


**Letter I: Victor De la Cruz, Manatt, Phelps & Phillips for Sun Communities and Cava Robles RV Resort (February 22, 2021)**

	<p style="text-align: right;"><b>Letter I</b></p> <p style="text-align: right;">Victor De la Cruz Manatt, Phelps &amp; Phillips, LLP Direct Dial: (310) 312-4305 VDelaCruz@Manatt.com</p>
February 22, 2021	Client-Matter: 65928-031
<p><b>SENT VIA E-MAIL [estrellaproject@horizonh2o.com]</b></p>	
<p>Mr. Rob Peterson CPUC Energy Division Infrastructure Permitting and CEQA 300 Capital Mall, Suite 418 Sacramento, CA 95814</p>	
<p>Mr. Tom Engels Horizon Water and Environment, LLC 266 Grand Avenue, Suite 210 Oakland, CA 94610</p>	
<p>Re: <u>Comments on the Draft Environmental Impact Report for the Estrella Substation and Paso Robles Area Reinforcement Project (State Clearinghouse No. 2018072071) (Application No. A.17-01-023)</u></p>	
<p>Dear Mr. Peterson and Mr. Engels:</p>	
<p>I-1</p> <p>I-2</p> <p>I-3</p>	<p>This firm represents Sun Communities, Inc. and the Cava Robles RV Resort (“Cava Robles”) in the City of Paso Robles, California. On behalf of Cava Robles, we thank the California Public Utilities Commission (“CPUC”) for the opportunity to comment on the Draft Environmental Impact Report (“Draft EIR”) prepared for the Estrella Substation and Paso Robles Area Reinforcement Project (“Project”), which as currently proposed would be constructed directly adjacent to, and along the entire western boundary of, Cava Robles. Unfortunately, the Project’s Draft EIR is fatally defective, and does not adequately analyze, disclose, or mitigate the Project’s impacts as required by the California Environmental Quality Act (“CEQA”) (Pub. Resources Code, § 21000 et seq.). The document is rife with significant legal and substantive flaws, rendering it inadequate and unfit to be relied upon in any CPUC decision on the Project. As such, CEQA prohibits the CPUC from moving forward with any decision on this Project until the Draft EIR is substantially revised to be consistent with CEQA, the State CEQA Guidelines (Cal. Code Regs., titl. 14, § 15000 et seq.), and governing case law.</p> <p>Cava Robles is a secluded, luxury resort in a nature-based setting, located immediately east of Golden Hill Road. The resort, which includes more than 300 motor coach sites and 30 freestanding cottage-inspired vacation rentals, provides an active guest experience with multiple outdoor pools, nature trails, a fitness and wellness center, upscale event space, bistro, fire pit, and</p>
<p>2049 Century Park East, Suite 1700, Los Angeles, California 90067 Telephone: 310.312.4000 Fax: 310.312.4224 Albany   Boston   Chicago   Los Angeles   New York   Orange County   Palo Alto   Sacramento   San Francisco   Washington, D.C.</p>	

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- I-3  
cont. ↑ children’s programs. Described as “a dream-like RV experience” that provides “a balance between nature and luxury,” Cava Robles was designed to ensure its guests truly feel like they are camping under the stars.
- I-4 Cava Robles has been featured and reviewed in countless travel magazines, guides, and blogs, including Forbes.com, Travel+Leisure, the SLO Visitors Guide, the Insider, and the San Luis Obispo Tribune, just to name a few.<sup>1</sup> Cava Robles and its nearby Sun Communities sister resorts provide world-class vacation amenities and play an important role in both the City of Paso Robles and the San Luis Obispo region at large. For years, Sun Communities resorts have served both local residents and the community’s tourism industry. Cava Robles’ main attraction is its bucolic setting, miles of pastoral and natural views, and a vast, uninterrupted sky. These attractions make Cava Robles the ideal base camp for visitors to enjoy all that the City of Paso Robles, and the central California coast, have to offer. Cava Robles welcomes nearly 17,000 unique reservations each year, and each reservation spends hundreds of dollars in the local community at restaurants, shops, wineries, and other attractions. Together with its Sun Communities sister resorts, Cava Robles guests spend nearly \$10 million each year in the local area.
- I-5 Today, all of this is under siege by PG&E and Horizon West’s (together, “Applicants”), proposed Project. The Project’s proposed alignment will place transmission lines and towering steel poles up to 133 feet tall across the entrance to, and along the entirety of, the Cava Robles resort. This proposal will scar the Paso Robles skyline and effectively destroy the natural setting that Cava Robles, and the City of Paso Robles, have worked so hard to preserve together.
- I-6 When Cava Robles sought its entitlements from the City of Paso Robles in 2012, the City was, rightly, concerned about preserving the community character, natural beauty, and sensitive ecosystem of the area along and surrounding Golden Hill Road. Accordingly, the City levied multiple conditions of approval on the resort aimed at preserving and beautifying this area. One such condition required Cava Robles to underground all existing overhead utilities adjacent to or within the Cava Robles site, including all electrical lines up to 77 kV.<sup>2</sup> To fulfill this obligation, Cava Robles paid PG&E more than \$200,000 to underground existing overhead electrical facilities along Golden Hill Road just two years ago—money that PG&E happily spent, even though it knew at the time that it would soon be proposing above ground transmission lines of less than 77 kV along this exact same stretch of roadway!

<sup>1</sup> See, e.g., Attachment 1, Cava Robles Awards and Recognition.

<sup>2</sup> See Attachment 2, City of Paso Robles Resolution No. 12-008, Approving an Amendment To Planned Development 08-001 & Conditional Use Permit 08-001 (Paso Robles RV Resort), p. 7, Condition of Approval No. 10.

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- I-7 Further, Cava Robles spent more than \$100,000 planting native landscaping and buffers along Golden Hill Road, and mitigating and enhancing vernal pool habitat nearby. This work, which fittingly won Cava Robles the 2018 Paso Robles Chamber of Commerce Beautification of the Year Award, will all be undone by the proposed Project.
- I-8 If the CPUC ultimately approves the Project as proposed, it would have devastating direct impacts on the Cava Robles resort, including, but not limited to the following:
- I-9
    - The transmission lines running down Golden Hill Road would impact the width of the resort's entrance and the roadway, causing issues with large RV units traveling down the road to the Cava Robles resort.
  - I-10
    - The more than \$100,000 investment in native landscaping, buffering, and fencing that the City of Paso Robles required Cava Robles to provide along Golden Hill Road just a few years ago would be removed and replaced with a transmission line.
  - I-11
    - The natural features, including oak trees, vernal and seasonal pools, and native vegetation that Cava Robles dutifully protected and enhanced during its recent development would be disturbed and degraded.
  - I-12
    - The Project would subject Cava Robles guests and employees to constantly ongoing noise disturbances from the humming of the 70 kV power lines.
  - I-13
    - The aesthetic impacts of steel towers of up to 133 feet tall would have a direct and catastrophic impact to Cava Robles' ability to market the outdoor RV lifestyle in a highly desirable location and would be disastrous for Cava Robles business.
  - I-14
    - Environmentally-minded RV enthusiasts could be detracted from coming to Cava Robles, with many items of literature now published and available concerning the potential health risks associated with living near high-voltage power lines. This would pose calamitous risks to the performance of Cava Robles.
  - I-15
    - The power lines would be immediately adjacent to and loom over several premium RV and vacation rental sites within the Cava Robles resort, immediately reducing Cava Robles' ability to charge current fees, or rent out these locations at current occupancy rates. By our estimate, this could result in an annual financial impact to Cava Robles of more than \$230,000.
  - I-16
    - The direct revenue loss to Cava Robles will in turn directly affect its ability to continue generating transit occupancy tax for the City of Paso Robles at the current rate, which is more than \$437,000 per year.

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I-17 Of course, the Project’s devastating impacts are not limited to Cava Robles—the Project will similarly and detrimentally impact area wineries and tasting rooms, long-established residential neighborhoods, and the gateway entrance to the City of Paso Robles. Opposition to the Project as proposed is considerable. For example, on January 19, 2021, the City of Paso Robles held a nearly 90-minute long public hearing on the Project, where multiple residents, business owners, and elected officials expressed their deep concerns and strong opposition to the Project as proposed.<sup>3</sup> Ultimately, the City of Paso Robles City Council voted 5-0 to oppose the Project.<sup>4</sup>

I-18 Despite its myriad flaws, the Draft EIR makes a strong and clear case against approving the Project as proposed, as it identifies an alternative alignment with considerably fewer environmental impacts than the Project as proposed, and that still meets each and every Project objective identified in the Draft EIR. As discussed at length below, CEQA directs an agency to adopt a project alternative, rather than the proposed project, where the agency finds that the alternative will be feasible, meets most of the project’s basic objectives, and is less environmentally damaging than the project as proposed. (Pub. Resources Code, §§ 21002-21002.1, 21004; see also State CEQA Guidelines [Cal. Code Regs., tit. 14, § 15000 et seq.], § 15002(a).) Here, Alternative Combination #2, and in particular, route PLR-1A, avoid most of the Project’s significant and unavoidable impacts, while still meeting each and every Project objective. An agency may not approve a project as proposed if it is feasible to adopt an alternative that would substantially reduce the project’s significant environmental impacts. (*Ibid.*)

I-19

I-20 There is no possible Statement of Overriding Considerations that would favor the Project as proposed over Alternative Combination #2, and the Draft EIR provides absolutely no evidence that legal, economic, social or any other conditions make it infeasible to adopt Alternative Combination #2.

I-21

## **DETAILED COMMENTS ON THE MYRIAD FAILINGS OF THE DRAFT ENVIRONMENTAL IMPACT REPORT**

I-22 Pursuant to Public Resources Code, section 15204(a), Cava Robles provides the following detailed comments on the deficiencies and inadequacies of the Draft EIR. As provided below, these deficiencies require significant revisions to the Draft EIR before it can legally be relied upon by the CPUC in making any decision on the merits of the Project, and before issuing any Permit to Construct to the Applicants. Similarly, no other agency may rely upon the Draft EIR in issuing any other Project-related approval or permit until the following errors and omissions have been addressed. (See State CEQA Guidelines, §§ 15090(a)(1), 15092(b) [agency

<sup>3</sup> An audio recording of the January 19, 2021, City of Paso Robles City Council hearing is available at: [https://www.youtube.com/embed/\\_z\\_4YFFc4Bo?rel=0](https://www.youtube.com/embed/_z_4YFFc4Bo?rel=0)

<sup>4</sup> See Attachment 3, “Paso Robles City Council opposes new power lines over Highway 46” (Paso Robles Daily news, January 20, 2021).

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I-22  
 cont. ↑ may not approve or carry out a project unless the EIR shows that the agency has eliminated or substantially lessened all significant effects on the environment to the extent feasible]; see also Pub. Resources Code, §§ 21168, 21168.5 [where an agency has failed to support its CEQA conclusions with substantial evidence, or failed to proceed in the manner required by CEQA, the agency has violated CEQA.]

**I. THE CPUC IS REQUIRED TO ADOPT ALTERNATIVE COMBINATION #2 (PLR-1A) OVER THE PROPOSED PROJECT.**

I-23 ↑ The Draft EIR’s Alternatives Analysis identifies Alternative Combination #2 as an environmentally superior alternative that not only meets each and every Project Objective, but is legally, technically, and economically feasible. In this situation, CEQA *mandates* that the CPUC adopt Alternative Combination #2 rather than the proposed Project. (Pub. Resources Code, §§ 21002 [“The Legislature finds and declares that it is the policy of the state that public agencies should not 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”]; 21002.1 [“Each public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so”]; State CEQA Guidelines, § 15002(a) [“The basic purposes of CEQA are to... Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible”].)

I-24 ↑ Alternative Combination #2, and in particular, route PLR-1A, avoids most of the Project’s significant and unavoidable impacts. First, routing the proposed 70 kV transmission line to the north fully avoids the significant, permanent aesthetic impacts along Golden Hill Road. Instead of constructing the transmission line through the middle of the City of Paso Robles, impacting the existing Circle B residential neighborhood, Cava Robles, the San Antonio Winery, and other communities and attractions within the City of Paso Robles, Alternative Combination #2 would place the highly disruptive transmission line route in “areas with lower viewer exposure and visual sensitivity [and] where distribution lines currently exist.” (Draft EIR, p. 4.1-47.) In addition, Alternative PLR-1A largely passes through more rural, agricultural areas as compared to the proposed Project, and therefore reduces impacts of construction-related noise on sensitive receptors. (Draft EIR, p. 4.13-27.) Impacts on biological resources would also be reduced through avoidance of blue oak woodland areas and areas wherein a known golden eagle nest is located. (Draft EIR, p. 5-13.) For these reasons, the Draft EIR identifies Alternative Combination #2 as the Environmentally Superior alternative. (Draft EIR, p. 5-14.)<sup>5</sup>

I-25 ↓ <sup>5</sup> The Draft EIR claims that some impacts would be increased by implementation of Alternative Combination #2. However, this is based on the unsupported assumption made in the Draft EIR that Alternative Combination #2 will dramatically double the construction timeline, despite the fact that construction methods, equipment and staging

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I-26 Alternative Combination #2 would also meet each of the Project Objectives identified in the Draft EIR. The Draft EIR identifies only two CPUC Project Objectives: (1) Mitigate thermal overload and low voltage concerns in the Los Padres 70 kV system during Category B contingency scenarios; and (2) Accommodate expected future increased electrical distribution demand in the Paso Robles Distribution Planning Area, particularly in the anticipated growth areas in northeast Paso Robles. (Draft EIR, pp. 2-14 and -15.) Alternative Combination #2 would meet these Project Objectives to the exact same extent as the Project.<sup>6</sup> (Draft EIR, p. 5-4.)

I-27 Finally, Alternative Combination #2 is legally, technologically, and economically feasible. The Draft EIR provides estimated costs “for illustrative purposes” in connection with its statement of “cost considerations,” but admits that “[s]pecific costs for the Proposed Project and alternatives are marked as confidential by the Applicants.” (Draft EIR, p. 5-16.) Such a statement is ludicrous, as CEQA requires any finding of economic infeasibility to be supported with an abundance of evidence. (See *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 737 [alternative cannot be excluded just because project applicant claims it is not economically viable].) Keeping actual cost information confidential does nothing but render the public unable to review and fact-check any evidence that could purportedly, in the future, be used to support rejection of Alternative Combination #2. If the CPUC is to reject Alternative Combination #2, it would require evidence (and sharing of such evidence with the public in a recirculated Draft EIR so that there is an opportunity for meaningful public comment) demonstrating that the cost of the alternative is *so great* when compared against the proposed project that a reasonably prudent person would not proceed. (See, e.g., *Center for Biological Diversity v. County of San Bernardino* (2010) 185 Cal.App.4th 866, 884.) Under *Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1167, 1181, the question of economic infeasibility does not turn on whether a project alternative is more expensive or less profitable than the proposed Project. The question is whether the additional costs or lost profitability is *so severe* as to “render it impractical to proceed with the project.”

I-25  
cont. areas for Alternative Combination #2 would be identical to those of the proposed Project. (Draft EIR, p. 3-41.) While the Draft EIR assumes that the Project as proposed can be completed in 18 months, it posits that the addition of a mere 6 miles of additional power lines will extend construction to a total of 34 months. (*Ibid.*) No explanation as to why increasing the transmission line distance from approximately 10 miles to approximately 16 miles would require an additional 16 months is provided. Thus, any statements in the Draft EIR that Alternative Combination #2 will increase construction-related air pollutant emissions, construction-related energy consumption, or construction-related noise impacts is likely overestimated at best, and outright false at worst.

I-28 <sup>6</sup> The Draft EIR also identifies three Applicant Project Objectives: (1) Reinforce electrical reliability by implementing the CAISO-approved Electrical Plan of Service; (2) Meet expected future electric distribution demand; and (3) Balance safety, cost, and environmental impacts. (Draft EIR, p. 2-14.) Alternative Combination #2 also meets each of these Project Objectives. Even if it did not, CEQA requires only that alternatives meet “most” of a Project’s basic objectives, not all. (State CEQA Guidelines, § 15126.6(a); *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 991.)

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I-29 The estimated costs provided in the Draft EIR are not sufficient for any finding of economic infeasibility. First, the Draft EIR explains that the cost assumptions are overly conservative, and based on a generic “per unit cost” as opposed to specific costs associated with this Project. (Draft EIR, p. 5-17, note 1.) It is clear that the Applicant and the CPUC have access to Applicant-provided information that would give a more accurate and detailed estimate of costs specific to this Project, but simply have chosen not to provide this information to the public for review. (Draft EIR, p. 5-16.) Second, Draft EIR Table 5-3 shows an increase of approximately \$15 million between the cost of the proposed transmission line and the cost of the transmission line routed to the north, and then misleadingly labels this a 60 percent cost increase. (Draft EIR, p. 5-17.) But Table 5-3 does not provide the total costs associated with all components of the Project, including the Estrella Substation and the distribution lines. No analysis is provided from which a reader can understand what the actual percentage increase of *total Project cost* would be if Alternative Combination #2 were adopted and implemented over the proposed Project. Without this information, there is no context or basis upon which to determine what an increase of \$1.5 million actually means. And, as discussed above, the amount of the increase is not determinative—a showing, based upon substantial evidence, of whether that increase renders the Project fundamentally impractical or infeasible is what is required.

I-31 Finally, an analysis of economic feasibility must also take into account the comparative economic benefit not just to the Applicant, but to nearby communities and the public at large. (*Citizens of Goleta Valley v. Board of Supervisors of Santa Barbara County* (1988) 197 Cal.App.3d 1167, 1180.) As discussed above, guests of Cava Robles and its sister resorts in the Paso Robles area spend nearly \$10 million each year in the local area, and Cava Robles individually anticipates an annual loss of more than \$230,000 as a result of the Project. Also to be considered is the loss of money spent in recent years on undergrounding lines along Golden Hill Road—a futile effort that cost Cava Robles \$200,000—and the money spent on beautification, installation of buffers and native landscaping, and habitat mitigation. This is in addition to the potential property value losses to Cava Robles, the San Antonio Winery, and the residents of the Circle B neighborhood that would result.

**II. THE STATEMENT OF PROJECT NEED INCLUDED IN THE DRAFT EIR IS BASED ON INACCURATE GROWTH PROJECTIONS AND FORECASTING.**

I-32 An EIR’s description of the underlying purpose and need for a project is the touchstone for its identification of project objectives. (See *Center for Biological Diversity v. County of San Bernardino* (2016) 247 Cal.App.4th 326, 347.) Here, the Draft EIR claims that a core purpose of the Project is to accommodate projected growth within the Paso Robles Distribution Planning

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- I-32 cont. ↑ Area (“DPA”). (Draft EIR, p. 2-12.) The Draft EIR states, without citation<sup>7</sup>, that “City planners are estimating a 50 percent increase in the population of Paso Robles by 2045.” (*Ibid.*) There is absolutely no evidence available showing that this is a reasonable assumption, or one that the City has ever made.
- I-33 Pursuant to the United States Census Bureau, the 2019 population of Paso Robles was 31,822, meaning that a 50 percent increase would result in a population of 47,733 by the year 2045. Yet, the City of Paso Robles’ own General Plan Land Use Element, adopted in 2014, estimates a population of 42,800 by the year 2045.<sup>8</sup> The City’s own estimate is based upon the maximum number of potential dwelling units authorized by the Land Use Element. Thus, the City’s estimate of only 42,800 is an incredibly conservative and highly unlikely estimate of future growth—to achieve it, every single buildable parcel within the City would have to be constructed with housing to its maximum allowable density. Given that, even if this unlikely (and generally impossible) scenario came to pass, the City would still not be close to a 50 percent increase in population by 2045. By basing Project need on such an unreasonable growth projection scenario, the Draft EIR erroneously skews justification for the Project, and accommodates for growth far outside of what the City, and region, has planned for. If the Draft EIR instead was based upon an accurate and reasonable growth projection, would the Project still be justified? Would the proposed transmission line require distribution infrastructure and poles of the same height and causing the same level of impact? Would the CPUC still be able to justify the significant and unavoidable impacts of the Project with a Statement of Overriding Considerations?
- I-34
- I-35 Relatedly, the Draft EIR claims that PG&E has applied its “LoadSEER forecasting tool” to determine that anticipated growth in the area will exceed the available capacity of the Paso Robles system, yet it is completely unclear whether PG&E’s forecasting is based on reasonable growth assumptions, or the outlandish “50 percent increase in the population of Paso Robles by 2045.” (Draft EIR, p. 2-12.) Further, the Draft EIR makes wholly inconsistent statements about the potential to exceed available capacity in the Paso Robles system. On one hand, the Draft EIR states that PG&E’s forecasting predicts that growth “will exceed the available capacity of the Paso Robles system within 5 to 15 years.” (*Ibid.*) Yet, in the very next paragraph, the Draft EIR clarifies that, “The current (2020) forecast does not show that load will exceed available capacity in the next ten years, but additional capacity may be needed in the future.” (Draft EIR, p. 2-13.)
- I-36
- I-37 Finally, the Draft EIR admits that the LoadSEER forecasting is so highly conservative that “actual recorded peak loads in the Paso Robles DPA have been lower than forecasted.” (*Ibid.*) Which is it? When will the Paso Robles DPA *actually* exceed the existing capacity of the system
- I-38 <sup>7</sup> We note, however, that later, on page 4.14-4 of the Draft EIR, a similar statement is attributed to PG&E, one of the Project Applicants. However, PG&E’s declaration of future City of Paso Robles growth is not based on reality, or any City planning document. This cannot be considered “fact” for purposes of the Draft EIR.

<sup>8</sup> See Attachment 4, City of Paso Robles General Plan Land Use Element Excerpts.



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I-37 ↑ and when (if ever) is the proposed Project, with all its attendant significant and unavoidable  
 cont. ↓ impacts, *actually* required?<sup>9</sup>

I-39 | These questions must be answered in a revised and recirculated Draft EIR. Failure to do  
 so skews the Draft EIR’s evaluation of mitigation measures and project alternatives by falsely  
 justifying impacts with a need that may not actually exist.

**III. THE PROJECT DESCRIPTION INCLUDED IN THE DRAFT EIR FAILS TO ACCURATELY DESCRIBE ALL RELEVANT COMPONENTS OF THE PROJECT.**

**A. The Project Description fails to include key details about power line pole height, location and aesthetic treatments, making it impossible to accurately and adequately determine the poles’ impacts on the environment.**

I-40 | An accurate, stable, and sufficiently detailed project description is an indispensable prerequisite to an informative and legally sufficient EIR. A project description that omits integral components of the project results in an EIR that fails to disclose all of the impacts of the project. (*Santiago County Water District v. County of Orange* (1981) 118 Cal.App.3d 818, 829; *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730.) Here, one of the most concerning aspects of the proposed Project is the visual and aesthetic impacts of the more than 150 new power line poles that are proposed to slice through the City of Paso Robles. Yet the Draft EIR’s Project Description fails to provide enough detail on the height, location, and aesthetic treatment of these poles to allow a reader to meaningfully assess the true impacts of these poles on aesthetics, views, community character, and public safety.

I-41 | First, the Draft EIR gives conflicting and vague descriptions of the proposed pole heights along the new 70 kV power line. Draft EIR Table 2-5 identifies the average height of the Light-Duty Steel Poles (“LDSPs”) as 92 feet and the average height of the Tubular Steel Poles (“TSPs”) as 99 feet. (Draft EIR, p. 2-20.) Yet, the text description of the same states that power line structures would “typically” range from 80 to 90 feet. (Draft EIR, 2-54.) The pole heights will actually range more dramatically than the text description implies, from 68 feet to more than 133 feet (Draft EIR, p. 2-20), but a reader has no way of knowing the height of any individual

I-42 | <sup>9</sup> As discussed further below, the Project’s accommodation of growth beyond that planned for by the City of Paso Robles raises a host of environmental impact concerns relating to growth inducement. Neither the City’s General Plan EIR, nor the Estrella Project’s Draft EIR analyze, disclose, and mitigate impacts associated with this unplanned growth. If this Project accommodates an additional 5,000 residents, this Draft EIR must analyze and disclose the impacts of those residents’ home construction, traffic, and public service needs. An additional 5,000 residents will cause additional air quality, greenhouse gas, vehicle miles traveled, wildlife, public services and utilities, and recreation impacts, just to name a few.

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I-41  
cont. ↑ poles or grouping of poles, making it impossible to meaningfully determine the impacts of these poles on the surrounding environment. While Figure 2-7 purports to show the specific location of each of the more than 150 power line poles, no heights are shown. For example, more than 13 new 70 kV poles are proposed immediately adjacent to Cava Robles. (Draft EIR, Figure 2-7.) Are these LDSPs or TSPs? How tall are these poles? There is a significant difference in a 68 foot tall pole and a 133 foot pole, but neither the CPUC, nor Cava Robles, nor the City of Paso Robles, nor any other interested party or member of the public can tell what is actually proposed along this (or any other) segment of the proposed alignment.

I-43 ↑ Similarly, the Draft EIR fails to provide meaningful detail on planned surface treatments of the more than 150 poles, or even the locations where “alternative” pole materials will be utilized. The Draft EIR states, vaguely, that at least one of the three proposed types of poles, the LDSPs “would have a surface treatment designed to render the appearance of a natural weathering of a wood pole” but no further details, and certainly no image depicting what such treatment looks like, are provided. (Draft EIR, p. 2-54.) The Draft EIR also admits that in several (unspecified) locations along the proposed route, “alternative poles” not made of steel will be used, but no further information about where these locations are or how the aesthetics of these “alternative poles” will differ from the LDSPs and TSPs is provided. (*Ibid.*) The Draft EIR also admits that “reflective” and “shiny” “overhead aluminum electrical conductors” will be utilized, but it is unclear how often, or where, these conductors will be placed, or how long they will remain “shiny”, reflective, and distracting.

Without these details, neither the CPUC, nor any interested party, can truly assess the potential impacts of the more than 150 power line poles that will slice through City of Paso Robles streets and communities. Therefore, we request that these details be added to the Project Description, that all impact analyses affected by the details be updated, and that a revised Draft EIR be circulated for public review.

**B. The Project Description fails to provide any meaningful detail on how the Project alignment will be restored after completion of construction.**

I-44 ↑ ↓ Despite impacting and removing vegetation and conducting grading on more than 122 acres, the Project Description provides scant detail about how these disturbed areas will be restored. The Draft EIR states only that these areas “would be restored to the extent practicable, following construction.” (Draft EIR, p. 2-86.) The Draft EIR references “returning areas to their original contours and drainage patterns... as prearranged through landowner agreements, where applicable.” (*Ibid.*) But the proposed Project’s alignment cuts through highly sensitive areas—sensitive biologically, hydrologically, and aesthetically. Vegetation removal and grading will degrade these sensitive areas significantly, and the Draft EIR must provide more robust explanation of how the CPUC will ensure that these areas will be returned to their pre-construction state, or, in the alternative, consider the failure or inability to do so a significant and

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 cont. ↑ unavoidable impact of the Project that is adequately disclosed and mitigated to the extent feasible. Generic statements that areas “would be restored” do nothing to reassure the public that this will be done. Will restored areas be planted with native landscaping? Will the areas be enhanced to mitigate the temporary impacts of the disturbances? Will biological monitoring occur to ensure that vegetation is adequately reestablished? Where landowner agreements cannot be “prearranged” will the inability to restore these areas result in a significant impact? And what of the required vegetation clearance areas that are referenced (elsewhere) in the Draft EIR as being necessary around each and every power line pole? As discussed above, a complete project description is necessary to ensure that all of a project’s environmental effects are considered. (*City of Santee v. County of San Diego* (1980) 214 Cal.App.3d 1438, 1454; *Santiago County Water District v. County of Orange* (1981) 118 Cal.App.3d 818 [failure to include a component of the project in the EIR’s project description can result in a failure to analyze the significant impacts that will be caused by that component].) Here, the lack of details is inexcusable, and they must be provided in a revised and recirculated Draft EIR.

**IV. THROUGHOUT THE DRAFT EIR, ENVIRONMENTAL ANALYSES FAIL TO DESCRIBE AND APPLY AN ADEQUATE ENVIRONMENTAL BASELINE, FAIL TO ADEQUATELY ANALYZE IMPACTS, AND FAIL TO IMPLEMENT ALL REASONABLE AND FEASIBLE MITIGATION MEASURES.**

**A. The Draft EIR’s aesthetics analysis is so fundamentally flawed that it must be revised and recirculated for additional public review.**

I-45 ↑ The aesthetics analysis included in the Draft EIR fails to account for all relevant Project details (see comments, above, regarding missing details on height, location, type, and aesthetic treatment of poles), depends on the Applicants’—and not the CPUC’s—definition of “key observation points”, mischaracterizes sensitive viewers in order to downplay viewer sensitivity and impacts, ignores the evidence presented in the Draft EIR’s own visual simulations, inadequately analyzes impacts on scenic vistas and visual character, and in the case of new sources of light and glare, ignores the impacts altogether. As described below, these flaws must be addressed in a revised and recirculated Draft EIR.

*1. The Draft EIR manipulates its placement, description, and categorization of KOPs to downplay impacts on viewers, in particular, viewers associated with Cava Robles.*

I-46 ↓ The aesthetics analysis is founded on the identification of several “key observation points” or “KOPs” identified by the Applicant along the proposed Project alignment. (Draft EIR, p. 4.1-2.) Misleading text descriptions of the KOPs downplay impacts that are clearly shown in the visual simulations included in the Draft EIR. For example, in describing the area around KOP 5, the Draft EIR states that the area is “characterized by existing industrial uses and

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cont.

↑ structures” but as is shown in Draft EIR Figure 4.1-6, there is not a single industrial use or structure visible from this KOP. Instead, the vicinity is dominated solely by open road, open fields, and open sky that will be marred by towering power line poles across the entirety of the view. (Draft EIR, p. 4.1-3, compared against Figure 4.1-6.) Worse yet, in describing the area around KOP 6, the Draft EIR makes absolutely no mention of the fact that this view is dominated by the entrance to the Cava Robles resort, which, as shown in Figure 4.1-7 will be completely dwarfed by countless towering poles running along Golden Hill Road. The Draft EIR admits that the towering poles will be “visible in the foreground along Golden Hill Road and Buena Vista Drive, as well as from private lanes and nearby residences” but completely ignores the recreational visitors coming to and staying at Cava Robles. Further, as discussed above in relation to the Draft EIR’s inadequate Project Description, it is unclear how tall the poles will be in this area, or how tall the poles depicted in the visual simulations were assumed to be. It also appears that none of the visual simulations take into account the loss of existing mature vegetation, or the maintenance areas surrounding each pole that will require constant removal of native vegetation. Given that the native vegetation and buffer landscaping that Cava Robles placed along Golden Hill Road—and which resulted in Cava Robles earning the 2018 Paso Robles Chamber of Commerce Beautification Award—will have to be removed, how can Figure 4.1-7 show the same mature vegetation along this stretch of the Project alignment? Indeed, as described above in relation to the Project Description, there is no guarantee that vegetation will actually be restored to pre-Project conditions, so the visual simulation for KOP 6 is incredibly misleading.

I-47

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I-49

↑ In addition, the Draft EIR mischaracterizes Cava Robles patrons by excluding them from the sensitive receptor category of “recreationists” despite the fact that Cava Robles is a luxury recreational resort, where patrons spend significant amounts of time enjoying the outdoors via natural trails, outdoor pools, and other camping activities. (Draft EIR, p. 4.1-6.) The Draft EIR admits that “recreationist” viewers have higher sensitivity to aesthetic impacts, and longer view durations than other viewer categories. (*Ibid.*) But instead of concluding that Cava Robles patrons are there to enjoy the outdoors in a nature-based setting, the Draft EIR categorizes them as “patrons of businesses in the area” no different, the Draft EIR explains, than patrons of other businesses in the area like “El Paso Self Storage” and “Hank’s Welding Services.” (Draft EIR, p. 4.1-7.) These “business patron” viewers have only “temporary views” of the new power line and only “moderate” sensitivity. (*Ibid.*) Such a categorization is absurd—there is no consideration given to the Cava Robles recreational visitor experience, which includes tourists and visitors traveling down Highway 46 into Paso Robles, essentially following the proposed transmission line route along Golden Hill Road, seeing numerous looming poles along Golden Hill Road and transmission lines crossing the entrance to the luxury resort, and then poles and lines looming over their rented accommodations within the resort for the entire duration of their stay.

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I-50

Erroneously categorizing Cava Robles as “business patrons” instead of “recreationists” results in a skewed summary of the KOPs in Draft EIR Table 4.1-1. KOP 6, which clearly shows looming towers over the Cava Robles resort, is categorized as only impacting the “perspective of motorists... and the closest residence.” (Draft EIR, p. 4.1-28.) Viewer exposure is described only as “moderate” despite that fact that “viewer exposure” is the degree to which viewers are exposed and the duration of the view; Cava Robles visitors will clearly have extended views of the transmission line, throughout the duration of their stay. (*Ibid*; see also Draft EIR, p. 4.1-2.) Draft EIR Table 4.1-1 also mischaracterizes “viewer sensitivity” at KOP 6 as merely “moderate” despite the fact that the Draft EIR admits elsewhere that “areas with scenic vistas, parks, trails, and scenic roadways typically have a high visual quality and visual sensitivity because these locales are publicly protected, appear natural, view durations are typically long, and close-up views are more commonly available.” (Draft EIR, p. 4.1-2.) As disclosed in the Draft EIR, Cava Robles is designated parks and open space by the City of Paso Robles; therefore its visitors are “recreationists” who come to the area expecting their experience to include scenic views, drives, and trails. The Draft EIR must be revised to properly account for and disclose impacts to Cava Robles viewers and KOP 6, and recirculated for additional public review.

2. *The Draft EIR’s analysis of impacts to scenic vistas is inadequate and flawed.*

I-51

The Draft EIR’s analysis of impacts to scenic vistas is truncated and incomplete. The analysis states, without evidentiary support, that while “several open space viewsheds” include resources such as oak-covered hillsides and expansive views of the open sky, “construction and operation of the Proposed Project would not affect these scenic vistas.” (Draft EIR, p. 4.1-38.) Yet the Draft EIR’s own visual simulations show this statement to be blatantly false. “Scenic vistas” are defined in the Draft EIR as “a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public.” (Draft EIR, p. 4.1-7.) The vast majority, if not all, of the KOPs identified in the Draft EIR, and for which visual simulations were prepared, meet this definition. Figure 4.1-2 shows new substation infrastructure dominating the existing expansive view, reducing the scenic vista’s open sky and vineyard view by nearly half. Figure 4.1-6 shows an existing scenic vista of open fields marred by transmission lines that cut across the entirety of the view. The view of open sky in Figure 4.1-7 is shown to be marred by numerous looming power poles that slice the view in half.

I-52

For unexplained reasons, the text of the Draft EIR on page 4.1-38 only considers Figure 4.1-5 in determining whether scenic vistas will be impacted, and provides only the following blanket statement to address the rest of the KOPs: “In general, while the Proposed Project’s 70 kV power line may be visible from several viewpoints throughout the City of Paso Robles and surrounding area, the degree of change relative to baseline conditions would be minor and would not substantially affect the scenic views.” But as described above, the Draft EIR’s own figures

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cont. ↑ indicate the exact opposite. By declaring impacts to scenic vistas less than significant, the Draft EIR has failed to disclose (and mitigate) a potentially significant impact. This analysis must be revised to address these errors, and recirculated for additional public review.

3. *The Draft EIR fails to disclose the true magnitude of impacts to existing visual character, and fails to adequately mitigate for the same.*

I-53 ↑ While the Draft EIR admits that impacts to visual character will be significant and unavoidable, this analysis is fatally flawed in a number of ways. (Draft EIR, pp. 4.1-39 through -42.) First, the Draft EIR acknowledges that aesthetic impacts will occur during construction, but then provides no rationale for concluding that these impacts will be less than significant other than the fact that they will be temporary. (Draft EIR, p. 4.1-40.) But temporary impacts, alone, may still be significant impacts. Here, construction will require the grading and vegetation removal at staging areas and helicopter landing pads, and siting of large pieces of construction equipment and cranes in otherwise scenic areas. These impacts will last nearly two years. For those two years, residents, visitors, motorists, recreationists, and tourists living in and visiting the area will be subject to prominent and close-up views of these construction activities and staging areas. These impacts are potentially significant, and the Draft EIR fails to consider any mitigation measures to reduce these (temporary, yet potentially significant) impacts to less than significant levels.

I-54 ↑ In regards to permanent, operational impacts of the Project on visual character, the analysis fails to consider and disclose the true magnitude of visual resources along Golden Hill Road. As mentioned earlier, Cava Robles spent more than \$300,000 undergrounding existing power lines along this same segment, planting native landscaping, providing buffer areas, and enhancing existing vernal pool habitat along Golden Hill Road. Yet the Draft EIR makes absolutely no mention of these recent beautifications and enhancements, let alone explain how they will be permanently, adversely affected by the proposed Project.

I-55 ↓ Declaring operational impacts along Golden Hill Road significant and unavoidable requires the Draft EIR to identify all feasible mitigation measures available to reduce these impacts to a level of less than significant. Yet the Draft EIR identifies only a single mitigation measure, which addresses the impacts of the transmission line in only two ways. First, it requires the Applicants to “use materials and paint colors that are compatible with the surrounding area” and “[u]se a dulled finish on power line and transmission structures.” Second, it requires the Applicants to “balance the need to minimize visual contrast with ensuring that structures are visible to air craft pilots and birds.” (Draft EIR, p. 4.1-42.) Yet no meaningful detail is provided regarding either. No visual simulations or figures are provided to show the CPUC, or the public, how the painting and “dulled finish” will actually change the appearance of the structures. Further, it is completely unclear how the Applicants will “balance” minimizing visual contrast with visibility—is this meant to release the Applicants from the prior requirement

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I-55  
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I-56 ↓

to use camouflaging paints and treatments in some areas? In how many areas? Under what circumstances? To what extent is visibility required and how will it be achieved? This mitigation measure is purportedly provided to address aesthetic impacts on sensitive viewers—how does directing the Applicants to “balance” these needs against other, competing needs, constitute an appropriate mitigation measure? And what about all the native landscaping and other Cava Robles improvements that the Project would displace? No mitigation is offered to address this impact. To address these questions and deficiencies, the visual character analysis must be revised to adequately and fully disclose the true magnitude of the significant and unavoidable impact, and mitigation measures with sufficient detail, performance standards, and enforceability must be provided to reduce this impact to the extent feasible (even if reducing it to a level of less than significant is impossible).

4. *The Draft EIR fails to fully address impacts from new sources of light and glare, especially in regards to nighttime construction activities.*

I-57 ↓

The Draft EIR concludes that light and glare impacts, including impacts from nighttime construction along Golden Hill Road, will be less than significant. (Draft EIR, p. 4.1-3.) However, the analysis lacks enough meaningful detail for a reader to understand the actual extent of nighttime lighting that will be introduced along the transmission line route. The Draft EIR states that “occasional” nighttime construction work would occur, but provides no details as to how often, or in what locations, nighttime construction would take place. The Draft EIR also states that nighttime lighting would “be temporary and would last for a short duration,” but provides no details as to how “temporary” or “short duration” are defined. (Draft EIR, p. 4.1-43.) Will Cava Robles’ visitors be subject to lighting impacts for days? Weeks? Months? Again, temporary impacts may still be significant, and additional information is required to make that determination.

I-58 ↓

The light and glare analysis makes a similar error in its analysis of permanent, operational light and glare impacts. The Draft EIR acknowledges that “specular wires associated with the power line would be shiny initially, thereby potentially resulting in a new source of glare for daytime views.” (Draft EIR, p. 4.1-43.) Yet, instead of explaining what the potential impacts of the glare would be on viewers, wildlife, motorists, or public safety, etc., the Draft EIR simply brushes these impacts aside with the statement that “wires are expected to dull over time such that these impacts would be considered temporary and less than significant.” (*Ibid.*) Given that the wires are only “expected” to dull over time, is it possible that they will not? Will the Applicants monitor the lines to ensure that this expected “dulling effect” actually occurs? In the interim, what are the glare impacts of the shiny and reflective power line wires? How long will it actually take for dulling to occur? Without these details, the Draft EIR cannot be said to provide adequate evidence supporting the conclusion that impacts would be less than significant, and that no identification and analysis of mitigation measures that may be required to reduce this impact are required.

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I-59

Finally, the Draft EIR acknowledges that in emergencies, nighttime maintenance could occur along the transmission line route, but again, no information about how often this is anticipated to occur is provided. (*Ibid.*) The Draft EIR relies upon Mitigation Measure AES-1 to reduce this potential impact. (*Ibid.*) But Mitigation Measure AES-1 is so vague that it provides no such assurance. The measure requires only that the Project “use materials and paint colors that are compatible with the surrounding area” but absolutely no direction or performance measures are identified to explain what this means or how it will occur. The measure references the use of “materials” that are compatible with the surroundings, but the material of the power line poles seems to already be established—the LDSPs and TSPs would be constructed of steel (Draft EIR, p. 2-20), and overhead electrical conductors would be constructed of aluminum (Draft EIR, p. 2-54). Thus, it is wholly unclear what other “materials” Mitigation Measure AES-1 anticipates the Applicants will utilize along this route to minimize potentially significant impacts associated with light and glare, or even if such a directive is feasible. No analysis or illustrations of the effectiveness of the “materials and paint colors” or “dull finish” contemplated by AES-1 is provided anywhere in the analysis. Thus, neither the CPUC nor any other reader can adequately assess the accuracy of the Draft EIR’s impact determination. Like the other components of the Draft EIR’s aesthetics analysis, the analysis of light and glare impacts must be significantly revised and recirculated for public review.

**B. THE DRAFT EIR FAILS TO ADEQUATELY MITIGATE ITS SIGNIFICANT AGRICULTURAL RESOURCES IMPACTS.**

I-60

The Draft EIR identifies a direct loss and permanent conversion of approximately 15.8 acres of mapped farmland, including Prime Farmland, Farmland of Statewide Importance, and Unique Farmland. (Draft EIR, p. 4.2-12.) This impact would occur as a result of removing existing vineyards and row crops to construct both the Estrella Substation and the more than 150 transmission poles and towers proposed along the Project’s transmission line route. (*Ibid.*) The Draft EIR acknowledges that this is a potentially significant impact, but then fails to adequately mitigate for the same.

I-61

The Draft EIR identifies only a single mitigation measure addressing permanent conversion of agricultural land, Mitigation Measure AG-1. This measure is grossly inadequate and fails to meet CEQA’s requirement for concrete, enforceable mitigation. (See *Federation of Hillside & Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1260 [mitigation measures cannot be remote or speculative]; *North Coast Rivers Alliance v. Marin Municipal Water District* (2013) 216 Cal.App.4th 614, 647 [mitigation plans must identify the methods that will be used to mitigate the impact and set out standards that the agency commits to meet].) Mitigation Measure AG-1 directs the Applicant to “contribute sufficient funds” to “ensure the conservation of one acre of agricultural land in San Luis Obispo County for each acre of agricultural land converted by the Proposed Project.” The measure provides no timing requirement and therefore it is impossible to know if the payment made by the Applicants will



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I-61 cont. ↑ actually be used to conserve other agricultural land in the County before the Project’s impacts occur. Further, while the measure seems to imply that the land to be “conserved” should be placed under a recorded conservation easement, the measure does not directly require this, rendering the measure unenforceable. Finally, the Draft EIR fails to provide any analysis of whether there are even 15.17 acres available within the County for placement under conservation easement.<sup>10</sup> If there is not, then this measure is infeasible.

I-64 These deficiencies must be corrected in a revised and recirculated mitigation measure. The Draft EIR’s conclusion that, despite the imposition of Mitigation Measure AG-1, impacts will remain significant and unavoidable, does not excuse a meek, unenforceable, and infeasible mitigation measure. Similarly, declaring conflicts with Williamson Act contract lands significant and unavoidable does not release the CPUC from identifying all feasible mitigation measures for that impact. Yet the Draft EIR identifies not a single measure addressing the loss of Williamson Act contract lands directly. (Draft EIR, p. 4.2-15.)

I-65 Finally, the Draft EIR concludes that impacts associated with “other changes in the existing environment that... result in a conversion of Farmland to a nonagricultural use” is less than significant. (Draft EIR, p. 4.2-15.) This conclusion is based on the Draft EIR’s argument that, while the Project would accommodate future growth in the Paso Robles area, it would not directly cause this growth, and therefore, would not be the cause of any related conversion of agricultural land. (Draft EIR, p. 4.2-15.) But, as discussed above, the Draft EIR wrongly justifies the Project’s need by assuming an inaccurate and unreasonable growth rate in the City of Paso Robles. While the Draft EIR assumes that the City will see a population increase of 50 percent by 2045, the City’s own General Plan indicates this is not only unlikely, but impossible, as it would exceed the City’s maximum buildout under the General Plan land use map. Yet, the Project plans for, and accommodates, this *unplanned* future growth. As such, the Draft EIR cannot completely side-step responsibility for conversion of agricultural land as a result of growth. The Project is expressly designed to permit growth beyond that planned for by the City’s General Plan—thus, the Project must shoulder the responsibility for agricultural land conversion occurring as a result of that growth. The Draft EIR must be revised and recirculated to identify this impact as potentially significant. If no mitigation is available, then the impact must be identified as significant and unavoidable.

I-66 <sup>10</sup> In addition, the Draft EIR admits in a later analysis that the County of San Luis Obispo’s Rules of Procedure to Implement the California Land Conservation Act of 1965 identify 20 to 40 acres as the minimum acreage for parcels or contiguous parcels of prime land to qualify for an agricultural preserve. (Draft EIR, p. 4.2-15.) This raises the question of whether an easement mitigating just the impacts of the Project is feasible, or whether a conservation easement tied to the impacts of other projects in the County would have to be conjoined with the impacts of this Project. If it is the latter, this further calls into question whether the mitigation can and will be implemented prior to the actual loss and conversion of farmland.

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**C. THE DRAFT EIR'S ANALYSIS OF CONSTRUCTION ROG, NO<sub>x</sub>, AND PM<sub>10</sub> IS FLAWED.**

I-67 | The Draft EIR discloses construction emissions that exceed the San Luis Obispo County Air Pollution Control District ("SLOCAPCD") thresholds of significance for daily and quarterly ROG and NO<sub>x</sub> emissions, as well as for quarterly fugitive dust (PM<sub>10</sub>) emissions. (Draft EIR, p. 4.3-16.) Pursuant to the SLOCAPCD CEQA Air Quality Handbook, to mitigate for these threshold exceedances, Standard Mitigation Measures, Best Available Control Technology, and off-site mitigation are required. (Draft EIR, p. 4.3-13.) Yet, the Draft EIR fails to even discuss these measures in any level of detail, let alone incorporate them into the Project.

I-68 | Instead, the Draft EIR claims to address its significant impact by generically citing to Applicant Proposed Measures<sup>11</sup> ("AMP") AIR-1, AIR-2, and AIR-3, and, notably, provides no explanation or analysis of what these measures require or how they would address and reduce emissions of ROG, NO<sub>x</sub>, and PM<sub>10</sub>. When a reader cross-references back to the Draft EIR's Project Description, however, it is clear that these APMs are so vague and unenforceable that they cannot possibly have any meaningful role in reducing the Project's significant construction emissions. For example, APM AIR-1 appears to require that construction equipment meet certain engine standards, but then also permits construction or trucking equipment meeting wholly unspecified "alternative compliance." (Draft EIR, p. 2-92.) APM AIR-1 also requires electrified equipment, diesel-powered equipment, and "alternatively fueled construction equipment" but only "when feasible."<sup>12</sup> (*Ibid.*) APM AIR-2 is even more vague, stating only that "Best Available Control Technology measures for the Project include: Reducing emissions

I-69 |

I-70 | <sup>11</sup> The "Applicant Proposed Measures" are introduced as part of the Project Description, which reads: "The Applicants propose to implement measures to avoid and/or reduce potential impacts of the Proposed Project." (Draft EIR, p. 2-88.) Unlike mitigation measures, the APMs are cross-referenced by number, but rarely described, and never meaningfully analyzed, in several of the environmental analyses sections of the Draft EIR. This approach to "mitigation" was expressly rejected in *Lotus v. Department of Transportation* (2014) 223 Cal.App.4<sup>th</sup> 645. There, the Court held that measures "to avoid and/or reduce potential impacts" of a project are not "part of the project." Instead, "[t]hey are mitigation measures designed to reduce or eliminate the damage [caused by the Project]. By compressing the analysis of impacts and mitigation measures into a single issue, the EIR disregards the requirements of CEQA." (*Id.*, at p. 655.) Inclusion of the APMs in the Mitigation Monitoring and Reporting Program does not remedy the issue. The only way to comply with the holding of *Lotus* is for the APMs to be fully carried forward into each and every environmental analysis, denoted as mitigation measures, disregarded in the initial determination of whether impacts will be significant or less than significant, and then identified and analyzed as to their ability to meaningfully reduce impacts to a less than significant level. As described herein, many of the APMs do not meet CEQA standards for legally adequate mitigation measures in that they fail to provide assurances that mitigating actions will actually take place (e.g., through the incorporation of caveats like "when feasible" or "should"). This failing must be remedied as well.

I-71 | <sup>12</sup> The measure also provides absolutely no direction on which "alternative" to gasoline or diesel is preferred. Is electrified equipment better than gasoline powered? But gasoline powered better than diesel? Which energy source is to be prioritized – electricity, gasoline, or alternative fuels? APM AIR-1 provides absolutely no clarity.

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cont. | by expanding use of Tier 3 off-road and 2010 on-road-compliance engines; and Installing California Verified Diesel Emission Control Strategies.” (Draft EIR, p. 2-93.) But there is no explanation provided as to what “expanding use” means, or which emission control strategies, if any, are actually required of the Applicant. (*Ibid.*) Finally, APM AIR-3 merely makes general and unspecified suggestions, such as “reduce the amount of the disturbed area *where possible*,” “stock pile area should be sprayed daily *as needed*,” and trucks “*should* maintain at least two feet of freeboard.” (*Ibid.*, emphasis added.) These generic statements are meaningless, as they don’t actually require anything of the Applicant, and therefore cannot be said to reduce any actual significant emissions of ROG, NOx, or PM10.
- I-72 |
- I-73 | The Draft EIR also identifies Mitigation Measure AQ-1, which is just as vague and ineffectual in reducing significant emissions as the APMs. (Draft EIR, p. 4.3-17.) The measure requires the Applicants to prepare a Construction Activity Management Plan (“CAMP”), but no concrete performance measures are provided and no specifications about the contents of the CAMP are identified. For example, the CAMP must contain “SLOCAPCD standard mitigation measures, BACT measures and diesel idling restrictions that are not already in the APMs.” But, as discussed above, the APMs do not actually contain restrictions, but instead propose a list of vague suggestions that the Applicants need only implement “where feasible” or “where possible” or “as needed.” Further, Mitigation Measure AQ-1 requires “A Dust Control Management Plan that encompasses all, but is not limited to, dust control measures that were listed above in the ‘dust control measures’ section.” (Draft EIR, p. 4.3-18.) There is no section above entitled “dust control measures.” (*Ibid.*) The measure goes on in a nonsensical fashion, requiring “[t]abulation of on and off-road construction equipment” but seemingly not placing any limits or requirements on the actual use of CARB’s Tier 3 and Tier 4 standards. (*Ibid.*)
- I-74 |
- I-75 | Given the nebulosity of the APMs and Mitigation Measure AQ-1, it is perhaps not surprising that the Draft EIR fails to provide any analysis of how, and to what level, these measures will reduce significant emissions of ROG, NOx, and PM10. The fact that the Draft EIR ultimately declares emissions of ROG, NOx, and PM10 to be significant and unavoidable does not absolve the CPUC from identifying and implementing all reasonable and feasible mitigation to at least reduce these significant emissions. Revising APMs AIR-1 through AIR-3, and Mitigation Measure AQ-1 to actually *require* the Applicants to implement concrete reduction measures is mandatory, regardless of whether doing so reduces emissions to below the SLOCAPCD thresholds. (Pub. Resources Code, § 21081(a)(1); State CEQA Guidelines, §§ 15091(a)(1), 15470; see also *Save Panoche Valley v. San Benito County* (2013) 217 Cal.App.4th 503, 528.) As such, the air quality impact analysis must be revised and recirculated to provide a full and adequate impact disclosure together with concrete and enforceable mitigation.

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**D. THE DRAFT EIR'S ANALYSIS OF BIOLOGICAL IMPACTS  
ILLEGALLY DEFERS BOTH IMPACT ANALYSIS AND MITIGATION  
FORMULATION, IN CLEAR VIOLATION OF CEQA.**

1. *The Draft EIR fails to include any reasonable or adequate description of the existing environmental baseline, and appears to rely on outdated biological surveys that have not been released to the public.*

I-76

The Draft EIR's description of the biological resources environmental setting references several field surveys, but none are included in the appendices to the Draft EIR or otherwise made available to the public. (Draft EIR, p. 4.4-9.) No discussion is provided in the Draft EIR as to the date and season that the surveys were completed, the location of the surveys, the protocols applied during the surveys, or the species that were identified. While later on the Draft EIR implies that field surveys for special status plants were conducted in 2016—again, such surveys were not included in the appendices to the Draft EIR—the NOP for the proposed Project was not released until two years later, and the Draft EIR was not released to the public until two years after that. (Draft EIR, p. 4.4-40.) There is no indication that outdated field survey results from 2016 are in any way relevant to a determination as to whether impacts to special status plant species will occur during construction of the Project.

I-77

Despite the lack of relevant field surveys, the Draft EIR states that 20 sensitive plant species and 27 sensitive animal species have potential to occur on the Project site. (Draft EIR, pp. 4.4-10 through -28.) Of these, six are listed as endangered or threatened at the federal or state level, or identified as candidates for the same. These species include Lemmon's jewelflower (federally and state listed endangered), Crotch's bumble bee (state candidate for listing), vernal pool fairy shrimp (federally listed threatened), California red-legged frog (federally listed threatened), California condor (federally and state listed endangered), and the San Joaquin kit fox (federally listed endangered, state listed threatened). In addition, 14 bird species with potential to occur onsite are subject to the protections of the Federal Migratory Bird Treaty Act. Yet, as stated above, absolutely no field surveys for these listed species, or any of the non-listed but nonetheless sensitive species, have been done—let alone surveys completed within the past three years. New field surveys for the special-status species with potential to occur onsite must be completed and the results of those surveys included in a revised and recirculated Draft EIR.

2. *The Draft EIR egregiously and impermissibly defers meaningful analysis of impacts to sensitive plant species, and any meaningful mitigation for the same.*

I-78

While simultaneously acknowledging that the areas along Golden Hill Road provide habitat for sensitive plant species, the Draft EIR states, "Given that field surveys of the Proposed

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cont. ↑ Project area in 2016 did not identify any special-status species, it would be unlikely that such species have established in the interim.” (Draft EIR, p. 4.4-41.) First, surveys conducted more than 4 years ago have no bearing on whether sensitive plant species are currently present along the proposed transmission line route, or along Golden Hill Road in particular. This is especially true given that in the intervening years, Cava Robles spent more than \$100,000 establishing native vegetation along this portion of the proposed Project alignment, and mitigating and enhancing existing vernal pool habitat. By failing to consider and survey for sensitive plant species along Golden Hill Road (or any other portion of the Project alignment), the Draft EIR fails to provide any evidence for its conclusion that impacts to sensitive plant species will be less than significant. Further, it renders the Draft EIR unclear as to what would even constitute a significant impact in the first place—removal of habitat with the potential to be occupied by a sensitive species? Temporary impacts to the same? Or does the Draft EIR only consider take of sensitive species to be an impact? Without recent surveys, how can a reader know the likelihood of any of these circumstances occurring with implementation of the Project? This is a clear violation of CEQA, which requires that EIRs provide a reasonable, good faith disclosure and analysis of a project’s environmental impacts. (*Laurel Heights Improvement Association v. Regents of University of California* (1988) 47 Cal.3d 376, 392; see also State CEQA Guidelines, § 15126.2, *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645 [to assess the impact of a proposed project on the environment, the lead agency examines the changes to existing environmental conditions that would occur if the project were implemented].)
- I-79
- I-80 The Draft EIR instead punts *any* analysis of special status plant species impacts to pre-construction, post-approval, surveys. Relying on APM BIO-1 and Mitigation Measure BIO-1, the Draft EIR concludes that because these measures “would require that biologists conduct pre-construction surveys for special status plants” no significant impacts would occur. (Draft EIR, p. 4.4-41.) However, this is a classic deferral of analysis, and strictly prohibited under CEQA. A mitigation measure cannot be relied upon to determine or verify project impacts. (*Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal.App.4th 48.)
- I-81 Further, an EIR must include an analysis of the significance of a project’s impacts *before* mitigation. (*Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 658.) An EIR must specify whether impacts would be significant in the absence of mitigation, so that the project’s potential environmental consequences will be adequately disclosed, and the sufficiency of the mitigation measures considered. (*Id.* at p. 656.) In *Lotus v. Department of Transportation*, Caltrans proposed a highway realignment, through a park that included old growth redwoods. The realignment required construction and grading within the root zone of more than 40 redwood trees. (*Id.* at p. 649.) The EIR’s project description included non-design actions, such as specific construction techniques, that were intended to reduce potential impacts to the redwoods, and in reliance on these project features determined that impacts would be less than significant. (*Id.* at pp. 650-51.) The Court found this approach was a clear violation of
- I-82 ↓

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- I-82  
 cont. ↑

I-83

CEQA. Here, the Draft EIR commits the same violation. (*Id.* at p. 657.) APM BIO-1 is no different from the construction techniques incorporated into Caltrans’ project description—a non-design feature identified to reduce potential impacts to sensitive biological species that may or may not (we do not know, because the Draft EIR does not say) be directly impacted by the Project. Reliance on this APM, and the 28 others identified in the Draft EIR’s Project Description, is impermissible.
- I-84

I-85

The Draft EIR also defers any formulation of mitigation for these (unanalyzed, undisclosed) impacts to sensitive plant species, in violation of CEQA. (See State CEQA Guidelines, § 15126.4(a)(1)(B).) Mitigation Measure BIO-1 states that in the event that “any federally or state-listed species are discovered, the Applicants would contact the appropriate resource agency (USFWS and/or CDFW).” (Draft EIR, p. 4.4-41.) Contacting a resource agency in the future, post-project approval, *unequivocally does not constitute adequate mitigation under CEQA*. The Draft EIR also cites to Mitigation Measure BIO-2 to assure a reader that impacts would be adequately mitigated. This measure would require compensatory mitigation for any special-status plant species directly impacted during construction. (Draft EIR, p. 4.4-41.) But it is wholly unclear from this measure whether and where mitigation banking would be feasible, or how transplanting individual plants will effectively address and mitigate for impacts. This patchwork of mitigation is classic illegal deferral.
- I-86

The Draft EIR’s analysis of impacts to sensitive plant species fails to: (1) actually describe the environmental baseline and identify which species and habitat are actually located within the Project’s construction footprint; (2) actually quantify the potential impacts to sensitive species, pre-mitigation, that are likely to occur; and (3) ensure that these impacts will be reduced to a level of less than significant through the imposition of concrete, enforceable, and effective mitigation measures. These deficiencies must be remedied in a revised and recirculated Draft EIR.

3. *The Draft EIR’s analysis and mitigation of impacts to sensitive wildlife species is similarly deferred and inadequate.*
- I-87

The Draft EIR’s analysis of impacts to special status wildlife species, including numerous federally and state-listed species, provides absolutely no accounting of acres of critical habitat to be impacted, the actual presence of species occurring within the Project’s direct impact areas, or the number of species likely to be impacted, directly or indirectly, by the Project. There is no accounting for the fact that take permits may be required from either or both the U.S. Fish & Wildlife Service (“USFWS”) or the California Department of Fish & Wildlife (“CDFW”). Instead, like with sensitive plant species, any and all analysis of potential impacts, and their mitigation, is impermissibly punted to the future, post-Project approval.

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I-88 | By way of example, the Draft EIR claims, without any citation or support, that “no vernal  
pools or seasonal wetlands were identified in the Proposed Project’s disturbance area.” (Draft  
EIR, p. 4.4-42.) Was this determined through site surveys? If so, when did those surveys occur?  
Without these details, the conclusion that no pools or wetlands occur or will be impacted by the  
Project is unfounded. Worse yet, the Draft EIR claims that APM HYDRO-1 “would avoid  
impacts to sensitive aquatic features” but APM HYDRO-1 merely requires that the Applicants  
I-89 | “avoid sensitive aquatic features (i.e., jurisdictional wetlands, waters, and riparian areas) *to the  
extent feasible*.”<sup>13</sup> (Draft EIR, p. 2-107.) There is no analysis provided of what is or is not  
“feasible” in relation to avoiding sensitive aquatic features. APM HYDRO-1 also states that  
I-90 | should jurisdictional or regulated waters be impacted, “regulatory approval/permitting from the  
appropriate agency” would be required—but absolutely no accounting of how much  
jurisdictional areas are anticipated to be impacted, or how the CPUC plans to mitigate those  
impacts through federal and state permitting requirements, is provided. As discussed above in  
relation to sensitive plant species, future regulatory permitting does not supplant or replace the  
impacts analysis, disclosure, and mitigation, that CEQA requires.

I-91 | The Draft EIR appears to also contemplate that impacts to Crotch’s bumble bee,  
California red-legged frog, and western spadefoot toad could occur. Yet, at least in relation to  
the latter two species, the Draft EIR attempts to reassure a reader that no impacts would occur  
because “[a]s discussed above, the Proposed Project has been designed to avoid sensitive aquatic  
features.” (Draft EIR, p. 4.4-43.) Again, this is simply not so. No wetlands or aquatic surveys  
seem to have been completed for the Project, and APM HYDRO-1 merely requires that, in the  
future, Project design should avoid sensitive aquatic features “to the extent feasible.” (Draft  
EIR, p. 2-107.) Neither APM BIO-1 nor Mitigation Measure BIO-1 eliminate the potential for  
impacts to aquatic features, California red-legged frog, western spadefoot toad, or Crotch’s  
bumble bee. The measures merely require pre-construction surveys and coordination with  
regulatory agencies. There is absolutely no analysis or disclosure on whether take authorization  
will ultimately be required for these species, or how impacts to these species will actually be  
mitigated. (Draft EIR, p. 4.4-43.) The same concerns apply to the Draft EIR’s analysis and  
I-92 | treatment of special status birds (Draft EIR, p. 4.4-44) and mammals (Draft EIR, p. 4.4-45). In  
neither instance does the Draft EIR provide any meaningful explanation as to whether impacts to  
these species will occur, to what extent, or how (if impacts occur) such impacts will be  
mitigated. These are fundamental flaws that require substantial revision of the Draft EIR’s  
biological resources analysis and recirculation to the public for review and comment.

I-93 | <sup>13</sup> Reliance on APM HYDRO-1 also raises the same *Lotus v. Department of Transportation* issues described in  
detail above, in connection with impacts on sensitive plant species.

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4. *No meaningful analysis of riparian habitats, sensitive natural communities, or jurisdictional waters and wetlands is provided.*

I-94 | As described above, the Draft EIR continues to rely on APM HYDRO-1 for evidence that the Project “has been designed to avoid all riparian habitats.” (Draft EIR, p. 4.4-51.) Again, APM HYDRO-1 merely requires avoidance of riparian areas “to the extent feasible” and no real analysis is provided in the Draft EIR as to whether full avoidance is “feasible.” Therefore, the Draft EIR’s conclusion that “riparian areas would be avoided and no direct impacts to riparian areas would occur” lacks any evidentiary support. (*Ibid.*) The analysis must be revised to support its conclusion with substantial evidence, and then recirculated for public review.

I-95 | The Draft EIR also acknowledges that the Project will require the removal of at least three oak trees within a blue oak woodland habitat, which is a sensitive natural community. (Draft EIR, p. 4.4-51.) To mitigate this impact, Mitigation Measure BIO-4 requires development of a future “Habitat Restoration Plan” in another classic example of mitigation deferral. There is no explanation given in the Draft EIR as to why such a plan cannot be developed now, prior to Project approval, to allow the public (and the CPUC) to determine whether mitigation will be adequate and feasible. This analysis must also be revised and recirculated to allow the public and CPUC to evaluate the impact and the effectiveness of mitigating the impact.

**E. THE DRAFT EIR MUST ANALYZE CONSISTENCY WITH GENERAL PLAN POLICIES, REGARDLESS OF WHETHER THE CPUC IS SUBJECT TO LOCAL POLICE POWER.**

I-96 | Regardless of whether the Project is “exempt from local land use and zoning regulations,” CEQA still requires an analysis of whether the Project will cause a 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. (See State CEQA Guidelines, Appendix G, § XI.b.) Not being subject to zoning regulations within a local jurisdiction has no bearing on whether a significant environmental impact will occur as a result of conflict with a plan, policy or regulation adopted to reduce or avoid an impact. Impacts to aesthetics and community character are considered “environmental impacts” for purposes of CEQA.

I-97 | Here, the Draft EIR fails to provide any analysis of the Project’s conflict with County of San Luis Obispo and City of Paso Robles General Plan policies relating to aesthetics and community character. These policies include, but are not limited to, County General Plan Goal VR 1, relating to preserving views of the natural and agricultural landscape; County Goal VR 2, relating to preserving the natural character and identifying of rural areas; City of Paso Robles General Plan Goal C-5, relating to enhancing and upgrading the City’s appearance; City of Paso Robles Policy C-5B, relating to protection of hillsides as a visual amenity; City of Paso Robles General Plan Goal LU-2, relating to maintaining and enhancing the City’s image and identity;



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I-97  
 cont. ↑ City of Paso Robles General Plan Policy LU-2K, relating to preserving the natural beauty and rural identity of the community; and City of Paso Robles General Plan Goal PR-1, relating to optimization of the use and development of parks and recreation facilities. The Project will conflict with some or all of these policies, and as a result, an environmental impact requiring mitigation will occur. The Draft EIR fails to do so, and thus must be revised and recirculated to include this mandatory analysis.

**F. THE NOISE ANALYSIS INCLUDED IN THE DRAFT EIR FAILS TO ESTABLISH AN ACCURATE BASELINE, FAILS TO ACKNOWLEDGE THE POTENTIAL FOR CORONA NOISE ALONG THE 70 kV TRANSMISSION LINE, AND FAILS TO ADEQUATELY MITIGATE PROJECT NOISE IMPACTS.**

I-98 The Draft EIR’s description of baseline noise conditions is inadequate, and is founded on false and unreasonable assumptions. No baseline noise surveys were conducted along the transmission line alignment. Accordingly, the Draft EIR provides no adequate environmental baseline against which to measure the Project’s impacts on the residential neighborhood, Cava Robles resort, or the San Antonio Winery located along Golden Hill Road. The Draft EIR gives several reasons for this failure, none of which are tenable. First, the Draft EIR states that “the power lines and distribution components are not expected to add any noise beyond corona noise, which would not be perceptible above the noise of the existing 500 kV and 230 kV transmission lines. (Draft EIR, p. 4.13-9.) But there are no 500 kV and 230 kV transmission lines along the vast majority of the proposed transmission line route, and certainly no such lines exist along Golden Hill Road. Second, the Draft EIR claims that “no sensitive receptors would be permanently sited at the transmission line.” (*Ibid.*) This is similarly false—the lines will be directly adjacent to several vacation rental sites within the Cava Robles resort, patrons of the winery, and the several homes located along Golden Hill Road. These users will be permanently sited adjacent to the lines, and constitute noise-sensitive receptors.<sup>14</sup>

I-101 The Draft EIR claims that, pursuant to APM NOI-1<sup>15</sup>, “Applicants would limit grading, scraping, augering, and pole installation to 7 a.m. to 7 p.m. daily.” (Draft EIR, p. 4.13-16.) Yet, APM NOI-1 does not require this. Instead, this measure clearly allows for an “exception for work outside of these hours” so long as the Applicants provide “advance notice.” (Draft EIR, pp. 2-108 and -91.) APN NOI-1 does nothing to guarantee a reduction in construction noise impacts if “grading, scraping, augering, and pole installation” is permitted to occur at night,

I-102 <sup>14</sup> The Draft EIR itself describes “noise-sensitive receptors” as including residences, nature and wildlife preserves, recreational areas, and parks. (Draft EIR, p. 4.13-10.)

I-103 <sup>15</sup> Confusingly, it is not clear whether APM NOI-1 is intended to be applied at all. On page 4.13-18, the Draft EIR states that APM NOI-1 is superseded by Mitigation Measure NOI-1. Yet, if this is so, it is unclear why the discussion of construction noise impacts on page 4.13-16 of the Draft EIR continues to rely upon APN NOI-1.

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- I-101 cont. ↑ adjacent to noise-sensitive receptors along the proposed Project alignment. Thus, the Draft EIR fails to identify reasonable mitigation for this potentially significant impact.
- I-104 ↓ Further construction-related noise impacts would occur as a result of helicopter use and ground-level construction equipment. The Draft EIR discloses that all sensitive receptors near pole installation sites (which, again, includes visitors to Cava Robles, the San Antonio Winery, and the entirety of the Circle B residential neighborhood), would be subjected to noise levels exceeding the FTA’s recommended significance threshold. (Draft EIR, p. 4.13-17.) The Draft EIR claims that APN NOI-1 and -2, and Mitigation Measures NOI-1 and -2, would reduce these impacts to the extent feasible. But these measures do nothing of the sort. APM NOI-2, like several of the APMs already discussed, is neutered by the caveat that noise reduction devices and practices must only be applied “when feasible.” (Draft EIR, p. 4.13-18.)
- I-105 ↓ The Draft EIR also misrepresents the possibility of noise disturbances from the transmission line on adjacent noise-sensitive receptors. (Draft EIR, p. 4.13-22.) While the Draft EIR states that “corona noise” is “more noticeable” on higher-voltage lines than the 70 kV line proposed here, scientific research indicates that lines of even 70 kV result in audible corona noise.<sup>16</sup> The fact that corona noise would be “more noticeable” along higher voltage routes, does not constitute evidence that noise generated by the proposed Project along the 70 kV alignment will be insignificant—especially when no higher voltage lines exist on Golden Hill Road.
- I-106 ↓ To address the inadequacies of the Draft EIR’s noise analysis, the Draft EIR must be revised to include a true description of the existing noise baseline, mitigation measures that are adequate, concrete, and enforceable, and a disclosure of actual corona noise impacts.
- G. THE DRAFT EIR FAILS TO ACKNOWLEDGE THAT IT ACCOMMODATES MORE THAN “PLANNED” GROWTH IN THE REGION, AND THEREFORE FAILS TO DISCLOSE SIGNIFICANT POPULATION AND GROWTH INDUCEMENT IMPACTS.**
- I-107 ↓ The Draft EIR concludes that the proposed Project would not induce substantial unplanned population growth, either directly or indirectly. (Draft EIR, p. 4.14-3.) As discussed above, the Draft EIR argues that although the Project will expand electrical distribution service capacity, this is done only to accommodate future anticipated growth. (Draft EIR, p. 4.14-4.) But, as explained in relation to the Project need, the growth assumed in the Draft EIR does not comport with the growth planned by the City of Paso Robles, or that is even allowed under the City’s General Plan. That PG&E, as the Project Applicant, claims “city planners estimate a 50 percent increase in the population of Paso Robles by 2045” has no bearing on reality, especially when such a statement is belied by the City’s own governing documents. Because the Project is

<sup>16</sup> See Attachment 5, *Corona Audible Noise of 110 kV High Voltage Transmission Lines*.

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I-107 ↑ designed to accommodate growth far beyond what would reasonably be expected to occur without the Project, the Project's contribution to *unplanned* growth must be analyzed, disclosed, and considered a potentially significant impact in the Draft EIR. As such, the Draft EIR must be revised and recirculated to include this analysis.  
cont.

I-108 Further, the Project's accommodation of growth beyond that planned for by the City of Paso Robles raises a host of environmental impact concerns relating to growth inducement. Neither the City's General Plan EIR, nor the Estrella Project's Draft EIR analyze, disclose, and mitigate impacts associated with this unplanned growth. As discussed above, the City's General Plan plans for a maximum population of 42,800 by the year 2045, but PG&E claims that the Estrella Project will accommodate 47,733 residents in the same time horizon. Thus, there are nearly 5,000 new residents that this Project will accommodate and that the City has not planned for. If this Project accommodates an additional 5,000 residents, this Draft EIR must analyze and disclose the impacts of those residents' home construction, traffic, and public service needs. An additional 5,000 residents will cause additional and significant air quality, greenhouse gas, vehicle miles traveled, wildfire, public services and utilities, and recreation impacts, just to name a few, that have not been considered or mitigated under any plan or environmental document.

**H. THE DRAFT EIR IGNORES IMPACTS ASSOCIATED WITH TRAFFIC AND CIRCULATION DESIGN HAZARDS AND INCOMPATIBILITIES.**

I-109 The Draft EIR concludes that the Project would not substantially increase hazards due to a geometric design feature or incompatible uses. (Draft EIR, p. 4.17-20.) However, the analysis upon which this conclusion is based is flawed and ignores the myriad of design hazard impacts that will occur along Golden Hill Road, which provides access to Cava Robles.

I-110 Cava Robles visitors drive their large RV vehicles north on Golden Hill Road to the entrance of the resort. The Project proposes numerous transmission poles along Golden Hill Road, but provides no analysis of how the placement and erection of these poles will affect the ability of large RV vehicles to access Cava Robles, either temporarily or permanently. The Draft EIR claims that "encroachment permits from applicable jurisdictions/agencies would ensure that operation of heavy trucks and equipment in public roadways" would not pose a significant hazard. (Draft EIR, p. 4.17-21.) However, no explanation is provided as to how this is so. Mitigation Measure TR-1 also provides no such assurances, despite the Draft EIR citing to this measure in its argument that these impacts would be reduced to less than significant. This measure merely requires development of a Traffic Control Plan, and identifies six criteria that must be included in the plan—notably none of the criteria address special issues relating to RV traffic on Golden Hill Road. (Draft EIR, p. 4.17-18.) Such an analysis must be included to ensure no design hazards or traffic incompatibilities occur during either construction or operation of the Project.

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**I. THE DRAFT EIR FAILS TO ADEQUATELY ADDRESS EMF HEALTH IMPACTS, DESPITE THE FACT THAT CEQA CONSIDERS IMPACTS ON HUMAN HEALTH TO BE ENVIRONMENTAL IMPACTS.**

I-111 The Draft EIR states that because CEQA does not define or adopt standards for defining any potential risk from electric and magnetic fields (“EMF”), the Draft EIR is not required to analyze potential impacts from EMF. (Draft EIR, p. 2-110.) However, the Draft EIR also admits that the World Health Organization (“WHO”) has classified magnetic fields as “possibly carcinogenic to humans.” (Draft EIR, p. 2-114.) Further, the Draft EIR admits that a California Department of Health Services (“DHS”) review, done on behalf of the CPUC, concluded that “EMFs can cause some degree of increased risk of childhood leukemia, adult brain cancer, Lou Gehrig’s Disease, and miscarriage” and could possibly be linked to “increased risk of suicide.” (*Ibid.*)

I-112 A proposed project’s impacts on human health are unequivocally considered to be an environmental impact subject to analysis, disclosure, and mitigation under CEQA, regardless of whether CEQA “define[s] or adopt[s] standards for defining any potential risk from EMF.” (See, e.g., *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502 [requiring a reasonable effort to substantively analyze a project’s health consequences]; see also *Joshua Tree Downtown Business Alliance v. County of San Bernardino* (2016) 1 Cal.App.5th 677, 689 [the questions in the State CEQA Guidelines, Appendix G Checklist, do not necessarily cover all potential impacts that may result from a particular project]; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099 [it may be necessary to modify or augment the questions in the checklist to ensure that all of a project’s potentially significant impacts will be addressed].) Further, it is not the purpose of CEQA to identify or “adopt” standards—this is the role of the lead agency undertaking environmental review. (State CEQA Guidelines, § 15064(b); *San Francisco Baykeeper, Inc. v. State Lands Commission* (2015) 242 Cal.App.4th 202, 227.)

I-113 Here, the lead agency is the CPUC, an agency that has commissioned its own review of EMF impacts from the DHS, the results of which point to human health impacts resulting from EMF exposure. The proposed Project will run directly adjacent to residences, wineries, and the Cava Robles resort, exposing the residents, visitors, and employees of these areas to EMF levels. The failure of the CPUC to establish standards, apply them in the Draft EIR, and disclose their significance to the community likely to experience these impacts, results in a legally and substantively flawed environmental review. That the CPUC has adopted a “low cost/no cost” policy for mitigation of EMF exposure for new utility transmission and substation projects is immaterial to the CPUC’s duty to disclose and mitigate under CEQA, which does not permit consideration of economic factors in identifying environmental impacts and feasible mitigation measures. (See State CEQA Guidelines, § 15131(a).) Thus, the Draft EIR must be revised and recirculated to address potential human health impacts, whether associated with EMFs, or any

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I-113 ↑ other aspect of the Project, such as criteria air pollutants, noise levels, or transportation design  
 cont. | hazards.

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I-114 | When a draft environmental review document requires significant and substantial changes to bring it into compliance with CEQA, the State CEQA Guidelines, and applicable case law, the lead agency must recirculate the document to provide all interested parties and members of the public the opportunity to review and comment on the revisions. (Pub. Resources Code, § 21092.1; State CEQA Guidelines, § 15088.5.)

I-115 | As documented above, this Draft EIR’s fatal deficiencies mandate significant and substantial revisions to bring the document into legal compliance. This significant new information will likely show new, significant environmental impacts and result in the formulation of new mitigation measures necessary to reduce the impacts of the Project. When new information is added to an EIR revealing a new potentially significant impact, recirculation is required. (*Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449.) Further, when wholesale omissions must be corrected in a revised draft EIR, recirculation is similarly required. (See *Mountain Lion Coalition v. Fish & Game Commission* (1989) 214 Cal.App.3d 1043.) Given this, we look forward to reviewing a revised and recirculated Draft EIR for the proposed Project in the coming months.

I-116 | Again, Cava Robles appreciates the opportunity to review and comment upon the proposed Project and its Draft EIR, and plan to continue our involvement in this Project throughout not only the CEQA process, but the CPUC’s formal proceeding on the matter. We are hopeful that Cava Robles’ concerns can be addressed through the administrative process alone, and appreciate the CPUC’s careful consideration of the above issues. Should you have any questions concerning the contents of the comment letter, or the potential impacts of the proposed Project on Cava Robles, the Golden Hill Road corridor, the City of Paso Robles, or the region at large, please reach out to discuss as soon as possible.

Very truly yours,



Victor De la Cruz  
 Manatt, Phelps & Phillips, LLP

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VSD

cc: City Council of the City of Paso Robles  
Supervisor John Peschong, 1<sup>st</sup> District, San Luis Obispo County  
Assemblyman Jordan Cunningham, 35<sup>th</sup> Assembly District  
Mr. Jim Dawson, Sun Communities  
Ms. Kaitlin Walton, Sun Communities  
Jennifer Lynch, Esq., Manatt, Phelps & Phillips, LLP

### Attachments

**Comment I-117: Attachment 1.** “This Luxury RV Resort in California Has On-site Wine Tastings, Stone-fire Pizza, and a Wellness Center” by Stacey Leasca; “Adventure awaits at Cava Robles RV Resort” by Meagan Friberg; “Matt Masia, Cava Robles RV Resort honored by Paso Robles Chamber of Commerce” by News Staff of Paso Robles Daily News

**Comment I-118: Attachment 2.** Resolution No. 12-008

**Comment I-119: Attachment 3.** “Paso Robles City Council opposes new power lines over Highway 46” by News Staff of Paso Robles Daily News

**Comment I-120: Attachment 4.** Land Use Element of City of El Paso de Robles General Plan 2003

**Comment I-121: Attachment 5.** “Corona Audible Noise of 110 KV High Voltage Overhead Transmission Lines” (SAIEE, Innes House, Johannesburg)

### Note to Readers:

The materials provided as an attachment(s) have been omitted from this section because they are voluminous and do not contain specific comments on the DEIR or Recirculated DEIR. Each attachment is responded to in this section, in correspondence to the alpha-numeric code assigned to each bracketed item, but the full attachments are provided in Section 3.4.

**Response to Comment I-1**

The comment provides an introduction to the commenter's background and interests. This comment does not raise issues regarding the EIR's adequacy and no further response is required.

**Response to Comment I-2**

The comment asserts that the DEIR is deficient under CEQA, alleging the EIR does not adequately analyze, disclose, or mitigate the Project's impacts and states the EIR must be revised to be consistent with CEQA. The comment's general opposition is noted. The comment does not raise specific concerns regarding substantive contents of the DEIR, and no further response is required.

**Response to Comment I-3**

The comment describes the commenter's business, the Cava Robles RV Resort. This comment does not raise issues regarding the EIR's adequacy and no further response is required. Nevertheless, the CPUC acknowledges the commenter's background and interests and this comment will be shared with the CPUC's decisionmakers.

**Response to Comment I-4**

The comment continues to describe the commenter's business. This comment does not raise issues regarding the EIR's adequacy and no further response is required. Nevertheless, the CPUC acknowledges the commenter's background and interests and this comment will be shared with the CPUC's decisionmakers.

**Response to Comment I-5**

The commenter raises general opposition to the Proposed Project. This comment does not raise issues regarding the EIR's adequacy and no further response is required. Nevertheless, this comment will be shared with the CPUC's decisionmakers.

**Response to Comment I-6**

The comment describes a utility undergrounding project required by the City of Paso Robles in 2012. This comment does not raise issues regarding the EIR's adequacy and no further response is required. Nevertheless, this comment will be shared with the CPUC's decisionmakers.

**Response to Comment I-7**

The comment describes the commenter's planting of native landscaping and buffers along Golden Hill Road and alleges such work will "be undone by the proposed Project." This comment does not raise issues regarding the EIR's adequacy and no further response is required. Nevertheless, this comment will be shared with the CPUC's decisionmakers.

**Response to Comment I-8**

This comment introduces a list of alleged impacts that the commenter asserts the Proposed Project would have on Cava Robles RV Resort. The specific items listed in Comments I-9 to I-16 are responded to below and in the remainder of the responses to this letter.



**Response to Comment I-9**

This comment argues that the Proposed Project's transmission lines along Golden Hill Road would affect the width of the entrance to the Cava Robles RV Resort and the roadway, causing issues with large RV units traveling on this road to the Cava Robles Resort.

The installation of 70 kV poles proposed along Golden Hill Road is not anticipated to result in modifications to the existing width of Golden Hill Road or the driveway entrance to the Cava Robles RV Resort. The proposed pole locations associated with the new 70 kV power line are shown on Figure 2-7 in Chapter 2, *Project Description*, in Volume 1 of the FEIR. As can be seen on this figure, there is one pole proposed near the entrance to the Cava Robles RV Resort. Because the placement of the pole would not require modification of Golden Hill Road or the driveway entrance to Cava Robles, there would not be any new issues for large RVs traveling down the road to the Cava Robles Resort or using the Cava Robles entrance. Note that final pole locations would be determined during final engineering and design.

As described in Section 4.17, "Transportation," in Volume 1 of the FEIR, during the construction period, construction truck traffic (e.g., crew trucks, semi-trucks, dump trucks, concrete trucks, and water trucks) accessing work area sites along the Proposed Project's 70 kV power line route may have adverse effects on traffic flow due to the slower travel speeds and larger turning radii of trucks. Mitigation Measure TR-1 would require the implementation of traffic control plans (separate plans may be prepared by each Applicant) during construction of the Proposed Project. These plans would provide for signage and/or flaggers to warn motorists of potential safety hazards associated with the slow-moving vehicles in situations where slow-moving trucks or construction equipment are operated on public roadways. For more information, please refer to Section 4.17, "Transportation."

**Response to Comment I-10**

This comment asserts that the more than \$100,000 investment in landscaping, buffering, and fencing that the City of Paso Robles required from Cava Robles along Golden Hill Road would be removed and replaced with the proposed transmission line.

Economic effects are not generally within the scope of CEQA. As stated in CEQA Guidelines Section 15131(a), "Economic or social effects of a project shall not be treated as significant effects on the environment." Rather, "The focus of the analysis shall be on the physical changes" (CEQA Guidelines Section 15131[a]). Property value impacts in and of themselves are not physical impacts required to be included in a CEQA analysis and are not encompassed in a resource topic that is included in Appendix G of the State CEQA Guidelines. Please refer to Master Response 7 for more discussion of economic impacts.

The EIR describes the potential effects associated with construction of the new 70 kV power line, which would pass by the Cava Robles RV Resort property. As indicated in Chapter 2, *Project Description*, in Volume 1 of the FEIR, the new 70 kV power line would be comprised of a combination of tubular steel poles (TSPs) and Light Duty Steel Poles (LDSPs). TSPs would be installed on foundations measuring 4.5 to 5.0 feet in diameter, while LDSPs would be installed on foundations measuring 3.0 feet in diameter (refer to Table 2-8, page 2-77). The new 70 kV power line segment would utilize an average span length of approximately 300 to 500 feet, and the preliminary spacing of the 70 kV poles is shown on Figure 2-7.

The structure work areas that would be established at each new pole location may be cleared of vegetation and graded, if necessary, prior to their use. Typical work areas are about 100 feet by 100 feet for LDSPs and 150 feet by 150 feet for TSPs. As described in Chapter 2, *Project Description*, in Volume 1 of the FEIR, all areas temporarily disturbed by the Project would be restored to the extent practicable, following construction. (FEIR, Volume 1, p. 2-95.) Post-construction restoration activities would include returning areas to their original contours and drainage patterns in accordance with stormwater pollution prevention plan (SWPPP) best management practices (BMPs) and as prearranged through landowner agreements, where applicable. An approximately 10-foot radius (approximately 314 square feet) may be maintained around new 70 kV power poles depending on location and equipment installed as required by applicable law, including CPUC General Order (G.O.) 95. (FEIR, Volume 1, p. 2-96.)

Nothing in the EIR suggests that the entirety of the landscaping and fencing along Golden Hill Road would be removed and replaced with a transmission line as a result of the Proposed Project. The EIR evaluated Alternative PLR-3 (Strategic Undergrounding) to address concerns regarding the Proposed Project's aesthetic effects in the Golden Hill Road area. The EIR also considers several alternatives (e.g., Alternative PLR-1A [Estrella Route to Estrella Substation]) that would avoid impacts to the Golden Hill Road area.

#### **Response to Comment I-11**

The comment asserts that natural features, including oak trees, vernal and seasonal pools, and native vegetation that Cava Robles "dutifully protected and enhanced during its recent development would be disturbed and degraded."

As detailed in Section 4.4, "Biological Resources," of the EIR, vernal and seasonal pools would be avoided throughout the Proposed Project area. Implementation of APMs BIO-1 and BIO-3, as well as Mitigation Measure BIO-1, would ensure that these areas are not adversely affected. APM BIO-1 requires pre-construction surveys for special-status species and sensitive resource areas. APM BIO-3 requires biological monitoring during construction. Mitigation Measure BIO-1 contains additional protections for wetlands and sensitive areas. Any oak trees that would be trimmed/removed as part of the Proposed Project would be mitigated in accordance with Mitigation Measure BIO-4. Mitigation Measure BIO-4 includes development and implementation of a blue oak woodland habitat restoration plan. Additionally, oak trees in construction work areas within the City of Paso Robles would be safeguarded by the implementation conditions stated in the City of Paso Robles's Oak Tree Ordinance, Section 10.01.090. The blue oak woodland restoration plan would also include measures to revegetate temporary impact areas in blue oak woodland habitat.

#### **Response to Comment I-12**

The commenter is concerned about corona noise disturbances at Cava Robles RV Park from the "humming" of transmission lines. This phenomenon is known as corona noise, and, as described in the EIR. (FEIR, Volume 1, pp. 4.13-2 to 4.13-3.)), it is generally more noticeable on high-voltage lines, and is not a design issue for power lines rated at 230 kV and lower, such as those in the Proposed Project.

**Response to Comment I-13**

This comment asserts that the aesthetic impacts of the 70 kV poles would have an adverse effect on the Cava Robles RV Resort business and marketing ability. The aesthetic impacts of the new 70 kV power line are evaluated and described in Section 4.1, “Aesthetics,” in Volume 1 of the FEIR. A visual simulation of the new 70 kV power line, in relation to the existing conditions, in the area of Cava Robles RV Resort is shown in Figure 4.1-7. As noted in Response to Comment I-10, “economic or social effects of a project shall not be treated as significant effects on the environment.” (CEQA Guidelines, §§ 15131, 15382.) Furthermore, CEQA is primarily concerned with a project’s effects on public views and not private residential views. (Refer to *Mira Mar Mobile Community v. City of Oceanside* [2004] 119 Cal.App.4th 477.) Please refer to Master Response 3 for further discussion regarding aesthetic impacts. Therefore, the EIR focuses on the physical effects on the environment that could result from the Proposed Project.

**Response to Comment I-14**

This comment expresses concerns regarding the potential health risks associated with living near high-voltage power lines, particularly with respect to attraction of RV enthusiasts and the performance of Cava Robles RV Resort in a business-sense. The EIR discusses electric and magnetic fields (EMF) and associated potential health effects in the FEIR. (FEIR, Volume 1, pp. 2-121 to 2-127.) Additionally, the CPUC provides a response to comments received on the DEIR related to EMF in Master Response 2. As stated in Responses to Comments I-10 and I-13, economic effects of a project that do not result in adverse physical environmental impacts, such as business development and performance, are outside the scope of CEQA.

**Response to Comment I-15**

The comment describes potential financial impacts related to the Proposed Project. As described above, economic effects are generally outside the scope of CEQA, and the commenter has not demonstrated how such alleged economic impacts on the commenter’s business would result in an adverse physical environmental effect. Please refer to Responses to Comments I-10 and I-13 for more discussion.

**Response to Comment I-16**

The comment asserts that the Proposed Project will result in impacts to the City’s transient occupancy tax. As described above, economic effects are generally outside the scope of CEQA, and the commenter has not demonstrated how such alleged economic impacts related to the commenter’s business would result in an adverse physical environmental effect.

**Response to Comment I-17**

The comment asserts that other community members are opposed to the Proposed Project, noting that the City of Paso Robles City Council voted to oppose the Proposed Project’s 70 kV power line routing. This comment does not raise issues regarding the EIR’s adequacy and no further response is required. Nevertheless, this comment will be shared with the CPUC’s decisionmakers.

**Response to Comment I-18**

The comment asserts that the DEIR contains myriad flaws but states support for an alternative alignment (Alternative PLR-1A [Estrella Route to Estrella Substation]), which is included as part of

Alternative Combination #2) because it would result in fewer environmental impacts than the Proposed Project. The commenter's general support for Alternative Combination #2 is noted and will be shared with the CPUC's decisionmakers.

**Response to Comment I-19**

The comment summarizes provisions of CEQA, stating that it directs an agency to adopt a project alternative, rather than the proposed project where the alternative is feasible, meets most of the project's basic objectives, and is less environmentally damaging than the project as proposed. The comment does not raise substantive concerns regarding the adequacy of the DEIR, and no further response is necessary.

**Response to Comment I-20**

The comment argues that Alternative Combination #2 (in particular, Alternative PLR-1A) would avoid most of the Proposed Project's significant and unavoidable impacts, while still meeting the Project objectives. The commenter's general support for Alternative Combination #2 is noted and will be shared with the CPUC's decisionmakers.

**Response to Comment I-21**

The comment asserts that there is no possible Statement of Overriding Considerations that would favor the Proposed Project over Alternative Combination #2, and that the DEIR provides no evidence that it would be infeasible to adopt Alternative Combination #2. In accordance with the requirements of CEQA, and as described in the Alternatives Screening Report (ASR) (refer to FEIR, Volume 2, Appendix B), the individual alternatives comprising Alternative Combination #2 are considered potentially feasible. The final determination of feasibility would be made at the time of approval, if applicable, of the Proposed Project or alternative by the CPUC. Please note that the CPUC may consider additional factors other than those disclosed in the EIR when considering feasibility of the Proposed Project, project alternatives, and potential overriding considerations.

**Response to Comment I-22**

The comment asserts that the DEIR is deficient, arguing that it cannot be relied upon by the CPUC or any other agencies issuing permits or approvals related to the Proposed Project before the alleged deficiencies have been corrected. The comment does not raise specific issues regarding the EIR's adequacy and no further response is required. Nevertheless, this comment will be shared with the CPUC's decisionmakers.

**Response to Comment I-23**

The comment summarizes provisions of CEQA and asserts that CEQA mandates the selection of Alternative Combination #2 rather than the Proposed Project, since this alternative combination was identified as environmentally superior in the EIR and was found to meet both of the Project objectives and be potentially feasible. Please note that the CPUC may consider additional factors than those disclosed in the EIR when considering feasibility of the Proposed Project, project alternatives, and potential overriding considerations. The commenter's support for Alternative Combination #2 is noted and will be shared with the CPUC's decisionmakers.

**Response to Comment I-24**

This comment summarizes the contents of the EIR with respect to Alternative PLR-1A and Alternative Combination #2. The comment describes the ways in which Alternative PLR-1A/Alternative Combination #2 would reduce environmental impacts in comparison to the Proposed Project. The commenter's general support for Alternative Combination #2 is noted.

**Response to Comment I-25**

This comment asserts that the construction timeline for Alternative PLR-1A provided in the EIR is unsupported, noting that the alternative alignment would be only 6 miles longer than the Proposed Project's 70 kV power line alignment, yet it is projected to take 16 months longer to construct. The comment also declares: "Thus, any statements in the Draft EIR that Alternative Combination #2 will increase construction-related air pollutant emissions, construction-related energy consumption, or construction-related noise impacts is likely overestimated at best, and outright false at worst."

The estimated construction schedule for Alternative PLR-1A, provided in Table 3-3 in Chapter 3, *Alternatives Description*, in Volume 1 of the FEIR, represents the most current information available to the CPUC. This schedule was provided by the Applicants in response to CPUC's Data Request No. 5<sup>1</sup>. The longer schedule for Alternative PLR-1A is driven by the longer duration for constructing the new 70 kV power line segment (as opposed to reconductoring) associated with this alternative. While the new power line segment under Alternative PLR-1A would be roughly 1.5 times longer than the same segment for the Proposed Project (11 miles versus 7 miles), the construction schedule would be almost double in length (20 months versus 11). This is due to the terrain along the Alternative PLR-1A alignment, which appears to be much sandier as compared to the Proposed Project alignment. It requires more time to install concrete foundations for TSPs in such sandy terrain (Sagrafena, pers. comm., 2022). Additionally, PG&E has noted in the past that there are potential feasibility issues associated with all of the Alternative PLR-1 variations due to lack of all-weather access roads for maintenance. The feasibility issues noted by PG&E are described in the ASR (refer to FEIR, Volume 2, Appendix B, pp. 3-19 to 3-20); however, PG&E acknowledged that the feasibility issues were not fully vetted and did not object to carrying forward the alternatives for detailed analysis in the EIR.

The commenter's statement regarding comparisons between Alternative Combination #2 and the Proposed Project in terms of construction-related impacts is logically unsound. Because Alternative PLR-1A is 6 miles longer than the Proposed Project, Alternative PLR-1A will require additional structures and poles, resulting in additional construction-related effects, such as additional noise and air pollutant emissions. Therefore, the statements in the EIR that Alternative PLR-1A, as included in Alternative Combination #2, would have some increased impacts relative to the Proposed Project are well-based in reason. No revisions to the EIR are required in response to this comment. For further explanation on estimates of construction air quality emissions, please refer to Master Response 11.

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<sup>1</sup> Available on the Estrella Project website here:  
<https://ia.cpuc.ca.gov/environment/info/horizonh2o/estrella/docs/Estrella%20Updated%20DR%205%20Response.pdf>

**Response to Comment I-26**

This comment states that Alternative Combination #2 would meet each of the Project objectives identified in the EIR, restates the Project objectives, and states Alternative Combination #2 would meet these project objectives to the same extent as the Project. No response is required.

**Response to Comment I-27**

The comment asserts that Alternative Combination #2 is legally, technologically, and economically feasible. In accordance with the requirements of CEQA, the EIR adequately describes a reasonable range of alternatives with sufficient information to allow evaluation, analysis, and comparison with the Proposed Project that permits informed decision making and public participation. The CPUC has found the individual alternatives comprising Alternative Combination #2 to be *potentially* feasible. The final determination of feasibility would be made at the time of the CPUC's decision on the Proposed Project or alternative. The rationale for carrying forward Alternative PLR-1A, along with the other alternatives comprising Alternative Combination #2, for detailed analysis in the EIR is provided in the Alternatives Screening Report (ASR) (FEIR, Volume 2, Appendix B). The ASR discusses the alternatives ability to meet all of the screening criteria, including economic, environmental, legal, social, and technical feasibility. The ASR identified a reasonable range of potentially feasible alternatives for consideration and evaluation in the EIR.

The comment goes on to argue that the EIR should have included specific costs for each alternative, because that information could support a finding of economic infeasibility. As noted above, each of the alternatives comprising Alternative Combination #2 was found to be potentially economically feasible during the alternatives screening process. The ASR stated that “no evidence has been presented to suggest that Alternative SE-PLR-1 is so expensive as to be economically infeasible.” CEQA does not generally require disclosure or analysis of project costs; rather, the information in Table 5-3 of the EIR was provided for illustrative purposes using publicly available cost data. The CPUC is bound by confidentiality declarations by the Proposed Project Applicants and it cannot disclose project- or alternative-specific cost information to the public. (Refer to Public Utilities Code, § 583 [“No information furnished to the commission by a public utility...shall be open to public inspection or made public except on order of the commission, or by the commission or a commissioner in the course of a hearing or proceeding.”].)

**Response to Comment I-28**

The comment asserts that Alternative Combination #2 meets each of the Applicants' project objectives, specifically: (1) Reinforce electrical reliability by implementing the CAISO-approved Electrical Plan of Service; (2) Meet expected future electric distribution demand; and (3) Balance safety, cost, and environmental impacts. (FEIR, Volume 1, p. 2-15.) As explained in the EIR, for the purposes of its CEQA analysis, the CPUC identified objectives of the Proposed Project that differed somewhat from the Applicants' stated objectives. The CPUC's identified Project objectives are provided in Section 2.1.2 in Chapter 2, *Project Description*, in Volume 1 of the FEIR. The alternatives screening process conducted by the CPUC for the EIR is summarized in Section 3.2 in Chapter 3, *Alternatives Description*, in Volume 1 of the FEIR. More detailed information is provided in the ASR (refer to FEIR, Volume 2, Appendix B).

**Response to Comment I-29**

The comment asserts that the estimated costs provided in the EIR (within FEIR, Volume 1, Chapter 5, *Alternatives Analysis Summary and Comparison of Alternatives*) are not sufficient for any finding of economic infeasibility. Please refer to Response to Comment I-27.

**Response to Comment I-30**

The comment argues that the data provided in Table 5-3 of the EIR does not contain sufficient context to understand total project costs of Alternative Combination #2. Please refer to Response to Comment I-27 discussing that the CPUC provided as much information to the public regarding the costs of the Proposed Project and alternatives as possible while maintaining confidentiality of Applicant information as required by the Public Utilities Code Section 583. Disclosure of cost information is not required at all in an EIR, nor is Table 5-3 intended to serve as an explanation of determining economic feasibility or infeasibility.

**Response to Comment I-31**

The comment states that an analysis of economic feasibility must consider comparative economic benefits to nearby communities and the public. Please refer to Response to Comment I-27. Please also refer to Response to Comment I-10 with respect to economic and financial effects generally being outside the scope of CEQA. As Comment I-31 also mentions potential property value losses due to the Proposed Project, please refer to Master Response 7, which discusses this issue.

**Response to Comment I-32**

The comment asserts that the EIR's stated purpose for the Proposed Project is inadequate because the assumptions regarding population growth in the City of Paso Robles are unsupported and lack a citation. In response to Comment I-32, the text in Section 2.1.1, "Purpose and Need," within Chapter 2, *Project Description*, page 2-13, in Volume 1 of the FEIR, has been revised as follows:

Overall, City planners are estimating a nearly 50 percent increase in the population of Paso Robles by 2045 (NEET West and PG&E 2020a; City of Paso Robles 2014: US Census Bureau 2014).

An identical change has been made to the "Population and Housing" section and in Chapter 6, *Other Statutory Considerations and Cumulative Impacts*. (FEIR, Volume 1, pp. 4.14-4; 6-3 to 6.4.) In addition, please refer to Response to Comment I-33.

**Response to Comment I-33**

The comment alleges the EIR skews its estimates of population growth. Specifically, it claims that the EIR's estimate of a 50 percent increase in population growth is unreasonable, citing the City of Paso Robles's General Plan Land Use Element, which is provided as Attachment 4 to the commenter's letter.

The EIR presents an adequate growth projection scenario that does not skew justification for the Project. The City of Paso Robles's General Plan Land Use Element, as updated in 2014, establishes a planning threshold of 44,000 persons by the year 2045 (City of Paso Robles 2014).

In 2014, the City's population was estimated by the United States Census Bureau to be 30,522 (US Census Bureau 2014). The difference in these two sources of estimated population growth represents an increase of 44 percent. The difference between a 50 percent increase and a 44 percent increase (approximately 1,783 persons) in estimated population growth is not substantial enough to create any meaningful difference in the Proposed Project purpose and need, particularly when considering that peak loads are generally increasing and are predicted to exceed capacity well before 2045. (FEIR, Volume 1, p. 2-13.)

**Response to Comment I-34**

The comment asks questions related to the growth projections cited in the EIR. Please refer to Response to Comment I-33.

**Response to Comment I-35**

The comment questions whether the LoadSEER forecasting tool is based on reasonable growth projections or the growth projection cited in the EIR. The LoadSEER tool predicts growth in area electrical demand using many factors, including historic growth patterns, pending business service applications, and distributed energy resources (DER) estimates. The tool takes into account both normal growth and large-load adjustments (NEET West and PG&E 2020a). In addition, please refer to Response to Comment I-33.

**Response to Comment I-36**

The comment argues that the EIR makes inconsistent statements regarding available capacity in the Paso Robles system. The comment does not describe how the statements are inconsistent. The EIR notes that “[i]n a practical sense, 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.” (FEIR, Volume 1, p. 2-14.)

**Response to Comment I-37**

The comment asks when the Paso Robles DPA will “*actually* exceed the existing capacity of the system,” and when the Proposed Project is “*actually* required.” (Emphasis in original). The EIR and the Distribution Need Analysis (Proponent's Environmental Assessment [PEA]) explain how utilities predict electrical demand, using tools such as LoadSEER forecasting. (FEIR, Volume 1, pp. 2-13 to 2-14; also Appendix G to the PEA<sup>2</sup>.)

**Response to Comment I-38**

The comment asserts that the EIR's growth projections are not based on facts or City planning documents. Please refer to Responses to Comments I-32 and I-33.

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<sup>2</sup> Available here: <https://ia.cpuc.ca.gov/environment/info/horizonh2o/estrella/docs/App%20G%20-%20Update%205.pdf>



**Response to Comment I-39**

The comment asks that its questions regarding the EIR's statement of the Proposed Project need be answered in a revised and recirculated DEIR, stating that failure to do so skews the EIR's evaluation of mitigation measures and project alternatives by falsely justifying impacts with a need that may not actually exist. The need for the Project is adequately analyzed and discussed in the Distribution Need Analysis (PEA, Appendix G). Please refer to Responses to Comments I-32 through I-38.

**Response to Comment I-40**

The comment states generally that the EIR's Project Description does not provide enough detail on the height, location, and aesthetic treatment of power line poles that would be installed as part of the Proposed Project to assess the true impacts of the Project on aesthetics, views, community character, and public safety. As the commenter points out in Comment I-41, information on the heights of the transmission infrastructure of the Proposed Project are included in Table 2-5 of the FEIR (beginning on page 2-20). Surface treatments of the 70 kV power line are described in Section 2.3.2 of the EIR, beginning on page 2-59 in Volume 1 of the FEIR. Additional details regarding aesthetics impacts of the Proposed Project are included in Section 4.1, "Aesthetics," of the FEIR. Additional details pertaining to public safety are provided in Sections 4.9, "Hazards and Hazardous Materials," and 4.20, "Wildfire," of the FEIR. Please also refer to Response to Comment I-43. The comment fails to provide specific, substantial evidence that the Project Description is insufficient.

**Response to Comment I-41**

The comment asserts that the EIR does not give adequate descriptions of the proposed pole heights along the proposed 70 kV power line. The comment states that the descriptions of pole heights are contradictory. However, Table 2-5 in Volume 1 of the FEIR (refer to pages 2-20 to 2-21) and the text in the other portion of the Project Description referenced by the commenter both describe the pole heights consistently. Table 2-5 shows both the "Approximate Height Range" and the "Average Height" of each type of pole that would be included as part of the Proposed Project. The text in Section 2.3.2 (FEIR, Volume 1, pp. 2-59 to 2-60) describing the new 70 kV power line refers directly back to these figures.

The comment also expresses concern that the Project Description does not identify the height of individual poles or grouping of poles that would be installed as part of the Proposed Project, so that interested parties cannot tell what is being proposed. The Proposed Project includes the installation of more than 150 poles. The height of each individual pole would depend on factors related to the specific location and topography of each site and will be part of final design engineering to be completed after a decision is made on the application. The CEQA Guidelines state that the description of a proposed project "should not supply extensive detail beyond that needed for evaluation and review of the environmental impact" (CEQA Guidelines § 15124). The approximate height range and the average height data provide sufficient detail to evaluate the aesthetic impacts of the Proposed Project. In fact, the EIR found that the power poles that would be installed adjacent to Cava Robles RV Resort, represented at key observation point (KOP) 6, would result in a significant and unavoidable impact to aesthetics at that location. The comment does not provide any substantial evidence that more detailed information as part of the Project Description would result in a different conclusion.

**Response to Comment I-42**

This comment argues that the Proposed Project’s accommodation of growth “beyond that planned for by the City of Paso Robles” would raise additional environmental concerns relating to growth inducement. The comment alleges that these growth inducement-related effects are not evaluated by the City (in its General Plan EIR) or the CPUC. The commenter is advised to review Chapter 6, *Other Statutory Considerations and Cumulative Impacts*, in Volume 1 of the FEIR, which includes a discussion of potential growth inducement with respect to the Proposed Project and alternatives (refer to Section 6.4 and discussion on pages 6-3 to 6-4). As discussed therein, the EIR concludes: “As such, while the Proposed Project, with buildout of the reasonably foreseeable distribution components, would serve the new growth anticipated by the city, it would not cause or result in this growth. The Proposed Project would accommodate the already anticipated growth.” (FEIR, Volume 1, p. 6-3.) Because the Project would not induce population growth, no additional environmental analysis is required.

**Response to Comment I-43**

The comment alleges that the Project Description does not contain meaningful detail regarding the appearance of the power poles to be installed as part of the Proposed Project. The comment asserts that the description of surface treatment for the LDSPs is not adequately described. Figure 2-17 in Chapter 2, *Project Description*, in Volume 1 of the FEIR, contains diagrams of the poles that would be installed as part of the Proposed Project. As noted in the comment, the Project Description describes that LDSPs “would have a surface treatment designed to render the appearance of a natural weathering of a wood pole.” The comment states that there is no image of what the treated poles would look like. The EIR contains such images in the Aesthetics section (e.g., FEIR, Volume 1, Figure 4.1-7).

The comment also asserts that the EIR does not describe the location or aesthetics of the “alternative” poles. The EIR states that the alternative poles will be made of wood or composite (fiberglass). With respect to the location of the alternative poles, the EIR states that they would be used in “areas where metal fences are in close proximity to the power line easement and cannot be replaced with non-conductive fences” and in areas “where existing utility metal lines are in close proximity to structure locations, such as gas lines.” (FEIR, Volume 1, p. 2-59.) The specific locations of these poles would be determined during the final engineering and design process. As for the appearance of the alternative poles, they would be the same as those depicted in Figure 2-17. The wood poles would not require surface treatment in order to look like the LDSPs. Example photographs of the composite poles are provided below.



Photograph 1



Photograph 2



Photograph 3

Additionally, the comment asserts that the EIR's description of the overhead aluminum electrical conductors does not provide information regarding their location or appearance. The conductors can be seen throughout the simulated views depicted in Section 4.1, "Aesthetics," in Volume 1 of the FEIR (refer to Figures 4.1-2 to 4.1-10). The EIR specifically states that the conductors will become non-specular (less shiny) within a few seasons after installation. (FEIR, Volume 1, p. 2-59.)

The comment requests that the DEIR be revised to include additional detail regarding the appearance of power poles that are part of the Proposed Project. The comment does not provide specific, substantial evidence pointing to the alleged inadequacy of the Project Description. Rather, the EIR provides sufficient information regarding the Project's 150 power line poles for meaningful public review and analysis of potential environmental impacts.

#### **Response to Comment I-44**

This comment asserts that the EIR fails to provide meaningful detail regarding the restoration of areas temporarily impacted/disturbed by the Proposed Project during construction. The comment cites to the information provided in the EIR on this subject but declares that the provided information is inadequate. The comment also asks a number of questions related to the specifics of the restoration of the disturbed areas. First, note that the Project Description included in the EIR is based on the Project Description submitted by the Applicants (and as subsequently modified by the Applicants) as part of their PEA. The Applicant's commitments to restore disturbed areas, including restoration of original contours and drainage patterns, are considered part of the Proposed Project. The CPUC will provide oversight throughout Project construction, and following construction, and has the ability to levy penalties for non-compliance with the approved Project Description and/or the Mitigation Monitoring and Reporting Program (MMRP). (FEIR, Volume 2, Appendix F.)

It is unclear which "highly sensitive areas" the commenter believes will be impacted by the Proposed Project. The comment states: "But the proposed Project's alignment cuts through highly sensitive areas – sensitive biologically, hydrologically, and aesthetically." The comment goes on to assert that "Vegetation removal and grading will degrade these sensitive areas significantly..." Assessments of these effects are specifically discussed in the appropriate sections of the EIR (Sections 4.4, 4.10, and 4.1, respectively), rather than in the Project Description. As described in the EIR, APM HYDRO-1 ensures that the entirety of the Proposed Project would be designed to avoid sensitive aquatic features and includes a number of specific avoidance strategies to avoid impacting any waters or wetlands, such as siting structures outside of existing drainage features and requiring regulatory approval from the U.S. Army Corps of Engineers, CDFW, and/or Regional Water Quality Control Board prior to any work within their jurisdictions, as applicable. APM HYDRO-1 would require identification of sensitive aquatic features and construction personnel would be trained on avoiding identified features. Likewise, APMs and mitigation measures identified in the EIR would avoid or minimize potential impacts to biological resources and provide compensation for any impacts to sensitive habitats. For example, Mitigation Measure BIO-4 requires that PG&E and/or their contractors develop and implement a blue oak woodland habitat restoration plan to replace blue oak woodland habitat at a ratio of 1:1:1, which would provide for revegetation of disturbed areas in this habitat with site-appropriate native species, as well as compensation for permanent impacts. The comment does not identify which specific areas the commenter considers to be aesthetically sensitive areas such that a more specific response is not possible.

The comment asks whether biological monitoring would occur during vegetation removal. Mitigation Measure BIO-1 requires a CPUC-approved biologist(s) to conduct pre-construction surveys for special-status plants and wildlife prior to initial vegetation clearance, grubbing, and ground-disturbing activities. Mitigation Measure BIO-2 dictates that if avoidance of special-status plants is not feasible, HWT and PG&E shall implement measures to compensate for impacts to special-status plants. Transplant of special-status plants requires biological monitoring to ensure effectiveness.

Although not specifically mentioned by the commenter, it is worth noting that the EIR includes Mitigation Measure AG-2, which requires for restoration of agricultural land temporarily impacted by construction activities. Given that the Estrella Substation and much of the length of the new 70 kV power line would be located in agricultural areas, this mitigation measure would provide for the restoration of a substantial proportion of the total acres that would be temporarily impacted by the Proposed Project. As noted above, the CPUC would ensure full compliance with all APMs and mitigation measures through its own monitoring and review/oversight of the Applicants during construction (refer to FEIR, Volume 2, Appendix B).

To further ensure all temporarily impacted areas will be fully restored, however, the CPUC is including an additional bullet in Mitigation Measure AES-1, which would require that the Applicants replace existing landscaping that requires removal due to construction of the 70 kV power line. This additional requirement is discussed further in Response to Comment I-55. Please refer to this comment response for more information.

The comment asks whether a possible inability to prearrange landowner agreements would result in a significant impact. The ability of the applicant to prearrange an agreement with a landowner would not impact the requirements in Mitigation Measures AG-2 or AES-1, described above.

#### **Response to Comment I-45**

This comment introduces the commenter's concerns and assertions regarding the EIR's Aesthetics evaluation, which are further described in Comments I-46 through I-59. The commenter suggests the EIR must be revised and recirculated for additional public review. Please refer to Responses to Comments I-46 through I-59 for the CPUC's detailed responses to the specific issues raised and why recirculation is not required.

#### **Response to Comment I-46**

This comment asserts that the EIR's Aesthetics evaluation is based upon the identification of several key observation points (KOPs) identified by the Applicant, which the comment implies is improper. The comment also alleges that the KOPs are misleadingly described in the EIR, which downplays the impacts shown in the visual simulations. Specifically, the comment asserts that the EIR text inappropriately describes KOP 5 as an area "characterized by existing industrial uses and structures," while the comment argues that the depiction of KOP 5 in Figure 4.1-6 does not show any industrial uses or structures. The comment further notes that the description of KOP 6 in the EIR does not mention that the view includes the entrance to the Cava Robles RV Resort, which the commenter asserts "will be dwarfed by countless towering poles along Golden Hills Road." Finally, the comment asserts that the EIR omits description of recreational visitors

staying at the Cava Robles RV Resort in its description of aesthetic effects of poles along Golden Hill Road and Buena Vista Drive.

In response to the first part of this comment, Section 4.1, “Aesthetics,” in Volume 1 of the FEIR, defines a KOP as a unique view or “observation” point from a specific location looking in a specific direction. KOPs are intended to provide typical views and/or views of high interest or concern of the Proposed Project. (FEIR, Volume 1, p. 4.1-2.) While the majority of the KOPs presented in the EIR were identified by the Applicants and included in the PEA, the CPUC reviewed the proposed KOPs and confirmed they were appropriate, and also identified additional KOPs and visual simulations for inclusion in the EIR. Specifically, as identified in CPUC’s Data Request No. 2<sup>3</sup>, the CPUC identified KOPs (e.g., refer to KOPs 10 through 23) for the alternatives carried forward for detailed analysis in the EIR. The CPUC also obtained a visual simulation for KOP 6 (closest KOP to the Cava Robles RV Resort entrance), which had been identified as KOP 33 in Appendix I to the Applicants’ PEA (as it had been omitted from the Aesthetics section of the PEA).

In general, example KOPs that provide typical views of high interest or concern include those captured from scenic corridors, such as KOP 5, which shows a typical view from SR 46, which is eligible for listing as a state scenic highway. For clarification, the text cited by the commenter (original DEIR page 4.1-3) was not intended to describe the visual conditions presented in KOP 5. That text description is intended to generally describe the visual character of the Golden Hill Industrial Park to the north of KOP 5. A more accurate description of existing visual conditions shown in KOP 5 is included in Table 4.1-1 (“Key Observation Point Visual Characteristics Summary”) in Section 4.1, “Aesthetics,” in Volume 1 of the FEIR, page 4.1-28. As described in Table 4.1-1, KOP 5 shows a representative view from the perspective of motorists traveling on SR 46. The view includes pastures, wineries, and residences, as well as existing distribution lines and supporting structures. In response to this part of the comment, the following text on pages 4.1-3 to 4.1-4 in Volume 1 of the FEIR (also included within Chapter 4, *Revisions to the DEIR*) has been revised to clarify that industrial uses, as well as commercial uses and structures, are commonly seen in the Golden Hill Industrial Park, not from KOP 5:

As noted above, the Proposed Project’s 70 kV power line alignment follows Union Road to the junction with SR 46, at which point the 70 kV line crosses over SR 46 in a northerly direct, before passing through an industrial business district (i.e., Golden Hill Industrial Park). ~~This~~ The Golden Hill Industrial Park area is relatively flat and characterized by existing industrial and commercial uses and structures. KOP 5 (Figure 4.1-6) shows a public view from SR 46 facing west toward the point at which the new power line would cross the highway and enter the Golden Hill Industrial Park. Table 4.1-1 provides a detailed description of the visual conditions shown in KOP 5.

With respect to the portion of the comment regarding KOP 6, please note that the text cited in the comment (original DEIR page 4.1-4) generally describes the existing visual character of the proposed 70 kV alignment along Golden Hill Road. Table 4.1-1 includes a detailed description of the existing visual conditions from KOP 6 (FEIR, Volume 1, pp. 4.1-28 to 4.1-29), which

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<sup>3</sup> Refer to Data Request No. 2 documents on the Estrella Project website:  
<https://ia.cpuc.ca.gov/environment/info/horizonh2o/estrella/index.html>

acknowledges that KOP 6 is characterized by the Cava Robles RV Park, adjacent winery and event center, open space, and other tourist attractions. The visual effects of the proposed 70 KV power line are described in the impact analysis in Impact AES-3 (beginning on page 4.1-40 in Volume 1 of the FEIR). In response to this comment, the following text on page 4.1-4 in Volume 1 of the FEIR has been revised for clarity with respect to the points raised by the commenter. The revised text is also included in Chapter 4, *Revisions to the DEIR*.

KOP 6 (Figure 4.1-7) shows a public view of the northern-most public access portion of Golden Hill Road, the gated entrance to the Circle B Springs private road, and the Cava Robles RV Park entrance looking north from just north of the San Antonio Winery. Table 4.1-1 includes a detailed description of the existing visual conditions shown in KOP 6. North of Lake Place, the alignment turns west and then joins and continues along Buena Vista Drive until ultimately reaching River Road. The landscape in this area is characterized by gently rolling hills, vineyards, pastures, and residential development. The proposed 70 kV alignment is visible in the foreground along Golden Hill Road and Buena Vista Drive, as well as from private lanes and nearby residences. Patrons of businesses on Golden Hill Road also have temporary views of the 70 kV alignment on the public access portion of Golden Hill Road.

Although KOP 6 is on a public road, it is traveled primarily by motorists heading to private properties, and is not a major public thoroughfare. As noted above, CEQA is primarily concerned with a project's effects on public views and not private residential views. (Refer to *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477.)

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 I-47**

This comment asserts that it is unclear how tall the poles will be in the area of KOP 6 and the Cava Robles RV Park or how tall the poles were assumed to be that are depicted in the visual simulations (presumably referring to the visual simulation for KOP 6 included in Figure 4.1-7).

In the Cava Robles RV Park area, a combination of TSPs and LDSPs would be installed. As described in Chapter 2, *Project Description*, in Volume 1 of the FEIR, the height of the poles along the new 70 kV power line segment would typically range between 80 to 90 feet. More specifically, as shown in Table 2-5, the approximate heights of the LDSPs would range from 70 to 110 feet and on average would be 91 feet above ground; the approximate heights of the TSPs would range from 68 to 133 feet and on average would be 99 feet above ground. Design of the Proposed Project is currently underway and the final heights of the poles will be determined once final engineering is complete. In response to the last portion of the comment regarding the pole heights depicted in the visual simulation for KOP 6, the angle pole in the foreground is assumed to be 83 feet tall and the tangent poles in the background are assumed to be 75 feet tall (Sagrafena, pers. comm., 2021).

**Response to Comment I-48**

This comment asserts that the EIR's visual simulations do not account for the loss of existing mature vegetation or the maintenance areas surrounding each pole, which the commenter believes will require constant removal of native vegetation. The comment argues that the visual simulation for KOP 6 (shown in Figure 4.1-7 of the EIR) is misleading. The comment re-states the assertion raised in Comment I-44 that the Project Description does not guarantee that vegetation will actually be restored to pre-Project conditions.

In response to this comment and concerns, which are also raised later in Comment I-55, please note that an additional bullet has been added to Mitigation Measure AES-1 in Volume 1 of the FEIR, on page 4.1-44. This additional bullet requires the Applicants to replace existing landscaping along this stretch of Golden Hill Road to the extent feasible, while balancing the need to comply with applicable laws regarding maintaining vegetation clearance areas around certain poles, including CPUC G.O. 95. Please refer to Response to Comment I-55 for the full text of the modified Mitigation Measure AES-1. The simulation for KOP 6 shown in Figure 4.1-7 shows the mitigated conditions with landscaping replaced as required by Mitigation Measure AES-1. It is important to note, however, that depending on location, the Applicants may need to maintain a 10-foot radius area clear of vegetation around certain poles. Because the Proposed Project is in the engineering design phase, it is unknown exactly where such vegetation clearance areas will be required.

**Response to Comment I-49**

This comment argues that the EIR incorrectly categorizes Cava Robles RV Park patrons as business patrons. The comment recommends that the EIR categorize these patrons as recreationists given that Cava Robles RV Park is a luxury recreational resort that offers the following recreational opportunities: natural trails, outdoor pools, and camping activities. The comment cites text in the EIR stating that recreational viewers have higher sensitivity to aesthetic impacts and longer view durations than other viewer groups.

The commenter correctly notes that recreationists tend to have a higher visual sensitivity due to this viewer group's tendency to have longer view durations. While the DEIR did categorize tourists staying at the Cava Robles RV Park as business patrons (which the EIR describes as having moderate-to-high viewer concern), this text has been revised for the FEIR, as described further below. Because the EIR describes recreation opportunities at the Cava Robles RV Park in Section 4.16, "Recreation," in Volume 1 of the FEIR, for consistency with that evaluation and in response to concerns raised in Comment I-49, the text on page 4.1-6, under the heading "Recreationists," has been revised to consider visitors to the Cava Robles RV Park as recreationists. The revised text is provided in Chapter 4, *Revisions to the DEIR*, and in Volume 1 of the FEIR, and is shown below.

Recreationists with views of the Proposed Project's 70 kV power line would include users at Barney Schwartz Park (see KOP 3 [Figure 4.1-4] and KOP 4 [Figure 4.1-5]) and Paso Robles Sports Club. Visitors at the Cava Robles RV Park, which offers recreational opportunities on its private property, would also have varying degrees of views of the Proposed Project's 70 kV power line. KOP 6 (Figure 4.1-6) shows a typical view of a Cava Robles RV Park visitor entering the facility from Golden Hill Road. Golfers at the privately-owned River Oaks Golf Course would also have views of the Proposed Project's



70 kV reconductoring segment (as well as the reconductoring segment under Alternatives PLR-1A and PLR-1C), as would users of the Salinas River Parkway Trail.

In addition, to respond to this comment, the following text on page 4.1-7 in Volume 1 of the FEIR, under the heading “Patrons of Nearby Businesses,” has been revised to remove mention of Cava Robles RV Park business patrons. The revised text is also provided in Chapter 4, *Revisions to the DEIR*.

Other businesses along the Proposed Project 70 kV power line alignment in this area catering more to tourists include ~~Cava Robles RV Park and~~ Riboli Family of San Antonio Winery and Event Center. With the exception of the 1-mile segment discussed above, the majority of the Proposed Project, the reasonably foreseeable distribution components, and many of the alternatives are located in rural, agricultural areas, where there are few businesses. The northern portion of Alternative SE-PLR-2 would pass through commercial areas of the City along South River Road, while FTM Site 2 would be located within the Woodland Plaza II shopping center, where a number of existing businesses are located.

Patrons of businesses in the area of the Proposed Project, reasonably foreseeable distribution components, and alternatives would have temporary views of the new power line or distribution/alternative facilities. Patrons of those businesses that cater to tourists, such as ~~Cava Robles RV Park and~~ Riboli Family of San Antonio Winery and Event Center, may have a somewhat higher expectation of the surrounding landscape because these businesses market patronage experiences to include scenic views and drives to and around these properties and surrounding areas (Sun RV Resorts 2020). For these reasons, viewer concern ratings are considered moderate or moderate-to-high.

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 I-50**

This comment asserts that the EIR’s categorizing of Cava Robles RV Park visitors as “business patrons” instead of “recreationists” results in a skewed summary of KOPs in Table 4.1-1 of the EIR. The comment argues that the EIR incorrectly describes views from KOP 6 as being limited to the perspective of motorists and the closest residence when the commenter believes the visual simulation from KOP 6 (Figure 4.1-7) shows “looming towers over the Cava Robles resort.” The comment further disagrees with the EIR’s viewer exposure rating of “moderate” for KOP 6 given that the commenter argues Cava Robles RV Park visitors will have extended views of the transmission line throughout their stay. Similarly, the comment disagrees with the viewer sensitivity rating of “moderate” at KOP 6 given that the EIR states elsewhere that “areas with scenic vistas, parks, trails and scenic roadways typically have a high visual quality and visual sensitivity”. (FEIR, Volume 1, p. 4.1-2.) Lastly, the comment argues that because Cava Robles RV Park property is designated parks and open space by the City of Paso Robles, visitors should be considered “recreationists.” The comment requests that the EIR be revised to properly disclose impacts to Cava Robles RV Park viewers and KOP 6, and that the DEIR be recirculated.

Please note that in response to Comment I-49, the classification of Cava Robles RV Park visitors has been revised to “recreationists” instead of “business patrons.” Refer to Response to Comment I-49, Chapter 4, *Revisions to the DEIR*, and Volume 1 of the FEIR for these revisions.

The commenter is partially correct in noting that KOP 6 also provides a representative view of Cava Robles RV Park visitors in addition to motorists and the closest residence on Golden Hill Road. This view from KOP 6 would be seen by motorists including Cava Robles RV Park visitors entering the resort. In response to this comment, the text in Table 4.1-1 in Section 4.1, “Aesthetics,” page 4.1-28, in Volume 1 of the FEIR, within the column of Table 4.1-1 entitled “Visibility and Visual Conditions,” has been revised to clarify this point. The revised text is provided in Chapter 4, *Revisions to the DEIR*, and in Volume 1 of the FEIR, and is reproduced below.

Representative views from perspective of motorists, including Cava Robles RV Park visitors entering the private resort, and the closest residence.

The commenter’s disagreement regarding both the EIR’s viewer exposure and visual sensitivity ratings for KOP 6 is noted. The EIR concluded a “moderate” viewer exposure rating for KOP 6 because from this viewpoint, although motorists (including Cava Robles RV Park visitors at the resort entrance) would have close-up views of the proposed 70 kV power line route, such views would be of short duration. This rating was also based on the fact that views would be limited to an average number of viewers primarily limited to Cava Robles RV Park visitors and local residents that live in the near vicinity. The EIR’s “moderate” visual sensitivity rating for KOP 6 was determined based on a combination of the visual quality, viewer concern, and viewer exposure ratings. CEQA is primarily concerned with a project’s effects on public views and not private views. (Refer to *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477.) Please refer to Master Response 3 for more discussion of private views. The EIR’s analysis of impacts to scenic vistas is adequate under CEQA and recirculation of the EIR is not required.

### **Response to Comment I-51**

The comment asserts that the EIR’s analysis of impacts to scenic vistas in Section 4.1, “Aesthetics,” is incomplete and truncated. The comment argues that the EIR’s conclusions with respect to impacts on scenic vistas from the Proposed Project lack evidentiary support. The comment further argues that the vast majority of the KOPs identified in the EIR meet the EIR’s own definition of a scenic vista, as “a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public.” The comment points to the visual simulation of the Estrella Substation from KOP 1 (refer to Figure 4.1-2 in Volume 1 of the FEIR) and the visual simulation of the proposed 70 kV power line in Figure 4.1-6, arguing that these simulations show impacts to scenic vistas.

While the comment correctly cites the general definition of a scenic vista on page 4.1-7 in Volume 1 of the FEIR, please note that this discussion further describes scenic vistas as viewpoints that are “typically designated by an agency or department that actively manages the scenic vista to maintain or protect the public view through provision of public access, information, safety and protection measures....” Thus, for the purposes of the EIR, scenic vistas include open viewsheds identified in the City of Paso Robles General Plan. As described in the EIR (FEIR, Volume 1, p. 4.1-38), these include the north end of Ramada Drive (between the railroad and Salinas River), oak-covered hillsides, and the view from Barney Schwartz Park. The

EIR accidentally omitted the Salinas River, which is also identified in General Plan, from this list of open viewsheds. Please refer to Response to Comment B-11 for text revisions made to the EIR's evaluation on scenic vistas under Impact AES-1, which now describes the Proposed Project's effects on views looking toward the Salinas River Bluff from the Salinas River Parkway Trail, which parallels the Salinas River. Table 4.1-1 of the EIR identifies the visual quality of each of the KOPs in the EIR. As described in the table, a high visual quality rating is defined as visual resources that are unique or exemplary of the region's natural or cultural scenic amenities. A moderate visual quality rating is defined as visual resources typical or characteristic of the region's natural and/or cultural visual amenities. A low visual quality rating refers to areas generally lacking in natural or cultural visual resource amenities typical of the region. The KOPs contain several representations of viewpoints in each of these categories.

In addition, in response to this comment, text has been added to Section 4.1.5, under the heading titled "Methodology," in Section 4.1, "Aesthetics," page 4.1-37, in Volume 1 of the FEIR, to clarify what is considered a scenic vista in the EIR's impact analysis. The revised text is provided in Chapter 4, *Revisions to the DEIR*, and in Volume 1 of the FEIR, and is shown below.

The visual impacts were compared against the thresholds of significance discussed below. For the purposes of evaluating effects on scenic vistas, scenic vistas include open space viewsheds and natural landmarks identified in the City of Paso Robles General Plan, as described in Section 4.1.4.

The visual simulations referenced by the commenter are adequately described and evaluated under CEQA in Impact AES-3, which focuses on the Proposed Project's effects on visual character and visual quality of the Project area and surrounding areas.

#### **Response to Comment I-52**

This comment asserts that the EIR only considers Figure 4.1-5 in determining whether scenic vistas will be impacted and cites the EIR, alleging it includes a blanket statement that the degree of visual change associated with the proposed 70 kV power line would be minor and would not substantially affect scenic vistas. The comment argues that the EIR has failed to disclose and mitigate a potentially significant impact, and requests that the analysis be revised and recirculated for public review.

As described in Response to Comment I-51, for the purposes of evaluating effects on scenic vistas, the EIR defines scenic vistas as the open space viewsheds and natural landmarks identified in the City of Paso Robles General Plan. Please refer to Response to Comment I-51 and Response to Comment B-11 for discussion and the revisions made to the impact discussion with respect to scenic vistas under Impact AES-1 and why revision of the impact analysis is not necessary and recirculation of the EIR is not required.

#### **Response to Comment I-53**

This comment argues that the Proposed Project's temporary construction impacts to visual character would be potentially significant and that the EIR does not provide a satisfactory rationale for concluding that these impacts would be less than significant. The commenter notes that construction will require grading and vegetation removal at staging areas and helicopter landing pads, and siting of large pieces of construction equipment in "otherwise scenic areas," and that the construction activity would be visible for nearly two years. The commenter argues

that these impacts are potentially significant and the EIR fails to consider any mitigation measures to reduce these temporary impacts to less than significant levels.

Regarding the commenter's assertion that the EIR lacks a rationale for concluding the Proposed Project's construction impacts to visual character would be less than significant, please note that with respect to the 70 kV power line route, the EIR does acknowledge that visual effects of the power line route would be temporary at each work area because construction would not occur all at once but rather incrementally progress along the alignment (FEIR, Volume 1, p. 4.1-41.)

To address the commenter's request for additional details about the Proposed Project's magnitude of effects on the visual character of the area, the text in Section 4.1, "Aesthetics," on pages 4.1-40 to 4.1-41, in Volume 1 of the FEIR, has been augmented to include a description of the helicopter landing zones and the construction staging areas that would be temporarily visible during Proposed Project construction. The revised text is provided in Chapter 4, *Revisions to the DEIR*, and Volume 1 of the FEIR, and is also shown below.

Construction of the Proposed Project's 70 kV power line segment would have similar effects on aesthetics as the Estrella Substation, although the power line construction would take longer (18 months total). Construction activities would include some grading and vegetation removal (e.g., for site preparation and establishment of work areas, pull and tension sites, and staging areas), installation of new power poles, removal of existing poles and distribution lines, and conductor stringing/pulling. Topography, vegetation, and existing structures would provide some screening along the power line route. Helicopter landing zones may also be temporarily visible from nearby land uses. In general, the presence of construction vehicles, equipment, materials, and workers along the Proposed Project's 70 kV route would adversely affect the visual character and quality of the area, while the grading and vegetation removal would alter landforms and vegetation along the alignment. Again, however, these impacts would be temporary.

Motorists, residents, recreationists, and tourists in close proximity to the Proposed Project's 70 kV power line route and two staging areas would have views of the construction equipment and activities at varying levels and durations from SR 46 and local roads including Union Road, Golden Hill Road and North River Road. In particular, the Proposed Project's 34.8-acre Golden Hill Road Staging Area would be in an urban area that is visible to motorists and a few nearby residents on Golden Hill Road as well as from adjacent industrial businesses. This staging area would not be inconsistent with zoning regulations and the temporary adverse effects on public views are not considered significant. The Proposed Project's other staging area located at Navajo Avenue would be sited in an elevated area that is largely screened from public view but may be partially visible to a few nearby residences. In addition, the reconductoring segment of the Proposed Project's 70 kV power line would pass through more densely developed (i.e., urbanized) areas of Paso Robles, where some residents would have close-up views of the construction activities. View durations for motorists would vary depending on topography, vegetation screening, and the curvature of the road itself. Typically, view durations would be shorter along curvy roads but longer along straight roads where power line construction activities occur parallel to the road. Nonetheless, construction activities along the power line route would be temporary at each work

area as construction progresses and the visual effects would not be dissimilar from any other type of construction project in the area. Therefore, this impact would be **less than significant**.

#### Response to Comment I-54

This comment asserts, in regard to permanent, operational impacts, that the EIR fails to consider and describe the magnitude of visual resources along Golden Hill Road including recent native landscaping, buffer areas, and enhancement of existing vernal pool habitat along Golden Hill Road.

In response to this comment, the description of visual conditions shown in KOP 6 included in Table 4.1-1 of the EIR, within the column of the table entitled “Visibility and Visual Conditions,” (FEIR, Volume 1, p. 4.1-28), has been revised to describe landscaping present along the frontage of Golden Hill Road immediately west of the Cava Robles RV Park and along the eastern side of the road leading to the resort. The revised text is provided in Chapter 4, *Revisions to the DEIR*, and in Volume 1 of the FEIR, and is shown below.

From this viewpoint, the landscape includes mature trees, landscaping, security gate, road leading to the Cava Robles RV Park (pictured at right in the photo), and open space. No existing overhead distribution lines are apparent from this KOP.

Regarding the commenter’s assertion that the EIR fails to mention Cava Robles’ beautifications and enhancements to vernal pool habitat and how vernal pools will be permanently and adversely affected by the Proposed Project, it is unclear to the CPUC what vernal pool habitat and vernal pools the commenter is referencing along Golden Hill Road. During the November 14, 2016 site visit conducted by SWCA biologists, four of the preliminary mapped seasonal wetlands/vernal pools along Golden Hill Road that had been identified during the April 2016 field survey had been directly eliminated due to the Cava Robles RV Park development. The wetland features had been graded over and filled with a 4-foot-high earthen berm at the time of the November 2016 site visit (refer to Appendix Q of the PEA, *Biological Resources Technical Report for the 70 kV Power Line*<sup>4</sup>). No other vernal pools were identified within the biological study area (BSA) along Golden Hill Road and the portion of the BSA that encompassed Golden Hill Road is not located within critical habitat for vernal pool fairy shrimp. Additionally, as is explicitly stated in the FEIR Volume 1, page 4.4-9, no wetland features (including vernal pools) are located within the Project footprint or within construction work areas. The CPUC disagrees with the commenter that the Proposed Project would permanently and adversely affect vernal pools or vernal pool habitat.

#### Response to Comment I-55

This comment asserts that the EIR only includes a single mitigation measure (AES-1) to address the significant operational impacts from the 70 kV power line along Golden Hill Road, implying that consideration of only one mitigation measure is improper. The comment also argues that

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<sup>4</sup> Available on the Proposed Project website here:

[https://ia.cpuc.ca.gov/environment/info/horizonh2o/estrella/docs/Revised\\_PEAAppendicesOnly\\_May2017.pdf](https://ia.cpuc.ca.gov/environment/info/horizonh2o/estrella/docs/Revised_PEAAppendicesOnly_May2017.pdf)

Mitigation Measure AES-1 includes no meaningful detail is provided regarding the requirements. Specifically, the comment argues that the EIR fails to include any visual simulations that show how the painting and “dulled finish” will change the appearance of the transmission structures, and that it is unclear how the Applicants will “balance” minimizing visual contrast with visibility pursuant to Mitigation Measure AES-1. Lastly, the comment questions how the Applicants will address native landscaping and other improvements made by Cava Robles RV Park that would allegedly be displaced by the Proposed Project, noting that the no mitigation measures are included to address this impact.

Please note that based on comments raised in Letter J (PG&E), and specifically Comment J-116, the CPUC has removed the bullet item in Mitigation Measure AES-1 requiring that the Applicants “balance the need to minimize visual contrast with ensuring the structures are visible to aircraft pilots and birds” with respect to power line and transmission structures. Refer to Response to Comment J-116 for details regarding this revision to Mitigation Measure AES-1.

Regarding the commenter’s assertion that the EIR does not include visual simulations depicting the “dulled finish” of proposed structures, please note that some of the simulations show weathered steel poles. For example, the simulation for KOP 6 (Figure 4.1-7 in Volume 1 of the FEIR) shows weathered poles, as they would look immediately after installation with application of the dulled finish (Sagrafena 2021). As described in Chapter 2, *Project Description*, LDSPs would have a surface treatment designed to render the appearance of a natural weathering of a wood pole. (FEIR, Volume 1, p. 2-59.) Such a “natural weathering” appearance is considered a dulled finish from the perspective of Mitigation Measure AES-1. While LDSPs would include such a treatment, the Project Description does not indicate that TSPs would include this treatment. Therefore, Mitigation Measure AES-1 would require that all poles used in the 70 kV power line, including TSPs, utilize a dulled finish. Please refer to Response to Comment I-59, which includes text revisions to clarify the requirements of Mitigation Measure AES-1 with respect to incorporation of dulled finishes on power line poles, noting that dulled finishes may include galvanized steel or naturally weathered steel.

Over time, weathered steel poles form a rusty, orange-brown patina color. The timeframe for this “dulling effect” to occur depends on environmental conditions such as humidity and bodies of water but typically the patina forms more quickly when the steel is exposed to more environmental cycles (Central Steel Service, Inc. 2021). Because Golden Hill Road area is not near a body of water, it is reasonable to assume that the “dulling effect” would occur gradually over the course of a few years; although, as noted above, the poles shown in the visual simulation for KOP 6 (Figure 4.1-7), assuming new installation, already appear somewhat dulled. Over that timeframe, the poles would become rustier, orange-brown patina in color. The text on page 4.1-42 in Volume 1 of the FEIR has been revised to clarify that the simulation shown in KOP 6 shows a weathered (i.e., dulled finish) pole that is newly installed (refer to revisions at the end of this response). The CPUC has determined that it is unnecessary to include a new simulation showing conditions of the poles three or more years after construction is completed.

In response to the commenter’s last point about native landscaping that would be removed along the Cava Robles RV Park frontage, as described in Section 2.4.5, “Cleanup and Restoration” in Chapter 2, *Project Description*, in Volume 1 of the FEIR, all areas temporarily disturbed by the Proposed Project would be restored to the extent practicable, following construction. However, the commenter correctly notes that there is no guarantee that

landscaping removed during pole installation work would be replaced. This is mainly because depending on location and equipment installed, the Applicants may need to maintain an approximately 10-foot radius around new power poles clear of vegetation as required by applicable law, including CPUC G.O. 95. Additionally, while the Applicants have committed to restoring disturbed areas to the extent practicable, including returning areas to their original contours and drainage patterns, they have not specifically committed to restoring any landscape plants that may need to be removed for construction of the Proposed Project.

As such, in response to this comment and concerns raised in Comment I-48, an additional bullet has been added to Mitigation Measure AES-1 in the EIR (FEIR, Volume 1, p. 4.1-44) that requires the Applicant to replace landscaping along Golden Hill Road, to the extent feasible, while balancing the need to comply with applicable laws, including CPUC G.O. 95. The new 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 AES-1 have also been carried over to the MMRP in Volume 2 of the FEIR.

- Where practicable and in accordance with CPUC G.O. 95 and other applicable laws, HWT and PG&E shall replace any existing landscaping that requires removal due to construction of the proposed 70 kV power line along the publicly accessible portions of Golden Hill Road, unless the underlying land owner specifically requests non-replacement of landscaping.

In addition, the text on page 4.1-43 in Volume 1 of the FEIR, under Impact AES-3, has been revised to describe the additional requirement in Mitigation Measure AES-1 and how it would help reduce the Proposed Project's effects on visual character and visual quality in the area along Golden Hill Road. The text has also been revised to clarify that the simulation shown for KOP 6 shows newly installed weathered steel poles, which represents a dulled finish from the perspective of Mitigation Measure AES-1. The revised text is provided in Chapter 4, *Revisions to the DEIR*, in Volume 1 of the FEIR, and is shown below.

Mitigation Measure AES-1 would also require that transmission structures have a dulled finish. Additionally, this mitigation measure would require the Applicants, to the extent practicable, replace existing landscaping that is removed during construction of the proposed 70 kV power line and new poles, unless a landowner specifically requests non-replacement of landscaping.

While Mitigation Measure AES-1 would reduce the adverse effects on the visual character and quality of views of the Estrella Substation site and along the 70 kV power line alignment, it would not reduce these impacts to a level that is less than significant. The substation facilities would still dominate views from Union Road, and considering the moderate-to-high visual quality and sensitivity of this site, as well as the designation of Union Road as a local scenic corridor, the impacts on the visual character and quality would be significant. Likewise, even incorporating the elements described in Mitigation Measure AES-1, such as applying a dull finish to the power poles and replacing existing landscaping along Golden Hill Road, would help minimize visual contrast and improve the overall aesthetics. The simulation of KOP 6 (Figure 4.1-7) shows newly installed weathered (i.e., dulled finish) steel poles, which would be consistent with a dulled finish pursuant to Mitigation Measure AES-1. While the poles would dull further over time

(i.e., appear more rustier, orange-brown) and a dulled finish would be used on TSPs included as part of the new 70 kV power line, the 70 kV power line and poles would still introduce large linear engineered features to the Golden Hill Road area and thus have a significant adverse effect on the visual character and moderate-to-high visual quality of views in the area of Golden Hill Road. No other feasible mitigation is available to reduce these adverse effects. (Note: undergrounding the power line is not considered mitigation and is instead being evaluated as an alternative [Alternative PLR-3] to the Proposed Project.) As a result, this impact would be **significant and unavoidable**.

With regard to the comment's implication that the EIR should contain additional mitigation measures, the comment does not identify additional mitigation measures that would be feasible, enforceable, and would minimize significant adverse impacts. The comment does not raise specific issues regarding the EIR's adequacy and no further response is required.

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 I-56**

The comment states that the visual character analysis must be revised to fully disclose the magnitude of the significant and unavoidable impact and include mitigation measures with sufficient detail, performance standards and enforceability to reduce this impact to the extent feasible.

This comment does not provide further details regarding the mitigation measures and performance standards that the commenter thinks is appropriate to implement. Please refer to Response to Comment I-55 for revisions made to the DEIR's visual character analysis and the additional bullet added to Mitigation Measure AES-1 in the EIR on page 4.1-44 (refer to Volume 1 of this FEIR). The visual character analysis adequately and fully discloses the magnitude of aesthetic impacts as required under CEQA.

#### **Response to Comment I-57**

The comment asserts that the EIR's analysis of light and glare impacts lacks sufficient detail for a reader to understand the actual extent of nighttime lighting that would be introduced along the transmission line route. The comment requests clarification as to what is meant by "temporary" or "short duration" in the impact analysis with respect to light and glare. The comment questions how long Cava Robles RV Park visitors would be subject to lighting impacts.

As described in Section 2.5.3 in Chapter 2, *Project Description*, in Volume 1 of the FEIR, construction would typically occur during daytime work hours between 7:00 a.m. and 5:30 p.m. However, occasional nighttime work after 5:30 p.m. may be required when electrical clearances are available or for safe completion of a construction procedure and/or as required by local traffic permit requirements. Because the Proposed Project is still in the design phase, the precise frequency and extent of nighttime work and thus, the need for nighttime lighting, is unknown. Construction activities along the power line route would be temporary at each work area as construction progresses in incremental stages. Depending on the construction work task (i.e., pole installation or conductor installation), the extent of nighttime work at a given location



would vary. It is estimated that nighttime work would be no more than a few hours per day and occur no longer than one week at a given site along the proposed 70 kV power line.

### Response to Comment I-58

The comment argues that the analysis of permanent light and glare impacts is inadequate and that while the EIR acknowledges that the specular wires would be shiny initially, the EIR does not explain the potential impacts of the glare on viewers. Instead, the comment claims, the EIR ignores these impacts, concluding the impact would be temporary and less than significant. The comment further questions language in the EIR stating that the wires are “expected” to dull over time and asks what the Applicants propose to do to ensure the “dulling effect” occurs. Without these details, the commenter claims, the EIR does not provide sufficient evidence supporting an impact conclusion of less than significant.

In response to this comment, please note that Section 2.3.2 in Chapter 2, *Project Description*, in Volume 1 of the FEIR, describes the dulling effect of the specular wires. Specifically, the EIR states that based on observations by PG&E and other utilities, the specular conductor transitions to non-specular (i.e., becomes less shiny) in the course of a few seasons after installation. (FEIR, Volume 1, page 2-59.) Thus, the specular wires would become less shiny generally within one year after installation. It is reasonable to conclude that this one-year dulling effect would qualify as a temporary impact on daytime views. In response to this comment, however, the text in Section 4.1, “Aesthetics,” on page 4.1-45, in Volume 1 of the FEIR, in the discussion of potential light and glare impacts from the Proposed Project, has been revised to clarify the dulling of specular wires. The revised text is provided in Chapter 4, *Revisions to the DEIR*, and in Volume 1 of the FEIR, and is shown below.

The Proposed Project’s 70 kV power line, or related operation and maintenance activities would not result in new, permanent sources of light or glare. As discussed above, the specular wires associated with the power line would be shiny initially, thereby potentially resulting in a new source of glare for daytime views; However, but based on observations by PG&E and other utilities, the wires are expected to dull within one year over time such that these impacts would be considered temporary and less than significant.

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 I-59

The comment asserts that the EIR does not include information regarding the frequency of potential emergency nighttime maintenance of the proposed 70 kV power line. The comment argues that the EIR inappropriately relies on Mitigation Measure AES-1, which the commenter claims is vague and does not provide assurance of reducing this impact. The comment further asserts that Mitigation Measure AES-1 lacks performance measures and/or specificity regarding the requirement for “use materials and paint colors that are compatible with the surrounding area.” The comment concludes that the EIR lacks an analysis or illustrations showing the

effectiveness of the requirements included in Mitigation Measure AES-1 and thus recommends that the analysis be revised and recirculated for public review.

In response to the first part of the comment, please note that the EIR acknowledges that nighttime maintenance may be needed on rare occasions, such as in the event of an emergency. (FEIR, Volume 1, p. 4.1-45.) Neither the Applicants nor the CPUC can predict how often an emergency requiring nighttime work may occur, and any such prediction would be speculative; therefore, no revisions to the DEIR text have been made.

The commenter's assertion that the EIR inappropriately relies on Mitigation Measure AES-1 to reduce light and glare effects associated with nighttime maintenance activities is incorrect. For clarification, Mitigation Measure AES-1 would be expected to help reduce the glare effects of the proposed metal 70 kV power line structures. This mitigation measure is not intended to reduce effects from nighttime maintenance activities, which would occur on a sporadic and limited duration.

Regarding the commenter's points about Mitigation Measure AES-1 not including performance measures to explain what is meant by the directive to "use materials and paint colors that are compatible with the surrounding area," utility companies may apply different types of finishes on transmission poles based upon accessibility to the pole and characteristics of the surrounding environment. The Mitigation Measure AES-1 specifies that Project components would be of natural colors compatible with the surrounding areas, such as green, light brown, and dull grey. Example design options include using a galvanized steel finish or naturally weathering steel. Galvanized steel is commonly used on transmission poles because it is durable, has low maintenance needs, and includes a zinc layer that appears as a dull gray color over time. Naturally weathering steel is another typical transmission pole finish that is long-lasting, has low maintenance needs, and appears brown/rust color (Energize Eastside 2016). When naturally weathering steel is exposed to moisture and air, a rust patina forms and a protective layer forms that prevents it from further corrosion.

In response to this portion of the comment, the third bullet item in Mitigation Measure AES-1 in Section 4.1, "Aesthetics," on pages 4.1-43 to 4.1-44, in Volume 1 of the FEIR, has been revised to include examples of the types of finishes that may be used to achieve the dulled finish required by Mitigation Measure AES-1. The revised text is provided in Chapter 4, *Revisions to the DEIR*, and in Volume 1 of the FEIR, and is shown below (note that the first sentence of the bullet item has been revised in Response to Comment J-115). Also, note that the revisions to Mitigation Measure AES-1 have been carried over to Appendix F, *Mitigation Monitoring and Reporting Program*, in Volume 2 of the FEIR.

- For all Proposed Project and alternative components (not including power line conductors), use ~~materials and~~ a dulled finish or paint colors that are compatible with the surrounding area (i.e., dull grey, light brown, or green colors) in order to minimize visual contrast. Examples of dulled finishes include use of galvanized steel or naturally weathered steel. Avoid the use of large expanses of reflective glazing, aluminum panels, and other materials not normally found in the environment. ~~Use a dulled finish on power line and transmission structures.~~

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. The CPUC disagrees with the commenter's assertion that the DEIR's analysis of light and glare impacts was flawed and requires revision and recirculation.

#### **Response to Comment I-60**

This comment summarizes the EIR's findings with respect to permanent conversion of Important Farmland, and then asserts that the EIR fails to adequately mitigate for the loss. The concern is further addressed in the following response to Comments I-61 through I-66.

#### **Response to Comment I-61**

This comment first notes that the EIR identifies "only a single mitigation measure addressing permanent conversion of agricultural land," seeming to imply that it is improper to include only one mitigation measure for this identified impact. The comment then argues that Mitigation Measure AG-1 is inadequate because it is allegedly not enforceable. The comment asserts that the measure does not provide a timing requirement associated with contribution of sufficient funds, and, thus, expresses concern over whether the conservation easement will be created before the impacts of the Proposed Project occur.

In response to this comment, first note that the text of Mitigation Measure AG-1 has been revised in response to Comments H-16, J-122, D-60, and R.C-14. The revisions, shown in Chapter 4, *Revisions to the DEIR*, and in Volumes 1 and 2 of the FEIR, provide the flexibility for the Applicants to enter into, and record, one or more conservation easements with landowners for specific farmland in San Luis Obispo County, in addition to the possibility of contributing funds to the California Farmland Conservancy Program or another public agency or non-profit organization able to achieve the long-term preservation of agricultural lands in San Luis Obispo County. With respect to the timing component specifically mentioned in Comment I-61, the text of Mitigation Measure AG-1 has been revised to specify that the compensation for losses of Important Farmland shall be provided prior to construction. For the revised text, please refer to Section 4.2, "Agricultural Resources," page 4.2-14, in Volume 1 of the FEIR. The revisions to Mitigation Measure AG-1 are also provided in Chapter 4, *Revisions to the DEIR*, and have been carried over to Appendix F, *Mitigation Monitoring and Reporting Program*. (FEIR, Volume 2, pp. F-11 to F-12.)

#### **Response to Comment I-62**

This comment asserts that Mitigation Measure AG-1 implies that the land to be conserved in compensation for the Proposed Project's impacts to Important Farmland should be placed under a recorded conservation easement but that Mitigation Measure AG-1 does not directly require a conservation easement is recorded and, as such, the measure is unenforceable.

As noted in Response to Comment I-61, the CPUC has revised the text of Mitigation Measure AG-1 in response to Comments H-16, J-122, D-60, and R.C-14 to provide additional flexibility to the Applicants in terms of establishing conservation easements, while not diminishing the effectiveness of the measure. Given that the California Farmland Conservancy Program has been established under PRC Sections 10200-10277 to promote the long-term preservation of

agricultural lands in California through the use of agricultural conservation easements (as noted in Mitigation Measure AG-1), contribution of funds to this program in an amount commensurate with the level of impacts is a commonly used measure imposing reasonable requirements that is reasonably expected result in the conservation of agricultural lands.

### **Response to Comment I-63**

This comment asserts that the EIR does not assess whether there is enough acreage available within San Luis Obispo County for placement under conservation easement and questions the feasibility of Mitigation Measure AG-1.

San Luis Obispo County is rich with quality agriculture resources, which is why protection of these resources is a priority of the County. The EIR includes Figure 4.2-1 (FEIR, Volume 1), which shows Important Farmland in the vicinity of the Proposed Project and alternatives. The total acreage of Prime Farmland, Farmland of Statewide Importance, and Unique Farmland in San Luis Obispo County as a whole is much larger and can be viewed on CDOC's interactive web application<sup>5</sup>. In 2016, there were 397,187 acres of Important Farmland in San Luis Obispo County. (CDOC, 2016.)

Since the process of establishing a conservation easement is a potentially complicated process, given that it requires identification of a willing agricultural landowner and negotiation of a final contract, Mitigation Measure AG-1 has been designed to provide flexibility via alternative means, as described in Response to Comment I-62, while ensuring that the impacts of the Proposed Project will be compensated for. Refer to Responses to Comments I-61 and I-62.

### **Response to Comment I-64**

This comment demands that the alleged deficiencies with respect to Mitigation Measure AG-1, described in Comments I-61 to I-63, be corrected and recirculated. The comment reiterates claims that Mitigation Measure AG-1 is unenforceable and infeasible. The comment also states that no mitigation is provided to directly address the significant impacts to Williamson Act contract lands identified in the EIR. This concern is noted. Please refer to Responses to Comments I-61, I-62, and I-63. The EIR does consider the implementation of Mitigation Measures AG-1 and AG-2 with respect to the identified conflicts with existing Williamson Act contracts, but finds that these mitigation measures would not reduce the impacts to a level that is less than significant. (FEIR, Volume 1, pp. 4.2-13- to 4.2-22.) The comment does not indicate what other mitigation approaches should have been considered to reduce the impacts related to conflicts with Williamson Act contracts such that a more specific comment could be provided.

### **Response to Comment I-65**

This comment argues that the EIR ignores impacts associated with conversion of agriculture land as a result of the Proposed Project's accommodation of unplanned growth. The comment reiterates many of the same arguments and assertions made in Comments I-32 to I-34 and I-42 regarding the EIR's alleged mischaracterization of the Proposed Project need and the Proposed

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<sup>5</sup> Refer to: <https://maps.conservation.ca.gov/dlrp/ciftimeseries/>

Project's potential to induce growth. Please refer to Responses to Comments I-32 to I-34 and I-42 for the CPUC's detailed responses to these issues.

### **Response to Comment I-66**

This comment questions whether establishment of a conservation easement pursuant to Mitigation Measure AG-1 is feasible due to the smaller size of the impacted land relative to the County of San Luis Obispo's Rules of Procedure to Implement the California Land Conservation Act of 1965, which identifies 20 to 40 acres as the minimum acreage for parcels or contiguous parcels of prime land to qualify for an agricultural preserve. (FEIR, Volume 1, p. 4.2-16.) The comment thus questions whether a conservation easement tied to the impacts of other projects in the County would need to be conjoined with the impacts of the Proposed Project. Finally, the comment posits that, if such conjoining were to take place, "this further calls into question whether the mitigation can and will be implemented prior to the actual loss and conversion of the farmland."

As noted in Responses to Comments I-61 to I-63, establishment of conservation easements is a potentially complicated process that requires identification of a willing landowner and negotiation of a final contract. It may not be possible to enter into a conservation easement for the exact acreage that is to be impacted by the Proposed Project, and the County's Rules of Procedure noted by the commenter may preclude establishment of a conservation easement of such limited size if a parcel, or portion of a parcel, of the precise acreage could be identified. For these reasons, the CPUC believes that contribution of funds, commensurate with the level of impact, to the California Farmland Conservancy Program, as proposed in Mitigation Measure AG-1, is a feasible and an appropriate way to offset the Proposed Project's impacts. However, the revisions to Mitigation Measure AG-1 allow flexibility to the Applicants to independently enter into and record one or more conservation easements with landowners for specific farmland in the County. Such an arrangement between the Applicants and specific landowner(s) presumably would not be subject to the County's Rules of Procedure with respect to minimum acreages for agricultural preserves.

The comment does not indicate or explain why the mitigation would be deficient if a conservation easement mitigating the effects of the Proposed Project were conjoined with that of other projects in the County. Likewise, the comment does not expand upon the implication that the mitigation would be deficient if it was not implemented prior to the actual loss and conversion of Farmland.

### **Response to Comment I-67**

With respect to Comments I-67 to I-75, the commenter asserts that the DEIR's analysis of construction ROG, NOx, and PM10 is flawed because it failed to incorporate San Luis Obispo County Air Pollution Control District (SLOCAPCD) standard mitigation measures, Best Available Control Technology (BACT), and off-site mitigation. The commenter argues that the DEIR failed to discuss these measures in any level of detail or incorporate them into the Project.

In response to concerns regarding construction emissions, refer to Master Response 11, explaining that construction emissions were calculated for criteria pollutants and greenhouse gas emissions using the CalEEMod version 2016.3.2, which is the program recommended by SLOCAPCD for estimating construction and operational emissions under CEQA and has been

approved for use by the United States Environmental Protection Agency (USEPA). In response to concerns regarding air quality mitigation measures, refer to Master Response 13.

#### **Response to Comment I-68**

The comment argues that the APMs and Mitigation Measure AQ-1 are ineffective in reducing emissions and vague. The commenter asserts that no concrete performance measures are provided and no specifications about the contents of the Construction Activity Management Plan (CAMP) are identified. The commenter argues that the DEIR fails to provide analysis of how and to what level the measures would reduce the significant emissions of ROG, NOX, and PM10. Note that Section 4.3, "Air Quality," was substantially revised as part of the Recirculated DEIR, including revisions to the CAMP requirements in Mitigation Measure AQ-1. As explained in Chapter 4, *Revisions to the DEIR*, these revisions from the Recirculated DEIR have now been accepted in this FEIR. For the current version of Mitigation Measure AQ-1, refer to Section 4.3.4 in Volume 1 of this FEIR. In response to concerns regarding air quality mitigation measures, refer to Master Response 13, which discusses the added performance criteria measures and a range of mitigation measures that can be considered to be implemented to achieve the performance measures which will be fully explained in the CAMP and mitigation and monitoring plan. In addition, please refer to Response to Comment I-67.

#### **Response to Comment I-69**

The comment argues that APM AIR-2 is vague. Please refer to Response to Comment I-67.

#### **Response to Comment I-70**

The comment states that the EIR rarely describes and does not meaningfully analyze the Proposed Project's APMs, alleging it violates the decision in *Lotus v. Dept. of Transp.* (2014) 223 Cal.App.4th 645. The CPUC disagrees with the commenter's characterization of the APMs, which are design features to be implemented as part of the Proposed Project and are not mitigation measures. Notwithstanding these APMs, the EIR adequately analyzes the potential significant impacts of the Proposed Project and determined the Project would exceed certain construction-related emissions thresholds and finds a significant impact. Table 4.3-5a and b show the construction emissions using the methodology and assumptions described in Section 4.3 for both an unmitigated and mitigated scenario. The unmitigated scenario does not include consideration of any APMs related to air quality. Mitigation Measure AIR-1 would require a CAMP with specific performance criteria measures that incorporates San Luis Obispo County Air Pollution Control District (SLOCAPCD) standard mitigation measures, BACT measures, and diesel idling restrictions. The CAMP must be reviewed by the SLOCAPCD and approved by the CPUC prior to construction. (FEIR, Volume 1, p. 4.3-20.)

Please also refer to Response to Comment I-67.

#### **Response to Comment I-71**

The comment asks which energy source as discussed in APM AIR-1 should be prioritized. APM AIR-1 specifies that the applicant should electrify equipment when feasible; substitute gasoline-powered in place of diesel-powered equipment, where feasible; and use alternatively fueled construction equipment on site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel. The APM provides flexibility in choosing alternative power sources, depending on what power sources may be feasibly available for applicant's

equipment. In response to concerns regarding air quality mitigation measures, refer to Master Response 13, which discusses the added performance criteria measures and a range of mitigation measures that can be considered to be implemented to achieve the performance measures which will be fully explained in the CAMP and mitigation and monitoring plan. Alternative fuels are an option that can be considered among several needed in order to achieve the performance criteria listed in the mitigation measure.

**Response to Comment I-72**

The comment argues that APM AIR-3 does not impose meaningful requirements that would reduce dust emissions. APM AIR-3 contains multiple requirements that would reduce dust emissions, including requirements to use water trucks or sprinkler systems to spray dirt stock piles and other areas; observe a 15 mph speed limit; stabilize disturbed soil areas by means approved by the SLOCAPCD; and cover loads of aggregate materials in accordance with California Vehicle Code Section 23114. The comment argues that because certain requirements contain the phrases “as needed” or “should” render them meaningless. However, the text of the requirements makes clear that the requirements of APM AIR-3 apply to all construction activities and should be implemented where feasible to reduce dust emissions. In addition, Mitigation Measure AQ-1 strengthens the requirements of APM AIR-3 by requiring preparation of a CAMP that would be reviewed by SLOCAPCD and approved by CPUC. The CAMP is required to include additional requirements that would further limit dust emissions. In response to concerns regarding air quality mitigation measures, refer to Master Response 13, which discusses the added performance criteria measures and a range of mitigation measures that can be considered to be implemented to achieve the performance measures which will be fully explained in the CAMP and mitigation and monitoring plan. Please refer to Response to Comment I-67.

**Response to Comment I-73**

The comment argues that Mitigation Measure AQ-1 is vague and ineffectual. As noted above in Response to Comment I-68, Section 4.3, “Air Quality,” was substantially revised in the Recirculated DEIR, including revisions to the CAMP requirements in Mitigation Measure AQ-1. For the current version of Mitigation Measure AQ-1, refer to Volume 1 of this FEIR, Section 4.3.4. In response to concerns regarding air quality mitigation measures, refer to Master Response 13. In addition, please refer to Response to Comment I-67.

**Response to Comment I-74**

The comment argues that the dust control measures in AQ-1 are not adequately described. Note that Section 4.3, “Air Quality,” was substantially revised in the Recirculated DEIR, including revisions to the dust control requirements in Mitigation Measure AQ-1. For the current version of Mitigation Measure AQ-1, refer to Volume 1 of this FEIR, Section 4.3.4. In response to concerns regarding air quality mitigation measures, refer to Master Response 13. In addition, please refer to Response to Comment I-67.

**Response to Comment I-75**

Please refer to Responses to Comments I-67 through I-74.

**Response to Comment I-76**

The comment asserts that the EIR does not provide field survey reports referenced in the analysis in the EIR appendices or otherwise makes these reports available to the public. The comment asserts that no discussion was provided in the EIR regarding the date and season of the surveys, the location of the surveys, the protocols applied, or the species identified. The comment acknowledges that later on the EIR notes that the surveys for special status plants were conducted in 2016, but the comment argues that the survey reports were not included in the appendices to the EIR and the surveys are outdated.

With the exception of the three Horizon Water and Environment (Horizon) survey memoranda (2019a, 2019b, and 2019c) cited in the EIR, the other survey reports and information referred to by the commenter were available via the Proposed Project website. Due to the nature of the Proposed Project and the analysis approach, which included analyzing numerous alternatives (nine total; seven for which significance conclusions could be rendered) at a nearly equal level of detail to the Proposed Project, the CPUC elected to reference much of the technical and supporting material relied upon in the EIR. The availability of the information is described in Section 4.0.5 within Section 4.0, "Introduction to the Analysis," page 4-3, in Volume 1 of the FEIR. Since the analysis relied on a PEA submitted by the Applicants, which itself included substantial technical supporting information, as well as technical reports for many of the alternatives, inclusion of all of this material in appendices to the EIR would have been cumbersome and unwieldy. Rather, by posting the documents online and including direct links to the relevant documents in the References chapter of the EIR (refer to Chapter 8, *References*), the CPUC sought to make the EIR as readable as possible for the lay person, while ensuring the technical information was easily accessible for those that wished to view it.

For the FEIR, the three Horizon survey memorandums have been added to Appendix D, *Biological Resources Supporting Information*, in Volume 2 of the FEIR; however, sensitive information regarding precise golden eagle nest locations has been redacted to protect the resources. Although this appendix was never intended to include all of the technical biological resources information relied upon in the EIR, it is an appropriate place for the Horizon memorandums, and the memorandums are now directly accessible to the public<sup>6</sup>.

**Response to Comment I-77**

The comment asserts that the EIR lacks relevant field surveys, but the comment lists and summarizes the sensitive plant and animal species that the EIR identifies as having potential to occur within the Proposed Project site. The comment argues that new field surveys for special-status species with potential to occur on the Proposed Project site must be completed and the results included in a revised and recirculated DEIR.

As stated in the EIR on pages 4.4-9 to 4.4-10 (refer to Section 4.4, "Biological Resources," in Volume 1 of the FEIR), the 20 sensitive plant species and 27 sensitive animal species that were identified in the EIR as having potential to occur within the Proposed Project site were based on information obtained from agency databases and field surveys that were documented and

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<sup>6</sup> Note that although links to the Horizon reports were not provided in the DEIR, the reports were listed in Chapter 8, *References*, and were available upon request by the commenter.



described in the PEA and Biological Resources Technical Reports (BTRs) submitted by the Applicants with respect to several of the alternatives evaluated in the EIR. Additionally, as described on page 4.4-9 (FEIR, Volume 1), Horizon conducted several field surveys independent of the Applicants or their consultants, which confirmed or revealed the presence of certain special-status species. Refer to Response to Comment I-76 for information regarding the availability of technical survey information relied upon or referenced in the EIR.

As stated in APM BIO-1 and Mitigation Measure BIO-1, pre-construction surveys for special-status plants would be conducted within 1 year before commencement of ground disturbing activities and will be performed during the appropriate bloom period(s) for each species. APM BIO-1 also states that pre-construction surveys would be conducted for special-status species and sensitive resource areas immediately prior to construction activities. Additionally, please refer to Response to Comment D-334. CPUC believes that the survey data collected thus far provide sufficient substantial evidence to reasonably assess the likely impacts of the Proposed Project and the alternatives on biological resources. The implementation of APM BIO-1, Mitigation Measure BIO-1, including additional survey requirements for burrowing owl, Swainson's hawk, and white-tailed kite (refer to Response to Comment D-334), would be sufficient to detect if special-status species are present within the Proposed Project site to be timely to when the Proposed Project or an alternative is constructed, if approved by the CPUC.

#### **Response to Comment I-78**

The comment argues that the surveys referenced in the EIR as being conducted in 2016 are not relevant in determining whether sensitive plant species are currently present along the proposed 70 kV transmission line route or along Golden Hill Road. The comment notes that Cava Robles RV Park spent more than \$100,000 establishing native vegetation along the portion of the proposed 70 kV alignment along Golden Hill Road and "mitigating and enhancing existing vernal pool habitat." The comment argues that the EIR fails to provide evidence that impacts to sensitive plant species from the Proposed Project will be less than significant.

The CPUC disagrees with the notion that special-status plant surveys from 2016 have no bearing on whether special-status plant species are currently present along the proposed 70 kV power line alignment. Re-surveying a 10-mile-long power line alignment, as well as a roughly 15-acre proposed substation site, would have been a significant effort that was not warranted for the purposes of the EIR's evaluation of environmental impacts. The statement from the EIR quoted by the commenter ("Given that field surveys of the Proposed Project are in 2016 did not identify any special-status species, it would be unlikely that such species have established in the interim" [FEIR, Volume 1, p. 4.4-43]) is a reasonable inference, particularly considering that much of the Proposed Project area is either under agricultural production or traversing through commercial, industrial, and residential development. There is no evidence that the "native vegetation" planted by Cava Robles RV Park should be considered sensitive for the purposes of the EIR or specifically how that "native vegetation" should be considered as a sensitive habitat or species.

As stated above under Response to Comment I-77, pre-construction surveys for special-status plants would be conducted within one (1) year before commencement of ground disturbing activities for the Proposed Project or alternatives and would be performed during the appropriate bloom period(s) for each species, per APM BIO-1 and Mitigation Measure BIO-1. If special-status plant species are identified and avoidance of the plants is not feasible, impacts to plants will be mitigated through compensation for impacts to special status species with

implementation of Mitigation Measure BIO-2. Note that the nature of the proposed 70 kV power line (e.g., individual poles spaced roughly 300 to 500 feet apart) would make avoidance of any identified special-status plant species potentially possible via adjusted pole locations. Implementation of APM BIO-1, Mitigation Measure BIO-1, and Mitigation Measure BIO-2 would reduce any impacts to special-status plants from the Proposed Project or alternatives to a level that is less than significant.

#### **Response to Comment I-79**

The comment asserts that the EIR violates CEQA because it does not state what would constitute a significant impact to sensitive plant species. The comment argues that, without surveys, a reader cannot know the likelihood that implementation of the Proposed Project would result in removal of habitat with the potential to be occupied by a sensitive species, temporary impacts to such habitat, or take of sensitive species.

Please refer to Response to Comment D-342 and I-78. If a special-status plant species is not present, disturbance of the potential habitat will not be considered a significant or temporary impact. A significant impact would occur when there is a substantial adverse effect on a special-status species.

#### **Response to Comment I-80**

The comment asserts that the EIR defers analysis of impacts to special-status plant species to pre-construction surveys. This assertion is incorrect, as the Proposed Project's potential impacts on special-status plant species are analyzed and described principally under Impact BIO-1, with the discussion of potential impacts during construction beginning on page 4.4-42 in Volume 1 of the FEIR and the impacts during Proposed Project operation on page 4.4-52. The analysis describes the special-status plant species with potential to occur in the Proposed Project area, the results of the field surveys conducted for the PEA, and the types of habitats present within the Estrella Substation site and along the proposed 70 kV power line alignment. (FEIR, Volume 1, page 4.4-42.) The analysis describes the direct and indirect effects to special-status plant species that could occur, should such species be identified within the disturbance area during subsequent surveys. Then, the analysis considers the implementation of APMs and Mitigation Measure BIO-1, discussing the ways in which these measures would reduce the potential for adverse effects.

As discussed in Responses to Comments I-77 and I-78, field surveys were conducted for the Proposed Project area and no special-status plant species were identified. Future studies of potential impacts are permissible when coupled with mitigation measures designed to address impacts identified by the study. (Refer to *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1275.) Implementation of APM BIO-1 and Mitigation Measure BIO-1 would ensure that surveys for special-status plants are conducted again prior to construction and during the appropriate blooming periods. The CPUC believes that because surveys have been conducted within two years prior to and after issuance of the Notice of Preparation, and no plants were identified, preconstruction surveys are reasonably sufficient to determine if special-status plants occur within the Proposed Project site.

**Response to Comment I-81**

The commenter argues that an EIR must specify whether impacts would be significant in the absence of mitigation so that a project's potential environmental consequences are adequately disclosed and the sufficiency of the mitigation measures is considered. The comment cites to the court case *Lotus v. Department of Transportation* (2014) (223 Cal.App.4th 645, 658) in support of its statements. Unlike the document in *Lotus*, the EIR here specifies whether impacts would be significant before application of mitigation measures, as illustrated in Impact BIO-1's analysis, and complies with CEQA.

**Response to Comment I-82**

This comment describes the *Lotus v. Department of Transportation* court case, summarizes the findings of the court, and alleges the EIR commits the same faults identified in *Lotus*. Please refer to Response to Comment I-70 for a discussion of why the EIR's approach complies with CEQA.

**Response to Comment I-83**

This comment argues that the Proposed Project's EIR commits the same violation as that described in Comment I-82 with respect to the EIR in question in the *Lotus v. Department of Transportation* court case. The comment asserts that APM BIO-1 is "no different from the construction techniques incorporated into Caltrans' project description", alleging reliance on this APM and the others included in the EIR's *Project Description* is impermissible.

As described in Responses to Comments I-78 to I-80, the commenter has grossly mischaracterized the EIR's analysis of potential impacts to special-status plant species, including denying the existence of survey reports clearly cited and referenced in the EIR and glossing over the analysis of impacts on pages 4.4-43 to 4.4-44, and page 4.4-52, in Volume 1 of the FEIR (the language is largely unchanged from the DEIR). The EIR states that if special-status plant species are identified in the construction disturbance area (based on pre-construction surveys required under APM BIO-1 and supplemented by Mitigation Measure BIO-1), and avoidance is not possible, direct impacts to these species would occur, which would be a significant impact due to the potential loss of a high number of individuals or entire populations within the region. Thus, Mitigation Measure BIO-2 would be implemented to require that compensatory mitigation is provided for any special-status plant species that are directly impacted during construction. The EIR does not rely solely on APMs to determine that the Proposed Project's impacts would be less than significant. Additionally, the analysis in the EIR describes the impacts of the Proposed Project without implementation of APMs, then discusses the Proposed Project's effects with implementation of APMs and applicable mitigation measures. As such, the EIR complies with CEQA and the *Lotus* decision discussed in Comments I-81 through I-83, which is not an analogous or relevant example.

**Response to Comment I-84**

The comment asserts that a statement in the EIR with respect to Mitigation Measure BIO-1 that the Applicants would "contact the appropriate resource agency ([U.S. Fish and Wildlife Service] USFWS and/or [California Department of Fish and Wildlife [CDFW]])" in the event that federally or state-listed species are discovered during pre-construction surveys does not constitute

adequate mitigation under CEQA. The comment reiterates the commenter's contention that requirements for pre-construction surveys for special-status plant species are improper.

As discussed in Responses to Comments I-76 through I-78, due to previous surveys of the Proposed Project area that have not identified the presence of any special-status plants, the CPUC has determined that it is unlikely to find special-status plants in future surveys; however, in the event that a special-status plant species is found, it will be avoided if feasible and/or properly mitigated for in accordance with Mitigation Measure BIO-2. During the public review period of the DEIR, CDFW did not provide comments that indicated it disagreed with the approach described in APM BIO-1 or Mitigation Measure BIO-1. It is not uncommon for CEQA lead agencies or applicants to propose contacting resource agencies for further guidance should a special-status species be found during preconstruction surveys to ensure the most current and appropriate protocols and information are collected from the relevant agency with expertise over the resource area in question.

#### **Response to Comment I-85**

This comment alleges that it is unclear from the text of Mitigation Measure BIO-2 whether mitigation banking for impacts to special-status plants would be feasible, or how transplanting individual plants would effectively address and mitigate for impacts. Assessment of a fee is an appropriate form of mitigation when it is linked to a specific mitigation program. (Refer to *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173.) Mitigation Measure BIO-2 identifies a specific mitigation program, stating that compensation may be provided by purchasing credits at an approved mitigation bank. Please refer to Response to Comment D-342 for further discussion.

#### **Response to Comment I-86**

This comment summarizes the commenter's assertions regarding the EIR's alleged deficiencies, raised in Comments I-78 to I-85, with respect to the analysis of impacts to sensitive plant species. The comment states the analysis fails to describe the environmental baseline, quantify potential impacts to sensitive species pre-mitigation, and ensure impacts would be reduced to less than significant through enforceable mitigation measures. Please refer to Responses to Comments I-78 through I-85 for specific responses to comments related to these issues.

#### **Response to Comment I-87**

The comment asserts that the EIR does not account for the acres of critical habitat to be impacted by the Proposed Project, the actual presence of species occurring within the Proposed Project's direct impact areas, or the number of species likely to be impacted by the Proposed Project. The comment also argues that the EIR provides no accounting for the "fact" that take permits may be required from USFWS and/or CDFW. The comment alleges that any analysis of potential impacts to sensitive wildlife species are deferred to some future time.

With respect to critical habitat, the EIR discloses the designated critical habitat for federally-listed species within proximity to the Proposed Project, reasonably foreseeable distribution components, and alternatives in Figure 4.4-4. (FEIR, Volume 1, p. 4.4-37.) As shown in Figure 4.4-4, the only species with designated critical habitat within 5 miles from the Proposed Project and alternatives were steelhead (Central California Coast Distinct Population Segment [DPS]), California red-legged frog (CRLF), and vernal pool fairy shrimp. Of those, only critical habitat for

vernal pool fairy shrimp would be within the Proposed Project disturbance areas. As shown in Figure 4.4-4, nearly the entirety of eastern Paso Robles and surrounding portions of unincorporated San Luis Obispo are designated as critical habitat for vernal pool fairy shrimp, including many areas that are currently in agricultural production (e.g., the Estrella Substation site) or under commercial, industrial, or residential development. The EIR discusses potential impacts to vernal pool fairy shrimp habitat (refer to pp. 4.4-44 to 4.4-45 in Volume 1 of the FEIR); it is unclear how calculation of the acreage of impacts to designated critical habitat for this species would have improved the understanding of potential impacts, particularly when the critical habitat mapping is so imprecise.

With respect to the actual presence of species occurring within the Proposed Project's direct impact areas and the number of species likely to be impacted, this is impossible to determine in advance of construction. Wildlife species frequently move and/or occupy large territories. Table 4.4-1 in the EIR (refer to pp. 4.4-11 to 4.4-29 in Volume 1 of the FEIR) lists and describes the special-status animal species with potential to occur in the Proposed Project, reasonably foreseeable distribution components, and alternatives vicinity. Refer to this table for the analysis of species' potential to occur, including documentation of the sources relied upon and explanation of the conclusions. Preconstruction surveys conducted prior to construction would verify presence/absence within construction areas. Future studies of potential impacts are permissible when coupled with mitigation measures designed to address impacts identified by the study. (Refer to *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1275.) Mitigation Measure BIO-1 would implement measures that would avoid impacts to special-status wildlife species.

Finally, with respect to the commenter's assertion regarding take permits from USFWS or CDFW, as stated in the EIR (refer to p. 4.4-42 in Volume 1 of the FEIR), the Applicants are independently required to comply with the federal and state Endangered Species Acts and other state or federal laws relevant to the protection of the environment. Specific biological resource mitigation requirements identified in the EIR may be satisfied through compliance with permit conditions, or other authorizations that may be obtained by the Applicants, if these requirements are equally or more stringent than the mitigation identified in this document. Note that, in response to Comment J-133, the text in Section 4.4, "Biological Resources," pages 4.4-1 to 4.4-2, in Volume 1 of the FEIR, has been revised to indicate that PG&E is in the process of obtaining a permit under the Bald and Golden Eagle Protection Act. Refer to Chapter 4, *Revisions to the DEIR*, and Volume 1 of the FEIR, for the revised text.

### Response to Comment I-88

The comment asks how it was determined that no vernal pools or wetlands would be impacted by the Proposed Project. The presence of vernal pools and wetlands in proximity to the Proposed Project and alternatives is discussed in numerous places in the EIR. For example, in Section 4.4, "Biological Resources," in Volume 1 of the FEIR, land cover types and vegetation communities, including seasonal wetlands<sup>7</sup>, within the Proposed Project and alternatives areas

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<sup>7</sup> Vernal pools are a subset of seasonal wetlands, but not all seasonal wetlands support vernal pool characteristics or branchiopods (e.g., fairy shrimp). Refer to Volume 1 of the FEIR, page 4.4-8, for more information.

are discussed on pages 4.4-5 to 4.4-9. This discussion makes clear that “Mapping of land cover types is provided in the PEA (NEET West and PG&E 2017) and Biological Resources Technical Reports (BTRs) for applicable alternatives (PG&E 2017, HWT 2019, and PG&E 2019)” (FEIR, Volume 1, p. 4.4-6.) Under the discussion of “Drainages and Wetlands,” provided on pages 4.4-8 to 4.4-9 in Volume 1 of the FEIR, the EIR clearly indicates the source for the identification of wetland features in the Proposed Project area: “As described in the PEA, while field surveys identified several wetland features in the Proposed Project area, none of these were located within the Project footprint or within construction work areas (NEET West and PG&E 2017).” (FEIR, Volume 1, p. 4.4-9.) Detailed information regarding the methods and surveys used by the Applicants and their consultants to identify and map seasonal wetlands in the area of the Proposed Project’s 70 kV power line is provided in Appendix Q of the PEA, *Biological Resources Technical Report for the 70 kV Power Line*<sup>8</sup>.

Surface waters and wetlands in proximity to the Proposed Project, reasonably foreseeable distribution components, and alternatives are also shown in Figure 4.4-1 in Volume 1 of the FEIR (refer to p. 4.4-31). This figure used data from the U.S. Geological Survey’s (USGS) National Hydrography Dataset (NHD) and the USFWS’ National Wetlands Inventory (NWI), as indicated in the figure’s citations. Additionally, wetlands and other drainages are discussed in Section 4.10, *Hydrology and Water Quality*, in Volume 1 of the FEIR (refer to p. 4.10-10). This discussion indicates: “SWCA Environmental Consultants (SWCA) performed reconnaissance-level surveys for the Proposed Project substation site and 70 kV power line and reconductoring segment route to identify waters, wetlands, and riparian areas that may be subject to regulatory jurisdiction. All areas within 200 feet of the new 70 kV power line segment (a 400-foot-wide corridor), 50 feet of the reconductoring segment (a 100-foot-wide corridor), and 250 feet of the Estrella Substation were surveyed.” (FEIR, Volume 1, p. 4.10-10.) Existing surface waters in proximity to the Proposed Project, reasonably foreseeable distribution components, and alternatives are shown in Figure 4.10-1. (FEIR, Volume 1, p. 4.10-15.)

Finally, Figure 2-7 in Chapter 2, *Project Description*, pages 2-25 to 2-39, in Volume 1 of the FEIR, shows a more zoomed-in view of the Proposed Project features and also shows existing wetland features in relation to the Proposed Project features, based on the NWI data. In summary, the EIR has provided ample discussion and information regarding existing wetlands and vernal pools in proximity to the Proposed Project, reasonably foreseeable distribution components, and alternatives, including documenting the sources of the information.

### Response to Comment I-89

This comment suggests APM HYDRO-1 is meaningless because it includes the phrase “to the extent feasible.” The comment asserts that the EIR does not provide any analysis of what is or is not “feasible” in relation to avoiding sensitive aquatic features, as required by APM HYDRO-1.

The language of APM HYDRO-1 was developed by the Applicants; the CPUC is obligated to review the Proposed Project as it is developed and presented by the Applicants. While the

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<sup>8</sup> Available on the Proposed Project website here:

[https://ia.cpuc.ca.gov/environment/info/horizonh2o/estrella/docs/Revised\\_PEAAppendicesOnly\\_May2017.pdf](https://ia.cpuc.ca.gov/environment/info/horizonh2o/estrella/docs/Revised_PEAAppendicesOnly_May2017.pdf)

phrase “to the extent feasible” does allow the possibility that it will not be feasible to completely avoid all sensitive aquatic features, if waters or wetlands were to be affected, this would require regulatory permitting USFWS, CDFW, and/or the Regional Water Quality Control Board. As indicated in the EIR, at this time, there is no reason to believe that sensitive aquatic features would be affected. The definition of feasible is provided in CEQA Guidelines Section 15364 as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” As such, the Applicants would need to demonstrate, to the satisfaction of the CPUC, that one or more of these factors 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.

#### **Response to Comment I-90**

This comment asserts, in reference to the statement in APM HYDRO-1 that “all regulated activities within jurisdictional wetlands and waters (e.g., waters of the United States and waters of the State) will require regulatory approval/permitting from the appropriate agency...”, that the EIR does not include an accounting of jurisdictional areas that are anticipated to be impacted or details regarding the regulatory permitting mitigation requirements. As discussed in Response to Comment I-89, there are no anticipated impacts to jurisdictional waters from the Proposed Project. However, given that the Proposed Project is at a preliminary level of design, the possibility exists that adjustments to the Project footprint may impact waters or wetlands. The claimed inability by the Applicants, to avoid all sensitive aquatic features during Proposed Project construction, if it were to occur in the future, would need to be demonstrated based on the definition of feasible found in CEQA Guidelines Section 15364.

#### **Response to Comment I-91**

This comment questions the EIR’s analysis of impacts to Crotch’s bumble bee, CRLF, and western spadefoot toad, reiterating the concerns stated in Comment I-89 regarding the use of the phrase “to the extent feasible” in APM HYDRO-1. The comment further argues that neither APM BIO-1 nor Mitigation Measure BIO-1 eliminate the potential for impacts to aquatic features and the three species listed above. The comment reiterates concerns regarding requirements for pre-construction surveys, coordination with regulatory agencies, and the potential need for take authorization for special-status species.

This comment raises similar points to those in Comments I-88 to I-90, as well as Comments D-83, D-320, and D-334 within Comment Letter D. Please refer to the responses to these comments for detailed discussion.

#### **Response to Comment I-92**

This comment argues that the same concerns raised in Comment I-91 also apply to the EIR’s analysis and treatment of special-status birds and mammals. The comment argues that the EIR

does not provide meaningful explanation as to whether impacts to these species will occur, to what extent, or how such impacts would be mitigated.

Again, as in prior comments, the commenter appears to have completely ignored portions of the EIR in order to make blanket statements regarding the EIR's alleged inadequacy. The potential impacts to birds and mammals from construction of the Proposed Project are discussed on pages 4.4-44 to 4.4-46 in Section 4.4, "Biological Resources," within Volume 1 of the FEIR. This discussion includes an assessment of individual species potential to occur within or near the Estrella Substation site or along the 70 kV power line route, as cross-referenced from Table 4.4-1 (refer to FEIR, Volume 1, pp. 4.4-10 to 4.4-28); the potential use of habitats in and around the construction areas; the mechanisms by which impacts to the species could occur (e.g., noise, visual distractions, direct impacts to nests or burrows, modification of habitats, etc.); and the measures by which such potential impacts could be avoided or reduced (e.g., APMs BIO-1, -2, -3, and -4; APM GEN-1; APM AES-2; Mitigation Measure BIO-1; implementation of Minor Route Variation 1). In short, the EIR has included a detailed analysis of impacts to birds and mammals and the commenter is referred to the aforementioned pages of the FEIR.

#### **Response to Comment I-93**

This comment argues that reliance on APM HYDRO-1 raises the same *Lotus v. Department of Transportation* issues previously described by the commenter in Comments I-81 to I-83. Please refer to Responses to Comments I-81 to I-83. Please also refer to the Response to Comment I-89 with respect to the commenter's other contentions with APM HYDRO-1.

#### **Response to Comment I-94**

This comment reiterates the commenter's contentions with APM HYDRO-1, particularly with respect to the phrase "to the extent feasible" included in the measure, which were raised previously in Comment I-89. Based on the alleged deficiencies in APM HYDRO-1, the comment claims that the EIR's conclusions with respect to avoidance of impacts on riparian areas lacks evidentiary support.

For the CPUC's detailed response to the commenter's contentions with respect to APM HYDRO-1, please refer to Response to Comment I-89. As described in Response to Comment I-89, the phrase "to the extent feasible" in APM HYDRO-1 does not negate the effectiveness of the measure, but rather allows for the possibility of adjustments to the Proposed Project footprints based on final engineering and design, or due to other unforeseen factors – or for the unlikely possibility that riparian or wetland areas could form and/or be identified during subsequent surveys within the Proposed Project disturbance areas. At this preliminary level of design, the Proposed Project features would not directly affect riparian areas, as determined based on field surveys conducted as part of the PEA and based on public GIS data sources. The numerous locations within the EIR where wetlands and waters in the Proposed Project, reasonably foreseeable distribution components, and alternatives areas are discussed is provided in Response to Comment I-88. In particular, Figure 2-7 in Chapter 2, *Project Description*, in Volume 1 of the FEIR, shows the preliminary locations of individual 70 kV poles, work areas, access roads, staging areas, and other Proposed Project features in relation to wetland/riparian areas, as mapped in the NWI.



The potential for the Proposed Project to impact riparian habitats and sensitive natural communities is analyzed and discussed under Impact BIO-2 within Section 4.4, “Biological Resources,” pages 4.4-54 to 4.4-58, in Volume 1 of the FEIR. As described therein, the Proposed Project’s 70 kV power line route would span several riparian corridors, including those along Huer Huero Creek and other unnamed ephemeral drainages in the area (as shown on Figure 4.4-1); however, the Proposed Project has been designed to avoid all riparian habitats. Poles comprising the new 70 kV power line would generally be spaced 300 to 500 feet apart; thus, it is anticipated that the power line could span any drainages or riparian corridors without a pole or temporary work area needing to be placed within an area of riparian habitat.

### **Response to Comment I-95**

The comment asserts that the EIR does not provide an explanation as to why the Habitat Restoration Plan, required pursuant to Mitigation Measure BIO-4 to provide mitigation for the identified impacts to blue oak woodland, cannot be developed prior to Proposed Project approval. The comment argues that this is an example of “mitigation deferral” and states the analysis must be revised and recirculated.

Mitigation Measure BIO-4 clearly states that any permanently impacted blue oak woodland would be replaced at a ratio of 1.1:1, and that mitigation would be consistent with the City of Paso Robles’s Oak Tree Ordinance. Mitigation Measure BIO-4 goes on to describe additional mitigation for temporary and permanent impacts to trees. As such, Mitigation Measure BIO-4 provides performance standards and specific requirements, which allows a reader to assess the effectiveness of the mitigation measure. CEQA permits mitigation measures to specify performance standards for mitigating a significant impact when it is impractical or infeasible to specify the specific details of mitigation during the EIR review process, provided the lead agency commits to implement the mitigation, adopts the specified performance standard, and identifies the types of actions that may achieve compliance with the performance standard. (CEQA Guidelines, § 15126.4(a)(1)(B).) The habitat restoration plan would be developed after Project approval and provide further details, but this type of plan is not typically provided during preparation of the DEIR. The commenter has not indicated which parts of Mitigation Measure BIO-4, or the proposed contents of the habitat restoration plan, they find objectionable. The comment does not raise an issue that would require revision of the mitigation measure or recirculation of the DEIR.

### **Response to Comment I-96**

The comment asserts that, regardless of whether the Proposed Project is exempt from local land use and zoning regulations, CEQA still requires an analysis of whether the Proposed Project will cause a significant environmental impact due to a conflict with a land use plan, policy or regulation adopted for the purpose of avoiding or minimizing an environmental effect. The comment cites to CEQA Guidelines Section XI.b (second significance criterion under the “Land Use” topic) in support of its arguments. The potential for the Proposed Project to conflict with local land use plans and policies is discussed for informational purposes in Section 4.11, “Land Use and Planning,” in Volume 1 of the FEIR; however, as noted by the commenter, 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. (FEIR, Volume 1, p. 4.11-16.)

**Response to Comment I-97**

Following the points laid out in Comment I-96, the comment asserts that the EIR fails to provide analysis of the Proposed Project's potential conflicts with the County of San Luis Obispo and City of Paso Robles General Plan policies relating to aesthetics and community character. The comment lists specific policies from these general plans, including, but not limited to: County General Plan Goal VR 1, relating to preserving views of the natural and agricultural landscape; County General Plan Goal VR 2, relating to preserving the natural character and identifying of rural areas; City of Paso Robles Policy C-5B, relating to protection of hillsides as a visual amenity; among others. The commenter states the Project will conflict with some or all of the policies listed, that impacts requiring mitigation are necessary, and that the EIR must be revised and recirculated.

Several of the County and City General Plan policies noted in the comment are described in Appendix A of the EIR (refer to Volume 2 of this FEIR). The potential for the Proposed Project to conflict with local land use plans and policies is discussed for informational purposes in Section 4.11, "Land Use and Planning," in Volume 1 of the FEIR; however, as noted by the commenter, 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. (FEIR, Volume 1, p. 4.11-16.) With respect to the goals and policies referenced by the commenter, the EIR's Aesthetics evaluation under Impact AES-1 in Section 4.1, "Aesthetics," page 4.1-38, in Volume 1 of the FEIR, addresses potential conflicts with open space viewsheds identified in the City of Paso Robles General Plan, including the field at the north end of Ramada Drive (between the railroad and Salinas River), oak-covered hillsides, and the view from Barney Schwartz Park (City of Paso Robles 2003). Section 4.1, "Aesthetics," also describes Highway 101 as a visual gateway and Union Road as a visual corridor and gateway, as designated in the City's General Plan. The Proposed Project's effects on public views along Union Road and overall effects on the region's visual character are addressed in Impact AES-3. (FEIR, Volume 1, pp. 4.1-40 through 4.1-44.)

In response to this comment, the impact analysis under Impact LU-2 in Section 4.11, "Land Use and Planning," page 4.11-17, in Volume 1 of the FEIR, has been revised to include where potential conflicts with local plans and policies concerning open space viewsheds and scenic corridors are generally described in Section 4.1, "Aesthetics":

Section 4.1, "Aesthetics," discusses changes to open space viewsheds and scenic corridors as a result of the Proposed Project. Although the Estrella Substation would generally not obstruct open space viewsheds, the Proposed Project's 70 kV power line may be visible from several viewpoints throughout the City of Paso Robles and surrounding areas; however, this change in view would be minor and would not substantially affect open space viewsheds that have been identified in the City of Paso Robles's General Plan. The new 70 kV power line and reconductoring segment would cross SR 46 (eligible for listing as a state-designated scenic highway) but would not substantially impair views from SR 46 or screen landscape features that are not already obstructed by the presence of the existing distribution line and power line.

Development and operation of the Estrella Substation would permanently alter the site's visual character and would be visually inconsistent with the surrounding landscape. The new 70 kV power line would have similar adverse effects, although the

degree of impact would vary by location. The substation facilities would also dominate views from Union Road, which is designated by the City of Paso Robles as a visual corridor and gateway into the City of Paso Robles. Additionally, the section of new power line proposed in the area along Golden Hill Road where the Cava Robles RV Park located (which has been designated as Parks and Open Space by the City of Paso Robles) would substantially degrade the visual character of the area. As further described in Section 4.1, "Aesthetics," these impacts would be significant and unavoidable.

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 I-98**

The commenter is concerned about allegedly inadequate baseline noise surveys, in particular along the 70 kV transmission line alignment.

As described in Section 4.13.4 of the EIR (refer to Section 4.13, "Noise and Vibration" within Volume 1 of this FEIR), a baseline noise survey was conducted around the proposed Estrella Substation site. This survey was conducted near where the Proposed Project would generate new permanent noise sources in order to address operational impacts to ambient noise. It is not anticipated that there will be any permanent noise along the transmission line once construction is complete except for occasional noise during the infrequent inspection and maintenance of lines. Thus, there was no strong reason to specifically measure the background noise along the whole transmission line alignment and the method for the survey was adequate. It is anticipated that noise levels along the transmission line would be similar to the noise measured at the substation site, as these are typical noise levels in a rural setting. Refer to Response to Comment I-12 for corona noise information.

#### **Response to Comment I-99**

The commenter is concerned about corona noise levels given that there are no existing high voltage lines in some areas. As described in Section 4.13.2 in Volume 1 of the FEIR, corona noise is generally more noticeable on high-voltage lines, and is not a design issue for power lines rated at 230 kV and lower.

#### **Response to Comment I-100**

The commenter is concerned about sensitive receptors sited near the Proposed Project's 70 kV transmission lines and states lines will be directly adjacent to certain sites the commenter alleges are noise-sensitive receptors. The receptors mentioned would be adjacent to, but not sited at, the transmission line. Please refer to Response to Comment I-99 regarding the potential for operational noise impacts that may be relevant to those adjacent receptors.

#### **Response to Comment I-101**

The commenter is concerned about potential nighttime noise from Proposed Project construction activities and alleges APM NOI-1 is insufficient to guarantee a reduction in construction noise impacts from "grading, scraping, augering, and pole installation" at night. APM NOI-1 states that "The project proponents will limit grading, scraping, augering, and pole

installation to 7:00 a.m. to 7:00 p.m. daily.” Indeed, the purpose of APM NOI-1 is to limit these types of noise-generating activities to non-sensitive periods. The clause allowing for exceptions for work outside of these hours does not completely negate the APM, and based on the information in Chapter 2, *Project Description*, in Volume 1 of the FEIR, such exceptions would only occur rarely and when necessary for safety purposes. As described in Chapter 2, page 2-80, in Volume 1 of the FEIR, “Occasionally, work may occur during the evening hours for activities such as monitoring the substation foundation curing process, and testing and commissioning the new substation components. However, such activities would not normally generate loud noise. Nighttime work may also be required (e.g., when electrical clearances are available or for safe completion of a construction procedure).” As noted in Response to Comment I-57, it is estimated that nighttime work would be no more than a few hours per day and occur no longer than one week at a given site along the proposed 70 kV power line.

As described in Mitigation Measure NOI-1, most construction activities with a likelihood of resulting in a noise nuisance for residents in the vicinity are reasonably expected to occur during the daytime hours of 9:00 a.m. – 7:00 p.m. Nighttime work between the hours of 10:00 p.m. and 7:00 a.m. will not occur, except when electrical clearances are limited in availability or when safe completion of a construction procedure requires nighttime work is needed. Per APM AG-1, any instances of nighttime work would be covered in the required advanced notification for planned construction activity.

#### **Response to Comment I-102**

The comment provides the EIR’s definition of noise-sensitive receptors. Comment noted.

#### **Response to Comment I-103**

The comment states that it is unclear whether APM NOI-1 is intended to be applied. APM NOI-1 is wholly contained and enhanced by Mitigation Measure NOI-1.

#### **Response to Comment I-104**

The commenter is concerned about Proposed Project construction noise from helicopters and ground-level equipment. The commenter asserts APM NOI-1, APM NOI-2, Mitigation Measures NOI-1 and NOI-2 would not reduce impacts because they are applied “when feasible.”

Areas proposed for helicopter and ground-level equipment use are near the areas mentioned in the comment. As described on pages 2-73 to 2-85 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. The CPUC has identified Mitigation Measures NOI-1 and NOI-2, which, along with APMs NOI-1 and NOI-2, will minimize noise impacts from construction activities and from helicopters. Specifically, these measures will minimize impacts by providing public notice to sensitive receptors near work areas and along flight paths, avoiding noise impacts during sensitive times of the day, requiring the use of noise reduction devices on construction equipment and proper equipment maintenance, requiring that stationary equipment used during construction be located away from sensitive noise receptors and be equipped with engine-housing enclosures, designating a noise coordinator to respond to noise complaints, and strategically planning helicopter flight paths, hovering, and staging area locations. All of these measures would help to reduce noise impacts on the public. Nevertheless, with adoption of the FEIR, the CPUC will have to issue statements of overriding consideration.

With respect to the commenter's allegations regarding the use of the term "feasible," please refer to Response to Comment I-89, where the CPUC has responded to similar concerns raised by the commenter with regard to APM HYDRO-1. As described therein, the definition of feasible is provided in CEQA Guidelines Section 15364 as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." As such, the Applicants would be bound by the requirements in the relevant APMs and mitigation measures (i.e., measures that include the term "feasible") unless they could demonstrate, to the satisfaction of the CPUC, that one or more of these factors precludes their accomplishment of specific avoidance or minimization measures.

Refer to Response to Comment D-125.

### **Response to Comment I-105**

The commenter is concerned about corona noise and references a paper on corona noise from 110 kV high voltage transmission lines, provided as Attachment 5 to the commenter's letter.

In this paper, corona noise measurements performed in a lab setting averaged approximately 20 A-weighted decibels (dBA)<sup>9</sup>, reaching a maximum of approximately 45 dBA. This is substantially less than background noise levels: (1) typical for rural areas, (2) measured in the Proposed Project's baseline study in the rural setting of the proposed Estrella Substation's location, and (3) levels deemed acceptable by land use compatibility noise level recommendations. Additionally, the referenced paper found in multiple field measurements that ambient/background noise was always stronger than possible corona discharge noise. The commenter is also reminded that the proposed transmission line is 70 kV, substantially lower in voltage than the 110 kV transmission lines discussed in the paper referenced by the comment.

### **Response to Comment I-106**

This comment summarizes the previous comments and suggests that the EIR must be revised because it had inadequate mitigation measures and inadequately analyzed the existing noise baseline and potential corona noise impacts. Refer to Responses to Comments I-98 through I-105 for specific responses on these issues.

### **Response to Comment I-107**

The comment argues that the EIR is inaccurate because it skews its estimates of population growth. The commenter suggests the Project is designed to accommodate growth "far beyond" what is expected and the EIR should analyze the Project's contribution to "unplanned growth", claiming the EIR must be revised and recirculated to include this analysis. Please refer to Response to Comment I-33.

This comment also reiterates the arguments from Comment I-42 that the Proposed Project would accommodate growth beyond that planned for by the City of Paso Robles, thus resulting in various impacts due to growth inducement. Please refer to Response to Comment I-42. As

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<sup>9</sup> As described in Section 4.13, "Noise and Vibration," page 4.13-1, in Volume 1 of the FEIR, dBA is an overall frequency weighted sound level in decibels that approximates the frequency response of the human ear.

discussed therein, the Proposed Project's potential for growth inducement is discussed and analyzed in Chapter 6, *Other Statutory Considerations and Cumulative Impacts*, in Volume 1 of the FEIR. As such, the EIR adequately discusses and analyzes the Project's relation to population growth under CEQA and the EIR need not be revised and recirculated.

#### **Response to Comment I-108**

This comment argues that the EIR does not adequately analyze the impacts related to unplanned growth that would allegedly occur due to the Proposed Project and presents population numbers and estimates presented previously in Comments I-33 and I-42. The comment restates assertions regarding the EIR's alleged failure to evaluate accommodation of unplanned growth. Please refer to Responses to Comments I-33 and I-42.

#### **Response to Comment I-109**

This comment asserts that the EIR's analysis regarding the potential for the Proposed Project to increase transportation hazards due to a geometric design feature or incompatible use did not consider "design hazard impacts." The comment does not specify what design hazard impacts the commenter is envisioning, but the subsequent Comment H-110 alludes to impacts to large RV vehicles access due to placement of power line poles along Golden Hill Road and impacts to RV vehicle traffic during Proposed Project construction as the primary concerns.

The discussion under Impact TR-3 in Section 4.17, "Transportation," pages 4.17-20 to 4.17-21, in Volume 1 of the FEIR, indicates that impacts from the Proposed Project associated with the increase of hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) would be less than significant with mitigation. As described in the EIR, the Proposed Project would not require geometric design features that would increase hazards; however, during the construction period, the presence of slow-moving trucks and use of construction equipment on Proposed Project area roadways would create a potential safety hazard to motorists, pedestrians, and bicyclists. With the implementation of Mitigation Measure TR-1, which would require each Applicant prepare a traffic control plan, this potential safety hazard would be less than significant.

Mitigation Measure TR-1 would require provision of signage and/or flaggers to warn motorists of potential safety hazards associated with slow-moving vehicles, in situations where slow-moving trucks or equipment are operated on public roadways. Additionally, signage, flaggers, and/or other devices, consistent with the California Manual on Uniform Traffic Control Devices and best traffic management practices shall be used to safely route vehicle traffic around the construction work area for any lane, shoulder, or road closures.

#### **Response to Comment I-110**

This comment asserts that the EIR did not provide an analysis of how the placement and erection of transmission poles along Golden Hill Road would affect the ability of large RV vehicles to access Cava Robles RV Resort. As described in Response to Comment I-9, the installation of 70 kV power line poles along Golden Hill Road is not anticipated to result in modifications to the existing width or geometry of Golden Hill Road or the driveway entrance to the Cava Robles RV Resort.

Regarding the temporary conditions of Golden Hill Road during the construction period, as described in Chapter 2, *Project Description*, in Volume 1 of the FEIR, structure work areas would be established at each new or replacement tower or pole that would be installed as part of the Proposed Project. These work areas would be used to facilitate the tower/pole assembly, erection, and hardware assembly processes. They would also be used to support the conductor installation and/or removal processes. The final tower/pole locations would be determined when engineering is complete and, where feasible, would be adjusted to account for property owner preferences. Structure work areas may also be adjusted to accommodate the final tower/pole locations. These work areas would typically be centered on the tower/pole location and would vary in size depending on the type of tower/pole being installed. The new 70 kV power line segments would use a combination of tubular steel poles (TSPs) and light-duty steel poles (LDSPs). Typical work areas are about 100 feet by 100 feet for LDSPs and 150 by 150 feet for TSPs. As stated in Section 4.17, "Transportation," in Volume 1 of the FEIR, temporary lane or road closures may be required for construction of the 70 kV power line, in particular at locations where the power line route would cross roadways. The power line route would not cross Golden Hill Road; however, should the installation of TSPs or LDSPs along Golden Hill Road require temporary lane closures, HWT and PG&E would be required to implement the provisions for temporary lane closures described in Mitigation Measure TR-1, which would include the provision of signage, flaggers, and/or other devices to route vehicle traffic around the construction work area.

In response to Comment I-110, the text of Mitigation Measure TR-1 in Section 4.17, "Transportation," page 4.17-18, in Volume 1 of the FEIR, has been revised to clarify that HWT and PG&E must ensure that provisions for detours and the routing of traffic around the construction work area during temporary lane and road closures shall be adequate to provide for continuity of access for all vehicles lawfully using the applicable public roadways in compliance with the California Vehicle Code. 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 TR-1 have also been carried over to Appendix F, *Mitigation Monitoring and Reporting Program*, in Volume 2 of the FEIR. The text has been revised as follows:

- For any lane closures, signage, flaggers, and/or other devices shall be used to route vehicle traffic around the construction work area. The traffic control measures shall ensure that pedestrians and bicyclists are provided safe passage around the work area, where applicable. The routing of traffic around the construction work area during temporary lane closures shall be adequate to provide for continuity of access for all vehicles lawfully using the applicable public roadways in compliance with the California Vehicle Code.
- For any road closures, detours shall be provided and signage, flaggers, and/or other devices shall be used to ensure motorists, pedestrians, and bicyclists are able to safely pass through the detour areas. Detours during temporary road closures shall be adequate to provide for continuity of access for all vehicles lawfully using the applicable public roadways in compliance with the California Vehicle Code.

### Response to Comment I-111

This comment states the DEIR fails to address EMF health impacts and provides citation to certain content presented in the EIR pertaining to EMF, understood to be contextual to support

Comments I-112 and I-113. Responses to Comments I-112 and I-113 are provided below. In response to comments related to EMF, refer to Master Response 2.

**Response to Comment I-112**

This comment asserts that whether CEQA defines or adopts standards for defining potential risk from EMF is irrelevant to the CPUC's responsibility to analyze impacts to human health resulting from EMF. This comment cites several cases in support of its arguments. The EIR adequately analyzed EMF impacts as required by CEQA. In response to comments related to EMF, refer to Master Response 2.

**Response to Comment I-113**

This comment asserts that the results from a CPUC-commissioned review suggests adverse impacts related to EMF; and therefore, these results necessitate the CPUC to establish standards, apply them in the EIR, and disclose their significance to the community likely to experience these impacts in the EIR. In response to comments related to EMF, refer to Master Response 2. The EIR adequately analyzes EMF impacts as required by CEQA such that revision and recirculation of the EIR is not required.

**Response to Comment I-114**

The comment summarizes provisions of CEQA regarding recirculation.

**Response to Comment I-115**

The comment states the DEIR should be revised and recirculated, based upon the previous comments. The comment is noted. Responses to each of the commenter's specific comments on the DEIR have been provided in Responses to Comments I-1 through I-114. The DEIR complies with CEQA and is adequate.

**Response to Comment I-116**

The comment concludes the comment letter and invites CPUC questions concerning the contents of the comment letter. Thank you for your comment.

**Response to Comment I-117**

This comment is Attachment 1 to the commenter's letter, which is a collection of several articles on the Cava Robles RV Resort. The articles describe the characteristics and appealing aspects of the resort, and that the Cava Robles RV Resort was awarded the 2018 Beautification of the Year award. This attachment has been reviewed by the CPUC and considered in the responses to comments. The attachment was cited to earlier in the commenter's letter in Comment I-4; please refer to Response to Comment I-4. Potential impacts on the Cava Robles RV Resort with respect to aesthetics are discussed in various responses to comments above. Note that economic impacts are outside the scope of CEQA, as discussed in Master Response 7.

**Response to Comment I-118**

This comment is Attachment 2 to the commenter's letter, which is a copy of a City of Paso Robles Resolution (No. 12-008) approving the development for the Cava Robles RV Resort. The document includes various requirements and mitigation measures that were required of the



Cava Robles RV Resort construction by the City of Paso Robles, including the requirement to underground all utilities, as well as site plans and other materials. The resolution was cited in Comment I-6 with respect to the City's requirement for undergrounding overhead electrical lines. Please refer to Response to Comment I-6 for the CPUC's response to this issue. The Attachment 2 document is noted and will be shared with the CPUC's decisionmakers. As it contains no specific comments on the Proposed Project's EIR, no further response is required.

**Response to Comment I-119**

This comment is Attachment 3 to the commenter's letter, which is a news article describing the Paso Robles City Council's opposition to the Proposed Project. The article notes that representatives of local businesses, including Cava Robles RV Resort, spoke out against the Proposed Project at the City Council meeting and the Council ultimately voted 5-0 to oppose the Proposed Project. This attachment was cited to in Comment I-17 earlier in the commenter's letter; refer to the CPUC's Response to Comment I-17. This attachment will be shared with the CPUC's decisionmakers; however, as it contains no specific comments on the EIR's environmental analysis, no further response is necessary.

The CPUC responds to the City of Paso Robles' letter on the DEIR, which is denoted as Comment Letter B in this FEIR. Please refer to the responses to Comment Letter B.

**Response to Comment I-120**

This comment is Attachment 4 to the commenter's letter, which is a copy of the Land Use Element of the City of Paso Robles General Plan. This attachment was cited to earlier in the commenter's letter in Comment I-33 regarding the population estimates included in the Land Use Element in relation to that reported in the DEIR. Please refer to Response to Comment I-33 for the CPUC's response to this issue. The attachment will be shared with the CPUC's decisionmakers; however, as the attachment itself contains no specific comments on the environmental analysis in the EIR, no further response is required.

**Response to Comment I-121**

This comment is Attachment 5 to the commenter's letter, which is a study of corona audible noise of 110 kV high voltage overhead transmission lines. This attachment was referenced in Comment I-105 earlier in the commenter's letter. Please refer to Response to Comment I-105 for the CPUC's response to the issues raised by the commenter in relation to the study. The attachment will be shared with the CPUC's decisionmakers; however, as the attachment provides no specific comments on the EIR's environmental analysis, no further response is required.