

## D. Response to Comments

During the public review period for the Mitigated Negative Declaration (March 10, 2004 through April 9, 2004), the CPUC received public comments from State and local agencies, the Cities of Lake Forest and Mission Viejo, potentially affected residents, and the applicant. This section presents responses to all comments received during the comment period.

### D.1 General Responses to Major Comments

The following topics address issues raised by many commenters and are therefore presented first in order to provide a comprehensive response to many similar comments. More detailed responses are provided to individual comments in the following section. General Responses address the following topics:

- GR-1 Electric and Magnetic Fields (EMF)
- GR-2 Property Values
- GR-3 Undergrounding of Transmission Lines
  - GR-3.1 Existing and Proposed Transmission Lines
  - GR-3.2 Proposed Transmission Line
- GR-4 Aesthetic Impacts of the Proposed Project
- GR-5 Public Notification
- GR-6 Adoption of a Mitigated Negative Declaration Rather Than Preparation of an EIR

#### GR-1 Electric and Magnetic Fields (EMF)

A number of comments expressed 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.

Section B.1.10 of the Mitigated Negative Declaration and Initial Study (MND/IS) addresses this issue. 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. 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.

Section B.1.10 and Appendix 3 of the MND/IS summarize the results of scientific review panels that have considered the body of EMF health effects research. The section states that it 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. As a result, EMF information is presented for the benefit of the public and decision makers.

In 1993, the CPUC implemented decision D.93-11-013, which requires utilities to use "low-cost or no-cost" mitigation measures for facilities requiring certification under General Order 131-D. The decision directed the utilities to use a four percent benchmark on the low-cost mitigation. This decision also implemented a number of EMF measurement, research, and education programs. The CPUC did not adopt any specific numerical limits or regulation on EMF levels related to electric power facilities.

### ***Line Cancellation Effect on Magnetic Fields***

Placing two transmission lines adjacent to each other can result in an interaction of their magnetic fields. This interaction has been demonstrated on actual transmission lines for real world installations. The type and amount of interaction depends on a number of factors. There are three main parameters that affect the magnetic field interaction of transmission lines:

1. The distance between the phases of the two lines affects the amount of magnetic field cancellation that will occur. If the transmission lines are on separate adjacent structures the field interaction is most likely to reduce the magnetic field in the area between the two lines but may only have a minor effect on the magnetic field strength on the outside of these lines. However, if the two transmission lines are brought close together on the same structure the magnetic field interaction would be increased, this would result in a more pronounced effect on the magnetic field strength on the outside of these lines.
2. The amount of electrical current and direction of power flow on each line is a key parameter. Note that this is independent of the transmission line voltage. If the current on the two lines is flowing in the same direction the magnetic field cancellation effect would result in a lower magnetic field for the lines than if they were not next to each other. If the current on the two lines is flowing in opposite directions, the cancellation effect is much more pronounced and would be expected to result in even lower magnetic field than if current flow is in the same direction.
3. How the phases of each line are arranged relative to each other is one of the important determinants in the interaction of magnetic fields. For example if the phases on one line were A-B-C top to bottom and the adjacent circuit was arranged C-B-A top to bottom this would further increase the magnetic field cancellation (this type of arrangement is referred to as an optimal phase arrangement).

It is not possible to state specific distances for field cancellation. In general, placing power lines in close proximity to each other (i.e., on the same structure or in the same duct bank) would be expected to result in noticeable interaction of the magnetic field from each line.

### ***Levels of EMF Exposure***

The public routinely experiences exposure to EMF in the community from sources other than electric transmission lines and substations. Tables 1 and 2 in Appendix 3 present values of electric and magnetic fields from household appliances. This information indicates that public exposures to fields from appliances are significant, but are greatly reduced a foot away from the appliance. In a number of studies where residential magnetic fields were measured, field strengths within rooms and away from appliances were found to average between 0.5 milligauss (mG) and 1 mG. For homes that use their water system as the ground connection for their home wiring, the field averaged near 2 mG. These studies were conducted in the United States and in Europe, and included home samples from approximately 40 residences up to over 2,000 residences (Public Utility Commission of Texas, Health Effects of Exposure to Powerline-Frequency Electric and Magnetic Fields, March 1992).

Outside of the home, the public also experiences EMF exposure from the electric distribution system that is located throughout all areas of the community. Estimates of the magnetic field exposures to the public from overhead 12.5 kV distribution lines range from 22 mG directly below the lines, 8 mG 40 feet from the lines, and 2 mG 100 feet from the lines. In areas of underground distribution, which typically occurs in residential areas, the 12.5 kV circuits are not buried as deeply as transmission lines, and are not arranged to optimize field cancellation. The estimated fields for underground distribution lines range from 31 mG above the line, 4 mG 40 feet from the line, and 1.9 mG 100 feet from the line (Washington State Department of Health, Electric and Magnetic Field Reduction: Research Needs, January 1992).

### ***EMF and the Proposed Viejo System Project***

SCE prepared a Field Management Plan that provides EMF information regarding the proposed Viejo System Project. The Field Management Plan includes a brief introduction to EMF characteristics, scientific research related to possible health effects, and public policy activities. In addition, the Field

Management Plan identifies SCE's guidelines and general methods for managing EMF for new electrical facilities.

SCE's Field Management Plan for the proposed project provides modeling of the magnetic field levels for both the existing power lines and the proposed lines and substation associated with the project. Low-cost and no-cost magnetic field reduction measures are also identified and evaluated by SCE for use on the Viejo System Project. The field reduction measures incorporated into the design of the proposed project by SCE are:

- Taller 66 kV structures (see MND/IS Figure 6),
- Reduced circuit-to-circuit spacing,
- New 66 kV structures placed further from the edge of the right-of-way than the existing tubular steel poles, and
- Optimal phasing of the circuits.

According to SCE's Field Management Plan, implementation of the proposed Viejo System Project would result in an overall reduction of the magnetic field at the edge of the right-of-way compared to existing conditions. The CPUC retained an independent engineering company, R.W. Beck, Inc., to review SCE's Field Management for the proposed Viejo System Project. R.W. Beck reviewed the field modeling and analysis included in the FMP and concurred with SCE's general conclusion that there would be an overall reduction in magnetic fields in the area of the proposed Viejo System Project (see MND/IS Figure 9).

## GR-2 Property Values

A number of commenters have expressed concern about the effects of the proposed transmission line and substation project on property values. The Viejo System Project MND/IS 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 Viejo System Project MND/IS 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-3 Undergrounding of Transmission Lines**

#### ***GR-3.1 Existing Transmission Lines***

Many commenters requested that the CPUC require SCE to underground both the proposed 66 kV circuit and the existing 66 kV and 220 kV transmission lines. 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 Viejo System Project, the environmental setting includes the existing 220 kV and 66 kV 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. 4<sup>th</sup> 1428, 1451-1453 (1999)]. Accordingly, undergrounding the existing transmission lines is not permissible as an alternative or a mitigation measure under CEQA. Therefore, undergrounding of the existing transmission lines is not an appropriate topic for the MND/IS for the Viejo System Project.

#### ***GR 3.2 Proposed New Transmission Line***

While the CPUC cannot require SCE to place the existing transmission lines underground (see GR-3.1 above), many commenters suggested that the proposed 66 kV circuit should be placed underground. Possible methods for installing the proposed circuit underground are discussed below.

#### **Undergrounding in the Existing Transmission Corridor**

Underground construction in the existing transmission corridor presents a number of technical challenges to establishing a conventional underground transmission line duct bank. Overcoming these challenges may be possible through the use of non-conventional duct bank construction. Much of the terrain in this area is extremely rugged and includes steeply-sloping ravine areas. Duct banks are typically built with minimal slope so that the cable can be more easily pulled into place and will remain in position once installed. A potential solution would require routing the duct bank in a switchback configuration back and forth across

the steep terrain in order to minimize the slope in any given duct bank section. This is likely to require much shorter duct bank sections and may necessitate a pulling vault at each turning point. Use of this configuration could easily result in the actual length of duct bank being 2 to 3 times longer than the linear distance actually covered. Therefore, for a two-mile line section the total duct bank could be 4 to 6 miles in length. It is anticipated that this type of construction could require disturbance over the entire width of the transmission corridor right-of-way.

An additional issue for the Viejo System Project is the amount of shallow bedrock that could be encountered when building a duct bank within the existing right-of-way. While this greatly increases the difficulty of excavation and the time to build the duct bank, it also would be a significant concern relative to heating of the energized cables. Power flow in underground cables generates heat that needs to be dissipated into the surrounding soil to avoid cable overheating. Bedrock is a poor conductor of heat, which could result in heat build-up along the duct bank that can weaken the cable insulation, leading to failure of the underground cable. This issue may be overcome by the design and construction of the duct bank but could potentially entail excavating a much larger trench than typically used in order to place a thermal sand backfill around the duct bank to improve heat transfer.

In view of the issues outlined above, it is anticipated that using underground construction in lieu of overhead along the two-mile section of right-of-way could result in much higher project cost than would typically be assumed for a conventional duct bank and would also require additional time to build. With regard to construction time, all of the factors mentioned above, such as steep terrain, increased ground disturbance issues, and rock excavation, are expected to substantially increase the time required for duct bank construction when compared to a conventional duct bank. Assuming an actual duct bank length of 4 miles, we anticipate construction within the right-of-way to require as much as 18 weeks per mile of duct bank and 15 weeks per mile to install and splice the cable. Recognizing that the cable installation can begin before the entire duct bank is complete, the total construction time is estimated to be 20 to 22 months.

### **Underground Options Considered in the Proponent's Environmental Assessment (PEA)**

As a result of the substantial technical and environmental problems associated with undergrounding the proposed line in the existing right-of-way, SCE initially considered two options that involved undergrounding portions of the proposed 66 kV circuit within city streets. As discussed in Appendix 8, these options (PEA Options 1B and 1C) would place either the southern section of the proposed circuit or the entire route underground from the proposed Viejo Substation to the existing Chiquita Substation. The underground portions of these two options would be located within city streets.

PEA Option 1B, with combined overhead and underground transmission line construction, would contain the same elements as the Viejo System Project as proposed, but the southern section of the 66 kV subtransmission line would be constructed underground within city streets. The overhead segment would be approximately 1.1 miles long and would be constructed within the existing 220 kV corridor south from the proposed Viejo Substation towards the existing Chiquita Substation. The overhead lines would dead-end and be directed underground via a 75-foot tubular steel riser pole at Santa Margarita Parkway between Flamenco and Pinecrest Parks, near the proposed H-frame structure HF-08 (see MND/IS Figure 7). From this point, the proposed Viejo-Chiquita 66 kV line would continue west underground within vaults located under Santa Margarita Parkway and turn south under Marguerite Parkway to Olympiad Road. From Olympiad Road, the line would cross Alicia Parkway and be directed into the Chiquita Substation, which is located on the southeast corner of Olympiad Road and Alicia Parkway, where it would transition from a Chiquita Substation pedestal riser to the 75-foot tubular steel riser pole on Santa Margarita Parkway (see Figure 8-1 in Appendix 8). This option would reduce the visual impact of the proposed project, as the transmission corridor would remain essentially unchanged south of Santa Margarita Parkway. In addition, this option would reduce biological impacts, as construction would occur

within existing and previously disturbed streets, and not affect vegetation within or near the existing transmission corridor. However, this option could result in increased impacts to traffic and air quality, as discussed in detail in Appendix 8 (Comparison of Alternatives).

PEA Option 1C, with the 66 kV subtransmission line constructed entirely underground within city streets, would not change the configuration of the structures in the existing transmission corridor and would place the proposed line entirely under city streets from the proposed Viejo Substation to the existing Chiquita Substation. The route would begin at the Viejo Substation site, travel underground within the substation site access road to the intersection of Definition Road and Icon Street, and then travel within Definition to Glenn Ranch Road. At Glenn Ranch Road, the line would turn and travel southwest within Glenn Ranch Road, then southwest within Portola Parkway under the SR 241 Foothill Transportation Corridor and south on Santa Margarita Parkway (i.e., Portola Road) to Marguerite Parkway. The line would then turn and travel south within Marguerite Parkway to Olympiad Road, cross Alicia Parkway and turn into Chiquita Substation located on the southeast corner of Olympiad Road and Alicia Parkway (see Figure 8-2 in Appendix 8). As discussed in Appendix 8, this option would reduce visual and biological impacts but have substantial environmental impacts, notably to traffic.

After preparing the MND/IS, the CPUC determined that the proposed project as proposed by SCE (new Viejo Substation with overhead transmission lines on the proposed H-frame structures) and as mitigated in this MND/IS would have no significant impacts on the environment as defined by CEQA. Therefore, in accordance with CEQA, the CPUC concluded that evaluation of other options (such as the underground options described above) was not necessary. However, in response to the public's concerns regarding aesthetic impacts of the proposed project, undergrounding of the proposed 66 kV circuit was considered in Appendix 8.

### **Summary**

In summary, with regard to environmental impacts, underground transmission line options provide benefits such as reduced visual impacts (i.e., little change to the existing baseline conditions) near residential areas, and in some cases a reduction in impacts to biological resources. Although some adverse impacts to recreation and traffic would be experienced with underground options, these impacts would likely be temporary and could potentially be mitigated to less-than-significant levels.

Based on the evaluation conducted by the CPUC in Appendix 8 (Comparison of Alternatives), the option involving undergrounding of the entire line in the existing right-of-way has been eliminated from further consideration due to technical feasibility concerns and greater impacts when compared to the proposed project. Either of the options involving undergrounding the proposed circuit within city streets would require further analysis than is provided in this document, and would also require separate CEQA analysis and documentation.

### **GR-4 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 B.3.1.1 of the MND/IS provides descriptions of the visual assessment methodology utilized in the analysis and descriptions of current visual conditions in the overall project area and at ten selected key viewpoints (represented in MND/IS Figures 11 through 31). Section B.3.1.2 describes the proposed project's effects on scenic vistas and resources, and its potential to substantially degrade existing visual character. Unfortunately, despite attempts to employ refined 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 MND/IS to help the CPUC and readers gauge the degree of visual change associated with the proposed project. As described in the MND/IS, after conducting the visual analysis and reviewing the visual simulations, it was concluded that the incremental visual change associated with the proposed project was not significant.

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, 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 MND/IS 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 outlined in Appendix 8, the CPUC considered an alternate pole type (specifically, a taller monopole) and evaluated the visual impacts of this alternative pole type compared to the proposed H-frame structures. Please see Appendix 8 (Alternatives Comparison) for a complete discussion of this monopole option and its potential effects, including aesthetic effects. Alternate pole types were not addressed in the Aesthetics analysis of the MND/IS because alternatives are only considered as a means to reduce or avoid potentially significant impacts of the proposed project. Because the CPUC did not identify any significant aesthetic impacts for the proposed project, consideration of alternatives was not necessary or appropriate in the MND/IS analysis.

The impacts of installing monopole structures to carry the overhead 66 kV circuits are almost identical to those of the proposed H-frame structures, except that the physical and visual characteristics of the monopoles would be different than the H-frames. The monopoles would each have only a single vertical pole shaft, whereas the H-frame structures would each have two vertical poles. While the vertical poles of the monopole structures would be taller and larger in diameter than the H-frame structures, the visual mass and structural complexity would be reduced when compared to the H-frames. The monopole structure option is discussed in more detail in Appendix 8.

## **GR-5 Public Notification**

Many comments mentioned the issue of public notification and whether or not SCE and the CPUC had followed the correct procedures with regard to ensuring the public was made aware of the proposed project and its potential environmental impacts. CEQA and CPUC General Order (GO) 131-D and Rule 17.1 govern public notification requirements.

### **CPUC Public Notification**

CEQA § 21082 states that all “public agencies shall adopt by ordinance, resolution, rule, or regulation, objectives, criteria, and procedures for the evaluation of projects and the preparation of ... negative declarations.” To this end, the CPUC adopted GO 131-D and Rule 17.1, which govern CPUC public notification for draft or proposed environmental documents subject to CEQA.

CPUC GO 131-D states that applications involving power lines with voltages between 50 and 200 kV are subject to the requirements of a Permit to Construct. As outlined in GO 131-D Section IX.B.2, “the [Commission Advisory and Compliance Division] CACD shall determine whether CEQA applies, and if so, whether a Negative Declaration or an EIR must be prepared, and the process required by CEQA and the Commission’s Rules of Practice and Procedure 17.1 will be followed.” CPUC Rule 17.1 requires the CPUC to contact by direct mail all adjacent property owners and other persons previously requesting such

notice, as well as newspaper publication. The following is the text of Rule 17.1 relating to the preparation of Negative Declarations:

*(f) Preparation of Environmental Documents. The procedures for preparation of environmental documents required under CEQA and the EIR Guidelines shall be as prescribed in CEQA, the EIR Guidelines, and the additional provisions of this rule.*

*(1) Negative Declarations.*

*(A) Notice of the preparation of a Negative Declaration shall be given by direct mail to all organizations and individuals having previously requested such notice, and to owners of land, under, or on which the project may be located, and owners of land adjacent thereto. Notice shall also be given to the general public by advertisement, not less than once a week, two weeks successively in a newspaper or newspapers of general circulation in the county or counties in which the project will be located.*

As required by Rule 17.1, the CPUC publicized a Notice of Intent to Adopt a Mitigated Negative Declaration through the methods described below.

**Direct Mail.** The CPUC mailed the Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration to persons and organizations previously requesting information, adjacent property owners (list provided by SCE in the Application for a Permit to Construct), adjacent homeowners' associations, and to all persons listed on the CPUC service list. The Notice of Intent listed basic project information, where to find additional information, public repositories, and the CPUC's intention to adopt the MND.

**Distribution of MND/IS.** The CPUC provided copies of the MND/IS to public repositories, relevant public agencies, the State Clearinghouse, all persons listed on the CPUC service list, and various homeowners' associations.

**Newspaper Publication.** The CPUC provided notice in the following newspapers:

- Orange County Register – Wednesday March 10, 2004, and Sunday March 14, 2004
- Saddleback Valley News – Friday March 12, 2004, and Friday March 19, 2004.

**Website.** The CPUC currently maintains a website devoted to the Viejo System Project (<http://www.cpuc.ca.gov/Environment/info/aspen/viejosystem/viejosystem.htm>) and has updated it periodically throughout the CEQA environmental review process.

**Hotline and Email.** During the public review period, the CPUC maintained a hotline and email address through which concerned citizens could contact the CEQA team and ask questions, or comment on the proposed MND/IS.

**Public Meetings.** The Energy Division of the CPUC held a Public Information Meeting on September 30, 2004 in the City of Mission Viejo, at which basic project information was presented to interested members of the public. During the public review period for the MND/IS, Administrative Law Judge Kim Malcolm conducted a Pre-Hearing Conference (PHC) on March 25, 2004 in the City of Mission Viejo, at which presentations were made by SCE, the City of Mission Viejo, and NOPE (No on Overhead Powerlines by Edison). After the Pre-Hearing Conference was concluded, the judge allowed the public to provide verbal comments on the proposed project. Associated with this PHC, the CPUC presented an informal CEQA Workshop, which allowed members of the public to ask questions and receive information regarding CEQA issues and potential environmental impacts of the proposed project. In addition, CPUC's Administrative Law Judge conducted Public Participation Hearings for the project on May 25, 2004.

### **SCE Public Notification**

In accordance with CPUC GO 131-D, SCE notified the public of its 2003 submittal of an Application for a Permit to Construct for the Viejo System Project through newspaper publication (Orange County



Register), through direct mail to all persons listed on the CPUC service list, and through direct mail to adjacent property owners (property owner list derived according to CPUC procedures and submitted to CPUC for future mailings associated with proposed project). GO 131-D requires:

*SECTION XI. NOTICE*

*A. Applications for a CPCN or Permit to Construct*

*Notice of the filing of each application ... shall be given by the electric public utility within ten days of filing the application: 1. By direct mail to...*

*b. All owners of land on which the proposed facility would be located and owners of property within 300 feet of the right-of-way as determined by the most recent local assessor's parcel roll available to the utility at the time notice is sent; and*

*2. By advertisement, not less than once a week, two weeks successively, in a newspaper or newspapers of general circulation in the county or counties in which the proposed facilities will be located, the first publication to be not later than ten days after filing of the application; and 3. By posting a notice on-site and off-site where the project would be located. ...*

SCE fulfilled all public notification obligations associated with the Application for a Permit to Construct the Viejo System Project.

**Agency Consultation**

During the environmental analysis, the document preparation team consulted with various public agencies to obtain information and request input on potential impacts of the proposed project. The Cities of Mission Viejo, Lake Forest, Irvine, and Rancho Santa Margarita, as well as the County of Orange and California Department of Transportation (Caltrans), were consulted regarding the cumulative impact analysis. Caltrans also commented during the MND/IS review period regarding requirements for any portion of the project that would encroach on the Caltrans right-of-way.

In addition, SCE is currently in consultation with the California Department of Fish and Game and Orange County regarding its mitigation bank lands associated with the Central and Coastal NCCP.

**Future Outreach Efforts**

Current project information continues to be available at the project website (<http://www.cpuc.ca.gov/Environment/info/asp/viejosystem/viejosystem.htm>), as well as on the CPUC website (<http://www.cpuc.ca.gov/>) and through CPUC press releases (available <http://www.cpuc.ca.gov/static/announcements/index.htm>).

**GR-6 Adoption of a Mitigated Negative Declaration Rather Than Preparation of an Environmental Impact Report**

Several commenters suggested that an EIR should be prepared for the proposed project rather than a Mitigated Negative Declaration. The CPUC has considered the requirements specified in CEQA for preparation of MNDs and Environmental Impact Reports (EIR) and has made a determination as lead agency that adoption of a Mitigated Negative Declaration is appropriate for the proposed Viejo System Project. The CPUC's decision to propose the adoption of a Mitigated Negative Declaration is consistent with CEQA requirements as described below.

Section 21080(c) of the Public Resources Code (the California Environmental Quality Act) states that if a lead agency determines that a proposed project would not have a significant effect on the environment then the lead agency shall adopt a Negative Declaration (or a Mitigated Negative Declaration, as appropriate). As stated in Section 21080(c)(1), a Negative Declaration shall be prepared when there is no substantial evidence that a project would have a significant effect on the environment. Section 21080(c)(2) goes on to state that a Mitigated Negative Declaration shall be prepared when revisions to project plans,

agreed to by the applicant, would avoid or mitigate potentially impacts to a point where no significant effect on the environment would occur.

In the case of the proposed Viejo System Project, the CPUC prepared an Initial Study to evaluate the proposed project's potential to result in significant impacts to the environment. The purpose of an Initial Study is to provide the lead agency with information to use as the basis for deciding whether to prepare a Negative Declaration or an EIR (CEQA Guidelines § 15063(c)(1)). Other stated purposes of an Initial Study are to provide the factual basis for the decision to prepare a Negative Declaration and to eliminate the preparation of unnecessary Environmental Impact Reports (CEQA Guidelines § 15063(c)(5) and 15063 (c)(6)). The Initial Study identifies "environmental effects by use of a checklist, matrix, or other method, provided that entries on a checklist or other form are briefly explained to indicate that there is some evidence to support the entries." The Initial Study prepared by the CPUC followed the Environmental Checklist format presented in Appendix G of the CEQA Guidelines. Based on the analysis in the Initial Study, the CPUC concluded that potential impacts of the proposed project were either less than significant or could be mitigated to a less-than-significant level with the incorporation of mitigation measures presented in the Initial Study. As stated in CEQA Guidelines Section 15063(a)(3), an Initial Study may rely upon expert opinion supported by facts, technical studies, or other substantial evidence to document findings. However, an Initial Study is neither intended nor required to include the level of detail included in an EIR.

Preparation of an EIR is only required when there is substantial evidence in the record indicating that a project may have a significant adverse effect on the environment (PRC § 15064(a)(1)). As supported by the Initial Study, it was determined that all potentially significant impacts of the proposed project could be mitigated to a less-than-significant level. Therefore, preparation of an EIR is not warranted. Please note that the existence of public controversy over the environmental effects of a project is not an adequate basis for a decision to prepare an EIR (CEQA Guidelines § 15064(f)(4)).

## D.2 Responses to Individual Comments

Table D-1 lists all persons and agencies that submitted comments on the Mitigated Negative Declaration and Initial Study (MND/IS) for the Viejo System Project. The following pages present the comment letters and e-mail messages received on the MND/IS during the 30-day public review period. Each of the comment documents has been given a number designation (1, 2, 3, etc.), and the comments in each document have been numbered. Responses correspond to the comment numbers and immediately follow each comment document. In addition, several commenters contacted the Viejo System Project hotline for further information or to express their views on the proposed project. Table D-2 provides a complete listing of all voice mail messages received on the project hotline during the MND/IS public review period (March 10 through April 9, 2004).

**Table D-1. Commenters and Comment Set Numbers**

Commenter	Date of Comment	Comment Set Number
<b>Public Agencies</b>		
David M. Snow, City of Mission Viejo Assistant City Attorney	March 14, 2004	1
Cheryl Kuta, City of Lake Forest Associate Planner	April 1, 2004	2
Assemblyman Todd Spitzer, 71 <sup>st</sup> District	April 5, 2004	3
Robert Joseph, District 12 Chief, California Department of Transportation	April 8, 2004	4
<b>Citizens/Organizations/Applicant</b>		
Catherine Schlicht	March 19, 2004	5
Susan McDonald	March 19, 2004	6
Dane and Julie Taylor	March 20, 2004	7
Lisa Volder	March 21, 2004	8
John, Karina, Brittney, Ashley, and Kelsey Clark	March 22, 2004	9
Wolf and Eileen Braumann	March 22, 2004	10
Sue R. Willett	March 25, 2004	11
J. & S. Beattie	March 29, 2004	12
Cynthia I. Keohane	March 31, 2004	13
Cliff and Dixie Robinson	March 29, 2004	14
Don Seitz	April 1, 2004	15
Loren E. Anderson	April 2, 2004	16
Josephine E. Beckstead and Marion D. Eberhardt	April 3, 2004	17
John P. Grazer	April 4, 2004	18
Carol S. Kochman	April 5, 2004	19
Robb and Gail Tavill	April 5, 2004	20
Mike and Sheila Kelly	April 6, 2004	21
Annette Ohuche, Onuora Ononye, Anuli Ononye, and Ezugo Ononye	April 6, 2004	22
Maria C. Klein	April 6, 2004	23
Ken Chapman	April 6, 2004	24
Connie Lee	April 8, 2004	25
Marilyn and Dean Specht	April 9, 2004	26
Southern California Edison (Applicant)	April 9, 2004	27
Diane Greenwood	March 21, 2004	28
Joe Holtzman	March 10, 2004	29
Kari Gulbro	March 11, 2004	30
Chris Atkins	March 11, 2004	31
DerricoGnL@aol.com	March 11, 2004	32
Don Wilder	March 11, 2004	33
Michael Breen	March 11, 2004 (9:53 pm)	34
Michael Breen	March 11, 2004 (9:54 pm)	35
Michael Breen	March 11, 2004 (9:55 pm)	36

**Table D-1. Commenters and Comment Set Numbers**

<b>Commenter</b>	<b>Date of Comment</b>	<b>Comment Set Number</b>
Lawrence and Carolyn Gilbert	March 16, 2004	37
Dave Emerine	March 17, 2004	38
Greg Mellgren	March 17, 2004	39
Doris M. Schumann	March 17, 2004	40
William E. Barker	March 17, 2004	41
Craig Petersen	March 17, 2004	42
Onofrio Damato	March 17, 2004	43
Mark and Micheline Giorso	March 17, 2004	44
Jaime and Ellen Saldana	March 18, 2004	45
Richard and Maria Caron	March 18, 2004	46
Diane Greenwood	March 19, 2004	47
Tim Gregart	March 20, 2004	48
Clay Renfro	March 22, 2004	49
Maria Klein	March 24, 2004	50
Frank Ury	April 1 through 5, 2004	51
Allan Pilger	April 5, 2004	52
Hope Conley	April 6, 2004	53
Nathan Cromeenes	April 6, 2004	54
Gary Hicks	April 7, 2004	55
Mike and Mary Nolan	April 9, 2004	56
Bill and Suzy Wiggins	April 9, 2004	57

Table D-2. Log of Voicemails Received During the Public Comment Period (March 10 – April 9, 2004)

Commenter	Date	Summary of Comments and Questions
Joe Holtzman	March 10, 2004	<ul style="list-style-type: none"> <li>• Website has not been updated - When will the website be updated?</li> <li>• What documentation is supposed to be on the web page?</li> </ul>
Joe Holtzman	March 11, 2004	<ul style="list-style-type: none"> <li>• Would like to know if the Proposed Mitigated Negative Declaration Supplement will be loaded to the website.</li> <li>• He is adamantly against the project.</li> </ul>
Diane Greenwood	March 11, 2004	<ul style="list-style-type: none"> <li>• Knows that Aspen was out there taking pictures of her street, and wants to know why her neighborhood was omitted in the MND/IS analysis. She knows that they are impacted, and wants to know why her neighborhood, as well as other neighborhoods, was omitted from the document. She would like to see these pictures. Also, wants to know if she sends pictures to Aspen, will these get forward to Judge Kim Malcolm, or should she send them straight to the judge. Wants the judge to see these pictures.</li> </ul>
Norm Rosencranz	March 11, 2004	<ul style="list-style-type: none"> <li>• Lives in Olympiad and Geronomo at Casa del Sol and can see the wires from his home. He wonders how there were new homes built under those lines as they make the area very ugly.</li> <li>• Wants SCE to comply with residents of Mission Viejo and bury the wires as has been done in other cities.</li> <li>• Will be at the meeting on 3/25/04.</li> </ul>
Susan [Last name not given]	March 15, 2004	<ul style="list-style-type: none"> <li>• Opposes project.</li> <li>• Original wires were one thing as they were there before the community, but the wires look terrible as they are and more would be terrible.</li> <li>• Wants to be treated like other areas of Mission Viejo and other neighboring cities and have wires buried underground.</li> <li>• Stated that Mission Viejo is a beautiful lake area, whose views are ruined by the existing wires.</li> <li>• Flo-Jo Park named Most Outstanding Design in the State of California.</li> <li>• Adding more wires is a threat to beauty of whole area.</li> <li>• Citizens will continue to fight project.</li> <li>• Wants understanding on part of CPUC how awful the project is.</li> </ul>
Dave [Last name not given]	March 17, 2004	<ul style="list-style-type: none"> <li>• Wishes to express concerns regarding project, and he is against project.</li> <li>• Requests CPUC reconsideration of burying lines.</li> <li>• Says SCE would not have to pay for burying lines.</li> </ul>
Lisa Volder	March 22, 2004	<ul style="list-style-type: none"> <li>• Concerned about powerlines.</li> <li>• Believes lines are currently too close to homes.</li> <li>• Concerned about potential health effects. She knows lines are not healthy, expects future information and research to prove this. She believes lines are health “accidents waiting to happen.”</li> <li>• In the evening and during rain, corona noise is audible.</li> <li>• Wants lines undergrounded.</li> </ul>
Nathan Cromeenes	March 31, 2004	<ul style="list-style-type: none"> <li>• Wants synopsis of Viejo System Project.</li> </ul>

Table D-2. Voicemails Received During the Public Comment Period (March 10 – April 9, 2004)

Commenter	Date	Comment
Shawn Gallipeau	April 6, 2004	<ul style="list-style-type: none"> <li>• Against project – has concerns about aesthetics and property value degradation.</li> <li>• More concerned about health and SCE's non-compliance with CPUC and city-related issues and procedures.</li> <li>• Feels there are flaws with plan for project as proposed.</li> <li>• Agrees with project need.</li> <li>• No reason for not undergrounding, and wants existing lines put underground as well. Feels there is no need for towers and lines such as these in a community such as Mission Viejo.</li> <li>• He is concerned about weather, accidents, etc damaging towers and harming citizens of Mission Viejo and Orange County.</li> <li>• Feels SCE should re-look at project and find the best way not the cheapest way.</li> </ul>
Dee Strubb	April 9, 2004	<ul style="list-style-type: none"> <li>• She has been a Mission Viejo resident since 1968 and loves buried powerlines – glad Mission Viejo has buried lines, and requests that SCE bury the lines if it's not too costly.</li> <li>• Knows Mission Viejo needs electricity, so do what is necessary to bring more power.</li> </ul>