Comment Set SD, cont.
San Diego Gas & Electric Company

Section D.1, Introduction to Environmental Analysis

SD-97

D.1.2.2 Environmental Consequences

In Section D.1.2.2., the Draft EIR states that impacts "were classified according to significance categories listed in each issue area." (page D.1-2) SDG&E would like to reiterate that the classifications of impacts are inconsistent throughout the entire document and, as a result, lead to inaccurate conclusions in the comparisons of alternatives with the Proposed Project. The Final EIR should revise the classifications of impacts (particularly Class II and Class III) to more accurately correlate with the true categories of impacts to each resource area.

SD-98

More importantly, the DEIR states that "[o]nce a significant impact was identified, diligent effort was taken to identify mitigation measures that would reduce the impact to a less than significant level." (page D.1-2) A mitigation measure is designed to minimize a *significant* environmental impact. (Pub. Res. Code §§ 21002.1(a), 21100(b)(3); CEQA Guidelines § 15126.4(a)(1).)(Emphasis added.) In other words, CEQA only requires that the lead agency develop mitigation measures for significant environmental impacts. (Pub. Res. Code §§ 21100(b)(3), 21150; CEQA Guidelines § 15126.4(a)(3).) An EIR need not discuss mitigation measures for insignificant environmental effects such as those designated in the DEIR as Class III impacts. In addition, it is inconsistent for the DEIR to note that Class III impacts are adverse and yet have a less than significant impact. The term adverse should only be applied to those impacts (i.e., Class I and II) having the potential to affect the environment to the extent that mitigation measures need to be applied. Yet almost all environmental impact analysis in the DEIR contains a class level that exceeds that true impacts and, as a result, proposes mitigation where there is no legal basis to require it.

The Final EIR should clarify that the Proposed Project poses only potentially significant environmental risks in a few environmental areas, but that they can be reduced to a level of less than significant with the Project Protocols and mitigation measures. It should further explain that the Commission need not adopt mitigation measures "recommended by this study" if the impacts from the Proposed Project are less than significant.

SD-99

If the Commission set a more accurate environmental baseline, then the resulting change in many resources would be Class III impacts requiring only the application of Project Protocols and no additional mitigation measures. The Proposed Project is unique in that it is planned for an existing transmission corridor, not pristine undisturbed land or a preexisting neighborhood that would be bisected or divided by the project.

Comment Set SD, cont.
San Diego Gas & Electric Company

Section D.2, Air Quality

SD-100

D.2.1 Environmental Setting for the Proposed Project
Existing Emission Inventory

This description in this section should specify that SDG&E obtains *part* of its electric power from generators within San Diego County, in southern California, the Pacific Northwest and south of the California-Mexico border. (page D.2-2)

SD-101

Table D.2-2 "Notable Generation Sources in Miguel-Mission Project Area" does not include some sources that would seem to be "notable" such as the Calpeak - El Cajon facilities over 20 MW. (page D.2-5) The Final EIR should either include additional facilities or clarify that this is not an exhaustive list of sources (peakers, cogeneration and other qualifying facilities). Also, the reference to "owner-facility" erroneously implies that SDG&E owns the Encina power plant. Cabrillo Power LLC is the owner of that plant. Similarly, Wildflower Energy is the current owner of the Larkspur units. The Commission should correct this information.

D.2.2 Applicable Regulations, Plans, and Standards
Air Quality Plans and Regulations

SD-102

The SDAPCD Regulation IC – Prohibitions, Rule 50 – Visible Emissions narrative is misleading because the San Diego Air Pollution Control District (SDAPCD) does not regulate mobile sources such as construction equipment, CARB does. (page D.2-7) SDAPCD only regulates stationary sources. The DEIR should also clarify that the off-road mobile (portable) source equipment regulated by CARB and US EPA does not include the regulation of emissions from construction equipment such as, but not limited to, bulldozers, cranes, dump trucks, graders, backhoes and pick-up trucks. The CARB and US EPA regulations would only apply to portable equipment such as auxiliary engines, compressors, sand screens, etc.

SD-103

Border Region Air Quality Management

SD-104

This discussion should qualify that the air quality management activities in the California-Mexico region are approximately 83 miles from SDG&E's existing right-of-way. (page D.2-7)

D.2.3.1 Definition and Use of Significance Criteria

SD-105

In the first full paragraph, the reliance on the "stringent recommendations" of the South Coast Air Quality Management District in lieu of the "informal" recommendations of the SDAPCD is confusing as currently drafted and should be explained properly. (page D.2-8) The FEIR should make clear that the entire air quality impacts analysis is based on another air district's standards, which are much stricter than those that actually apply to the Proposed Project area. There should also be an explanation of why the Commission utilizes these higher thresholds. In any event, the mitigation recommended

Comment Set SD, cont.
San Diego Gas & Electric Company

becomes obsolete because the Proposed Project would not cause significant impacts to air quality. SD-105

D.2.3.3 Proposed Miguel-Mission 230 kV #2 Project

Impact A-1: Construction Activities Would Create Emissions of Dust and Equipment Exhaust SD-106

The first sentence of this section implies that construction activities would occur simultaneously throughout the entire transmission route for the full 2 year schedule. (page D. 2-9) To the contrary, work would occur over particular segments of the 35-mile corridor so that exhaust emissions would be staggered, temporary and localized. Also, the DEIR contends that all types of equipment would be used simultaneously. Not all of the equipment listed would be used at the same time during construction because activities will vary by construction phase over project build-out. Equipment for each type of construction phase activity will vary accordingly. Moreover, the assumption that all of the construction activities listed in Table D.2-7 "Emissions from Construction of Transmission Line and Substation Modifications" would occur simultaneously on any given day is also in error. (page D.2-10) SDG&E was asked by the Commission to provide worst-case emission scenario information for all possible equipment operating concurrently, even though as a practical matter this would not occur. Nevertheless, even under this worst-case scenario emissions are all below the stringent South Coast air quality thresholds and thus, less than significant. This data plus SDG&E's implementation of Project Protocols 7, 11, 12 (all of which were erroneously omitted from Table D.2-6 and should be added), 56, 57, 58, 59 and 60 abrogate the need for the additional mitigation measures imposed in the DEIR to reduce less than significant impacts.

Mitigation Measure for Impact A-1, Construction Activities Would Create Emissions of Dust and Equipment Exhaust SD-107

Mitigation Measure A-1a is unwarranted, highly qualitative and duplicative of SDG&E Project Protocols 56 and 57. (pages D.2-10, D.2-17) Project Protocol 56 identifies measures to minimize the release of PM10, including but not limited to, prohibiting grading on days with unusually high winds, where feasible, covering all trucks hauling soil and other loose material, limiting vehicle speeds on unpaved roads and *treating unpaved roads with chemical stabilizers or by watering, as necessary.* (page D.2-9)(Emphasis added). Project Protocol 57 minimizes mud and dust from being transported onto paved roadway surfaces by paving or applying chemical stabilizers at sufficient concentration and frequency to maintain a stability surface starting from the point of intersection with the public paved surface and extending for a centerline distance of at least 100 feet and a width of at least 20 feet. (page D.2-9) Thus, the protocol provides flexibility to determine appropriate paving and applications in the field. The three-times per day mandate in Mitigation Measure A-1a may unintentionally result in wasteful water use and may not be possible to achieve within the normal hours of construction. SDG&E's construction foreman or inspector should be able to follow

Comment Set SD, cont.
San Diego Gas & Electric Company

standard procedure to determine how many times per day dust suppression techniques are appropriate. **SD-107**

In addition, SDAPCD Rule 50 (dealing with visible emissions) provides regulatory and enforcement mechanisms to ensure that dust emissions are protective of public health. The requirement in Mitigation Measure A-1a to "pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas if activity causes persistent visible emissions of fugitive dust beyond the work area (emphasis added)" is not an objective criterion from which to judge whether the project is in compliance or not. The phrase "visible dust" is subjective and open to interpretation because what constitutes visible dust varies from individual to individual. A more effective, objective and enforceable mitigation measure is to utilize SDG&E Project Protocols 56 and 57 in conjunction with SDAPCD Rule 50 and to remove Mitigation Measure A-1a from the Final EIR.

With respect to Mitigation Measure A-1b, there are no federal, state or local regulations that require measures (1), (2) and/or (3). (pages D.2-10, D.2-17) The directive to "use diesel engines that meet, at a minimum, 1996 CARB or US EPA certified standards for off-road equipment that has a rating of more than 100 horsepower, or install high-pressure diesel injectors and retard the injection timing on any off-road equipment that was manufactured prior to 1996" far exceeds the bounds of CEQA for lack of authority to mandate it. Construction contractors have informed SDG&E that it would be unlikely that they would enter into a written agreement that commits them to comply with these requirements. Thus, construction of the project could be precluded because no contractor has a new fleet of equipment to comply with these stringent requirements. Industry standard indicates that it is more likely that 50% to 75% could achieve these standards. Approximately not more than 25% of all off-road engines greater than 50 horsepower manufacturer prior to 1996 shall be used on this project. It will likely be difficult for SDG&E to find anyone to build the project if no one can commit to 100% compliance. But implementation of the Project Protocols that minimize air quality impacts and the 75% of compliant construction equipment will help achieve a reduction in impacts. Also, the correct CARB/US EPA threshold is 50 horsepower not 100 horsepower. **SD-108**

If Mitigation Measure A-1b is not deleted in its entirety, as set forth above, it should be limited as follows: "Use low-emission portable equipment: For portable engines that have a rating of 50 horsepower or more, SDG&E shall use only SDAPCD permitted or State or SDAPCD registered engines and where feasible, substitute diesel and gasoline-powered engines with electric motor driven equipment. SDG&E will also follow its Project Protocols, in particular Project Protocol 60, which limits unnecessary idling time to further reduce potential impacts to air quality."

Comment Set SD, cont.
San Diego Gas & Electric Company

D.2.4.1 Jamacha Valley 138 kV/69 kV Underground Alternative
Environmental Impacts and Mitigation Measures

SD-109

The statements that the Jamacha Valley 138 kV/69 kV Underground Alternative would have emissions during construction and operation that would not be substantially different than the Proposed Project are false. (page D.2-13) The trenching and material hauling activities associated with undergrounding the transmission lines will cause greater potential air emissions. The DEIR fails to accurately describe the adverse change in air quality from having to access underground lines in Jamacha Valley for repair throughout the life of the lines. The Final EIR should fully address these issues.

D.2.4.2 Jamacha Valley Overhead A Alternative
Environmental Impacts and Mitigation Measures

SD-110

This discussion should include more detail on the potential air quality impacts associated with extending the existing access roads to the eastern side of the ROW. Considerably more road construction for new access roads will be required through Jamacha Valley in order to build this alternative. (page D.2-13)

D.2.4.4 City of Santee 138 kV/69 kV Underground Alternative
Environmental Impacts and Mitigation Measures

SD-111

The comments and proposed revisions for the Jamacha Valley 138 kV/69 kV Underground Alternative are equally applicable here. (page D.2-15)

D.2.6 Mitigation Monitoring, Compliance, and Reporting Table

SD-112

Table D.2-8 "Mitigation Monitoring Program – Air Quality" should eliminate the requirement for SDG&E to provide evidence of construction contracts specifying low-emission equipment. (page D.2-17) Also, the FEIR should reflect the suggested changes to Mitigation Measures A-1a and A-1b set forth above.

Section D.3, Biological Resources

SD-113

As an introduction to its comments on the Biological Resources Analysis, SDG&E would like to emphasize the importance of its Natural Community Conservation Plan (NCCP) and the avoidance and minimization practices contained therein as they relate to sensitive species and habitat. In SDG&E's NCCP, from which most of the Project Protocols are derived, and the related Implementing Agreement, USFWS and CDFG expressly agreed that no further protective or mitigation measures could be required with respect to any impact or incidental take resulting from SDG&E activities conducted in compliance with the NCCP, the Implementing Agreement and the Management Authorization.[6] SDG&E is already required to continuously monitor,

[6] Subregional Natural Community Conservation Plan, Implementing Agreement dated December 18, 1995, p. 17, ¶ 6.2(b).

Comment Set SD, cont.
San Diego Gas & Electric Company

maintain and submit written records of the amount and type of habitat lands impacted by its activities, both temporary or permanent.[7] In essence, SDG&E continuously considers, avoids and/or minimizes potential impacts to biological resources in all new projects and operation and maintenance activities and coordinates with USFWS and CDFG. An explanation and clear understanding of SDG&E's NCCP is critical to the treatment of potential biological impacts associated with the Proposed Project. USFWS and CDFG developed the practices in the NCCP that SDG&E is legally bound to follow. Yet, the DEIR practically dismisses project protocols from the NCCP as not quite sufficient to address potential environmental impacts.

SD-113

D.3.1.4 Special Status Plant and Animal Species within the Project Area

SD-114

In the second bulleted paragraph on page D.3-8, change the second sentence from "Non-protocol" to "Protocol" to describe the San Diego fairy shrimp surveys. Fairy shrimp surveys were performed according to USFWS Interim Survey Guidelines for the List Vernal Pool Branchiopods (USFWS 1996b) as noted on page 22 of Appendix 3, Biological Resources Technical Report. In the fourth sentence of that paragraph, remove the phrase "likely dispersing through the area."

D.3.1.5 Sensitive Biological Resources Documented in Project Area
Miguel Substation to Los Coches Substation

SD-115

In Section D.3.1.5, clarify that the sighting of the quino checkerspot butterfly was not during protocol surveys but merely "incidental" and was along an existing access road, not along the project corridor. (page D.3-12)

D.3.2.3 Regional Policies, Plans, and Regulations

SD-116

USFWS has confirmed that SDG&E's NCCP applies to project areas on MCAS Miramar. (page D.3-16) A copy of USFWS' letter to that effect is attached hereto as Attachment B. The Final EIR should be revised to reflect this.

D.3.3.2 Project Protocols

SD-117

In Project Protocol 34, the Commission should remove the reference "(as defined in this PEA)." (page D.3-21)

D.3.3.3 Proposed Miguel-Mission 230 kV #2 Project
Mitigation Measure for Impact B-2.1, Impacts to San Diego Ambrosia

SD-118

A survey was performed in spring 2004 to verify the limits of San Diego ambrosia in the vicinity of new structure #370. Based on the GPS survey limits of the population noted, SDG&E has designed the placement of new structure #370 in this area to avoid any impacts to San Diego Ambrosia. (page D.3-30)

[7] *Id.*, p. 23, ¶ 9.1.

Comment Set SD, cont.
San Diego Gas & Electric Company

Mitigation Measure for Impact B-4.2, Impacts to Coastal Cactus Wren

SD-119

Mitigation Measure B-4b, item 4, notes that consultation with USFWS and CDFG is required prior to any activity that would impact nesting birds. This should be clarified to note that such consultation would be performed consistent with the NCCP and does not imply the need for a formal consultation under Section 7 or Section 10 of the federal Endangered Species Act (ESA).

Mitigation Measure for Impact B-4.3, Impacts to Coastal California Gnatcatcher

SD-120

Mitigation Measure B-4c provides that if the coastal California gnatcatcher monitor determines that the construction activities are disturbing or disrupting the nesting activities, the monitor shall make feasible recommendations to reduce the noise and/or disturbance in the vicinity. (pages D.3-31 to D.3-32) This may include recommendations such as, but not limited to, turning off vehicle engines and other equipment whenever possible to reduce noise, installing a protective noise barrier between the nesting coastal California gnatcatcher and the project activities, and working in other areas until the young have fledged. Although these are all typical mitigation measures used for nesting coastal California gnatcatchers on other large construction projects in the area, SDG&E has an incidental take permit for this species through its NCCP and related Implementing Agreement. Therefore, this mitigation measure is redundant with existing regulations, permits and agreements governing SDG&E activities and should be removed from the Final EIR.

Mitigation Measure B-4c, item 4 notes that consultation with USFWS and CDFG is required prior to any activity that would impact nesting birds. (page D.3-31) This should be clarified to note that such consultation would be performed consistent with the NCCP and does not infer the need for a formal consultation under Section 7 or Section 10 of the federal ESA.

Mitigation Measure for Impact B-4.4, Impacts to San Diego Fairy Shrimp

SD-121

The last statement in this section, which starts "In response to a request from the USFWS . . .," should be revised to ". . .USFWS, the feasibility of the following mitigation measure shall be investigated for further protection of vernal pools." (page D.3-33)

Mitigation Measure B-4d, item 4 suggests SDG&E examine whether an alternate route to the west is feasible to access its existing transmission corridor, if SDG&E must be in this area during the wet season, to avoid any potential impacts to San Diego fairy shrimp. (pages D.3-27 to D.3-33) If SDG&E were required to pursue an alternate route to the west and outside the existing ROW, it would have to obtain new approval from the Navy, acquire new rights from the other property owners, and design and build new access roads. All of these conditions associated with this requirement will further delay the in-service date and add cost to SDG&E's ratepayers who have already been paying

Comment Set SD, cont.
San Diego Gas & Electric Company

for existing access road rights. SDG&E has investigated this alternate route and for the reasons stated above will not be able to obtain new access road rights. In addition, even the suggested alternate route does not completely avoid all known vernal pool locations. Because Project Protocol 33 mandates that no new facilities be planned that disturb vernal pools, SDG&E would need to confer with USFWS and CDFG regarding the benefits of (and any mitigation for) eliminating the existing access road in favor of the alternative road. If approved by the Navy, USFWS and CDFG, the alternative access road could be developed for future use beyond the timeframe of this project.

SD-121

Mitigation Measure for Impact B-4.5, Impacts to Quino Checkerspot Butterfly

SD-122

In the last paragraph under B-4g "Protect quino checkerspot butterfly," SDG&E believes that a qualified biologist is acceptable to identify suitable quino checkerspot butterfly habitat and that "botanist" should be changed to "biologist" in the Final EIR. (pages D.3-35, D.3-56) More importantly, in order to be consistent with the NCCP Amendment, the definition of suitable quino habitat should include a provision that "areas that meet the shrub cover standard are excluded if the groundcover vegetation is disturbed and/or covered by understory vegetation to the extent that larval host plants do not grow. Areas of solid rock substrate are also excluded." (page D.3-56)

Mitigation Measure for Impact B-5, Impacts by Invasive Plant Species

Mitigation Measure B5-a mandates that existing vegetation be cleared only from areas scheduled for immediate construction work (within 10 days) and only for the width needed for active construction activities. (pages D.3-36, D.3-57) The requirement to clear vegetation within the 10 day window before construction activity is incompatible with portions of Mitigation Measures B-4b, B-4c and B-4f, which require all grading or brushing of maritime succulent scrub, coastal sage scrub, and disturbed coastal sage scrub to occur from September through February (outside of the coastal cactus wren and coastal California gnatcatcher breeding season) or all grading in suitable quino checkerspot butterfly habitat from June 1 to October 15 (outside of butterfly larval and adult activity). Due to construction scheduling that may require SDG&E to construct in these vegetation communities during the breeding and/or flight season, SDG&E should be allowed to grade or brush maritime succulent scrub, coastal sage scrub, and disturbed coastal sage scrub from September through February and outside the quino checkerspot butterfly activity period from June 1 to October 15, even though construction will not occur exactly within 10 days. By allowing SDG&E to clear these vegetation communities outside of the breeding and adult activity seasons, but before construction activities begin, potential impacts to coastal cactus wren, coastal California gnatcatcher and quino checkerspot butterfly will be reduced. Although SDG&E recognizes that the intent of this measure is to keep habitat in place as long as possible, the 10-day blanket requirement is problematic because it does not provide for flexibility to clear just beyond that timeframe. If it is included in the Final EIR, it will substantially delay project construction. This measure should be revised as follows: Existing vegetation shall be cleared consistent with SDG&E's NCCP and only for the width needed for active construction activities. To avoid potential erosion, SDG&E will immediately implement

Comment Set SD, cont.
San Diego Gas & Electric Company

SWPPP measures and BMPs and will commence work on cleared areas as soon as possible. SD-122

This mitigation measure also mandates use of "weed free" imported soil during construction and requires that all trucks be cleaned before construction each day to prevent invasive, non-native plant species into sensitive plant species. (page D.3-36) USFWS and CDFG did not consider the threat of invasive plants to be serious enough to require SDG&E to implement these measures in its NCCP or in any other project. In addition, due to the length of time this existing corridor has been in place, the washing would have little effect because some exotic plants have already been introduced within the existing right-of-way. While this measure might be an appropriate restriction on new, long access roads, there is no value in imposing it here to the established corridor. Also, it may unnecessarily waste water resources because SDG&E would have to bring in additional water trucks beyond those needed for dust control, and thus cause more impacts than the value intended by the measure. It may be infeasible for SDG&E to commit to this requirement on behalf of all of the construction contractors. Accordingly, SDG&E requests that this portion of Mitigation Measure B-5a be removed from the Final EIR because it is infeasible and does not demonstrably reduce the potential impact. SD-123

Impact B-6: Impacts Due to Bird Electrocution and Tower/Line Collision

In the last paragraph of this section, the reference to 10 feet difference in height between the 230 kV and 138 kV/69 kV conductors is not accurate. (page D.3-37) Terrain variations and the required installation of overhead ground wires causes wide differentials in structure and conductor heights. Based on the clearance requirements between circuits of different voltages the height of structures at uniform elevation can differ by as much as 40 feet. Because the area is not a major flyaway for avian species, there is not a sufficient connection between the proposed facilities and the potential avian contact with these facilities. SD-124

D.3.4.1 Jamacha Valley 138 kV/69 kV Underground Alternative
Environmental Impacts and Mitigation Measures

The Jamacha Valley 138 kV/69 kV Underground Alternative discussion understates the biological impacts associated with this alternative. (page D.3-41) The first sentence should be corrected to read that "***Temporary*** impacts from the Jamacha Valley 138 kV/69 kV Underground Alternative would be less than those previously described for the Proposed Project, ***but permanent impacts from this alternative would be greater***." (Emphasis added.) In comparing this alternative with the Proposed Project, the Draft EIR concludes that "The result is a moderate reduction in impacts to the mitigation for sensitive vegetation communities." This is unsupported by the data in the DEIR and should be revised. SD-125

Comment Set SD, cont.
San Diego Gas & Electric Company

Comparison to Proposed Project with Future Circuit

SD-126

Similarly, the DEIR concludes that "Temporary impacts to sensitive vegetation communities would be slightly decreased by implementation of the alternative route" and "impacts to sensitive plants and animals would remain the same." (page D.3-41) Impacts will only be moderately and slightly reduced and mitigation would be the same in comparison to the Proposed Project; therefore, the reduction in impacts is not substantial enough to warrant selecting this alternative in lieu of the Proposed Project. In any event, SDG&E's compliance with its NCCP, the Project Protocols and its federal and state permits render any impacts to biological resources less than significant.

D.3.6 Mitigation Monitoring, Compliance, and Reporting Table

SD-127

Table D.3-12 "Mitigation Monitoring Program – Biological Resources" inappropriately designates the Commission as the responsible agency for several measures, when in fact USFWS and CDFG are the proper agencies. (e.g., pages D.3-52, D.3-54) Mitigation Measures B-4d, B-4e, B-4f, B-4g and B-5a should only apply prior to and during construction and should not apply to routine operation, maintenance and repair occurring after construction. (pages D.3-53 to D.3-57) These changes along with those cited above in this Section should be made in the Final EIR.

Section D.4, Cultural Resources

SD-128

While it is true that staging and other work areas could potentially impact unknown cultural resources, the entire right-of-way and access roads are already disturbed so the Proposed Project is not forging through undisturbed territory. SDG&E has already investigated and is avoiding known cultural resource locations and the probability of damaging unknown cultural resources is low.

D.4.2 Applicable Regulations, Plans and Standards

SDG&E concurs that the Proposed Project should be implemented in a manner consistent with the ordinance and guidelines adopted by local agencies to protect and conserve cultural and natural resources. (pages D.4-8, D.4-9) However, as a public utility under the exclusive jurisdiction of the Commission, SDG&E would not be subject to the need to obtain any discretionary permits related to a local agency's cultural resources protection ordinances or guidelines. This preemption does not relieve SDG&E of meeting and conferring with local agencies regarding cultural or natural resource issues (i.e., environmentally sensitive lands) where those local agencies may have concerns.

D.4.3.2 Project Protocols

SD-129

Project Protocols 15 and 17 also reduce potential impacts to cultural resources. The addition of these protocols addresses the concern on page D.4-11 in the DEIR for additional clarity and specificity in implementing cultural resource protection. Please include these in Section D.4.3.2 (page D.4-10) and Table D.4-3 "Project Protocols."

Comment Set SD, cont.
San Diego Gas & Electric Company

(page D.4-11). The Final EIR should explain how SDG&E's extensive Project Protocols 7, 15, 17, 39, 40, 41, 53 and 63 reduce potential impacts to less than significant even without the suggested additional mitigation measures suggested by the Draft EIR. SD-129

D.4.3.3 Proposed Miguel-Mission 230 kV #2 Project SD-130

SDG&E believes it is unlikely that maintenance personnel would conduct vandalism or unauthorized collection of cultural materials from sites, (page D.4-14), but SDG&E's standard practice is to determine when to close access roads based on reports of unauthorized use and if it is feasible to obtain landowner consent where SDG&E does not own the property (see discussion below for proposed change to Mitigation Measure C-4a).

Impact C-1: Construction Operations Could Affect Known Cultural Resources SD-131

Contrary to the assertion in the Draft EIR, SDG&E's Project Protocols 7, 15, 17, 39, 40, 41, 53 and 63 relevant to cultural resources can effectively mitigate potential impacts to less than significant. (page D.4-16) Mitigation Measure C-1b, which requires construction monitoring within 150 feet of known cultural resources, is not appropriate as a blanket condition. Monitoring clearing and grubbing is proper, but should follow a program of site boundary definition based on the limits of grading and clearing for proposed work areas and new access roads. It is likely that many sites that appear near the proposed activity actually exist beyond the recommended 150-foot buffer radius if accurate delineation efforts are made. Monitoring should be limited to ground disturbing activity in previously undisturbed areas within 150 feet of eligible and potentially eligible cultural resources. Ineligible and non-unique archaeological resources need not be monitored. This mitigation measure should be narrowed as a result.

Mitigation Measures for Impact C-2, Construction Operations Could Affect Undiscovered Cultural Resources SD-132

Mitigation Measure C-2a, which requires conducting archaeological surveys on steep slopes or densely vegetated areas prior to and during construction, must be modified. (page D.4-17) It would be physically impractical to survey the steep slopes and in areas of dense vegetation, as it was during previous cultural field surveys. To effectively survey, SDG&E would need to remove all vegetation just to see the surface of the ground or crawl along the ground. This measure could be modified to address the following. Additional survey of areas, where initial conditions did not allow for adequate coverage, should be surveyed prior to ground disturbing activity if conditions have changed so that effective survey coverage can be achieved. If conditions continue to preclude effective survey coverage, then the area would need to be cleared before additional surveys would be effective. A qualified archaeological monitor should observe these areas during clearing. Upon discovery of cultural resources, the Project Protocols and the revised mitigation measures for Impact C-1 would still be implemented.

Comment Set SD, cont.
San Diego Gas & Electric Company

Mitigation Measure C-2b is inappropriate because only ground disturbing activities with a potential to affect eligible or potentially eligible cultural resources need be monitored. (page D.4-17) Depositional settings, subsurface components of known sites and areas inaccessible during prior surveys have a potential to host cultural resources that may be eligible. Non-depositional settings, disturbed areas and ineligible cultural resources are not proper foci for the archaeological monitoring program. This blanket monitor of the entire project is excessive and lacks the necessary nexus to the potential impacts. (*Nollan v. California Coastal Comm'n, supra,* 483 U.S. at 834-837.) The Commission should limit this mitigation accordingly in the FEIR. SD-133

Mitigation Measures for Impact C-3, Future Maintenance Operations Could Affect Known Cultural Resources SD-134

SDG&E disputes Mitigation Measures C-3a because the Commission does not otherwise monitor SDG&E's operation of its facilities and should not here in its existing corridor. (page D.4-17) SDG&E's operation and maintenance procedures are in accordance with the NCCP and Commission rules and regulations. As mentioned above, this is not new territory but rather a highly developed transmission corridor. Moreover, SDG&E's natural and cultural resources training modules instructs its environmental specialists, project designers and project planners on the consideration of cultural resources during project planning and design. This measure poses an extensive and redundant training requirement for SDG&E to create, implement and submit to the Commission before commencement of construction. In accordance with the Project Protocols, SDG&E proposes to (a) provide pre-construction training to crews regarding cultural resources, (b) fence or flag and protect any known cultural resources for avoidance prior to construction, (c) monitor all working areas for any cultural resources during construction and (d) document the location of any resources found. If those resources present a concern for future operations and maintenance, SDG&E would note those resources. If none are found, then there is no need to implement such training for operations and maintenance crews. Basically, if there is not a potential for future disturbance, then there is no nexus to the proposed mitigation. (*Nollan v. California Coastal Comm'n, supra*, 483 U.S. at 834-837.)

Mitigation Measures for Impact C-4, General Public May Collect or Vandalize Cultural Resources SD-135

The impact discussion overestimates the potential threat to cultural resources. (page D.4-18) As a result, the proposed mitigation is excessive and conflicts with SDG&E's existing practices. Mitigation Measure C-4a's broad requirement that SDG&E install locked gates at every access road is unnecessary. The construction of new, permanent access roads will all occur within the existing SDG&E transmission corridor, based on easement and fee interests. These new roads will branch off of existing maintenance/access roads. In vast rural areas, these existing maintenance/access roads are gated and locked to restrict unauthorized access. In these rural areas, the underlying owners of affected properties and/or entities having superior land interests have the ability to jointly use these roads. In congested urban areas, many property owners may

Comment Set SD, cont.
San Diego Gas & Electric Company

use SDG&E maintenance/access roads as legal access to their properties. The installation of new locked gates by SDG&E over these existing maintenance/access roads may hinder convenience, unrestricted and legal access by private land owners and could be prohibited by superior title interests. SDG&E cannot violate these rights by restricting access, and it would be a disproportional burden to require SDG&E to approach every single property owner. (*Nollan v. California Coastal Comm'n, supra*, 483 U.S. at 834-837.) Hence, this mitigation measure should be deleted.

SD-135

D.4.4.1. Jamacha Valley 138 kV/69 kV Underground Alternative

Mitigation Measure for Impact C-5, Construction Operations Could Affect Buried Archaeological Sites Along the Sweetwater River

SD-136

The buried sites testing ordered in Mitigation Measure C-5a is unsuitable as currently written. (page D.4-19) While there is the potential for buried deposits to be affected by the proposed undergrounding, the work needed to identify and assess those resources by implementing a buried sites testing program is exceptional. Given the nature of the potential impact, monitoring during construction, with the provision for collection and documentation should a significant deposit be found, would suffice. In fact, trenching similar to that involved in actual construction may be the ultimate result of the required testing program.

Comparison to Proposed Project

All three paragraphs in this portion of Section D.4.4.1 contradict the statements in Section C.4.2.1 "Potential to Lessen Significant Environmental Effects" with the Jamacha Valley 138 kV/69 kV Alternative. (page C-10) Here, the DEIR claims that eliminating the overhead "circuits from this segment would not appreciably reduce the potential impact to cultural resources from the Proposed Project," and that none of the proposed structures "under this alternative would affect known cultural resources." (pages D.4-19, D.4-20)

Section D.4.4.2 Jamacha Valley Overhead A Alternative

SD-137

Under this alternative, any future access roads would be outside of the existing right-of-way. The FEIR should clarify this paragraph to state that SDG&E would need to acquire new access rights from multiple property owners and then construct these roads. (page D.4-20) Such acquisitions would take substantial time to negotiate, acquire and construct. This will add additional cost and delay the in-service date of the project.

Environmental Setting

Although this alternative in Jamacha Valley is within the existing ROW, the FEIR should reflect that any access roads to be constructed are not in existing right-of-way and could impact undiscovered cultural resources. (page D.4-20)

Comment Set SD, cont.
San Diego Gas & Electric Company

D.4.4.4 City of Santee 138kV /69kV Underground Alternative
Environmental Impacts and Mitigation Measures SD-138

The first sentence of this section asserts the portion of this alternative south of the ROW was not included in the cultural resources survey performed for the Proposed Project and that the presence of any resources are unknown. (page D.4-23) This is false. Every section and paragraph of D.4.4.4 is inaccurate because there are sites within the ROW, and they are depicted on SDG&E's Confidential Cultural Resources Archaeological Sites maps. The sites are referenced on page C-35 in the Alternatives Section of the DEIR. The Final EIR should correct this analysis and disclose that this alternative will have much greater impacts to cultural resources than the Proposed Project.

Section D.5, Geology, Soils, and Paleontology SD-139

D.5.2 Applicable Regulations, Plans, and Standards
The California Building Code

Contrary to what is stated in the Draft EIR, the California Building Code does not apply to utility transmission line construction. (page D.5-12) The Proposed Project will be designed and built in accordance with GO 95.

City of San Diego Municipal Code SD-140

Because it is a public utility, SDG&E would not be required to obtain the permits listed under the City of San Diego Municipal Code section for its activities exclusively within the jurisdiction of the Commission. (page D.5-12) This reference should be corrected in the FEIR.

D.5.3.1 Definition and Use of Significance Criteria SD-141

In the last sentence of the first paragraph, confirm that the agencies in "based on standards set or expected by agencies for the evaluation of geologic hazards" is limited to the applicable cities and San Diego County. (page D.5-13) The intent here is unknown and there are no known agencies that evaluate geologic hazards.

D.5.3.2 Project Protocols SD-142

In Table D.5-5, "Project Protocols – Geology, Soils and Paleontology" in the seventh line of Project Protocol 5, insert ", existing access roads" after ". . .disturbed areas. . ." (page D.5-14) Also, Project Protocol 55 applies to the underground options only, not the Proposed Project overhead activities. In its grading plans, SDG&E will submit its standard BMPs rather than an Erosion Control and Sediment Transport Control Plan. The Erosion Control and Sediment Transport Control Plan would be redundant to the best management practices in SDG&E's Storm Water Pollution Prevention Plan (SWPPP) that it will prepare for this project to prevent construction pollutants from

Comment Set SD, cont.
San Diego Gas & Electric Company

contacting storm water and keep erosion from moving off-site into receiving waters. (page D.5-16) SD-142

D.5.3.3 Proposed Miguel-Mission 230 kV #2 Project

Impact G-2: Slope Instability Including Landslides, Earth Flows, and Debris Flows May Impact Stability of New Pole Foundations SD-143

In this impact analysis, there is no evidence to support the conclusory statement that small landslides have occurred in all areas of the Proposed Project where Tertiary-age, flat-lying sediments overlie granitic or metamorphic bedrock. (page D.5-17) It is not clear from the Draft EIR what the basis is for the Commission's assumption that areas most likely susceptible to seismic activity occur at Tower #1290 and above where tower footings are placed on ridges and slopes of sedimentary rock. This premise is not consistent with what SDG&E's geologic refraction studies indicated for the new pole sites.

Mitigation Measure for Impact G-2, Landslides, Earth Flows, and Debris Flows SD-144

A geotechnical engineer is more qualified than a geologist to evaluate ground stability. (pages D.5-17, D.5-26) This discussion and Mitigation Measure G-2a should be revised accordingly.

Impact G-3: Increased Soil Erosion Caused by Construction and Use of Maintenance Roads May Impact Tower Stability SD-145

The assumption that existing access roads focus overland flow and contribute to erosion of the soil is speculative and not supported by any hydrology data in the Draft EIR. (page D.5-17) Mitigation Measure G-3a cites specific practices to minimize soil erosion along maintenance roads. SDG&E should have more flexibility in developing and applying suitable BMPs to the Proposed Project. (pages D.5-18, D.5-26) It is duplicative and unnecessary to force measures that are already part of SDG&E's practice and industry standard. The Final EIR should revise this measure to allow SDG&E to follow the Project Protocols and the BMPs in the SWPPP.

Mitigation Measure for Impact G-4, Erodible Soils SD-146

Mitigation Measure G-4a is unnecessary to reduce potential impacts from erodible soils because Project Protocol 37 and SDG&E's NCCP cover essentially the same issues of soil erosion. (page D.5-18) SDG&E does not expect to abandon any of its existing access roads or any stub roads created for access to the new poles needed for the Proposed Project. SDG&E has standard maintenance practices for its facilities that adequately address erosion prevention. SDG&E should be able to continue to follow those present practices. The Final EIR should scale back this mitigation measure.

Comment Set SD, cont.
San Diego Gas & Electric Company

Impact G-5: Construction on Unstable and Erodible Deposits on Ridges and Steel Slopes, and in Areas near Active Washes May Result in Landslides or Undermining of Pole Foundations SD-147

The Impact G-5 analysis is flawed and addresses a structure that is neither a part of the Proposed Project nor located within an active wash. (page D.5-18) This sentence should be deleted in its entirety.

Mitigation Measure for Impact G-6, Expansive Soils SD-148

Mitigation Measure G-6a, which requires geotechnical investigations that include an analysis of expansive soils be performed for any new or modified foundations for facilities at the Miguel and Mission substations, is unnecessary because SDG&E's standard engineering design practices already include geotechnical evaluations. (page D.5-19) Using the results of the geotechnical report, SDG&E engineers design footings, foundations and poles per applicable utility industry standards. It is redundant to particularize industry standard requirements because they are already followed to reduce potential impacts. In any event, SDG&E is not modifying any foundations in this project.

Mitigation Measure for Impact G-7, Paleontologic Resources SD-149

Again, this measure requires paleontological resources training to all construction personnel involved in earthmoving. As discussed above with respect to cultural resources, SDG&E's natural and cultural resources training module instructs its environmental specialists, project designers and project planners on the consideration of cultural resources in project planning and implementation. This measure poses an extensive training requirement for SDG&E to create, implement and submit to the Commission before commencement of construction. SDG&E proposes to (a) monitor all sensitive working areas for any paleontological resources during construction and (b) document the location of any resources found. If those resources present a concern for future operations and maintenance, SDG&E would note those resources. If none are found, then there is no need to implement additional paleontological resource training. Basically, if there is no potential for future disturbance, then there is no essential nexus to the proposed mitigation. Finally, this measure will substantially delay this time-sensitive project and should be eliminated.

D.5.4.4 City of Santee 138 kV/69 kV Underground Alternative SD-150

The Santee Underground Alternative analysis downplays the extent of the trenching impacts on geology, soils and paleontology by stating the impacts will be "slightly greater" than those associated with the Proposed Project. (page D.5-24) In fact, the Santee Underground Alternative would traverse a known archeological site at the east end of the terminus of Princess Joann Road. Also, this option will cause much greater disturbance during underground construction and repair and maintenance of the buried lines.

Comment Set SD, cont.
San Diego Gas & Electric Company

D.5.6 Mitigation Monitoring, Compliance, and Reporting Table

SD-151

In Table D.5-6 "Mitigation Monitoring Program – Geology, Soils and Paleontology," local planning agencies are improper responsible agencies for every single Mitigation Measure and should be removed from G-1a, G-2a, G-3a, G-4a, G-5a, G-6a and G-7a. (pages D.5-26 to D.5-28) Per the Commission's own dictate, public utilities are not subject to local regulations and preferences because the delivery of safe and reliable energy is a matter of statewide concern. (See, GO 131-D and its underlying Decision 94-06-014, 55 CPUC2d 87 (1994).)

Section D.6, Hydrology and Water Quality

SD-152

D.6.1.4 Floodplains

The description of the location of floodplains near the Proposed Project is misleading because it does not accurately characterize the impact to streams traversed by aerial crossings of the existing transmission line ROW. (page D.6-2) The impacts analysis in the Final EIR should make clear that no new access roads or widening thereof are planned within floodplains for the Proposed Project. Therefore, there would be no new impacts to floodplains with the Proposed Project.

D.6.3.2 Project Protocols

SD-153

SDG&E intends to continue to address and minimize potential impacts to water quality as it does for all of its projects. Pursuant to the federal Clean Water Act and California's Porter-Cologne Water Quality Control Act, SDG&E would obtain coverage under the State Water Resource Control Board's (SWRCB) General Permit for storm water discharges associated with construction activity. Before initiating construction, SDG&E would submit a Notice of Intent (NOI) to the SWRCB for coverage under the General Permit. Under the General Permit, SDG&E would implement a SWPPP, which would include specifications for best management practices (BMPs) to prevent construction pollutants from contacting storm water and keeping erosion products from moving off-site into receiving waters. Thus, the standards contained in Project Protocol 55 are fulfilled by SDG&E's SWPPP, so SDG&E's compliance with this mitigation measure would be duplicative. The Commission should remove Project Protocol 55 from the Final EIR so that SDG&E can implement the SWPPP. (page D.6-10)

D.6.3.3 Proposed Miguel-Mission 230 kV #2 Project

SD-154

Impact H-1: Soil Erosion, Water Quality Degradation and Sedimentation from Construction Activity and Access Roads

The DEIR implies that the Proposed Project would cause adverse changes at nine rivers and creeks in the project vicinity. (pages D.6-10 and D.6-11) This generalization is overbroad and mischaracterizes the potential impacts to hydrology. In fact, the temporary crossing of access roads and aerial crossings of the line would barely and minimally affect watercourses adjacent to the existing corridor, which is the proposed

Comment Set SD, cont.
San Diego Gas & Electric Company

route. It is anticipated that construction of new access roads identified in the Proposed Project would not significantly divert, change or obstruct the flow of any of the identified nine rivers and creeks or cause any temporary or long-term negative effects to the beneficial uses of these stream and creek crossings. It is also unlikely that the Proposed Project would cause or contribute to any discharge of any pollutant or contaminant to any water of the state or any of the nine identified stream or creek crossings. SD-155

Mitigation Measure for Impact H-5, Encroachment into Floodplain or Watercourse by Permanent Aboveground Project Features SD-156

Portions of Mitigation Measure H-5a are (i) vague because it is difficult to assess what is the reasonably expected future flow path of watercourses, even based on the criteria suggested in the Draft EIR, and (ii) unduly restrictive because 60 days notice prior to construction of structures potentially in flow paths is unworkable because the delay is unjustified when SDG&E has protective measures to mitigate flood and erosion damage. (pages D.6-12, D.6-13, D.6-19) It takes substantial fill or other encroachment into a floodplain to alter the hydrology of that floodplain. Because of their relatively small bases, poles or transmission structures would not result in such an effect. Also, no substations are planned for the Proposed Project and thus, could not be placed in a watercourse as the DEIR suggests. (page D.6-12) More importantly, it is questionable for either the Commission or local agencies to be a jurisdictional agency to approve the documentation and engineering analysis and approve any protective measures. Neither the Commission nor local jurisdictions have the expertise to determine if watercourse avoidance during construction is practicable. And a more reasonable review period would be prior to commencement of construction.

D.6.4.1 Jamacha Valley 138 kV/69 kV Underground Alternative SD-157

Impact H-7: Exposure of Underground Cable to Damage through Stream Scour and Erosion

The Jamacha Valley Underground Alternative requires substantial trenching through the Sweetwater Valley Groundwater Basin. For this reason, Impact H-7 should address impacts associated with trenching through and adjacent to a waterbody (e.g., a trench "X" feet wide by "Y" feet long by "Z" feet deep would be required through the waterbody, resulting in XYZ acres of total temporary impacts). (page D.6-14) The work inherent in this alternative could require management and disposal of ground water as well as permits, which would add time and cost to the project.

Comparison with the Proposed Project

The Jamacha Valley 138 kV/69 kV Underground Alternative requires substantial trenching through the Sweetwater Valley Groundwater Basin, which could trigger groundwater contamination. (pages D.6-13, D.6-14) Consequently, the comparison of hydrology impacts from the Proposed Project to this alternative is inaccurate. As discussed above, Impact H-7 should address impacts associated with trenching through and adjacent to a waterbody. The comparison would show that there are no impacts

Comment Set SD, cont.
San Diego Gas & Electric Company

associated with the span in the Proposed Project versus the calculated impacts from this alternative. (page D.6-14) The Final EIR should redo this assessment. SD-157

Regarding Impacts H-3 and H-7 and Mitigation Measure H-7a, it is unclear which one applies because they are contradictory. In order to prevent groundwater contamination, SDG&E would stay shallow with the underground excavation and ignore the Sweetwater Tributary that SDG&E would cross in Jamacha Valley, but not the one in Santee. SD-158

The third sentence of this paragraph states that "the potential for groundwater impacts, while less than significant, would be grater for this alternative." (page D.6-14) With conduit in Sweetwater River proposed with this alternative, there is a high probability that the conduit will convey water, thereby increasing potential groundwater impacts. This is inconsistent with the next sentence that indicates that water quality impacts are reduced over the Proposed Project because of the construction of distant foundations. The FEIR should reconcile this inconsistency. SD-159

D.6.4.4 City of Santee 138 kV/69 kV Underground Alternative
Environmental Impacts and Mitigation Measures SD-160

Similar to Mitigation Measure H-5a, it is questionable for the Commission to be the jurisdictional agency to approve the documentation and engineering analysis for this measure. SDG&E engineers can adequately address erosion issues associated with construction. Mitigation Measure H-7a should require submission of plans for proposed burial depths to protect against scour and erosion of underground cable prior to construction. (pages D. 6-16, D.6-19)

In conclusion, the potential impact to hydrology from the Proposed Project is less than significant. Mitigation measures should be limited to reducing only significant impacts as set forth in CEQA.

Section D.7, Land Use and Recreation SD-161

As a preliminary matter, the Final EIR should portray a complete and accurate description of the existing landscape and environmental baseline. Public services are presumptively compatible with various land uses, even overhead facilities like traffic lights and electric transmission poles.

D.7.1 Environmental Setting for the Proposed Project

There are several statements in this section that add to the misleading nature of the DEIR analysis and conclusions. After the third sentence in the first paragraph, insert the following sentence describing the setting: "The proposed project route is situated in an existing utility right of way that currently has between 18 and 30 wires, as well as distribution lines, throughout the corridor." (page D.7-1)