

Comment Set B.21: Wasserman, Comden, Casselman L.L.P

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Southern California Edison Company (U-338-E) for a Certificate of Public Convenience and Necessity Concerning the Antelope-Pardee 500 kV (Segment 1) Transmission Project as Required by Decision 04-06-010 and as Modified by Subsequent Assigned Commissioner Ruling.

Application 04-12-007
(Filed December 9, 2004)

COMMENTS ON THE DRAFT
ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT
FOR THE ANTELOPE-PARDEE 500 KV TRANSMISSION PROJECT

WASSERMAN, COMDEN & CASSELMAN L.L.P
David B. Casselman, Esq.
Melissa M. Harnett, Esq.
Attorneys for ADAPT
5567 Reseda Boulevard, Suite 330
Tarzana, California 91357
Telephone: 818-705-6800
Fax: 818-345-1062
dcasselman@wclaw.com
mharnett@wclaw.com

October 2, 2006

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13
14 **1. INTRODUCTION.**

15 These comments are submitted on behalf of ADAPT, a grassroots organization formed by
16 the citizens of Agua Dulce in response to the inclusion of Alternative No. 5 in the Draft
17 Environmental Impact Report/Environmental Impact Statement for the Antelope Pardee 500 kV
18 Transmission Project ("DEIR"). ADAPT has the endorsement and active support of the Agua
19 Dulce Town Council,¹ the Agua Dulce Civic Association,² the Acton/Agua Dulce Trails
20 Counsel,³ the Agua Dulce and Acton media outlets, and the citizens of this and neighboring

21
22 ¹ The Agua Dulce Town Council is in favor of the proposed project, and objects to any consideration of Alternative
23 No. 5 as a preferred alternative, as set forth in the Council's letter to John Boccio and Marian Kadota, attached hereto
24 as Exhibit 1. As noted in the letter, the Agua Dulce Town Council endorses and actively supports ADAPT, and has
25 asked ADAPT to serve as its consultant and representative with respect to the Antelope-Pardee 500 kV Transmission
26 Project.

27 ² The Agua Dulce Civic Association, founded in 1956, is a membership organization consisting of Agua Dulce
Property owners. Its role over the past 50 years has been to research, provide information, and pursue action on
issues impacting the Agua Dulce community. As stated in its letter to Governor Schwarzenegger, attached hereto as
Exhibit 2, the Civic Association is strongly opposed to consideration of Alternative No. 5 as a potential corridor for
the Antelope Pardee Transmission Project, Segment 1.

³ The Acton/Agua Dulce Trails Council was formed in 1989 for the express purpose of developing, supporting and
maintaining multi-purpose trails in the Acton and Agua Dulce area. The Council actively works to enhance the rural,
equestrian lifestyle in the area and is, along with the Santa Clarita Valley Trails Council, considered by Los Angeles
County as an advisory body to the County. In its letter to Governor Schwarzenegger, attached hereto as Exhibit 3,
the Council advises that it was not contacted in connection with the Draft EIR/EIS investigation for the project. The
Council supports the proposed project route and opposes any re-routing per Alternative No. 5.

1 communities. See, Exhibit 4 hereto (ADAPT letter to John Boccio and Marian Kadota). On
2 behalf of the foregoing entities and individuals, ADAPT has formed to uniformly support the
3 instillation of the transmission lines along the route of the proposed project ("Chosen Project"), as
4 well as to strenuously voice objection to any consideration of Alternative No. 5 replacing the
5 Chosen Project as the preferred route. If the latter were to occur, the re-route of the transmission
6 lines through the scenic, populated area of Agua Dulce would have a devastating effect upon the
7 community, its residents, its school district, its retired population, the film community which
8 utilizes its vistas on a weekly basis, and the many visitors who travel to the picturesque area to
9 visit its well known vineyards, historic parks and miles of recreational trails. Id. Some consider
10 Agua Dulce to be one of the last remaining bastions of rural life in Los Angeles County.
11 Installation of a major power corridor through the heart of Agua Dulce would undoubtedly ravage
12 the intrinsic beauty of Agua Dulce and the spirit of its people. Although the preservation of forest
13 land is undoubtedly an important consideration, logic requires the rejection of an alternative
14 project which would also impact open space, natural habitats and rural land, compounded by the
15 simultaneous damage to the lives and property of the people who live there. Simply put,
16 Alternative No. 5 cannot properly be characterized as a viable alternative to the Chosen Project.

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18 ADAPT supports the Chosen Project, as outlined in the DEIR. With respect to
19 Alternative No. 5, and to the extent consideration is given to implementation of Alternative No. 5,
20 the DEIR fails adequately to identify and examine the negative impacts of Alternative No. 5. In
21 addition, California Assemblywoman Sharon Runner, California Assemblyman Keith Richman,
22 California Assemblywoman Audra Strickland, California Senator George Runner, and Los
23 Angeles County Supervisor Mayor Michael Antonovich have all publicly declared their
24 opposition to Alternative No. 5. See, Exhibits 4, 9 and 10. The Los Angeles County Department
25 of Regional Planning has concluded that "Alternative Five [is] an infeasible alternative and is not
26 recommended for implementation." See, Exhibit 11. The City of Santa Clarita "strongly
27 opposes" Alternative No. 5, which it believes will have the greatest adverse impact of all the
alternatives other than the No Project Alternative. See Exhibit 12.

B.21-1

1 **2. THE CHOSEN PROJECT.**

2 The Chosen Project, as examined by the DEIR, consists of one particular route involving
3 the construction of a new 25.6 mile 500-kV single-circuit transmission line between the existing
4 Antelope and Pardee substations of Southern California Edison (“SCE”). The Chosen Project
5 calls for a new 500-kV single-circuit transmission line to be constructed within an existing
6 SCE 66-kV transmission line right of way for 22.8 miles, and a new 500-kV line would be
7 constructed along 2.8 miles in a newly established right of way. The vast majority of the Chosen
8 Project route navigates through a corridor already consisting of transmission power lines. The
9 various Alternatives to the Chosen Project, including Alternative No. 5, would entail the
10 construction of different transmission lines of longer lengths, in different locations, subjecting
11 wholly new areas to the imposition of a major electrical corridor.
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13
14 **3. AN ALTERNATIVE TO THE CHOSEN PROJECT MAY NOT BE APPROVED**
15 **UNLESS AN ENTIRELY NEW DEIR IS PREPARED, WITH THAT**
16 **ALTERNATIVE BEING THE CHOSEN PROJECT.**

17 A DEIR is not a menu of options, from which the lead agency can pick and choose from a
18 variety of choices so as to select a project to which the final Environmental Impact Report
19 (“FEIR”) will pertain. Rather, should the lead agency conclude that one of the alternatives is
20 actually preferable to the Chosen Project, an entirely new DEIR must be prepared which
21 designates that alternative as the chosen project, and provides all of the information and analysis
22 required by the California Environmental Quality Act, Cal. Pub. Res. Code § 21000 et seq.
23 (“CEQA”) for that alternative as the new chosen project. Of necessity, this would delay matters
24 for a lengthy period, certainly more than one year.

25 CEQA requires the lead agency to provide extensive information for the specific project
26 chosen by the agency and to which the EIR pertains (referred to by the statute as the “proposed
27 project”), information that is not required for an alternative. CEQA requires the lead agency to

B.21-2

1 examine and provide analyses of various important matters, for the proposed project, that are not
2 required of the alternatives. For example:

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4 • The EIR must set forth all significant effects on the environment of the proposed
5 project. Pub. Res. Code § 21100(b)(1). CEQA does not require the EIR to recite and examine all
6 (or even most) significant effects on the environment of any alternative to the proposed project.

7 • The EIR must describe any significant effect on the environment that cannot be
8 avoided if the proposed project is implemented, as well as any significant effect on the
9 environment that would be irreversible if the proposed project is implemented. Pub. Res. Code §
10 21100 (b)(2)(A), (B). CEQA does not require the EIR to describe, for any alternative, the
11 significant unavoidable and irreversible effects on the environment that such alternative would
12 have.

13 • The EIR must propose mitigation measures to minimize significant effects on the
14 environment of the proposed project, including but not limited to measures to reduce the wasteful,
15 inefficient, and unnecessary consumption of energy. Pub. Res. Code § 21100(b)(3). CEQA does
16 not require the project proponent to propose mitigation measures to minimize significant
17 environment effects of alternatives.

B.21-3

18 • The EIR must detail the growth-inducing impact of the proposed project. Pub.
19 Res. Code § 21100(b)(5). CEQA does not require any discussion of the growth-inducing impact
20 of any alternative.

21 • The EIR must examine the proposed project's cumulative effects on the
22 environment. Pub. Res. Code § 21083(b)(2). CEQA does not require an examination of the
23 cumulative environmental effects of any alternative.

24 • The lead agency must determine whether the proposed project might have a
25 significant effect on unique archeological resources; if the lead agency determines that the
26 proposed project might have such an effect, then the EIR must contain an analysis of those unique
27 archeological resources. Pub. Res. Code § 21083.2(a). CEQA does not require the lead agency

1 to determine whether any alternative might have a significant effect on unique archeological
2 resources, or to analyze the unique archeological resources that the alternative might affect.

3
4 • With respect to each significant effect on the environment that would occur if the
5 proposed project is approved or carried out, the lead agency must make a formal finding that (a)
6 changes or alterations have been required in, or incorporated into, the proposed project which
7 mitigate or avoid the significant effects on the environment; or (b) such changes or alterations are
8 within the responsibility and jurisdiction of another public agency and have been, or can and
9 should be, adopted by that other agency; and/or (c) specific economic, legal, social, technological,
10 or other considerations make infeasible the mitigation measures or alternatives identified in the
11 EIR. Pub. Res. Code § 21081(a). No such findings need be made for any alternative.

B.21-3
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12 Consistent with the foregoing, the courts have not required lead agencies to provide, with
13 respect to alternatives examined by the EIR, the type of analysis required of the proposed project
14 itself. See, e.g., Sierra Club v. County of Napa (2004) 121 Cal. App. 4th 1490, 1503 (“Sierra
15 Club”) (“CEQA requires an EIR to identify project alternatives ... but does not mandate that the
16 EIR itself contain an analysis of the feasibility of the various project alternatives ... that it
17 identifies”); San Franciscans Upholding the Downtown Plan v. City and County of San Francisco
18 (2002) 102 Cal. App. 4th 656, 690-691 (“San Franciscans”) (“although CEQA plainly provides
19 that a reasonable range of alternatives must be included in the EIR, the statute does *not* require
20 the EIR itself to provide any evidence of the feasibility of those alternatives, much less an
21 economic or cost analysis of the various project alternatives and mitigating measures identified by
22 the EIR”) (emphasis in original); Citizens of Goleta Valley v. Board of Supervisors (1990) 52
23 Cal. 3d 553, 576 (1990) (“Goleta Valley”) (“there is no ironclad rule governing the nature or
24 scope of the alternatives to be discussed in an EIR, other than the rule of reason”).

B.21-4

25 Consistent with CEQA, the alternatives examined by the DEIR have not been afforded the
26 same level of scrutiny and detail devoted to the Chosen Project.⁴ Accordingly, if for any reason
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B.21-5

⁴ As a general matter, CEQA imposes greater disclosure and other obligations upon the lead agency than does the National Environmental Policy Act, 42 U.S.C. § 4321 et seq. (“NEPA”).
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1 the CPUC decides that one of the alternatives to the Chosen Project would actually be preferable
2 to the Chosen Project, the entire EIR process must begin anew.

B.21-5
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5 **4. CEQA DOES NOT REQUIRE SELECTION OF THE ENVIRONMENTALLY**
6 **SUPERIOR ALTERNATIVE.**

7 The EIR is “an informational document.” San Franciscans, 102 Cal. App. 4th at 690.
8 The principal purpose of CEQA is to ensure that the decisions by local agencies, as to proposed
9 projects that might significantly effect the environment, be “informed” and “balanced” decisions.
10 Goleta Valley, 52 Cal. 3d at 576. As a consequence, “CEQA does not require agencies to select
11 the alternative course most protective of the environmental status quo. It does not and cannot
12 guarantee that the agency’s decisions will always be those that favor environmental
13 considerations.” Sierra Club, 121 Cal. App. 4th at 1507. See also San Franciscans, 102 Cal. App.
14 4th at 695 (“CEQA does not require that an agency select the alternative course most protective
15 of the environmental status quo ... CEQA’s only purpose is to guarantee that the public and the
16 agencies of the government will be *informed* of environmental impacts, that they will *consider*
17 those impacts before acting, and that insofar as practically possible, *feasible* alternatives and
18 mitigation measures will be adapted to lessen or avoid adverse environmental impacts”)
19 (emphasis in original); Association of Irrigated Residents v. County of Madera (2003) 107 Cal.
20 App. 4th 1383, 1400 (affirming order sustaining sufficiency of EIR, even though the EIR
21 identified an “environmentally superior” alternative to the proposed project, observing that such
22 alternative would not fully meet the project objective and might not be economically viable).

B.21-6

23 ADAPT believes the Chosen Project is the environmentally superior project.
24 Notwithstanding the foregoing, CEQA does *not* require the CPUC to reach such a conclusion in
25 order to proceed with implementation of the Chosen Project.
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1 **5. THE DEIR DOES NOT SUFFICIENTLY EXAMINE SIGNIFICANT ADVERSE**
2 **ENVIRONMENTAL EFFECTS OF ALTERNATIVE NO. 5.**

3 Based upon the current limited analysis of Alternative No. 5 in the DEIR, any
4 consideration of the alternative as a potential replacement choice for the Chosen Project would be
5 hampered, and thus faulty. The DEIR fails to sufficiently examine, or even discuss, certain
6 significant adverse impacts which would be occasioned upon implementation of Alternative No.
7 5. Attached hereto are several letters and reports, from knowledgeable persons and entities,
8 examining those effects.

9 ADAPT requests that consideration be given to the points raised by Environmental and
10 Regulatory Specialists, Inc. ("EARSIS"), project management, entitlement and environmental
11 specialists reputed to be one of the leaders in planning, designing and permit processing of
12 projects in compliance with CEQA and NEPA. As set forth in the analysis prepared EARSIS, the
13 DEIR improperly addresses and analyzes impacts associated with Alternative No. 5. EARSIS has
14 concluded that Alternative No. 5 is infeasible and unreasonable, constitutes an improper
15 expansion of the project, and is subject to a biased weighted analysis improperly designed to
16 avoid existing National Forest Service Land Right of Way.⁵ ADAPT respectfully requests that
17 the analysis prepared by EARSIS, and attached hereto as Exhibit 5, be afforded full consideration
18 and review.

B.21-7

19 In addition to the EARSIS analysis, the knowledgeable persons and entities who prepared
20 the exhibits attached hereto as Exhibits 1 through 4 and Exhibits 6 through 13, raise the following
21 crucial considerations:
22

23 • The area through which Alternative No. 5 would route the new 500 kV
24 transmission line is a tinder box in a high wind corridor; the new transmission line would increase
25 exponentially the already significant risk of a major fire and the resulting injuries and damages.

B.21-8

26 See Exhibit 4. According to Los Angeles County Fire Department statistics and Captain Ricker

27 ⁵ See also Exhibit 11, in which the Los Angeles County Department of Regional Planning states that Alternative No. 5 "is extreme in that its proposed design to avoid the ANF takes the alignment of the Transmission lines and towers through populated areas of Leona Valley, Ritter Ranch and Agua Dulce. The County should be cautious whenever transmission lines are proposed to pass through such rural communities."
782328.1

1 of Fire Station 81, located in Agua Dulce, the Fire Station responds to an average of 200 fire
2 related calls per year in the Agua Dulce area. Id. Transmission lines in populated areas create a
3 long term liability (and associated cost) for potential property damage, bodily injury, and even
4 death resulting from fires caused by the transmission lines and/or the power lines' restrictions on
5 firefighters' ability to fight fire. According to Fire Captain Ricker, transmission lines located in
6 the community of Acton hampered the departments' ability to fight the Crown Fire in 2005. Id.
7 In 1970, a fire in Laguna was caused by downed power lines during Santa Ana wind conditions;
8 the fire burned 175,425 acres and 382 homes, and killed eight people. The devastating Pines fire
9 in 2002 in San Diego County was started when a helicopter blade struck a power line.⁶ See also
10 Exhibit 11 ("Agua Dulce Airpark is located within approximately 1 mile from the transmission
11 lines and towers and the project will require Federal Aviation Administration approval of this
12 route" and "[s]afety requirements by the Fire Department make Alternative Five an infeasible
13 alternative and is not recommended for implementation.").

B.21-9

14 • Fire considerations are particularly frightening with respect to the Agua Dulce area
15 given its location in a high wind corridor. The Santa Ana wind conditions in Agua Dulce often
16 reach strengths in excess of 65 mph. See Exhibit 1. Many Agua Dulce residents have watched
17 damage occur to their roofs and trees as a result of the gale force winds. Winds of this magnitude
18 will increase the risk of downed power lines and rapidly spread resulting fires to homes and
19 natural habitats in the area. The risk of fires caused by the transmission line is also heightened by
20 virtue of the close proximity of the alternative route to an airport, the approach to which is
21 already restricted by geological features. Should a fire occur in Agua Dulce, the firefighters'
22 efforts to combat the blaze will be compromised by the power lines and the lack of significant
23 water availability in the area. See Exhibits 1 and 4. The foregoing has not been sufficiently
24 addressed in the DEIR with respect to Alternative No. 5.

B.21-10

25 • The high fire potential in the Agua Dulce area was recognized in the Initial Study
26 prepared by Sapphos Environmental, Inc. for the County of Los Angeles in connection with the
27

⁶ As noted by the Agua Dulce Town Counsel, the Agua Dulce Airport is located near the route of Alternative No. 5 and experiences regular traffic from helicopters taking off and landing at the airport. See Exhibit 1.

1 Vasquez Rocks Natural Area Park Interpretive Center ("Initial Study"), which the County of Los
2 Angeles has considered building in the Vasquez Rocks County Park. The relevant excerpts of the
3 Initial Study are attached hereto as Exhibit 6. In addition to noting that the area has been
4 designated as a "high fire hazard area" according to the County of Los Angeles General Plan
5 Special Area Management Areas map (Exhibit 6, page 3.7-4), the Initial Study also states that the
6 area of Vasquez Rocks (which Alternative No. 5 contemplates to disturb) has been designated by
7 the County as an OS zone, established to "provide for the preservation, maintenance, and
8 enhancements of the recreational, natural land environmental resources of the County as defined
9 in the County General Plan." (Exhibit 6, page 1-2). The foregoing has not been sufficiently
10 addressed in the DEIR with respect to Alternative No. 5.

B.21-10
cont'd

11 • The Initial Study notes that the area was previously inhabited by the Tataviam, a
12 Native American people. In June 1972, 25 archaeological sites contained in the Natural Area
13 Park and listed in the National Register of Historic Places as an archaeological district. "The
14 National Register nomination noted the significance of the district as a record of the Tataviam
15 culture and stressed the opportunity to provide a unique interpretive and educational experience
16 for the public." (Exhibit 6, page 1-3). Alternative No. 5 would therefore result in a significant
17 impact related to a substantial chance in the significance of a historical resource. A historical
18 resource is defined by CEQA as a resource that is listed in, or that meets the Criteria for listing in,
19 the California Register of Historical Resources. The Initial Study determined that at least one
20 such historical resource exists in the area of Vasquez Rocks. (Exhibit 6, page 3.5-1).
21 Additionally, in December 1985, the County approved a recommend easement deed with the U.S.
22 Forest Service for the Pacific Crest Scenic Trail to run through the Natural Area Park. The
23 Pacific Crest Scenic Trail runs through the Agua Dulce community. (Exhibit 6, page 1-3). The
24 foregoing has not been sufficiently addressed in the DEIR with respect to Alternative No. 5.

B.21-11

25 • The construction of a major transmission line corridor through Agua Dulce would
26 have a negative impact upon the viewshed of the community. Because of the scenic vistas and
27 rural atmosphere of the community, the viewshed constitutes an important resource for the

B.21-12

1 inhabitants of the area. See, Exhibits 2 and 6. Additionally, as noted in the Initial Study, the
2 Vasquez Rocks Natural Area Park receives approximately 105,000 visitors per year. The number
3 of visitors is anticipated to increase by 5,000 visitors per year. (Exhibit 6, page 3-11.2). The
4 implementation of Alternative No. 5 would therefore also negatively impact the scenic value of
5 an important, historical park visited by over 100,000 people per year. The foregoing has not been
6 sufficiently addressed in the DEIR with respect to Alternative No. 5.

B.21-12
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8 • All Agua Dulce residents rely on well water. The DEIR recognizes that
9 Alternative 5 potentially will impact groundwater supply and recharge, but undervalues the
10 negative impact potentially caused in light of the fact that Alternative 5 has shallow groundwater.
11 The average well in the area is only 25 feet deep, and some wells are as little as 16 feet deep.
12 See, Exhibits 4 and 6, page 3.16-2. Construction of the tower footings may cause disturbances to
13 the groundwater. Because Agua Dulce relies entirely on well water, the potential of disturbance
14 to the only available water source could render the area effectively uninhabitable (unless residents
15 incur the significant cost of hauling water into the community – a cost which ultimately could be
16 the subject of litigation for reimbursement from the responsible agencies), and would
17 significantly restrict or eliminate agricultural enterprises, including vineyards, orchards and horse
18 ranches. The foregoing has not been sufficiently addressed in the DEIR with respect to
19 Alternative No. 5.

B.21-13

20 • Alternative No. 5 would negatively effect the education of students residing in the
21 Action/Agua Dulce Unified School District. The District has expressed concerns as to the
22 potential for elevated risks of cancer, and particularly leukemia and lymphoma in children, which
23 may be linked to electromagnetic fields, particularly given that the scientific community has been
24 unable to conclusively eliminate a causal connection between EMF and the increasing rates of
25 childhood cancer. See Exhibit 7. Further, the District has already been forced to close a school
26 campus as a result of declining enrollment, and is concerned that implementation of Alternative
27 No. 5 would exacerbate the problem by further displacing families from the community and
permanently reducing the number of families moving into the community. Id. The District relies

B.21-14

1 upon new construction as a source of revenue (i.e., Developer Fees) to maintain facilities in the
2 District and pay past debt obligations for construction of campuses. Any adverse impact to
3 further development and construction of homes caused by routing the transmission line through
4 Agua Dulce could ignite a financial demise of the District. The foregoing has not been
5 sufficiently addressed in the DEIR.

B.21-14
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7 • County Project No. TR50385 (a.k.a. VTTM No. 50385) is a 339 single-family
8 home development planned for the Agua Dulce community. Alternative No. 5 would split the
9 VTTM No. 50385 project in a manner so as to render the development economically infeasible
10 due to the number of lots that would be lost for the placement of the towers and set back
11 requirements. See Exhibit 5. The existing natural water course and retention basins that are
12 designed as part of VTTM No. 50385, and which are essential to the drainage basin mater plan
13 required by Los Angeles County Flood Control District, could not be retained due to the
14 alignment of the transmission line. The development would also be severely compromised in
15 terms of fire and emergency services, vehicular access, and sewage treatment. As a result, the
16 entire development would be un-developable. See, Exhibit 5. The foregoing has not been
17 sufficiently addressed in the DEIR.

B.21-15

18 • Pursuant to the Screen Actor Guild contracts, the Los Angeles Studio Zone (in
19 which producers may require performances by actors without additional pay for travel) covers a
20 30 mile radius from the intersection of Beverly Boulevard and La Cienega Boulevard in
21 Hollywood. Agua Dulce is within the peripheral boundary of the Studio Zone and essentially one
22 of the only rural environments within the Studio Zone. Consequently, Agua Dulce encounters
23 significant filming activities, which generates tax revenues for Los Angeles County and the State
24 of California. California has struggled over recent years to keep the film industry filming in
25 California. If producers are forced to film rural scenes outside of the Studio Zone, and thereby be
26 forced to pay travel costs to actors, one of the prime reasons motivating producers to keep their
27 filming activities in Los Angeles County and California will be eliminated. One may recall the
Flintstone's movie which was shot at Vasquez Rocks. One also may recognize the park's unique

B.21-16

1 geological features popping up in most any Sci-Fi movie or television show, such as Star Trek.
2 Filming of such scenes would be curtailed if the backdrop features a large transmission line
3 project. See Exhibits 3 and 4. The foregoing has not been sufficiently addressed in the DEIR
4 with respect to Alternative No. 5.

B.21-16
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5 • Agua Dulce businesses include a number of horse farms and equestrian trails.
6 Horses are easily spooked by the noise of major construction and the corona noise emanating
7 from power lines; the safety of riders and horse will be negatively affected if the transmission line
8 runs through the equestrian community of Agua Dulce. Breeding operations may also be
9 adversely affected, requiring the relocation of such enterprises and the corresponding cost. See
10 Exhibits 3 and 4. The local real estate business and related enterprises would also suffer. See
11 Exhibit 13. The foregoing has not been sufficiently addressed in the DEIR with respect to
12 Alternative No. 5.

B.21-17

13 • The DEIR mentions the negative impact which the Chosen Project would have on
14 the Pacific Crest trail. The discussion of Alternative No. 5 does not mention the negative impact
15 which that Alternative would similarly have on the Pacific Crest trail. See Exhibits 3 and 4. The
16 foregoing has not been sufficiently addressed in the DEIR.

B.21-18

17 • The Agua Dulce community is inclusive of a large retirement community.
18 Implementation of Alternative No. 5 would have negative impacts upon the health and welfare of
19 our elderly inhabitants. See Exhibit 8. The foregoing has not been sufficiently addressed in the
20 DEIR.

B.21-19

21 ADAPT may obtain further information and reports with respect to the negative impacts
22 of Alternative No. 5 that are not fully examined by the DEIR. If so, they will promptly submit
23 such information and reports to the CPUC.
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1 **6. ADAPT AND THE AGUA DULCE TOWN COUNSEL TO WHICH IT ACTS AS**
2 **CONSULTANT IN THESE PROCEEDINGS REQUESTS A WRITTEN**
3 **DETAILED RESPONSE TO THIS DOCUMENT AND ITS EXHIBITS.**

4 As detailed in the attached exhibits, the DEIR is deficient in its analysis of the adverse
5 impacts which would result from implementation of Alternative No. 5. At least 10 days before
6 certification of a final EIR, the CPUC and Forest Service must provide the Agua Dulce Town
7 Counsel, as a public agency that commented on the EIR, with a written response. (CEQA
8 Guidelines, § 15088, subd. (b).). ADAPT and the Agua Dulce Town Council request that a
9 written and detailed response to each of the issues delineated in this letter and the accompanied
10 exhibits be provided and that the response be included in the final EIR. (CEQA Guidelines, §
11 15088, subd. (c)).

B.21-20

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13 **7. CONCLUSION.**

14 For the reasons discussed herein and in the accompanying exhibits, any arguments in the
15 DEIR favoring implementation of Alternative 5 are not properly substantiated and in fact are
16 based upon erroneous comparisons with the original proposal and the other alternatives. The
17 Chosen Project is unquestionably the most appropriate route for the transmission line, taking in
18 consideration the totality of the facts and circumstances, inclusive of environmental,
19 socioeconomic, fiscal and long term liability reasons. However, in light of the short amount of
20 time made available to Agua Dulce residents to analyze the DEIR, ADAPT cannot formulate any
21 position as to whether one or more of the Alternatives 1 through 4 (not inclusive of Alternative 5)
22 could be better choice than the Chosen Project route. ADAPT thus respectfully requests that the
23 Chosen Project remain as the preferred route for implementation of the transmission line, and that
24 Alternative 5 to the Project be rejected in its entirety.

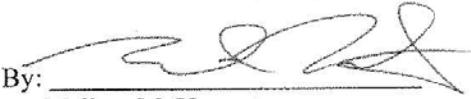
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Respectfully Submitted,

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DATED: October 2, 2006

WASSERMAN, COMDEN & CASSELMAN, L.L.P.
DAVID B. CASSELMAN, ESQ.
MELISSA M. HARNETT, ESQ.

By: 

Melissa M. Harnett
Attorneys for ADAPT
5567 Reseda Boulevard, Suite 330
Tarzana, California 91357
Telephone: 818-705-6800
Fax: 818-345-1062
dcasselman@wcclaw.com
mharnett@wcclaw.com

Exhibit 5



October 2, 2006

Mary Johnson, Chair
ADAPT
8001 Clayvale Road
Agua Dulce, CA 91390

**RE: Comments Regarding - Antelope Pardee 500 kV Transmission Project
Proposed by Southern California Edison - Application Number A.04-12-007**

Dear Ms. Johnson:

Attached please find EARS I's Comments regarding Alternative 5 to the CPUC/NFS Draft EIR/EIS for the Southern California Edison (SCE) Antelope-Pardee Project.

California Sch #2005061161, Federal Docket No. 05-12734 (DEIRS) for CPUC Application 04-12-007, filed December 9 2004.

Please include EARS I's comments in your submittal to the Lead Agencies and/or EIR/EIS preparers as required.

Should you have questions, please contact me at 949-646-8958 or by email at dave@earsi.com.

Respectfully Submitted,

Environmental & Regulatory Specialists, Inc.

A handwritten signature in black ink that reads "David J. Tanner". The signature is written in a cursive style.

David J. Tanner
President

Environmental and Regulatory Specialists, Inc. • 223 62nd Street • Newport Beach, Ca. 92663
phone: 949-646-8958 • fax: 949-646-5496 • website: www.earsi.com • e-mail: earsi@earsi.com

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Comments to Alternative #5 - CPUC/NFS Draft EIR/EIS (DEIRS)

for the SCE Antelope-Pardee 500 kV Transmission Project

The following comments were prepared for ADAPT under short time constraints and pertain primarily to Alternative 5 of the titled Draft EIR/EIS (DEIRS), California Sch #2005061161, Federal Docket No. 05-12734 for CPUC Application 04-12-007, filed December 9 2004.

After the Summary, our detailed comments proceed in the order of the DEIRS Sections, although Sections may be skipped because of the overlapping EIR/EIS formats, if discussion in a later Section will address the issues better. Acronyms listed in the DEIRS are used without definition.

SUMMARY OF COMMENTS

The DEIRS improperly addresses and analyzes the following:

I) Alternative 5 improperly analyzes and retains an infeasible Alternative contrary to the requirements set forth in Sections B.3.2.2 and B.4.5.1 of the DEIRS, which particularly incorporate tests of both reasonableness and common sense, as well as being "practical" and "feasible" (See DEIRS page B-52).

A) It unnecessarily adopts a route that is infeasible and unreasonable per se:

1) Alternative 5 is twice as long and up to 600% more impactful to undisturbed habitats.

2) It requires more towers, construction, and new ROW with multiples not fractional increases in impacts over the Project and other Alternatives (e.g. new undisturbed ROW nearly 600% longer).

3) It offers no greater reliability as described in, inter alia, DEIRS Sections ES.1.2 and B.3.2, since it connects the same Antelope and Pardee substations as the Project, has longer transmission lines and utilizes part of an existing ROW from Vincent substation to the East and is therefore subject to greater risk of failure from all impacts to the Antelope, Pardee and Vincent lines and substations, particularly, e.g., wind, fire and seismic events. (See DEIS Table ES.3, Figure C.15.2, Appendix 1 Figure 9 and PEA Figure 7.1).

4) The Economic Feasibility of Alternate 5 was not adequately addressed. Criterion 2 test of "Feasibility" is improperly limited to construction impacts (Section B.3.3, page B-54). See following discussions below re socioeconomic issues and impacts, which are much greater than set forth in the DEIRS

B) The DEIRS preparers rejected other more practical, less impactful Alternatives for infeasibility: See Discussion of Appendix 1 in the Executive Summary (ES.4.2) (Appendix 1 is no longer accessible from the CPUC website.)

B.21-22

B.21-23

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- C) SCE's PEA to the CPUC found all non-public land routes infeasible. (PEA Section 3.7.5.1, page 3-44) | B.21-24
- D) Alternative 5 was obviously adopted as an afterthought to address a technical issue under an interpretation of a general NFS Policy (DEIRS A.3.3) for discussion of off-NFS lands alternatives that is interpreted to apply in every case, regardless of circumstances.
- 1) Leaving in one non-public infeasible alternative to appease a technicality, while rejecting all other off public land alternatives, may make Federal Sense to a bureaucrat, but does not make Common Sense, which will be the judicial test.
- 2) The route chosen for Alternative 5 is blatantly insensitive to the landforms (including the southwest trending ridges), environmental issues, physical setting, and socioeconomic issues. It merely parallels the private side of NFS boundary lines in closest proximity possible, deliberately bifurcating developed and developable private land (See detailed discussion of ES.3.3, Land Use below re Tract, VTTM 50385), while the Project all other alternatives avoid such circumstances to the west (See Figure C.15-2). The rectilinear regular outlines of the NFS-ANF lands are the typical product of Township, Range, and Section lines imposed by 100-year old national surveys. They are artificial boundary lines imposed by large-scale surveys changed only by acquisition and disposition of lands on a Township/Section-sized scale. The geologic, hydro-geologic, trails, transportation, and land use patterns are much more complex. While rectilinear forms and lines make for easy surveys, and rectilinear utility corridors are evidently assumed to be assumed to makes for easier construction and operation, the route of Alternative 5 demonstrates the lack of iterative planning, design and routing required when traversing private lands. At the high level perspective of Forest Management and SCE utility planning, a routing triangle of Alternative 5's straight line sides formed around the hypotenuse of the Project (and Alternatives 1-4) has the beauty of simplicity, but the obvious drawback of inattention to the real world problems caused by straight line planning. Alternative 5's 18 miles of new ROW passes through many jurisdictions, habitats and landforms, yet its impacts in many cases are assumed to be equal to the Project's, whose route is indeed simply a straight line through relatively uniform habitats, landforms and uses (See DEIR Figure C.15-2). | B.21-25
- 3) The inclusion of Non-public alternatives and new utility corridors were not discussed in any of the predecessor planning documents referenced in the DEIRS including PEA, Tehachapi Collaborative Study, FERC applications, CALISO application, CEC IEPR, etc. (See Generally DEIRS Sections A.3.1 and A.3.2). Alternative 5 was introduced by the DEIRS preparers and will require re-submission to those authorities, and is clearly subject to rejection by them (DEIRS A.3.2, page A-9 et seq.). The prospect of re-processing and possible rejection of the longest and most expensive Alternative 5 makes the preparers, as well as | B.21-26

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- Alternative 5, unreasonably punctilious. It is a straw proposal drawn simply to claim to meet technical requirements. B.21-26 cont'd
- a) The original omission of non-public route land routes was for good reason. If the test for adequacy of a major utility corridor above 220kV becomes required consideration of any possible non-public alternate route that upgrades federal public lands, all of SCE, LADWP, PG&E and SDG&E routes are subject to it and the entire California grid, must be analyzed for relocation. B.21-27
- 4) The unreasonableness of the non-public requirement is shown by the inability of Alternative 5 to accomplish it: NFSLOW are still required and properties are added (DEIRS Section A.2.2 page A-4) B.21-28
- 5) The true "common sense" obverse to the Protecting Public Interest/Lands coin is "respecting private property" (a.k.a. "non-public lands" in the DEIRS) which are by far more involved in Alternative 5 than the Project of any other Alternative. B.21-29
- a) The fact that CPUC powers pre-empt local permitting, as stated on page A-19 of the DEIS, artfully, but in violation of CEQA and NEPA requirements for full disclosure and discussion of Alternatives, minimizes the whole huge set of political and socioeconomic issues that arise with use of condemnation powers that conflict with local planning authority, which are not addressed except to assume amendments.
- b) The DEIRS must address Alternate 5 socioeconomic issues and impacts more fully, not simply dismiss them as being essentially the same as the Project (See discussion re Table ES-4 DEIRS page ES-15) without even a comment, let alone present the greater costs and disruption associated with Alternative 5. This information is available: See Tehachapi Collaborative Group Study, Tables D-1 through D-5. B.21-30
- c) In light of the current controversies surrounding condemnation and use of eminent domain after the Kelo decision by the U.S. Supreme Court, State legislation and California's Proposition 90 on the ballot in November, any implied threats to use pre-emptive powers to acquire private lands to upgrade NFSLOW ought to be fully analyzed. There is no DEIRS discussion about the wisdom of a major difference in Alternative 5 from the Project: transforming existing rights of way subject to a 50-year federal special use authority into a permanent fee-owned land and air rights extending over 18 new miles of utility corridors to be owned by SCE, but serve PG&E and LADWP RSP requirements (as well as SCE-controlled ROW on the Vincent to Pardee link. Under Proposition 90 lands seized for public purposes revert to prior owners when a public use is discontinued at the original property tax. There is an exemption for PUC "rate making" activities but express ample opportunity for legislative follow-up and judicial clarification. The timing of B.21-31

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phone: 949-646-8958 • fax: 949-646-5496 • website: www.earsi.com • e-mail: earsi@earsi.com

- Kelo and Proposition 90 suggest a possible motive for the hurried nature of the introduction and summary analysis of Alternative 5. | B.21-31
cont'd
- d) The many significant and unavoidable impacts and preemptions of Alternative 5 are even less acceptable for a Project that has not a single kV destined for use in the impacted area. These impacts are akin to a Bullet Train, Military Bombing Range, or Freeway spanning a community with no stations, military payroll benefits or off ramps. | B.21-32
- 6) The DEIRS omit discussion of the cost implications of Alternative 5 with the feeble excuse that costs are not required or decisive in NEPA documents (DEIRS B.3, B.3.1, and B.4.1.5). These statements are not only a distortion of NEPA (which always has a reasonableness component), but totally inapplicable to CEQA, which requires full economic analysis to establish feasibility (DEIRS B.3.1). The DEIRS cannot rely on the cost data contained in reference documents such as the Tehachapi Collaborative Study (See Tables D-2 and D-3) because such estimates do not include full costs based on the greatly increased costs of acquiring private ROW or mitigating use of non-public lands. There is also no discussion of the stigma effects of 500kV facilities on property values which average 7.5% of market values according to appraisal studies, reducing property values and local agency property tax income (See FortisBC_Nk'Mlp CPCN-Exhibit C1-6 re FortisBC Inc. Order No. G-114-05/Project No. 3698407CPNC Application for NK'Mip Substation & Osoyoos Transmission Line. This can be downloaded from the Internet at: <http://www.bcuc.com/ApplicationView.aspx?ApplicationId=93>. See also "The Effect of Electricity Distribution Equipment in the UK Residential Property Market" Sims and Dent, 2003 and references therein.) Stigma is presumably much higher percentage of stigma in an area such as Agua Dulce, which has several large lot equestrian subdivisions with picturesque and panoramic skyline views. The assessed valuation of just the Agua Dulce/Acton area along Alternative 5 is approximately \$1.5 Billion, which implies Stigma devaluation in the range of at least \$100 to 150 Million for just one portion of Alternative 5. Market and Highest and Best Use Values of the Agua Dulce/Acton Area can be expected to be much high because of the limits of Proposition 13 on Assessor's values. Expert real estate and economic analysis is required here by CEQA and should have been part of SCE's planning rather than to just assume that whatever acquisition costs would be, the CPUC and ratepayers would accept. | B.21-33
- 7) All of the above is all particularly true where, as in the DEIRS, the prospective use of for such pre-emptive powers for Alternative 5 is based solely on a single, non-condemning agency's policy Forest Management document, rather than reasoned analysis and weighing of all federal state and local plans, statutes and ordinances (See Comments below re Land Use.) | B.21-34
- II) The DEIRS establishes new questionable additional straw man "purposes and needs" for the project beyond those set forth in the PEA, other prior planning documents and | B.21-35

Environmental and Regulatory Specialists, Inc. • 223 62nd Street • Newport Beach, Ca. 92663
phone: 949-646-8958 • fax: 949-646-5496 • website: www.earsi.com • e-mail: earsi@earsi.com

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- applications such as the Tehachapi Collaborative Study and the PUC, FERC and CALISO and CEC applications and hearings for the Project. These appended purposes can supposedly in the opinion of the DEIRS preparers only be implemented by a non-public lands alternative. Alternative 5 is therefore an improper and unnecessary expansion of the Project for the following reasons.
- A) New Rights of Way in Unplanned Utility Corridors off Public Lands are not a stated goal of the project and nowhere found in the DEIRS. | B.21-35
Cont'd
- B) The DEIRS erroneously relies on supposed NFS ANF Management Plan for discussion of Alternate 5 (See DEIRS B.3.1). The ANF Plan expressly excludes new utility corridors and permits upgrading of existing corridors. (See PEA Section 4.10.4.1.) | B.21-36
- C) Improvement, upgrading or avoidance of National Forest Service Lands and Rights of Way (NFSROW) is not a purpose of the project, yet Alternative 5 is "favored" (less impactful) in some DEIRS categories because of its upgrading the NFSROW, e. g. MIS and recreational uses of NFSROW (DEIRS ES.4.3, page ES-28) | B.21-37
- D) Alternative 5 is burdened with presumed future benefits to NFSROW Forest Management, rather than just weighing and comparing and minimizing known impacts to NFSROW and private lands (See DEIRS page A-14 and page ES-23). | B.21-38
- 1) Post Alternative 5 activities within the 1,000 foot NFSROW utility corridor are not analyzed: Will assumed the benefits and mitigations of Alternative 5 to MIS and Fire fighting (DEIRS page ES-21 and ES-23) be realized? | B.21-39
- 2) Will the Fire fighting and Fuel Break advantages of the existing ROW ever be abandoned and the NFSROW be allowed to return to natural? There is no specific commitment, Plan, or proposed amendment to NFS policies presented for evaluation; it is just an assumption by the EIR/EIS preparers. New fuel breaks and access roads cannot be assumed, nor can the abandonment of valuable existing buffers and access resources | B.21-40
- 3) There is no evidence presented in the DEIS that there will be any real benefit to MIS by letting 59 of 1650 acres go back to natural or recreational uses (DEIRS page ES-8) | B.21-41
- 4) The expansion of major ignition points (50 new 500kV towers and lines in 18 miles of new ROW over previously undisturbed habitat) eastward and further into recently burned areas have unusual impacts peculiar to Alternative 5 and worthy of detailed study. | B.21-42
- a) The DEIRS in Alternative 5 established a third SCE ROW where two existed before without increasing overall grid reliability as discussed above. Major parallel LADWP ROW lines and towers will still traverse the NFS ANF lands (See DEIRS Appendix 1, Figure 9). The need for such expansion needs | B.21-43

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- clearer justification by the CPUC as well as SCE. The DEIRS and its Lead Agency preparers relies entirely on SCE rationale (See e.g. DEIRS page A-7, and the introductory phrases to first and second full paragraphs) and does not produce or discuss other viewpoints. | B.21-44 cont'd
- b) The stated dual purposes in DEIRS Section ES.1.2 and elsewhere, New Wind Power Transmission requirements and Reliability, are not the only purposes. Alternative 5 also conveniently corrects, with little discussion of, SCE errors in planning and operations, such as
- i) 66kV line special use permit authorization with NFS has expired (DEIRS page ES-11)
 - ii) Antelope to Vincent Section A.2.2 Lines are at capacity and subject to overheating without additional wind power (DEIRS A-6). | B.21-45
 - iii) A real SCE investor purpose for Alternative V is to back up the Vincent-Mesa connection, which is the weak link in the SCE Grid, (DEIRS A.4.2 page A-15-16 and PEA Section 2.0, page 2.2), regardless of Wind Power issues.
 - iv) An SPS Plan that is so complex and marginal it cannot be added to (DEIRS page ES-2) without system upgrades, whether or not Alternative 5 or the Project are implemented.
 - v) Alternative 5 is an SCE wolf in Wind Power PV'd sheep's clothing.
- E) The potential need for additional "pathways" to handle Wind Power (DEIRS) cannot be used to justify new ROW and utility corridors. The term "Pathway" does not equate to ROW, it refers to a circuit shown on a planning schematic flow diagram, (See Tehachapi Figures A-1, A-2 B-1 for example.). Pathway lines are required to be co-located in existing ROW and utility corridors, poles and towers wherever possible. (See Tehachapi Collaborative Study Group Sections A.3.1, page A-5 and A.3.2 page A-9). | B.21-46
- III) The DEIRS sets up a biased weighted analysis of Alternative 5 favoring avoidance of NFSROW both where done consciously in separate exhibits for NFS impacts (See DEIRS Table ES-2) and where combining all impacts (See DEIRS Tale ES-3). The DEIRS: | B.21-47
- A) Ignores the existing disturbance of a 1,000- foot wide Saugus Del Sur Utility Corridor in the NFS Management Plan, treating the 160 foot wide Project easement as an expansion into new undisturbed habitat. | B.21-48
 - B) Ignores existing disturbed habitat margins along the existing Saugus-Del Sur 66kV line. | B.21-49

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- C) Ignores or minimizes the fire prevention and fire-fighting advantages of the Project and Alternatives 1-4 over Alternative 5 due to the Forest Management opportunities including thinning and controlled burns and established fuel breaks and fire access roads. Helicopter islands in the new Alternative 5 will be much more inaccessible and not provide fuel breaks, connected access roads and assembly points such as exist with the NFSLROW (See DEIRS page ES-15 and ES-29). B.21-50
- D) Focuses on NFSROW impacts and perspectives only: e.g. the number of visual observation points mirror the Project observation points (See DEIRS Figures B.1.a & b) despite the nearly 19 miles of new ROW in Alternative 5 over the Project and nearly three times the number of Towers off NFSLROW (See Table ES-1). B.21-51
- E) Constantly praises the Project on every occasion for avoiding the Vesulat Movie Ranch (too numerous cites to mention) and never once mentions the thriving use of Aqua Dulce and Vasquez Rocks area by commercials, motion picture and television productions (See detailed Visual Impact and Socioeconomic discussions of ES.3.3 below) using an undisturbed skyline viewshed that will be permanently ruined by Alternative 5. (Undoubtedly there will likely be a Temporary increase in benefits to production companies given by access on private lands to close-up filming documentaries of the SCE removals and construction activities, but in the long run, opportunities for filming with a pristine background to the west will be lost replaced only by the occasional but frequent opportunity for close up coverage of the electrocution of raptors in close proximity to, but outside of the NFS.) B.21-52
- F) Given the NFSLROW/Non-NFSLROW issue which has so consumed the DEIRS preparers, the DEIRS discussion of Alternative 5 must be expanded to include a set of Exhibits comparing just the impacts of Project and Alternative 5 on Private Property, to test whether the public interest was not being artificially elevated by the NFS requirement for off-NFSLROW alternatives. B.21-53
- G) The DEIRS discussions of Alternative 5 are a misleading series of unsupported conclusions glossing over the new and expanded project goals and hiding the real impacts and dangers, including socioeconomic decline, seizing of private lands and dramatically increasing fire dangers. It is an unsuccessful attempt to put lipstick on a Dragon. B.21-54

DETAILED COMMENTS (FOLLOWING THE DEIRS ORDER)

Executive Summary

- ES.1.1 - Alternative 5 does not avoid or minimize impacts as required for alternatives under CEQA and NEPA (paragraph 3 on page ES-1). It substitutes new and greater impacts from a new project, with entirely different qualitative features, which cannot be analyzed in the quantitative manner applied by the DEIRS preparers. It should have been eliminated in Step 3 as outlined in DEIRS B.3.2 B.21-55

Environmental and Regulatory Specialists, Inc. • 223 62nd Street • Newport Beach, Ca. 92663
phone: 949-646-8958 • fax: 949-646-5496 • website: www.earsi.com • e-mail: earsi@earsi.com

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ES.1.2 - SCE Goal 1 is misstated since SCE has already overloaded the Antelope-Mesa corridor by inadequate planning and capital investment in its existing ROW. It should not be rewarded with new "pathways" which are in fact new utility corridors, due to its poor management of exiting routes. Would the PUC allow SCE to abandon one of two dilapidated office buildings in order to build another new high rise twice the size of either existing building without even mentioning or examining the costs of repair? | B.21-56

SCE Goal 2 calls for a "new pathway to deliver power" through an existing ROW to provide a second link, not a new utility corridor and new ROW. | B.21-57

The CPUC's goal as stated does not include abandoning NFLROW's as in Alternative 5, nor are such policies likely to further the development of an expanded grid for potential wind power and RPS. | B.21-58

ES.1.3 - USDA Forest Services Goals are much broader than just the ANF Land Management Plan and include the public interest, coordination of California resources in conformance with state and local standards where possible and the consideration of only reasonable alternatives in NEPA documents (See DEIRS A.3.3 and A.3.4). It is improper to consider CPUC's statewide obligations in the previous paragraph and not even describe the other applicable USDA and other Federal plans, regulation and statutes here. Avoiding the ANF is not even termed "primary" leaving the impression that it is the only requirement, which is indeed the attitude of the EIR/EIS preparers (See e.g. Table ES-2). | B.21-59

On DEIRS page ES-4, the BLM is not a "potential reviewing and/or permitting authority" in regard to Alternative 5 and its plans and policies and statutes should have been reviewed, explained and referenced in discussing Alternative 5.

ES.1.5 - The discussion of Alternative 5 Areas of Controversy is incomplete. All controversies are here lumped together without distinguishing Alternative 5 issues, despite greater conflicts with a larger number of communities. See Land Use below for one example, VTTM Tract 50385 in Agua Dulce. | B.21-60

Table ES-1 - Table ES-1 shows increases of measurable characteristics are examples of features and impacts of Alternate 5 that are unreasonable per se, because the additional Alternative 5 impacts are excessive and unnecessary:

- Distance in New ROW: 18.8 miles for Alternative 5, vs. 2.8 for the Project | B.21-61
- Number of New double-circuit 500-kV LSTs: 76 for Alternative 5 vs. 21 for the Project
- Number of Towers off NFS Lands: 166 for Alternative 5 vs. 59 for the Project

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Use of the category "Expanded ROW" is misleading; it limits the NFSLROW to the expired Special Use Permit and does not mention the 1,000-foot Saugus-Del Sur Utility Corridor. | B.21-62

"Existing 66-kV line removed" should be blank, or marked "N/A" for Alternative 5, it is not required. The removal is necessarily linked only to the Project. (See "No Project/Action Alternative", DEIRS page ES-11). | B.21-63

ES.2.2 - The statements regarding PG & E or LADWP and the goals of the Tehachapi Collaborative Study Group are vague self-serving SCE interpretations. The Tehachapi Study Report does not support these sweeping conclusions. Their relevance to Alternative 5 is that they are the source of the same incorrect, unnecessary overbroad goals and purposes that are attributed to Alternative 5, whose true purpose is not and must not be, to resolve RPS shortcomings, grid problems or SCE's competitors deficiencies. Alternative 5 is merely another route to link Antelope and Pardee substations, and by far the longest and most unreasonable way to get between point A and P, however glorious the ultimate purpose may be. | B.21-64

The last No Project/Action bullet point in ES.2.2 confirms that SCE goals were in fact to avoid upgrading infrastructure, building new facilities on different alignments and were servicing developers far removed from the Alternate 5 Route. Alternative 5 is not necessary if other unexamined alignments exist outside existing NFSLROW and the Forest Service will not renew SCE's permits. | B.21-65

ES.2.3 - Section ES.2.3 has an inappropriate and biased focus on non-project goals that distorts the full disclosure and fairness requirements of the EIR/EIS, for the reasons discussed elsewhere, including raising the standing of an infeasible and unreasonable Alternative 5. This Section, its associated Figures and Tables should be eliminated and its finding remain just in the combined Sections of the report unless an equal treatment of just the private property impacts (without offsetting benefits to public lands) is included. | B.21-66

It is obvious from the discussion in E .2.3 that the NFS ANF Forest Plan, which the DEIRS preparers claim so immutably required the inclusion of Alternative 5 in the EIS, can simply be amended. | B.21-67

There is no discussion or reference to other analysis on DEIRS page ES-13 of why the Antelope-Pole Switch 74 66kV transmission line would be removed: what are its purposes, expected life, need for upgrading in No Project/Action, ability to remain as back-up, etc? The difficulty or impossibility of replicating such ROW and its attendant fuel break, fire access and Forest Management attributes make its abandonment far from a foregone conclusion but is easily assumed by the DEIRS preparers. | B.21-68

Table ES-2 is not adequately explained. The pertinence of the Spur and Access Road information is not explained or analyzed. The apparent lack of land disturbance in | B.21-69

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comparing Alternative 5 to the Project seems to imply a reason to favor Alternative 5 over the Project, yet most of the difference is apparently attributable to helicopter construction and a design decision not to install permanent access roads to new towers, which mitigate construction activities, but have ominous fire fighting consequences (See ES.4.2 below).

B.21-69
cont'd

ES.3.2 - The erroneous statement that tries to justify the omission of "public services, socioeconomic and utilities and services systems" from Table ES-4 is the clearest example in the DEIRS of the inadequacy of the Alternative 5 analysis and the wrongheaded determination to retain an unreasonable and infeasible non-public lands alternative in the document, however inappropriate and unnecessary. ES.3.2 and Table ES-4 try homogenizing and burying the most significant and unavoidable impacts of Alternative 5 in the phrase "No key issues or differences...."

B.21-70

The statement in the third paragraph DEIRS that the Project and Alternatives 3 & 4, because of greater distances within the ANF, have the "potential to affect a greater number of environmental resources" is just wrong, since Alternative 5 actually traverses more geological, hydrological, and biological habitat types over greater distances.

B.21-71

The avoidance of Del Sur Ridge and removal of Antelope-Pole Switch 74 transmission line, an existing approved and disturbed route in a utility corridor, is not a Project goal and the added benefit is inappropriately ascribed to Alternative 5 (DEIRS ES-16). It is not demonstrated that abandonment of the existing ROW and or that the benefits of abandonment would be realized, particularly if its fuel break, access road and fire prevention and fighting capacities are retained as is implied here.

B.21-72

ES.3.3 - In Table ES-5 and throughout the DEIRS, the Veluzat Motion Picture Ranch should be replaced by the phrase "Motion Picture, Television, Commercials, Documentary and Nature and Photography Media Productions (Media Productions)." After that correction, by the DEIRS' own analysis, the following Rows in Table ES-5 should have an "X": L-4, R-3, N-2, N-5, N-7, S-2, V-4, and V-9. Additional rows should also be added to address the DEIRS shortcomings (as discussed herein) in Forest Management Activities, Land Use and Public Resources, Socioeconomics and Visual Resources. There should be additional criteria that relate particularly to Alternative 5 only and will have no impacts on the Project and Alternatives 1-4, e.g. additional KOP view points along the longer Alternative 5 route and a listing of all the various local planning documents that will have to be amended to reconcile Alternative 5 and to implement the CPUC's pre-emptive decision.

B.21-73

B.21-74

The significant and unavoidable and unmitigable impacts of taking permanent fee ownership from private owners to replace existing utility corridors and upgrade public lands are not even listed.

B.21-75

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ES.3.4 & ES.3.5 - The Summaries of Cumulative Impacts and Indirect Effects suffer from the same unjustifiable and misleading homogenizing of completely different concepts as the Summary of Significant and Unavoidable Impacts. Distinct features of Alternative 5 are deliberately masked to make Alternative 5 appear reasonable and deserving of retention. | B.21-76

ES.4.2

Biological Resources - The phrase "biological perspective" should be replaced with the phrase "from an NFS ANF Policy perspective". | B.21-77

Alternative 5 - As discussed above in the Summary, the benefits that "may" occur are an inappropriate measure irrelevant to Alternative 5, which is not an alternative to an NFS upgrade Project. The incidental benefit assumption is not demonstrated or analyzed sufficiently to make it the basis for a decision. | B.21-78

The phrase "habitats characterized by greater disturbance" is an unproven qualitative assumption with no limits or criterion for comparison. What are the disturbed areas referred to, if helicopters are required to install LSTs? The area in, under and around Alternative 5 contain much more habitat and varieties of habitat (e.g. Juniper) than the 59 acres of land that will be disturbed or already has been disturbed by the NFSLOW. What does "disturbance" mean, particularly in evaluating the impacts on habitats spanned by an additional 18 miles of 500kV lines: presumably the greater the surrounding area is disturbed, the greater the impacts will be. | B.21-79

Forest Management Activities

See Summary II, above, re Alternative 5.

Land Use and Public Recreation

Alternative 5 - The DEIRS account of Land Use and Public Recreation is hopelessly flawed in this summary section and in the detailed discussion in Section C.9. Whether or not they can be pre-empted, the relevant sections of local planning documents should be included in the description of the physical setting, environmental analysis, cumulative impacts, and indirect effects. | B.21-80

Examples of significant unavoidable land use impacts of Alternative 5 that were not adequately discussed in ES.2.2 & C.9.10.2. The DEIRS conclusion that these impacts could be assumed to be cured by pre-emption, acquisition, or amendment was misguided. | B.21-81

The DEIRS is erroneous in its statements and conclusions that Alternative 5 would not conflict with applicable local land uses, general plans, and planning ordinances. In many instances it admits and assumes that amendments to | B.21-82

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other planning documents, e.g. will be sufficient without conceding the impacts and inconsistency that require such amendments (See e.g. page C.9-48 and 49).

B.21-82
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The DEIRS particularly fails in its analysis that finds Alternative 5 consistent with the LA County General Plan, by only considering its Land Use Element and failing to evaluate the other elements of the General Plan and the Santa Clarita Community Plan, such as Public Facilities, Conservation, Open Space and Recreation, Housing, the Safety Element's requirements for minimizing Fire and Geologic Hazards, and Special Management Areas regarding hillside development in steep slopes. The DEIRS also failed to consider potential impacts from Supplemental Districts/Community Standard Districts. Alternative 5 is clearly inconsistent with the Agua Dulce and Acton Community Standard Districts (LACO Ord 22.44.113 and 126), which endeavor to establish a community that values its traditional media production and equestrian uses, open spaces, and scenic assets.

B.21-83

Title 22 PLANNING AND ZONING for Los Angeles County and Chapter 22.44 SUPPLEMENTAL DISTRICTS contain information which implements the goals and policies of the General Plan:

"Part 2 COMMUNITY STANDARDS DISTRICTS

22.44.090 Establishment--Purpose. The community standards districts are established as supplemental districts to provide a means of implementing special development standards contained in adopted neighborhood, community, area, specific and local coastal plans within the unincorporated areas of Los Angeles County, or to provide a means of addressing special problems which are unique to certain geographic areas within the unincorporated areas of Los Angeles County. (Ord. 93-0047 § 1, 1993; Ord. 87-0130 § 1, 1987; Ord. 83-0065 § 5, 1983; Ord. 1494 Ch. 9 Art. 5 § 905.1, 1927.)"

The EIR fails to consider impacts to the Agua Dulce and Acton Districts. The Impact analysis relating to Alternative 5 assigns the wrong level of significance. Alternative 5 would result in significant land use impacts if it would:

Criterion LU1: Conflict with applicable adopted county, State or federal land use or recreation plans, goals,

B.21-84

Criterion LU2: Preclude a permitted use on nearby property or create a disturbance that would diminish the

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Criterion LU3: Convert Farmland to non-agricultural use, impair the agricultural productivity of Farmland, and/or conflict with existing zoning for agricultural use or a Williamson Act contract.

The Conclusions in the DEIRS regarding the Land Use impacts are incorrect (starting at pg C.9.44)

Alternative 5 would in fact conflict with applicable adopted Los Angeles County plans as detailed above, as well as State or federal land use or recreation plans, goals, policies, or regulations.

Alternative 5 would preclude a permitted use on nearby property or create a disturbance that would diminish the function of a particular land use (e.g. recorded tract maps, impact schools and disrupt existing residential neighborhoods).

VTTM 50385 - To examine one example, VTTM Tract 50385 is a recorded development of 339 residential lots on 908 acres, including open space in the unincorporated community of Agua Dulce, within the Agua Dulce Community Standards District (ADCSD), (Los Angeles County Ord. 22.44.113). The homes to be constructed on the property would have an expected market value in excess of \$1 Million each. The development descends steeply from south to west and has scenic views to slopes rising into the ANF to the west that would be severely impacted by Alternative 5.

The property is bisected by the Alternative 5 alignment. (See Comments to DEIRS and VTTM 50385 Map, submitted by the property owner/developer under separate cover).

Alternative 5 would cut through VTTM No. 50385 at a location that not only would impact views and greatly reduce property values and quality of life in the development but would render the development economically infeasible due to a loss of nearly a third of the lots and redesign of VTTM No. 50385, including, without limitation, access and utility crossings of the ROW, will raise additional significant liability, cost, severance damage and stigma issues to the impacts of Alternative 5.

These impacts would be significant and unavoidable and are not discussed in the DEIRS, because the Project is beyond the 5-mile limit from the Project established in the DEIRS Cumulative Impacts Section (See Table B.5.1).

VTTM 50385 is but one of the many affected properties which were not discussed or analyzed in the DEIRS, understating the Alternative 5 impacts.

B.21-84
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B.21-85

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These additional significant and unavoidable Land Use impacts make Alternative 5 even more infeasible and unreasonable in the context of the DEIRS.

B.21-85
cont'd

Alternative 5 is predicated upon obtaining County amendments, but fails to provide the detailed analysis necessary to determine if obtaining these approvals is even remotely feasible due to Land Use impacts.

B.21-86

Public Services

Alternative 5 - How can the fire risks be similar with 10 more miles of 500 kV transmission lines? Alternate 5 is unreasonable per se. Even though Alternative 5 is ranked last, it is so much more dangerous than the Project, it should be found unreasonable and infeasible and discarded, in the same manner as other less dangerous alternatives by the process described in Sections B.3.2 and as applied to LADWP route in the ANF and the rejected non-ANF alternatives. (See Section B-3.4.6 through B 3.4.10, and presumably Appendix 1, which was not available to EARSi for this Comment).

B.21-87

Socioeconomics

Alternate 5 - The test is not solely the removal of existing houses. Unbuilt lots and future inhabitant revenues and property taxes must also be considered. Stigma effects on property owners and the economy should be studied and included in the DEIRS. (See the above Summary of Comments Section I-D-6). Just in Aqua Dulce, there are over 60 homes listed for sale on the MLS averaging over \$1 Million in price per home.

B.21-88

The clumsy attempt to ignore effects on 103 (or more) properties and characterize the Socioeconomic Class I effects as loss of one residence is bad enough, but the attempt to offset the impacts with avoidance of the Project's impacts on two properties, Veluzat Motion Picture Ranch and the Bouquet Canyon Stone Quarry, is gratuitous and of no weight at best, given the permanent disruption, severance and stigma that Alternative 5 will cause throughout the many communities and business along Alternative 5.

Visual Resources

Alternate 5 - This Section is an incomplete analysis and the most NFS-biased in the DEIRS. The entire analysis is based on assuming the only view vantage point worth preserving is in the ANF.

B.21-89

All of the significant unavoidable avoidable visual impacts documented in the DEIRS are from the 13 KOPs selected for Alternative 5 (from an entire length of 37 miles) as detailed in DEIRS Section C-15 are essentially ignored in the

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DEIRS analysis. The DEIRS ranking is based solely on removing the 66kV line from the ANF, a benefit unrelated to Alternative 5 or the goals of the Project. Compare the DEIRS discussion in ES.4.3, which admits the adverse effects ignored in ES.4.2, without finding them significant and unavoidable, labeling them as an unofficial “not be welcomed” and “substantial adverse impact”, rather than expressing them in appropriate DEIRS Criteria.

Most of the view analysis simply relies on the assumption that the KOPs for the Project apply to Alternative 5 and are appropriate data, i.e. the absence of a view impact in the NFS land is termed a viewshed “benefit”, which raise Alternative 5’s standing in the ESA selection process in ES.4.3. In fact, it is surprising the EIR/EIS preparers did not also claim a noise benefit to the fact that none of the residents along Alternative 5 would hear a tree falling in the ANF woods.

Views of private landowners are just as important to the residents and business of the area along Alternative 5. There is only one private land labeled KOP for Alternative 5, KOP 5-12, reportedly from Lily of the Valley Mobile Home Village, but which in fact is just another streetscape view from Lower Bouquet Canyon Road. The views from public land are not at all “similar” to Alternative 2 or the Project as is assumed in ES.4.3 regarding the ESA and throughout the DEIRS.

The view impacts of Alternative 5 are literally hundreds of times more impactful than the Project. There should be KOPs totaling a multiple of the 103 private properties directly affected, i.e. one from each property and more than one on large lots giving a full spectrum of view impacts from a variety of economic values (not just a trailer park). Here should be several KOPs on the many large lots contained in VTTM 50385.

The added KOPs should also include at least (for an example of an easily accessible data base available for access by the EIR/EIS preparers) the 63 single-family homes currently listed for sale on the Agua Dulce Multiple Listing Service, many or most over 2 acres in size with prices for most in excess of \$1 Million. Since the biological surveys were undertaken in January 2006, there was ample time to contact the many affected land and homeowners now protesting Alternative 5 for permission to establish KOPs on private lands had the EIR/EIS preparers intended to fairly represent impacts to the viewshed. Instead the approach was apparently to try to keep the hurried EIR/EIS Alternative 5 after-thought preparation process under wraps and do windshield surveys from areas where the EIR/EIS preparers could drive to, and if necessary get out and stand next to their cars for a quick picture.

B.21-89
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There are only two Alternative 5 public land viewpoint KOPs, KOP K-7 from Vasquez Rocks County Park and KOP K-9 from the Pacific Crest National Scenic Trail.

The views of travelers and passers-by along City streets, County roads, and State highways and freeways referred to in ES.4.3's ESA rationale are not listed as KOPs, which relate primarily to road intersections.

There are no KOPs identified as coming from commercial locations. The Aqua Dulce Chamber of Commerce website at <http://www.aquadulce.com> has a long list of businesses in just that area.

B.21-89
cont'd

There are no KOPs from the many favorite locations for Media Productions as defined above in detailed discussion of ES.3.3. Media Productions are an important revenue source for the Aqua Dulce/Acton area. The many Sections of the DEIRS dealing with Land Use and Public Resources, Socioeconomic, Cumulative Impacts and Indirect Effects impacts similarly omit the Media Production impacts, which are important to the Los Angeles and California Media Production Industry, since most of the area around Alternative 5 is within the range of Hollywood union's daily locations rather than being classified as remote shoots.

ES.4.3 - The improper bias in the DEIRS to favor the avoidance and restoration of the ANF, discussed at length in various Sections above, continues into the selection of the ESA and the unnecessary balancing of the Project and NFS alternatives against the only non-NFS alternative, Alternative 5. Since CEQA does not have the requirement for a non-NFSLROW alternative, the basis for the analysis should be based on all factors, equally weighted.

B.21-90

Remarkably, the discussion on ES-27 reveals in the third full paragraph on page ES-28 the truth hidden so well in the DEIRS: that the Project really has only short-term construction impacts (presumably because it follows an existing disturbed ROW in 1,000 foot wide utility corridor). Because there are few long-term effects associated with the Project, only the "long-term effects" of Alternative 2 and 5 are compared, which is a false and imprecise and non-statutory test, further compounded by the fact that Alternative 5 impacts have been understated in the DEIRS analysis as demonstrated above. If none of the alternatives is preferable to the Project, why is an ESA even picked, except to follow required formats?

B.21-91

The concluding sentence on page ES-30 should have been the test for analysis, in both CEQA and NEPA, not just in the selection of the ESA, because of the infeasibility and unreasonableness of Alternative 5 or any other non-NFSLROW.

B.21-92

ES.4.4 - There are no reasonable alternatives under NEPA for the USDA Forest Service to consider and it should make its pick now.

B.21-93

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This deferral is particularly inappropriate where the public-at-large and affected property owners, businesses, and residents have not been granted full requested extensions by the CPUC Lead Agency's Administrative Law Judge (See ALJ Decision dated September 12, 2006.)

B.21-93
cont'd

After all the discussion focused on NFSLOW vs. Non-NFSLOW in the DEIRS, the punting by NEPA at the ESA stage is an indication of the weakness of Alternative 5 as even an NEPA solution.

CONCLUSION

Alternate 5 is infeasible, unreasonable, and inadequately described in the DEIRS. The Lead Agencies, CPUC, and USDA Forest Service should eliminate it from further consideration.

B.21-94

* Other attachments:

Exhibit 1 – Comment letter from Agua Dulce Town Council

Exhibit 2 – Comment letter from Agua Dulce Civic Association, Inc.

Exhibit 3 – Comment letter from Acton/Agua Dulce Trails Council (addressed to Governor Schwarzenegger)

Exhibit 4 – Comment letter from ADAPT (Agua Dulce Against Power Towers)

Exhibit 5 – see above

Exhibit 6 – Initial Study – Vasquez Rock Interpretive Center

Exhibit 7 – Comment letter from Acton-Agua Dulce Unified School District

Exhibit 8 – Comment letter from Agua Dulce Senior Citizens Club (addressed to Governor Schwarzenegger)

Exhibit 9 – Comment letter from Assemblywoman Sharon Runner, 36th District

Exhibit 10 – Comment letter from Senator George Runner, 17th District

Exhibit 11 – Comment letter from Director of Regional Planning, Los Angeles County (addressed to County Board of Supervisors)

Exhibit 12 – Comment letter from Director of Community Development, City of Santa Clarita

Exhibit 13 – Comment letter from Troth Realtors GMAC Realtors

Response to Comment Set B.21: Wasserman, Comden, Casselman L.L.P

- B.21-1 Thank you for expressing your concerns regarding Alternative 5 and indicating your support of the proposed Project. Your views will be shared with the decision-makers who are reviewing the Project and alternatives at the USDA Forest Service and the CPUC. The Lead Agencies are very aware of the opposition that exists to Alternative 5. The adverse impacts of Alternative 5 are described in the EIR/EIS, including impacts that would be experienced in the community of Agua Dulce; however, Alternative 5 remains a feasible alternative for the purposes of CEQA and NEPA compliance. As described in Appendix 1 of the Draft EIR/EIS, an alternative is considered feasible unless there are technical, legal, social, or economic constraints that prevent it from being implemented. While Alternative 5 would be more costly than most of the other alternatives and there are numerous adverse impacts associated with Alternative 5, these impacts alone do not render the alternative infeasible.
- B.21-2 The document prepared by the Lead Agencies is a Draft EIR/EIS, not a Draft EIR. Therefore, the document has been prepared in compliance with both CEQA and NEPA. In circumstances where the requirements of one law are greater or more rigorous than the other, the greater or more rigorous requirements were followed in preparing the Draft EIR/EIS. Because NEPA requires equal analysis of alternatives in an EIS, the alternatives analyzed in the Draft EIR/EIS for the Antelope-Pardee project were analyzed in an equivalent manner, even though this is not required for an EIR. Even though this level of alternatives analysis is not required by CEQA, it has been included in the Draft EIR/EIS in order to comply with NEPA. Therefore, the alternatives analyzed in the Draft EIR/EIS do represent a “menu” of choices available to the Lead Agencies. As a result, a new Draft EIR would not need to be prepared in order for the Lead Agencies to approve one of the alternatives.
- B.21-3 The commenter is correct that CEQA does not require that alternatives be analyzed as fully and in as much detail as the proposed Project. However, as described in the response to Comment B.21-2 above, the EIR/EIS was prepared to meet the requirements of NEPA as well as CEQA. Therefore, the NEPA requirement to analyze the Project and the alternatives at the same level of detail was followed. As a result, the Draft EIR/EIS exceeds the minimum requirements for analysis of alternatives set forth by CEQA. While CEQA does not require this level of analysis, NEPA does, and CEQA does not prohibit the Lead Agency from exceeding the minimum requirements for alternatives analysis. Please note that required CEQA findings are not included in an EIR, but instead are adopted separately by the decision-makers in support of a decision to approve a project. Because adoption of an alternative is permissible in this case (see the response to Comment B.21-2 above), CPUC decision-makers would be required to adopt CEQA findings for any alternative they may approve.
- B.21-4 Please see the responses to Comments B.21-2 and B.21-3 above.
- B.21-5 As described in the responses to Comments B.21-2 and B.21-3 above, the alternatives examined in the Draft EIR/EIS have been afforded the same level of scrutiny as the proposed Project. Therefore, the EIR process would not have to be repeated in order for the CPUC to approve one of the alternatives, or a combination of the analyzed alternatives.

- B.21-6 We agree that CEQA is an informational document and that the CEQA Lead Agency is not obligated to approve the environmentally superior alternative. The CPUC, as the CEQA Lead Agency, is responsible for identifying the environmentally superior alternative. In this case, the CPUC identified a combination of Alternatives 2 and 4 as environmentally superior, not the proposed Project.
- B.21-7 Alternative 5 did not receive limited analysis in the Draft EIR/EIS, but instead was afforded the same level of analysis and scrutiny as the other alternatives, including the proposed Project. Please see the responses to Comments B.21-2, B.21-3, and B.21-5 above. Responses to the comments made by EARSi are provided below (see the responses to Comments B.21-22 through B.21-94). None of the information presented renders Alternative 5 infeasible as defined by CEQA and NEPA. Alternative 5 is not an improper expansion of the project, but instead is part of a reasonable range of alternatives and is a type of alternative required to be considered by the Forest Service (see General Response GR-4).
- B.21-8 Please see the response to Comment B.13-5.
- B.21-9 Thank you for the information regarding fires related to power lines (please see the response to Comment B.21-10) and the need for FAA approval if Alternative 5 is selected (please see the response to Comment A.15-1). The Lead Agencies are aware of both of these issues. While the concerns regarding transmission towers and fires are understandable, they do not render Alternative 5 infeasible as defined by CEQA and NEPA. An alternative is only considered infeasible if technical, economic, social, or legal constraints prevent it from being implemented. Similarly the need for FAA approval does not render Alternative 5 infeasible. However, your concerns will be shared with the decision-makers who are reviewing the Project and alternatives at the USDA Forest Service and the CPUC.
- B.21-10 The Lead Agencies recognize the potential fire hazards presented by transmission lines and the constraints to aggressive aerial fire fighting that can be imposed by transmission lines. These issues are described in the EIR/EIS (see Sections C.7 and D.4.6) and will be considered by decision-makers who are reviewing the Project and alternatives at the USDA Forest Service and the CPUC. Thank you for the information regarding the County's designation of the area as a high fire hazard area and OS zone. Local zoning regulations are not applicable to the project; however, this information will be shared with decision makers at the USDA Forest Service and the CPUC.
- B.21-11 The impacts of Alternative 5 on historic and pre-historic resources are fully described in Section C.4.10 of the EIR/EIS (see Impacts C-15 through C-23). The EIR/EIS indicates that Alternative 5 would potentially affect three archeologically (prehistoric) sensitive sites and seven historically sensitive sites. For comparison, the proposed Project would potentially affect three archeologically sensitive sites and ten historically sensitive sites. The impact of Alternative 5 on the Pacific Crest Trail is described in the Draft EIR/EIS (see Impact R-2 in Section C.9, and Impacts V-4 and V-27 in Section C.15). The effects described in the comment have been sufficiently addressed in the Draft EIR/EIS.
- B.21-12 The adverse visual impacts of Alternative 5 are fully analyzed in Section C.15.10 of the Draft EIR/EIS, including adverse impacts on views associated with Vasquez Rocks County Park. The EIR/EIS analysis concludes that Alternative 5 would have significant adverse impacts on views in the Agua Dulce area.

- B.21-13 The Draft EIR/EIS adequately characterizes the potential effects of Alternative 5 and the other transmission routes on groundwater. The information presented in the comment does not change the nature of the impact described in the Draft EIR/EIS nor does it change the significance of the impact. While construction of tower footings would require excavation, no reason has been presented in the comment to suggest that the potential impacts to groundwater are any different than those described in the Draft EIR/EIS. As indicated in the Draft EIR/EIS in Section C.7, Applicant-Proposed Measures HYD-2 through HYD-6 and Mitigation Measure H-4 (Develop and Implement a Groundwater Remediation Plan) would avoid any significant impacts to groundwater.
- B.21-14 Please see General Response GR-3. The scientific community has not been able to reach a consensus regarding the potential health effects of EMF. Similarly, the EIR/EIS is also not able to reach a conclusion regarding the potential for adverse health effects that may be caused by EMF. Instead, the EIR/EIS presents a summary of what is known about EMF in the interest of public disclosure. We cannot speculate about the possibility of reduced school enrollment or population declines resulting from public fears about EMF exposure and, therefore, this is not an appropriate topic to evaluate in the EIR/EIS.
- B.21-15 The adverse effects of Alternative 5 on Vesting Tentative Tract Map No. 50385 are acknowledged in the Draft EIR/EIS. Relevant effects on VTTM No. 50385 are described in Section C.9.10 and the project is considered in the cumulative impact analysis (see the projects listed in Table B.5.1). Please note that impacts to planned development receive less attention in the EIR/EIS than impacts to existing land uses because the development does not yet exist. Both CEQA and NEPA require that impacts be evaluated against existing conditions in the environment. Please see the response to Comment B.19-1.
- B.21-16 Thank you for expressing these concerns. Please see the response to Comment B.9-6. As discussed in Draft EIR/EIS Section C.15.10.2, impacts to some views in the Agua Dulce area as a result of Alternative 5 would be significant and unavoidable. While it is possible that filming could be adversely affected at some locations in Agua Dulce due to the visual prominence of transmission line and towers, it is not possible to quantify any economic effect associated with loss of filming opportunities that might result from implementation from Alternative 5 resulting in a socioeconomic impact. In fact, it is difficult to determine with any certainty whether the amount of filming conducted in the Agua Dulce area would decline in the future and whether such a possible decline would be the result of Alternative 5. Only a portion of the area would be affected by Alternative 5 and it is doubtful that all the locations in the Agua Dulce area would no longer receive use as filming locations because of Alternative 5. While any socioeconomic impacts to the filming industry cannot be reliably estimated, your concerns regarding this issue will be shared with the decision-makers who are reviewing the Project and alternatives at the USDA Forest Service and the CPUC.
- B.21-17 Thank you for expressing these concerns. Please see the response to Comment B.15-5.
- B.21-18 The impact of Alternative 5 on the Pacific Crest Trail is described in the Final EIR/EIS (see Impact R-2 in Section C.9, and Impacts V-4 and V-27 in Section C.15).
- B.21-19 The Draft EIR/EIS describes the impacts of Alternative 5 on the environment and, as appropriate, on the local population. It is not necessary to specifically call out impacts to particular segments of the population unless the impacts would be substantially different than those described for the overall

population. The Draft EIR/EIS adequately describes appropriate impacts to the local population and those impacts would also apply to retired and elderly residents.

- B.21-20 In accordance with CPUC rules and procedures, the Commission will not take any action to certify the Final EIR/EIS or approve the proposed Project or any alternative until at least 30 days after a Proposed Decision has been drafted. The Proposed Decision will not be completed until after the Final EIR/EIS has been published. ADAPT and the Agua Dulce Town Council will have the opportunity to review these responses to comments during the period between publication of the Final EIR/EIS and the Commission action, which will be at least a 30-day period.
- B.21-21 Thank you for providing your opinions regarding Alternative 5 and the proposed Project route.
- B.21-22 Alternative 5 meets the definitions of feasibility as described in Sections 2.3.1.2 and 2.3.2.2 of Appendix 1, Alternatives Screening Report, defining feasibility under CEQA and NEPA respectively. Reasonableness is not one of the CEQA or NEPA criteria for eliminating alternatives. The Lead Agencies do not consider an alternative unreasonable just because it is longer than other alternatives or results in some impacts that are greater than those of other alternatives. Please refer also to General Response GR-4 regarding alternatives identification, screening, and analysis.

The basis for stating that Alternative 5 would be “600% more impactful” than the proposed Project is not clear. Alternative 5 would be 45% longer than the proposed Project. Alternative 5 would require the establishment of 18.8 miles of new transmission corridor, whereas the proposed Project would require the establishment of only 2.8 miles of new corridor. The proposed Project would require the construction of approximately 117 transmission towers and the Alternative 5 would require construction of about 173 towers. Total land disturbance associated with construction of the proposed Project is 126.8 acres compared to an estimated 150.6 acres for Alternative 5. These differences between the proposed Project, Alternative 5, and the other alternatives are described in the Final EIR/EIS and are the basis for the impact analysis.

The reliability of Alternative 5 would be generally comparable to that of the proposed Project. Please note that an alternative is not considered economically infeasible just because it is more expensive than other alternatives or has greater economic impacts. It would only be economically infeasible if the costs for construction and/or operation would be so great that they would prevent the implementation of the alternative.

- B.21-23 The alternatives eliminated in Appendix 1, Alternatives Screening Report, were eliminated for a variety of reasons, including infeasibility. Feasibility requirements per CEQA and NEPA are described in Sections 2.3.1.2 and 2.3.2.2 of the Alternatives Screening Report, respectively. The 15 preliminary alternatives and the reasons for eliminating most of these alternatives from detailed analysis in the EIR/EIS are presented in Sections 3.2, 3.3, and 3.4 of the Alternatives Screening Report. Please refer also to General Response GR-4 regarding alternatives identification, screening, and analysis.
- B.21-24 The alternatives screened in Appendix 1, Alternatives Screening Report, and in the Draft EIR/EIS were not limited to those retained for analysis by the Applicant or previous planning documents or studies. Analysis for this document found that Alternative 5 represented a feasible non-public land alternative. Please refer to General Response GR-4 regarding alternatives identification, screening, and analysis, the definitions of feasibility as described in Sections 2.3.1.2 and 2.3.2.2 of Appendix

1, Alternatives Screening Report, defining feasibility under CEQA and NEPA respectively, and Section 3.3.5 of Appendix 1, Alternatives Screening Report, regarding Alternative 5.

- B.21-25 Alternative 5 was formulated in response to the Forest Service’s requirement to investigate a non-NFS alternative, to reduce impacts to NFS lands, and to broaden the range of alternatives considered in the EIR/EIS. While other non-public land alternatives are possible, the EIR/EIS is not required to analyze all possible alternatives. Analysis of a single non-NFS alternative was adequate to formulate a reasonable range of alternatives for consideration in the EIR/EIS.

Extensive research and field reconnaissance was involved in trying to identify a possible route for a non-NFS alternative. There are numerous constraints that reduce the number of possible routes to connect the Antelope and Pardee Substations without crossing NFS lands. In fact, even Alternative 5 is not a true non-NFS alternative because it was too difficult to identify a route that didn’t cross any lands owned or managed by the Forest Service. The difficulty in creating a workable route for a non-NFS alternative is reflected in the significant impacts identified for Alternative 5 and the numerous private properties affected by the route. Alternative 5 certainly does not represent an optimal route for the transmission line and it has not been identified by either Lead Agency as the preferred alternative. Despite its disadvantages, the EIR/EIS preparers believe Alternative 5 is a feasible, although problematic, route for a non-NFS alternative. The EIR/EIS does not consider the impacts of Alternative 5 to be equal to those of the proposed Project; however, many impacts are similar in nature. In many cases, there are significant differences in the magnitude and severity of various impacts even though the nature of the impacts is similar. These differences in impacts are described throughout the Draft EIR/EIS.

Please refer to the response to Comment GR-4 regarding alternatives identification, screening, and analysis.

- B.21-26 Please refer to the response to Comment B.21-24 regarding identifying alternatives beyond those analyzed by the Applicant or previous planning documents or studies. The Lead Agencies (CPUC and USDA Forest Service), not the agencies cited in the comment, are responsible for identifying appropriate alternatives for consideration in the EIR/EIS. There is no requirement or necessity for the EIR/EIS alternatives to be reviewed and/or approved by any other agencies prior to their consideration in the EIR/EIS. Furthermore, the transmission concepts evaluated by the Tehachapi Collaborative Study Group, FERC, CAISO, and the Energy Commission were schematic and not route specific. Alternative 5 is consistent with those transmission concepts because it still provides a 500-kV connection between the Antelope and Pardee Substations.
- B.21-27 It is the prerogative of any federal lead agency which has a policy similar to the USDA FSM 2703 – Policy denying a special use if it “can reasonably be accommodated on non-NFS lands...” to reject a special use permit or application for such a reason. However, as existing major utility corridors above 220-kV must already have special use permits when necessary for traversing federal lands, it would be unnecessary to analyze the relocation of these routes on non-public lands unless corridor improvements or policy changes require a new special use permit for these existing utilities.
- B.21-28 Please refer to the response to Comment B.21-22 regarding the feasibility of Alternative 5.
- B.21-29 At this time, as it is currently unknown for Alternative 5 how many parcels would need to be acquired for condemnation, the information required to analyze the “set of political and socioeconomic issues that arise with the use of condemnation powers” is not only unavailable, but it

is uncertain what these issues may even be. Consequently, analysis of these issues would be purely speculative and unsuitable for inclusion in this document.

- B.21-30 Please refer to Section C.12.10.2 for an analysis of the socioeconomic impacts of Alternative 5.
- B.21-31 Please refer to the response to Comment B.21-29 regarding property acquisition. There was no “hurried nature” to the analysis of Alternative 5 and there are no motives other than to analyze a reasonable range of alternatives in order to comply with CEQA and NEPA requirements, and to comply with Forest Service policy.
- B.21-32 The destination of the electricity conveyed by Alternative 5 has no bearing on this alternative’s feasibility. Please refer to General Response GR-4 regarding alternatives identification, screening, and analysis.
- B.21-33 The EIR/EIS does not indicate that costs are not a consideration in determining feasibility. The Draft EIR/EIS and the appended Alternatives Screening Report (Appendix 1) both indicate that economics need to be considered in determining whether an alternative is feasible. However, CEQA does not require “full economic analysis” to make this determination as indicated by the commenter. Instead, the Lead Agencies are required to use their judgment and available information to determine if an alternative is economically feasible. An alternative would be considered economically infeasible if its costs were so great that they would prohibit the implementation of the alternative. The burden of proof usually falls on the applicant to present information demonstrating the economic infeasibility of an alternative. Lacking such information, alternatives are typically not considered to be economically infeasible unless common sense or reason would indicate the contrary. While Alternative 5 would be costlier than the proposed Project, no evidence has been presented to indicate that its implementation would be cost prohibitive. In fact, Alternative 5 is not even the most expensive of the alternatives analyzed in the EIR/EIS, which would likely be Alternative 1.

Effects on property values is not a consideration in determining economic feasibility since these are not project costs. Effects on property values are a potential project impact rather than a matter related to the project’s feasibility. Consequently, the impacts to property values would not affect the feasibility of Alternative 5. Please see General Response GR-1 regarding the project’s potential effect on property values.

- B.21-34 Please refer to the response to Comment B.21-27 regarding USDA FSM 2703 – Policy and General Response GR-4 regarding alternatives identification, screening, and analysis.
- B.21-35 The purpose of and need for the project presented in Section A.3 of the EIR/EIS includes SCE’s objectives presented in the PEA and clarified through subsequent responses to information requests from the Lead Agencies. Section A.3 also presents the objectives of the CPUC and the Forest Service in relation to their respective regulatory and permitting roles for the project. In addition, Section A presents an extensive overview of the activities of the Tehachapi Collaborative Study Group, FERC, and CAISO regarding the project, as well as other relevant background information such as Senate Bill 1038, Senate Bill 1078, and CPUC Decision 04-06-010. The commenter does not specify what constitutes the “additional straw man” purposes and needs mentioned in the comment. The commenter misunderstands the context of a non-NFS lands alternative (please see General Response GR-4).

- B.21-36 Because the purpose of the project is to increase transmission capacity between Antelope and Pardee Substations, the proposed Project and Alternatives 1 through 4 as well as Alternative 5 were retained for analysis in this document. The reason that “New Rights of Way in Unplanned Corridors off Public Lands” was not included as a stated goal of the project and is not discussed anywhere in the document is because that is not the purpose of the project, as is implied by the comment.
- B.21-37 Section B.3.1 of the Draft EIR/EIS does not refer to the ANF Management Plan, so the nature of this comment is unclear. The Forest Plan includes a utility corridor across the portion of the ANF where the proposed Project is located. As indicated in Section A.5.2 and various other places in the Draft EIR/EIS, amendments to the Forest Plan would be required to approve the proposed Project or any of the alternatives, including Alternative 5.
- B.21-38 Although avoidance of NFS lands is not a purpose of the project, as analysis shows throughout the document, Alternative 5 would reduce certain significant impacts of the proposed Project. Please see Section D.5 in the EIR/EIS and Table ES-3 in the Executive Summary.
- B.21-39 Alternative 5 was designed in large part to avoid impacts to NFS lands. With the ANF Land Management Plan and ANF Fire Management Plan in implementation, it is anticipated that the future benefits identified in the document would be realized.
- B.21-40 Based on the ANF Fire Management Plan and Land Management Plan, it is anticipated that under Alternative 5, as described under Criterion FIRE3 in Section C.7.10.2, ANF would take the opportunity to remove the 66-kV transmission line and utilize Del Sur Ridge and the NFSROW for prescribed burning as a part of their overall fire prevention activities. The removal of the 66-kV transmission line would also benefit MIS species.
- B.21-41 Abandonment of fuel breaks is not part of the project analyzed in the EIR/EIS. Furthermore, the EIR/EIS preparers are not aware of any plans to abandon existing fuel breaks. Please refer to the response to Comment B.21-40 regarding anticipated benefits to fire-fighting activities and MIS species.
- B.21-42 Please refer to the discussion of Impact B-27 in Section C.3, Biological Resources, for details regarding the effects on MIS species.
- B.21-43 Please refer to Criteria FIRE2 and FIRE3 in Section C.7.10.2 for an analysis of the impacts of Alternative 5 on wildfire, fire suppression, fire prevention, and firefighter and community safety.
- B.21-44 Please refer to General Response GR-4 regarding alternatives identification, screening, and analysis and Appendix 1, Alternatives Screening Report, Section 3.3.5 regarding Alternative 5.
- B.21-45 The permit status of the existing 66-kV line across NFS lands is a separate matter and the proposed Project does not resolve this issue.

The purpose of the Project is not to solve the potential overloading problem on lines between Antelope and Vincent substations. This problem is an existing constraint that influences the routing of power south of Vincent Substation. The Antelope-Pardee Project avoids this capacity problem, but does not address or resolve it. SCE has separate transmission upgrades planned to resolve the capacity issue between the Antelope and Vincent substations.

The proposed Project is not intended to address issues associated with Antelope-Mesa line. SCE has separate transmission upgrades planned to address this issue. The Antelope-Pardee Project avoids exacerbating capacity problems associated with the Antelope-Mesa line, but does not resolve this problem.

As stated in Section A.3.1 of the EIR/EIS, implementation of additional SPS is not a viable option and is not supported by the California ISO. Hence the need for system upgrades, such as the proposed Project, to provide additional capacity and enhance reliability.

As indicated in Sections A.2 and A.3 of the Draft EIR/EIS, the proposed Project is needed to provide transmission capacity for near-term wind energy projects in the Tehachapi and Antelope Valley areas. The PdV Wind Energy Project is the most likely candidate to be the first such project in service and, therefore, utilize the transmission capacity provided by the proposed Project.

- B.21-46 The Project would provide a new “pathway” for electricity to flow by providing a new transmission line between the Antelope Substation and the Pardee Substation. The final routing for this “pathway” is not limited to existing ROWs or utility corridors as asserted by the commenter. The alternatives considered, which are presented in the Alternatives Screening Report located in Appendix 1, include a broad range of alternatives such as minor routing adjustments to SCE’s proposed 500-kV project route; entirely different transmission line routes, including alternatives that would not cross NFS lands to meet Forest Service direction (FSM Section 2703); alternative voltage concepts, such as 220-kV and double-circuit transmission lines; and alternative system designs, such as underground transmission lines.
- B.21-47 Alternative 5 was designed, in large part, to avoid impacts to NFS lands. Consequently, the analysis identifies benefits to NFS lands resulting from the implementation of Alternative 5. As Table ES-2, Summary Comparison Components of the Proposed Project and Alternatives on National Forest System Lands, looks specifically at impacts on NFS lands, it could appear that the analysis of Alternative 5 is weighted. The information in Table ES-3, however, is simply a summary of the conclusions taken from the analyses in the document. As the impact analyses for the proposed Project and alternatives were compared separately to the existing conditions to determine the extent of impacts, instead of each other, any perceived weighting or bias towards Alternative 5 is an artifact of the independent analyses and is not intentional.
- B.21-48 Any existing disturbance is treated as the existing conditions and impacts to disturbed and undisturbed areas are analyzed accordingly. Please note that there is relatively little utility-related disturbance in the existing Utility Corridor as it only contains a single-circuit 66-kV line that has been in place for many decades. Most of the existing Utility Corridor consists of undisturbed habitat.
- B.21-49 As described in the response to Comment B.21-48 above, there is relatively little existing disturbance in the existing designated Utility Corridor.. The corridor contains existing 66-kV towers with very little disturbed area around them (the area around and under the towers has revegetated over the decades), access roads (most spur roads no longer exist), and the Bouquet Canyon quarry. A description of existing habitat conditions along the proposed Project route (which is located in the Utility Corridor) is presented in Section C.3.1.3 of the Draft EIR/EIS.

B.21-50 The analysis in the Draft EIR/EIS found no significant fire prevention or fire suppression advantages to the proposed Project and Alternatives 1 through 4 over Alternative 5. Thinning of vegetation can also be accomplished for much of the route of Alternative 5, including the substantial natural areas managed by the Forest Service, BLM, and the Santa Monica Mountains Conservancy. Similarly, controlled burns remain an option for Alternative 5. Access to the area would be improved with the implementation of Alternative 5, and would provide the opportunity to established, improved fuel breaks, assembly areas, and helipads.

B.21-51 Impacts and perspectives were analyzed equally, regardless of land ownership. As stated in Section C.15.1.1 on page C.15-2:

“Observer positions were analyzed for their potential to display typical or worst-case visual effects of the Project to the scenic and aesthetic landscape. From dozens of potential observer positions, and in consultation with CPUC and Forest Service personnel, 14 locations were selected as Key Observation Positions (KOPs) for detailed analysis of the Project, and 14 additional KOPs were selected for detailed analysis of alternatives. KOPs were established at significant viewpoints, regardless of whether they were located on private or public lands.”

The numbers of visual impacts is displayed in Table C.15-21, Table D.4-14, Table ES-6, and Table ES-10. In all of these tables, Alternative 5 is shown to have the highest quantity of significant (Class I) visual impacts, commensurate with its increased length.

B.21-52 Please see the responses to Comments B.9-6 and B.21-16. Impacts to the Veluzat Motion Picture Ranch associated with the proposed Project and Alternatives 1 through 3 would result from the 500-kV transmission line running adjacent to the Veluzat Motion Picture Ranch, in immediate proximity to Ranch activities. Alternative 5, however, would be approximately one mile away from Vasquez Rocks. While a significant visual impact to views from Vasquez Rocks was identified in Impact V-25 in Section C.15.10.2 of the Visual Resources section, it is unclear how the transmission line in Alternative 5 would affect media production as cameras would have to be filming in the direction of residential housing away from Vasquez Rocks for the transmission line to be in view. Additionally, it is unclear how the transmission line would affect other media production in the Agua Dulce area.

B.21-53 The analysis and comparison of Alternative 5 with the proposed Project and other alternatives complies with the requirements of NEPA and CEQA. No additional comparison of impacts specific to private property is necessary at this time.

B.21-54 Conclusions presented in the Draft EIR/EIS are based on the analyses described in Sections C.2 through C.15. Project objectives are stated in Sections A.2 and A.3 (see the response to Comment B.21-45 above). Socioeconomic effects are described in Section C.12 and firefighting impacts are described in Section C.7 and Section D. Please note that the EIR/EIS does not indicate that Alternative 5 is the environmentally superior alternative, nor does the EIR/EIS endorse Alternative 5 or any other alternative. Alternative 5 is presented for the purpose of analyzing a reasonable range of alternatives, including a non-NFS alternative. The impacts associated with Alternative 5, including numerous identified significant adverse impacts, are described throughout the Draft EIR/EIS.

B.21-55 Please refer to the response to Comment B.21-22 regarding the feasibility of Alternative 5.

- B.21-56 As discussed in Draft EIR/EIS Section A.3.1 under “Prevention of Overloading of Existing Transmission Facilities”, “there is not sufficient capacity in the current transmission grid to safeguard the system from overload under increasing renewable power generation and loading. As load grows due to increased electrical demand and power is received from other sources of generation, transmission overloading would occur in the vicinity of the proposed Project. As described above, the Antelope-Mesa 220-kV transmission line could experience thermal overload if current power loads are increased, which is expected to occur as southern California’s population continues to grow at projected rates.” The assertion that the Antelope-Mesa line is already overloaded due to inadequate planning and capital investment does not reflect the nature of the transmission planning process nor the reality of a growing need which exceeds existing infrastructure. Furthermore, the Antelope-Mesa line would not be “abandoned” following the completion of the Project, but rather would be “protected” in so much as the “proposed Project would reduce loading on the Antelope-Mesa 220-kV transmission line to within the allowable conductor thermal limits”.
- B.21-57 SCE Goal 2 does not specify *how* a “new pathway to deliver power to load south of Antelope Substation from generation facilities located north of Antelope Substation” would be achieved.
- B.21-58 As noted by the commenter, the CPUC’s purpose and objectives as stated in the Draft EIR/EIS Section A.3.2 do not “include abandoning NFLROWS”. However, as discussed in General Response GR-4, an alternative which does not cross NFS lands (to the extent feasible) was considered to meet USDA Forest Service requirements (Forest Service Manual Section 2703).
- B.21-59 Alternative 5 was designed in large part to avoid impacts to the ANF and comply with the ANF Forest Land Management Plan and the ANF Fire Management Plan as well as other applicable USDA Forest Service policies. The plans, policies, and statutes of the BLM have been reviewed for Alternative, in particular for the alternative’s compliance with the California Desert Conservation Area Plan and the 2006 California Desert Conservation Area Plan Amendment (West Mojave Plan) as described in Section C.9.10.1 of the Land Use and Public Recreation Section.
- B.21-60 As Section ES.1.5, Areas of Controversy and Issues to be Resolved, is a summary of the issues identified in scoping process, it cannot be expected to fully illustrate and distinguish all of the issues identified in Appendix 2.
- B.21-61 As indicated in the Draft EIR/EIS and in the comment, Alternative 5 is longer than the proposed Project, includes more towers than the proposed Project, and affects more private property than the proposed Project. These characteristics do not make Alternative 5 unreasonable, nor does the fact that Alternative 5 has various impacts that are greater than the proposed Project. Please refer to the response to Comment B.21-22 regarding the feasibility of Alternative 5.
- B.21-62 Under the ANF’s plans, the proposed Project and alternatives are limited to the expired Special Use Permit. Consequently, the 1,000-foot Saugus Del Sur Utility Corridor mentioned in the comment is not discussed.
- B.21-63 Under the ANF’s existing agreement with the Applicant for the 66-kV transmission line, if the line is no longer utilized, the line must be removed. Consequently, even for Alternative 5, the 66-kV transmission line would be removed if the 500-kV transmission line is installed to replace it.

- B.21-64 As stated in the response to Comment B.21-45, Alternative 5 is intended to link the Antelope Substation and the Pardee Substation with a 500-kV transmission line. The reasons for creating this transmission link are described in Sections A.2 and A.3 of the Draft EIR/EIS. It is unclear what “sweeping conclusions” the commenter is referencing. Your comments will be shared with the decision-makers who are reviewing the Project and alternatives at the USDA Forest Service and the CPUC.
- B.21-65 As discussed in Draft EIR/EIS Section A.3.1 under “Compliance with Reliability Planning Criteria” it is stated that “SCE is planning a series of upgrades to increase transmission capacity, including the proposed Antelope-Pardee 500-kV Transmission Project. Upgrades to the Antelope-Mesa and Antelope-Vincent lines are expected in the future to provide further transmission capacity and to facilitate planned wind generation north of the Antelope Substation”. As such, the project, which is intended to meet SCE’s goals, does not “avoid upgrading infrastructure” as indicated by the commenter.
- As discussed in General Response GR-4, a “reasonable range” of alternatives was considered for the Project. Furthermore, the “scenarios” developed for the No Project/Action Alternative provide a picture of the entire range of possibilities beyond the Project that are reasonably expected to occur if the Project is not approved by the USDA Forest Service and the CPUC. The feasibility and the potential for environmental impacts less than, equal to, or worse than SCE’s proposed Project or the alternatives presented in the Draft EIR/EIS are unknown.
- B.21-66 Please refer to the response to Comment B.21-22 regarding the feasibility of Alternative 5 and the response to Comment B.21-53 regarding a comparison of public to non-public impacts.
- B.21-67 Please refer Sections A.3.3 and A.5.2 of the Introduction for clarification on the need and process required for Forest Plan Amendments.
- B.21-68 Please refer to the response to Comment B.21-63 regarding the removal of the 66-kV transmission line.
- B.21-69 Table ES-2 is a summary table illustrating the components of the proposed Project and different alternatives. Please refer to Section B, Description of Proposed Project/Action and Alternatives, for clarification of details on the components of the proposed Project and each alternative. Access roads refer to roads needed to provide access to the transmission ROW and such roads often parallel the ROW or provide access to various points along the ROW if a parallel road is not possible. Spur roads refer to “stub” roads off the main access road that provide access to individual towers. Land disturbance estimates include disturbance needed to create new access roads and spur roads, as well as tower sites, and temporary construction areas like staging areas and stringing/pulling locations. Disturbance estimates vary for each alternative based on existing availability of adequate access, number of towers and construction sites, and construction methods, including the use of helicopter construction.
- B.21-70 Please refer to Sections C.11, C.12, and C.14 for details on the impacts of the proposed Project and alternatives on Public Services, Socioeconomics, and Utilities and Service Systems respectively. As found in these sections, no key issues or differences between the proposed Project and the alternatives were identified and the comment does not indicate what differences may exist, which prevents a more specific response.

- B.21-71 While Alternative 5 traverses a greater distance, this does not mean that this alternative necessarily traverse more geological, hydrological, and biological habitat types. Analysis in the document found that Alternatives 3 and 4 would have the potential to affect a greater number of environmental resources by traversing NFS lands than Alternative 5's route predominately off NFS land.
- B.21-72 Although the removal of the 66-kV transmission line and avoidance of Del Sur Ridge is not a project goal, it would result in benefits, particularly to fire prevention and fire suppression activities. Consequently, it is listed as a benefit. Please refer to the responses to Comments B.21-40 and B.21-41 regarding the ANF utilizing Del Sur Ridge for fire prevention and fire suppression activities.
- B.21-73 Please refer to the response to Comment B.21-52 regarding the speculative nature of analyzing the impacts of Alternative 5 on media production.
- B.21-74 Please see the responses to Comments B.9-6, B.21-16, and B-21-52.
- B.21-75 Please refer to General Response GR-2 regarding property acquisition and compensation.
- B.21-76 Please refer to the analyses of the proposed Project and alternatives in Sections C.2 through C.15 for details on the Cumulative Impacts and Indirect Effects resulting from the proposed Project and alternatives.
- B.21-77 Based on the potential impacts and benefits to sensitive plants and wildlife that have the potential to occur both on NFS lands and non-NFS land, Alternative 5 was determined to provide the least potential for impacts to biological resources. As such, this alternative is preferred from a biological perspective. Section C.3, Biological Resources, provides specific details on the overall biological resources of the proposed Project and alternatives.
- B.21-78 The implementation of Alternative 5 would result in the location of transmission lines in areas that are less likely to be utilized by the California condor. In addition, the removal of the existing 66 kV transmission lines from NFS lands may also reduce the potential for large raptors to strike the lines during inclement weather. The Draft EIR/EIS clearly states that this "may" result in beneficial impacts to Condors, if present, as this species is most susceptible to line strikes. The document does not suggest that this will occur. B.21-79 The commenter is incorrect in their assumption that the phrase "habitats characterized by greater disturbance" is an unproven qualitative assumption. Biological reconnaissance surveys of the proposed Project and alternatives were conducted by experienced biologists with expertise in evaluating the quality of habitat at any given location. The determination of habitat quality is based on a variety of factors including but not limited to the composition of native plant communities; access to large stands of contiguous habitat; the presence of exotic plants and/or wildlife; anthropogenic factors, including human disturbance or potential barriers to movement; known habitat use by sensitive species; and the presence of sensitive species in adjacent habitat. While the total acreage to habitats impacted by the implementation of Alternative 5 may be greater when compared to the proposed Project; these impacts would generally occur in habitats that provide lower value to wildlife, particularly sensitive species. In addition, the fact that additional habitat types are present in the Alternative 5 alignment does not suggest that there would be a corresponding increase in impacts to sensitive species.

The use of helicopter construction is not utilized solely to avoid habitat and reduce impacts to biological resources. Helicopter construction is often an appropriate construction technique where

the proposed tower location occurs in terrain that is steep or inaccessible. However, helicopter construction can be utilized to limit the construction of access or spur roads which do reduce impacts to habitat.

- B.21-80 This document included analysis only for plans, policies, regulations, and standards that were applicable to the project. Please refer to the response to Comment B.18-84 regarding the applicability of Community Standard Districts.
- B.21-81 Section C.9.10.2 does not find that impacts resulting from Alternative 5 would be “cured” by pre-emption, acquisition, or amendment. Section C.9.10.2 (page C.9-50 of the Draft EIR/EIS) finds that “the preclusion of private property and the possible removal of existing residences would create significant and unavoidable impacts to residential land uses (Class I).” Please refer to General Response GR-2 regarding property acquisition and compensation.
- B.21-82 As described in Section A.5.3 of the Introduction, no amendments to local land use plans and ordinances are required because the CPUC has preemptive jurisdiction over the construction, maintenance, and operation of SCE facilities in California and the Forest Service has jurisdiction over NFS lands.
- B.21-83 Please refer to the response to Comment B.18-84 regarding potential impacts to Supplemental Districts/Community Standard Districts. Local regulations and policies are not applicable to the proposed Project as the State has exclusive and pre-emptive authority over the permitting of transmission lines for investor-owned utilities.
- B.21-84 Please refer to the response to Comment B.18-84 regarding potential impacts to Supplemental Districts/Community Standard Districts and the response to Comment B.21-81 regarding the impact conclusion for the preclusion of land uses.
- B.21-85 The impacts to VTTM 50385 are acknowledged in the Draft EIR/EIS and that project is included in Table B.5.2. Effects on VTTM 50385 are also discussed in Section C.9.10 and C.9.13. Please refer to the response to Comment B.21-81 regarding the impact conclusion for the preclusion of land uses. Both CEQA and NEPA only require analysis of impacts based on physical conditions in the environment at the time the EIR/EIS preparation is initiated. The development associated with VTTM 50385 does not currently exist.
- B.21-86 Please refer to the response to Comment B.21-82 regarding amendments to local land use plans and ordinances.
- B.21-87 Please refer to the response to Comment B.21-22 regarding the feasibility of Alternative 5. This section indicates that Alternative 5 would present the same type of fire risks as the proposed Project, but the impacts would be greater due to the longer length of the Alternative 5. Transmission lines do not present a high fire risk, and in fact present a lower risk of being the source of a fire than lower voltage transmission lines (please see the response to Comment B.13-5).
- B.21-88 Please refer to the response to Comment B.21-33 regarding the analysis of impacts to property values and General Response GR-1 regarding potential effects on property values.
- B.21-89 Please refer to the response to Comment B.11-38. It is not necessary to prepare visual simulations from all the locations suggested in the comment in order to provide an analysis of the visual impacts of the transmission line. The visual impacts can be adequately characterized with fewer simulations

as was done in the Draft EIR/EIS. The purpose of the simulations is to help determine if the effects on visual resources are significant, and the Draft EIR/EIS concluded that such impacts would be significant. Additional simulations are not necessary for the purposes of the EIR/EIS analysis. Please see the responses to Comments B.9-6 and B.21-16. Your comments will be forwarded to the decision-makers at the CPUC and USDA Forest Service.

- B.21-90 As a combination of Alternatives 2 and 4 were found to be the environmentally preferred alternative, it is unclear from the comment how the analysis is biased toward the selection of Alternative 5 as the environmentally preferred alternative.
- B.21-91 Please refer to Section D.1 for clarification on why an environmentally preferred alternative is identified.
- B.21-92 Please refer to the response to Comment B.21-22 regarding the feasibility of Alternative 5.
- B.21-93 It is unclear from the comment why there are no reasonable alternatives for this project. The USDA Forest Service has the prerogative to identify the environmentally preferred alternative in the Final EIR/EIS and has chosen to do this. The public review period for the Draft EIR/EIS exceeds the requirements of both CEQA and NEPA. The Draft EIR/EIS was made available for public review on July 24, 2006, and the Federal Register notice was published in August 4, 2006. On September 13, the CPUC and the Forest Service formally extended the public review period for the Draft EIR/EIS to October 3, 2006. The total length of the public review period was 72 days.
- B.21-94 Please refer to the response to Comment B.21-22 regarding the feasibility of Alternative 5.