

Comments and Responses to Comments

Introduction

This volume provides information about the public review period for the Draft Environmental Impact Report (EIR) for the proposed Mesa 500-kV Substation Project (proposed project); a list of public agencies, organizations, and individuals who commented on the Draft EIR; and the purpose of the response to comments. This volume also includes copies of all written comments received on the Draft EIR and the California Public Utility's (CPUC's) responses to these comments.

Public Review Period for the Draft EIR

Notice of Availability and Distribution of Draft EIR

The Notice of Availability (NOA) of the Draft EIR was published through a legal advertisement in the Los Angeles Times on April 29, 2016. The NOA described the proposed project, including its background, purpose, and location; identified how to request additional information about the proposed project; and listed the locations of document repositories. The NOA also provided instructions for commenting on the Draft EIR, announced the start of a 45-day public review period (April 30, 2016, through June 13, 2016, subsequently extended to June 27, 2016) and announced a public meeting scheduled for May 18, 2016.

The NOA was distributed to approximately 60 interested state, regional, and local agencies and to more than 4,770 members of the public, including property owners within 500 feet of the existing and proposed rights-of-way and substations and within 1,500 feet of the proposed disturbance areas associated with work at the Mesa Substation. The NOA was also sent to eight tribal representatives. Public notifications, along with electronic copies of the NOA and an announcement of the extension of the comment period, were provided on the website for the proposed project at: <http://tinyurl.com/mesasubstation>. Fifteen copies of the NOA and one copy of the Notice of Completion for the Draft EIR were provided to the State Clearing House.

The CPUC published the Draft EIR electronically on its project website. Hard copies of the Draft EIR were made available for review at public libraries in the cities of Monterey Park, Montebello, and Commerce. Copies of the NOA, newspaper legal advertisement, and public meeting sign-in sheets are provided in Attachment 1.

Draft EIR Public Meeting

The CPUC held one public meeting in the city of Monterey Park to discuss the Draft EIR and take questions from the public. The meeting was held on May 18, 2016, from 6:00 p.m. to 8:00 p.m. at the Barnes Park Service Clubhouse. The CPUC presented on the purpose of the meeting, the components and significant impacts of the proposed project, project alternatives, the environmental review process, and methods for the public and agencies to comment on the Draft EIR. An informal discussion session followed the presentation. Verbal comments were not accepted; however, written comments were accepted from the attendees, and the CPUC shared information about how to submit written comments on the Draft EIR.

Comments on the Draft EIR

The CPUC encouraged the public and agencies to submit comments regarding the proposed project and the adequacy of the Draft EIR in person at the public meeting or by mail, facsimile, or email. During the public comment period, the CPUC received comment letters from public agencies, a Native American Tribe, individuals, a corporation, and organizations. This volume contains all comment letters received during the comment period and the CPUC's responses to the comments. Each comment letter is identified with a letter and number (e.g., B2-1), and each comment is identified with a bracket and comment number (e.g., B2-3). Responses follow each complete comment letter. Table 1 lists the comment letters received on the Draft EIR, including the dates the letters were received and the names and affiliations of the commenters.

Table 1 Comment Letters Received on the Draft EIR

Comment Letter	Date	Commenter
Public Agencies and Tribal Governments		
A1	6/16/2016	Betty Courtney, California Department of Fish and Wildlife
A2	6/1/2016	Deanna Watson, California Department of Transportation
A3	7/19/2016 ⁽¹⁾	Christine Medak, U.S. Fish and Wildlife Service
A4	6/10/2016	Jillian Wong, South Coast Air Quality Management District
A5	6/22/2016	Vivian Romero, City of Montebello
A6	6/22/2016	Ben Kim, City of Montebello
A7	5/31/2016	Jose Jimenez, City of Commerce
A8	6/23/2016	Michael Huntly, City of Monterey Park
A9	5/10/2016	Andrew Salas, Gabrieleño Band of Mission Indians
Non-Governmental Organizations		
B1	5/22/2016	Margot Eiser, Save Montebello Hills
B2	6/10/2016	George Kim, MORGNER PCS
B3	6/27/2016	Margot Eiser, Citizens for Open and Public Participation
Individuals and Corporations		
C1	4/30/2016	Saul Roe
C2	5/1/2016	James Flournoy
C3	5/18/2016	Calvin Yoshitake
C4	5/18/2016	Marc Blodgett
C5	5/18/2016	Samuel Villalobos
C6	5/18/2016	Samuel Villalobos
C7	6/27/2016	Samuel Villalobos
C8	6/27/2016	Henry Jew
C9	6/27/2016	Yvonne Watson
C10	6/27/2016	Jordan Pinjuv, California Independent System Operator
C11	5/18/2016	Yvonne Watson
C12	6/10/2016	Josh Havelka, Barnhart Crane
Applicant Comments		
D1	6/27/2016	Jack Horne, Southern California Edison
D2	6/27/2016	Jack Horne, Southern California Edison

Note

⁽¹⁾ The comment period was extended for USFWS, and CPUC is considering this comment as submitted on time.

Purpose of the Response to Comments Volume

Content

This Final EIR, along with the Draft EIR (with revisions described in the response to comments), constitutes the Final EIR for the proposed project. The Final EIR has been prepared pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations Title 14, section 15000 et seq.). The Final EIR contains all comments on the Draft EIR and the responses to those comments. The focus of the response to comments is the disposition of significant environmental issues raised by commenters (CEQA Guidelines Section 15088(a)).

Consideration of Final EIR in CPUC Decision-Making Process

The CPUC considers information from the environmental review and the general proceeding processes during its decision-making process. After the environmental review and the CPUC general proceedings are complete, the assigned Administrative Law Judge (ALJ) will prepare a Proposed Decision for the proposed project for consideration by CPUC Commissioners. The ALJ's Proposed Decision will be based on evidence from the general proceeding, analysis, and conclusions in the Final EIR, and public comments. The CPUC will consider the proposed project, the no project alternative, and project alternatives for adoption.

The Role of the Environmentally Superior Alternative

The CEQA Guidelines require that an EIR identify an "environmentally superior alternative," other than the No Project alternative, among the alternatives discussed in the EIR (CEQA Guidelines section 15162.6(e)(2)). The lead agency is not required to adopt the "environmentally superior alternative," but CEQA and state policy require that if a proposed project would result in significant environmental impacts that will not be avoided or substantially lessened by mitigation measures, the lead agency must consider any environmentally superior alternatives identified in the EIR and find that they are "infeasible" before approving the proposed project (Pub. Resources Code sections 21002, 21081(a)(3); CEQA Guidelines section 15091(a)(3)).

Thus, if the CPUC decides to adopt the proposed project, it would first be required to make findings pursuant to CEQA that the environmentally superior alternative(s) identified in the EIR are "infeasible." The reasons for such findings would be explained in the CPUC's decision and would be supported by substantial evidence, as required by CEQA.

As discussed below, reasons for finding environmentally superior alternatives infeasible may include costs, policy considerations, technical realities, and time constraints. (See, e.g., *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417 [rejecting alternatives as infeasible because they would not be desirable based on a reasonable balancing of the relevant economic, environmental, social, and technological factors]; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001 [upholding agency's rejection of alternative and recognizing that in making infeasibility findings, the lead agency must determine "how numerous competing and necessarily conflicting interests should be resolved."].)

Feasibility of Alternatives

As defined in CEQA, “[f]easible’ means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors” (Pub. Res. Code section 21061.1). CEQA Guidelines section 15364 generally repeats this definition but adds “legal” considerations to those which may be taken into account in determining the feasibility of mitigation measures.

As the foregoing definitions indicate, a determination of feasibility necessarily involves a series of judgment calls concerning potential costs, environmental effectiveness and potential environmental side effects, social policy considerations, technical realities, and potential time constraints.

The feasibility of alternatives is considered at two stages in the CEQA process, and differing factors must be considered at each stage. At the first stage, the EIR “must consider a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation” (CEQA Guidelines section 15126.6(a)). In addition to being “potentially feasible,” these alternatives must satisfy most of the basic project objectives and reduce or avoid one or more of the significant impacts of the proposed project (CEQA Guidelines section 15126.6(c)).

The second stage of the CEQA process where feasibility of alternatives is considered is the project approval stage. At that point, the lead agency’s decisionmakers must weigh the relative advantages and disadvantages of the proposed project and the alternatives analyzed in the EIR. In doing so, the lead agency may consider a range of social, policy, economic, legal, and other factors, in addition to the environmental factors evaluated in the EIR. Ultimately, the lead agency’s decisionmakers may decide to reject the alternatives in favor of the proposed project on the grounds that the alternatives are infeasible. In fact, in certain circumstances (e.g., prior to approving a project as proposed where an alternative would substantially lessen the project’s significant environmental effects), CEQA requires the lead agency to find that “[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternative identified in the final EIR” (CEQA Guidelines section 15091(a)(3); Pub. Resources Code sections 21002, 21081(a)(3)).

The fact that a lead agency’s decisionmakers may find a particular alternative infeasible at the decision-making stage of the CEQA process does not mean that the alternative should not have been considered in the EIR. For example, evidence introduced in comments on the draft EIR can and should be considered in the ultimate determination of feasibility. In the case of the CPUC, which conducts an evidentiary hearing process for every project concurrently with the CEQA analysis of that project, the CPUC will also consider evidence developed during these formal CPUC proceedings in making its ultimate determination of whether to approve the proposed project or an alternative. In light of this, the EIR’s consideration of Alternatives 1, 2, and 3 as potentially feasible alternatives is appropriate. The CPUC will consider all comments received on the Draft EIR regarding the feasibility of these alternatives in making its final determination on the proposed project.

Contents of this Volume

This volume is organized as follows:

- MR: Master Responses
- A: Comments by Agencies, Responses to Agency Comments
- B: Comments by Non-Governmental Organizations, Responses to Non-Governmental Organization Comments
- C: Comments by Individuals and Corporations, Responses to Individual and Corporation Responses
- D: Comments by Applicant, Responses to Applicant Comments
- E: Other Revisions to EIR
- F: References for Responses to Comments
- Attachment 1: Draft EIR Noticing and Public Meeting Materials
- Attachment 2-1: Comment Letter B3 Attachments
- Attachment 2-2: Comment Letter C2 Attachments

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