent increase in annual bird mortality due to collisions, especially for

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<sup>1</sup> Erickson, W.P., G.D. Johnson and D.P. Young. 2005. A Summary and Comparison of Bird Mortality from Anthropogenic Causes with an Emphasis on Collisions. USDA Forest Service General Technical Report PSW-GTR-191.

<sup>2</sup> See previous footnote.

<sup>3</sup> Gehring, J., P. Kerlinger, and A.M. Manville. 2009. Communication towers, lights, and birds: successful methods of reducing the frequency of avian collisions. *Ecological Applications*, 19(2), pp. 505-514.

migrating birds and resident/nesting raptors. The Draft SEIR/EIS states that increased risk of birds colliding with structures due to proposed tower lighting would be very low and therefore would not substantially increase the severity of impacts identified in the FEIR/EIS. However, no such impacts were identified in the FEIR, since no lighting was proposed on any towers in the FEIR/EIS; only bird collisions with overhead wires were addressed in the FEIR/EIS (Impact B-21).

The Draft SEIR/EIS cites many studies indicating the potential for increased bird collisions due to lighted towers. It uses these studies to justify the statement that the risk to birds from this lighting would be “slightly but not substantially greater” than the risk analyzed in the FEIR/EIS, because the TRTP towers are comparable in height to the shortest towers in these studies, which “have generally been associated with little to no known fatalities.” However, this rationale is not supported in the analysis. One study cited in the Draft SEIR/EIS notes that 17 percent of estimated mortality occurred at the shorter towers; this is substantially more than “little to no known fatalities.” The analysis also cites other studies noting that they have “consistently found a higher level of mortality at taller towers than at towers that are comparable in height to the Approved project towers,” which does imply that shorter towers have lower mortality, but does not necessarily imply that such mortality is little to none. Therefore, lighting on transmission towers could have a substantial adverse effect on migratory birds protected by Migratory Bird Treaty Act, resulting in a potentially significant impact.

The two mitigation measures proposed for this impact in the Draft SEIR/EIS are (1) the implementation of Applicant Proposed Measure (APM) BIO-9 and (2) raptor safety measures in the form of “swan wrap” on NFS lands only. However, APM BIO-9 does not mitigate for impacts due to collisions with towers or transmission lines because the measure only requires compliance with the *Suggested Practices for Raptor Protection on Power Lines*, which only addresses recommendations for tower designs to prevent large bird electrocutions (i.e. when perching or landing on lines or conductors). It does not include any measures to reduce potential collisions with towers or transmission lines, which occur mid-flight. The second mitigation measure only applies to NFS lands, and only to raptors; therefore, it does not adequately address potential impacts along other project segments and does not address impacts to other non-raptor birds. In the absence of appropriate and feasible mitigation, this impact should be considered significant and unavoidable.

The Draft SEIR/EIS states that SCE has consulted with the FAA and would reduce the use of steady burning red lights and instead use only flashing red lights on structures on NFS lands. However, there is no rationale provided for why this lighting reduction would only occur on NFS lands. Based on the above information, the Habitat Authority requests that SCE also consult with the FAA for all towers on Habitat Authority land (expected to be at least three towers in the Powder Canyon area) and to receive authorization for only flashing red lights to be used on those towers over 200 feet tall, and that no lighting be required on towers under 200 feet. This would be consistent with recent FAA guidelines, as they no longer recommend the use of L-810 steady-burning red lights<sup>4</sup>, and consistent with U.S. Fish and Wildlife Service

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<sup>4</sup> Avian Powerline Interaction Committee (APLIC). 2012. *Reducing Avian Collisions with Power Lines: The State of the Art in 2012*. Edison Electric Institute and APLIC. Washington, D.C. Accessed at: [www.aplic.org](http://www.aplic.org)

(USFWS) guidance which states that the use of solid red lights should be avoided<sup>5</sup>. The Habitat Authority also suggests that SCE consult with the FAA regarding the use of flashing lights with the minimum intensity and the minimum number of flashes per minute, which are also recommended by the USFWS<sup>6</sup>.

The Draft SEIR/EIS indicates that, where appropriate, SCE may install dual lights at each location for redundancy. However, it is unclear if both lights would be used simultaneously, or if one light is a back-up in case the primary light is not functioning. If both lights are to be used simultaneously, the Habitat Authority recommends that the redundant lights be removed to reduce additional lighting impacts to wildlife. This would also be consistent with guidance provided by the USFWS, which states that only the minimum number of FAA-required lights should be installed on towers<sup>7</sup>.

Additional mitigation should be considered, such as an impact/mortality study for birds, as well as bats, at lighted towers. The FEIR/EIS cited only two scientific studies regarding bird collisions which are at least 20 years old (1978 and 1993), and the Biological Specialist Report cited in the FEIR/EIS used only “available information and observations made during reconnaissance surveys” and not focused or quantitative surveys. And although the Draft SEIR/EIS cites many current scientific studies regarding bird collision impacts from lighted towers, it acknowledges that “studies of bird collisions with lighted towers have primarily focused on communication towers rather than T/L (transmission line) structures.” Given the vast numbers of existing SCE towers in southern California, and the fact that bird collision impact analyses are relying on few, old, or less than relevant studies, SCE should conduct an independent study of the actual amount of impact to birds its towers and transmission lines cause. This would also help to inform impact analyses for future SCE and other transmission line projects.

The Habitat Authority also suggests that SCE consider more direct mitigation for bird collision impacts in the form of donations to local wildlife rehabilitation centers that rehabilitate birds, including raptors. Local rehabilitation centers include South Bay Wildlife Rehab, California Wildlife Center, Wild Wings of California, The Fund for Animals Wildlife Rehabilitation Center, and the Pacific Wildlife Project.

### Cumulative Impacts

***The Whittier Main Oil Field Development Project is not listed in the Cumulative Projects impact analysis.***

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<sup>5</sup> Memorandum. United States Department of the Interior, Fish and Wildlife Service. Dated September 14. Subject: Service Guidance on the Siting, Construction, Operation and Decommissioning of Communication Towers. Accessed at: <http://www.fws.gov/habitatconservation/communicationtowers.html>

<sup>6</sup> See previous footnote.

<sup>7</sup> See previous footnote.

The Draft SEIR/EIS includes a list of projects included in the cumulative impact analysis. However, this list does not include a major project within the City of Whittier which is in close proximity to the TRTP within the Puente Hills (Segment 8). This project is the Whittier Main Oil Field Development Project (Oil Project), which was approved by the Whittier City Council in November 2011 and is due to start construction this spring or summer. The FEIR/EIS for the Oil Project included the TRTP project in its cumulative impacts analysis and found the biological impacts to be cumulatively significant.

The cumulative impact of both the TRTP modified project and the Oil Project occurring simultaneously must be analyzed, and significant disturbance impacts to wildlife must be mitigated. The impact analysis must consider the fact that the Puente Hills Preserve is a habitat preserve with the primary purpose of protecting biological diversity. In addition, the Oil Project is located within a portion of the Preserve that is closed to the public to provide undisturbed refuge for wildlife, and construction activities associated with installation of marker balls in this vicinity could compound Oil Project impacts to wildlife in this sensitive area. Suggested mitigation measures for these impacts include avoidance of marker ball installation during active construction activities associated with the Oil Project, as well as avoidance of marker ball installation during nesting bird season (which would also avoid impacts to most other breeding wildlife in the area).