

B. State and Local Agencies

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Response to Comment Letter B1

**Unified Port of San Diego
Randa Coniglio, Executive VP, Operations
July 23, 2012**

- B1-1** Please refer to common response GEN1 regarding the public review period extension request and responses to comment letter B5.

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Response to Comment Letter B2

City of Chula Vista, Development Services Department

Gary Halbert, PE, AICP

July 24, 2012

- B2-1** Please refer to common response GEN1 regarding the public review period extension request and responses to comment letter B6.

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Response to Comment Letter B3

Department of Toxic Substances (DTSC)

Rafiq Ahmed, Project Manager

July 31, 2012

B3-1

The Department's comment letter regarding the Notice of Preparation of a Draft EIR for the South Bay Substation Relocation Project (dated August 8, 2011) included nine comments and issues that the DTSC specifically requested be addressed in the Draft EIR. How the comments were addressed in the Draft EIR or how the comments will be addressed in the Final EIR is discussed below by submitted comment number (1–9).

1. The Draft EIR evaluates whether conditions in the project area pose a threat to human health or the environment. See Section D.8.3, Environmental Impacts and Mitigation Measures (specifically Impact HAZ-2 for the Bay Boulevard Substation, South Bay Substation Dismantling, and Transmission Interconnections). In addition, Phase I Environmental Site Assessments (ESAs) were prepared by Haley and Aldrich in 2010 in support of SDG&E's Proponent's Environmental Assessment (PEA) for the South Bay Substation Relocation Project. During preparation of the ESA, regulatory databases, including (but not limited to) the National Priorities List (NPL); EnviroStor; Resource Conservation and Recovery Act (RCRA) lists (i.e., RCRA non-Corrective Actions (CORRACTS) Treatment Storage and Disposal (TSD) facilities, RCRA CORRACTS TSD facilities, and RCRA Generators); Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) Sites and CERCLIS-No Further Remedial Action Planned (NFRAP) Sites; State and Tribal Registered Storage Tanks; State and Tribal Leaking Storage Tanks; the San Diego County Site Assessment and Mitigation Program and the San Diego Hazardous Materials Management Division; and the Formerly Used Defense Sites (FUDS) were reviewed to determine potential threats to human health or the environment associated with development of the project.

2. See Section D.8.3, Environmental Impacts and Mitigation Measures (specifically Impact HAZ-2 for the Bay Boulevard Substation, South Bay Substation Dismantling, and Transmission Interconnections) of the Draft EIR. The impact analysis discloses that excavation and construction activities at the proposed Bay Boulevard Substation, the South Bay Substation, and at transmission interconnection work areas could result in impacts associated with encountering previously unknown soil or groundwater contamination, and therefore, Mitigation Measure HAZ-2 (preparation of a site assessment as part of final project design—see Draft EIR for additional detail) will be

implemented. Also, as shown in Table D.8-7 for HAZ-2, the required site assessment will be submitted to the CPUC and DTSC for review.

3. Mitigation Measure HAZ-2 will augment and consolidate previous studies performed for the entire Proposed Project site to identify where hazardous materials or wastes may be encountered. The status of all sites identified during the Phase I ESA prepared for the Proposed Project is disclosed in SDG&E's PEA for the South Bay Substation Relocation Project (see Section 4.7, Hazards and Hazardous Materials) available for review on the CPUC project website (<http://www.cpuc.ca.gov/environment/info/dudek/sbsrp/SouthBaySub.htm>).

4. As part of the Proposed Project, the existing South Bay Substation will be dismantled, and as stated in Section D.8.3.4 (see Impact HAZ-1) of the Draft EIR, prior to substation dismantling, the soil, conduit, control house materials, equipment, and steel structures currently located at the site would be tested for environmental hazards including oil, lead-based paint, and asbestos. In addition, all identified hazardous materials would be abated prior to or during the demolition process, and all oil-containing equipment would be drained and processed in accordance with standard SDG&E procedures.

5. See response 2, above. Also, as stated in Section D.8.3.3, Bay Boulevard Substation (see Impact HAZ-2), of the Draft EIR, during project construction, excavated soils impacted by hazardous waste or materials will be characterized and disposed of in accordance with California Code of Regulations (CCR) Title 14 and Title 22, the DTSC, and the San Diego County Department of Environmental Health. In addition, implementation of Applicant Proposed Measure (APM) HAZ-1 would also address the disposal of hazardous materials encountered during construction.

6. A project-specific Hazardous Substance Management and Emergency Response Plan will be implemented during the construction period to reduce or avoid potentially hazardous materials for the purposes of worker safety and safety of the public. As specified in Section D.8.3.3 of the Draft EIR (see Mitigation Measure HAZ-1b), the plan will be prepared to meet the requirements of the California Health and Safety Code, Sections 25503.4, 25503.5, and 25504, and will be submitted to the CPUC, DTSC, and San Diego County Department of Environmental Health for review. In addition, an experienced environmental professional with 40-hour Hazardous Waste Operations and Emergency Response (HAZWOPER) training will be present on site during removal of hazardous materials and will monitor the work site for contamination (including the subsurface) and will ensure the implementation of mitigation measures needed to prevent exposure to the workers or the public (see Section D.8.3.3 (specifically Mitigation Measure HAZ-1c) of the Draft EIR).

7. As stated in the Phase I ESA prepared for the South Bay Substation site, aerial maps indicated that the site and surrounding areas may have partially been used for agricultural activities during the 1950s (by the 1960s an electrical substation was constructed at its current location). However, as indicated in the Phase I ESA, one Recognized Environmental Condition (REC) associated with upgradient volatile organic compound (VOC)-impacted groundwater and two Historical Recognized Environmental Conditions (HRECs) associated with stained soil from substation operations were the only RECs identified within the Proposed Project site. Section D.8.3.3 of the Draft EIR (see Impact HAZ-2) does, however, disclose that excavation and construction activities at the project site could encounter previously unknown soil and/or groundwater contamination from past usage of the site and that APM HAZ-01 and Mitigation Measures HAZ-1a, HAZ-1b, HAZ-1c and HAZ-2 would be implemented to reduced potential impacts to a less-than-significant level. It should also be noted that the project hazardous substance management and emergency response plan (APM-HAZ-01 and Mitigation Measure HAZ-1b) and the augmented and consolidated site assessment report (Mitigation Measure HAZ-2) will be submitted to DTSC for review prior to construction.

8. The regular generation of hazardous waste is not anticipated during operation of the Proposed Project. However, as stated in Section D.8.3.3, Bay Boulevard Substation (Impact HAZ-3), of the Draft EIR, if not properly managed, operation of the Bay Boulevard Substation could result in accidental conditions involving the release of contaminants into the environment. To reduce the potential for hazardous conditions during operations, retention basins would be constructed around each of the seven proposed transformers, and SDG&E will prepare and implement a Spill Prevention Control and Countermeasures (SPCC) Plan and a Hazardous Materials Business Plan (HMBP). The HMBP would be required by California Health and Safety Code Division 20, Chapter 6.95, for the Proposed Project and at a minimum would include an inventory of hazardous materials stored on site and a site map, an emergency response plan, and procedures for the safe handling of hazardous material, as well as procedures for communication and coordination with emergency response providers (see Section D.8.3.3, Impact HAZ-5, of the Draft EIR for additional detail). In addition, implementation of Mitigation Measures HAZ-1c, HAZ-3a, and HAZ-3b would further minimize the potential for accidental release of hazardous materials during operations.

9. The comment is noted and will be included in the administrative record and considered by CPUC.

B3-2 Section D.8, Public Health and Safety, of the Final EIR, has been revised to identify the DTSC as lead agency providing regulatory oversight for the

Proposed Project. In addition, mitigation measures detailing the action plans prepared pursuant to the California Health and Safety Code have been revised to identify the DTSC as a reviewing agency. These changes and additions to the EIR do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the California Environmental Quality Act Guidelines.

B3-2 Please see response to comments B3-1 and B3-2 above.

Response to Comment Letter B4

**San Diego County Board of Supervisors
Greg Cox, Vice Chairman
August 24, 2012**

- B4-1** The commenter's support of the project is noted and will be included in the project record, and the California Public Utilities Commission (CPUC) will consider this comment during project deliberation. Please refer to common response ALT1 regarding the methodology used to screen alternatives including the Bayfront Enhancement Alternative.
- B4-2** This comment is noted and will be included in the administrative record and considered by CPUC during project deliberation. Please refer to common response ALT2. The comment does not raise specific issues related to the adequacy of the environmental analysis in the Environmental Impact Report; therefore, no additional response is provided or required.
- B4-3** This comment and referenced benefits refer to the Bayfront Enhancement Alternative. Please refer to common response ALT1 regarding the methodology used to screen alternatives including the Bayfront Enhancement Alternative.
- B4-4** Please refer to response B4-1.

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Response to Comment Letter B5

**Unified Port of San Diego
Randa Coniglio, Executive VP, Operations
August 31, 2012**

- B5-1** The comment is noted and will be included in the administrative record and considered by the California Public Utilities Commission (CPUC) during project deliberation.
- The comment states that the Draft Environmental Impact Report (EIR) is adequate and complete with respect to the Proposed Project; therefore, no additional response is provided or required.
- B5-2** The commenter’s support of the project is noted and will be included in the project record, and the CPUC will consider this comment during project deliberation. Please refer to common response ALT1 regarding the methodology used to screen alternatives and the Bayfront Enhancement Alternative.
- B5-3** The comment regarding CPUC’s approval is acknowledged. As stated in the Draft EIR, Section E, Comparison of Alternatives, “although this EIR identifies an Environmentally Superior Alternative, it is possible that the CPUC could choose to balance the importance of each impact area differently and reach a different conclusion during the project approval process. Therefore, the Commission may approve a project that is not the Environmentally Superior Alternative.”
- The commenter’s support of the Proposed Project is noted. Please refer to common response ALT1 regarding the methodology used to screen alternatives including the Bayfront Enhancement Alternative and the Environmentally Superior Alternative.
- B5-4** Please refer to common response GEN2 regarding the general adequacy of the EIR and common response ALT1 and ALT2 regarding the alternatives analysis.
- B5-5** Comments are noted and will be included in the administrative record and considered by the CPUC during project deliberation. Please refer to responses B5-6 through B5-20.
- B5-6** Please refer to response B5-1.
- B5-7** Please refer to common response ALT2.

- B5-8** Please refer to common response ALT1 regarding the Draft EIR conclusions on the Environmentally Superior Alternative and Bayfront Enhancement Alternative. As stated in the Draft EIR, Section E.1, Comparison Methodology, the comparison of alternatives conducted under the Draft EIR is designed to satisfy the requirements of CEQA Guidelines, Section 15126.6(d), Evaluation of Alternatives (14 CCR 15000 et seq.). This comparison does not consider the beneficial impacts of any alternative above and beyond its ability to reduce or avoid significant effects of the Proposed Project. Therefore, the environmental superiority of alternatives is based on a comparison of significant impacts that would result from the Proposed Project and the alternatives identified in the EIR.
- B5-9** Please refer to response B5-3.
- B5-10** Comment noted. Please refer to common response ALT1 regarding the Bayfront Enhancement Fund Alternative and legal feasibility of the Existing South Bay Substation Site Alternative.
- B5-11** Comment noted. Please refer to common response ALT1 regarding the legal feasibility of the Existing South Bay Substation Site Alternative.
- B5-12** Please refer to common response ALT2 regarding the Coastal Act and applicable land use plans relevant to the Existing South Bay Substation Site Alternative.
- As discussed throughout the Environmental Analysis, Section D, for purposes of the alternatives analysis, the bulk and scale of transmission interconnections components required for the Existing South Bay Substation Site Alternative are anticipated to be similar to that of the existing South Bay Substation and existing structures.
- B5-13** Please refer to common response ALT2 regarding the Coastal Act and applicable land use plans relevant to the Existing South Bay Substation Site Alternative.
- B5-14** Please refer to common response ALT2 regarding the Coastal Act and applicable land use plans relevant to the Existing South Bay Substation Site Alternative.
- B5-15** Please refer to common response ALT1.
- B5-16** Please refer to common response ALT1.
- B5-17** Please refer to common response ALT1.
- B5-18** Please refer to responses B5-1 and B5-3.

B5-19 Please refer to common response GEN2 regarding the general adequacy of the EIR and common responses ALT1 and ALT2 regarding the alternatives analysis.

B5-20 Comments set forth in this letter (B5-1 through B5-20) are noted and have been responded to and will be included in the administrative record and considered by the CPUC during project deliberation.

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Response to Comment Letter B6

City of Chula Vista, Office of the City Manager
Gary Halbert, PE, AICP
August 31, 2012

- B6-1** The comment is noted and will be included in the administrative record and considered by the California Public Utilities Commission (CPUC) during project deliberation. The comment does not raise specific issues related to the adequacy of the environmental analysis in the Environmental Impact Report (EIR); therefore, no additional response is provided or required.
- B6-2** Comment is noted and will be included in the administrative record and considered by the CPUC during project deliberation.
- Please refer to common response ALT1 regarding the Environmentally Superior Alternative and the Bayfront Enhancement Fund Alternative.
- B6-3** Please refer to common response ALT1 regarding the Environmentally Superior Alternative. The comment regarding CPUC’s approval is acknowledged. As stated in the Draft EIR, Section E, Comparison of Alternatives, “although this EIR identifies an Environmentally Superior Alternative, it is possible that the CPUC could choose to balance the importance of each impact area differently and reach a different conclusion during the project approval process. Therefore, the Commission may approve a project that is not the Environmentally Superior Alternative.”
- The commenter’s support of the Proposed Project is noted. Please refer to common response ALT1 regarding the Bayfront Enhancement Fund.
- B6-4** Please refer to common responses ALT1 and ALT2 regarding the EIR consideration of the Chula Vista Bayfront Master Plan (CVBMP) in determining the Environmentally Superior Alternative.
- B6-5** Comment is noted. Please refer to common response ALT1 regarding the Environmentally Superior Alternative. The comment regarding CPUC’s approval is acknowledged. As stated in the Draft EIR, Section E, Comparison of Alternatives, “although this EIR identifies an Environmentally Superior Alternative, it is possible that the CPUC could choose to balance the importance of each impact area differently and reach a different conclusion during the project approval process. Therefore, the Commission may approve a project that is not the Environmentally Superior Alternative.”

The commenter's support of the Proposed Project is noted. Please refer to common response ALT-1 regarding the Bayfront Enhancement Fund.

B6-6 Comment is noted. Please refer to common response ALT1 regarding the Environmentally Superior Alternative.

B6-7 Comment is noted. Please refer to common response ALT1 regarding the Environmentally Superior Alternative.

B6-8 Comment is noted. Please refer to common response ALT1 regarding the Environmentally Superior Alternative.

B6-9 Comment noted. Please refer to common response ALT1 regarding the Environmentally Superior Alternative and the Bayfront Enhancement Fund Alternative.

B6-10 Comment is noted. Please refer to common response ALT1 regarding the Environmentally Superior Alternative.

B6-11 Comment is noted. Please refer to common response ALT1 regarding the Environmentally Superior Alternative.

B6-12 Comment is noted. Please refer to common response ALT1 regarding the Environmentally Superior Alternative.

B6-13 The comment is noted and will be included in the administrative record and considered by CPUC during project deliberation. The comment does not raise specific issues related to the adequacy of the environmental analysis in the EIR; therefore, no additional response is provided or required.

B6-14 The comment is noted and will be included in the administrative record and considered by CPUC during project deliberation. The comment does not raise specific issues related to the adequacy of the environmental analysis in the EIR; therefore, no additional response is provided or required.

B6-15 The comment is noted and will be included in the administrative record and considered by CPUC during project deliberation. The comment does not raise specific issues related to the adequacy of the environmental analysis in the EIR; therefore, no additional response is provided or required.

Please refer to common response ALT2 regarding the EIR consideration of the CVBMP in comparing alternatives.

- B6-16** The commenter's support of the project is noted and will be included in the project record, and the CPUC will consider this comment during project deliberation.
- B6-17** Please refer to common response ALT2 regarding the EIR consideration of the CVBMP in comparing alternatives.
- B6-18/19** The commenter's support of the project is noted and will be included in the project record, and the CPUC will consider this comment during project deliberation.
- The comment is noted and will be included in the administrative record and considered by CPUC during project deliberation.
- B6-20** The comment states that the Draft EIR is adequate and complete with respect to the Proposed Project; therefore, no additional response is provided or required. The commenter's support of the project is noted and will be included in the project record, and the CPUC will consider this comment during project deliberation.
- B6-21** The Draft EIR in Section D for each environmental issue area, as well as in Section E, Comparison of Alternatives, does disclose the benefits of the Proposed Project as well as whether alternatives evaluated would or would not also result in these benefits, such as visual impacts and compatibility with the CVBMP. However, as discussed in common response ALT1, in determining the Environmentally Superior Alternative, the EIR analysis does not consider the beneficial impacts of any alternative above and beyond its ability to reduce or avoid significant effects of the Proposed Project.
- B6-22** Comment is noted. Please refer to common responses ALT1 and ALT2 regarding the EIR alternatives analysis and determination of the Environmentally Superior Alternative.
- B6-23** Please refer to common responses ALT1 and ALT2 regarding the EIR alternatives analysis.
- B6-24** Please refer to common response ALT1 regarding the methodology used in screening alternatives.
- B6-25** Please refer to common response ALT2 regarding the EIR consideration of the Coastal Act and applicable land use plans in comparing alternatives.
- B6-26** Please refer to common response ALT1 regarding the methodology used in screening alternatives including determination of legal feasibility of alternatives.
- B6-27** As discussed in the Draft EIR, Section D.1.2.1, Environmental Baseline, pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines (14

CCR 15125[a]), the environmental setting used to determine the impacts associated with the Proposed Project and alternatives is based on the environmental conditions that existed in the project area in July 2011 at the time the Notice of Preparation (NOP) was published.

The Draft EIR included a complete and accurate environmental setting based upon the date of the NOP. At the time of the NOP, the environmental setting included a discussion and analysis of the environmental setting as it existed at the time of the NOP. This is consistent both with the CEQA Guidelines and case law. In fact, as stated by the court in the case provided from the commenter within B6-27, “A long line of Court of Appeal decisions holds, in similar terms, that the impacts of a proposed project are ordinarily to be compared to the actual environmental conditions existing at the time of CEQA analysis, rather than allowable conditions defined by a plan or a regulatory framework” (*Communities for a Better Environment v South Coast Air Quality Management District* 2010). Further, the court states that “CEQA Guidelines...directs that the lead agency ‘normally’ use a measure of physical conditions ‘at the time the notice of preparation [of an EIR] is published, or if no notice of preparation is published, at the time environmental analysis is commenced” (*Communities for a Better Environment v South Coast Air Quality Management District* 2010). However, the case does not stand for the proposition that the alternatives analysis was somehow incorrect or inappropriate by using the physical site conditions as they existed when the aesthetic analysis, as described in the Draft EIR, was completed.

- B6-28** Please refer to response B6-27.
- B6-29** Please refer to response B6-27.
- B6-30** Please refer to common response GEN2 regarding the EIR adequacy as well as common response ALT1 regarding feasibility of alternatives.
- B6-31** Comment noted. Please refer to common responses ALT1 and ALT2 regarding the EIR alternatives analysis.
- B6-32** Section C.7 of the EIR discusses the No Project Alternative including whether the No Project Alternative would meet growth and reliability needs. As discussed under the No Project Alternative, SDG&E may be required to develop additional transmission upgrades to meet reliability and growth needs as described in Section C.7 of the EIR.
- B6-33** Please refer to response B6-21.

B6-34 Please refer to common response ALT1 regarding the Environmentally Superior Alternative.

The comment regarding CPUC’s approval is acknowledged. As stated in the Draft EIR, Section E, Comparison of Alternatives, “although this EIR identifies an Environmentally Superior Alternative, it is possible that the CPUC could choose to balance the importance of each impact area differently and reach a different conclusion during the project approval process. Therefore, the Commission may approve a project that is not the Environmentally Superior Alternative.

The commenter’s support of the Proposed Project is noted. Please refer to common response ALT1 regarding the Bayfront Enhancement Fund.

B6-35 Please refer to common response ALT1 regarding the legal feasibility of the Existing South Bay Substation Alternative.

B6-36 Comment noted. Please refer to common response ALT1 regarding the Environmentally Superior Alternative and the Bayfront Enhancement Fund Alternative.

B6-37 Comment noted. Please refer to common response ALT1 regarding the Bayfront Enhancement Fund Alternative.

B6-38 Comment noted. Please refer to common response ALT1 regarding the Bayfront Enhancement Fund Alternative.

B6-39 Comment is noted. Please refer to common responses ALT1 and ALT2 regarding the EIR alternatives analysis and determination of the Environmentally Superior Alternative.

B6-40 Comment noted. Please refer to common response ALT1 regarding the Environmentally Superior Alternative and the Bayfront Enhancement Fund Alternative.

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Response to Comment Letter B7

**California Coastal Commission
Kate Huckelbridge,
Energy, Ocean Resources, and Federal Consistency
August 31, 2012**

- B7-1** The Draft Environmental Impact Report (EIR) acknowledges that selection of the project will require a coastal development permit (CDP) from the California Coastal Commission (CCC) and a CDP from the San Diego Unified Port District (Port District) and that the Proposed Project, along with the existing South Bay Substation, is within the Chula Vista Bayfront Master Plan (CVBMP) planning area.
- B7-2** The Draft EIR acknowledges that the Proposed Project along with the existing South Bay Substation is within the CVBMP planning area. Please refer to common response ALT2 regarding the recent (August 9, 2012) CCC approval of amendments to the City of Chula Vista's local coastal program and the Port District's Port Master Plan that together enact the CVBMP. The comment regarding the CVBMP is noted and will be included in the administrative record and considered by the California Public Utilities Commission (CPUC) during project deliberation.
- B7-3** The comment regarding benefits of the Proposed Project will be included in the administrative record and considered by the CPUC during project deliberation. The Draft EIR in Section D for each environmental issue area, as well as in Section E, Comparison of Alternatives, does disclose the benefits of the Proposed Project as well as whether alternatives evaluated would or would not also result in these benefits, such as visual impacts and compatibility with the CVBMP. However, as discussed in common response ALT1, in determining the Environmentally Superior Alternative, the EIR analysis does not consider the beneficial impacts of any alternative above and beyond its ability to reduce or avoid significant effects of the Proposed Project.
- B7-4** The Draft EIR in Section D.10.3, Table D.10-3, Consistency Analysis of Land Use Plans, Policies, and Regulations, for the South Bay Substation Project, acknowledges that the Proposed Project is consistent with the coastal act and discloses the benefits of removing the existing substation as proposed. The commenter's support of the Proposed Project, the benefits it offers, consistency with the Coastal Act, and determination that it can be found to be the least environmentally damaging feasible alternative is noted and will be included in the administrative record and considered by the CPUC during project deliberation.

- B7-5** The commenter agrees that mitigation provided in the EIR will mitigate impacts to wetlands; the comment will be included in the administrative record and considered by the CPUC during project deliberation.
- B7-6** The commenter's support of the Proposed Project and consistency with the Coastal Act and recently approved Port Master Plan is noted and will be included in the administrative record and considered by the CPUC during project deliberation.

Response to Comment Letter B8

California Department of Fish and Game
Stephen M. Juarez,
Environmental Program Manager, South Coast Region
September 18, 2012

B8-1 The comment is noted and will be included in the administrative record and considered by California Public Utilities Commission (CPUC) during project deliberation. The comment does not raise specific issues related to the adequacy of the environmental analysis in the Environmental Impact Report (EIR); therefore, no additional response is provided or required.

B8-2 Figure D.5-1 shows the San Diego National Wildlife Refuge (purple diagonal pattern) and also identifies the current condition adjacent to the Proposed Project as salt crystallizer ponds. The text of the EIR acknowledges the adjacency of the San Diego National Wildlife Refuge (NWR) with the following text: “A portion of the larger San Diego Bay NWR abuts the southwest portion of the Proposed Project site, and the Chula Vista Wildlife Reserve, San Diego Bay, and a portion of the San Diego Bay NWR are located west of the Proposed Project site.” This text appears in Section D.5.1.6.

In response to this comment, the graphic in Section B, Figure B-2, has been modified in the Final EIR. These changes and additions to the EIR do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the California Environmental Quality Act (CEQA) Guidelines.

B8-3 The comment is noted and will be included in the administrative record and considered by CPUC during project deliberation. The comment does not raise specific issues related to the adequacy of the environmental analysis in the EIR; therefore, no additional response is provided or required.

B8-4 The comment is noted and will be included in the administrative record and considered by CPUC during project deliberation. The information provided in this comment, while new information, does not change the conclusions of the EIR that impacts to special-status species are significant. The EIR includes a number of mitigation measures to avoid indirect impacts to special-status species. Because birds may change their nesting locations from year to year, the EIR discusses proximity in general, acknowledging the known use of the San Diego NWR by these listed species. To reduce impacts to avian species during construction activities, including ground disturbance, SDG&E will implement APM-BIO-01

and APM-BIO-03, as well as Mitigation Measures BIO-7, BIO-8, and BIO-11. These measures include attenuating noise and conducting activities in accordance with the SDG&E Natural Community Conservation Plan (NCCP) operational protocols to avoid, minimize, or mitigate impacts and implementing APM-BIO-02 to prevent impacts to special-status species.

- B8-5** Typically, final landscape design plans are prepared after final engineering. The EIR specifies predominantly native species for landscaping. The following sentence has been added to the EIR on page B-26: Exotic plant species that should not be used include those species listed on the California Invasive Plant Council's (Cal-IPC's) Invasive Plant Inventory. The mitigation by restoration for impacts to native habitats is outlined in Section D.5 in Mitigation Measures BIO-1 and BIO-3. The mitigation requires that "creation/restoration effort shall be implemented pursuant to a habitat restoration plan, which shall include success criteria and monitoring specifications, and shall be approved by the permitting agencies prior to construction of the project."
- B8-6** Night lighting associated with the proposed project is addressed in Section D.5.3.3 under Impact BIO-7. The project is designed to have lighting shielded and directed downward as described in the Draft EIR: ". . . lighting utilized during nighttime construction would be shielded and directed downward to minimize the potential for light trespass and glare onto adjacent habitat, preserve areas, and open water. With the exception of floodlights installed at each of the Bay Boulevard Substation gates, permanent lighting installed at the substation facility would normally be turned off during nighttime hours (except during emergencies)." Section D.5.3.3 also discusses noise impacts on birds. Mitigation Measure BIO-8 indicates that noise studies will be required, that noise levels will be kept below 60 dBA Leq(h), and that noise barriers will be used if necessary.
- B8-7** The EIR discusses wildlife movement with respect to the National Wildlife Refuge and the migrating species that use the Pacific Flyway. The EIR also notes that the existing habitat and proposed project would not block wildlife movement within the habitat located in the National Wildlife Refuge. The site itself provides little cover and few resources for wildlife or wildlife movement, and all except one of the drainages is unvegetated. To prevent access to undisturbed habitat in the adjacent areas, specifically within the National Wildlife Refuge, which is within the Biological Core and Linkage areas, the entire project site will have a barrier composed of a 10-foot masonry wall as illustrated in Figure B-4. The EIR also addresses indirect impacts and includes mitigation measures to avoid noise impacts.

B8-8 The comment is noted and will be included in the administrative record and considered by CPUC during project deliberation. The EIR includes Mitigation Measure BIO-11 that prohibits helicopter activity for construction during the bird breeding season. If helicopter activity is deemed necessary, the following is included in the EIR: “preconstruction surveys shall be conducted by a qualified biologist within 4,500 feet of the proposed helicopter operation. If nesting birds are present and/or an active nest is discovered, helicopter activity shall be postponed until nesting is complete and the young have fledged.” Coordination with U.S. Fish and Wildlife Service is also required. Other measures are also included in the EIR to avoid impacts to fully protected species. These include attenuating noise and conducting activities in accordance with the SDG&E NCCP operational protocols to avoid, minimize, or mitigate impacts, and implementing APM-BIO-02 to prevent impacts to special-status species.

B8-9 The comment does not raise specific issues related to the adequacy of the environmental analysis in the EIR; therefore, no additional response is provided or required.

B8-10 Additional information on the functions and values of Telegraph Creek are found in the Proponent’s Environmental Assessment, Attachment 4.4-B. In this jurisdictional wetland delineation report, Telegraph Creek is described as an intermittent to perennial drainage with a small amount of wetland vegetation composed of Goodding’s willow, soft-flag cattail, and watercress that has colonized a sediment accumulation within a small section of the otherwise unvegetated channel. The channel is lacking developed soils, thus precluding development of vegetation. Use of the channel is described with mammal species, including urban-tolerant species, and occasional transient use by migratory waterfowl and shorebirds. Telegraph Creek is approximately 2,000 feet from the edge of the Proposed Project facility. Within 100 feet of Telegraph Creek, approximately 10 poles will either be installed or removed, which will be temporary work areas. The EIR discloses that these temporary work areas are addressed with Mitigation Measure BIO-10 in order to result in avoidance of impacts to sensitive resources.

In response to this comment, the discussion of Telegraph Creek in Section D.5.1.6 has been modified in the Final EIR. These changes and additions to the EIR do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.

B8-11 The EIR, Section F.5, Cumulative Projects, describes and analyzes the impacts from cumulative projects in the proposed project area including the Chula Vista Bayfront Master Plan.

B8-12 The comment is noted and will be included in the administrative record and considered by CPUC during project deliberation. The comment does not raise specific issues related to the adequacy of the environmental analysis in the EIR; therefore, no additional response is provided or required.