

3. Responses to Comments

This section provides responses to comments received during the DEIR public review period, which commenced on April 1, 2004 and ended on May 17, 2004. Responses to issues and concerns raised by several commenters are addressed in a set of General Responses (GR-1 through GR-6). More detailed responses are provided to individual comments in Sections 3.1 through 3.5, which provide copies of the comments submitted on the Draft EIR, as well as comments provided during the Public Participation Hearings held on May 10 and 11, 2004. Each comment set, including the transcripts from the Public Participation Hearings, is followed by the corresponding responses. Comment letters are presented chronologically, in the order of the date of the comment, followed by errata and minor text clarifications. The comments from the Applicant, SDG&E, are presented at the end of the comment letters as Comment Set SD.

Table 3-1 lists all comments and shows the comment set identification number for each letter.

Agency/Affiliation	Name/Title of Commenter	Date of Comment	Draft EIR Comment Set
Public Agencies or Their Representatives			
Padre Dam Municipal Water District	Mary Ellis Lindquist, Right of Way Agent	5/11/04	A
Instituto de Informatica, San Felipe, BC Mexico	Dr. Anthony Colleraine, Director General	5/12/04	B
San Diego County Water Authority	M. Kelley Gage, Water Resources Specialist	5/14/04	C
Helix Water District	Larry Campbell, Senior Right of Way Agent/Environmental Analyst	5/17/04	D
City of Santee	Douglas Williford, AICP, Director of Development Services	5/17/04	E
Caltrans, District 11	Mario H. Orso, Chief, Devpt Review Branch	5/17/04	F
San Diego Board of Supervisors	Dianne Jacob, Chairwoman	5/19/04	G
Federal Aviation Administration	Robert M. Strong Jr., Manager, Airway Facilities Division	5/24/04	H
United States Fish and Wildlife Service	Therese O'Rourke, Assistant Field Supervisor	5/24/04	I
California Department of Fish and Game	William E. Tippetts, Deputy Regional Manager		
Community Groups / Nonprofit Organizations and Private Companies			
Barona Band of Mission Indians	Dave Baron, Director of Government Affairs	5/14/04	CC1
San Diego Regional Chamber of Commerce	Jessie J. Knight, President and CEO	5/17/04	CC2
Border Generation Group	John W. Leslie and Micah D. Parzen from Luce, Forward, Hamilton & Scripps LLP	5/17/04	CC3
Barratt American, Inc.	Nick Arthur, Project Manager, Fanita Ranch	5/17/04	CC4
Public Participation Hearings			
May 10, 2004 at 4 p.m. Transcripts	Various	5/10/04	PPH1
May 10, 2004 at 7 p.m. Transcripts	Various	5/10/04	PPH2
May 11, 2004 at 4 p.m. Transcripts	Various	5/11/04	PPH3
May 11, 2004 at 7 p.m. Transcripts	Various	5/11/04	PPH4

Table 3-1. Commenters and Comment Set Numbers, <i>continued</i> Generally listed by date; multiple letters from one entity are grouped with first letter.			
Private Citizens or Groups of Citizens			
n/a	Dalour Younan	5/10/04	1
n/a	John Mood	5/12/04	2
n/a	Bob Meijer	5/12/04	3
n/a	Michael Bortoli	5/13/04	4
n/a	Lonna & Mike Perry	5/16/04	5
n/a	Mary E. England	5/16/04	6
n/a	Jeff Bruhn	5/16/04	7
Santee Citizens for Safe Power	Gregg Guenther, Ellen Holoway, and 40 other signers	5/17/04	8
n/a	Arlen & Elaine Watt	5/17/04	9
n/a	J. Michael Lowell	5/17/04	10
n/a	Linda Kirk and family	5/17/04	11
n/a	Ruth Jones	5/17/04	12
n/a	Katherine Marsh	5/17/04	13
n/a	Katherine Marsh	5/25/04	13
n/a	Kevin Marsh	5/17/04	14
n/a	Kevin Marsh – hardcopy comments from ALJ hearing	5/15/04	14
n/a	Bob and Gail Crawford	5/24/04	15
The Applicant			
San Diego Gas & Electric	Jill D. Larson, Attorney for SDG&E	5/12/04	SD

General Responses

GR-1 Proposed Project Relationship to OMPPA Project

Some comments have expressed interest in the relationship of the Proposed Project with the Otay Mesa Power Purchase Agreement Transmission (OMPPA) Project proposed by SDG&E (A.04-03-008, filed March 8, 2004). Along with other project components, transmission system improvements proposed by the OMPPA Project, the OMPPA Project would include the installation of a single-circuit 230 kV line in a vacant position on existing transmission towers that would be modified under the Miguel-Mission Project in the corridor between Miguel Substation and Fanita Junction. The Miguel-Sycamore Canyon 230 kV #2 circuit is the component of the OMPPA Project that would be installed within part of the Miguel-Mission ROW. As explained in DEIR Section B.1.2, the analysis for Proposed Miguel-Mission Project considers this “Future 230 kV Circuit” because of its foreseeable location on the same towers that would be used in this project.

Installation of the complete OMPPA Project is dependent on the successful approval and construction of the Miguel-Mission 230 kV #2 Project. If the Proposed Miguel-Mission Project is not approved, then SDG&E would need to substantially revise and expand the OMPPA Project to include the towers and poles used by the Miguel-Sycamore Canyon circuit. If the Miguel-Mission 230 kV #2 Project is approved as proposed or with an alternative presented in the DEIR, then SDG&E would still need a separate CPUC approval for installation of the second 230 kV circuit proposed in the OMPPA Transmission Project.

The CPUC is handling the Miguel-Mission Project and the OMPPA Project in separate proceedings. The Project Purpose and Need for the Miguel-Mission 230 kV #2 Project is described in Section A.2 of the DEIR. The primary purpose of the Miguel-Mission Project is: “. . . to reduce existing transmission constraints on SDG&E’s electrical system consistent with the objectives of Assembly Bill 970” (DEIR, page A-2). On February 27, 2003, the CPUC made a finding of need for the Miguel-Mission Project citing economic benefits (see Decision D.03-02-069 in docket No. I.00-11-001) (DEIR, page A-3). The CPCN Application (A.02-07-022) was submitted to the CPUC for approval on July 12, 2002. The OMPPA Project is a component of SDG&E’s Long-Term Resource Plan Outline, which was submitted to CPUC in response to a separate rulemaking (R.01-10-024). The CPUC and CAISO have not yet made any finding of need for the OMPPA Project, and it is not currently determined whether or not the OMPPA would provide any economic benefits to ratepayers. This determination would occur as part of the OMPPA Project proceeding. The CPCN Application (A.04-03-008) for the OMPPA project was submitted to the CPUC on March 8, 2004. The CPUC will prepare a separate CEQA document for the OMPPA project.

In most CPUC proceedings addressing proposed transmission projects, the need for the project is evaluated separately in the proceeding and in the Decision on the project concurrent with consideration of the EIR conclusions and environmental impacts. However, in the case of the Miguel-Mission Project, the CPUC determined the need for the project before the CPCN application was submitted, so no further consideration of need will occur in the CPCN proceeding. The Purpose and Need for the Proposed Project is discussed in Section A.2 of the Draft EIR, but it is not an issue specifically determined by CEQA.

GR-2 Electric and Magnetic Field (EMF) and Health Effects

A number of comments stated a concern about EMF as a potential health hazard. Commenters also expressed concern that there remains uncertainty in the scientific community as to the health effects of EMF, and that the CPUC should incorporate the “precautionary principle” in its evaluation of the Proposed Project and alternatives.

As a result of the uncertainty and complexity of current problems, such as EMF, the precautionary principle was developed by politicians and activists who insist on caution first and science second. Although there is no consensus definition of what is termed the “precautionary principle,” one often-mentioned statement, from the so-called Wingspread conference in Racine, Wis., in 1998 sums it up: 'When an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically.'¹

This issue is addressed in DEIR Section D.9.6. To date there have been hundreds of studies conducted related to the health effects of exposure to EMF from electric transmission lines. Some of these studies identify biological effects but not health effects from exposure to EMF. Some epidemiological studies have shown a weak association between health effects and surrogates of EMF exposure, such as proximity to transmission or distribution lines. The DEIR in Section D.9.6.3 summarizes the results of scientific review panels that have considered the body of EMF health effects research, and Appendix 5 of the DEIR expands on this.

¹ Appell, David. "The New Uncertainty Principle." *Scientific American*, January 2001. <http://www.biotech-info.net/uncertainty.html>

It should be noted that the often cited Wertheimer and Leeper 1979 study, which is seen as establishing widespread public attention on the EMF issue, was based on review of wire codes for electric distribution lines, not transmission lines such as that proposed and evaluated in this EIR. Researchers continue to explore whether EMF affects human health; to date they have not been able to demonstrate a health effect, nor have they been able to prove that EMF is not a health risk. Lacking proof that EMF is not a risk, the public's perception of EMF as a health risk remains the strongest driver behind continuing research in this area.

DEIR Section D.9.6 states that the CPUC does not consider magnetic fields in the context of CEQA and determination of environmental impact, first because there is no agreement among scientists that EMF does create a potential health risk, and second because there are no defined or adopted CEQA standards nor adopted State or federal standards, for defining health risk from EMF.

The position of the CPUC originates from the 1993 decision (D.93-11-013) that requires that utilities use "low-cost or no-cost" mitigation measures for facilities requiring certification under General Order 131-D (explained in DEIR, Section D.9.6.3, page D.9-25). This decision directed the utilities to use a 4 percent benchmark on the low-cost mitigation. This decision also implemented a number of EMF measurement, research, and education programs. The CPUC has not adopted any specific numerical limits or regulatory standards beyond the mitigation guidance presented in D.93-11-013 for EMF levels related to electric power facilities. Because the 4 percent benchmark that was set in D.93-11-013 was not established as a fixed standard, the CPUC in its decision on a proposed project can set a different figure as a cap on the amount of EMF mitigation on a project-by-project basis.

The CPUC proceeding and decision making process on SDG&E's application for a CPCN for the Proposed Project (A.02-07-022) covers environmental issues in compliance with CEQA along with other information in the CPUC's formal record for the proceeding. Other information in the formal record may include information on the economic benefits of the project, costs to ratepayers, and other issues submitted by parties. Although magnetic fields are not considered in the context of CEQA, the CPUC environmental review documents include information on magnetic fields for the benefit of the public and for consideration in the overall proceeding and decision-making process.

CPUC Decision D.93-11-013 is the current CPUC policy with respect to EMF mitigation and, therefore, is the standard discussed in the Draft EIR. However, the CPUC could consider in its General Proceeding whether those policies should be modified.

GR-3 Undergrounding of Transmission Lines

GR-3.1 Relocate Existing Transmission Lines Underground

Several commenters requested that the CPUC require SDG&E to underground both the proposed 230 kV circuit and the existing towers (currently a 230 kV double circuit line, a 138 kV/69 kV transmission line, and other lines in portions of the corridor). The existing transmission lines are part of the existing environment and the CPUC does not have authority under CEQA to require mitigation to address existing conditions. Section 15360 of the CEQA Guidelines describes the existing environment as "the physical conditions which exist within the area which will be affected by a proposed project . . . the 'environment' includes both natural and man-made conditions." According to §15125(a), for the purposes of CEQA analysis, the environmental baseline is "the surrounding conditions at the time environmental analysis is commenced . . . This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant." For the proposed Miguel-Mission Project, the environmental setting includes all of the existing transmission lines, as they were in place prior to the start of environmental analysis.

The impacts of the Proposed Project do not include the effects of activities already occurring or facilities already in existence, such as the existing transmission lines [see *Riverwatch v. County of San Diego*, 76 Cal. App. 4th 1428, 1451-1453 (1999)]. Accordingly, the suggestion that existing transmission lines be relocated underground is not permissible as an alternative or a mitigation measure under CEQA. Therefore, undergrounding of the existing transmission lines is not an appropriate alternative for the Miguel-Mission Project.

GR-3.2 Install Proposed New Transmission Line Underground

While the CPUC cannot require SDG&E to place the existing transmission lines underground (see GR-3.1 above), many commenters suggested that the proposed 230 kV circuit (or the 138 kV/69 kV circuits) should be placed underground. As described in the Alternatives Screening Report (DEIR Appendix 2), several underground alternatives were evaluated:

- Jamacha Valley 138 kV/69 kV Underground Alternative (Section 4.2.1.1, page Ap.2-18)
- City of Santee 138 kV/69 kV Underground Alternative (Section 4.2.2.1, page Ap.2-43)
- City of Santee 230 kV Underground along Southern ROW Boundary (Section 4.2.2.2, page Ap.2-48).
- And other underground routes through urban San Diego (see Section 4.3 and 4.4 of Appendix 2 of the Draft EIR)

The first two listed above would require the major portion of the underground circuits to be located within a roadway. These alternatives were carried forward for full analysis in the DEIR in every issue area in Section D.

GR-4 Property Values

A number of commenters have expressed concern about the effects of the proposed project on property values. The Miguel-Mission 230 kV #2 Project does not consider property values because economic and social effects are not considered significant under CEQA. Specifically, according to CEQA Guidelines §15131, economic or social effects of a project *per se* are not considered significant effects on the environment. To consider economic or social effects in a CEQA document, there must be an indirect physical effect to the environment resulting from the economic or social effects. If a project's probable economic or social effects have the potential to spur a physical effect which itself had the potential to significantly affect the physical environment, the environmental analysis could then consider the physical impacts associated with the economic or social effect. For example, an environmental review document could consider potential social or economic effects, such as increased employment, if the direct social or economic effects could have the potential to cause a physical effect on the environment, such as construction of additional housing for the new workers. In this example, the analysis in the CEQA document would focus on the effects to the physical environment caused by the housing construction, which would be an indirect effect of the original project. Without the potential for a physical effect on the environment, CEQA does not allow economic or social impacts of a proposed project to be considered significant.

In general, claims of diminished property value through decreased marketability of a subject property are based on the reported concern about hazards to human health and safety; and increased noise, traffic, and visual impacts associated with living in proximity to locally unwanted land uses, such as power plants, freeways, high voltage transmission lines, landfills, hazardous waste sites, etc. The issue of property value effects associated with such industrial facilities has been given much attention over the past 20 years, and as a result, has been the subject of extensive study.

While nearby property owners may have the perception that their homes will diminish in value because of the project, the actual loss of property value and potential effects can only be tested through data from home sales. Based on information from extensive literature reviews of this subject, data should be collected on as many market sales transactions as possible within the impact area and within one or more similar control areas over a few years prior to an awareness of a proposed project to accurately reflect what buyers and sellers actually do as opposed to what potential buyers say they might do under specified hypothetical circumstances. This type of data collection and study is beyond the scope of an environmental review document under CEQA.

While it may be possible to ascertain that particular physical environmental changes can affect property values within an immediate distance of the proposed project, at this time a definitive assessment of any potential impacts to nearby property values is not possible. A market study of current and future values of properties potentially affected by the proposed project would have to be conducted to evaluate property values with and without the proposed project being constructed.

Therefore, the Miguel-Mission 230 kV #2 Project EIR does not consider property values in the determination of environmental impact because, in accordance with CEQA Guidelines §15131, economic or social effects of a project are not considered significant effects on the environment. In addition, there is no available information to positively determine that the proposed project would negatively impact property values. Although there is evidence that transmission lines may have affected property values in some cases, the effects are generally smaller than anticipated and greater detailed studies on the subject are required to determine a direct correlation between the siting of industrial facilities (such as transmission lines) and property values.

GR-5 Aesthetic Impacts of the Proposed Project

In reaching conclusions regarding significance of aesthetic impacts, several factors are taken into consideration, including:

- Degree of noticeable visual change based on existing visual quality, viewer concern, and viewer exposure;
- Project's consistency with the visual elements of form, line, color, and texture in the existing landscape; and
- Extent of incremental visual change in the landscape.

Section D.13.3.1 of the Draft EIR provides descriptions of the visual assessment methodology utilized in the analysis and descriptions of current visual conditions in the overall project area and at 24 selected key observation points (represented in Figures D.13-2 through D.13-30). Section D.13.3.3 describes the Proposed Project's effects on scenic vistas and resources, and its potential to substantially degrade existing visual character. Despite some analysts' attempts to employ more technical methods of visual analysis, the evaluation of significance of visual impacts remains somewhat subjective. For this reason, a number of visual simulations were included in the Draft EIR to help the CPUC and readers gauge the degree of visual change associated with the Proposed Project. As described in the Draft EIR, after conducting the visual analysis and reviewing the visual simulations, it was concluded that the incremental visual change associated with the Proposed Project was less than significant with the implementation of mitigation measures.

Several commenters stated that the existing towers in the transmission corridor are unattractive and detract from the aesthetic environment of the community. In a CEQA analysis such as the EIR for the Miguel-Mission Project, the lead agency bases its impact assessment on a comparison of existing conditions to

future conditions with the Proposed Project. Therefore, the aesthetic impact analysis in the EIR focuses on the incremental change associated with the Proposed Project, not on impacts associated with current conditions. CEQA provides no authority for the lead agency to remedy existing conditions and, therefore, cannot recommend mitigation measures to address problems associated with the existing environment. As a result, it is not possible to impose mitigation that would require the applicant to modify the existing transmission lines or place them underground (see General Response GR-3 above).

In addition, as described in Section C (Alternatives) and in Appendix 2 (Alternative Screening Report), the CPUC considered 16 transmission alternatives. These alternatives included route and pole modifications as well as undergrounding segments of the lines. Please see Section D.13.4 on page D.13-124 of the Draft EIR for a complete discussion of the five alternatives retained for analysis and their potential aesthetic effects.

Incremental visual change as a result of the project was determined to be less than significant with the implementation of Mitigation Measures V-1 through V-6. At the same time, long-term visual impacts were weighed more heavily than short-term impacts, such as those associated with construction, for the purposes of recommending the preferred routes. As detailed in Section E.2 (Comparison of Alternatives), the Jamacha Valley 138 kV/69 kV Underground Alternative and the City of Santee 138 kV/69 kV Underground Alternative were both developed to reduce visual impacts to residences along the ROW, and they were both found to be visually preferred to the Proposed Project. In addition, the Jamacha Valley Overhead A Alternative, the Jamacha Valley Overhead B Alternative, and the City of Santee 230 kV Overhead Northern ROW Boundary Alternative were found to have comparable or reduced aesthetic impacts to the Proposed Project.

