Scott Cashen, M.S.
Senior Wildlife Biologist

Scott Cashen has 28 years of professional experience in natural resources management. During that time he has worked as a field biologist, forester, environmental consultant, and instructor of Wildlife Management. Mr. Cashen focuses on CEQA/NEPA compliance issues, endangered species, scientific field studies, and other topics that require a high level of scientific expertise.

Mr. Cashen has knowledge and experience with numerous taxa, ecoregions, biological resource issues, and environmental regulations. As a biological resources expert, Mr. Cashen is knowledgeable of the various agency-promulgated guidelines for field surveys, impact assessments, and mitigation. Mr. Cashen has led field investigations on several special-status species, including ones focusing on the yellow-legged frog, red-legged frog, desert tortoise, steelhead, burrowing owl, California spotted owl, northern goshawk, willow flycatcher, Peninsular bighorn sheep, red panda, and various forest carnivores.

Mr. Cashen is a recognized expert on the environmental impacts of renewable energy development. He has been involved in the environmental review process of over 100 solar, wind, biomass, and geothermal energy projects. Mr. Cashen's role in this capacity has encompassed all stages of the environmental review process, from initial document review through litigation support. Mr. Cashen provided expert witness testimony on several of the Department of the Interior's "fast-tracked" renewable energy projects. His testimony on those projects helped lead agencies develop project alternatives and mitigation measures to reduce environmental impacts associated with the projects.

Mr. Cashen was a member of the independent scientific review panel for the Quincy Library Group project, the largest community forestry project in the United States. As a member of the panel, Mr. Cashen was responsible for advising the U.S. Forest Service on its scientific monitoring program, and for preparing a final report to Congress describing the effectiveness of the Herger-Feinstein Forest Recovery Act of 1998.

AREAS OF EXPERTISE

- CEQA, NEPA, and Endangered Species Act compliance issues
- Comprehensive biological resource assessments
- Endangered species management
- Renewable energy development
- Scientific field studies, grant writing and technical editing

EDUCATION

M.S. Wildlife and Fisheries Science - The Pennsylvania State University (1998)
Thesis: *Avian Use of Restored Wetlands in Pennsylvania*
B.S. Resource Management - The University of California, Berkeley (1992)

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PROFESSIONAL EXPERIENCE

Litigation Support / Expert Witness

Mr. Cashen has served as a biological resources expert for over 125 projects subject to environmental review under the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA). As a biological resources expert, Mr. Cashen reviews CEQA/NEPA documents and provides his clients with an assessment of biological resource issues. He then submits formal comments on the scientific and legal adequacy of the project's environmental documents (e.g., Environmental Impact Report). If needed, Mr. Cashen conducts field studies to generate evidence for legal testimony, or he can obtain supplemental testimony from his deep network of species-specific experts. Mr. Cashen has provided written and oral testimony to the California Energy Commission, California Public Utilities Commission, and U.S. district courts. His clients have included law firms, non-profit organizations, and citizen groups.

REPRESENTATIVE EXPERIENCE

Solar Energy

- Abengoa Mojave Solar Project
- Avenal Energy Power Plant
- Beacon Solar Energy Project
- Blythe Solar Power Project
- Calico Solar Project
- California Flats Solar Project
- Calipatria Solar Farm II
- Carrizo Energy Solar Farm
- Catalina Renewable Energy
- Fink Road Solar Farm
- Genesis Solar Energy Project
- Heber Solar Energy Facility
- Imperial Valley Solar Project
- Ivanpah Solar Electric Generating
- Maricopa Sun Solar Complex
- McCoy Solar Project
- Mt. Signal and Calexico Solar
- Panoche Valley Solar
- San Joaquin Solar I & II
- San Luis Solar Project
- Stateline Solar Project
- Solar Gen II Projects
- SR Solis Oro Loma
- Vestal Solar Facilities
- Victorville 2 Power Project
- Willow Springs Solar

Geothermal Energy

- Casa Diablo IV Geothermal
- East Brawley Geothermal
- Mammoth Pacific 1 Replacement
- Orni 21 Geothermal Project
- Western GeoPower Plant

Wind Energy

- Catalina Renewable Energy
- Ocotillo Wind Energy Project
- SD County Wind Energy
- Searchlight Wind Project
- Shu'luuk Wind Project
- Tres Vaqueros Repowering Project
- Tule Wind Project
- Vasco Winds Relicensing Project

Biomass Facilities

- CA Ethanol Project
- Colusa Biomass Project
- Tracy Green Energy Project

Other Development Projects

- Cal-Am Desalination Project
- Carnegie SVRA Expansion Project
- Lakeview Substation Project
- Monterey Bay Shores Ecoresort
- Phillips 66 Rail Spur
- Valero Benecia Crude By Rail
- World Logistics Center

Cashen, Curriculum Vitae 2

Project Management

Mr. Cashen has managed several large-scale wildlife, forestry, and natural resource management projects. Many of the projects have required hiring and training field crews, coordinating with other professionals, and communicating with project stakeholders. Mr. Cashen's experience in study design, data collection, and scientific writing make him an effective project manager, and his background in several different natural resource disciplines enable him to address the many facets of contemporary land management in a cost-effective manner.

REPRESENTATIVE EXPERIENCE

Wildlife Studies

- Peninsular Bighorn Sheep Resource Use and Behavior Study: (*CA State Parks*)
- "KV" Spotted Owl and Northern Goshawk Inventory: (*USFS, Plumas NF*)
- Amphibian Inventory Project: (*USFS, Plumas NF*)
- San Mateo Creek Steelhead Restoration Project: (*Trout Unlimited and CA Coastal Conservancy, Orange County*)
- Delta Meadows State Park Special-Status Species Inventory: (*CA State Parks, Locke*)

Natural Resources Management

- Mather Lake Resource Management Study and Plan – (*Sacramento County*)
- Placer County Vernal Pool Study – (*Placer County*)
- Weidemann Ranch Mitigation Project – (*Toll Brothers, Inc., San Ramon*)
- Ion Communities Biological Resource Assessments – (*Ion Communities, Riverside and San Bernardino Counties*)
- Del Rio Hills Biological Resource Assessment – (*The Wyro Company, Rio Vista*)

Forestry

- Forest Health Improvement Projects – (*CalFire, SD and Riverside Counties*)
- San Diego Bark Beetle Tree Removal Project – (*SDG&E, San Diego Co.*)
- San Diego Bark Beetle Tree Removal Project – (*San Diego County/NRCS*)
- Hillslope Monitoring Project – (*CalFire, throughout California*)

Biological Resources

Mr. Cashen has a diverse background with biological resources. He has conducted comprehensive biological resource assessments, habitat evaluations, species inventories, and scientific peer review. Mr. Cashen has led investigations on several special-status species, including ones focusing on the foothill yellow-legged frog, mountain yellow-legged frog, desert tortoise, steelhead, burrowing owl, California spotted owl, northern goshawk, willow flycatcher, Peninsular bighorn sheep, red panda, and forest carnivores.

REPRESENTATIVE EXPERIENCE

Biological Assessments/Biological Evaluations ("BA/BE")

- Aquatic Species BA/BE – Reliable Power Project (*SFPUC*)
- Terrestrial Species BA/BE – Reliable Power Project (*SFPUC*)
- Management Indicator Species Report – Reliable Power Project (*SFPUC*)
- Migratory Bird Report – Reliable Power Project (*SFPUC*)
- Terrestrial and Aquatic Species BA – Lower Cherry Aqueduct (*SFPUC*)
- Terrestrial and Aquatic Species BE – Lower Cherry Aqueduct (*SFPUC*)
- Terrestrial and Aquatic Species BA/BE – Public Lands Lease Application (*Society for the Conservation of Bighorn Sheep*)
- Terrestrial and Aquatic Species BA/BE – Simon Newman Ranch (*The Nature Conservancy*)
- Draft EIR (Vegetation and Special-Status Plants) - Wildland Fire Resiliency Program (*Midpeninsula Regional Open Space District*)

Avian

- Study design and Lead Investigator - Delta Meadows State Park Special-Status Species Inventory *(CA State Parks: Locke)*
- Study design and lead bird surveyor - Placer County Vernal Pool Study *(Placer County: throughout Placer County)*
- Surveyor - Willow flycatcher habitat mapping *(USFS: Plumas NF)*
- Surveyor - Tolay Creek, Cullinan Ranch, and Guadacanal Village restoration projects *(Ducks Unlimited/USGS: San Pablo Bay)*
- Study design and Lead Investigator - Bird use of restored wetlands research *(Pennsylvania Game Commission: throughout Pennsylvania)*
- Study design and surveyor - Baseline inventory of bird species at a 400-acre site in Napa County *(HCV Associates: Napa)*
- Surveyor - Baseline inventory of bird abundance following diesel spill *(LFR Levine-Fricke: Suisun Bay)*

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- Study design and lead bird surveyor - Green Valley Creek Riparian Restoration Site *(City of Fairfield: Fairfield, CA)*
- Surveyor - Burrowing owl relocation and monitoring *(US Navy: Dixon, CA)*
- Surveyor - Pre-construction burrowing owl surveys *(various clients: Livermore, San Ramon, Rio Vista, Napa, Victorville, Imperial County, San Diego County)*
- Surveyor - Backcountry bird inventory *(National Park Service: Eagle, Alaska)*
- Lead surveyor - Tidal salt marsh bird surveys (*Point Reyes Bird Observatory: throughout Bay Area*)
- Surveyor – Pre-construction surveys for nesting birds (*various clients and locations)*

Amphibian

- Crew Leader - Red-legged frog, foothill yellow-legged frog, and mountain yellow-legged frog surveys *(USFS: Plumas NF)*
- Surveyor - Foothill yellow-legged frog surveys *(PG&E: North Fork Feather River)*
- Surveyor - Mountain yellow-legged frog surveys *(El Dorado Irrigation District: Desolation Wilderness)*
- Crew Leader - Bullfrog eradication *(Trout Unlimited: Cleveland NF)*

Fish and Aquatic Resources

- Surveyor - Hardhead minnow and other fish surveys *(USFS: Plumas NF)*
- Surveyor - Weber Creek aquatic habitat mapping (*El Dorado Irrigation District: Placerville, CA*)
- Surveyor - Green Valley Creek aquatic habitat mapping *(City of Fairfield: Fairfield, CA)*
- GPS Specialist - Salmonid spawning habitat mapping *(CDFG: Sacramento River)*
- Surveyor - Fish composition and abundance study (*PG&E: Upper North Fork Feather River and Lake Almanor*)
- Crew Leader - Surveys of steelhead abundance and habitat use *(CA Coastal Conservancy: Gualala River estuary)*
- Crew Leader - Exotic species identification and eradication *(Trout Unlimited: Cleveland NF)*

Mammals

- Principal Investigator – Peninsular bighorn sheep resource use and behavior study (*California State Parks: Freeman Properties*)

- Scientific Advisor –Study on red panda occupancy and abundance in eastern Nepal *(The Red Panda Network: CA and Nepal)*
- Surveyor - Forest carnivore surveys *(University of CA: Tahoe NF)*
- Surveyor - Relocation and monitoring of salt marsh harvest mice and other small mammals *(US Navy: Skagg's Island, CA)*
- Surveyor – Surveys for Monterey dusky-footed woodrat. Relocation of woodrat houses (*Touré Associates: Prunedale*)

Natural Resource Investigations / Multiple Species Studies

- Scientific Review Team Member – Member of the scientific review team assessing the effectiveness of the US Forest Service's implementation of the Herger-Feinstein Quincy Library Group Act.
- Lead Consultant - Baseline biological resource assessments and habitat mapping for CDF management units *(CDF: San Diego, San Bernardino, and Riverside Counties)*
- Biological Resources Expert – Peer review of CEQA/NEPA documents (*various law firms, non-profit organizations, and citizen groups)*
- Lead Consultant - Pre- and post-harvest biological resource assessments of tree removal sites *(SDG&E: San Diego County)*
- Crew Leader - T&E species habitat evaluations for Biological Assessment in support of a steelhead restoration plan *(Trout Unlimited: Cleveland NF)*
- Lead Investigator - Resource Management Study and Plan for Mather Lake Regional Park *(County of Sacramento: Sacramento, CA)*
- Lead Investigator - Biological Resources Assessment for 1,070-acre Alfaro Ranch property *(Yuba County, CA)*
- Lead Investigator - Wildlife Strike Hazard Management Plan *(HCV Associates: Napa)*
- Lead Investigator - Del Rio Hills Biological Resource Assessment *(The Wyro Company: Rio Vista, CA)*
- Lead Investigator – Ion Communities project sites (*Ion Communities: Riverside and San Bernardino Counties*)
- Surveyor – Tahoe Pilot Project: Validation of California's Wildlife Habitat Relationships (CWHR) Model *(University of California: Tahoe NF)*

Forestry

Mr. Cashen has five years of experience working as a consulting forester on projects throughout California. Mr. Cashen has consulted with landowners and timber operators on forest management practices; and he has worked on a variety of forestry tasks including selective tree marking, forest inventory, harvest layout, erosion control, and supervision of logging operations. Mr. Cashen's experience with many different natural resources enable him to provide a holistic approach to forest management, rather than just management of timber resources.

REPRESENTATIVE EXPERIENCE

- Lead Consultant - CalFire fuels treatment projects *(SD and Riverside Counties)*
- Lead Consultant and supervisor of harvest activities – San Diego Gas and Electric Bark Beetle Tree Removal Project *(San Diego)*
- Crew Leader - Hillslope Monitoring Program *(CalFire: throughout California)*
- Consulting Forester – Forest inventories and timber harvest projects *(various clients throughout California)*

Grant Writing and Technical Editing

Mr. Cashen has prepared and submitted over 50 proposals and grant applications. Many of the projects listed herein were acquired through proposals he wrote. Mr. Cashen's clients and colleagues have recognized his strong scientific writing skills and ability to generate technically superior proposal packages. Consequently, he routinely prepares funding applications and conducts technical editing for various clients.

PERMITS

U.S. Fish and Wildlife Service Section 10(a)(1)(A) Recovery Permit for the Peninsular bighorn sheep

PROFESSIONAL ORGANIZATIONS / ASSOCIATIONS

The Wildlife Society
Cal Alumni Foresters
Mt. Diablo Audubon Society

OTHER AFFILIATIONS

Scientific Advisor and Grant Writer – *The Red Panda Network*
Scientific Advisor – *Mt. Diablo Audubon Society*
Grant Writer – *American Conservation Experience*

TEACHING EXPERIENCE

Instructor: Wildlife Management - The Pennsylvania State University, 1998

Teaching Assistant: Ornithology - The Pennsylvania State University, 1996-1997

PUBLICATIONS

Gutiérrez RJ, AS Cheng, DR Becker, S Cashen, et al. 2015. Legislated collaboration in a conservation conflict: a case study of the Quincy Library group in California, USA. Chapter 19 *in*: Redpath SR, et al. (eds). Conflicts in Conservation: Navigating Towards Solutions. Cambridge Univ. Press, Cambridge, UK.

Cheng AS, RJ Gutiérrez RJ, S Cashen, et al. 2016. Is There a Place for Legislating Place-Based Collaborative Forestry Proposals?: Examining the Herger-Feinstein Quincy Library Group Forest Recovery Act Pilot Project. Journal of Forestry.

EXHIBIT C

1. Is Estrella needed to solve distribution system problems?

a. Is Estrella needed to meet DPA peak loads?

D-349

No. The applicants have repeatedly claimed that summer peak loads in the Paso Robles Distribution Planning Area ("DPA") are expected to exceed the DPA capacity of 212.55 Mw in the next 5 to 15 years (Revised PEA, Appendix G; 2018 update to Appendix G; 2019 updated DPA forecast). The DEIR repeats PG&E's claim that the Paso Robles DPA loads "will exceed the available capacity of the Paso Robles system within 5 to 15 years (see Figure 2-5)." (DEIR, p. 2012). But the very figure the DEIR cites contradicts PG&E's conclusion. DEIR Figure 2-5 shows that, while forecasts made in 2017-19 did indeed show Paso Robles DPA load exceeding its capacity by no later than 2024, the more recent load forecast for the Paso Robles DPA shows no such thing. Paso Robles DPA actual loads in 2019 were only 168 Mw, lower than in 2007, and some 44 MVA below DPA capacity (DEIR, p. 2-13). That 44 MVA margin was the largest since 2011 (DEIR, p. 2-13). The resultant 2020 forecast, even though it is based on 1-year-in-10 hot weather, shows peak loads well below DPA capacity throughout the 2020s. DPA loads grow only 5 Mw from 2020 through 2029, and in 2029 they are still 10 Mw below DPA capacity (DEIR, p. 2-12; note that the DPA capacity already includes a 5% derating of total DPA capacity compared to individual substation capacity, to allow for difficulties in matching loads to the substations with the most spare capacity). At that rate, DPA loads will not exceed the DPA capacity of 212.55 Mw for another 18 years after the last forecast year, or not until 2047. Estrella is not needed to meet a DPA capacity problem that does not exist today, is not projected to exist in this decade, and is on trend to not exist until well into the 2040s.

b. Is Estrella needed to improve distribution system reliability by reducing outages?

D-350

No. The DEIR contains language (taken from the applicant's PEA and its Appendix G) indicating that, in theory, longer distribution lines have worse reliability, and that Estrella, by enabling shorter lines will improve reliability (DEIR, p. 2-6). But the actual data do not support the theory. Estrella is proposed to be built in an area now served by distribution circuit Templeton 2109. The data show that the Templeton 2109 distribution circuit has reliability no worse than other Templeton circuits, other Paso Robles DPA circuits, or other circuits in the PG&E service area as a whole. Of the 6 Templeton distribution circuits, the 2012-2017 data in the DEIR shows that Templeton 2109 had the fewest momentary outages and the third-fewest sustained outages, an average of exactly one per year (DEIR, p. 2-8; note that the listing of individual outages on the following pages excludes the Templeton 2113 circuit, the one with the most outages in the 2012-17 period).

Even accounting for the larger number of customers affected by the worst outage on the Templeton 2109 circuit, it still had an annual average outage duration per customer of only 46-58

D-350 cont.

minutes.[1] That is comparable to the other Templeton circuits (annual average of 49.5 minutes, per DEIR, p. 2-10). It is better than the annual average for other Paso Robles DPA circuits (79.7 minutes, per DEIR, p. 2-11) or other circuits throughout the PG&E service area (67.4 minutes, per DEIR, p. 2-11). Estrella is not needed to improve reliability on a circuit that already has above-average reliability.

D-351

2. Is Estrella needed to mitigate reliability impacts of transmission level outages?

a. Is Estrella needed to mitigate the impacts of an outage of the Templeton-Paso Robles 70 kV transmission line?

The proposed Estrella substation is not needed for this purpose, but a new 70 kV circuit would be needed, as has apparently been true for some 20+ years. Paso Robles substation is served by two 70 kV lines. An outage of one of those lines (also known as an "N-1" or P1 outage, or as a Category B outage prior to 2015), means that the entire Paso Robles load would need to be served via the remaining line.

Paso Robles peak loads in 2017 reached 72 Mw (2/23/18 letter from CAISO to CPUC). Of the two lines into Paso Robles, the Templeton-Paso Robles line is capable of delivering over 100 Mw, so an outage of the San Miguel-Paso Robles line would mean the remaining line could easily serve the full Paso Robles load, even at summer peak levels. However, the Coalinga-San Miguel-Paso Robles 70 kV line has a maximum summer capacity of just 42 Mw under N-1 conditions, and some of that capacity is used to serve San Miguel loads before the line continues on to Paso Robles. The net capacity that is available for delivery to Paso Robles from Miguel after an N-1 event is thus only about 27 Mw (only 20 Mw per PG&E, response to DR3, p. 3; 27 Mw based on 42 Mw line capacity minus San Miguel peak load of 15 Mw. The 6/20/18 revised PEA Appendix G, Table 4, shows San Miguel load flat at 15 Mw in every year from 2017-26, inclusive). Thus, an outage of the Templeton-Paso Robles line would cause the San Miguel-Paso Robles line to overload after an outage of the Templeton-Paso Robles line, any time that the Paso Robles load was above 27 Mw.

If Paso Robles peak load reached 72 Mw in 2017, then it must have been above 27 Mw for many years before that. The installation of a UVLS in 2006 (cDR) suggests it was already above 27 Mw then. Indeed, if Paso Robles peak load was less than 27 Mw in 2006, then it grew over 9.3 percent per year from 2006 to 2017 ((72/27)^(1/11)=1.093), a period when PG&E system peak demand was falling (DM data base, using CAISO OASIS data, showing PG&E peak demand of

[1] The DEIR does not say how many customers are served by the Templeton 2109 circuit. At a minimum, there are 4305, the number affected by the May 2012 outage (DEIR, p. 2-9). Multiplying the duration times the affected customers for each Templeton 2109 outage (as shown in the DEIR, p. 2-9), and summing, there were 1.24 million customer minute of outage over the 2012-17 period. Dividing that by 4305 customers yields an annual average of 57.7 minutes per year per customer, which is a worst case. If the actual number of customers is 25 percent higher, because the number of customers grew after 2012 and because the 2012 outage did not affect 100% of the customers on the circuit (which is likely), then the annual average is 46.2 minutes per year per customer.

D-351 cont.

22,650 Mw in 2006 and 21,713 Mw in 2018). That seems unlikely. If Paso Robles load growth has been "only" 5 percent per year in the years before 2017, then it must have reached 27 Mw in the year 1997. So it would appear that there has been a need for a transmission line with a greater capacity than the Coalinga-San Miguel-Paso Robles line for over 20 years.

The Estrella project is one way to solve the reliability risk due to a Templeton-Paso Robles outage, but it is not the only one. Estrella solves the problem by replacing the low capacity San Miguel-Paso Robles line with a higher capacity Estrella-Paso Robles line with a line capacity of up to 100 MVA (summer normal rating) or 118 MVA (summer emergency rating)(ratings based on CAISO, 2013-2014 Transmission Plan, calling for minimum summer normal/emergency ratings of 825/975 amperes). But the alternate of a 2nd Templeton-Paso Robles 70 kV line, described in the DEIR, would do the same thing, and be considerably shorter and, according to the DEIR, cheaper (DEIR, p. 5-17).

D-352

A further potential option, not discussed at all in the DEIR, would be to use the San Miguel-Unionpage 70 kV line mentioned in both a CAISO presentation as part of its 2020-2021 Transmission Plan development (CAISO, 9/23/20 presentation, pdf p. 29 of 247) and the associated model outputs (CAISO, final reliability assessment results for CCLP, pdf pp. 7-9 and 11 of 14), coupled with reconductoring of the entire San Miguel-Paso Robles line (not just the 3 miles already proposed for reconductoring and analyzed in the DEIR). Assuming the San Miguel-Unionpage line exists, is the same size as the San Miguel-Coalinga line, and could be fully loaded after an outage of the Templeton-Paso Robles line, then 84 MVA could be delivered to San Miguel after such an outage. Subtracting the 15 MVA needed to meet San Miguel loads, that would leave 69 MVA deliverable to Paso Robles substation over a reconductored San Miguel-Paso Robles line. 69 MVA is very close to the peak Paso Robles load of 72 MVA experienced in 2017. That 72 MVA peak was, and may well be higher than the reduced Paso Robles substation load forecast that must underlie the reduced 2020-2029 Paso Robles DPA load forecast shown in the DEIR (DEIR, Table 2-5; the DEIR does not provide the 2020-2029 forecast for Paso Robles substation which underlies the 2020-2029 DPA forecast). If this option were indeed viable, it would mean that no new transmission lines would be needed

b. Is Estrella needed to mitigate the impacts of an outage of the Templeton 230/70 kV transformer?

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Perhaps, but it is not clear, and is certainly not demonstrated by the DEIR.

An outage of the Templeton transformer would require loads at Templeton, Paso Robles and San Miguel substations to all be met with imports over two 70 kV lines, one from either he southwest (Templeton-Atascadero) and one from the northeast (Coalinga-San Miguel). The normal rating of the Templeton-Atascadero line was increased to 100 MVA by a reconductoring in 2008 (CAISO 2008 Transmission Plan, p. 120, Table A-1). The typical emergency rating of a 100 MVA line (i.e., after an N-1 outage such as a Templeton transformer outage) is 118 Mw. The

D-353 cont.

emergency rating of the Coalinga-San Miguel line is 42 Mw (CAISO letter to CPUC, 2/23/18). (Note that this is a summer rating; the winter rating is much higher). Thus, if the combined loads of San Miguel, Paso Robles, and Templeton were over 160 Mw, an outage of the Templeton transformer would cause overloads of the Coalinga-San Miguel and/or Atascadero-Templeton lines. (Note that the CAISO has recently also referred to another 70 kV line to San Miguel besides the Coalinga-San Miguel and Paso Robles-San Miguel lines, a San Miguel - Unionpgae line. See CAISO, 9/23/20 presentation re 2020-21 Transmission Plan, pdf. p. 29 of 247. This line, if it exists but is no larger than the San Miguel-Coalinga line, could deliver another 42 MVA to the Paso Robles DPA.)

The most recent load forecast for the Paso Robles DPA shows peak summer loads of 193-203 Mw during the 2020s, with the maximum of 203 Mw in 2028 (DEIR, p. 2-12, Figure 2-5). The Paso Robles DPA includes Atascadero substation, with forecast loads of 29.74 Mw in 2028 in an older DPA forecast in which total DPA load was 221.57 Mw during the 2020s (PG&E, response to DR4, p. 4). Put another way, Atascadero loads were 13.42 percent of 2028 Paso Robles DPA loads in the 2019 forecast (29.74/221.57). Assuming the reduced DPA forecast of 2020 includes a proportional reduction for Atascadero substation, then the currently forecasted loads for San Miguel plus Paso Robles plus Templeton reach a peak value of 203 x .8658 = 176 Mw in 2028. That means that there would be an overload of at least 10 percent on one or both of the Coalinga-San Miguel and Atascadero-Templeton lines after an outage of the Templeton 230/70 kV transformer in 2028 at the time of the summer peak.

D-354

To mitigate this potential outage, there are at least three options. The first is to drop load, using the existing UVLS which has been in place since 2006 but has never yet needed to operate. That would protect the electrical system, but not its customers, just as the UVLS today protects the Coalinga-San Miguel-Paso Robles line from overloading after an N-1 outage of the Templeton-Paso Robles 70 kV line. The second option is to build a second 230/70 kV transformer feeding the 70 kV lines in the Paso Robles DPA. That second transformer could be the one proposed for Estrella, or the one suggested in the DEIR at an alternate substation location adjacent to Templeton substation (DEIR, Appendix B, p. 3-31), or one at a different alternate substation location 2 miles northeast of Templeton (see below), a location ignored in the DEIR. It apparently could not be at the Templeton substation itself, due to space considerations (DEIR, Appendix B, p. 3-36). The third option is local generation located within the Paso Robles DPA. Such generation would only need to be large enough to mitigate overloads during peak load conditions; during off-peak conditions when loads are lower, the existing 70 kV system would be adequate; during non-summer months, 70 kV line ratings would be higher and overloads would also not occur after a transformer outage. A potential 4th option is to use deliveries over a San Miguel-Unionpgae 70 kV line, probably coupled with reconductoring of the existing San Miguel-Paso Robles line, as described above as possible mitigation for an outage of the Templeton-Paso Robles line.

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D-357

D-358 The applicants may argue that the option of relying upon the UVLS to protect the electrical system from undervoltages after a Templeton transformer outage is inappropriate because it means dropping load after an N-1 contingency. It would indeed, but that has also been true for years with regard to an N-1 outage of the Templeton-Paso Robles 70 kV line. The DEIR should explain why the UVLS alternative has been OK for Paso Robles in the past, but has ceased to be acceptable.

D-359 With regard to the alternative of a second 230/70 kV transformer, the DEIR is clear that a new transformer located near the Templeton substation would be electrically suitable as a source of supply for a new 70 kV transmission line to Paso Robles. The DEIR does not explain why the new 230/70 kV substation could not be located 2 miles farther northeast, still adjacent to the existing 230 kV lines, and thus shorten the required 70 kV line by 2 miles. Relocating the 230/70 kV substation farther from Templeton substation would also increase the claimed distribution benefits of the new substation, should it ever be used as a distribution substation, by moving it closer to Paso Robles and farther from Templeton.

D-360 With regards to generation alternatives to a new 230/70 kV transformer, it is not clear whether the DEIR has addressed how long it would take after a Templeton transformer outage for loads to fall to the level at which the existing 70 kV transmission system would be adequate, and what generation alternatives would exist to supplement the 70 kV system during the high load hours when they would be needed. Given that the needed generation resources might be as low as 16 Mw under the latest DPA load forecast, and that the highest load summer hours are hours when solar power is likely to be available, it might take as little as 30-40 Mw of installed solar capacity to mitigate the risk of an on-peak failure of the Templeton transformer during the 2020s. A BESS alternative would also be an option if it would only be needed for a few hours until loads dropped overnight, and could then be recharged before the following afternoon's peak loads (assuming a transformer outage took more than 24 hours to repair).

D-361 With regards to the possible 4th option, if it exists (see discussion above regarding mitigation for an outage of the Templeton-Paso Robles 70 kV line), then in concert with reconductoring of the San Miguel-Paso Robles line, it would allow up to 84 MVA to be imported into the Paso Robles DPA under emergency conditions after an outage of the Templeton 230/70 kV line. Together with up to 118 MVA via the Atascadero-Templeton line, that would be a total of 202 MVA, more than the projected peak load of 176 MVA in 2028 for San Miguel plus Paso Robles plus Templeton. The DEIR never discusses the existence of a San Miguel-Unionpage line, or its possible contribution to meeting the reliability issues driving the proposed Estrella project.

D-362 c. Is Estrella needed to mitigate the impacts of an N-2 (Category C) outage of both 230 kV lines that connect to the Templeton 230/70 kV transformer?

No. Reliability rules allow load to be dropped after the outage of two separate transmission lines. A double 230 kV line outage on the lines feeding Templeton would make the Templeton

D-362 cont.

transformer unusable, and thus cause overloads on the underlying 70 kV system during high load periods, but that is irrelevant. Indeed, even if Estrella were built as proposed, Paso Robles would still face a blackout after an N-2 outage of the Estrella-Paso Robles and Templeton-Paso Robles 70 kV lines. The same is true for the environmentally preferred alternative described in the DEIR. Paso Robles is currently at risk of blackouts from a double transmission line outage, and Estrella would not change that fact. The CAISO's original authorization of Estrella was based on mitigating N-1 contingencies, and Estrella cannot be justified by its impact on N-2 contingencies.

In any case, even if it were appropriate to build new facilities just to mitigate the consequences of an N-2 outage, it is unclear that Estrella would be adequate. The year after Estrella was approved, the CAISO concluded that the proposed new Estrella-Paso Robles line would overload after an N-2 outage of the two 230 kV lines connected to the Templeton substation (CAISO, 9/24/14 presentation, pdf p. 91 of 162).

D-363

3. Is Estrella needed to mitigate reliability issues at and around the Cholame substation?

No. Although there are about 1500 Cholame-area customers at risk for scheduled outages every 1-2 years for maintenance work on the 70 kV line feeding Cholame substation, those outages are not a violation of NERC or CAISO or PG&E reliability criteria. PG&E has stated clearly that it has no plans to use the proposed Estrella substation as a source for a new 70 kV line to Cholame to supplement the existing single line there. (**Electric Distribution Resources Plan Application 2015 Rulemaking 14-10-003 Application 15-07-006, data request ED_019-Q01-18_Rev01, response to question 4)**.

On the other hand, in this proceeding the applicants filed a revised Appendix G to their PEA which states that "The proposed project provides a future opportunity to add an additional transmission line to Cholame Substation to create a looped circuit to improve reliability and operational flexibility on the 70 kV system. This line would likely be constructed within 2 to 3 years after Estrella Substation is built" (Appendix G to PEA, 6/20/18, p. UG-27). To the extent that building Estrella **would** lead to construction of a new 70 kV (or 21 kV) from Estrella to Cholame, the DEIR should have addressed that result; to do otherwise would be the kind of piecemealing that CEQA forbids.

D-364

4. The DEIR misstates the cost of the proposed project

The CAISO approved the Estrella project with an estimated cost of $35-45 million (CAISO, 2013-14 Transmission Plan), in 2014 dollars (CAISO, 21013-2014 Transmission Plan, 7/16/14, Appendix F, pdf p. 5 of 22). The project that the CAISO approved included all facilities above 50 kV, the threshold of CAISO jurisdiction. In particular, it included the short bits of 230 kV line which would connect the existing 230 kV line to the north and south ends of the proposed substation (to be built by PG&E), the 230/70 kV substation (to be built by HWT), and the 70 kV transmission line and line reconductoring (to be built by PG&E). It did not include 70/21 kV transformers or 21 kV distribution lines, which would be built by PG&E subject to CPUC

D-364 cont.

jurisdiction. The DEIR errs when it says that the $35-45 million estimate is just for the 230/70 kV substation to be built by HWT (DEIR, p. 5-16, fn. 2).

The DEIR also appears to err when it says the estimated total cost of the project is $150 million. CAISO-jurisdictional transmission projects with a capital cost over $50 million require CAISO Board approval, which the Estrella project has never received, since it was described to the CAISO in 2013-14 as having a $35-45 million total cost. If the $150 million figure in the DEIR were correct, then unless the distribution components cost over $100 million, that would mean the CAISO-jurisdictional transmission components will cost over $50 million.

The DEIR needs to be corrected to show current cost estimates for each of it three main components - the transmission level parts to be built by HWT, the transmission level parts to be built by PG&E, and the distribution level parts (if any, given the lack of need discussed above) to be built by PG&E.

RESUME

DAVID I. MARCUS
1541 Juanita Way
Berkeley, CA 94702-1136

April 2014

Employment

Self-employed, March 1981 - Present

Consultant on energy and electricity issues. Clients have included Imperial Irrigation District, the cities of Albuquerque and Boulder, the Rural Electrification Administration (REA), BPA, EPA, the Attorney Generals of California and New Mexico, the California Public Utilities Commission, alternative energy and cogeneration developers, environmental groups, labor unions, other energy consultants, and the Navajo Nation. Projects have included economic analyses of utility resource options and power contracts, utility restructuring, utility bankruptcy, coal and nuclear power plants, non-utility cogeneration plants, and offshore oil and hydroelectric projects. Experienced user of production cost models to evaluate utility economics. Very familiar with western U.S. grid (WSCC) electric resources and transmission systems and their operation and economics. Have also performed EIR/EIS reviews and need analyses of proposed coal, gas and hydro powerplants, transmission lines, substations, and coal mines. Have presented expert testimony before FERC, the California Energy Commission, the Public Utility Commissions of California, New Mexico, and Colorado, the Interstate Commerce Commission, and the U.S. Congress.

Environmental Defense Fund (EDF), October 1983 - April 1985

Economic analyst, employed half time at EDF's Berkeley, CA office. Analyzed nuclear power plant economics and coal plant sulfur emissions in New York state, using ELFIN model. Wrote critique of Federal coal leasing proposals for New Mexico and analysis of southwest U.S. markets for proposed New Mexico coal-fired power plants.

California Energy Commission (CEC), January 1980 - February 1981

Advisor to Commissioner. Wrote "California Electricity Needs," Chapter 1 of Electricity Tomorrow, part of the CEC's 1980 Biennial Report. Testified before California PUC and coauthored CEC staff brief on alternatives to the proposed 2500 megawatt Allen-Warner Valley coal project.

CEC, October 1977 - December 1979

Worked for CEC's Policy and Program Evaluation Office. Analyzed supply-side alternatives to the proposed Sundesert nuclear power plant and the proposed Point Concepcion LNG terminal. Was the CEC's technical expert in PG&E et. al. vs. CEC lawsuit, in which the U.S. Supreme Court ultimately upheld the CEC's authority to regulate nuclear powerplant siting.

Energy and Resources Group, U.C. Berkeley, Summer 1976

Developed a computer program to estimate the number of fatalities in the first month after a major meltdown accident at a nuclear power plant.

Federal Energy Agency (FEA), April- May 1976

Consultant on North Slope Crude. Where To? How?, a study by FEA's San Francisco office on the disposition of Alaskan oil.

Angeles Chapter, Sierra Club, September 1974 - August 1975

Reviewed EIRs and EISs. Chaired EIR Subcommittee of the Conservation Committee of the Angeles Chapter, January - August 1975.

Bechtel Power Corporation (BPC), June 1973 - April 1974

Planning and Scheduling Engineer at BPC's Norwalk, California office. Worked on construction planning for the Vogtle nuclear power plant (in Georgia).

Education

Energy and Resources Group, U.C. Berkeley, 1975 - 1977

M.A. in Energy and Resources. Two year master's degree program, with course work ranging from economics to engineering, law to public policy. Master's thesis on the causes of the 1972-77 boom in the price of yellowcake (uranium ore). Fully supported by scholarship from National Science Foundation.

University of California, San Diego, 1969 - 1973

B.A. in Mathematics. Graduated with honors. Junior year abroad at Trinity College, Dublin, Ireland.

Professional Publications

"Rate Making for Sales of Power to Public Utilities," with Michael D. Yokell, in Public Utilities Fortnightly, August 2, 1984.

EXHIBIT D

Re: Review of Mitigation Measures Proposed for Agriculture and Forestry Resources, Estrella Substation and Paso Robles Area Reinforcement Project DEIR

I. Mitigation Measure AG-1, "Provide Compensation for Loss of Agricultural Land"

A. The DEIR proposes a 1:1 ratio for land mitigation.

D-365 The placing of conservation easement at a 1:1 ratio to land permanently lost to agriculture is recognized in the DEIR to "not fully offset the significant impact because it does not create any new Important Farmland."

There are other jurisdictions and agencies that have struggled with this problem. Here are a few ways they have found to help on the offset not achieved by the 1:1 land mitigation.

1. Increase the ratio: Yolo County California, the City of Davis, and the City of Arroyo Grande all have mitigation ordinance requiring more than a 1:1 ration. See https://sustainablecitycode.org/brief/offsetting-agricultural-land-loss-stemming-from-new-development-3/#:~:text=The%20ordinance%20requires%20mitigation%20at%20a%203%3A1%20ratio,as%20affordable%20housin g%20projects%2C%20parks%2C%20and%20schools.%20T

2. Donate additional funds to a local land trust or the California Council of Land Trusts, whose mission is to preserve agricultural lands in California. The Land Trust of San Luis Obispo County is one of several land trusts active in the area of the project.

3. Implement one or more of the many strategies suggested in Agriculture and Land Stewardship Framework and Strategies, a guidebook published by California Department of Water Resources. This resource is dedicated to the preservation of agricultural land in California, and has many ideas that could be included in the Estrella mitigation proposal to help close the admitted gap between the significant loss of land and full mitigation.

B. The proposed land mitigation fee will be "based on market price for commensurate agricultural land."

D-366 1. **How is this to be done?** A licensed, certified appraiser should determine the price to be paid. "Commensurate" should be defined by metrics such as soil quality (Storie Index or USDA Capability Class rating) equivalent supply of water for irrigation, and other factors which are described and utilized in the LESA model. The mitigation land should have an equal or better LESA score than the land lost. Who monitors the mitigation – is it San Luis Obispo County, LAFCo, USDA Natural Resource Conservation Service, or the local Resource Conservation District?

2. The proposed land mitigation fee will be contributed to the California Farmland Conservancy Program.

D-367 I am not aware that the California Department of Conservation's California Farmland Conservancy Program is set up to receive agricultural land mitigation fees, and I have never understood this as its function. It is a grant program that awards grants to applicants for farmland conservation, but its funding comes from various state acts and bond funds. The California Department of Conservation's

D-367 cont.

Agricultural Land Mitigation Program (ALMP) does *partner* with local land trusts, cities, counties, resource conservation districts, and open-space districts to award grants, but my understanding is that the funding for these grants still comes from state and federal programs, and not directly from a mitigation fee from some CEQA triggering project such as the subject Estrella project.

Mitigation Proposal AG-1 therefore fall short of a thorough or even credible mitigation plan for the permanent loss of agricultural land from this project. To be effective, the plan should identify a legal entity that can receive the mitigation fees and utilize them for the intended purpose, to wit, to acquire a permanent conservation easement on "commensurate" land. This would be a local agricultural land trust, San Luis Obispo County, or one of the other entities mentioned above. Better yet, see No. 3, immediately below.

D-368

3. "In lieu" mitigation fees can be misused or misapplied

Contributing money in an amount commensurate with the value of the land lost is problematic in that there is no guarantee that the original intention of the mitigation can be postponed, lose its purchase power through time lapse and administration costs, or even be diverted to other uses. These effects have been seen throughout the country with in-lieu fees , and have been a ongoing criticism of in-lieu mitigation fees.

The best way to avoid these problems is to require that the DEIR directly identify and purchase the conservation easement with the oversight and approval of the appropriate jurisdiction (San Luis Obispo County?) This way the specific intent of the law can be met directly and effectively.

D-369

II. Mitigation Measure AG-2, "Restore Agricultural Land Temporarily Impacted by Construction Activities"

The activities are described as:

- temporary staging and storage areas
- installation of underground fiber optic cable
- installation of 230 kV interconnection structures
- preparation and temporary use of pull sites and crossing guard structures
- preparation and use of helicopter landing zones

and the mitigation is described as restoring the sites to pre-project conditions by:

- removal of rock or material imported to stabilize the site
- replacement of topsoil
- de-compacting any soil that has been compacted by heavy equipment
- replanting of agricultural crops

A. Commentary

Perhaps the most significant problem with this proposed mitigation measure is its almost complete lack of specificity as to how these measures will be accomplished. In all likelihood the real impacts are not fully known or understood, and this paragraph is just a cipher or placeholder to acknowledge that something will need to be done after the construction is completed. Below I will discuss the proposed

D-369 cont. mitigation measures and offer commentary and suggestions. I will assume that the measures will be performed in the sequence as presented in the DEIR.

1. Removal of rock or material imported to stabilize the site

D-370 To fully remove these materials will require scraping into the topsoil, and thus remove some if not most of the native topsoil in the process. This is probably being acknowledged by the proposal to replace the topsoil. While it is theoretically possible to remove all the placed rock and other imported materials, in practice this is generally economically infeasible, and it may as well be acknowledged that a 95% cleanup job is about the best likely outcome, thus this aspect of the temporary construction will not be fully restored to pre-construction conditions.

2. Replacement of topsoil

D-371 As noted above, undoubtedly topsoil will be scraped away with the placed rock. The Soil Survey of San :Luis Obispo County, Paso Robles Area (USDA Soil Conservation Service, 1983) notes that the topsoil for the principle soils at theses sites is approximately 10 inches deep. Thus removal of even two inches of topsoil is a 20% loss, and in all likelihood about 4 inches 40%, will be scraped away. The plan does not state how the topsoil will be replaced, but assuming it will be purchased from a landscape materials yard somewhere in San Luis Obispo County, imported to the site and spread by dump truck, the replacement topsoil should match, as close as possible, the pale brown fine sandy loam found naturally at the various temporary construction sites. The amount of topsoil removed should be replaced by an equal amount, recognizing that when applied the topsoil will be unsettled and less compact than the original site condition; thus more appropriate topsoil should be applied than the amount measured as removed with the end result that the settled ten inches or so is replaced.

It is commonly known that just replacing topsoil with fresh fill is insufficient to restore a landscape to its original condition. Problems include soil erosion, lack of fertility, and a minimized soil biology. The plan should require that the soil be conditioned through re-establishment of ground vegetation at each site. This could be accomplished by planting a grass-forb-mix cover crop, with a species mix that is similar or identical to that which was removed. The Soil Survey describes the rangeland species as "soft chess, wild oats and burclover," but the DEIR gives a longer list of "non-native grasses" in section 4.4.3. In the tilled crop land areas, specific cover crops to condition the soil and provide other ecosystem services are warranted. It is common for the land between the vineyard rows to be planted to a variety of cover crop species; a description of this practice has been published by Cal Poly Center for Sustainability at https://cfs.calpoly.edu/cphealthysoils.

Note also that restoring soil to its pre-project condition will likely take more than one year to accomplish and a plan to monitor the site and continue with restoration practices for two to three years will probably be necessary to achieve the stated goal of restoring soil to its pre-project condition.

3. De-compacting soil that has been compacted by heavy equipment

D-372 Once the topsoil has been "replaced," but before planting cover crops or other vegetation, the plan calls for de-compacting the soil. No further description is provided, so I assume that the typical practice of using a crawler tractor or bulldozer fitted with ripper shanks is the proposed operation. To do this effectively, the compacted layer must be broken in several directions, and the ripper shank must penetrate to a depth slightly below the compacted zone. Monitoring of the efficacy of the operation is paramount if the compaction is to be remedied. This tillage should be done when the soil profile is dry enough to fracture; ripping in wet soil only causes additional damage. Again, ripping compacted soil is a standard practice and while it can't fully recreate the original conditions of a natural soil profile, ripping is the prescribed method to alleviate compacted soils. As with the top soil/vegetation/life-of-

D-372 cont.

the-soil aspect discussed earlier, time is required to bring the soil system back into balance and a semblance of what existed prior to the project activities. Establishing the vegetation is key to this re-balancing.

The tillage process of decompaction creates an erosion hazard by loosening the soil, breaking up soil aggregates, and altering its native physical structure. Because this land is sloping and has a light, loamy texture, the decompaction will aggravate the erosion hazard, especially in the rainy season. This is why a serious plan for cover cropping and restoration of the vegetation must be part of the plan to return the land to its pre-project condition.

The process of decompaction, either through ripping, chiseling or some other tillage method aerates the soil and stimulates microbial activity which in turn leads to a breakdown of soil organic matter (thus a loss of carbon in the soil) and a strong surge, or release of CO2 into the atmosphere. This effect is increased under wet soil conditions. The DEIR should be revised and recirculated to analyze the impacts from decompaction of soil on GHG emissions.

D-373

4. Replanting of agricultural crops

Annual crops such as hay or row crops are easy to restore in the sense that in one year the crop rotation can be put back into place. Even for the annual crops, however, the cover cropping immediately after (as a soil conditioner prior to planting the commercial agricultural crop) the "de-compacting" must be an added requirement to this mitigation plan.

For grape vineyards, the vines take more than one year to reach crop bearing age. It is therefore necessary for the mitigation that the act of replanting of the grape vines encompasses the several years (typically 3 to 5 years) it takes to develop mature grape vines. The University of California Cooperative Extension publishes studies on the costs to establish wine grape vineyards, and these studies can form an objective basis for the full cost and time period required for the replanting mitigation

D-374

5. Additional observations

a. Soil disturbance.

The degree of soil disturbance for each proposed project activity is not stated, and may actually be unknown at this time. Depending on the particular project operation, the depth of disturbance through excavation or severe compaction may make it impracticable to reasonably fully restore the so-disturbed site to pre-project conditions, and thus fail to mitigate these activities.

D-375

b. Hazardous materials.

There is no discussion of the use of hazardous materials on the temporary construction sites; however this is a real concern; prevention and containment measures must be part of the plan, along with contingency plans for hazardous waste cleanup if needed.

D-376

c. Restoration of slopes and contours.

The temporary construction sites are located on undulating land with slopes up to 15%, according to the Soil Survey. Such topography is prone to soil erosion from rainfall; the mitigation plan must restore the temporary construction sites to their original slopes and contours for proper surface water drainage. Drainage pipes and other conveyance or water calming structures may be required to prevent water erosion on sloping land. Satellite LIDAR mapping is likely available to establish the original slopes and contours.

Gregory A. House

Agricultural Consultant
Agronomist
Professional Farm Manager
Rural Appraiser
Farmer

Experience

Agricultural Consultant, House Agricultural Consultants, providing agricultural science, economics, management, and appraisal services, 1983–present

Farmer, 1987–present. Organic apples, peaches, cherries, apricots, field and seed crops

Corporation Secretary & Consulting Agronomist, Hannesson, Riddle & Associates, Inc., 1977–1983.

Professional Affiliations

- American Society of Farm Managers & Rural Appraisers
- American Society of Agronomy
- Crop Science Society of America
- Soil Science Society of America
- California Certified Organic Farmers
- California Farm Bureau

Accreditations

- Accredited Farm Manager (AFM), American Society of Farm Managers & Rural Appraisers, Certificate #501
- Certified Professional Agronomist (CPAg), American Registry of Certified Professionals in Agronomy, Crops. & Soils, Ltd. Certificate # 2319
- Certified Crop Advisor CCA), American Registry of Certified Professionals in Agronomy, Crops. & Soils, Ltd.
- Accredited Rural Appraiser (ARA), American Society of Farm Managers & Rural Appraisers, Certificate #749
- Certified General Appraiser, State of California License # AG 001999

These credentials have continuing education requirements with which I am in compliance.

Qualifications of Gregory A. House, continued

Education

- B.S., Crop Ecology, University of California, Davis, 1975, with Honors
- Numerous courses from the University of California Extension in agricultural economics, crop management, real estate, & hazardous waste management
- Courses of the American Society of Farm Managers and Rural Appraisers:
  - Principles of Rural Appraisal
  - Advanced Rural Appraisal
  - Eminent Domain
  - Report Writing School
  - Economics of Farm Management
  - Principles of Farm Management
  - Standards and Ethics
  - Permanent Plantings Seminar
  - Standards and Ethics for Farm Managers
  - ASFMRA Code of Ethics
  - National Uniform Standards of Professional Appraisal Practice

  Courses of the Appraisal Institute:

  - Basic Valuation Procedures
  - Real Estate Statistics and Valuation Modeling
  - Advanced Income Capitalization
  - Valuation of Conservation Easements Certificate Program
  - Condemnation Appraising: Principles and Applications
  - Appraising the Appraisal

Expert Witness Court Testimony

- Superior Court Qualified Expert Witness in the following California counties: Alameda, Colusa, Kern, Fresno, Madera, Merced, Monterey, Orange, Riverside, San Joaquin, San Luis Obispo, Santa Barbara, Santa Cruz, Solano, Sonoma, Sutter, Yolo
- United States Tax Court Qualified Expert Witness
- United States Bankruptcy Court Qualified Expert Witness

A list of depositions and trial appearances is available upon request

Qualifications of Gregory A. House, continued

Awards

- CCOF Presidential Award, California Certified Organic Farmers, February, 2001
- Meritorious Service in Communications, American Society of Farm Managers and Rural Appraisers, November 2004
- H.E. Buck Stalcup Excellence in Education Award, American Society of Farm Managers and Rural Appraisers, October, 2011

Appointments & Activities

- Adjunct Lecturer, Farm Management Courses ARE 140 & ARE 198, University of California, Davis, Department of Agricultural & Resource Economics, current
- Instructor, "Principles of Farm Management", an Internet course of the American Society of Farm Managers and Rural Appraisers, 1996 to 2007
- President, California Chapter American Society of Farm Managers & Rural Appraisers 1994–1995; Secretary-Treasurer, 1984 to 1990
- Board of Directors, Yolo Land Trust, 1993–2001
- Board of Directors, American Red Cross, Yolo County Chapter 1987–1989
- Member, Yolo County Right to Farm Grievance Committee 1992–1995
- Vice Chairman, Management Education Committee, American Society of Farm Managers and Rural Appraisers, 1998–2000 (committee member since 1986)
- Yolo County LAFCo Agricultural Forum LESA subcommittee, 1999
- California Certified Organic Farmers: Treasurer of the Board of Directors, 1998–2003; Executive Director, 1999-2000; Chairman of Certification Committee, Yolo Chapter, 1993-2005; Member of the Finance Committee, 1998-current
- CCOF Foundation Going Organic Program, Management Team member and Chapter Leader, 2006-current
- USDA Organic Grant Panel member, 2002
- City of Davis Open Space and Habitat Commission, 2006–current, Chairman, 2007-2009
- Member, Fruit Orchard Technical Advisory Group, Filoli Gardens, Woodside, California
- Member, Organic and Sustainable Agriculture Program Steering Committee, University of California Cooperative Extension, Yolo and Solano Counties, California, 2008-2013

Qualifications of Gregory A. House, continued

Speaking Engagements

- Guest Lecturer, University of California at Davis, Agricultural Economics 145, Farm and Rural Resources Appraisal, on professional farm appraisal (1985–1997)
- Guest Lecturer, University of California at Davis, Agricultural Economics Department, Course 140, "Farm Management", on adoption of new technologies, farm budgeting, cash flow management, cost accounting, etc. (1985–present)
- Guest Lecturer, University of Florida at Gainesville, Vegetable Crops Department, seminar on transition to organic agriculture, (November, 1994)
- Featured Program Speaker, 1995 Eco-Farm Conference, Asilomar, California , on economics of organic apple production
- Guest Speaker, Community Alliance with Family Farmers, on farm management and agricultural economics, 1996 and 1997
- Instructor, American Society of Farm Managers and Rural Appraisers, Course M-12, "Standards and Ethics for Professional Farm Managers", March, 1997
- Guest Speaker, American Horticultural Society, "Challenges of Organic Stone Fruit Production", Sacramento, California, July 2001
- Organizer and Presenter, Going Organic Kickoff Meetings, November 2005 and December 2006
- Master of Ceremonies, California Certified Organic Farmers, Annual Meeting, February, 2006, Sacramento, California
- Featured Program Speaker, 2012 Eco-Farm Conference, Asilomar, California, "Imitating Natural Systems: Towards an Indigenous Agro-forestry"
- Seminar presentation: "What Makes for Comparable Sales in Condemnation Appraisal" , Rpid Fire Seminar, American Society of Farm Managers and Rural Appraisers, Reno , NV, October 2013.

Publications

- "Principles of Farm Management", Course M-10, a 40-hour professional credit Internet educational offering of the American Society of Farm Managers & Rural Appraisers
- "Conservation Issues in Agriculture", a unit of Course M-25, a 15-hour professional credit Internet educational offering of the American Society of Farm Managers & Rural Appraisers
- "A Primer on Organic Agriculture," an article in *2006 Trends in Agricultural Land and Lease Values*, a publication of the California Chapter of the American Society of Farm Managers & Rural Appraisers
- "Case Study: Using Indigenous Agroforestry Management Techniques to Support Sustainability in Production Agriculture", a paper-poster presented at Harlan II, An International Symposium on Biodiversity in Agriculture: Domestication, Evolution and Sustainability, September 14-18, 2008, University of California, Davis

House Agricultural Consultants
Partial Listing of Clients Served

Allied Insurance Group

American Farmland Trust

Balverne Winery & Vineyards
Sonoma County, California

Bank of America

Best, Best & Kreiger, LLP
Riverside, California

California Giant Berry Farms

California Department of Fish & Game
Wildlife Conservation Board

California Department of Justice

City of Davis

City of Fairfield

City of Morgan Hill

City of Sacramento, City Attorney

Continental Casualty Company
Chicago, Illinois

County of Solano

County of Yolo

Downey, Brand, Seymour & Rohwer
Sacramento, California

Glenn-Colusa Irrigation District

Hamel Ranch Partnership
Davis, California

Harris Farms, Inc.

Farmers' Home Administration (U.S.D.A.)
Sacramento, California

Internal Revenue Service, District Counsel
San Francisco, California

McMahon-Graf Partners
Winters, California

Morrison & Foerster
San Francisco, California

Oakdale Irrigation District

Pajaro Valley Water Management Agency
Watsonville, California

Phillips 66 Company

Republic Indemnity Company of America
San Francisco, California

Royal & Sun Alliance

Sacramento Valley Conservancy

Sacramento Valley Farm Credit Banks

San Andreas Farms
Fresno County, California

San Joaquin Council of Governments

San Luis Delta Mendota Water Authority

Sanwa Bank, N.A.
Sacramento, California

Solano Land Trust

Stanford Management Company
Stanford University

The Nature Conservancy

The Prudential Agricultural Group
Sacramento, California

The Travelers Insurance Company

The Trust for Public Land

U. S. Fish & Wildlife Service

U. S. Departments of Justice & Treasury

University of California, Davis

Yolo Land Trust

Wells Fargo Bank, N.A.

Response to Comment D-1

This comment indicates that the commenter is submitting comments on behalf of California Unions for Reliable Energy (CURE), and summarizes the primary aspects of the Proposed Project. The comment is noted. Note that the preliminary construction schedule, referenced in the comment as lasting a total of 18 months, was revised as part of the Recirculated DEIR. As indicated in the revised Project Description, included as part of the Recirculated DEIR and carried over into this FEIR, the Proposed Project is now estimated to take a total of 21 months to construct, not including the proposed Reasonably Foreseeable Distribution Components, which would be implemented at a later date as capacity needs warrant.

The commenter also submitted a comment letter during the Recirculated DEIR review period, identified in this FEIR as Comment Letter R.A. CPUC has responded to both sets of comments in this FEIR.

Response to Comment D-2

This comment asserts that the EIR fails as an informational document and lacks substantial evidence to support its conclusions that impacts would be mitigated to the greatest extent feasible. The commenter's specific critiques and contentions regarding the EIR are detailed further in the comment letter and are addressed in subsequent responses to comments.

Response to Comment D-3

This comment asserts that there is substantial evidence that the Proposed Project's potentially significant environmental impacts are more extensive than disclosed in the EIR. The commenter argues that many of the mitigation measures included in the EIR will not mitigate the Proposed Project's impacts to the extent claimed. Specifically, the commenter claims that impacts related to construction emissions, Valley Fever, and greenhouse gas (GHG) emissions are mischaracterized, underestimated, and not mitigated.

For CPUC's detailed response to comments related to construction emissions, please refer to Master Response 11. For CPUC's response to comments related to Valley Fever, please refer to Master Response 14. Finally, for CPUC's response to comments related to GHG emissions, refer to Master Response 16.

Response to Comment D-4

This comment summarizes the conclusions reached by the commenter's biologist (Mr. Cashen) that the Proposed Project will have potentially significant and unmitigated impacts to a variety of biological resources. The specific, detailed comments related to biological resources are responded to where they appear later in the comment letter. Please refer to Responses to Comments D-72 through D-86. Additionally, Mr. Cashen's detailed comments, included as Exhibit B to the comment letter, are identified as Comments D-298 to D-348. Please refer to the CPUC's responses to those comments.

Response to Comment D-5

This comment summarizes comments prepared by the commenter's utility consultant (Mr. Marcus) regarding the EIR's alleged failure to accurately describe the Proposed Project's environmental setting. Mr. Marcus argues that the Proposed Project is not needed to address

either the Distribution or Transmission Objective, and argues that the EIR omits an additional transmission line to Cholame Substation (referenced in Appendix G to the Proponent's Environmental Assessment [PEA]) as an act of impermissible piecemealing.

The specific, detailed comments related to the Proposed Project environmental setting (with respect to utility capacity) and need are responded to where they appear later in the comment letter. Please refer to Responses to Comments D-18 through D-20. Additionally, Mr. Marcus's detailed comments, included as Exhibit C to the comment letter, are identified as Comments D-349 to D-364. Response to Comment D-16 discusses the Cholame Substation and explains why environmental review is not piecemealed. Please refer to the CPUC's responses to those comments.

Response to Comment D-6

This comment summarizes the allegations of the commenter's agricultural consultant (Mr. House) that the Proposed Project will have significant impacts to "Important Agricultural areas" that were not adequately analyzed or mitigated. The specific, detailed comments related to the EIR's alleged deficiencies with respect to its analysis of impacts to agricultural resources are responded to where they appear later in the comment letter. Please refer to Responses to Comments D-52 through D-70. Additionally, Mr. Marcus's detailed comments, included as Exhibit D to the comment letter, are identified as Comments D-365 to D-376. Please refer to the CPUC's responses to those comments.

Response to Comment D-7

This comment summarizes information from the CEQA statute regarding the directive not to approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects (Public Resources Code [PRC] Section 21002). The comment argues that there is substantial evidence demonstrating that Alternatives PLR-3A (Strategic Undergrounding, Option 1) and PLR-3B (Strategic Undergrounding, Option 2) are feasible, would substantially reduce the Proposed Project's significant environmental effects, and would meet all of the Project objectives. Finally, the comment also states that the commenter's consultants present substantial evidence that additional mitigation measures are necessary.

The commenter's general support for Alternatives PLR-3A and PLR-3B is noted. For CPUC's detailed responses to the claims of the commenter's consultants, please refer to Responses to Comments D-136 to D-376.

Response to Comment D-8

The comment summarizes standard procedural aspects related to recirculation of a DEIR. The comment is noted. It does not address substantive contents of the EIR, and no further response is necessary. The comment also requests that the DEIR be revised and recirculated. Note that portions of the DEIR were recirculated since submittal of this comment letter, including Section 4.3, "Air Quality," which was revised in part based on the comments included in this letter. Other than with respect to this section and the commenter's air quality-related comments (in particular, those related to the health risk assessment [HRA] prepared by the commenter's consultants and the comments related to Valley Fever), no other comments in this letter support the contention that other portions of the DEIR also need to be recirculated.

Response to Comment D-9

This comment describes the commenter's background and interests. The comment describes the individual members of CURE that live near Paso Robles and states that CURE has an interest in enforcing environmental laws. This comment is noted and will be shared with the CPUC's decisionmakers.

Response to Comment D-10

The comment summarizes principles regarding the interpretation of CEQA. The comment is noted. It does not address substantive contents of the EIR, and no further response is necessary.

Response to Comment D-11

The comment summarizes the purposes of CEQA. The comment is noted. It does not address substantive contents of the EIR, and no further response is necessary.

Response to Comment D-12

The comment summarizes the purposes of CEQA. The comment is noted. It does not address substantive contents of the EIR, and no further response is necessary.

Response to Comment D-13

The comment summarizes the standard of judicial review for CEQA. The comment is noted. It does not address substantive contents of the EIR, and no further response is necessary.

Response to Comment D-14

The comment provides an introduction to subsequent comment asserting that the EIR fails to include an accurate, complete and stable project description, which the commenter claims renders the entire analysis inadequate. The comment then summarizes project description requirements under CEQA. The comment is noted. The commenter's specific contentions with respect to the EIR's Project Description are responded to in subsequent responses to comments.

Response to Comment D-15

This comment alleges that the EIR's Project Description is inadequate because it fails to provide an adequate description of vegetation management activities. Specifically, the comment points to the vegetation management activities that would be implemented to comply with CPUC General Order (G.O.) 95 and the Applicants' wildfire mitigation plans. The comment provides a quotation from the EIR regarding the need to maintain a 10-foot-radius around new 70 kV power line poles, but notes that the commenter's consultant, Mr. Cashen, believes that the information in the Project Description is too vague to understand the environmental impacts of the Proposed Project. The comment provides a list of information related to vegetation management activities that the commenter believes is required to be included in the Project Description.

The vegetation clearance requirements are specified in G.O. 95. As indicated in Section III, Table 1, Case 13[1], conductor clearance category F (and, by reference, Section III, Table 2, Case 15[2]), the basic minimum radial clearance of bare line conductors from tree branches or foliage, for supply conductors and supply cables rated at 22.5 to 300 kV, is the greater of either 18 inches, or one-quarter the pin spacing of 48 inches (which in this case equates to 12 inches). Therefore, in addition to maintaining 10 feet of clearance horizontally around power line poles, the Applicants would be required by G.O. 95 to maintain at least 18 inches of clearance around the 70 kV supply conductors. Additional clearance requirements may apply to any underbuilt distribution lines, common neutral lines, or fiber optic lines.

The statement from the EIR quoted by the commenter indicating that vegetation growing within 10 horizontal feet of any conductor would be trimmed was inaccurate, as it was missing an important qualifying statement. This text in Section 4.4, "Biological Resources," page 4.4-58, in Volume 1 of the FEIR, has been revised to include the qualifying statement. The revised text is provided in Chapter 4, *Revisions to the DEIR,* and in Volume 1 of the FEIR, and is also shown below.

> As such, mature vegetation that grows within 10 horizontal feet of any conductor within the easement would be trimmed, if that vegetation has a mature height of 15 feet or greater.

Much of the other information requested by the commenter is either speculative, or is already provided in the EIR. The majority of the Proposed Project's new 70 kV power line would pass over areas that have relatively minimal natural vegetation or that otherwise lack trees with an aboveground height that may require trimming. For example, much of the proposed new 70 kV power line segment would pass over areas under active vineyard production; while the areas around poles would be maintained free of vegetation, the vineyard plants would not have a mature height of 15 feet or greater and thus would not require trimming. Other portions of the new 70 kV power line segment would pass through commercial/industrial areas (e.g., Golden Hill Industrial Park), with no significant existing aboveground vegetation to speak of, while other portions would follow existing roads bordered by grassland and/or vineyard (e.g., portion following Buena Vista Drive).

The methods that would be used to remove, trim, or otherwise manipulate vegetation and the herbicide products that may be used over the lifespan of the transmission line are speculative. Vegetation grows each year and in ways that cannot always be predicted; thus, the most suitable methods for vegetation management would depend on the specific circumstances on the ground, which may change in the future. Similarly, data regarding the "frequency (return interval) of vegetation management activities (by vegetation community, if applicable)" is not readily available, and is not reasonably necessary for the public to understand the nature and severity of the potential impacts. The vegetation communities through which the proposed 70 kV power line would pass are described in the EIR (refer to pages 4.4-5 to 4.4-8 in Volume 1 of the FEIR); additionally, mapping of land cover types is provided in the PEA. The potential impacts

[1] Available here: https://ia.cpuc.ca.gov/gos/GO95/go_95_table_1.html

[2] Available here: https://ia.cpuc.ca.gov/gos/GO95/go_95_table_2.html

to vegetation communities from the Proposed Project's operation and maintenance activities (including vegetation management) are evaluated under Impact BIO-2 (refer to page 4.4-58 in Volume 1 of the FEIR). Along the reconductoring segment, vegetation management is performed to maintain the required clearances along the existing 70 kV power line; thus, these vegetation management activities are part of the existing conditions.

Finally, the commenter references Figure 3-7 from the EIR, which shows the detailed view of Alternative PLR-1C (Estrella Route to Bonel Ranch, Option 1), and asks the question: "why numerous oak trees along the 70 kV route, but not within a 10-foot radius of the power poles, would be trimmed or removed[?]" With the revisions to the statement in the Biological Resources section shown above, the answer to this question becomes clear. Trees along the 70 kV route, but not within a 10-foot-radius of the power poles, may require trimming or removal if they have a mature height of 15 feet or greater, and their spread is likely to encroach upon the 70 kV alignment's clearance area.

Response to Comment D-16

This comment argues that the EIR's Project Description is inadequate because of impermissible piecemealing. The comment first argues that the EIR fails to explain that the Estrella Substation is not needed to mitigate reliability issues at and around Cholame Substation. The comment states, "[Pacific Gas & Electric Company] PG&E has stated clearly that it has no plans to use the proposed Estrella substation as a source for a new 70 kV line to Cholame to supplement the existing single line there."

Then, seemingly contradicting this initial assertion, the comment goes on to argue that the Proposed Project definitely will result in the construction of a new 70 kV line from Estrella Substation to Cholame. The comment claims the PEA's "updated Appendix G" states, "The Proposed Project provides a future opportunity to add an additional transmission line to Cholame Substation to create a looped circuit to improve reliability and operational flexibility on the 70 kV system. This line would likely be constructed within 2 to 3 years after Estrella Substation is built." This quotation, however, was taken from a prior version of PEA Appendix G (August 2017), as cited in footnote 43 of the comment letter. Notably, Update 5 (April 2020) struck a portion of this statement and added other important information which indicates that this new 70 kV transmission line is neither planned nor reasonably foreseeable. The full quotation referenced by the commenter from the current version (April 2020) of the PEA Appendix G is as follows (pages UG-27 and UG-28):

> The proposed project provides a future opportunity to add an additional transmission line to Cholame Substation to create a looped circuit to improve reliability and operational flexibility on the 70 kV system. Alternatively, an additional 21 kV distribution circuit from Estrella Substation could be extended into the Cholame [Distribution Planning Area] DPA to also facilitate planned, or improve restoration of unplanned, outages.

Later, in Section V, D, 2. of the updated PEA Appendix G, PG&E discusses the possibility of installing a 15 megawatt (MW), 90 megawatt-hour (MWh) battery storage bank at Cholame Substation to defer or eliminate the need to install a second 70 kV transmission line into Cholame Substation from either the future Estrella or existing Templeton substations (refer to PEA, Appendix G, page UG-40). The discussion indicates that, while a battery would have some

limitations relative to a new transmission line, it could address critical maintenance needs that can be solved within 9 hours, like change-out of transmission poles, installing new transmission line hardware, or conducting limited transformer bank maintenance, or conducting 70 kV breaker maintenance. Finally, and importantly, the updated Appendix G states, "The decision to install a new 70 kV line or battery storage at Cholame Substation would need to be studied by the [California Independent System Operator] CAISO before such a project could be determined valid or warranted." (PEA, Appendix G [April 2020 version], page UG-41).

As such, it is clear that the situation at Cholame Substation and the need for 70 kV power support is far from decided. The updated PEA Appendix G indicates that this could take the form of a new 70 kV or 21 kV transmission line from Estrella Substation or Templeton Substation, or potentially a battery storage system at the Cholame Substation, all of which will need to be studied and planned by CAISO. Even if a 70 kV transmission line were to be installed from Estrella Substation to Cholame Substation, owing to the "opportunity" presented by the new Estrella Substation, the routing is not yet known. The speculative circumstances precludes the possibility of analyzing potential environmental impacts associated with the Cholame Substation, which is not a reasonably foreseeable consequence of approving the Project. Any future project associated with the Cholame Substation would be subject to future CEQA review. The Proposed Project was evaluated and approved as a single, defined project with independent utility by the CAISO.

Therefore, the CPUC is correct in describing the Proposed Project in the EIR's Project Description consistent with the Applicants' PEA, which itself is consistent with the CAISO's 2013-2014 Transmission Plan (CAISO 2014). Given that a new 70 kV transmission line from Estrella Substation to Cholame Substation is not planned or reasonably foreseeable (as other solutions are plausible), it is also not appropriate to evaluate this possible project in the cumulative analysis in the EIR. For these reasons, revision and recirculation of the EIR is not required.

Response to Comment D-17

The comment asserts that the EIR does not adequately describe the environmental setting for the Proposed Project. The comment also summarizes provisions of CEQA related to the environmental baseline. The comment is noted and will be shared with the CPUC's decisionmakers. The commenter's specific critiques and contentions regarding the environmental setting described in the EIR are responded to in subsequent responses to comments.

Response to Comment D-18

The comment asserts that the EIR mischaracterizes the environmental setting with regard to the DPA peak load capacity. The comment argues that, contrary to the EIR's statements that DPA loads will exceed capacity within 5 to 15 years, the commenter's consultant has determined that the Paso Robles DPA peak loads will not exceed the DPA capacity of 212.55 MW until 2047.

First, it should be noted that forecasts regarding the need for future distribution capacity are not part of the EIR's existing, environmental setting for the context of analyzing environmental impacts. Rather, such forecasts would be considered predictions regarding a future condition, based on a set of assumptions. Additionally, "utility capacity" is not typically considered a part of the physical environment, except in so far as there is sufficient existing capacity of utilities and

service systems to serve a new proposed project. The environmental setting with respect to the utilities and service systems analysis for the Proposed Project is described in Section 4.19, "Utilities and Service Systems" (refer to Volume 1 of this FEIR); however, the comment appears to be questioning the basis for the Proposed Project need. Thus, the comment is based on several faulty premises and misunderstandings regarding the requirements of CEQA.

The EIR states: "After using its LoadSEER forecasting tool over the last several years, PG&E predicts that anticipated normal growth in the area, coupled with the addition of large 'block loads' (e.g., large new businesses or developments that require large amounts of electricity), will exceed the available capacity of the Paso Robles system within 5 to 15 years." (FEIR, Volume 1, p. 2-12.) The EIR provides Figure 2-5, which illustrates forecasted demand relative to available capacity using LoadSEER forecasts from four years, as provided by the Applicants. (FEIR, Volume 1, p. 2-12.) As noted in the EIR, PG&E utilizes the LoadSEER forecasting tool to predict growth in area electrical demand within a DPA for a 10-year period into the future, incorporating the most recent 13 years of substation historical peak-load data. The EIR provides the results of the four LoadSEER forecasts (2017-2020)[3] as well as information on the actual recorded peak load in the Paso Robles DPA (refer to Table 2-4 on page 2-13 in Volume 1 of the FEIR).

Contrary to the commenter's assertion, the EIR has provided an abundance of information regarding the "utility capacity" and is transparent regarding recent variation in forecasts and vis-à-vis actual recorded peak loads. Forecasting electric distribution demand is a complex endeavor and various factors (e.g., new or planned "block loads," weather, etc.) may contribute to differences from year to year. The comment does not allege that the data in the EIR is inaccurate, but states that the commenter's consultant reached a different conclusion regarding system capacity. The comment does not provide substantial evidence that the project need, as stated in the EIR, is inaccurate. The commenter's consultant (Mr. Marcus) (refer to Exhibit C to the letter; Comment D-349) appears to have taken the average annual rate of growth from the 2020 LoadSEER forecast only (disregarding the forecasts from the previous three years), as shown in Figure 2-5, and extrapolated that out an additional 18 years. This methodology oversimplified this analysis by relying only on data from 2020; therefore, it is inappropriate and should not be used for the EIR's analysis.

Response to Comment D-19

The comment argues that the EIR does not adequately explain existing conditions related to power outages. The comment implies that such a discussion is required to support the EIR's conclusion that the Estrella Substation is needed to mitigate an outage of the Templeton 230/70 kV transformer. Somewhat non-sequentially, the comment then argues that "the DEIR does not explain why the new 230/70 kV substation could not be located 2 miles [sic], which Mr. Marcus explains would result in reduced impacts." While this statement is unclear, based on review of Mr. Marcus's comments (refer to Comments D-355 and D-359, in particular), it appears that the

[3] The EIR notes that the most recent LoadSEER forecast shows reduced demand growth and does not show the forecasted demand exceeding capacity within 10 years. CPUC acknowledges in the EIR that the urgency of the distribution capacity need diminished over the course of preparing the EIR. However, based on the variation shown in Figure 2-5, the EIR's methodology remains reasonable, as it would be foolish to place too much stock in a single forecast from one year to the next.

commenter intended to claim that the EIR does not explain why the substation could not be located 2 miles northeast of the existing Templeton Substation.

First, it should be noted that the comment appears to be conflating the environmental setting with the discussion of the Proposed Project purpose and need, and/or the analysis of alternatives. The determination that the Proposed Project would address a potential outage of the Templeton 230/70 kV transformer was made by CAISO, as explained in its 2013-2014 Transmission Plan (CAISO 2014). The proposed location for the Estrella Substation was also approved by CAISO in the Transmission Plan. The reasoning for the location of the Estrella Substation with respect to distribution capacity is described in Chapter 2, *Project Description,* in Volume 1 of the FEIR, as well as in Appendix G to the Applicants' PEA. The purpose and need for the Proposed Project similarly are described in detail in Section 2.1 within Chapter 2 of Volume 1 of the FEIR, including a detailed description of historical power outages and a description of how one of the primary benefits of the Proposed Project is to reinforce electrical service reliability.

Based on Google Earth, the location 2 miles northeast of the Templeton Substation is near the intersection of South River Road and Lothar Lane. Neither this comment, nor Mr. Marcus's more detailed comments, provide an analysis of site suitability, feasibility, environmental impacts, etc. associated with such a substation location, other than to argue that it would shorten the required 70 kV transmission line to Paso Robles Substation. Suffice it to say, the "environmental setting" is not the portion of the document where alternative project sites are typically considered. CEQA does not require a lead agency to consider every conceivable alternative to a project. (CEQA Guidelines, § 15126.6(a); *Mount Shasta Bioregional Ecology Center v. County of Siskiyou* (2012) 210 Cal.App.4th 184.)

The EIR considered a reasonable range of potentially feasible alternatives, as required by CEQA, including two alternative substation site locations (refer to Chapter 3, *Alternatives Description,* in Volume 1 of the FEIR). The commenter does not provide substantial evidence that the EIR's screening or consideration of alternatives is insufficient.

Response to Comment D-20

The comment asserts that the Proposed Project is not needed to mitigate the impacts of an N-2 (Category C) outage of both 230 kV lines that connect to the Templeton 230/70 kV transformer. The comment seems to suggest that the EIR accurately describes the transmission system conditions, Proposed Project background and need, and CAISO's determination with respect to mitigating transmission reliability scenarios. What the comment describes as an "N-2" outage seems to be the N-1-1 (C3 or P6) outage, involving the consecutive loss of both 230 kV lines feeding the Templeton Substation, which is described in the EIR (refer to FEIR, Volume 1, pages 2-2 to 2-3). The comment argues that the Proposed Project is not needed to meet the "N-2"; yet, the EIR specifically states that the Category B (N-1 or P1) scenarios are the drivers of the Proposed Project with respect to the transmission system needs. The Proposed Project's Transmission Objective states:

> **Transmission Objective:** Mitigate thermal overload and low voltage concerns in the Los Padres 70 kV system during Category B contingency scenarios, as identified by the CAISO in its 2013-2014 Transmission Plan.

The comment attempts to identify a new "N-2" contingency (again, more correctly identified as an N-1-1/P6 contingency) that would be present once the Estrella Substation is constructed, involving the loss of the Estrella-Paso Robles and Templeton-Paso Robles 70 kV lines. The comment further argues: "The DEIR explains that CAISO's original authorization of Estrella was based on mitigating N-1 contingencies, and Estrella cannot be justified by its impact on N-2 contingencies." Yet, this statement is itself contradictory. As described above, the Estrella Project is not justified by its impact on "N-2" contingencies (truly, N-1-1/P6 contingencies), and the EIR correctly describes it as such.

In short, the comment does not identify any deficiencies in the EIR's description of relevant transmission system conditions and the Proposed Project background and need. The evaluation and application of transmission system reliability standards is CAISO's purview. The CPUC's mandate with respect to this EIR is to evaluate the environmental impacts of the Proposed Project, in accordance with CEQA, which it has done.

Response to Comment D-21

The comment asserts that the EIR's impact assessment and proposed mitigation for impacts to golden eagles are inadequate, and that the CPUC did not conduct adequate baseline surveys to evaluate whether the Proposed Project would disturb eagles, nests, or habitat.

Table 4.4-1, "Special-Status Plant and Animal Species with Potential to Occur in the Proposed Project, Reasonably Foreseeable Distribution Components, and Alternatives Vicinity" in Volume 1 of the FEIR provides information on where golden eagles could occur and where they have been observed throughout the Proposed Project, reasonably foreseeable distribution components, and alternatives areas. Please see additional discussion on the identification efforts and information considered in the Response to Comment D-26. Additionally, Garcia and Associates (GANDA) conducted golden eagle territorial occupancy and nesting surveys that covered all areas of suitable habitat and historic eagle observations within 1 mile of these areas in February, May, and June 2020 (GANDA 2020). GANDA's survey results were not included in the DEIR, but have been documented in the FEIR (see below) and have also been included in Appendix D to the FEIR (refer to Volume 2). Along with the data already provided in the EIR in Table 4.4-1, these surveys provide baseline information on golden eagles throughout the Proposed Project, reasonably foreseeable distribution components, and alternative areas.

Text has been added in Section 4.4, "Biological Resources," on page 4.4-20, in Volume 1 of the FEIR, to include golden eagle observations from GANDA:

> Horizon biologists also observed golden eagle individuals during March and July 2019 surveys (Horizon 2019a, 2019c). <u>Garcia and Associates (GANDA) biologists observed golden eagle nests and individuals during February, May, and June 2020 surveys (GANDA 2020).</u>

Furthermore, Section 4.4.4 within Section 4.4, "Biological Resources," in Volume 1 of the FEIR, states that the Proposed Project Applicants are independently required to comply with both the federal and state Endangered Species Act (ESA). One of the Proposed Project Applicants (PG&E) is currently in the process of working with the United States Fish and Wildlife Service (USFWS) to receive a permit under the Bald and Golden Eagle Protection Act to address work activities in

areas within golden eagle territories. If additional baseline or protocol-level surveys are required by the permit, they will be conducted under direction from the USFWS.

The CPUC believes that the Applicant Proposed Measure (APM) BIO-1, Mitigation Measure BIO-1, and the minor route variation (MRV) (now included as part of Mitigation Measure BIO-3) that would route the 70 kV power line around a potential golden eagle nest located along the bank of Huer Huero Creek at Union Road, are measures that would effectively avoid or reduce impacts to nesting golden eagles (see the discussion of potential impacts to golden eagles in Section 4.4.4 in Volume 1 of the FEIR). Implementation of these measures would reduce potential impacts to golden eagles from the Proposed Project to a less than significant level.

Response to Comment D-22

The comment asserts that the CPUC did not conduct protocol-level surveys for eagle nests and, therefore, the EIR lacks substantial evidence to conclude that the Proposed Project will not adversely impact eagles, nests, or habitat. Please refer to Response to Comment D-21.

Response to Comment D-23

The comment states that Figure 4.4-5 in the EIR does not distinguish between active and inactive golden eagle nests. The comment argues that additional information is required to determine the impacts of the Proposed Project and alternatives on golden eagle nest territories and important eagle-use areas. The comment also states that the EIR should explain the methods used to confirm if a nest was active or inactive and identify the years that each nest was last surveyed. Known golden eagle nests are shown in Figure 4.4-5. Please refer to Section 4.4.4 in Section 4.4, "Biological Resources," in Volume 1 of the FEIR, for the analysis and mitigation measures addressing the Proposed Project's and alternatives' potential impacts on golden eagles.

Additionally, GANDA's July 2020 *Golden Eagle and Raptor Survey Memo* (refer to Response to Comment D-21) shows locations of active, inactive, and failed nests (GANDA 2020) and identifies the years each nest was last surveyed. This report was used in the EIR's analysis; however, for the protection of these special status species, specific locational information will be kept confidential and has been redacted from the publicly available report (provided in Appendix D in Volume 2 of this FEIR).

Response to Comment D-24

The comment asserts that the EIR appears to rely on incomplete reporting data, since there may be information that hasn't been processed into the California Natural Diversity Database (CNDDB). The comment argues that the CPUC should clarify whether the information provided in the EIR includes unprocessed data that can be obtained by contacting California Natural Diversity Database (CNDDB) staff and the USFWS.

The EIR includes the results of the CNDDB queries for plants and animals, which was conducted in 2019. Unprocessed data was not included in the EIR. Revision and recirculation of the EIR is not required.

Response to Comment D-25

The comment asserts that the EIR fails to mention the most recent eBird observations of golden eagles within the Paso Robles city limits between 2016 and 2020.

In response to Comment D-25, the text in Table 4.4-1 in Section 4.4, "Biological Resources," page 4.4-20, in Volume 1 of the FEIR, has been updated to include the most recent sightings of golden eagles. The revised text is provided in Chapter 4, *Revisions to the DEIR,* and Volume 1 of the FEIR, and is shown below.

> Multiple sightings of golden eagles have been recorded within Paso Robles city limits between 1982 and ~~2015,~~ 2020, with the closest observations to the project site being at Cuesta College North Campus just north of SR 46 (eBird 2020b) and at Barney Schwartz Park (eBird 2021).

Response to Comment D-26

The comment asserts that the EIR must identify the methods that were used to obtain information on golden eagle nests in the vicinity of the Proposed Project and alternatives. Please refer to Response to Comment D-21.

Additionally, SWCA Environmental Consultants (SWCA) (the Applicants' consultants) and Horizon Water and Environment (Horizon) (CPUC's consultant) had conducted field surveys in 2016 (SWCA 2016, as cited in NEET West and PG&E 2017b), 2018 (HWT 2019) and 2019 (Horizon 2019a, 2019c), respectively, that identified golden eagle nest sites. The Santa Ysabel Homeowners Association and County of San Luis Obispo first identified the active golden eagle nest in 2000 near Santa Ysabel Creek within the Santa Ysabel Home Ranch (SWCA 2019). Information on golden eagle nest locations was also obtained from eBird (2021). The SWCA 2019 and the Horizon 2019a and 2019c references were provided with the DEIR, and the FEIR includes the NEET West and PG&E 2017b reference and the updated eBird observations (refer to Response to Comment D-25).

Response to Comment D-27

The comment argues that the EIR is deficient because the calculations upon which the GHG emissions analysis is based are not included in the body of the EIR. The comment asserts that some of the emissions calculations are not included in Appendix C of the EIR, but rather are in Appendix C of the PEA. The comment does not state which specific data, other than citing that for sulfur hexafluoride (SF_6) as an example, it believes are not contained in Appendix C of the EIR, or provide any citation to the EIR or the appendix of either document, precluding more specific responses to this comment. The methods for calculating the GHG emissions from SF_6 were explained on page 4.8-5 of the DEIR and is reprinted on page 4.8-5 of Volume 1 of the FEIR. Therefore, it is not clear to which other data the comment is referring.

For clarity, text has been added in Section 4.8, "Greenhouse Gas Emissions," page 4.8-5, in Volume 1 of the FEIR, to indicate the corresponding amount of SF_6 emissions associated with the maximum allowed SF_6 leak rate. The additional text is provided in Chapter 4, *Revisions to the DEIR,* and in Volume 1 of the FEIR, and is also shown below.

> Operational GHG emissions would primarily come from SF_6 GIS and equipment used at the substations and power lines. These emissions were estimated using the volume of SF_6 that would be used in the equipment and assuming the maximum allowed leak rate under current regulations of 1 percent (approximately 0.00422 metric tons per year).

Additionally, the text on page 4.8-7 has been revised to clarify the global warming potential of SF_6 emissions and how that relates to the emissions estimates for the Proposed Project. The revised text is provided in Chapter 4, *Revisions to the DEIR,* and in Volume 1 of the FEIR, and is shown below.

> Amortized over the 30-year life of the Proposed Project facilities, this equates to 91 MT CO_2e annually. One metric ton of SF_6 has a global warming potential equal to 22,800 metric tons of CO_2 (CO_2e), resulting in 96 MT CO_2e emitted from the GISs and equipment. When the amortized construction emissions are added to the quantified GHG emissions associated with GISs and equipment, this results in total annualized emissions of 187 MT CO_2e, which is well below the SLOCAPCD threshold of 10,000 MT CO_2e per year.

The CEQA Guidelines make clear that the body of an EIR should not contain highly technical data. The Guidelines state that "[p]lacement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analysis as appendices to the main body of the EIR" (CEQA Guidelines § 15147). Appendix C of the EIR contains 626 pages of technical data containing the analysis of air quality, greenhouse gas emissions, and energy. The comment does not provide evidence that any data pertinent to the analysis is missing from Appendix C. The technical data used to support the EIR is presented in a manner that adequately informs the public and decisionmakers in compliance with CEQA.

Response to Comment D-28

The comment asserts that the EIR does not contain a detailed analysis of SF_6 within the Greenhouse Gas Emissions section. Operational emissions of SF_6 associated with potential leakage from gas-insulated switchgear at the substations were estimated and discussed in the PEA. (PEA, p. 3.7-1.) Please also refer to Response to Comment D-27.

Response to Comment D-29

The comment requests that the EIR be revised to include certain information about GHG emissions and recirculated for public review. Please refer to Response to Comment D-27 for further explanation supporting why revision and recirculation of the EIR is not warranted.

Response to Comment D-30

The comment provides an introduction to subsequent comments and cites provisions of CEQA related to mitigation measures, approval of projects with significant impacts, and substantial evidence. The comment is noted and will be shared with the CPUC's decisionmakers.

In addition, the comment requests that the EIR be revised to incorporate all feasible mitigation measures recommended by commenters, including undergrounding the entire 70 kV line and argues that the undergrounding of the entire 70 kV line be determined to be the

Environmentally Superior Alternative. Please refer to Responses to Comments D-31 through D-40 for specific responses to each issue the commenter raises.

Response to Comment D-31

The comment cites provisions of CEQA related to mitigation measures, including the definition of "feasible" as provided in the CEQA Guidelines as an introduction to the remainder of its comments asserting the EIR fails to adequately analyze undergrounding the entire 70 kV transmission line as a feasible alternative. Please refer to Response to Comment D-32.

Response to Comment D-32

The comment expresses concern that the EIR does not consider undergrounding of the entire 70 kV power line as an alternative to the Proposed Project. The commenter asserts undergrounding the line would substantially lessen significant impacts to biological resources and fire risk. Alternative PLR-3 (Strategic Undergrounding) would involve undergrounding the portion of the Proposed Project with the greatest potential for aesthetic and other environmental impacts. Undergrounding of the entire 70 kV power line was not considered. Undergrounding creates impacts of its own and is substantially more expensive than overhead lines, as explained in Master Response 8. CPUC is under no obligation to consider every possible alternative to a project. Please refer to Master Response 8 for additional discussion of this topic.

As described in the EIR, the only segment of the Proposed Project 70 kV line that would have significant impacts to aesthetics would be the section that passes through the Golden Hill Road area (e.g., as identified in KOP 6). This impact was considered as one of the key criteria for the development of alternatives (i.e., the goal to reduce significant environmental impacts), as was discussed in the Final Alternatives Screening Report (ASR), particularly pages 1-13 and 2-10 (Appendix B in Volume 1 of the FEIR). Alternative PLR-3 would reduce these impacts to less than significant levels. (FEIR, Volume 1, pp 4.1-50 to 4.1-52.) Similarly, the EIR analysis found that both the Proposed Project as well as Alternative PLR-3 would result in impacts to biological resources that would be less than significant with mitigation. (FEIR, Volume 1, pp. 4.4-69 to 4.4-72.) With respect to wildfire, the EIR found that neither the Proposed Project nor Alternative PLR-3 would result in any significant impacts, with mitigation measures incorporated.

As noted in Comment D-32, a lead agency must incorporate feasible mitigation measures "when such measures would substantially lessen a significant environmental effect." The mitigation measures in the EIR will reduce all impacts of the Proposed Project 70 kV line to less than significant levels, other than the aesthetic impacts in the Golden Hill Road area, as noted above (as well as construction-related impacts to air quality and noise, and conversion of Important Farmland to non-agricultural uses). The EIR examines Alternative PLR-3 as an alternative to the Proposed Project that would reduce aesthetic impacts of the transmission line to less than significant levels. Note that an alternative combination including the proposed Estrella Substation with Alternative PLR-3 would still result in significant aesthetic impacts due to visual impacts of the substation, which cannot be undergrounded.

The comment does not identify any additional significant impacts that were not identified in the EIR and that would need to be mitigated. Nor does the comment explain how undergrounding of the entire line would mitigate any such additional significant impacts. The CEQA Guidelines state that an EIR "shall describe a range of alternatives to the project [which would] avoid or

substantially lessen any of the significant effects of the project […].” (CEQA Guidelines § 15126.6(a).) The EIR adequately describes a range of alternatives to the Proposed Project as required by CEQA. Alternative PLR-3 avoids or lessens certain impacts of the Proposed Project. It is one of several alternatives and alternative combinations designed to allow the public to evaluate the comparative merits of different alternatives to the Proposed Project. “An EIR need not consider every conceivable alternative to a project.” (CEQA Guidelines § 15126.6(a).) The comment does not provide substantial evidence that the CPUC should have included the undergrounding of the entire 70 kV line as an alternative to the Proposed Project’s overhead 70 kV power line, nor does it provide explanation how the CPUC’s reasoning and criteria provided in the Final ASR (Appendix B in Volume 2 of the FEIR) are deficient.

Response to Comment D-33

The comment seems to argue that the EIR should have demonstrated that the cost of undergrounding the entire 70 kV line is infeasible. The comment concludes that the CPUC failed to demonstrate the infeasibility of Alternatives PLR-3A and PLR-3B. The CPUC conducted a screening process, as documented in the EIR, to determine if each of the alternatives evaluated in the EIR was feasible from an economic, environmental legal, social, and technical perspective. (Refer to FEIR, Volume 1, Chapter 3, *Alternatives Description*.) Each of the alternatives selected met these criteria, including Alternatives PLR-3A and PLR-3B, which are analyzed in the FEIR. Please note that Alternatives PLR-3A and PLR-3B were determined potentially feasible and were caried forward for analysis, opposite of the commenter’s conclusion. The CPUC did not examine any alternative that included undergrounding the entire 70 kV line. Please refer to Response to Comment D-32.

Response to Comment D-34

The comment states that the EIR does not demonstrate the infeasibility of undergrounding. As part of its alternatives screening process, the CPUC determined that undergrounding a section of the Proposed Project 70 kV power line would be feasible. (Refer to FEIR, Volume 1, Chapter 3, *Alternatives Description*.) Please note that, as mentioned in Response to Comment D-32, the significant and unavoidable aesthetic impacts would remain, even if the entire new 70 kV line were undergrounded, because the impacts not addressed by PLR-3 are those from the Estrella Substation, not significant aesthetic impacts from other portions of the new overhead 70 kV line. The CPUC did not examine any alternative that included undergrounding the entire 70 kV line. Please refer to Response to Comment D-32.

Response to Comment D-35

The comment asserts that the EIR does not demonstrate the infeasibility of undergrounding as an alternative or a mitigation measure. As part of its alternatives screening process, the CPUC determined that undergrounding a section of the Proposed Project 70 kV power line would be feasible. (Refer to FEIR, Volume 1, Chapter 3, *Alternatives Description*.) In addition, the EIR includes mitigation measures that would reduce impacts of the power line to less than significant levels, other than the visual impact of the power line in the Golden Hill Road area. The CPUC did not examine any alternative that included undergrounding the entire 70 kV power line. Please refer to Response to Comment D-32.

Response to Comment D-36

The comment argues that the EIR should examine an alternative that includes undergrounding the entire 70 kV power line because it would reduce impacts to biological impacts to a greater degree than undergrounding a segment of the line (as is considered under Alternative PLR-3). The EIR found that the Proposed Project would not result in any significant impacts to biological resources, with the inclusion of mitigation measures. All impacts to biological resources were found to be less than significant, or less than significant with mitigation incorporated, even without undergrounding any portion of the power line. A lead agency is not permitted to mitigate for impacts that are less than significant, or propose alternatives to avoid or lessen impacts that are determined less than significant. Please refer to Response to Comment D-32.

Response to Comment D-37

The comment summarizes part of a CPUC rulemaking that discusses the benefits of undergrounding power lines. The comment is noted and will be shared with the CPUC's decisionmakers. It does not address substantive contents of the EIR, and no further response is necessary.

In addition, the comment requests that the DEIR be revised and recirculated to analyze the decrease in adverse biological impacts from undergrounding the entire transmission line. Please refer to Responses to Comments D-32 and D-36 for further discussion explaining why EIR revision and recirculation is not required.

Response to Comment D-38

The comment states that undergrounding the transmission line would mitigate fire risk and cites a San Diego Gas and Electric Company ordinance mandating undergrounding of electric facilities. All impacts related to wildfire resources were found to be less than significant, or less than significant with mitigation incorporated, even without undergrounding any portion of the power line. A lead agency is not permitted to mitigate for impacts that are less than significant, or propose alternatives to avoid or lessen impacts that are determined less than significant. Please refer to Response to Comment D-32. Please also refer to Master Response 4 for discussion of the measures that would be implemented to reduce fire risk during construction and operation of the Proposed Project's power lines.

The comment also requests that the 70 kV line be undergrounded to comply with CPUC's policy to encourage or order undergrounding of utilities. As support, the comment cites a set of "Rules for Construction of Underground Electric Supply and Communication Systems." It is not clear from the comment what policy the comment is referring to, as the referenced G.O. 128 lays out rules for how an underground electrical supply or communication system shall be constructed, maintained, and operated, not order that such facilities must be constructed.

Response to Comment D-39

The comment asserts that the EIR fails to discuss electric and magnetic fields (EMF) and their impacts on sensitive receptors and fails to comply with the CPUC design guidelines. In response to comments related to EMF, please refer to Master Response 2.

Response to Comment D-40

The comment asserts that significant public health impacts have been consistently documented from exposure to EMF and references journal articles. The comment is noted and will be shared with the CPUC's decisionmakers. In response to comments related to EMF and health impacts, please refer to Master Response 2.

Response to Comment D-41

This comment argues that Alternative Combination #2 (which includes the proposed Estrella Substation, Alternative PLR-1A [Estrella Route to Estrella Substation], Alternative BS-2 [Battery Storage to Address the Distribution Objective], and Alternative BS-3 [Behind-the-Meter Solar and Battery Storage]) is not environmentally superior to the Proposed Project and urges CPUC to not select nor approve Alternatives BS-2 or BS-3 due to their alleged significant impacts related to fire risk, accidents leading to public health impacts and property damage, and criteria pollutant and GHG emissions. This comment is noted and will be shared with the CPUC's decisionmakers. For the CPUC's detailed response to comments related to the battery storage/distributed energy resources [DERs] alternatives, please refer to Master Response 5.

Response to Comment D-42

This comment expresses agreement with the EIR's analysis of the fire risk associated with Alternatives BS-2 and BS-3; however, the comment asserts that the EIR fails to adequately analyze the alleged significant impacts from battery energy storage system (BESS) facilities, such as accidents causing fire at on-site and off-site locations, property damage, and health impacts associated with the release of hazardous air pollutants. The comment provides quotations from the EIR regarding the potential fire risk associated with BESSs. The comment recommends that if Alternatives BS-2 and BS-3 are implemented, the potential for thermal runaway propagation needs to be addressed through "available technologies and design methods." For the CPUC's detailed response to comments related to the EIR's consideration of battery storage alternatives, please refer Master Response 5.

Response to Comment D-43

This comment argues that the reduced fire risk of flow battery technology does not mean the impact would not be significant. Furthermore, the comment asserts that the EIR does not provide substantial evidence for its assertion that "flow battery technology would have reduced fire risk because the electrolyte material is not flammable." For the CPUC's detailed response to comments regarding the EIR's consideration of battery storage alternatives, please refer Master Response 5.

Response to Comment D-44

The comment asserts that the EIR does not adequately analyze impacts associated with energy storage systems, as identified by the National Fire Protection Association. For the CPUC's detailed response to comments related to the EIR's consideration of battery storage alternatives, including information regarding their potential environmental impacts, please refer to Master Response 5.

Response to Comment D-45

The comment notes that Dr. Fox (the commenter's consultant, whose detailed comments are provided in Exhibit A to the comment letter [denoted as Comments D-136 to D-297]) describes the alleged serious risks of BESSs related to fires, explosions, and wildfires. The comment acknowledges that the risks are mentioned in the EIR, but argues that they are not analyzed. Thus, the comment asserts that the EIR must be revised and recirculated to adequately analyze the impacts from Alternatives BS-2 and BS-3. For the CPUC's detailed response to comments related to the EIR's consideration of battery storage alternatives, including information regarding associated risks, please refer to Master Response 5. The comment does not warrant revision and recirculation of the EIR for further analysis of the proposed BESSs.

Response to Comment D-46

The comment argues that the EIR fails to adequately evaluate impacts from BESSs by not including a "risk of upset" analysis. The comment notes that the Final ASR indicated that fire risk was a concern for BESS installations and that the issue would need to be fully evaluated in the EIR but argues that the EIR failed to do this. The comment asserts, without any evidence to support, "CEQA requires that CPUC prepare a risk of upset analysis for Alternatives BS-2 and BS-3 if either alternative is being considered for adoption." The comment reiterates that Dr. Fox has identified significant impacts from the BESS alternatives and that the DEIR fails as an informational document.

For the CPUC's detailed response to comments related to the EIR's consideration and evaluation of battery storage alternatives, please refer to Master Response 5. The comment does not warrant revision and recirculation of the EIR for further analysis of the proposed BESSs.

Response to Comment D-47

The comment argues that the EIR's failure to conduct a risk of upset analysis in the EIR constitutes impermissibly deferred analysis in violation of CEQA. The comment cites to sections of the CEQA Guidelines and court cases related to deferral of mitigation. For the CPUC's detailed response to comments related to the EIR's consideration and evaluation of battery storage alternatives, please refer to Master Response 5, which describes that specific potential impacts associated with BESSs depend on the specific designs and characteristics of BESSs and DERs that are unknown at this time. The comment does not warrant revision and recirculation of the EIR for further analysis of the proposed BESSs.

Response to Comment D-48

The commenter claims that the GHG emissions from BESSs are not taken into account in the analysis.

In response to comments related to the GHG emissions analysis for BESSs as part of Alternatives BS-2 and BS-3, refer to Master Response 17.

Response to Comment D-49

The commenter claims that information regarding the indirect GHG emissions from electricity used to charge the BESSs and the electricity consumed by operation of the BESSs is not contained in the EIR.

In response to comments related to the GHG emissions analysis for BESSs as part of Alternatives BS-2 and BS-3, refer to Master Response 17.

Response to Comment D-50

The commenter claims detailed information regarding the battery storage units is not provided in the EIR and that such information is required to estimate the charging emissions from the BESS alternatives.

In response to comments related to the GHG emissions analysis for BESSs as part of Alternatives BS-2 and BS-3, refer to Master Response 17. Please also refer to Master Response 5.

Response to Comment D-51

The commenter claims that the direct and indirect GHG emission from BESS is not adequately addressed in the EIR and provides calculations using several assumptions in their Exhibits 2A and 2B.

In response to comments related to the GHG emissions analysis for BESSs as part of Alternatives BS-2 and BS-3, refer to Master Response 17. Please also refer to Master Response 5.

Response to Comment D-52

The comment asserts that the EIR fails to analyze and mitigate temporary and permanent significant impacts to farmland, including the Proposed Project's alleged inconsistency with the Agriculture Element of the San Luis Obispo County General Plan. The commenter's specific points regarding the EIR's analysis of impacts to farmland are addressed in subsequent responses to comments, where the specific points are raised (see Responses to Comments D-53 to D-64). Note that the revised Agriculture and Forestry Resources section of the EIR, which was recirculated for public review as part of the Recirculated DEIR, changed the acreage of impacts to Important Farmland. As explained in the Recirculated DEIR[4], the size of the Estrella Substation parcel was revised from 15 acres to 20 acres, and the proposed substation layout was modified such as to change the impact acreage. As such, some of the acreages referenced in Comment D-52 and in subsequent comments are no longer up to date.

Regarding the Proposed Project's alleged inconsistency with the San Luis Obispo County General Plan, the EIR states that "…while the proposed Estrella Substation would not further the County of San Luis Obispo Agriculture designation… public utility facilities are allowed in the Agriculture designation with a Conditional Use Permit," and that "transmission lines are allowable uses in the Agriculture designation subject to a land use permit." (FEIR, Volume 1, p. 4.11-16). As described in the EIR, the CPUC has exclusive jurisdiction over the siting and design of power line projects and substations; therefore, the Proposed Project is exempt from local land use and zoning regulations. Nevertheless, potential conflicts with land use plans, policies, or regulations are discussed in the EIR for informational purposes. Consistent with Appendix G of the CEQA Guidelines, the potential conflicts of the Proposed Project with local laws and regulations are evaluated in Impact AG-2 ("conflict with existing zoning for agricultural use or a Williamson Act contract"; refer to pages 4.2-15 to 4.2-17 in Volume 1 of the FEIR) and Impact LU-2 ("cause a

[4] Available here: https://ia.cpuc.ca.gov/environment/info/horizonh2o/estrella/RDEIR.html

significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect"; refer to pages 4.11-16 to 4.11-19 in Volume 1 of the FEIR), among other locations in the EIR. Relevant goals and policies from the City of Paso Robles and County of San Luis Obispo General Plans are also provided in Appendix A (refer to Volume 2 of the FEIR).

Response to Comment D-53

The comment generally states the conclusions of the EIR with regard to impacts to agricultural resources and includes an excerpt from the Agriculture Element of the San Luis Obispo County General Plan to assert the EIR fails to adequately analyze impacts to farmland. The comment is noted; further discussion of the EIR's adequate analysis of farmland impacts are included in the following responses to comments.

Response to Comment D-54

The comment describes the temporary impacts to Important Farmland from construction of the proposed Estrella Substation that are disclosed in the EIR[5]. The comment asserts that Mitigation Measure AG-2 would not be effective "because the impact to farmland is not temporary." The commenter explains that removal of grape vines and roots is not a temporary impact since it takes several years for the vines to regrow to full maturity. The comment then argues that the acreage of temporary impacts to farmland is not disclosed in the EIR, citing to a figure from the PEA. Finally, the comment provides an isolated quotation from the EIR, arguing that the EIR mischaracterizes the extent of temporary/permanent impacts to farmland and defers its analysis and mitigation.

As noted above, the acreage of impacts to Important Farmland from the Proposed Project was revised as part of the Recirculated DEIR and the potential for impacts to an additional 5 acres of Farmland due to HWT's acquisition of a larger substation parcel was adequately disclosed and analyzed. Thus, the temporary impact to Farmland from construction of the Estrella Substation has been revised to 0.18 acre (refer to Table 4.2-2 in Section 4.2, "Agriculture and Forestry Resources," in Volume 1 of the FEIR). The commenter's argument that an impact is not temporary if it cannot be restored in sooner than three to five years applies an arbitrary timeline for evaluating impacts, and also seemingly contradicts the commenter's consultant's (Mr. House's) comments. The consultant's comments in Comment D-373 are as follows:

> For grape vineyards, the vines take more than one year to reach crop bearing age. It is therefore necessary for the mitigation that the act of replanting of the grape vines encompasses the several years (typically 3 to 5 years) it takes to develop mature grape vines…

This passage is not in congruence with the commenter's statement in Comment D-54 that "removal of grape vines and roots is not a temporary impact." Three to five years is still a finite

[5] As noted above in Response to Comment D-52, the acreage of impacts to Farmland was revised as part of the Recirculated DEIR. Thus, the acreages referenced in Comment Letter D, submitted prior to the Recirculated DEIR, are largely out of date.

period of time, and since the grape vines would reach full maturity at this point, the impact (loss of agricultural use) is not considered permanent.

The acreage of temporary impacts to farmland was provided with respect to both the Estrella Substation and 70 kV power line in Table 4.2-2 of the original DEIR, which has since been revised as part of the Recirculated DEIR. While the original DEIR had reported a total temporary impact of 98.46 acres to all types of farmland (e.g., including Grazing Land, Farmland of Local Potential, and Farmland of Local Importance), this number has since been revised to 93.62 acres. Refer to the Recirculated DEIR (page 2-R.4.2-12) for the specific revisions, which have been carried over to the FEIR. The impact acreages reported in the EIR differed somewhat from that reported in the PEA because the CPUC conducted its own independent analysis of the impacts using the latest project footprint GIS data, providing a more accurate analysis.

Finally, with respect to the commenter's claim that "…the DEIR mischaracterized the impact here as temporary instead of a permanent conversion of farmland," this argument again fails to make logical sense and contradicts the commenter's own consultant's remarks. While Mr. House identifies a number of alleged deficiencies with Mitigation Measure AG-2 (addressed by the CPUC in Responses to Comments D-369 to D-376), he nowhere states that the temporary impacts to Farmland will necessarily be permanent or otherwise argues that mitigation of the temporary impacts is impossible. The EIR correctly discloses the potential significant and long-term impacts to agricultural land affected by construction activities if the lands are not properly restored. However, the EIR prescribes Mitigation Measure AG-2, which lays out specific steps and performance standards to be implemented to ensure restoration of the agricultural lands takes place. The EIR reasonably concludes after adequate analysis that this measure would reduce the impacts to a level that is less than significant.

Response to Comment D-55

This comment asserts that the EIR fails to specify "the degree of soil disturbance," including the depths of excavation, and expresses concern related to the ability for the Proposed Project site to be restored to pre-project conditions. Chapter 2, *Project Description,* of the EIR (refer to Volume 1 of this FEIR) provides a detailed description of the Proposed Project, including work area (e.g., disturbance area) requirements (refer to Table 2-9) and approximated depths for soil excavations, as appropriate. The dimensions for pole structures and foundations are provided in Table 2-8; the dimensions for the interconnection structure is provided in Table 2-7. Excavation depths are also referenced in the descriptions of construction methods to be used, such as for open-trench methods (refer to page 2-74) and methods required to establish access driveways and roads (page 2-71).

This comment also suggests that depending on the particular degree of soil disturbance, excavation depths and/or severe compaction may make site restoration impracticable. It is unclear from this comment the specific resource area of concern, as the comment does not specify individual project locations, specific operations, excavation depths, or potentially significant impacts of concern. Soil compaction alone is not recognized as a significant impact to soils; however, the CPUC acknowledges that soil compaction can make revegetation more challenging. As discussed in Section 4.7, "Geology, Soils, Seismicity and Paleontological Resources," in Volume 1 of the FEIR, following construction, disturbed areas would be restored to pre-project conditions through implementation of measures outlined within the Stormwater Pollution Prevention Plan (SWPPP). Among other things, SWPPP best management practices

(BMPs) would ensure top soil protection, including actions such as to protect soil stockpiles from storm events, locate piles away from and/or downgradient from waterways, provide for avoidance of excessive disturbance of steep slopes, control of vehicle traffic, and implementation of a dust-control program. The commenter's concern related to site restoration is noted and will be shared with the CPUC's decisionmakers. Revision and recirculation of the EIR is not warranted in response to this comment.

Response to Comment D-56

The comment asserts that the EIR must be revised and recirculated to disclose the temporary impacts that allegedly may become permanent, and to require all feasible mitigation necessary to reduce temporary impacts to agricultural land to less than significant levels. Please refer to Response to Comment D-54. The notions that the temporary impacts to Farmland from construction of the Proposed Project may become permanent and that Mitigation Measure AG-2 is insufficient are incorrect. Mitigation Measure AG-2 requires that the Proposed Project Applicants restore agricultural lands following construction activities to a reasonable equivalent in agricultural viability/suitability in comparison to pre-construction conditions, including replacement of topsoil/crops and de-compaction of soils, if necessary. The comment does not warrant revision and recirculation of the EIR.

Response to Comment D-57

The comment states that the EIR fails to provide a California Land Evaluation and Site Assessment (LESA) for the Estrella Substation site and that the EIR should be recirculated to adequately analyze impacts to agricultural lands through a LESA Model. The EIR includes an analysis of agricultural lands impacted by the Proposed Project in accordance with Appendix G of the CEQA Guidelines. As discussed in Section 4.2, "Agriculture and Forestry Resources," in Volume 1 of the FEIR, even with mitigation applied, the Proposed Project would result in significant and unavoidable impacts through the conversion of Important Farmland to non-agricultural uses. Further, as noted in the LESA Manual and in PRC Section 21095, the LESA Model is an "optional methodology" through which lead agencies can consider the effects of land conversions. The CPUC, as the lead agency, has chosen a different methodology, as disclosed in Section 4.2 of Volume 1 of the FEIR. Thus, failure to conduct a LESA would not require revision and recirculation of the EIR.

Response to Comment D-58

The comment states that Mitigation Measure AG-1 (Provide Compensation for Loss of Agricultural Land) does not provide effective mitigation for the Proposed Project's permanent conversion of agricultural land to non-agricultural uses because the measure would not create any new Important Farmland. The comment goes on to provide a quotation from a court case (*King & Gardiner Farms, LLC v. County of Kern*) regarding the use of agricultural conservation easements as mitigation. The EIR found that implementation of Mitigation Measure AG-1 would not reduce the significant impacts on agricultural lands from the Proposed Project to a level that is less than significant.

Response to Comment D-59

The comment describes the EIR's finding with respect to permanent conversion of agricultural land to non-agricultural uses (that such impacts would be significant and unavoidable). The

comment then asserts that the EIR lacks the underlying analysis necessary to support this conclusion, and fails to demonstrate that all feasible mitigation is being implemented. The comment does not identify what additional feasible mitigation is potentially available, which the CPUC should have considered in the EIR; however, in the subsequent Comment D-60, the commenter argues that the same mitigation approach should be used but at a greater ratio of conserved lands to impacted acreage. The commenter's suggested greater ratio acknowledges that use of conservation easements is a common and widely accepted mitigation approach for compensating for permanent loss of Important Farmland. Additionally, while the CPUC is not changing its significance conclusion with respect to agricultural lands, note that in the December 2018 revisions to the CEQA Guidelines, the California Department of Conservation (CDOC) indicated that conservation easements are commonly used to mitigate impacts to farmland (see definition of "Mitigation" in CEQA Guidelines Section 15370[e]). While easements do not replace converted farmland, contribution to such mechanisms do protect remaining resources and would effectively reduce impacts in accordance with the CEQA Guidelines.

Response to Comment D-60

The comment references a number of recommendations by Gregory House (whose detailed comments are included as Exhibit D to the comment letter; refer to Comments D-365 to D-374), including that Mitigation Measure AG-1 should require a replanting at a ratio of 3:1 (rather than 1:1); that compensatory easement(s) should be located within 15 miles of the Project or within San Luis Obispo County; that HWT and PG&E purchase the conservation easement with the oversight and approval of the CPUC, and that the term "commensurate" (i.e., with regard to the amount of HWT's and PG&E's contribution) be defined to support the selection of mitigation lands.

First, it should be noted that the recommendations in Comment D-60 seem to contradict the commenter's earlier statements and arguments (e.g., in Comment D-58) that conservation easements, by nature, are ineffective as mitigation for loss of agricultural land. Additionally, if the recommendations in Comment D-60 are the extent of the additional "feasible mitigation" that CPUC allegedly failed to consider in the EIR (e.g., see Comment D-59), this would not really be considered additional mitigation, but rather refinement of the approach already included in Mitigation Measure AG-1.

Nevertheless, several of the recommendations included in this comment have been taken into account. As indicated in Response to Comment H-16, the text of Mitigation Measure AG-1 has been revised, based on the suggestions from HWT and PG&E, to allow for flexibility in contributing funds to an acceptable organization, which could be the Land Conservancy of San Luis Obispo County, or otherwise effectuating a conservation easement to compensate for the Proposed Project's or alternatives' impacts. Specifically, the revisions to Mitigation Measure AG-1 (shown in Response to Comment H-16, as well as in Chapter 4, *Revisions to the DEIR,* and Volumes 1 and 2 of the FEIR) allow for HWT and PG&E to purchase the conservation easement directly from a landowner in San Luis Obispo County, with oversight from the CPUC. Additionally, the revisions allow the Applicants to potentially contribute to another public agency or non-profit organization (apart from the California Farmland Conservancy Fund) that is able to achieve the long-term preservation of agricultural land in the County.

Figure 4.2-2 in the EIR (refer to page 4.2-9 in Volume 1 of the FEIR), when viewed in relation to Figure 4.2-1 (refer to page 4.2-7 in Volume 1 of the FEIR), shows that there is substantial

farmland not currently under a Williamson Act contract just in the immediate vicinity of the Proposed Project and alternatives. The EIR also did not identify other farmlands subject to a conservation easement. Thus, it can be assumed that land is available for a compensatory easement. With respect to the commenter's request for a greater conservation ratio (e.g., 3:1 or 2:1 ratio of conserved land acres to impacted acres), the CPUC believes the 1:1 ratio specified in the original Mitigation Measure AG-1 is a fair requirement for this Project. Whether other jurisdictions or agencies have implemented a greater ratio in other circumstances is not substantial evidence that such a greater ratio is warranted in the case of the Proposed Project, or that it would further reduce the significant environmental impact.

Finally, as shown in Response to Comment H-16, the text of Mitigation Measure AG-1 has been revised, including to clarify the requirements with respect to commensurate land. Consistent with the Appendix G significance criteria, the criteria for commensurate land is based on the Farmland Mapping and Monitoring Program (FMMP) Important Farmland classification, as well as the productive use of the land (e.g., vineyard crops). Please refer to Response to Comment H-16 for the revised language. The revisions are also presented in Chapter 4, *Revisions to the DEIR,* and in Volume 1 of the FEIR.

The changes to the EIR described above would not result in changes to environmental impact analyses or conclusions presented in the DEIR, and therefore do not constitute significant new information that would trigger recirculation under CEQA Guidelines section 15088.5. Rather, the changes serve to clarify and amplify the content of the DEIR.

Response to Comment D-61

The comment asserts that the EIR should be revised to include feasible mitigation measures to reduce permanent impacts to agricultural resources to less than significant levels. Please refer to Responses to Comments D-59 and D-60 for further discussion regarding these topics and explanation as to why EIR revision and recirculation is not warranted.

Response to Comment D-62

The comment references comments provided by Gregory House and asserts that Mitigation Measure AG-2 (Restore Agricultural Land Temporarily Impacted by Construction Activities) is inadequate. The commenter's specific contentions with Mitigation Measure AG-2 are responded to in subsequent comment responses (refer to Responses to Comments D-63 to D-68), as well as in the responses to the detailed House comments with respect to Mitigation Measure AG-2 (refer to Responses to Comments D-369 to D-376).

Response to Comment D-63

The comment references comments provided by Gregory House, asserts that the temporary construction will not be fully restored to pre-construction conditions and that EIR should be revised and recirculated to fully mitigate the impacts from the introduction of rocks and material to agricultural land on the Project site. First, note that the text of Mitigation Measure AG-2 has been revised slightly to specify the responsibilities of HWT versus PG&E (the two Proposed Project Applicants), as well as to allow for the possibility of leaving construction-related material if the property owner requests that the material remain for their use. Refer to Responses to Comment J-123, as well as Chapter 4, *Revisions to the DEIR,* and Volumes 1 and 2 of the FEIR, for the revised language.

Regarding the adequacy of Mitigation Measure AG-2, the restoration of agricultural land may be performed pursuant to the terms agreed upon by the Proposed Project Applicant(s) and the private landowner. The EIR states, "The responsibility of performing these various tasks may be stipulated in an agreement between HWT, PG&E, and the landowner(s) completed for the Proposed Project or alternatives. If a landowner is better equipped or prefers to replant crops or perform other tasks themselves, then HWT or PG&E shall provide just compensation for this work." Thus, temporary impacts to agricultural lands would be mitigated from the introduction of rocks and/or other material per such agreements.

The comment provides no substantial evidence that removal of rock imported to the site is infeasible other than the commenter's consultant's opinion, which is unsupported by facts or data. The comment also does not provide justification for why a "95% cleanup job" would not be sufficient, or what other measures should be required or considered to fully restore the impacted agricultural lands to pre-construction conditions. The Applicants have reviewed the proposed Mitigation Measure AG-2 as part of the public reviews of the DEIR and Recirculated DEIR and have not indicated that any aspect of the measure would be economically infeasible. If the Applicants were to make such an argument, they would need to demonstrate infeasibility as described in CEQA Guidelines Section 15364.

Response to Comment D-64

The comment references comments provided by Gregory House and asserts that replacement of topsoil with fresh fill is insufficient to restore the landscape to its original condition, and that the CPUC should not confirm restoration of agricultural lands is completed until three to five years after construction is complete. While the CPUC acknowledges that replanted vineyard crops may take several years to reach maturity, the performance standards within Mitigation Measure AG-2 will be sufficient to restore the agricultural lands impacted by the Proposed Project's or alternative's construction to be agriculturally viable. The CPUC will monitor the implementation of the mitigation measure via the Mitigation Monitoring and Reporting Program (MMRP); however, a requirement for continued monitoring over three to five years following construction is not considered necessary. While the comment argues that replacement of topsoil is insufficient, it does not provide any alternative measures that the commenter would consider effective, nor does it detail why replacement of topsoil would not be effective. Note that language has been added to Mitigation Measure AG-2 to clarify the requirements regarding replacement of topsoil, as described and shown in Response to Comment D-371.

Response to Comment D-65

The commenter is concerned that disruption of dry soil would result in impacts related to Valley Fever, but also that de-compaction of wet soil may increase GHG emissions from the project.

For the CPUC's response to comments related to Valley Fever, please refer to Master Response 14. While there can be temporary releases of GHG emissions from soil disturbances in particular when the soil is wet, these releases are temporary and under steady state conditions. GHG emissions are typically only quantified if there is a permanent change in vegetation land use and not just a temporary disturbance. This is consistent with methods used in CalEEMod and the IPCC protocol for vegetation for quantification of GHG emissions associated with land use changes. Quantification of short-term fluxes in GHG emissions would involve information that is

not readily available and it would be speculative to estimate, with the information available and used for the EIR's analysis, regarding specific information about the land composition.

Response to Comment D-66

The commenter is concerned about the release of GHG emissions during and after de-compaction of soils. Refer to Response to Comment D-65.

Response to Comment D-67

The commenter is concerned with rewetting of dry soils, which could increase carbon dioxide (CO_2) production in soil and requests that GHG emissions from de-compaction of soil be evaluated. Refer to Response to Comment D-65.

Response to Comment D-68

The comment asserts that Mitigation Measure AG-2 should not allow confirmation that restoration of agricultural land is completed until after the 5th year following replanting, and that the MMRP should require that the Proposed Project Applicants restore temporary construction sites to their original slopes and contours for proper surface water drainage. In response to this comment, text has been added to Mitigation Measure AG-2 in Section 4.2, "Agriculture and Forestry Resources," page 4.2-15, in Volume 1 of the FEIR, to clarify the definition of restoration of agricultural land. The revised text is provided in Chapter 4, *Revisions to the DEIR,* and in Volume 1 of the FEIR, and is also shown below. The revisions have also been carried over to Appendix F, *Mitigation Monitoring and Reporting Program,* in Volume 2 of the FEIR, by adding the following language:

> Restoration of agricultural land shall be defined as restored to a reasonable equivalent in agricultural viability/suitability in comparison to pre-construction conditions (i.e., soil conditions are as, or more, suitable to support the same or similar crops as pre-construction conditions), unless other arrangements with the land owner for different restoration conditions have been made. PG&E and HWT shall submit a report to CPUC after restoration efforts are completed, documenting completion of the restoration activities required by this mitigation measure.

Regarding the restoration of original slopes and contours, the EIR states, "Post-construction restoration activities would include returning areas to their original contours and drainage patterns in accordance with stormwater pollution prevention plan best management practices and as prearranged through landowner agreements, where applicable." (FEIR, Volume 1, p. 2-89.) This commitment is part of the Proposed Project and will be enforced by the CPUC through its oversight of Proposed Project construction and post-construction activities.

Response to Comment D-69

The comment asserts that the impacts of hazardous waste on the future of agricultural land were not sufficiently analyzed in the EIR and that the monitoring of hazardous substances in the soil should be continued after construction. As described in Section 4.9, "Hazards and Hazardous Materials," in Volume 1 of the FEIR, the Proposed Project would be subject to federal and state laws and regulations related to hazardous materials. Additionally, implementation of APM HAZ-1 would include hazardous substance control and emergency response procedures, which would limit the potential for spills or other releases of hazardous materials and would reduce the

potential effects of spills should they occur. For soils suspected of being contaminated, APM HAZ-1 would include testing and proper handling and disposal of potentially contaminated soils encountered during construction.

With compliance with existing laws and regulations and implementation of APM HAZ-1, the Proposed Project or alternative construction would not result in substantial contamination of the agricultural soils in the vicinity. As such, monitoring of hazardous substances in the soil after construction, as suggested by the commenter, is not a necessary or reasonable requirement.

Response to Comment D-70

The comment asserts that the DEIR should be revised and recirculated to adequately analyze and mitigate impacts to agricultural resources. Please refer to Responses to Comments D-52 through D-69 for further discussion of the issues the commenter raises and explanation as to why EIR revision and recirculation is not warranted.

Response to Comment D-71

The comment asserts that the DEIR must be revised to disclose and mitigate the alleged inconsistency with the San Luis Obispo County General Plan Agriculture Element. Please refer to Response to Comment D-52.

Response to Comment D-72

The comment cites provisions of CEQA and various court cases related to disclosing information and providing substantial evidence in an EIR. The commenter's specific contentions with the EIR's disclosure and analysis of impacts to biological resources are addressed in subsequent responses to comments, where the specific contentions are raised.

Response to Comment D-73

The comment asserts that the EIR did not provide substantial evidence that the Proposed Project would avoid riparian habitats and that temporary impacts would be restored.

It is not anticipated that impacts to riparian habitat or sensitive aquatic features would occur, as the Proposed Project has been designed to avoid these areas. As discussed in APM HYDRO-1, should access or work areas be required through or within jurisdictional wetland and waters, the project will require approval/permitting from the appropriate regulatory agency (U.S. Army Corps of Engineers [USACE], California Department of Fish and Wildlife [CDFW], and/or Regional Water Quality Control Board [RWQCB]) prior to any work within the jurisdictional features. Regarding the reliance on APM HYDRO-1 and the phrase "to the extent feasible" contained within the measure, please refer to Response to Comment I-89. As described therein, the language of APM HYDRO-1 was developed by the Proposed Project Applicants and the CPUC is obligated to review the Proposed Project as it is developed and presented by the Applicants. The definition of feasible is provided in CEQA Guidelines Section 15364; as such, the Applicants would need to demonstrate, to the satisfaction of the CPUC, that one or more of the factors listed in Section 15364 precludes their accomplishment of the avoidance of sensitive aquatic features stipulated in APM HYDRO-1 in order to exercise the "to the extent feasible" clause.

The EIR is conducted at the planning stage, prior to the point at which final engineering and design is completed; thus, some flexibility needs to be afforded within the measures to account

for unforeseen circumstances. For example, certain site-specific factors may affect the design or placement of individual poles, while final access routes and work areas could depend on property owner negotiations or other factors.

As described in the discussion of *Operations and Maintenance* under Impact BIO-2 in Section 4.4, "Biological Resources," in Volume 1 of the FEIR, some minimal impacts could occur to riparian habitat as a result of vegetation trimming in order to maintain acceptable clearances per G.O. 95. No restoration is needed for trimming of the vegetation. Additionally, hazardous materials (e.g., fuels, lubricants, and solvents) could travel off-site and indirectly impact riparian areas; however, implementation of APM HAZ-1 would minimize potential for these impacts.

Response to Comment D-74

The comment states that the EIR fails to include enforceable mitigation measures and lacks sufficient data to evaluate the Proposed Project. The comment argues that the phrase "to the extent feasible" is not binding and asserts that mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. The commenter is reminded that CEQA Guidelines 15126.4(a)(1) requires all mitigation measures proposed by the lead agency to be feasible. Please refer to Response to Comment D-73, discussing the effectiveness of APM HYDRO-1. Additionally, as stated in the EIR, prior to construction, sensitive aquatic features slated for avoidance would be identified in the field and clearly marked.

Response to Comment D-75

The comment argues that Mitigation Measure BIO-4 is inadequate to reduce impacts to oak trees to a less than significant level. The comment goes on to conclude that the EIR's statement that construction of the Proposed Project would require removal of "up to three oak trees" is not supported by substantial evidence and does not appear to be accurate. Additionally, the comment asserts that the EIR does not appear to account for tree removal activities associated with the implementation of G.O. 95 or for tree removal or mortality in the Proposed Project's temporary impact areas.

The EIR has been revised to include a figure clarifying where tree removal is anticipated for the Proposed Project, as opposed to trimming, as these two actions were combined in Figure 3-7. The new figure has been inserted in Section 4.4, "Biological Resources," page 4.4-56, in Volume 1 of the FEIR. Refer to Chapter 4, *Revisions to the DEIR,* and Volume 1 of the FEIR, for the figure.

Additionally, as stated in the EIR, implementation of Mitigation Measure BIO-4 would mitigate removal of trees by replacing trees that are at least 6-inch diameter at breast height at a 1.1:1 ratio. As stated in the EIR, this mitigation is consistent with the City of Paso Robles's Oak Tree Ordinance. In regards to tree removal activities associated with the implementation of G.O. 95, and as stated under Impact BIO-5, temporary or permanent impacts to oak trees may occur to maintain minimum clearances and to prevent dead, rotten, or diseased portions of otherwise healthy trees from falling onto the power line. If a tree needs to be removed for G.O. 95, it will be removed for safety reasons. Lastly, Mitigation Measure BIO-4 requires that "Oak trees in construction work areas shall be safeguarded by implementing the conditions stated in the City of Paso Robles's Oak Tree Ordinance, Section 10.01.090," which provides conditions that would address damage or endangerment to oak tress within all construction zones. The term "construction work areas" applies to all construction areas associated with the project.

Response to Comment D-76

The comment states that the EIR must be revised and recirculated to clarify the extent and severity of the Proposed Project's tree removal activities. Please refer to Response to Comment D-75. Revision and recirculation of the EIR is not warranted.

Response to Comment D-77

The comment requests clarification of whether a fuels reduction program will be implemented as part of the Proposed Project, and if so, the comment asserts that the impacts of a fuel reduction program must be disclosed and analyzed. A fuels reduction program would not be implemented as part of the Proposed Project. No further response is necessary.

Response to Comment D-78

The comment asserts that the EIR fails to mitigate potentially significant impacts to blue oak woodlands and cites to CEQA case studies regarding inadequate mitigation for blue oak woodlands. In regards to the portion of the comment that discusses that the mitigation measure is not enforceable because temporary impacts from the Proposed Project would be restored "to the extent practicable, following construction": this text was not taken from an actual mitigation measure (rather, it is from the body of the impact discussion; refer to FEIR, Volume 1, page 4.4-57). Mitigation Measure BIO-4, however, states that for any temporary impact, all disturbed soils and new fill in this habitat shall be revegetated with site-appropriate native species compatible with the facility.

Note that the text of Mitigation Measure BIO-4 has been revised in response to comments from the Proposed Project Applicants. Specifically, (1) the revegetation requirements have been revised to clarify that species that are compatible with the facility would be used since woody plantings would not be permitted along the underground corridor for Alternative PLR-3, and (2) the text has been revised to permit 75 percent survival of woody plantings after 3 years as acceptable success criteria, and clarify that use of a conservation bank is also acceptable. These revisions to Mitigation Measure BIO-4 are provided in Chapter 4, *Revisions to the DEIR,* and in Volumes 1 and 2 of the FEIR.

Mitigation Measure BIO-4 is adequate in terms of addressing the success criteria for woody plantings. Mitigation Measure BIO-4 states that all revegetated or restored areas shall be maintained and monitored to ensure a minimum of 65 percent survival of woody plantings after 5 years (or 75 percent after 3 years), which will provide assurances that the trees have survived. The comment provides no evidence supporting its assertion that the CPUC should not assume blue oak plantings have a reasonable likelihood of replacing impacted trees until the plantings are at least 10 years old, have reached the sapling stage, and are protected from herbivory by cattle and deer.

Mitigation Measure BIO-2 would be implemented to require compensatory mitigation for any unavoidable special-status plant species that are directly impacted during construction. The EIR provides options for where blue oak woodland restoration and compensation may be completed. If there is not a CDFW-approved conservation bank with a service area that covers the Proposed Project, PG&E would have the option of conducting restoration at the work area or in the nearby vicinity. The mitigation measure does not bind the Applicant to participate in a

banking program to offset impacts to blue oak woodlands. Thus, the comment's allegation that evidence does not support a finding that the measure would offset impacts is unfounded.

Response to Comment D-79

The comment states that the DEIR should be revised and recirculated to ensure that the mitigation measures proposed reduce oak woodland impacts to less than significant. Please refer to Response to Comment D-78. Revision and recirculation of the EIR is not warranted.

Response to Comment D-80

The comment argues that the Proposed Project contravenes the intent of the City of El Paso de Robles Oak Tree Preservation Ordinance (Oak Tree Ordinance) in that it would involve the removal of oak trees. Additionally, the comment argues that replacing large oak trees with smaller ones does not mitigate impacts because small oaks allegedly do not provide the same ecological values as large ones and because it would take decades for the small trees to mature to the ecological values of the removed trees. The comment seems to make the argument that it is impermissible that the Proposed Project would allegedly contravene the intent of the Oak Tree Ordinance, yet the Oak Tree Ordinance itself is fundamentally flawed in its approach to replanting. The CPUC believes that Mitigation Measure BIO-4 is an appropriate and reasonable measure to reduce/compensate for the impacts to blue oak woodland that would occur due to the Proposed Project. Given the Proposed Project's location in and around the City of Paso Robles, leveraging the City's Oak Tree Ordinance and using its oak tree replacement ratios is an appropriate approach for mitigating the impacts, and is a common method that has previously been implemented in the project's vicinity since the City's Oak Tree Ordinance was passed in 2002.

Response to Comment D-81

The comment asserts that the EIR fails to recognize that the Proposed Project is allegedly not consistent with the City of Paso Robles General Plan Conservation Element due to the removal of oak trees. Although the Proposed Project is exempt from most local regulations and zoning, Mitigation Measure BIO-4 would be implemented, which requires replacement of any impacted blue oak woodland habitat and removed trees. Mitigation Measure BIO-4 would be consistent with Goal C-3 ("Biological Resources") of the City of Paso Robles General Plan Conservation Element (refer to Appendix A in Volume 2 of the FEIR) which states, "As feasible, preserve native vegetation and protected wildlife, habitat areas, and vegetation, through avoidance, impact mitigation, and habitat enhancement." Thus, the Project complies with the General Plan Conservation Element in that it promotes the planting of new oak trees. EIR revision and recirculation is not warranted.

Response to Comment D-82

The comment asserts that the EIR fails to ensure adequate mitigation for terrestrial wildlife species. This is inaccurate. Mitigation for terrestrial species is discussed in APMs BIO-1, BIO-3, and BIO-4, and in Mitigation Measure BIO-1. The comment also falsely states that mitigation for all other terrestrial wildlife species has been deferred to the pre-construction survey report, which would identify "anticipated impacts and proposed mitigation." The Project's anticipated impacts and proposed mitigation have been discussed in Section 4.4.4 "Impact Analysis" within Section 4.4, "Biological Resources," in Volume 1 of the FEIR. The pre-construction survey report

would reiterate and refine details of the anticipated impacts and mitigation measures already discussed in Section 4.4.4, and would not describe any new impacts or mitigation.

Response to Comment D-83

The comment argues that the EIR fails to adequately analyze impacts to California red-legged frog (CRLF) and western spadefoot toad because the EIR does not require special survey techniques to survey CRLF. The commenter points out that these species are only detectable a few weeks or months of the year and terrestrial movement of these species generally occurs at night.

The USFWS' *Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog* (August 2005) does not provide guidance for upland surveys for CRLF; rather, it focuses on site assessments and surveys conducted in and around aquatic and riparian habitat. Based on the conclusions of the site assessments that have been performed to date, there is low probability for CRLF to be present in construction areas such that special survey techniques are not required, given the Project's APMs and mitigation measures. The APMs and mitigation measures listed in the EIR that would be applicable to these species (e.g., APMs BIO-1 and BIO-3, and Mitigation Measure BIO-1) constitute a reasonable and acceptable approach to identifying whether western spadefoot toad and/or CRLF are present both before and during construction activities. Overall, given these factors, combined with the reasonable measures that would be employed for protection of wildlife during construction, the effects on these species would be less than significant.

Response to Comment D-84

The comment points out a mistake in the DEIR text with respect to requirements for exclusion fencing as one of the measures that would ensure CRLF and western spadefoot toad are not present during construction. The text in Section 4.4, "Biological Resources," page 4.4-45, in Volume 1 of the FEIR, has been revised to omit mention of exclusion fencing around construction areas since it would not be required by APM BIO-3 or Mitigation Measure BIO-1. The language has also been clarified regarding avoidance of CRLF and western spadefoot toad. Please refer to Comment D-83. The revised text is provided in Chapter 4, *Revisions to the DEIR,* and in Volume 1 of the FEIR, and is also shown below.

> Likewise, monitoring of initial ground-disturbing activities under APM BIO-3 and Mitigation Measure BIO-1 (through pre-construction surveys, biological monitoring, and the monitor's stop-work authority~~, and exclusion fencing~~) would reduce potential impacts to ~~ensure that~~ CRLF and western spadefoot toad ~~individuals are not present during these activities, such that they could be directly impacted~~.

Response to Comment D-85

The comment states that mortality to CRLF and western spadefoot toad may occur if mitigation is limited to escape ramps and if trenches are not covered. CPUC acknowledges this comment; however, additional mitigation measures such as escape ramps, twice daily inspections by a biologist, nightly covered trenches, and nightly capped pipes to protect species like CRLF and western spadefoot toad, have been presented in the EIR in APMs BIO-1, BIO-3, BIO-4, and HAZ-1, and Mitigation Measure BIO-1. The combination of APMs and MMs would reduce impacts to a less than significant level.

Response to Comment D-86

The comment asserts that the EIR fails to provide adequate mitigation measures for impacts from invasive plants. The comment argues that BMPs in the California Invasive Plant Council guidelines are feasible and should be incorporated as mitigation measures for the Proposed Project. The comment seems to contradict itself by stating that "the DEIR does not incorporate any mitigation measures for invasive plants, nor does it establish performance standards for invasive plants in the 'restoration' area"; then, within the next two sentences, the comment acknowledges that Mitigation Measure BIO-2 requires less than 5 percent cover of invasive weeds within the restoration area. The comment then provides an alleged quotation from the PEA regarding construction BMPs that would be implemented during Proposed Project construction serving to prevent the spread of nonnative invasive plant species. Based on the quotation, the comment asserts that the EIR "proposed less stringent mitigation for invasive plants." The comment also asserts the EIR must be revised and recirculated to require vehicle cleaning and additional mitigation recommended by Mr. Cashen.

First, the EIR did not find a significant impact related to the spread of invasive plants; therefore, it would not be appropriate to prescribe the BMPs from the California Invasive Plant Council as mitigation, nor other mitigation measures. The passage from the PEA quoted in the comment is not from a mitigation measure, but is from the discussion of impacts explaining how construction BMPs required by the Proposed Project's SWPPP would prevent the spread of invasive species. As such, the EIR has not proposed less stringent mitigation for invasive plants than the PEA, as alleged in the comment, because the SWPPP will be implemented regardless. To clarify the analysis of potential impacts from invasive plants during Proposed Project construction, the text in Section 4.4, "Biological Resources," page 4.4-43, in Volume 1 of the FEIR, has been revised to describe the potential introduction of nonnative invasive plant species that have been brought in from project vehicles and equipment. The revised text is provided in Chapter 4, *Revisions to the DEIR,* and in Volume 1 of the FEIR, and is also shown below.

> Additionally, indirect effects to these species may result from soil compaction, fugitive dust generation, erosion, ~~and~~ accidental releases of toxic substances<u>, and the introduction of nonnative invasive plant species into newly constructed areas that have been brought in from project vehicles and equipment</u>.

Additionally, the text on page 4.4-44 within the same section of Volume 1 of the FEIR has been revised to indicate the construction BMPs implemented as part of the SWPPP would include vehicle cleaning, which would serve to prevent the spread of nonnative invasive plant species. The revised text is shown below.

> The SWPPP would include BMPs to prevent erosion and protect water quality, including measures that minimize impacts from fugitive dust (APM AIR-3 also would minimize fugitive dust generation)<u>, as well as vehicle cleaning which will minimize the potential spread of nonnative invasive plant species.</u>

The changes to the EIR described above would not result in changes to environmental impact analyses or conclusions presented in the DEIR, and therefore do not constitute significant new information that would trigger recirculation under CEQA Guidelines section 15088.5. Rather, the changes serve to clarify and amplify the content of the DEIR.

Response to Comment D-87

The commenter summarizes CEQA requirements regarding impact analyses, stating that an EIR must disclose all potentially significant impacts of a project and implement all feasible mitigation to reduce those impacts. The comment cites CEQA Guidelines stating that each impact must be supported by accurate scientific and factual data and must rely on rigorous analysis and substantial evidence to justify the lead agency's findings. The commenter notes that the agency must provide information required by CEQA and in the manner required by CEQA.

In response to the commenter, the EIR has analyzed all potentially significant impacts associated with the Proposed Project and implemented all feasible mitigation to reduce those impacts as required by CEQA. The CPUC did not evaluate all alternatives to a rigorous level of detail, as this is not required by CEQA (CEQA Guidelines Section 15126.6(d)). While the alternatives were discussed qualitatively, it was ultimately concluded that some alternatives have not yet been designed or technologies selected. As such, where a project-level determination of impacts would be speculative, no significance conclusion was provided, consistent with CEQA Guidelines Section 15145.

Response to Comment D-88

The commenter claims the EIR fails to adequately analyze impacts from construction emissions and violates CEQA Guidelines Section 15126.2(a), alleging the EIR does not mention a health risk analysis (also referred to as a health risk assessment [HRA]). For the CPUC's response to comments regarding the lack of an HRA and human health impacts, refer to Master Response 15.

Response to Comment D-89

The commenter asserts that the EIR fails to analyze the health risk posed to sensitive receptors within 1,000 feet of the Proposed Project's construction zone. The commenter claims the EIR is insufficient because it fails to connect the Proposed Project's air quality impacts with human health consequences. The commenter requests that the EIR be revised to include an HRA and implement mitigation to reduce the impacts to a less than significant level. For the CPUC's detailed response to comments regarding the lack of an HRA and human health impacts, refer to Master Response 15 (Health Risk Assessment). EIR revision and recirculation is not warranted.

Response to Comment D-90

The commenter alleges the EIR failed to analyze construction-related health risks through an HRA. The comment provides a definition of an HRA and notes that the Office of Environmental Health Hazard Assessment (OEHHA) recommends a formal HRA for construction exposures lasting longer than 2 months. The commenter notes that the Proposed Project's construction period will last longer than 18 months. The commenter requests that the EIR be revised to include an HRA for the duration of the Proposed Project construction. For the CPUC's response to comments regarding the lack of an HRA, refer to Master Response 15 (Health Risk Assessment). EIR revision and recirculation is not warranted.

Response to Comment D-91

The commenter claims that the EIR does not support its conclusion that the Proposed Project's construction-related diesel particulate matter (DPM) and other toxic air contaminant (TAC)

emissions would not be of a magnitude and duration great enough to result in significant air toxic risks to exposed sensitive receptors. For the CPUC's response to comments regarding the lack of an HRA, refer to Master Response 15 (Health Risk Assessment).

Response to Comment D-92

The commenter notes the *Sierra Club v. County of Fresno* court decision, asserting that the decision requires an analysis linking a project's emissions with human health impacts. For the CPUC's response to comments regarding an HRA and human health impacts, refer to Master Response 15 (Health Risk Assessment).

Response to Comment D-93

The commenter's consultants conducted an analysis for construction impacts from the Proposed Project. The commenter's analysis alleged that cancer and acute health impacts from DPM would be significant for on-site construction workers and nearby residents and other sensitive receptors.

For the CPUC's response to the comments on the analysis results provided by the commenter's consultants, refer to Master Response 15 (Health Risk Assessment). Typically, on-site workers are not considered sensitive receptors in HRAs under CEQA, as the workers are protected by the Occupational Safety and Health Administration (OSHA) and the California Division of Occupation Safety and Health (Cal/OSHA) regulations for worker health and safety and are presumed not to be sensitive individuals (Bay Area Air Quality Management District [BAAQMD] 2011 and San Luis Obispo County Air Pollution Control District [SLOCAPCD] 2017). Furthermore, CEQA analysis is focused on the effects of the Proposed Project, and its alternatives, on the existing environment, not the project's effects upon itself and its workers. Worker health impacts are typically evaluated for stationary source permits by air districts.

Response to Comment D-94

The commenter states that the results of their consultants' HRA indicate that cancer risks are significant and require additional construction mitigation. In addition, the commenter's consultants conclude that there will be significant acute respiratory impacts and the 1-hour nitrogen oxides (NO_x or NOx) standard would be exceeded. For the CPUC's response to the comments regarding the commenter's consultants' analysis results, refer to Master Response 15 (Health Risk Assessment). As noted in this master response, there are important limitations with respect to nitrogen dioxide (NO_2 or NO2) modeling for a project such as this. Additionally, the commenter's analysis did not mention which tier was used for the AMS/EPA Regulatory Model (AERMOD) for NO_2 modeling. The information shown in the commenter's summary table in Comment D-95 indicates that the values are the "maximum acute impact from exposure to 1-hour NO_x." However, it is unknown whether the statistical calculation described in Master Response 15 (refer to discussion of "Nitrogen Dioxide Modeling") was incorporated into the "maximum" values provided by the commenter. Therefore, the information provided by the commenter regarding NO_2 1-hour concentrations is unreliable and not supported by adequate information.

Response to Comment D-95

This comment provides a table of results from the commenter's consultant's analysis. For the CPUC's response to this comment, please refer to Master Response 15 (Health Risk Assessment) and Response to Comment D-94.

Response to Comment D-96

The commenter asserts that the EIR must be revised and recirculated to disclose the significant health risks and incorporate additional mitigation to reduce health risks. For the CPUC's response to the comments regarding the commenter's consultants' analysis results, refer to Master Response 15 (Health Risk Assessment). For the CPUC's response to comments on the 1-hour NO_2 concentrations, refer to Master Response 15 and Response to Comment D-94. EIR revision and recirculation is not warranted.

Response to Comment D-97

The commenter notes the SLOCAPCD may require an HRA if sensitive receptors are within 1,000 feet of a project site. The commenter notes the location of sensitive receptors relative to the Proposed Project components, as described in the EIR and PEA. The commenter claims the EIR failed to adequately analyze health risk impacts to sensitive receptors. The comment states that the commenter's consultant's analysis shows that impacts are significant and requests that the EIR be revised and recirculated. For the CPUC's response to the comments regarding the commenter's consultant's HRA results and discussion of potential impacts on nearby sensitive receptors, refer to Master Response 15.

Response to Comment D-98

The commenter claims Mitigation Measure AIR-1 (presumed to refer to Mitigation Measure AQ-1) is inadequate since it allegedly deferred analysis by putting off analysis or ordering a report without setting standards or demonstrating how the impact can be mitigated in the manner described. The commenter claims the EIR lacks explanation on why the details of the mitigation are impractical or infeasible to present at the time of environmental review. For the CPUC's response to the comments on the effectiveness and enforceability of the EIR's air quality mitigation measures, please refer to Master Response 13, which discusses how the CAMP would include all of the suggested standard mitigation measures and best available control technology (BACT) for construction equipment by the SLOCAPCD and would be subject to review and input by SLOCAPCD before CPUC final approval.

Response to Comment D-99

The commenter states that DPM will be emitted from on-road and off-road equipment during Proposed Project "construction and decommissioning" (it is unclear what is meant by decommissioning). The commenter notes that DPM is carcinogenic and can have immediate health effects. The commenter states that based on their consultant's model, 1-hour exposure to DPM is the most likely health risk for the Proposed Project and that short-term emissions of DPM during Proposed Project construction could result in significant cancer and chronic impacts. The commenter asserts that the EIR is deficient for failing to evaluate the acute health impacts to nearby sensitive receptors of DPM during Proposed Project construction and that impacts could be mitigated by requiring the use of all Tier 4 Final construction equipment equipped with diesel particulate traps.

For the CPUC's response to the comments regarding the commenter's consultant's analysis results, refer to Master Response 15. Additionally, for the CPUC's response to the comments on the EIR's air quality mitigation measures, refer to Master Response 13. It should also be noted that in accordance with 40 CFR Parts 9, 69, et al., Tier 4 Final engines come equipped with diesel particulate controls as part of their design to meet Tier 4 final standards. Therefore, there are no additional diesel particulate traps that could be added to the Tier 4 Final engines.

Response to Comment D-100

The commenter asserts that the construction air quality impacts are significant and unavoidable after implementation of the Construction Activity Management Plan (CAMP) and that the EIR fails to implement all feasible mitigation including considering the net health effect of the air quality mitigation measures. For the CPUC's response to the comments regarding the commenter's consultant's HRA results, refer to Master Response 15 (Health Risk Assessment). For the CPUC's response to comments regarding the EIR's requirement for all feasible air quality mitigation measures, refer to Master Response 13.

Response to Comment D-101

The commenter asserts that the EIR does not comply with SLOCAPCD standard mitigation measures for construction equipment. The commenter specifically notes APM AIR-1 limits idling to no more than five minutes and cites the SLOCAPCD requirement to have no diesel idling within 1,000 feet of sensitive receptors and that staging and queuing areas should not be located within 1,000 feet of sensitive receptors. Mitigation Measure AQ-1 establishes a CAMP with specific performance criteria and a range of mitigation measures that must be evaluated for feasibility and ability to achieve the performance criteria. In some instances which will be further elaborated on in the CAMP, it may not be feasible to have no diesel idling within 1,000 feet of sensitive receptors due to proximity of the project in some locations to sensitive receptors which cannot be avoided. In these cases, idling will be limited to the extent feasible and consistent with state law regarding diesel idling limits. For the CPUC's response to comments regarding the EIR's air quality mitigation measures, refer to Master Response 13.

Response to Comment D-102

The commenter describes additional mitigation measures in SLOCAPCD's CEQA guidance that allegedly have been omitted from the EIR relating to idling requirements and signage of idling and queuing requirements. For the CPUC's response to the comments on the EIR's air quality mitigation measures, and Mitigation Measure AQ-1's inclusion of all suggested standard and expanded fugitive dust mitigation measures and BACT for construction equipment by SLOCAPCD, please refer to Master Response 13.

Response to Comment D-103

The commenter asserts that the EIR excludes required SLOCAPCD standard mitigation measures for fugitive dust. For the CPUC's response to the comments on the EIR's air quality mitigation measures, refer to Master Response 13. Additionally, for the CPUC's response to comments related to fugitive dust emissions, refer to Master Response 12.

Response to Comment D-104

The commenter asserts that the EIR does not require Best Available Control Technologies (BACT) for construction equipment. The commenter asserts that the EIR relies on the use of Tier 4 construction equipment to reduce significant levels, but does not require Tier 4 as binding mitigation. The commenter claims that the construction emissions calculations assumed the use of 100 percent Tier 4 final engines in the CalEEMod emissions modeling and thus expanding the use of Tier 3 engines is not mitigation and is not BACT.

For the CPUC's response to the comments on the EIR's air quality mitigation measures, refer to Master Response 13. For construction equipment emissions the performance standard is meeting or exceeding all applicable CARB mobile source and off-road fleet regulations and use of a Tier 4 final off-road engine unless there is documentation for a specific piece of equipment where it is infeasible to be a Tier 4 engine due to unavailability of specialized equipment with a Tier 4 engine. It also requires emission tracking to ensure that emissions are below the SLOCAPCD significance thresholds by reducing emissions, modifying the project schedule and/or providing emission offsets. BACT for construction equipment, as defined by SLOCAPCD, includes expanding the use of Tier 3 and Tier 4 off-road engines and use of 2010 on-road engines. It also includes repowering equipment with the cleanest engines and installing California Verified Diesel Emission Control Strategies. Many of these requirements are already incorporated by demonstrating compliance with California mobile source fleet regulations or incorporated into the design to meet Tier 4 final standards. Thus, BACT is included as part of Mitigation Measure AQ-1 by establishing performance standards to be no less than the California mobile source fleet regulation requirements and to consider use of Tier 4 final and newer model year on-road engines to the extent feasible, as defined by technical, commercial availability and cost feasibility criteria. Additionally, for the CPUC's response to comments related to the EIR's construction emission calculations, refer to Master Response 11.

Response to Comment D-105

The commenter suggests revisions to APM AIR-2 to require use of Tier 4 Final construction equipment to be confirmed on site by the supervisor daily. The commenter notes that controls such as diesel particulate filters (DPFs) and selective catalytic reduction (SCR) are effective. The commenter notes that Tier 4 Final construction equipment has significantly lower NOx and reactive organic gases (ROG) emissions than Tier 3 or transitional Tier 4 equipment.

For the CPUC's response to the comments on the EIR's air quality mitigation measures, refer to Master Response 13. For the CPUC's response to comments related to the EIR's construction emission calculations, refer to Master Response 11. Note that there are not additional controls that can be added to Tier 4 Final construction equipment as these typically already have incorporated DPFs and SCRs.

Response to Comment D-106

The commenter claims the EIR does not disclose the NOx emission factor that was used in CalEEMod, but then later identified the emissions factor in the CalEEMod output, provided in Appendix C of the FEIR. The commenter states that Tier 4 Final engines were assumed in construction equipment and claims that NOx emissions would be 5 to 8 times higher than

reported in Table 4.3-5 of the original DEIR[6]. Therefore, the comment argues, this would require more mitigation for NOx than disclosed in the EIR, as APM AIR-2 does not reduce NOx and ROG emissions compared to the EIR emissions estimates.

For the CPUC's response to comments related to the EIR's construction emission calculations, refer to Master Response 11. For the CPUC's response to the comments on the EIR's air quality mitigation measures, refer to Master Response 13.

Response to Comment D-107

The commenter asserts that the EIR fails to adequately analyze and mitigate fugitive dust and risk of Valley Fever. The commenter states that when soil is disturbed by digging, grading or driving or through wind dispersion, fungal Valley Fever spores can become airborne and potentially be inhaled. The commenter states that San Luis Obispo County contains areas where Valley Fever is endemic and notes the EIR concludes that the potential for Valley Fever infections is high. The commenter argues that the EIR failed to adequately analyze impacts to workers and sensitive receptors from exposure to Valley Fever and that the EIR's fugitive dust mitigation measures will not also reduce dispersal of fungal spores that cause Valley Fever. For the CPUC's response to concerns regarding Valley Fever, refer to Master Response 14.

Response to Comment D-108

The commenter argues that the EIR fails to adequately analyze the risk from Valley Fever. For the CPUC's response to comments and concerns regarding Valley Fever, refer to Master Response 14.

Response to Comment D-109

The commenter argues that the EIR's mitigation measures to reduce fugitive dust are inadequate and ineffective in reducing risks from Valley Fever. For the CPUC's response to comments and concerns regarding Valley Fever, refer to Master Response 14.

Response to Comment D-110

The commenter recommends a list of ten measures from the South Coast Air Quality Management District (SCAQMD) to mitigate fugitive dust to help reduce Valley Fever impacts. Mitigation Measure AQ-2 requires the preparation of a Valley Fever Management Plan (VFMP) that requires the consultation with the California Department of Public Health (CDPH) and the San Luis Obispo Department of Public Health for guidance on all feasible mitigation measures to reduce the effects of Valley fever. This plan will be submitted to the CPUC for approval. In addition, Mitigation Measure AQ-1 requires a Construction Activity Management Plan (CAMP) that includes performance standards and many fugitive dust mitigation measures that will also work to reduce Valley Fever fugitive dust. Mitigation Measures AQ-1 and AQ-2 list many measures that overlap with the measures that this comment provided. Application of water, soil stabilizers, and/or revegetation to reduce airborne dust is listed in Mitigation Measures AQ-1 and AQ-2. The CAMP and VFMP would identify the appropriate water frequency needed to meet

[6] Note that Table 4.3-5 was revised as part of the Recirculated DEIR, such that the mitigated emissions estimates were added to a new part b of this table.

the performance standards. Thus, the comment's first, fourth, sixth, and seventh suggested measures of applying water is included in the mitigation measure while allowing for flexibility to be determined later the amount and frequency of watering required to meet the performance standard. The commenter's proposed measure 2 is regarding preventing track out of mud and dirt which is included with a few options to reduce track out in both Mitigation Measure AQ-1 and AQ-2. The commenter's proposed measure 3 and 9 is in regards to applying dust suppressants or replacing ground cover to disturbed areas which is a mitigation measure option listed for reducing fugitive dust in both Mitigation Measure AQ-1 and AQ-2 and will be evaluated along with other fugitive dust suppression measures in the CAMP and VFMP to determine the specific and appropriate ground cover necessary that will meet the performance standards. Suspension of earth moving activities during high wind conditions exceeding 25 miles per hour and/or if two wind gusts in excess of 25 mph are recorded in a 30-minute period is included in Mitigation Measure AQ-1 and is similar to the commenter's measure 5. Commenter measure 8 regarding reduced vehicles speeds on unpaved roads is part of mitigation measures to be evaluated under Mitigation Measure AQ-1 as it is part of SLOCAPCD's list of measures, however, the CAMP will determine the appropriate mechanism for enforcement. The comment's listed measure number 10 suggests requiring trucks hauling dirt and other loose materials to be tarped and maintain a freeboard height of 12 inches is included in Mitigation Measure AQ-1. For additional information regarding Valley Fever, refer to Master Response 14. For the CPUC's response to comments regarding fugitive dust, refer to Master Response 12. Finally, for the CPUC's response to comments regarding the EIR's air quality mitigation measures, refer to Master Response 13.

Response to Comment D-111

The commenter states the CDPH measures failed to control Valley Fever and go beyond the mitigation measures for construction in the EIR. The commenter requests that implementation of the CDPH-recommended measures be implemented. Mitigation Measure AQ-2 requires the preparation of a VFMP and requires the inclusion of all feasible mitigation measures in consultation with the CDPH and the San Luis Obispo Department of Public Health. Therefore, CDPH-recommended measures will be included in this VFMP. For additional information regarding Valley Fever, refer to Master Response 14.

In response, the specific nine measures presented by the commenter are addressed below:

1. The Recirculated DEIR has determined that San Luis Obispo County is an area where Valley Fever is endemic.

2. This is specifically listed in Mitigation Measure AQ-2.

3. Suspension of work during high winds and other measures to limit workers' exposure are specifically listed in Mitigation Measure AQ-2.

4. The use of water, appropriate soil stabilizers and /or re-vegetation to reduce air borne dust is listed in Mitigation Measure AQ-2 as well as detailed fugitive dust measures in Mitigation Measure AQ-1 with specific performance standards outlined in the mitigation measure. The VFMP and CAMP will give further details as to the specific selection of options and frequency at which they will occur for fugitive dust suppression.

5. This is listed as a specific option to consider including in the VFMP in Mitigation Measure AQ-2.

6. Consultation with SLOCAPCD is part of Mitigation Measure AQ-2 and all SLOCAPCD fugitive dust measures will be evaluated as part of the CAMP required.

7. The VFMP onsite plans and work practices will consider how to minimize worker exposure and to the extent feasible position workers upwind of ground disturbing activities.

8. This is listed as a specific option to consider including in the VFMP in Mitigation Measure AQ-2.

9. This measure was not explicitly included as a measure to address in the VFMP as it does not have a primary or secondary exposure route to the community sensitive receptors and only affects workers impacts which is not considered under CEQA and is an OSHA and/or CalOSHA issue.

Response to Comment D-112

The commenter states the Labor code section 6709 requires employers in counties in which Valley Fever is highly endemic to provide training on Valley Fever. The commenter suggests the CPUC require National Institute of Occupational Safety and Health (NIOSH)-approved respirators be worn by construction workers while they are performing job activities that create airborne dust as a CEQA mitigation measure. This measure was not explicitly included as a measure to address in the VFMP as it does not have a primary or secondary exposure route to the community sensitive receptors and only affects workers impacts which is not considered under CEQA and is an OSHA and/or CalOSHA issue. For the CPUC's response to comments regarding Valley Fever, refer to Master Response 14. Regardless of the CPUC's mitigation measures, the Proposed Project's applicants (and their contractors and subcontractors) are required to comply with all applicable laws and regulations including the California Labor Code and OSHA requirements.

Response to Comment D-113

The commenter requests that APM AIR-3 and Mitigation Measure AQ-1 be revised to include their suggested Valley Fever mitigation measures and the EIR should be recirculated. For the CPUC's response to comments regarding Valley Fever, refer to Master Response 14. For the CPUC's response to comments regarding the EIR's air quality mitigation measures, refer to Master Response 13.

Response to Comment D-114

The commenter asserts that none of the mitigation measures in APM AIR-3 will control Valley Fever spores. For the CPUC's response to comments regarding Valley Fever, refer to Master Response 14. For the CPUC's response to comments regarding the EIR's air quality mitigation measures, refer to Master Response 13.

Response to Comment D-115

The commenter is concerned that APM AIR-3, which requires disturbed areas to be reduced where possible, is infeasible and constitutes deferred mitigation, which violates CEQA. APM AIR-3 is included in the MMRP for the Proposed Project (refer to Appendix F in Volume 2 of the FEIR) and therefore it is enforceable by the CPUC. Furthermore, the measure to reduce the disturbed area is only one portion of APM AIR-3; Mitigation Measure AQ-1 and AQ-2 incorporated this measure, but also included other measures to reduce fugitive dust with appropriate minimum performance standards identified and feasibility will be detailed in the CAMP and VFMP. For example, Mitigation Measure AQ-2 requires the use of water, appropriate soil stabilizers, and/or re-vegetation to reduce airborne dust as well as many other measures. For the CPUC's response to concerns regarding the EIR's air quality mitigation measures, refer to Master Response 13.

Response to Comment D-116

The commenter is concerned that APM AIR-3, which requires use of water trucks or sprinklers systems to prevent airborne dust from leaving the site, is not effective or enforceable. The commenter recommends watering at more specific frequencies be considered, and with particular references to disturbed areas and during high wind events. The commenter suggests that an on-site wind measuring station should be required to monitor wind speed and suggests real-time monitoring for Valley Fever spores be required.

For the CPUC's response to comments regarding the EIR's air quality mitigation measures, refer to Master Response 13. For the CPUC's response to comments regarding fugitive dust, refer to Master Response 12. Finally, for the CPUC's response to comments regarding Valley Fever, refer to Master Response 14. The application of water is included in the Mitigation Measures AQ-1 and AQ-2 while allowing for flexibility to be determined later the amount and frequency of watering required to meet the performance standard. Suspension of earth moving activities during high wind conditions exceeding 25 miles per hour and/or if two wind gusts in excess of 25 mph are recorded in a 30-minute period is included in Mitigation Measure AQ-1 and the CAMP will determine the method to determine compliance with this measure and may or may not use an on-site wind measuring station. Methods and instrumentation to reliably detect Valley Fever spores in real time is not commercially available, technically feasible or cost effective. Real-time monitoring is not something routinely suggested or implemented for construction projects and there are no unique aspects of this project that would deem it necessary.

Response to Comment D-117

The commenter suggests that areas that will be reworked after over a month after initial grading should be seeded with a fast germinating, non-invasive grass seed and watered until vegetation is established. Areas not revegetated should be stabilized using approved chemical soil binders or other methods.

For the CPUC's response to comments regarding the EIR's air quality mitigation measures, refer to Master Response 13. For the CPUC's response to comments regarding fugitive dust, refer to Master Response 12. For the CPUC's response to comments regarding Valley Fever, refer to Master Response 14. The suggestion for rapid revegetation of areas (even if they may be subsequently disturbed again by the Proposed Project construction activities) may not be the best solution during drought conditions, which could preclude rapid revegetation, however, this

measure will be considered as part of the CAMP and VFMP required under Mitigation Measures AQ-1 and AQ-2.

Response to Comment D-118

The commenter states that CEQA requires the lead agency to use scientific data to evaluate GHG impacts directly and indirectly associated with a project. The comment states that the lead agency must consider the extent to which the project may increase GHG emissions compared to the existing environmental setting and the extent to which the project complies with regulations adopted to implement reduction or mitigation of GHG emissions.

The EIR in Section 4.8.4 within Section 4.8, "Greenhouse Gas Emissions," (refer to Volume 1 of this FEIR), evaluates the GHG impacts from direct and indirect sources associated with the Proposed Project and evaluates consistency with applicable laws regulations and policies. For more information on GHG emissions, refer to Master Response 16.

Response to Comment D-119

The commenter argues that the Proposed Project's GHG emissions are underestimated in the EIR and that the analysis excludes the major source of GHG emissions, which the commenter claims is the operation of the BESS facilities. In response to comments on GHG emissions, refer to Master Response 16. In response to comments regarding emissions associated with BESS facilities, refer to Master Response 17.

Response to Comment D-120

The commenter presents their own calculations for GHG and criteria pollutant emissions from BESS facilities and concludes that the total incremental GHG emissions attributable to the Project would be more than what is disclosed in the EIR. In response to comments regarding emissions associated with BESS facilities, refer to Master Response 17. In response to comments on GHG emissions generally, refer to Master Response 16. For specific discussion of sulfur hexafluoride, please refer to Responses to Comments D-27 and D-28.

Response to Comment D-121

The commenter asserts that the EIR fails to adopt all feasible mitigation measures to reduce the Proposed Project's allegedly significant GHG impacts. The commenter is incorrect in stating that the EIR identified significant impacts related to GHG emissions. The EIR concluded that impacts from GHG emissions were less than significant. Thus, the EIR does not need to implement all feasible mitigation measures. Furthermore, application of mitigation measures to a less-than-significant environmental impact is an unconstitutional taking of private property. (Refer to CEQA Guidelines, § 15126.4(a)(4).) For further discussion on the Proposed Project's GHG emissions, refer to Master Response 16.

Response to Comment D-122

The commenter asserts that the Proposed Project's GHG emissions and ROG and NOx emissions exceed significance thresholds and that the EIR does not include all feasible mitigation to reduce the GHG impacts.

The commenter is incorrect in stating that the EIR identified significant impacts related to GHG emissions. The EIR concluded that impacts from GHG emissions were less than significant. Thus, the EIR does not need to implement all feasible mitigation measures. Furthermore, application of mitigation measures to a less-than-significant environmental impact is an unconstitutional taking of private property. (Refer to CEQA Guidelines, § 15126.4(a)(4).) For further discussion on the Proposed Project's GHG emissions, refer to Master Response 16.

The commenter is also incorrect in stating that the EIR identified significant environmental impacts related ROG and NOx for operational emissions. The EIR concluded operational emissions were less than significant for ROG and NOx. Therefore, the EIR does not need to implement all feasible mitigation measures. As previously stated in this response, application of mitigation measures to a less-than-significant environmental impact is an unconstitutional taking of private property. Maintenance and inspection are anticipated to be minimal as the substations and power lines would be controlled remotely. Maintenance and inspection activities would take place less than once a month. The low number of operational emissions and intermittent nature of these activities would not result in emissions that would exceed the criteria emission significance thresholds. In response to comments regarding emissions associated with BESS facilities, refer to Master Response 17.

Response to Comment D-123

The commenter asserts that the EIR needs to be revised to consider alternative mitigation measures and to incorporate all feasible measures. The commenter states that only after requiring all feasible mitigation measures can the CPUC consider the Proposed Project's GHG impacts significant and unavoidable.

The commenter is incorrect in stating that the EIR identified significant impacts related to GHG emissions. The EIR concluded that impacts from GHG emissions were less than significant. Thus, the EIR does not need to implement all feasible mitigation measures. Furthermore, application of mitigation measures to a less-than-significant environmental impact is an unconstitutional taking of private property. (Refer to CEQA Guidelines, § 15126.4(a)(4).) For further discussion on the Proposed Project's GHG emissions, refer to Master Response 16.

Response to Comment D-124

This comment asserts that the EIR inadequately analyzed, quantified, and mitigated noise impacts from helicopters and that mitigation measures are insufficient to reduce noise levels to what is allowed under multiple standards.

The CPUC has exclusive authority over the siting of electric transmission facilities; therefore, it is exempt from local land use and zoning regulations, including general plan noise elements, noise ordinances and standards. Additionally, the San Luis Obispo County Noise Ordinance and the City of Paso Robles Municipal Code contain several exemptions for construction activities. For example, the San Luis Obispo County's applicable noise ordinance, found at section 22.10.120, includes exemptions in subsection A, including exemption (4) for "noise sources associated with construction" within specified hours and exemption (7) for noise "associated with work performed by private or public utilities in the maintenance or modification of its facilities." As such, Proposed Project construction activities would not generally be subject to the noise regulations of San Luis Obispo County or the City of Paso Robles. Additionally, while the

commenter restates conclusions from the EIR, it provides no meaningful elaboration on how the proposed mitigation measures for helicopter related noise impacts may be improved or suggests any other feasible mitigation measures. The EIR has not been revised in response to this comment.

The comment also summarized information about noise and noise sensitive receptors in the EIR. The comment is noted and will be shared with the CPUC's decisionmakers.

Response to Comment D-125

This comment asserts that the DEIR inadequately analyzed, quantified, and mitigated noise impacts from helicopters and didn't adequately explain why operating helicopters in proximity to sensitive receptors is unavoidable. The comment alleges the EIR lacks substantial evidence to support its conclusion that no other feasible mitigation is available to reduce impacts.

On the contrary, as described on pages 2-67, and 2-72 to 2-75 of Volume 1 of this FEIR, helicopters will be used in difficult terrain where the use of ground-based equipment is not feasible or ground-based equipment is not as safe to use. Helicopter emissions during construction were estimated using methods recommended by the Federal Aviation Administration (FAA), consistent with the FAA's Aviation Environmental Design Tool (AEDT version 3c). (Refer to Master Response 11.) The CPUC has identified Mitigation Measures NOI-1, NOI-2, and TR-1 that will minimize noise impacts from construction activities and from helicopters specifically by providing public notice to sensitive receptors near work areas, avoiding noise impacts during sensitive times of the day, designating a noise coordinator to respond to noise complaints, and strategically planning helicopter flight paths, hovering, and staging area locations. With adoption of the FEIR, the CPUC will have to issue a statement of overriding considerations stating the specific reasons supporting its action to approve the Project that will result in the occurrence of significant and unavoidable effects. (CEQA Guidelines, § 15093(b).)

Response to Comment D-126

The comment describes the CEQA requirements for an EIR's cumulative impact analysis. The comment is noted. The commenter's specific contentions with the EIR's cumulative impact analysis are responded to in subsequent responses to comments, where the specific contentions appear in the comment letter.

Response to Comment D-127

The comment states that the cumulative impact analysis for agricultural resources is inadequate because it is too general and omits meaningful information to determine cumulative agricultural impacts. The commenter's specific points regarding the allegedly "general" nature of the agricultural resources cumulative analysis are subsequently addressed in Responses to Comments D-128 to D-130.

Response to Comment D-128

The comment states the EIR fails to list any other projects that might have a cumulative impact on conversion of important farmland other than the Paso Robles Gateway Project. The commenter argues that the EIR does not explain why the "Activity Area" was selected as the geographic scope for cumulative impacts on agricultural resources and contends the entire

County should have been analyzed. Table 6-1 on page 6-6 in Chapter 6, *Other Statutory Considerations and Cumulative Impacts*, in Volume 1 of the FEIR, explains the rationale for focusing on the Activity Area. Contrary to the comment, the Activity Area includes both areas of Important Farmland disturbed by construction activities and areas that could be converted to non-agricultural uses, where those impacts may become significant, or substantially more severe, when combined with the impacts of other projects. In addition, the comment requests clarification on why projects farther than 0.8 mile away were not included; as indicated in Table 6-1, distance from the Proposed Project features was not a criterion for inclusion in the cumulative impact analysis.

The analysis focuses on the Paso Robles Gateway Project because, at 170 acres, it is the largest of the cumulative projects identified in Table 6-2 that would affect agricultural resources. Most of the cumulative projects are located within already-developed areas where conversion of agricultural land has already taken place. The Highway 46 East/Union Road Interchange Improvement Project would affect 2.6 miles of highway surrounded by undeveloped areas, including some areas of Important Farmland; however, highway improvements are primarily confined to the road right-of-way and would not convert Important Farmland to non-agricultural uses.

The comment asserts that the geographic scope of the analysis should be the entire county. No supporting evidence or further rationale for that scope is provided. Therefore, no change to the analysis is necessary.

Response to Comment D-129

The comment describes the California Supreme Court's conclusion in the *Laurel Heights* case and reiterates the alleged need for EIR revision and recirculation. The comment is noted and will be shared with decisionmakers.

Response to Comment D-130

The comment refers to the analysis of potential conversion of Farmland to a nonagricultural use (Impact AG-3) in Section 4.2, "Agriculture and Forestry Resources." The comment disagrees with the EIR's conclusion finding less than significant impacts with respect to conversion of Farmland to nonagricultural use due to potential, future development in the region. The CPUC disagrees with this claim. Such impacts, if they occur, would not be a substantial direct or indirect result of the Project (refer to Chapter 6.4 of the EIR). Therefore, the less-than-significant impact conclusion is proper.

Response to Comment D-131

The comment states the EIR fails to adequately analyze cumulative biological impacts, given that the commenter states the Project would result in significant impacts on a suite of sensitive biological resources. Thus, the comment claims that Project impacts combined with impacts from other projects would result in a significant cumulative impact on biological resources, and the Proposed Project could have a cumulatively considerable incremental contribution to a significant cumulative impact on biological resources. The comment also describes the Proposed Project's potential impacts on biological resources at the project-level, as described in the EIR, prior to implementation of any APMs or mitigation measures. The EIR adequately analyzes cumulative biological impacts as required under CEQA.

Response to Comment D-132

The comment argues that none of the EIR's biological resource mitigation measures are designed to alleviate cumulative impacts. The comments further asserts that there would be residual impacts after implementation of the APMs and mitigation measures; for example, since the EIR's compensatory habitat requirement (under Mitigation Measure BIO-4) is limited to impacts to blue oak woodland, the commenter argues that there would be residual impacts to special-status species associated with other types of habitats, such as grasslands and agricultural lands. The comment also argues that there would also be significant cumulative impacts to golden eagle and other special-status birds from fatality risk due to the overhead power line, to which the Proposed Project's contribution would be considerable.

As stated in Chapter 6, *Other Statutory Considerations and Cumulative Impacts*, CPUC's analysis indicated that implementation of the APMs and Mitigation Measures BIO-1, BIO-2, BIO-3, and BIO-4 would reduce the Proposed Project's potential impacts, both direct and indirect, on biological resources such that it would not make a considerable contribution to significant cumulative impacts on these resources. The Proposed Project's potential impact related to electrocution and collision hazards to special-status birds is disclosed and discussed in Section 4.4, "Biological Resources," in Volume 1 of the FEIR. As discussed therein, Mitigation Measure BIO-3 would require that PG&E implement measures, in accordance with guidelines from the Avian Power Line Interaction Committee (APLIC) and USFWS, to reduce the potential for adverse effects on raptors and other avian species from the Proposed Project's overhead power line components. Additionally, Mitigation Measure BIO-3 would require that PG&E work with USFWS to determine the need for installation of bird diverters in areas near known golden and bald eagle nests. This measure would help alleviate the cumulative impact (fatality risk from power lines) that the commenter identified. The Proposed Project's contribution to the cumulative impact would be less than considerable.

With respect to potential residual impacts on grasslands and agricultural lands, the comment ignores the fact that the Proposed Project Applicants have committed to restoring all areas temporarily impacted during the construction process, as described in the Project Description: "All areas temporarily disturbed by the Project would be restored to the extent practicable, following construction. These disturbed areas include staging areas and access roads, work areas around each tower/pole, and the areas used for conductor stringing and staging. Post-construction restoration activities would include returning areas to their original contours and drainage patterns in accordance with stormwater pollution prevention plan best management practices and as prearranged through landowner agreements, where applicable." (FEIR, Volume 1, page 2-95). It is reasonable to assume that grasslands areas disturbed by the Proposed Project would naturally regenerate over time following construction. Additionally, Mitigation Measure AG-2 requires that agricultural lands temporarily impacted by construction activities be restored, including removal of imported rock, replacement of topsoil, de-compaction of soil, and replanting of equivalent value agricultural crops (FEIR, Volume 1, page 4.2-15). As such, the EIR's conclusion that the Project's contribution to cumulative biological impacts would be less than cumulatively considerable is supported by substantial evidence and is adequately analyzed under CEQA.

Response to Comment D-133

The comment states that significant irreversible changes were not considered in the EIR with respect to agricultural impacts. While this impact was described in Section 4.2 of the DEIR, in response to this comment, the text in Chapter 6, *Other Statutory Considerations and Cumulative Impacts,* page 6-2, in Volume 1 of the FEIR, has been revised to also describe the irreversible changes from the Proposed Project and/or alternatives associated with losses of Important Farmland. The revised text is provided in Chapter 4, *Revisions to the DEIR,* and in Volume 1 of the FEIR, and is shown below.

> Additionally, as described in Section 4.2, "Agricultural Resources," the Proposed Project and/or several of the alternatives (PLR-1A, PLR-1C, and SE-PLR-2) would involve losses of Important Farmland. Despite application of compensatory mitigation mechanisms (i.e., conservation easements) via Mitigation Measure AG-1, these losses of Farmland would be permanent and irreversible.

The changes to the EIR described above would not result in changes to environmental impact analyses or conclusions presented in the DEIR, and therefore do not constitute significant new information that would trigger recirculation under CEQA Guidelines section 15088.5. Rather, the changes serve to clarify and amplify the content of the DEIR.

Response to Comment D-134

The comment asserts that the EIR fails to discuss the risk of accidents during battery storage, handling, and transportation to the site and thus fails as an informational document under CEQA.

The EIR acknowledges the potential hazards associated with improper transport of materials associated with the construction of BESSs; however, it also notes "[A]ll applicable federal, state, and local laws would be followed during BESS construction." (FEIR, Volume 1, p. 4.9-38). For a detailed description of such laws, refer to Section 4.9.2, "Regulatory Setting," within Section 4.9, "Hazards and Hazardous Materials," in Volume 1 of the FEIR. As described in Section 4.9, the potential impacts from BESSs are speculative at this time, since specific technologies, sites and other factors have not been identified. Furthermore, the BESSs would not be needed for a number of years and it can reasonably be assumed that BESS technology, including safety features, would continue to advance in the interim. Importantly, the FAA information on lithium-ion incidents cited by the commenter only recorded 354 incidents over approximately 16 years, an average of approximately 22.125 incidents per year. Millions of lithium-ion batteries, if not more, are transported by airplane passengers every year in consumer devices. None of the incidents in this FAA data cited by the commenter included leakage of electrolytes requiring containment, but only included heat, smoke, explosion, and/or fire. For additional discussion, please refer to Master Response 5.

Response to Comment D-135

The comment generally asserts that the EIR is inadequate. The commenter is referred to the preceding responses (Responses to Comment D-1 through D-132) for responses to their specific points. As described in previous responses, this is incorrect. The comment is noted and will be shared with the CPUC's decisionmakers.

Response to Comment D-136

This comment begins Exhibit A to the comment letter, which is the detailed comments of Phyllis Fox. The comment summarizes the Proposed Project. However, note that the commenter's description incorrectly lists BESSs as being an aspect of the Proposed Project. As described in the EIR, BESSs are contemplated under both Alternatives BS-2 and BS-3, but are not a part of the Proposed Project. The comment also lists "various distribution system components, including three new 21 kV distribution feeders" as part of the Proposed Project. While these are considered reasonably foreseeable consequences of the Proposed Project (thus they are referred to as "reasonably foreseeable distribution components"), they are not considered part of the Proposed Project and would not be needed for at least 5 to 15 years.

Response to Comment D-137

The comment generally asserts that the EIR has failed to identify and mitigate all significant environmental impacts of the Proposed Project and requires revision and recirculation. Specific responses to identified issues relating to the comments regarding the Project's significant environmental impacts are addressed in subsequent responses to comments below.

Response to Comment D-138

The commenter asserts that the EIR fails to evaluate an "important component of the Project - the BESS." The commenter has incorrectly described the Proposed Project as including BESSs. The EIR is clear that BESSs are considered under two separate alternatives to the distribution aspects of the Proposed Project. Please refer to Master Response 5, as well as Master Response 17.

Response to Comment D-139

The commenter asserts that the EIR fails to impose all construction mitigation required by SLOCACPD's CEQA guidelines, including prohibitions on diesel idling and locating staging and queuing areas within 1,000 feet of sensitive receptors. For the CPUC's response to comments regarding the EIR's air quality mitigation measures, refer to Master Response 13. Mitigation Measure AQ-1 establishes a CAMP with specific performance criteria and a range of mitigation measures that must be evaluated for feasibility and ability to achieve the performance criteria. In some instances, which will be further elaborated on in the CAMP, it may not be feasible to have no diesel idling within 1,000 feet of sensitive receptors due to proximity of the project in some locations to sensitive receptors which cannot be avoided. In these cases, idling will be limited to the extent feasible and consistent with state law regarding diesel idling limits.

Response to Comment D-140

The commenter asserts that the EIR fails to require Tier 4 Final construction equipment, which was assumed in the EIR's construction emission estimates. Rather, the comment argues, the EIR allows for use Tier 2 and 3 construction equipment, which have higher emissions. For the CPUC's response to comments regarding the EIR's construction emission calculations and mitigation measure requirements, refer to Master Response 11 and 13.

Response to Comment D-141

The commenter asserts that the EIR fails to require BACT, as required by SLOCAPCD's CEQA guidance for construction equipment, including SCR, lean NOx catalysts, and exhaust gas

recirculation. For the CPUC's response to comments regarding the EIR's construction emission calculations and mitigation measure requirements, refer to Master Response 11 and 13.

Response to Comment D-142

The commenter asserts that the EIR fails to require off-site mitigation for significant ROG and NOx construction emissions. For the CPUC's response to comments regarding the EIR's air quality mitigation measures, refer to Master Response 13.

Response to Comment D-143

The commenter asserts that the EIR fails to require all SLOCAPCD fugitive dust mitigation measures. Mitigation Measure AQ-1 requires preparation and implementation of a CAMP, which would include all of the suggested standard mitigation measures and BACT for construction equipment by SLOCAPCD. For the CPUC's response to comments regarding the EIR's air quality mitigation measures, refer to Master Response 13. For the CPUC's response to comments regarding fugitive dust, refer to Master Response 12.

Response to Comment D-144

The commenter asserts that construction emissions were underestimated in the EIR for failing to address unique job site conditions. The comment does not elaborate on what kind of unique job site conditions were not contemplated by the EIR such that a specific response is not possible. For CPUC's response to comments regarding the EIR's construction emissions estimates, refer to Master Response 11.

Response to Comment D-145

The commenter asserts that fugitive dust emissions were omitted from construction emissions estimates, because, the commenter asserts, fugitive dust emissions are not estimated in the CalEEMod model. Thus, the commenter argues that construction particulate matter emissions are underestimated. Please note that CalEEMod estimates fugitive dust within its modelling, as mentioned in Appendix A of the CalEEMod 2016.3.2 User's Guide. Fugitive dust emissions are included in the CalEEMod output provided in Appendix C of Volume 2 of the FEIR as a part of CalEEmod's normal modelling methods. Wind-blown dust was not estimated by CalEEMod, consistent with approaches taken in other comprehensive models. Wind-blown dust is difficult to quantify and methods that are available to estimate these emissions requires detailed information regarding the size and shape of the storage piles, soil type, moisture content, wind speed and other parameters that is not readily available at the time of the environmental analysis. Thus, while there is likely additional fugitive dust PM emissions from wind, it would be speculative to estimate and cannot be reasonably modeled. Thus, it is not feasible to accurately quantify these emissions at this time. For the CPUC's response to comments regarding fugitive dust, refer to Master Response 11 and Master Response 12.

Response to Comment D-146

The commenter asserts that construction health risks from DPM were not estimated. Refer to Response to Comment D-93. Also, for additional information regarding the health risk analyses, refer to Master Response 15.

Response to Comment D-147

The commenter asserts that cancer and acute health risks during construction are significant and unmitigated. For the CPUC's response to comments regarding the commenter's analysis of health risks, refer to Master Response 15.

Response to Comment D-148

The commenter asserts that construction emissions exceed the California 1-hour NOx ambient air quality standard. Refer to Master Response 15.

Response to Comment D-149

The commenter asserts that Valley Fever impacts were not evaluated, are significant, and unmitigated. For the CPUC's response to comments regarding Valley Fever, refer to Master Response 14.

Response to Comment D-150

The comment asserts that the risk of upset, including fire and explosion, of BESSs was not evaluated and is significant. For the CPUC's response to comments related to the consideration and evaluation of battery storage alternatives, please refer to Master Response 5.

Response to Comment D-151

The comment asserts that impacts from battery handling and transportation accidents and battery disposal were not evaluated and are potentially significant. For the CPUC's response to comments related to the consideration and evaluation of battery storage alternatives, please refer to Master Response 5.

Response to Comment D-152

The commenter asserts that GHG emissions from battery charging are significant and unmitigated. For the CPUC's response to comments regarding emissions associated with BESSs, refer to Master Response 17. Additionally, for the CPUC's response to comments regarding the consideration and evaluation of battery storage alternatives generally, please refer Master Response 5.

Response to Comment D-153

The comment argues that allegedly significant aesthetic, biological, and public health impacts of the Proposed Project's 70 kV power line can be mitigated by undergrounding the entire power line. Please refer to Responses to Comments D-30 to D-39.

Response to Comment D-154

The comment states that the EIR failed to select the environmentally superior alternative, which should include undergrounding of the transmission line. It is not clear what is intended by this comment. An EIR does not select an alternative; rather it analyses several alternatives for review by the public and the lead agency. As described in the EIR, Alternative Combination #2 was identified as the environmentally superior alternative; however, this does not mean it has been selected for implementation. The comment does not specify whether the commenter believes a different alternative combination, such as Alternative Combination #1 (with Undergrounding)

should have been selected as the environmentally superior alternative, or whether another alternative with undergrounding should have been chosen. As discussed in Responses to Comments D-30 to D-39, undergrounding the entire new 70 kV power line is not warranted and the CPUC has not erred in not including this as an alternative.

In addition, the comment states that a future EIR should be prepared to "evaluate impacts of the battery storage option when it has been selected." For the CPUC's response to comments related to the consideration and evaluation of the battery storage alternatives, please refer to Master Response 5. If future discretionary decisions are required by the CPUC after certification of this FEIR, the CPUC will comply with Public Resources Code 21166 and CEQA Guidelines Sections 15162 -15164, which govern future CEQA analysis for a project with a previously certified FEIR.

Response to Comment D-155

The commenter provides information regarding their professional background. This information is noted and will be shared with decisionmakers.

Response to Comment D-156

The commenter asserts that the EIR concluded emissions were significant but failed to identify all construction emissions and failed to adequately mitigate them. For the CPUC's response to comments regarding construction emissions, refer to Master Response 11. For the CPUC's response to comments regarding the EIR's air quality mitigation measures, refer to Master Response 13.

Response to Comment D-157

The commenter states that the Proposed Project's daily ROG and NOx construction emissions were significant and, under SLOCAPCD guidance, this requires implementation of standard mitigation measures. The commenter is correct in stating the EIR concluded that ROG and NOx construction emissions are significant and unavoidable. For the CPUC's response to comments regarding the EIR's air quality mitigation measures, refer to Master Response 13.

Response to Comment D-158

The commenter asserts that the Proposed Project's maximum quarterly construction emissions of ROG and NOx, as estimated in the EIR, exceed the Tier 1 significance threshold. The commenter states that, under SLOCAPCD guidance, this requires implementation of Standard Mitigation Measures and BACT for construction equipment. Off-site mitigation may also be required. The commenter is correct in stating that the EIR concluded that ROG and NOx construction emissions were significant and unavoidable. For the CPUC's response to comments regarding the EIR's air quality mitigation measures, refer to Master Response 13.

Response to Comment D-159

The commenter asserts that the Proposed Project's maximum quarterly construction emissions of ROG and NOx, as estimated in the EIR, exceed the Tier 2 significance threshold. The commenter states that, under SLOCAPCD guidance, this requires implementation of Standard Mitigation Measures and BACT for construction equipment, implementation of a Construction Activity Management Plan (CAMP) and off-site mitigation may also be required. The commenter

is correct in stating the DEIR concluded that ROG and NOx construction emissions were significant and unavoidable. For the CPUC's response to comments regarding the EIR's air quality mitigation measures, refer to Master Response 13.

Response to Comment D-160

The commenter states that the Proposed Project's fugitive dust emissions, as estimated in the EIR, are significant as they exceed the Tier 1 significance thresholds. The comment asserts that, under SLOCAPCD guidance, this requires implementation of Fugitive PM10 Mitigation Measures and may require the implementation of a CAMP. The commenter describes that the EIR concluded that the fugitive dust emissions were mainly due to the helicopter emissions. However, the commenter argues that the EIR failed to estimate fugitive dust emissions from on-site construction, as these are not calculated by CalEEMod.

The commenter is correct in stating the EIR concluded that fugitive dust emissions were significant by exceeding the Tier 1 significance thresholds. Helicopter emissions during construction were estimated using methods recommended by the FAA, consistent with the FAA's Aviation Environmental Design Tool (AEDT version 3c). (Refer to Master Response 11.) For the CPUC's response to comments related to fugitive dust and the EIR's air quality mitigation measures, refer to Master Responses 12 and 13.

Response to Comment D-161

The commenter lists the APMs (AIR-1, AIR-2, and AIR-3) and mitigation measure (AQ-1) that would be implemented to reduce the Proposed Project's emissions, as described in the EIR. For the CPUC's response to comments regarding the EIR's air quality mitigation measures, refer to Master Response 13.

Response to Comment D-162

The commenter describes that the "construction mitigation plan" is included in Appendix F (MMRP) and notes the EIR still concludes that construction air quality impacts would remain significant and unavoidable after implementation of the mitigation measures. The comment argues that this conclusion (that construction air quality impacts would remain significant and unavoidable after implementation of the mitigation measures) is unsupported because the EIR fails to impose the mitigation listed in the SLOCAPCD's CEQA guidelines and fails to include all feasible mitigation measures. For the CPUC's response to comments regarding the EIR's air quality mitigation measures, refer to Master Response 13.

Response to Comment D-163

The commenter states that the EIR mitigation measures should include prohibiting diesel idling within 1,000 feet of sensitive receptors and not allowing staging and queuing areas located within 1,000 feet of sensitive receptors. The comment argues that DPM from such idling and staging and queuing results in significant cancer and acute health impacts and violates the California 1-hour NOx ambient air quality standard.

For the CPUC's response to comments regarding the EIR's air quality mitigation measures, refer to Master Response 13. For the CPUC's response to comments regarding health risks from Proposed Project construction activities, refer to Master Response 15. The commenter is incorrect in stating that there is a California 1-hour NOx ambient air quality standard. It is

presumed the commenter was instead referring to the 1-hour NO_2 ambient air quality standard. Please refer to Master Response 15 for comments regarding NO_2.

Response to Comment D-164

The commenter states that SLOCAPCD guidance includes additional diesel idling restrictions that were omitted from the EIR's MMRP in Appendix F (refer to Volume 2 of the FEIR). For the CPUC's response to comments regarding the EIR's air quality mitigation measures, refer to Master Response 13.

Response to Comment D-165

The commenter discusses what they feel is considered BACT for ROG and NOx construction emissions and makes recommendations including selective catalytic reduction, lean NOx catalysts, exhaust gas recirculation, alternative fuel, limit engine idling to 2 minutes for all construction equipment, purchase offsets, and employ a construction site manager to verify that engines are properly maintained and to maintain a log. The commenter states that the APMs included in the EIR are not BACT and states the EIR's emissions calculations assumed use of 100% Tier 4 engines. The commenter states that SLOCAPCD's CEQA Guidance allows for off-site mitigation and suggests that a Voluntary Emission Reduction Agreement (VERA) should be implemented.

For the CPUC's response to comments regarding construction emissions, refer to Master Response 11. For the CPUC's response to comments regarding the EIR's air quality mitigation measures, refer to Master Response 13. Offsite mitigation measures are included in Mitigation Measure AQ-1 as options for the reduction of construction emissions below the mass emission significance thresholds established by SLOCAPCD and used as a performance standard. Further details of offsite mitigation and how it would be implemented to meet the performance standards listed in Mitigation Measure AQ-1 will be outlined in the CAMP.

Response to Comment D-166

The commenter asserts that SLOCAPCD's CEQA Guidance requires standard mitigation measures and implementation of a CAMP. The comment further argues that several of the 14 fugitive dust mitigation measures identified by SLOCAPCD were omitted from the EIR, which the commenter states would result in the Proposed Project contributing higher fugitive dust emissions than allowed by SLOCAPCD guidance.

For the CPUC's response to comments regarding the EIR's air quality mitigation measures, refer to Master Response 13. For the CPUC's response to comments regarding fugitive dust, please refer to Master Response 12.

Response to Comment D-167

Please refer to Response to Comment D-166.

Response to Comment D-168

Please refer to Response to Comment D-166.

Response to Comment D-169

Please refer to Response to Comment D-166.

Response to Comment D-170

Please refer to Response to Comment D-166.

Response to Comment D-171

Please refer to Response to Comment D-166.

Response to Comment D-172

Please refer to Response to Comment D-166.

Response to Comment D-173

Please refer to Response to Comment D-166.

Response to Comment D-174

Please refer to Response to Comment D-166.

Response to Comment D-175

Please refer to Response to Comment D-166.

Response to Comment D-176

Please refer to Response to Comment D-166.

Response to Comment D-177

The commenter argues that using the default load factors in CalEEMod results in understated criteria pollutant and GHG emissions since the Proposed Project site is in difficult terrain. For the CPUC's response to comments regarding construction emissions, and why use of CalEEMod is appropriate, refer to Master Response 11.

Response to Comment D-178

The commenter asserts that emission models such as CalEEMOd use fleet average emission factors that do not represent real-world duty cycles. The commenter suggests the use of emission factors confirmed in the field using a dynamometer for the specific equipment and work conditions.

The EIR used the model and methods for calculating construction emissions recommended by multiple air agencies including SLOCACPD, the California Air Pollution Control Officers Association (CAPCOA), the California Air Resources Board (CARB), and approved by the United States Environmental Protection Agency (USEPA). The specific equipment and work conditions that will be used or encountered during Proposed Project construction are not known at this time. It would be unreasonable and unnecessary to require that each equipment undergo expensive dynamometer testing, particularly when the USEPA and CARB developed emission factors used in CalEEMod have been developed specifically for this purpose.

Response to Comment D-179

The commenter asserts that the EIR's MMRP (refer to Appendix F in Volume 2 of this FEIR) does not address fugitive dust emission at the airport. For the CPUC's response to comments regarding the EIR's air quality mitigation measures, refer to Master Response 13. For the CPUC's response to comments regarding fugitive dust, please refer to Master Response 12.

Response to Comment D-180

The commenter argues that the Proposed Project's fugitive dust emissions are underestimated since they omit windblown dust from graded areas and storage piles and fugitive dust from off-road travel. The commenter suggests methods to estimate the emissions. The commenter notes that windblown dust from disturbed soils is a concern due to the high winds that regularly occur at the site. For the CPUC's response to comments regarding fugitive dust, and the EIR's use of the appropriate method for analyzing such impacts, refer to Master Response 12.

Response to Comment D-181

The commenter states high winds occur regularly during spring and the EIR omits acknowledgment of the added risk of high-velocity winds in the area. Please note that the same USEPA document cited by the commenter for their emission factor for fugitive dust, continues its explanations to "strongly" recommend that "the construction process be broken down into component operations", using emission factors from other AP-42 sections to generate estimates on page 2. The emission factors of AP-42, along with other updates selected by CAPCOA are integrated into the different construction phases within CalEEMod, consistent with the above recommendation. Please refer to Response to Comment D-180.

Response to Comment D-182

The commenter suggests mitigation measures from other air districts should be included. For the CPUC's response to comments regarding the EIR's air quality mitigation measures, refer to Master Response 13. For the CPUC's response to comments regarding fugitive dust, refer to Master Response 12. This is the same list presented in Comment D-110. Refer to Response to Comment D-110 for further details.

Response to Comment D-183

The commenter asserts that construction health risks were not evaluated and are significant. The commenter states that they prepared an HRA for the Proposed Project under two cases: (1) DPM emissions assuming use of all Tier 4 construction equipment and (2) DPM emissions assuming use of Tier 2 construction equipment. For the CPUC's response to comments regarding HRAs, refer to Master Response 15.

Response to Comment D-184

The commenter presents results of an HRA the commenter prepared for its interpreted description of the Proposed Project, which is included as an exhibit to the comment letter. The commenter states that this HRA indicates significant cancer risks and acute health effects. For the CPUC's response to comments regarding HRAs, refer to Master Response 15.

Response to Comment D-185

Please refer to Response to Comment D-184.

Response to Comment D-186

Please refer to Response to Comment D-184.

Response to Comment D-187

Please refer to Response to Comment D-184.

Response to Comment D-188

The commenter asserts that construction ambient NOx impacts are significant. The commenter is incorrect in stating that there is a California 1-hour NOx ambient air quality standard. It is presumed that the commenter was instead referring to the 1-hour NO_2 ambient air quality standard. Refer to Master Response 15 for additional discussion of comments regarding NO_2.

Response to Comment D-189

The commenter asserts that significant health and ambient NOx impacts must be mitigated and suggests several mitigation measures to mitigate NOx emissions, including use of biodiesel, use of Tier 4 Final engines, installing particulate filters, diesel oxidation catalysts, restricting idling, restricting the amount of diesel powered equipment and total engine horsepower operating in a given area, modify the construction schedule to minimize the amount of diesel powered equipment operating in a given area at the same time, relocate significantly impacted sensitive receptors, require routine maintenance, hire only highly skilled operators, and have on-site manager to assure all mitigation is achieved in practice.

The commenter is incorrect in stating that there is a California 1-hour NOx ambient air quality standard. It is presumed the commenter was instead referring to the 1-hour NO_2 ambient air quality standard. Refer to Master Response 15 and Response to Comment D-94 for the CPUC's response to comments regarding NO_2. For the CPUC's response to comments regarding air quality mitigation measures, refer to Master Response 13.

Response to Comment D-190

The commenter asserts that Valley Fever impacts from the Proposed Project are significant and unmitigated. The commenter presents information on Valley Fever including incidence rates, clinical manifestations of Valley Fever, and Valley Fever spore size. The commenter asserts that the potentially exposed population includes not just on-site workers, but off-site areas that may expose non-construction worker populations. The commenter claims that dust mitigation measures are not effective at controlling the Valley Fever spores.

Please note that the commenter mischaracterizes the size of PM10 and PM2.5 in relation to Valley Fever spores. Valley Fever spores are approximately 2 microns (0.002 mm) in diameter, consistent with a part of PM2.5 emissions (i.e., particulate matter less than 2.5 microns in diameter). For the CPUC's response to comments and concerns regarding Valley Fever, refer to Master Response 14. For the CPUC's response to comments regarding fugitive dust, refer to Master Response 12. For the CPUC's response to comments regarding the EIR's air quality mitigation measures, refer to Master Response 13.

Response to Comment D-191

The commenter asserts that conventional dust control measures are not effective at controlling Valley Fever because they focus on larger dust particles and not the very fine particles where the commenter argues Valley Fever spores are found. The commenter states that Valley Fever infections tend to have seasonal pattern with higher rates in the months of June through December.

For CPUC's response to comments regarding Valley Fever, refer to Master Response 14. For the CPUC's response to comments regarding fugitive dust, refer to Master Response 12. For the CPUC's response to comments regarding the EIR's air quality mitigation measures, refer to Master Response 13. While fugitive dust mitigation measures, as discussed further in Master Response 12, have varying degrees of effectiveness both in overall reduction of fugitive dust as well as varying levels of control for different sized dust particles where smaller fine particles may be controlled to a lower control efficiency compared to larger coarse particles which is expected given the nature of fugitive dust dispersal mechanisms. However, both coarse and fine particles will be reduced and the list of mitigation measures that must be considered under Mitigation Measure AQ-1 represent what is regarded as the best practices to reduce fugitive dust for both coarse and fine particles as recognized by multiple air districts within California.

Response to Comment D-192

The commenter states that Valley Fever at construction sites in San Luis Obispo County have been known for decades. The commenter provides Valley Fever construction measures from nearby Ventura County. The commenter provides statistics of Valley Fever cases from two solar energy projects in San Luis Obispo County, and argues that these projects had dust mitigation measures that are more extensive than those included in APM AIR-3 for the Proposed Project which were ineffective.

For the CPUC's response to comments regarding Valley Fever, refer to Master Response 14. For the CPUC's response to comments regarding fugitive dust, refer to Master Response 12. For the CPUC's response to concerns regarding the EIR's air quality mitigation measures, refer to Master Response 13.

Response to Comment D-193

The commenter presents Valley Fever recommended measures developed by the CDPH. The commenter states that these recommended measures have failed to control Valley Fever, yet argues that the measures go beyond the measures included in the Proposed Project's EIR.

For the CPUC's response to comments and concerns regarding Valley Fever, refer to Master Response 14. For the CPUC's response to comments regarding fugitive dust, refer to Master Response 12. For the CPUC's response to concerns regarding the EIR's air quality mitigation measures, refer to Master Response 13.

Response to Comment D-194

The commenter presents information on a Valley Fever outbreak amongst construction workers in Monterey County where the CDPH made recommendations to implement before starting the second phase of construction. The comment is noted and will be shared with decisionmakers.

Response to Comment D-195

The commenter presents the CDPH-recommended measures to minimize worker dust exposure to Valley Fever. For the CPUC's response to concerns regarding Valley Fever, please refer to Master Response 14.

Response to Comment D-196

The commenter describes that California passed Assembly Bill (AB) 203, which requires construction employers in counties where Valley Fever is endemic to provide awareness training. The commenter states that the EIR does not include this rule and suggests it should be included as a mitigation measure.

Discussion of Assembly Bill 203 was added as part of the Recirculated DEIR on page 2-R.4.3-7, and this language has been carried over into the FEIR. Compliance with state laws and regulations is required. For the CPUC's response to comments and concerns regarding Valley Fever, refer to Master Response 14. For the CPUC's response to comments regarding the EIR's air quality mitigation measures, refer to Master Response 13.

Response to Comment D-197

The commenter asserts that the fugitive dust control measures in APM AIR-3 do not include any of the mitigation measures recommended for Valley Fever in the EIS for the Topaz Solar Farm, where a major Valley Fever outbreak occurred. The commenter suggests including additional measures to control for Valley Fever, such as Maricopa County Rule 310, SCAQMD Rule 403, and SJVAPCD Rule 8021, which the commenter states does not go far enough.

For the CPUC's response to comments regarding Valley Fever, refer to Master Response 14. For the CPUC's response to comments regarding the EIR's air quality mitigation measures, refer to Master Response 13.

Response to Comment D-198

The commenter suggests use of dust suppressants, such as polymer emulsions, to be applied to disturbed areas upon completion of disturbance. Additionally, the commenter recommends replacing groundcover as quickly as possible in disturbed areas. For the CPUC's response to comments regarding the EIR's air quality mitigation measures, refer to Master Response 13. The use of dust suppressants and soil stabilizers are the same as the fugitive dust mitigation measures to be implemented under Mitigation Measure AQ-1 including minimization of the area of soil disturbed, using water, soil stabilizers and/or re-vegetation to reduce air borne dust, stabilize piles by tarping or other methods and suspension of work during heavy winds.

Response to Comment D-199

The commenter suggests that the use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site, as described in APM AIR-3, is too general. The commenter suggests that water should be applied every four hours within 100 feet of a structure being demolished, every three hours to disturbed areas and to disturbed soils after demolition is completed and at the end of each day of cleanup. The commenter suggests watering frequency should increase when wind speeds exceed 15 miles per hour (mph). The commenter also suggests adding a minimum moisture content requirement with verification by

lab sample. The commenter suggests real-time monitoring for Valley Fever spores at the construction boundaries. The commenter suggests areas that will be reworked should be seeded and watered until vegetation is established or chemical soil stabilizers used after grading is completed.

For the CPUC's response to concerns regarding the EIR's air quality mitigation measures, refer to Master Response 13. For additional response specifically relating to Valley Fever, refer to Master Response 14.

Response to Comment D-200

The commenter asserts that a component of APM AIR-3 (i.e., daily spraying of stockpile areas, as needed) is inadequate because it doesn't specify the spraying agent nor require increased spraying or covering during high wind events or provide guidance when increased spraying is needed. The commenter notes other air district potential mitigation measures regarding storage piles. For the CPUC's response to comments regarding the EIR's air quality mitigation measures, refer to Master Response 13. Mitigation Measure AQ-1 was revised in the Recirculated DEIR to incorporate several measures suggested in public comments. This includes clarification and enhancement of the mitigation measures minimum performance standards. For fugitive dust emissions the performance standard for fugitive dust requires the dust to be controlled to not exceed 20% opacity for greater than 3 minutes in any 60-minute period while construction activity is occurring and disturbed areas are not covered, vegetated or chemically stabilized. Additionally, fugitive dust specific mitigation measures that will be outlined in the CAMP to ensure that the minimum performance standard is met, requires evaluation of all SLOCAPCD standard and expanded fugitive dust mitigation measures as well as the Dust Control Management Plan must include the additional measures listed in part 3 of Mitigation Measure AQ-1 which include measures to minimize fugitive dust from the construction activities on paved roads with track out prevention and requiring haul trucks to be tarped and have a minimum freeboard height of 12 inches. It also includes requirements for control of disturbed surface areas and storage piles with a specific performance standard which defines adequately wetted and crusted surfaces and storage piles as an option or use of other means of reducing fugitive dust from these areas including covering the areas and/or installation of wind barrier, suspending grading operations when wind speeds are high with a specific definition of high winds.

Response to Comment D-201

The commenter asserts that the measure in APM AIR-3 limiting construction vehicle speeds to 15 mph fails to include off-site trucks delivering materials to the site and it also fails to include enforcement of the speed limit. The commenter suggests enforcement by radar should be required. For the CPUC's response to comments regarding the EIR's air quality mitigation measures, refer to Master Response 13. Reduced vehicle speeds on unpaved roads is part of mitigation measures to be evaluated under Mitigation Measure AQ-1 as it is part of SLOCAPCD's list of measures, however, the CAMP will determine the appropriate mechanism for enforcement.

Response to Comment D-202

The commenter asserts that the requirement in APM AIR-3 to cover or maintain at least 2 feet of freeboard is not adequate. The commenters suggests that both covering and maintaining at

least 1 foot of freeboard should be required. This measure is included in Mitigation Measure AQ-1. The commenter also suggests that tire wheels and body should be cleaned before leaving the work site. This measure is included in Mitigation Measure AQ-1. The commenter argues that the EIR should include these measures. For the CPUC's response to comments regarding the EIR's air quality mitigation measures, refer to Master Response 13.

Response to Comment D-203

The commenter asserts that sweeping generates fugitive dust so trackout should be minimized. The commenter suggests that trackout should be removed immediately out to 50 feet and nightly cleanup rather than at the end of each day. The commenter suggests that unprotected routes should be limited and construction roadways should be paved. The commenter suggests wheel wash stations and other trackout control devices should be installed. For the CPUC's response to comments regarding the EIR's air quality mitigation measures, refer to Master Response 13. The commenter is also referred to Section 4.10 of Volume 1 of the FEIR, which contains a discussion of measures included with the Stormwater Pollution Protection Plan for construction beginning on page 4.10-22, such as measures to minimize track out of sediments.

Response to Comment D-204

The commenter notes that mitigation measures to control Valley Fever spores were omitted from the APM AIR-3. The commenter then provides introductory language suggesting mitigation measures which are discussed in Comment D-205 through D-217. The comment also states that a dust control plan should be available on site in an easily accessible location. Please refer to responses to Comments D-205 to D-217.

Response to Comment D-205

This comment recommends the following mitigation measure: When soil disturbed by heavy equipment or vehicles, wet the soil before disturbing it and continuously wet it while digging. For the CPUC's response to comments regarding air quality mitigation measures, refer to Master Response 13. For the CPUC's response to comments regarding Valley Fever, refer to Master Response 14. It is left up to the Construction Activity Management Plan (CAMP) described in Mitigation Measure AQ-1 to determine the appropriate water frequency needed to meet the performance standards and applying water is included in the mitigation measure while allowing for flexibility to be determined later the amount and frequency of watering required to meet the performance standard.

Response to Comment D-206

This comment recommends the following mitigation measure: Use wetting methods that do not themselves raise dust. Watering trucks can raise dust. It is left up to the CAMP to determine the appropriate watering method and frequency needed to meet the performance standards and applying water is included in the mitigation measure while allowing for flexibility to be determined later the method, amount, and frequency of watering required to meet the performance standard. Please note that Valley Fever spores are approximately 2 microns in diameter, which is considered within the category of particulate matter less than 2.5 microns in diameter (PM2.5). Valley Fever spores are approximately 80 percent of the size of this category threshold, not "orders of magnitude smaller", as the commenter contends. For the CPUC's

response to comments regarding air quality mitigation measures, refer to Master Response 13. For the CPUC's response to comments regarding Valley Fever, refer to Master Response 14.

Response to Comment D-207

This comment recommends the following mitigation measure: Complete paving as soon as possible. The timing of paving areas will be balanced with the need for fugitive dust mitigation measures and is an option that can be considered in the CAMP required under Mitigation Measure AQ-1 to meet the performance standards of this mitigation measure. For the CPUC's response to comments regarding air quality mitigation measures, refer to Master Response 13. For the CPUC's response to comments regarding Valley Fever, refer to Master Response 14.

Response to Comment D-208

This comment recommends the following mitigation measure: Trucks and equipment leaving the site shall be washed and wheel washers installed. Mitigation Measure AQ-1 lists several options for reducing dirt and soil track out including installation of wheel washers. For the CPUC's response to comments regarding air quality mitigation measures, refer to Master Response 13. For the CPUC's response to comments regarding Valley Fever, refer to Master Response 14.

Response to Comment D-209

This comment recommends the following mitigation measure: Grading and trenching work should be phased so that earth-moving equipment is working well ahead or downwind of workers on the ground. The VFMP onsite plans and work practices will consider how to minimize worker exposure and to the extent feasible position workers upwind of ground disturbing activities and phasing of grading and trenching work. For the CPUC's response to comments regarding air quality mitigation measures, refer to Master Response 13. For the CPUC's response to comments regarding Valley Fever, refer to Master Response 14.

Response to Comment D-210

This comment recommends the following mitigation measure: Half-faced respirators equipment with N-100 or P-100 filters should be worn by those digging, grading, trenching, or performing other work involving soil disturbance. While the CPUC values worker safety, this specific concern is outside the scope of CEQA, as it is not an impact of the project on the environment, but an impact of the environmental setting of the project upon the project's work force. This consideration is the responsibility of the Applicants, the Applicants' contractors, and those agencies charged with occupational safety (such as the OSHA) per existing worker safety laws, regulations, and rules.

Response to Comment D-211

This comment recommends the following mitigation measure: All fugitive dust mitigation measures should apply to the helicopter landing and unloading areas. Helicopter landing and unloading areas except for at the Paso Robles Airport are required to be addressed in the CAMP under Mitigation Measure AQ-1 and AQ-2. For the CPUC's response to comments regarding air quality mitigation measures, refer to Master Response 13. For the CPUC's response to comments regarding Valley Fever, refer to Master Response 14.

Response to Comment D-212

This comment recommends the following mitigation measure: Designate a person to monitor the fugitive dust emissions to assure compliance and to enhance them as necessary. Contact information should be provided to the SLOCAPCD prior to the start of any grading earthwork or demolition. The CAMP and VFMP required under Mitigation Measures AQ-1 and AQ-2 have defined minimum performance standards and the plans are required to address how they will implement various measures to comply with these plans. The mitigation and monitoring plan further detail how implementation of these mitigation measures will be measured and monitored. For the CPUC's response to comments regarding air quality mitigation measures, refer to Master Response 13. For the CPUC's response to comments regarding Valley Fever, refer to Master Response 14.

Response to Comment D-213

This comment recommends the following mitigation measure: Incorporate San Luis Obispo Health Agency recommendations:

- Suspend work during heavy wind or dust storms.
- Minimize the amount of soil disturbed.
- Require water trucks and construction equipment have enclosed, air-conditioned cabs equipped with high-efficiency particulate air filters and two-way radios to facilitate communication when windows are closed.
- Position workers upwind wen digging trenches or file lines or performing other soil disturbing tasks.
- Locate overnight camps away from sources of dust.
- Provide NIOSH approved protection with dust exposure is unavoidable.
- Use a gravel apron to reduce mud/dirt trackout.
- Minimize digging by hand.
- Use dust control methods that do not raise dust.

Mitigation Measure AQ-2 requires development of a VFMP and includes consultation with CDPH and SLOCDPH for measures to minimize the impacts of Valley Fever. Many of the measures listed are listed in Mitigation Measure AQ-2, however, those measures with no pathway to exposure to the public such as use of respirators are not included as these apply only to workers and is not in CEQA's scope but rather agencies such as OSHA and Cal/OSHA. For the CPUC's response to comments regarding air quality mitigation measures, refer to Master Response 13. For the CPUC's response to comments regarding Valley Fever, refer to Master Response 14.

Response to Comment D-214

This comment recommends the following mitigation measure: Require basic dust control training for all water truck drivers, water pull drivers and superintendents on sites larger than 1

acre. Training of workers on measures used onsite to reduce exposure to Valley Fever spores is included in Mitigation Measure AQ-2. For the CPUC's response to comments regarding air quality mitigation measures, refer to Master Response 13. For the CPUC's response to comments regarding Valley Fever, refer to Master Response 14.

Response to Comment D-215

This comment recommends the following mitigation measure: Incorporate the CDPH measures to prevent transport of Valley Fever spores off-site:

- Clean tools, equipment, and vehicles with water to remove soil before transporting offsite.
- Provide workers with coveralls or disposable Tyvek daily.
- Keep street clothes and work clothes separate by providing separate lockers or other storage areas.
- Encourage workers to shower and wash their hair at the workplace or as soon as they get home.
- Provide boot cleaning stations.
- Wet-clean tools and equipment.

Mitigation Measure AQ-2 requires development of a VFMP and includes consultation with CDPH and SLOCDPH for measures to minimize the impacts of Valley Fever. Many of the measures listed are listed in Mitigation Measure AQ-2, however, those measures with no pathway to exposure to the public such as use of respirators are not included as these apply only to workers and is not in CEQA's scope but rather agencies such as OSHA and Cal/OSHA. For the CPUC's response to comments regarding air quality mitigation measures, refer to Master Response 13. For the CPUC's response to comments regarding Valley Fever, refer to Master Response 14.

Response to Comment D-216

This comment recommends the following mitigation measure: (1) Incorporate administrative controls by ensuring the worksite injury and illness prevention plan recognizes the risk of coccidiodomycosis and has criteria for temporarily suspending work when excessive dust or wind; (2) Have onsite monitoring personnel when dust control is inadequate to implement additional control measures or stop work and provide training to workers and supervisors about the risks and symptoms of coccidiodiomycosis; (3) Encourage ill workers to report their symptoms.

Mitigation Measure AQ-2 requires development of a VFMP and includes consultation with CDPH and SLOCDPH for measures to minimize the impacts of Valley Fever. Workers are encouraged to report Valley Fever symptoms to a supervisor. Other administrative controls and monitoring will be evaluated in the VFMP to ensure compliance with mitigation measures. For the CPUC's response to comments regarding air quality mitigation measures, refer to Master Response 13. For the CPUC's response to comments regarding Valley Fever, refer to Master Response 14.

Response to Comment D-217

This comment states that the construction mitigation measures in the DEIR are not adequate to control Valley Fever spores and that the above discussed mitigation measures should be required. Please refer to Response to Comments D-204 through D-216.

Response to Comment D-218

The commenter suggests the Proposed Project construction site should be tested in advance to determine if coccidioidomycosis spores are present. For the CPUC's response to comments regarding the EIR's air quality mitigation measures, refer to Master Response 13. Please also refer to Master Response 14. Methods to test for Valley Fever spores are not readily commercially available or standard sampling methods for construction work areas have not been established. Soil testing for Valley Fever spores is not routinely implemented for construction projects and there are no unique aspects of this project that would deem it necessary.

Response to Comment D-219

The commenter summarizes that mitigation measures mentioned in previous comments should be incorporated into the EIR. The commenters note the EIR must analyze whether the measures are adequate to reduce the impact of Valley Fever to a level below significance. For the CPUC's response to comments regarding the EIR's air quality mitigation measures, refer to Master Response 13. For the CPUC's response to comments regarding Valley Fever, refer to Master Response 14.

Response to Comment D-220

This comment asserts that the EIR did not analyze all of the significant impacts associated with Alternatives BS-2 and BS-3. Specifically, the commenter alleged the following impacts were excluded from analysis: (1) accidents leading to significant on-site (to third party in-home hosts in BS-3) and off-site public health and off-site property damage, and (2) increases in criteria pollutant and GHG emissions. For the CPUC's response to comments regarding the consideration and evaluation of battery storage alternatives, please refer Master Response 5.

Response to Comment D-221

This comment asserts that the EIR made excuses for not disclosing the significant risk of upset and resulting significant off-site public health impacts of an accident involving lithium batteries, which are proposed for the BESS alternatives. The comment provides a quotation from the EIR describing the uncertainty associated with the FTM BESSs that may be needed in 5 to 15 years under Alternative BS-2, which the commenter believes is an example of an excuse that the CPUC has made for not evaluating impacts. For the CPUC's response to comments regarding the EIR's consideration and evaluation of the battery storage alternatives, please refer to Master Response 5.

Response to Comment D-222

This comment provides an additional quotation from the EIR, which the commenter asserts is an "excuse" for not evaluating the alleged impacts of BESSs (refer to Comment D-221). For the CPUC's response to comments regarding the EIR's consideration and evaluation of battery storage alternatives, please refer to Master Response 5.

Response to Comment D-223

This comment provides an additional quotation from the EIR, which the commenter asserts is an "excuse" for not evaluating the alleged impacts of BESSs (refer to Comment D-221). For the CPUC's response to comments regarding the EIR's consideration and evaluation of battery storage alternatives, please refer to Master Response 5.

Response to Comment D-224

This comment provides an additional quotation from the EIR, which the commenter asserts is an "excuse" for not evaluating the alleged impacts of BESSs (refer to Comment D-221). For the CPUC's response to comments regarding the EIR's consideration and evaluation of battery storage alternatives, please refer to Master Response 5.

Response to Comment D-225

This comment argues that the "excuses" provided in Comments D-221 through D-224 are speculative and wrong, and that the EIR fails to identify impacts related to accidents causing off-site public health and property damage impacts and increases in criteria pollutant and GHG emissions from BESS charging. It is unclear from the comment which types of accidents the commenter is referring to, as no specific information is provided. For the CPUC's response to comments regarding the EIR's consideration of battery storage alternatives, please refer Master Response 5. Regarding the EIR's analysis of BESS emissions, please refer to Master Response 17.

Response to Comment D-226

This comment notes that the EIR discloses an elevated fire hazard risk resulting from battery storage, but argues that the EIR fails to discuss fire impacts related to on-site and off-site impacts, such as property damage and worker and public health impacts due to the release of hazardous air pollutants (HAPs). Again, the differentiation between fire hazard risk and "on-site and off-site impacts" is unclear from the comment. The comment also claims that the impacts of the proposed BESSs are well-known and should have been disclosed, but provides no citations or supporting data. The comment also fails to acknowledge that property damage is not typically considered in a CEQA document and that there are no significance criteria included in Appendix G of the CEQA Guidelines specifically related to property damage. For the CPUC's response to comments regarding the consideration of battery storage alternatives, please refer Master Response 5. Regarding the EIR's analysis of BESS emissions, please refer to Master Response 17.

Response to Comment D-227

This comment argues that if it is not possible to analyze the BESS alternatives at this time, a future EIR should be prepared to analyze these impacts. For the CPUC's response to comments regarding the consideration of battery storage alternatives, please refer Master Response 5. Please also refer to the CPUC's Response to Comment D-154 regarding potential future CEQA analyses.

Response to Comment D-228

This comment asserts that the EIR does not discuss the history of BESS accidents, but then acknowledges that the EIR does discuss accidents involving batteries in electric vehicles and a fire at a utility-scale BESS facility. The comment also asserts that the EIR provides no support for its statement that flow battery technology "would have a reduced fire risk because the

electrolyte material is not flammable" (FEIR, Volume 1, p. 4.9-39); however, the comment then appears to agree with the statement by arguing that reduced risk does not mean that the risk is not significant. For the CPUC's response to comments regarding the consideration of battery storage alternatives, please refer Master Response 5.

Response to Comment D-229

This comment appears to take issue with the EIR's assumption that lithium-ion batteries may be used at all of the potential (example) BESS sites. The comment then argues that electrolytes used in any storage battery may have impacts that were allegedly not disclosed in the EIR, and reiterates the view that reduced fire risk does not mean that the impact would not be significant. For the CPUC's response to comments regarding the consideration of battery storage alternatives, please refer Master Response 5.

Response to Comment D-230

This comment provides a title of a brochure from the National Fire Protection Association (NFPA) and argues that communities and/or homes that will host a BESS under the Proposed Project are not "ready" (presumably with respect to fire risk) because the EIR allegedly fails to disclose and mitigate impacts associated with BESS facilities. For the CPUC's response to comments regarding the consideration of battery storage alternatives, please refer Master Response 5.

Response to Comment D-231

This comment provides a list of alleged "impacts" from BESSs identified in an NFPA fact sheet, arguing that the EIR did not disclose any of these "impacts." Several of the "impacts" listed (e.g., mechanical abuse, thermal abuse from exposure to external heat source, electrical abuse from overcharging) would properly be considered potential impacts to the BESSs themselves due to from various factors, such as vandalism, operator-error, or the environment (which may then make a fire more likely), but would not be considered environmental impacts with respect to CEQA. For the CPUC's response to comments regarding the consideration of battery storage alternatives, please refer Master Response 5.

Response to Comment D-232

The comment asserts that the EIR is silent on the risks of the proposed BESS facilities (specifically citing to fire risks), even though the commenter previously acknowledged that the EIR discusses potential fire risks from lithium-ion BESSs (refer to Comment D-228). The EIR discusses fires that have occurred at utility-scale lithium-ion BESSs on page 4.9-39 in Volume 1 of this FEIR. The comment then claims that the EIR "argues battery technologies will improve in the future and declines to evaluate the risks." For the CPUC's response to comments regarding the consideration of battery storage alternatives, please refer Master Response 5.

Response to Comment D-233

The comment describes fires that have occurred at existing BESS facilities around the world and alleges risks that lithium-ion battery fires can pose to property, human health, and the environment. As noted above, the EIR discusses fire risks associated with lithium-ion BESSs. Please refer to Master Response 5.

Response to Comment D-234

The comment asserts that the EIR contains no information on the layout of batteries in any of the alternatives and thus, the comment argues, fails as an informational document under CEQA. While not complete design specifications, Chapter 3, *Alternatives Description*, of Volume 1 of the FEIR, includes description of conceptual layouts of BESS sites. Refer to pages 3-130 and 3-131 in Volume 1 of the FEIR. Please also refer to Master Response 5.

Response to Comment D-235

The comment asserts that fire stations that would respond to fires are not nearby and describes the risks posed to firefighters when extinguishing battery fires. The comment describes various instances where fires have occurred at BESS facilities. The comment is noted and will be shared with decisionmakers. For the CPUC's response to comments regarding the consideration of battery storage alternatives, please refer to Master Response 5.

Response to Comment D-236

The comment asserts that the proposed BESS options will use batteries with chemicals that include compounds that can release hydrogen fluoride and other toxic chemicals, and suggests that if other batteries are used, or there are advances in lithium-ion technologies, a subsequent EIR should be prepared to evaluate any new impacts. For the CPUC's response to comments regarding the consideration of battery storage alternatives, please refer to Master Response 5. Please also refer to Response to Comment D-154 regarding potential future CEQA analyses.

Response to Comment D-237

The comment asserts that the EIR fails to support battery composition with material safety data sheets from potential battery suppliers, and fails to indicate the relative amounts of each compound present in the battery, or to confirm that no other chemicals were present. The comment also provides a quotation from a letter between Tesla and the Arizona Corporation Commission regarding the term "lithium-ion batteries." Because a specific technology has not been selected, and that selection may not occur for several years, providing specific chemical compositions would be speculative, which contravenes the direction of CEQA Guidelines Section 15145. For the CPUC's response to comments regarding the consideration of battery storage alternatives, please refer to Master Response 5.

Response to Comment D-238

The comment argues that a fire associated with a BESS would likely result in significant health impacts to nearby residents, as well as workers at the adjacent shopping mall in Alternative BS-3, and that the EIR fails as an informational document under CEQA because it does not evaluate such impacts. For the CPUC's response to comments regarding the consideration of battery storage alternatives, please refer to Master Response 5.

Response to Comment D-239

The comment asserts that potential adverse impacts to people and the environment as a result of materials volatilized (e.g., cobalt, nickel, copper, aluminum, and manganese) during fires are not disclosed. As noted above, the EIR acknowledges potential risks associated with lithium-ion batteries and states that BESS installations, "could pose a hazard to fire fighters and other first responders due to their chemical components." (FEIR, Volume 1, p. 4.9-39). For the CPUC's

response to comments regarding the consideration of battery storage alternatives, please refer to Master Response 5.

Response to Comment D-240

The comment argues that the EIR fails as an informational document under CEQA for failing to disclose and evaluate the risk and consequences of explosions and fires at the proposed BESS alternatives. For the CPUC's response to comments regarding the consideration of battery storage alternatives, please refer to Master Response 5.

Response to Comment D-241

The comment asserts that all BESS technologies will have significant impacts and that the EIR must be revised to disclose their impacts, or a future EIR must be prepared to evaluate these impacts when the battery technology is selected, given proximity to sensitive receptors, and calls for EIR revision and recirculation. For the CPUC's response to comments regarding the consideration of battery storage alternatives, and why revision and recirculation is unwarranted, please refer to Master Response 5.

Response to Comment D-242

This comment asserts that the EIR did not disclose significant impacts that are associated with flow batteries. This comment also provides information from a report on flow batteries, describing potential hazards and concerns. For the CPUC's response to comments regarding the consideration of battery storage alternatives, please refer Master Response 5.

Response to Comment D-243

This comment describes a concern that accidents may occur during battery storage, handling, and transportation to the site resulting in impacts to the natural environmental or human health and safety. Transportation of batteries is subject to federal regulations, including 49 CFR § 172, which includes various labeling and placarding and other requirements, and specifies that persons offering transportation in commerce of materials addressed shall develop and adhere to a transportation security plan for hazardous materials that conforms to specified standards. Additionally, 49 CFR § 173 includes marking/labeling requirements for regulated road and rail shipments of hazardous materials, including lithium-ion cells and batteries. The Applicants and their contractors would be subject to federal regulations if Alternatives BS-2 and BS-3 were to move forward to implementation. For CPUC's response to comments regarding the consideration of battery storage alternatives, please refer to Master Response 5.

Response to Comment D-244

This comment states that the proposed BESS alternatives are very close to sensitive receptors, which the commenter asserts, without citation, would require a "formal risk and upset analysis to estimate public health and property damage risk." As noted above, property damage is not typically considered within the scope of an EIR's environmental analysis under CEQA. The comment also provides quotations from the ASR regarding the potential fire risk associated with BESSs, and argues that the proximity of potential BESS sites to sensitive receptors should disqualify the sites from consideration. For the CPUC's response to comments regarding the consideration of battery storage alternatives, please refer to Master Response 5.

Response to Comment D-245

This comment provides maps to show the proximity of sensitive receptors to various potential BESS site locations. This comment argues that despite numerous nearby sensitive receptors, the EIR filed to analyze impacts of accidents. For the CPUC's response to comments regarding the consideration of battery storage alternatives, please refer to Master Response 5.

Response to Comment D-246

This comment asserts that the EIR fails to mention the hazards associated with flow batteries, which the commenter argues would include large tanks of electrolytes that could be released into the environment in an accident. For the CPUC's response to comments regarding the consideration of battery storage alternatives, please refer Master Response 5.

Response to Comment D-247

This comment provides excerpts from the EIR that indicate that the BESSs have elevated fire risk. The comment references the "PEA," but it appears the intended reference was the Alternative Screening Report (ASR), where the allegedly "unsupported assertions" regarding fire risk are located. The comment reiterates the commenter's contention that the EIR fails to evaluate the impacts of BESSs, and also argues that reference to local codes and requirements as mitigating factors with respect to potential fire risk is improper. For the CPUC's response to comments regarding the consideration of battery storage alternatives, please refer to Master Response 5.

Response to Comment D-248

This comment argues that although the EIR recognized some hazards of BESSs, the EIR fails to actually analyze these hazards, which should be done in a risk of upset analysis. The comment reiterates the commenter's contentions described in previous comments that a risk of upset analysis is required and, given the proximity of BESS sites to sensitive receptors under Alternatives BS-2 and BS-3, an accident at the facilities could result in property damage, health impacts from toxic chemicals, and mortality. For the CPUC's response to comments regarding the consideration of battery storage alternatives, please refer to Master Response 5.

Response to Comment D-249

This comment discusses the potential for impacts associated with battery transportation to the site, and the storage, recycling, and disposal of batteries. As described in Response to Comment D-243, transportation of batteries is subject to federal regulations which impose various labeling and placarding and other requirements, and specifies that persons offering transportation in commerce of materials addressed shall develop and adhere to a transportation security plan for hazardous materials that conforms to specified standards. Please refer to Response to Comment D-243 for more information. Additionally, for the CPUC's response to comments regarding the consideration of battery storage alternatives, please refer to Master Response 5.

Response to Comment D-250

This comment discusses the potential for impacts associated with battery transportation to the site and the handling of batteries. The comment also argues that the potential for accidents during transportation of batteries should be included in the discussion of significant irreversible environmental changes. As described in Response to Comment D-243, transportation of

batteries is subject to federal regulations which impose various labeling and placarding and other requirements, and specifies that persons offering transportation in commerce of materials addressed shall develop and adhere to a transportation security plan for hazardous materials that conforms to specified standards. Please refer to Response to Comment D-243 for more information. Additionally, for the CPUC's response to comments regarding the consideration of battery storage alternatives, please refer to Master Response 5.

Response to Comment D-251

The commenters asserts that the EIR omitted allegedly major sources of GHG emissions (the operation of BESS facilities), which when included in the calculations, the commenter argues, would indicate that GHG impacts are significant. For the CPUC's response to comments regarding GHG emissions, refer to Master Response 16.

Response to Comment D-252

The commenter asserts that the EIR fails to support the SF6 emissions estimates and omits the operational emissions from helicopters and charging of the BESSs. For the CPUC's response to comments regarding GHG emissions, refer to Master Response 16. Additionally, for the CPUC's response to comments regarding emissions from BESSs, refer to Master Response 17. For specific discussion of sulfur hexafluoride, please also refer to Responses to Comments D-27 and D-28.

Response to Comment D-253

The commenter notes that the EIR reports 96 metric ton (MT) carbon dioxide equivalent (CO_2e) per year (CO_2e /yr) from SF6 and asserts that the support for this calculation is in Appendix C of the PEA, rather than Appendix C of the EIR. For the CPUC's response to comments regarding GHG emissions, refer to Master Response 16. For specific discussion of SF6, please also refer to Responses to Comments D-27 and D-28.

Response to Comment D-254

The commenter describes that helicopters may be used during Proposed Project operation to inspect power line segments and structures and for nesting bird surveys. The comment asserts that the EIR did not include any GHG emissions estimates from the use of helicopters during operation. Helicopter emissions during construction were estimated using methods recommended by the FAA, consistent with the FAA's Aviation Environmental Design Tool (AEDT version 3c). (Refer to Master Response 11.) For the CPUC's response to comments regarding GHG emissions, refer to Master Response 16.

Response to Comment D-255

The commenter states the EIR did not evaluate emissions from charging of BESS facilities and operation of the BESS's ancillary equipment. The commenter argues that these emissions are significant and unmitigated. The commenter additionally argues:

- There is no information on what source of energy generation will be used to charge the BESS nor what source of energy generation will be displaced when the BESS are discharging.

- The EIR fails to provide key information required to estimate charging emissions including battery storage efficiency and expected energy out of the batteries.

The commenter presents information from existing energy storage projects combined with emissions from a specific combined cycle gas plant to project an estimate of GHG emissions from BESS. The commenter provides emission estimates for indirect NOx emissions associated with the BESS.

For the CPUC's response to comments regarding GHG emissions, refer to Master Response 16. For the CPUC's response to comments on emissions associated with BESSs, refer to Master Response 17.

Response to Comment D-256

Please refer to Response to Comment D-255.

Response to Comment D-257

Please refer to Response to Comment D-255.

Response to Comment D-258

Please refer to Response to Comment D-255.

Response to Comment D-259

Please refer to Response to Comment D-255.

Response to Comment D-260

Please refer to Response to Comment D-255.

Response to Comment D-261

Please refer to Response to Comment D-255.

Response to Comment D-262

Please refer to Response to Comment D-255.

Response to Comment D-263

Please refer to Response to Comment D-255.

Response to Comment D-264

Please refer to Response to Comment D-255.

Response to Comment D-265

The commenter argues that the EIR's significance threshold of 10,000 MT CO2e/yr is not appropriate and suggests alternative thresholds from other air districts ranging from 1,100 to 1,150 MT CO2e/yr. The commenter uses their estimates of GHG emissions and their suggested threshold to conclude that GHG emissions would be significant and can be mitigated by requiring that the Project's batteries (again, apparently assuming that the Proposed Project

would include batteries when these are actually considered under Alternatives BS-2 and BS-3) be charged only with renewable sources. For the CPUC's response to comments regarding GHG emissions, refer to Master Response 16. As discussed in the EIR on page 4.8-6 (refer to Volume 1 of this FEIR), the SLOCAPCD has established thresholds of significance for GHG emissions, including a threshold of 10,000 MT CO2e along with several other air districts in California. The lower thresholds referenced by the commenter are for residential and commercial projects rather than industrial projects. Furthermore, the Proposed Project is being proposed by electric power entities that are subject to California's Greenhouse Gas Mandatory Reporting Regulation (MRR) and Cap-and Trade Regulation, the appropriate threshold of significance is 10,000 metric tons of CO_2e per year. This is the threshold for reporting of GHG emissions under the MRR, if not a specifically-covered entity. Under the Cap-and-Trade Regulation, entities must provide allowances for all GHG emissions reported either through free allowances allocated to the entity or through purchase of available offsets by auction. The Cap-and-Trade Regulation is a key strategy for California to achieve the goals outlined in Senate Bill (SB) 32. Thus, by complying with the Cap-and-Trade Regulation and regulations regarding GIS, the Proposed Project's emission sources are on track to achieve their share of SB 32 goals.

Response to Comment D-266

Please refer to Response to Comment D-265.

Response to Comment D-267

Please refer to Response to Comment D-265.

Response to Comment D-268

The commenter suggests that the Proposed Project be modified to require no net increase in GHG emissions over baseline by implementing various measures to reduce GHG emissions, including GHG offsets and charging restrictions of BESSs. Please note that this suggested course of action, no net increase in GHG emissions, requests for a different threshold of significance than the commenter previously advocated for in Comments D-265. For more information on how the CPUC developed its threshold of significance, please refer to Response to Comment D-265. Because the impact to GHG generation has been determined less than significant, requiring mitigation for no impact would be unnecessary and unconstitutional. For the CPUC's response to comments related to consideration of battery storage alternatives, GHG emissions estimates, and emissions from BESSs, please refer to Master Responses 5, 16, and 17.

Response to Comment D-269

The comment summarizes the Proposed Project components and the purpose of the Proposed Project. In addition, the comment asserts generally that the EIR does not disclose or adequately mitigate certain impacts of the Proposed Project. The commenter's specific contentions with the EIR's analysis are responded to in subsequent responses to comments, where the specific information appears in the comment letter.

Response to Comment D-270

The comment summarizes comments received during the scoping period, including many comments asking that the transmission lines be placed underground. The comment also expresses concern that the EIR failed to "evaluate or adopt" undergrounding alternatives. The

EIR evaluates undergrounding alternatives in detail. Alternatives PLR-3A and PLR-3B (Strategic Undergrounding) are analyzed throughout the document, in substantial detail. Each resource section in the EIR contains an evaluation of the potential impacts of the potential resource impacts of these specific alternatives. Alternative Combination #1 (Proposed Project with Undergrounding) is further evaluated and summarized in Chapter 5, *Alternatives Analysis Summary and Comparison of Alternatives* (refer to Volume 1 of this FEIR).

The EIR does not "adopt" either the Proposed Project or any of its alternatives. Rather, it analyzes several alternatives for review by the public and the lead agency. At this time, the CPUC has not approved, nor denied approval for, construction of the Proposed Project or any of the other alternatives included in the EIR.

Response to Comment D-271

The comment again expresses concern that the EIR "failed to adopt" Alternatives PLR-3A or PLR-3B (Strategic Undergrounding) because the commenter argues that these alternatives would reduce certain significant impacts. As described in Response to Comment D-270, it is not the purpose of an EIR to "choose" or "adopt" either the Proposed Project or any of its alternatives. The commenter appears to be misinterpreting the requirements of CEQA and the purpose of an EIR.

In addition, the comment expresses concern that Alternative #2 (Estrella Route), which was identified as the environmentally superior alternative in the EIR, does not include any undergrounding. The comment also expresses concern that although Alternative #2 reduces significant aesthetic and biology impacts, it does not eliminate them. CEQA requires mitigation only for significant impacts. CEQA does not require that mitigation be incorporated for the less than significant impacts of a project, or that impacts be completely eliminated. The EIR found that the 70 kV power line under Alternative Combination #2 would not have any significant impacts to aesthetics or biology, after mitigation is incorporated, and that, on balance, this alternative combination offers the most advantages and least drawbacks, in terms of significant environmental impacts, among the Proposed Project and other alternative combinations (FEIR, Volume 1, pages 5-13 to 5-14). The comment does not include substantial evidence that the mitigation measures in the DEIR are inadequate.

The comment also expresses concern that Alternative Combination #2 does not mitigate EMF health impacts. For the CPUC's response to comments related to EMF, please refer to Master Response 2.

Response to Comment D-272

This comment argues that the EIR fails to disclose many impacts of the aboveground 70 kV power line and that it fails to adequately mitigate the impacts that it did disclose, specifically pointing to fire, aesthetic, and biological impacts. The comment also argues that the entire 70 kV power line should be undergrounded. This comment is noted and will be shared with the CPUC's decisionmakers. The comment does not provide any specific critiques of the EIR's mitigation measures or impact analysis for the Proposed Project or alternatives with respect to aesthetics and biological resources, other than to say that they are inadequate. For the CPUC's response to comments related to fire risk from power lines, please refer to Master Response 4.

Response to Comment D-273

This comment argues that there are numerous hazards from aboveground transmission lines, that the commenter alleges the EIR has either failed to disclose or failed to adequately analyze and mitigate. The comment again raises generally "aesthetic, biological, and fire impacts." The comment also lists worker accidents, health impacts from EMF, and power outages from high winds. The commenter elaborates on their concerns in Comments D-274 through D-282, which are responded to in greater detail in the responses to each of these comments, below.

Response to Comment D-274

The comment states that the Proposed Project will create increased wildfire risks. The comment provides information regarding fires that have occurred in San Luis Obispo County and the United States Forest Service closing national forests due to extreme heat and threat of wildfires. For the CPUC's response to comments related to increased fire risk from overhead transmission lines, please refer to Master Response 4.

Response to Comment D-275

The comment argues that maintenance of vegetation near the Proposed Project would not minimize fire risks. For the CPUC's response to comments related to increased fire risk from overhead transmission lines, please refer to Master Response 4.

Response to Comment D-276

The comment argues that wildfires caused by electrical infrastructure can be catastrophic. For the CPUC's response to comments related to increased fire risk from overhead transmission lines, please refer to Master Response 4.

Response to Comment D-277

The comment cites statistics related to wildfires caused by PG&E transmission lines. The comment is noted and will be shared with the CPUC's decisionmakers. Please refer to Master Response 4.

Response to Comment D-278

The comment states that the most current PG&E Wildfire Mitigation Plan should be required as mitigation for the Proposed Project. The EIR did not identify a significant impact related to wildfire hazard or risk (e.g., Impacts HAZ-7, WF-2, WF-3, and WF-4) for the Proposed Project; therefore, imposition of mitigation would not be appropriate. Additionally, PG&E's Wildfire Mitigation Plan will need to be implemented by law regardless of the Proposed Project. Thus, such a mitigation measure would be unnecessary. For the CPUC's response to comments related to increased fire risk from overhead transmission lines, please refer to Master Response 4.

Response to Comment D-279

The comment expresses concern that the EIR does not provide an analysis of the safety of electrical transmission line workers and installers. CEQA requires that an EIR provide an identification and analysis of the "significant effects of the Proposed Project on the environment." (PRC § 15126.2.) Generally, the workers involved with construction and operations of a project are considered part of a project, rather than part of the existing

environmental baseline for the purposes of CEQA analysis. While the comment asserts generally that working on electrical lines may be dangerous, the comment does not introduce any substantial evidence that the Proposed Project would have a significant, unidentified impact on the environment.

Response to Comment D-280

The comment provides statistics related to injuries among electrical power line installers and repairers generally. The comment is noted and will be shared with the CPUC's decisionmakers. Please refer to Response to Comment D-279.

Response to Comment D-281

The comment asserts that the EIR fails to discuss EMF and their impacts on sensitive receptors and fails to comply with the CPUC Design Guidelines. For the CPUC's response to comments related to EMF, refer to Master Response 2. Please note that consideration of compliance with the CPUC's Design Guidelines is not the subject of the CEQA analysis but is considered in the review of the application as part of the formal proceeding.

Response to Comment D-282

The comment asserts that significant public health impacts have been consistently documented from exposure to EMF and references journal articles. The comment is noted and will be shared with the CPUC's decisionmakers. For the CPUC's response to comments related to EMF, refer to Master Response 2.

Response to Comment D-283

The comment cites and summarizes articles and reports that argue generally for undergrounding of power lines. The comment is noted and will be shared with the CPUC's decisionmakers. For the CPUC's response to comments related to EMF, refer to Master Response 2. For the CPUC's response to comments related to consideration of alternatives, including undergrounding, refer to Master Response 8.

Response to Comment D-284

The comment states generally that costs of burying power lines must be weighed against benefits. The comment is noted and will be shared with the CPUC's decisionmakers. It does not address substantive contents of the EIR, but rather considerations that may be made by decisionmakers, in addition to the information in the FEIR, and no further response is necessary.

Response to Comment D-285

The comment expresses concern that the EIR does not "adopt" the alternative that includes undergrounding the transmission line (i.e., Alternative PLR-3). Please refer to Response to Comment D-271.

In addition, the comment states that pursuant to Public Utilities Code (PUC) Section 320, electric utilities within 1,000 feet of a State Scenic Highway must be undergrounded, and expresses concern that the EIR "ignores" this requirement. In response to this portion of the comment, as explained in the EIR, Highway 46 is not a designated State Scenic Highway but a highway that is

eligible for listing as a State Scenic Highway, so this requirement would not apply (FEIR, Volume 1, p. 4.1-39.).

Even if State Route 46 were an officially designated State Scenic Highway, PUC Section 320 states that undergrounding of future electric and communication lines should be implemented "whenever feasible and not inconsistent with sound environmental planning." (PUC § 320, emphasis added.) In addition, the transmission lines that would be installed near Highway 46 associated with the reconductoring segment would not be new construction, but instead would replace existing transmission lines. The CPUC's policy for replacement of power lines makes clear that "when repairs or replacement of existing overhead facilities in the same location do not significantly alter the visual impact of the Scenic Highway, they should not be considered as new construction and need not be converted to underground." (CPUC, 1974.) However, again, the commenter is reminded that State Route 46 is not officially designated as a State Scenic Highway, so PUC Section 320 does not apply in this case.

Response to Comment D-286

The comment states generally that undergrounding "eliminates electrocution and collision hazards for people, rodents, squirrels, and birds, and eliminates fire risk from arcing lines during windy conditions." The comment is noted and will be shared with the CPUC's decisionmakers. It does not address substantive contents of the EIR, and no further response is necessary. The commenter is referred to the analyses of biological impacts, hazards, transportation, and wildfire severity in Sections 4.4, 4.9, 4.17, and 4.20 of Volume 1 of the FEIR, respectively.

Response to Comment D-287

The comment states generally that underground transmission lines are more reliable as they are not impacted by atmospheric conditions. The comment is noted and will be shared with the CPUC's decisionmakers. It does not address substantive contents of the EIR, and no further response is necessary. For the CPUC's response to comments related to consideration of alternatives, including undergrounding, refer to Master Response 8.

Response to Comment D-288

The comment states generally that underground transmission lines "provide better voltage support, have lower transmission losses, and can absorb emergency power loads." The comment is noted and will be shared with the CPUC's decisionmakers. It does not address substantive contents of the EIR, and no further response is necessary. For CPUC's response to comments related to consideration of alternatives, including undergrounding, refer to Master Response 8.

Response to Comment D-289

The comment states generally that undergrounding of transmission lines reduces operating costs. The comment is noted and will be shared with the CPUC's decisionmakers. It does not address substantive contents of the EIR, and no further response is necessary. For the CPUC's response to comments related to consideration of alternatives, including undergrounding, refer to Master Response 8.

Response to Comment D-290

The comment states generally that undergrounding eliminates risk from human activities and natural disasters. The comment is noted and will be shared with the CPUC's decisionmakers. It does not address substantive contents of the EIR, and no further response is necessary. For the CPUC's response to comments related to consideration of alternatives, including undergrounding, refer to Master Response 8.

Response to Comment D-291

The comment states generally that underground transmission lines are safer in relation to fires. The comment is noted and will be shared with the CPUC's decisionmakers. It does not address substantive contents of the EIR, and no further response is necessary. For the CPUC's response to comments related to consideration of alternatives, including undergrounding, refer to Master Response 8.

Response to Comment D-292

The comment states generally that underground lines do not lower adjacent property values. The comment is noted and will be shared with the CPUC's decisionmakers. It does not address substantive contents of the EIR, and no further response is necessary. For the CPUC's response to comments related to consideration of alternatives, including undergrounding, refer to Master Response 8. For the CPUC's response to comments related to property values, refer to Master Response 7.

Response to Comment D-293

The comment states generally that undergrounding "reduces the area required around the line." The comment does not specify what aspect of "area around the line" would be reduced. The comment does not address substantive contents of the EIR, and no further response is necessary. For the CPUC's response to comments related to consideration of alternatives, including undergrounding, refer to Master Response 8.

Response to Comment D-294

The comment states generally that undergrounding reduces concerns regarding the use of fire retardants around overhead transmission lines. The comment does not specify whose concerns are referenced, or the nature of such concerns. The comment does not address substantive contents of the EIR, and no further response is necessary. For the CPUC's response to comments related to consideration of alternatives, including undergrounding, refer to Master Response 8.

Response to Comment D-295

The comment states generally that undergrounding is feasible and cost effective, citing undergrounding projects in other parts of California. The comment is noted and will be shared with the CPUC's decisionmakers. It does not address substantive contents of the EIR, and no further response is necessary. For the CPUC's response to comments related to consideration of alternatives, including undergrounding, refer to Master Response 8.

Response to Comment D-296

The comment states that undergrounding the entire transmission line for the Proposed Project is feasible. The comment does not provide substantial evidence related to the Proposed Project that would support this conclusion. Rather, the commenter provides general information regarding undergrounding and other undergrounding projects around the state and country.

In addition, the comment expresses concern that the EIR does not provide substantial evidence of the infeasibility of undergrounding the entire transmission line. The EIR did not examine any alternative that included undergrounding the entire 70 kV line. Please refer to Response to Comment D-32.

The comment also asserts that undergrounding of the transmission line mitigates significant impacts of the Proposed Project. Please refer to Response to Comment D-32. For the CPUC's response to comments related to consideration of alternatives, including undergrounding, refer to Master Response 8.

Response to Comment D-297

The comment seems to claim that undergrounding "in the selected location" (presumably the location of the alignments under Alternative PLR-3) would increase public health impacts related to air pollutant emissions and cancer risk, as described previously in the comment letter. The comment suggests implementation of the commenter's proposed mitigation measures related to air pollutant emissions. For the CPUC's response to comments related to the EIR's air quality mitigation measures, please refer to Master Response 13.

Response to Comment D-298

This comment begins Exhibit B to the comment letter, which is the detailed comments of Scott Cashen. The comment summarizes the Proposed Project and describes the commenter's background and experience. The comment is noted and will be shared with the CPUC's decisionmakers.

Response to Comment D-299

The comment asserts that the Project Description in the EIR does not provide a clear description of the vegetation management activities that would be implemented to comply with CPUC G.O. 95 and the Proposed Project Applicants' wildfire mitigation plans. For the CPUC's response to these points, please refer to Response to Comment D-15.

Response to Comment D-300

The comment includes a paragraph from PG&E's Wildfire Mitigation Plan and states that the CPUC and Applicants need to clarify whether a fuel reduction program would (or might) be implemented as part of the Proposed Project. Please refer to Response to Comment D-77.

Response to Comment D-301

The comment states that robust information on golden eagle nest territories and important eagle-use areas is critical to assessing impacts of the Proposed Project and various alternatives. The comment provides a quotation from the EIR regarding the presence of eagle nests and sightings of eagles in the Proposed Project and alternatives vicinity. The commenter's specific

contentions with each of the project components or measures listed in the comment are addressed in Response to Comments D-302 to D-307, where the specific comments are provided. The comment is noted.

Response to Comment D-302

The comment states that protocol-level surveys for eagle nests were not conducted. Please refer to Response to Comment D-21.

Response to Comment D-303

The comment asserts that Figure 4.4-5 in the EIR does not distinguish between active and inactive nests. Please refer to Response to Comment D-23.

Response to Comment D-304

The comment requests an explanation on the methods that were used to confirm a nest was inactive, and to identify the years each nest was last surveyed to determine its status. Please refer to GANDA's July 2020 *Golden Eagle and Raptor Survey Memo* located in Appendix D within Volume 2 of the FEIR, and Response to Comment D-23.

Response to Comment D-305

The comment requests clarification on whether the information provided in the EIR includes CNDDB unprocessed data that can be obtained by contacting CNDDB staff and the USFWS. Please refer to Response to Comment D-24.

Response to Comment D-306

The comment requests clarification as to why the EIR suggests that there have not been sightings of golden eagles within the Paso Robles city limits since 2015. Please refer to Response to Comment D-25.

Response to Comment D-307

The comment requests information on any protocol-level eagle nest surveys that have been conducted within two miles of the Proposed Project and various alternatives. Please refer to Response to Comment D-21.

Response to Comment D-308

The comment provides a quotation from the EIR regarding potential impacts to sensitive natural communities. The comment then asserts that the EIR did not provide substantial evidence that the Proposed Project would avoid riparian habitats and that temporary impacts would be restored. Please refer to Responses to Comments D-73 and D-74.

Response to Comment D-309

The comment asserts that the EIR is not accurate in stating that permanent impacts to oak trees would be limited to removal of "up to three oak trees." Please refer to Response to Comment D-75.

Response to Comment D-310

The comment states that Figure 3-7 in the EIR, which depicts numerous locations along the reconductoring segment for Alternative PLR-1A that would require "oak tree trimming/removal," is inconsistent with the statement that permanent impacts to oak trees for the Proposed Project would be limited to removal of "up to three oak trees." Please refer to Response to Comment D-75.

Response to Comment D-311

The comment asserts that the EIR does not appear to account for tree removal activities associated with implementation of G.O. 95. Please refer to Response to Comment D-75.

Response to Comment D-312

The comment asserts that the EIR does not appear to account for tree removal or mortality in the Proposed Project's temporary impact areas. Please refer to Response to Comment D-75.

Response to Comment D-313

The comment asserts that the EIR failed to analyze how construction activities would affect oak trees and the long-term viability of the blue oak woodland. The comment also asserts that temporary construction activities described in the EIR are likely to cause permanent impacts to oak trees associated with the oak woodland community. As stated in Mitigation Measure BIO-4 in Section 4.4.4, "Impact Analysis," within Section 4.4, "Biological Resources," in Volume 1 of the FEIR, oak trees in construction work areas shall be safeguarded by implementing the conditions stated in the City of Paso Robles's Oak Tree Ordinance, Section 10.01.090. The conditions in the ordinance include documentation of any damages to oak trees, and tree protection fences that will be installed to prevent compaction and injury to a tree's surface roots. Section 10.01.090 of the ordinance also states that any construction activities that result in damage to an oak tree shall be immediately reported to the director; however, Mitigation Measure BIO-4 will require that such reporting also be made to the CPUC. The Proposed Project Applicants will be responsible for correcting any damage to the oak trees. These aspects of Mitigation Measure BIO-4 have been clarified in the FEIR, as described below.

First, in response to this comment, the text in Section 4.4, "Biological Resources," page 4.4-57, in Volume 1 of the FEIR, has been revised to further describe how construction activities would affect oak trees. The revised text is provided in Chapter 4, *Revisions to the DEIR,* and in Volume 1 of the FEIR, and is shown below.

> Further, approximately 6.41 acres of blue oak woodlands would be temporarily affected from construction activities <u>as a result of project vehicles traveling within construction work areas (including access routes), from the staging of project equipment and/or vehicles traversing work areas, pull sites, and vegetation/plant trimming activities before and after construction.</u>

Additionally, text has been added to Mitigation Measure BIO-4 in Section 4.4, "Biological Resources," pages 4.4-57 to 4.4-58, in Volume 1 of the FEIR, to describe the tree protection measures that would need to be implemented and the reporting requirements for any damage to oak trees that may occur during construction activities. The additional text is provided in Chapter 4, *Revisions to the DEIR,* and in Volume 1 of the FEIR, and is shown below.

Oak trees in construction work areas shall be safeguarded by implementing the conditions stated in the City of Paso Robles's Oak Tree Ordinance, Section 10.01.090. This includes documentation of any damages to oak trees, and tree protection fences that will be installed to prevent compaction and injury to a tree's surface roots. For any damage to an oak tree that may occur during construction activities, the Proposed Project Applicants shall immediately report such incidents to the CPUC, in addition to any reporting to the City that may be done pursuant to Section 10.01.090. The Applicants shall be responsible for correcting any damage to the oak trees.

Response to Comment D-314

The comment claims that the CPUC needs to provide maps that depict the oaks and oak woodland habitat that would be permanently impacted by the Proposed Project. Please refer to Response to Comment D-75.

Response to Comment D-315

The comment requests that the CPUC identify and map the specific project activities that would temporarily impact 6.41 acres of blue oak woodlands. Please refer to Response to Comment D-75.

Response to Comment D-316

The comment requests a rationale for classifying impacts as temporary. Vehicles traveling within construction work areas (including access routes), the staging of project equipment and/or vehicles traversing work areas, and vegetation/plant trimming activities before and after construction are all considered temporary impacts, as they are not anticipated to result in permanent impacts to oaks and oak woodlands.

Response to Comment D-317

The comment requests clarification of the maximum number of oak trees that might be removed as a result of the Proposed Project. Please refer to Response to Comment D-75.

Response to Comment D-318

The comment requests clarification of the extent of impacts associated with implementation of G.O. 95 (and any other vegetation management activities designed to reduce wildfire risk). The extent of vegetation clearing that will result with implementation of G.O. 95 is impossible to determine. G.O. 95 is necessary to maintain vegetation clearances around the poles for safety reasons. Please refer to Response to Comment D-15 for additional discussion.

Response to Comment D-319

The comment states that the EIR fails to quantify the extent of project impacts to habitat types other than blue oak woodlands. The comment claims that this precludes the public's ability to understand the severity of the Proposed Project's direct and indirect impacts on special-status species associated with those habitat types.

Impacts to vegetation communities such as grassland, agricultural, and ruderal communities would not be considered significant and do not need to be quantified in the EIR. The acreage of temporary impacts from the Proposed Project construction activities is provided in Table 2-9 in

Chapter 2, *Project Description,* pages 2-80 to 2-81, in Volume 1 of the FEIR. The acreage of permanent ground disturbance from the Proposed Project components is provided in Table 2-5 in Volume 1 of the FEIR (refer to pages 2-20 to 2-21). The habitat types on and through which the Proposed Project components would be located are described in Section 4.4, "Biological Resources," (refer to discussion of "Land Cover Types and Vegetation Communities" starting on page 4.4-5 in Volume 1 of the FEIR), and more detailed habitat mapping is available in the Applicants' Biological Resources Technical Reports (BRTRs), which are Appendices P and Q to the PEA[7]. Additionally, the footprints of the Proposed Project components and all temporary work areas are shown in Figure 2-7 in Chapter 2, *Project Description,* pages 2-25 to 2-39, in Volume 1 of the FEIR.

In short, the EIR has provided ample information regarding the habitat types that may be affected by the Proposed Project and the acreage of temporary and permanent impacts. As noted above, impacts to the habitat types listed in the comment would not, on their own, be considered significant. While special-status species may use some of these communities as habitat, impacts to these communities would not determine the severity of the impact that the Proposed Project would have on these species.

Response to Comment D-320

The comment asserts that the EIR fails to provide evidence that Crotch's bumble bee nests can be successfully relocated, and fails to explain how notifying and coordinating with CDFW would reduce impacts to less than significant levels; therefore, the comment claims, potentially significant impacts to Crotch's bumble bee remain unmitigated.

Note that, in response to Comments H-101 and J-141, the impact analysis related to Crotch's bumble bee has been revised to clarify that preconstruction surveys would not identify Crotch's bumble bee individuals or nests; additionally, that the Applicants would follow all provisions of CESA in regard to California candidate or listed species, rather than necessarily notifying and coordinating with CDFW regarding any Crotch's bumble bee nests or individuals identified during the course of construction activities. Refer to Chapter 4, *Revisions to the DEIR,* and Volume 1 of the FEIR, for the revised text. Also, note that it would be preliminary and speculative for the EIR to state that a bumble bee nest would be successfully relocated.

The EIR explains that APMs BIO-3 and GEN-1 would reduce potential for impacts to Crotch's bumble bee during construction, which is reasonable given that these measures would provide training to workers regarding recognizing and avoiding impacts to special-status species with potential to occur in the construction area (APM GEN-1) and require that biologists monitor initial ground-disturbing activities in and adjacent to sensitive habitat areas (APM BIO-3), among other things.

[7] Available here: https://ia.cpuc.ca.gov/environment/info/horizonh2o/estrella/docs/Revised_PEAAppendicesOnly_May2017.pdf

Response to Comment D-321

The comment describes the aspects of the Proposed Project and mitigation measures that would reduce impacts on eagles and other special-status bird species, as described in the EIR. The comment then asserts that the listed measures will not ensure that avian collisions and electrocutions are mitigated to less than significant levels. The commenter's specific contentions with each of the project components or measures listed in the comment are addressed in Response to Comments D-322 to D-328, where the specific comments are provided.

Response to Comment D-322

The comment states that there is no evidence that specular conductors reduce avian collisions, and that, even if specular conductors do reduce avian collisions, their efficacy as a mitigation measure would be short-lived. Installation of specular conductors is not a mitigation measure, but is an aspect of the Proposed Project that would serve to reduce potential for avian collisions, as described in the EIR. The EIR includes other avian protection measures in Mitigation Measure BIO-3 to help reduce avian collisions; thus, installation of specular conductors is not the only means by which potential for avian collisions with the 70 kV power line would be reduced. The CPUC has acknowledged in the EIR that specular conductor transitions to non-specular over the course of a few seasons.

Response to Comment D-323

The comment states that there is no evidence in the EIR to explain how the Avian Protection Plan would help mitigate impacts resulting from avian collisions and electrocutions to less than significant levels. Note that the EIR, in response to comments by PG&E (refer to Comments J-67, J-81, J-83, J-84, J-161, and J-162), has been revised to state that PG&E will implement the company's own Avian Protection Plan, which incorporates relevant raptor-safe construction guidelines found in APLIC's and USFWS's 2005 *Avian Protection Plan Guidelines*. As stated in Mitigation Measure BIO-3, PG&E or their contractors would be required to construct all aboveground transmission and power lines to meet applicable APLIC recommendations, as published in the APLIC's 2006 and 2012 publications. Refer to Chapter 4, *Revisions to the DEIR,* and Volumes 1 and 2 of the FEIR, for the revised text.

It is reasonable to assume that constructing facilities in accordance with the referenced guidelines, which were developed in coordination with USFWS, would mitigate potential impacts from the Proposed Project. One of the primary ways in which the Avian Protection Plan would reduce potential electrocution hazards is by spacing of phase conductors, such that large birds would not simultaneously contact two energized parts or an energized part and a grounded part of the electrical equipment. PG&E's Avian Protection Plan is included in Appendix D in Volume 2 of the FEIR.

Response to Comment D-324

The comment states that the EIR does not discuss the efficacy of bird diverters in reducing eagle collisions with power lines. The comment also argues that bird diverters do not eliminate power line collisions, and that bird diverters may not be effective for golden eagles. The CPUC realizes that bird diverters would not completely eliminate power line collisions; however, the installation of bird diverters in conjunction will other measures outlined in Mitigation Measure BIO-3 will help to minimize avian collisions into power lines to the extent possible. The

commenter does not provide alternative measures which would more effectively reduce the potential for collisions of birds with the power lines.

Response to Comment D-325

The comment states that the criteria that would trigger the MRV are vague; specifically, the commenter argues, the EIR fails to explain how "prior observations and the species' nest site fidelity" would be evaluated to determine whether the nest is "expected to be used by golden eagles in future nesting seasons," and thus, whether an MRV is needed. Furthermore, the comment asserts, if the decision to implement an MRV would be based on "prior observations," there is no need for the CPUC to defer decision on the MRV until after CEQA review of the Proposed Project. The comment also states that the EIR does not explain how the proposed MRV would reduce impacts on golden eagles since it would be located adjacent to a relatively isolated and dense strip of oak woodland.

As described in Section 4.4 of Volume 1 on the FEIR, Horizon biologists surveyed the nest, which was reported by the landowners on whose land the nest was located, in 2019. The nest was inactive at the time of the survey, but the property owners reported that the fledglings left the nest 2 to 3 weeks prior (Horizon 2019). During the survey one adult and two juvenile golden eagles were observed flying in the general vicinity of the nest and each periodically perched on a tree about 400 feet northeast of the nest tree. The property owners indicated that the nest was used by golden eagles in 2018 as well (Horizon 2019). A survey subsequently conducted by GANDA in 2020 identified this same nest as being actively used by red-tailed hawks and did not observe any golden eagle individuals in proximity to the nest (GANDA 2020). The memoranda documenting these surveys are included in Appendix D in Volume 2 of the FEIR.

Due to this disagreement amongst the substantive evidence before the CPUC, the MRV was included as an approach to avoid impacts on this nest if the nest should be determined to be in use by eagles in subsequent seasons. As described in Section 4.4, "Biological Resources," page 4.4-54, in Volume 1 of the FEIR, assuming the nest is used by golden eagles, implementation of the MRV would "reduce potential for juvenile eagles to collide with the power line close by the nest, or for eagles associated with the nest to be electrocuted from perching on the nearby power line or supporting structures." The process by which the MRV would be implemented has been clarified in Mitigation Measure BIO-3, on page 4.4-54, in Volume 1 of the FEIR. The additional text in Mitigation Measure BIO-3 is provided in Chapter 4, *Revisions to the DEIR,* and in Volume 1 of the FEIR, and is also shown below. The revisions to Mitigation Measure BIO-3 have also been carried over to Appendix F, *Mitigation Monitoring and Reporting Program,* in Volume 2 of the FEIR.

> <u>PG&E shall implement an MRV (as shown in Figure 2-8 on page 2-39 in Volume 1 of this FEIR) to avoid a potential golden eagle nest along Huer Huero Creek at Union Road if this nest is determined to be occupied or is expected to be used by golden eagles in future nesting seasons (based on prior observations and the species' nest site fidelity). The MRV shall be implemented unless PG&E can demonstrate, to the satisfaction of the CPUC, that the nest in question is not occupied by golden eagles and likely will not be used in future nesting seasons.</u>

A statement has also been inserted into the discussion under Impact BIO-1 in Section 4.4 to indicate that the process for implementation of the MRV is described under Mitigation Measure

BIO-3. This additional text, on page 4.4-47, is provided in Chapter 4, *Revisions to the DEIR,* in Volume 1 of the FEIR, and is shown below.

> If this potential nest is determined to be occupied prior to construction, the Applicants would utilize the MRV to avoid potential impacts to the nest from constructing the new power line in close proximity. The process for implementation of the MRV is described in Mitigation Measure BIO-3.

Although the MRV would route the 70 kV power line closer to a strip of woodland with potential perching locations for eagles, it would avoid the potential eagle nest that is known to be present at this time. Construction of the MRV, if it were to move forward, would be subject to all the same requirements that the Proposed Project 70 kV power line would be, including restrictions on construction work during the nesting bird season (APM BIO-3), preconstruction surveys for eagles and other special-status species (APM BIO-1, Mitigation Measure BIO-1), nest detection surveys for work during the nesting season (APM BIO-2, Mitigation Measure BIO-3), and implementation of buffers for active nests (APM BIO-2, Mitigation Measure BIO-3). These measures would reduce the potential for construction-related impacts to eagles that may utilize the strip of woodland near the MRV alignment.

Additionally, Mitigation Measure BIO-3 would require that the power line structures comprising the MRV are constructed to raptor-safe standards in accordance with APLIC and USFWS guidelines. This would reduce potential for impacts to eagles over the long-term.

Response to Comment D-326

The comment asserts that implementation of the APLIC guidelines would not eliminate the potential for avian collisions and electrocutions, especially with regard to steel structures, and provides information with respect to the golden eagle population. The comment asserts that death or injury of one golden eagle due to the Proposed Project would constitute a significant impact under CEQA, and that take of a golden eagle would violate the Bald and Golden Eagle Protection Act if the Applicants do not first obtain a take permit from USFWS. Section 4.4.4 in Volume 1 of the FEIR (refer to page 4.4-42) states that the Proposed Project Applicants are independently required to comply with the federal and state Endangered Species Acts and similar laws, such as the Bald and Golden Eagle Protection Act. CEQA does not require a lead agency to reach a legal conclusion regarding "take" of an endangered species or compel an agency to demand an applicant to obtain an incidental take permit from another agency (see *Association of Irritated Residents v County of Madera*, 107 Cal.App.4th 1383, 1397 (2003)). In this case, one of the Applicants (PG&E) is currently in the process of working with the USFWS to receive a permit under the Bald and Golden Eagle Protection Act to address work activities in areas within golden eagle territories. This has been added to the list of anticipated permits and approvals in Table 2-11 in Chapter 2, *Project Description,* pages 2-97 to 2-98, in Volume 1 of the FEIR. However, the finding that the Proposed Project would not significantly impact raptors and other avian life is not inconsistent with any requirement to obtain an incidental take permit. APM GEN-1 requires preparation and implementation of a worker environmental awareness program (WEAP) for construction personnel. The WEAP would include training on the avoidance and minimization measures being implemented to protect biological resources during construction; information on federal and state environmental laws and the consequences/penalties for violating these laws (e.g., unauthorized take of a special-status species), and training on recognizing and avoiding sensitive species and habitat. All on-site

construction personnel would be required to attend the training before they begin work on the Proposed Project. Further, PG&E shall implement a MRV, which is shown in Figure 2-8 on page 2-39 in Volume 1 of this FEIR, to avoid a potential golden eagle nest along Huer Huero Creek at Union Road if this nest is determined to be occupied or is expected to be used by golden eagles in future nesting seasons. Mitigation Measures BIO-1 and BIO-3 reduce all potential hazards to special-status birds by requiring implementation of PG&E's 2018 Avian Protection Plan, which incorporates relevant raptor-safe construction guidelines found in APLIC's and USFWS's 2005 Avian Protection Plan Guidelines (refer to Appendix D) as well as other measures, including coordination with USFWS to determine the need for installation of bird diverters in areas near known golden and bald eagle nests to reduce potential impacts to raptors and other avian life from transmission and power line facilities. The above-described APMs, Mitigation Measures BIO-1 and BIO-3, and the MRV would ensure impacts are less than significant.

Response to Comment D-327

The comment asserts that the EIR fails to disclose or analyze how many eagles the Proposed Project might kill (or injure), and it does not require fatality monitoring, nor does it require remedial actions; therefore, the commenter claims, impacts on golden eagle remain potentially significant. The number of eagles that could be killed or injured due to the Proposed Project or alternative components is speculative and unknown at this time. As such, where a project-level determination of impacts would be speculative, consistent with CEQA Guidelines Section 15145, no significance conclusion was provided for this specific aspect of impacts on golden eagles. One of the Proposed Project Applicants (PG&E) is currently in the process of working with the USFWS to receive a permit under the Bald and Golden Eagle Protection Act to address work activities in areas within golden eagle territories. Specific requirements, such as consideration of fatality monitoring and remedial actions, will be addressed in the USFWS take permit process. Overall, with implementation of the above-described APMs, Mitigation Measures BIO-1 and BIO-3, and the MRV, impacts to nesting birds and special-status bird species would be less than significant with mitigation.

Response to Comment D-328

The comment argues that the CPUC should analyze an alternative that involves undergrounding the 70 kV power line along its entire route. Please refer to Response to Comment D-32. The potential impacts to special-status birds and wildfire risk cited by the commenter were not determined to be significant impacts in the EIR, after mitigation is incorporated. Thus, reduction of risks of wildfire and avian impacts is a benefit of Alternative PLR-3, but was not the basis for its development and consideration. Overall, with implementation of the above-described APMs, and Mitigation Measures BIO-1 and BIO-3, and the MRV, impacts to nesting birds and special-status bird species would be less than significant with mitigation.

Response to Comment D-329

The comment states that detection of western spadefoot toad and CRLF requires special survey techniques and that APM BIO-1 and Mitigation Measure BIO-1 do not require those survey techniques, given western spadefoot toads spend the majority of the year below ground, are only detectable during a few weeks (or months) of the year, CRLF seek shelter under objects, and terrestrial movements occur at night. As described in Response to Comment D-83, the USFWS' *Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog* (August 2005) does not provide guidance for upland surveys for CRLF, but rather, it focuses

on site assessments and surveys conducted in and around aquatic and riparian habitat. Based on the conclusions of the site assessments that have been performed to date, there is low probability for CRLF to be present in construction areas. The APMs and mitigation measures listed in the EIR for these species (e.g., APMs BIO-1 and BIO-3, and Mitigation Measure BIO-1) constitute a reasonable and generally accepted manner to identify whether western spadefoot toad and/or CRLF are present before and during construction activities.

Response to Comment D-330

The comment asserts that the EIR does not make a valid assumption that CRLF and western spadefoot toad would be visible to the biological monitor. The commenter also states that neither APM BIO-3 nor Mitigation Measure BIO-1 require installation of an exclusion fence although the EIR references exclusion fencing as a measure that would ensure that CRLF and western spadefoot toad are not present during construction activities. Please refer to Responses to Comments D-83 and D-84. As described therein, the EIR text has been revised to remove mention of exclusion fencing in relation to CRLF and western spadefoot toad. Although orange safety fencing would be installed around sensitive habitat areas, per Mitigation Measure BIO-1, this fencing would not necessarily keep CRLF and/or western spadefoot toad out of an area. Due to the linear portions of the Proposed Project that will extend for 10 miles, it would be impossible to install exclusion fencing around all construction work areas.

Response to Comment D-331

The comment states that mortality to CRLF and western spadefoot toad may occur if mitigation is limited to escape ramps and if trenches are not covered. Please refer to Response to Comment D-85.

Response to Comment D-332

The comment asserts that the EIR does not disclose the issue of invasive weeds, nor does it provide any analysis of potentially significant impacts that could occur as the result of Proposed Project activities that facilitate the colonization or spread of invasive plants. Please refer to Response to Comment D-86.

Response to Comment D-333

The comment asserts that the EIR's biological resource mitigation measures do not address potentially significant cumulative impacts, and the CPUC has no basis for its conclusion that the Proposed Project's contribution to those cumulative impacts would be less than cumulatively considerable. Please refer to Response to Comment D-132.

Response to Comment D-334

The comment claims that the EIR fails to establish standards for the pre-construction survey methods to ensure they are adequate for detection of special-status animals. The comment specifically argues that many special-status species with potential to occur in the Proposed Project area require special survey techniques (e.g., Salinas pocket mouse, legless lizards, eagle nests), while others are generally only detected at night (e.g., bats, western spadefoot) or require multiple, protocol-level surveys. The comment lists species with potential to occur in the Proposed Project area for which USFWS and CDFW have issued survey protocols, including vernal pool fairy shrimp, CRLF, golden eagle, burrowing owl, Swainson's hawk, and San Joaquin

kit fox. Finally, the comment argues that the EIR fails to establish standards for the survey area. Since the standard buffer distance for golden eagle nests quoted in the EIR is 2,640 feet, the comment argues that surveys should extend 2,640 feet from the Proposed Project work areas.

In response to this comment, the EIR has been revised, as described below, to incorporate appropriate pre-construction surveys for burrowing owl, Swainson's hawk and white-tailed kite. For other species, additional surveying outside of what is stated in APM BIO-1 and Mitigation Measure BIO-1 would not be appropriate, necessary, or would be impracticable. For example, live-trapping for Salinas pocket mouse and raking the substrate for legless lizards (as stated in the comment) are not CDFW- and USFWS-identified and approved survey protocols, and would also be impracticable to implement, given the large size of the Proposed Project area. As stated in the EIR (refer to FEIR, Volume 1, page 4.4-44), vernal pools and seasonal wetlands that represent potential habitat for vernal pool fairy shrimp will be avoided; therefore, a survey for vernal pool fairy shrimp is unnecessary.

Site assessments for CRLF were conducted in 2016 and 2019; no CRLF were identified although suitable habitat is present. Both site assessments followed USFWS's *Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog,* issued in 2005. As discussed in Comment D-83, this guidance document does not provide guidance for upland surveys for CRLF, but rather, it focuses on site assessments and surveys conducted in and around aquatic and riparian habitat. Based on the conclusions of the site assessments that have been performed to date, there is low probability for CRLF to be present in construction areas. As explained in Section 4.4 of Volume 1 of the FEIR, a preconstruction survey (APM BIO-1 and Mitigation Measure BIO-1), biological monitoring (APM BIO-3 and Mitigation Measure BIO-1), and protection from work areas (APM BIO-4 and Mitigation BIO-1) will be sufficient for CRLF, western spadefoot toad, bats, American badger, tricolored blackbird and other bird species. In reference to golden eagles, baseline surveys have been conducted in the Proposed Project area. Please refer to Response to Comment D-21. With regard to San Joaquin kit fox, HWT and PG&E will implement the County of San Luis Obispo's standard kit fox mitigation measures, as stated in the EIR.

Regarding CRLF, the text in Table 4.4-1 in Section 4.4, "Biological Resources," page 4.4-17, in Volume 1 of the FEIR, under the heading entitled "Explanation/Discussion" for CRLF, has been revised to note the CRLF site assessment conducted in 2016 as part of the PEA. The revised text is provided in Chapter 4, *Revisions to the DEIR,* and in Volume 1 of the FEIR, and is also shown below.

> Three CNDDB occurrences have been recorded within 5 miles of the Proposed Project, reasonably foreseeable distribution components, and alternatives. A site assessment for CRLF was conducted in November 2016, as described in Appendix Q to the PEA (NEET West and PG&E 2017), during which no CRLF individuals were identified but suitable habitat was documented. Additionally, n~~N~~o CRLF individuals were observed during surveys in 2019 (Horizon 2019b).

Additionally, text has been added to Mitigation Measure BIO-1, subsection b, in Section 4.4, "Biological Resources," page 4.4-49, in Volume 1 of the FEIR, to require special survey techniques for burrowing owl, Swainson's hawks, and white-tailed kite, as part of the pre-construction survey requirements. The additional text is provided in Chapter 4, *Revisions to the*

DEIR, in Volume 1 of the FEIR, and is shown below. The additional text in Mitigation Measure BIO-1 has also been carried over to Appendix F, *Mitigation Monitoring and Reporting Program,* in Volume 2 of the FEIR.

> The pre-construction surveys shall incorporate specialized techniques for burrowing owl in accordance with CDFW's 2012 *Staff Report on Burrowing Owl Mitigation* in areas identified as having suitable habitat for burrowing owl. Additionally, HWT and PG&E shall conduct pre-construction surveys for Swainson's hawks and white-tailed kite based on the Swainson's Hawk Technical Advisory Committee's 2000 *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley.*

Finally, regarding the survey area, APM BIO-2 states: "If work is scheduled during the nesting season (February 1 through August 31), nest detection surveys will correspond with a standard buffer for individual species in accordance with the species-specific buffers set forth in the project proponent's *Nesting Birds: Specific Buffers for PG&E Activities* (included as Appendix E to the PEA), and will occur within 15 days prior to the start of work activities at designated construction areas, staging areas, and landing zones to determine nesting status by a qualified biologist." As noted by the commenter, and indicated in the EIR, the standard buffer distance for golden eagle nests is 2,640 feet (FEIR, Volume 1, page 4.4-47). Per APM BIO-2, the nest detection surveys would correspond with this buffer distance for golden eagle. The intent of Mitigation Measure BIO-1 was to supplement, as needed, the requirements that were already included in the APMs; thus, the requirements of APM BIO-2 would still apply unless superseded by Mitigation Measure BIO-1. In short, the nest detection surveys for golden eagle would still need to be conducted in accordance with the buffer distance in PG&E's guidelines.

Response to Comment D-335

The comment states that some of the special-status species that have potential to occur in the Project area are only detectable during certain times of the year and pre-construction surveys during certain times of the year would fail to reveal any evidence of the species. Please refer to Responses to Comments D-83 and D-334.

Response to Comment D-336

The comment asserts that the EIR fails to ensure adequate mitigation for special-status species that are detected during the pre-construction survey. The EIR ensures implementation of adequate mitigation, which is not deferred. Please refer to Response to Comment D-82.

Response to Comment D-337

The comment states that the EIR fails to identify the criteria that would be used to define "sensitive habitat areas," which the commenter asserts are not equivalent to sensitive natural communities. In response to this comment, the text of Mitigation Measure BIO-1 in Section 4.4, "Biological Resources," page 4.4-50, in Volume 1 of the FEIR, has been revised to provide clarification on sensitive habitat areas. The revised text is provided in Chapter 4, *Revisions to the DEIR,* and in Volume 1 of the FEIR, and is shown below. The revisions to Mitigation Measure BIO-1 are also carried over to Appendix F, *Mitigation Monitoring and Reporting Program,* in Volume 2 of the FEIR.

Areas identified as ~~S~~sensitive habitat areas in the pre-construction survey report, plus a minimum 5-foot buffer for wetlands and waters of the U.S., that will be avoided by construction shall be fenced with orange safety fencing. Habitat areas will be considered sensitive if there are special-status species present, or potentially present, in an area that needs to be avoided in order to prevent disturbance or harm to the species.

Response to Comment D-338

The comment claims that a 5-foot buffer around wetlands and waters of the U.S. would not be sufficient to avoid impacts to species associated with wetlands and other aquatic habitat types. Implementation of APM BIO-3 and Mitigation Measure BIO-1 require biological monitoring within 50 feet of wetlands and waters of the U.S. (note the text of Mitigation Measure BIO-1 was modified in this regard in response to Comment J-150; refer to the revisions in Chapter 4, *Revisions to the DEIR,* and in Volume 1 of the FEIR); biological monitoring within this 50-foot range would help to ensure that impacts to species associated with wetlands and other aquatic habitat types are avoided. Additionally, pre-construction surveys will help to identify any species that may be present in these areas.

Response to Comment D-339

The comment asserts that the EIR fails to require compensatory mitigation for the Project's permanent impacts on habitat types besides blue oak woodland that may support special-status species. The comment also claims that the EIR fails to incorporate restoration of temporarily disturbed areas as an enforceable mitigation measure, and fails to establish performance standards or monitoring requirements for the restoration efforts.

As described in Section 4.4, "Biological Resources," the CPUC's analysis did not find that impacts to grasslands or other habitat types affected by the Proposed Project (other than those to blue oak woodland) would be significant. Therefore, mitigation for impacts on those habitat types is not warranted under CEQA. The relevant threshold of significance from Section 4.4 of Volume 1 of the FEIR reads the Proposed Project, reasonably foreseeable distribution components, and alternatives would result in a significant impact to biological resources if they would "have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by CDFW or USFWS." Blue oak woodland was the only such habitat type that would be impacted by the Proposed Project that was identified. Thus, impacts to the other habitat types were not significant based on this significance criterion. Whether such habitat types could support special-status species is not the standard used in the EIR, as derived from CEQA Guidelines Appendix G. Please note that other thresholds of significance included in Section 4.4 of Volume 1 of the FEIR address impacts to special status species.

With respect to restoration of temporarily impacted areas from Proposed Project construction, the passage quoted by the commenter (included in FEIR, Volume 1, page 2-89) is a part of the Proposed Project and is, therefore, enforceable by the CPUC, if the Proposed Project is ordered by the CPUC. Restoration of agricultural lands temporarily impacted by the Proposed Project is further governed by Mitigation Measure AG-2. Part of the CPUC's oversight during Project implementation will be to ensure that the Proposed Project is constructed and implemented in accordance with the approved Project Description.

A detailed Mitigation Monitoring, Compliance, and Reporting Program (MMCRP) would be developed, as described in Appendix F in Volume 1 of the FEIR. The MMCRP would be the mechanism for CPUC implementation of the MMRP and would incorporate the MMRP summary table (Table F-1). The MMCRP would be the basis for the CPUC's environmental monitoring and reporting activities throughout project construction, including during site rehabilitation and restoration after construction is completed. It would detail how and when the mitigation measures would be implemented. The MMCRP would also identify duties and responsibilities of the various parties, communication protocols to follow, and record management requirements. The MMCRP would be adopted after consideration of the FEIR instituted prior to any notices to proceed being issued or the initiation of any construction.

Response to Comment D-340

The comment asserts that a mortality hazard to wildlife associated with open pipes described in the EIR is not limited to pipes 4 inches or greater in diameter. Therefore, the comment alleges, APM BIO-4 does not ensure avoidance of potentially significant levels of mortality associated with open pipes.

In response to this comment, the text of Mitigation Measure BIO-1 in Section 4.4, "Biological Resources," page 4.4-51, in Volume 1 of the FEIR, has been revised to state that all open-ended project-related pipes will be capped or inspected. This will supersede the requirement in APM BIO-4 that limits the protective measures to open-ended pipes greater than 4 inches in diameter. The revised text is provided in Chapter 4, *Revisions to the DEIR,* and in Volume 1 of the FEIR, and is also shown below (note that revisions to the preceding sentence regarding escape ramps were made in response to Comment J-271, but are shown here for context). The revisions to Mitigation Measure BIO-1 have also been carried over to Appendix F, *Mitigation Monitoring and Reporting Program,* in Volume 2 of the FEIR.

> Excavations shall provide an earthen ramp <u>(where feasible) and, if not, wood planks or escape ramps</u> to allow for a wildlife escape route. <u>All open-ended project-related pipes (not dependent on diameter size) will be capped if left overnight or inspected for wildlife prior to being moved.</u>

Response to Comment D-341

The comment states that there are no CDFW-approved mitigation banks in San Luis Obispo County that sell credits for special-status plants; that Mitigation Measure BIO-2 does not provide any information on potential mitigation sites, and that the EIR fails to establish a conservation easement, funding mechanism, and a management mechanism to appropriately manage a mitigation site. As specified in Mitigation Measure BIO-2 in the EIR (refer to page 4.4-52 in Volume 1 of the FEIR), if purchasing credits at a mitigation bank is not feasible, a CPUC-approved salvage and relocation plan will be prepared that will provide details on the specific methods for salvage, stockpiling, and replanting, plant population monitoring depending on the species, invasive weed control, as well as the characteristics of the receiver sites.

Note that the text of Mitigation Measure BIO-2 has been revised in response to Comment J-158. This includes removing requirements for CDFW approval (CPUC would be the only entity with approval authority) and removing specific language regarding plant population monitoring, since such monitoring requirements would depend on the specific species impacted and would be

included in the salvage and relocation plan. Refer to Response to Comment J-158 for discussion and see the revisions provided in Chapter 4, *Revisions to the DEIR,* and in Volume 1 of the FEIR.

Response to Comment D-342

The comment states that it is unclear whether the 1:1 mitigation ratio proposed in Mitigation Measure BIO-2 would be based on the acreage impacted or number of plants impacted. The comment also asserts that the success criteria for the mitigation of special-status plant species is inappropriate, and that Mitigation Measure BIO-2 is unclear. If the Applicant(s) choose to purchase credits at a mitigation bank, credits will be purchased at a 1:1 ratio, meaning that for every acre of land that is impacted that contains special-status plants, one credit at the mitigation bank will be purchased. If the Applicant(s) transplants perennial species, the success criteria will be based on the number of plants transplanted (for perennial species). If the Applicant(s) collects and disperses seeds of annual species, success criteria will be based on an approximate number of individuals removed.

In response to this comment, the second bullet of Mitigation Measure BIO-2 within Section 4.4, "Biological Resources," page 4.4-52, in Volume 1 of the FEIR, has been revised to clarify the success criteria for annual plant species. The revised text is provided in Chapter 4, *Revisions to the DEIR,* and in Volume 1 of the FEIR, and is also shown below. The revisions to Mitigation Measure BIO-2 have also been carried over to Appendix F, *Mitigation Monitoring and Reporting Program,* in Volume 2 of the FEIR.

- A surveyed plant population size count ~~roughly~~ equal to or greater than the number of individuals transplanted or number of individuals removed (this total may include ~~both~~ transplanted individuals that have survived, seeds that have grown into plants and have survived, as well as any additional supplemental plantings following the initial transplantation and seed dispersal that have survived at least two growing seasons), and

As stated in the EIR, the salvage and relocation plan will contain details on the methods for salvage, stockpiling, replanting, as well as the characteristics of the receiver sites. The plan will also include information on where the supplemental plantings would come from.

In regards to whether Mitigation Measure BIO-2 applies to off-site or on-site mitigation in the restoration area, the second bullet in Mitigation Measure BIO-2 in Section 4.4, "Biological Resources," page 4.4-52, in Volume 1 of the FEIR, has been revised to replace the word *restoration area* with *receiver site* to clarify that invasive weeds will be monitored at the receiver site and not on the project site. The revised text is provided in Chapter 4, *Revisions to the DEIR,* and in Volume 1 of the FEIR, and is also shown below. The revisions to Mitigation Measure BIO-2 have also been carried over to Appendix F, *Mitigation Monitoring and Reporting Program,* in Volume 2 of the FEIR.

- Less than 5 percent cover of invasive weeds (or equivalent cover as compared with adjacent areas) within the ~~restoration area~~ receiver site.

The CPUC believes that the success criterion of having less than 5 percent cover (or equivalent cover as compared with adjacent areas) of invasive weeds within the receiver site is both appropriate and practicable.

Response to Comment D-343

The comment alleges that the 1.1:1 mitigation ratio proposed in the EIR would not mitigate the Proposed Project's significant impacts on blue oak woodlands due to the uncertainty in the ability to fully replace habitat functions that are impacted, temporal loss, and indirect impacts. Because only 0.13 acre of permanent habitat loss will occur to blue oak woodland, the CPUC has reasonably determined that a 1.1:1 proposed mitigation ratio is adequate to replace oak woodlands. Additionally, a permanent loss of 0.13 acres of oak woodland habitat would not substantially reduce habitat function for any of the special-status species that may utilize blue oak woodland for foraging. Please refer to Response to Comment D-75 and D-313 for further discussion regarding impacts to blue oak woodlands.

Response to Comment D-344

The comment asserts that the EIR fails to establish mechanisms that would ensure a mitigation site would be protected and managed in perpetuity to maintain the blue oak woodland compensation habitat. Please refer to Response to Comment D-78.

Response to Comment D-345

The comment states that compliance with the City's Oak Tree Ordinance does not mitigate the impact to oak trees because it only applies to trees that have a diameter at breast height ("DBH") of 6 inches or greater, and it only requires replacement at a ratio of 25 percent of the diameter of trees that are removed. Please refer to Responses to Comments D-80 and D-81.

Response to Comment D-346

The comments states that the success criterion proposed in Mitigation Measure BIO-4 provides no assurances that the replacement trees are likely to survive, or that they will ever provide structural elements and characteristics comparable to the trees that are removed. Please refer to Responses to Comments D-78, D-80, and D-81.

Response to Comment D-347

The comment states that the EIR does not incorporate any mitigation measures for invasive plants, nor does it establish performance standards for invasive plants in the "restoration" areas. Please refer to Responses to Comments D-86 and D-342.

Response to Comment D-348

The comment asserts that the EIR does not adequately disclose and analyze significant impacts to sensitive biological resources, nor provide the necessary mitigation to ensure significant impacts are reduced to less than significant levels. The commenter's specific claims regarding the Proposed Project's alleged impacts on biological resources are responded to in Responses to Comments D-298 to D-347, which demonstrate the adequacy of the EIR's analysis.

Response to Comment D-349

This comment begins Exhibit C to the comment letter, which is the detailed comments of David Marcus. The comment states that the Proposed Project is not needed to meet summer peak loads in the Paso Robles DPA, because the most recent of the four forecasts presented in the EIR does not forecast an exceedance of capacity. As noted in the EIR, "[t]he forecasted load has

varied considerably over the last 4 years of LoadSEER forecasting by PG&E." (FEIR, Volume 1, p. 2-13.) Figure 2-5 illustrates that in three of the past four years, PG&E has forecasted capacity exceedances in the following 10-year period. In addition, as noted in the EIR:

> without addition of a new or expanded substation or other facilities to serve increased load when it materializes, this situation could result in thermal overloads, low voltage, and electrical service outages, as the infrastructure is unable to meet demands. […]
>
> The intent of the Proposed Project is to provide enhanced operational flexibility, improved area system reliability, and add capacity to the system with the addition of the new Estrella Substation. The new Estrella Substation would be able to absorb load currently served by other substations within the DPA and alleviate existing undesirable conditions. Additionally, since the new industrial growth is anticipated to occur in the Golden Hill Industrial Park area, the new substation and the reasonably foreseeable new distribution circuits would be well positioned to serve this new load.

(FEIR, Volume 1, pp. 2-13 to 2-14.) The comment does not provide substantial evidence that there is no need for the Proposed Project. Additionally, please refer to Response to Comment D-18 for further discussion of this issue. As noted therein, the calculation that Mr. Marcus has apparently performed regarding the rate at which DPA loads are increasing with respect to DPA capacity ("At that rate, DPA loads will not exceed the DPA capacity of 212.55 Mw for another 18 years after the last forecast year, or not until 2047") is rudimentary and misleading. The calculation seems to have simply taken the average annual rate of growth from the 2020 LoadSEER forecast and projected that out an additional 18 years. This ignores the forecasts from the previous years (e.g., 2017 to 2019), which showed considerable variation; additionally, the calculation applies the results from a 10-year forecast beyond the time period for which the forecast was intended. As such, the EIR reasonably forecasts DPA loads.

Response to Comment D-350

The comment argues that the Proposed Project is not needed to improve distribution system reliability by reducing outages because distribution circuit Templeton 2109 has better than average reliability, according to the commenter. First, it should be noted that the CPUC did not identify the correction of distribution system reliability issues associated with long feeders as a primary driver of the Proposed Project, and thus did not include this issue within its Distribution Objective (refer to FEIR, Volume 1, page 2-15). Specifically, the EIR states: "The issue of long feeders and poor service reliability was not identified as a fundamental project objective by the CPUC; however, it is considered a beneficial effect of the Proposed Project" (FEIR, Volume 1, page 2-15). As such, from a CEQA perspective, this comment is a moot point. Regardless, the comment misleadingly cherry-picks data in several important ways.

While the Templeton feeders are among the most prominent feeders in need of reliability improvements (and thus are discussed most prominently/frequently in the EIR), Templeton 2109 is not the only feeder that would be reduced in length with the construction of Estrella Substation and subsequent reasonably foreseeable distribution components. As shown in Figure 4C in Appendix G of the Applicants' PEA, in addition to Templeton 2109, the future Estrella Substation distribution feeders would interconnect with (i.e., back-feed and split-in-half) Paso Robles 1107, 1108, and 1102; Cholame 1101; and San Miguel 1104.

The commenter argues that Templeton 2109 "has reliability no worse than other Templeton circuits" due to the raw number of momentary outages and sustained outages during the period 2012-2017, as compared to other Templeton feeders. This claim ignores the data presented in the EIR which does indicate that the Templeton feeders as a whole have worse reliability (in terms of certain key indices) compared to PG&E's system overall. For example, Table 2-3 (refer to FEIR, Volume 1, pages 2-10 to 2-11) shows that the average frequency of sustained outages (MAIFI) for the Templeton feeders was higher (1.62) over the period 2012-2017, as compared to PG&E's system-wide feeders (1.27). Similarly, the average frequency of sustained outages (AIFI) for the Templeton feeders was higher (0.67) over the same time period compared to the system-wide feeders (0.55). Thus, whether Templeton 2109 had fewer actual outages during a 5-year period compared to other Templeton feeders is immaterial in determining the overall reliability of the Templeton feeders in general, and the potential benefit of splitting the Templeton 2109 feeder in half made possible through the construction of the Estrella Substation.

The comment acknowledges the "larger number of customers affected by the worst outage on the Templeton 2109 circuit," although the commenter notes that the outage duration for the Templeton feeders is not any worse than that for the Paso Robles DPA and PG&E's system. The CPUC acknowledges that, based on the data in Table 2-3 in Volume 1 of the FEIR (pages 2-10 to 2-11), the Templeton feeders performed relatively well in terms of the average outage duration (AIDI) (49.48) and the average service restoration times (CAIDI) (76.27) relative to the PG&E system-wide feeders (AIDI = 67.41; CAIDI = 133.53) during the 2012-2017 period. In general, however, CPUC's independent staff assessment found PG&E's reasoning in Appendix G to the PEA that long feeders, such as Templeton 2109, are generally more susceptible to outages than shorter feeders, and such outages may affect a larger number of customers reasonable (Appendix G, April 2020 version; pages UG-1 to UG-3):

> "Put simply, if a line is three times as long, it will have three times as much exposure to potential outages such as car-pole accidents or vegetation/storm-related line failures as compared to a line 1/3 as long… If an accident takes out a long line feeding a remote load center, it is likely that many more customers would be affected that if the line were served from a local source. This is due to additional customers that must be served between the distant substation and the load center."

Moreover, PG&E's stated goals for this project with respect to reliable distribution systems and its assessment of the Paso Robles DPA (Appendix G, April 2020 version; page UG-1) include:

> "Reliable distribution systems consist of substations located at regular intervals and sized correctly in terms of capacity and number of feeders to cover the area between substations without overextending these substations and underutilizing others. The Paso Robles DPA is not currently in line with these system goals."

While the commenter analyzes the outage data for the Templeton feeders (and 2109 specifically) with respect to the current conditions (or the conditions from 2012 to 2017), the commenter fails to acknowledge that future conditions, without construction of Estrella Substation and associated distribution improvements, could likely exacerbate any reliability and/or electrical service issues. In other words, if Estrella Substation is not constructed, the anticipated growth areas in east Paso Robles may need to be served by the already-extended

Templeton feeders. For the reasons already stated, this could increase exposure to outages; additionally, as explained in PEA Appendix G (refer to April 2020 version, page UG-3), this would especially be an issue for the anticipated growth areas since some sensitive commercial-industrial businesses (e.g., light manufacturing, wine-making) require a high degree of power quality. The longer feeders from Templeton have increased line impedance, which degrades power quality.

In short, the issue of long feeders affecting service reliability was not identified as a fundamental driver of the Proposed Project by the CPUC and thus was not incorporated into the Project objectives. As such, the commenter's contentions with the data regarding this issue in the EIR is not a relevant CEQA issue. Regardless, the commenter makes a number of omissions and conflations, which undercut the validity of the commenter's conclusions.

Response to Comment D-351

The comment states that the Proposed Project is "not the only way" to mitigate the impacts of an outage of the Templeton-Paso Robles 70 kV transmission line. The comment argues that a second Templeton-Paso Robles 70 kV line would accomplish the same purpose and would be less expensive. The commenter is advised to review Alternative Combination #4, South River Road, which includes a second Templeton-Paso Robles 70 kV line. The commenter's preference for Alternative #4 is noted and will be shared with decisionmakers. This comment does not raise issues regarding the adequacy of the EIR, and no further response is necessary.

Response to Comment D-352

The comment proposes an additional alternative to the Proposed Project. This suggested alternative is to use the "San Miguel-Unionpage 70kV line" as allegedly mentioned by the CAISO in its 2020-2021 Transmission Plan. The CPUC reviewed the CAISO's 2020-2021 Transmission Plan and could not locate a "San Miguel-Unionpage 70 kV line", but did identify a San Miguel-Union 70 kV line (referred to as the San Miguel-Union PGAE #1 70 kV line in the Appendix C modeling results). We assume the commenter is referring to this latter line because the "San Miguel-Unionpage 70 kV line" does not exist. The San Miguel-Union 70 kV transmission line does not currently exist, and its existence in the future would depend on the construction of the Proposed Project or one of the alternatives (e.g., Alternative PLR-1A: Estrella Route to Estrella Substation) evaluated in this EIR. Therefore, it is not a suitable alternative for meeting the need and objectives of the Proposed Project.

Response to Comment D-353

The comment states that the EIR does not demonstrate the Project is needed to mitigate the impacts of an outage of the Templeton 230/70 kV transformer and describes the conditions under which an outage of the Templeton transformer would occur. Section 2.1.1, "Purpose and Need," in Volume 1 of the FEIR explains that the CAISO identified the Proposed Project "as a project needed to mitigate thermal overloads and voltage concerns in the Los Padres 70 kV system (specifically in the San Miguel, Paso Robles, Templeton, Atascadero, Cayucos, and San Luis Obispo areas)." Please refer to this section for more information on the project need with regards to an outage of the Templeton 230/70kV transformer. This comment does not raise issues regarding the adequacy of the EIR, and no further response is necessary.

Response to Comment D-354

The comment describes an option for mitigating a potential outage of the Templeton transformer, by dropping load, using an existing Under-Voltage Load Shedding (UVLS) scheme. The commenter is reminded that important to reliable distribution systems is the ability to continue to serve load to its customers, such that dropping load is not a feasible suggestion. This comment does not raise issues regarding the adequacy of the EIR, and no further response is necessary.

Response to Comment D-355

The comment describes an option for mitigating a potential outage of the Templeton transformer, by building a second 230/70 kV transformer feeding the 70 kV lines in the Paso Robles DPA. The comment indicates that this could be the transformer described in the Proposed Project, or could be the one suggested in the EIR at an alternate substation location adjacent to Templeton substation, or at another location 2 miles northeast of Templeton. The comment is noted and will be shared with decisionmakers. It does not raise issues regarding the adequacy of the EIR, and no further response is necessary. For further discussion on consideration of alternatives, please refer to Master Response 8.

Response to Comment D-356

The comment describes an option for mitigating a potential outage of the Templeton transformer, by using local generation within the Paso Robles DPA. The comment is noted and will be shared with decisionmakers. Please note that Alternatives BS-2 and BS-3 function similarly to provide electricity similar to local generation during peak demands. It does not raise issues regarding the adequacy of the EIR, and no further response is necessary.

Response to Comment D-357

The comment describes an option for mitigating a potential outage of the Templeton transformer, by using deliveries over a "San Miguel-Unionpage 70 kV line". Please refer to Response to Comment D-352 for CPUC's response to this suggested alternative. Please also refer to Master Response 8 for further discussion on the consideration of alternatives. This comment does not raise issues regarding the adequacy of the EIR, and no further response is necessary.

Response to Comment D-358

The comment asserts that the EIR should explain why the UVLS alternative has ceased to be acceptable, since the commenter claims it has apparently been acceptable for years in the event of an N-1 outage. The need for the Proposed Project is described in Chapter 2, *Project Description*, in Volume 1 of the FEIR; in particular, refer to the discussion of the "Transmission System" under Section 2.1.1, "Purpose and Need." As described therein, the Proposed Project was identified as a needed transmission system reinforcement in the CAISO's 2013-2014 Transmission Plan. As described in the Transmission Plan: "The project will mitigate the thermal overloads and voltage concerns identified in the Los Padres 70 kV system specifically, in the San Miguel, Paso Robles, Templeton, Atascadero, Cayucos and San Luis Obispo areas following Category B contingency due to loss of either the Templeton 230/70 kV #1 Bank or the Paso Robles-Templeton 70 kV Line. These two Category B contingencies put approximately 60-70 MW of load at Paso Robles at risk by activating the existing Paso Robles UVLS during summer peak conditions to alleviate the thermal and low voltage concerns." (CAISO 2014: page 89).

Transmission planning is conducted by the CAISO. The transmission planning process is conducted annually, including many technical studies analyzing reliability, economics, and interregional coordination, amongst other considerations when identifying projects for implementation to maintain the regional electrical grid. The annual planning process also includes reassessment of previously planned projects to determine if they still fulfil a need and whether identified needs would be fulfilled by previously planned projects.

The CPUC will independently decide whether to approve or disapprove of the application by assessing issues identified in the proceeding, consistent with G.O. 131-D. Specifically, section IX(B)(1)(f), which states "The above information requirements notwithstanding, an application for a permit to construct need not include either a detailed analysis of purpose and necessity, a detailed estimate of cost and economic analysis, a detailed schedule, or a detailed description of construction methods beyond that required for CEQA compliance."

The CAISO is an entity with expertise in transmission planning, particularly for the regional electrical grid. The CPUC participates in the CAISO transmission planning process. Specific concerns about the studies supporting the CAISO Transmission Plan should be raised to the CAISO during the transmission planning process. Because the underlying transmission planning identified the reliability concerns in the Paso Robles DPA necessitating the Estrella Substation Project, historical questions as to "why the UVLS alternative has been OK for Paso Robles in the past, but has ceased to be acceptable" are best referred to the CAISO, and should have been raised during CAISO's transmission planning process.

The information on the purpose and need of the Proposed Project provided by the Applicants, which was independently assessed by the CPUC's staff prior to being presented in the EIR, is to support the identification of project objectives in CEQA, and is sufficient for this purpose. As explained in the EIR, the CPUC notes that the need for the Proposed Project in terms of reinforcing the transmission system is substantiated by North American Electric Reliability Council (NERC) Standard TPL-001-4, Table 1, which states that non-consequential load loss is not allowed for a P1 (Single Contingency). Footnote 1 (refer to page 2-2) in Chapter 2, *Project Description*, in Volume 1 of the FEIR, provides an explanation of the NERC reliability standards and the change in terminology implemented after 2012. Since load is not allowed to be dropped during the outage scenarios potentially affecting the Paso Robles area transmission system, the UVLS is not an acceptable long-term solution. For further information on the consideration of alternatives, please refer to Master Response 8.

Response to Comment D-359

The comment asserts that the EIR should explain why a new 230/70 kV substation could not be located in a different location. CEQA does not require a lead agency to consider every alternative to a project. (CEQA Guidelines, § 15126.6(a).) The comment does not provide substantial evidence that the EIR's selection of alternatives is insufficient. For further information on the consideration of alternatives, please refer to Master Response 8.

Response to Comment D-360

The comment asserts that the EIR should examine generation alternatives to supplement the existing system during high load hours. CEQA does not require a lead agency to consider every alternative to a project. (CEQA Guidelines, § 15126.6(a).) The comment does not provide

substantial evidence that the EIR's selection of alternatives is insufficient. Please also refer to Response to Comment D-356. For further information on the consideration of alternatives, please refer to Master Response 8.

Response to Comment D-361

The comment asserts that the EIR should examine an option for mitigating a potential outage of the Templeton transformer by using deliveries over a "San Miguel-Unionpage 70 kV line". Please refer to Response to Comment D-352 for CPUC's response to this suggested alternative. CEQA does not require a lead agency to consider every alternative to a project, only a reasonable range of alternatives. (CEQA Guidelines, § 15126.6(a).) The comment does not provide substantial evidence that the EIR's selection of alternatives is insufficient. For further information on the consideration of alternatives, please refer to Master Response 8.

Response to Comment D-362

The comment argues that the Proposed Project is not needed to mitigate an "N-2 (Category C)" outage of both 230 kV lines connecting to the Templeton 230/70 kV transformer. The comment also identifies a potential future "N-2" outage contingency once the Estrella Substation is constructed, consisting of the loss of both the Estrella-Paso Robles and Templeton-Paso Robles 70 kV lines. This comment raises the same issues as Comment D-20, earlier in the comment letter. Please refer to the CPUC's Response to Comment D-20. As described therein, the commenter appears to mischaracterize the transmission planning contingencies and fails to identify any deficiencies in the EIR's description of the Proposed Project background and need.

Response to Comment D-363

This comment claims that the Proposed Project is not needed to mitigate reliability issues at and around Cholame Substation. The comment describes that, although there are about 1,500 Cholame-area customers at risk for scheduled outages every 1-2 years for maintenance work on the 70 kV line feeding Cholame Substation, those outages are not a violation of applicable reliability criteria, and that PG&E has stated that it has no plans to use the proposed Estrella Substation as a source for a new 70 kV line to Cholame Substation to supplement the existing single line there. However, the comment cites a past statement from Appendix G to the Applicants' PEA indicating that such a line would likely be constructed within 2 to 3 years after Estrella Substation is built, arguing that this should be addressed in the EIR in order to avoid "piecemealing." This comment raises the same points as those initially raised in Comment D-16 earlier in the comment letter. Please refer to Response to Comment D-16.

Response to Comment D-364

The comment claims that the EIR misstates the cost of the Proposed Project. The EIR makes clear that the specific costs for the Proposed Project and alternatives are marked by the Applicants as confidential. (FEIR, Volume 1, p. 5-16.) However, for illustrative purposes, the EIR has included some information regarding the costs of the Proposed Project, based on publicly available information. The EIR states that:

> Based on PG&E's public 2020 AB 970 report, which identified its portion of the Proposed Project as costing $90 to $100 million (PG&E 2020). HWT's portion of the Proposed Project (230/70 kV components) was estimated to cost $35 to $45 million in CAISO's 2013-2014 Transmission Plan (CAISO 2014).

(FEIR, Volume 1, p. 5-16, footnote 2.) CEQA does not require an EIR to disclose or analyze the costs of a project. Nevertheless, the comment is incorrect in its critique of the cost estimates in the EIR. The comment claims that the EIR errs in its statement that the CAISO's estimate of $35 to $45 million from its 2013-2014 Transmission Plan is just for the 230/70 kV substation to be built by HWT, and also regarding the total estimated cost of the Proposed Project, based on publicly available sources, as $150 million. As described in the 2013-2014 Transmission Plan (CAISO 2014; page 89), the scope of the "Estrella Substation Project" considered by CAISO "is to construct a new 230/70 kV substation, Estrella Substation, approximately 5 miles east of the existing Paso Robles substation." The 2013-2014 Transmission Plan later indicates that the Estrella 70 kV bus will be looped into the existing 70 kV line (e.g., via a new 70 kV power line); however, this aspect was not part of the competitive bid selection process. CAISO states (CAISO 2014; page 294):

> The facilities in the Estrella, Wheeler Ridge Junction and Spring substation projects that are considered eligible are the 230 kV buswork and termination equipment, and the 230/70 kV or 230/115 kV transformers. The 70 kV and 115 kV buswork and termination equipment are not eligible for competitive solicitation.

The Applicants further confirmed this in their joint PTC application (page 2):

> The CAISO identified certain components of the [Estrella Project] as being eligible for competition pursuant to its Tariff and Federal Energy Regulatory Commission ("FERC") Order No. 1000, which components included the new 230 kV buswork and termination equipment and a new 230/70 kV transformer bank (these components are sometimes collectively referred to herein as a "new 230 kV substation"). Following a competitive solicitation process, the CAISO awarded these components to NEET West as the approved project sponsor.
>
> The Estrella Project also includes a number of components that were not eligible for competitive solicitation under the CAISO Tariff and that were awarded to PG&E (as the incumbent utility). As described in further detail below, PG&E's components include the required 70 kV buswork and termination equipment (these components are sometimes collectively referred to herein as a "new 70 kV substation"), new 230 kV interconnection facilities needed to interconnect NEET West's new 230 kV substation to existing PG&E 230 kV facilities, a new approximately seven-mile, overhead 70 kV double-circuit power line, and reconductoring of approximately three miles of existing PG&E 70 kV power lines.

As such, the estimated dollar amount provided by CAISO in its 2013-2014 Transmission Plan was referring to the elements of the Estrella Project subject to its competitive bid process, which did not include the 70 kV power line among other components. Therefore, the cost estimate provided in the EIR is not in error and does not require revision. Again, an EIR is not required to disclose costs of a proposed project at all, as the focus of the EIR is to identify and disclose the significant environmental impacts of the proposed project and identify and discuss potentially feasible alternatives to the proposed project that may reduce those significant environmental impacts.

Response to Comment D-365

This comment begins Exhibit D to the comment letter, which is the detailed comments of Gregory House. The comment identifies several jurisdictions and agencies that have used different mitigation strategies for loss of agricultural land, in relation to Mitigation Measure AG-1. The comment recommends (1) increasing the ratio of farmland conservation relative to impacts; (2) specifically donating the conservation funds to a local land trust, such as the "Land Trust of San Luis Obispo County" (the CPUC believes the commenter intended to refer to the Land *Conservancy* of San Luis Obispo County), or the California Council of Land Trusts; and (3) implementing one or more of the strategies suggested in the California Department of Water Resources' (DWR) Agricultural and Land Stewardship Framework and Strategies (DWR 2018).

With respect to point #1, please refer to Response to Comment D-60. The CPUC believes that the 1:1 ratio specified in Mitigation Measure AG-1 is a fair requirement for this Project. With respect to point #2, the CPUC has reviewed the Land Conservancy of San Luis Obispo County's website, and based on the description of their work therein, believes this organization may be an acceptable recipient of the conservation funds pursuant to Mitigation Measure AG-1. As described in Responses to Comments D-60 and H-16, the text of Mitigation Measure AG-1 has been revised to allow for flexibility in contributing funds to an acceptable organization or otherwise effectuating a conservation easement to compensate for the Proposed Project's or alternatives' impacts. Based on its website, the California Council of Land Trust's activities are limited to policy advocacy, education and training, and communication (i.e., no direct conservation work). As such, this organization may not be suitable as a recipient of funds per Mitigation Measure AG-1.

Finally, with respect to point #3, the DWR's Agriculture and Land Stewardship Framework and Strategies (DWR 2018) is a general guidance document and does not provide a project-specific approach to impact analysis and mitigation measure development. Furthermore, it should be noted that the Agriculture and Land Stewardship Framework and Strategies is a guidance document promulgated by DWR, which is not the primary agency with jurisdiction or authority over agricultural lands (rather, California Department of Conservation is generally considered the agency with this expertise). The document and any strategies suggested therein are not binding upon the CPUC.

Many of the strategies suggested in DWR's Agriculture and Land Stewardship Framework and Strategies are either not applicable or have already been incorporated into the Proposed Project's planning and design and the EIR's mitigation measures for impacts to agricultural lands. For example, one of the primary methods for mitigating impacts to Important Farmland is via Strategy A5 (Provide agricultural conservation easements [ACEs]). The document states: "Typically, ACEs are used to conserve or protect farmland subject to economic pressure to convert to a use other than agriculture" (DWR 2018). Interestingly, the discussion supports the use of a 1:1 ratio for conserved to impacted lands. Given that Mitigation Measure AG-1 requires compensation for impacts to Important Farmland via contribution of funds to an organization capable of achieving long-term conservation of lands in San Luis Obispo County or entering directly into conservation easements with landowners, the EIR already reflects the primary strategy recommended in the DWR document. Many other strategies (e.g., improve flood management, improve on-farm agricultural productivity, reduce conflict between agriculture and nearby habitat lands) are not applicable to the Proposed Project.

Response to Comment D-366

The comment recommends a process for determining the market price for "commensurate" agricultural land as required by Mitigation Measure AG-1. Please refer to Response to Comment D-60 and H-16. As described therein, the CPUC has revised Mitigation Measure AG-1, including to clarify the requirements with respect to commensurate land.

Response to Comment D-367

This comment asserts that the California Department of Conservation's California Farmland Conservancy Program is not set up to receive agricultural land mitigation fees. Instead, the commenter argues, it is a grant program that awards grants to applicants for farmland conservation with funding coming from various state acts and bonds. The comment recommends that Mitigation Measure AG-1 identify a legal entity (the comment suggests a local agricultural land trust, San Luis Obispo County, or a city, resource conservation district, open-space district, etc.) that can receive the mitigation fees and utilize them to acquire the permanent conservation easement on commensurate land.

Whether the California Farmland Conservancy Program is specifically designed to accept fees in relation to impacts identified by lead agencies in CEQA documents is immaterial to the effectiveness and reasonableness of the mitigation approach. As described on its website: "The California Farmland Conservancy Program (CFCP) is a statewide grant program that supports local efforts to establish agricultural conservation easements and land improvement projects for the purpose of preserving important agricultural land resources and enhancing sustainable agricultural uses… Since its inception, CFCP has completed more than 184 agricultural conservation easements on 59,498 acres of strategically important farmland." As such, the CPUC believes that the California Farmland Conservancy Program is an appropriate entity to receive funds and dedicate these toward conserving agricultural lands.

Regardless, as shown in Response to Comment H-16, Mitigation Measure AG-1 has been revised to allow the Applicants a few other methods to create conservation easements. This includes potentially contributing funds to another public agency or non-profit organization able to achieve long-term preservation of agricultural lands in San Luis Obispo County, or entering into and recording one or more conservation easements with landowners for specific farmland in the County. Additionally, as described in Response to Comment D-60 earlier in this comment letter, the CPUC has added language to Mitigation Measure AG-1 to clarify the definition of commensurate land. Please refer to these comment responses.

Response to Comment D-368

The comment claims that the use of "in lieu" mitigation fees for loss of agricultural land is problematic and recommends instead the use of conservation easements. The commenter's preference for a different mitigation strategy is noted. Refer to Responses to Comments H-16 and D-60 for the revisions to the text of Mitigation Measure AG-1. Note that the changes to Mitigation Measure AG-1 (refer to Response to Comment H-16) allow for the Applicants to directly enter into and record one or more conservation easements with landowners for specific farmland in San Luis Obispo County. The CPUC would have oversight and approval authority over implementation of all of the mitigation measures identified in the EIR.

Response to Comment D-369

The comment summarizes the Proposed Project activities related to, or that would require, restoration of agricultural land temporarily impacted by construction activities pursuant to Mitigation Measure AG-2. The comment claims that Mitigation Measure AG-2 has an "almost complete lack of specificity" about restoring agricultural land temporarily affected by construction and implies that the impact is not known.

Mitigation Measure AG-2 describes the aspects of the restoration process and states: "The responsibility of performing these various tasks may be stipulated in an agreement between HWT, PG&E, and the landowner(s) completed for the Proposed Project or alternatives." Because the appropriate mitigation for each affected site would be determined and undertaken individually, it is not possible to provide final details of the process at this time; however, the description of the intended performance standard for completion is an acceptable approach to mitigation under CEQA. The commenter's specific contentions with Mitigation Measure AG-2 are responded to in subsequent responses to comments, and were also addressed in Responses to Comments D-63 to D-68 earlier in the comment letter.

Response to Comment D-370

The comment claims that full removal of rock and imported material from a site is not possible and the mitigation will not fully restore the site to preconstruction conditions. The comment does not provide substantial evidence that the mitigation measure is inadequate or infeasible. Please refer to Response to Comment D-63. As described therein, the commenter does not indicate why a "95% cleanup job" would not be beneficial, or what other measures should be required or considered to restore the impacted agricultural lands. Additionally, the Applicants reviewed the proposed Mitigation Measure AG-2 during the DEIR review period and did not indicate that any aspect of the measure was economically infeasible in their comments (refer to Comment Letters H and J).

Response to Comment D-371

This comment provides a recommendation on how the top soil should be replaced. The comment argues that replacement of topsoil with fresh fill is insufficient to restore the landscape to its original condition, and that the CPUC should not confirm restoration of agricultural lands is completed until three to five years after construction is complete. Please refer to Response to Comment D-64. As described therein, it is not necessary to require an extended monitoring period following completion of construction and restoration of temporarily impacted sites.

However, language has been added to Mitigation Measure AG-2 in Section 4.2, "Agriculture and Forestry Resources," page 4.2-15, in Volume 1 of the FEIR, to clarify the potential sources of topsoil to be used for replacement and returning the site to the original depth of topsoil. Further, text has been added to clarify that the restoration actions conducted pursuant to Mitigation Measure AG-2 would be consistent with the BMPs contained in the SWPPP. The revised text is provided in Chapter 4, *Revisions to the DEIR,* and in Volume 1 of the FEIR, and is also shown below (note the clarifying statement of "unless the property owner requests that the material remain for their use" was added in response to Comment J-123).

> Restoration of sites will involve removing any rock or material imported to stabilize the site, replacement of topsoil, de-compacting any soil that has been compacted by heavy equipment, and re-planting of equivalent value agricultural crops unless the property owner requests that the material remain for their use. Topsoil may be sourced from other areas of the Proposed Project (e.g., topsoil stripped and stockpiled as part of Estrella Substation construction) or may be purchased within San Luis Obispo County. The depth of topsoil following restoration shall match the pre-project condition. The responsibility of performing these various tasks may be stipulated in an agreement between HWT, PG&E, and the landowner(s) completed for the Proposed Project or alternatives. If a landowner is better equipped or prefers to replant crops or perform other tasks themselves, then HWT or ~~and~~ PG&E shall provide just compensation for this work. HWT and PG&E shall ensure that all restoration activities pursuant to this mitigation measure, including through any agreements with landowners, are consistent with the best management practices (BMPs) in the stormwater pollution prevention plan (SWPPP).

The revisions to Mitigation Measure AG-2 have also been carried over to the MMRP (Appendix F) in Volume 2 of the FEIR. Implementation of the SWPPP BMPs would minimize the potential for erosion at the restored sites. Additionally, re-planting of the agricultural crops, as required by Mitigation Measure AG-2, would serve to minimize potential erosion by stabilizing the soils.

Response to Comment D-372

This comment provides a recommendation on how de-compacting soils should be done, and expresses concerns regarding erosion following de-compaction and GHG emissions caused by soil de-compaction. The commenter's discussion of typical de-compaction methods is noted. For discussion of the potential for soil de-compaction to result in GHG emissions, please refer to Response to Comment D-65. Regarding the potential for erosion at restored sites, please see Response to Comment D-371 and the additions to Mitigation Measure AG-2 clarifying that the restoration activities would need to be consistent with the SWPPP BMPs.

Response to Comment D-373

This comment provides a recommendation that cover cropping should occur immediately after de-compaction. Cover cropping is a beneficial practice generally; however, such a requirement is not considered necessary for the Proposed Project because, as discussed in Response to Comment D-371, the restoration of the temporarily impacted areas from Proposed Project construction would be bound by the Construction General Permit and the requirements of the SWPPP with respect to post-project conditions. This would minimize the potential for erosion of these areas. The landowner could implement cover cropping if they believe this is the most beneficial practice for their lands. Please also refer to Response to Comment D-64 for discussion of the commenter's recommendation for extended monitoring over the three to five years which it takes the grape vines to reach maturity.

Response to Comment D-374

This comment asserts that the EIR does not disclose "the degree of soil disturbance" required for each Proposed Project activity. The comment also claims that the depth of disturbance through excavation or compaction may make it impracticable to fully restore the disturbed

areas. This comment raises the same concerns as those raised earlier in the comment letter in Comment D-55. Please refer to Response to Comment D-55.

Response to Comment D-375

The comment claims that the EIR does not discuss the presence of hazardous materials on the temporary construction sites. This comment raises the same issues as Comment D-69 earlier in the comment letter. Please refer to Response to Comment D-69.

Response to Comment D-376

This comment asserts the need for restoration of slopes and contours for proper surface water drainage as part of the Proposed Project mitigation plan. For discussion of this issue, please refer to Response to Comment D-68.

This comment also states that site restoration may require drainage pipes and other conveyance or water calming structures to prevent water erosion on sloping land. As described in Section 2.5.5 of Chapter 2, *Project Description*, in Volume 1 of the FEIR, temporarily disturbed areas within and around Estrella Substation would be restored to the extent necessary for safe operation. Safe operation would include assessment for site drainage restoration. Section 4.7, "Geology, Soils, Seismicity and Paleontological Resources," in Volume 1 of the FEIR, provides an analysis of potential significant impacts related to erosion of soils within the Proposed Project area. As discussed in this section, after construction of the Proposed Project, disturbed areas would be restored to pre-project conditions through implementation of measures outlined within the SWPPP.

This comment also states that satellite LIDAR mapping is "likely available to establish the original slopes and contours." This comment is noted and will be shared with decisionmakers.