

Comment Set B.18: Jackson, DeMarco, Tidus & Peckenpaugh

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

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12 **1. INTRODUCTION.**

13 These comments on the proposed Antelope-Pardee 500kV Transmission Project Draft
14 Environmental Impact Report/Environmental Impact Statement dated July 2006 ("DEIR/DEIS")
15 are submitted on behalf of Leona Valley Residents, Marcy Watton, David and Janice Gantenbein,
16 Alexis Upton-Knittle, Lloyd J. Cook, Melinda Janowitz, Richard and Guyla Clayton, Ralph and
17 Diane Ciaramella, Bernhard and Laurie Staschik, Christina and Matthew Fitzgerald, Dale L. Baer,
18 Warwick and Karen Bryan, Ronald L. Bright, Jesse Valdez, and Carol and Robert Valdez,
19 (collectively, "LVR"), and Leona Valley Town Council.

20 Southern California Edison ("SCE") proposes using existing right-of-way for its 25.6 mile
21 Antelope-Pardee 500 kV (Segment 1) Transmission Project (referred herein as "Transmission
22 Project" or "Project"). However, the DEIR/DEIS prepared to evaluate the environmental impacts
23 associated with the Project includes as one of its alternatives to the Project, Alternative 5.
24 Alternative 5 proposes instead of the Project route, a circuitous 37.2 mile route requiring the
25 acquisition of new right-of-way from approximately 103 properties, including 30 homes or more.
26 LVR and Leona Valley Town Council object to the inclusion of Alternative 5 in the DEIR/DEIS.
27 This Alternative is infeasible and must be rejected by the California Public Utilities Commission
28

B.18-1

1 (“CPUC”) and United States Department of Agriculture, Forest Service (“Forest Service”)
2 because this Alternative:

- 3 • Unnecessarily costs ratepayers more money;
- 4 • Is inconsistent with the National Energy Policy Act of 2005’s requirement to designate
5 energy corridors on public lands, the Los Angeles County designated Community Standards
6 Districts (“CSD”) for Leona Valley and Agua Dulce, West Mojave Plan, and the Forest Plan;
- 7 • Causes more significant unmitigated environmental impacts than the Project or any
8 other alternative;
- 9 • Destroys the community sense and economic well being; and,
- 10 • Unreasonably displaces people and businesses.

11 For these reasons, it is also doubtful that the CPUC could make a finding of public
12 convenience and necessity as required by Public Utilities Code section 1001 to construct the
13 Transmission Project if it is sited within the route proposed in Alternative 5.

14 As discussed further below, the DEIR/DEIS is defective and fails to follow the
15 requirements of the California Environmental Quality Act (“CEQA”) and the National
16 Environmental Protection Act (“NEPA”). The DEIR/DEIS is not adequate or accurate, and fails
17 to employ the same level of analysis for Alternative 5 as the other alternatives. Some examples
18 of the more egregious defects include the facts that the DEIR/DEIS:

- 19 • Fails to identify and evaluate impacts from the ultimate Alternative 5 route alignment;
- 20 • Fails to adequately evaluate potential significant impacts on residents of Lancaster,
21 Leona Valley, Palmdale, Santa Clarita, and Agua Dulce and impacts on the environment that
22 would result from the implementation of Alternative 5;
- 23 • Improperly defers analysis of significant environmental impacts that would result from
24 the acquisition or condemnation of private property necessary for the implementation of
25 Alternative 5;
- 26 • Improperly segments Alternative 5 from other approvals and permits that would be
27 required for the implementation of Alternative 5, including the evaluation of impacts relating to
28 the amendment of the Forest Plan and the West Mojave Plan;

B.18-1
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B.18-2

1 • Fails to consider cumulative impacts from all proposed transmission line projects and
2 other projects in the area; and,

3 • Improperly segments the Project by not including SCE’s simultaneously submitted
4 applications for Segments 2 and 3 of the Antelope Transmission Project (“Segmented Project”).

5 *Therefore, LVR and Town Council respectfully request that the CPUC and Forest*
6 *Service determine that Alternative 5 is infeasible and reject Alternative 5 to the Project.*

7 **2. BACKGROUND.**

8 SCE submitted an application, A04-12-007 to the CPUC for a Certificate of Public
9 Convenience and Necessity (“CPCN”) concerning the Antelope-Pardee 500 kV (Segment 1)
10 Transmission Project. SCE also simultaneously submitted an separate application, A04-12-008,
11 to the CPUC for a CPCN concerning the Antelope-Vincent 500 kV (Segment 2) and Antelope-
12 Tehachapi 500 kV and 220 kV (Segment 3) Transmission Projects.

13 This DEIR/DEIS only evaluates the Antelope-Pardee 500kV (Segment 1) Transmission
14 Line Project and the five proposed alternatives to this Project. This DEIR/DEIS does not
15 consider the other portions of this Segmented Project, namely Segments 2 and 3. The Project and
16 Alternatives 1, 2, 3, and 4 describe and inadequately analyze a proposed 500 kV transmission line
17 project traversing portions of the Angeles National Forest (“ANF”). The DEIR/DEIS also
18 identifies Alternative 5, called the Antelope-Pardee Sierra-Pelona Reroute, which describes a
19 proposed transmission line project that seeks to limit the extent to which the transmission lines
20 travel through the ANF. With the exception of a 2.5-mile segment, Alternative 5 avoids the ANF
21 by diverting the proposed transmission line through existing communities in Lancaster, Leona
22 Valley, Palmdale, Agua Dulce, and Santa Clarita. However, as discussed herein, although
23 Alternative 5 avoids portions of the ANF, it does so to the great detriment of ratepayers, the
24 environment, the community, people, property and businesses located along the route of
25 Alternative 5 without any commiserate benefit in providing electrical transmission service. The
26 significant impacts do not justify diverting the Project from using *existing* transmission line
27 rights-of-way through the ANF.

B.18-2
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B.18-3

1 In order to avoid the ANF, the route proposed by Alternative 5 is **11.6 miles – or 45% –**
2 **longer** than the proposed Project and the other alternatives. Starting from the Antelope
3 Substation, Alternative 5 proceeds south, crossing over the California Aqueduct and the Portal
4 Ridge Mountain Range, and continues southwest crossing over Elizabeth Lake Road in Leona
5 Valley. The route then heads south entering the ANF for approximately one-half mile and
6 continues south through the western portion of the Ritter Ranch development area. The
7 Alternative 5 route then crosses Sierra Highway and the Antelope Valley Freeway (SR-14) and
8 subsequently traverses two National Forest Service land properties for a distance of one mile in
9 Soledad Canyon. Alternative 5 alignment also would traverse three Bureau of Land
10 Management (“BLM”) parcels located within the California Desert Conservation Area (“CDCA”
11 or “West Mojave Plan Area”). The Route then enters the existing Pardee-Vincent Corridor where
12 it continues west to the Pardee Substation. (DEIR/DEIS, ES-11.)

B.18-4

13 The proposed Project and Alternatives 1 through 4 each utilize *existing* transmission line
14 rights-of-way through the ANF and, with few exceptions, would not require the establishment of
15 new rights-of-way to accommodate construction of the new transmission lines. Regardless of the
16 route eventually chosen, this existing right-of-way through the ANF would remain. On the other
17 hand, the long and circuitous route proposed in Alternative 5 will travel through existing
18 residential and agricultural communities, as well as previously undisturbed lands. This
19 Alternative would not only require the acquisition, through private purchase or through the use
20 eminent domain, of property and easements affecting an estimated 103 private properties
21 (including existing homes) located along the proposed route, but would also require the clearing,
22 grading, and improvement of **new** rights-of-way through virgin natural lands. This new right-of-
23 way would not replace the existing right-of-way through the ANF.

B.18-5

24 Alternative 5 requires significantly more infrastructure than the proposed Project. For
25 example the Project requires 117 new towers and Alternative 5 requires 173. (DEIR/DEIS, ES-
26 6.) Alternative 5 takes longer to construct. (DEIR/DEIS, ES-7.) The DEIR/DEIS ignores the
27 significance difference in infrastructure and assumes that there are no key differences between
28 Alternative 5 and Project for utilities and service systems. (DEIR/DEIS, ES-15.)

B.18-6

1 **3. ALTERNATIVE 5 DOES NOT MEET THE PROJECT'S OBJECTIVES.**

2 In order for SCE to construct the Project, it must receive CPUC approval including a
3 CPCN. Public Utilities Code section 1002 provides, in pertinent part, that the Commission, as a
4 basis for granting any CPCN pursuant to Public Utilities Code section 1001, shall give
5 consideration to the following factors: (1) community values, (2) recreational and park areas,
6 (3) historical and aesthetic values, and (4) influence on environment. As discussed below, there
7 is no public convenience and necessity for Alternative 5 because it destroys communities, has the
8 most adverse impacts on the environment, and is the most costly.

B.18-7

9 **A. Alternative 5 Unreasonably Affects and Displaces People and Businesses.**

10 No detailed route plan was prepared for Alternative 5 and as such, the full extent of its
11 impacts are unknown. Because most of the right-of-way for Alternative 5 must be acquired,
12 unlike the Project, Alternative 5 will involve the removal of an undetermined number of homes
13 and acquisition of rights-of-way and property that is roughly estimated in the DEIR/DEIS to
14 include 103 privately owned parcels. After reviewing the maps, LVR and Leona Valley Town
15 Council estimate that the potential exists for 30 homes in the Leona Valley area alone to be
16 involved in the property acquisition. This month a home in the Leona Valley area sold for \$1
17 million dollars. This puts the estimated acquisition costs of land in Leona Valley, not including
18 acquisitions of easements and other eminent domain costs, at potentially \$30 million dollars. In
19 addition, properties in Leona Valley also provide income through ranching and other agricultural
20 businesses. As such, acquisition costs will include payment for lost income, business expense,
21 goodwill, etc. Further, in order to acquire easements over private property for use by an investor
22 owned company, the necessary compensation may well include a percentage of the profits
23 associated with this Transmission Project.

B.18-8

24 Other unaccounted for expenses associated with Alternative 5 include reduction in land
25 values associated with lost of views and property for accessing the transmission lines for
26 construction and maintenance activities. Because Alternative 5 traverses private property, there
27 are no public roads that provide access to the transmission lines. Lost Valley Ranch Road, 107th
28 West, Lonesome Valley, portions of Leona Avenue (formally designated as Portal Pass) are all

B.18-9

1 private access easements that provide access only for residential ranches and farms. Use of these
2 access easements is not available to equipment and vehicles involved in the construction or
3 maintenance of the transmission lines or towers, nor would such use be considered consistent
4 with the existing easements.

B.18-9
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5 The publication of the Alternative 5 maps and other information showing the transmission
6 lines traversing private land raises the threat of eminent domain for these properties and property
7 owners. The threat of eminent domain can be sufficient to devalue current property values
8 because of the uncertainty involved. The longer the uncertainty exists, the greater the impacts on
9 value and ability to transfer property can become. As such, LVR and Leona Valley Town
10 Council urge CPUC and Forest Service to immediately withdraw Alternative 5 as infeasible. Not
11 only was the devaluation impact not considered, but it is unconstitutional for a government to
12 undertake activities that depress the value of land before condemning it, to lower the amount of
13 just compensation that would have to be paid upon acquisition of the property. (*Klopping v. City*
14 *of Whittier* (1979) 8 Cal.3d 39.)

B.18-10

15 Alternative 5 unnecessarily subjects the community to all of the impacts associated with
16 high voltage transmissions lines and towers. But for the Project, the communities within
17 Alternative 5 will experience, for example, a degradation in air quality, destruction of biological
18 and cultural resources, radio and television interference, electrical power field ("EMF") issues,
19 impacts to groundwater, disturbances in water flow, and impacts to the financial well being of
20 small businesses. There is also an increased threat to the towers' safety as in Alternative 5, the
21 towers will be located closer to active earthquake faults.

B.18-11

22 **B. The Costs Associated with Alternative 5 are Unnecessary.**

23 Alternative 5 introduces significant increased costs that are unnecessary, because the
24 Project and other alternatives meet the Project's objectives at less cost. Under Alternative 5, there
25 are increased construction costs for every aspect of the Project associated with the extra 11.6
26 miles of transmission lines and increased number of access roads. For example, the engineering
27 for the proposed Project is expected to take 19 months. The engineering for Alternative 5 is
28 expected to take 27 months.

B.18-12

1 Every six months, for the duration of the life of the transmission line, there will be
2 increased maintenance costs because of the unnecessarily long route. Alternative 5 requires many
3 more technical components, again driving up the procurement, construction and maintenance
4 costs. For example, the proposed Project requires 117 new towers and 21 new double-circuit 500
5 dV LSTs. Alternative 5 requires 173 towers and 76 new double-circuit 500 dV LSTs. The
6 proposed Project has 24 new pulling locations installed and 15 new splicing locations installed.
7 Alternative 5 has 28 new pulling locations installed and 22 new splicing locations installed.

B.18-12
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8 For the proposed Project, there already exists an easement through the ANF for the
9 transmission lines, that would only require an additional 227 acres of public land to expand the
10 existing easement to accommodate the Project. However, under Alternative 5, there would be a
11 need to acquire property and easements for approximately 698 new acres, much of it private land.
12 Alternative 5 also has more, and more severe impacts, and in turn requires implementation of
13 more mitigation measures. Alternative 5 clearly is not the most cost-competitive route and a
14 reasonable investment for ratepayers especially when there are other feasible and more cost
15 effective routes.

B.18-13

16 **C. Alternative 5 Conflicts with Federal Policy and Local Plans and Laws.**

17 The Energy Policy Act of 2005, Section 368, Public Law 109-58 (H.R. 6), enacted
18 August 8, 2005, requires the Secretaries of Agriculture, Commerce, Defense, Energy and Interior,
19 in consultation with the Federal Regulatory Commission, states, and other entities, to designate
20 corridors for oil, gas, and hydrogen pipelines and electricity transmission and distribution
21 facilities on Federal Land in the eleven contiguous Western States. Congress intended that
22 Section 368 would identify opportunities for moving energy across federal lands. The proposed
23 Project is consistent with federal policy in its utilization of existing energy corridors in the ANF.
24 However, Alternative 5 is not.

B.18-14

25 According to the DEIR/DEIS, the authors created Alternative 5 to completely circumvent
26 the ANF and National Forest Service ("NFS") lands. Therefore, Alternative 5 seeks to
27 completely avoid the existing energy corridor in the ANF in favor of taking private lands.
28 Specifically, according to the DEIR/DEIS, Alternative 5 was developed to respond to Forest

1 Service Policy and Forest Plan direction of denying a special use application if a reasonable
2 alternative can be developed off NFS lands. However, as the DEIR/DEIS demonstrates
3 Alternative 5 is environmentally infeasible and unnecessarily increases the costs to ratepayers.
4 Alternative 5, as well as this Forest Service Policy and Forest Plan directive, are also completely
5 contradictory to Federal Energy Policy, as well as inconsistent with the Forest Plan (because a
6 forest plan amendment would be needed to establish a new utility corridor and change the scenic
7 integrity objectives) and the West Mojave Plan.

8 **D. Alternative 5 Causes More Environmental Impacts.**

9 In addition to those impacts associated with the Project described in the DEIR/DEIS,
10 implementation of Alternative 5 would create additional significant impacts, many of which have
11 not been adequately analyzed in the DEIR/DEIS. The most extraordinary of these additional
12 impacts are summarized as follows (*see* DEIR/DEIS, Table ES-5, p. ES-16):

13 • Alternative 5 would require the removal of an undetermined number of homes and
14 acquisition of rights-of-way and property involving an estimated 103 privately owned parcels;

15 • Alternative 5 would substantially degrade the visual quality of numerous currently
16 undisturbed landscapes, whereas the Project and other alternatives utilize *existing* transmission
17 line rights-of-way;

18 • Alternative 5 has the second highest annual and total air quality emissions and
19 increases emissions in both the South Coast Air Basin (“SCAB”) and Mojave Desert Air Basin
20 (“MDAB”) portions of the route because of the 45% increase in route length;

21 • Because Alternative 5 traverses previously undisturbed terrain, it would result in
22 much greater impacts to wildlife and habitat;

23 • The route for Alternative 5 is located in closer proximity to active fault lines and,
24 therefore, would subject the transmission line structures to a higher potential damage during an
25 earthquake;

26 • Alternative 5 introduces new significant impacts to hydrology and water quality
27 along the proposed alignment, as well as along the alignment of the existing 119 66 kV towers
28 and associated hardware that would be removed from SCE’s Saugus-Del Sur Utility Corridor;

B.18-14
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B.18-15

- 1 • Alternative 5 would expose the greatest number of residences to noise from
- 2 construction, operation, and maintenance activities;
- 3 • Alternative 5 would constrain the ability to aggressively fight wildfires in the
- 4 vicinity of the transmission lines, especially in portions of Leona Valley and Agua Dulce where
- 5 protection of homes and property would be a priority;
- 6 • Alternative 5 would result in the destruction of historical resource sites that would
- 7 otherwise not be impacted under the Project or other alternatives; and,
- 8 • Alternative 5 has the potential to cause increased soil erosion, sedimentation and
- 9 run-off into water supporting sensitive species at a higher incidence than the proposed Project or
- 10 other alternatives.

B.18-15
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11 **E. Alternative 5 Destroys the Community Sense and Economic Well Being.**

12 Alternative 5 affects rural residential and agricultural communities. The intrusion of
13 transmission lines and electrical towers, more than 200 feet high, with their associated impacts,
14 will profoundly impact the community. The large unsightly towers and wires will become the
15 dominant visual feature in the valley and destroy the community's scenic value. Not only will the
16 incessant noise from the transmission lines disrupt the quiet rural nature of the area, but these
17 huge structures will create a physical barrier dividing the community. Alternative 5 forces a land
18 use that is inconsistent with the purposes and requirements of the Leona Valley and Agua Dulce
19 CSDs.

B.18-16

20 LVR and Leona Valley Town Council estimates based on review of the proposed route,
21 that 15% (at least 30 homes) would be displaced by Alternative 5. However, because there is no
22 route analysis, it is possible that the number of impacted homes will be greater. The loss of this
23 many homes to the community will have an effect on the sustainability of local small businesses.
24 The loss of 30 families would also have an adverse impact to the Westside Union School District,
25 potentially causing Leona Valley Elementary School to close because it would not have the
26 minimum enrollment. If this occurs, the school district would need to provide bus service to
27 Quartz Hill or Palmdale, eight miles away. This would not only create more air pollution, but the
28 community would lose its neighbor elementary school. Alternative 5 could also mean the loss of

B.18-17

1 a 1900's one room school house that has local historical and cultural value, as well as other
2 locally significant historical landmarks. None of these impacts are necessary to accomplish the
3 Project's objectives.

B.18-17
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4 **4. ALTERNATIVE 5 HAS THE GREATEST ENVIRONMENT IMPACTS.**

5 An EIR must describe a range of reasonable alternatives to the proposed project that could
6 feasibly attained most of the basic objectives, but would avoid or substantially lessen significant
7 impacts. (Pub. Res. Code, § 21100, subd. (b)(4); CEQA Guidelines, § 15126.6, subd. (a).)
8 Alternatives and mitigation measures have the same function – diminishing or avoiding adverse
9 environment impacts. (*Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47
10 Cal.3d 376, 403 ("*Laurel Heights I*".) However, the DEIR/DEIS demonstrates as discussed
11 below that Alternative 5 substantially increases, not reduces, the Project's environmental impacts.
12 For example, Alternative 5 has significant unmitigated air quality impacts, creates miles of
13 unnecessary disruptions to native biology and significant farmland, adds to visual blight, places
14 the transmission towers the closest of the all routes under consideration to an active earthquake
15 fault, and imposes more impacts on communities and people from a noise, safety, and economic
16 standpoint. Therefore, Alternative 5 is not an alternative that fits the statutory purpose and should
17 be immediately dropped from consideration.

B.18-18

18 Alternative 5 is also not a feasible alternative. "An EIR must '[d]escribe a range of
19 reasonable alternatives to the project, or to the location of the project, which would feasibly attain
20 most of the basic objectives of the project. . . and evaluate the comparative merits of the
21 alternatives.'" (CEQA Guidelines, § 15126.6, subd. (a).) "The discussion must 'focus on
22 alternatives capable of eliminating any significant adverse environmental effects or reducing them
23 to a level of insignificance, even if these alternatives would impede to some degree the attainment
24 of the project objectives, or would be more costly.'" (CEQA Guidelines, § 15126, subd. (d)(3).)
25 A robust alternatives discussion is likewise required by NEPA. (40 C.F.R. §§ 1502.2, subd. (d),
26 1502.14, 1502.16.) As discussed in detail below, Alternative 5 is not capable of eliminating any
27 significant adverse environmental effects or reducing them to a level of insignificance. Worse
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B.18-19

1 yet, Alternative 5 contradicts Federal Energy Policy, the Forest Plan, West Mojave Plan, and
2 local land use plans.

B.18-19
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3 A. **Air Quality Impacts Resulting from Alternative 5 Would Be Far More**
4 **Significant Than Those Associated with the Proposed Project or Alternatives**
5 **1, 2, 3, or 4.**

6 The implementation of Alternative 5 would cause greater air quality impacts than the
7 proposed Project or other alternatives. According to the DEIR/DEIS, because Alternative 5
8 substantially increases the length of the proposed route by 45 %, or 11.6 miles, it would result in
9 the second highest annual and total air quality emissions in both the SCAB and MDAB portions
10 of the route. (DEIR/DEIS, ES-21 and C.2-36.) In addition, because the Alternative 5 route is
11 45% longer than the Project and other alternatives, Alternative 5 would result in much higher
12 inspection, maintenance, and operating emissions than the Project and the other four alternatives.
13 (DEIR/DEIS, ES-21 and C.2-36.)

B.18-20

14 Consequently, construction activity impacts to air quality would be significantly increased
15 for Alternative 5 because it increases the total number of transmission line towers by 54 and
16 increases the construction schedule by an additional 3 months. Alternative 5 also requires an
17 estimated 68 additional days of road construction and rehabilitation including 34 miles of new or
18 rehabilitated unpaved road. (DEIR/DEIS, C.2-36.) Furthermore, although Alternative 5 mostly
19 avoids the installation of *new* transmission lines and towers within the ANF, it does not eliminate
20 the need for construction activities within the ANF. The implementation of Alternative 5 *would*
21 *still require the removal of existing transmission lines and towers within the ANF* within the
22 existing transmission line corridor. Therefore, Alternative 5 does not eliminate air quality
23 emissions within the ANF.

B.18-21

24 According to the DEIR/DEIS, the annual emissions during the maximum year of
25 construction (assumed to be 2008) increase by 20% or more in the SCAB and the MDAB for
26 Alternative 5. The DEIR/DEIS claims that the worst case impacts to sensitive receptors resulting
27 from Alternative 5 are assumed to be identical to the proposed Project because the construction
28 activities that occur near sensitive receptors and the distance to the closest sensitive receptors do

B.18-22

1 not change. However, Alternative 5 will result in construction activities occurring *closer* to
2 residences located in the Lancaster, Palmdale, Agua Dulce, Leona Valley and Santa Clarita areas.
3 In the other alternatives and the proposed Project, the majority of construction activities take
4 place away from populated areas, whereas Alternative 5 travels directly through existing
5 communities. Therefore, the DEIR/DEIS assumption concerning proximity to sensitive receptors
6 is clearly flawed. (DEIR/DEIS, C2-36.) Despite what the DEIR/DEIS states, Alternative 5 will
7 subject the residents of Lancaster, Leona Valley, Agua Dulce, Palmdale and Santa Clarita to
8 significantly greater air quality emissions than the proposed Project and the other 4 alternatives.

B.18-22
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9 **B. Biological Impacts Resulting from Alternative 5 Would Be Far More**
10 **Significant Than Those Associated with the Proposed Project or Alternative**
11 **1, 2, 3, or 4.**

12 Alternative 5 would result in greater impacts to biological resources than the Project or
13 other alternatives. Alternative 5 traverses previously undisturbed areas and would result in
14 significant impacts to plants and animals along the proposed Alternative 5 route.

15 The few insufficient field surveys that were conducted within the Alternative 5 route
16 determined that there are 3 sensitive vegetation communities within the route that would not
17 otherwise be impacted by the proposed Project or other 4 alternatives: Riversidean Alluvial Fan
18 Sage Scrub, Southern Cottonwood Willow Riparian and the Southern Riparian Scrub.
19 (DEIR/DEIS, C.3-108.) The proposed route for Alternative 5 also includes sensitive habitat for
20 the southern California Three Spined Stickleback. (DEIR/DEIS, C.3-108.) These sensitive
21 biological resources would not be impacted by the proposed Project or other alternatives.
22 Therefore, the implementation of Alternative 5 would result in greater impacts to biological
23 resources.

B.18-23

24 Furthermore, Alternative 5 includes additional vegetation types that are not found within
25 the proposed project or the other 4 Alternatives. These areas called the California Juniper Series
26 are characterized by Juniper Scrub or Juniper Chaparral. (DEIR/DEIS, C.3-108.) Sensitive
27 plants that are associated with Juniper vegetation communities have the potential to occur along
28 the Alternative 5 route include, the pigmy poppy, Mt. Gleason Indian paintbrush, white-bracted

B.18-24

1 spineflower, short-joint beavertail, Rock Creek broomrape, Mason's neststraw, and pine-green
2 gentian. In addition, two special plant status species have a potential for occurrence with
3 Alternative 5: Greata's aster and Mason's neststraw. (DEIR/DEIS, C.3-113.) These impacts only
4 occur under the implementation of Alternative 5, and not the proposed Project or other 4
5 alternatives.

6 Consequently, the implementation and construction of Alternative 5 would result in a net
7 impact to native vegetation communities as compared with the proposed Project. Ground
8 disturbing activities would impact non-native and native grasslands, disturbed habitat, coastal
9 sage scrub and chaparral communities. (DEIR/DEIS, C.3-116.) Under Alternative 5, this impact
10 would be greater than the proposed project as approximately 24 additional acres of land would be
11 disturbed. Riparian habitat on non-NFS lands would also be permanently removed from
12 Alternative 5 if access and spur roads are required in areas where this type of habitat occurs.
13 (DEIR/DEIS, C.3-116.)

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14 Alternative 5 would also result in a substantial irreparable loss of foraging habitat for
15 wildlife. (DEIR/DEIS, C.3-116.) Installation of 18 miles of new tower locations would result in
16 the permanent removal of native and non-native vegetation communities including chaparral,
17 coastal sage scrub and non-native grassland which serve as habitat for wildlife. (DEIR/DEIS,
18 C.3-116.) Because the proposed Project and other alternative generally use existing transmission
19 line rights-of-way, they will have substantially less impact on wildlife foraging habitat and
20 activities.

B.18-25

21 Alternative 5 also has a potential to impact the Arroyo toad. (DEIR/DEIS, C.3-116.) The
22 Arroyo toad is known to occur in the Agua Dulce canyon and in the San Francisquito Creek near
23 the confluence with the Santa Clara River. The California red-legged frog is known to occur in
24 non-NFS lands in Amargosa Creek in the Leona Valley. Alternative 5 would cross Amargosa
25 Creek and there is a high potential for this species to occur in or adjacent to the Alternative 5
26 right-of-way. (DEIR/DEIS, C.3-116.) Because the applicant has not yet conducted focused
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B.18-26

1 surveys for the Arroyo Toad or the red-legged frog, it is not yet possible to determine the extent
2 to which Alternative 5 would impact these species.¹

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3 In addition, when compared to the proposed Project or the other alternatives, Alternative 5
4 could have adverse impacts on several additional song bird species including, the western yellow-
5 billed cuckoo, southwest willow flycatcher, and least Bell's vireo. Construction activities
6 including noise, vehicle traffic and human presence, could disturb nesting birds if these activities
7 are conducted during the breeding season. (DEIR/DEIS, C.3-116, 117.) These impacts would
8 not occur as a result of the proposed Project or the other 4 alternatives.

B.18-27

9 Furthermore, because Alternative 5 includes 11.6 additional miles of transmission lines
10 when compared to the proposed Project, there is a much higher potential for the occurrence of
11 bird electrocution. (DEIR/DEIS, C.3-120.)

B.18-28

12 Finally, the DEIR/DEIS acknowledges that Alternative 5 would result in the potential for
13 greater impacts to jurisdictional waters or wetlands when compared with the proposed project.
14 (DEIR/DEIS, C.3-120.)

B.18-29

15 **C. Alternative 5 Would Result in the Destruction of Cultural Resources to a**
16 **Greater Extent than the Proposed Project or the Other 4 Alternatives.**

17 Construction of Alternative 5 would result in the destruction or partial destruction of
18 numerous cultural resources that would be avoided by the proposed Project or other alternatives.
19 These resources include historic wooden utility poles, historic survey markers, historic cattle
20 watering facilities, pre-historic artifacts, a pre-historic earth oven, the site of a historic farmstead,
21 and a historic ranch site. (DEIR/DEIS, C.4-42 through C.4-47.) The DEIR/DEIS also
22 acknowledges that there may be additional other undiscovered cultural resources within the
23 Alternative 5 route. (*Id.*) However, until the ultimate alignment for Alternative 5 is designed and
24 until further site surveys are conducted, it is impossible to estimate the significance of the impacts
25 associated with Alternative 5.

B.18-30

26 Conversely, the Project and the other alternative take place within established and existing
27 transmission line rights-of-way. Most of these areas have already been disturbed and do not

B.18-31

28 ¹ The DEIR/DEIS is flawed in this respect.

1 contain sensitive cultural resources. As a result, the impacts to cultural resources that would
2 result from the Project or Alternatives 1, 2, 3 and 4, are substantially less than for Alternative 5.

B.18-31
cont'd

3 **D. Alternative 5 Would Subject the Transmission Line Towers to Greater**
4 **Potential Damage Resulting from Seismic Activities.**

5 Unlike the proposed Project or other alternatives, Alternative 5 crosses a greater number
6 of areas consisting of young alluvial deposits, particularly the Santa Clara River Valley, the
7 Leona Valley, and in the alluvial and creek deposits of intervening drainages. (DEIR/DEIS, C.5-
8 49.) Seismic hazard mapping delineates these areas as having an increased potential for
9 liquefaction and seismically induced landslides. (DEIR/DEIS, C.5-49.) In addition, Alternative 5
10 crosses many moderate to steep slopes that have significant earthquake induced landslide
11 potential. (DEIR/DEIS, C.5-49.) Local geologic units such as the Pelona-Schist, Mint Canyon,
12 Castaic and Saugus Formations are particularly susceptible to earthquake induced landslides.
13 (DEIR/DEIS, C.5-50.) As a result, Alternative 5 is subject to higher potential for damage as a
14 result of seismically induced landslides.

B.18-32

15 Also, because Alternative 5 is significantly longer (45%) than the proposed Project and
16 therefore crosses a higher percentage of landslide prone areas, impacts related to slope instability
17 due to excavation and grading during construction are more significant than compared to the
18 proposed Project and other alternatives. In addition, most of the major soils underlying
19 Alternative 5 have a moderate to severe potential for erosion on new roads and trails. Excavation
20 and grading for tower foundations, substation foundations, work areas, and access roads along the
21 Alternative 5 route could loosen these soils and cause excessive erosion, which is a significant
22 impact. (DEIR/DEIS, C.5-51.) Because the proposed Project and other alternatives occur within
23 existing transmission line rights-of-way, the potential for landslides and erosion due to
24 construction activities is significantly less than Alternative 5.

B.18-33

25 Alternative 5 would also result in greater ground disturbance than the proposed Project.
26 Alternative 5 proposes approximately 145.6 acres of ground disturbance, whereas the Project
27 proposes approximately 121.8 acres of ground disturbance. (DEIR/DEIS, C.5-51.)
28

B.18-34

1 Finally, the DEIR/DEIS states that earthquakes and seismic events could result in damage
2 to project structures. Because Alternative 5 is in closer proximity to many of the active regional
3 faults that the Project or other alternatives, a larger proportion of the alignment would be subject
4 to higher ground accelerations. As such, Alternative 5 is more susceptible to damage from
5 earthquakes than the proposed Project. (DEIR/DEIS, C.5-51)

B.18-35

6 E. **Alternative 5 will Result in Greater Hydrological Impacts than the Project or**
7 **its Other Alternatives.**

8 Construction activities and associated land disturbance along the 37.2 mile proposed route
9 for Alternative 5, the majority of which occurs over previously undisturbed land, are expected to
10 create soil erosion and sedimentation that could result in the degradation of water quality in
11 nearby and downstream water ways. The construction of towers on hillsides within Alternative 5
12 increase the potential for soil erosion and sedimentation that could impact water quality. Unlike
13 the proposed Project and the other alternatives, Alternative 5 would be introducing permanent
14 land disturbance in previously undisturbed areas, including facility construction and access
15 roads.² (DEIR/DEIS, C.8-46.)

B.18-36

16 As with the proposed Project and the other alternatives, Alternative 5 would include the
17 removal of 119 existing 66 kV towers from the Saugus-Del Sur Utility Corridor in the ANF.
18 However, since Alternative 5 follows an entirely different alignment than the proposed Project
19 and other alternatives, the removal of existing infrastructure within the ANF would introduce
20 potential impacts from Alternative 5 in multiple locations, that is, within both the Alternative 5
21 alignment *and* the Saugus-Del Sur Utility Corridor. As such, Alternative 5 would result in
22 impacts to both the Alternative 5 alignment and the proposed project alignment. (DEIR/DEIS,
23 C.8-47.)

24 Alternative 5 also has the potential to affect ground water supply and recharge within two
25 areas that would not be affected by the proposed Project or the other alternatives. These impacts
26 (resulting from project related excavation-related activities) could disturb existing groundwater
27 resources and interfere with groundwater supply and recharge. The two areas affected by

B.18-37

28 ² The DEIR/DEIS does not adequately analyze these impacts.

1 Alternative 5 are the Antelope Valley Groundwater Basin (for approximately the first 7.0 miles
2 after leaving Angeles Substation), and the Santa Clara Valley East Groundwater Basin (for
3 approximately the final 9.0 miles before its terminus at Pardee Substation). The DEIR/DEIS fails
4 to adequately evaluate the potential impacts to the groundwater basis that would result from
5 implementation of Alternative 5.

B.18-37
cont'd

6 **F. Alternative 5 Introduces Impacts to Land Use and Socioeconomics that are**
7 **Significant Compared to the Proposed Project.**

8 Construction of Alternative 5 would be disruptive to existing residential land uses in
9 Lancaster, Leona Valley, Agua Dulce, Santa Clarita and Palmdale. According to the DEIR/DEIS,
10 during construction, temporary traffic, noise and air quality impacts would occur to residences
11 located within 1,000 feet along the route. These impacts are purported to primarily occur along
12 Leona Avenue and Lost Valley Ranch Road in Leona Valley, on Bouquet Canyon east of the
13 ANF, along Anthony Road northeast of Agua Dulce, and along Shadow Valley and Kathleen
14 Avenue in Bouquet Canyon. Not mentioned in the DEIR/DEIS, but also impacted are 90th and
15 107th West roadways.

B.18-38

16 Also, construction activities associated with a new 500 kV transmission line would
17 temporarily disrupt adjacent residential communities, creating a significant impact. However, the
18 potential impacts of Alternative 5 affect a far greater number of people than the DEIR/DEIS
19 estimates. Three quarters of the Leona Valley Town population and a church camp, are located
20 on the south side of Town. The primary access road for these residents and visitors is 90th. As
21 such, any additional vehicular traffic on 90th, including the additional vehicles involved in
22 construction of the towers and lines, will affect the majority of the Town. In the event of a
23 mishap or emergency or obstruction caused by the towers or transmission lines to the southern
24 portions of Lost Valley Ranch Road, 107th Street, or Lonesome Valley, residents in 30 to 40
25 homes would be stranded. None of these issues were addressed in the DEIR/DEIS.

B.18-39

26 The operation of Alternative 5 would also create a long-term disruption to residential land
27 uses. SCE will be required to obtain new easements across, and/or acquisitions of, 103 privately
28

1 owned parcels, or possibly more since no specific analysis of the route has been conducted. Uses
2 within these new easement areas will be severely restrictive to the current landowners.

B.18-39
cont'd

3 Unlike the proposed Project or the other four alternatives, Alternative 5 will require the
4 removal of an undetermined number of existing residential structures with a new overhead 500
5 kV transmission line routed south from Antelope Substation to the Pardee Substation via the
6 existing Pardee-Vincent Corridor. Traveling south of Leona Valley, the Alternative 5 route
7 would cross adjacent to single-family residences and the Nessa Ranch located on Bouquet
8 Canyon Road. Due to the corridor necessary for construction and operation of the 500 kV line,
9 as well as restrictions associated with the placement of the route, it is possible that residences
10 within the planned corridor would need to be purchased or condemned. (DEIR/DEIS, C.12-19.)

B.18-40

11 As stated in the DEIR/DEIS, Alternative 5 – unlike the other alternatives and the
12 proposed Project -- will impact residential lands due to its new alignment. As a result, Alternative
13 5 has the potential to also result in diminished property values in residential and business areas.
14 (DEIR/DEIS, C.12-20.)

B.18-41

15 **G. Alternative 5 would Result in More Significant Noise Impacts than the**
16 **Proposed Project or Alternatives 1 Through 4.**

17 Residences in the Leona Valley and Agua Dulce would be exposed to construction noise
18 that would not occur under the proposed Project or any of the other alternatives. The DEIR/DEIS
19 acknowledges that construction activities associated with Alternative 5 would result in violations
20 of Santa Clarita and Los Angeles County Noise Ordinances. (DEIR/DEIS, C.10-28) Although
21 the DEIR/DEIS concludes that mitigation measures N-1A, N-1B and N-1C may assist in reducing
22 violations of noise standards and provide for advanced notification of construction activities to
23 residences along the utility corridor, impacts from mobile construction equipment, especially
24 from helicopters, would continue to violate local standards and result in significant, unavoidable
25 impacts. (DEIR/DEIS, C.10-28.)

B.18-42

26 In addition, noise impacts related to inspection and maintenance activities, which are
27 considered to be significant and unavoidable, would affect a greater number of residences as
28 compared to the proposed Project or the other alternatives. (DEIR/DEIS, C.10-28.)

1 Construction activities associated with Alternative 5 would also result in intermittent
2 temporary violations of Santa Clarita and County of Los Angeles Noise Ordinances as a result of
3 mobile construction equipment. Similarly, construction activities associated with other projects
4 in close proximity to the Alternative 5 right-of-way (such as the Ritter Ranch and Agua Dulce
5 residential developments) could potentially occur at the same time as the proposed Project, and,
6 as a result, violate local standards on a cumulative basis. This combined effect of construction
7 noise could be cumulatively significant at various times during construction. These impacts
8 would not occur to the same extent for the proposed Project or the other alternatives.

B.18-42
cont'd

9 **H. Alternative 5 will Create Higher Demands on Fire Protection.**

10 Because the proposed route for Alternative 5 is 45% longer than the Project and because of
11 the resulting increased construction duration, construction activities would have a greater
12 potential demand for fire protection or police services than the proposed Project and other
13 alternatives. The increased risk of wildfires and the associated demand for fire protection
14 services will impact the Agua Dulce, Santa Clarita, Palmdale and Lancaster, and Leona Valley
15 and other communities in unincorporated Los Angeles County. (DEIR/DEIS, C.11-11.)
16 Alternative 5 results in a shifting of responsibility for fire protection services from the Forest
17 Service to local governments. There is no indication how the Project, Alternative 5, will pay
18 these communities for the increase in public services it causes.

B.18-43

19 **I. Alternative 5 will Result in Greater Visual Impacts than the Proposed Project**
20 **or Other Alternatives.**

21 Alternative 5 will result in substantially greater visual impacts than the proposed Project
22 or other four alternatives. According to the DEIR/DEIS, specific areas impacted by Alternative 5
23 include the views from Avenue K, Lake Elizabeth Road, Leona Valley Road³ and Lost Valley
24 Ranch Road which is along Leona Valley Loop Trail (which is a designated Los Angeles County
25 trail that the DEIR/DEIS does not acknowledge). Other specific areas of visual concern the
26 DEIR/DEIS identifies include the view from upper Bouquet Canyon Road, Sierra Highway and
27

B.18-44

28 ³ There seems to be some confusion in the DEIR/DEIS regarding roadways in Leona Valley.
Leona Valley Road is known as Leona Avenue. Missing throughout the analysis is 107th West.

1 Anthony Road, Vasquez Rocks County Park, Escondido Canyon Road at State Highway 14, the
2 Pacific Crest Trail and Antelope Valley Freeway at Agua Dulce Canyon Road. Furthermore,
3 Alternative 5 would cross Bouquet Canyon Road near Lilly of the Valley Mobile Home Village
4 and pass by subdivisions at the east side of Santa Clarita specifically near Shadow Valley Lane
5 above Woodside Drive. Visual impacts to these areas only occur in Alternative 5 and do not
6 occur in the proposed Project or the other four alternatives. (DEIR/DEIS, C.15-98.) Conversely,
7 the new transmission lines and towers with the proposed Project alignment occur within *existing*
8 transmission line rights-of-way and would not result in as severe visual impacts as Alternative 5.

B.18-44
cont'd

9 As a result, Alternative 5 project infrastructure would substantially degrade the visual
10 quality of landscaped views as seen from Avenue K, Lake Elizabeth Road, Leona Valley Road,
11 Lost Valley Ranch Road, upper Bouquet Canyon Road, Sierra Highway at Anthony Road,
12 Vasquez Rocks County Park, Escondido Canyon Road at Antelope Valley Freeway, the Pacific
13 Crest National Scenic Trail, Antelope Valley Freeway westbound at Agua Dulce interchange,
14 Lilly of the Valley Mobile Home Village, and Shadow Valley Lane. (DEIR/DEIS, C.15-116
15 through C.15-131.)

B.18-45

16 **J. Comparison of Alternative 5 to the Proposed Project and Alternatives 1, 2, 3,**
17 **and 4.**

18 As compared to the proposed Project and the other alternatives, Alternative 5 creates the
19 following additional impacts summarized below:

20 • Alternative 5 has the second highest annual and total emissions and increases
21 emissions in both the SCAB and MDAB portions of the route due to the increase in transmission
22 line route length in both air basins. (DEIR/DEIS, D-13.) Also, the inspection and maintenance
23 operating emissions would be somewhat higher than the other 4 alternatives due to the increase in
24 route length. (DEIR/DEIS, D-14.)

B.18-46

25 • Alternative 5 is less preferable than the proposed Project and other alternatives
26 because it would induce impacts to hydrology and water quality along the proposed alignment, as
27 well as along the alignment of the existing 119 66 kV towers and associated hardware that would
28 be removed from the Saugus Del Sur utility corridor. (DEIR/DEIS, D-23.)

1 • Alternative 5 would create additional significant impacts to recreational resources
2 as it would contribute to the long-term loss or degradation of a recreational resource. It would
3 also introduce a new industrial land use, cross recreational resources in Ritter Ranch thereby
4 changing the natural or scenic quality of these trails. The Project as proposed and the other four
5 alternatives would not alter the number and type of land uses that cross recreational resources and
6 consequently would have less than significant impacts to recreational users as compared to
7 Alternative 5. (DEIR/DEIS, D-24.)

8 • Alternative 5 would have the greatest potential to expose the most number of
9 residences to noise associated with construction, operation and maintenance activities as
10 compared to the proposed Project and any other alternatives because only Alternative 5 traverses
11 Lancaster, Leona Valley, Palmdale, Agua Dulce and the Santa Clarita areas. (DEIR/DEIS, D-27
12 and D-28.)

13 • Alternative 5 would result in significant unavoidable visual impacts to Vasquez
14 County Park, as well as BLM lands south of the Antelope Valley Freeway all along the
15 Alternative 5 route, unlike the proposed Project and the other alternatives. (DEIR/DEIS, D-35)

16 **5. THE DEIR/DEIS IS DEFECTIVE.**

17 **A. Baseline and Physical Setting for Alternative 5 is Inaccurate.**

18 The baseline and physical setting are inaccurate. No routing studies were conducted of
19 Alternative 5 nor is the ultimate Alternative 5 route alignment known (which are fatal flaws in the
20 document), so there is no accurate accounting of the properties that will be affected or totality of
21 the existing physical setting that will be impacted. This is in direct violation of CEQA. (CEQA
22 Guidelines, § 15124, subd. (a) [“[t]he precise location and boundaries of the proposed project
23 shall be shown on a detailed map. . .”].)

24 The scope of properties that will be impacted by Alternative 5 is the most critical element
25 of the project description. Without knowing which properties are affected, it is impossible to
26 fully address the need for easements on, and the acquisition of, private property to maintain the
27 towers and transmission lines. In addition to not identifying all of the properties affected by the
28 Alternative 5 route, the DEIR/DEIS does not account for adequate access to the towers and

B.18-46
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B.18-47

B.18-48

1 transmission lines. Further, the Alternative 5 route traverses private land with access limited to
2 private easements. There is no recognition of this fact or the fact that additional roadways that
3 have not been identified in the DEIR/DEIS will be needed to provide the necessary access for
4 construction and maintenance. Without an accurate project description there is no basis from
5 which to analyze the potential environmental impacts.

B.18-48
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6 The assumption that it will take only 3 more months to construct Alternative 5 verses the
7 Project is wrong. (DEIR/DEIS, ES-7.) Alternative 5 is 45% longer than the Project. Alternative
8 5 requires the construction involving 76 new double-circuit 500 dV LSTs, while the Project only
9 requires 21. (DEIR/DEIS, ES-6.) Alternative 5 requires the construction of 173 new towers,
10 while the Project only requires 117 towers. (*Id.*) Further, because most of Alternative 5 does not
11 occur in existing right-of-ways, and is in rural residential areas, SCE's proposed work schedule of
12 Monday through Saturday from 6:30 a.m. to 5:00 p.m. is not a reasonable assumption for
13 Alternative 5. The engineering alone for Alternative 5 is proposed to take 8 months longer than
14 the Project (27 months verses 19 months). (DEIR/DEIS, B-24, B-107.)

B.18-49

15 The length of time for construction is directly related to assessing air quality impacts from
16 construction and the cost of Alternative 5. The inclusion of this improper assumption regarding
17 length of time to construct means that the impacts and costs of Alternative 5 are significantly
18 underestimated.

B.18-50

19 CEQA requires that "[a]n EIR must include a description of the physical environmental
20 conditions in the vicinity of the project, as they existed at the time the notice of preparation is
21 published, or if no notice of preparation is published, at the time environmental analysis is
22 commenced. . . . This environmental setting will normally constitute the baseline physical
23 conditions by which a lead agency determines whether an impact is significant." (CEQA
24 Guidelines, §15125.) "A baseline figure must represent an environmental condition existing on
25 the property *prior* to the project." (*Save Our Peninsula Committee v. Monterey County* (2001) 87
26 Cal.App.4th 99, 122) (emphasis added).) In *Save Our Peninsula*, the court concluded that the
27 water usage baseline in the EIR was not justified when there was evidence that the water usage
28 was a different amount. (*Id.* at 123.) Further, the court stated that the "EIR must focus on

B.18-51

1 impacts to the existing environment, not hypothetical situations.” (*Id.* at 122 citing *County of*
2 *Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 955.) NEPA similarly
3 requires that the DEIS succinctly describe the environment of the areas to be affected. (40 C.F.R.
4 § 1502.15.) The “significance of a project’s impacts cannot be measured unless the EIR first
5 establishes the actual physical conditions on the property.” (*Save Our Peninsula*, 87 Cal.App.4th
6 at 125.) The scope and nature of these defects require that Alternative 5 be dropped from any
7 further consideration.

8 **B. CEQA Analysis is Faulty.**

9 The DEIR/DEIS is based on a flawed analysis that deprives the decisions makers and
10 public of information relative to the true impact of the Transmission Project upon the
11 environment. (*Berkeley Keep Jets Over the Bay Committee v. Bd. of Port Commissioners* (2001)
12 91 Cal.App.4th 1344, 1354 [EIR’s “purpose is to inform the public and its responsible officials of
13 the environmental consequences of decisions before they are made”]; *see also* NEPA’s
14 requirement of providing full and fair discussion of significant environmental impacts that
15 informs decision makers and the public (40 C.F.R. § 1502.1).)

16 The environmental analysis of the impacts associated with Alternative 5 is lacking in
17 sufficient qualitative and quantitative analysis. Without a more robust analysis, it is impossible
18 for the Leona Valley Town Council, affected residents and the public to understand the potential
19 impacts of the Transmission Project under CEQA and NEPA. “A fundamental purpose of an EIR
20 is provide decision makers with information they can use in deciding *whether* to approve a
21 proposed project, not to inform them of the environmental effects of projects that they have
22 already approved.” (*Laurel Heights I*, 47 Cal.3d at 394 (emphasis in original); *see also* NEPA’s
23 requirement of providing full and fair discussion of significant environmental impacts that
24 informs decision makers and the public (40 C.F.R. § 1502.1).) NEPA also demands that a
25 rigorously explored and objective analysis be conducted evaluating all reasonable alternatives.
26 (40 C.F.R. § 1502.14.) This lack of meaningful analysis in the DEIR/DEIS violates CEQA’s
27 requirement that the evaluation of the alternatives include “sufficient information about each
28

B.18-51
cont’d

B.18-52

1 alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.”
2 (CEQA Guidelines, § 15126.6; *see also* NEPA 40 C.F.R. § 1502.14.)

B.18-52
cont'd

3 1. Air Quality.

4 The DEIR/DEIS utilizes the wrong threshold of significance for NOx emissions for the
5 SCAB, and as a result the extent of the impacts on air quality are underestimated. The
6 DEIR/DEIS uses 100 pounds a day as the NOx threshold for operation. (DEIR/DEIS, C.2-17.)
7 However, the South Coast Air Quality Management District (“SCAQMD”) threshold of
8 significance for NOx operational impacts is 55 pounds a day. (*See*
9 <http://www.aqmd.gov/ceqa/handbook/signthres.doc>.) An EIR must address a proposed project’s
10 “significant effect on the environment.” (Pub. Res. Code, § 21100, subd. (b); *see also* CEQA
11 Guidelines, § 15126, subd. (a) [the EIR “shall identify and focus on the significant environmental
12 effects of the proposed project”].) Under CEQA, a significant effect on the environment is
13 defined as a substantial or potentially substantial adverse change in the environment. (Pub. Res.
14 Code, §§ 21068, 21151.) Under NEPA, a significance determination requires the use of both
15 context and intensity and includes the evaluation of factors unique to the project or its setting, the
16 degree to which the action may establish a precedent for future actions, and the degree to which
17 the effects are likely to be highly controversial. (40 C.F.R. § 1508.27.) Identification of a
18 project’s significant environmental effects is one of the primary purposes of an EIR and is
19 necessary to implement the stated public policy that agencies should not approve projects if there
20 are feasible mitigation measures or project alternatives available to reduce or avoid the
21 environmental impacts. (Pub. Res. Code, §§ 21002, 21002.1, subd. (a).) A determination of the
22 extent of an impact is not possible when the thresholds of significance are wrong.

B.18-53

23 There is also no discussion in the DEIR/DEIS of operational emissions. There would be
24 operational emissions associated with, for example, maintenance of the transmission towers and
25 lines, utility vehicles driving on unpaved roads, and brush clearance for fire prevention activities.
26 The SCAQMD’s CEQA Handbook requires these impacts be assessed. In *Kings County Farm*
27 *Bureau v. City of Hanford*, the court concluded that the discussion in an EIR addressing air
28 quality emissions was misleading because the City failed to measure all project-related pollutant

B.18-54

1 emissions. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 716.)
2 There will be more operational emissions associated with Alternative 5 because there is 45%
3 more route to maintain.

B.18-54
cont'd

4 The construction-related emissions for Alternative 5 will have a longer duration than
5 assumed because the construction assumptions associated with this Alternative were faulty as
6 discussed above in Section 5.A. of this document.

B.18-55

7 The NOx and PM10 exceedances of the construction and operational emission thresholds
8 is underestimated for the Project and all alternatives. There appears to be no consideration of the
9 emissions associated with removing existing towers from the existing utility corridor in the ANF
10 or demolition of structures on properties that will be acquired. Further, the estimated mitigated
11 emissions from construction impacts overestimates the benefit of the mitigation for particulate
12 matter less than 10 microns. The SCAQMD has identified a problem with the Urbemis model
13 when it calculates mitigated PM10 emissions during grading activities. Specifically, it over
14 estimates the benefit of watering. As such, the SCAQMD states that project proponents should
15 not select a combination of PM mitigation measures for grading, but rather select the 'user
16 defined' control measure (watering three times per day) and then manually insert 68 percent in
17 the control efficiency box. (*See* <http://www.aqmd.gov/ceqa/urbemis.html>.) This does not appear
18 to have been done.

B.18-56

19 The General Conformity analysis relies on the Projects' mitigated emissions to be below
20 the threshold. Since the Project's and all of the alternatives' mitigated emissions are
21 underestimated as discussed above, the General Conformity analysis is also faulty, and a full
22 conformity analysis is required. There is also no discussion of the Project's and Alternative 5's
23 inconsistency with federal laws, plans and policies (that are identified in this document).

B.18-57

24 In addition, the actual output information from all models used must be included in the
25 DEIR/DEIS so that the public can review the specific project and mitigation measures that were
26 modeled.

B.18-58

27 It is incorrect to assume that the impacts to sensitive receptors is identical to the Project
28 for Alternative 5. (DEIR/DEIS, C.2-36.) Because Alternative 5 is not within ANF, it is within

B.18-59

1 residential communities, it is 45% longer than the Project, and is adjacent to homes, more
2 sensitive populations are exposed to air pollution caused by the Project. Because of Alternative
3 5's route it results in an increase exposure to the community from diesel exhaust emissions. This
4 also means that the DEIR/DEIS assumption that there is no change in the analysis for localized
5 significance thresholds because the estimated closest receptor distances are the same for
6 Alternative 5 as the Project is wrong.

B.18-59
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7 The discussion regarding Air Quality Management Plan ("AQMP") conformance for
8 Alternative 5 is faulty. Conformance with the AQMP is not based on whether Alternative 5 has
9 identical construction methods and regulatory requirements as the Project. Further, the regulatory
10 requirements are in fact different; for example, Alternative 5 requires property acquisitions and
11 amendments to the West Mojave Plan and the Forest Plan.

B.18-60

12 There is no analysis of the impacts associated with Measure A-1e, that requires shifting
13 deliveries outside of peak traffic hours. In particular, because of Alternative 5's route this
14 Measure would cause noise impacts to the community.

B.18-61

15 There is absolutely no factual basis for the assertion in the DEIR/DEIS that the Project
16 will indirectly reduce emissions in the SCAB or elsewhere by reducing the amount of power that
17 would have to be generated from polluting technologies. (DEIR/DEIS, C2-19.) There are no
18 guarantees that the Project transmission lines will only and forever be used to transport energy
19 from wind sources. There are no facts to support that the energy otherwise generated would be in
20 the SCAB or that it would be from so-called unidentified polluting technologies.

B.18-62

21 The cumulative impact analysis for air quality, which uses a one mile geographic scope,
22 contradicts with the statements earlier in the DEIR/DEIS that established a cumulative impact
23 area of 5 miles of the proposed Project's alignment. The one mile geographic scope is artificially
24 and improper when the impacts to air quality are regional and air quality determinations are made
25 on a basin-wide basis. It is improper not to include an air quality cumulative analysis of the
26 operational air quality emissions. The DEIR/DEIS must recognize that Alternative 5 increases
27 the contribution to cumulative emissions impact.

B.18-63

28

1 2. Biology.

2 Alternative 5 does not occur in the same general vicinity as the Project, and as such, it is
3 improper to rely on information from the Project to identify impacts for portions of Alternative 5
4 route that is the same as the Project's route. There is no analysis of the potential impacts to the
5 Ritter Ridge Significant Ecological Area within Leona Valley. There is also no analysis to
6 support the assertions in Section C.3.10.2 that the impacts associated with Alternative 5 are
7 mitigated to a level of insignificance. It is also improper to rely on the West Mojave Plan to
8 mitigate impacts to a level of insignificance without conducting any analysis that demonstrates
9 this Plan will in fact mitigate the impacts. Which species and habitats does the West Mojave Plan
10 cover that are impacted by Alternative 5 and which are not covered? How will the impacts to the
11 species and habitats not covered be mitigated? What is the status of the West Mojave Plan
12 approval by the federal and state agencies? What does the West Mojave Plan specifically require
13 applicants to do to obtain coverage under the Plan? Are offsets required?

14 In short, the evidence does not support the findings of the analysis. This is a clear
15 violation of *Topanga Ass'n for a Scenic Community v. County of Los Angeles* (1989) 214
16 Cal.App.3d 1348, 1357-58 (The findings must show the decision is based on careful, reasoned,
17 and equitable considerations (i.e., "bridge the analytical gap"). CEQA also requires that the
18 County's findings be supported by substantial evidence in the record. (CEQA Guidelines, §
19 15091, subd. (b).) Substantial evidence includes "facts, reasonable assumptions, predicated upon
20 facts, and expert opinion supported by facts." (Pub. Res. Code, § 21082.2.) Also, there must be
21 "enough relevant information and reasonable inferences from this information that a fair
22 argument can be made to support a conclusion, even though other conclusions might also be
23 reached." (CEQA Guidelines, § 15384, subd. (a).) NEPA similarly requires a robust scientific
24 basis. (40 C.F.R. § 1502.24.) As discussed above, this analysis is not based on facts, but rather
25 unsubstantiated opinion.

26 There is the potential for the following species to occur in the Alternative 5 area:
27 Vermilion Flycatcher, Long Eared Owl, Mohave Ground Squirrel, Desert Tortoise, Red-Legged
28 Frog, Southwestern Pond Turtle, short-joint Beavertail Cactus, San Diego Horned Lizard,

B.18-64

B.18-65

1 Burrowing Owl, Desert Tortoise, Kangaroo Rat, and Least Bell's Vireo. However, there is
2 insufficient analysis of potential impacts to these species or their habitats, or to species protected
3 by the Migratory Bird Treaty Act of 1918. There is also no discussion of potential effects to the
4 Los Angeles County Significant Ecological Areas in the Antelope Valley and San Andres Rift
5 Zone (*see* Exhibit 1). There is no discussion of obtaining a federal Biological Opinion, or how
6 the incidental take permits, issued pursuant to Section 10(a)(1)(B) of the Federal Endangered
7 Species Act and Section 2081 of the California Endangered Species Act, criteria would be met, or
8 the development of a habitat conservation plan.

B.18-65
cont'd

9 In the Alternative 5 area: what is the estimated permanent loss or temporary disturbance
10 of vegetation communities, how will Mitigation Measure B-1a reduce the impact, and to what
11 extent will the impact be reduced? How many oak trees are estimated to be impacted, and how
12 will compliance with the Los Angeles County Oak Tree Ordinance and implementation of
13 Mitigation Measures B-2 reduce to impact, and to what extent will the impact be reduced? What
14 are the impacts to wildlife life and why is it not significant? To what extent will nesting birds be
15 impacted, how will Mitigation Measure B-6 reduce the impact, and to what extent will the impact
16 be reduced?

B.18-66

17 CEQA requires that there be a good faith effort at full disclosure (CEQA Guidelines, §
18 15151). In the *Berkeley Jets* case, the court determined that the use of scientifically outdated
19 information from the California Air Resources Board's 1991 speciation profile for estimating
20 toxic emissions from aircraft was not a reasoned and good faith effort to inform the decision
21 makers and public about the increase in toxic emissions as a result of the proposed airport
22 expansion. (*Berkeley Jets*, 91 Cal.App.4th at 1366-67.) It is also contrary to NEPA. (*See* 40
23 C.F.R. § 1502.24.)

B.18-67

24 3. Cultural Resources.

25 There is no discussion of the impacts to CA-LAN-588, CA-LAN-592, CA-LAN-610, CA-
26 LAN-614, and CA-LAN-1856 that occur in Alternative 5. There is no evidence presented to
27 support the feelings of DEIR/DEIS' authors that these sites may be destroyed or were erroneously
28 recorded as sites. Therefore, it is wrong to rely on these unsubstantiated opinions to discount the

B.18-68

1 potential impact of Alternative 5 to cultural resources. Further, it is likely that Native American
2 artifacts will be disturbed during construction of Alternative 5. However, there appears to have
3 been no consultation with tribes, and there is no discussion of this impact, let alone mitigation
4 measures. There is also no discussion of locally significant historical landmarks. Refer to
5 Exhibit 2 regarding information about locally significant historical landmarks that must be
6 evaluated in the DEIR/DEIS.

B.18-68
cont'd

7 4. Geology, Soils, and Paleontology.

8 The DEIR/DEIS assumes that Alternative 5's impacts discussed in Section C.5.10.2 will
9 be mitigated to a level of less than significant with mitigation measures. However, there is no
10 analysis supporting these assertions. As discussed above, the failure to have findings supported
11 by substantial evidence in the record violates CEQA. (CEQA Guidelines, § 15091, subd. (b).)
12 Substantial evidence includes "facts, reasonable assumptions, predicated upon facts, and expert
13 opinion supported by facts." (Pub. Res. Code, § 21082.2.) Also, there must be "enough relevant
14 information and reasonable inferences from this information that a fair argument can be made to
15 support a conclusion, even though other conclusions might also be reached." (CEQA Guidelines,
16 § 15384, subd. (a).) NEPA requires sound scientific data (40 C.F.R. § 1502.24). The assertions
17 in Section C.5.10.2 are not based on facts, but rather unsubstantiated opinion, and there is no
18 analysis to provide the public with any indication as to how these conclusions were reached.

B.18-69

19 What is the increased percentage of landslide prone units? What is the extent of the
20 impact relating to slope instability due to excavation and grading during construction, how will
21 Mitigation Measures G-1 and G-2 reduce the impact, and to what extent will the impact be
22 reduced? What is the estimated amount of groundwater disturbance caused by the Alternative 5,
23 and how much more topography is altered? How will Mitigation Measures G-2 and B-1a reduce
24 the impact and to what extent will the impact be reduced? How much of the Alternative 5
25 alignment crosses hillside areas underlain by landslide prone units or existing landslides, how will
26 Mitigation Measure G-9 reduce the impact, and to what extent will the impact be reduced? What
27 is the extent of the damage or destruction to significant fossils, how will Mitigation Measure G-
28 10 reduce the impact, and to what extent will the impact be reduced?

B.18-70

1 The DEIR/DEIS acknowledges that the Alternative 5 route results in the towers and
2 transmission lines being approximately 4 to 5 miles closer to active faults and that the Alternative
3 5 traverses the San Andreas Fault Zone. As such, there is a higher proportion of the Alternative 5
4 route that is subject to severe ground shaking than the Project or any other alternative. However,
5 there is no analysis of the impacts of these conclusions on the communities and residents that the
6 Alternative 5 route traverses. There should also be a specific analysis of impacts associated with
7 tower structure failure as it relates to the communities affected by Alternative 5, and on
8 residential properties. There should also be an assessment of the increased risk of liquefaction
9 caused by the high water tables along the route for Alternative 5.

B.18-71

10 5. Public Health and Safety.

11 EMF issues are improperly trivialized. The DEIR/DEIS concludes that because there is
12 no agreement among scientists that EMF does create a potential health risk and because the
13 authors are unaware of any defined or adopted CEQA/NEPA standards for defining health risk
14 from EMF, no analysis can be performed. This so-called reasoning is not legally sufficient
15 rational for avoiding performing an analysis of the impacts from EMF. If it is true, as asserted in
16 the DEIR/DEIS that there is no agreement among scientists that EMF does create a potential
17 health risk, then the reverse is true that there is no agreement that EMF does not create a potential
18 health risk. The failure of the CPUC to adopt a threshold of significance when it adopted policies
19 to mitigate EMF exposure and rules to improve utility design does not excuse the analysis of
20 EMF impacts and the use of significance criteria based on other guidelines in the DEIR/DEIS.

B.18-72

21 The failure to perform an analysis and determine whether the impacts are significant is
22 especially astonishing when there is agreement among the California Department of Health
23 Services ("DHS") scientists that conducted a study on behalf of CPUC of the possible risks of
24 EMFs from power lines. The DHS scientists concluded that they are inclined to believe that
25 EMFs can cause some degree of increase risk of childhood and adult leukemia, adult brain cancer,
26 Lou Gehrig's Disease, and miscarriage. DHS and IARC have classified EMF as a possible
27 carcinogen. As such, there is sufficient evidence that EMF has the potential for a significant
28 impact. This impact is even greater for Alternative 5 given the proximity of this route to people,

1 but there is absolutely no attempt made to assess the impacts associated with EMF for the Project
2 and any alternatives. A scientific evaluation of risks posed by EMF should be performed. The
3 risk assessment procedures established by the Office of Environmental Health Hazard
4 Assessment should be utilized to perform this analysis.

B.18-72
cont'd

5 There also needs to be greater specificity about studies that have been conducted near 500
6 kV transmission lines. Which of the EMF studies involve 500 kV transmission lines and what
7 was the results of these studies? Are there any other studies that have been conducted of EMF
8 health effects that were not included in the DEIR/DEIS? If so, what did these studies show and
9 why were they not cited in the DEIR/DEIS?

B.18-73

10 The DEIR/DEIS relies on Decision D.93-11-013 and EMF Design Guidelines. However
11 these documents are not included in the DEIR/DEIS, nor readily available to the public as
12 required by CEQA. Therefore, it is impossible for the public to be informed about the full scope
13 of the so-called "low-cost" or "no-cost" measures for managing EMF that SCE proposes, and
14 what the measures entail. There may be other measures that are in documents that the public
15 would recommend as additional mitigation measures. There is no commitment to implement any
16 of the EMF Design Guidelines and Decision D.93-11-013 mitigation measures despite the fact
17 that they are indicated to be feasible in the DEIR/DEIS.

B.18-74

18 The assumption that potential health effects from EMF is not of concern for this Project
19 because the lines are effectively shielded by materials such as trees, walls, etc. does not hold true
20 for Alternative 5, where the transmission lines are adjacent to homes and businesses. Alternative
21 5 is also inconsistent with the excerpts of the EMF Design Guidelines cited in the DEIR/DEIS
22 that calls for increasing the distances from transmission lines.

B.18-75

23 The DEIR/DEIS acknowledges that EMF will cause electronic equipment disturbances
24 that could prevent the use of the electronic equipment altogether. There are many businesses and
25 individuals that work at home within the area impacted by Alternative 5 that depend on reliable
26 computer access. Not only will their businesses be disrupted, but the DEIR/DEIS shifts the
27 responsibility for mitigating this impact by purchasing more equipment to those that did not cause
28

B.18-76

1 the impact. Worse yet, mitigation measure PH-5b proposing merely documenting electronic
2 interference and referring unresolved disputes to the CPUC for resolution.

B.18-76
cont'd

3 Electrical arcing from power lines presents a fire hazard to homes and businesses along
4 the Alternative 5 route. There is an increased likelihood that the Alternative 5 route will cause
5 radio/television/electronic equipment interference given its proximity to communities. There is
6 an increased potential for fires caused by the powers lines to impact more people and property
7 due to the closer proximity of Alternative 5 to existing communities. The location of Alternative
8 5 makes it more likely that the power line fields can come in contact with buildings, people and
9 animals causing shock hazards and potential conflicts with cardiac pacemakers. These issues are
10 not analyzed in the DEIR/DEIS.

B.18-77

11 There is no analysis of the potential impacts associated with hazardous materials caused
12 by the destruction and replacement of existing transmission lines and substation modifications.
13 Nor is there any analysis regarding the impacts to residents, private property, and agricultural
14 industry (including organic farms) resulting from the contamination and hazardous materials that
15 occur during construction and maintenance of the Alternative 5 transmission lines. The area
16 within Alternative 5 has ranches and an agricultural industry that produces fruit (e.g., cherry
17 orchards, Asian pears, peaches, apples, wine vineyards, apricots, etc.) including organic
18 products. The Project has the potential to cause increases in hazardous material in the top soil
19 and transportation of the hazardous material in surface runoff. This would be devastating to this
20 industry, particularly the organic products industry.

B.18-78

21 The cumulative impact analysis, which uses a one mile geographic scope, contradicts with
22 the statements earlier in the DEIR/DEIS that established a cumulative impact area of 5 miles of
23 the proposed Project's alignment. The one mile limitation is not justified given the natural of the
24 potential impacts discussed above.

B.18-79

25 6. Hydrology and Water.

26 The DEIR/DEIS acknowledges that the construction activities and associated land
27 disturbance along Alternative 5's route could result in the degradation of water quality nearby and
28 to downstream waterways. Yet, there is no assessment of the impact of this water quality

B.18-80

1 degradation on the communities' water supply, agriculture industry, or water that supports
2 vegetation and wildlife in the ANF.

B.18-80
cont'd

3 The DEIR/DEIS acknowledges that Alternative 5 has the potential to impact groundwater
4 supply and recharge. However, this effect is greater than discussed because Alternative 5 has
5 shallow groundwater, some wells are only 16 feet deep, and bubbling springs that emerge at
6 unpredicted times and locations. Ground water is a significant source of water for the Alternative
7 5 area. For example, a number of residents in Leona Valley rely on wells for their water supply
8 for residential and agricultural uses. There is the potential for the construction of the tower
9 footings to cause disturbances to the groundwater, as well as be affected by bubbling springs.
10 This would be devastating to these property owners and agriculture industry in the area. The high
11 water table and bubbling springs could undermine the tower footings. How is this impact being
12 addressed? If the drilling, construction and digging cause damage to the fissures and aquifer and
13 ruin wells, who will compensate these owners? Who will be responsible for providing water to
14 individual homes and ranches that have their ground water supplies disrupted by the transmission
15 line construction? Where will the substitute water come from?

B.18-81

16 The towers have the potential to significantly impact surface runoff, changing the way
17 water flows, making more areas impervious to water, and affecting velocity. The roads near the
18 proposed towers, Lost Valley Ranch Road, 107th West, Lonesome Valley, Leona Avenue, and N-
19 8 road have a history of being impacted by surface runoff to the point of flooding and requiring
20 reconstruction. Attached are photos of one such example involving destruction that occurred in
21 Leona Valley to a primary entry road in December, 2005. (See Exhibit 3.) This road became
22 impassable, water was about 4-5 feet deep. It cost approximately \$10,000 to repair this one road.
23 This road is also the sole access to the California Water Company water tank. This tank stores
24 and provides water to some of the residents of Leona Valley. The towers and lines are scheduled
25 to go almost immediately behind this tank. Was the California Water Company contacted about
26 the potential impact to their tank?

B.18-82

27 Any change in surface runoff will intensify the existing flooding issues. Yet, there is no
28 discussion of these effects. These roads are privately maintained and the cost of re-building the

B.18-83

1 roads is currently borne by the property owners. None of the proposed mitigation takes this into
2 account. Worse yet, even though there is no analysis of the amount of new surface runoff that
3 will be caused by Alternative 5 or capacity of the current storm water drainage system, the
4 DEIR/DEIS determines that the systems would not be overloaded in capacity from Project-related
5 runoff.

B.18-83
cont'd

6 7. Land Use and Public Recreation.

7 Leona Valley and Agua Dulce are within CSDs. (Los Angeles County Municipal Code
8 ("LACMC"), §§ 22.44.122, 22.44.113.) CSDs are established as supplemental districts to
9 provide a means of implementing special development standards contained in adopted
10 neighborhood, community, area, specific and local coastal plans within the unincorporated areas
11 of Los Angeles County, or to provide a means of addressing special problems which are unique to
12 certain geographic areas within the unincorporated areas of Los Angeles County.

13 The Leona Valley CSD was established to protect the community's unique appeal,
14 including its rural agricultural character, the portion of the Ritter Ridge Significant Ecological
15 Area within Leona Valley, and the floodplain and hillside management areas defined by the
16 Antelope Valley Arca Plan. (LACMC, § 22.44.122, subd. (A).) The Agua Dulce CSD was
17 established to protect the secluded rural character of the community, to enhance the community's
18 unique appeal, and to avoid the premature need for costly linear service systems such as sewers
19 and water systems within the community. (LACMC, § 22.44.113, subd. (A).) The intrusion of
20 huge transmission lines, approximately 220 feet high and 96 feet wide would destroy the secluded
21 rural character of these communities that the CSD designation was designed to protect. (See
22 DEIR/DEIS, B-12, B-13.)

B.18-84

23 The DEIR/DEIS acknowledges that Alternative 5 will require the acquisition or
24 condemnation of private property. In the Leona Valley CSD, standard residential lots or parcels
25 shall contain a gross area of not less than two and one-half acres. (LACMC, § 22.44.122, subd.
26 (C)(7).) In the Agua Dulce CSD, each residential lot or parcel shall contain a net area of not less
27 than two acres. (LACMC, § 22.44.113, subd. (C)(1).) There is no discussion regarding the land
28

B.18-85

1 use conflicts between the CSD requirements for lot size and the effect of taking partial private
2 property acquisition that results in substandard lot sizes.

B.18-85
cont'd

3 There is also no discussion in the DEIR/DEIS of whether 500 kV transmission lines are
4 even a permitted use or complies with the development standards (e.g., height limitations, noise,
5 etc.) under the Los Angeles County zoning code, General Plan, or Antelope Valley Areawide
6 General Plan. None of the inconsistencies regarding the Forest Plan, the West Mojave Plan, or
7 the Energy Policy Act of 2005 are sufficiently evaluated.

8 NEPA requires that the environmental consequence analysis include a discussion of
9 possible conflicts between the proposed action and the objectives of Federal, regional, State, and
10 local land use plans, policies and controls for the areas concerned. (40 C.F.R. § 1502.16, subd.
11 (c).) The DEIS "shall discuss any inconsistency of a proposed action with any approved State or
12 local plan and laws (whether or not federally sanctioned). Where an inconsistency exists, the
13 statement should describe the extent to which the agency would reconcile its proposed action with
14 the plan or law." (40 C.F.R. § 1506.2, subd. (d).)

B.18-86

15 The DEIR/DEIS acknowledges that construction of Alternative 5 would cause short term
16 disruption to existing residential land uses within 1,000 feet of the route, primarily along Leona
17 Avenue and Lost Valley Ranch Road in Leona Valley, on Bouquet Canyon Road east of the
18 ANF, along Anthony Road northeast of Agua Dulce and along Shadow Valley and Kathleen
19 Avenue in Bouquet Canyon. However, the impacts are not limited to these areas. Other areas
20 including 107th West, Lonesome Valley, Portal Pass, and Elizabeth Lake Road are also impacted.

B.18-87

21 There is no analysis or facts to support the assertions in Section C.9.10.2 that the impacts
22 associated with Alternative 5 are mitigated to a level of insignificance. Some of the assertions
23 regarding mitigated impacts are clearly wrong. For example, it is not proper to assume
24 disturbances will not occur to residents in Leona Valley because of a nighttime construction
25 restriction in Santa Clarita. (DEIR/DEIS, C.9-49.)

26 The DEIR/DEIS also acknowledges that the construction of Alternative 5 would cause
27 long term disruption to 103 property owners that would be impacted by new easements, as well as
28 to some *unknown* number of homes and property that would be taken for the construction and

B.18-88

1 operation of the Project. Since the actual route the transmission line in Alternative 5 is unknown,
2 because adequate alignment and design studies have not been completed, this number of impacted
3 property owners could be greater than anticipated. The DEIR/DEIS improperly defers this
4 analysis. This DEIR/DEIS should not be finalized without a thorough analysis and identification
5 of the properties, homes, and businesses that will be impacted by easements and eminent domain.
6 The failure to conduct an analysis to identify all of the properties that could be potentially
7 affected by Alternative 5 and to identify homes and businesses that will be acquired for this new
8 right-of-way renders the analysis unlawfully vague, violating a property owner's due process
9 rights. (*John Corp. v. City of Houston* (5th Cir. 2000) 214 F.3d 573, 577-79.) CPUC Rule 17.1,
10 subdivision (f)(2), requires that these property owners be notified of this proceeding. Because
11 the ultimate alignment is unknown for Alternative 5, there is no assurance that all of the affected
12 property owners have been notified as required by this CPUC Rule.

B.18-88
cont'd

13 In many cases the easements will not permit continued use of the properties for grazing,
14 farming and residential uses as asserted, due to the noise levels, air quality impacts, safety
15 concerns for people and animals, electrical interference, and EMF concerns. The impact of non-
16 continued use of these properties must be discussed. It is untrue that there will be no impacts to
17 commercial land uses. There are ranches and farms along the Alternative 5 route that operate as
18 commercial enterprises.

B.18-89

19 The DEIR/DEIS acknowledges that Alternative 5 will traverse agricultural lands that are
20 classified as Prime Farmland, Farmland of Statewide Importance, Farmland of Local Importance
21 and Grazing Land, and adjacent to Unique Farmland. (DEIR/DEIS, C.9-50.) Under Alternative
22 5, construction will occur during the peak growing season resulting in significant damage to
23 agricultural crops. The destruction of agricultural products during the growing season cannot be
24 mitigated by an agreement with the landowners to restore crops for the next year. An agreement
25 cannot revive that seasons' products that were destroyed, and depending upon the crop, several
26 more seasons could be lost while crops mature. It is also nonsensical to propose that Mitigation
27 Measure L-6, that provides for locating transmission towers and pulling/splicing stations to avoid
28 agricultural operations, would reduce impacts to Farmland to a less than significant level. The

B.18-90

1 impact identified was the *permanent* preclusion of use of Prime Farmland and Farmland of
2 Statewide Importance. Agriculture is a resource that the State is discouraging premature and
3 unnecessary conversion of under laws including the Open Space Lands Act. (Gov't. Code, §
4 65561, subd. (b).) Under CEQA and NEPA, the Lead Agencies must avoid or minimize damage
5 to agriculture where feasible. (CEQA Guidelines, § 15021, subd. (a); 45 Fed. Reg. 175, 59189
6 (Sept. 8, 1980).) In addition, destruction of habitat would also impact livestock grazing. This is
7 an impact area that was not evaluated in the DEIR/DEIS.

B.18-90
cont'd

8 8. Noise.

9 As indicated in the DEIR/DEIS, the surrounding land uses dictate what noise levels would
10 be considered acceptable or unacceptable. (DEIR/DEIS, C.10-1.) Lower noise levels are
11 expected in rural or suburban areas, and nighttime noise levels are significantly less. (*Id.*) Noise
12 is not an issue in the ANF. (DEIR/DEIS, C.10-9.) However, it is an issue for Alternative 5,
13 where existing noise levels are estimated at 55 dBA or less. (C.10-27.)

B.18-91

14 For construction noise, the DEIR/DEIS anticipates that the operation of heavy equipment
15 would generate a combined maximum noise level of approximately 95 dBA at 50 feet from the
16 construction area, 89 dBA at 100 feet, and 83 dBA at 200 feet. (DEIR/DEIS, C.10-13.) The
17 DEIR/DEIS also anticipates the use of helicopters to erect towers and move materials and
18 equipment that generates noise levels of approximately 89 dBA at 200 feet, and light duty
19 helicopters involved in stringing activities would generate noise levels of approximately 80 dBA
20 at 200 feet. (DEIR/DEIS, C.10-14.) However, there is no cumulative assessment of noise from
21 heavy equipment and helicopters. The DEIR/DEIS anticipates that no sources of ground-borne
22 vibration would be expected to affect receptors outside of the work areas. (DEIR/DEIS, C.10-
23 14.) But, there is no analysis to support this conclusion.

B.18-92

24 For operational noise, the DEIR/DEIS identifies the corona effect of the transmission line,
25 new facilities and routine inspection and maintenance. (DEIR/DEIS, C.10-14.) The corona
26 discharge, crackling or hissing sounds, is estimated to be 40 to 50 dBA near the edge of the
27 transmission right of way, and up to 62 dBA during heavy rain periods. (*Id.*) Routine inspections
28

B.18-93

1 would be conducted by helicopter or ground access. (DEIR/DEIS, C.10-15.) There is no
2 cumulative analysis of the noise caused by the corona effect and that resulting from inspections.

B.18-93
cont'd

3 The DEIR/DEIS makes another assertion, without any factual basis, that operational
4 corona noise impacts to residential receptors would be less than significant. The DEIR/DEIS
5 justifies this position by claiming that corona noise levels would be periodic and infrequent. This
6 is not possible because residents in Leona Valley and Agua Dulce are acknowledged to be in, and
7 adjacent to, the Alternative 5 route, and it is acknowledged that the corona noise levels at
8 residences would violate Los Angeles County noise standards. Further, there is no such caveat
9 regarding frequency in the significance criteria (*see* DEIR/DEIS, C.10.3).

B.18-94

10 9. Public Services.

11 While it is acknowledged that the presence of construction equipment may increase the
12 likelihood of a wildfire, there is no analysis about the increased impacts and risks to residences
13 near the Alternative 5 transmission towers and lines. (DEIR/DEIS, C.11-11.) There is also no
14 discussion regarding the inclusion of power lines and towers in Alternative 5 that could impact
15 the ability of aircraft fighting fires to protect these private properties which have been placed at
16 an increased fire risk because of the Alternative 5 alignment.

B.18-95

17 The establishment of roadways to maintain the towers and transmission lines will make
18 more private properties accessible to off highway vehicles (motorcycles) causing public
19 nuisances, the need for more police protection, and surface erosion and runoff, damage to dirt
20 roads, and additional air quality impacts. Unlawful trespass onto private property has already
21 occurred during preparation of the DEIR/DEIS. None of these issues were analyzed. Who will
22 pay for mitigating this on-going damage to private property that would not have occurred except
23 for the additional access tied to the transmission lines and towers? Further, there is only one
24 resident police officer to address this trespassing situation. If this officer is not available, then the
25 response time could be 30 to 40 minutes. How will this situation be mitigated?

B.18-96

26 As discussed above, the community estimates that there could be a loss of 30 families or
27 more residing in Leona Valley alone from the property acquisition associated with Alternative 5.
28 This would have an adverse impact to the Westside Union School District, potentially causing the

B.18-97

1 Leona Valley Elementary School to close because it would not have the minimum enrollment. If
2 this occurs, the school district would need to provide bus service to Quartz Hill or Palmdale, eight
3 miles away. None of these impacts were considered in the DEIR/DEIS. In fact, the DEIR/DEIS
4 wrongly assumes, with no factual basis, that there are no key differences between Alternative 5
5 and Project for public services and socioeconomics. (DEIR/DEIS, ES-15, *see also* C.11-12.)

B.18-97
cont'd

6 10. Socioeconomics.

7 The DEIR/DEIS declines to perform any analysis of the effects of the Alternative 5 on
8 decreasing property values along the proposed alignment because it claims that the data required
9 to conduct a detailed analysis of the project is unavailable. The DEIR/DEIS needs to identify the
10 data required to conduct the analysis so that the public can comment on its availability. As
11 discussed in Section 3.A. of this document, there is information available about recent home
12 sales.

13 Further, the MRA is not the only method cited in the Kinnard/Dickey Paper, there are also
14 the paired sales analysis and survey research opinion methods. No attempt is made to conduct an
15 analysis utilizing these other methods. While the Kinnard/Dickey Paper is relied on exclusively
16 to determine that there are no significant impacts, it is not included in the DEIR/DEIS or available
17 for public review as required by CEQA. Further, from what has been described in the
18 DEIR/DEIS, it appears that the Kinnard/Dickey Paper describes methods to assess property value
19 loss from proximity to transmission lines. However, based on the description of the
20 Kinnard/Dickey Paper in the DEIR/DEIS, it appears that the Paper did not document or determine
21 what the value loss actually amounts to as a result of proximity to transmission lines. Therefore,
22 it is improper to rely on the Kinnard/Dickey Paper to determine the impacts.

B.18-98

23 The socioeconomic impacts on the Leona Valley and other communities impacted by
24 Alternative 5 are not adequately considered. There is an acknowledgment that there could be a
25 substantial decrease in property values, but no discussion of what this impact would be, and no
26 discussion supporting the finding that the impact on property values would be less than
27 significant. (DEIR/DEIS, C.12-20.)

28

1 The community estimates a loss of at least 30 homes in the Leona Valley community
2 alone. This is a substantial portion the community base and would have far reaching impacts on
3 factors that affect property values such as community identity and rural way of life, and impact
4 local businesses that depend on the community base. Further, the amount of loss to local
5 agricultural businesses has not been assessed.

B.18-99

6 NEPA requires a cost-benefit analysis when it is relevant to the choice amount the
7 environmentally different alternatives being considered (40 C.F.R. § 1502.23) and that federal
8 agencies consider both the environmental values along with economic and technical
9 considerations (42 U.S.C. § 4332). Further, under CEQA (Pub. Res. Code, § 15131), the
10 economic or social effects of a project may be used to determine the significance of physical
11 changes caused by the Project. The DEIR/DEIS cites as an example, the construction of a new
12 freeway that divides an existing community with the social effect on the community being the
13 basis for determining the effect would be significant. (DEIR/DEIS, C.12-5.) Alternative 5
14 presents identical factors. The transmission line will be a huge barrier dividing the community of
15 Leona Valley.

B.18-100

16 There is also no cost-benefit or other economic analysis discussing the excessive costs
17 attributed to Alternative 5 and that will eventually be passed on to ratepayers. As discussed in
18 Sections 3.A. and 3.B. of this document, Alternative 5 costs more than the Project and any other
19 alternatives to construct and maintain due to factors such as the acquisition of private properties
20 and easements for the new right-of-way and construction and maintenance of a route that is 45%
21 longer than the Project. There is no analysis discussing the increased costs to ratepayers or what
22 benefits, if any, to ratepayers the Alternative 5 route offers that justify its additional costs.

B.18-101

23 11. Traffic and Transportation.

24 As is true through out the DEIR/DEIS, the impacts and mitigation measures discussion in
25 DEIR/DEIS, section C.13.10.2 does not contain any analysis of the extent of the proposed
26 impacts, why impacts are not considered significant, and how the proposed mitigation measures
27 will reduce the impacts. How much will Alternative 5 contribute to road congestion, and how
28 will Mitigation Measure T-2 reduce the impact and to what extent will the impact be reduced?

B.18-102

1 How much will Alternative 5 lengthen emergency response time, how will Mitigation Measure T-
2 1a reduce the impact and to what extent will the impact be reduced? How often will the overhead
3 stringing activities cause short-term road closures, how will Mitigation Measure T-4 reduce the
4 impact and to what extent will the impact be reduced? Where will pedestrian and bicycle
5 circulation be blocked, how will Mitigation Measure T-5 reduce the impact and to what extent
6 will the impact be reduced? How will Alternative 5 conflict with the Santa Clarita Cross-Valley
7 Connector Project, what will the air quality impact be as a result of the increased travel demand,
8 how will Mitigation Measure T-6 reduce the impact and to what extent will the impact be
9 reduced? Which roads will be damaged from Alternative 5, how will Mitigation Measure T-7
10 reduce the impact and to what extent will the impact be reduced? To what extent will Alternative
11 5 affect aviation activities?

B.18-102
cont'd

12 Further, it is untrue that Alternative 5 would not restrict access to driveways or otherwise
13 affect parking for adjacent uses. Alternative 5's route is through a residential community, and
14 located on, and adjacent to, residential properties.

15 12. Visual Resources.

16 There is already an existing transmission line corridor in the ANF for 18 miles that the
17 Project proposes to utilize. Therefore, the difference in visual impact for the ANF is measured
18 from a view that already includes transmission towers and lines. This is not true for the majority
19 of Alternative 5. Completely new transmission towers and lines will traverse flat landscapes and
20 gently rolling hills, becoming the most dominant feature in the landscaping. The DEIR/DEIS
21 acknowledges that the transmission lines will be highly visible and attract attention from various
22 roads, homes and ranches.

B.18-103

23 The community and visitors enjoy the natural setting and rural environment that the area
24 within Alternative 5 provides. Part of the visual charm of the area are the ranches and orchards.
25 Any blockage or interference of these scenic views will create an adverse visual impact.
26 However, the DEIR/DEIS discounts the value of the visual appearance of the area. Specifically,
27 the DEIR/DEIS finds that the visual quality is less than high because the landscaping character is
28 slightly altered by ranches and homes. This is an incorrect position because this community

B.18-104

1 character contributes to visual appeal of the area. Therefore, the visual quality of the areas within
2 Alternative 5 should be considered high.

B.18-104
cont'd

3 In addition, the DEIR/DEIS fails to evaluate the effects on the viewscape from scenic
4 locations such as the Vasquez Valley Rock Park or Pacific Crest Trail (one of only eight
5 designated National Scenic Trails) on the area that will be marred by the transmission lines and
6 towers within the Alternative 5 route. The Pacific Crest Trail is a significant national resource
7 that extends from Mexico to Canada traveling through California, Oregon and Washington.
8 Currently, there are no power lines visible from the Pacific Crest Trail at the point of the
9 proposed Alternative 5 crossing. The Pacific Crest Trail is protected by the National Trails
10 System Act (P.L. 90-543)(16 U.S.C. 1241 et. seq.) as amended through P.L. 102-461, October 23,
11 1992. National Scenic Trails are established in order to promote the preservation of, public
12 access to, travel within, and enjoyment and appreciation of the open-air, outdoor areas and
13 historic resources of the Nation. The Alternative 5 route conflicts with the national trails system
14 the policy and purposes of this Act. Were the United States Departments of the Interior and
15 Agriculture or the Pacific Crest Trail Association informed of this Project and Alternative 5?
16 There is no discussion of these issues in the DEIR/DEIS.

B.18-105

17 The visual impact analysis for Alternative 5 is also misleading. None of the existing
18 homes in Leona Valley are depicted in the photos. Attached are more accurate photos of the
19 proposed impacts to existing homes and ranches. (See Exhibit 4.) The towers and transmission
20 lines were added to the photos according to the DEIR/DEIS map of the Alternative 5 route. As
21 photos show, contrary to the DEIR/DEIS depiction, the transmission lines and towers are directly
22 over existing homes. Further, the transmission lines and towers will become the most visible and
23 dominant feature in the environment.

B.18-106

24 The use of the misleading photos in the DEIR/DEIS results in significant confusion and
25 credibility problems to the analysis in the DEIR/DEIS. It is contrary to NEPA, which requires
26 that "Agencies shall insure the professional integrity, including scientific integrity, of the
27 discussions and analyses in the environmental impact statement." (40 C.F.R. § 1502.24.) The use
28 of the photos in the DEIR/DEIS is also contrary to the CEQA requirement for "substantial

B.18-107

1 evidence” as it is clear that the use of these inaccurate photos results in a DEIR/DEIS based on
2 “argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous
3 or inaccurate.” (CEQA Guidelines, § 15384, subd. (a).) Further, relying on these inaccurate
4 photos as “technical data” is not “sufficient to permit full assessment of the significant
5 environmental impacts by reviewing agencies and members of the public.” (CEQA Guidelines, §
6 15147.)

B.18-107
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7 **C. CEQA Analysis is Improperly Deferred.**

8 The DEIR/DEIS fails to thoroughly evaluate many impacts areas and defers analysis as
9 detailed below. For example, the DEIR/DEIS acknowledges that impacts to private property and
10 homes located along the route for Alternative 5 have not been analyzed and would be evaluated
11 *only if* Alternative 5 is ultimately chosen. This constitutes deferred analysis, in violation of both
12 the requirements of NEPA and CEQA.

B.18-108

13 The Alternative 5 alignment traverses BLM parcels located within the West Mojave Plan
14 Area. Pursuant to Chapter 3.6 of the West Mojave Plan, new electric transmission lines over 161
15 kV must be located within a “designated utility corridor.” As proposed, the Alternative 5 route
16 would not be located within a designated utility corridor across BLM lands as required under the
17 West Mojave Plan, and the nearest corridor would be located far east of the Alternative 5 route.
18 Under the West Mojave Plan, a project may be located outside the utility corridor *only* upon
19 adoption of a CDCA plan amendment that examines whether the need or one-time exemption
20 from the established corridor network is warranted. (DEIR/DEIS, C.9-47.) Therefore, the
21 DEIR/DEIS states that if Alternative 5 is chosen, then a CDCA plan amendment and separate
22 NEPA analysis would be required. (DEIR/DEIS, C.9-47.) Again, this is a deferred analysis.

B.18-109

23 Furthermore, a portion of Alternative 5 would be constructed across a back-country land
24 zone within NFS lands, which allows major utility corridors in designated areas. However,
25 Alternative 5, as proposed, would not be located in a United States Department of Agriculture
26 (“USDA”) forest service designated utility corridor. As such, for this portion of the Alternative to
27 be consistent with the management direction provided in the 2005 Forest Plan, a forest plan
28 amendment would be needed to establish a new utility corridor and to change the scenic integrity

B.18-110

1 objectives within the plan. (DEIR/DEIS, C.9-49.) Therefore, as currently proposed, Alternative
2 5 is currently inconsistent with the 2005 Forest Plan. The DEIR/DEIS acknowledges this fact.
3 (DEIR/DEIS, C.9-49.) Also, as noted above, deferral of environmental analysis relating to a
4 necessary amendment to the Forest Plan, constitutes improper segmentation in violation of
5 CEQA.

B.18-110
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6 The DEIR/DEIS acknowledges that Alternative 5 would require amendments to both the
7 Forest Plan and the West Mojave Plan prior to implementation of the Project. Amendments to the
8 Forest Plan and West Mojave Plan require comprehensive analysis under NEPA and CEQA and
9 must be conducted as part of this DEIR/DEIS. These amendments are required and integral
10 components of Alternative 5, that must be analyzed as part of this Project's DEIR/DEIS. (*Santiago*
11 *County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 830; *San Joaquin*
12 *Raptor/Wildlife Rescue Ctr. v. County of Stanislaus* (1994) 27 Cal.App.4th 713.) Such analysis
13 has not been conducted, which results in improper segmentation of the Project and an inaccurate
14 Alternative 5 description, again in violation of NEPA and CEQA.

B.18-111

15 Because Alternative 5 was developed by the prepares of the DEIR/DEIS, and not SCE, no
16 construction or final alignment and design studies have been conducted. Therefore, it is
17 impossible at this time to determine the full extent of impacts associated with Alternative 5
18 including for example exactly where the new alignment will be and what properties are
19 consequently affected by the new alignment. The DEIR/DEIS acknowledges that one or more
20 homes may have to be removed as part of the construction of Alternative 5. However, the
21 location of those properties are unknown at this time. These impacts would create significant and
22 unavoidable impacts that the DEIR/DEIS does not sufficiently analyze at this time. (DEIR/DEIS,
23 p. C.9-50.)

B.18-112

24 The DEIR/DEIS acknowledges that impacts to private property and homes located along
25 the route for Alternative 5 have not been analyzed and would be evaluated *only if* Alternative 5 is
26 ultimately chosen. This constitutes deferred analysis, in violation of both the requirements of
27 NEPA and CEQA.

28

1 The DEIR/DEIS acknowledges that additional resource studies are necessary to authorize
2 the temporary Special Use Permit for work outside of the proposed 160 foot-wide right-of-way
3 (c.g., secondary marshalling yards, pulling and splicing set up sites, helicopter staging areas).
4 (DEIR/DEIS, B-104.) As a significant portion of the Alternative 5 route is outside of existing
5 right-of-ways, there is sufficient reason to believe that this work has the potential to cause
6 significant environmental impacts. As such, it is improper to defer the impact analysis to these
7 resource studies.

B.18-113

8 Alternative 5 would also encroach upon farmland. It would create a new right-of-way
9 across lands classified as prime farmland at Nessa Ranch on Bouquet Canyon Road. It would
10 also be constructed across prime farmland and farmland of state-wide importance and would be
11 located adjacent to unique farmland in Bouquet Canyon southwest of Bouquet Canyon Road.
12 Construction of the proposed Project or the other alternatives would not result in these impacts.
13 These impacts would exist during both the construction and operation phases of Alternative 5.
14 (DEIR/DEIS, C.9-50.) As with impacts to residential properties, the alignment for Alternative 5
15 has not yet been mapped out; therefore, it is impossible to determine exactly which parcels and
16 farmlands will be impacted by Alternative 5. The deferral of this analysis constitutes a violation
17 of CEQA and NEPA, as noted above.

B.18-114

18 **D. Separately Analyzing Aspects of the Total Project is Piecemealing.**

19 By failing to address and analyze impacts associated with amendments to the CDCA or
20 West Mojave Plan and delaying it until a later date as part of another project, the applicant is
21 improperly segmenting the project, in violation of CEQA. CEQA does not authorize the deferral
22 of an analysis of reasonably foreseeable significant environmental impacts to a later stage of
23 review in order to avoid addressing them in the first tier analysis. (CEQA Guidelines, § 15146.)
24 An environmental impact is ripe for review when it is a reasonable consequence of the approval
25 and the agency considering it has “sufficient reliable data to permit preparation of a meaningful
26 and accurate report on the impact.” (*Los Angeles Unified School Dist. v. City of Los Angeles*
27 (1997) 58 Cal.App.4th 1019, 1028.)

B.18-115

28

1 Further, even though, SCE simultaneously submitted application, A04-12-008, to the
2 CPUC for a CPCN and the DEIR/DEIS admits that the Antelope-Vincent 500 kV (Segment 2)
3 and Antelope-Tehachapi 500 kV and 220 kV (Segment 3) Transmission Projects are extensions of
4 the same Project (Segment 1), the DEIR/DEIS only considers Segment 1. The failure to prepare a
5 single DEIR/DEIS for the entire Project results in an inadequate project description, piecemealing
6 of the Project, violation of a property owner's due process rights, and prevents the proper
7 consideration of cumulative impacts. As a result, the public and decision makers do not know the
8 true impacts of the entire Project and Alternative 5.

9 CEQA defines "project" as "the whole of an action, which has a potential for resulting in
10 either a direct physical change in the environment, or a reasonably foreseeable indirect physical
11 change in the environment . . ." (CEQA Guidelines, § 15378, subd. (a); *see also* CEQA
12 Guidelines, § 15378, subd. (c) ["project" does not mean each separate governmental approval"];
13 CEQA Guidelines, § 15063, subd. (a)(1) [the lead agency must consider "[a]ll phases of project
14 planning, implementation, and operation"].) NEPA similarly requires that the DEIS succinctly
15 describe the environment of the area to be affected. (40 C.F.R. § 1502.15.) An agency cannot
16 treat one project as a succession of smaller projects, none of which, by itself, causes significant
17 impacts. (*Burbank-Glendale-Pasadena Airport Authority v. Hensler* (1991) 233 Cal.App.3d 577,
18 592 ["CEQA mandates environmental considerations do not become submerged by chopping a
19 large project into little ones"]; *see also* NEPA mandate that connected projects be included in the
20 DEIS, 40 C.F.R. § 1508.25, subd. (a); *Blue Ocean Preservation Society v. Watkins* (D. HI. 1991)
21 754 F.Supp. 1450.)

22 A project description must include all relevant parts of a project, including reasonably
23 foreseeable future expansion or other activities that are part of the project. (*Laurel Heights I*, 47
24 Cal.3d at 396.) The California Supreme Court in *Laurel Heights I* stated that "an EIR must
25 include an analysis of the environmental effects of future expansion or other action if: (1) it is a
26 reasonably foreseeable consequence of the initial project; and (2) the future expansion or action
27 will be significant in that it will likely change the scope or nature of the initial project or its
28 environmental effects." (*Id.*) The lack of one, concrete project description violates CEQA in that

B.18-115
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1 it precludes the public from intelligent participation in the analysis of the project (*County of Inyo*
2 *v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 197). (See also NEPA requirements regarding
3 connected actions, 40 C.F.R. § 1508.25, subd. (a); *Blue Ocean Preservation Society*, 754 F.Supp.
4 1450 [holding that connected actions must be included in the EIR, and NEPA requirements
5 regarding cumulative impacts]; 40 C.F.R. §§ 1508.7, 1508.8, 1508.23, 1508.25, subd. (a)(2) and
6 subd. (c).) Segment 1 is a relevant part of a larger project, Segments 2 and 3, and as such a
7 reasonably foreseeable consequence of the initial Project.

8 The DEIR/DEIS reasons that piecemealing the Project is appropriate because there is an
9 immediate need for the Antelope-Pardee transmission line to accommodate developing wind
10 projects in the Techachapi area. (DEIR/DEIS, A-15.) However, there is no such exception
11 recognized in CEQA and NEPA allowing Project splitting and piecemealing.

B.18-115
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12 Further, piecemealing results in an inaccurate project description because essential pieces
13 of the project are not included. “An accurate project description is necessary for an intelligent
14 evaluation of the potential environmental effects of a proposed activity.” (*Burbank-Glendale-*
15 *Pasadena Airport Authority*, 233 Cal.App.3d at 592.) “A curtailed, enigmatic or unstable project
16 description draws a red herring across the path of public input” (*County of Inyo*, 71 Cal.App.3d
17 185 at 193; *McQueen v. Board of Directors* (1988) 202 Cal.App.3d 1136, 1143 *overruled* on
18 another point in *Western States Petroleum Assn. v. Superior Court* (1995) 9 Cal.4th 559, 570, fn
19 2; *Mira Monte Homeowners Association v. County of Ventura* (1985) 165 Cal.App.3d 357, 365.)
20 Because the project description is limited to only Segment 1, the public and decision makers are
21 being deprived of the ability to understand impacts from the synergistic effects, conflicts, and
22 cumulative impacts of the three Segments.

23 **E. All Projects Contributing to Cumulative Impacts are not Considered.**

24 The DEIR/DEIS artificially establishes a cumulative impact area of 5 miles of the
25 proposed Project’s alignment. There is no justification for selecting this particular geographic
26 area.

B.18-116

27 CEQA requires a finding that a project may have a significant effect on the environment if
28 the “possible effects of a project are individually limited but cumulatively considerable” where

1 “cumulatively considerable” means that the incremental effects of an individual project are
2 considerable when viewed in connection with the effects of past projects, . . . current projects, and
3 . . . probable future projects.” (Pub. Res. Code, § 21083, subd. (b); *see also* CEQA Guidelines,
4 §15065; *Communities For A Better Environment v. California Resources Agency* (2002) 103
5 Cal.App.4th 98, 117-120 [lead agency must analyze all categories listed in CEQA Guidelines, §
6 15130 in analyzing cumulative impacts].) The analysis of connected projects and cumulative
7 impacts is required by NEPA. (*See* 40 C.F.R. §§ 1508.7, 1508.8, 1508.23, 1508.25(c).) CEQA
8 and NEPA requires that the direct and indirect significant effects of the project must be identified
9 and described in the EIR, with consideration given to both short-term and long-term effects.
10 (CEQA Guidelines, § 15126.2, subd. (a); *see also* NEPA’s requirement that the direct and indirect
11 effects and their significance be evaluated (40 C.F.R. §§ 1502.16, 1508.8).) This does not occur
12 when the geographic area is improperly defined, as is the case here.

B.18-116
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13 The failure to address and analyze impacts associated with amendments to the CDCA or
14 West Mojave Plan and Segments 2 and 3 render the cumulative impact analysis deficient. NEPA
15 requires the environmental analysis to included connected actions. (40 C.F.R. § 1508.25(a); *Blue*
16 *Ocean Preservation Society*, 754 F.Supp. 1450 [holding that connected actions must be included
17 in the EIR] and cumulative impacts (40 C.F.R. §§ 1508.7, 1508.8, 1508.23, 1508.25, subd. (a)(2)
18 and subd. (c).)

B.18-117

19 **F. Mitigation Measures are Deferred and Improper.**

20 Not all of the mitigation measures proposed by SCE are included as mitigation measures.
21 (*See* the Air Quality section in the DEIR/DEIS for examples.) There is no discussion that the
22 missing mitigation measures are not feasible and as such, they should be included as mitigation
23 measures. Under CEQA, a mitigation measure is “feasible” if it is “capable of being
24 accomplished in a successful manner within a reasonable period of time, taking in to account
25 economic, environmental, social, and technological factors. (Pub. Res. Code, § 21061; CEQA
26 Guidelines, § 15364.)

B.18-118

27 The mitigation measures suffer from numerous other problems. Some examples are as
28 follows:

- 1 • A-1e – The caveat that deliveries will be scheduled outside of peak hours “to the
2 extent feasible” renders this measure uncertain.
- 3 • A-1i – The caveat that helicopter use will be limited to the extent feasible and that
4 helicopters with low emitting engines will be used to the extent practical renders
5 this measure uncertain. The lack of specificity and enforceability of this
6 mitigation measure is especially troubling and improper when the majority of
7 NOx emissions are from helicopters.
- 8 • B-4 – The requirement to wash all equipment and vehicles before and after
9 entering all project sites will have water quality impacts that are not discussed.
- 10 • B-8a, B9, B12, and B16 – The subsequent requirement to conduct focused surveys
11 constitutes a deferred analysis. There is no specificity as to the standards that
12 USFWS will use to determine when construction in the area can resume.
- 13 • B-14 – The mitigation measure calls for measures from a document that is not
14 apart of the DEIR/DEIS.
- 15 • C-1b, C-2, C-12 – The deferral of historical research, assessment of the effects,
16 and a future formulated mitigation plan constitute deferred mitigation.
- 17 • G-2 – There is no standard specified for the Construction SWPPP. What
18 determines which BMPs are selected and how many are needed to reduce the
19 impact?
- 20 • H1-a – The caveat that vehicular traffic will be controlled to only that which is
21 necessary is vague and unenforceable.
- 22 • H-4 – The subsequent development of a groundwater remediate plan that
23 assessing the potential significant impact on groundwater resources and mitigation
24 measures constitutes deferred mitigation.

25 “Mitigation measures must be fully enforceable through permit conditions, agreements, or
26 other legally-binding instruments. In the case of the adoption of a plan, policy, regulation, or
27 other public project, mitigation measures can be incorporated into the plan, policy, regulation or
28 project design.” (CEQA Guidelines, § 15126.4, subd. (a)(2); *see also* 40 C.F.R. § 1508.20 [which

B.18-118
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1 provides that mitigation under NEPA must reduce the effects of the project].) A lead agency
2 cannot base its environmental analysis on the presumed success of mitigation measures that have
3 not been formulated at the time of project approval. (*See generally Sundstrom v. County of*
4 *Mendocino* (1988) 202 Cal.App.3d 296.)

B.18-118
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5 **6. PUBLIC NOTICE WAS FLAWED.**

6 CPUC Rule 17.1, subdivision (f)(2), requires that property owners of land under, or on
7 which the project may be located, and owners of land adjacent thereto be notified of this
8 proceeding. However, since the routing studies were not performed for Alternative 5 and the
9 ultimate route is unknown, not all of the affected properties were identified as they were for the
10 Project. Therefore, the public notice for the Project was flawed because it did not ensure notice
11 of all property owners required to receive notice under CPUC Rule 17.1. Further, the Town
12 Council was not notified even though they are an advisory body explicitly recognized as such by
13 Los Angeles County.

B.18-119

14 **7. CO-LEAD AGENCY ARRANGEMENT IS IMPROPER UNDER CEQA.**

15 The DEIR/DEIS allegedly has two “co-lead” agencies, CPUC and the Forest Service.
16 However, this arrangement is not permitted by CEQA. There can only be one lead agency.

17 CEQA Guidelines sections 15050 through 15053 address the Lead Agency. In pertinent
18 part, these CEQA Guidelines state: “where a project is to be carried out or approved by more than
19 one public agency, *one* public agency shall be responsible for preparing an EIR or negative
20 declaration for the project. *This agency* shall be called the lead agency.” (CEQA Guidelines, §
21 15050) (emphasis added).) Similarly, the Public Resources Code explains that a “lead agency” is
22 “*the public agency* which has the principal responsibility for carrying out or approving a project
23 which may have a significant effect upon the environment.” (Pub. Res. Code, § 21165)
24 (emphasis added).)

B.18-120

25 In summary, CEQA Guideline section 15051 provides: First, if the project will be carried
26 out by a public agency, that agency will be the lead agency; if, on the other hand, the project will
27 not be carried out by a public agency, the public agency with the “greatest responsibility for
28 supervising or approving the project” is the lead agency. Second, if two or more agencies can lay

1 claim to having the “greatest responsibility,” the agency which will act first on the project is the
2 lead agency. Finally, where two or more agencies have the “greatest responsibility” and will act
3 first on the project, the agencies may designate the lead agency by agreement. Moreover, through
4 this agreement, the parties may provide for, among other things, a “cooperative effort.”

5 In the *Planning and Conservation League* case, the California Department of Water
6 Resources (“DWR”) and local water contractors agreed to settle a dispute amongst them and
7 revise water supply contracts through an agreement that became known as the Monterey
8 Agreement. The parties determined that implementation of the Monterey Agreement would have
9 potential adverse environmental impacts, requiring the preparation of an EIR, and decided that the
10 Central Coast Water Authority (“CCWA”) would serve as the lead agency. Two citizen groups
11 and a public agency brought suit challenging, among other things, the designation of the CCWA
12 as the lead agency and not the DWR. The trial court agreed that the DWR should have been the
13 lead agency, but that the EIR was sufficient nonetheless. The Court of Appeal reversed finding
14 that the DWR should have been the lead agency and the EIR was not sufficient. DWR and
15 CCWA relied upon the CEQA Guideline section 15051 arguing that this Guideline supported
16 their agreement naming the CCWA as the lead agency. The court disagreed stating that “neither
17 the language of the statute nor the facts of this case support a so-called “shared principal
18 responsibility.” (*Planning and Conservation League v. Department of Water Resources* (2000)
19 83 Cal.App.4th 892.)

20 Looking to the Public Resources Code, the court noted that section 21067 clearly required
21 the public agency with “principal responsibility” to assume the lead agency role and that CCWA
22 did not have principal responsibility *vis a vis* implementation of the Monterey Agreement.
23 According to the court, it was “incongruous to assert that any of the regional contractors simply
24 by virtue of a private settlement agreement can assume DWR’s principal responsibility for
25 managing the SWP. Under these circumstances, those at the negotiating table were not at liberty
26 to anoint a local agency to act in place of DWR.” (*Id.*)

27 Similarly, in *City of Sacramento v. State Water Resources Control Bd.* (1992) 2
28 Cal.App.4th 960, citing CEQA Guidelines section 15051, the Court found that although the

B.18-120
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1 statutory scheme provided for “concomitant responsibility” in two agencies for protecting state
2 waters, usually the agency with the broadest governmental powers would be the lead agency. (*Id.*
3 at 973.) Therefore, the court noted that the agency whose reach went beyond the limited scope at
4 issue and had a statewide perspective and expertise was in the best position to be the lead agency.
5 (*Id.*) However, the court also recognized that where the identity of the lead agency cannot be
6 determined by the criteria set forth in the CEQA Guidelines, the agencies may simply agree
7 among themselves which will be the lead agency. (*Id.* at 971.)

B.18-120
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8 **8. LVR AND THE TOWN COUNCIL REQUEST A WRITTEN DETAILED**
9 **RESPONSE TO THIS DOCUMENT.**

10 As detailed in these comments, there are significant defects in the DEIR/DEIS. LVR and
11 the Leona Valley Town Council request that they be provided with a written response to each of
12 its issues delineated in this letter and that the response be included in the final EIR/EIS. Under
13 CEQA at least 10 days before certifying a final EIR, the CPUC and Forest Service must provide
14 any public agency that commented on the EIR with a written response. (CEQA Guidelines, §
15 15088, subd. (b).) The Town Council is such a public agency. CPUC and the Forest Service are
16 reminded that conclusory statements unsupported by factual information is not an adequate
17 response; questions raised about significant environmental issues must be addressed in detail.
18 (CEQA Guidelines, § 15088, subd. (c); *Cleary v. County of Stanislaus* (1981) 118 Cal.App.3d
19 348.)

B.18-121

20 **9. CONCLUSION.**

21 LVR and the Town Council object to the inclusion of Alternative No. 5 in DEIR/DEIS
22 because this Alternative:

- 23 • Unnecessarily costs ratepayers more money;
- 24 • Wastes electrical power and renewal resources;
- 25 • Is inconsistent with the National Energy Policy Act of 2005’s requirement to designate
26 energy corridors on public lands;
- 27 • Causes more environmental impacts;
- 28 • Destroys the community sense and economic well being; and,

B.18-122

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- Unreasonably displaces people and businesses.

Therefore, LVR and the Town Council respectfully request that the CPUC determine that Alternative 5 is infeasible and summarily reject Alternative 5 to the Project.

Respectfully Submitted,

DATED: October 2, 2006

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B.18-122
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Response to Comment Set B.18: Jackson, DeMarco, Tidus & Peckenpaugh

- B.18-1 The statement that “30 homes or more” will need to be acquired for Alternative 5 is unsupported. The objections of the LVR and Leona Valley Town Council are noted and will be shared with the decision-makers who are reviewing the Project and alternatives at the USDA Forest Service and the CPUC. The specific summary points presented in this comment are addressed in more detailed responses below.
- B.18-2 The Draft EIR/EIS complies with the requirements of both CEQA and NEPA. The specific summary points presented in this comment are addressed in more detailed responses below.
- B.18-3 Segments 2 and 3 constitute a separate project and are the subject of a separate application pending before the CPUC. The impacts of Alternative 5 and the other alternatives are described in the Draft EIR/EIS. Detriments or benefits to ratepayers are not appropriate subjects to be addressed in the EIR/EIS, but are subjects that will be considered by CPUC decision-makers. Your opinions will be shared with the decision-makers who are reviewing the Project and alternatives at the CPUC.
- B.18-4 This information is consistent with the information presented in the Draft EIR/EIS.
- B.18-5 New or expanded rights-of-way (ROW) would be required for the proposed Project or any of the alternatives evaluated in the Draft EIR/EIS. Adequate ROW does not currently exist for a 500-kV transmission line. As indicated in the comment, new ROW would need to be acquired for Alternative 5 and much of this new ROW would be across privately owned land. Clearing and grading would only be required to prepare new tower sites and access roads – the entire ROW would not be graded, cleared, and improved. As indicated in the comment, Alternative 5 would not eliminate the designated Utility Corridor across Angeles National Forest; however, the existing 66-kV line in that corridor would be removed.
- B.18-6 There are differences in required infrastructure for the Alternative 5 versus the proposed Project and other alternatives. These differences are described in the Draft EIR/EIS and are presumably the source for the information presented in the comment (i.e., 117 new towers for the proposed Project versus 173 new towers for Alternative 5).
- B.18-7 Your opinions regarding public convenience and necessity will be shared with the decision-makers who are reviewing the Project and alternatives at the CPUC.
- B.18-8 The impacts of Alternative 5 are described in detail in the Draft EIR/EIS. Detailed plans for each alternative are not required or necessary to conduct an impact analysis for an EIR/EIS. The commenter’s estimate of the need to acquire 30 homes for Alternative 5 is not consistent with the description in the Draft EIR/EIS. An exact number of homes that may need to be acquired cannot be known until detailed routing and engineering studies are conducted prior to construction. Therefore, acquisition costs are not known at this time, and it is not the purpose of the EIR/EIS to develop cost estimates for ROW acquisition. Please see General Response GR-2 regarding property acquisition.
- B.18-9 Please see General Response GR-1 regarding potential effects on property values. Adverse impacts to views are described in Section C.15 of the EIR/EIS. Necessary access to the transmission corridor for construction and maintenance would need to be acquired as part of the ROW acquisition process.

- B.18-10 Please see General Response GR-2 regarding property acquisition. As required, eminent domain would be used for ROW acquisition consistent with governing laws. A certain amount of time is required to review an application for a new transmission line, conduct environmental review and other appropriate analysis, and formulate a decision. The CPUC and Forest Service have progressed at a deliberate pace to conduct the necessary review of the project and carefully consider the issues associated with the proposed transmission line. Alternative 5, while understandably objectionable to the residents of Leona Valley is not infeasible as defined by CEQA and NEPA and cannot be removed from consideration for that reason. No unconstitutional activities have been undertaken by either the CPUC or the Forest Service. Please see General Response GR-1 regarding potential effects of the Project on property values and General Response GR-2 regarding property acquisition.
- B.18-11 The adverse impacts associated with Alternative 5 are fully described in Sections C.2 through C.15 of the Draft EIR/EIS.
- B.18-12 Costs are only an appropriate consideration in an EIR/EIS if they would render an alternative or a mitigation measure infeasible. However, Alternative 5 would undoubtedly be more expensive to implement than the proposed Project.
- B.18-13 Thank you for your assessment and opinion.
- B.18-14 As discussed in General Response GR-4 and noted in your comments, the USDA Forest Service Manual (FSM), Section 2703 - Policy, states that a special use of NFS lands should not be authorized "just because it affords the applicant a lower cost and less restrictive location when compared to non-NFS lands". Cost was not a consideration in the development of Alternative 5, as it did not appear as though it would render this alternative infeasible, nor did the EIR/EIS conclude that Alternative 5 is infeasible as defined by CEQA and NEPA. The costs associated with the various alternatives considered in the EIR/EIS will be taken into consideration by the decision-makers at the USDA Forest Service and the CPUC.

As discussed in General Response GR-4, the USDA Forest Service was directed in a letter dated January 24, 2003 that National Energy Policy (NEP) goals "should be an important consideration when responding to proposals for the siting of energy and energy related facilities on NFS lands". While the initial intent of Alternative 5 was to meet USDA Forest Service requirements by providing a completely non-Forest alternative, the final route as identified in the EIR/EIS was modified to avoid direct impacts to homes in Leona Valley by re-routing the alignment to traversing the ANF. As such, the original intent of the alignment to meet USDA Forest Service requirements is met, as the majority of the alignment is off NFS lands, while also considering NEP goals. Alternative 5 would cross 1.5 miles of NFS lands, which is considerably less than the proposed Project (12.6 miles), Alternative 1 (12.6 miles), Alternative 2 (13.2 miles), Alternative 3 (12.6 miles), and Alternative 4 (12.5 miles).

- B.18-15 The impacts of Alternative 5 have been adequately analyzed in the Draft EIR/EIS to fully comply with the requirements of CEQA and NEPA. The information presented in the comment is basically consistent with the information presented in the Draft EIR/EIS. However, please note that the proposed Project and Alternative 5 all utilize existing ROW to some degree. Alternative 5 includes the use of 18 miles of existing transmission ROW.

- B.18-16 The adverse visual, noise, and land use impacts of Alternative 5 are described in Sections C.15.10, C.10.10, and C.9.10 of the Draft EIR/EIS.

While the Leona Valley and Agua Dulce Community Standards Districts (CSDs) both emphasize the rural character of those areas, neither prohibits, limits, or restricts transmission lines such as would be implemented under Alternative 5. As described under Criterion LU1 of Section C.9.10.2, Alternative 5 would be consistent with the Los Angeles County General Plan as well as these CSDs. Please note that local regulations and standards are not applicable to State and federally permitted projects, such as the Antelope-Pardee 500-kV Transmission Project; however, such regulations and standards can be considered by decision-makers at their discretion.

- B.18-17 The EIR/EIS preparers estimate that far fewer than 30 homes would need to be acquired to implement Alternative 5. It is possible that no homes would need to be acquired. Therefore, the purported effects on local businesses and schools described in the comment are not substantiated. Alternative 5 would not directly affect the referenced one-room schoolhouse, nor would it be expected to indirectly affect this structure. It is not clear what “15%” refers to in the comment.
- B.18-18 The comment only references the CEQA requirements for selection of a reasonable range of alternatives. NEPA does not limit the range of alternatives to only those capable of reducing or avoiding significant impacts. In addition, it should be noted that while Alternative 5 has greater impacts than the proposed Project in some cases, it reduces certain other impacts that would occur with the proposed Project. The Forest Service considers Alternative 5 to be part of the reasonable range of alternatives to be considered under NEPA and the Forest Service is required to consider an alternative that minimizes effects on National Forest System lands if such a feasible alternative exists (please see General Response GR-4: Alternatives Identification, Screening, and Analysis). However, this does not mean that the Forest Service is obligated to approve such an alternative.
- B.18-19 See the response to Comment B.18-18 above. Alternative 5 is considered feasible as defined by CEQA and NEPA. Please see response to Comment B.18-14, above, regarding development of Alternative 5 and consideration of the National Energy Policy. Consistency with applicable land use plans and policies are discussed in Draft EIR/EIS Section C.9, Land Use and Public Recreation. As noted in Section C.9.10.2, Alternative 5 would require a plan amendment to the West Mojave Plan and the Forest Plan.
- B.18-20 We concur with this comment, Alternative 5 would cause emissions that are higher than those for the proposed project and most other active project alternatives. The incremental emissions for Alternative 5 were calculated for the worst case emission year and presented in Table C.2-24. Additionally, Alternative 5 has been ranked as the second worst alternative in respect to air quality impacts.
- B.18-21 We concur with this comment. The existing transmission line demolition (called wreckout and bypass) emissions are included for all active project alternatives.
- B.18-22 The finding regarding sensitive receptor impacts (i.e., localized significance thresholds) for Alternative 5 is based on the minimum distances determined from the staging areas and tower construction sites. The proposed Project route includes densely populated areas of Santa Clarita; however, a review of the project route determined that the tower sites are offset from the residences by at least 50 meters. This analysis was conducted for each alternative and it was found that the proposed transmission routes within SCAQMD jurisdiction should cause tower placements to be

located more than 50 meters from residences (please note that Lancaster, Palmdale, and Leona Valley are not within SCAQMD jurisdiction and is not subject to the SCAQMD localized significance threshold criteria). Alternative 5 after it diverges from the proposed Project route through Santa Clarita mainly travels through remote areas within SCAQMD jurisdiction. The main exception to this is a short portion of the route located in Agua Dulce near Sierra Highway and Anthony road. However, even in this area the distance from the towers should be more than 50 meters from any residences. It should be noted that outside of the SCAQMD jurisdiction there are few numeric significance thresholds for sensitive receptors, and outside of SCAQMD this analysis generally considers schools, hospitals, etc. as sensitive receptors but not residences. Additionally, due to the construction activities only occurring for a few days at any one tower site the long-term impacts such as exposure to diesel exhaust is negligible in comparison with fixed construction sites like housing or commercial building construction sites.

B.18-23 The Draft EIR/EIS acknowledges that Alternative 5 would result in a greater impact to both disturbed and native vegetation communities when compared to the proposed Project. However, these impacts would still remain less than significant with the implementation of Applicant Proposed Mitigation and project specific mitigation measures identified in this EIR/EIS. In addition, the Draft EIR/EIS also identifies that habitat not present in the proposed Project right-of-way, specifically Alluvial fan sage scrub, southern cottonwood willow riparian, and southern riparian scrub, does occur in the Alternative 5 alignment. Habitat for three-spined stickleback occurs in or adjacent to the proposed Project and all the proposed Alternatives. In the determination of project impacts and the level of significance a particular impact would have on an individual species or community type, a number of criteria are considered. These criteria are identified in Section C.3.3.1 (Criteria for Determining Significance) and describe the process for the determination of a significant impact. The presence or absence of a particular habitat type or sensitive species in one alternative does not necessarily effect the significance determination for that alternative. Significance criteria and impact assessment are evaluated based on the expected level of disturbance or effect of the project on a particular resource. If for example, riparian habitat is impacted by the proposed Project, implementation of Mitigation Measure B-1a (Provide Restoration/Compensation for Impacts to Native vegetation Communities) would reduce this impact to a less-than-significant level. The conclusion offered by the commenter that Alternative 5 would result in greater impacts to biological resources based on the presence of habitat types is incorrect.

B.18-24 Please see the response to Comment B.18-23.

B.18-25 The information presented in the comment regarding the irreparable loss of foraging habitat for wildlife is not consistent with the information presented for Alternative 5 in Section C.3.10.2 (Impacts and Mitigation Measures) of the Draft EIR/EIS. New or expanded rights-of-way (ROW) would be required for the proposed Project or any of the alternatives evaluated in the Draft EIR/EIS. Adequate ROW does not currently exist for a 500-kV transmission line. As indicated in the comment, new ROW would need to be acquired for Alternative 5 and much of this new ROW would be across privately owned land. Clearing and grading would only be required to prepare new tower sites and access roads – the entire ROW would not be graded, cleared, and improved. However, wherever the ROW crosses natural undeveloped lands there is a potential to disturbance to wildlife.

B.18-26 Potential impacts to arroyo toad and red-legged frog have been fully addressed in Section C.3.5.1 (Impacts and Mitigation, Impact B-8 and B-9) of the Draft EIR/EIS. In addition, focused surveys for arroyo toad were conducted as part of the Draft EIR/EIS (C.3-56). Red-legged frogs do have the potential to occur in portions of Armagosa Creek. Implementation of the required protocol surveys prior to construction and the implementation of the mitigation identified in the Draft EIR/EIS would reduce impacts to these species if present.

B.18-27 Please see the response to Comment B.18-23.

B.18-28 The Draft EIR/EIS acknowledges that transmission lines do pose a risk to birds from collision and electrocution. The potential impacts associated with electrocution and collisions are identified under Impacts B-22 and B-23, respectively, in Sections C.3.5.1 (Impacts and Mitigation Measures for the Proposed Project and in Section C.3.10.1.3) for Alternative 5. A bird is electrocuted when it contacts two energized phases at the same time, or when it simultaneously contacts grounded hardware and an energized conductor (APLIC, 1996). As identified in the EIR/EIS, electrocution generally occurs on lines energized between 1 kV and 69 kV, and is more common on local distribution lines that have a shorter distance between the phases or conductors. Bird electrocutions from transmission lines of 250 kV or greater voltage are considered exceedingly rare due to the large distance between phases or ground structures that a bird may contact (APLIC, 1996). When bird mortalities occur from collision with the transmission line, they are primarily due to blunt force trauma rather than electrocution.

It is generally expected that collision mortality would be greatest where the movements of susceptible species are the greatest (e.g., near wetlands, open water bodies, ridge lines etc.), such as Bouquet Reservoir, Leona Valley, and San Francisquito Canyon. Currently many of these areas support existing transmission lines. It is possible that birds would strike the new transmission lines however; it is not expected to result in a substantial increase from baseline conditions.

B.18-29 Please see the response to Comment B.18-23.

B.18-30 Because the specific locations of towers, stringing set-up areas, and access roads are not known for Alternative 5, and because the resources have not been evaluated, it is true that it is not known which of the cultural resources would be subject to significant impacts. However, even if it is assumed that all identified resources in the Alternative 5 APE will be impacted, as was done in the EIR/EIS, the number of resources that could be impacted in Alternative 5 is less (10 resources) compared to the proposed Project and Alternatives 1 and 3 (12 resources) (see Table D.4-3). Alternatives 2 and 4 would impact 9 resources. As noted in Section D.4, once the resources are evaluated using NRHP eligibility criteria, the number of significant impacts in each alternative will change because only impacts to resources determined eligible for the NRHP are potentially significant. Given the kinds of resources present in Alternative 5, it is possible that a higher percentage of the identified sites in Alternative 5 will be determined eligible compared to the other routes.

B.18-31 It is not correct to assume that most of the areas along the routes in existing transmission line rights-of-way have been previously disturbed. Only the areas immediately surrounding each existing tower were disturbed during their construction. Most of the areas between towers are undisturbed.

B.18-32 Your comments are consistent with the findings of the Draft EIR/EIS.

- B.18-33 Your comments are consistent with the findings of the Draft EIR/EIS.
- B.18-34 Your comments are consistent with the findings of the Draft EIR/EIS.
- B.18-35 Your comments are consistent with the findings of the Draft EIR/EIS.
- B.18-36 Your comments are consistent with the findings of the Draft EIR/EIS.
- B.18-37 Impacts to the groundwater for Alternative 5 are discussed in Draft EIR/EIS Section C.8.10.2 for Criterion HYD2. It was determined that impacts to groundwater from construction and operation of the Project would be unlikely to interfere with the overall groundwater supply and recharge of the underlying basins. Since the potential exists for some exposure of groundwater resources to occur, Mitigation Measure H-4 (Develop and Implement a Groundwater Remediation Plan), as well as APMs HYD-2 through HYD-6, are applied to reduce impacts to groundwater to a less-than-significant level (Class II). No additional analysis within the EIR/EIS is required.
- B.18-38 Table C.9-5 in Section C.9.10.1 of the Land Use and Public Recreation section identifies West 90th Street and 107th Street West as roads that would be traversed by Alternative 5. As West 90th Street and 107th Street West would both be within 1,000 feet of the alternative, impacts to residences along these streets are addressed under Criterion LU2 in Section C.9.10.2 of the Land Use and Public Recreation section.
- B.18-39 The impacts of Alternative 5 on emergency access are addressed under Criterion TRA4 in Section C.13.10.2 of the Traffic and Transportation section. Mitigation Measure T-1a (Prepare Traffic Control Plans) includes measures to reduce potentially significant impacts from construction activities on emergency response to less-than-significant levels (Class II). Impact L-3 under Criterion LU2 of Section C.9.10.2 identifies that the preclusion of existing and planned land uses and the possible removal or acquisition of existing residences or properties along the alternative route would create significant and unavoidable impacts (Class I).
- B.18-40 Impact L-3 under Criterion LU2 of Section C.9.10.2 identifies that the preclusion of existing and planned land uses and the possible removal or acquisition of existing residences or properties would create significant and unavoidable impacts (Class I).
- B.18-41 Please refer to General Response GR-1 regarding the potential effect of the Project on property values.
- B.18-42 Your comments are consistent with the findings of the Draft EIR/EIS.
- B.18-43 As discussed in Draft EIR/EIS Section C.11.10.2, once operational, “Alternative 5 would have the same demands on fire and police protection as the proposed Project (Impact P-2). The regular maintenance proposed by SCE would ensure that the potential for risk of fire would not substantially increase and result in a corresponding demand for fire protection services on non-NFS lands. Consequently, impacts to non-NFS lands would not be significant (Class III).” From this assessment, no long-term impacts to service providers would result from Alternative 5. During construction, Mitigation Measure P-1 (Expansion of the Southern California Edison Fire Prevention and Response Plan) would ensure that the components of the FPRP apply to construction activities along the entire Alternative 5 route to reduce impacts to a less-than-significant level (Class II).

- B.18-44 The visual impacts of Alternative 5 are accurately reported in the Draft EIR/EIS Section C.15, as are the visual impacts of the proposed Project and Alternatives 2, 3, and 4. In Comment B-18-44, visual impacts of Alternative 5 are repeated from the Draft EIR/EIS. The following statement is incorrect and lead to an incorrect conclusion: “Conversely, the new transmission lines and towers with the proposed Project alignment occur within *existing* transmission line rights-of-way and would not result in as severe visual impacts as Alternative 5.” The proposed Project would require new ROW in Haskell Canyon. The proposed Project would not meet the High Scenic Integrity Objectives established by the USDA Forest Service, and therefore would result in severe visual impacts to the Angeles National Forest.
- E.18-45 The visual impacts of Alternative 5 are accurately reported in the Draft EIR/EIS Section C.15.
- B.18-46 Your comments are consistent with the findings of the Draft EIR/EIS.
- B.18-47 State CEQA Guidelines Section 15124 states that “[t]he description of the project shall contain the following information but should not supply extensive detail beyond what is needed for evaluation and review of the environmental impact. (a) The precise location and boundaries of the proposed project shall be shown on a detailed map, preferably topographic. The location of the project shall also appear on a regional map.”

A topographic map of the Alternative 5 alignment is provided in Figure B.4-13. Detailed aerial maps of the Alternative 5 alignment are also provided in Appendix 6, at the same level of detail as the proposed Project identified by SCE. The information contained within these maps provides detailed information to adequately analyze the potential environmental impacts associated with Alternative 5. As noted above, extensive detail beyond what is needed for evaluation and review of the environmental impact is not required. Neither CEQA nor NEPA require that full and detailed plans be prepared prior to initiating the environmental analysis. In fact, CEQA and NEPA recommend that the environmental analysis be conducted early in the planning process before such detailed plans are prepared so that the results of the environmental analysis can inform the design process. Please also see the response to Comment B.18-108 for a discussion on the analysis of impacts to private properties.

- B.18-48 Please see the response to Comment B.18-108 for a discussion on the analysis of impacts to private properties.

New spur roads and new and/or improved access roads to the transmission towers for Alternative 5 have been included in the Draft EIR/EIS, and are accounted for in the land disturbance estimates provided in Table B.4-21. The estimate for these roads was developed based on the preliminary design provided by SCE for the proposed Project and a thorough review of maps (topographic and aerial) identifying existing roads along the Alternative 5 alignment. As noted in the footnote of Table B.4-21, “these are approximate numbers based on estimates derived from preliminary design concepts for Alternative 5. Numbers are subject to change as the design is finalized.”

- B.18-49 The construction schedule for Alternative 5 presented in Table B.4-18 of the Draft EIR/EIS shows that activities associated with construction and testing would take approximately three months longer than the proposed Project (16 months versus 13 months). This schedule was developed by experts within the transmission engineering filed. It is only during these activities that impacts to the environment would occur, as addressed in the EIR/EIS. Activities associated with engineering, site acquisition (no demolition), and procurement would take substantially longer than the proposed

Project; however, these activities would not result in extended environmental impacts, which is the focus of the EIR/EIS.

As discussed in the Draft EIR/EIS, SCE's proposed work schedule of Monday through Saturday, 6:30 a.m. to 5:00 p.m., would apply to all areas of the alignment, except where limited by mitigation measures, independent of which alternative is chosen by the decision-makers or whether or not construction is occurring in existing rights-of-way or within rural versus residential areas. As discussed in Section C.10, Noise, the proposed Project and all alternatives would result in significant and unavoidable impacts (Class I) due to violations of local standards (Criterion NOI1). Mitigation Measures N-1a (Nighttime Construction Noise Restriction in Santa Clarita), N-1b (Provide Advanced Notification of Construction), and N-1c (Provide Shields for Stationary Construction Equipment) would reduce short-term noise impacts associated with construction noise; however, violations of the local standards from mobile construction equipment would continue to cause a significant unavoidable impact (Class I). Noise impacts from maintenance activities have also been identified as significant and unavoidable (Class I).

- B.18-50 Please see the response to Comment B.18-49 regarding the construction schedule for Alternative 5. Air quality impacts, as well as impacts associated with the other environmental issue areas analyzed in the EIR/EIS, have been properly assessed per the schedule identified for construction and testing. Costs associated with Alternative 5 were not developed as part of the EIR/EIS as this is not a requirement under CEQA or NEPA; however the costs associated with each alternative may be a consideration of the decision-makers at the USDA Forest Service and the CPUC.
- B.18-51 The environmental setting or "affected environment" for Alternative 5 has been provided within each environmental issue area discussion of the Draft EIR/EIS. Please see Section C.x.10.1, where "x" represents the environmental issue area section, which ranges from 2 (Air Quality) to 15 (Visual Resources).
- B.18-52 Alternative 5 has been presented at a level of detail equivalent to that of the proposed Project or any of the other alternatives. The information contained within the Draft EIR/EIS provides detailed information to adequately analyze the potential environmental impacts associated with Alternative 5 to allow the decision-makers at the USDA Forest Service and the CPUC to make an informed decision. As noted in State CEQA Guidelines Section 15124, extensive detail beyond what is needed for evaluation and review of the environmental impact is not required (Response to Comment B.18-47 provides the exact quote). Neither CEQA nor NEPA require that full and detailed plans be prepared prior to initiating the environmental analysis. In fact, CEQA and NEPA recommend that the environmental analysis be conducted early in the planning process before such detailed plans are prepared so that the results of the environmental analysis can inform the design process. Please also see the response to Comment B.18-108 for a discussion on the analysis of impacts to private properties.
- B.18-53 The operational regional significance value of 100 lb/day for NO_x within SCAQMD jurisdiction was a simple typographical error in Table C.2-9. This typographical error does not impact the impact analysis which was based on the correct SCAQMD significance threshold. The normal operational emissions are essentially limited to annual inspection operations conducted by small helicopter or crew truck. However, such operations are currently performed on the existing transmission line that will be removed. Additionally, the implementation of the project will allow additional generation from outside the air basin to be used in place of generation that would occur

inside of the air basin. Therefore, the finding was made that the project operations would create incremental emissions that are well below the SCAQMD significance thresholds. Please note that SCAQMD has made no comments on the Draft EIR/EIS regarding the operational emissions significance findings.

- B.18-54 Please see the response to Comment B.18-53 above.
- B.18-55 Please see the response to Comment E.1-5.
- B.18-56 This comment fails to recognize the assumptions and methods used in the emission calculations. The removal of existing towers is calculated and is called bypass and wreckout emissions (see Appendix 3 p.Ap.3-10). These transmission line removal activities are required for every alternative and therefore are calculated for the proposed project. The incremental emissions for each alternative are then calculated and added to the base emissions estimate for the proposed Project, which includes the emissions for the removal of the existing towers. The emission calculations were performed using spreadsheets using approved SCAQMD emission factors for CEQA analysis obtained directly from the SCAQMD website. URBEMIS was not used for emission calculations as it is not sophisticated enough to deal with the multiple overlapping construction activity schedules, so any comments regarding URBEMIS and emission underestimate due to the use of URBEMIS are not relevant to the Draft EIR/EIS.
- B.18-57 Please see the response to Comment B.18-56 above. Additionally, no inconsistencies with federal laws were determined for the project.
- B.18-58 Please see the response to Comment B.18-56. No models were used, the emission calculations are shown with assumptions provided in Appendix 3. This comment is not relevant to the air quality analysis as performed.
- B.18-59 Please see the response to Comment B.18-22 above.
- B.18-60 The Air Quality Management Plans (AQMPs) are stand-alone planning documents, any required revisions to forest plans, local planning documents, or property acquisition do not impact compliance with the AQMP. The conformance with the AQMP is based on the emissions activities and their conformance with assumptions in the AQMP and potential for resulting growth impacts beyond those assumed by the AQMPs. The project was found to comply with the assumptions of the AQMP, and different project route alternatives do not change this finding.
- B.18-61 The proposed Project and all project alternatives were found to cause significant temporary noise impacts during construction. Mitigation Measure A1-e will not change this finding. Appropriate construction mitigation measures have been recommended to minimize construction noise impacts.
- B.18-62 The discussion of the import of wind generated power and its related impact is based on similar studies conducted by the California Independent System Operator (CAISO) for the proposed Devers-Palo Verde 2 (<http://www.caiso.com/docs/2005/01/19/2005011914572217739.html>). This study determined that there would be reduction in emissions from power plant downstream along the normal flow direction of power for this transmission line. While CAISO did not complete a similar study for the proposed Antelope-Pardee Transmission Project it is clearly evident that increasing the amount of wind power available in the SCAB will allow a reduction in use of other power producing facilities, which are primarily fossil fuel fired (i.e., natural gas).

B.18-63 The cumulative impact analyses use impact areas that are relevant for each type of impact. Noise impacts require a small impact radius, other impacts a larger impact radius. The impact radius of 1-mile is consistent with other CEQA/NEPA documents completed for projects in southern California. As noted in the response to Comment B.18-53, normal operating emissions are minimal and would only occur for a day or a few hours each year. Additionally, these emissions will occur over the entire project route so that the emission strength at any one location to add with other cumulative sources is negligible.

B.18-64 In addition to the new plant communities described in the Section C.3.10.1.3 (Alternative 5 Existing Conditions) the same types of plant communities that occur for the proposed Project also occur in the Alternative 5 ROW. The Draft EIR/EIS also provides an analysis of the types of impacts that may occur to biological resources that may be present in or adjacent to the Alternative 5 ROW. Regarding impacts to Significant Ecological Areas (SEA) the City of Palmdale General Plan indicates that any proposed development in a SEA, including Ritter Ridge, must consider significant environmental resources and preserve environmental resources to the extent feasible. The Draft EIR/EIS provides analysis that addresses potential impacts to sensitive biological resources that may occur within the SEA and provides mitigation to reduce impacts to less-than-significant levels. The Draft EIR/EIS does not defer or rely on the West Mojave Plan for mitigation but indicates that the proposed project and alternatives would comply with the provisions of the plan.

The impacts of the proposed Project and Alternative 5 have been adequately analyzed in the Draft EIR/EIS to fully comply with the requirements of CEQA and NEPA.

B.18-65 See the response to Comment B.18-23 regarding the presence of different species along Alternative 5. Please see the response to Comment B.18-64 which addresses impacts within SEA. Section C.3.5.1 (Impacts and Mitigation Measures, Impact B-8) provides language regarding addressing impacts under the Endangered Species Act and the requirement for completing Section 7. Specifically, document identifies (C.3-57) that “Actions that result in the take of federally listed species would be authorized under the context of a Biological Opinion” The need for a “take” permit for impacts to state-listed species is briefly described in Section C.3.2.2 (State) of the Draft EIR/EIS that describes the California Endangered Species Act. The document states that, “For projects that affect both a State and federal listed species, compliance with the Federal Endangered Species Act (FESA) will satisfy CESA if the Department of Fish and Game CDFG determines that the federal incidental take authorization is “consistent” with CESA under Fish and Game Code Section 2080.1. For projects that will result in a take of a State-only listed species, the Applicant must apply for a take permit under Section 2081(b).”

The Draft EIR/EIS does not clearly state throughout Section C.3.5.1 (Impacts and Mitigation) that a Section 2081 or Section 2080.1 Incidental Take Permit will be required for direct or indirect impacts to state-listed species of plants and wildlife. However, the California Endangered Species Act requires that an Incidental Take Permit be acquired prior to any impacts to state-listed species. This is law and it is not necessary to include the acquisition of an Incidental Take Permit as a mitigation measure in a CEQA/NEPA document. APMs and Mitigation Measures include pre-construction surveys that will identify whether state- and/or federal-listed species will be affected by the project. If it is determined that any state-listed species will be directly or indirectly affected by the project, then the Applicant will be required by law to acquire a Section 2080.1 or Section 2081 Incidental Take Permit (whichever is applicable).

- B.18-66 Table ES-10 (Summary Comparison of Environmental Issues/Impacts) provides a comparison of the temporary and permanent impacts that may occur as a result of the proposed Project or alternatives. However, the exact acreages or numbers of trees, including oaks, for each Alternative is not known at this time. The determination of exact acreages or the number of trees that may be impacted will be determined after completion of detailed engineering drawings that are typically completed only if an alternative is selected. In addition, SCE has indicated that they would avoid trees and sensitive habitats where possible. The estimated acreages identified in the Draft EIR/EIS have been determined based on field surveys and are provided to provide the decision maker with description of the types of impacts that occur from the proposed Project. See the response to Comment B.18-23 regarding the assessment of impacts to wildlife. Implementations of the mitigation measures identified in the Draft EIR/EIS are sufficient to ensure impacts to biological resources are reduced to less-than-significant levels.
- B.18-67 As stated in Section C.3.1 (Affected Environment), the analysis of the biological baseline for the Proposed Project was partially based on an extensive literature review that included the Proponent's Environmental Assessment (Mackness, 2004) as well as field survey documents prepared for surveys conducted on NFS lands for the proposed Project. The extensive literature review included an examination of numerous other resource documents (USDA Foresters list of Sensitive Plants and Animals, BLM plan documents, Angeles National Forest Land Management Plan, etc.) that contained information on expected or reported locations of sensitive vegetation communities and sensitive and/or listed species. In addition, the CNDDDB and CNPS databases were also reviewed prior to conducting the field reconnaissance. Following the compilation of data from the literature review, the field reconnaissance survey was conducted. The survey focused on determining whether the plant communities that were previously described along the route were consistent with what was found during the summer 2005 surveys. In addition, the locations of where sensitive/listed species were previously reported were investigated. The results of the field reconnaissance indicated that the conditions described in the previous documents were similar for the entire route with some minor modifications. The modifications were documented and incorporated into the maps and the text of the Draft EIR/EIS. Based on the information obtained from the literature search and field surveys the Draft EIR/EIS is compliant with the requirements of CEQA.
- B.18-68 CA-LAN-588, CA-LAN-592, CA-LAN-610, CA-LAN-614, and CA-LAN-1856 are prehistoric archaeological sites recorded by other archaeologists who filed site records for these sites at the South Central Coastal Information Center (SCCIC). The site records provide a small scale map showing the site location and provide coordinates for the site. The locational data from the site record was used to plot the sites on the maps of the Alternative 5 Area of Potential Effect (APE). The sites listed above were shown as being within the APE on these maps, based on the site record information. During the field survey of the Alternative 5 APE, archaeologists carefully examined the ground surface at the locations indicated by the site records. No archaeological material was found by the archaeologists at the indicated locations. The locational data from the site records showed that all of these sites were near the APE boundary. Since the sites could not be found within the APE, it is probable that the site record locational data was inaccurate and the sites are actually located outside the APE. This was found to be the case for CA-ORA-1856, which was relocated and is just outside the APE boundary. A portion of the site may extend into the APE but, if so, has been destroyed by erosion, as indicated by the presence of exposed bedrock at this location. CA-LAN-610 and CA-LAN-614 may be located outside the APE or, if they are inside the APE, may have been erroneously recorded as sites. The site records describe them as rhyolite flake scatters

(waste products from making flaked stone tools composed of rhyolite). Natural rhyolite spalls (not modified by people and, therefore, not artifacts) were found at the recorded locations of these two sites.

As discussed at the end of section C.4.1.2 (“Other Inventories” section), it is stated that the Native American Heritage Commission (NAHC) has no record of sacred lands (cultural resources of concern to Native Americans) in the project area. Letters were sent to Native Americans on the contact list provided by the NAHC. Four responses were received, but none of the responses identified cultural resources of concern to Native Americans (see Appendix 5 of the EIR/EIS).

In CEQA, a locally significant historical landmark is one which is listed in a local register of historical resources (see Section 4.2.2 of the EIR/EIS). The register must have been officially adopted by CEQA lead agency such as a city or county government. As discussed in the “Other Inventories” section of section C.4.1.2, none of the historical resources listed in the City of Santa Clarita’s General Plan are within one quarter mile of the project area, and the City of Lancaster and the County of Los Angeles do not have registers of historical resources. The Exhibit 2 supplied by the commenter is not an official local register of historical resources. It provides information about the history of the Leona Valley. The route of the transmission line through the Leona Valley was surveyed for cultural resources. If there were any physical remains of historical resources present in the survey area, they would have been found during the field survey.

B.18-69 Thank you for your comments. Please see the responses to Comments B.18-70 through B.18-71.

B.18-70 Alternative 5 crosses 20.2 miles of landslide prone units while the proposed Project crosses 14.5 miles of landslide prone units. Text has been added to the section indicating this difference.

Impacts due to slope instability (Impact G-1) could range from minor soil creep to catastrophic landslides which could cause triggered slope failure could cause damage to nearby properties and roads, proposed Project facilities and construction equipment, and could potentially result in injury to workers or the public. Text has been added to Impact G-1 highlighting this type of potential damage from this impact.

Mitigation Measure G-1 would identify potential areas of instability and provide design measures to stabilize these areas, thus preventing triggering of slope failures during Project construction that could cause damage to nearby properties and at project construction sites. This mitigation measure would reduce the impact to less-than-significant levels by preventative measures.

Mitigation Measure G-2 provides guidance for preparation of the Project SWPPP in regards to inclusion of appropriate measures to control and prevent excessive soil erosion on graded access roads and work areas. This measure would require the use of BMPs to reduce soil erosion in temporary construction zones, reducing the impact to less-than-significant.

Specific numbers related to changes in topography (i.e., acreage of cut and fill areas and changes in percent slope) will not be available until grading plans are prepared for the selected alignment. Estimated numbers for ground disturbance and types of ground disturbance were used to determine if significant topographic changes would be expected due to construction of an alignment.

Revised/corrected ground disturbance numbers indicates that only slightly more ground disturbance (150.6 vs. 126.8 acres) would occur for Alternative 5 than for the proposed Project, consisting of

shallow grading for access roads and excavation for tower foundations. Therefore, the impact related to substantial alteration of topography for Alternative 5 has been reduced to a less-than-significant level (Class III).

Alternative 5 crosses 20.2 miles of landslide prone units while the proposed Project crosses 14.5 miles of landslide prone units. Text has been added to the section indicating this difference.

Mitigation Measure G-9 would require that the geotechnical surveys conducted for the project identify potential areas of instability to aid in locating project facilities away from areas likely to fail and cause damage to project facilities, and in areas where facilities cannot be moved away from unstable slopes it would require design measures to stabilize these areas. This would prevent or minimize the potential for slope failures that could cause damage to the proposed Project. This mitigation measure would reduce the impact to less-than-significant levels by preventative measures.

It is not possible to accurately estimate the potential extent of damage to significant fossils until excavation occurs and fossils are actually uncovered. Because fossils are buried and may occur anywhere within a fossil bearing geologic unit, only the probable presence of fossils can be identified.

Mitigation Measure G-10 reduces potential impact to significant fossils by ensuring that monitoring for fossils in the appropriate geologic units occurs and that if fossils are discovered they are properly collected and transferred to an appropriate storage location. Implementation of this measure ensures that significant fossils are not inadvertently destroyed or improperly disposed of, reducing impacts to significant fossils to less than significant.

- B.18-71 Alternative 5 has the same risks of liquefaction potential as the proposed Project where it crosses young alluvial deposits in the Santa Clara River valley, the Leona Valley, and in the alluvial and creek deposits of intervening drainages, as discussed in Section C.5.10.1, Affected Environment, Liquefaction and Section C.5.10.2, Impacts and Mitigation Measures, Damage Related to Earthquake Induced Phenomena (Criterion GEO6). Additional text has been added to clarify that the impact is the same.

It is not clear what type of analysis the commenter is requesting regarding tower structure failure. The towers will be of similar design to those that exist throughout SCE's service territory. These towers will meet applicable engineering standards and will be designed to avoid failure from all but the most extreme of circumstances. Transmission line structures used to support overhead transmission lines must meet the requirements of the CPUC, General Order No. 95, Rules for Overhead Electric Line Construction. This design code and the National Electrical Safety Code include loading requirements related to wind conditions. Transmission support structures are designed to withstand different combinations of loading conditions including extreme winds. These design requirements include use of safety factors that consider the type of loading as well as the type of material used, e.g., wood, steel or concrete. Failures of transmission line support structures are extremely rare and are typically the result of anomalous loading conditions such as tornadoes or ice storms. Although rare, structural failure is possible, but it is beyond the scope of the EIR/EIS to attempt to predict the likelihood of any specific or generalized structural failure. Detailed engineering design of the towers and footings, taking into consideration local geologic and meteorological conditions, would be undertaken for Alternative 5, or any of the other alternatives, only if approved. Because it is not possible to define any specific scenarios that might result in

structural failure of a tower(s), only general speculation is possible regarding the potential consequences of tower failure.

Overhead transmission lines consist of a system of support structures and interconnecting wire that is inherently flexible. Industry experience has demonstrated that under earthquake conditions structure and member vibrations generally do not occur or cause design problems. Overhead transmission lines are designed for dynamic loading under variable wind conditions that generally exceed earthquake loads.

Overhead high-voltage transmission lines include system protection designed to safeguard the public and line equipment. These protection systems consist of transmission line relays and circuit breakers that are designed to rapidly detect faults and cut-off power to avoid shock and fire hazards. This equipment is typically set to operate in 2 to 3 cycles, representing a time interval range from 2/60 of a second to 3/60 of a second. Therefore, power in a fallen line would be cut off very quickly.

- B.18-72 Please see General Response GR-3. As indicated in the comment and in the Draft EIR/EIS, 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. Because it is not possible at this time to prove whether or not EMF causes adverse health effects, there is no point in attempting to assess such effects in the EIR/EIS. The results of any such assessment would be inconclusive and, therefore, any impact analysis would be speculative. To our knowledge, there are no risk assessment procedures established by the Office of Environmental Health Hazard Assessment for EMF exposure. For more information on EMF, the commenter is referred to the California Electric and Magnetic Fields Program (www.dhs.ca.gov/ehib/emf).

Listed below by line number, are other comments made in the B.18-72 document followed by reference to other responses provided on these topics.

- B.18-73 Relevant scientific studies regarding EMF are discussed in the Draft EIR/EIS in Section C.6.3.
- B.18-74 As discussed in the Draft EIR/EIS, Section C.6.2 under “CPUC Guidelines”, Decision D.93-11-013 “requires that utilities use ‘low-cost or no-cost’ mitigation measures for facilities requiring certification under General Order 131-D”. Recent (January 2006) information on actions regarding EMF, directly related to the CPUC’s Decision from November 1993 (D.93-11-013), is available online at: <http://www.cpuc.ca.gov/static/energy/environment/electromagnetic+fields/action.htm>.
- B.18-75 The referenced statement regarding potential health effects from exposure to electric fields from power lines is provided in an introductory explanation of EMF only, and has not been directly applied to Alternative 5. The impacts of EMF related to Alternative 5 are provided in Section C.6.10.2 of the Draft EIR/EIS.
- B.18-76 Please see response to Comments B.11-10 and B.11-11 regarding electronic equipment disturbances.
- B.18-77 Please see response to Comment B.9-7 regarding fire hazards, as well as response to Comments B.11-12, B.11-13 and B.11-14 regarding shock hazards and pacemakers.

- B.18-78 Impacts related to hazardous materials during construction are discussed under Impact PH-1, and impacts related to operations at substations and transmission line maintenance are discussed under Impact PH-4. All impacts related to hazardous materials have been reduced to less-than-significant levels (Class II) with application of mitigation measures. These measures would apply to the removal of the existing 66-kV towers as well as the upgrades at the existing substations.
- B.18-79 The geographic extent was defined for each individual issue area throughout the Draft EIR/EIS. As discussed in Section C.6.13.1, public health and safety impacts are expected to have the potential to combine only with the impacts of other projects located in the immediate vicinity. As such, a one-mile radius was defined for the geographic extent.
- B.18-80 As discussed in Draft EIR/EIS Section C.8, Hydrology and Water Quality, all impacts to water quality and groundwater would be reduced to less-than-significant levels (Class II) with the required mitigation measures presented. As such, additional analysis of secondary impacts from degraded water quality from the Project is not required.
- B.18-81 Thank you for the additional information on the groundwater conditions along the Alternative 5 alignment, specifically in Leona Valley. This information will be shared with the decision-makers at the USDA Forest Service and the CPUC. As discussed in Draft EIR/EIS Section C.8, Hydrology and Water Quality, impacts to groundwater would be reduced to less-than-significant levels (Class II) with implementation of the required mitigation measures. For example, Mitigation Measure H-4 (Develop and Implement a Groundwater Remediation Plan) requires that SCE develop a groundwater remediation plan if it is determined that known groundwater resources would be unavoidable during construction, and that in the event unknown groundwater resources are encountered or unplanned disturbance of known resources occur, SCE will immediately halt the disruptive excavation activity and develop and implement a site-specific remediation plan.
- B.18-82 Thank you for providing information on the road conditions in Lost Valley and Leona Valley. This information will be shared with the decision-makers at the USDA Forest Service and the CPUC. As discussed in the Final EIR/EIS Section C.8.10.2, “Alternative 5 would cause a significant increase in impervious areas attributable to the construction of new transmission line infrastructure in a new utility ROW (designated Utility Corridor on NFS lands) for 18.8 miles, from Mile 0.0 to Mile 18.8 of the route (Impact H-5). This impact would be reduced to a less-than-significant level with implementation of Mitigation Measure H-5 (Permeability of Ground Cover). Therefore, flooding in the areas identified by the commenter would not be attributable to the project. Furthermore, as discussed under Criterion HYD5, implementation of the construction standards and approvals recommended by Mitigation Measure H-7 (Aboveground Structures shall be Protected Against Flood and Erosion Damage) would ensure that structures are not comprised as a result of flooding or erosion.

Please see General Response GR-5 regarding noticing procedures. As noted, property owners along the Alternative 5 alignment or within 300 feet were notified prior to the release of the Draft EIR/EIS.

- B.18-83 Please see the response to Comment B.18-82 regarding surface water runoff due to new impervious areas associated with Alternative 5.

As discussed in Draft EIR/EIS Section C.8.10.2, “[t]he portion of Alternative 5 that is expected to cause increased surface runoff, between Mile 0.0 and Mile 18.8, as described above, is

predominately characterized by undeveloped areas, which are not serviced by stormwater drainage systems.” Therefore, Alternative 5 would not impact stormwater drainage systems in these areas. For those areas with stormwater drainage systems, it was determined that “Alternative 5 would not introduce a significant amount of new surface water runoff.” Furthermore, the potential surface runoff is mitigated by Mitigation Measure H-5 (Permeability of Ground Cover). As such, a quantitative analysis of surface water runoff and the effects to existing stormwater drainage systems was not justified.

- B.18-84 Please see the response to Comment B.18-16 regarding Leona Valley and Agua Dulce Community Standards Districts (CSDs).
- B.18-85 As the route for Alternative 5 has not been finalized, it is unknown which parcels SCE may need to acquire and which parcels SCE may need to obtain an easement through. As it is not known what parcels SCE would need to acquire, an analysis of how this may change the lot size and its subsequent consistency with the Leona Valley CSD cannot be performed. Furthermore, local regulations and standards are not applicable to State and federally permitted projects, such as the Antelope-Pardee 500-kV Transmission Project.
- B.18-86 Criterion LU1 of Section C.9.10.2 addresses the consistency of Alternative 5 with the applicable land use plans, goals, policies and regulations.
- B.18-87 Table C.9-5 in Section C.9.10.1 of the Land Use and Public Recreation section identifies West 90th Street, Lonesome Valley, Portal Pass, and Elizabeth Lake Road as roads that would be traversed by Alternative 5. As these roads would both be within 1,000 feet of the alternative, impacts to residences along these streets are addressed under Criterion LU2 in Section C.9.10.2 of the Land Use and Public Recreation section.
- B.18-88 Please refer to General Response GR-2 regarding the potential effect of the project on property acquisition and due process.
- B.18-89 The Land Use and Public Recreation section analyzes impacts to agricultural resources as a type of land use. While these agricultural lands are commercial ventures, as local general plans and zoning ordinances classify them as agriculture, they are analyzed in the Land Use and Public Recreation section as such. If they were classified as commercial land uses, they would be analyzed accordingly. Consequently, the impacts of Alternative 5 on agricultural resources are analyzed for Criterion LU3 under Impacts L-5 and L-6 in Section C.9.10.2 which addresses the conversion of agricultural lands to non-agricultural uses.
- B.18-90 While Mitigation Measure L-6 (Locate Transmission Towers and Pulling/Splicing Stations to Avoid Agricultural Operations) would be implemented during project construction, because this measure would site the transmission towers in locations that would minimize impacts to active agricultural operations, operation of the transmission towers would also be in a location which would also minimize permanent preclusion impacts to agricultural lands.
- B.18-91 Your comments are consistent with the findings of the Draft EIR/EIS. As identified in Draft EIR/EIS Section C.10.10.2, noise impacts to residences along Alternative 5 would be significant and unavoidable (Class I).

B.18-92 Cumulative noise impacts are discussed in Draft EIR/EIS Section C.10.13.3. As noted, noise impacts from mobile construction equipment (Impact N-1), such as heavy equipment and helicopters, would be cumulatively significant (Class I).

Ground-borne vibration is discussed in Draft EIR/EIS Section C.10 under Criterion NOI2. Typically, ground-borne vibration generated by man-made activities attenuates rapidly with distance from the source of the vibration. Man-made vibration issues are therefore usually confined to short distances (i.e., 500 feet or less) from the source (FTA, 1995). Therefore, as described in the EIR/EIS, “construction activities would result in some minor amounts of ground-borne vibration; however, such ground-borne noise or vibration would attenuate rapidly from the source and would not be perceptible outside the construction areas.” No additional analysis of ground-borne vibration is required.

B.18-93 Cumulative noise impacts are discussed in Draft EIR/EIS Section C.10.13.3. As noted, noise impacts from corona noise (Impact N-3) would be cumulatively significant (Class I) for Alternative 5. Noise impacts related with routine inspection and maintenance (Impact N-4) would be not combine with other cumulative projects and no cumulative impact would occur.

B.18-94 Operational corona noise impacts for Alternative 5 are discussed in Draft EIR/EIS Section C.10.10.2. It is stated that “operational corona noise impacts to residential receptors [(Impact N-3)] would be less than significant (Class III), as identified for the proposed Project.” The discussion for the proposed Project in Section C.10.5, under Impact N-3, states that corona noise under normal conditions create a sustained noise level of approximately 34 to 44 dBA, which would not exceed the Los Angeles County Noise Ordinance. However, during rain or heavy fog the highest corona noise level produced at the closest residential receptor would be approximately 50 dBA; however, the occurrence would be periodic and occur relatively infrequently. The Los Angeles County Noise Ordinance Section 12.08.390, Part B, does provide from duration of noise levels, which were not reflected in Draft EIR/EIS Table C.10-5. For example, “Standard No. 1 shall be the exterior noise level [(designated in Table C.10-5)] which may not be exceeded for a cumulative period of more than 30 minutes in any hour. Standard No. 1 shall be the applicable noise level from subsection A of this section [(designated in Table C.10-5)]; or, if the ambient L50 exceeds the foregoing level, then the ambient L50 becomes the exterior noise level for Standard No. 1. Standard No. 2 shall be the exterior noise level which may not be exceeded for a cumulative period of more than 15 minutes in any hour. Standard No. 2 shall be the applicable noise level from subsection A of this section [(designated in Table C.10-5)] plus 5dB; or, if the ambient L25 exceeds the foregoing level, then the ambient L25 becomes the exterior noise level for Standard No. 2.” Since these high corona noise levels will be periodic and occur relatively infrequently, they can be considered to be not significant.

B.18-95 The impacts of increased potential for wildfire on residences and the ability of aircraft to fight fires in the vicinity of Alternative 5 are addressed under Criterion FIRE3 for Impacts F-4 and F-6 in Section C.7.10.2 of the Forest Management Activities section.

B.18-96 If unlawful trespass has occurred prior to the construction of access roads, as suggested in the comment, with the current level of police service, then future trespassing would not be considered a change from the existing conditions. It is speculative that future trespass would increase and any analysis of an increased need for police service, as well as for how it would affect air quality, erosion, and traffic, would also be speculative.

- B.18-97 As discussed in Draft EIR/EIS Section C.12.10.2, while it is possible that residences within the Alternative 5 corridor would be purchased and removed by SCE, it is speculative that these residences would relocate outside the Leona Valley community, thus potentially impacting the existing community base. Impacts to school districts addressed in the analysis of Public Services in Section C.11.10.2 under Criterion PS1.
- B.18-98 Please refer to General Response GR-1 regarding potential effects on property values.
- B.18-99 As discussed in Draft EIR/EIS Section C.12.10.2, while it is possible that residences within the Alternative 5 corridor would be purchased and removed by SCE, it is speculative that these residences would relocate outside the Leona Valley community, thus potentially impacting the existing community base. Impacts to agricultural related businesses are addressed in the analysis of agricultural resources in Section C.9.10.2 of the Land Use and Public Recreation section under Criterion LU2 and in Section C.12.10.2 of the Socioeconomics under Criterion SOC3.
- B.18-100 The cost of Alternative 5 is unavailable without final engineering completed. At this time, any cost-benefit analysis of the proposed Project versus proposed Alternatives would be speculative. Potential community disruption impacts of Alternative 5 are addressed in Draft EIR/EIS Section C.9.10.2.
- B.18-101 The cost of Alternative 5 is unavailable without final engineering completed. At this time, any cost-benefit analysis of the proposed Project versus proposed alternatives would be speculative.
- B.18-102 Since specific routing design plans and detailed construction plans have not been developed, most traffic-related impacts cannot be accurately quantified and are therefore addressed generally in the EIS/EIR. Detailed routing design and construction plans would be developed upon selection of the alternative to be implemented. Detailed, site-specific traffic mitigation measures, such as the traffic control plan and construction transportation plan, will be prepared after the detailed design and construction plans are completed.

The work force during the approximately 16-month construction period for Alternative 5 is expected to range between 20 and 120 persons, with a daily average of 50 persons. However, construction activities would likely occur concurrently at different locations along the approximately 37-mile route and construction workers would be distributed along the route, thereby reducing the potential for substantial congestion. Furthermore, construction crew members and equipment would be required to stage at marshalling yards to minimize the number of vehicles traveling to a particular location at any time. Equipment deliveries may also be timed to avoid peak travel times. The precise numbers of vehicles traveling specific road segments will be calculated upon completion of final design and construction plans, followed by completion of the traffic control and construction transportation plans.

Increased response times for emergency service providers would depend on the precise location and duration of construction activities that may obstruct routes and would only occur if an emergency response happened to occur at the concurrent time and location of such activities. Therefore, it is not possible to quantify such delays. However, upon completion of final design and construction plans, potentially affected emergency routes would be identified, emergency service providers would be notified of construction activities, and alternate routes would be identified.

Road and lane closure frequency cannot be quantified until completion of final design and construction plans, however, stringing activities at any particular location would last a few hours

and not more than one day. Measures such as scheduling such activities to hours of low traffic flow would be implemented to minimize impacts to the extent feasible. Furthermore, stringing activities would generally not result in closure of all lanes of a roadway for more than a few minutes.

Since routing design and construction plans are not finalized, it is currently unknown whether bike or pedestrian routes would be blocked by construction activities. However, upon final design, any obstructed routes and alternative routes or detours that will be provided will be identified in the Traffic Control Plan required pursuant to Mitigation Measure T-1a.

Without proper planning, the potential exists to place transmission route features within the right-of-way of the Cross Valley Connector or within areas of potential future expansion of the road. Therefore, Mitigation Measure T-6 requires SCE to coordinate with Caltrans during final design of the transmission route in order to avoid placing structures within these areas.

No roads are planned or intended to be damaged. However, if construction activities happen to result in noticeable degradation of road surfaces or features, such damage would be repaired to conditions deemed acceptable by the local jurisdictional authority.

Section C.13 Traffic has been revised to include analysis of potential aviation impacts of Alternative 5 to the Agua Dulce Airfield.

While construction activities may occur in close proximity to residences, including potential lane or road closures, these activities would not physically prohibit access to individual residential or business driveways. For example, trenching activities associated with other alternatives would physically preclude access to driveways for short periods of times; however, Alternative 5 does not include any underground segments.

- B.18-103 The existing 66-kV transmission line in the Angeles National Forest does not meet the High Scenic Integrity Objective of the Forest Management Plan and the differences in visual impact between the existing, weathered 66-kV transmission line and the new 500-kV transmission line in the ANF are substantial. The proposed Project would create significant, unavoidable visual impacts as described in Draft EIR/EIS Section C.15. The proposed Project would not meet the High Scenic Integrity Objectives established by the USDA Forest Service, and therefore would result in severe visual impacts to the Angeles National Forest. Alternative 5 would also create significant, unavoidable visual impacts as described in Draft EIR/EIS Section C.15.
- B.18-104 Thank you for your comments on visual quality ratings for the rural environs that would be crossed by Alternative 5. Your comments will be forwarded to the decision-makers at the Forest Service and CPUC.
- B.18-105 The visual effects of Alternative 5 as seen from Vasquez Rocks County Park and the PCT are described in Section C.15.10 (see KOPs 5-7 and 5-10 respectively). The PCT crosses under three existing transmission lines near the proposed Alternative 5 route, as explained in Section C.15.10, and as illustrated in photograph and visual simulations (see Figures C.15-24A, C.15-24B, C.15-25A, C.15-25B, and C.15-26A, C.15-26B). The USDI Bureau of Land Management was contacted about PCT management in the vicinity of Alternative 5. The USDA Forest Service was involved in the routing of Alternative 5. The Pacific Crest Trail Association was contacted in October 2005 for information on scenic integrity objectives and trail management goals of the PCTA.

- B.18-106 Exact routing of Alternative 5 would be done after engineering design is completed. No homes would be removed in Leona Valley by Alternative 5, and transmission lines and towers would not go directly over homes. Also, see the response to Comment C.12-8.
- B.18-107 Please see the response to Comment C.12-8.
- B.18-108 Impacts to private property have been adequately analyzed in the Draft EIR/EIS for the purposes of CEQA and NEPA. Neither CEQA nor NEPA require that impacts to individual properties be described. The Draft EIR/EIS indicates that more detailed routing, design, and construction plans would need to be developed if Alternative 5 is approved. This is proper and represents the correct and normal sequence of events for an approved project. Neither CEQA nor NEPA require that full and detailed plans be prepared prior to initiating the environmental analysis. In fact, CEQA and NEPA recommend that the environmental analysis be conducted early in the planning process before such detailed plans are prepared so that the results of the environmental analysis can inform the design process.
- B.18-109 This does not constitute deferred analysis. The environmental analysis of Alternative 5 needed for CEQA and NEPA purposes is contained in the Draft EIR/EIS. The statements in the Draft EIR/EIS simply reflect the fact that BLM chose not to act as a NEPA cooperating agency for the purposes of Alternative 5. BLM's decision was based on discussion between the NEPA Lead Agency and BLM when Alternative 5 was developed. This means BLM would need to consider any necessary CDCA plan amendments if Alternative 5 is approved. BLM anticipates that the analysis in the EIR/EIS will be sufficient for the purposes of any required plan amendment associated with Alternative 5.
- B.18-110 The Draft EIR/EIS includes the NEPA analysis required for the Forest Service to amend the Forest Plan if Alternative 5 or any other alternative is approved. No additional NEPA analysis would be needed for the Forest Plan amendments, unless some significant aspect of the approved alternative changed that would trigger the need for supplemental impact analysis. Please see Section A.5.2 for a description of Forest Plan amendments required for approval of the proposed Project or alternatives.
- B.18-111 Such analysis has been conducted and is included in the Draft EIR/EIS. The referenced amendments would be project-specific; therefore, the analysis of the proposed Project and alternatives included in the EIR/EIS describes the effects of both the project and the plan amendments.
- B.18-112 See the response to Comment B.18-108 above. Impacts to private properties have been analyzed in the Draft EIR/EIS. The commenter incorrectly expects the analysis to be based on detailed plans for construction of each alternative. Such plans do not exist and would not be prepared until the proposed Project or an alternative is approved. When detailed routing and construction plans are prepared, the exact amount and location of property that would be acquired will be known, but that level of very exact and specific information is not needed for the environmental analysis and would not be expected to be available for use in an EIR or EIS. Also, please see General Response GR-2 (Property Acquisition).
- B.18-113 When detailed construction plans are finalized, it may be necessary to conduct supplemental analysis if those plans vary substantially from the approved project described in the EIR/EIS. If those detailed plans result in substantially different impacts than described in the EIR/EIS, then supplemental analysis would be needed. This does not constitute deferred analysis, but instead is an acknowledgement of the requirements of CEQA and NEPA for supplemental analysis, if needed.

Please note that Alternative 5 only crosses about 1.5 miles of NFS land and the Special Use Permit that would be issued by the Forest Service would only address the portion of the project on NFS land and would not address any work areas outside the ROW that are not on NFS land.

- B.18-114 See the responses to Comments B.18-108 and B.18-112 above. It is not necessary to have detailed routing and ROW plans in order to characterize the impacts to farmland. Impacts can and have been described based on more generalized information. The impact characterization in the Draft EIR/EIS is correct, even if the exact acreage of affected farmland changes somewhat when detailed plans are prepared. Such changes are normal and expected considering that detailed plans will not be developed until the proposed Project or an alternative is approved. There would be no point in developing detailed plans for six possible projects when only one will be implemented.
- B.18-115 See the responses to Comments B.18-109 and B.18-111 above. The Antelope-Pardee Transmission Project is a separate project from Segments 2 and 3. As described in Section A.4 of the EIR/EIS, the two projects have different objectives and are independent in both construction and operation. The Antelope-Pardee project would relieve a specific existing thermal overloading problem that needs to be addressed in the near term to allow planned wind energy projects north of Antelope Substation to deliver wind power. Segments 2 and 3 would provide additional transmission capacity for potential future development of wind energy projects and has been defined as a separate project from Antelope-Pardee in CPUC Docket I. 00-11-001. The Antelope-Pardee Transmission Project has independent utility in that it has its own distinct purpose and is not dependent on other pending or planned projects for its complete construction and operation. Similarly, other projects, such as Segments 2 and 3, are not dependent on Antelope-Pardee for their construction or operation. One project does not lead to another in that the construction of the Antelope-Pardee project does not lead to the construction of Segments 2 and 3. The naming convention utilized by the Tehachapi Collaborative Study Group for envisioned future upgrades to the transmission system is unfortunate in that it may erroneously lead one to assume that similarly named and numbered upgrades are parts of a larger project, when in fact they have separate purposes and have independent utility.
- B.18-116 The Draft EIR/EIS does not establish a cumulative impact area of five miles. Table B.5-1 in the Draft EIR/EIS lists known projects within a five-mile radius, but this radius does not necessarily represent the impact area for each issue area. The “Cumulative Effects” discussions in Sections C.2 through C.15 define the area of analysis for each issue area under a heading entitled “Geographic Extent” or “Geographic Scope.” In some cases, the cumulative impact area is less than five miles and sometimes it is more than five miles depending on the nature of the issue area (i.e., localized or regional). Section B.5 also provides information on projects other than those listed in Table B.5-1 (see Tables B.5-2 and B.5-3) and also describes forecast growth in the subregion (Section B.5.5). In addition, cumulative project information is supplemented as needed in the Cumulative Effects discussion for each issue area. The geographic areas for the cumulative analysis have been properly defined.
- B.18-117 See the response to Comment B.18-109 above. Segments 2 and 3 are included in the cumulative impact analysis (see Section B.5.2).
- B.18-118 The “mitigation measures” presented by SCE in its CPCN application and accompanying Proponent’s Environmental Assessment (PEA) are considered part of project proposed by SCE. Therefore, the Draft EIR/EIS accepts these measures and assumes they will be implemented by SCE as part of the project. These are referred to as Applicant-Proposed Measures (APMs) in the

EIR/EIS and applicable APMs are listed at the beginning of the impact analysis sections for each issue area (Sections C.2 through C.15). The APMs help reduce or avoid various significant impacts associated with the proposed transmission line project, as indicated in the Draft EIR/EIS. The CPUC and Forest Service intend to monitor construction to ensure that SCE implements its stated mitigation measures. Therefore, the Draft EIR/EIS relies on both the APMs and the mitigation measures recommended in the Draft EIR/EIS to reduce or avoid impacts. In some cases, the APMs are supplanted by stronger and more specific mitigation measures that address the same or similar impact(s). SCE will be expected to follow all of the APMs, as well as the Draft EIR/EIS mitigation measures adopted by the CPUC and Forest Service for their respective areas of jurisdiction.

By definition, mitigation measures must be feasible and, therefore, can only be implemented to the degree feasible. All mitigation measures relied upon in the EIR/EIS to reduce significant impacts to a less-than-significant level are feasible.

A recommendation to conduct species surveys prior to construction does not constitute a deferral of analysis because the impacts on plant and wildlife are analyzed in the Draft EIR/EIS and that analysis is considered complete and adequate. The analysis in the Draft EIR/EIS does not indicate that additional information is needed to reach conclusions regarding impacts – the necessary analysis and impact conclusions are presented in the Draft EIR/EIS. The same is true for other mitigation measures that require further surveys or research prior to construction. In order to be effective, mitigation measures require some type of implementation action after they are adopted, otherwise they are meaningless. These mitigation measures are often precautionary and, therefore, protective of the environment and sensitive resources. For example, pre-construction surveys are recommended to ensure that no sensitive wildlife species have moved into the construction zone between the time the Draft EIR/EIS was prepared and the time construction commences. Similarly, sensitive plant surveys are recommended prior to construction because plants often bloom erratically season to season and could have been missed in prior surveys. Regardless, the potential impacts to sensitive wildlife and plants (whether they actually occur in reality or not) are described in the Draft EIR/EIS.

Certain plans can only be developed for a specific project after detailed engineering design has been completed. For instance, a traffic control plan for construction can only be effectively formulated after detailed project plans have been prepared. At that point, plans related to construction can be initiated, including traffic control plans. This is not a deferral of analysis because impacts have already been identified, analyzed, and described in the Draft EIR/EIS. The mitigation measures presented in the Draft EIR/EIS include specifics about the purposes of such plans, who is responsible for preparing the plans, what each plan will address, who will review the adequacy of each plan, and what each plan will need to accomplish.

The Lead Agencies consider the mitigation measures presented in the EIR/EIS to be fully enforceable and the Lead Agencies will adopt the mitigation measures as conditions of approval if the proposed Project or an alternative is approved. Therefore, the mitigation measures will be enforceable through legally binding instruments. All mitigation measures needed to reduce significant adverse impacts have been formulated and are presented in the Draft EIR/EIS.

B.18-119 Please see the responses to Comments B.18-108 and B.18-112 above. Public noticing for the Draft EIR/EIS met and exceeded the environmental review process requirements of both CEQA and NEPA. Please see General Response GR-5 regarding noticing procedures.

- B.18-120 The commenter misunderstands the State CEQA Guidelines on this point. There can only be one CEQA lead agency for a project, but when a joint CEQA/NEPA document is prepared (e.g., an EIR/EIS) there is also a NEPA lead agency. Section 15170 of the State CEQA Guidelines states “A Lead Agency under CEQA may work with a federal agency to prepare a joint document which will meet the requirements of both CEQA and NEPA.” Article 14 of the State CEQA Guidelines (Sections 15220 through 15229) describes the application of CEQA to projects that are also subject to NEPA. The preparation of joint documents is encouraged in Section 15222 “to avoid the need for the federal agency to prepare a separate document for the same project.”
- B.18-121 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. LVR and the Leona Valley 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.18-122 Thank you for submitting your opinion.