

Letter R.B: Lisa Cottle, Winston & Strawn for Horizon West Transmission, LLC (January 12, 2022)**Letter R.B****WINSTON
& STRAWN**
LLP

North America Europe Asia

101 California Street
San Francisco, CA 94111
T +1 415 591 1000
F +1 415 591 1400

January 12, 2022

By Electronic MailTrevor Pratt, c/o Tom Engels
Horizon Water and Environment
estrellaproject@horizonh2o.com**Re: Comments of Horizon West Transmission, LLC on the Recirculated Portions of the Draft Environmental Impact Report for the Estrella Substation and Paso Robles Area Reinforcement Project, November 2021 (California State Clearinghouse No. 2018072071)**

Dear Mr. Pratt and Mr. Engels:

R.B-1

This letter and the enclosed documents provide the comments of Horizon West Transmission, LLC (“Horizon West”) on the Recirculated Portions of the Draft Environmental Impact Report (“Recirculated DEIR”) for the Estrella Substation and Paso Robles Area Reinforcement Project (“Estrella Project” or “Proposed Project”) proposed by Horizon West and Pacific Gas and Electric Company (“PG&E”).¹ Horizon West appreciates the time and effort of Commission staff and its consultants in preparing the Recirculated DEIR. These comments focus on the Recirculated DEIR—namely Chapter 2 (Project Description), Section 4.2 (Agricultural Resources and Forestry Resources), and Section 4.3 (Air Quality) (collectively, the “Recirculated Sections”), and, for ease of review, include all of Horizon West’s comments on the Recirculated Sections. Horizon West requests that the CPUC consider Horizon West’s comments on the Recirculated Sections as presented herein, and also consider the Horizon West DEIR Comments addressing portions of the DEIR other than the Recirculated Sections, and incorporate all such comments into the final environmental impact report for the Estrella Project (“FEIR”). Horizon West’s comments are intended to ensure that the FEIR will be accurate, complete, and consistent with the California Environmental Quality Act (“CEQA”).

I. OVERVIEW

R.B-2

Section II below provides a brief overview of the Proposed Project. Section III below provides Horizon West’s comments on the Recirculated DEIR. As explained in Section III below, Horizon West requests that the following modifications be incorporated into the FEIR:

- A. In Section 4.2.4 (Agriculture and Forestry Resources—Impact Analysis), revise Mitigation Measure AG-1 to (i) allow Horizon West and PG&E to utilize other comparable mitigation measures that would achieve conservation easements for

¹ Horizon West submitted comments on the December 8, 2020 Draft Environmental Impact Report (“DEIR”) on February 22, 2021, and submitted an updated version of its comments on May 26, 2021 in response to data request 6 from staff of the California Public Utilities Commission (“Commission” or “CPUC”) (as updated, the “Horizon West DEIR Comments”).

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| R.B-2 | ↑ | important farmland, such as through agreements with landowners to establish and record a conservation easement, or through contributions to a local agency to achieve the agricultural land conservation, and (ii) recognize that PG&E and Horizon West will have different contribution amounts that are based on their respective impacts to important farmland; |
| R.B-3 | | B. In Section 4.2.4 (Agriculture and Forestry Resources—Impact Analysis), revise the FEIR to recognize that placing the Estrella Substation within the existing parcel that is under a Williamson Act contract would not conflict with that contract, including its underlying intent; |
| R.B-4 | | C. Revise Section 4.3.4 (Air Quality—Impact Analysis) to incorporate corrected construction emissions reflecting realistic helicopter assumptions and the updated construction schedule, as previously provided in comments on the DEIR and as provided again in updated format in Attachment 1 hereto; |
| R.B-5 | | D. In Section 4.3.4 (Air Quality—Impact Analysis), revise Mitigation Measure AQ-1 to defer to San Luis Obispo Air Pollution Control District (“SLOAPCD”) requirements, which dictate that a Construction Activity Management Plan (“CAMP”) would not be necessary because the Proposed Project’s daily and quarterly Tier 2 reactive organic gases (“ROG”) plus nitrogen oxides (“NOx”) emissions, and quarterly fugitive particulate matter less than 10 microns in diameter (“PM ₁₀ ”) emissions, would not exceed SLOAPCD significance thresholds; |
| R.B-6 | | E. Revise Section 4.3.4 (Air Quality—Impact Analysis) to incorporate the results of the applicants’ Health Risk Assessment (“HRA”), provided as Attachment 2 to these comments, which demonstrates that the Estrella Project’s construction activities would not result in significant health impacts to off-site sensitive receptors; |
| R.B-7 | | F. Revise Section 4.3.4 (Air Quality—Impact Analysis) to be consistent with precedent addressing the risk of Valley Fever, and to conclude that exposure of sensitive receptors to Valley Fever would be reduced to less than significant with implementation of the Valley Fever Management Plan (“VFMP”) required in Mitigation Measure AQ-2; |
| R.B-8 | | G. In Section 4.3.4 (Air Quality—Impact Analysis), revise Mitigation Measure AQ-2 to state that the applicants shall consult with the California Department of Public Health (“CADPH”) and the San Luis Obispo Department of Public Health (“SLODPH”) in developing a VFMP, rather than requiring such agencies to review the VFMP; and |
| R.B-9 | | H. Include a few additional minor corrections in the FEIR for accuracy, as described in Section III.H below. |

R.B-10

II. OVERVIEW OF THE ESTRELLA PROJECT

On January 25, 2017, Horizon West and PG&E filed a joint application (pending in CPUC Docket Application (“A.”) 17-01-023) in which each applicant requests a separate Permit to Construct (“PTC”) for its portion of the Proposed Project (“Joint Application”).² The Proposed Project is a reliability-driven transmission solution that was identified by the California Independent System Operator Corporation (“CAISO”) and approved in its 2013-2014 Transmission Plan. The Proposed Project is comprised of the Estrella Substation, which is a new 230 kilovolt (“kV”)/70 kV substation, plus a new approximately 7-mile overhead 70 kV double-circuit power line, and replacement and reconductoring of approximately 3 miles of an existing 70 kV power line. Together, these components comprise the reliability-driven upgrade that the CAISO identified and approved.

The CAISO identified certain components of the Proposed Project as being eligible for competition pursuant to its Tariff and Federal Energy Regulatory Commission (“FERC”) Order 1000,³ including the new 230 kV substation, buswork, and termination equipment and a new 230/70 kV transformer bank. The CAISO conducted a competitive solicitation process and ultimately awarded those components to Horizon West as the approved project sponsor. The other components of the Proposed Project were not eligible for competitive solicitation and were awarded to PG&E as the incumbent utility. Because the Horizon West components and the PG&E components together form a single, integrated transmission project, the parties filed the Joint Application together to request a separate PTC for each applicant’s components.⁴ As proposed in the Joint Application, Horizon West would construct, own, and operate the new 230 kV buswork and termination equipment and a new 230/70 kV transformer bank at the Estrella Substation, while PG&E would construct the new 70 kV buswork and termination equipment at the Estrella Substation, new 230 kV interconnection facilities needed to interconnect the Estrella Substation to

² Horizon West is the entity formerly known as NextEra Energy Transmission West, LLC. On May 10, 2019, Horizon West submitted a Notice of Name Change to the Commission. On May 22, 2019, Horizon West filed a *Motion to Change Caption Due to Change in Name* in Docket A.17-01-023. The motion included copies of the California Secretary of State’s Amended Certificate of Registration confirming the name change and the Delaware Secretary of State’s certification of the name change.

³ *Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities*, Order No. 1000, FERC Stats. & Regs. ¶ 31,323 (2011), *order on reh’g*, Order No. 1000-A, 139 FERC ¶ 61,132 (2012), *order on reh’g and clarification*, Order No. 1000-B, 141 FERC ¶ 61,044 (2012).

⁴ See Joint Application at 3 (“[Horizon] West could not successfully interconnect and energize its 230 kV project components without the project components that only PG&E can build and own. Conversely, PG&E would have no reason to seek a PTC for its 70 kV project components or its 230 kV interconnection facilities unless the [Horizon] West 230 kV project components also were being constructed.”).

R.B-10 cont. ↑ PG&E’s existing 230 kV facilities, the new approximately 7-mile 70 kV power line, and the approximately 3 miles of 70 kV reconductoring.⁵

III. COMMENTS ON THE RECIRCULATED DEIR

- A. In Section 4.2.4 (Agriculture and Forestry Resources—Impact Analysis), Mitigation Measure AG-1 should be revised to allow use of comparable mitigation measures, and to recognize that Horizon West and PG&E will have different contribution amounts.

R.B-11 ↓ Section 4.2.4 of the Recirculated DEIR states that construction of the Proposed Project would convert 2.65 acres of Farmland of Statewide Importance and 11.78 acres of Unique Farmland to non-agricultural uses.⁶ The Recirculated DEIR finds that Horizon West’s purchase of a 20-acre parcel, with 15 acres to be used for the site of the Estrella Substation, creates the potential for an additional 5 acres of Unique Farmland to be impacted and converted to non-agricultural uses at an unknown future time.⁷ Horizon West informed the CPUC that it does not plan to use those additional 5 acres for project activities,⁸ and that Horizon West has entered into a contract with the former landowner that provides for the continued use of the 5 acres for agricultural purposes. Those 5 acres therefore are expected to remain in agricultural use. The impact analysis in the Recirculated DEIR nevertheless assumes that the 5 acres potentially could at some future time “be impacted or otherwise converted to non- agricultural uses,” resulting in the “potential for a permanent conversion of a total of 18.9 acres of Important Farmland (excluding Grazing Land, Farmland of Local Potential, and Farmland of Local Importance) to non-agricultural uses as a result of the Proposed Project.”⁹ The Recirculated DEIR finds that the conversion of these small amounts of Important Farmland to non-agricultural uses constitutes a significant impact, without conducting any qualitative analysis of the farmland in question.¹⁰ This suggests that the permanent conversion of any amount of designated farmland acreage, however small, and regardless of its quality, is a *de facto* significant impact. Rote application of this stringent threshold, without more analysis of factors specific to the Proposed Project and its location, is contrary to CEQA because “thresholds cannot be used to determine automatically

⁵ Joint Application at 10-12.

⁶ Recirculated DEIR at 2-R.4.2.12 (Table 4.2.2.—“Known Agricultural Impacts from the Proposed Project”).

⁷ Recirculated DEIR at 2-R.4.2.13.

⁸ Horizon West’s Response to CPUC Data Request 6 (May 26, 2021), at 3 (response to question 4).

⁹ Recirculated DEIR at 2-R.4.2.13.

¹⁰ *Id.*

R.B-11 ↑ whether a given effect will or will not be significant.”¹¹ Indeed, Section 15064(b)(2) of the CEQA Guidelines was revised in 2018 to reflect this concept.

R.B-12 Application of this threshold also negates the use of the California Agricultural Land Evaluation and Site Assessment Model (“LESA”), which is endorsed by the Department of Conservation (“DOC”), as an alternative and arguably more rigorous approach to assessing impacts to designated farmland.¹² The DOC’s website states: “The California LESA Model was developed to provide lead agencies with an optional methodology to ensure that potentially significant effects on the environment of agricultural land conversions are quantitatively and consistently considered in the environmental review process (Public Resources Code Section 21095), including in California Environmental Quality Act (CEQA) reviews.”¹³ The Recirculated DEIR’s approach contravenes any quantitative assessment of potentially significant effects from agricultural land conversions by rendering any conversion of any acreage, regardless of overall quality or viability for agricultural purposes, a significant impact.

R.B-13 Under the Recirculated DEIR’s approach, any conversion of Prime Farmland, Farmland of Statewide Importance, or Unique Farmland is automatically a significant and unavoidable impact. This approach overstates the Proposed Project’s impacts. Use of this threshold also is a departure from the thresholds applied for the conversion of agricultural lands by other CPUC-approved projects, and would create a precedent for future projects wherein any conversion of designated farmland, however small, would be a significant agricultural impact. The PEA evaluated the impacts of the Proposed Project’s conversion of agricultural land based on the CPUC’s analysis of PG&E’s Shepherd Substation project in A.10-12-003, approved May 2013. For that project, the CPUC recognized a standard of significance based on Government Code Section 51222, which identifies 10 acres as the size of a parcel large enough to sustain agricultural use in the case of Prime Farmland, and 40 acres in the case of Farmland of Statewide Importance, Unique Farmland, and non-Prime Williamson Act lands.¹⁴ The Commission also applied a minimum size threshold of significance in the 2015 Mitigated Negative Declaration and Supporting Initial Study (“MND/IS”) for the Southern California Edison Company (“SCE”) Banducci Substation Project in A.12-11-011. In that case, the CPUC found no significant impacts for SCE’s substation project, even though 6.3 acres of Prime Farmland would be converted to non-agricultural use.¹⁵

¹¹ *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal. App. 4th 1099, 1108-1109.

¹² The LESA model is described on the DOC website at: https://www.conservation.ca.gov/dlrp/Pages/qh_lesa.aspx.

¹³ *Id.*

¹⁴ PEA at 3.2-21, citing the PG&E Shepherd Substation Project IS/MND (May 2012) at 3.2-8 through 3.2-9.

¹⁵ See SCE Banducci Substation Project MND/IS at 5-59, available at: https://ia.cpuc.ca.gov/environment/info/aspen/banduccisubstation/fmnd/5-02_agriculture-forestry_resources.pdf

R.B-13
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Specifically, the CPUC found a less than significant impact based on the conclusion that the 6.3 acres of converted Prime Farmland represents 0.001 percent of the 608,789 acres of Prime Farmland in Kern County.¹⁶ Under these thresholds, the Proposed Project's impacts are less than significant because the Proposed Project would convert a *de minimis* amount of Prime Farmland, less than 40 acres of the other categories addressed in Government Code Section 51222, and, even with the entire 20-acre parcel treated as being potentially converted, only 0.0117percent of the approximately 22,697 acres of Farmland of Statewide Importance in San Luis Obispo County (calculated using a total of 2.65 acres), and only 0.0361 percent of the 45,175 acres of Unique Farmland in San Luis Obispo County (calculated using a total of 16.32 acres). These percentages are not substantially greater than the loss that the CPUC found to be not significant for the Banducci Substation Project. The Commission should consider whether the threshold applied in the Recirculated DEIR should be adjusted in the FEIR for consistency with these statutory standards and prior Commission precedent.¹⁷

R.B-14

The Recirculated DEIR also incorrectly finds that Mitigation Measure AG-1 “would not fully offset the significant impact because it would not create any new Important Farmland . . .”¹⁸ This finding may be based on the decision in *King and Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814 addressing a situation involving a vastly larger permanent loss of designated farmland acreage. However, CPUC precedent has allowed the use of conservation easements to mitigate such impacts to less than significant levels. More importantly, the 2018 revisions to the Section 15370(e) of the CEQA Guidelines make clear that allowable “mitigation” includes “[c]ompensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements.”¹⁹ There is no basis, therefore, to preclude the use of conservation easements as mitigation.

R.B-15

To the extent the CPUC still applies this stringent threshold, and to the extent mitigation is required, Mitigation Measure AG-1 should be revised to allow Horizon West and PG&E to utilize other comparable mitigation measures that would achieve conservation easements for important farmland, such as through agreements with landowners to establish and record a conservation easement, or through contributions to a local agency to achieve the agricultural land conservation requirement. Mitigation Measure AG-1 requires contributions to the California Farmland

¹⁶ *Id.*

¹⁷ Although the Commission has applied the Recirculated DEIR's stringent standard in another case (*see* SCE Circle City Substation and Mira Loma-Jefferson 66 kV Line Project (A.15-12-007)), this “binary” standard of deeming significant any loss of farmland fails to consider additional factors such as the overall acreage subject to conversion (which in this case is a small number), or the value of the farmland to be converted, using for example, the LESA model as supported by the DOC, or the relative percentage of Prime and other farmland to be converted compared to the overall acreage in the county.

¹⁸ Recirculated DEIR at 2-R.4.2-13.

¹⁹ Cal. Code Regs., tit. 14, § 15370(e).

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Conservancy Program, which promotes the long-term preservation of agricultural lands in California through agricultural conservation easements. However, there is no evidence in the record that the California Farmland Conservancy Program is aware of the Proposed Project, or that the mitigation can be implemented. To provide flexibility and ensure that the mitigation measure is effective and feasible, Mitigation Measure AG-1 should be revised to allow comparable mitigation as shown below. The proposed changes below also are necessary to clarify the scope and required timing of the mitigation, as well as the specific criteria that will be applied to confirm that the mitigation measure has been satisfied.

Mitigation Measure AG-1: Provide Compensation for Loss of Agricultural Land.

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 through 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.

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B. In Section 4.2.4 (Agriculture and Forestry Resources—Impact Analysis), the Recirculated DEIR’s conclusion of significant and unavoidable agricultural impacts due to conflict with an existing Williamson Act contract misapplies the law and should be corrected.

The Recirculated DEIR also contradicts applicable law in its conclusion that the Proposed Project’s agricultural impacts are significant and unavoidable due to conflict with an existing Williamson Act contract.²⁰ The Recirculated DEIR concludes that removing 20 acres (15 acres of which would be used for the Estrella Substation Site) from the current 98-acre Williamson Act parcel would conflict with the existing Williamson Act contract’s “intent” to “preserve agricultural land in agricultural use.”²¹ This is not correct, however, because Government Code Section 51238 expressly provides that “the erection, construction, alteration, or maintenance of gas, electric, water, communication, or agricultural laborer housing facilities are hereby determined to be compatible uses within any agricultural preserve.” Further, as noted in the Recirculated DEIR, removing the acreage for the proposed substation parcel from the 98-acre Williamson Act parcel would not disqualify the remainder (*i.e.*, 78 acres) from being an agricultural preserve under the County of San Luis Obispo’s Rules of Procedure to Implement the California Land Conservation Act of 1965.²² Indeed, the remaining 78 acres under the modified Williamson Act contract satisfy the acreage under the County’s rules (*i.e.*, 40-acre minimum parcel size) and will continue to be cultivated and with land uses limited to compatible uses. In short, the Proposed Project does not present a conflict with the existing Williamson Act contract, and the Recirculated DEIR’s conclusion of a significant and unavoidable impact is contrary to law and lacks a factual basis.

To be consistent with Government Code Section 51238, the language in the Recirculated DEIR on page 2-R.4.2-15 should be modified in the FEIR as follows:

~~However, p~~ Placing the substation within the existing parcel under Williamson Act contract would not conflict with that contract, including its underlying intent, which is to preserve agricultural land in agricultural use, because Government Code Section 51238 specifies that “the erection, construction, alteration, or maintenance of gas, electric, water, communication, or agricultural laborer housing facilities are hereby determined to be compatible uses within any agricultural preserve.” Removing the proposed substation parcel from the 98-acre Williamson Act would not disqualify the remaining contracted area from an agricultural

²⁰ Recirculated DEIR at 2-R.4.2-15.

²¹ *Id.*

²² *Id.*

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preserve, and the remaining parcel will exceed the 40-acre minimum parcel size specified in the original contract.²³

C. Section 4.3.4 (Air Quality—Impact Analysis) should be revised to incorporate corrected construction emissions reflecting realistic helicopter assumptions and the updated construction schedule, as provided in Attachment 1 hereto.

The construction emissions in Table 4.3-5a (Construction Emissions—Unmitigated) and Table 4.3-5b (Construction Emissions—Mitigated) in Section 4.3.4 of the Recirculated DEIR reflect overestimated helicopter use assumptions and do not incorporate the schedule changes that were accepted in Chapter 2 (Project Description) of the Recirculated DEIR, as explained below.

In its comments on the DEIR, PG&E explained that total hours of helicopter usage and the number of helicopter trips would be substantially less than the estimates in the DEIR. PG&E provided a refined analysis of helicopter usage and explained that:

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 [landing take offs (“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.

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

²³ The Horizon West DEIR Comments explained that the Bonel Ranch Substation Site also is under a Williamson Act contract, and noted that the impact analysis with respect to the existence of the Williamson Act contract should be the same as for the Estrella Substation Site. This has been corrected in the Recirculated DEIR. (Recirculated DEIR at 2-R.4.2-17 through 2-R.4.2-18.) For the reasons explained above, however, locating the Estrella Substation at the Bonel Ranch Substation Site would not present a conflict with the existing Williamson Act contract. As stated in the Horizon West DEIR Comments, the FEIR’s findings regarding Williamson Act contract implications should be consistent for the Estrella Substation Site and the Bonel Substation Site.

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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. 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 [applicant proposed mitigation (“APM”)] 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.²⁴

PG&E submitted updated construction emissions for the Proposed Project in Attachment 3 to PG&E’s comments on the DEIR. The estimated construction emissions in Table 4.3-5a and Table 4.3-5b of the Recirculated DEIR are not reasonable because they assume a quantity of helicopter usage that is more than 34 times the total provided by PG&E in its comments on the DEIR. The difference is extreme—PG&E informed the CPUC that helicopters would be used for an estimated 38.3 hours, whereas the Recirculated DEIR assumes 1,320 hours of helicopter flying time. The Recirculated DEIR also fails to reflect PG&E’s clarification that a light/medium helicopter would be used for conductor installation on the new 70 kV power line segment, and a heavy lift helicopter would be required only for pole installation and removal along the reconductoring segment. PG&E revised the air quality emissions to reflect realistic use of helicopters on the Proposed Project based on PG&E’s recent project construction experience, as shown in Attachment 4 of PG&E’s comments on the DEIR.

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The impact analysis in Section 4.3.4 of the Recirculated DEIR also fails to recognize the extension of the construction schedule to 21 months.²⁵ This extension has the effect of spreading construction emissions over a period 3 times the length of the original estimate. The reduction in overlap between the project phases results in substantial reductions in the ROG and NOx emissions to more than 10 percent below the daily threshold and more than 54 percent below the quarterly Tier 2 thresholds, and substantial reduction in the fugitive PM₁₀ emissions to more than 70 percent below the quarterly threshold. Although the Recirculated DEIR includes the updated construction schedule in Chapter 2 (Project Description),²⁶ the schedule changes were not carried forward in the analysis in Section 4.3.4 (Air Quality—Impact Analysis). As a result of this inconsistency, the

²⁴ PG&E Comments on the DEIR at 17-18.

²⁵ Horizon West’s Response to CPUC Data Request 6 (May 26, 2021), at 7 (Attachment B: Table 1 Confirmation of Project Design Changes, page B-2) (“The total duration of construction of the project (including power line components and substation) would be 21 months.”).

²⁶ Recirculated DEIR at 2.R.2-82 through 2.R.2-87 (Table 2.10. “Preliminary Construction Workforce and Equipment Use, and Approximate Task Durations”).

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Recirculated DEIR's analysis of potential impacts to air quality vastly overstates the Proposed Project's impacts.

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Attachment 1 to these comments provides the construction emissions summary table previously provided by PG&E, with updates to clarify that the quarterly emissions provided in PG&E's original comments were annual average quarterly emissions, and to include maximum quarterly emissions. The calculations in **Attachment 1** hereto demonstrate that air quality emissions would be below the SLOAPCD's ROG plus NOx daily and quarterly Tier 2 thresholds, as well as the PM₁₀ quarterly threshold.

The FEIR should be modified to incorporate the corrected emissions estimates in **Attachment 1** hereto. Those estimates include realistic assumptions regarding helicopter usage and the updated construction schedule already recognized in Chapter 2 (Project Description) of the Recirculated DEIR.

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D. Mitigation Measure AQ-1 should be revised to defer to SLOAPCD's requirements, which dictate that a CAMP would not be necessary because the Proposed Project's daily and quarterly Tier 2 ROG plus NOx emissions, and quarterly PM₁₀ emissions, would not exceed SLOAPCD significance thresholds.

The construction emissions in **Attachment 1** hereto demonstrate that the Proposed Project's air quality impacts would be below the SLOAPCD thresholds of significance, except for the ROG plus NOx quarterly Tier 1 threshold. Accordingly, proposed Mitigation Measure AQ-1 should be limited to the SLOAPCD requirements for exceedance of the Tier 1 threshold.²⁷ The SLOAPCD mitigation measures applicable to the Estrella Project are the Fugitive Dust Mitigation Measures: Expanded List, Standard Mitigation Measures for Construction Equipment, and Best Available Control Technology for Construction Equipment.²⁸ Most of these measures are already included in APMs AIR-1 through AIR-3. The SLOAPCD does not require a CAMP or Construction Phase Offsite Mitigation for projects with emissions below the ROG plus NOx daily threshold and Tier 2 significance thresholds. Mitigation Measure AQ-1 therefore should be revised in the FEIR to state that a CAMP would be prepared if required by the SLOAPCD. If the CPUC requires a CAMP, SLOAPCD staff indicated that they would review it, but their review

²⁷ The expanded mitigation measures encompassed in revised Mitigation Measure AQ-1 also are not warranted by any of the new information summarized in Section 1.2 of the Recirculated DEIR (Reasoning for Recirculating Portions of the Draft Environmental Impact Report). Thus, there is no basis for the revisions to Mitigation Measure AQ-1 in the Recirculated DEIR.

²⁸ Quick Guide for SLO County APCD Construction Mitigation Measures at 1, 7-8, available at: <https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/CEQA%20Webpage%20Quick%20Guide2.pdf>

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likely would be limited to reviewing the final air quality calculations and, if they show that a CAMP and offsite mitigation are not required, confirming the same.²⁹

If the requirement for a CAMP is retained in Mitigation Measure AQ-1, it should be modified to clarify that two separate CAMPs would be prepared, one for PG&E and one for Horizon West. This is necessary because each applicant has its own unique and separate areas of responsibility, construction activities, and duration of construction. Once the 230 kV substation activities are complete, Horizon West no longer would have any responsibilities under the CAMP. SLOAPCD staff indicated that this approach is acceptable and if reporting is required, a summary report would be included with each applicant's submittals to account for total project emissions.

Additionally, if the requirement for a CAMP is retained in Mitigation Measure AQ-1, it should be qualified to say that the applicants' CAMPs would include the specified elements to the extent required by the SLOAPCD. Further, the specific requirements for dust mitigation should be modified to recognize that dust could cross onto adjacent property given the proximity of construction activities to the property line, and to tie requirements for ceasing activities to periods when applicable standards could be exceeded. Finally, the requirement for scheduling construction trips should be clarified to recognize that construction deliveries will be short trips on local roads, with limited impacts to state roadways, and to remove the specification regarding the range of hours constituting peak traffic hours. The latter change is appropriate because peak traffic hours in the vicinity of the Proposed Project may vary from the range identified in the Recirculated DEIR. These changes are shown below.

For the foregoing reasons, Mitigation Measure AQ-1 should be revised in the FEIR as follows (only the portions requested to be revised are shown below):

Mitigation Measure AQ-1: **Consult with SLOAPCD to Determine Requirements for Prepare a Construction Activity Management Plan for Review by SLOAPCD and Final Approval by CPUC.**

Horizon West Transmission (HWT), Pacific Gas and Electric Company (PG&E), or their contractor(s) shall implement the following measures:

Consult with the SLOAPCD to determine applicable requirements for Prepare a CAMP. HWT and PG&E may have separate CAMPs to specify and delineate their respective responsibilities for the Proposed Project. Any CAMP required by the SLOAPCD The CAMP shall be submitted to the APCD for review and to CPUC for final approval prior to the start of

²⁹ Call held on December 21, 2021 among Horizon West, PG&E, and SLOAPD (Ashely Goldlist – Air Quality Specialist, Vince Kirkhuff – Air Quality Specialist, and Andrew Mutziger – Planning, Monitoring & Grants Manager).

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construction and, to the extent required by the SLOAPCD, shall include, but not be limited to, the following elements:

.....

3. A Dust Control Management Plan that encompasses all, but is not limited to, dust control measures that were listed above in the “fugitive dust control measures” listed in part 1; and include the following additional dust mitigation measures:

- e. Suspend grading operations when wind speeds are high enough to result in dust emissions exceeding the minimum performance criteria in Section 1 above crossing the property line despite application of dust mitigation measures.
- f. All earth moving activities with the potential to create dust in excess of the minimum performance criteria in Section 1 above should be ceased in times of high wind conditions defined as sustained wind speeds exceeding 25 miles per hour and /or if two wind gusts in excess of 25 mph are recorded in a 30- minute period.

....

5. Schedule construction truck trips on state roadways during non-peak hours (i.e. avoid peak ~~commute~~ times such as 7-9 am and 4-6 pm) to reduce peak hour emissions to the extent feasible.

R.B-21

- E. **The FEIR should be modified to incorporate the results of the applicants’ HRA included as Attachment 2 to these comments, which demonstrates that the Estrella Project’s construction activities would not result in significant health impacts to off-site sensitive receptors.**

The Recirculated DEIR references the purported HRA submitted with comments on the DEIR provided by Adams Broadwell Joseph & Cardozo (“Adams Broadwell”). The Recirculated DEIR concludes that the information from Adams Broadwell “was not adequate to conduct a thorough review to determine if their model accurately represents the Proposed Project, as key details required to make their study reproducible regarding the specific sources spatial representation and actual emissions assigned to specific sources were not provided.”³⁰ Despite the inadequacies of the Adams Broadwell analysis, the Recirculated DEIR takes an extremely conservative approach and concludes that “a few receptors located close to the project construction

³⁰ Recirculated DEIR at 2-R.4.3-27.

R.B-21
cont.

areas, in particular the Estrella Substation area, may experience increased [toxic air contaminants (“TACs”)] which may lead to adverse health impacts,” resulting in a significant impact.³¹

R.B-22

The Recirculated DEIR still correctly concludes that: “The CPUC’s qualitative analysis, as documented in the DEIR, supports a finding that human health impacts from construction-related [diesel particulate matter (“DPM”) and other TAC emissions would be relatively limited due to the short construction duration and the sparsely populated area surrounding the project site” and therefore would be less than significant.³² The Recirculated DEIR also correctly concludes that the HRA provided by Adams Broadwell is inadequate. The Adams Broadwell HRA reflects the outdated project schedule and air quality emissions estimates; therefore, it does not accurately represent the Proposed Project as proposed by the applicants. Further, as recognized by the CPUC, Scenario 2 in the Adams Broadwell HRA assumes 100 percent Tier 2 engines, which is more conservative than the unmitigated emissions because implementation of California off-road fleet rules requires most fleets to have most equipment use better than Tier 2 engines. The assumed Scenario 2 therefore is not reasonable.

R.B-23

Although the CPUC correctly determined that an HRA was not required for the Proposed Project, the applicants are submitting an HRA to provide substantial evidence confirming that the Proposed Project’s impacts to public health would be less than significant. To accurately represent the Proposed Project’s potential health risks and impacts, SWCA Environmental Consultants (“SWCA”) prepared a robust and detailed HRA based on the updated air quality emissions. The HRA and the HRA modeling files are provided as Attachment 2 to these comments. Due to file size, Attachment 2 is provided via the links specified on the last page of this comment letter and repeated on the attached cover page for Attachment 2.

The HRA prepared by SWCA demonstrates that health risks would be below the significance thresholds for all project components. The objective of the HRA impact assessment was to evaluate potential health risks from the Proposed Project at nearby sensitive receptors. As discussed in more detail in the HRA included in Attachment 2 hereto, no significant health impacts to off-site sensitive receptors are anticipated as a result of the Estrella Project’s construction activities. The assessment predicts that the maximally exposed individual receptor (“MEIR”) could potentially be exposed to the following levels of impact during construction of the Project, which are below applicable thresholds of significance for health risks:

- The maximum 1-hour nitrogen dioxide (NO₂) impact at the MEIR would be 207.00 micrograms per cubic meter (µg/m³), which is less than the CAAQS health-based standard of 339 µg/m³;
- The acute hazard index (HI) for diesel particulate matter exposure (DPM) at the MEIR would be 0.6, which is less than the threshold of significance of 1.0;

³¹ *Id.*

³² *Id.*

R.B-23
cont.

- The chronic HI for DPM exposure at the MEIR would be 0.1, which is less than the threshold of significance of 1.0; and
- The excess cancer risk at the MEIR would be 5.12 cases per million, which is less than the SLOAPCD threshold of significance of 10 cases per million.

The Air Quality section of the FEIR should be revised to reflect the results of the HRA prepared by SWCA, which demonstrates that health impacts from construction-related DPM and other TAC emissions would be less than significant. As shown in the attached HRA, the conclusion regarding Impact AQ-3 should be revised as follows:

Impact AQ-3: Potential to expose sensitive receptors to substantial pollutant concentrations – Less than Significant and Unavoidable

- F. In Section 4.3.4 (Air Quality—Impact Analysis), the FEIR should be revised to be consistent with precedent and to conclude that exposure of sensitive receptors to Valley Fever would be reduced to less than significant with implementation of the VFMP required in Mitigation Measure AQ-2.**

R.B-24

The DEIR correctly concluded in Impact AQ-3 that there is a very low potential for fugitive dust (and associated Valley Fever spores) to impact sensitive receptors during construction, and that impacts would be less than significant due to the limited construction duration, limited construction emissions, and sparsely populated area surrounding the project site, which would be further reduced with implementation of APMS AIR-1 through AIR-3. This finding in the DEIR was consistent with CEQA documents prepared by the CPUC and other lead agencies on similar projects in areas where Valley Fever is highly or suspected endemic. Specifically:

- The Initial Study/Mitigated Negative Declaration (“IS/MND”) for the Vierra Reinforcement Project in San Joaquin County issued in A.18-06-004, SCH Number 2020100283 (CPUC 2021³³) found that Valley Fever-causing spores have been found not likely to occur in cultivated fields and heavily urbanized areas (KCPH 2019³⁴). The majority of the land that would be disturbed by the Vierra Reinforcement Project is in cultivated fields or urbanized areas and with implementation of an APM calling for a Dust Control Plan, impacts were determined to be less than significant, and no mitigation measures were recommended. Many of the impact areas for the Estrella Project are in cultivated fields (e.g., vineyards); therefore, the risks in those areas are lower. Section 4.3

³³ Vierra Reinforcement Project IS/MND at 5.3-27, available at: https://ia.cpuc.ca.gov/environment/info/CEC/VierraReinforcement/PDFs/Vierra_Final_IS_MND.pdf

³⁴ Kern County Public Health Services Department, Valley Fever Prevention, available at: <http://kerncountyvalleyfever.com/what-is-valley-fever/prevention/>

R.B-24
cont.

(Air Quality) of the Recirculated DEIR should be revised to provide additional context for the areas of the Proposed Project that have greater risks.

- The Environmental Impact Report for the California Flats Solar Project (Monterey County 2014³⁵), a more than 2,000-acre solar project, found that standard construction best management practices to minimize fugitive dust emissions and standard erosion control measures would minimize potential hazards associated with the release of fungal spores. In addition, mitigation measures requiring preparation of a VFMP, dust suppression measures, worker training program and safety measures, and an information handout were included. The lead agency, Monterey County, concluded that the mitigation measures would ensure that construction personnel are adequately protected from exposure to Valley Fever during grading and other earth-moving activities, reducing impacts to a less than significant level. The Estrella Project includes similar APMs and mitigation measures and a much smaller temporary and permanent disturbance area (less than 150 acres); therefore, the significance determination should be less than significant with mitigation.
- The IS/MND for the Downs Substation Project in Kern County issued in A.10-12-016, (CPUC 2012³⁶) found that there was a high potential for temporary high fugitive dust and valley fever spore exposures during substation construction, and the linear construction would have lower potential for emissions and would not impact any single location/receptor significantly due to the continuous moving nature of these construction activities. Implementation of a Fugitive Dust Control Plan was included as a mitigation measure and reduced the impacts to construction workers and area residents to less than significant. The impacts from the Estrella Project would be of a similar nature and would implement similar mitigation; therefore, the impacts should be considered less than significant with mitigation.

Based on the foregoing precedent, the air quality analysis in Section 4.3 of the FEIR should be revised to provide additional context for areas where Valley Fever spores are more or less likely to occur. Consistent with the precedent cited above, the FEIR should find that impacts would be less than significant with implementation of APMs AIR-1 through AIR-3 and Mitigation Measure AQ-2.

³⁵ California Flats Solar Project EIR (Section 4.3 Air Quality) at 4.3-5 through 4.3-8 and 4.3-32 through 4.3-36, available at: <https://www.co.monterey.ca.us/home/showdocument?id=48160>

³⁶ Downs Substation Project IS/MND (Section B.3.3. Air Quality), available at: https://ia.cpuc.ca.gov/Environment/info/aspen/downs_sub/DownsDraft/MND-IS/B3-03_AirQuality.pdf

R.B-25

- G. In Section 4.3.4 (Air Quality—Impact Analysis), Mitigation Measure AQ-2 should be revised to state that the applicants shall consult with the CADPH and the SLODPH in developing a VFMP, rather than requiring such agencies to review the VFMP.**

Mitigation Measure AQ-2 in the Recirculated DEIR requires the applicants to prepare and submit a VFMP for review by the CADPH and the SLODPH,³⁷ whereas the preceding text specifies that the applicants should consult with these agencies “regarding Valley Fever best mitigation practices and implement all such feasible measures recommended by these agencies.”³⁸ Through its consultants, Horizon West engaged in initial discussions with the CADPH on December 21, 2021, and with the SLODPH on December 21 and 22, 2021. Both agencies indicated that they could advise on recommendations to be included in the VFMP. Because recommendations could vary from the measures listed in Mitigation Measure AQ-2, the text should be modified to accommodate the agencies’ recommendations as shown below.

Additionally, some of the controls listed in Mitigation Measure AQ-2 are overly broad and would be difficult to implement. Horizon West therefore requests that the language be revised to focus mitigation on activities that have the potential to create dust at risk for containing Valley Fever spores as shown below.

For the foregoing reasons, Mitigation Measure AQ-2 should be revised in the FEIR as follows (only the portions requested to be revised are shown below):

Mitigation Measure AQ-2: Prepare a Valley Fever Management Plan ~~for Review by Following Consultation With CDPH and San Luis Obispo Department of Public Health For and-Final Approval by CPUC.~~

HWT, PG&E, or their contractor(s) shall implement the following measures:

- Prepare a VFMP. The VFMP shall be submitted after consultation with ~~to~~ the California Department of Public Health and the San Luis Obispo Department of Public Health ~~for review and~~ to CPUC for final approval prior to the start of construction. The VFMP shall include, but not be limited to, the following elements as currently suggested by the California Department of Public Health or such elements as may be suggested by the consulting agencies at the time:

³⁷ Recirculated DEIR at 2-R.4.3-28.

³⁸ *Id.*

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cont.

- Adopt site plans and work practices that reduce workers' exposure to minimize primary and secondary exposure to the community through direct dispersal of spores or secondary dispersal from contaminated workers or equipment bringing spores to the community. The site plans and work practices may include:
 - Minimize the area of soil disturbed.
 - Use water, appropriate soil stabilizers, and/or re-vegetation to reduce airborne dust.
 - Stabilize all spoils piles **at risk for containing spores** by tarping or other methods.
 - Provide air conditioned cabs for vehicles that generate heavy dust **at risk for containing spores** and make sure workers keep windows and vents closed.
 - Suspend ~~work~~ **earth moving activities with the potential to create dust at risk for containing spores** during heavy winds.
 - Onsite sleeping quarters, if provided, should be placed away from sources of dust.
- Take measures to reduce transporting spores offsite, such as:
 - Clean tools, equipment, and vehicles before transporting offsite.
 - If workers' clothing is likely to be heavily contaminated with dust **at risk for containing spores**, provide coveralls and change rooms, and showers where possible.

H. Additional corrections should be made in the FEIR for accuracy.

Horizon West has identified the following additional corrections that should be made in the FEIR for accuracy:

- Revise the second sentence of the first paragraph of Section 2.4 (Easement Requirements) to show that Horizon West has acquired the parcel that will be used for the Estrella Substation: "The parcel of land where Estrella Substation would be

R.B-26

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cont.

constructed is under private ownership. ~~An affiliate of HWT has an option agreement to purchase~~ the approximately 20-acre portion of this parcel.”

R.B-27

- In Section 2.5.1 (Construction Process and Methods), revise the fourth sentence of the second paragraph under the heading “Above-Ground Construction” to recognize that the 230-kV portion of the Estrella Substation could be constructed on a slab or piers: “All equipment including breakers, bus supports, insulators, bus and switches would be installed or anchored into final position, grounded, and if required wired back to the control house. The control house will be delivered and installed on **concrete piers or** a concrete slab.”

R.B-28

- In Section 2.5.3 (Construction Workforce, Equipment, and Schedule), revise the second to last sentence in the second paragraph as follows: “However, such activities would not normally generate loud ~~noise~~ **noise**.”

IV. CONCLUSION

R.B-29

Horizon West appreciates the opportunity to submit these comments and requests that the modifications described above, as supported by **Attachment 1** and **Attachment 2** hereto, be incorporated into the FEIR.

Very truly yours,

/s/ Lisa Cottle

Lisa Cottle
Winston & Strawn LLP
101 California Street
34th Floor
San Francisco, CA 94111
Telephone: (415) 591-1579
Email: lcottle@winston.com

/s/ Tracy C. Davis

Tracy C. Davis
NextEra Energy
Transmission, LLC
5920 W. William Cannon Dr.
Building 2
Austin, TX 78749
Telephone: (512) 236-3141
Email: tracy.c.davis@nec.com

/s/ Scott Castro

Scott Castro
NextEra Energy
Transmission, LLC
One California Street
Suite 1600
San Francisco, CA 94111
Telephone: (415) 318-5919
Email: scott.castro@nec.com

Attorneys for Horizon West Transmission, LLC

Enclosed: Additional Documents Provided With This Comment Letter:

R.B-30

Attachment 1 Construction Emissions Table

R.B-31

Attachment 2 Health Risk Assessment – The Estrella Substation and Paso Robles Area Reinforcement Project Health Risk Assessment January 2022 and modeling files are provided via the following links:

<http://content.winston.com/sitefiles/files/Attachment2HealthRiskAssessment.pdf>
<http://content.winston.com/sitefiles/files/Modelingfiles.zip>
<http://content.winston.com/sitefiles/files/EstrellaCalEEMod-HRAratesv1.3.xlsx>

Attachments**Comment R.B-30: Attachment 1.** Construction Emissions Table**Comment R.B-31: Attachment 2.** Health Risk Assessment**Note to Readers:**

The materials provided as attachments have been omitted from this section because they are voluminous and do not contain specific comments on the 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 R.B-1

The comment provides an introduction and overall summary of the commenter's letter. The comment is noted. For the CPUC's responses to the commenter's comments on the original DEIR and/or sections of the DEIR that were not recirculated, please refer to the responses to Letter H located earlier in this chapter.

Response to Comment R.B-2

This comment begins a list summarizing the primary modifications to the Recirculated DEIR sections that the commenter requests be incorporated into the FEIR. The comment summarizes the first request, described in detail later in the comment letter in Comments R.B-11 to R.B-15, to revise Mitigation Measure AG-1 (Provide Compensation for Loss of Agricultural Land) to allow HWT and PG&E the option of utilizing other conservation easement options and to recognize that HWT and PG&E will have different contribution amounts. Please refer to Responses to Comments R.B-11 to R.B-15.

Response to Comment R.B-3

This comment summarizes the commenter's request, described in more detail in Comment R.B-16, to modify the impact analysis in the revised Section 4.2, "Agriculture and Forestry Resources," to state that placing the Estrella Substation within the existing parcel that is under a Williamson Act contract would not conflict with that contract. Please refer to Response to Comment R.B-16.

Response to Comment R.B-4

This comment summarizes the commenter's request, described in detail in Comments R.B-17 to R.B-19, to revise the recirculated Section 4.3, "Air Quality," to incorporate the commenter's construction emissions estimates, which the commenter claims reflects "realistic helicopter assumptions and the updated construction schedule." Please refer to Responses to Comments R.B-17 to R.B-19.

Response to Comment R.B-5

This comment summarizes the commenter's request, described in detail in Comment R.B-20, to revise Mitigation Measure AQ-1 in the recirculated Section 4.3, "Air Quality," to "defer to San Luis Obispo Air Pollution Control District (SLOCAPCD) requirements." The comment asserts that the Proposed Project's daily and quarterly Tier 2 reactive organic gases (ROG) plus nitrogen oxides (NOx) emissions, and quarterly fugitive particulate matter less than 10 microns in diameter (PM10) emissions, would not exceed SLOCAPCD significance thresholds. Please refer to Response to Comment R.B-20.

Response to Comment R.B-6

This comment summarizes the commenter's request, described in detail in Comments R.B-21 to R.B-23, to revise the impact analysis in the recirculated Section 4.3, "Air Quality," to reflect the Proposed Project Applicants' Health Risk Assessment (HRA), which is provided as Attachment 2 to the letter (identified as Comment R.B-31). The comment argues that the HRA demonstrates that the Proposed Project's construction activities would not result in significant health impacts to off-site sensitive receptors. Please refer to Responses to Comments R.B-21 to R.B-23.

Response to Comment R.B-7

This comment summarizes the commenter's request, described in detail in Comment R.B-24, to revise the impact analysis in the recirculated Section 4.3, "Air Quality," with respect to Valley Fever. The comment argues that exposure of sensitive receptors to Valley Fever from Proposed Project construction would be reduced to less than significant with implementation of the Valley Fever Management Plan (VFMP) required in Mitigation Measure AQ-2. Please refer to Response to Comment R.B-24.

Response to Comment R.B-8

This comment summarizes the commenter's request, described in detail in Comment R.B-25, to revise Mitigation Measure AQ-2 in the recirculated Section 4.3, "Air Quality," to state the Proposed Project Applicants shall consult with the California Department of Public Health (CDPH) and the San Luis Obispo Department of Public Health (SLODPH) in developing a VFMP, rather than requiring these agencies to review the VFMP. Please refer to Response to Comment R.B-25.

Response to Comment R.B-9

This comment notes that the commenter requests that additional minor corrections be made in the FEIR for accuracy, as described in detail in Comments R.B-26 to R.B-28. For the CPUC's response to these requested corrections, please refer to Responses to Comments R.B-26 to R.B-28.

Response to Comment R.B-10

This comment provides background information regarding the Proposed Project. The comment is noted. It does not address substantive contents of the DEIR, and no further response is necessary.

Response to Comment R.B-11

This comment's header states that Mitigation Measure AG-1 should be revised to allow use of comparable mitigation measures, and to recognize that Horizon West Transmission (HWT) and PG&E will have different contribution amounts. This concern is addressed in Response to Comment R.B-15; for the CPUC's response to the comments, please refer to Response to Comment R.B-15.

The text of this comment summarizes the changes to the impact analysis in Section 4.2, "Agriculture and Forestry Resources," included in the Recirculated DEIR with respect to the additional 5 acres of agricultural land that could be impacted and/or converted to nonagricultural use due to the Proposed Project in light of the changes to Estrella Substation parcel and layout described in HWT's comment letter on the DEIR (refer to Comment Letter H). The comment implies that the CPUC was wrong to assume that the additional 5 acres could reasonably be impacted or converted to non-agricultural use in the future, as the commenter states that "Those 5 acres therefore are expected to remain in agricultural use." The comment also disagrees with the Recirculated DEIR's findings that conversion of Important Farmland from the Proposed Project would be significant given the number of acres involved. Similar to its comments on the original DEIR, the commenter argues that the CPUC's application of this stringent threshold "suggests that the permanent conversion of any amount of designated

farmland acreage, however small, and regardless of its quality, is a *de facto* significant impact.” The comment goes on to argue that the CPUC’s approach is contrary to CEQA.

These comments are very similar to the commenter’s comments on the original DEIR with respect to the agricultural resources analysis. For the CPUC’s response to the comments, please refer to Response to Comment H-12.

With respect to the assumptions in the Recirculated DEIR regarding potential conversion of the additional 5 acres that are now part of the Estrella Substation parcel, the CPUC maintains that it was correct in disclosing the potential impacts to this area. No changes to this portion of the text in the revised Section 4.2, “Agriculture and Forestry Resources” (now accepted in this FEIR) have been made in the FEIR.

Response to Comment R.B-12

This comment argues that application of the Recirculated DEIR’s threshold of significance for impacts from conversion of Important Farmland to nonagricultural use also negates the use of the California Agricultural Land Evaluation and Site Assessment (LESA) Model. The comment describes the California LESA Model and provides a quotation from the California Department of Conservation’s (CDOC) website describing the California LESA Model as an “optional methodology” that lead agencies may use in CEQA reviews. The comment argues that the Recirculated DEIR’s approach contravenes any quantitative assessment of effects with respect to agricultural land conversions and reiterates the commenter’s opposition to the significance threshold used in the DEIR.

These comments are similar to the commenter’s comments on the original DEIR. For the CPUC’s response to these issues, please refer to Response to Comment H-12.

Response to Comment R.B-13

This comment argues that the Recirculated DEIR’s approach to evaluating the impacts from conversion of Important Farmland overstates the Proposed Project’s impacts, is a departure from the thresholds applied with respect to conversion of agricultural land for other CPUC-approved projects, and would create a precedent for future projects. The comment lists and describes the thresholds used for several other projects under CPUC jurisdiction, arguing that under those thresholds the Proposed Project’s impacts would be less than significant.

These comments are very similar to those submitted by the commenter on the original DEIR. For the CPUC’s response to these comments, please refer to Response to Comment H-13.

Response to Comment R.B-14

This comment argues that the Recirculated DEIR is incorrect in finding that application of Mitigation Measure AG-1 would not fully offset the conversion of Important Farmland from the Proposed Project, and thus would not reduce those impacts to a level that is less than significant and assumes this method is due to the holding in *King and Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814. The comment states that CPUC precedent has allowed the use of conservation easements to mitigate impacts related to conversion of Important Farmland to less than significant levels, also noting that the CEQA Guidelines were changed in 2018 to include conservation easements under the definition of “mitigation.”

These comments are similar to those submitted by the commenter on the original DEIR (in particular, refer to Footnote 14 within Comment H-15). The topic is also discussed in PG&E's comment letter on the original DEIR (refer to Comments J-51 to J-55). For the CPUC's response to these concerns, please refer to Responses to Comments H-15 and J-51 to J-55.

Response to Comment R.B-15

This comment states that, to the extent the CPUC still applies the allegedly stringent threshold (discussed in previous comments), Mitigation Measure AG-1 should be revised to allow the Proposed Project Applicants to utilize other comparable mitigation measures to achieve the conservation easements for Important Farmland. The comment provides the suggested revisions to Mitigation Measure AG-1 in underline/strikeout format. These are the same comments that were submitted by the commenter on the original DEIR, including the identical suggested revisions. For the CPUC's responses to these comments, please refer to Responses to Comments H-15 and H-16. As described therein, the CPUC has accepted some of the commenter's proposed revisions (with modifications) to Mitigation Measure AG-1 for the FEIR.

Response to Comment R.B-16

This comment states that the Recirculated DEIR's conclusion of significant and unavoidable agricultural impacts due to conflict with an existing Williamson Act contract misapplies the law and should be corrected. The comment argues that because Government Code Section 51238 allows for erection of electric utilities with an agricultural preserve, and because removing the acreage for the Estrella Substation from the existing 98-acre Williamson Act contract parcel would not disqualify the remainder, the impacts should not be considered significant. The comment provides proposed revised language, which is identical to the language proposed by the commenter in its comments on the original DEIR. For the CPUC's response to these comments, please refer to Responses to Comments H-17 to H-18.

This comment also includes a footnote that reiterates HWT's previous statement that the Bonel Ranch Substation site is located on a site that is under Williamson Act contract, noting that the Recirculated DEIR corrected this issue. The comment urges, however, that, for the same reasons argued for the Estrella Substation, locating a substation on the Bonel Ranch site should not be found to cause a significant and unavoidable impact with regards to a conflict with a Williamson Act contract. The CPUC's response above applies to the Bonel Ranch Substation site as well.

Response to Comment R.B-17

The commenter asserts that the air quality analysis should be revised to incorporate corrected construction emissions, as provided in their comment letter. The commenter notes that HWT provided revised helicopter usage information in its comments on the DEIR, which was not reflected in the Recirculated DEIR.

For the CPUC's detailed response to comments related to construction emissions estimates and the construction schedule and helicopter usage assumptions, please refer to Master Response 11. Additionally, note that Mitigation Measure AQ-1 is designed to assure that appropriate mitigation measures reflective of the actual construction emissions during construction are implemented to the performance standards indicated. Thus, even if any of the emission estimates change between the certification of the FEIR and actual construction, appropriate mitigation reflecting actual construction emissions will be required. If emissions can

be shown at the time of construction to be below the Tier 2 threshold and other performance thresholds, the Applicants would have met the requirements of the mitigation measure.

Response to Comment R.B-18

The commenter argues that the air quality analysis should be revised to recognize the extension of the construction schedule, which would have the effect of reducing the overlapping of project phases, thereby reducing ROG and NO_x emissions.

For the CPUC's detailed response to comments regarding construction emissions estimates and the construction schedule assumptions utilized, please refer to Master Response 11. Note that Mitigation Measure AQ-1 is designed to ensure that appropriate mitigation measures reflective of actual construction emissions during construction are implemented to the performance standards indicated. Thus, even if any of the emission estimates change between the certification of the FEIR and actual construction, appropriate mitigation will be required. If emissions can be shown at the time of construction to be below the Tier 2 threshold and other performance thresholds, the Applicants would have met the requirements of the mitigation measure.

The schedule changes indicated by the commenter may change back to a condensed schedule in the future. For example, if individual components are delayed and need to overlap to meet other mitigation criteria and overall timing to complete the Proposed Project. By allowing for flexibility in Mitigation Measure AQ-1, the Proposed Project will not need to stop and reassess if during the course of construction, conditions change such that emissions would be projected to be above the significance threshold.

Response to Comment R.B-19

The commenter asserts that the air quality analysis should be revised to incorporate corrected construction emissions, as provided in their comment letter (Attachment 1 to the letter; designated as Comment R.B-30). The comment asserts that the emissions estimates included in Attachment 1 to the letter demonstrate that air quality emissions from the Proposed Project would be below the SLOCAPCD's ROG plus NO_x daily and quarterly Tier 2 thresholds, as well as the PM₁₀ quarterly threshold.

For the CPUC's detailed response to comments related to construction emissions estimates, please refer to Master Response 11. Additionally, refer to Responses to Comments R.B-17 and R.B-18.

Response to Comment R.B-20

The commenter asserts that Mitigation Measure AQ-1 should be revised to remove the requirement for preparation of a Construction Activity Management Plan (CAMP) since the commenter's projection of emissions would be below the SLOCAPCD's Tier 2 ROG and NO_x, as well as PM₁₀, thresholds.

For the CPUC's response to comments related to construction emissions, please refer to Master Response 11. Additionally, for the CPUC's response to comments related to the air quality mitigation measures, please refer to Master Response 13. Please also refer to Responses to Comments R.B-17 and R.B-18 above.

HWT and PG&E may prepare separate CAMPs, but will have to include contingencies if the combined emissions exceed the Tier 2 threshold performance standard in their individual CAMPs. It is suggested that the companies work with the CPUC to prepare standard emission tracking spreadsheets to ensure that it can be verified that projected and actual emissions do not exceed a combined Tier 2 threshold. The CPUC, as the lead agency, is responsible for ensuring that implementation of the mitigation measures occurs in accordance with the mitigation monitoring and enforcement program. (CEQA Guidelines, Section 15097(a).) Thus, as stated in Mitigation Measure AQ-1, the CPUC and not SLOCAPCD will have final authority over mitigation measure implementation and CAMP approvals, regardless of whether the SLOCAPCD has an official mechanism to review the CAMP(s).

As stated in Response to Comment R.B-17, the CPUC will not be revising the EIR's significance determination for Impact AQ-2 (cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard) due to the remaining uncertainty and potential further adjustments to construction emissions that may occur prior to the start of, and/or during Proposed Project construction. Mitigation Measure AQ-1 not only addresses the Proposed Project's criteria pollutant emissions with respect to Impact AQ-2, but also addresses the impacts under Impact AQ-3 (potential to expose sensitive receptors to substantial pollutant concentrations), which are also significant. Mitigation Measure AQ-1 defines several options for mitigating air emissions and defines minimum performance standards for the Proposed Project. Within these performance criteria, the Applicants and their contractors have some flexibility in how they achieve these reductions, which the Applicants and their contractors will define, as detailed in their CAMP(s).

The CAMP allows for the flexibility to select options, such as reduce the activity from helicopters, in order to demonstrate that they meet the performance standards of Mitigation Measure AQ-1. One of these performance standards is to ensure that emissions are below Tier 2 performance standards, as defined by SLOCAPCD, for ROG, NO_x, and diesel particulate matter (DPM) emissions. If at the time of project construction, the Applicants and their contractors can demonstrate that their emissions, projected and actual, are below these levels, there will be less mitigation required, as this performance standard will be met. This protects the environment and the project in cases where construction estimates may not be accurate or where project schedules or equipment change over time.

Response to Comment R.B-21

The commenter asserts that the EIR should be revised to incorporate results of the Applicants' HRA, which the commenter claims demonstrates that construction activities would not result in significant health impacts to offsite sensitive receptors.

For the CPUC's detailed response to comments related to HRAs, refer to Master Response 15. As described in the EIR, the CPUC chose not to conduct its own HRA as the qualitative analysis documented in the EIR supports a finding that human health impacts would be relatively limited due to the short construction duration and sparsely populated area surrounding the Project site. The CPUC acknowledges in the EIR that an HRA conducted by one commenter conservatively concluded that a few receptors located close to the Proposed Project construction areas, in particular the Estrella Substation area, may experience increased TACs which may lead to adverse health impacts that would be significant. It is noted that the Applicant-prepared HRA

(included as Attachment 2 to the comment letter and designated as Comment R.B-31) concludes that health impacts would be below the significance threshold. The CPUC believes that these two HRAs show a range of anticipated health impacts associated with the Proposed Project, indicating that health impacts may be lower or slightly higher than the significance thresholds. Thus, as concluded in the EIR, the CPUC has reasonably concluded that the project will likely result in a significant impact.

Response to Comment R.B-22

The comment notes that the EIR states that the HRA submitted by Adams Broadwell Joseph & Cardozo (Adams Broadwell) is inadequate and does not reflect the Applicants' currently proposed project schedule and air quality emission estimates. The commenter also alleges the Adams Broadwell HRA assumes 100 percent Tier 2 engines, which is more conservative than the unmitigated emissions and is not reasonable. The Adams Broadwell HRA assumes two scenarios. The first scenario assumes 100 percent Tier 2 engines which is unreasonable as this is not allowed under CARB's In-Use Off-Road Diesel-fueled Fleets Regulation and is substantially higher in emissions than estimated using CARB default emissions based on typical equipment age. The second scenario assumes Tier 4 engines which is similar to the mitigated scenario presented in the EIR and in line with the requirements of Mitigation Measure AQ-1 requiring Tier 4 engines unless a specific piece of equipment is not readily available as a Tier 4 engine. For the CPUC's detailed response to these comments, please refer to Master Response 15.

Response to Comment R.B-23

The comment asserts that the EIR should be revised to incorporate results of the Applicants' HRA, which the comment claims demonstrates that construction activities would not result in significant health impacts. The comment notes that the Applicants' HRA indicates that health impacts would be below significance thresholds for all Project components. The commenter suggests revising the significant impact conclusion to Impact AQ-3 to less than significant.

For the CPUC's detailed response to comments related to HRAs, please refer to Master Response 15. The results of the HRA prepared by the Applicants' consultant, included as Attachment 2 to the comment letter, have been reviewed and shared with decisionmakers. A revision to the significance conclusion of Impact AQ-3 is unwarranted.

Response to Comment R.B-24

The commenter asserts that the EIR's conclusion under Impact AQ-3 (potential to expose sensitive receptors to substantial pollutant concentrations) should be revised to conclude that impacts from Valley Fever would be less than significant with implementation of Mitigation Measure AQ-2. The commenter provides examples of previous CPUC projects' environmental analyses of Valley Fever.

For the CPUC's detailed response to comments related to Valley Fever, please refer to Master Response 14. The CPUC has not revised Impact AQ-3 (i.e., significant and unavoidable) in response to this comment, since, as stated in the EIR, sensitive receptors may be exposed to both TACs, such as DPM, resulting in adverse health impacts, as well as the potential for Valley Fever exposure by spores becoming disturbed and dispersing through the environment during Proposed Project construction. Valley Fever is an emerging issue and cases are currently on the

rise and anticipated to continue this trend. Since sensitive receptors could be exposed to both the TACs and Valley Fever, the conclusion in the EIR remains significant and unavoidable.

The causes of Valley Fever and its prevalence in various soil conditions and locations is an emerging issue and understanding of Valley Fever continues to change over time. What may be determined to be feasible and appropriate for mitigation measures in the future may change with evolving scientific knowledge of Valley Fever. Given the recent tracking of increased instances of Valley Fever in San Luis Obispo County and the greater concern with respect to Valley Fever in the local community and throughout the state, the CPUC has reasonably concluded that it is prudent to take this conservative approach. Since exposure of sensitive receptors to pollutants under Impact AQ-3 was not separated for TACs and Valley Fever spores, there would be little change, if any, to the overall conclusion of the impact.

Response to Comment R.B-25

The comment suggests revisions to Mitigation Measure AQ-2 to state that Applicants should consult with the California Department of Public Health (CDPH) and the San Luis Obispo Department of Public Health (SLODPH), rather than the requirement for these agencies to review the VFMP. The comment also suggests wording changes to define dust as “at risk for containing spores.”

For the CPUC’s detailed response to comments related to Valley Fever, please refer to Master Response 14. Also, refer to Response to Comment R.B-7. No changes are warranted to Mitigation Measure AQ-2 to clarify dust such as to specifically limit it to dust “at risk for containing spores,” as whether dust contains spores would be difficult to determine and may change over time. It is appropriate, without routine testing of the disturbed soil and generated dust, to assume that all dust could contain spores. However, the wording of Mitigation Measure AQ-2 (first bullet) in Section 4.3, “Air Quality,” page 4.3-27, in Volume 1 of the FEIR, has been revised to require consultation with the CDPH and SLODPH. The revised text is provided in Chapter 4, *Revisions to the DEIR*, and in Volume 1 of the FEIR, and is shown below.

- Prepare a VFMP. The Applicants shall prepare a VFMP and submit it to the CPUC for review and approval prior to the start of construction. Prior to submittal of the VFMP to the CPUC, the Applicants shall consult with the CDPH and SLODPH for review guidance on all feasible mitigation measures to include in the VFMP. Feasible mitigation measures identified during this consultation shall be incorporated by the Applicants in the VFMP submitted to the CPUC and to CDPH for final approval prior to the start of construction.

The revisions to Mitigation Measure AQ-2 have also been carried over to Appendix F, *Mitigation Monitoring and Reporting Program*, in Volume 2 of the FEIR. The commenter’s other suggested revisions have not been implemented.

Response to Comment R.B-26

This comment provides a clarification regarding HWT’s acquisition of the parcel that would be used for the Estrella Substation, indicating that HWT has purchased the 20-acre portion of the parcel. In response to this comment, the text on page 2-68 in Chapter 2, *Project Description*, in

Volume 1 of the FEIR, has been revised as indicated by the commenter. For the revised language, please refer to Chapter 4, *Revisions to the DEIR*, and Volume 1 of the FEIR.

Response to Comment R.B-27

This comment provides a clarification that the 230 kV portion of the Estrella Substation could be constructed on a slab or piers. In response to this comment, the text on page 2-71 in Chapter 2, *Project Description*, in Volume 1 of the FEIR, has been revised as indicated by the commenter. For the revised language, please refer to Chapter 4, *Revisions to the DEIR*, and Volume 1 of the FEIR.

Response to Comment R.B-28

This comment identifies a typographical error in the text of the revised Chapter 2, *Project Description*, whereby noise was incorrectly written as “nose.” In response to this comment, the text on page 2-85 has been revised as indicated by the commenter. For the revised language, please refer to Chapter 4, *Revisions to the DEIR*, and Volume 1 of the FEIR.

Response to Comment R.B-29

The comment requests that proposed modifications, as supported by attachments to the commenter’s letter, be incorporated in the FEIR. The comment is noted. Please refer to the responses to the preceding comments, as well as Responses to Comments R.B-30 and R.B-31.

Response to Comment R.B-30

The commenter has enclosed a revised construction emissions table as Attachment 1. This construction emissions table has been reviewed and will be shared with decisionmakers. For the CPUC’s detailed response to comments regarding construction emissions estimates, please refer to Master Response 11. Please also refer to Response to Comment R.B-17.

Response to Comment R.B-31

The commenter has enclosed an HRA. The HRA provided by the commenter has been reviewed and will be shared with decisionmakers. For the CPUC’s detailed response to the HRAs submitted during public review periods for the Proposed Project EIR, please refer to Master Response 15.

Letter R.C: Victor De la Cruz, Manatt, Phelps, & Phillips, LLP for Sun Communities, Inc. and Cava Robles RV Resort (January 12, 2022)

Letter R.C

manatt

Victor De la Cruz
Manatt, Phelps & Phillips, LLP
Direct Dial: (310) 312-4305
VDelaCruz@Manatt.com

January 12, 2022

Client-Matter: 65928-031

SENT VIA E-MAIL [estrellaproject@horizonh2o.com]

Mr. Trevor Pratt
CPUC Energy Division
Infrastructure Permitting and CEQA
300 Capital Mall, Suite 418
Sacramento, CA 95814

Mr. Tom Engels
Horizon Water and Environment
266 Grand Avenue, Suite 210
Oakland, CA 94610

Re: Comments on the Recirculated Draft Environmental Impact Report for the Estrella Substation and Paso Robles Area Reinforcement Project (State Clearinghouse No. 2018072071) (Application No. A.17-01-023)

Dear Mr. Pratt and Mr. Engels:

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 once again appreciate the opportunity to participate in the environmental review process for the Estrella Substation and Paso Robles Area Reinforcement Project (“Project”).

R.C-1

On behalf of Cava Robles, we first submitted a comment letter to the California Public Utilities Commission (“CPUC”) regarding the Project’s Draft Environmental Impact Report (“Draft EIR”) on February 22, 2021, and we continue to look forward to the CPUC’s detailed responses to the very serious concerns we raised in that letter. Unfortunately, we were disappointed to learn that the Recirculated Draft Environmental Impact Report (“RDEIR”) released on November 18, 2021, does not remedy any of the fatal defects we, and many others, previously raised. Together, the Draft EIR and the RDEIR still do 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 previously identified legal and substantive flaws remain, and the Project’s environmental review continues to be inadequate and unfit to be relied upon by the CPUC. As such, CEQA prohibits the CPUC from moving forward with any decision on this Project until the Project’s environmental review is completed in the manner required by CEQA, the State CEQA Guidelines (Cal. Code Regs., titl. 14, § 15000 et seq.), and governing case law.

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.

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R.C-1
cont.

As described in detail in our February 22, 2021, comment letter, Cava Robles is a secluded, world-class luxury resort that offers its visitors a bucolic setting, miles of pastoral and natural views, and a vast, uninterrupted sky. In great part because of this renowned natural setting, Cava Robles' guests come from around the state, the country and the world to enjoy Paso Robles and the central coast, and while doing so, inject millions of dollars into the local economy. Yet, the RDEIR makes clear that PG&E and Horizon West (together, "Applicants") could not possibly care less, and instead intend to double down on their refusal to choose a transmission alignment that significantly reduces the Project's impacts—on Cava Robles, area wineries and tasting rooms, long-established residential neighborhoods, and the gateway to the City of Paso Robles—while still meeting the Applicants' objectives.

R.C-2

Nothing in the RDEIR changes the fact that the CPUC has identified a feasible alternative alignment with considerably fewer environmental impacts than the Project as proposed. Alternative Combination #2 and, in particular, route PLR-1A, continue to avoid most of the Project's significant and unavoidable impacts, while still meeting each and every Project objective. In fact, as discussed in detail below, the RDEIR indicates an even greater difference in impacts between the proposed Project and PLR-1A than previously disclosed. As Cava Robles and others have already expressed, 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. There is no possible Statement of Overriding Considerations that would favor the Project as proposed over Alternative Combination #2, and neither the Draft EIR nor the RDEIR provide any evidence that legal, economic, social or any other conditions make it infeasible to adopt Alternative Combination #2.

R.C-3

Pursuant to Public Resources Code, Section 15204(a), Cava Robles provides the following detailed comments on the deficiencies and inadequacies of the RDEIR, which must be taken into consideration along with each comment submitted by Cava Robles in its February 22, 2021, comment letter. As provided below, these deficiencies require significant revisions to the Project's environmental review before the CPUC can make any decision on the merits of the Project, and before issuing to the Applicants any Permit to Construct. Similarly, no other agency may rely upon a deficient environmental analysis in issuing any other Project-related approval or permit until the errors and omissions in the Draft EIR and RDEIR have been addressed. (See State CEQA Guidelines, §§ 15090(a)(1), 15092(b); see also Pub. Resources Code, §§ 21168, 21168.5.) In other words, the other government agencies tasked with issuing permits and approvals for the Project, including the California Department of Fish and Wildlife, Caltrans, the State Water Resources Control Board, the San Luis Obispo Air Pollution Control District ("SLOAPCD"), the City of Paso Robles, and the County of San Luis Obispo, would similarly be violating CEQA, should they be required to rely on the Project's deficient environmental review.

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DETAILED COMMENTS ON THE RDEIR

R.C-4

I. THE RDEIR MODIFIES THE CONSTRUCTION SCHEDULE WITHOUT REVISING THE AIR EMISSIONS MODELING.

The RDEIR revises the Project's proposed construction schedule, with no analysis of whether these revisions increase daily or quarterly air pollutant emissions during the construction phase. (RDEIR, Table 2-10, p. 2-R.2-82 et seq.) The RDEIR waves away such an analysis with the generic and unsupported statement that "changes to the schedule and phasing included in the revised DEIR Chapter 2 would not substantially change the results of the original analysis of air pollutant emissions included in Section 4.3, 'Air Quality.'" (RDEIR, p. 1-15.) Further, the revisions to the air quality impacts analysis deletes the following sentence: "Modeling of construction emissions assumed the Proposed Project's current schedule." (RDEIR, p. 2-R.4.3-17.) In other words, the RDEIR *admits* that the air emissions modeling is no longer consistent with "the Proposed Project's current schedule" yet does nothing to address this discrepancy or provide Project decisionmakers, stakeholders, or the public at large with the substantial evidence necessary to show that emissions modeling based on an admittedly false construction schedule supports the Draft EIR and RDEIR's impacts conclusions. In fact, the RDEIR correctly admits that "changes to the timing of the individual project phases may increase or decrease the emissions depending on how construction phases overlap." (RDEIR, p. 2-R.4.3-17.) Yet, despite this acknowledgement, the RDEIR "changes... how construction phases overlap" and provides no analysis of how this could increase emissions and potentially result in new environmental impacts, or more significant impacts than were previously disclosed.

That the Draft EIR and RDEIR identify ROG and NOx emissions that already exceed the daily and quarterly significance thresholds does not excuse the RDEIR's failure to update its modeling to analyze the revised construction schedule and its newly overlapping construction activities. The RDEIR must still disclose the correct *magnitude* of significant emissions, based on the most accurate information available, which, now, is the updated construction schedule and phasing plan presented in Table 2-10 of the RDEIR. Without doing so, the CPUC cannot adequately balance the Project's impacts against its purported benefits or make a finding of overriding considerations that is based on substantial evidence.

R.C-5

II. RDEIR MITIGATION MEASURE AQ-1 DOES NOT ENSURE CONSTRUCTION EQUIPMENT WILL MEET TIER 4 FINAL STANDARDS; THUS THE RDEIR'S AIR EMISSIONS ANALYSIS IS BASED ON FALSE ASSUMPTIONS.

The RDEIR revises Mitigation Measure AQ-1, but the revisions fail to remedy the measure's myriad flaws, previously detailed in our February 22, 2021, comment letter. (RDEIR, p. 2-R.4.3-20.)

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R.C-5
cont.

First, throughout the RDEIR, Mitigation Measure AQ-1 is erroneously described as requiring Tier 4 final construction equipment and the RDEIR's revised air quality emissions analysis assumes the use of Tier 4 equipment. (See, e.g., RDEIR, Table 4.3-5b, p. 2-R.4.3-18; see also p. 2-5.4.3-17 ["The mitigated scenario shown in Table 4.3-5b below assumes that all diesel fueled construction equipment would meet Tier 4 final emission standards"].) But revised Mitigation Measure AQ-1 does *not* require Tier 4 equipment. In fact, if Tier 4 equipment is "unavailable," AQ-1 merely requires "documentation on why anything less than a Tier 4 final off-road engine is infeasible for the project such as unavailability of specialized equipment with a Tier 4 Final engine." (P. 2-R.4.3-21.) No alternative mitigation measure is provided in the event Tier 4 equipment is "unavailable" and no standards for what constitutes "unavailable" is incorporated into the measure. Does "unavailable" mean that under no circumstances can Tier 4 equipment be sourced anywhere in the state? Or just in the region? Does "unavailable" mean the Applicant has determined the cost to source Tier 4 equipment is too great or the timing of availability of Tier 4 equipment is too inconvenient? What "documentation" are the Applicants required to submit to show "unavailability"? To whom or what entity (if any) do the Applicants provide the "documentation" and what happens if that person or entity disagrees with the Applicants' finding of "infeasibility"? How likely is it that Tier 4 equipment will be "unavailable" (however that shall be defined)? Without these details, Mitigation Measure AQ-1 is nothing but a sham, and a way for the RDEIR to insincerely claim a significant reduction in air emissions without actually ensuring such a reduction will occur.

Mitigation Measure AQ-1's failure to actually require the Tier 4 construction equipment that the remainder of the analysis relies upon, is not excused by the Draft EIR and RDEIR's determination that mass emissions from construction exceed the significance threshold with or without Tier 4 construction equipment. Accurate disclosure of air emissions impacts is not a binary disclosure of significant versus insignificant emissions—magnitude matters. The Project's "unmitigated" ROG and NOx emissions of 275.46 lbs/day is more than twice the significance threshold of 137 lbs/day. (RDEIR, p. 2-R.4.3-17.) The "mitigated" ROG and NOx emissions, which assume that only Tier 4 construction equipment will be used, is still significant, but substantially lower. If Tier 4 equipment is not actually guaranteed, and if there is no control over its use, or standards established for when Tier 4 equipment will be replaced with inferior equipment, the RDEIR must clearly disclose that emissions *will be more than double* the significance threshold, and each and every aspect of the air quality analysis that assumes Tier 4 equipment must be revised.

R.C-6

III. THE RDEIR'S HEALTH RISK ANALYSIS CONCLUSIONS ARE FLAWED.

The RDEIR substantially revises the Draft EIR's prior analysis of the Project's potential to expose sensitive receptors to substantial pollutant concentrations, and now determines that the Project's construction emissions impacts on sensitive receptors will be significant and unavoidable. (RDEIR, p. 2-R.4.3-24.) The RDEIR similarly determines that impacts to

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	<p>sensitive receptors would be significant and unavoidable under the environmentally superior Alternative PLR-1A, although it notes that under this alternative, “health impacts to the nearest sensitive receptors would likely be lower compared to the Proposed Project.” (RDEIR, p. 2-R.4.3-32.)</p>
	<p>Despite the RDEIR’s disclosure of a new significant impact, the analysis of Impact AQ-3 is flawed and incomplete, and gives no indication to decisionmakers, stakeholders, or the public at large, of the actual duration and magnitude of construction-related health impacts to sensitive receptors located along the transmission line route, including the employees and guests of Cava Robles. Instead, the analysis is replete with generic statements that are not specifically applied to the proposed Project or the sensitive receptors that will be impacted by construction emissions.</p>
<p>R.C-6 cont.</p>	<p>For example, the RDEIR states that “construction impacts are most substantial adjacent to the construction area and decrease rapidly with distance” and “[c]oncentrations of mobile-source DPM emissions are typically reduced by 70 percent at a distance of approximately 500 feet.” (RDEIR, p. 2-R.4.3-24.) Yet, the RDEIR provides no discussion of how many sensitive receptors along the transmission route are located within 500 feet of the construction work. The RDEIR also states that “[i]n most locations of pole installation for the Proposed Project, a given sensitive receptor would only be potentially exposed to emissions for the short amount of time it takes to install about 3 poles” and “[a]fter 3 poles, the distance to the sensitive receptor would be greater than 1,000 feet.” (RDEIR, p. 2-R.4.3-24.) Yet, there is no discussion provided of how long it takes to install “about 3 poles.” Given that the RDEIR provides no measure of the number of sensitive receptors that will be within 500 feet, or 1,000 feet, of the transmission line construction, and no description of the length of time such receptors will be exposed to construction emissions, the RDEIR fails to provide any good faith disclosure of the types, magnitude, and duration of construction-related health impacts along the transmission route. The RDEIR’s discussion of impacts on sensitive receptors near the proposed Estrella Substation site is not an adequate proxy, given that the RDEIR downplays the potential impacts to these receptors based on “prominent wind directions” that may or may not apply to receptors along the transmission route. (RDEIR, p. 2-R.4.3-24 and -25.)</p>
<p>R.C-7</p>	<p>The RDEIR’s analysis then goes on to describe the conclusions of a Health Risk Assessment (“HRA”) prepared by California Unions for Reliable Energy (“CURE”) as part of CURE’s comments on the Draft EIR. (RDEIR, p. 2-R.4.3-27.) In a weak attempt to have its cake and eat it too, the RDEIR on the one hand describes the CURE HRA as “not adequate” and missing “key details.” (RDEIR, p. 2-R.4.3-27.) Nonetheless, instead of preparing its <i>own</i> HRA, the RDEIR adopts the findings of the CURE HRA without further analysis and then vaguely concludes that impacts to sensitive receptors “may lead to adverse health impacts” and therefore are significant. (RDEIR, p. 2-R.4.3-27.) While, ultimately, a finding that impacts will be significant is likely appropriate, the RDEIR cannot just blindly make such a determination (and</p>

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- R.C-7
cont. ↑ such a generic determination at that) in order to wipe its hands of the problem. Instead, if the CPUC believes there is a potentially significant health impact to sensitive receptors near the proposed substation and along the transmission line route, the CPUC must investigate those impacts, disclose their potential magnitude, and describe these health impacts with specificity.
- R.C-8 ↑ Finally, the RDEIR determines that health risk impacts will be significant, but then fails to identify mitigation measures that would reduce these adverse health impacts, or explain why such mitigation is not feasible. (RDEIR, p. 2-R.4.3-27.) Instead, the RDEIR cites to Mitigation Measure AQ-1 as providing “a substantial reduction in the DPM emissions that occur on the project site during construction” and then concludes, without explanation, that such a reduction is not enough to meaningfully reduce health risk impacts. (RDEIR, p. 2-R.4.3-28.) First, as discussed above, Mitigation Measure AQ-1 is flawed and does not actually ensure (and possibly doesn’t even make it more likely) that Tier 4 construction equipment will be used, and thus any determinations relating to health risk impacts cannot rely on such an assumption. Second, the RDEIR cites to Mitigation Measure AQ-1 as reducing DPM emissions, but makes no connection between AQ-1 and a reduction in TAC emissions, which the RDEIR also determines contribute to health impacts. If AQ-1 is not adequate to reduce health risks, then the RDEIR must explain why it is not, the magnitude of the health risk that remains, and then explore the possibility of other mitigation available to better protect human health.¹
- R.C-9 ↓ **IV. THE RDEIR’S ANALYSIS OF VALLEY FEVER IMPACTS IS INADEQUATE.**
- The RDEIR includes additional analysis relating to the health risks resulting from disturbance of Valley Fever spores during construction. (RDEIR, p. 2-R.4.3-28.) The RDEIR discloses a new significant and unavoidable impact on sensitive receptors, but fails to adequately differentiate between the magnitude of this impact under the Proposed Project as compared against Alternative PLR-1A.
- The RDEIR states that “[s]ince Valley Fever is endemic to the area, nearby sensitive receptors may already have developed immunity.” (RDEIR, p. 2-R.4.3-28.) However, because Cava Robles serves visitors from across the state, country and around the world, this statement has no relevance to it or other visitor-serving uses along the proposed Project route. The RDEIR’s statement that the “same potential risks of exposure to Valley Fever spores would exist [along PLR-1A] compared to the Proposed Project” is incorrect. (RDEIR, p. 2-R.4.3-33.) A route, such as Alternative PLR-1A that avoids visitor-serving uses, such as resorts, campgrounds, wineries and tasting rooms, reduces potential health impacts by reducing the release of fugitive dust and spores on sensitive receptors that have no prior exposure to Valley Fever. Further, it is

¹ The health risks identified in the CURE HRA are not inconsequential. They purport to show that, even with Tier 4 construction equipment, *which as discussed above is in no way guaranteed*, the cancer risk caused by this Project would be up to 25 in one million, which is more than double acceptable levels. This risk would of course be significantly higher if Tier 4 equipment were not used.

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cont. ↑ nonsensical for the RDEIR to conclude that health impacts associated with DPM emissions under PLR-1A would be less than the proposed Project because “this location has fewer sensitive receptors, and many sensitive receptors are located further from the construction site” and yet determine that impacts associated with Valley Fever would be the same under both scenarios. (RDEIR, p. 2-R.4.3-33.)
- R.C-10 V. **THE RDEIR’S RECIRCULATED ANALYSES FAIL TO ACCOUNT FOR SEVERAL FLAWS RAISED BY COMMENTERS ON THE DRAFT EIR.**
↓ Despite spending nearly a year on preparing and recirculating chapters of the Project’s EIR, the recirculated chapters fail to address countless flaws identified in the comment letters submitted to the CPUC on the Draft EIR.
- R.C-11 First, the recirculated Project Description still fails to accurately describe all relevant
↓ components of the Project, including key details relating to power line pole height, location, and
R.C-12 aesthetic treatments. It also continues to omit any meaningful detail on how the transmission
↓ line route will be restored after completion of construction, or what the impacts, including air
R.C-13 emissions impacts and Valley Fever-related impacts, would be of such restoration. Further, as
↓ described in detail in our February 22, 2021, comment letter, the Project Description cites to
unsupported and flawed population growth projections to justify the Project’s existence, when in
reality, the Project is designed to accommodate growth far beyond what would reasonably be
expected to occur without the Project.
- R.C-14 Next, despite recirculating the Agriculture and Forestry Resources analysis of the Draft
↓ EIR, and despite finding that even greater agricultural impacts will occur than were previously
disclosed, the RDEIR still fails to adequately mitigate these significant impacts. The RDEIR
makes no revisions to Mitigation Measure AG-1, which is grossly inadequate and fails to meet
CEQA’s requirement for concrete, enforceable mitigation. Mitigation Measure AG-1 still
includes no timing requirement for when the Applicants must “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” and therefore it is impossible to
know if the payment made by the Applicants will actually be used to conserve other agricultural
land in the County before the Project’s impacts occur. The analysis also continues to ignore
impacts associated with conversion of agricultural land as a result of growth.
- *****
- R.C-15 While Cava Robles is disappointed that the vast majority of our previous comments, and
↓ the comments of many others affected by this Project, went unaddressed in the RDEIR, we
continue to appreciate the opportunity to review and comment upon the proposed Project,
participate in the CPUC’s formal proceeding on the matter, and participate in the approval

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R.C.-15
cont.



process for any and all permits required by the Project. We continue to appreciate CPUC's careful consideration of these issues, and all the comments in our prior comment letter that were not incorporated into, or remedied by, the RDEIR. Again, should you have any questions concerning the contents of this letter, our prior 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 at your earliest convenience.

Very truly yours,

Victor De la Cruz
Manatt, Phelps & Phillips, LLP

VSD

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

Response to Comment R.C-1

This comment introduces the commenter's background, indicating that the firm represents Sun Communities, Inc. and the Cava Robles RV Resort. The comment describes the commenter's past submittal on the DEIR (indicated in this FEIR as Comment Letter I), and claims that the Recirculated DEIR did not remedy the issues that the commenter had previously raised. The comment summarizes the Cava Robles RV Resort's setting and contributions to the local economy.

The CPUC notes the commenter's background and interests. The CPUC disagrees with the contention that the EIR is legally deficient. The substantive points raised by the commenter later in the letter are responded to in the following responses to comments.

Response to Comment R.C-2

This comment contends that Alternative Combination #2 (which includes the Estrella Substation, Alternative PLR-1A [Estrella Route to Estrella Substation], as well as Alternatives BS-2 [Battery Storage to Address the Distribution Objective] and BS-3 [Behind-the-Meter Solar and Battery Storage]) is superior to the Proposed Project from an environmental perspective. The comment alludes to the commenter's belief (explained later in the comment letter) that the information in the Recirculated DEIR indicates a greater difference in impacts between the Proposed Project and Alternative PLR-1A than previously disclosed.

The commenter's preference for Alternative Combination #2, including Alternative PLR-1A, is noted. The commenter's specific points on this topic are addressed in later responses to comments, where those specific points appear. The ranking of alternative combinations in Chapter 5, *Alternatives Analysis Summary and Comparison of Alternatives*, with respect to environmental superiority has not been revised in the FEIR. Thus, the EIR's conclusion remains that (FEIR, Volume 1, page 5-13):

"Given the numerous tradeoffs involved with each alternative combination, the selection of a single, Environmentally Superior Alternative was not clear-cut. Depending on how the trade-offs are weighted, several of the alternatives could be considered the Environmentally Superior Alternative. Taking all factors into account, Alternative Combination #2 offers the most advantages and least drawbacks among the Proposed Project and other alternatives."

Response to Comment R.C-3

This comment asserts that the EIR remains deficient, based on the comments in this letter and the commenter's comments on the DEIR (refer to Comment Letter I); thus, the commenter argues, the CPUC may not rely on the EIR until the alleged deficiencies are corrected. Additionally, the commenter argues that responsible agencies may not rely on the EIR in issuing permits or approvals for the Proposed Project. This comment is noted and will be shared with the CPUC's decisionmakers. The CPUC disagrees with the commenter's characterization of the EIR, which has been adequately prepared consistent with CEQA.

Response to Comment R.C-4

The commenter asserts that the Recirculated DEIR modified the construction schedule without revising the air emissions modeling. The commenter argues that the EIR should disclose the

correct magnitude of significant emissions based on the most accurate information available, which would include the updated construction schedule. The commenter also faults the Recirculated DEIR for not providing analysis of how changes to construction phasing could increase emissions and potentially result in new environmental impacts, or more significant impacts than previously disclosed.

Page 1-14 of the Recirculated DEIR explains that although the construction schedule changed, “no changes were made to the air pollutant emissions modeling assumptions or results compared to the original DEIR. The CPUC maintains that the schedule and equipment assumptions used in the air quality analysis are reasonable estimates for the project given the information provided and considering that some uncertainty still exists regarding the construction schedule (additional changes are possible in the future given that final design and engineering has not yet been completed).” Mitigation Measure AQ-1 requires that emissions are below the SLOCAPCD thresholds of significance verified with detailed emission calculations at the time of construction and requires implementation of mitigation measures to reduce emissions below these thresholds or provide offsets for emissions. Thus, there is a maximum amount of emissions as measured by the performance standard of Mitigation Measure AQ-1 that will occur. For additional information regarding these comments, please refer to Response to Comment R.A-12.

Response to Comment R.C-5

The commenter asserts that Mitigation Measure AQ-1 (which was revised as part of the Recirculated DEIR) does not adequately ensure that construction equipment will meet Tier 4 final standards. Thus, the commenter argues, the air emissions analysis is based on false assumptions.

For the CPUC’s response to these comments, please refer to Master Response 11 (Construction Emissions) and 13 (Air Quality Mitigation Measures). Most common construction equipment is available in Tier 4 final engine requirements, however, there are some rare and less common equipment that are not readily available as Tier 4 engines. Therefore, the commenter is accurate that Mitigation Measure AQ-1 does allow for non-Tier 4 equipment to be used in the event a certain type of necessary equipment is not available as Tier 4. In such a scenario, Mitigation Measure AQ-1 requires the Applicants to provide “documentation on why anything less than a Tier 4 final off-road engine is infeasible for the project such as unavailability of specialized equipment with a Tier 4 Final engine.” Mitigation Measures AQ-1 is a comprehensive mitigation measure that reflects all feasible mitigation measures based on the California Code of Regulations Section 15364 definition of feasibility. “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors. Furthermore, the CPUC, in its role as the CEQA lead agency, is responsible for ensuring that the requirements of Mitigation Measure AQ-1 are met. The Mitigation Monitoring and Reporting Plan (MMRP) (refer to Appendix F in Volume 2 of this FEIR) describes how the CPUC will ensure that these measures are enforced by such means as audits of construction equipment.

Response to Comment R.C-6

The commenter argues that the EIR’s health risk analysis under Impact AQ-3 (as revised in the Recirculated DEIR) and its conclusions are flawed. The comment also asserts that the

Recirculated EIR disclosed a new significant impact related to Project's construction emissions impacts on sensitive receptors.

For the CPUC's detailed response to these comments, please refer to Master Responses 15 (Health Risk Assessment), 11 (Construction Emissions), and 13 (Air Quality Mitigation Measures).

Response to Comment R.C-7

The commenter asserts that the EIR adopts the conclusions of a health risk assessment (HRA) prepared by another commenter (i.e., Adams Broadwell Joseph and Cardozo [Adams Broadwell], on behalf of California Unions for Reliable Energy [CURE]) without further analysis and instead of preparing its own HRA.

For the CPUC's detailed response to these comments, please refer to Master Response 15.

Response to Comment R.C-8

The commenter asserts that the EIR determines that health risk impacts are significant, but fails to identify mitigation measures to reduce the adverse health impacts. The commenter argues that references in the EIR to Mitigation Measure AQ-1 are not enough to reduce health risk impacts. The commenter argues that while the EIR analyzes how Mitigation Measure AQ-1 would reduce diesel particulate matter (DPM) emissions, the EIR does not make a connection between implementation of Mitigation Measure AQ-1 and reduction of toxic air contaminant (TAC) emissions.

Please refer to Master Responses 15 and 13. The EIR notes that an analysis provided by a commenter indicates that health effects from the Proposed Project could exceed threshold levels even if all equipment used Tier 4 engines. Please refer to Master Response 15 for further discussion on this commenter provided report. There are no other feasible mitigation measures for reducing emissions from engines that are already at the Tier 4 level, as these already incorporate diesel particulate filters. Using alternative fueled equipment is not always feasible as this equipment may not exist. Tier 4 engines are required under Mitigation Measure AQ-1 unless there is no Tier 4 equipment available. This can happen for specialized equipment where no manufacturers have made Tier 4 engines yet. Alternatively, the Applicants can demonstrate that the Proposed Project's emissions are below the performance thresholds (including for DPM) indicated in Mitigation Measure AQ-1.

DPM is the primary TAC of concern from construction equipment. DPM is a mixture of several individual TACs that Office of Environmental Health Hazard Assessment (OEHHA) has established as having a unique toxicity factor. Thus, by discussing reductions of DPM emissions, the primary contributor to health effects outside of the criteria pollutants has been addressed.

Response to Comment R.C-9

The commenter asserts that the Recirculated DEIR's analysis of Valley Fever impacts discloses a new significant and unavoidable impact under the Project as compared to Alternative PLR-1A. The commenter also argues that the EIR fails to differentiate the magnitude of Valley Fever impacts under the Proposed Project as compared to Alternative PLR-1A. The comment argues that the EIR's reasoning that many individuals in the area of the Proposed Project may already have developed immunity to Valley Fever does not apply to Cava Robles RV Park, since it serves

visitors from outside the area. Based on the same logic, the comment argues that Alternative PLR-1A, since the route avoids visitor-serving uses (e.g., resorts, campgrounds, wineries, and tasting rooms), would have reduced impacts with respect to Valley Fever compared to the Proposed Project.

For the CPUC's response to comments related to Valley Fever and HRAs, please refer to Master Responses 14 and 15. In discussing the impacts of the Proposed Project under Impact AQ-3 (potential to expose sensitive receptors to substantial pollutant concentrations), there are two types of health impacts primarily considered in this situation. The first is based on HRAs, which evaluate cancer risk, chronic non-cancer health effects, and acute health effects from TACs released during construction. Cancer risk calculations are based on, amongst other factors, duration and amount of emissions averaged over an individual's lifetime.

The second type of impact is from the disturbance of soil that may contain *Coccidioides immitis* fungi spores. Disturbance of such soil can aid in the dispersal of these spores through the ambient air. The spores may then be inhaled by sensitive receptors and may cause Valley Fever after only a single exposure. Unlike a traditional HRA for TACs with a dose-response curve for determining impacts, the CPUC is not aware of any dose-response curve that has been established in California that would indicate the increased chance of contracting Valley Fever. The best guidance is to mitigate the dispersal of spores and disturbance of soil that may contain spores to the extent feasible.

Even with the mitigation measures being implemented under Mitigation Measure AQ-2, there remains the chance that nearby residents may contract Valley Fever. Therefore, it was concluded independently from the consideration of TACs and other criteria pollutants that effects related to Valley Fever from the Proposed Project could result in a significant and unavoidable impact. Based on these two independent determinations for Impact AQ-3, it can be stated that the traditional health impacts, and more specifically a cancer burden (or number of receptors above a threshold), would be lower under Alternative PLR-1A as compared to the Proposed Project, but that the exposure to Valley Fever would remain the same.

Response to Comment R.C-10

This comment introduces the remainder of the comment letter, asserting that the analyses within the Recirculated DEIR fail to account for the alleged flaws raised by the commenter previously during the DEIR review period (refer to Comment Letter I). The CPUC has responded to specific points raised by the commenter in the subsequent responses to comments.

Response to Comment R.C-11

This comment argues that the revised Project Description (included as part of the Recirculated DEIR) still fails to accurately describe all relevant components of the Proposed Project, including details relating to power line pole height, location, and aesthetic treatments. This comment is incorrect; the full scope of the Project is adequately described within the description as required by CEQA. Please refer to Responses to Comments I-40 to I-41 and I-43 for more information.

Response to Comment R.C-12

The commenter asserts that the EIR continues to omit information on how the transmission line route would be restored after completion of construction, as well as analysis of the air emission impacts and Valley Fever-related impacts of such restoration.

Please refer to Response to Comment I-44. Please also refer to Master Response 11 (Construction Emissions), 15 (Health Risk Assessment), and 14 (Valley Fever).

Response to Comment R.C-13

This comment argues that the Project Description continues to cite to population growth projections that the commenter believes are flawed. The comment argues that the Proposed Project is designed to accommodate growth beyond what would be reasonably expected to occur without the Proposed Project. For the CPUC's response to these comments, please refer to Responses to Comments I-32 to I-39 and I-42.

Response to Comment R.C-14

This comment asserts that, despite the revision and recirculation of the Agricultural Resources section as part of the Recirculated DEIR, the CPUC continues to fail to adequately mitigate the Proposed Project's significant impacts to agriculture resources. Specifically, the comment argues that Mitigation Measure AG-1 should include a timing requirement for when the Applicants must contribute sufficient funds, and that the analysis continues to ignore impacts associated with conversion of agricultural land as a result of growth.

In response to this and several other comments (e.g., Comments H-16, J-122 and D-60), Mitigation Measure AG-1 has been revised. The revised text is provided in Response to Comment H-16 and in Volume 1 of the FEIR, on page 4.2-14, and in the Mitigation Monitoring Reporting Plan (Appendix F in Volume 2 of the FEIR). The revised text is also provided in Chapter 4, *Revisions to the DEIR*, within this Volume 3 document. With the revisions, the mitigation measure requires that the chosen compensation action be taken before construction of the Proposed Project; therefore, compensation will be addressed before any agricultural land is lost.


As for the commenters concerns regarding the impacts associated with conversion of agricultural land as a result of growth, the DEIR found that the Proposed Project would not induce substantial unplanned growth. 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. Therefore, any future project that does cause growth that would cause the loss of agricultural lands would need to be analyzed under CEQA.

Response to Comment R.C-15

The comment concludes the letter and invites inquiries into its substance. Thank you for your comments.

Letter R.D: Outward Development, LLC (January 12, 2022)

Letter R.D



Outward Development

John Patrick
 Outward Development LLC
 839 Marsh St, Unit 1648
 San Luis Obispo, CA 93401
 jp@outwarddevelopment.com

Sent via email (estrellaproject@horizonh2o.com)

Trevor Pratt, Project Manager
 California Public Utilities Commission
 505 Van Ness Avenue
 San Francisco, CA 94102

Tom Engels
 Horizon Water and Environment, LLC
 266 Grand Avenue, Suite 210
 Oakland, CA 94610

Re: Comments on the Recirculated Draft Environmental Impact Report for the Estrella Substation and Paso Robles Area Reinforcement Project

Dear Mr. Pratt and Mr. Engels,

R.D-1

↓

I am writing on behalf of Outward Development LLC (“Outward Development”), a San Luis Obispo-based company of which I am a co-founder and CEO. Since July of 2021, our company has been under contract to purchase a parcel of land in Paso Robles, upon which we have been planning the development of a luxury cabin hotel that pays tribute to the scenic natural beauty of Paso Robles.

In November of 2021, after months of diligence and several hundred thousand dollars of sunk cost spent on planning, we were made aware of the [Draft Environmental Impact Report](#) (“Draft EIR”) prepared for the Estrella Substation and Paso Robles Area Reinforcement Project (“Project”) by Paso Robles City Staff. While we understand the goals of the project, we find several details of the 70 kV transmission line will needlessly have a severe impact upon our land, our project, and the community of Paso Robles. After a brief overview of our project, I will describe these impacts and the simple mitigation measures that can be taken to address them.

R.D-2

↓

Cabin hotel project description

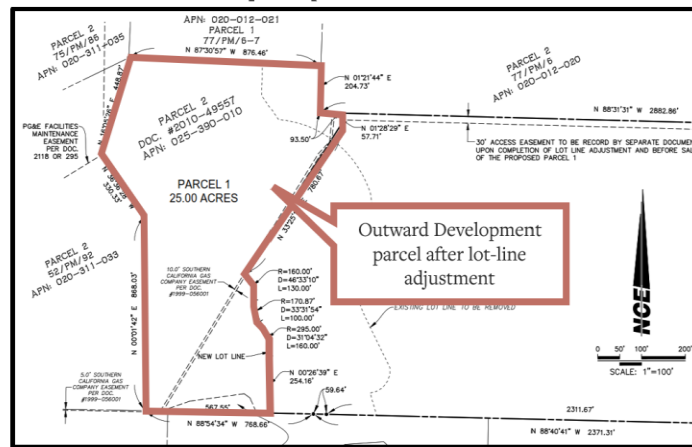
For nearly a year, we have been planning a luxury cabin hotel that blends indoor / outdoor living and invites young, affluent, urban guests to enjoy the rejuvenating outdoors while surrounded by the scenic beauty of Paso Robles. The hotel will exclusively consist of private cabins that will draw guests seeking an authentic outdoors escape without compromise. Our currently planned program includes a variety of studio, 1-bedroom, and 2-bedroom high-end cabins (many with full kitchens and living space). It also

R.D-2
cont.

includes a beautiful central lodge inspired by impressive local wineries, an infinity-edge pool overlooking vineyards, an indoor/outdoor gym, walking trails, an event/wedding lawn, and space for small corporate or executive retreats.

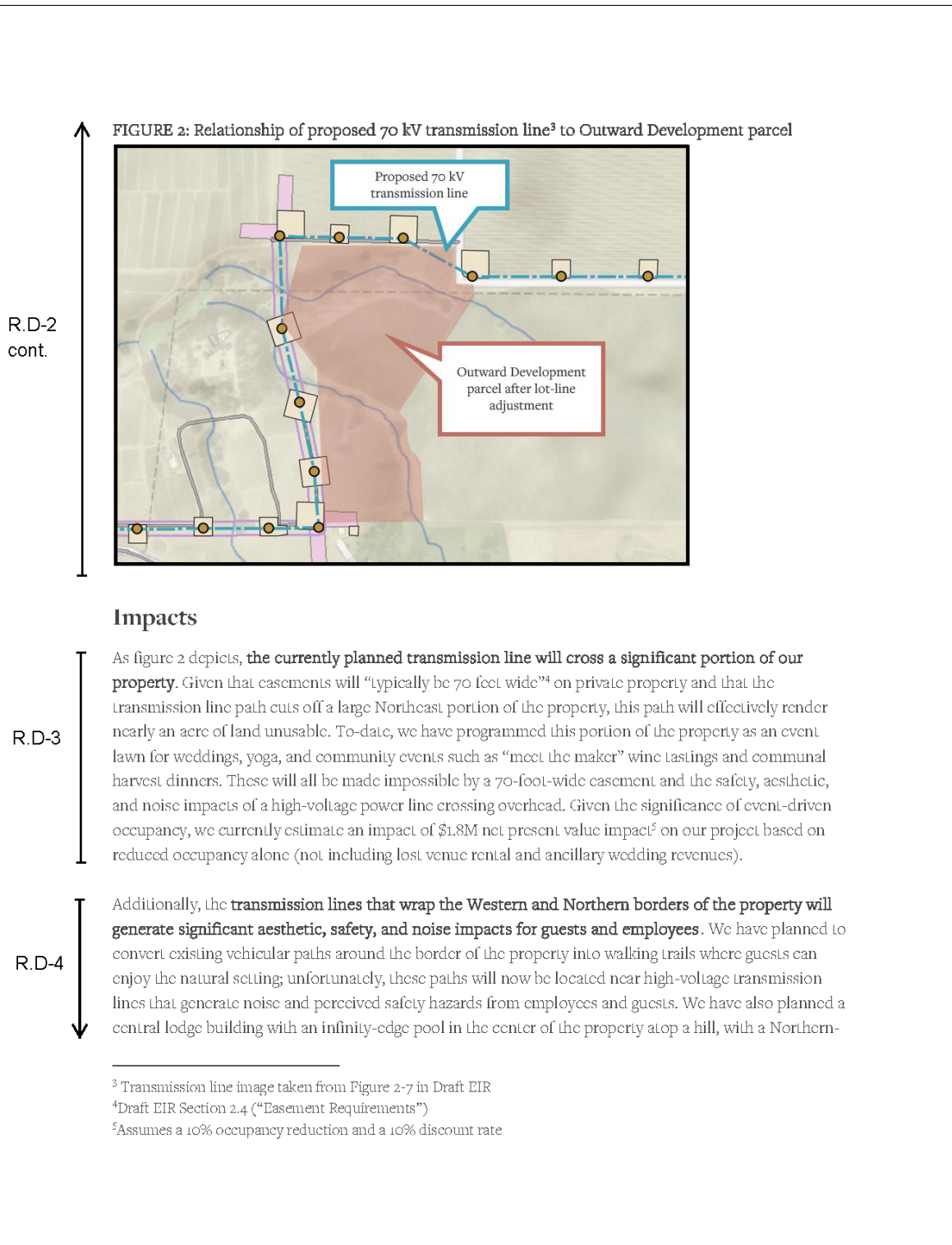
In July of 2021, we entered a Purchase and Sale Agreement (“PSA”) for a parcel of land with an APN of 025-390-010, which is currently planted as a vineyard. A condition of this purchase is a lot-line adjustment that would result in the existing 35-acre parcel being redrawn as a 25-acre parcel¹. These new boundaries are shown in Figure 1 below. Figure 2 highlights the relationship of this parcel to these transmission lines².

FIGURE 1: Outward Development parcel



¹ This lot-line adjustment has been approved and certificates of compliance have been issued by the city of Paso Robles

² Transmission line plans sourced from Draft EIR Figure 2-7 (“Estrella Substation and 70 kV Power Line Components - Detailed View Sheet 5 of 8”)

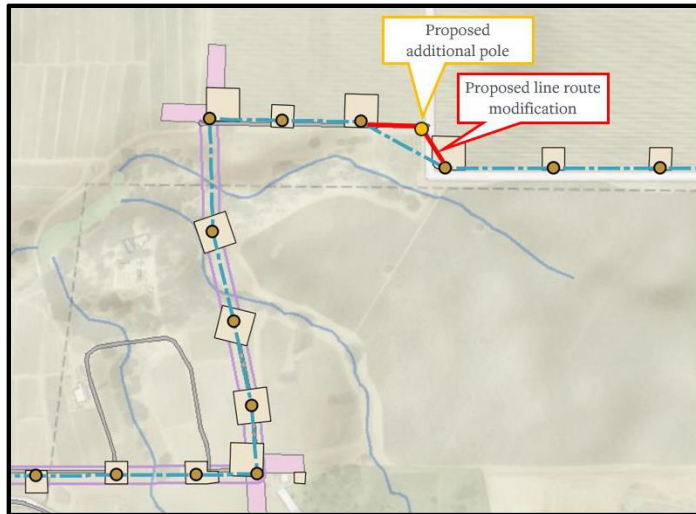


R.D-4 cont.	↑ facing view of the surrounding county vineyards. These natural views will now be marred by transmission lines cutting across the sky on the Northern portion of the property. Finally, we have been considering locating camping sites along the Northwestern portion of the property. Again, these plans will be made infeasible due to the aesthetic, noise, and safety concerns from guests.
R.D-5	<p>These impacts, especially the transmission line that needlessly cuts through a broad portion of our property, put the overall feasibility of our project at risk. Abandoning the project will have a major impact on the Paso Robles community at large. Most directly, it will mean the sacrifice of millions of dollars of transient occupancy tax that our project will generate for the city. It will also cause the loss of affluent tourists our project will attract, and thereby impact the restaurants, shops, and wineries that are part of the Paso Robles community. Finally, it will mean the loss of significant income for the community members involved in the planning, construction, and operation of the project.</p> <p>Outward Development was started this year by three entrepreneurial co-founders who believe deeply in the vision of inspiring guests with the natural beauty of Paso Robles. We have left jobs and put significant unrecoverable personal capital representing many years of savings to prepare for this project. All of this stands to come to ruin if the project proceeds as planned. Fortunately, there are several options that could be exercised to avoid these impacts entirely.</p>
R.D-6	<p>Mitigation options</p> <p><u>Option 1 (complete mitigation)</u></p> <p>The first strategy is to choose an alternative per the Draft EIR's Alternatives Analysis. The EIR finds that Alternative Combination #2 meets all project requirements and is economically, legally, and technically feasible. This alternative would significantly reduce the environmental impact of this project and upon the entire City of Paso Robles. Comments previously submitted by various parties, including the City of Paso Robles and Cava Robles RV Resort cover the basis of our support for this option.</p>
R.D-7	<p><u>Option 2 (significant mitigation)</u></p> <p>The second strategy is to underground all transmission lines that border our property. While some surrounding transmission lines will still be visible and aesthetically disturbing, the undergrounding of bordering lines will mitigate perceived safety issues, avoid condemning the Northeast corner of the property, and generally reduce noise and aesthetic issues to a tolerable level.</p>
R.D-8	<p><u>Option 3 (somewhat significant mitigation)</u></p> <p>The third strategy would be to underground the transmission line along the northern border of the property. While less desirable than undergrounding <i>all</i> surrounding lines, this would mitigate the most severe aesthetic impacts and allow for us to plan the wedding/event lawn as originally envisioned. This would avoid the most direct impact upon occupancy, although the Eastern transmission line impacts will continue to impact our rates and cause some financial impacts to our project.</p>

R.D-9

Option 4 (partial mitigation)

The fourth strategy would be to add an additional pole such that a transmission line does not needlessly cross a major portion of the property. An example is depicted in Figure 3 below. Under no circumstances will we support the sale of an easement through the middle of our property when such a simple and low-cost change could avoid millions of dollars of damages to our project, the city, and the community. If we are pressed to sell such an easement, we will expect to be compensated for the full present value of the damage this transmission line will cause our project.

FIGURE 3: Additional power pole and line route modification

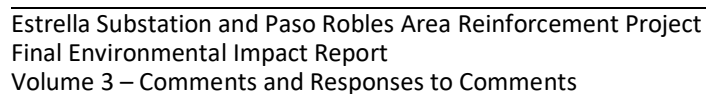
R.D-10

Outward Development appreciates the opportunity to review and comment upon the proposed Project. We hope that the impacts we have described can be mitigated via one of our proposed options without escalation beyond an administrative process. Should any questions arise regarding the contents of this letter or wish to further discuss the impacts and mitigations we have described, please do not hesitate to contact me.

Best,

John Patrick
Co-founder and CEO
Outward Development LLC

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Response to Comment R.D-1

This comment provides an introduction to the comment letter and describes the commenter's background and interests, indicating that the commenter is writing on behalf of Outward Development, LLC. This company is planning a luxury cabin hotel in the Paso Robles area, which the commenter believes will be adversely affected by the Proposed Project's 70 kV transmission line. The commenter's general concern over the Proposed Project is noted and specific comments regarding the adequacy of the EIR are responded to below.

Response to Comment R.D-2

This comment provides an overview of the planned luxury cabin hotel, including planned activities, design, and location. This comment also provides graphics to show the site plan and the proximity of the Proposed Project's 70 kV transmission line to the proposed development. This comment is noted and will be shared with the CPUC's decisionmakers.

Response to Comment R.D-3

This comment states that the proposed 70 kV transmission line will cross a substantial portion of the cabin hotel project site. The comment also alleges that with the easements associated with the Proposed Project's transmission line, placement of this line would render nearly an acre of land unusable. The commenter indicates that this portion of the property is currently designated as an event lawn for various types of events. The comment alleges future use of this area would be "made impossible" by the easement and general safety, aesthetic, and noise impacts of the transmission line. The comment does not raise concerns regarding these resource area impacts such that a specific response can be provided.

The comment claims that the proposed alignment would result in a \$1.8 million impact on the cabin hotel project because of reduced occupancy. With respect to the economic impacts that the commenter believes would occur due to the Proposed Project, the CEQA Guidelines make clear that "economic or social effects of a project shall not be treated as significant effects on the environment" (Section 15131[a]). Rather, the focus of the analysis in an EIR is meant to be on the physical changes caused by a proposed project resulting in impacts on the environment. Property value losses 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 CEQA Guidelines. Please refer to Master Response 7 for more discussion of economic impacts. As such, this portion of the comment raises issues that are outside the scope of CEQA.

Response to Comment R.D-4

This comment alleges that the Proposed Project's 70 kV transmission lines along the western and northern borders of the Outward Development property will have significant aesthetic, safety, and noise impacts for guests and employees of the cabin hotel. The comment describes various project features that will be specifically impacted, such as walking paths, camping sites, and an infinity pool.

With respect to the commenter's concerns regarding aesthetic impacts, please refer to Section 4.1, "Aesthetics," within Volume 1 of this FEIR. This section includes a detailed evaluation of the potential aesthetics impacts of the new 70 kV power line segment. In particular, Figure 4.1-8 shows a rendering of the new 70 kV power line in the general vicinity of

the Outward Development parcel. However, as described in Section 4.1, and in accordance with the CEQA Guidelines, the focus of the analysis is on impacts to public views (refer to FEIR, Volume 1, pages 4.1-37 to 4.1-38). Thus, specific aesthetics impacts on private developments would be outside the scope of a CEQA analysis. With respect to safety impacts, it is presumed that the commenter is referring to potential health-related impacts from electric and magnetic fields (EMF). These potential impacts are discussed in Section 2.9 within Chapter 2, *Project Description*, in Volume 1 of the FEIR. Please also refer to Master Response 2 for the CPUC's detailed response to comments submitted on the DEIR and Recirculated DEIR related to EMF.

Finally, regarding the noise impacts referenced in the comment, please refer to Section 4.13, "Noise and Vibration," in Volume 1 of the FEIR. As described therein, 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 (FEIR, Volume 1, page 4.13-3), such as proposed by the Project.

Response to Comment R.D-5

This comment asserts that the Proposed Project 70 kV transmission line (which would cut through a portion of the Outward Development property) puts the feasibility of the cabin hotel project at risk. The comment argues that abandoning this cabin hotel project will have major impacts on the Paso Robles community, including lost transient occupancy tax revenue that would be generated for the City of Paso Robles, loss of future business from tourists for the nearby businesses, a loss of income to residents that would be employed during the construction and operation of the project, and the personal loss for Outward Development founders who have invested into this project.

This comment is noted and will be shared with the CPUC's decisionmakers. Please refer to Response to Comment R.D-3 and Master Response 7 for comprehensive discussion of the treatment and analysis of economic impacts under CEQA.

Response to Comment R.D-6

This comment begins the commenter's discussion of four approaches that the commenter believes could be implemented to reduce the impacts of the Proposed Project on the Outward Development property and planned development. The first option, described by the commenter as offering "complete mitigation," is to choose Alternative Combination #2 (including the Estrella Substation, Alternative PLR-1A [Estrella Route to Estrella Substation], as well as Alternatives BS-2 [Battery Storage to Address the Distribution Objective] and BS-3 [Behind-the-Meter Solar and Battery Storage]). The comment argues that Alternative Combination #2 would significantly reduce the environmental impact on Outward Development and the entire City of Paso Robles.

As discussed in Chapter 5, *Alternatives Analysis Summary and Comparison of Alternatives*, in Volume 1 of the FEIR, Alternative Combination #2 was identified as the Environmentally Superior Alternative, although the determination was not clear-cut. Specifically, page 5-13 in Volume 1 of the FEIR states: "Taking all factors into account, Alternative Combination #2 offers the most advantages and least drawbacks among the Proposed Project and other alternative combinations." The alternatives comprising Alternative Combination #2 were found to be potentially feasible for the EIR; however, the final determination of feasibility would be made at the time that the CPUC makes findings pursuant to CEQA Guidelines Section 15091. The findings

would be made at the time that the CPUC decides whether or how to approve or carry out the Proposed Project, including the possible selection of an alternative combination. As such, its identification as the Environmentally Superior Alternative in the EIR does not mean that Alternative Combination #2 will ultimately be chosen for implementation by the CPUC. The commenter's preference for Alternative Combination #2 is noted and will be shared with the CPUC's decisionmakers.

Response to Comment R.D-7

This comment provides a second approach, described as offering "significant mitigation," that would allegedly avoid the alleged impacts raised by the commenter in Comments R.D-3 through R.D-5. This option suggests undergrounding all transmission lines that border the cabin hotel property line. The commenter contends that this approach would mitigate perceived safety issues, avoid impacts on the northeast corner of the property, and reduce noise and aesthetic issues.

At this time, undergrounding in the area of the Outward Development property is not under consideration. An undergrounding segment is evaluated in the EIR as Alternative PLR-3 (Strategic Undergrounding), but this segment would not extend through or include the area of concern to the commenter. As discussed in Response to Comment R.D-4, CEQA is primarily concerned with a project's effects on public views and not private residential views. Please refer to Master Response 3 for more discussion on this topic.

Response to Comment R.D-8

This comment provides a third approach identified as "somewhat significant mitigation", that the commenter believes would avoid some of the alleged impacts discussed in Comments R.D-3 through R.D-5. This option suggests undergrounding the proposed 70 kV transmission line only along the northern border of the property. The commenter claims that this approach would avoid the most direct impact upon the cabin hotel project.

Please refer to Response to Comment R.D-7. As described in that comment response, an undergrounding option in the area of concern to the commenter is not under consideration.

Response to Comment R.D-9

This comment provides a fourth approach identified as "partial mitigation" to reduce the alleged impacts of the Proposed Project's new 70 kV transmission line segment to the commenter's property, which is to add an additional pole as indicated in the commenter's Figure 3 such that the transmission line would not cross a portion of the Outward Development property. This option appears reasonable but would need to be evaluated by PG&E.

While this approach appears reasonable, economic considerations are outside the scope of CEQA and economic impacts that do not result in physical impacts on the environment need not be mitigated. For more discussion regarding economic impacts under CEQA, please refer to Response to Comment R.D-3 and Master Response 3.

As indicated in Chapter 2, *Project Description*, page 2-82, in Volume 1 of the FEIR, the final tower/pole locations would be determined when engineering is complete and, where feasible, would be adjusted to account for property owner preferences where possible. As such, there is

potential for future adjustment of specific pole locations such as to minimize impacts on local property owners. If the Proposed Project 70 kV power line routing is selected for implementation by the CPUC, the commenter's request could be revisited at a later time by PG&E.

Response to Comment R.D-10

This comment concludes the comment letter, stating that Outward Development appreciated that opportunity to review the Proposed Project and hopes that one of its proposed mitigation options can be implemented. The CPUC appreciates Outward Development's comments.

Response to Comment R.D-11

This comment provides a lot line adjustment map to support its comments above. This comment is noted and no further response is required.

Letter R.E: Mathew Swain, Paragon Legal, for Pacific Gas & Electric Company (January 12, 2022)**Letter R.E**

**Pacific Gas and
Electric Company™**

VIA ELECTRONIC MAIL

January 12, 2022

Mr. Trevor Pratt
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 Recirculated Draft Environmental
 Impact Report**

Dear Mr. Pratt:

R.E-1

Enclosed are Pacific Gas and Electric Company's ("PG&E") comments on the Recirculated Draft Environmental Impact Report ("RDEIR") that the California Public Utilities Commission ("CPUC") Infrastructure Permitting and CEQA Section ("Energy Division") released on November 18, 2021 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 RDEIR at a later date.

PG&E appreciates the time and effort that the Energy Division and its consultants spent on preparing the RDEIR. 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

PG&E and NextEra Energy Transmission West, LLC [now known as Horizon West Transmission, LLC ("HWT")] (collectively referred to as "Applicants"), jointly filed on

Pacific Gas and Electric Company
 Law Department
 77 Beale Street, B30A
 San Francisco, CA 94105

Mr. Trevor Pratt

January 12, 2022

Page 2

R.E-1
cont.

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.

PG&E appreciates the opportunity to provide comments on the RDEIR. PG&E’s comments consist of this cover letter, Attachment 1 (Revised Air Quality Analysis) and Attachment 2 (Health Risk Assessment [“HRA”]). PG&E requests that the CPUC incorporate into the FEIR the information and proposed revisions to the RDEIR presented in this letter and Attachments 1-2 hereto. These comments supplement PG&E’s February 22, 2021 comments on the original Draft Environmental Impact Report (“Draft EIR”), which are incorporated herein by reference.

II. COMMENTS ON IMPACT ANALYSIS AND MITIGATION MEASURES

A. 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

R.E-2

The CPUC determined that the Proposed Project’s permanent conversion of 2.65 acres of Farmland of Statewide Importance, 11.78 acres of Unique Farmland, and less than 0.01 acres of Prime Farmland is a significant and unavoidable impact. As discussed in PG&E’s comments on the original Draft EIR, 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.

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

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cont.

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. *See* Shepherd Substation Project Initial Study/Mitigated Negative Declaration (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.

The significance threshold in these prior cases is far more reasonable than the illogical threshold proposed in the RDEIR. The "greater-than-zero" threshold applied in the RDEIR would 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 a 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 14.34 acres of Farmland of Statewide Importance and Unique Farmland and zero 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.

The RDEIR's analysis of agricultural impacts of the proposed 70 kV line demonstrates the absurdity of relying on the greater-than-zero significance threshold. The RDEIR 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, approximately 0.03 acres of Farmland of Statewide Importance, and approximately 0.06 acres of Unique Farmland.¹ Under

¹ The RDEIR 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

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R.E-2
cont. ↑ 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.

R.E-3 **B. The Air Quality Impact Analysis and Mitigation Measures Should Be Revised to Incorporate the Applicants' Revised Air Quality Calculations, Health Risk Assessment and Comments on Valley Fever**

1. Revised Air Quality Calculations Based on Refined Helicopter Assumptions and Updated Schedule Should Be Incorporated into the Revised Air Quality Section

R.E-4 ↓ The air quality calculations presented in Section 4.3, Air Quality, of the RDEIR are based on grossly overestimated helicopter use assumptions and do not incorporate the schedule changes that were accepted in the RDEIR Project Description. Revised air quality calculations were provided in Attachment 3 of PG&E's comments on the original Draft EIR to account for updates to the project schedule to address revised estimates of the availability of construction resources and an additional week of grading required for the modified substation design, and to incorporate the refined assumptions regarding helicopter use. The RDEIR contains the revised project schedule provided by PG&E in its comments on the original Draft EIR, but does not include the revised emissions estimated associated with the revised schedule. Therefore, PG&E is submitting the revised air quality emissions data in Attachment 1 hereto, which includes an updated construction emissions summary table that clarifies that the quarterly emissions provided in PG&E's comments on the Draft EIR were annual average quarterly emissions and identifies the maximum quarterly emissions.

The revised calculations demonstrate that air quality emissions would be below the San Luis Obispo Air Pollution Control District (SLOAPCD) Reactive Organic Gases plus Oxides of Nitrogen (ROG + NOx) daily and quarterly Tier 2 thresholds, and below the fugitive particulate matter less than 10 microns in diameter (PM₁₀) quarterly threshold. In contrast, the RDEIR concludes that these emissions would be significant and unavoidable:

*Although HWT identified changes to the schedule and phasing of construction activities in the Project Description (see revisions in the revised DEIR Chapter 2, included in this recirculated DEIR), no changes were made to the air pollutant emissions modeling assumptions or results compared to the original DEIR. The CPUC maintains that the schedule and equipment assumptions used in the air quality analysis are **reasonable estimates** for the project given the information*

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 FEIR should be revised to account for this restored farmland.

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R.E-4
cont.

*provided and considering that some uncertainty still exists regarding the construction schedule (additional changes are possible in the future given that final design and engineering has not yet been completed). The changes to the schedule and phasing included in the revised DEIR Chapter 2 **would not substantially change** the results of the original analysis of air pollutant emissions included in Section 4.3, "Air Quality." (RDEIR page 1-14 to 1-15)*

The schedule assumptions used in the air quality analysis are not reasonable estimates since the construction schedule has been revised from a total of 7 months to a total 21 months, spreading out construction emissions over a period three times the length of the original estimate. The reduction in overlap between the project phases results in substantial reductions in the ROG + NOx emissions to more than 10 percent below the daily threshold and more than 54 percent below the quarterly Tier 2 thresholds, and substantial reductions in the fugitive PM₁₀ emissions to more than 70 percent below the quarterly threshold, as shown in Attachment 1.

As described in response to Data Request No. 5 (submitted in February 2020), the originally proposed project schedule was an accelerated schedule to support a project in-service date in 2019 with the use of multiple PG&E and contract crews to support the schedule. This would have required multiple crews working on both the new and reconductored section at the same time. Due to the uncertainty of the project scope and the current wildfire events, which reduces the availability of transmission line construction resources, an accelerated schedule is no longer a viable option, and a revised schedule has been provided. While the revised construction schedule was incorporated into the RDEIR Project Description, the schedule changes were not carried forward in the Air Quality section, which presents an inconsistent approach to evaluating the project.

The equipment assumptions in the air quality analysis are also not reasonable estimates since the estimated helicopter use in the RDEIR is more than 34 times the total provided by PG&E in their comments on the original Draft EIR (RDEIR's estimate of 1,320 hours versus PG&E's refined estimate of 38.3 hours). The RDEIR estimate is based on general information provided in the Proponent's Environmental Assessment (PEA) regarding the period over which helicopters may operate; however, it was not a statement of the total helicopter operating times. The RDEIR also assumes that a heavy-duty helicopter (Sikorsky S92A) would be required for all activities requiring a helicopter; however, as explained in Attachment 4 of PG&E's comments on the original Draft EIR, a light/medium helicopter would be used for conductor installation on the new 70 kV power line segment and a heavy lift helicopter would only be required for pole installation/removal along the 70 kV reconductoring segment, which reduces the associated air quality emissions. PG&E revised the air quality emissions to reflect realistic use of helicopters on this project, based on recent project construction experience, as shown in Attachment 4 of PG&E's comments on the original Draft EIR.

Table 4.3-5a in the RDEIR also assumes that helicopter operation would overlap with worst case California Emission Estimator Model (CalEEMod) daily emissions of ROG + NOx,

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R.E-4
cont.

in which, the daily emissions from CalEEMod sources and helicopters are added to get the total maximum daily emissions. However, as a result of the modified schedule and helicopter assumptions, the helicopter emissions would not overlap with the worst case CalEEMod daily emissions and these sources should not be added to get the total maximum daily emissions. The maximum daily emissions of ROG + NO_x would be below the daily threshold, as shown in Attachment 1 hereto.

The changes to the schedule and phasing included in RDEIR Chapter 2 and the revised helicopter equipment assumptions would substantially change the results of the original analysis of air pollutant emissions. Specifically, the impact would be less than significant for ROG + NO_x daily and quarterly Tier 2 thresholds, as well as the PM₁₀ quarterly threshold, not significant and unavoidable. Therefore, the revised air quality analysis provided in Attachment 1 should be incorporated into the Air Quality section.

2. Based on the Revised Air Quality Calculations, Daily and Quarterly Tier 2 ROG + NO_x and Quarterly PM₁₀ Emissions Would Be Below the SLOAPCD Significance Thresholds; Therefore, a Construction Activity Management Plan (CAMP) Would Not Be Required by the SLOAPCD and Mitigation Measure AQ-1 Should be Limited to Addressing the SLOAPCD Requirements for Exceedance of the Quarterly Tier 1 ROG + NO_x Threshold

R.E-5

The revised air quality analysis provided in Attachment 1 hereto demonstrates that the air quality impacts would be below the SLOAPCD thresholds of significance, except for the ROG + NO_x quarterly Tier 1 threshold. Accordingly, Mitigation Measure AQ-1 should be limited to the SLOAPCD requirements for exceedance of the Tier 1 threshold. The SLOAPCD mitigation measures applicable to the project are the Fugitive Dust Mitigation Measures: Expanded List, Standard Mitigation Measures for Construction Equipment, and Best Available Control Technology for Construction Equipment.² Most of these measures are already included applicant-proposed measures (APMs) AIR-1 through AIR-3. The SLOAPCD does not require a CAMP or Construction Phase Offsite Mitigation as outlined in Mitigation Measure AQ-1 for projects below the ROG+NO_x daily threshold and Tier 2 significance thresholds. Mitigation Measure AQ-1 should be modified to state that a CAMP would be prepared if required by the SLOAPCD. Based on a call with SLOAPCD on December 21, 2021, if the CPUC requires a CAMP, staff members indicated that they would review it, but their review would likely be limited to reviewing the final air quality calculations and stating that the CAMP and offsite mitigation is not required. Mitigation Measure AQ-1 should be deleted, and a CAMP should only be prepared if required by the SLOAPCD, and the mitigation measure should be deleted.

² <https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/CEQA%20Webpage%20Quick%20Guide2.pdf>

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cont.

If reference to a CAMP is retained in Mitigation Measure AQ-1, it should be modified to clarify that two separate CAMPs would be prepared, one for PG&E and one for HWT, since the areas of responsibility, construction activities, and duration of construction are different. Once the 230 kV substation activities are complete, HWT would relinquish any responsibilities under the CAMP. SLOAPCD staff indicated that this approach is acceptable and if reporting is required, a summary report would be included with each applicant's submittals to account for total project emissions.

R.E-6

In addition, it does not appear that the Energy Division revised Mitigation Measure AQ-1 based on any of the new information that triggered recirculation of portions of the original Draft EIR. As stated in Section 1.2 of the RDEIR:

The text of Mitigation Measure AQ-1 is revised to provide minimum performance standards for measures that may be included into the CAMP for mitigating fugitive dust and construction equipment emissions. Text is also added to Mitigation Measure AQ-1 to identify specific fugitive dust control measures that must be implemented during Proposed Project construction. Mitigation Measure AQ-1 is also revised to provide for coordination with SLOAPCD to establish emission offsets to reduce net emissions below applicable quarterly thresholds, if emissions are projected to exceed thresholds. (RDEIR page 1-14)

Because no new information was provided in the RDEIR that challenged the adequacy of Mitigation Measure AQ-1, the revisions to this mitigation measure in the RDEIR are not warranted.

If the revised Mitigation Measure AQ-1 is retained, it should be clarified to state that equipment washing and track-out prevention measures would only apply to the substation site, since these measures are not feasible for each of the pole site locations. The Stormwater Pollution Prevention Plan that would be prepared to comply with the State Water Resources Control Board Construction General Permit would include best management practices to control track out along the power line components.

R.E-7

Following guidance from the SLOAPCD, a CAMP is not necessary for the project based on the latest air quality emission calculations; therefore, Mitigation Measure AQ-1 should be revised.

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R.E-8

3. The HRA Provided by Adams Broadwell Joseph & Cardozo (Adams Broadwell) Does Not Accurately Reflect the Potential Health Impacts; an HRA Based on the Latest Project Information Has Been Prepared by the Applicants that Demonstrates that Impacts are Less Than Significant

The HRA included in the comments from Adams Broadwell on the original Draft EIR did not include adequate information for the CPUC to conduct a review for accuracy. The CPUC stated:

Information provided by the commenters and their consultants was not adequate to conduct a thorough review to determine if their model accurately represents the Proposed Project, as it did not include key details required to make their study reproducible regarding the specific sources spatial representation and actual emissions assigned to specific sources were not provided. Despite, the lack of detailed information provided, the analysis in this recirculated DEIR now conservatively concludes that a few receptors located close to the project construction areas, in particular the Estrella Substation area, may experience increased TACs [toxic air contaminants], which may lead to adverse health impacts. Thus, the significance determination for Impact AQ-3 has been changed to significant and unavoidable.” (RDEIR at 1-10.)

The CPUC should not rely on the Adams Broadwell HRA because of these noted deficiencies. The CPUC acknowledges that it cannot “determine if their model accurately represents the Proposed Project.” (Id.) The CPUC recognizes that the Adams Broadwell HRA “lacks key details ... regarding specific sources spatial representation and actual emissions assigned to specific sources.” (Id.) As a result, the CPUC determined that the Adams Broadwell HRA is not reproducible. Despite the lack of detailed information necessary to reproduce the results identified in the Adams Broadwell HRA, the CPUC accepted their conclusions at face value “out of an abundance of caution” (RDEIR page 1-9). However, the model does not follow applicable Office of Environmental Health Hazard Assessment (OEHHA) guidance. Therefore, making a determination based on such a model that a significant and unavoidable impact will occur, on its face, is an “arbitrary and capricious” decision because the Adams Broadwell HRA should not be deemed substantial evidence.

Even if the Adams Broadwell HRA could be considered to be substantial evidence, it runs contrary to the CPUC’s own qualitative analysis in the original DEIR, which it concluded “supports a finding that human health impacts from construction-related DPM [diesel particulate matter] and other TAC emissions would be relatively limited due to the short construction duration and the sparsely populated area surrounding the project site” (RDEIR page 2-R.4.3-27). The CPUC has the discretion to weigh evidence and reach its own conclusions, and it should not adopt an “abundance of caution standard” to substitute Adams Broadwell’s flawed HRA for the CPUC’s own analysis.

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cont.

Although the Applicants agree with the CPUC that an HRA is not required for this project, the Applicants prepared an HRA to evaluate the findings in the Adams Broadwell HRA. To accurately represent the project's potential health risks/impacts, SWCA Environmental Consultants (SWCA) prepared a robust and detailed HRA for the Applicants based on the updated air quality emissions. Applicants' HRA is provided in Attachment 2. The Applicants' HRA demonstrates that health risks would be below the significance thresholds for all project components.

In addition to the flaws noted by the CPUC, the Adams Broadwell HRA is based on the outdated project schedule and air quality emissions estimates. Therefore, it does not accurately represent the project as proposed by the Applicants. For example, as indicated by the CPUC, Scenario 2 presented in the Adams Broadwell HRA assumes 100 percent Tier 2 engines (p. 7; although note the inconsistencies on this point note below), which is more conservative than the unmitigated emissions because implementation of California off-road fleet rules requires most fleets to have most equipment use better than Tier 2 engines. Therefore, Scenario 2 in the HRA is not reasonable.

In addition, PG&E's air quality subject matter expert identified the following deficiencies in the Adams Broadwell HRA that are addressed in the HRA prepared by SWCA for the Applicants:

- It assumes a 2-year construction period without providing a citation, and contrary to the information provided in the original Draft EIR.
- The Adams Broadwell HRA did not evaluate the chronic hazard index (HI) for DPM. The Applicants' HRA appropriately evaluates the DPM chronic HI risk metric.
- DPM acute HI should be based on the maximum 1-hour air concentration and 1-hour Reference Exposure Level (REL) (OEHHA 2015³) as depicted in the Applicant's HRA (not in the Adams Broadwell HRA). Therefore, in the absence of an OEHHA REL, the Texas Commission on Environmental Quality's 1-hour Effects Screening Level is used for the Applicants' HRA to determine the DPM acute HI. The Adams Broadwell HRA relies on an REL established by Government of Canada that is based on a 2-hour exposure.
- The Applicants' HRA utilizes the latest American Meteorological Society/United States Environmental Protection Agency Regulatory Model (AERMOD) model version (21112). The Adams Broadwell HRA utilizes version 19191, which is outdated.

³ <https://oehha.ca.gov/air/cmr/notice-adoption-air-toxics-hot-spots-program-guidance-manual-preparation-health-risk-0>

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cont.

- The Applicants' HRA utilizes CalEEMod to estimate emissions from the project pursuant to SLOAPCD CEQA Air Quality Handbook (SLOAPCD 2012⁴). Adam Broadwell's HRA utilizes historical fuel usage data, which is less accurate.
- The Adams Broadwell HRA did not provide an explanation of how terrain elevations were obtained.
- The Adams Broadwell HRA does not clarify whether the Tier 2 Ambient Ratio Method 2 (ARM2) was used to predict Nitrogen Dioxide/NOx ratios.
- The Applicant's HRA includes background concentration data to determine the total predicted concentration during project construction for comparison to the California Ambient Air Quality Standards. Background concentration justification is also provided in Section 8 of the Applicants' HRA. The Adams Broadwell HRA does not discuss or depict if any background concentration data was included in their HRA.
- The Applicants' HRA provides a brief evaluation of applicable occupational standards associated with the California Division of Occupational Safety and Health. The Adams Broadwell HRA does not.
- The Applicants' HRA provides measures to reduce project impacts by implementing prohibition of diesel idling within 1,000 feet of sensitive receptors and on-road equipment idling will be restricted. Additionally, idling will be limited for on-road vehicles and off-road diesel equipment. These mitigation measures are discussed in Section 7 of The Applicants' HRA.
- In addition to lacking "key details," as noted in the RDEIR, the Adams Broadwell HRA contains numerous omissions and inconsistencies that undermine its credibility, including but not limited to the following:
 - The References section does not list all of the sources cited to in the text of the document, such as the PEA or the original Draft EIR, DieselNet, and the AERMOD model. In addition, the OEHHHA 2012 citation in fn.3 is not listed in the References section; instead, there is an OEHHHA 2015 citation in the References section.
 - No citation is provided in fn. 8 for California short-term air quality standard for oxides of nitrogen; instead, fn. 8 states "Please add a reference."
 - It makes a claim on page 7 about the contents of the PEA regarding the emissions standards that equipment used on the project would meet without providing a citation to the PEA.
 - On page 5, the Adams Broadwell HRA states that its conclusions are presented in Section 4, when in fact they are presented in Section 5.
 - On page 7, it states that it "assumed the use of 100% Tier 2 engines" in its analysis of Scenario 2. However, on page 12, it states in section 4.2 that its analysis of acute non-cancer risks (1-hour exposure to DPM) is based the use of

⁴ https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/CEQA_Handbook_2012_v2%20%28Updated%20MemoTable1-1_July2021%29_LinkedwithMemo.pdf

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cont.

“Tier 2 and 3” construction equipment. Similarly, it states in section 4.1 [sic] that its analysis of acute non-cancer risk (1-hour exposure to oxides of nitrogen) “assumes the use of Tier 3 construction equipment.” An HRA with these inconsistencies should not be relied on in the EIR.

- On page 12, it states in section 4.1 that its analysis of cancer risks (2 year exposure to DPM) that the cancer risk for Scenario 1 “ranges from 0.1 to 25 in a million.” However, in Table 5-1 on page 20, it states that the cancer risk for Scenario 1 is “0.5 to 40 cancers per million.” An HRA with these inconsistencies should not be relied on in the EIR.

Therefore, the Air Quality section should be revised to reflect the results of the HRA prepared by SWCA for the Applicants and conclude that health impacts from construction-related DPM and other TAC emissions would be less than significant.

4. Exposure of Sensitive Receptors to Valley Fever Would be Reduced to Less than Significant with Implementation of a Valley Fever Management Plan (VFMP) (Mitigation Measure AQ-2)

R.E-9

PG&E agrees with the assessment in the original Draft EIR under Impact AQ-3 that there is a very low potential for fugitive dust (and associated Valley Fever spores) to impact sensitive receptors during construction, and that impacts would be less than significant due to the limited construction duration, limited construction emissions, and sparsely populated area surrounding the project site, which would be further reduced with implementation of APMs AIR-1 to AIR-3. This finding is consistent with CEQA documents prepared by the CPUC and other lead agencies on similar projects in areas where Valley Fever is highly or suspected endemic.

The IS/MND for the Vierra Reinforcement Project in San Joaquin County (CPUC 2021⁵) found that Valley Fever-causing spores were not likely to occur in cultivated fields and heavily urbanized areas (Kern County Public Health Services Department 2019⁶). The majority of the land that would be disturbed by the Vierra Reinforcement Project is in cultivated fields or urbanized areas. With implementation of an APM calling for a Dust Control Plan, impacts were determined to be less than significant, and no mitigation measures were recommended. Many of the areas that will be disturbed during construction of the Estrella project are in cultivated fields (e.g., vineyards); therefore, the risks in those areas are lower. The Air Quality section should be revised to provide additional context for the areas of the project that have greater risks.

The EIR for the California Flats Solar Project (Monterey County 2014⁷), an over 2,000-acre solar project, found that standard construction best management practices to minimize

⁵ https://ia.cpuc.ca.gov/environment/info/CEC/VierraReinforcement/PDFs/Vierra_Final_IS_MND.pdf

⁶ <http://kerncountyvalleyfever.com/what-is-valley-fever/prevention/>

⁷ <https://www.co.monterey.ca.us/home/showdocument?id=48160>

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cont.

fugitive dust emissions and standard erosion control measures would minimize potential hazards associated with the release of fungal spores. In addition, mitigation measures requiring preparation of a VFMP, dust suppression measures, worker training program and safety measures, and an information handout was included. The lead agency, Monterey County, concluded that the mitigation measures would ensure that construction personnel would be adequately protected from exposure to Valley Fever during grading and other earth-moving activities, reducing impacts to a less than significant level. The Estrella project includes similar APMs and mitigation measures and a much smaller temporary and permanent disturbance area (less than 150 acres); therefore, the significance determination should be less than significant with mitigation.

The IS/MND for the Downs Substation Project in Kern County (CPUC 2012⁸) found that there is a high potential for temporary high fugitive dust and valley fever spore exposures during substation construction. It also found that the linear construction aspects would have lower potential for emissions and would not impact any single location/receptor significantly due to the continuous moving nature of these construction activities. Implementation of a Fugitive Dust Control Plan was included as a mitigation measure and reduced the impacts to construction workers and area residents to less than significant. The impacts from the Estrella project would be of a similar nature and the Applicants have proposed similar APMs; therefore, the impacts should be considered less than significant with mitigation.

Based on previous precedent, the air quality analysis should be revised to provide additional context for areas where Valley Fever spores are more or less likely to occur and impacts should be considered less than significant with implementation of APMs AIR-1 through AIR-3 and Mitigation Measure AQ-2.

R.E-10

5. Mitigation Measure AQ-2 Should Be Revised To State That the Applicants Will Consult with the California Department of Public Health (CADPH) and the San Luis Obispo Department of Public Health (SLODPH) Rather Than Requiring these Agencies to Review the VFMP

Mitigation Measure AQ-2 states that “The VFMP shall be submitted to the California Department of Public Health and the San Luis Obispo Department of Public Health for review” (RDEIR page 2-R.4.3-28). The text preceding the mitigation measure states that “Mitigation Measure AQ-2 requires, prior to the start of construction, the project applicants or their contractors to draft a Valley Fever Management Plan (VFMP), consult with the California Department of Public Health and the San Luis Obispo Department of Public Health regarding Valley Fever best mitigation practices and implement all such feasible measures recommended by these agencies” (RDEIR page 2-R.4.3-28).

⁸ https://ia.cpuc.ca.gov/Environment/info/aspen/downs_sub/DownsDraft/MND-IS/B3-03_AirQuality.pdf

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cont.

Based on initial discussions with the CADPH on December 21, 2021, they do not typically review VFMPs, but can advise on recommended measures to include in the plan. Initial discussions with the SLODPH on December 21 and 22, 2021, revealed the same; however, they are willing to review the plan. Because these agencies do not have authority over the project or power of approval for the VFMP, the mitigation measure text should be changed to say that the Applicants will “consult” with the CADPH and SLODPH in the preparation of the VFMP and delete references to “review.”

* * * * *

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

Very truly yours,

/s/ Mathew Swain

Mathew Swain

Senior Attorney

Paragon Legal

601 California Street, Suite 615

San Francisco, California 94108

Telephone: (415) 407-6066

Facsimile: (415) 973-5520

Email: Mathew.Swain@pge.com

Attorney for Pacific Gas and Electric
Company

Attachments - Additional Documents Provided With This Letter:

R.E-11 Attachment 1: Revised Air Quality Analysis

R.E-12 Attachment 2: Health Risk Assessment

Attachments**Comment R.E-11: Attachment 1.** Revised Air Quality Analysis**Comment R.E-12: Attachment 2.** Health Risk Assessment**Note to Readers:**

The materials provided as attachment have been omitted from this section because they are voluminous and do not contain specific comments on the 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 R.E-1

This comment introduces the commenter's comments and summarizes the Proposed Project, including providing background on the commenter's joint filing (with Horizon West Transmission [HWT]) of the application requesting Permits to Construct (PTCs) for the Proposed Project. The comment also describes the contents of the submittal on the Recirculated DEIR comprising Letter R.E, including Attachment 1 (Revised Air Quality Analysis) and Attachment 2 (Health Risk Assessment [HRA]). The CPUC provides responses to each of the comments within this letter below, including Attachments 1 and 2, which are identified as Comments R.E-11 and R.E-12.

Response to Comment R.E-2

This comment restates the commenter's objections to the EIR's approach to the agricultural resources analysis, in particular the use of and interpretation of the significance threshold for conversion of Important Farmland to nonagricultural use, raised by the commenter on the original DEIR. The comment also raises similar objections to those raised by HWT in its letter on the original DEIR (refer to Comments H-12 to H-14). For the CPUC's response to these comments, please refer to Responses to Comments J-47 to J-50 and Response to Comment H-12.

Response to Comment R.E-3

The commenter states that the EIR's air quality impact analyses and mitigation measures should be revised to incorporate the Applicants' revised air quality calculations, HRA, and comments on Valley Fever. For the CPUC's detailed response to the concerns raised in this comment, please refer to Master Responses 11 (Construction Emissions), 12 (Fugitive Dust Emissions), 13 (Air Quality Mitigation Measures), 15 (Health Risk Assessment), and 14 (Valley Fever). Refer also Responses to Comments R.E-4 to R.E-12 below.

Response to Comment R.E-4

The commenter argues that the EIR's estimate of the Proposed Project's air quality construction emissions should be revised based on refined helicopter assumptions and the updated construction schedule. This comment raises similar points to those raised in HWT's comment letter on the Recirculated DEIR. For the CPUC's response, please refer to Responses to Comments R.B-17 to R.B-19.

Response to Comment R.E-5

The commenter asserts that Mitigation Measure AQ-1 should be revised to remove the requirement for a Construction Activity Management Plan (CAMP), since the Applicants' projection of emissions would be below the San Luis Obispo County Air Pollution Control District's (SLOCAPCD's) Tier 2 ROG and NO_x as well as PM₁₀ thresholds. For the CPUC's response to these issues, please refer to Response to Comment R.B-20. For the CPUC's response to comments related to construction emissions, please refer to Master Response 11. Additionally, for the CPUC's response to comments related to the air quality mitigation measures, please refer to Master Response 13.

Response to Comment R.E-6

The comment asserts that the CPUC did not revise Mitigation Measure AQ-1 based on any of the new information that triggered recirculation of portions of the DEIR. Therefore, the comment argues that the revisions to Mitigation Measure AQ-1 made as part of the Recirculated DEIR are unwarranted. If the changes to Mitigation Measure AQ-1 are retained, the comment suggests changes to limit equipment washing and track-out prevention measures to the substation site since they are not feasible at the pole site locations.

The CPUC revised Mitigation Measure AQ-1 to clarify key assumptions and performance thresholds. Changes to the Impact AQ-3 analysis was one of several reasons for recirculation of the DEIR Air Quality section. Revisions to Mitigation Measure AQ-1 were appropriate and allowed for public comment on the proposed changes and clarifications to the mitigation measures.

As provided for in the Mitigation Measure AQ-1, the Applicants may propose alternative measures in response to Impact AQ-3, provided that such measures adequately reduce the tracking of dust to a level that equals that of the suggested actions described in Mitigation Measure AQ-1. If demonstrable by the Applicants to be as effective as the suggested track-out control measures in Mitigation Measure AQ-1, track-out control measures from the SWPPP may also be included in the CAMP.

Response to Comment R.E-7

The comment asserts that guidance from SLOCAPCD would not necessarily require a CAMP and, therefore, Mitigation Measure AQ-1 should be revised. For the CPUC's response to this comment, please refer to Response to Comment R.B-20.

Response to Comment R.E-8

The comment argues that the HRA provided by Adams Broadwell Joseph & Cardozo (Adams Broadwell) does not accurately reflect the potential health impacts from the Proposed Project. The comment indicates that the Applicants have prepared an HRA based on their latest project information, which they believe demonstrates impacts to be less than significant.

For the CPUC's response to comments related to the HRAs submitted during the public review periods for the Proposed Project EIR, please refer to Master Response 15. Please also refer to Response to Comment R.B-21. The commenter's critique of the Adams Broadwell HRA is noted. It should be noted that the Applicants' critiques may not have been based on access to the detailed modeling files provided in Adams Broadwell's comment letter on the Recirculated DEIR (Comment Letter R.A).

Response to Comment R.E-9

The comment argues that the exposure of sensitive receptors to Valley Fever due to Proposed Project construction would be reduced to less than significant with implementation of the valley fever management plan (VFMP) required by Mitigation Measure AQ-2. For the CPUC's response to these issues, please refer to Response to Comment R.B-24.

Response to Comment R.E-10

The comment requests that the text of Mitigation Measure AQ-2 be revised to indicate that the Applicants will consult with the California Department of Public Health (CDPH) and the San Luis Obispo Department of Public Health (SLODPH) in developing a VFMP, rather than requiring the agencies to review the VFMP. This is the same point/request that was raised by HWT in its Comment R.B-25. Please refer to the response to comment R.B-25 for the CPUC's detailed response. As described therein, the wording of Mitigation Measure AQ-2 has been changed to require consultation with the CDPH and SLODPH.

Response to Comment R.E-11

The commenter has prepared revised air quality construction emissions estimates. The emissions estimates presented are noted and will be shared with decisionmakers. For the CPUC's detailed response to comments relating to construction emissions, please refer to Master Response 11.

Response to Comment R.E-12

The commenter has enclosed an HRA. The HRA provided is noted and will be shared with decisionmakers. For the CPUC's detailed response to comments related to HRAs provided during the Proposed Project EIR public review periods, please refer to Master Response 15.

Letter R.F: Tom Erskine, Santa Ysabel Ranch Homeowners Association (January 11, 2022)**Letter R.F****Santa Ysabel Ranch Homeowners Association**

January 11, 2022

Trevor Pratt, CPUC
 c/o Tom Engels
 Horizon Water and Environment, LLC
 266 Grand Avenue, Suite 210
 Oakland, CA 94610

**Re: Opposition to Estrella Project SE-PLR-2, Templeton - S. River Route Alternative
 due to Air Quality Impact to our residents**

Dear Dr. Engels,

R.F-1 I represent the owners of 146 homes and lots in Santa Ysabel Ranch. As the HOA president I must relay our strenuous objections to the SE-PLR-2 alternative. Our concern over health-related ramifications due to the Air Quality issues of this project is difficult to overstate. Revised DEIR Section 4.3-Air Quality states that emissions, particulate matter and Valley Fever exposure during construction would be "Significant and Unavoidable."

R.F-2 In the Revised DEIR Section 4.3 - Air Quality speaks to "Sensitive Receptors" on 2-R.4.3-11. *"Sensitive receptors are those segments of the population that are most susceptible to the effects of poor air quality, such as children, the elderly, and individuals with preexisting health problems (e.g., asthma) (CARB 2005)." SLO County Air Pollution Control District includes people with compromised cardiac systems as Sensitive Receptors. Revised DEIR 2-R.4.3-19: "The calculated health effects are dependent upon the concentrations of pollutants to which the receptors are exposed, the number and type of exposure pathways for a receptor, and the intake parameters for a receptor, which vary based upon age and sensitivity (e.g., presence of pre-existing conditions). Health effects would be more likely for individuals with greater susceptibility to exposure, and the location of receptors relative to the project impacts would affect whether receptors are exposed to project-related pollutants."*

While our resident demographic generally skews older, we have had young families moving here in the past few years. There are currently 33 single-family homes that sit within 1000' feet of the proposed power poles. We just completed an age and health survey involving those residents. The response rate was 88%. The results surprised us, showing the prevalence of cardiac and respiratory issues among our residents, young and old. Survey results as follows:

Ages of resident adults living within 1000' of Proposed Project:

1 between 90 and 99	14 between 50 and 59
4 between 80 and 89	4 between 40 and 49
12 between 70 and 79	2 between 30 and 39
20 between 60 and 69	2 between 20 and 29

Santa Ysabel Ranch
 1966 Lake Ysabel Road Templeton, CA 93465



Santa Ysabel Ranch Homeowners Association

- R.F-2
cont. ↑ Ages of resident children (total 11) living within 1000' of Proposed Project:
- | | |
|---------------------|---|
| 1 one-year-old | 1 fourteen-year-old |
| 2 five-year-olds | 1 fifteen-year-old |
| 1 seven-year-old | 3 seventeen-year-olds |
| 1 eight-year-old | * 1 eleven-year-old in a child-care setting |
| 1 thirteen-year-old | |
- Seventy residents live within 1000' of the proposed project, and breakdown as follows: 17 residents aged between 70 and 99, 11 children, 16 have cardiac system problems, and 21 have respiratory issues (predominately asthma). Of the total 70 residents within 1000' 53 qualify as Sensitive Receptors.
- R.F-3 ↑ Of special concern to us is the great increase in exposure to Valley Fever that construction would cause. We know that Santa Ysabel Ranch has Valley Fever fungus in our soil. A resident of Warm Springs Lane (the location of 10 pole sites) contracted Valley Fever in October, 2011 while sweeping out his garage. The disease has drastically changed his life. A former long-distance runner and skier he can no longer do either activity, and has to cope with brain and motor skill impacts on a daily basis.
- R.F-4 ↑ The DEIR does not fully take into account the impacts of proximity and prolonged exposure as applied to the layout of Santa Ysabel Ranch. Revised DEIR 2-R.4.3-25: *"In most locations of pole installation for the Proposed Project, a given sensitive receptor would only be potentially exposed to emissions for the short amount of time it takes to install about 3 poles. After 3 poles, the distance to the sensitive receptor would be greater than 1,000 feet."* We feel this characterization is incorrect in our case.
- R.F-5 ↑ Proximity:
- 1) The main entry gate to Santa Ysabel Ranch would sit between two poles, as does the mailbox location used by all residents. Soil disturbance in this area would be extensive. This situation would expose every SYR resident, every day to these health hazards, not just those living within 1000'.
 - 2) The poles on the east side of SYR would be put into the strip of land between S. River Rd. and Warm Springs Lane, on SYR property. Warm Springs is the only way out for those 24 residents. Leaving their homes would put them within 10-15' of the soil disturbance, passing up to 10 poles on Warm Springs. That is the only road on which people can walk their dogs, or walk to the SYR mailboxes. Opening any windows in their homes would allow the emissions, dust and particulate matter inside. Property lines are as close as 35' from soil disturbance and front doors as close as 155'. There are 18 Sensitive Receptors living on Warm Springs Lane. The 3-pole guideline does not apply due to proximity and number of exposure pathways. Revised DEIR 2-R.4.3-19: *"The calculated health effects are dependent upon the concentrations of pollutants to which the receptors are exposed, the number and type of exposure pathways for a receptor, and the intake parameters for a receptor, which vary based upon age and sensitivity...Health effects would be more likely for individuals with greater susceptibility to exposure, and the location of receptors relative to the project..."*

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Santa Ysabel Ranch Homeowners Association

R.F-5
cont.

3) The property line of one home on Warm Springs stops at S. River Rd. itself. It is unclear from the DEIR map whether they would have one or two poles on their property. These residents are in their 80's and 70's, one with asthma. From RDEIR pg. 19: *"Health effects would be more likely for individuals with greater susceptibility to exposure, and the location of receptors relative to the project..."*

4) Between Fire Rock Loop and Santa Ysabel Ave. there are 21 homes within 1000' of proposed pole locations. Thirty five of those residents are Sensitive Receptors with cardiac and respiratory health issues, including a 14 and 15 year-old with asthma.

5) On Fire Rock Loop there are 3 homes with children, ages 1, 5, 7, 13, 15, 17 & 17. The back yards of these homes are between 30-60' from the pole locations. Children should be able to play in their back yards safely. From RDEIR pg. 19: *"Health effects would be more likely for individuals with greater susceptibility to exposure, and the location of receptors relative to the project..."*

R.F-6

Duration

1) In 2017 Tom Johnson of PG&E informed us that power lines installed near fault lines are generally taller and wider, requiring larger foundations. Given the fact that the 70kV line would cross potential 7.3 magnitude earthquake faults in 4 places, and run between 3 fault lines on the Warm Springs Lane section (per 2016 Paso Robles Hazard Plan, updated Seismic Hazard Maps) we believe the construction schedule is incorrect. We have not been assured that the current schedule takes into account the increased helicopter trips, construction traffic and amount of earth moved. This would mean the project would take longer, further exposing SYR residents.

R.F-7

RDEIR 2-R.4.3-38 states that the effects on Sensitive Receptors living near SE-PLR-2 *"...may result in adverse health impacts. This impact would be significant."*

We vehemently oppose the SE-PLR-2 S. River Rd. Alternative due to the tremendous health hazards that months of emissions, particulate matter and Valley Fever exposure would cause our residents. We support Alternative Combination #2, the top-ranked alternative due to less impact. We are joined in both of these positions by State Assemblyman Cunningham, County Supervisor Peschong, Paso Robles Mayor Martin, the Sierra Club, Audubon Society, and EcoSlo.

Regards,

(See notes on DEIR Deficiencies on following page)

Tom Erskine
President, Santa Ysabel Ranch Homeowners Association

Santa Ysabel Ranch
1966 Lake Ysabel Road Templeton, CA 93465



Santa Ysabel Ranch Homeowners Association

Draft EIR Deficiencies in Revised DEIR Section 4.3 - Air Quality

Construction Schedule, 2-R.4.3-37: *"In total, construction of the new 70 kV power line segment for Alternative SE-PLR-2 would take 9 months less than the Proposed Project's 70 kV power line."*

We challenge the assertion that SE-PLR-2 would take 9 months less to complete than the Proposed Project. There has been no assurance given to us that the following 2 conditions have been taken into account in that timeline:

R.F-8

1) The 70kV line would cross potential 7.3 magnitude earthquake faults in 4 places, and run between 3 fault lines on the Warm Springs section (per 2016 Paso Robles Hazard Plan, updated Seismic Hazard Maps). In 2017 Tom Johnson of PG&E informed us that power lines installed near fault lines are generally taller and wider, requiring larger foundations. Would such deviations from standard poles and foundations not require more time in construction? A longer timeline would mean more exposure to emissions, particulate matter and Valley Fever.

(Please clarify exactly how tall and wide the poles in front of Santa Ysabel Ranch would be given the needed compensation for fault-line proximity. Also, please clarify the sizes of the pole foundations required for the larger/wider poles)

2) The S. River Rd. route will put a second 70kV line along the North end of the route, toward the Paso substation. We have been informed that either the existing 70kV line or the new line will be put underground. Does undergrounding 1.1 miles of line take longer than installation of poles? A longer timeline would mean more exposure to emissions, particulate matter and Valley Fever.

Santa Ysabel Ranch
1966 Lake Ysabel Road Templeton, CA 93465

Santa Ysabel Ranch Estrella Report

Opposition to SE-PLR-2 South River Road Alternative

Revised DEIR Air Quality, Jan. 2022



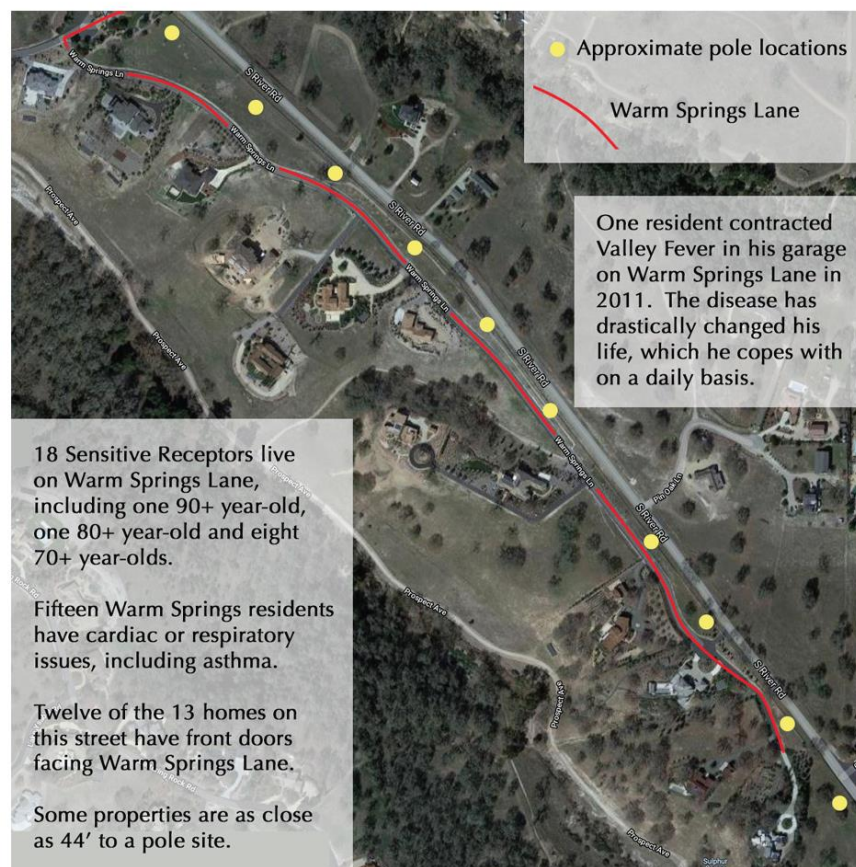
Air Quality- Sensitive Receptors, Warm Springs Lane

1

The RDEIR underestimates the health impacts of air quality due to proximity of the 13 homes on Warm Springs Lane. This street is the only way in and out for these residents. It is where they walk their dogs and walk to the mailbox. Avoiding repeated and prolonged exposure to soil disturbance areas is impossible as they live only feet away.

RDEIR 2-R.4.3-19: *"The calculated health effects are dependent upon the concentrations of pollutants to which the receptors are exposed, the number and type of exposure pathways for a receptor, and the intake parameters for a receptor, which vary based upon age and sensitivity (e.g., presence of pre-existing conditions). Health effects would be more likely for individuals with greater susceptibility to exposure, and the location of receptors relative to the project impacts would affect whether receptors are exposed to project-related pollutants."*

R.F-9



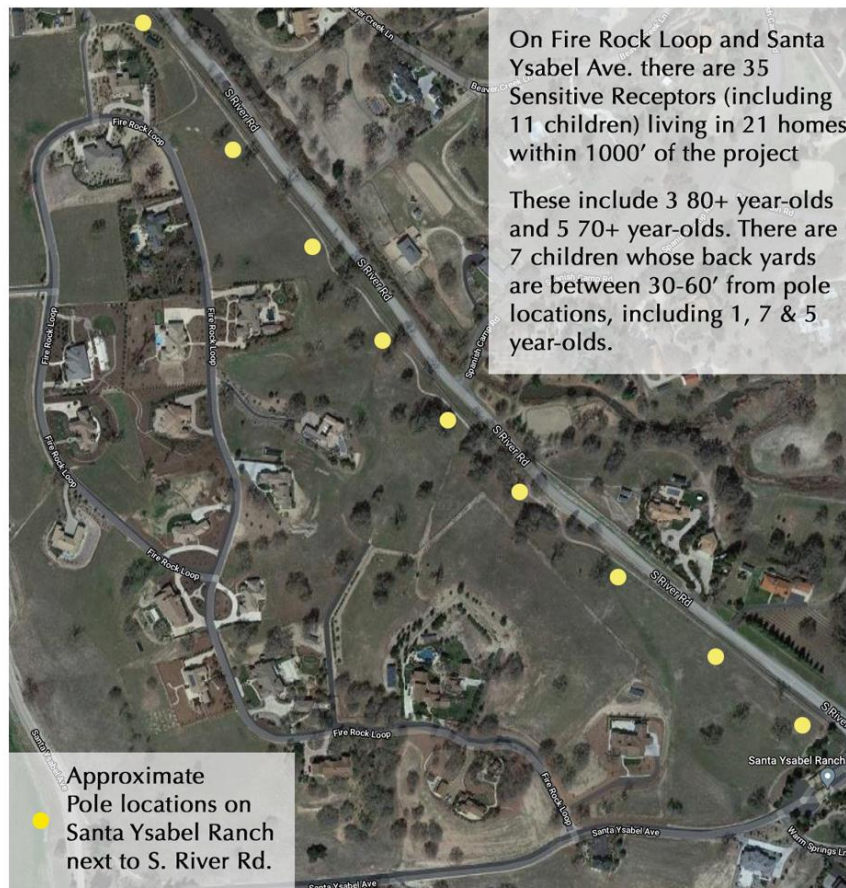
Santa Ysabel Ranch 1966 Lake Ysabel Rd. Templeton, CA 93465

Produced by Darcel Phillips
darcel_phillips@yahoo.com

Air Quality- Sensitive Receptors, Fire Rock Loop / Santa Ysabel Ave. 2

Revised DEIR 2-R.4.3-19: "Health effects would be more likely for individuals with greater susceptibility to exposure, and the location of receptors relative to the project..."

There are 21 homes (within 1000' of proposed pole locations) on Fire Rock Loop and Santa Ysabel Ave. Thirty five of those residents are Sensitive Receptors with cardiac and respiratory health issues, including 14 and 15 year-olds with severe asthma. On Fire Rock Loop there are 3 homes with 7 children between the ages of 1-17. Their backyards are between 30-60' from the proposed pole locations.



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Produced by Darcel Phillips
darcel_phillips@yahoo.com

R.F-11



"Examples of locations that may contain sensitive receptors include residences, senior living complexes, schools, parks, daycare centers, nursing homes, and medical facilities."

- Daycare Depot, a child-care center 525' away

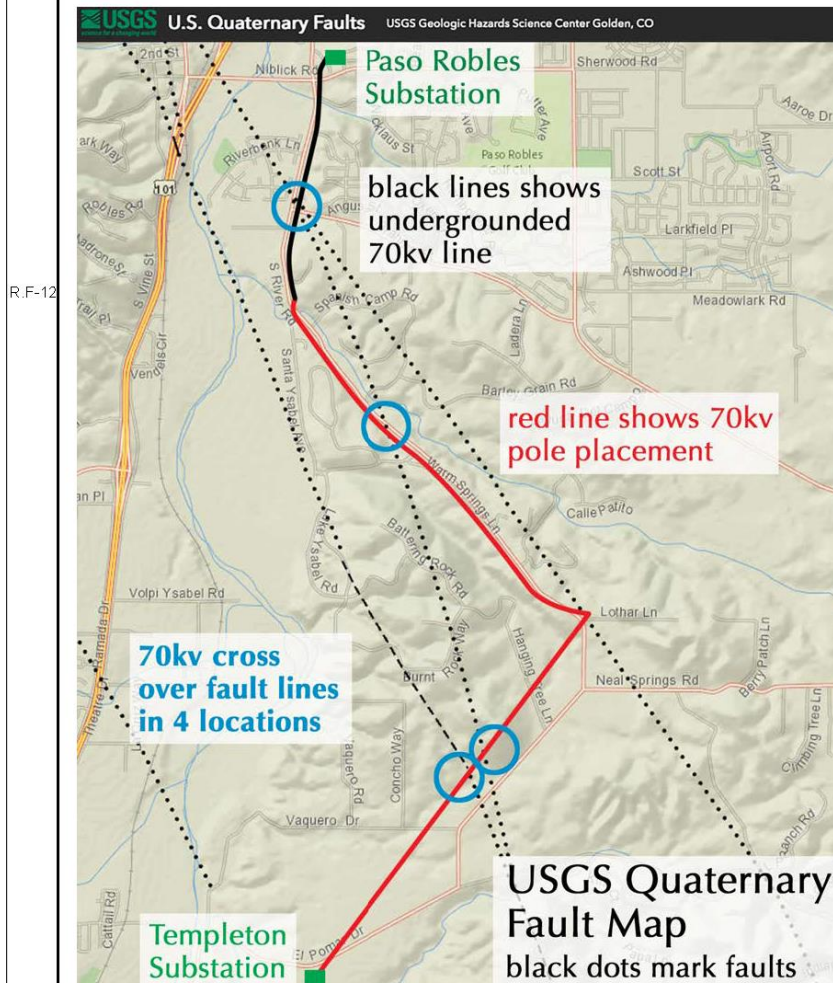
Produced by Darcel Phillips
darcel_phillips@yahoo.com

Air Quality- Timeline Questioned Due to Fault Line Impacts

4

The 2016 Paso Robles Hazard Plan (4-9,10) refers to the updated USGS National Seismic Hazard Maps. (shown below)

According to the Paso Robles Hazard Plan, the Rinconada Fault line has the potential to cause a magnitude 7.3 earthquake. Per Tom Johnson of PG&E (2017) proximity to fault lines would require taller and wider poles with larger foundations. Would these requirements extend the timeline? If so, our exposure to emissions, particulate matter and Valley Fever would increase.



There is an existing 70kV power line on the North/South section of S. River Rd. Due to this fact one of the 70kV lines on that section of S. River Rd. would need to be installed underground. (per Horizon Water & Environment)

Would putting a 1.1 mile section of the 70kV line underground take longer than standard pole installations?

If so, the DEIR needs to reflect both of the above scenarios and adjust the timeline accordingly. The adverse health impacts of SE-PLR-2 due to Air Quality issues would be greater than currently estimated.

Santa Ysabel Ranch 1966 Lake Ysabel Rd. Templeton, CA 93465

Produced by Darcel Phillips
darcel_phillips@yahoo.com

Response to Comment R.F-1

The commenter introduces the remainder of the comment letter and states their role as HOA president. The comment expresses concern over health-related impacts due to air quality issues from the Proposed Project, including emissions of particulate matter and Valley Fever exposure during construction.

For the CPUC's response to these issues, please refer to Master Responses 11 (Construction Emissions), 15 (Health Risk Assessment), and 14 (Valley Fever). The EIR's impact analysis concludes that construction emissions and health impacts are significant and unavoidable. Feasible mitigation measures have been incorporated to the EIR with appropriate performance standards, as further discussed in Master Response 13 (Air Quality Mitigation Measures).

Response to Comment R.F-2

The commenter notes the definition of sensitive receptors described in the EIR and that health effects are dependent upon several factors, including pollutant concentrations and exposure parameters. It is noted that the EIR states that health effects would be more likely for individuals with greater susceptibility to exposure. The commenter provides information on the demographics of the Santa Ysabel Ranch residents, stating that there are 33 single family homes within 1,000 feet of the proposed poles under Alternative SE-PLR-2: Templeton-Paso South River Road Route. The comment asserts that 53 out of 70 of these residents qualify as sensitive receptors.

The comment is noted with respect to the demographics of the Santa Ysabel Ranch residents. Please refer to Master Response 15 for discussion of issues related to health effects and air quality. The EIR has concluded that health effects to sensitive receptors would be significant and unavoidable and feasible mitigation has been incorporated to the EIR to help reduce the severity of these impacts. Mitigation Measure AQ-1 requires preparation of a construction activity management plan (CAMP) that would establish standards and procedures to minimize emissions during construction activity. The CAMP would be reviewed by the San Luis Obispo County Air Pollution Control District (SLOCAPCD) and would be subject to approval by the CPUC. Mitigation Measure AQ-2 requires, prior to the start of construction, the Project Applicants or their contractors to draft a valley fever management plan (VFMP), consult with the California Department of Public Health and the San Luis Obispo Department of Public Health regarding Valley Fever best mitigation practices and implement all such feasible measures recommended by these agencies. These measures would help reduce potential impacts to the residents described in the comment.

Response to Comment R.F-3

The commenters express concern about the potential increase in exposure to Valley Fever resulting from Proposed Project construction. The commenter claims that Valley Fever fungus is in their soil and that a resident contracted the disease in 2011. Please refer to Master Response 14 for a discussion regarding Valley Fever.

Response to Comment R.F-4

The commenter alleges that the EIR does not fully take into account the proximity and additional exposure of sensitive receptors from Proposed Project construction emissions and

effects, as it applies to the layout of Santa Ysabel Ranch. The comment alleges the EIR's characterization of pole distance to sensitive receptors does not apply to the residents of Santa Ysabel Ranch, which the commenter expands on in Comment R.F-5. For the CPUC's response to these issues, please refer to Master Response 15 and Response to Comment R.F-5.

Response to Comment R.F-5

The commenter suggests five reasons the EIR's assumptions regarding the proximity and exposure of sensitive receptors to pollutants are incorrect. Specifically, the commenter notes:

1. The main entry gate to Santa Ysabel Ranch, as well as the mailbox location used by all residents, would be between two poles. The commenter alleges soil disturbance would be extensive and would expose Santa Ysabel Ranch residents to health hazards.
2. The poles proposed on the east side of Santa Ysabel Ranch would be installed along Warm Springs Lane, a road that provides recreational opportunities and the only egress for 24 residents and states there are 18 sensitive receptors living on that road.
3. The property line of one home on Warm Springs Lane stops at South River Road and the commenter alleges it is unclear whether these individuals may have one or two poles on their property. The commenter notes these residents are elderly and one has asthma.
4. There are 21 homes within 1,000 feet of proposed pole locations between Fire Rock Loop and Santa Ysabel Avenue. The commenter alleges 35 of those residents are sensitive receptors with health issues, including asthma.
5. There are 3 homes with children on Fire Rock Loop and states the backyards of these homes are 30-60' from the Project's pole locations.

For the CPUC's discussion of these issues, please refer to Master Response 15. The CPUC evaluated air quality impacts qualitatively but noted that an HRA prepared by another commenter's experts concludes that some health impacts above the applicable thresholds could occur. Thus, Impact AQ-3 (potential to expose sensitive receptors to substantial pollutant concentrations) was determined to be significant and unavoidable in the EIR.

For situations during which residents are passing by the construction site(s) (getting mail, walking dogs, etc.), a small incremental increase in cancer risk and chronic health impacts might occur. However, given the standard conservative assumptions already considered in typical HRA methodologies, this slight increase would not substantially worsen the impact that would occur. The overall potential impact to sensitive receptors under Impact AQ-3 remains significant and unavoidable, as concluded in the EIR. Similarly, these short-term exposures while passing through gates, leaving the community, and walking to the mailbox or walking a dog could expose the residents to acute short-term health impacts. Acute health impacts are short-term in nature and dissipate quickly once the receptor is not in the area being exposed. Thus, no new or substantially worsened significant impact would occur. The overall potential impact to sensitive receptors disclosed under Impact AQ-3 would remain significant and unavoidable.

Response to Comment R.F-6

The commenter asserts that the construction schedule for Alternative SE-PLR-2 is incorrect due to statements by PG&E in 2017 that power lines installed near fault lines require larger foundations and are taller and wider. The commenter does not believe that this has been accounted for in terms of the number of helicopter trips, level of construction traffic, and amount of earth moved. The commenter feels that construction of Alternative SE-PLR-2 would take longer than indicated in the EIR, further exposing their residents.

For the CPUC's response to these concerns, please refer to Master Response 11 (Construction Emissions) and 13 (Air Quality Mitigation Measures). The CPUC uses information available at the time of preparation of the DEIR. However, these are the best, reasonable estimates available at the time of DEIR preparation and there may be changes not anticipated to the schedule and construction equipment usage. The air quality mitigation measures are designed to ensure that even with unanticipated changes to the construction schedule and equipment lists described in the DEIR, the performance standards outlined in these measures will ensure that all feasible mitigation to minimize air quality-related impacts are implemented. The air quality mitigation measures are described in detail in Section 4.3.4 within Section 4.3, "Air Quality," Volume 1 of the FEIR. With respect to the dimensions of power line poles near fault lines, please also refer to Response to Comment L-17.

Response to Comment R.F-7

The commenter states that they oppose Alternative SE-PLR-2 due to the health hazards that construction-related emissions, particulate matter, and Valley Fever exposure would cause the Santa Ysabel Ranch residents. The commenter states that they support Alternative Combination #2, due to less impact.

The comment is noted, including the commenter's opposition to Alternative SE-PLR-2 and preference for Alternative Combination #2. Please refer to the above responses regarding specific responses to the general concerns regarding health hazards raised in this comment.

Response to Comment R.F-8

The commenter questions the EIR's description of the construction schedule for Alternative SE-PLR-2 as taking 9 months less to complete than the Proposed Project. The commenter believes the construction schedule for Alternative SE-PLR-2 is inaccurate based on the assumption that the proximity of earthquake faults to the alignment would require larger pole foundations, which the commenter believes would take more time to install than standard poles. The commenter asks for clarification on how tall and wide the poles would be in front of the Santa Ysabel Ranch. They also question the timing if a portion of the proposed 70 kV line along South River Road is undergrounded instead of installed above-ground on poles. The commenter notes deviations in time could increase air quality impacts.

For the CPUC's response to these concerns, please refer to Master Response 15, as well as Response to Comment R.F-5 and R.F-6. Please also refer to Response to Comment L-17.

Response to Comment R.F-9

The commenter asserts that the EIR underestimates the health impacts related to air quality due to the proximity of 13 homes on Warm Springs Lane to proposed pole locations under Alternative SE-PLR-2. Please refer to Master Response 15 and Response to Comment R.F-5.

Response to Comment R.F-10

The commenter purports to quote the EIR stating health effects would be more likely for individuals with greater susceptibility to exposure and the location of receptors relative to the project. The commenter states, and provides a graphic showing, that there are 21 homes within 1,000 feet of the proposed pole locations under Alternative SE-PLR-2, and that 35 of the residents are sensitive receptors.

Please refer to Master Response 15 and Response to Comment R.F-5.

Response to Comment R.F-11

The comment provides a quotation from the EIR indicating the types of locations that may contain sensitive receptors (e.g., residences, senior living complexes, schools, parks, daycare centers, nursing homes, and medical facilities). The commenter states, and provides a graphic showing, that there are four sensitive receptor locations within 1,000 feet of the Alternative SE-PLR-2 alignment in proximity to the Paso Robles Substation along the northern portion of the alignment.

Please refer to Master Response 15 and Response to Comment R.F-5.

Response to Comment R.F-12

The commenter notes that there are fault lines along the proposed Alternative SE-PLR-2 alignment and reiterates assertions raised previously in this comment letter stating that this would require installation of taller and wider poles with larger foundations. The comment questions the length of time estimated in the EIR for the construction work for Alternative SE-PLR-2 based on the alleged need for larger poles. The comment also notes the consideration of an undergrounding segment along Alternative SE-PLR-2, and questions the construction schedule for Alternative SE-PLR-2. The comment argues that, based on these points, the adverse health impacts of Alternative SE-PLR-2 due to air quality issues may be greater than estimated in the EIR.

Please refer to Master Response 15 and Response to Comment R.F-8, as well as Response to Comment L-17.