Letter J: Mathew Swain, Paragon Legal for Pacific Gas and Electric Company (February 22, 2021)

Letter J

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Pacific Gas and Electric Company ™

VIA ELECTRONIC MAIL

February 22, 2021

Mr. Robert Peterson
California Public Utilities Commission
c/o Tom Engels
Horizon Water and Environment
266 Grand Avenue, Suite 210
Oakland, CA 94610

Re: **Estrella Substation and Paso Robles Area Reinforcement Project (A.17-01-023) – Pacific Gas and Electric Company Comments on Draft Environmental Impact Report**

Dear Mr. Peterson:

J-1 Enclosed are Pacific Gas and Electric Company's ("PG&E") comments on the Draft Environmental Impact Report ("DEIR") that the California Public Utilities Commission ("CPUC") Infrastructure Permitting and CEQA Section ("Energy Division") released on December 8, 2020 regarding the Estrella Substation and Paso Robles Area Reinforcement Project ("Proposed Project" or "Project"). PG&E reserves the right to supplement its comments on the DEIR at a later date.

J-2 PG&E appreciates the time and effort that the Energy Division and its consultants spent on preparing the DEIR. PG&E's comments are intended to ensure that the final environmental impact report for the Project ("FEIR") will be accurate, complete, and consistent with the California Environmental Quality Act ("CEQA").

I. INTRODUCTION

J-3 PG&E and NextEra Energy Transmission West, LLC [now known as Horizon West Transmission ("HWT")] (collectively referred to as "Applicants"), jointly filed on January 25, 2017 an application requesting Permits to Construct ("PTCs") the Proposed Project, with a targeted in-service date of May 2019. The Proposed Project is a reliability-based upgrade to the Los Padres Area transmission system and the Paso Robles Distribution Planning Area that was selected by the California Independent System Operator through its regional transmission planning process. The Proposed Project would interconnect a new 230 kilovolt ("kV") source into the Paso Robles area by constructing a new 230/70 kV substation, as described in the Applicants' application for PTCs.

J-4 PG&E appreciates the opportunity to provide comments on the DEIR. PG&E's comments consist of this cover letter, Attachment 1 (Text Corrections and Requests for Clarification), Attachment 2 (Comments on Behind-the-Meter Analysis), Attachment 3 (Revised Air Quality Analysis) and Attachment 4 (Revised Helicopter Noise Analysis). PG&E requests that the CPUC incorporate into the FEIR the information and proposed revisions to the DEIR presented in this letter and Attachments 1-4 hereto.

II. COMMENTS ON OVERARCHING CEQA ISSUES

A. The CPUC's Distribution Project Objective Should Include Enhanced Reliability To Be Consistent with the Fundamental Underlying Purpose of the Proposed Project

J-5 CEQA requires an EIR to contain a clearly written statement of the underlying fundamental purpose and the objectives sought by the proposed project, which will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and aid the decision-makers in preparing findings or a statement of overriding considerations, if necessary. (*See* CEQA Guidelines § 15124(b).) The project objectives are integral to the analysis of alternatives because CEQA requires an EIR to focus on alternatives that can eliminate or reduce significant environmental impacts while attaining most of the project objectives. (*Id.* at § 15126.6(a)-(b).)

J-6 The fundamental underlying purpose of the Proposed Project is to reinforce the electric transmission and distribution system in the Paso Robles Distribution Planning Area (DPA), as reflected in the name of the project: the Estrella Substation and Paso Robles Area *Reinforcement* Project. Reinforcement in this case means improving the reliability, capacity and flexibility of the interconnected transmission and distribution systems in the DPA.[1] However, the CPUC, functioning as the CEQA lead agency in charge of preparing the DEIR, asserts that improving distribution service reliability is not a driver of the project: "The issue of long feeders and poor service reliability was not identified as a fundamental project objective by the CPUC; however, it is considered a beneficial effect of the Proposed Project." (DEIR p. 2-6.) In other words, the distribution project objective in the DEIR references increasing capacity, but not enhancing reliability. As a result, the DEIR does not take into account reliability enhancement when it evaluates the two battery energy storage system ("BESS") alternatives, Alternatives BS-2 and BS-3, to the reasonably foreseeable distribution components of the Proposed Project.

J-7 [1] The Proposed Project would accomplish these fundamental reinforcement goals by constructing a new substation that would (1) interconnect a second existing 230 kV transmission line into the DPA, (2) create a second 70 kV power source for the Paso Robles and San Miguel substations by constructing a 70kv power line connecting these substations to Estrella Substation, (3) include space for new 70/21 kV transformers to meet anticipated distribution demand in the DPA that will likely exceed existing capacity in approximately five to 15 years, (4) be located close to the area in which demand is forecasted to increase, (5) be located where it would be relatively easy to interconnect with existing distribution circuits, (6) shorten existing distribution feeders from Templeton Substation that now travel long routes into the Paso Robles DPA, and (7) provide additional substation 230/70kV transformer bank capacity that can be shared by substations within the DPA during substation maintenance, outages, and clearances to improve operational flexibility and reliability within the DPA. The Applicants' described the underlying purpose of the Proposed Project in PEA Section 1.3 ("Purpose, Need, and Project Objectives) and PEA Appendix G ("Distribution Need Analysis").

J-8 The DEIR should factor distribution reliability into its comparison of the two BESS alternatives to the reasonably foreseeable distribution components. The DEIR already acknowledges that the reasonably foreseeable distribution components:

> would address existing undesirable conditions and projected load growth in the distribution system in the Paso Robles area. As described in detail in Appendix G of the Applicants' PEA, the Paso Robles system is characterized by very long distribution feeders particularly those extending from Templeton Substation (see Figure 2-4). This is undesirable because long feeders are more susceptible to potential outages caused by vehicle pole strikes, downed vegetation from storms, or other incidents (NEET West and PG&E 2020a). Additionally, outages that occur on long feeders may affect larger numbers of people than similar events that occur on feeders of moderate length. (DEIR p. 2-6.)[2]

J-9 The DEIR recognizes that the Proposed Project is sited and designed to address these "undesirable" reliability issues:

> Locating the new substation at its proposed location would allow for the long feeders to be split in half and for some of the load currently being served by the Templeton Substation to be served by the new Estrella Substation. Reducing the length of these feeders would reduce potential outages for customers in this area and improve the reliability of the distribution system in this area. (DEIR p. 2-6.)

J-10 Additional details about the distribution reliability benefits of the Proposed Project are provided in PEA Appendix G. To summarize, if and when the reasonably foreseeable distribution components are added at the proposed Estrella Substation (assuming the CPUC approves its construction), all customers within the Paso Robles DPA will enjoy reliability benefits because installing three new 21 kV distribution circuits will shorten distribution feeder line lengths out of Templeton Substation, share load with existing circuits and substations, and provide critical back feed support and redundancy to respond to real-time operational needs. (PEA Appendix G at UG-27 to UG-28.)

J-11 Given the important role of enhancing distribution reliability in the fundamental underlying purpose and design of the Proposed Project, the distribution project objective should specifically include "improve service reliability."

J-12 At the very least, the DEIR should discuss whether Alternative BS-2 or BS-3 would enhance the reliability of the existing distribution system by rectifying existing "undesirable conditions" or achieve the other reliability enhancements of the Proposed Project. PG&E contends that they would not. Adding solar and battery storage could provide additional generation and storage capacity to the DPA (see comments in Attachment 2), but they would not reduce the length of the Templeton 21 kV feeders, nor would they create back ties into existing

[2] The DEIR pulls extensively from PEA Appendix G and provides outage data and statistics that highlight the service reliability issues that currently exist. (DEIR pp. 2-6 to 2-11.)

J-12 cont.

circuits that enable load transfers between substations during emergencies, clearances, or planned maintenance. In fact, battery storage systems can actually hinder system operational flexibility and reliability since, once discharged, they must be recharged to support load. Depending upon the duration of outages or maintenance windows, the batteries may not be able to be charged until the circuit and the system returns to normal or may not provide needed electricity supply during the full duration of a maintenance or outage window.

B. The DEIR Does Not Present Substantial Evidence On Which To Conclude that Alternative BS-2 or Alternative BS-3 Is Environmentally Preferable To the Reasonably Foreseeable Distribution Components of the Proposed Project

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The DEIR does not contain substantial evidence to conclude that Alternatives BS-2 and BS-3 are environmentally preferable to the reasonably foreseeable distribution components that PG&E proposed.

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The DEIR states at the beginning of the impacts discussion in Chapter 4 that: "Because the specific characteristics of Alternatives BS-2 and BS-3 are unknown, these alternatives are evaluated for illustrative purposes in the DEIR. Consistent with CEQA Guidelines section 15145, no significance conclusions are provided for the Alternative BS-2 and BS-3 impact discussions." (DEIR at 4.0-2 to 4.0-3.) For example, in the evaluation of aesthetic impacts in Section 4.1, the DEIR states:

> Overall, because FTM BESS sites were selected for illustrative purposes only, BESS installations have not been designed and technologies have not been selected, and the specifics of Alternative BS-2 are unknown, project-level determinations cannot be made as impacts are speculative. Therefore, consistent with CEQA Guidelines section 15145, no significance conclusion is provided for any of the significance criteria. (DEIR at 4.1-53.)

> Overall, due to the fact that specific locations and characteristics of BTM resources procured under Alternative BS-3 are unknown at this time, project-level impact determinations are not possible as the impacts are speculative. Therefore, consistent with CEQA Guidelines section 15145, no significance conclusion is reached under any of the significance criteria. (DEIR at 4.1-54.)

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This finding that impact determinations for Alternatives BS-2 and BS-3 would be speculative is repeated in Sections 4.2 to 4.20, which represent all resource areas evaluated in the DEIR.

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Given these findings, the DEIR lacks substantial evidence to conclude that: "Impacts [of the reasonably foreseeable distribution components] would be greater than under the alternative combinations evaluated because of the approximately 1.7 miles of new distribution line and 8 miles of reconductoring." (DEIR p. 5-15.) The DEIR cannot compare actual impact findings regarding the reasonably foreseeable distribution components to speculative assessments of the impacts of Alternatives BS-2 and BS-3 and conclude that these alternatives are environmentally preferable.

C. The DEIR Should Not Recommend Implementation of Alternative BS-2 or BS-3 Because the Decision Whether a BESS or Any Other Kind of Distributed Energy Resources Will Be Implemented Instead of the Reasonably Foreseeable Distribution Components Will Be Determined In a Separate CPUC Proceeding

J-17 The DEIR should clearly state that whether Alternative BS-2 and/or BS-3, or some other Distributed Energy Resource (DER), gets implemented instead of the reasonably foreseeable distribution components of the Proposed Project will not be decided in the PTC proceeding. Instead, the decision to implement a DER solution or the reasonably foreseeable distribution components would be made in a separate CPUC proceeding, the Distribution Infrastructure Deferral Framework (DIDF) pursuant to the Distribution Resources Plan proceeding (R.14-08-013). At the time that PG&E determines that the energy demand and reliability concerns in the DPA warrant constructing the reasonably foreseeable distribution components, PG&E will identify this as a "planned investment" in its annual Grid Needs Assessment (GNA) and Distribution Deferral Opportunity Report (DDOR). At that point, DER alternatives to the proposed distribution investment, which may include Alternative BS-2 and/or BS-3 among other DERs, will be considered in the annual DIDF.

J-18 Thus, no findings are appropriate – in either the DEIR or the current PTC proceeding – to establish that Alternative BS-2 and/or BS-3 is environmentally preferred to the reasonably foreseeable distribution components. As noted above, PG&E disagrees that the DEIR has established that Alternatives BS-2 and BS-3 would "likely" reduce environmental impacts as compared to the reasonably foreseeable distribution components (DEIR pp. ES-5, 5-15) because this finding is based on hypothetical, illustrative BS-2 and BS-3 alternatives for which no impact determination is made (DEIR p. 3-112).

J-19 In addition, PG&E offers a number of clarifying comments regarding the discussion of Alternatives BS-2 and BS-3 and the role of the DIDF proceeding.

J-20 The DEIR states that both Alternatives BS-2 and BS-3 could be "developed" through the DIDF proceeding. (DEIR pp. ES-13, 5-16.) PG&E clarifies that DER alternatives (including but not limited to BS-2 and BS-3) to the reasonably foreseeable distribution components will be *evaluated* in the DIDF. No alternatives are developed in the DIDF.

J-21 Furthermore, the DIDF evaluation is technology agnostic so all DER alternatives would be evaluated equally, with no preference given to Alternative BS-2 or BS-3. As the DEIR notes:

> It is anticipated that BTM resources installed as an alternative to the Proposed Project would be procured under the CPUC's DIDF pursuant to the Distribution Resources Plan or its successor proceeding… The DIDF is technology neutral but, for the purposes of this CEQA analysis, solar and battery storage DERs were assumed. Other types of DERs could also be procured, such as energy efficiency and demand response. (DEIR p. 3-134.)

J-22 PG&E agrees that DER alternatives, including alternatives other than a BESS, would be evaluated and potentially procured in the DIDF, making a finding in the DEIR or the current

J-22 cont. PTC proceeding on Alternatives BS-2 and BS-3 inappropriate and in conflict with the Distribution Resources Plan.

J-23 PG&E agrees with the statement in the DEIR that: "The size of the BESS required would be dictated by the grid capacity needs PG&E identifies pursuant to their annual Grid Needs Assessment and Distribution Deferral Opportunity Report filing to the Distribution Resources Plan proceeding (R.14-08-013) or its successor proceeding." Further, given that the size and location of the DER alternative would be dictated by the GNA and DDOR in the Distribution Resources Plan, it is impossible to evaluate Alternative BS-2 or BS-3 without knowing the specific electrical system needed, the required battery storage size, and the location needed. No findings should be made in the DEIR about the environmental preferability of these alternatives. Instead, the BESS alternatives should be evaluated with other potential DERs in the Distribution Resources Plan once PG&E decides to make a planned investment in the reasonably foreseeable distribution components.

J-24 PG&E disagrees with the following statement: "In PG&E's 2018 and 2019 filings, the distribution capacity requirements identified ranged from 3.4 MW to 5.9 MW (CPUC 2020). In their 2020 filing, however, PG&E indicated that the distribution capacity need no longer exists within the 10-year planning horizon (PG&E 2020a)." (DEIR p. 3-126.) In fact, a distribution capacity need does still exist and PG&E identified it in its 2020 GNA and DDOR. These reports state that the reasonably foreseeable distribution components of the Proposed Project are no longer considered a timely solution to this need; therefore, a planned emergency expansion of the existing San Miguel Substation in the Paso Robles DPA was identified and is being pursued instead.

J-25 The DEIR contains an incorrect statement regarding the cost effectiveness cap that would be used in the DIDF to evaluate DER alternatives to the reasonably foreseeable distribution components. The DEIR states: "As of 2019, the reasonably foreseeable distribution components associated with the Proposed Project were estimated to cost $18.5 million (CPUC 2020). For Alternative BS-2 and BS-3 to be developed through the DIDF, the cost cap would be less than this amount since the DER solution needs to be cost-effective." (DEIR p. 5-16.) PG&E agrees that any DER solution evaluated in the Distribution Resources Plan would need to be less than the cost effectiveness cap, but it is factually incorrect that the cost cap would be "less than this [$18.5 million] amount." The $18.5 million was the unit cost, not the cost cap, for the reasonably foreseeable distribution components, which is not currently a "planned investment." Instead, the annual DIDF will evaluate any new planned investment in that area, which would include the reasonably foreseeable distribution components if PG&E proposes them during that annual cycle. Any cost cap would be determined as part of that annual DIDF process. PG&E believes it is not accurate or relevant to the CEQA evaluation to introduce the incomplete $18.5M figure within this DEIR.

D. The Analysis of Alternative BS-3 Is Flawed

J-26 PG&E offers a number of comments on the DEIR's discussion of Alternative BS-3 in DEIR Chapter 3 and the supporting study, Behind-the-Meter Solar Plus Storage Adoption Propensity Analysis (BTM Analysis), provided by the CPUC as Appendix B to DEIR

J-26 cont.

Appendix B. PG&E provides detailed comments on the BTM Analysis in Attachment 2 hereto. PG&E provides a snapshot of some of the key comments here.

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First, the BTM Analysis is speculative at its heart, admitting that "Economic propensity analyses simply identify customers for which it would make economic sense to adopt a technology, not necessarily what is likely to occur." (BTM Analysis p. 14). The BTM Analysis does not constitute substantial evidence that any one residential or commercial customer would decide to install a BTM BESS.

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Second, the BTM Analysis overestimates the number of customers in the DPA. It states that there are approximately 75,000 customers in the DPA, whereas PG&E's records show that there are approximately 47,000 customers in the DPA. By overstating the number of customers in the DPA by nearly 60 percent, the study overestimates the number of customers for which it may make economic sense to install a BTM BESS.

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Third, the hosting capacity analysis provided in the BTM Analysis is flawed because it assesses the hosting capacity of each distribution circuit in the DPA. Actual hosting capacity of a particular circuit in the DPA is limited to the hosting capacity of each segment of the circuit, which can be far lower than the theoretical hosting capacity of the circuit as a whole. For example, DEIR Table 3-20 shows an adoption potential on the Paso Robles 1102 circuit of 4.8 MW or 7.3 MW of solar plus storage for a Low or High Scenario, respectively. (DEIR p. 3-133.) In comparison, PG&E's published ICA data from October 2020 shows a maximum hosting capacity of 0.84 MW on the Paso Robles 1102 circuit. The scope and magnitude of distribution upgrades required to interconnect BESS above and beyond actual hosting capacity limits is unknown at this time, and have not been assessed in the DEIR.

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Fourth, the BTM Analysis incorrectly assumes that BESSs would be able to discharge energy to PG&E's distribution system in the DPA. In fact, no commercially available residential battery storage system is currently approved to discharge to PG&E's grid.

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Fifth, a master control system that the BTM Analysis and the DEIR hypothesize would be needed to coordinate the discharge of energy from BTM batteries to the grid to offset peak demand does not exist at this time. Even if the batteries were approved to discharge to the grid, this master control system is not described or evaluated in the BTM Analysis. Any control system would require telemetry from circuits/banks/various circuit locations where capacity constraints exist in order to trigger BESS dispatch to mitigate overloads. The location of the BESS would have to be sited specific to distribution facility deficiencies.

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In light of the foregoing, as elaborated on in Attachment 2 hereto, the BTM Analysis in the DEIR does not constitute substantial evidence in support of Alternative BS-3.

E. The DEIR Should Clarify that the Ultimate Substation Buildout Is Speculative and Not Part of the Proposed Project

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Chapters 2, 4 and 5 of the DEIR should be revised to clarify that the ultimate substation buildout is speculative and not included in the CEQA review of the Proposed Project. As PG&E

J-33 cont.

explained in its August 28, 2017 response to the Energy Division's June 29, 2017 deficiency letter, space at the proposed substation has been reserved to preserve the option of future expansion. However, such expansion may never occur; the ultimate substation buildout is not planned, designed or reasonably foreseeable. (Letter from PG&E to Energy Division, August 28, 2017, Response to Deficiency List No. 2, Item 18 at p. 17.) For that reason, PG&E marked the figures it prepared in response to the Energy Division's request to describe what the ultimate substation buildout might look like with labels describing the components as the "speculative ultimate substation components." Consistent with PG&E's description, DEIR Figure 2-18 contains the same captions describing the components for the ultimate substation buildout as speculative.

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The DEIR tacitly acknowledges that the ultimate substation buildout is speculative by declining to consider the necessary line work that would be associated with such buildout: "The ultimate substation buildout would support additional distribution and power lines emanating from the Estrella Substation; however, the specific routes and lengths of these lines are not known at this time and are not evaluated in the DEIR." (DEIR p. ES-5.) The same logic applies to the substation buildout itself. CEQA does not condone an analysis of future effects that is based on speculation or conjecture. "[W]here future development is unspecified and uncertain, no purpose can be served by requiring an EIR to engage in sheer speculation as to future environmental consequences." (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3dd 692, 712.) Because the substation buildout is not reasonably foreseeable or capable of meaningful environmental review, the DEIR must not draw conclusions, make findings or impose mitigation on speculative future facilities. The dimensions of the proposed substation have been appropriately considered in the DEIR; nothing further is justified or appropriate.

F. Placing Portions of High-Voltage Power Lines Underground Would Create Reliability Concerns as well as Greater Environmental Impacts

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The DEIR proposes two project alternatives – PLR-3A and PLR-3B – that add a "strategic underground section" of the Proposed Project's new, double-circuit 70 kV power line through the Golden Hill Road area of Paso Robles around San Antonio Winery. The two alternatives are similar except that Alternative PLR-3A extends underground in front of the San Antonio Winery, while PLR-3B extends behind it. The stated reason for undergrounding high-voltage lines in this location is "because this area does not have existing aboveground transmission or distribution electrical infrastructure and is an up-and-coming area with new commercial development, recreational uses, and existing single-family residential development." (DEIR, at 3-74.) In fact, the surrounding area is largely empty parcels or industrial/commercial, with only 6-9 large residences lining this 1.2-mile route. Ironically, if aesthetics is the justification, the transition stations needed at each end of the underground sections would likely create greater visual impacts in the area. Residents in the northern section of the proposed undergrounding would be burdened not only with a transition station, but also the loss of trees and other vegetation along the underground circuit routes due to the underground construction and need to keep the right of way clear of deep-rooted vegetation. (*See* Section III.C below.)

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Aside from aesthetics, undergrounding sections of high-voltage transmission lines (also referred to as hybrid lines because they combine overhead and underground sections) raises the following additional concerns:

1. Limiting Transmission-Level Service Available to Large Block Loads

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Installing a hybrid line could jeopardize the availability of power critical to large transmission-level block loads that may want to locate within the Golden Hill Industrial Park. First, the cost to serve a large customer from an underground transmission section of line would likely be prohibitive for the customer since one of the underground circuits would have to be looped in and out of the customer's substation facility (*see* paragraph 5 below). Moreover, serving these large transmission-level block loads with hybrid lines would be ill-advised for the reliability concerns described in paragraphs 2-3 below.

2. Lengthy Fault Outages

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The DEIR alludes to the challenges of isolating faults along an underground line, and the time it could take to do so. It suggests, however, that transition stations at each end of the underground sections would address the issue of lengthy outages, which is only partially true. Transition stations with monitoring capabilities (differential type relays) would be able to determine whether a fault is located in the underground portion of the line; if it is not, local repair crews would be able to concentrate repair efforts on the overhead sections of the line and handle repairs more quickly. With differential relays detecting no faults, retesting of the underground line segment could occur as soon as the line cools – in about 30 minutes. However, if the fault is in an underground section of the lines, lengthy outages can be expected, as PG&E's transmission underground crews must travel from Daly City to the underground segment, locate the electrical fault cause, and make the repairs.

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As the DEIR points out, lengthy delays would occur if transition stations are not constructed:

> Without the transition stations and their electrical current differential sensing, the underground section of line would need to remain de-energized after any circuit fault and be patrolled and inspected by an underground specialist prior to re-energizing. This means that the entire circuit would remain de-energized until the underground section can be patrolled and inspected and cleared for re-energization. This could substantially lengthen the restoration time following a circuit fault, particularly given the fact that all Pacific Gas and Electric Company (PG&E) underground specialists are located in the San Francisco Bay Area and would need to travel down to the central coast area. (DEIR pp.3-74 to 3-75.)

However, even with transition stations, a problem in the underground line section will require a lengthy trip for the troubleshooters, and a lengthy repair.

3. Dig-Ins

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Unlike overhead lines, underground lines are also vulnerable to dig-ins from excavations or directional drilling. While such issues are uncommon, the outages can be lengthy. For a dig-in that takes a line out of operation, PG&E's underground crews must travel from Daly City to

J-40 cont.

the underground segment, locate the electrical fault cause, and excavate to make the repairs, including cable replacement and splicing. Such a repair would take a minimum of 4 weeks.

4. Construction Impacts

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It is unclear from the DEIR whether there is adequate space along the proposed routes to ensure at least 15 feet between duct banks and manholes, but this spacing would be mandatory to safely operate the lines. Closer spacing can increase heat transfer between circuits, and reduce the ampacity of each circuit, or create unsafe inducted voltages from the adjacent, energized circuit during servicing. While PG&E evaluated the conductor spacing from available above ground utility markers as part of the feasibility review, it did not conduct pot-holing to validate if there are any subsurface conflicts.

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Underground construction of a double-circuit, 70 kV line will significantly extend the construction schedule, prolong construction impacts and create additional environmental impacts. Underground line construction requires three main phases, with construction of one circuit being completed before construction of the second circuit is begun.

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1) Trenching/Duct Bank Installation. After the two circuit routes are marked and determined to be free of underground obstructions, the pavement or cement within the first trench line will be removed. Jackhammers will be used to break up sections of concrete that the saw-cutting and pavement-breaking machines cannot handle. The typical trench dimensions for installation of a single circuit will measure approximately 2 feet wide by 6 feet deep, although typical trench depths may vary depending on soil stability and the presence of existing substructures. The trench will be widened and shored where needed to meet California Occupational Safety and Health Administration safety requirements. Dewatering will be conducted using a pump or well points to remove water from the trench.

A maximum open trench length of 150 to 300 feet in or along the street will be typical at any one time, depending on local permitting requirements. Steel plating will be placed over the trench to maintain vehicular and pedestrian traffic across areas that are not under active construction. Traffic controls will also be implemented to direct local traffic safely around the work areas.

As the trench for the underground 70 kV cable is completed, PG&E will install the cable conduit, ground wire, and concrete conduit encasement duct bank. The duct bank typically will consist of four 6-inch-diameter polyvinyl chloride (PVC) conduits (PG&E may elect to install 1-2 spare conduits for future use). The dimensions of the duct bank will be approximately 24 inches wide by 34 inches in height. Once the PVC conduits are installed, thermal-select or controlled backfill will be transported, placed and compacted. A road base backfill or slurry concrete cap will be installed, and the road surface will be restored.

The installation of the first trench and duct bank, in or along streets, will be completed before starting the installation of the second trench due to traffic control and congestion concerns.

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2) Vault Installation. Splice vaults will be installed at approximately 1,600- to 2,000-foot intervals during trenching (approximately 10-12 vaults total for this segment). The total excavation footprint for a vault will be approximately 22 feet long by 12 feet wide by 10 feet deep. Installation of each vault will occur over a one-week period with excavation and shoring of the vault pit followed by delivery and installation of the vault, filling and compacting the backfill, and repaving the excavation area. Each underground circuit will require its own set of splice vaults (5-6 vaults per circuit over the 1.2-mile route).

3) Cable Pulling, Splicing and Termination. After installation of the conduit and splice vaults, PG&E will install cables in the duct banks. Each cable segment will be pulled into the duct bank, spliced at each of the vaults along the route, and terminated at the transition stations.

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As noted in the DEIR, construction of the underground segment would take approximately one year (DEIR p. 3-86), adding approximately 9-12 months to the Project construction schedule. Traffic, air quality, noise and other construction impacts would be shared by residents and businesses in the area.

5. Excessive Increased Cost of Undergrounding

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The DEIR cost estimates (Table 5-3, Alternative 1 Combination with Undergrounding) appear incorrect. The table indicates a 1.1-mile underground segment, while actually the segment is 1.2 miles long. Therefore, using the DEIR per mile cost, the resulting cost of undergrounding 1.2 miles would be $21.2 million. However, according to PG&E experts, the per mile cost shown in Table 5-3 would be for a single circuit. The cost to install both circuits underground (which are in entirely different trenches at least 15 feet apart) would be over $40 million. The cost for the 1.2-mile underground segment would be approximately 12 times the cost of 1.2 miles of the new overhead circuits (a $3.6 million cost for the 1.2-mile, overhead, double circuit section is derived from DEIR Table 5-3). The extremely high cost to install underground transmission lines is unwarranted here and would be an unfair burden on ratepayers.

G. Mitigation Measures Should Not Apply To the Reasonably Foreseeable Distribution Components Because the PTCs Will Not Authorize Their Construction

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The PTCs sought by the Applicants do not include authorization for PG&E to construct the reasonably foreseeable distribution components. The mitigation measures in the PTCs will apply to the project components Applicants are authorized to construct under the PTCs. Because PG&E is not seeking authority to construct the reasonably foreseeable distribution components under the PTCs, mitigation measures imposed under the PTCs should not apply to the reasonably foreseeable distribution components. For example, Mitigation Measure HYD/WQ-1 should be deleted. In addition, all references to "RFDC" in the "Applicability" column of the Mitigation Monitoring and Reporting Plan (DEIR Appendix F) should be deleted. PG&E will comply with all applicable laws and regulations if and when it constructs the distribution components, and will implement appropriate APMs, including those described in the DEIR if applicable at the time.

III. Comments on Impact Analysis and Mitigation Measures

A. Because Impact AG-1 Is Not a Significant and Unavoidable Impact, Mitigation Measure AG-1 Should Be Removed or Revised To Be More Practicable

1. The Permanent Conversion of Farmland Resulting from the Proposed Project Is Below the Significance Threshold Used Previously by the CPUC, Which Should Be Used Here

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The CPUC determined that the Proposed Project's permanent conversion of 2.66 acres of Farmland of Statewide Importance, 11.70 acres of Unique Farmland and less than 0.01 acres of Prime Farmland is a significant and unavoidable impact. This conclusion is at odds with the threshold of significance applied by the CPUC in several recent siting cases. The CPUC appears to have interpreted the question posed in CEQA Guidelines Appendix G—whether the Proposed Project would "Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance . . . to nonagricultural use"—to be a significance threshold so that any amount greater than zero acres of permanent conversion of Prime Farmland, Unique Farmland or Farmland of Statewide Importance is a significant impact. However, the first paragraph of Appendix G: Environmental Checklist Form of the CEQA Guidelines specifically notes that "the sample questions in [Appendix G] are intended to encourage thoughtful assessment of impacts, and do not necessarily represent thresholds of significance." Subsequent caselaw confirms that lead agencies are not required to use any of the questions in the checklist as standards of significance and may develop their own thresholds instead. *See e.g., San Francisco Baykeeper, Inc. v State Lands Comm'n* (2015) 242 CA4th 202, 227; *Save Cuyama Valley v County of Santa Barbara* (2013) 213 CA4th 1059, 1068; *Mount Shasta Bioregional Ecology Ctr. v County of Siskiyou* (2012) 210 CA4th 184, 205.

J-48

The significance threshold applied here contrasts with other siting proceedings in which the CPUC applied a standard of significance for permanent impacts to agricultural resources based on the Williamson Act's declaration that farmland is large enough to sustain agricultural use if it is at least 10 acres of prime farmland or at least 40 acres for land that is not prime farmland. Cal. Government Code § 51222. S*ee* Shepherd Substation Project IS/MND (May 2012)), pp. 3.2-8 to 3.2-9; Sanger Substation Expansion Project IS/MND (March 2017), p. 5.2-4; Gill Ranch Gas Storage Project Final Initial Study/MND (September 2009); SCE's Devers-Palo Verde No. 2 Transmission Line Project EIR (October 2006). *See also* SCE's Antelope-Vincent 500 kV Project, where the CPUC found that the total amount of Prime Agricultural Land that would be permanently disturbed could exceed "the 10 acres for Prime Farmland that has been established as the threshold level of significance for conflicting with a Williamson Act contract, thereby resulting in significant and unavoidable impacts." (D.07-03-045, March 15, 2007.) In other projects, the CPUC simply found the amount of converted farmland negligible compared to the amount of farmland available in the county-wide area. *See* Fulton-Fitch Mountain Reconductoring Project IS/MND (October 2017), p. 3.2-7; SCE Valley-Ivyglen and Alberhill Projects' combined EIR (April 2017), p. 4.2-6.

J-49

The significance threshold in these prior cases is far more reasonable than the illogical threshold proposed in the DEIR. The "greater-than-zero" threshold applied in the DEIR would

J-49 cont.

result in a significant impact finding for any project that permanently converts any measurable amount of Prime Farmland, Unique Farmland or Farmland of Statewide Importance, potentially triggering an EIR for most projects that currently could be analyzed with an mitigated negative declaration (MND). Applying instead the significance threshold endorsed by the CPUC in the Sanger Project and other projects mentioned above, the proposed Estrella Substation site – which would permanently convert 14.36 acres of Farmland of Statewide Importance and Unique Farmland and less than 0.01 acres of Prime Farmland – would be less than the 10-acre significance threshold for prime farmland and less than the 40-acre significance threshold for non-prime farmland. In short, under this threshold, substation construction would not result in a significant conversion of agricultural resources.

J-50

The DEIR's analysis of agricultural impacts of the proposed 70 kV line demonstrates the absurdity of relying on the greater-than-zero significance threshold. The DEIR concludes that the proposed power line route would result in a significant impact to agricultural resources because it would convert less than 0.01 acres of Prime Farmland, less than 0.01 acres of Farmland of Statewide Importance, and approximately 0.06 acres of Unique Farmland.[3] Under the significance threshold adopted by the CPUC on previous projects, and under any logical analysis, these minimal conversions of farmland due to construction of the 70 kV line would be found less than significant.

2. In Finding Conservation Easements Insufficient Mitigation for Impacts Due to Farmland Conversion, the DEIR Ignores the 2018 Amendment to the CEQA Guidelines' Definition of Mitigation

J-51

Even if there were a significant impact due to farmland conversion, the DEIR is mistaken in concluding that Mitigation Measure AG-1 would not reduce it to a less-than-significant level. Given the 2018 amendments to the definition of mitigation in the CEQA Guidelines,[4] as explained by the California Natural Resources Agency and endorsed by the Department of

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J-52

[3] The DEIR also fails to consider the Unique Farmland and Farmland of Statewide Importance that would be restored following the removal of the existing distribution poles and the existing 230 kV tower located in the general vicinity of the proposed Estrella Substation. Four existing poles to be removed are located on Unique Farmland and four are located on Farmland of Statewide Importance. The existing 230 kV tower to be removed is located in Unique Farmland. Agricultural crops were previously removed within an area around each existing distribution pole equal to approximately 10 feet in diameter, returning this area back to agricultural use would result in a net reduction of permanent impacts by approximately 314 square feet of Unique Farmland and 314 square feet Farmland of Statewide Importance. Agricultural crops were previously removed within an approximately 100-foot by 50-foot area around the existing 230 kV tower, returning this area back to agricultural use would result in a net reduction of permanent impacts by approximately 5,000 square feet (0.12 acre) of Unique Farmland. The DEIR should be revised to account for this restored farmland.

J-53

[4] On December 28, 2018, Section 15370(e) of the CEQA Guidelines was revised to define mitigation as: "Compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements." (Underlining to show new text.) The revised version of Section 15370(e) applies to this DEIR because they were in effect when the document was sent out for public review in December 2020. The revised definition places establishment of conservation easements on the same footing as replacing or providing substitute resources when it comes to the adequacy of the mitigation; it does not create a second-tier level of mitigation for conservation easements.

J-51 cont. Conservation,[5] conservation easements are appropriate and available to mitigate significant impacts from the loss of farmland.

J-54 To conclude otherwise could establish a precedent that mandates a significant and unavoidable impact finding for any project that permanently converts any measurable amount of Prime Farmland, Unique Farmland or Farmland of Statewide importance, triggering an EIR for numerous projects that could otherwise be analyzed with an MND. In light of the revised definition of mitigation in CEQA Guidelines Section 15370(e), statements by the California Natural Resources Agency in the FSOR, observations by the Department of Conservation, and the far reaching consequences of maintaining the current analysis, the CPUC should acknowledge that conservation easements such as those proposed in Mitigation Measure AG-1 can be used to reduce significant impacts due to farmland conversion – when needed – to a less-than-significant level.

J-55 While PG&E disagrees that the Project would create a significant impact due to farmland conversion, PG&E is willing to implement Mitigation Measure AG-1 for the Proposed Project (with revisions – see comment below) in recognition that the Project will cause some loss of farmland. PG&E will contribute funds or otherwise arrange for creation of conservations easements equal to the acreage impacted by its part of the Proposed Project to ensure the protection and preservation of high-quality farmlands elsewhere in San Luis Obispo County. PG&E believes that Mitigation Measure AG-1 would further reduce less-than-significant impacts due to farmland conversion.

3. Mitigation Measure AG-1 Needs Revision To Be Practicable

J-56 To the extent that Mitigation Measure AG-1 is required, PG&E concurs in the comments by HWT regarding text changes that should be made to Mitigation Measure AG-1 to make it more practicable and effective. Specifically, the measure should be revised to allow HWT and PG&E to utilize other comparable mitigation measures that would achieve conservation easements for farmland, such as through agreements with landowners to establish and record a

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J-57 [5] The California Natural Resources Agency stated in its Final Statement of Reasons (FSOR) document for the December 2018 revisions to the CEQA Guidelines that it revised the definition of Section 15370(e) to incorporate the holding in *Masonite Corporation v. County of Mendocino* (2013) 218 Cal.App.4th 230, in which the First Circuit "ruled that off-site agricultural conservation easements constitute a potential means to mitigate for direct, in addition to cumulative and indirect, impacts to farmland. The court stated that although such easements do not replace lost onsite resources, they 'may appropriately mitigate for the direct loss of farmland when a project converts agricultural land to a nonagricultural use….'" (FSOR at 92-93.) The Natural Resources Agency also notes that conservation easements are commonly used to mitigate impacts to other resources, such as biological resources. (FSOR at 93.)

The Department of Conservation also notes that conservation easements are commonly used to mitigate impacts to farmland. "Conservation easements are an available mitigation tool and considered a standard practice in many areas of the State. As such, the Department advises the use of permanent agricultural conservation easements on land of at least equal quality and size as partial compensation for the direct loss of agricultural land. Conservation easements will protect a portion of those remaining land resources and lessen project impacts in accordance with CEQA Guidelines § 15370. The Department highlights this measure because of its acceptance and use by lead agencies." (Department of Conservation website: https://www.conservation.ca.gov/dlrp/Pages/CA-Environmental-Quality-Act-(CEQA)-.aspx (visited on February 9, 2021).

J-56 cont.

conservation easement, or through contributions to a local agency to achieve the agricultural land conservation requirement. Proposed text changes to Mitigation Measure AG-1 are as follows:

J-58

> HWT and PG&E, prior to the completion of Proposed Project or alternative construction, shall finalize and effectuate any combination of the following as long as the total acreage in the aggregate equals the amount required by the conservation ratio specified below: either (1) contribute ~~sufficient~~ funds, in an amount equal to the fair market value (determined as of the date construction commenced) of each acre for which the contribution is made, ~~(i.e., adequate to support the conservation ratio described below)~~ to the California Farmland Conservancy Program to compensate for the loss of Farmland of Statewide Importance and Unique Farmland that would occur from the Proposed Project or alternatives, or to another public agency or non-profit organization able to achieve long-term preservation of agricultural lands in San Luis Obispo County; and/or (2) enter into and record one or more conservation easements with landowners for specific farmland in San Luis Obispo County. The California Farmland Conservancy Program is established under PRC Sections 10200-10277 to promote the long-term preservation of agricultural lands in California though the use of agricultural conservation easements and is one potential recipient of any contribution in clause (1) above. The acreage for which ~~amount of~~ HWT's and PG&E's contributions are made in clause (1) above, together with any acreage preserved through recorded conservation easements in clause (2) above, shall equal a minimum total ~~ensure the conservation~~ of one acre of agricultural land in San Luis Obispo County for each acre of agricultural land converted by their respective components associated with the Proposed Project or alternatives~~, based on the market price for the commensurate agricultural land at the time that the impacts occur~~.

B. CPUC's Analysis of Aesthetic Impacts for the Proposed Power Line Route Improperly Considers Private Views as Determining Factors of Significance

J-59

Within the Golden Hill Road area north of State Route (SR-) 46, the proposed 70 kV power line route would traverse a commercial/industrial area. Overhead power lines are common features within commercial/industrial areas and align with viewer expectations, resulting in less severe changes to visual character and quality than if constructed in a more rural area that tends to lack engineered landscape features. Because commercial/industrial areas typically have low viewer sensitivity, the Applicants strategically selected this portion of the proposed route to avoid sensitive viewers to the maximum extent possible. The route was further modified to avoid other potentially visually sensitive land uses such as the San Antonio Winery. North of the San Antonio Winery, the proposed route parallels Golden Hill Road.

J-60

The DEIR finds that the portion of the proposed route running north of San Antonio Winery parallel to Golden Hill Road would cause a significant and unavoidable aesthetic impact. The DEIR cites the moderate-to-high visual quality of the area, lack of existing power line infrastructure, and presence of the Cava Robles Recreational Vehicle (RV) Park property to the east as supporting evidence. (DEIR p.4.1-41.)

J-61 While the area does contain moderate-to-high visual quality and lacks existing power line infrastructure, the presence of the Cava Robles RV Park in the vicinity of the proposed route should not be a basis for determining visual significance. First, as the DEIR acknowledges at page 4.1-38, the significance criterion under which the DEIR found a significant and unavoidable impact (criterion c) only protects public views. (*See* CEQA Guidelines, App. G, §I.c (rev. effective 12-28-2018); *see also Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal. App. 4th 477, 492 ("question is whether a project will affect the environment of persons in general, not whether a project will affect particular persons").) Because Cava Robles RV Park is a private recreational facility, it should not be a factor in the DEIR's determination of significance. Second, the DEIR states that the Cava Robles RV park is designated as Parks and Open Space by the City of Paso Robles, seeming to imply that the power line would be visually incompatible with this land use designation even though the power line would not cross Cava Robles RV Park property. The fact that the power line would be sited outside the RV park should preclude the CPUC from relying on its land use designation to identify an incompatible aesthetic impact of an adjacent use. For these reasons, the DEIR improperly considers the proximity of the Parks and Open Space designation as a contributing factor in its determination of significance.

J-62 The removal of Cava Robles RV Park from consideration in the aesthetics analysis would leave only the moderate-to-high visual quality and lack of existing power line infrastructure along Golden Hill Road as the sole determinants of the impact determination. The significant impact identified at Key Observation Point (KOP) 6 should be weighed against the entirety of the proposed route, which the DEIR acknowledges would result in only incremental impacts. (DEIR p. 4.1-41.) Accordingly, PG&E disagrees with the CPUC's significant and unavoidable impact determination.

C. The DEIR's Analysis of Alternatives PLR-3A and PLR-3B Does Not Adequately Consider Impacts to Aesthetics, Noise, Air Quality, and Biological Resources, Which Indicate that these Alternatives Are Not Environmentally Preferable to the Proposed Project

J-63 The DEIR concludes that Alternatives PLR-3A and PLR-3B (referred to in this comment as Alternative PLR-3 for simplicity) would avoid the significant adverse aesthetic effects identified along Golden Hill Road and, as a whole, are environmentally preferable to constructing the proposed overhead 70 kV line. This conclusion is inconsistent with the aesthetic, noise, air quality and biological resource impacts of Alternative PLR-3 identified in the DEIR.

J-64 The DEIR fails to adequately account for the visual impacts resulting from the two 150-foot by 150-foot transition stations that would need to be constructed at each end of the underground segment, particularly from the visual impact of the northern transition station. The northern transition station would permanently impact approximately 0.5 acres of blue oak woodland habitat, including removal of up to 47 oak trees, which the DEIR neglected to consider from an aesthetics perspective. Further, the northern transition station would introduce industrial facilities into an area that currently lacks utility infrastructure, a circumstance that was

J-64 cont. considered a key determinant of the significant and unavoidable impact determination for the proposed route of the overhead line. In addition, constructing the underground 70 kV circuits would require the permanent removal of the strip of oak trees north of KOP 6, resulting in a permanent aesthetic impact. As such, the DEIR applies an inconsistent standard of review when evaluating the significance of aesthetic impacts between Alternative PLR-3 and the proposed route.

J-65 The DEIR does not adequately consider the increased permanent impacts to noise that would result from operation of the northern transition station. The transition stations would include an HVAC unit, which would be a permanent source of noise. Because the northern facility would be located within 50 feet of a residence and within 300 feet of the Cava Robles RV Park, this permanent source of noise should be disclosed in the DEIR and accounted for in the comparison of Alternative PLR-3 to the proposed above-ground 70 kV line in this area.

J-66 The DEIR does not adequately consider the impacts from fugitive dust and diesel particulate matter on the Cava Robles RV Park or Circle B HOA residents. The DEIR states: "However, the limited construction duration in any particular location and relatively sparsely populated area surrounding the Alternative PLR-3 alignments (both options) would result in low potential for fugitive dust or diesel particulate matter (DPM) to impact sensitive receptors during construction." (DEIR, p. 4.3-24.) While it is true the area is relatively sparsely populated, the Cava Robles RV Park and Circle B HOA are in close vicinity to the alignments. Guests and residents would be exposed to fugitive dust and DPM for several months longer than they would during construction of the proposed above-ground 70 kV line.

J-67 Regarding biological resources, the construction of the northern transition station would result in the permanent loss of foraging habitat for special-status raptors. The loss of foraging habitat and its effect on special-status raptors was not analyzed in the DEIR. Further, the DEIR's assertion that Alternative PLR-3 would reduce significant impacts on special-status raptors due to reduced potential to cause electrocution or collision hazards for birds fails to acknowledge that these impacts can be reduced to less than significant levels with implementation of PG&E's Avian Protection Plan, which is equal to or greater than the standards provided in the Suggested Practices for Avian Protection on Power Lines.

J-68 In summary, the permanent aesthetic, noise, air quality and biological impacts of Alternative PLR-3 must be taken into consideration in the DEIR. Based on these impacts, Alternative PLR-3 is not environmentally preferable to the Proposed Project.

D. PG&E's Updated Assumptions on Helicopter Use and Other Construction Details Change the Air Quality Impact Determination to Less than Significant With Mitigation

J-69 The DEIR overestimates the air quality emissions from the Proposed Project based on exaggerated assumptions about helicopter use: "The helicopter was assumed to operate for 132 days with up to 10-hour days and it was assumed to have up to 20 LTOs [landing take offs] per day." (DEIR p. 4.3-12.) In fact, both the usage and the trips will be substantially less. The PEA stated that "helicopter activities will be limited (where access or local terrain conditions prohibit

J-69 cont.

the work from being conducted by ground-based crews and equipment, or during conductor installation and removal activities)," (PEA p. 3.3-21), and did not estimate daily hours or trips. However, the PEA did estimate that helicopters would be used "for about 132 days during the 7-month construction period." (*Id.*) With the latest project information available, PG&E was able to revise and clarify previous assumptions about helicopter use for greater accuracy (*see* Attachment 4 hereto [Helicopter Noise Analysis]). Under these updated calculations, the light/medium lift helicopter (only required for the 70 kV Power Line Conductor Installation) is assumed to operate for 6 days with approximately 4.3-hour days and have up to 10 LTOs per day. The heavy lift helicopter (only required for the Reconductoring Segment Pole Installation / Transfer Distribution / Pole Removal) is assumed to operate for 5 days with approximately 2.5-hour days and have up to 14 LTOs per day.

J-70

The construction schedule was also updated to account for the phasing of construction and the addition of one week of grading at the 230 kV substation. The number of truck trips for the 230 kV substation was also updated based on reduced distance for delivery of aggregate materials during the Access Roads phase, increased number of trips for material deliveries during the Foundation Construction phase, reduced distance for water delivery due to use of the well adjacent to the site (except for the Control Enclosure Delivery and Installation and Testing and Commissioning phases), and addition of trips for the top soil reuse during the Cleanup and Restoration phase.

J-71

With these updated assumptions, the air quality impacts and greenhouse gas emissions were recalculated to account for the changes to helicopter use, schedule and trips, as well as the emissions reductions from implementation of APMs and mitigation measures (*see* Attachment 3 hereto [Revised Air Quality Analysis]). The revised calculations indicate that air quality and greenhouse gas impacts would be less than significant with implementation of the APMs.

J-72

Under the original calculations, the DEIR concludes that reactive organic gas (ROG) and nitrogen oxides (NOX) emissions would be significant even with the implementation of mitigation measures:

> Even with the implementation of APM measures, construction-related ROG and NOX emissions threshold exceedances would be considered a significant impact. Mitigation Measure AIR-1 [sic] is proposed to reduce potentially significant impacts, requiring implementation of SLOCAPCD standard mitigation measures, BACT, and preparation of a site-specific CAMP that must be reviewed and approved by the APCD prior to the start of construction. The CAMP would be a comprehensive document that captures all pollutant emission reduction measures to be implemented for the approved project. Approval by the APCD would ensure all feasible and appropriate mitigation measures have been incorporated.
>
> Even with implementation of Mitigation Measure AIR-1 [sic], ROG and NOX emissions would still be expected to exceed significance thresholds; therefore, this impact would result in a cumulatively considerable increase in criteria pollutants for which the region is in non-attainment, and the impact remains significant and unavoidable. (DEIR p. 4.3-17.)

J-73 The basis for this significant impact determination is not substantiated because the DEIR does not quantify mitigated emissions. In any event, with the revised calculations, the Proposed Project will not exceed the daily or quarterly threshold for ROG and NOX emissions.

J-74 The Final EIR should be updated to incorporate these revised calculations and MM AQ-1 should be deleted.

E. PG&E's Revised Noise Analysis Shows that Helicopter Noise Impacts Are Less than Significant with Mitigation, Not Significant and Unavoidable

J-75 The DEIR uses the Federal Transit Administration (FTA) guidelines in the Transit Noise and Vibration Impact Assessment Manual to evaluate the significance of construction noise impacts; however, this manual is for transit projects and is inappropriate for determining the noise threshold of significance for the proposed utility project. Significance criterion a asks if the project would result in the "Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in a local general plan or noise ordinance or in the applicable standards of other agencies." (Emphasis added.) As stated in the DEIR, "No federal laws, regulations, or policies for construction-related noise and vibration apply to the Proposed Project" (DEIR p. 4.13-4) and the FTA guidelines are not applicable to utility projects. Therefore, the Project would not increase ambient noise levels above any applicable standards and the DEIR should have found a less-than-significant impact under criterion a.

J-76 Even if the FTA guidelines were applicable, the DEIR's reference to the construction noise criteria of 90 A-weighted decibel (dBA) equivalent sound level (L_{eq}) for residential land uses is misleading. It does not specify that the criteria is 90 dBA $L_{eq(1hr)}$, which is the A-weighted equivalent sound level metric normalized over a one-hour time period, not an instantaneous value.

J-77 As stated previously, the helicopter assumptions in the DEIR are inaccurate and resulted in an overestimate of the helicopter noise levels. PG&E has updated and clarified the assumptions about helicopter use and recalculated the noise levels in Attachment 4 hereto (Helicopter Noise Analysis). As a result of the reduced helicopter use, the distance from the helicopter activities to 90 dBA $L_{eq(1hr)}$ is substantially reduced. As described in the DEIR, there are residences as close as 100 feet to planned helicopter landing zones in this area and helicopters operating above pole installation locations could be as close as approximately 250 feet to residences. The light/medium lift helicopter to be used for the installation of conductor on the New 70 kV Power Line will not result in noise levels above 90 dBA $L_{eq(1hr)}$ at any distance. The heavy lift helicopter to be used for the Pole Installation / Transfer Distribution / Pole Removal on the Reconductoring Segment will not result in noise levels above 90 dBA $L_{eq(1hr)}$ at the residences from the helicopter landing zones or the pole installation locations, but may result in noise levels above 90 dBA $L_{eq(1hr)}$ for brief time periods at sensitive receptors along or within 858 feet of the flight paths. Travel along the flight paths will require less than two hours per day for five days and will move regularly along the flight paths. Due to the limited duration of travel along the flight paths, the mobile nature of the flights, implementation of APM

J-77 cont.

NOI-1 (Construction Schedule Limits) and APM AG-1 (Coordinate with Landowners, Farmers, and Ranchers Regarding Construction Activities), implementation of Mitigation Measure NOI-2 (as modified in Attachment 1 hereto [Text Corrections and Requests for Clarification]), and the inapplicability of the FTA noise threshold, residences along helicopter flight paths for the Reconductoring Segment would not experience significant helicopter noise impacts. As a result, noise impacts from helicopter use will be less than significant with the implementation of these measures.

J-78

Using the updated helicopter assumptions and recalculated noise levels, the distances referenced in Mitigation Measure NOI-2 must be revised. Mitigation Measure NOI-2 should also be revised because securing written permission from sensitive receptors is not feasible and helicopters are required for construction. Accordingly, Mitigation Measure NOI-2 should be revised as follows:

J-79

~~HWT and~~ PG&E shall implement the following procedures for helicopter activities:

- *Public Notice. Residences and places of worship (e.g., The Cove) within ~~1450~~ 858 feet from ~~any location where helicopter activities may occur, including~~ flight paths ~~if applicable,~~ shall be provided ~~written~~ notice at least ~~30~~ 14 days prior to beginning heavy lift helicopter activities to inform them of the schedule for helicopter use and potential noise disruptions. Methods for receptors to reduce noise in structures shall be included in the notice (i.e., closing doors and windows facing the alignment). The notice shall describe procedures for submitting any noise complaints during construction and provide a phone number for submitting such complaints, as required by MM NOI-1.*
- *Flight Paths. Helicopter flight paths shall be planned along routes that would result in the least noise exposure possible to receptors. If helicopter noise complaints are received, work crews will attempt to adjust the flight paths to reduce noise exposure to the complainant, without substantially increasing noise exposure to other receptors.*
- *Helicopter Hovering. ~~Light/medium~~ Heavy lift helicopters shall not operate closer than ~~200~~ 100 feet from any receptors unless actively working at pole locations along the alignment. Helicopters may operate closer than these distances if all affected receptors are notified ~~agree in writing to a shorter distance~~. Prior to reducing the minimum distance from receptors, PG&E shall provide the CPUC with the names~~,~~ and contact information~~, and written agreements~~ for all affected persons notified within the applicable distances. ~~The written agreements shall clearly identify the anticipated helicopter noise levels, daily schedule, and duration of helicopter activities in the vicinity.~~*
- *Helicopter Landing Zones. Helicopter landing zones within staging areas shall be positioned as far as possible from receptors. Helicopter landing zones shall not be positioned closer than ~~1,450~~ 100 feet from any receptor.*

J-79 cont.

Helicopters may land closer than these distances if all affected receptors are notified ~~agree in writing to allow a shorter distance~~.

F. The Mitigation Monitoring and Reporting Program Should Be Revised to Eliminate Certain Conditions and Clarify Which Applicant Each Mitigation Measure Applies To

J-80

The mitigation measures should be drafted so that it is clear which applicant is obligated to comply with each measure and which project component the mitigation measure applies to. PG&E recognizes that sometimes a mitigation measure will apply to both applicants and/or all project components, however certain mitigation measures should be revised to correctly state which applicant is responsible for implementing the measure.

1. Mitigation Measure BIO-3 Requires Clarification

J-81

First, this mitigation measure only applies to PG&E because HWT is not constructing any of the 230 kV interconnection or the 70 kV powerline.

J-82

Second, it is unnecessary for PG&E to create an additional project-specific Avian Protection Plan (APP) document to detail avian-safe construction standards for the Proposed Project. PG&E will implement the company's Avian Protection standards, which are consistent with the Avian Power Line Interaction Committee's (APLICs) guidelines (APLIC 2006 and APLIC 2012) and are tested and considered in conjunction with other required power line engineering standards. PG&E funds an annual bird-safe retrofit program and builds new construction to raptor-safe standards as outlined in the APLIC guidance. Potential impacts will be further minimized by the installation of specular conductor that will be more visible for the birds and allow them time to adjust to the new facilities. In addition, avian protection measures outlined in *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006* (APLIC 2006) will be implemented. Therefore, PG&E proposes that the text of Mitigation Measure BIO-3 be revised as follows:

J-83

"*In conjunction with these publications, ~~HWT and~~ PG&E shall be responsible for implementing the company's ~~creating an~~ Avian Protection ~~Plan (APP)~~ standards that incorporates relevant ~~project-specific~~ raptor-safe construction guidelines found in APLIC's and USFWS' 200~~5~~6 Avian Protection Plan Guidelines.*"

J-84

Third, Mitigation Measure BIO-3 should be revised to clarify that it does not apply to the 230 kV interconnection. APLIC does not have phase to phase recommendations for high voltage lines in the 230kV range, since the spacing between higher voltage lines is such that it does not present a substantial threat of bird electrocution, even for larger species. Because there are no guidelines, there is no way to design the 230kV interconnection to APLIC standards.

J-85

Lastly, Mitigation Measure BIO-3 requires coordination and approval from CDFW and/or USFWS when no-disturbance buffers are reduced. It is not appropriate or feasible for PG&E to seek approvals for buffer reductions pertaining to individual nests from CDFW or USFWS, as there is no specific mechanism (beyond California Fish and Game Code or

J-85 cont.

Migratory Bird Treaty Act take prohibitions) for either agency to grant approvals for particular nest buffer distance reductions. Therefore, the text of Mitigation Measure BIO-3 should be revised as follows:

J-86

"*If an active nest is found, the biologist shall establish a no-disturbance nesting buffer until the nest is inactive in accordance with the species-specific buffers set forth in PG&E's Nesting Birds: Specific Buffers for PG&E Activities (Appendix E to the PEA) as detailed in APM Bio-2. If operational construction activities must occur within this buffer, the biologist shall inform ~~coordinate with~~ CPUC, CDFW and, as necessary, USFWS as to the details of the ~~determine~~ buffer reductions and/or nest monitoring to avoid impacts to active nests.*"

2. Mitigation Measure TR-1 Must Be Revised To Acknowledge that Each Encroachment Permit Obtained by the Applicants Will Require the Preparation of a Traffic Control Plan

J-87

Mitigation Measure TR-1 is unworkable as written because it would require the Applicants to develop a single traffic control plan. The Applicants will need to obtain numerous encroachment permits, including multiple permits each from CalTrans, San Luis Obispo County and the City of Paso Robles, over the course of constructing the Proposed Project. Each encroachment permit will require the preparation of a traffic control plan that is specifically tailored to the location of the encroachment, the traffic conditions during that time of the year, the time of day during which construction activities will occur, the nature of the construction activities themselves, and the requirements of the agency issuing the encroachment permit. This is why it is not possible to develop a single traffic control plan that would satisfy the requirements of all of the encroachment permits that the Applicants must obtain.

J-88

Accordingly, Mitigation Measure TR-1 should be revised as follows:

HWT and PG&E shall each implement ~~a~~ traffic control plans ~~during Proposed Project construction and/or during construction of the reasonably foreseeable distribution components or selected alternative. The traffic control plan will minimize vehicle travel delays and potential roadway hazards on public roadways during construction activities. The traffic control plan may be used to satisfy requirements imposed in~~ in accordance with the applicable encroachment permits ~~from~~ issued by Caltrans, County of San Luis Obispo, and/or City of Paso Robles. The traffic control plans may ~~shall~~ provide for the following, as required by the relevant agency:

- *In situations where slow-moving trucks or construction equipment are operated on public roadways (e.g., accessing the Estrella Substation site or staging or work areas along the Proposed Project's 70 kV power line route), signage and/or flaggers shall be used to warn motorists of potential safety hazards associated with the slow- moving vehicles.*
- *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*

J-88 cont.

measures shall ensure that pedestrians and bicyclists are provided safe passage around the work area, where applicable.

- *For any road closures, detours will 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.*
- *Protocols from the applicable agencies to notify police, fire, and other emergency services departments serving the area ~~shall be notified~~ of planned lane or road closures on public roadways at least 48 hours in advance.*
- *Crossing structure installation and, or traffic control for conductor crossings shall occur during periods of low traffic (e.g., avoiding the morning and evening rush hour periods) to the extent practicable.*
- *All warning signs, lights, devices, and procedures used in the construction traffic control plan shall conform to the latest California Manual of Uniform Traffic Control Devices.*

J-89

The Applicants can provide the CPUC copies of the various traffic control plans submitted to the agencies upon request.

3. Mitigation Measure NOI-1 Should Not Apply to Ground-Level Construction Activities

J-90

Page 4.13-18 of the DEIR states that "ground-level construction noise from the Proposed Project would not be significant given: (1) the limited number of noise-sensitive receptors in proximity to much of the Proposed Project; (2) the relatively rapid attenuation of even the loudest pieces of construction equipment with distance from the source, and (3) the impacts would be temporary and occur over a relatively short duration at individual structure locations or segments of the 70 kV power line alignment (as opposed to work occurring along the entire alignment simultaneously)." Despite the DEIR's finding of less than significant for ground-level construction noise, the DEIR applies Mitigation Measure NOI-1 to all construction activities (DEIR p. 4.13-18). The DEIR provides no rationale for applying this mitigation measure to all construction activities, and this requirement is unnecessary, especially given that PG&E will implement APM NOI-1 and APM NOI-2 to reduce already less than significant ground level construction noise. Nothing more is required or authorized by CEQA. Accordingly, Mitigation Measure NOI-1 should be revised to not apply to ground-level construction noise.

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J-91 Thank you for considering PG&E's comments. Please do not hesitate to contact me with any questions.

Very truly yours,

/s/ Mathew Swain

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Attachments: Additional Documents Provided With This Letter:

Attachment 1: **Table of Text Corrections and Requests for Clarification**

Attachment 2: **Comments on Behind the Meter Analysis**

Attachment 3: **Revised Air Quality Analysis**

Attachment 4: **Revised Helicopter Noise Analysis**