



California Public  
Utilities Commission

# Final Environmental Impact Report NextEra Energy Transmission West's Proposed Suncrest Dynamic Reactive Power Support Project

Volume 3 – Comments and Responses to  
Comments on the Draft EIR

January 2018  
SCH # 2016011004

Prepared by



**FINAL ENVIRONMENTAL IMPACT REPORT**

**Volume 3 – Comments and Responses to Comments on the Draft EIR**

**CALIFORNIA PUBLIC UTILITIES COMMISSION**

**NextEra Energy Transmission West's Proposed  
Suncrest Dynamic Reactive Power Support  
Project**

**SCH# 2016011004**

Prepared for:

California Public Utilities Commission

505 Van Ness Avenue

San Francisco, CA 94102-3298

Prepared by:

Horizon Water and Environment, LLC

266 Grand Avenue, Suite 210

Oakland, California 94610

January 2018

Horizon Water and Environment. 2018. *NextEra Energy Transmission West's Proposed Suncrest Dynamic Reactive Power Support Project – Final Environmental Impact Report*. January. (HWE 15.018) Oakland, CA.

# Table of Contents

## Volume 3 – Comments and Responses to Comments on the Draft EIR

<b>Chapter 1, Introduction.....</b>	<b>1-1</b>
Format and Organization of the Comments and Responses to Comments Document .....	1-1
Public Review of the DEIR.....	1-2
Public Meetings on the DEIR.....	1-2
Comments Received During the Public Review Period.....	1-2
Preparation of the Comments and Responses to Comments Document .....	1-2
FEIR Review and Certification.....	1-3
List of Commenters on the DEIR .....	1-3
<b>Chapter 2, Master Responses .....</b>	<b>2-1</b>
Master Response 1: Feasibility of the Suncrest Substation Alternative.....	2-1
Master Response 2: Selection of Environmentally Superior Alternative .....	2-21
<b>Chapter 3, Individual Responses to Comments .....</b>	<b>3-1</b>
Introduction .....	3-1
Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017).....	3-3
Public Comment B: California Department of Fish and Wildlife (January 11, 2017) .....	3-224
Public Comment C: California Independent System Operator (January 10, 2017) .....	3-233
Public Comment D: Anonymous Commenter (December 1, 2017) .....	3-239
Public Comment E: Anonymous Commenter (December 23, 2016) .....	3-242
Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017) .....	3-246
Public Comment G: Office of Ratepayer Associates (January 10, 2017) .....	3-340
Public Comment H: Oral Comments Received at the Public Meeting in Alpine (December 8, 2016).....	3-345
Public Comment I: San Diego Gas & Electric Company (January 10, 2017) .....	3-348
Public Comment J: San Diego Regional Chamber of Commerce (January 10, 2017) .....	3-356
Public Comment K: Alpine Community Planning Group (January 27, 2017) .....	3-358
Public Comment L: San Diego County (January 30, 2017) .....	3-364



<b>Chapter 4, Revisions to the DEIR.....</b>	<b>4-1</b>
Executive Summary .....	4-1
Chapter 1, Introduction.....	4-2
Chapter 2, Project Description .....	4-3
Chapter 3, Introduction to the Analysis.....	4-7
Chapter 4, Aesthetics.....	4-7
Chapter 5, Agriculture and Forestry Resources.....	4-7
Chapter 6, Air Quality.....	4-7
Chapter 7, Biological Resources.....	4-8
Chapter 8, Cultural Resources .....	4-16
Chapter 9, Geology, Soils, and Seismicity.....	4-18
Chapter 10, Greenhouse Gas Emissions .....	4-18
Chapter 11, Hazards and Hazardous Materials.....	4-20
Chapter 12, Hydrology and Water Quality .....	4-22
Chapter 13, Land Use and Planning .....	4-25
Chapter 14, Minerals .....	4-26
Chapter 15, Noise and Vibration .....	4-26
Chapter 16, Population and Housing.....	4-27
Chapter 17, Public Services and Utilities .....	4-27
Chapter 18, Recreation.....	4-28
Chapter 19, Transportation and Traffic .....	4-28
Chapter 20, Alternatives Analysis.....	4-35
Chapter 21, Other Statutory Considerations .....	4-36
Chapter 22, Report Preparers.....	4-39
Chapter 23, References.....	4-39
Appendix L, Mitigation Monitoring and Reporting Program.....	4-40
<b>Chapter 5, Report Preparation .....</b>	<b>5-1</b>
<b>Chapter 6, References.....</b>	<b>6-1</b>
<b>Appendix A, DEIR Notices .....</b>	<b>N/A</b>
DEIR Notice of Availability.....	N/A
DEIR Notice of Completion .....	N/A
Newspaper Advertisements of DEIR Availability and Public Meetings .....	N/A
<b>Appendix B, Meeting Materials.....</b>	<b>N/A</b>
DEIR Public Meeting Sign-in Sheet.....	N/A

DEIR Public Meeting Comment Form.....	N/A
Presentation Slides.....	N/A

## Volume 1 – Main Body

Executive Summary	
Chapter 1	Introduction
Chapter 2	Project Description
Chapter 3	Introduction to the Environmental Analysis
Chapter 4	Aesthetics
Chapter 5	Agriculture and Forestry
Chapter 6	Air Quality
Chapter 7	Biological Resources
Chapter 8	Cultural Resources
Chapter 9	Geology, Soils, and Seismicity
Chapter 10	Greenhouse Gas Emissions
Chapter 11	Hazards and Hazardous Materials
Chapter 12	Hydrology and Water Quality
Chapter 13	Land Use and Planning
Chapter 14	Mineral Resources
Chapter 15	Noise and Vibration
Chapter 16	Population and Housing
Chapter 17	Public Services and Utilities
Chapter 18	Recreation
Chapter 19	Transportation and Traffic
Chapter 20	Alternatives
Chapter 21	Other Statutory Considerations
Chapter 22	Report Preparation
Chapter 23	References

## Volume 2 – Appendices

Appendix A	Notice of Preparation
Appendix B	Comments Received on the Notice of Preparation
Appendix C	Scoping Report
Appendix D	Electric and Magnetic Fields Management Plan
Appendix E	Air Quality and Greenhouse Gas Emissions Calculations
Appendix F	Biological Resources – Supporting Documentation
Appendix G	Cultural Resources Technical Report
Appendix H	Geotechnical Investigation Report
Appendix I	Phase 1 Environmental Site Assessment
Appendix J	Noise Data
Appendix K	Fire Protection Plan
Appendix L	Mitigation Monitoring and Reporting Program

## Acronyms and Abbreviations – Volume 3

AASHTO	American Association of State Highway and Transportation Officials
ACSR	aluminum conductor steel reinforced
ADT	average daily traffic
AERMAP	AERMOD Terrain Processor
AERMOD	Atmospheric Dispersion Modeling System
AERSCREEN	Screening version of AERMOD
a.m.	ante meridiem
APMs	applicant proposed measures
APSA	Approved Project Sponsor Agreement
ARB	California Air Resources Board
BMPs	best management practices
CAISO	California Independent System Operator
CalEEMod	California Emissions Estimator Model Version CalEEMod.2013.2.2
CalEPA	California Environmental Protection Agency
CAL FIRE	California Department of Forestry and Fire Protection
CAPCOA	California Air Pollution Control Officers Association
CARB	California Air Resources Board
CBC	California Building Code
CBSC	California Building Standards Commission
CCC	California Coastal Commission
CCR	California Code of Regulations
CDFG	California Department of Fish and Game
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CFPP	Construction Fire Protection Plan
CNDDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CNF	Cleveland National Forest
CNPS	California Native Plant Society
CO <sub>2</sub>	carbon dioxide
CO <sub>2</sub> e	carbon dioxide equivalent
CPCN	Certificate of Public Convenience and Necessity
CPUC, Commission	California Public Utilities Commission
CRPR	California Rare Plant Rank
CTMP	Community Trails Master Plan
CWA	Clean Water Act
dB	decibel
DEIR	draft environmental impact report
DPM	diesel particulate matter

EA	environmental assessment
EI	expansion index
EIR	environmental impact report
EIR/EIS	environmental impact report/environmental impact statement
EMF	electric and magnetic fields
FEIR	final environmental impact report
FEMA	Federal Emergency Management Agency
FERC	Federal Energy Regulatory Commission
FPP	Fire Prevention Plan
FTA	Federal Transit Administration
GHG	greenhouse gas
HMMP	Habitat Mitigation and Monitoring Plan
HMWMP	Hazardous Materials and Waste Management Plan
HRA	Health Risk Assessment
KOP	key observation point
kV	kilovolt
List	County of San Diego Sensitive Plant List
LLC	Limited Liability Company
LOS	Level of Service
m <sup>3</sup>	cubic meters
MBTA	Migratory Bird Treaty Act
megavar	million volts ampere reactive
MMRP	Mitigation Monitoring and Reporting Plan
MND	mitigated negative declaration
MSCP	Multiple Species Conservation Plan
MSUP	Master Special Use Permit
MSE	mechanically stabilized earth
NEPA	National Environmental Policy Act
ND	negative declaration
NEET West	NextEra Energy Transmission West, LLC
NESC	National Electrical Safety Code
NOA	Notice of Availability
NOC	Notice of Completion
NOD	Notice of Determination
NOx	nitrogen oxide
NPDES	National Pollutant Discharge Elimination System
NSF	NSF International
OEHHA	Office of Environmental Health Hazard Assessment
OPR	Office of Planning and Research
ORA	Office of Ratepayer Advocates
PDMWD	Padre Dam Municipal Water District

PEA	proponent's environmental assessment
p.m.	post meridiem
PM	particulate matter
PM <sub>10</sub>	PM equal to or less than 10 micrometers in diameter (coarse PM)
PM <sub>2.5</sub>	PM equal to or less than 2.5 micrometers in diameter (fine PM)
PRC	Public Resources Code
Proposed Project	Suncrest Dynamic Reactive Power Support Project
PU Code	Public Utilities Code
PVC	polyvinyl chloride
RAST	Risk Assessment Standalone Tool
RL	Rural Lands
RPS	Renewable Portfolio Standard
SC	State Candidate
SDAPCD	San Diego Air Pollution Control District
SDCFA	San Diego County Fire Authority
SDG&E	San Diego Gas and Electric
SDRWQCB	San Diego Regional Water Quality Control Board
SGMA	Sustainable Groundwater Management Act
SONGS	San Onofre Nuclear Generating Station
SR	State Route
SSC	Special Species of Concern
SVC	Static VAR compensator
SWAPE	Soil Water Air Protection Enterprise
SWCA	SWCA Environmental Consultants
SWRCB	State Water Resources Control Board
SWPPP	Stormwater Pollution Prevention Plan
TCP	Traffic Control Plan
TO	Transmission Owner
TPP	Transmission Planning Process
USACE	U.S. Army Corps of Engineers
USDA	U.S. Department of Agriculture
USEPA	U.S. Environmental Protection Agency
USFS	U.S. Forest Service
USFWS	U.S. Fish and Wildlife Service
WQC	Water Quality Certification
µg	microgram

## Chapter 1

# INTRODUCTION

The California Public Utilities Commission (CPUC) prepared this Comments and Responses to Comments Document (Volume 3 of the Final Environmental Impact Report [FEIR]) for the Suncrest Dynamic Reactive Power Support Project (Proposed Project) proposed by NextEra Energy Transmission West, LLC (NEET West). The FEIR was prepared in compliance with the California Environmental Quality Act (CEQA) of 1970 (as amended) and the CEQA Guidelines (14 California Code of Regulations (CCR) 15000 et seq.). The FEIR provides the public, responsible agencies, and trustee agencies with information about the potential environmental effects of implementation of the Proposed Project.

## Format and Organization of the Comments and Responses to Comments Document

This volume of the FEIR contains the following components:

Chapter 1, *Introduction*. This chapter describes the organization of the Comments and Responses to Comments Document; the public review, preparation and certification process; and presents a list of agencies and persons that commented on the Draft Environmental Impact Report (DEIR).

Chapter 2, *Master Responses*. This chapter contains the master responses prepared for common thematic comments received on the DEIR - to avoid repetition in responding to individual comments.

Chapter 3, *Individual Responses to Comments*. This chapter presents all of the comments received on the DEIR, and CPUC's individual responses to those comments.

Chapter 4, *Revisions to the DEIR*. This chapter presents revisions made to the DEIR in response to comments, as well as any corrections made by the CPUC.

Chapter 5, *Report Preparation*. This chapter lists the individuals involved in preparing this Comments and Responses to Comments Document and their responsibilities.

Chapter 6, *References*. This chapter provides the bibliography of literature, websites, and other materials cited during preparation of this volume of the FEIR.

Appendix A, *DEIR Notices and Mailing List*. This appendix contains the Notice of Availability (NOA) of the DEIR, the Notice of Completion (NOC) of the DEIR that was sent to the State Office of Planning and Research (OPR), and the newspaper advertisements announcing the public meetings and availability of the DEIR.

Appendix B, *Meeting Materials*. This appendix contains the materials associated with the public meetings that were held during the public review period of the DEIR, including the meeting sign-in sheet, comment form, and presentation.

## Public Review of the DEIR

The public review period for the DEIR was initiated on November 23, 2016 with the filing of the NOC with the State Clearinghouse. The NOA was distributed via direct mail to interested members of the public and local, state, federal, and tribal agencies, and posted on the CPUC's website. Notices advertising the location, date, and time of the public meeting for the Proposed Project, and the availability of the DEIR, were published in the Alpine Sun and the San Diego Union Tribune.

The 48-day public review period concluded on January 10, 2016, but the public review period was informally extended to receive comments beyond this date. During the review period, the DEIR was made available for review on CPUC's website and at the Alpine Branch San Diego County Library.

The DEIR notices and the associated mailing list are provided in Appendix A of this volume of the FEIR.

## Public Meetings on the DEIR

The CPUC conducted a public meeting on the DEIR at the Alpine Community Center (1830 Alpine Boulevard, Alpine, CA) on December 8, 2016. This meeting involved a presentation by CPUC consultant staff, followed by an opportunity for members of the public to provide oral comments on the Proposed Project. Two members of the public attended the meeting. Meeting materials are provided in Appendix B of this volume of the FEIR.

## Comments Received During the Public Review Period

12 comment letters were received during the public review period. Of these, 3 were from public agencies, and the remainder were from private corporations, organizations, and members of the public. Additionally, one comment letter (Comment Letter A, from Adams Broadwell Joseph & Cardozo) incorporated testimony/comments from 5 expert witnesses. This comment letter also included a large volume of appended literature to support information cited in the letter. A number of the commenters expressed similar concerns and opinions regarding the feasibility of the Suncrest Substation Alternative, and the environmental impacts of this Alternative compared to those of the Proposed Project.

Other comments addressed the adequacy of the project description and environmental baseline, the analysis of or impacts on biological resources, air quality, cultural resources, hydrology and water quality, noise, transportation and traffic, and the cumulative impacts analysis. Several comments also provided information on possible permitting and other requirements that may be applicable to the Proposed Project.

## Preparation of the Comments and Responses to Comments Document

It was determined that certain common thematic comments received on the DEIR, specifically those regarding the feasibility and environmental impacts of the Suncrest Substation Alternative, were best addressed in master responses. Therefore, master responses were prepared to address these comments, provided in Chapter 2, *Master Responses*. The remainder of comments were responded to through individual responses to comments, as presented in Chapter 3, *Individual Responses to Comments*.

In response to certain comments on the DEIR, it was determined that revisions to the DEIR text were necessary or appropriate. In these instances, it was noted in the response that the text was revised, and the revised DEIR text was presented in Chapter 4, *Revisions to the DEIR* using underline and ~~strikeout~~ to denote changes. These changes are also carried over to Volumes 1 and 2 of the FEIR (formerly the DEIR) and shown in underline/strikeout.

## FEIR Review and Certification

The FEIR will be distributed to public agencies that provided comments on the DEIR at least 10 days before its certification. At the close of the 10-day public agency review period, the CPUC will review the Environmental Impact Report (EIR), consider staff recommendations and public comment, and decide whether to certify the EIR and approve or deny the Proposed Project. If the CPUC decides to approve the Proposed Project, it will file a Notice of Determination (NOD) with OPR.

## List of Commenters on the DEIR

The following table lists the individuals and agencies that provided comments on the DEIR. All of the submitted comments are responded to in Chapters 2 and 3 of this document. Comment responses are provided according to the comment letter ID/code system indicated in Table 1. The total number of pages provided in the comments also is provided. As shown in Table 1, CPUC received 221 pages of comments and 4,214 pages of appended or cited literature in response to the DEIR.



**Table 1. List of Commenters Providing Comments on the Draft Environmental Impact Report**

Comment Letter ID	Commenting Individual(s)	Agency / Organization	Date Submitted	Comment / Response ID Code Range	# of Pages	
					Comment Letter	Appended / Cited Literature <sup>1</sup>
A	Christina Caro	Adams Broadwell Joseph & Cardozo	January 11, 2017	A-1 to A-90	59	1,082
	<b>Expert Witness Testimony</b>					
	David Marcus	N/A	January 11, 2017	A-91 to A-94	3	3
	Matt Hagemann & Jessie Jaeger	Soil Water Air Protection Enterprise (SWAPE)	January 11, 2017	A-95 to A-113	20	1,545
	Scott Cashen	N/A	January 11, 2017	A-114 to A-167	28	1,025
	Tom Myers	N/A	January 11, 2017	A-168 to A-181	8	218
	Daniel Smith	Smith Engineering & Management	January 11, 2017	A-182 to A-203	7	2
B	Gail Sevens	California Department of Fish and Wildlife	January 11, 2017	B-1 to B-8	6	0
C	Jordan Pinjuv	California Independent System Operator	January 10, 2017	C-1 to C-5	3	0
D	Anonymous Commenter	N/A	December 1, 2016	D-1 to D-5	1	0
E	Anonymous Commenter	N/A	December 23, 2016	E-1 to E-10	2	0
F	Lisa Cottle, Tracy Davis, and Scott Castro	Winston & Strawn, LLP / NextEra Energy Transmission West, LLC	January 10, 2017	F-1 to F-201	65	338
G	Chloe Lukins	Office of Ratepayer Advocates	January 10, 2017	G-1 to G-6	3	0

<sup>1</sup> Electronic copies of these literature citations are available upon request. Please send request to [suncrestproject@horizonh2o.com](mailto:suncrestproject@horizonh2o.com).

Comment Letter ID	Commenting Individual(s)	Agency / Organization	Date Submitted	Comment / Response ID Code Range	# of Pages	
					Comment Letter	Appended / Cited Literature <sup>1</sup>
H	N/A	Oral Comments Received at the December 8, 2016 Public Meeting in Alpine, CA	December 8, 2016	H-1 to H-7	1	0
I	Adrianna Kripke	San Diego Gas & Electric Company	January 10, 2017	I-1 to I-9	6	0
J	Sean Karafin	San Diego Regional Chamber of Commerce	January 10, 2017	J-1 to J-3	1	0
K	Travis Lyon	Alpine Community Planning Group	January 27, 2017	K-1 to K-9	3	0
L	Joseph Farace	County of San Diego	January 30, 2017	L-1 to L-15	5	1
<b>Total:</b>					<b>221</b>	<b>4,214</b>

*Page intentionally left blank.*

## Chapter 2

# MASTER RESPONSES

This chapter contains the master responses to comments submitted on the Draft Environmental Impact Report (DEIR). A number of commenters provided similar concerns and opinions regarding the feasibility of the Suncrest Substation Alternative that was considered in the DEIR, as well as on the selection of the Suncrest Substation Alternative as the environmentally superior alternative. Responses to these comments are provided in the master responses presented in this chapter.

Copies of the comment letters received on the DEIR are presented in Chapter 3, *Individual Responses to Comments*. In many instances, individual responses to specific comments identified in Chapter 3 refer back to the master responses contained in this chapter to address the common themes identified below.

### Master Response 1: Feasibility of the Suncrest Substation Alternative

#### **Issues:**

A number of commenters state that the Suncrest Substation Alternative considered in the DEIR is infeasible. As described in Chapter 20, *Alternatives*, of the DEIR, the Suncrest Substation Alternative would involve placing the proposed static VAR compensator (SVC), or reactive device, within the existing footprint area of the Suncrest Substation. In this respect, the DEIR concludes that the Suncrest Substation Alternative would avoid virtually all of the environmental impacts of the Proposed Project by avoiding the need to develop a new area for the reactive device or construct a one-mile transmission line connecting the proposed SVC to the Suncrest Substation. This alternative was considered potentially feasible in the DEIR.

Commenters allege the Suncrest Substation Alternative is infeasible on several grounds, including: (1) NextEra Energy Transmission West, LLC (NEET West) would not be able to reasonably acquire, control, or otherwise have access to the existing substation site within the amount of time needed to meet the California Independent System Operator's (CAISO's) required in-service date (e.g., condemnation proceedings could take several years, pushing the commercial operation date beyond June 2017); (2) the alternative is economically infeasible because it would add substantial expense that is not included in the cost cap under the Approved Project Sponsor Agreement (APSA); (3) allowing an entity to construct and own facilities within another utility's existing substation could lead to significant safety and security issues; and (4) the alternative conflicts with Federal Energy Regulatory Commission (FERC) Order No. 1000, the CAISO Tariff, and the APSA for the Proposed Project. CAISO suggests in its comment letter (see Comment C-2) that SDG&E may ultimately build the project within the Suncrest Substation if the proposed project is denied.

**Response:**

The California Public Utilities Commission (CPUC) appreciates comments related to the feasibility of the Suncrest Substation Alternative, and acknowledges the various issues that arise with consideration of the alternative.

Alternatives presented in an environmental impact report (EIR) need only be *potentially* feasible (California Environmental Quality Act [CEQA] Guidelines Section 15126.6(a); see also *City of Long Beach v Los Angeles Unified School District* (2009)). The term “feasible” is defined in the Public Resources Code Section 21061.1 as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” CEQA Guidelines Section 15364 adds the word “legal” into the list of factors to take into account.

A lead CEQA agency may exclude from an EIR alternatives that it concludes are not *potentially* feasible (see *Save San Francisco Bay Association v San Francisco BCDC* (1992), in which the court concluded that an EIR need not examine “alternatives that are so speculative, contrary to law, or economically catastrophic as to exceed the realm of feasibility”).

As described in the DEIR, San Diego Gas & Electric Company’s (SDG&E’s) response to a CPUC data request and SDG&E’s comments during the scoping period for the DEIR demonstrate that there is sufficient physical space within the existing Suncrest Substation footprint to construct the needed reactive device. SDG&E proposed such a project during the CAISO’s competitive solicitation process, and discussed the design in detailed responses to CPUC data requests. The Suncrest Substation Alternative is at least potentially feasible with respect to technological factors.

CPUC’s response to comments on the Suncrest Substation Alternative pertaining to schedule, economic feasibility, safety and security, and FERC Order 1000/CAISO Tariff/APSA are provided below. Feasibility will be further addressed in the CPUC’s Formal Proceeding for Application A.15-08-027.

***Schedule***

In regards to the question of ownership and ability to obtain site control within a reasonable period of time, it is understood that if NEET West were granted a Certificate of Public Convenience and Necessity (CPCN), it could undertake a condemnation proceeding to obtain ownership of a portion of the existing substation necessary for constructing the reactive device. Although this process would take an indeterminate amount of time, it is unclear whether schedule delay of several years would cause any undue problems to electric reliability.

It is CPUC staff’s understanding that the underlying purpose of the 300 megavar reactive device identified in the CAISO’s 2013-2014 Transmission Plan is to meet policy goals related to the State’s Renewable Portfolio Standard (RPS), i.e., the importation of renewable generation. It is not clear from the 2013-2014 Transmission Plan or CAISO’s Project Selection Report for the Suncrest Reactive Power Project how the required in-service date was developed or the status of the renewable targeted generation projects. Thus, it is unclear whether the CAISO’s stated in-service date for the project is critical for addressing a current transmission system need.

### *Economic Feasibility*

It is unclear whether the Suncrest Substation Alternative is economically feasible because NEET West has not completed a project design or cost proposal for a facility within the substation. But, even considering the added costs of obtaining site control possibly through a condemnation hearing, it is possible that installing the reactive device on the existing substation site would be more cost-effective than the Proposed Project. This issue is also within the scope of the CPUC's Formal Proceeding for Application A.15-08-027.

### *Safety, Security, and Reliability*

In regards to the safety and security concerns arising from locating two entities within the same substation raised by commenters, there is no law of which we are aware that expressly prohibits two utilities from operating within the same substation. CPUC staff contend that it is possible for SDG&E and the Applicant to develop appropriate agreements establishing protocols to mitigate potential safety and security concerns. As identified by the Office of Ratepayer Advocates (ORA) in its comments on the DEIR (see Chapter 3, *Individual Responses to Comments*), it may be safer for the two operators to be located in close proximity to one another (e.g., it may be easier to follow the "check and tag" requirements when they operate the devices either during routine operation or during maintenance). The risk of fire may also be reduced due to the reduction of transmission infrastructure required under the Suncrest Substation Alternative.

It remains unclear to the CPUC whether the Suncrest Substation Alternative creates an increased reliability risk. SDG&E and the applicant's facilities will be connected under the Proposed Project as well. FERC recognizes that interconnected facilities enhance reliability: "...to enhance reliability, among other reasons, public utility transmission providers have historically connected to the transmission systems of others, as well as jointly owned transmission facilities, and have therefore developed experience, protocols, and business models for coordinated operations with multiple transmission providers, operators, and users. ... All providers of bulk-power system transmission facilities, including nonincumbent transmission developers, that successfully develop a transmission project, are required to be registered as functional entities and must comply with all applicable reliability standards" (FERC Order 1000, P. 236). Safety, security, and reliability will be further addressed in the CPUC's Formal Proceeding for Application A.15-08-027.

### *FERC Order 1000, FERC Order 2003a, CAISO Tariff, APSA, and California Public Utility Code*

Comments on the DEIR cite passages from FERC Order No. 1000 and related documents to demonstrate possible legal risks with the Suncrest Substation Alternative and describe potential issues regarding the feasibility of constructing it. It is not possible to conclude that the Suncrest Substation Alternative is legally infeasible based on these documents. Passages from these documents are copied below to provide context. No changes were made to the Final Environmental Impact Report (FEIR) based on comments that cite passages from the documents discussed in this Master Response. But the disclosure of these passages increases the informational value of the EIR, while appropriately allowing the CPUC to resolve all legal and policy issues during the Formal Proceeding. Sections from these documents may be reviewed during the CPUC's Formal Proceeding for Application A.15-08-027 as appropriate.

Please note the additional passages from FERC Order No. 1000 below that describe the State's siting, permitting, and construction authority (e.g., FERC Order No. 1000 P. 107, 156, 227, 253, 276, 287, 319 and similar citations in FERC Order No. 1000-A). FERC Order No. 1000, Paragraph 319 is provided in its entirety to provide context for the first few sentences cited by commenters. Please note passages below that indicate the project sponsor may come to an agreement with the incumbent utility about constructing a project within the incumbent's facility (e.g., FERC Order No. 1000-A P. 426, P. 427 and CAISO Tariff Section 24.5.1). Also note conditional language in the CAISO Tariff (e.g., "take such action as [the CAISO] reasonably considers appropriate" and "may") and in APSA passages cited by commenters.

The APSA for the Proposed Project and the generic template for all APSAs included as Appendix X to the CAISO Tariff state that any modifications to the proposed facilities ordered by a siting agency are not subject to CAISO approval. However, Appendix E to the APSA for the Proposed Project also states that if the siting agency orders the proposed facilities to be sited within the substation footprint of the Interconnecting PTO [Participating Transmission Owner], the CAISO may take such action as it determines to be necessary and appropriate in accordance with the CAISO Tariff. This language is not included in Appendix E to the generic, template APSA found in the CAISO Tariff.

The proposed project was selected as a policy-driven project and not a reliability-driven project, and CPUC staff are not aware of a timeframe during which the proposed project must be constructed to ensure grid reliability. Given that the Proposed Project was identified by the CAISO to address policy-driven needs, and based on the CAISO's 2013/2014 Transmission Planning Process (TPP), its underlying purpose can be defined as the need to provide reactive power support at the existing Suncrest Substation to allow for importation of renewable generation from the Imperial Valley to demand centers in the west in support of achieving California's Renewables Portfolio Standard goals. FERC Order 1000 and 1000-A reiterate that substantive matters traditionally reserved to the states include the siting, permitting, ownership, or construction of transmission facilities. Additionally, the reforms described in FERC Order 1000 and 1000-A do not speak to which entity may ultimately construct transmission facilities. FERC Order 1000 and 1000-A are clear that nothing within them is intended to limit, preempt, or otherwise affect state or local laws or regulations with respect to construction of transmission facilities.

In the State of California, the CPUC's broad jurisdiction pursuant to California Public Utilities Code (PU Code) 701 and the policy implications involved with the proposed project (e.g., competitive transmission processes with respect to the Commission's duty to comply with CEQA) support carrying the ESA forward as potentially feasible. See also PU Code sections 612, 625, 701, 762, 762.5, 1001, 1002.3. PU Code sections 762 and 762.5 are particularly relevant with respect to the Commission's authority regarding the reasonable use of a public utility's existing physical property. FERC orders, the CAISO Tariff, the APSA, and the PU Code will be further addressed with respect to feasibility of the Suncrest Substation Alternative in the CPUC's Formal Proceeding for Application A.15-08-027.

Thank you for your comments.

- **FERC Order No. 1000**

- P. 107

- *We acknowledge that there is longstanding state authority over certain matters that are relevant to transmission planning and expansion, such as matters relevant to siting, permitting, and construction. However, nothing in this Final Rule involves an exercise of siting, permitting, and construction authority. The transmission planning and cost allocation requirements of this Final Rule, like those of Order No. 890, are associated with the processes used to identify and evaluate transmission system needs and potential solutions to those needs. In establishing these reforms, the Commission is simply requiring that certain processes be instituted. This in no way involves an exercise of authority over those specific substantive matters traditionally reserved to the states, including integrated resource planning, or authority over such transmission facilities. For this reason, we see no reason why this Final Rule should create conflicts between state and federal requirements.*

- P. 156

- *As discussed above, this Final Rule in no way involves an exercise of authority over those specific substantive matters traditionally reserved to the states, including integrated resource planning, or authority over siting, permitting, or construction of transmission solutions.*

- P. 227

- *In developing the framework below, we have sought to provide flexibility for public utility transmission providers in each region to propose, in consultation with stakeholders, how best to address participation by nonincumbents as a result of removal of the federal right of first refusal from Commission-jurisdictional tariffs and agreements. However, we note that nothing in this Final Rule is intended to limit, preempt, or otherwise affect state or local laws or regulations with respect to construction of transmission facilities, including but not limited to authority over siting or permitting of transmission facilities. Public utility transmission providers must establish this framework in consultation with stakeholders and we encourage stakeholders to fully participate.*

- P. 253

- *The Commission concludes that there is a need to act at this time to remove provisions from Commission-jurisdictional tariffs and agreements that grant incumbent transmission providers a federal right of first refusal to construct transmission facilities selected in a regional transmission plan for purposes of cost allocation.<sup>231</sup>...*
      - *Footnote 231: As explained in more detail in section III.B.3 below, the Commission purposely refers to “federal rights of first refusal” in this Final Rule because the Commission’s action on this issue in this Final Rule addresses only rights of first refusal that are created by provisions in Commission-jurisdictional*



*tariffs or agreements. Nothing in this Final Rule is intended to limit, preempt, or otherwise affect state or local laws or regulations with respect to construction of transmission facilities, including but not limited to authority over siting or permitting of transmission facilities. This Final Rule does not require removal of references to such state or local laws or regulations from Commission-approved tariffs or agreements.*

- P. 276
  - *Other commenters also argue that the Commission lacks general jurisdiction over the siting, construction, or ownership of transmission facilities, matters they assert Congress intentionally left to the states, as demonstrated by a comparison between the FPA and the Natural Gas Act.<sup>253</sup> Commenters assert that the proposal to adopt rules governing who can build transmission within an incumbent transmission owner's zone exceeds the authority conferred upon the Commission under the FPA to regulate the terms and conditions of service and, in essence, create a federal franchise for transmission service.<sup>254</sup>*
- P. 287
  - *Eliminating a federal right of first refusal in Commission-jurisdictional tariffs and agreements does not, as some commenters contend, result in the regulation of matters reserved to the states, such as transmission construction, ownership or siting. The reforms are focused solely on public utility transmission provider tariffs and agreements subject to the Commission's jurisdiction. While many commenters indicate that they disagree with these statements, none of them has explained adequately how our actions will override or conflict with state laws or regulations. The Commission acknowledges that there may be restrictions on the construction of transmission facilities by nonincumbent transmission providers under rules or regulations enforced by other jurisdictions. Nothing in this Final Rule is intended to limit, preempt, or otherwise affect state or local laws or regulations with respect to construction of transmission facilities, including but not limited to authority over siting or permitting of transmission facilities. It does not follow that the Commission has no authority to remove such restrictions in the tariffs or agreements subject to its jurisdiction.*
- P. 319
  - *In addition, the Proposed Rule emphasized that our reforms do not affect the right of an incumbent transmission provider to build, own and recover costs for upgrades to its own transmission facilities, such as in the case of tower change outs or reconductoring, regardless of whether or not an upgrade has been selected in the regional transmission plan for purposes of cost allocation. In other words, an incumbent transmission provider would be permitted to maintain a federal right of first refusal for upgrades to its own transmission facilities. In addition, the Commission affirms that proposal here, and in response to*

*commenters adds that our reforms are not intended to alter an incumbent transmission provider's use and control of its existing rights-of-way. That is, this Final Rule does not remove or limit any right an incumbent may have to build, own and recover costs for upgrades to the facilities owned by an incumbent, nor does this Final Rule grant or deny transmission developers the ability to use rights-of-way held by other entities, even if transmission facilities associated with such upgrades or uses of existing rights-of-way are selected in the regional transmission plan for purposes of cost allocation. The retention, modification, or transfer of rights-of-way remain subject to relevant law or regulation granting the rights-of-way.*

- **FERC Order No. 1000-A**

- P. 105

- *The Commission also made clear that nothing in Order No. 1000 infringed on those matters traditionally reserved to the states, such as matters relevant to siting, permitting and construction, as the reforms in Order No. 1000 are associated with the processes used to identify and evaluate transmission system needs and potential solutions to those needs.*

- P. 186

- *As we stated in Order No. 1000, nothing therein is intended to preempt or otherwise conflict with state authority over the siting, permitting, and construction of transmission facilities or over integrated resource planning and similar processes. Order No. 1000 explained that “nothing in this Final Rule involves an exercise of siting, permitting, and construction authority. The transmission planning and cost allocation requirements of this Final Rule, like those of Order No. 890, are associated with the processes used to identify and evaluate transmission system needs and potential solutions to those needs.” Order No. 1000 concluded that “[t]his in no way involves an exercise of authority over those specific substantive matters traditionally reserved to the states, including integrated resource planning, or authority over such transmission facilities.”*

- P. 187

- *We affirm that conclusion here. In so finding, we recognize, as we did in Order No. 1000, that the states have a significant jurisdictional role in the siting, permitting, and construction of transmission facilities, and that many states require public utility transmission providers to undertake and implement integrated resource plans. However, as we explain below, the Commission may undertake Order No. 1000's reforms without intruding on state jurisdiction.*

- P. 188

- *At the outset, it is important to recognize that Order No. 1000's transmission planning reforms are concerned with process; these*

*reforms are not intended to dictate substantive outcomes, such as what transmission facilities will be built and where. We recognize that such decisions are normally made at the state level. Rather, Order No. 1000's transmission planning reforms are intended to ensure that there is an open and transparent regional transmission planning process that produces a regional transmission plan. If public utility transmission providers' regional transmission processes satisfy these requirements, then they will be in compliance with Order No. 1000's regional transmission planning requirements. Thus, contrary to arguments raised by some state regulators and others, Order No. 1000's transmission planning reforms respect the jurisdictional authority of the states regarding the siting, permitting, and construction of transmission facilities.*

- P. 189
  - ... There is nothing in Order No. 1000 that preempts state authority regarding transmission planning, including authority over the siting, permitting, and construction of transmission facilities.
- P. 191
  - Accordingly, in response to Ad Hoc Coalition of Southeastern Utilities, we disagree that we are effectively making decisions about which transmission facilities will be sited and constructed, that we are effectively preempting state decisions in that regard, or that we are doing anything indirectly that we cannot do directly. As discussed above, we conclude that we possess ample legal authority under the FPA to implement Order No. 1000's transmission planning reforms. As we also explain immediately above, nothing in Order No. 1000 explicitly or implicitly requires that any transmission facilities be sited, permitted, or constructed. We do not see that decisions made in the regional transmission planning process would interfere with these state-jurisdictional processes. Further, in response to Ad Hoc Coalition of Southeastern Utilities' question regarding the implications of not implementing the regional transmission plan, we reiterate that Order No. 1000 requires a regional transmission plan be developed pursuant to a Commission- approved process, the Commission is not requiring that such a plan be filed for Commission approval or be implemented. Rather, as was made clear in Order No. 1000, the designation of a transmission project as a "transmission facility in a regional transmission plan" or a "transmission facility selected in a regional transmission plan for purposes of cost allocation" only establishes how the developer may allocate the costs of such a facility in Commission-approved rates if it is built. Order No. 1000, however, does not require that such facilities be built, give any entity permission to build a facility, or relieve a developer from obtaining any necessary state regulatory approvals.

- P. 359
  - *Sponsoring PJM Transmission Owners argue that section 7 of the NGA, which gives the Commission authority to regulate pipeline construction, demonstrates that had Congress desired to give the Commission authority over construction of transmission lines it would have done so. However, Sponsoring PJM Transmission Owners misconstrue the Commission's actions in Order No. 1000. As the Commission explicitly stated in Order No. 1000, it is not regulating construction of new transmission facilities because that is a matter reserved to the states. Instead, the Commission acted under its legal authority in section 206 to require the elimination of provisions in federally-regulated tariffs establishing practices in the regional transmission planning process that affect rates. The authority to authorize construction and siting of new transmission facilities is distinct from the authority to require public utility transmission providers to engage in an open and transparent regional transmission planning process designed to ensure that the more efficient or cost-effective solutions to regional transmission needs are selected in the regional transmission plan for purposes of cost allocation.*
- P. 377
  - *We affirm the Commission's finding in Order No. 1000 that the nonincumbent transmission developer reforms do not result in the regulation of matters reserved to the states, such as transmission construction, ownership or siting. As the Commission explained in Order No. 1000, the nonincumbent transmission developer reforms are focused solely on public utility transmission provider tariffs and agreements subject to the Commission's jurisdiction and are not intended to limit, preempt, or otherwise affect state or local laws or regulations with respect to construction of transmission facilities, including but not limited to authority over siting or permitting of transmission facilities.*
- P. 378
  - *We disagree with petitioners that argue that the Commission needs new authority in the FPA to adopt the nonincumbent transmission developer reforms, as these arguments rest on the faulty premise that the Commission is somehow regulating the construction of transmission facilities. Order No. 1000 does not address transmission construction. Instead, the nonincumbent transmission developer reforms in Order No. 1000 ensure that nonincumbent transmission developers have a comparable opportunity to incumbent transmission developers/providers to submit transmission projects for evaluation and potential selection in the regional transmission plan for purposes of cost allocation. These reforms further provide that a nonincumbent transmission developer's project that is selected in the regional transmission plan for purposes of cost allocation will not be subject to any federal right of first refusal, which must be eliminated, except in*

*certain limited circumstances. The reforms do not, however, speak to which entity may ultimately construct any transmission facilities. Moreover, we note that we agree with Baltimore Gas & Electric that eliminating a federal right of first refusal is unrelated to the Commission's authority under section 216 of the FPA.*

○ P. 381

- *In response to Baltimore Gas & Electric's argument that Commission-jurisdictional tariffs and agreements merely acknowledge a right of first refusal that it had before joining PJM, we affirm the statement in Order No. 1000 that "[t]his Final Rule does not require removal of references to such state or local laws or regulations from Commission-approved tariffs or agreements." Accordingly, such a right based on a state or local law or regulation would still exist under state or local law even if removed from the Commission-jurisdictional tariff or agreement, and nothing in Order No. 1000 changes that law or regulation, for Order No. 1000 is clear that nothing therein is "intended to limit, preempt, or otherwise affect state or local laws or regulations with respect to construction of transmission facilities."*

○ P. 382

- *We disagree with MISO that eliminating a federal right of first refusal would put it in the position of deciding who should construct planned transmission facilities. Rather, the transmission planning and cost allocation reforms in Order No. 1000 are designed to allow the public utility transmission providers in a transmission planning region to evaluate whether new transmission facilities would efficiently and cost-effectively meet their transmission needs, as well as to provide a cost allocation method for those facilities selected in the regional transmission plan for purposes of cost allocation. We acknowledge that a decision made to select a new transmission facility in the regional transmission plan for purposes of cost allocation may affect which entity ultimately constructs and owns transmission facilities. However, we reiterate that nothing in Order No. 1000 creates any new authority for the Commission nor public utility transmission providers acting through a regional transmission planning process to site or authorize the construction of transmission projects. Furthermore, Order No. 1000 does not prohibit an incumbent transmission provider from having a federal right of first refusal for a new local transmission facility that is not selected in a regional transmission plan for purposes of cost allocation.*

○ P. 392

- *In Order No. 1000, the Commission directed public utility transmission providers to eliminate provisions in Commission-jurisdictional tariffs and agreements that establish a federal right of first refusal for an incumbent transmission provider with respect to transmission facilities selected in a regional transmission plan for purposes of cost allocation.*

*However, Order No. 1000 also limited the applicability of that elimination requirement in important ways. The Commission stated that its focus was on the set of transmission facilities that are evaluated at the regional level and selected in the regional transmission plan for purposes of cost allocation, and that it was not requiring removal from Commission-jurisdictional tariffs and agreements of federal rights of first refusal as applicable to a local transmission facility. Additionally, the Commission explained that the reforms do not affect the right of an incumbent transmission provider to build, own, and recover costs for upgrades to its own transmission facilities, such as in the case of tower change outs or reconductoring, regardless of whether an upgrade has been selected in a regional transmission plan for purposes of cost allocation. The Commission further noted that the reforms are not intended to alter an incumbent transmission provider's use and control of its existing rights-of-way, the retention, modification, or transfer of which remain subject to the relevant law or regulation that granted the right-of-way.*

- P. 426
  - *In response to requests for clarification regarding what the Commission considers to be an upgrade, we note that in Order No. 1000, the term upgrade means an improvement to, addition to, or replacement of a part of, an existing transmission facility. The term upgrades does not refer to an entirely new transmission facility. The concept is that there should not be a federally established monopoly over the development of an entirely new transmission facility that is selected in a regional transmission plan for purposes of cost allocation to others. However, neither is the Commission eliminating the right of an owner of a transmission facility to improve its own existing transmission facility by allowing a third-party transmission developer to, for example, propose to replace the towers or the conductors of a transmission line owned by another entity.<sup>506[1]</sup> It is not feasible, however, to list every type of improvement or addition, or name all the parts of lines, towers and other equipment that may be replaced or otherwise upgrades, and we will not do so here.*
- P. 427
  - *In response to ITC Companies, we clarify that the requirement to eliminate a federal right of first refusal does not apply to any upgrade, even where the upgrade requires the expansion of an existing right-of-way. The issue is not whether the upgrade would be located in an existing right-of-way, but whether the new transmission facility is an upgrade to an incumbent transmission provider's own facilities. Furthermore, the Commission reiterates that the nonincumbent transmission developer reforms were not intended to alter an*

<sup>1</sup> Footnote 506 cites FERC Order No. 1000 P. 319.

*incumbent transmission provider's use and control of its existing rights-of-way under state law.*

- **FERC Order No. 2003a**

- P. 236

- *We disagree with TDU Systems' concern that a Transmission Provider having operational control over the facilities unduly tilts the bargaining power in favor of the Transmission Provider. The Transmission Provider has the right to build, own, and control the facilities itself if it chooses to. The Interconnection Customer has the "option to build" only if the Transmission Provider declines to meet the construction milestones established by the Interconnection Customer. In response to TDU Systems' request that the Interconnection Customer be allowed to operate and maintain any facilities it may own, such a regime would fragment the Transmission System, thereby undermining reliability.*

- FERC Order No. 1000

- *P. 266: We are not persuaded by commenters who argue that the reliability of the transmission system is a function of the number of public utility transmission providers of that system. In fact, to enhance reliability, among other reasons, public utility transmission providers have historically connected to the transmission systems of others, as well as jointly owned transmission facilities, and have therefore developed experience, protocols, and business models for coordinated operations with multiple transmission providers, operators, and users. Moreover, many of the same commenters that raise reliability concerns also suggest that nonincumbent transmission developers instead pursue the merchant model of development, which similarly increases rather than decreases the number of transmission providers within a region. All providers of bulk-power system transmission facilities, including nonincumbent transmission developers, that successfully develop a transmission project, are required to be registered as functional entities and must comply with all applicable reliability standards. Together with the additional requirements we adopt in section III.B.4 below, the Commission finds these protections sufficient to support our decision here to eliminate the federal rights of first refusal contained in Commission-jurisdictional tariffs and agreements.*

- **CAISO Tariff (February 1, 2017)**

- Section 24.4.10 Transmission Plan Approval Process

- *The revised draft comprehensive Transmission Plan, along with the stakeholder comments, will be presented to the CAISO Governing Board for consideration and approval. Upon approval of the plan, all needed transmission solutions and Interregional Transmission Projects, net of all transmission and non-transmission alternatives considered in developing the comprehensive Transmission Plan, will be deemed*

*approved by the CAISO Governing Board. Following Governing Board approval, the CAISO will post the final comprehensive Transmission Plan to the CAISO Website. According to the schedule set forth in the Business Practice Manual, transmission solutions with capital costs of \$50 million or less can be approved by CAISO management and may proceed to permitting and construction prior to Governing Board approval of the plan. Such CAISO management approved transmission solutions may be subject to a competitive solicitation process, consistent with Section 24.5, on an accelerated schedule that will allow the approved Project Sponsor to proceed to permitting and construction prior to Governing Board approval of the plan. CAISO management may also expedite approval of a transmission solution ahead of the approval schedule for other solutions with capital costs of \$50 million or less if: (1) there is an urgent need for approval of the solution ahead of the schedule established in the Business Practice Manual; (2) there is a high degree of certainty that approval of the transmission solution will not conflict with other solutions being considered in Phase 2; and (3) the need to accelerate a solution is driven by the CAISO's study process or by external circumstances. Should the CAISO find that a transmission solution with capital costs of \$50 million or less is needed on an expedited basis, after a stakeholder consultation process, CAISO management shall brief the Governing Board at a regularly-scheduled or special public session prior to approving the transmission solution and conducting a competitive solicitation, if appropriate. A Participating Transmission Owner will have the responsibility to construct, own, finance and maintain any Local Transmission Facility<sup>2</sup> deemed needed under this section 24 that is located entirely within such Participating Transmission Owner's PTO Service Territory or footprint, as well as any upgrade or addition to an existing transmission facility. The provisions of Section 24.5 will apply to a Regional Transmission Facility deemed needed under this section 24. Section 24.5 will also apply to any transmission solutions that are associated with both Regional Transmission Facilities and Local Transmission Facilities but for which the CAISO determines that it is not reasonable to divide construction responsibility among multiple Project Sponsors. Construction and ownership of a selected Interregional Transmission Project shall be determined in accordance in Section 24.17.3.*

○ Section 24.5.1 Competitive Solicitation Process

- *According to the schedule set forth in the Business Practice Manual, in the month following the CAISO Governing Board's approval of the comprehensive Transmission Plan, the CAISO will initiate a period of at least ten (10) weeks that will provide an opportunity for Project Sponsors to submit specific proposals to finance, own, and construct the*

<sup>2</sup> Note that the Proposed Project evaluated in the DEIR was identified as a Regional Transmission Facility during the CAISO's Transmission Planning Process (CAISO 2013-2014 Transmission Plan, July 16, 2014).



*Regional Transmission Facilities subject to competitive solicitation identified in the comprehensive Transmission Plan. If the transmission solution adopted in Phase 2 involves an upgrade or improvement to, addition on, or a replacement of a part of an existing Participating TO facility, the Participating TO will construct and own such upgrade, improvement, addition or replacement facilities unless a Project Sponsor and the Participating TO agree to a different arrangement. For Regional Transmission Facilities with capital costs of \$50 million or less that were approved by CAISO management before Governing Board approval of the comprehensive Transmission Plan, the ten week period will be initiated following management approval of the facility, and the Project Sponsor selection process may follow an accelerated schedule described in the Business Practice Manual. Such proposals must include plan of service details and supporting information as set forth in the Business Practice Manual sufficient to: (1) enable the CAISO to determine whether the Project Sponsor meets the qualification criteria specified in section 24.5.3.1; (2) enable the CAISO to determine whether a Project Sponsor's proposal meets the proposal qualification criteria in section 24.5.3.2; and (3) enable the CAISO, if there are multiple qualified Project Sponsors bidding on the same Regional Transmission Facility, to conduct a comparative analysis of the proposals and Project Sponsors and select an Approved Project Sponsor as described in section 24.5.2.5. The project proposal will identify the authorized governmental body from which the Project Sponsor will seek siting approval for the project. Within 30 days after the CAISO posts the draft comprehensive Transmission Plan to its website, for each Regional Transmission Facility identified in the comprehensive Transmission Plan that is subject to competitive solicitation, the CAISO will post, for informational purposes only, those existing qualification criteria and selection factors, in addition to any binding cost containment commitments, which the CAISO believes are key for purposes of selecting an Approved Project Sponsor for the particular transmission solution, consistent with the comparative analysis described in section 24.5.4 and the project sponsor qualification and selection criteria specified in sections 24.5.3.1 and 24.5.4, respectively. The posting of such key criteria is solely intended to provide information to Project Sponsors to assist them in the preparation of their applications and to highlight specific topics to which particular attention should be paid in the application given their importance in connection with a particular Regional Transmission Facility. The posting of the key selection criteria is not a replacement or substitute for the qualification and selection criteria set forth in sections 24.5.3.1 and 24.5.4, and in its comparative analysis conducted in accordance with section 24.5.4, the ISO is required to comparatively assess all of the qualification and selection criteria, not just those listed as key selection criteria. In its posting of the key selection criteria, the*

*ISO cannot add new or different criteria than those already specified in sections 24.5.3.1 and 24.5.4. To determine the key criteria for each transmission solution subject to competitive solicitation, the ISO will consider: (1) the nature, scope and urgency of the need for the transmission solution; (2) expected severity of siting or permitting challenges; (3) the size of the transmission solution, potential financial risk associated with the transmission solution, expected capital cost magnitude, cost overrun likelihood and the ability of the Project Sponsor to contain costs; (4) the degree of permitting, rights-of-way, construction, operation and maintenance difficulty; (5) risks associated with the construction, operation and maintenance of the transmission solution; (6) technical and engineering design difficulty or whether specific expertise in design or construction is required; (7) special circumstances or difficulty associated with topography, terrain or configuration; (8) specific facility technologies or materials associated with the transmission solution; (9) binding cost containment measures, including cost caps; (10) abandonment risk; and (11) whether the overall cost of the transmission solution impacts the ISO's prior determination of, and inclusion in, the comprehensive Transmission Plan of the more efficient or cost effective solution during Phase 2 of the transmission planning process.*

○ Section 24.6 Obligation to Construct Transmission Solutions

- *The Approved Project Sponsor selected to construct the needed transmission solution or the applicable Participating TO where there is no Approved Project Sponsor, must make a good faith effort to obtain all approvals and property rights under applicable federal, state and local laws that are necessary to complete the construction of the required transmission solution. This obligation includes the Approved Project Sponsor's use of eminent domain authority, where provided by state law. A Participating TO in whose PTO Service Territory or footprint either terminus of the transmission solution is located shall be obligated to construct all regional transmission solutions included in the comprehensive Transmission Plan for which there is no Approved Project Sponsor either from the first competitive solicitation or future competitive solicitations. The Approved Project Sponsor shall not sell, assign or otherwise transfer its rights to finance, construct and own the needed transmission solution, or any element thereof, before the facilities have been energized and, if applicable, turned over to the CAISO's Operational Control unless the CAISO has approved such proposed transfer, which approval shall not be unreasonably withheld. The CAISO shall not approve such sale, assignment or transfer unless the purchaser, transferee or assignee (i) meets the qualification requirements set forth in section 24.5.3.1; (ii) agrees to honor any binding cost containment measures or cost caps agreed to by the Approved Project Sponsor in its proposal; (iii) agrees to meet the*

*factors that the ISO relied upon in selecting the proposal of the Approved Project Sponsor; and (iv) assumes the rights and obligations set forth in the Approved Project Sponsor Agreement.*

- 24.6.3 Development and Submittal of Mitigation Plans
  - *If the CAISO determines that a delay in the date upon which a transmission solution is proposed to be energized may cause one or more Participating TO(s) or the CAISO to violate a NERC reliability standard, the CAISO shall identify the potential violation and direct the impacted Participating TO(s) to develop a mitigation plan. The CAISO or the impacted Participating TOs shall take any and all reasonable actions necessary to meet the requirements of the mitigation plan.*
- Section 24.6.4 Inability to Complete the Transmission Solution
  - *If the CAISO determines that the Approved Project Sponsor cannot secure necessary approvals or property rights or is otherwise unable to construct a transmission solution, or if the CAISO finds that an alternative Project Sponsor is necessary pursuant to Section 24.6.2, or if the Approved Project Sponsor determines that it is unable to proceed with construction of the transmission solution and so notifies the CAISO, the CAISO shall take such action as it reasonably considers appropriate, in coordination with the Participating TO and other affected Market Participants, to facilitate the development and evaluation of alternative solutions. In conducting such evaluation the CAISO will consider (1) the reasons that the Approved Project Sponsor was unable to construct the transmission solution; (2) whether the transmission solution is still needed; and (3) whether there are other solutions that could replace the original transmission solution as it was originally configured. If the ISO determines that the transmission solution is no longer needed, the ISO will not pursue the solution and will not direct a Participating TO to backstop the continued development of the solution. For reliability driven transmission solutions, the CAISO may, at its discretion, direct the Participating TO in whose PTO Service Territory or footprint either terminus of the transmission solution is located, to build the transmission solution, or the CAISO may open a new solicitation for Project Sponsors to finance, own, and construct the transmission solution. For all other transmission solutions, the CAISO shall open a new solicitation for Project Sponsors to finance, own, and construct the transmission solution. Where there is no Approved Project Sponsor, the CAISO shall direct the Participating TO in whose PTO Service Territory or footprint either terminus of the transmission solution is located, to finance, own and construct the transmission solution. The previous Approved Project Sponsor shall be obligated to work cooperatively and in good faith with the CAISO, the new Approved Project Sponsor (if any) and the affected Participating TO, to implement the transition. The obligations of the Participating TO to construct the transmission solution will not alter the rights of any entity to construct and expand*

*transmission facilities as those rights would exist in the absence of a Participating TO's obligations under this CAISO Tariff or as those rights may be conferred by the CAISO or may arise or exist pursuant to this CAISO Tariff.*

- **Approved Project Sponsor Agreement**

- Page 12 (Section 5.9, Modification) <sup>3</sup>

- *5.9.1: The Approved Project Sponsor may undertake modifications to its facilities only with the approval of the CAISO and subject to the provisions of this Agreement and the CAISO Tariff. If the Approved Project Sponsor plans to undertake a modification, it shall provide such information regarding such modification to the CAISO as the CAISO deems necessary to evaluate the potential impact of such modification prior to commencement of the work. Such information shall include information concerning the timing of such modification, any technical information, and cost impact. The Approved Project Sponsor shall provide the relevant drawings, plans, and specifications to the CAISO at least ninety (90) calendar days in advance of the commencement of the work or within such shorter period upon which the Parties may agree, which agreement shall not unreasonably be withheld, conditioned, or delayed. The CAISO shall determine if a modification is in accordance with the original Project criteria and intent and whether to approve the modification within thirty (30) calendar days after the Approved Project Sponsor's submission.*
    - *5.9.2: Any additions, modifications, or replacements made to the Project's facilities shall be designed, constructed, and operated in accordance with this Agreement, Applicable Laws and Regulations, and Good Utility Practice.*
    - *5.9.3: Any modifications to the Project's facilities ordered by a siting agency are not subject to CAISO approval. However, the Approved Project Sponsor is required to notify the CAISO within thirty (30) calendar days after the siting agency has issued an order directing Project modifications.*

- Pages 43-44 (Appendix E)

- *The estimated costs of the Project are contingent on the Project description included in Appendix A. Pricing may be subject to adjustment prior to the completion of construction to reflect any changes to the Project directed by the CPUC or other governmental or regulatory body in accordance with Section 5.9.3 of this APSA, that impact project costs. Such changes by a siting agency could include changes in design, location, schedule, or other changes in the Project that forms the basis of the binding cost cap proposal. If the change ordered by the siting agency or other government or regulatory body*

<sup>3</sup> See also the same Modification language in Appendix X to the CAISO Tariff, which provides a detailed, generic template for APSAs (Section 5.9).

*results in the estimated costs subject to the binding cost containment being greater than the binding cost cap, or delays the Project beyond the original schedule, the Approved Project Sponsor shall consult with CAISO prior to incurring such costs to determine if the Project is still viable. If it is still viable, the Approved Project Sponsor and the CAISO shall discuss and agree on the cost adjustment and amendment to this APSA. If the siting agency orders the Project facilities to be sited within the substation footprint of the Interconnecting PTO, the CAISO will consult with the Approved Project Sponsor and may take such action, including termination of this Agreement, as it determines to be necessary and appropriate in accordance with Section 24.6.4 of the CAISO Tariff.*

*In accordance with Section 5.6.1, the Approved Project Sponsor shall provide a summary of the final cost of the construction of the Project as soon as reasonably practicable within twelve months of the completion of construction.*

- **California Public Utilities Code**

- Section 612

- An electrical corporation may condemn any property necessary for the construction and maintenance of its electric plant.

- Section 625

- (a) (1) (A) For the purpose of this article, except as specified in paragraph (4), a public utility that offers competitive services may not condemn any property for the purpose of competing with another entity in the offering of those competitive services, unless the commission finds that such an action would serve the public interest, pursuant to a petition or complaint filed by the public utility, personal notice of which has been served on the owners of the property to be condemned, and an adjudication hearing in accordance with Chapter 9 (commencing with Section 1701), including an opportunity for the public to participate....

*(b) The commission may make a finding pursuant to subdivision (a) if, in the determination of the commission, either of the following conditions is met:*

*(1) The proposed condemnation is necessary to provide service as a provider of last resort to an unserved area, except when there are competing offers from facility-based carriers to serve that area.*

*(2) The public utility is able to show all of the following with regard to the proposed condemnation:*

*(A) The public interest and necessity require the proposed project.*

*(B) The property to be condemned is necessary for the proposed project.*

*(C) The public benefit of acquiring the property by eminent domain outweighs the hardship to the owners of the property.*

*(D) The proposed project is located in a manner most compatible with the greatest public good and least private injury...*

- Section 701
  - The commission may supervise and regulate every public utility in the State and may do all things, whether specifically designated in this part or in addition thereto, which are necessary and convenient in the exercise of such power and jurisdiction.
- Section 762
  - Whenever the commission, after a hearing, finds that additions, extensions, repairs, or improvements to, or changes in, the existing plant, equipment, apparatus, facilities, or other physical property of any public utility or of any two or more public utilities ought reasonably to be made, or that new structures should be erected, to promote the security or convenience of its employees or the public, or in any other way to secure adequate service or facilities, the commission shall make and serve an order directing that such additions, extensions, repairs, improvements, or changes be made or such structures be erected in the manner and within the time specified in the order. If the commission orders the erection of a new structure, it may also fix the site thereof. If the order requires joint action by two or more public utilities, the commission shall so notify them and shall fix a reasonable time within which they may agree upon the portion or division of the cost which each shall bear. If at the expiration of such time the public utilities fail to file with the commission a statement that an agreement has been made for a division or apportionment of the cost, the commission may, after further hearing, make an order fixing the proportion of such cost to be borne by each public utility and the manner in which payment shall be made or secured.
- Section 762.5
  - The commission, as a basis for making any order pursuant to the provisions of Section 762 relating to location of structures, shall give consideration to, and include in its order findings upon, the following factors:
    - (a) Community values.
    - (b) Recreational and park areas.
    - (c) Historical and aesthetic values.
    - (d) Influence on environment, except that in the case of any structure located in another state which will be subject to environmental impact review pursuant to the National Environmental Policy Act...
- Section 1001
  - No railroad corporation whose railroad is operated primarily by electric energy, street railroad corporation, gas corporation, electrical corporation, telegraph corporation, telephone corporation, water corporation, or sewer system corporation shall begin the construction of a street railroad, or of a line, plant, or system, or of any extension thereof, without having first obtained from the commission a certificate

*that the present or future public convenience and necessity require or will require such construction.*

*This article shall not be construed to require any such corporation to secure such certificate for an extension within any city or city and county within which it has theretofore lawfully commenced operations, or for an extension into territory either within or without a city or city and county contiguous to its street railroad, or line, plant, or system, and not theretofore served by a public utility of like character, or for an extension within or to territory already served by it, necessary in the ordinary course of its business. If any public utility, in constructing or extending its line, plant, or system, interferes or is about to interfere with the operation of the line, plant, or system of any other public utility or of the water system of a public agency, already constructed, the commission, on complaint of the public utility or public agency claiming to be injuriously affected, may, after hearing, make such order and prescribe such terms and conditions for the location of the lines, plants, or systems affected as to it may seem just and reasonable.*

○ *Section 1002.3*

- *In considering an application for a certificate for an electric transmission facility pursuant to Section 1001, the commission shall consider cost-effective alternatives to transmission facilities that meet the need for an efficient, reliable, and affordable supply of electricity, including, but not limited to, demand-side alternatives such as targeted energy efficiency, ultraclean distributed generation, as defined in Section 353.2, and other demand reduction resources.*

**Conclusion:**

The legal documentation cited in this Master Response suggests that the Suncrest Substation Alternative is potentially feasible and that the CPUC's Formal Proceeding for the Proposed Project is the appropriate forum for further consideration of its feasibility. CPUC staff received requests to consider such an alternative from numerous individuals and agencies during scoping for the DEIR, and, from a CEQA perspective, the Suncrest Substation Alternative presents a logical option for reducing environmental impacts. As noted above, CPUC staff acknowledges comments about the Suncrest Substation Alternative, but cannot determine conclusively whether the alternative is feasible or infeasible. Therefore, the Suncrest Substation Alternative is identified as potentially feasible in this EIR.

That identification of the alternative as "potentially feasible" in the DEIR does not necessarily mean that it will be determined to be "feasible" during the CPUC's Formal Proceeding for the Proposed Project. (See CEQA Guidelines Section 15093.) The Commission is tasked with much decision-making authority that is not pertinent to the DEIR's feasibility determination. It is reasonable and appropriate for the Commission to make its own feasibility determination when considering the Proposed Project based on the record before it and its constitutional and statutory mandates.

## Master Response 2: Selection of Environmentally Superior Alternative

### Issue:

Several comments question the selection of the Suncrest Substation Alternative as environmentally superior when the Proposed Project was determined to have no significant impacts after mitigation. These comments argue that there is no need to consider a Suncrest Substation Alternative to reduce significant impacts because the DEIR analysis finds that all the significant impacts of the Proposed Project can be mitigated to a level that is less than significant.

By contrast, a number of comments offer support of the DEIR's selection of the Suncrest Substation Alternative as the environmentally superior alternative because all environmental impacts would virtually be avoided. Several commenters argue that the CPUC should, or must, select this alternative as the final approved project.

As described in Chapter 20, *Alternatives*, of the DEIR, the Suncrest Substation Alternative would site the proposed SVC, or reactive device, within the existing Suncrest Substation footprint. Therefore, this alternative would avoid the need for developing a new site for the SVC and installing an approximately one-mile-long transmission line connecting to the existing substation. Environmental impacts associated with these activities would also be avoided. For these reasons, the DEIR concluded that, after the No Project Alternative, this alternative would be the environmentally superior alternative. Additionally, as identified in the DEIR, and expanded upon in Master Response 1 above, CPUC staff concluded that the alternative would be potentially feasible.

This master response describes the CPUC staff's reasoning for selecting the Suncrest Substation Alternative as the environmentally superior alternative, and the process for approving a project and considering alternatives during the Formal Proceeding for Application A.15-08-027, which culminates in a vote by the five Commissioners.

### Response:

The State CEQA Guidelines (Section 15370) define mitigation as including the following:

- a. Avoiding the impact altogether by not taking a certain action or parts of an action.
- b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- c. Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- e. Compensating for the impact by replacing or providing substitute resources or environments.



Although the Guidelines do not explicitly state that the different types of mitigation described above are sequenced in terms of preference, a number of state and federal agencies have interpreted the order as such. For example, the California Coastal Commission's (CCC) *Procedural Guidance for Evaluating Wetland Mitigation Projects in California's Coastal Zone* states that the alternative forms of mitigation described under CEQA are generally considered in sequence (i.e., avoidance first and compensation last) (CCC 1995). Similarly, the *Memorandum of Agreement between the Department of the Army and the Environmental Protection Agency Concerning the Determination of Mitigation under the Clean Water Act Section 404(b)(1) Guidelines* identifies a sequencing approach in providing forms of mitigation, in which avoidance is the preferred option, followed by minimization and compensatory mitigation (U.S. Army and U.S. Environmental Protection Agency [USEPA] 1990).

In identifying the environmentally superior alternative, CPUC staff used the reasoning contained in the CCC and U.S. Army/USEPA guidance documents - avoidance of an impact altogether is preferable to minimization or compensation. CPUC staff also believes that this approach is consistent with the basic purposes of CEQA, which include to "identify the ways that environmental damage can be avoided or significantly reduced (State CEQA Guidelines Section 15002[a][2])."

In evaluating possible alternative sites for the SVC, CPUC staff determined that siting the facility on the existing Suncrest Substation presented a clear option for avoiding environmental damage. Although the DEIR analysis concluded that the various environmental impacts of the Proposed Project could be mitigated (i.e., through minimization, restoration, and/or compensatory mitigation measures) to a level that would be considered less than significant under CEQA Guidelines Appendix G significance criteria, it was acknowledged that some amount of impact would still occur from implementation of the Proposed Project. Even if below significance thresholds, the various effects of the Proposed Project (e.g., air emissions, effects on hydrology and water quality from adding an approximately 2.5-acre impervious surface, aesthetic impacts, potential biological and cultural resources impacts, etc.) would still adversely affect the physical environment.

Therefore, to the extent that the Suncrest Substation Alternative is feasible (see discussion under Master Response 1 above), it would be preferable to the Proposed Project from an environmental standpoint in that it would avoid, rather than mitigate, a number of environmental impacts. This conclusion is consistent with a number of commenters (e.g., ORA, California Department of Fish and Wildlife [CDFW], San Diego County) on the DEIR (see Chapter 3, *Individual Responses to Comments* for copies of all DEIR comment letters), and by the requests of a number of individuals in the regulatory and local public community during project scoping to include consideration of such an alternative in the DEIR.

CPUC staff are unaware of any prohibition against choosing an environmentally superior alternative when the Proposed Project was determined to have no significant impacts after mitigation. And CPUC staff are unaware of any harm to the Applicant from proceeding in this manner. CEQA does not obligate a lead agency to select the environmentally superior alternative. Section 15092(b) of the State CEQA Guidelines states: "A public agency shall not decide to approve or carry out a project for which an EIR was prepared unless either:

- (1) The project as approved will not have a significant effect on the environment,
- or

(2) The agency has:

- a. Eliminated or substantially lessened all significant effects on the environment where feasible as shown in findings under Section 15091, and
- b. Determined that any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093.”

In this instance, the DEIR has found that the Proposed Project would not have any significant and unavoidable impacts, and that all identified significant impacts can be mitigated to a level that is less than significant. Therefore, the finding under #1 above would apply to the Proposed Project, so CPUC would not be obligated to prepare a Statement of Overriding Conditions to approve the Proposed Project.

CPUC staff prepared a comprehensive and transparent environmental document pertaining to the Proposed Project in order to provide the Commission with a complete set of facts and analyses to evaluate the merits of the Proposed Project and the various alternatives. As described under Master Response 1, the Suncrest Substation Alternative is potentially feasible. Whether this alternative should be approved will be determined in the Formal Proceeding for Application A.15-08-027.

*Page intentionally left blank.*

## Chapter 3

# INDIVIDUAL RESPONSES TO COMMENTS

### Introduction

This chapter contains copies of the oral and written comments received on the Draft Environmental Impact Report (DEIR) and California Public Utilities Commission's (CPUC's) responses to each substantive issue raised in the comments. Each comment letter and email has been assigned an alphabet letter, and comments within each letter and email are numbered consecutively (e.g., A-1, A-2, A-3) in the left margin, adjacent to each individual comment. Each comment letter and email is followed by CPUC's response(s) to that letter or email. The responses are numbered to correspond with the comments as identified in the left margin of the letter or email. Where the response indicates that a change has been made to the DEIR, those revisions are described briefly. Chapter 4 of this Comments and Responses to Comments Document presents the revised text.

As identified in the text, some of the comments indicated in the comment letters are responded to through master responses, which are provided in Chapter 2, *Master Responses*.

*This page intentionally left blank.*

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

### ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

## ATTORNEYS AT LAW

601 GATEWAY BOULEVARD, SUITE 1000  
SOUTH SAN FRANCISCO, CA 94080-7037

TEL: (650) 589-1660

FAX: (650) 589-5062

ccaro@adamsbroadwell.com

## SACRAMENTO OFFICE

520 CAPITOL MALL, SUITE 350  
SACRAMENTO, CA 95814-4721

TEL: (916) 444-6201

FAX: (916) 444-6209

MILA A. BUCKNER  
DANIEL L. CARDOZO  
CHRISTINA M. CARO  
THOMAS A. ENSLOW  
TANYA A. GULESSERIAN  
MARC D. JOSEPH  
RACHAEL E. KOSS  
NATALIE B. KUFFEL  
LINDA T. SOBCHYNSKI  
NED C. THIMMAYYA

January 11, 2017

**Via Email and Hand Delivery**

Robert Peterson, California Public Utilities Commission  
c/o Tom Engels  
Horizon Water and Environment  
180 Grand Ave, Suite 1405  
Oakland, CA 94612  
Email: [suncrestproject@horizonh2o.com](mailto:suncrestproject@horizonh2o.com);  
[robert.peterson@cpuc.ca.gov](mailto:robert.peterson@cpuc.ca.gov)

**Re: Comments on Draft Environmental Impact Report for Suncrest  
Dynamic Reactive Power Support Project**

Dear Mr. Peterson and Mr. Engels:

A-1

On behalf of California Unions for Reliable Energy ("CURE"), Ronald Bauers, Cory Moore, Kellen Weldy, and Jimmy Young (collectively "Commenters"), we submit these comments on the Draft Environmental Impact Report ("DEIR") for the Suncrest Dynamic Reactive Power Support Project ("Project"). The Project, proposed by NextEra Energy Transmission West, LLC ("NEET West"), would construct a dynamic reactive device, known as a Static Var Compensator ("SVC") facility, and an approximately one-mile-long transmission line interconnecting with the existing Suncrest Substation, in San Diego County. The SVC facility would provide voltage regulation and support for the existing transmission system in accordance with the California Independent System Operator Corporation's ("CAISO") 2013-2014 Transmission Plan.

The Project is proposed to be located on private lands in unincorporated south-central San Diego County, approximately 3.75 miles southeast of the community of Alpine, on the eastern end of the Suncrest Substation, and within the administrative boundary of the Cleveland National Forest ("CNF").<sup>1</sup> Project

<sup>1</sup> DEIR, p. 2-1.  
3448-014aep

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 2

A-1 ↑ construction will take approximately 11 months, which obstructs NEET West from meeting CAISO's required in-service date of June 1, 2017 for the SVC facility.<sup>2</sup>  
Cont.

A-2 ↓ We have reviewed the DEIR and its technical appendices with the assistance of Commenters' expert consultants, whose comments and qualifications are attached.<sup>3</sup> Based on our review of the DEIR, Commenters concur with the California Public Utilities Commission's ("CPUC") conclusion that the Suncrest Substation Alternative is the environmentally superior alternative to the Project, and urge the CPUC to select the Suncrest Substation Alternative as the Project. The Suncrest Substation Alternative is reflective of San Diego Gas & Electric's ("SDG&E") original bid proposal to CAISO in which SDG&E proposed to construct the SVC within SDG&E's existing Suncrest Substation boundary ("SDG&E Project"), thereby eliminating the need for the 1-mile transmission line proposed by the NEET West Project.<sup>4</sup> As explained in the DEIR, the Suncrest Substation Alternative would have a substantially smaller environmental footprint than the Project, "would be a cost-effective alternative that does not require construction of the proposed mile-long 230-kV underground transmission line,"<sup>5</sup> and "would avoid virtually all of the potential environmental impacts of the Proposed Project."<sup>6</sup> By contrast, CAISO's 2015 selection of the NEET West Project as the preferred bidder over the SDG&E Project during its own competitive bid selection process was based solely on narrow cost-related issues, and did not consider the environmental impacts of the two proposals.<sup>7</sup>

A-3 ↓ Commenters further conclude that there is substantial evidence that the Project's potentially significant environmental impacts are far more extensive than disclosed in the DEIR. Commenters and their expert consultants have identified numerous potentially significant impacts that the DEIR either mischaracterizes, underestimates, or fails to identify. Moreover, many of the mitigation measures

<sup>2</sup> NEET West CPUC Application, p. 4. CAISO intended the SVC facility to be service by June 1, 2017 to facilitate compliance with the 33 percent California Renewables Portfolio Standard ("RPS"), which requires the deliverability of 1,000 MW of renewable electricity generating capacity within the Imperial Valley area.

<sup>3</sup> The attached expert comments require separate response under CEQA.

<sup>4</sup> See **Exhibit A**, January 6, 2015, California ISO, Suncrest Reactive Power Project Sponsor Selection Report ("CAISO Selection Report"), p. 3, available at <http://www.caiso.com/Documents/SuncrestProjectSponsorSelectionReport.pdf>.

<sup>5</sup> DEIR, p. 20-8.

<sup>6</sup> DEIR, p. 20-12.

<sup>7</sup> See CAISO Selection Report, p. 1; **Exhibit B**, David Marcus, Suncrest Project Sponsor Selection (January 5, 2017), p. 1.

3448-014acp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 3

A-3  
Cont.

described in the DEIR will not, in fact, mitigate impacts to the extent claimed. For example, Commenters' air quality experts from Soil, Water, Air Protection Enterprise ("SWAPE") reviewed the Air Quality Report prepared for the Project, and performed an independent analysis of the Project's construction emissions.<sup>8</sup> SWAPE found that the DEIR underestimated construction emissions of nitrogen oxides ("NOx") and diesel particulate matter ("DPM"), a toxic air contaminant ("TAC"). SWAPE concluded that Project emissions will exceed applicable significance thresholds set by the San Diego Air Pollution Control District ("SDAPCD") requiring mitigation under the California Environmental Quality Act<sup>9</sup> ("CEQA"). The DEIR fails to adequately disclose, quantify, and mitigate these significant impacts.

A-4

The Project will also have significant, unmitigated impacts on biological and water resources, and from construction traffic, which the DEIR fails to adequately disclose and mitigate. Expert biologist Scott Cashen, M.S., concludes that the Project will have potentially significant and unmitigated indirect impacts to special-status plants and the Hermes copper butterfly resulting from construction of the transmission line; potentially significant impacts to wildlife due to noise, vibration, and night lighting; and significant, unquantified cumulative impacts on biological resources due to habitat loss and other Project impacts.<sup>10</sup>

A-5

Expert hydrologic consultant Tom Myers, Ph.D.<sup>11</sup> concludes that construction of the transmission line may cause potentially significant groundwater pollution problems from unmitigated nitrogen and nitrates deposited by Project blasting, and may adversely impact wetlands, including the recently created Lightner Wetland Mitigation Site, a wetland mitigation area required by the CPUC to be set aside as mitigation for the Sunrise Powerlink Project.<sup>12</sup>

<sup>8</sup> See **Exhibit C**, Soil, Water, Air Protection Enterprise, Comments on the Suncrest Transmission Line Project (January 6, 2017) ("SWAPE Comments"), pp. 10-13.

<sup>9</sup> Pub. Resources Code ("PRC") §§ 21000 et seq.; 14 Cal. Code Regs. ("CCR") §§ 15000 et seq.

<sup>10</sup> See **Exhibit D**, Scott Cashen, M.S., Comments on the Draft Environmental Impact Report Prepared for the Suncrest Dynamic Reactive Power Support Project (January 6, 2017) ("Cashen Comments").

<sup>11</sup> See **Exhibit E**, Tom Myers, Ph.D., Suncrest Dynamic Reactive Power Support Project, Draft Environmental Impact Report (January 5, 2017).

<sup>12</sup> *Id.*, p. 7.  
3448-014acp



## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 4

A-6 [ Finally, expert traffic engineer Daniel T. Smith Jr., P.E.<sup>13</sup> concludes that the Project construction traffic will have potentially significant, unmitigated impacts on the residential communities along the only Project access roads of Bell Bluff Truck Trail and Avenida de los Arboles. The DEIR's traffic analysis fails to include the baseline traffic count for these roads and residential data for these communities, which are both necessary to fully evaluate the extent of these impacts.

A-7 [ CEQA prohibits a lead agency from approving a project if feasible alternatives or mitigation measures exist which would substantially lessen a project's significant environmental effects.<sup>14</sup> As discussed herein, there is substantial evidence demonstrating that adoption of the Suncrest Substation Alternative as the Project is feasible, would substantially lessen the Project's previously disclosed significant environmental effects, and would meet all Project objectives. Commenters' experts present additional substantial evidence demonstrating that additional mitigation measures are necessary to mitigate the Project's numerous potentially significant environmental effects.

A-8 [ CEQA requires recirculation of a DEIR for public review and comment when significant new information must be added to the DEIR following public review, but before certification.<sup>15</sup> The CEQA Guidelines clarify that new information is significant if "the DEIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the Project or a feasible way to mitigate or avoid such an effect."<sup>16</sup> The purpose of recirculation is to give the public and other agencies an opportunity to evaluate the new data and the validity of conclusions drawn from it.<sup>17</sup>

↓ The CPUC is tasked with ensuring that Californians receive safe, reliable utility service and infrastructure at reasonable rates, with a *commitment to environmental quality* and a prosperous California economy.<sup>18</sup> In order to comply

<sup>13</sup> See **Exhibit F**, Daniel T. Smith Jr., P.E., Subject: Suncrest Dynamic Reactive Power Support Project DEIR (January 5, 2017).

<sup>14</sup> PRC §21002; *CCEC v. Woodland*, 225 Cal. App. 4th at 203; 14 CCR §15126.6.

<sup>15</sup> Pub. Resources Code § 21092.1.

<sup>16</sup> CEQA "Guidelines," 14 Cal. Code Regs. § 15088.5.

<sup>17</sup> *Save Our Peninsula Comm. v. Monterey City Bd. of Supervisors* (1981) 122 CalApp3d 813, 822.

<sup>18</sup> California Public Utilities Commission. 2016 Jan 26. 2015 Annual Report. Cover letter to Honorable Edmund G. Brown Jr., Governor of the State of California, and distinguished members of the California State Legislature. Available at:

<[http://www.cpuc.ca.gov/uploadedFiles/CPUC\\_Public\\_Website/Content/About\\_Us/Annual\\_Reports/2015%20CPUC%20Performance%20and%20Accountability%20Annual%20Report\\_v004.pdf](http://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/About_Us/Annual_Reports/2015%20CPUC%20Performance%20and%20Accountability%20Annual%20Report_v004.pdf)>.

3448-014acp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 5

A-8  
Cont. ↑

with this mandate, and the mandates of CEQA, the DEIR must be revised to resolve its inadequacies and recirculated for public review and comment.

### I. STATEMENT OF INTEREST

CURE is a coalition of labor organizations whose members encourage sustainable development of California's energy and natural resources. CURE's members help solve the State's energy problems by building, maintaining, and operating conventional and renewable energy power plants and transmission facilities. Since its founding in 1997, CURE has been committed to building a strong economy and a healthier environment. CURE has helped cut smog-forming pollutants in half, reduced toxic emissions, increased the use of recycled water for cooling systems, and pushed for groundbreaking pollution control equipment as the standard for all new power plants, all while helping to ensure that new power plants and transmission facilities are built with highly trained, professional workers who live and raise families in nearby communities.

CURE has an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for the members that they represent. Environmental degradation destroys cultural and wildlife areas, consumes limited fresh surface and ground water resources, causes water pollution, and imposes other stresses on the environmental carrying capacity of the state. This in turn jeopardizes future development by causing construction moratoriums and otherwise reducing future employment opportunities for CURE's members. Additionally, the organizations' members live, recreate and work in the communities and regions that suffer the impacts of projects that are detrimental to human health and the environment. CURE therefore has a direct interest in enforcing environmental laws to minimize the adverse impacts of projects that would otherwise degrade the environment. Finally, CURE members are concerned about projects that risk serious environmental harm without providing countervailing economic benefits. For these reasons, CURE's mission includes improving California's economy and the environment by ensuring that new conventional and renewable power plants and their related transmission facilities use the best practices to protect our clean air, land and water and to minimize their environmental impacts and footprint.

Commenters Ronald Bauers, Cory Moore, Kellen Weldy, and Jimmy Young live, work, and recreate in the vicinity of the Project. Mr. Bauers, Mr. Moore, and Mr. Young are residents of Alpine, California, located less than 4 miles from the

3448-014a.cp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 6

Project site. Mr. Weldy is a resident of nearby Campo, California. These individuals will be directly impacted by the Project's unmitigated environmental impacts, and therefore have a direct interest in enforcing environmental laws to minimize the adverse impacts that the Project would otherwise have on the environment.

### II. LEGAL BACKGROUND

CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an environmental impact report ("EIR") (except in certain limited circumstances).<sup>19</sup> The EIR is the very heart of CEQA.<sup>20</sup> "The foremost principle in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language."<sup>21</sup>

CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project.<sup>22</sup> "Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR 'protects not only the environment but also informed self-government.'"<sup>23</sup> The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return."<sup>24</sup>

Second, CEQA requires public agencies to avoid or reduce environmental damage when "feasible" by requiring "environmentally superior" alternatives and all feasible mitigation measures.<sup>25</sup> The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to "identify ways that environmental damage can be avoided or significantly reduced."<sup>26</sup> If the project will have a significant effect on the environment, the

<sup>19</sup> See, e.g., PRC § 21100.

<sup>20</sup> *Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652.

<sup>21</sup> *Comtys. for a Better Env. Cal. Res. Agency* (2002) 103 Cal. App.4th 98, 109 ("CBE v. CRA").

<sup>22</sup> 14 CCR § 15002(a)(1).

<sup>23</sup> *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564.

<sup>24</sup> *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm'rs.* (2001) 91 Cal. App. 4th 1344, 1354 ("Berkeley Jets"); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.

<sup>25</sup> 14 CCR § 15002(a)(2) and (3); see also *Berkeley Jets*, 91 Cal.App.4th at 1354; *Citizens of Goleta Valley*, 52 Cal.3d at 564.

<sup>26</sup> 14 CCR § 15002(a)(2).

3448-014acp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 7

A-9  
Cont.

agency may approve the project only if it finds that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns.”<sup>27</sup>

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position. *A clearly inadequate or unsupported study is entitled to no judicial deference.*”<sup>28</sup> As the courts have explained, “a prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decision making and informed public participation, thereby thwarting the statutory goals of the EIR process.”<sup>29</sup>

### III. THE CPUC SHOULD SELECT THE SUNCREST SUBSTATION ALTERNATIVE AS THE PROJECT BECAUSE IT IS THE ENVIRONMENTALLY SUPERIOR ALTERNATIVE TO THE PROJECT AND MEETS ALL PROJECT OBJECTIVES

A-10

An EIR must identify the environmentally superior alternative.<sup>30</sup> In cases when the No Project Alternative is the environmentally superior alternative, an EIR must also identify an environmentally superior alternative from among the other alternatives.<sup>31</sup> CEQA prohibits a lead agency from approving a project if feasible alternatives or mitigation measures exist which would substantially lessen a project’s significant environmental effects.<sup>32</sup> Here, there is substantial evidence in the DEIR demonstrating that adoption of the Suncrest Substation Alternative as the Project is both feasible and would substantially lessen or eliminate almost all of the Project’s significant environmental effects, while at the same time meeting all Project objectives. Therefore, Commenters urge the CPUC to select and approve the Suncrest Substation Alternative as the Project.

<sup>27</sup> PRC § 21081; 14 CCR § 15092(b)(2)(A) & (B).

<sup>28</sup> *Berkeley Jets*, 91 Cal. App. 4th 1344, 1355 (emphasis added), quoting, *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 391 409, fn. 12.

<sup>29</sup> *Berkeley Jets*, 91 Cal.App.4th at 1355; *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722; *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1117; *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 946.

<sup>30</sup> 14 CCR § 15126.6(a), (e)(2).

<sup>31</sup> *Id.*

<sup>32</sup> PRC §21002; *CCEC v. Woodland*, 225 Cal. App. 4th at 203; 14 CCR §15126.6. 3448-014acp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 8

A-10  
Cont. ↑ In addition to the No Project Alternative, the DEIR correctly identified the Suncrest Substation Alternative as the environmentally superior alternative to the Project.<sup>33</sup> As the DEIR explains, the Suncrest Substation Alternative would avoid virtually all of the environmental impacts of the Proposed Project.<sup>34</sup> Because this alternative would be located within an existing substation, the majority of the Project significant construction impacts to biological and other resources would simply not occur. Likewise, the DEIR concludes that the Suncrest Substation Alternative would have *no* substantial impact on aesthetics, hydrology and water quality, and would avoid the need for a transmission line entirely.<sup>35</sup> While the Suncrest Substation Alternative would still generate some construction-related emissions from transport of equipment and materials to the site and use of construction equipment to install the SVC, the DEIR concludes that these emissions would be “substantially less than under the Proposed Project or any of the other alternatives.”<sup>36</sup>

A-11 ↑ In addition to having significantly less environmental impacts than the Project, the DEIR contains substantial evidence demonstrating that the Suncrest Substation Alternative would produce reactive power at the same level as the Proposed Project and would meet all of the stated objectives of the Project.<sup>37</sup>

A-12 ↑ Moreover, the DEIR notes that “the Proposed Project *is not environmentally superior to the Suncrest Substation Alternative* because it would have a number of environmental impacts that could be avoided by the Suncrest Substation Alternative.”<sup>38</sup> Those impacts include significant impacts that are already disclosed in the DEIR, such as biological and potential cultural resources impacts from ground-disturbing activities; aesthetic impacts from the SVC and associated facilities; and stormwater/water quality impacts from development of a new impervious surface.<sup>39</sup> These comments, and the comments of our expert consultants, provide further substantial evidence demonstrating that the Project will have numerous other potentially significant impacts associated with the transmission line that would not occur if the Suncrest Substation Alternative were

<sup>33</sup> DEIR, p. 20-13.

<sup>34</sup> DEIR, p. 20-13.

<sup>35</sup> *Id.*

<sup>36</sup> DEIR, p. 20-13.

<sup>37</sup> DEIR, p. 20-17.

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

3448-014a.cp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 9

A-12  
Cont.

built. Because the Suncrest Substation Alternative would construct the SVC facility within the existing Suncrest Substation, there would be no need for a transmission line, thereby eliminating the potential for most of these impacts.<sup>40</sup>

Where, as here, a project is found to have significant adverse impacts, CEQA directs the lead agency to adopt feasible alternatives that meets most of the project objectives but result in fewer significant impacts.<sup>41</sup> A “feasible” alternative is one that is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors.<sup>42</sup> In this case, the DEIR acknowledges both that the Project will have significant adverse impacts, and that the Suncrest Substation Alternative would have virtually *no* significant adverse impacts while at the same time meeting not just some, but *all*, of the Project’s objectives. The CPUC should therefore select the Suncrest Substation Alternative as the Project

A-13

Furthermore, as discussed below, the CPUC may not reject the Suncrest Substation Alternative simply because a version of the same alternative was rejected by CAISO for economic reasons during its competitive bidding process for the SVC facility. An environmentally superior alternative may not be rejected simply because it is more expensive or less profitable. As the Court explained in *Citizens of Goleta Valley*:

The fact that an alternative may be more expensive or less profitable is not sufficient to show that the alternative is financially infeasible. What is required is evidence that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project.<sup>43</sup>

A-14

### **A. The CPUC Should Not Be Influenced by CAISO’s Selection of NEET West as its Project Sponsor Because CAISO’s Competitive Bid Selection Was Based Solely on Cost Factors that Did Not Consider the Environmental Impacts of the Project.**

The version of the Project that is currently before CPUC was proposed by NEET West, and selected by CAISO, as part of the ISO Tariff selection process. As

<sup>40</sup> *Id.*

<sup>41</sup> *Citizens of Goleta Valley v. Bd. of Supervisors* (1988) 197 Cal.App.3d 1167, 1180-81; see also, *Burger v. County of Mendocino* (1975) 45 Cal.App.3d 322.

<sup>42</sup> PRC § 21061.1; 14 CCR § 15364.

<sup>43</sup> *Citizens of Goleta Valley*, 197 Cal.App.3d at 1180-81; see also *Burger* 45 Cal.App.3d 322. 3448-014acp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 10

A-14  
cont.

the DEIR explains, CAISO identified a need for the SVC facility component of the Suncrest Project in its 2013-14 Transmission Plan.<sup>44</sup> CAISO thereafter conducted a competitive bid solicitation to determine which project proponent it would select as the "Project Sponsor" responsible for actually building the SVC facility.<sup>45</sup>

NEET West was one of two bidders. NEET West proposed the Project. SDG&E proposed the SDG&E Project. Like the Suncrest Substation Alternative, the SDG&E Project proposed to construct the SVC within SDG&E's existing Suncrest Substation boundary, thereby eliminating the need for the 1-mile transmission line proposed for the NEET West Project.<sup>46</sup> The SDG&E Project was identical to the Suncrest Substation Alternative considered in the DEIR, except that SDG&E would operate the SVC facility rather than NEET West.<sup>47</sup>

The CAISO published its Selection Report in January 2015, describing how it had selected the Project Sponsor.<sup>48</sup> CAISO ultimately selected the NEET West proposal.<sup>49</sup> As required by the ISO Tariff, CAISO undertook a comparative analysis of the degree to which each potential project sponsor and its proposal met the qualification criteria set forth in ISO Tariff Section 24.5.3.1 and the selection factors set forth in ISO Tariff Section 24.5.4.<sup>50</sup> The CAISO Selection Report provides a list of these 11 factors.<sup>51</sup> None of the factors involve any analysis or comparison of the environmental impacts of the respective bid proposals. Of the factors considered, SDG&E and NEET West fared evenly, with SDG&E's proposal being equal to or better than the NEET West proposal in most areas save narrow cost-containment respects.<sup>52</sup> A summary of the CAISO findings is below:

<u>CAISO Selection Factor</u>	<u>Bidder Selected by</u>	<u>Basis for Selection</u>

<sup>44</sup> DEIR, p. ES-1.

<sup>45</sup> See CAISO, Suncrest 230 kV 300 MVar Dynamic Reactive Power Support Description and Functional Specifications for Competitive Solicitation (April 15, 2014), available at <http://www.caiso.com/Documents/Description-FunctionalSpecificationsSuncrest230ReactivePowerSupport.pdf>.

<sup>46</sup> Ibid.

<sup>47</sup> See CAISO Selection Report, p. 3.

<sup>48</sup> *Id.*

<sup>49</sup> See CAISO Selection Report.

<sup>50</sup> Ibid., p. 1.

<sup>51</sup> See CAISO Selection Report, p. 1.

<sup>52</sup> Ibid., p. 7.

<sup>53</sup> *Id.* p. 42.

3448-014acp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 11

A-14  
cont.

	CAISO	
Overall Capability to Finance, License, Construct, Operate, and Maintain the Facility <sup>53</sup>	NEET West	NEET West “slight advantage” with regard to its SVC-related construction and maintenance experience.
Existing Rights-of-Way and Substations that Would Contribute to the Project <sup>54</sup>	SDG&E	SDG&E’s proposal included all of the property rights necessary for the project, while NEET West’s proposal includes no contribution of pre-existing rights-of-way or substation property.
Experience in Acquiring Rights-of-Way <sup>55</sup>	Equally qualified	No material difference between the proposals because NEET West’s proposal demonstrates sufficient rights-of-way acquisition experience, and SDG&E has no need for rights-of-way acquisition because it already possesses the necessary property rights.
Proposed Schedule and Demonstrated Ability to Meet Schedule <sup>56</sup>	SDG&E	NEET West’s need to obtain a CPCN presents increased risk of delay in completing the project on schedule.
The Financial Resources of the Project Sponsor and Its Team <sup>57</sup>	Equally qualified	Both applicants have adequate financial capabilities.
Technical (Environmental Permitting) and Engineering Qualifications and Experience <sup>58</sup>	Equally qualified	Both applicants have adequate technical experience.
Previous Record Regarding	NEET West	NEET West has more experience

<sup>53</sup> *Id.*, p. 11, Selection Factor 24.5.4(a).

<sup>54</sup> *Id.*, p. 11, Selection Factor 24.5.4(b).

<sup>55</sup> *Id.*, p. 12, Selection Factor 24.5.4(c).

<sup>56</sup> *Id.*, p. 14, Selection Factor 24.5.4(d).

<sup>57</sup> *Id.*, p. 18, Selection Factor 24.5.4(e).

<sup>58</sup> *Id.*, p. 23, Selection Factor 24.5.4(f).

3448-014acp



## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 12

A-14  
cont.

Construction and Maintenance of Transmission Facilities <sup>59</sup>		with construction and maintenance of substations and reactive support devices.
Adherence to Standardized Construction, Maintenance, and Operating Practices <sup>60</sup>	Equally qualified	Both applicants have adequate knowledge and background to meet this requirement.
Ability to Assume Liability for Major Losses <sup>61</sup>	Equally qualified	Both project sponsors have sufficient financial resources, insurance coverage, and operational incentives.
Cost Containment Capability, Binding Cost Cap, and Siting Authority Cost Cap Authority <sup>62</sup>	NEET West	SDG&E's O&M costs will be lower than NEET West's. However, CAISO found NEET West's proposal to be "better than SDG&E's proposal because of the amount of the difference between the two cost caps and NEET West's more robust measures to limit potential cost increases." <sup>63</sup>

As explained by expert utility economist David Marcus, the CAISO Selection Report turned on a comparative analysis of the cost-containment proposals presented by SDG&E and NEET West,<sup>64</sup> which analysis (1) did not lead to a strong, or even a moderate, preference for NEET West over SDG&E, and (2) did not consider the different environmental impacts of the two proposals in choosing between them.<sup>65</sup> Mr. Marcus concludes, based on the factors considered by CAISO,

<sup>59</sup> *Id.*, p. 27, Selection Factor 24.5.4(g).

<sup>60</sup> *Id.*, p. 30, Selection Factor 24.5.4(h).

<sup>61</sup> *Id.*, p. 33, Selection Factor 24.5.4(i).

<sup>62</sup> *Id.*, p. 34, Selection Factor 24.5.4(j).

<sup>63</sup> Commenters note that Senate Bill 350 (Clean Energy and Pollution Reduction Act of 2015) ("SB 350") created a requirement that all construction of transmission line projects in California must compensate workers at prevailing wage. See SB 350, Section 4, amending Labor Code § 1720(e). NEET West's 2014 cost bid proposal to CAISO predated SB 350 and did not account for prevailing wage, whereas SDG&E's proposal did include prevailing wage. Because SB 350 now mandates that prevailing wage be applied to the NEET West Project, it is likely that the cost of the NEET West Project will be higher than initially proposed to CAISO. It is also possible that NEET West's cost containment provisions (which CAISO relied upon for its bid selection), will no longer be applicable.

<sup>64</sup> See Marcus Comments, pp. 1-2.

<sup>65</sup> Marcus Comments, p. 2.

3448-014acp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 13

A-14  
cont.

that CAISO's selection of NEET West was for purely economic reasons, and that the Selection Report contains no overriding non-environmental reasons to choose the NEET West Project over the SDG&E Project.<sup>66</sup>

Indeed, it is likely that, had environmental considerations been taken into account in the CAISO bid process, the significant environmental impacts of the NEET West Project would have swayed CAISO's decision to instead select the SDG&E Project.

#### IV. THE DEIR FAILS TO ADEQUATELY DESCRIBE THE PROJECT

The DEIR does not meet CEQA's requirements because it fails to include an accurate, complete and stable Project description, rendering the entire analysis inadequate. California courts have repeatedly held that "an accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient [CEQA document]."<sup>67</sup> CEQA requires that a project be described with enough particularity that its impacts can be assessed.<sup>68</sup> Accordingly, a lead agency may not hide behind its failure to obtain a complete and accurate project description.<sup>69</sup>

A-15

It is impossible for the public to make informed comments on a project of unknown or ever-changing description. "A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental costs..."<sup>70</sup> As articulated by the court in *County of Inyo v. City of Los Angeles*, "a curtailed, enigmatic or unstable project description draws a red herring across the path of public input."<sup>71</sup> Without a complete project description, the environmental analysis under CEQA is impermissibly limited, thus minimizing the project's impacts and undermining meaningful public review.<sup>72</sup>

<sup>66</sup> Marcus Comments, p. 2.

<sup>67</sup> *County of Inyo v. City of Los Angeles* (3d Dist. 1977) 71 Cal.App.3d 185, 193.

<sup>68</sup> *Id.* at 192.

<sup>69</sup> *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311 ("*Sundstrom*").

<sup>70</sup> *Id.* at 192-193.

<sup>71</sup> *Id.* at 197-198.

<sup>72</sup> See, e.g., *Laurel Heights Improvement Assn. v. Regents of the Univ. of Cal.* (1988) 47 Cal.3d 376. 3448-014acp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 14

### A. The DEIR Fails to Adequately Describe Night Lighting, Which May Adversely Impact Biological Resources.

The Project proposes to include night lighting that would cause ecological light pollution.<sup>73</sup> While the DEIR acknowledges that the Project's night lighting could impact bats or other nocturnally active species such as the northwestern San Diego pocket mouse and Dulzura pocket mouse,<sup>74</sup> it fails to provide sufficient details about the nature of the proposed lighting to effectively evaluate the extent of these impacts.

A-16 The DEIR indicates lighting at the Project site "shall be the lowest illumination allowed for human safety and security, selectively placed, shielded, and directed downward to the maximum extent practicable."<sup>75</sup> It further indicates: "lighting at the SVC facility would conform to National Electric Safety Code (NESC) requirements and applicable San Diego County outdoor lighting codes. NESC recommends illuminating substation facilities to a *minimum* of 22 lux or 2 foot-candles."<sup>76</sup> However, as Mr. Cashen explains, this information is inadequate to evaluate impacts on wildlife.

Ecological light pollution has demonstrable effects on the behavioral and population ecology of organisms, with potentially serious implications on community ecology.<sup>77</sup> As Mr. Cashen explains, impacts on wildlife due to night lighting are dependent on the illumination (light incident per unit area), intensity (the number of photons per unit area), and spectral content (expressed by wavelength). Thus, to enable an accurate evaluation of Project impacts from night lighting, Mr. Cashen concludes that the CPUC must identify: (a) the height and abundance of the lights; (b) the types of lights that will be installed; (c) the *maximum* luminosity of the bulbs; and (d) the location and orientation of light fixtures that would be installed at the Project site.<sup>78</sup> The DEIR fails to provide this critical information, thus failing to describe this component of the Project in a manner adequate to enable an evaluation of its impacts.

<sup>73</sup> DEIR, pp. 2-16, 7-45.

<sup>74</sup> DEIR, p. 7-45.

<sup>75</sup> DEIR, p. 7-47.

<sup>76</sup> DEIR, p. 2-16. [emphasis added].

<sup>77</sup> Exhibit D, p. 3.

<sup>78</sup> *Id.*  
3448-014a.c.p

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 15

### **B. The DEIR Fails to Adequately Describe the Project's Construction Water Supply.**

The DEIR fails to describe the storage tanks proposed to be used as one of two potential water supply sources during Project construction. The DEIR explains that the Project would require approximately 2,600,000 gallons (8 af) of water spread over 196 workdays,<sup>79</sup> from one of two potential sources. The first would be a water services agreement with Padre Dam Municipal Water District ("PDMWD"), which is located about 19 miles away from the Project site and would require three truck loads per day.<sup>80</sup> The second water source is simply described as a neighbor's storage ponds.<sup>81</sup>

The DEIR does not explain how the storage ponds are filled, the existing uses of the neighbor's ponds, the current water balance, if the neighbor's ponds are currently used, or what impact Project water use would have on the ponds.<sup>82</sup> The DEIR similarly fails to describe the impact a lower water volume in the pond would have on the local hydrogeology.<sup>83</sup> Although the DEIR asserts that there would be no groundwater used to recharge the ponds, Mr. Myers concludes that adding the Project's water use to the neighbor's ponds would decrease the amount of time the ponds are full, thereby decreasing the average water level in the ponds.<sup>84</sup> Because the DEIR fails to describe the characteristics of this potential water source, the DEIR contains no analysis of the potential impacts of using the storage ponds. The DEIR's conclusion that the Project would have a less than significant impact on water supply resulting from use of the ponds is therefore entirely unsupported because the DEIR provides insufficient information about either the water balance or the hydrogeology of the ponds.

A-17

### **V. THE DEIR FAILS TO ADEQUATELY ESTABLISH THE ENVIRONMENTAL SETTING FOR THE PROJECT**

The DEIR fails to adequately describe the environmental setting against which the Project's environmental impacts are to be measured for several critical aspects of the Project. This contravenes the fundamental purpose of the

A-18

<sup>79</sup> DEIR, p 2-24.

<sup>80</sup> Id.

<sup>81</sup> DEIR p 2-24, -25.

<sup>82</sup> Id.

<sup>83</sup> Id.

<sup>84</sup> Exhibit E, p. 3.

3448-014a.cop

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 16

A-18  
cont.

environmental review process, which is to determine whether there is a potentially substantial, adverse change compared to the existing setting. CEQA requires that a lead agency include a description of the physical environmental conditions, or “baseline,” in the vicinity of the project as they exist at the time environmental review commences.<sup>85</sup> As the courts have repeatedly held, the impacts of a project must be measured against the “real conditions on the ground.”<sup>86</sup> The description of the environmental setting constitutes the “baseline” physical conditions against which the lead agency assesses the significance of a project’s impacts.<sup>87</sup>

### **A. The DEIR Fails to Adequately Establish the Environmental Setting for Biological Resources.**

A-19

The DEIR fails to provide sufficient information to establish the environmental setting for an accurate assessment of the Project’s impacts on biological resources, particularly as to the potentially significant impacts posed by the transmission line component of the Project. For example, the DEIR does not discuss: (a) the relative rarity, (b) population status (i.e., increasing, decreasing, or stable), or (c) primary threats associated with each special-status species that occurs, or could occur, in the Project area.<sup>88</sup> This lack of information on existing bioresources precludes the public and decision makers from understanding the relative severity of the Project’s impacts on numerous sensitive biological resources that will be affected by the Project.

#### *1. Golden Eagle*

A-20

The DEIR purports to analyze and mitigate potentially significant impacts to golden eagles to less than significant levels.<sup>89</sup> However, the DEIR fails to disclose basic, readily available information about the deteriorated status of golden eagle populations in San Diego County that is necessary to fully evaluate and mitigate the Project’s impacts on golden eagles. For example, public data indicate the golden eagle population in San Diego County has experienced a precipitous decline in

<sup>85</sup> 14 CCR § 15125(a); *Comtys. for a Better Envt v. So. Coast Air Qual. Mgmt. Dist.* (2010) 48 Cal. 4th 310, 321 (“*CBE v. SCAQMD*”).

<sup>86</sup> *CBE v. SCAQMD*, 48 Cal. 4th at 321; *Save Our Peninsula Com. v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 121-22; *City of Carmel-by-the-Sea v. Bd. of Supervisors of Monterey County* (1986) 183 Cal.App.3d 229, 246.

<sup>87</sup> 14 CCR § 15125(a); *CBE v. SCAQMD*, 48 Cal. 4th at 321.

<sup>88</sup> See Cashen Comments, p. 3.

<sup>89</sup> DEIR, p. 7-44.  
3448-014a.cpf

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 17

A-20  
Cont.

recent years, primarily due to the loss of foraging habitat.<sup>90</sup> Current statistical data demonstrates that less than 50 pairs remain within the County, and that, by 2030, the County's golden eagle population is predicted to drop to 25 pairs.<sup>91</sup> Consequently, Mr. Cashen explains that each additional pair (territory) that is eliminated from the County has significant implications on conservation of the species.

This information demonstrates that the baseline against which to measure impacts on golden eagles is that of a declining species, not a healthy species. That information is not disclosed in the DEIR. As a result, the DEIR's golden eagle analysis incorrectly assumes that the Project's impacts on golden eagles will be effectively mitigated by the simple survey and avoidance techniques proposed in Mitigation Measures BIO-5 and BIO-6.<sup>92</sup> However, those measures fail entirely to address loss of foraging habitat, which is one of the principal factors causing the decline of the species within the San Diego County geographical area.

### 2. *Vegetation Communities*

A-21

The DEIR contains inaccurate baseline information regarding the vegetation communities at the Project site. The DEIR classifies 1.7 acres of the Project site as "ruderal" vegetation, but fails to identify specific plant species that are present in this portion of the Project site.<sup>93</sup> Neither the San Diego Regional Holland code classification system, nor the Manual of California Vegetation, recognizes "ruderal" as a vegetation type.<sup>94</sup> The DEIR's inaccurate designation of on-site vegetation precludes an accurate application of the mitigation requirements established in San Diego County's Biological Mitigation Ordinance ("Biological Ordinance"). The Biological Ordinance's mitigation measures are determined based on classification of the vegetation community as defined under the San Diego Regional Holland code

<sup>90</sup> Cashen Comments, p. 3, citing Unitt PA. 2004. San Diego County Bird Atlas. Proceedings of the San Diego Society of Natural History, No. 39.

<sup>91</sup> *Id.*

<sup>92</sup> DEIR, p. 7-44.

<sup>93</sup> DEIR, Figure 7-1 and Table 7-1.

<sup>94</sup> Oberbauer T, M Kelly, J Buegge. March 2008. Draft Vegetation Communities of San Diego County. Based on "Preliminary Descriptions of the Terrestrial Natural Communities of California", Robert F. Holland, Ph.D., October 1986. See also Sawyer JO, T Keeler-Wolf, JM Evens. 2009. A Manual of California Vegetation. Second edition. California Native Plant Society, Sacramento. 1300 pp.

3448-014a.cp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017

Page 18

A-21  
Cont. ↑ classification system.<sup>95</sup> Consequently, circumventing the classification system by classifying a portion of the Project site as “ruderal” precludes the ability to determine compliance with the Biological Ordinance.

### 3. *Special-Status Plants*

A-22 ↑ The DEIR fails to identify all plant taxa at the Project site to the taxonomic level necessary to determine rarity and listing status. For example, the DEIR did not identify the specific species within the following genera detected at the Project site: (1) *Amsinckia*, (2) *Crytantha*, (3) *Cuscuta*, and (4) *Ribes*.<sup>96</sup> Each of these genera contains special-status species known to occur in San Diego County.<sup>97</sup> The DEIR’s failure to identify plants to the appropriate taxonomic level precludes a thorough understanding of the environmental setting for impacts to sensitive and special-status plant species, and consequently, the potential for significant impacts to these resources.

### 4. *Hermes Copper Butterfly*

A-23 ↑ The DEIR indicates the proposed Project site does not contain suitable habitat for the Hermes copper butterfly because the site does not have spiny redberry shrubs (the host plant) within 15 feet of California buckwheat (the preferred nectar source).<sup>98</sup> As a consequence, the baseline surveys performed for the butterfly were limited to overly narrow searches for those two plants within 15 feet of each other, which did not detect the butterfly.<sup>99</sup> However, the DEIR fails to cite any scientific evidence to substantiate the statement that suitable habitat for the species is limited to sites where spiny redberry shrubs are within 15 feet of California buckwheat, nor is this conclusion scientifically supported.<sup>100</sup> Indeed, the DEIR’s statement that the Project site lacks suitable habitat for the butterfly is inconsistent with the Applicant’s own PEA, which states the proposed Project site provides suitable habitat, and that the species has moderate potential to occur at

<sup>95</sup> San Diego County Code, Title 8, Division 6, Chapter 5. Ordinance No. 10039 (N.S.); Cashen Comments, p. 4.

<sup>96</sup> PEA, Appendix D: Biological Resources Technical Report, Appendix A.

<sup>97</sup> Cashen Comments, p. 8, citing Rebman JP, MG Simpson. 2014. Checklist of the Vascular Plants of San Diego County, 5<sup>th</sup> ed. San Diego Natural History Museum, San Diego (CA).

<sup>98</sup> DEIR, p. 7-34.

<sup>99</sup> *Id.*

<sup>100</sup> Cashen Comments, p. 9.

3448-014a.cp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 19

A-23  
Cont. ↑ the Project site.<sup>101</sup> Thus, the parameters underlying the DEIR's description of the baseline for the butterfly were overly narrow and flawed, resulting in an inaccurate impact assessment.

### 5. *Dulzura Pocket Mouse and Northwestern San Diego Pocket Mouse*

A-24 ↑ The Dulzura pocket mouse and northwestern San Diego pocket mouse are California Species of Special Concern.<sup>102</sup> The DEIR acknowledges that both species have the potential to occur at the Project site.<sup>103</sup> However, the DEIR failed to conduct the trapping surveys necessary to determine whether either species is present.<sup>104</sup> This makes it impossible for the CPUC or the public to conclude whether the pocket mouse species are, in fact, present at the Project site, which in turn makes it impossible to determine the extent of Project's impacts on these species and whether mitigation is required. The DEIR does not include any mitigation measures directed at impacts to the pocket mouse species. This omission may be due to the DEIR's failure to accurately assess the Project's impacts on pocket mouse in the first place. Thus, as proposed, the Project may result in potentially significant, unmitigated impacts on the pocket mouse species that result in illegal take. The DEIR must be revised to conduct adequate surveys and analysis for the pocket mouse species.

### 6. *Special-Status Bats*

A-25 ↓ Several special-status bat species have the potential to occur in the Project area.<sup>105</sup> While the DEIR correctly determined that bats are unlikely to roost within the Project footprint, the DEIR failed to assess whether bat roosts are present in the trees and rock outcrops immediately adjacent to the Project boundary footprint.<sup>106</sup> Mr. Cashen explains that the trees and rock outcrops provide suitable habitat for bats, and concludes that the outcroppings adjacent to the Project site are likely to host bats. These outcroppings will be subject to the same noise, vibration, and other

<sup>101</sup> PEA, Appendix D: Biological Resources Technical Report, p. 43.

<sup>102</sup> See California Department of Fish and Wildlife, Natural Diversity Database, January 2017, Special Animals List, available at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406&inline>.

<sup>103</sup> DEIR, Table 7-2.

<sup>104</sup> *Id.*, Cashen Comments, p. 9.

<sup>105</sup> DEIR, Table 7-2.

<sup>106</sup> Cashen Comments, p. 9, Figure 4.  
3448-014a.cp



## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 20

A-25  
Cont.

disturbance activities associated with the Project.<sup>107</sup> Mr. Cashen concludes that these areas should have been surveyed as part of the DEIR's biological baseline assessment.

### **B. The DEIR Fails to Adequately Establish the Environmental Setting Against Which to Measure the Project's Traffic Impacts.**

A-26

The DEIR's traffic analysis omits critical details about the existing uses along the Project's access road, and fails entirely to include current traffic data for the thoroughfares surrounding the Project site. These deficiencies render the DEIR inadequate as an informational document because the DEIR fails to set forth the baseline traffic conditions that will be impacted or exacerbated by the Project.

#### *1. The DEIR Fails to Adequately Describe the Residential Access Locations That Will be Impacted by Project Construction*

A-27

The Project site is located off of Bell Bluff Truck Trail, a narrow, secured road which provides the only direct access to the Project site, as well as the only direct access to numerous private residences located along the road.<sup>108</sup> Bell Bluff Truck Trail is approximately 30 feet wide from the proposed SVC site west to the intersection with the access road to the existing Suncrest Substation, and approximately 12 feet wide west of the intersection with the substation access road.<sup>109</sup> Bell Bluff Truck Trail provides the only direct access to the Project site.

Project construction will last approximately 11 months, will generate approximately 403 haul truck trips, up to 6 water truck trips per day, daily travel trips for up to 64 construction workers, and will require road blockage to accommodate construction activities.<sup>110</sup> The DEIR and its accompanying traffic study omit critical details regarding the locations and driveway access points of the residences along Bell Bluff Truck Trail that will be impacted by these construction activities.

A-28

DEIR Figure 19-1, entitled "Roadways in the Project Vicinity," provides the DEIR's principal description of roadways in the Project vicinity. However, Figure

<sup>107</sup> *Id.*

<sup>108</sup> DEIR, p. 19-4; Smith Comments, p. 1.

<sup>109</sup> DEIR, p. 19-4.

<sup>110</sup> DEIR, p. 19-9; Smith Comments, p. 2.  
3448-014acp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 21

A-28  
Cont.

19-1 contains little detail, and fails to show the location of the gate that divides the portion of Bell Bluff Truck Trail to which the public has access from the portion to which access is restricted.<sup>111</sup> Figure 19-1 also fails to show the locations of driveways to private residences accessed from Bell Bluff Truck Trail or Avenida de los Arboles, and does not show sufficient detail of the roadway network to disclose the fact that these residences have no alternate access routes.<sup>112</sup> Although the DEIR explains that Bell Bluff Trail Road provides access to some residences and trails,<sup>113</sup> it fails to pinpoint the locations of the residences or residence access to the road. These missing details are critical to the DEIR's analysis of the Project's impacts on residential and emergency road access. Without this baseline information, there is inadequate information from which to analyze the extent to which residential access conditions, and emergency vehicle access to those residents, will be impacted by the Project.

A-29

### *2. The DEIR's Baseline Traffic Count and Residential Data is Deficient*

The DEIR presents no traffic data for Bell Bluff Truck Trail or Avenida de los Arboles. Instead, the DEIR simply states that "no traffic data are available."<sup>114</sup> This omission demonstrates a failure to collect the relevant data necessary to perform a meaningful analysis of traffic impacts.

It is incumbent upon the lead agency to obtain accurate data on the traffic using the roads that will be impacted by the Project. As Mr. Smith explains, if no current data is available from the public agencies that ordinarily maintain traffic count records, then due diligence requires that the lead agency retain a traffic counting service to make the traffic counts necessary to perform the traffic impact analysis required under CEQA. The DEIR's failure to include this threshold information regarding existing traffic in the Project area is inexcusable.

A-30

The DEIR next relies on outdated 2008 traffic counts on Japatul Valley Road, erroneously contending that reliance on the 2008 counts is remedied by citation to more recent 2009 and 2013 counts taken on different roads located several miles away from the Project's roads of concern. Traffic data from roads that are not near the Project site, and are unlikely to be impacted by the Project, is irrelevant to the

<sup>111</sup> Smith Comments, p. 1.

<sup>112</sup> Smith Comments, p. 1.

<sup>113</sup> DEIR, p. 19-4.

<sup>114</sup> DEIR, p. 19-6.

3448-014acp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 22

A-30  
Cont. ↑ DEIR's analysis of impacts to the roads adjacent to the Project site. Because the DEIR omits this information from the traffic baseline analysis, the DEIR's traffic impact analysis is similarly unsupported.

### VI. THE DEIR FAILS TO ADEQUATELY ANALYZE, QUANTIFY, AND MITIGATE ALL POTENTIALLY SIGNIFICANT IMPACTS

A-31 ↑ The failure to provide information required by CEQA is a failure to proceed in the manner required by CEQA.<sup>115</sup> Challenges to an agency's failure to proceed in the manner required by CEQA, such as the failure to address a subject required to be covered in an EIR or to disclose information about a project's environmental effects or alternatives, are subject to a less deferential standard than challenges to an agency's factual conclusions.<sup>116</sup> In reviewing challenges to an agency's approval of an EIR based on a lack of substantial evidence, the court will "determine de novo whether the agency has employed the correct procedures, scrupulously enforcing all legislatively mandated CEQA requirements."<sup>117</sup>

Even when the substantial evidence standard is applicable to agency decisions to certify an EIR and approve a project, reviewing courts will not 'uncritically rely on every study or analysis presented by a project proponent in support of its position. A clearly inadequate or unsupported study is entitled to no judicial deference.'<sup>118</sup>

#### A. The DEIR Fails to Accurately Quantify Potentially Significant Impacts on Air Quality and Public Health.

A-32 ↓ Under CEQA a project has significant impacts if it "[v]iolate[s] any air quality standard or contribute[s] substantially to an existing or projected air quality violation" or "[e]xpose[s] sensitive receptors to substantial pollutant concentrations."<sup>119</sup> The San Diego County Air Pollution Control District ("SDAPCD") maintains thresholds of significance for criteria air pollutants that are to be used in determining the significance of a project's air quality impacts under

<sup>115</sup> *Sierra Club v. State Bd. Of Forestry* (1994) 7 Cal.4th 1215, 1236.

<sup>116</sup> *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435.

<sup>117</sup> *Id., Madera Oversight Coal., Inc. v. County of Madera* (2011) 199 Cal. App. 4th 48, 102.

<sup>118</sup> *Berkeley Jets*, 91 Cal.App.4th at 1355.

<sup>119</sup> CEQA Appendix G.  
3448-014acp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 23

A-32  
Cont.

CEQA.<sup>120</sup> The DEIR acknowledges that the proposed project would result in a significant impact if it exceeds the SDAPCD construction and operational significance thresholds,<sup>121</sup> but concludes that Project emissions would not exceed any of these thresholds.<sup>122</sup>

SWAPE reviewed the DEIR's air quality analysis and performed an independent model of the Project's construction emissions.<sup>123</sup> SWAPE concludes that the DEIR underestimates the Project's construction NOx emissions from construction haul vehicles and other equipment, fails to analyze the significant carcinogenic risk posed to nearby sensitive receptors from exposure to TACs during Project construction, and fails to substantiate the DEIR's reliance on Tier 3 construction equipment to reduce construction emissions. SWAPE's modeling demonstrates that the Project's NOx and DPM emissions will exceed applicable SDAPCD thresholds.

### 1. *The DEIR Underestimates Construction Emissions*

A-33

The DEIR estimates the Project's air pollution emissions using the "CalEEMod" modeling program, which allows users to input project-specific information supported by substantial evidence.<sup>124</sup> The modeling program's calculations for the Project are generated as "output files" that reveal what inputs and parameters were used. Any deviations from the "default values" in the model must include a written description to justify why a different value was selected.<sup>125</sup>

When reviewing the Project's CalEEMod output files, SWAPE found that the DEIR failed to account for emissions generated by material import and export from the Project site, and relied on input values that were inconsistent with information disclosed in the DEIR. As a result, the Project's nitrogen oxide ("NOx") emissions associated with Project construction were underestimated.

A-34

#### a. The Air Quality Analysis Fails to Account for All Material Import and Export

<sup>120</sup> DEIR, p. 6-6, 6-14; County of San Diego CEQA Guidelines, (2009), available at <http://www.sandiegocounty.gov/pds/docs/CEQAGDLN.pdf>.

<sup>121</sup> DEIR, p. 6-14.

<sup>122</sup> DEIR, p. 6-15.

<sup>123</sup> SWAPE Comments, pp. 2-13.

<sup>124</sup> SWAPE Comments p. 2.

<sup>125</sup> *Id.*

3448-014a.cp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 24

A-34  
Cont.

The DEIR states that approximately 2,500 cubic yards (“cy”) of gravel would need to be imported and installed at the SVC site for grounding purposes.<sup>126</sup> Additionally, grading for construction of the SVC will require the removal of approximately 4,000 cy of excess material, and construction of the transmission line would require the removal of an additional 3,000 cy of excess material, for a total of 9,500 cy of material to be hauled to or from the Project site.<sup>127</sup> All excavated material will require off-site removal and disposal at a landfill.<sup>128</sup> However, the DEIR failed entirely to include emissions from the imported material in its emissions model, and included just 3,600 cy of excavated material in the model,<sup>129</sup> using a total of just 450 hauling trips.<sup>130</sup>

The DEIR also fails to state whether the emissions model accounts for bulking – the swell of excavated materials to a greater size than the size of the hole or holes that were dug. Bulking can cause excavated materials to swell anywhere from 20-80 percent beyond their excavated volume.<sup>131</sup> If bulking is not accounted for, then the DEIR is likely to have substantially underestimated the number of construction trucks required to haul excavated materials off-site.

By failing to account for the total amount of material import and export that will be needed during Project construction, the Project’s fugitive PM10 and PM2.5 emissions and mobile-source emissions are also greatly underestimated. These errors and omissions of basic input data from the DEIR’s air quality model render the results of the DEIR’s air quality analysis artificially low and inaccurate.

A-35

### b. The Air Quality Analysis Uses the Incorrect Number of Vendor Trips

The DEIR further underestimated the Project’s construction emissions by failing to account for truck trips required to supply water to the Project site during construction.

Pursuant to the CalEEMod User’s Guide, water trucks required for construction activities are considered “vendor trips” and must be incorporated in the

<sup>126</sup> DEIR, p. 2-19.

<sup>127</sup> DEIR, p. 2- 19, p. 2-21

<sup>128</sup> *Id.*

<sup>129</sup> DEIR Appendix E, pp. 4.

<sup>130</sup> Appendix E, pp. 12, p. 10 of 46.

<sup>131</sup> SWAPE Comments, p. 3.  
3448-014a.cop

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 25

A-35  
Cont.

CalEEMod model in one of two ways: (1) “use the Off-Highway Trucks category” in the Off-Road Equipment screen; or (2) “add these as additional vendor trips in the Trips and VMT screen.”<sup>132</sup> The DEIR failed to include water truck trips in either category.

According to the DEIR, approximately 2,600,000 gallons (~ 8 acre feet) of water will be required during Project construction.<sup>133</sup> The DEIR explains that “all water to be used during Project construction would be supplied by water truck” if an existing PVC pipe cannot be used to transport the water to the construction site.<sup>134</sup> Water deliveries would require an average of 3 water truck trips per day, with a peak of up to 6 water trucks per day.”<sup>135</sup> Based on this information, the DEIR should have accounted for the truck trips required to import 2,600,000 gallons of water over the course of Project construction (in-and-out trips for each of approximately 650 4,000-gallon trucks or 1,300 2,000-gallon trucks) by including these truck trips as vendor trips or as Off-Highway Trucks in the CalEEMod model’s equipment list. The DEIR failed to include any of these truck trips in its emissions model.

By failing to account for these additional truck trips, the Project’s fugitive dust and mobile-source emissions were significantly underestimated. The omission of water trucks from the DEIR’s air quality model therefore renders the results of the DEIR’s air quality analysis artificially low and inaccurate. This analysis must be revised to reflect accurate input data.

A-36

c. The DEIR Improperly Applies Mitigation Measures to Unmitigated Construction Emissions

The DEIR incorrectly applies two construction-related mitigation measures, Applicant Proposed Measures (“APMs”) AIR-1 and AIR-2, to the Project’s unmitigated construction emissions in order to conclude that Project emissions are less than significant prior to mitigation. This violates CEQA’s requirement that the lead agency must first determine the extent of a project’s impacts before it may apply mitigation measure to reduce those impacts.<sup>136</sup>

<sup>132</sup> SWAPE Comments, p. 4.

<sup>133</sup> DEIR, p. 2-24.

<sup>134</sup> *Id.*

<sup>135</sup> DEIR, p. p. 19-9.

<sup>136</sup> 14 CCR s 15370; *Lotus v. Dep’t of Transp.* (2014) 223 Cal. App. 4th 645, 651-52. 3448-014acp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 26

A-36  
Cont.

APM AIR-1 requires the use of water or non-toxic soil stabilizers to control fugitive dust during Project construction. APM AIR-2 requires vehicle speeds to be limited to 15 miles per hour on unpaved roads and work areas.<sup>137</sup> The DEIR acknowledges that these APMS are intended to “reduce air pollutant emissions,”<sup>138</sup> and both measures are included as mitigation measures in the Project’s MMRP.<sup>139</sup> Nevertheless, the DEIR applies AIR-1 and AIR-2 to the Project’s construction emissions without disclosing the actual emissions prior to mitigation.<sup>140</sup> The DEIR then attempts to label the mitigation measures as design features in order to remedy its mistake.<sup>141</sup>

This approach is prohibited by CEQA. As described under CEQA Guidelines Section 15370, “Mitigation” includes:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.<sup>142</sup>

*Lotus v. Department of Transportation*<sup>143</sup> recently clarified the requirements of CEQA Guideline 15370. In *Lotus*, the court held that “avoidance, minimization and/or mitigation measures,” are not “part of the project.”<sup>144</sup> Rather, they are mitigation measures designed to reduce or eliminate environmental impacts of the Project, and must be treated as such. Mitigation measures cannot be incorporated

<sup>137</sup> See DEIR, p. 2-27, MMRP, p. L-10.

<sup>138</sup> DEIR P. 6-13.

<sup>139</sup> DEIR, p. L-10.

<sup>140</sup> DEIR, p. 6-15 (“the uncontrolled emissions estimate shown in Table 6-6 assumes the application of APMs AIR-1 and AIR-2, but not APMs AIR-3 and AIR-4”).

<sup>141</sup> *Id.*

<sup>143</sup> *Lotus v. Dept. of Transportation* (2013) 223 Cal.App.4th 650.

<sup>144</sup> *Id.* at 656.  
3448-014acp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 27

A-36  
Cont.

in an EIR's initial calculation of the Project's unmitigated air pollutant emissions because the analysis of unmitigated emissions, by definition, must quantify emissions before any mitigation measures to reduce those emissions are applied.<sup>145</sup> An EIR that compresses the analysis of impacts and mitigation measures into a single issue disregards the requirements of CEQA.

In this case, the DEIR admits that the APMs are designed to reduce emissions, not produce them. They therefore belong in the mitigation section, not the emissions calculation. By including these mitigation measures in the Project's initial CalEEMod modeling, the Project's construction emissions are therefore artificially and inaccurately reduced. As a result, the DEIR fails to disclose the Project's actual unmitigated construction emissions, and underestimates the severity of the Project's air quality impacts.

### 2. *Project Construction Will Generate Significant NOx Emissions that Exceed San Diego Air Pollution Control District Thresholds*

SWAPE recalculated the Project's construction emissions using the same CalEEMod program used in the DEIR, but with the corrected input values for the factors described above.<sup>146</sup> When correctly calculated, SWAPE found that the Project's construction NOx emissions would be 250.2 lbs/day. This exceeds the San Diego Air Pollution Control District ("SDAPCD") regional significance threshold for NOx of 250 lbs/day, and is therefore a significant impact.<sup>147</sup> SWAPE's modeling results are set forth below:<sup>148</sup>

Model	Construction Emissions (lbs/day)			
	NOx	Fugitive PM10	PM10	PM2.5
DEIR	246.2	10.9	16.7	10.1
SWAPE	250.2	13.6	19.5	10.6
<b>Percent Increase</b>	1.62%	24.77%	16.77%	4.95%
<b>Significance Threshold</b>	250	250	100	55
<b>Threshold Exceeded?</b>	Yes	No	No	No

<sup>145</sup> *Id.* at 651-52.

<sup>146</sup> See Exhibit A, SWAPE Comments, pp. 7-8.

<sup>147</sup> 14 CCR § 15064.7(a).

<sup>148</sup> SWAPE Comments, p. 10.  
3448-014a.cp



## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 28

A-37  
Cont.

The CPUC must disclose these impacts as significant. The CPUC must also prepare an EIR which includes an updated air quality analysis and identifies mitigation measures to reduce these emissions to less than significant levels.

### 3. *Construction Emissions Will Cause a Significant Cancer Risk that the DEIR Impermissibly Fails to Disclose and Mitigate*

The DEIR fails to analyze the health risks associated with exposure of sensitive receptors to TACs during Project construction by failing to include a construction-related health risk analysis (“HRA”) to determine whether construction emissions of toxic diesel particulate matter (“DPM”) will increase the cancer risk to nearby sensitive receptors. Nevertheless, the DEIR concludes that the Project’s construction emissions would have a less than significant impact on nearby sensitive receptors.<sup>149</sup>

A-38

The DEIR attempts to justify the omission of an HRA by stating that “due to the limited construction duration, the limited construction emissions, and the sparsely populated area surrounding the project site, there is very low potential for fugitive dust or DPM to impact sensitive receptors during construction.”<sup>150</sup> This approach is both inaccurate and prohibited by CEQA.

CEQA imposes a duty on agencies to analyze the health risks posed by a project. In particular, CEQA requires lead agencies to prepare risk analyses to evaluate the nature and extent of the health hazards posed by exposure to toxic materials released by a project.<sup>151</sup> Numerous cases have held that CEQA must analyze human health impacts. For example, in *Communities for a Better Environment v. South Coast Air Quality Management Dist.*,<sup>152</sup> the Supreme Court held that an MND for a refinery was inadequate for failure to analyze nitrogen oxide emissions, pollutants known to have significant effects on human health.<sup>153</sup> The Court of Appeal has made clear that a CEQA document must analyze impacts of projects on human health. In *CBE v. Richmond*, the court held that a CEQA document is inadequate where it “does not address the public health or other

<sup>149</sup> DEIR, p. 6-18.

<sup>150</sup> DEIR, p. 6-17.

<sup>151</sup> 14 CCR § 15126.2(a) requires a CEQA document to discuss the “health and safety problems caused by the physical changes” that a project will precipitate.

<sup>152</sup> (2010) 48 Cal. 4th 310, 317.

<sup>153</sup> 48 Cal.4th at 317.

3448-014a.cp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 29

- ↑  
A-38  
Cont. environmental consequences of processing heavier crude [thereby emitting TACs], let alone analyze, quantify, or propose measures to mitigate those impacts.”<sup>154</sup>
- Here, there is no dispute that the Project will generate TAC emissions during construction, and that the DEIR does not include an HRA to analyze the health risks associated with that exposure. The DEIR explains that Project construction will take up to 11 months, that construction equipment will generate diesel emissions, and that numerous daily truck trips per day are expected during the Project’s construction phase.<sup>155</sup> The Project site is located near several sensitive receptors in the form of local residences.<sup>156</sup> Thus, there is no reasonable question that an HRA is required for the Project.
- ↓  
A-39 The DEIR’s conclusion is also inconsistent with the Office of Environmental Health Hazard Assessment’s (“OEHHA”) most recent guidance. The OEHHA guidance provides that all short-term projects lasting longer than two months be evaluated for cancer risks to nearby sensitive receptors.<sup>157</sup> Here, Project construction will take 11 months, which is significantly longer than the two-month short-term threshold set by OEHHA to trigger the requirement for a HRA. Because Project construction will last more than six months, the OEHHA guidance specifies that cancer exposure from Project construction “should be evaluated for the duration of the project.”<sup>158</sup> Therefore, the CPUC must prepare a HRA that quantifies and evaluates the health risk from Project construction.
- ↓  
A-40 SWAPE prepared an independent health risk screening assessment for the Project using the AERSCREEN model, the construction emission estimates from SWAPE’s updated CalEEMod model, and OEHHA and SDAPCD guidance. SWAPE found that: (1) construction activities will generate approximately 2,652 pounds of DPM over a 316 day (approximately 11 month) construction period;<sup>159</sup> and (2) the excess cancer risk to infants at a sensitive receptor located 805 meters away, over

<sup>154</sup> *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 82 (“*CBE v. Richmond*”). See also *Californians for Alternatives to Toxics v. Cal. Dep’t of Food & Agric.* (2006) 136 Cal.App.4th 1, 16, (EIR on statewide application of pesticide was inadequate when it failed to independently evaluate risks of toxic exposure).

<sup>155</sup> DEIR, pp. ES 5 to 6, 6-15.

<sup>156</sup> DEIR, p. 2-5.

<sup>157</sup> “Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, available at: [http://oehha.ca.gov/air/hot\\_spots/hotspots2015.html](http://oehha.ca.gov/air/hot_spots/hotspots2015.html).

<sup>158</sup> See OEHHA Guidance, p. 8-18.

<sup>159</sup> SWAPE Comments, p. 11; DEIR Appendix E, pp. 5, 7.  
3448-014a.cp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 30

A-40  
Cont.

the course of Project construction, is 27.4 in one million.<sup>160</sup> This risk is well above the SDAPCD significance threshold for cancer of 1 in a million, and is therefore a significant impact that must be identified in the DEIR.<sup>161</sup> The DEIR must be revised to disclose this significant impact, and to incorporate appropriate mitigation measures to reduce this impact to less than significant levels.

A-41

### **B. The DEIR Fails to Accurately Disclose and Mitigate Potentially Significant Impacts on Biological Resources.**

The DEIR fails to adequately analyze and mitigate the Project's significant hazards to wildlife and on several sensitive species. The DEIR must be revised to provide a legally and factually adequate impact analysis.

#### *1. Special-Status Plants*

A-42

Felt-leaved monardella, a special-status species, occurs immediately adjacent to the proposed Project site.<sup>162</sup> Several additional special-status plant species have the potential to occur within, or immediately adjacent to, the Project site.<sup>163</sup> The DEIR fails to provide any analysis of, or mitigation for, potentially significant *indirect* impacts to special-status plants. As a result, the DEIR lacks substantial evidence supporting its finding that Project impacts on special-status plants would be less than significant.

A-43

#### *2. Hermes Copper Butterfly*

The DEIR's analysis of impacts to the Hermes copper butterfly is limited to the following statements:

Suitable habitat for Hermes copper butterfly may develop within the project footprint prior to construction. If this occurs, the Proposed Project could have

<sup>160</sup> *Id.*, p. 13.

<sup>161</sup> See County of San Diego Guidelines for Determining Significance, Air Quality, p. 25, available at <http://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/docs/AQ-Guidelines.pdf> ("The following Guidelines for Determining Significance must be used for determining whether or not the project will expose sensitive receptors to substantial pollutant concentrations:...Project implementation will result in exposure to TACs resulting in a maximum incremental cancer risk greater than 1 in 1 million without application of Toxics-Best Available Control Technology or a health hazard index greater than one would be deemed as having a potentially significant impact.").

<sup>162</sup> DEIR, p. 7-40.

<sup>163</sup> *Ibid.*; Cashen Comments, p. 10.

3448-014acp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 31

A-43  
Cont.

a substantial adverse effect on the species. This would be a significant impact.<sup>164</sup>

The DEIR fails to provide any analysis of the extent of the admittedly potentially significant impacts, and fails to include any analysis of the potentially significant *indirect* impacts to the Hermes copper butterfly and its habitat.

Mr. Cashen identifies several potentially significant indirect impacts that the Project may have on the Hermes copper butterfly, including vehicle strikes, application of herbicides, and Project activities that indirectly alter vegetation in the Project area.<sup>165</sup> The DEIR fails to analyze any of these indirect impacts, and fails to incorporate mitigation for potentially significant indirect impacts to the Hermes copper butterfly and its habitat. As a result, the DEIR has not provided substantial evidence supporting its conclusion that impacts to the species would be less than significant.<sup>166</sup>

A-44

### 3. Noise and Vibration

The DEIR fails to adequately disclose and analyze the potentially significant adverse effects that the Project's construction and operational noise and vibration will have on wildlife. As explained by Mr. Cashen, noise can cause major disruption of animals' most basic habits. Animals rely on hearing to avoid predators, obtain food, and communicate.<sup>167</sup> Noise and vibration have the potential to disrupt these activities, and otherwise reduce fitness through injury (e.g., hearing loss), energy loss (from movement away from noise source), reduction in food intake, and habitat avoidance and abandonment.<sup>168</sup> Given this broad spectrum of impacts, Mr. Cashen concludes that almost all animal species in the vicinity of the Project site may be adversely affected by the noise and vibrations generated by the Project.<sup>169</sup>

<sup>164</sup> *Ibid.*

<sup>165</sup> Cashen Comments, p. 11.

<sup>166</sup> DEIR, p. 7-44.

<sup>167</sup> Cashen Comments, p. 12, citing Francis CD, JR Barber. 2013. A framework for understanding noise impacts on wildlife: an urgent conservation priority. *Frontiers in Ecology and the Environment* 11:305-313. *See also* Rabin LA, B McCowan, SL Hooper, DH Owings. 2003. Anthropogenic Noise and its effect on Animal Communication: An Interface Between Comparative Psychology and Conservation Biology. *International Journal of Comparative Psychology* Vol. 16(2/3):172-193.

<sup>168</sup> *Id.*, citing National Park Service, 1994. Report to Congress, Report on effects of aircraft overflights on the National Park System.

<sup>169</sup> *Id.*

3448-014a.cp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 32

### a. Construction Noise

A-45

The DEIR's analysis of construction noise is limited to a single statement suggesting that the only wildlife that may be adversely affected are nesting birds.<sup>170</sup> The DEIR thus fails to provide any analysis of construction noise on other wildlife (e.g., the special-status reptiles and mammals that occur in the Project area). Moreover, as explained by Mr. Cashen, even the adverse effects of noise on birds are not limited to those that are "nesting."<sup>171</sup> Mr. Cashen explains that commonly accepted bird science identifies nine ways in which noise pollution affects birds, including: (1) physical damage to ears; (2) stress responses; (3) fright-flight responses; (4) avoidance responses; (5) changes in other behavioral responses, such as foraging; (6) changes in reproductive success; (7) changes in vocal communication; (8) interference with the ability to hear predators and other important sounds; and (9) potential changes in populations.<sup>172</sup> The DEIR provides no analysis of any of these noise factors, or any noise impacts at all on any other species.

The DEIR's omission of a biological noise impact analysis is particularly egregious given the high levels of noise that will be generated by Project construction. Construction of the proposed Project requires blasting and entails use of a rock drill, which would generate a noise level of 98 dBA at a distance of 50 feet.<sup>173</sup> There is substantial evidence demonstrating that this noise level is high enough to significantly impact wildlife.<sup>174</sup> For example, Mojave fringe-toed lizards experience hearing loss when exposed to 95-dB dune buggy sounds, even when the lizards were buried beneath shallow layers of sand.<sup>175</sup>

<sup>170</sup> DEIR, p. 7-43 ("Construction of the proposed Project could disturb nesting birds by generating noise.").

<sup>171</sup> Cashen Comments, p. 13.

<sup>172</sup> *Id.*, citing Ortega CP. 2012. Effects of Noise Pollution on Birds: A Brief Review of Our Knowledge. Ornithological Monographs 74:6-22.

<sup>173</sup> DEIR, p. 15-10.

<sup>174</sup> Cashen Comments, p. 13.

<sup>175</sup> *Id.*, citing Bondello MC, AC Huntley, HB Cohen, BH Brattstrom. 1979. The effects of dune buggy sounds on the telencephalic auditory evoked response in the Mojave fringe-toed lizard, *Uma scoparia*. Pages 58-89 in MC Bondello and BH Brattstrom, eds. The experimental effects of off-road vehicle sounds on three species of desert vertebrates. U.S. Dept. Inter., Bur. Land Manage., Washington, DC.

3448-014acp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 33

The DEIR must be revised to include a meaningful analysis of these potentially significant impacts from construction noise on biological resources.

### b. Operational Noise

The DEIR's analysis of operational noise is similarly limited to a single statement that "operation of the proposed Project is not anticipated to greatly increase noise compared to current conditions at the site."<sup>176</sup> This statement is inconsistent with data provided in the DEIR. According to the DEIR, the baseline Leq and CNEL noise levels at the site proposed for the SVC were 49.8 dBA and 52.1 dBA, respectively.<sup>177</sup> The noise level would increase to approximately 90 dB during operation of the SVC.<sup>178</sup> (As a frame of reference, a noise level of 90 dB is equivalent to a road with approximately 50,000 cars per day.<sup>179</sup>) Because the decibel (dB) is a logarithmic unit, an increase of 10 dB represents a doubling of loudness.<sup>180</sup> Therefore, the proposed Project would generate noise that is approximately 16 times louder than existing conditions.

Mr. Cashen explains that noise generated during operation of the Project (90 dB) will far exceed levels that have been shown to have adverse effects on wildlife.<sup>181</sup> Consequently, Mr. Cashen concludes that noise generated by operation of the Project will undoubtedly have adverse effects on wildlife. The distances over which these effects occur depend on the species, but could extend more than 3 km (1.9 mi).<sup>182</sup>

A-45  
Cont.

<sup>176</sup> DEIR, p. 7-44.

<sup>177</sup> DEIR, p. 15-7.

<sup>178</sup> DEIR, p. 15-12. The sound pressure level from two equal sources is 3 dB greater than the sound pressure level of just one source. Therefore, the transformer and HVAC unit would combine to produce 90 dB. See DEIR, Appendix J.

<sup>179</sup> Cashen Comments, citing Bayne EM, BC Dale. 2011. Effects of Energy Development on Songbirds. Chapter 6 in: Energy Development and Wildlife Conservation in Western North America. DE Naugle (ed). Island Press, Washington, D.C. pp. 95-114.

<sup>180</sup> Cashen Comments, p. 13.

<sup>181</sup> Kaseloo PA, KO Tyson. 2004. Synthesis of Noise Effects on Wildlife Populations. US Department of Transportation, Federal Highway Administration. Publication No. FHWA-HEP-06-016. Available at: <[https://www.fhwa.dot.gov/environment/noise/noise\\_effect\\_on\\_wildlife/effects/effects.pdf](https://www.fhwa.dot.gov/environment/noise/noise_effect_on_wildlife/effects/effects.pdf)>.

<sup>182</sup> *Ibid.*

3448-014a.cop

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 34

### c. Golden Eagles

The DEIR concludes that blasting noise will not significantly impact golden eagles unless they are within 500 feet of the Project construction footprint.<sup>183</sup> As Mr. Cashen explains, this analysis is deficient because there is substantial evidence that blasting may significantly impact golden eagles located up to 2 miles from the Project site.<sup>184</sup>

A-46

To avoid “take” of golden eagles, the United States Fish and Wildlife Service (“USFWS”) recommends avoidance of blasting and other activities that produce extremely loud noise within two miles of active eagle nests.<sup>185</sup> Because the proposed Project would not adhere to USFWS recommendations, and because the DEIR fails to provide any evidence that a 500-foot buffer would be sufficient to avoid impacts to nesting eagles, the DEIR lacks substantial evidence to support its conclusion that the Project would not adversely affect golden eagles. By contrast, Mr. Cashen presents substantial evidence demonstrating that the Project may have a significant, unmitigated impact on golden eagles.

### 4. *Soil Stabilizers*

The DEIR lacks substantial evidence to conclude that the chemical soil stabilizers proposed for fugitive dust control will not be toxic to vegetation and wildlife. NEET West proposes the use of “non-toxic” soil stabilizers (also known as soil binders, dust suppressants, or dust palliatives) to control fugitive dust at the Project site.<sup>186</sup> Most soil stabilizers, including varieties that are “non-toxic” to humans, can have adverse effects on the environment.<sup>187</sup> Because the DEIR and PEA fail to identify the specific type of soil stabilizer that would be used at the Project site, it is impossible to evaluate the potentially significant adverse effects associated with the use of soil stabilizers at the Project site.

A-47

<sup>183</sup> DEIR, p. 7-44.

<sup>184</sup> Cashen Comments, p. 14.

<sup>185</sup> *Id.*, citing Legal Protections for the Golden Eagle. 24 Jun 2015 email communication to Scott Cashen from Heather Beeler, Eagle Permit Coordinator, USFWS.

<sup>186</sup> DEIR, p. 2-27.

<sup>187</sup> Cashen Comments, p. 14, citing US Army Corps of Engineers. 2007. Environmental Evaluation of Dust Stabilizer Products. Vicksburg, Miss: US Army Corps of Engineers, Engineer Research and Development Center, Environmental Laboratory. 58 pp.

3448-014a.cp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 35

### 5. *Lightner Mitigation Site*

If the CPUC approves the Project as currently proposed, it will be authorizing the elimination of a portion of the Lightner Mitigation Site, a wetland mitigation site that the CPUC itself mandated as compensatory mitigation for the Sunrise Powerlink Project. This would cause a violation of an existing mitigation measure, and would be a significant impact under CEQA.

A-48

The DEIR fails to adequately disclose and mitigate this significant impact. The Lightner Mitigation Site was acquired by SDG&E as a mitigation measure imposed by the CPUC to off-set permanent impacts to Waters of the U.S. and Waters of the State caused by the Sunrise Powerlink Project.<sup>188</sup> The land surrounding the Project's proposed transmission line is part of the Lightner Mitigation Site. The Project would impact 0.4 acres of Chamise Chaparral within the Lightner Mitigation Site, thus effectively reducing the size of the Lightner Mitigation site by 0.4 acres, and potentially impacting jurisdictional waters.<sup>189</sup> Pursuant to the Sunrise Powerlink Project's MMRP, all lands within the Lightner Mitigation Site are to be transferred from SDG&E to the U.S. Forest Service to be protected in perpetuity for resource conservation purposes.<sup>190</sup> Therefore, any impacts to the Lightner Mitigation Site caused by the Project would result in a violation of the terms of the Sunrise Powerlink mitigation agreement and compromise SDG&E's ability to satisfy its various permit obligations.<sup>191</sup> Disturbance of the mitigation lands may also result in disturbance of jurisdictional waters, which would require a Section 404 permit from the U.S Army Corps of Engineers ("USACE").

A-49

The DEIR acknowledges that the Lightner Mitigation Site surrounds Bell Bluff Truck Trail on both sides of the area in which the transmission line would be constructed, and that construction of the transmission line would disturb the mitigation lands.<sup>192</sup> However, the DEIR incorrectly dismisses this impact as insignificant, stating that "[w]hile these impacts would not be consistent with the

<sup>188</sup> DEIR, p. 13-4 and Table 7-1.

<sup>189</sup> DEIR, pp. 13-4 and Table 7-1, p. 2-9; Cashen Comments, p. 27; Myers Comments, pp. 6-7.

<sup>190</sup> See [http://www.cpuc.ca.gov/environment/info/aspen/sunrise/mmcrp/mmcrp\\_all.pdf](http://www.cpuc.ca.gov/environment/info/aspen/sunrise/mmcrp/mmcrp_all.pdf); DEIR, p. 2-9; Myers Comments, pp. 6-7.

<sup>191</sup> San Diego Gas & Electric. 2011. Final Habitat Mitigation and Monitoring Plan: Lightner Mitigation Site, Sunrise Powerlink.

<sup>192</sup> DEIR, p. 13-7.  
3448-014acp



## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 36

A-49  
Cont.

intent and goals of the mitigation site, the conflicts from the Proposed Project would be temporary and would not be anticipated to be substantial.”<sup>193</sup> This approach is incorrect and contrary to law.

An EIR must identify all potentially significant environmental effects. Significant effects may be “both short-term and long-term.”<sup>194</sup> Thus, even temporary Project impacts may have significant effects on the environment that require mitigation.<sup>195</sup>

A-50

Furthermore, violation of a mitigation measure is a per se significant impact under CEQA.<sup>196</sup> In *Katzeff*, the Department of Forestry (“DPF”) approved permits allow a timber owner to cut down a wind buffer tree zone that had been previously adopted as a mitigation measure under a timber harvesting plan, without first conducting CEQA review for the removal of the buffer zone. The court held that the condition could not be eliminated on a ministerial basis, and instead required full CEQA review to justify its elimination. The court explained that “where a public agency has adopted a mitigation measure for a project, it may not authorize destruction or cancellation of the mitigation . . . without reviewing the continuing need for the mitigation, stating a reason for its actions, and supporting it with substantial evidence.”<sup>197</sup> Otherwise, “any mitigation required by CEQA . . . could be nullified simply by the passage of time . . .”<sup>198</sup>

Here, there is substantial, uncontroverted evidence in the DEIR demonstrating that the Project will impact wetlands set aside as mitigation for the Sunrise Powerlink Project.<sup>199</sup> This interference with a previously approved mitigation measure is a per se significant impact that the DEIR must disclose as significant and mitigate before the Project can be approved. The DEIR must also disclose whether the Project’s disturbance of the Lightner Mitigation Site will require a Section 404 permit from USAE before the Project may proceed.

<sup>193</sup> *Id.*

<sup>194</sup> 14 CCR § 15126.2(a).

<sup>195</sup> *Id.*

<sup>196</sup> See *Katzeff v Dep’t of Forestry & Fire Protection* (2010) 181 Cal.App.4th 601, 614; *Lincoln Place Tenants Ass’n v City of Los Angeles* (2005) 130 Cal. App. 4th 1491.

<sup>197</sup> *Id.* at 611.

<sup>198</sup> *Id.* This same result was reached in *Lincoln Place Tenants v. City of Los Angeles* (2005) 130 Cal.App.4th 1491, 1507 n22, which holds that “it cannot be argued CEQA does not apply to the . . . demolition on the ground the demolition permits are ministerial acts.”

<sup>199</sup> DEIR, pp. 13-4 and Table 7-1, p. 2-9; Cashen Comments, p. 27; Myers Comments, p. 1. 3448-014acp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 37

A-51

Furthermore, the DEIR lacks evidence to support its assertion that the impacts on the Lightner Mitigation Site will be temporary, and therefore insignificant. Any disturbance of wetlands, even if temporary, may have significant impacts and require a Section 404 permit. Additionally, Mr. Myers explains that Project's impacts on the Lightner Mitigation Site are likely to be permanent, because the increased impervious area and graded drainages that will be constructed for the Project would decrease both shallow groundwater flow and overland sheet flow, which are both necessary for wetland ecosystems in the Project area, including the Lightner Mitigation Site.<sup>200</sup> Mr. Myers' comments present substantial evidence that the Project may have potentially significant permanent impacts on the mitigation site.

A-52

Finally, the County of San Diego has determined that compensatory mitigation is required for impacts to Chamise Chaparral.<sup>201</sup> Thus, the Project's disturbance of Chamise Chaparral within the Lightner Mitigation Site requires mitigation pursuant to the County's CEQA guidelines in addition to any legal duty under *Katzeff*. In cases like the instant Project, where impacts to sensitive vegetation communities occur on lands already in use as mitigation for other projects, the County requires compensatory mitigation *and* that the mitigation ratios be doubled.<sup>202</sup> The DEIR fails to incorporate any compensatory mitigation for Project impacts to Chamise Chaparral within the Lightner Mitigation Site, thus compounding the DEIR's error in failing to disclose and mitigate the Project's impacts to the Lightner Mitigation Site.

A-53

### **C. The DEIR Fails to Accurately Disclose and Mitigate Potentially Significant Impacts on Water Resources.**

The DEIR fails the adequately analyze and mitigate the Project's impacts on water quality, surface water features, and wetlands. The DEIR must be revised to provide a legally and factually adequate impact analysis.

<sup>200</sup> Myers Comments, p. 7.

<sup>201</sup> County of San Diego, Department of Planning and Land Use, Land Use and Environment Group. 2010. Guidelines for Determining Significance for Biological Resources. Table 5.

<sup>202</sup> USDA Forest Service. 2010. Record of Decision: Sunrise Powerlink Project. Forest Service Clarifications and Revisions to Mitigation Measures. p. 2. Available at: <[http://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb5320679.pdf](http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5320679.pdf)>

3448-014acp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 38

### 1. Project Blasting

Project construction would require underground blasting to excavate the sites for both the SVC facility and the transmission line, which would be mostly buried. The SVC facility would require excavation up to 15 feet below ground surface, with a need for minor blasting in areas of shallow bedrock.<sup>203</sup> The DEIR fails to describe the full depth to bedrock at all locations within the Project site. The total amount of blasting that will be required to excavate the area needed for the SVC facility is therefore not known, not described in the DEIR, and not analyzed for potential impacts.<sup>204</sup>

A-53  
Cont.

The transmission line would also require excavation. NEET West anticipates that 10 percent of the trench alignment, or approximately 530 linear feet of trench, would require blasting to install the transmission line.<sup>205</sup> The DEIR describes the blasting as “low-energy, localized rock blasting, which is also referred to as micro-blasting.”<sup>206</sup> The intent is to fracture rock so that it can be excavated.

As explained by Mr. Myers, blasting would deposit the pollutants nitrogen and nitrates into the fractured rock material. The nitrogen and nitrates would then be available for leaching into the groundwater, which may cause significant groundwater pollution problems.<sup>207</sup> Mr. Myers explains that unmitigated nitrogen and nitrates deposited by project blasting would cause potentially significant impacts on the Lower Sweetwater River, which is on the Clean Water Act Section 303d impaired water bodies list.<sup>208</sup> Water bodies listed on the Section 303d list are waters that are too polluted or otherwise degraded to meet State or Federal water quality standards.<sup>209</sup> Increased percolation of these pollutants into groundwater through the explosive-fractured bedrock would increase the nitrogen loading in groundwater and to the River where the groundwater discharges.<sup>210</sup> This will, in turn increase the River’s total nitrogen concentration. Excess nitrogen is one of the principal causes of the River’s 303d listing. Mr. Myers concludes that the Project’s

<sup>203</sup> DEIR, Table 2-1.

<sup>204</sup> DEIR, p 2-19.

<sup>205</sup> DEIR, p 2-20.

<sup>206</sup> *Id.*

<sup>207</sup> See Exhibit E, p. 2.

<sup>208</sup> DEIR Table 12-1

<sup>209</sup> Federal Clean Water Act Section 303d.

<sup>210</sup> Smith Comments, p. 2.

3448-014a.cp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 39

A-53  
Cont.

blasting deposits are therefore likely to increase the existing nitrogen pollution in the River, resulting in increased violations of water quality standards.<sup>211</sup>

There is no discussion of this potentially significant impact in the DEIR, and no plan to mitigate the potentially significant groundwater pollution that may be caused by the Project's blasting activities. The DEIR must be revised to analyze the potential for nitrogen pollution leaching from explosive fractured debris, and the effects of percolation through explosive-fractured rock that would discharge to the Sweetwater River and increase the total nitrogen load in the Lower Sweetwater River.

### 2. Drainages

The DEIR inappropriately dismisses the potential for the Project to reduce groundwater recharge into nearby drainages, thereby causing potentially significant impacts to both the surface water drainages and groundwater recharge.

A-54

The Project would be located in the Upper Sweetwater River Hydrologic Area of the Sweetwater River Hydrologic Unit of the San Diego Basin.<sup>212</sup> The Project will permanently pave over approximately 2.6 acres.<sup>213</sup> Mr. Myers explains that this new impervious area would decrease existing recharge.<sup>214</sup> The DEIR minimizes the significance of this impact by claiming there are no groundwater basins in the project area and by suggesting that "due to its relatively high position in the watershed, limited catchment areas contributing (sic) runoff."<sup>215</sup> However, as Mr. Myers explains, this statement is unsupported, because substantial evidence demonstrates that the fractured bedrock and topography of the Project site enables groundwater recharge to occur at this location.<sup>216</sup>

The topographic maps and photographs of the Project site included in the DEIR indicate that small drainages contribute runoff to the proposed project site, but the DEIR fails to analyze the extent of this runoff or provide an estimate of drainage area.<sup>217</sup> The Project site is relatively flat. This causes runoff to slow as it

<sup>211</sup> *Id.*

<sup>212</sup> DEIR, Figure 12-1.

<sup>213</sup> DEIR, p. 12-22.

<sup>214</sup> DEIR, p. 12-23.

<sup>215</sup> *Id.*

<sup>216</sup> Myers Comments, p. 4.

<sup>217</sup> DEIR, p. 12-9.

3448-014acp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 40

A-54  
Cont.

crosses the area, providing a greater opportunity for precipitation and runoff to percolate to the fractured bedrock than if the site were slanted.<sup>218</sup> Mr. Myers explains that recharge passing through this area of the Project site flows through bedrock pathways and discharges into the base of alluvial aquifers near the rivers, thus replenishing groundwater supplies close to the river.<sup>219</sup>

The DEIR notes that depth to groundwater ranges from 44 to 60 feet at least at the Suncrest Substation,<sup>220</sup> but fails to discuss the source of this groundwater. As a result, the DEIR fails to identify the Project site's contribution to groundwater recharge, and as a result, fails to disclose that the Project may have a potentially significant impact on local groundwater resources.

### 3. *Potential Contamination from Transformer Oil*

A-55

The DEIR does not consider the fate of contaminants spilled on the Project site. In particular, the DEIR fails to address or provide mitigation for potential releases of transformer oil from spills or leakage from the SVC during Project operation. Each SVC transformer would need 10,000 to 13,000 gallons of oil to operate.<sup>221</sup> The DEIR explains that the Project would have "transformer oil containment basins" intended to contain the oil volume and 25-year 24-hour storm event.<sup>222</sup> This contaminated runoff would then be released from the stormwater ponds and contaminate down gradient aquifers or the Sweetwater River.<sup>223</sup>

Mr. Myers explains that spills or leaks on the newly-developed paved areas could contaminate runoff from the Project site, which could in turn contaminate down gradient aquifers if not contained.<sup>224</sup> Mr. Myers concludes that this is a potentially significant impact, although the DEIR fails to mention it. The DEIR should be revised to include a plan to prevent the release of water from detention basins until the quality of that water can be verified to not violate permits in the stormwater discharge permit.

<sup>218</sup> Myers Comments, p. 4.

<sup>219</sup> *Id.*

<sup>220</sup> DEIR, p. 12-18.

<sup>221</sup> DEIR, p 2-15.

<sup>222</sup> DEIR, p 2-15.

<sup>223</sup> *Id.*

<sup>224</sup> Myers Comments, p. 5; DEIR, p 12-24, -25.

3448-014a.cp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 41

### 4. *Potential Jurisdictional Waters*

The DEIR failed to conduct an adequate analysis to determine whether the Project site and adjacent areas may include wetlands and/or may have potentially significant impacts on other jurisdictional waters.

A wetlands delineation completed for the Sunrise Powerlink (San Diego Fish and Game (SDFG) 2009) identified a wetland in the proposed SVC site.<sup>225</sup> The wetlands delineation performed for the DEIR did not identify a wetland.<sup>226</sup> The Sunrise Powerlink delineation did not dig test pits because of “high potential for archaeological sites to be located throughout the Project right of way (ROW).”<sup>227</sup> Instead, SDFG used other observational indicators to detect the presence of hydric soils, such as soil saturation of sufficient duration to cause anaerobic conditions sufficient to exert a controlling influence on the plant species, as well as indicators such as the presence of wetland-dependent species, which indicate the presence of a wetland.<sup>228</sup> Based on this analysis, SDFG determined that there is substantial evidence that these areas are wetlands and did not rely solely on showing there were hydric soils.<sup>229</sup>

By contrast, the wetland delineation performed for the DEIR relied solely on test pits to determine the presence of wetlands on the Project site.<sup>230</sup> The DEIR may not rely solely on a perceived absence of hydric soils to claim the project area is not a wetland. By omitting the other components of the wetland delineation analysis used by SDFG, it is possible that the DEIR overlooked the same critical factors which led SDFG to conclude just a few years prior to the DEIR that wetlands exist on the Project site.

The DEIR contains additional evidence supporting a conclusion that the Project site and adjacent areas may include wetlands or may have potentially significant impacts on other jurisdictional waters. The DEIR notes that the transmission line would cross two jurisdictional waters under CDFW jurisdiction.<sup>231</sup> The Project area is part of the Peninsular Mountain Range between the arid desert

<sup>225</sup> DEIR, p 12-12.

<sup>226</sup> *Id.*

<sup>227</sup> SDFG 2009, p 8; Myers Comments, p. 6.

<sup>228</sup> *Id.*

<sup>229</sup> *Id.*

<sup>230</sup> DEIR, p. 12-12.

<sup>231</sup> DEIR, Figure 7-2.  
3448-014acp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 42

A-57  
Cont.

of the Imperial Valley to the east and the dry South Coast Basin to the west toward the ocean.<sup>232</sup> SDFG notes that the area is significantly wetter than the surrounding areas and “due to the wetter climate and more watershed vegetative cover, there is more potential for dry-season flow.”<sup>233</sup> Mr. Myers notes that the topography of the site suggests that the Project area could occasionally be saturated due to runoff reaching the area.<sup>234</sup> The Project site is also relatively flat. Mr. Myers observes that water flowing onto the site from the ridge south of the Project area could therefore easily pond or provide runoff in ephemeral washes for a substantial period of time.<sup>235</sup> Mr. Myers concludes that these factors demonstrate that the Project site is likely to contain wetland areas.<sup>236</sup>

The DEIR should be revised to include a water balance analysis for the Project area to determine the potential for soils being saturated sufficiently to be considered a wetland. The DEIR should also be revised to provide a more complete survey of wetland conditions in the project area.

A-58

### **5. The DEIR Fails to Accurately Disclose and Mitigate Potentially Significant Impacts on Traffic and Emergency Vehicle Access.**

The DEIR underestimates the amount of construction traffic that will be generated by the Project. This results in an unsupported conclusion that the Project will have less than significant traffic impacts with mitigation. However, as explained by Mr. Smith, Project construction is in fact likely to result in significant impacts to local roadways and residences that the DEIR fails to mitigate.

#### *1. Haul Trips*

A-59

The DEIR underestimates the number of trucks required for hauling operations. Approximately 4,030 cubic yards of excavated materials would need to be hauled from the site.<sup>237</sup> The DEIR concludes that, over a 220-day construction period, this would only involve an average of 2 trips per day by trucks with a 10 cubic yard capacity.<sup>238</sup> However, the DEIR ignores the fact that each load involves

<sup>232</sup> SDFG 2009, p 16, 17.

<sup>233</sup> Myers Comments, p. 6; SDFG 2009, p 17.

<sup>234</sup> *Id.*; DEIR, Figure 12-2.

<sup>235</sup> Myers Comments, p. 6.

<sup>236</sup> Myers Comments, p. 6.

<sup>237</sup> DEIR, p. 19-9.

<sup>238</sup> DEIR, p. 19-9.

3448-014acp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 43

A-59  
Cont.

both a trip in and a trip out (in other words, 2 loads means 4 total truck trips). The DEIR further assumes that excavation and related hauling would take place evenly over each day of the 220-day construction period, thus spreading the anticipated truck trips evenly over an 11-month period. There is no evidence in the DEIR's traffic analysis to support this assertion, nor is there any discussion of the basis for the DEIR's approach. Rather, the construction schedule described in the DEIR indicates the opposite to the contrary – that excavation, grading, and hauling activities are only scheduled for the first 6.5 months of the 11-month construction period, whereas activities such as “testing and commissioning” and “restoration and cleanup” will occupy the remaining 4.5 months.<sup>239</sup>

A-60

Finally, the DEIR's traffic analysis fails to account for bulking - the swell of excavated materials to a greater size than the size of the hole or holes that was or were dug.<sup>240,241</sup> Since the DEIR discloses that some of the excavation might involve blasting, it is likely that much of the material hauled away will be rock materials that involve the highest swell factors. Bulking will increase the cubic yardage of the excavated material, which will in turn require more trucks to remove bulked material from the Project site. As a result, hauling activity would be more intense on those days than disclosed in the DEIR.<sup>242</sup>

### 2. Worker Trips

A-61

The DEIR assumes, without evidence, that construction worker trips will be consolidated. The DEIR states that 64 construction workers will travel to and from the Project site during the construction period, but discounts worker trips based on an unsupported assertion that “[t]ypically, construction workers travel together to the work site” and “[e]ven if each worker drove his or her own vehicle and traveled alone, based on the anticipated number of workers...the additional vehicle trips

<sup>239</sup> See DEIR, p. ES-5 to 6.

<sup>240</sup> Smith Comments, p. 3.

<sup>241</sup> The amount of bulking depends on the material excavated. For instance, ordinary soil or dry gravel swells to a volume 20 to 30 percent greater than the size of the excavation; dolomite swells to a 50 to 60 percent greater volume than the hole; limestone and sandstone swell to volumes 75 to 80 percent greater than the size of the hole. Smith Comments, p. 4.

<sup>242</sup> The DEIR also opines that the number of haul trips could be cut in half by using 20 cubic yard trucks instead of 10 cubic yard ones. However, Mr. Smith finds this conclusion unsupported and improbable because of the difficulty of maneuvering the larger trucks on the subject roadways, particularly where Bell Bluff Truck Trail will be significantly narrowed by the excavation itself. Smith Comments, p. 3.

3448-014a.cp



## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 44

A-61  
Cont.

*generated by construction would be negligible considering the average daily traffic and existing LOS on I-8 and local roadways."* Both assertions lack support.

There is no evidence presented in the DEIR to support the conclusion that construction workers travel together. Rather, construction workers are recognized by traffic professionals, such as Mr. Smith, as solo commuters because they tend to carry personally-owned tools to the work site.<sup>243</sup> The DEIR also lacks evidence to conclude that construction vehicle trips would be negligible when compared to average daily traffic and existing levels of service ("LOS") since the DEIR never measured existing daily traffic or related LOS.

A-62

### 3. Impacts on Local Residential Access

The DEIR fails to address the impacts of Project construction on local neighborhoods by failing to disclose that Project construction traffic is likely to result in significant or complete blockage of access roads and general disturbance of use and access to residences located along Bell Bluff Truck Trail.<sup>244</sup> These activities will not only cause potentially significant impacts on local residents, but would also obstruct emergency vehicle access to these residences.

The DEIR should be revised to address these fundamental errors and omissions in the DEIR's traffic analysis.

A-63

## VII. THE DEIR'S CUMULATIVE IMPACTS ANALYSIS IS INADEQUATE

An EIR is required to discuss the cumulative impacts of a project "when the project's incremental effect is cumulatively considerable."<sup>245</sup> An EIR is required to discuss significant impacts that the proposed project will cause in the area that is affected by the project.<sup>246</sup> "This area cannot be so narrowly defined that it necessarily eliminates a portion of the affected environmental setting."<sup>247</sup>

The Guidelines specifically direct the CPUC to "define the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for

<sup>243</sup> Smith Comments, p. 3.

<sup>244</sup> Smith Comments, p. 3.

<sup>245</sup> 14 CCR § 15130(a).

<sup>246</sup> *Bakersfield Citizens*, 124 Cal.App.4th at 1216 (emphasis added); see 14 CCR § 15126.2(a).

<sup>247</sup> *Bakersfield Citizens*, 124 Cal.App.4th at 1216.

3448-014acp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 45

A-63  
Cont.

the geographic limitation used.”<sup>248</sup> The courts have held that it is vitally important that an EIR avoid minimizing the cumulative impacts. Rather, it must reflect a conscientious effort to provide public agencies and the general public with adequate and relevant detailed information about them.<sup>249</sup> An EIR’s cumulative impacts discussion “should be guided by the standards of practicality and reasonableness,” but several elements are deemed “necessary to an adequate discussion of significant cumulative impacts” including “[a] list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency.”<sup>250</sup>

### **A. The DEIR’s Analysis of Cumulative Impacts to Biological Resources is Inadequate.**

#### *1. Geographic Scope*

A-64

The DEIR fails to clearly define the geographic scope of its cumulative impacts analysis for biological resources. The DEIR defines the geographic scope for cumulative impacts to biological resources as: “[w]etlands and other waters, riparian habitat, sensitive natural communities, and other habitats within the Project vicinity that might support special-status species.”<sup>251</sup> This description is too vague to enable an independent assessment of cumulative impacts because it leaves the lead agency and the public unable to evaluate how many acres of habitat fall within the designated geographic scope, and similarly, how many acres of habitat have been, or will be, impacted by past, present, and future projects.<sup>252</sup> The DEIR’s cumulative impact analysis for biological resources should be revised to quantify: (a) the geographic scope, (b) the total amount of each habitat type within the geographic scope, and (c) the total amount of each habitat type affected by cumulative impacts within that scope. Because the DEIR fails to provide this information, the DEIR lacks substantial evidence to support its conclusion that the Project’s incremental contribution to cumulative effects would not be cumulatively considerable.

<sup>248</sup> 14 CCR § 15130(b)(3); *Bakersfield Citizens*, 124 Cal.App.4th at 1216.

<sup>249</sup> PRC § 21061.; *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61, 79. See also *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 723.

<sup>250</sup> 14 CCR § 15130(b); *Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899, 928-29.

<sup>251</sup> DEIR, Table 21-2.

<sup>252</sup> Cashen Comments, p. 16.  
3448-014a.cp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 46

### 2. Noise

A-65 The DEIR concludes that the Project would have no cumulative impacts from construction noise and vibration because the geographic extent of any cumulative noise impacts “is generally within approximately 0.62 mile of the project work area” and the closest projects are located over 1 mile away from the instant Project.<sup>253</sup> This statement overlooks substantial evidence that noise can adversely impact sensitive avian species, in particular golden eagles, up to 2 miles away from their nests.<sup>254</sup> The DEIR should be revised to disclose construction noise as a cumulatively considerable impact on avian species, and incorporate mitigation measures to reduce this impact to less than significant levels.

### 3. *The DEIR Improperly Assumes that Other Projects Will Mitigate the Project's Cumulative Impacts to Biological Resources*

A-66 Although the DEIR acknowledges that the Project, in conjunction with other reasonably foreseeable projects in the Project vicinity, may result in significant cumulative impacts to biological resources, it fails to provide a quantitative analysis of the Project's impacts in conjunction with those of the other identified projects.<sup>255</sup> The DEIR simply jumps to the unsupported conclusion that implementation of the Project's biological resource mitigation measures (BIO-1 to BIO-18), along with mitigations imposed by the other projects identified in the DEIR's cumulative projects list, would reduce the Project's cumulative impacts to less than significant levels.<sup>256</sup>

This approach is improper. First, the DEIR fails to quantify the cumulative impacts it claims will be mitigated. The DEIR identifies six impact categories it believes will result in cumulatively considerable impacts:

- Temporary disturbance or permanent loss of special-status plants such as felt-leaved monardella, San Diego milk-vetch, delicate clarkia, and other plant species.

<sup>253</sup> DEIR, p. 21-4.

<sup>254</sup> Cashen Comments, p. 14.

<sup>255</sup> DEIR, p. 21-8 to 21-10.

<sup>256</sup> DEIR, p. 21-11 (“Through BMPs, mitigation measures contained in this EIR as well as other CEQA documents for nearby projects, and compliance with permit conditions, projects in the region would mitigate their contributions to biological resources impacts and thereby reduce cumulative impacts.”).

3448-014a.cp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 47

- A-66  
Cont.
- Temporary construction-related impacts to nesting birds protected by the MBTA and special status birds including Golden Eagles.
  - Temporary disturbance, loss of habitat, or direct mortality of special-status mammals and reptiles, including red-diamond rattlesnake, coastal whiptail, coast horned lizard, coast patch-nosed snake, pallid bat, Dulzura pocket mouse, northwestern San Diego pocket mouse, Townsend's big-eared bat, Stephens' kangaroo rat, western mastiff bat, and San Diego desert woodrat.
  - Temporary and permanent loss of Engelmann Oak – Coast Live Oak/Poison Oak/ 34 Grass Association (a sensitive natural community).
  - Temporary sediment-related impacts on nearby waters.
  - Temporary barriers to wildlife movement and temporary construction-related impacts to wildlife breeding.<sup>257</sup>
- A-67
- The DEIR makes no attempt to determine whether any of the other eight cumulative projects identified in the project list in Table 21-3 will cause any of the same impacts, nor whether the lead agencies for projects which have already been approved have adopted mitigation measures to address those impacts. Thus, the DEIR provides no threshold determination of cumulative significance against which to measure the efficacy of the Project's mitigation measures in reducing cumulative impacts. The DEIR also fails to identify any biological mitigation measures adopted and implemented for the other projects, nor does it discuss whether those measures are effective to reduce the Project's own cumulative impacts.
- A-68
- Additionally, several of the cumulative projects identified in Table 21-3 are federal projects subject to NEPA, and are not subject to CEQA.<sup>258</sup> It is error to rely on mitigation for these federal projects to reduce the Project's impacts, as required by CEQA, because mitigation measures imposed by other agencies on projects that are outside of CPUC's jurisdiction, and are subject to other laws, are not legally enforceable mitigation to address the Project's cumulative impacts.<sup>259</sup> The DEIR's reliance on mitigation imposed by other Projects to reduce the Project's own cumulative impacts violates CEQA's requirements that mitigation measures be "fully enforceable."<sup>260</sup> Moreover, unlike CEQA, NEPA regulations do not automatically require the lead agency to impose mitigation measures for an environmental impact. Therefore, the federal projects may not be required to
- A-69

<sup>257</sup> DEIR, p. 21-10.

<sup>258</sup> DEIR, Table 21-3.

<sup>259</sup> See *Tracy First v. City of Tracy* (2009) 177 Cal. App. 4th 912, 937.

<sup>260</sup> PRC § 21004; 14 CCR § 15126.4(a)(2); *Tracy First* at 938.  
3448-014acp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 48

A-69  
Cont. ↑ mitigate impacts to the extent required by CEQA, or at all. The DEIR's reliance on mitigations imposed by these federal projects to reduce the Project's cumulative impacts is thus speculative and unsupported by substantial evidence.

The DEIR must be revised to correct these notable deficiencies in its cumulative impact analysis.

### VIII. THE DEIR CONTAINS INADEQUATE MITIGATION MEASURES

The DEIR proposes several mitigation measures that fail to meet CEQA's standards because the measures are either vague, unenforceable, unsupported, or are inadequate to effectively mitigate impacts to less than significant levels.

A-70 CEQA requires the lead agency to adopt feasible mitigation measures that will substantially lessen or avoid a project's potentially significant environmental impacts.<sup>261</sup> A public agency may not rely on mitigation measures of uncertain efficacy or feasibility.<sup>262</sup> "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors.<sup>263</sup> Mitigation measures must be fully enforceable through permit conditions, agreements or other legally binding instruments.<sup>264</sup>

Failure to include enforceable mitigation measures is considered a failure to proceed in the manner required by CEQA that is evaluated de novo by the courts.<sup>265</sup> The court of appeal recently clarified that, to meet this requirement, mitigation measures must be incorporated directly into the MMRP to be enforceable.<sup>266</sup>

<sup>261</sup> CEQA §§ 21002, 21081(a)) and describe those mitigation measures in the EIR. (CEQA § 21100(b)(3); CEQA Guidelines section 15126.4

<sup>262</sup> *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 727 (finding groundwater purchase agreement inadequate mitigation measure because no record evidence existed that replacement water was available).

<sup>263</sup> 14 CCR § 15364.

<sup>264</sup> Id. at §15126.4(a)(2).

<sup>265</sup> *San Joaquin Raptor Rescue Ctr. v. County of Merced* (2007) 149 Cal.App.4th 645, 672.

<sup>266</sup> *Lotus v. Dept of Forestry* (2014) 223 Cal. App. 4th 645, 651-52. 3448-014acp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 49

### A. Air Quality.

#### 1. *Mitigation Measure AQ-1 (Construction Equipment)*

A-71 Measure AQ-1 requires all off-road construction equipment used for the Project that is 50 horsepower or greater to have engines that meet or exceed U.S. Environmental Protection Agency/California Air Resources Board Tier 3 emissions standards.<sup>267</sup> The DEIR relies on implementation of Measure AQ-1 to conclude that the Project's construction emissions would remain less than significant, even if changes to the construction schedule or increased construction activity at the Project site cause unmitigated emissions to rise above SDAPCD thresholds of significance.<sup>268</sup> However, this conclusion is unsupported for two reasons. First, the DEIR fails to include a feasibility analysis to evaluate the feasibility of obtaining an entirely Tier 3 construction fleet in the Project area. Second, the measure provides an exception by which NEET West may avoid the use of Tier 3 equipment entirely if it cannot be procured. Commenters support the use of Tier 3 equipment for the Project. However, Measure AQ-1 is inadequate to ensure that this requirement will be met.

A-72

#### a. The DEIR Failed to Conduct a Feasibility Analysis for Tier 3 Equipment

A-73 The DEIR's only discussion of the Tier 3 requirement includes a statement that, because Tier 3 equipment has been on the market since 2006, "this additional level of mitigation is not a burdensome requirement."<sup>269</sup> While possibly true, the DEIR lacks underlying analysis to support this conclusion. As SWAPE explains, although off-road Tier 3 equipment is available for purchase, it is new technology that may not yet be readily available at all construction equipment vendors, may require special procurement by the Applicant, and is more costly than lower tier equipment.<sup>270</sup> It is therefore unreasonable to presume, without analysis, that all construction equipment that will be used for the Project will automatically have Tier 3 engines simply because Measure AQ-1 calls for it.

#### A-74 b. Measure AQ-1 Fails to Bind NEET West to Using Tier 3 Equipment

<sup>267</sup> DEIR, p. L-12.

<sup>268</sup> DEIR, p. 6-16.

<sup>269</sup> DEIR, p. 6-16.

<sup>270</sup> See SWAPE Comments, p. 7.  
3448-014acp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 50

A-74  
Cont.

Measure AQ-1 fails to include a binding requirement that NEET West demonstrate its ability to procure Tier 3 equipment prior to commencing construction. This could be achieved by requiring NEET West to provide contractor offer letters or contracts demonstrating that NEET West has procured access to the Tier 3 equipment required for each construction phase. Instead, Measure AQ-1 requires the opposite. It provides an exception by which NEET West may avoid the use of Tier 3 equipment entirely if it provides rejection letters from “at least three (3) appropriate equipment rental firms [that] could not procure the necessary equipment type with a Tier 3 compliant or better engine.”<sup>271</sup> This exception eviscerates the effectiveness of Measure AQ-1 because it could allow NEET West to escape the Tier 3 requirement entirely, thus rendering the mitigation measure wholly ineffective.

A-75

Until the feasibility of implementing Measure AQ-1 is further demonstrated through a meaningful feasibility analysis, and until the measure is revised to ensure that the Tier 3 requirement will be binding on NEET West, CPUC cannot rely on compliance with Measure AQ-1 to reduce the Project’s potentially significant construction emissions below levels of significance. Rather, CPUC must confirm, through a detailed analysis supported by fact, whether and how the Applicant will procure exclusively Tier 3 equipment for the Project. CPUC must also identify alternative mitigation measures that are technologically feasible in the event that the Applicant is unable to procure all Tier 3 equipment necessary to construct the Project.

### B. Biological Resources.

A-76

#### 1. *Mitigation Measure BIO-4 (Compensation for Special-Status Plants)*

Measure BIO-4 purports to mitigate impacts to special-status plants through compensatory measures.<sup>272</sup> However, Measure BIO-4 fails to require sufficiently protective measures to ensure that the Project’s significant impact to plants will be mitigated to less than significant levels.

First, Measure BIO-4 lacks supporting evidence to conclude that the proposed transplantation measures will be successful, and fails to include avoidance as a compensatory measure. As Mr. Cashen explains, relocation, salvage, and

<sup>271</sup> DEIR, p. L-12.

<sup>272</sup> DEIR, p. 7-42.

3448-014acp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 51

A-76  
Cont.

transplantation are generally not accepted techniques for mitigating impacts to special-status plants, because they generally result in plant mortality.<sup>273</sup> The DEIR provides no supporting evidence for its conclusion that transplantation would be successful for the plants at the Project site. Before making a conclusion on the ability to use transplantation as a technique to mitigate significant Project impacts, the DEIR must first provide substantial evidence that potentially impacted plants can be transplanted and/or propagated successfully.

The DEIR fails to establish the process for determining the appropriate compensation ratio (i.e., when > 1:1 would be required), and fails to provide evidence that there are approved mitigation banks for impacts to *felt-leaved monardella* and the other special-status plant species that might be impacted by the Project.<sup>274</sup>

Finally, the DEIR requires five years of monitoring of the compensatory mitigation site.<sup>275</sup> However, the DEIR fails to establish a mechanism (e.g., conservation easement) that would ensure the mitigation site is protected in perpetuity after monitoring terminates. In addition, the DEIR fails to establish a funding mechanism (e.g., endowment) that ensures appropriate management of the mitigation site in perpetuity.<sup>276</sup> The DEIR's conclusion that this measure would effectively reduce impacts to less than significant levels is therefore unsupported.

### 2. Mitigation Measure BIO-5 (Avoid Impacts on Nesting Birds)

A-77

Measure BIO-5 is vague and unenforceable. Measure BIO-5 provides that, “*whenever possible*, NEET West or their contractor(s) shall avoid impacts on native nesting birds by not initiating Proposed Project activities that involve clearing vegetation, generating mechanical noise, or ground disturbance during the typical breeding season from February 1 to August 31.”<sup>277</sup> The DEIR does not define any standards for what constitutes “whenever possible,” nor does it identify the circumstances that would make it impossible to avoid construction activities during the breeding season in the first place. This renders the proposed mitigation

<sup>273</sup> Cashen Comments, p. 18-19.

<sup>274</sup> Cashen Comments, p. 18.

<sup>275</sup> DEIR, p. L-14 to L-15.

<sup>276</sup> Cashen Comments, p. 19, citing Department of the Interior, Office of Policy Analysis. 2015. Department Manual, Part 600 (Public Land Policy), Chapter 6 (Implementing Mitigation at the Landscape-scale).

<sup>277</sup> DEIR, p. 7-43 (emphasis added).  
3448-014aop



## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 52

A-77  
Cont. ↑

measure relatively meaningless. The DEIR should be revised to incorporate USFWS guidelines for avoiding potential take of migratory birds.

### 3. *Mitigation Measure BIO-6 (Preconstruction Surveys for Birds)*

Measure BIO-6 requires pre-construction bird surveys within a 500-foot radius of the construction area if construction begins between February 1 and August 31. If the biologist determines that the area surveyed does not contain any active nests, then construction activities may commence without any further mitigation.<sup>278</sup>

A-78

Measure BIO-6 is impermissibly vague because it fails to establish any minimum standards for the pre-construction nesting bird survey(s), including the acceptable: (a) survey techniques, (b) level of effort, (c) weather conditions, and (d) time of day for the surveys. This results in unreliable mitigation. Measure BIO-6 also fails to define what should be considered an “active nest,” nor does it establish any minimum qualifications for the biologist retained to conduct them. As explained by Mr. Cashen, nest finding is labor intensive and can be extremely difficult due to the tendency of many species to construct well-concealed or camouflaged nests.<sup>279</sup> As a result, it takes considerable experience for a biologist to be able to detect all bird nests, especially within a relatively large area.

Measure BIO-6 should be revised to incorporate enforceable standards to ensure its implementation.

### 4. *Mitigation Measures BIO-8 and BIO-9 (Hermes Copper Butterfly)*

Measure BIO-8 requires a survey for Hermes copper butterfly habitat within the Project footprint prior to vegetation clearing.<sup>280</sup> If the surveys result in mapping of Hermes copper habitat within the Project footprint, then Measure BIO-9 is triggered.<sup>281</sup> Measure BIO-9 requires mitigation for permanent impacts to Hermes copper habitat at a 1:1 ratio for unoccupied habitat and 3:1 ratio for

<sup>278</sup> DEIR, p. 7-43.

<sup>279</sup> Cashen Comments, p. 20..

<sup>280</sup> DEIR, p. 7-45.

<sup>281</sup> DEIR, p. 7-44.

3448-014a.c.p

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 53

A-37

occupied habitat.<sup>282</sup> Mr. Cashen concludes that these measures are insufficient to avoid and minimize potentially significant impacts to the Hermes copper butterfly.

A-79 First, Measure BIO-8 fails to require the Hermes copper survey to be a  
A-80 focused survey. Mr. Cashen explains that focused surveys are required to detect the  
A-81 butterfly or its habitat.<sup>283</sup> As a result, Mr. Cashen concludes that Measure BIO-8  
A-82 fails to provide a mechanism for determining occupancy, and thus, whether NEET  
West needs to provide compensatory mitigation at a 1:1 or 3:1 ratio.<sup>284</sup> Second, the  
DEIR fails to identify the ways in which NEET West would be required to mitigate  
permanent impacts (e.g., habitat enhancement, habitat restoration, habitat  
acquisition, purchase of credits at a mitigation bank, etc.). Third, Measures BIO-8  
and BIO-9 fail to establish: (a) any performance standards or success criteria for the  
mitigation site; (b) the timing habitat mitigation in relation to Project impacts; (c)  
monitoring and reporting requirements; and (d) a mechanism that ensures the long-  
term protection and management of the mitigation site. Fourth, the DEIR fails to  
incorporate any mitigation for potentially significant indirect impacts to the Hermes  
copper butterfly and its habitat.<sup>285</sup> As a result, the DEIR lacks substantial evidence  
that Measures BIO-8 and BIO-9 would reduce impacts to the Hermes copper  
butterfly to a less than significant level.

### 5. Mitigation Measure BIO-15 (Night Lighting)

A-83 Mitigation Measure BIO-15 requires NEET West or their contractor(s) to  
minimize construction night lighting on adjacent habitats by reducing it to the  
lowest illumination allowed for human safety and security.<sup>286</sup> However, Mr. Cashen  
provides substantial evidence demonstrating that reducing night lighting to  
acceptable levels for human use does not ensure that the impacts of night lighting  
on wildlife, which are more sensitive to light pollution, will be adequately mitigated.

### 6. Mitigation Measure BIO-18 (Restoration Plan for Engelmann Oak)

A-84 Measure BIO-18 requires NEET West to develop and implement a  
restoration plan for Engelmann oak.<sup>287</sup> The measure proposes compensatory

<sup>282</sup> DEIR, p. 7-45.

<sup>283</sup> Cashen Comments, p. 23.

<sup>284</sup> *Id.*

<sup>285</sup> *Id.*

<sup>286</sup> DEIR, p. 7-47.

<sup>287</sup> DEIR, p. L-22 to L-23.  
3448-014acp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 54

A-84  
Cont.

mitigation at a 1.1:1 ratio (replacement to impact) for permanent Project impacts to the Engelmann Oak vegetation community. However, the proposed mitigation ratio fails to comply with San Diego County's Biological Mitigation Ordinance, which requires mitigation at a 2:1 or 3:1 ratio (depending on whether the mitigation site meets the criteria for a Biological Resource Core Area).<sup>288</sup> In addition, because the DEIR fails to establish a mechanism that ensures the long-term protection and management of the mitigation site, there are no assurances that the compensatory mitigation site would mitigate impacts to Engelmann oak.

A-85

### *7. The DEIR Lacks Substantial Evidence to Support its Conclusion that Mitigation Measures for Impacts to Special-Status Mammals and Reptiles Will Be Effective*

The DEIR acknowledges the Project may adversely affect several special-status mammals and reptiles through effects on their habitat (among other adverse effects), and concludes that those effects are potentially significant.<sup>289</sup> The DEIR then lists several proposed mitigation measures, which according to the DEIR, would reduce impacts to special-status mammals and reptiles to a less than significant level.<sup>290</sup> These include Mitigation Measures BIO-10 and BIO-11 (education of Proposed Project 22 personnel and employing a biological monitor to monitor construction activities); Mitigation Measure BIO-12 (restricting vehicles to existing roads and minimizing vehicle speed); Mitigation Measure BIO-14 (twice-daily monitoring and fencing/covering of excavations at the end of each workday); Mitigation Measure BIO-15 (minimizing nighttime lighting); Mitigation Measure BIO-16 (develop a Restoration and Revegetation Plan to restore temporarily affected areas that promotes locally appropriate native plant growth and eliminates non-native and invasive species); and Mitigation Measures HYD/WQ-1 and BIO-12 (watering for dust control, minimizing the area of soil 40 disturbance, and minimizing vehicle speed on roads).<sup>291</sup>

Mr. Cashen explains that the DEIR's conclusion that these mitigation measures are adequate to mitigate impacts to special-status wildlife is not supported by substantial evidence because none of the measures mitigate the residual effects of the Project on habitat (i.e., habitat loss, fragmentation, and

<sup>288</sup> Cashen Comments, p. 25.

<sup>289</sup> DEIR, p. 7-45.

<sup>290</sup> *Ibid.*

<sup>291</sup> DEIR, pp. 7-45; L-21.  
3448-014acp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 55

A-85  
Cont. ↑ degradation).<sup>292</sup> As a result, Mr. Cashen concludes that the Project would continue to have a potentially significant, unmitigated impact on several special-status mammals and reptiles.<sup>293</sup>

### C. Hazardous Materials.

#### 1. Mitigation Measure HAZ-3 (Construction Fire Protection Plan)

Measure HAZ-3 improperly defers creation of a construction fire protection plan (“CFPP”) until after Project approval without adequate performance standards to ensure that the CFPP would be effective and comply with all applicable laws.

A-86 ↑ The DEIR includes a fire protection plan for the *operation* of the Project (Appendix K), but defers creation of a fire protection plan for the *construction* of the Project until after Project approval. Measure HAZ-3 requires NEET West to prepare CFPP to be approved by San Diego County Fire Authority (“SDCFA”) and California Department of Forestry and Fire Protection (“CAL FIRE”) a minimum of 45 days prior to commencement of construction activities. While Measure HAZ-3 requires the CFPP to be prepared “in accordance with applicable sections of the San Diego County Consolidated Fire Code,” it fails to require compliance with any other applicable State or Federal laws.<sup>294</sup> Measure HAZ-3 therefore fails to ensure that the CFPP will comply with the requirements of the other agencies with jurisdiction for fire protection in the Project area, including the US Forest Service (“USFS”). Since the Project area is located within the USFS administrative boundary for the Cleveland National Forest, the CFPP must also be subject to review and approval by USFS.

Measure HAZ-3 constitutes improperly deferred mitigation. The DEIR should be revised to include a CFPP that meets standards set by the San Diego County Consolidated Fire Code, the California Fire and Building Code, and USFS fire regulations

<sup>292</sup> Cashen Comments, p. 10.

<sup>293</sup> *Id.*

<sup>294</sup> DEIR, p. L-31.

3448-014acp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 56

### **D. Traffic and Emergency Vehicle Access.**

#### *1. Mitigation Measure TR-1 (Maintain Traffic Flow)*

Measure TR-1 requires NEET West, “to the extent feasible,” to stage and conduct construction work in a manner that maintains two-way traffic flow on roadways in the vicinity of the work site, and to prohibit heavy equipment and haul traffic in residential areas “to the greatest extent feasible.”<sup>295</sup>

This measure is unenforceable and not likely to be implemented in any meaningful way. The only access to the Project site is via a single access road which passes through a residential neighborhood.<sup>296</sup> It is therefore impossible for heavy equipment and haul traffic to be “prohibited in residential areas” as Measure TR-1 suggests, unless such equipment is eliminated from the Project altogether. Furthermore, inclusion of the phrases “to the extent feasible” and “to the greatest extent feasible” gut the effectiveness of the mitigation measure. They do not require any action if NEET West determines it is “infeasible” to perform the required tasks, nor does the measure provide any standards governing the determination of feasibility.

The measure must be revised to provide an enforceable mechanism to reduce impacts to the residential communities surrounding the Project site to the greatest extent feasible. Mr. Smith proposes alternative mitigation to reduce these impacts. Feasible alternatives would include requiring all worker vehicle parking to take place within the secured portion of Bell Bluff Truck Trail, and requiring all staging of heavy equipment and haul traffic to take place within the same secured portion of Bell Bluff Truck Trail. These measures would better allow the Project to avoid substantial interference with residential access and use.<sup>297</sup>

#### *2. Mitigation Measure TR-2 (Minimize Effects of Temporary Roadway Disturbances)*

Measure TR-2 requires NEET West to prepare and implement a Traffic Control Plan to describe procedures to guide construction traffic, including routes

<sup>295</sup> DEIR, p. L-39.

<sup>296</sup> DEIR, p. 19-4.

<sup>297</sup> Smith Comments, p. 5.  
3448-014a.cp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 57

A-87  
Cont.

and detour routes, and to provide 5 days advance notice to residents of complete road closures due to Project construction.<sup>298</sup>

Given that the Project site's sole access is via residential streets that also serve as the sole access to residential neighborhoods, compliance with the mitigation measure is infeasible, rendering the measure ineffective. First, there are no possible "detour routes" since the Project site may only be accessed by Bell Bluff Truck Trail and its extension, Avenida de los Arboles. Second, the DEIR fails to analyze, and Measure TR-2 fails to mitigate, the impacts that complete road closure would have on either SDG&E or local residents, given the fact that there are no alternative access routes available. For example, if an emergency vehicle were required to respond to an emergency along Bell Bluff Truck Trail or Avenida de los Arboles during a Project-related road closure, the emergency vehicle would have no alternate means of access to residences located along those roads. This is a significant impact to emergency services that Measure TR-2 not only fails to mitigate, but actually legitimizes.

Mr. Smith proposes alternative mitigation for Measure TR-2, including requiring that no road closure may occupy more than the half-width of the publicly accessible portions of Bell Bluff Truck Trail or Avenida de los Arboles, and that the remaining half-width will be maintained accessible to two-way traffic by alternating one-way movements controlled by radio-equipped flaggers.<sup>299</sup>

### 3. *Mitigation Measure TR-3 (Emergency Coordination And Access Considerations)*

A-88

Measure TR-3 purports to require NEET West to coordinate with local emergency service providers, as necessary, "to ensure that emergency vehicle access and response is not impeded" when work is conducted on roads and may have the potential to affect traffic flow.<sup>300</sup> However, as with Measure TR-2 above, Measure TR-3 is infeasible and ineffective because any complete road closure on Bell Bluff Truck Trail will necessarily impede emergency vehicle access.

Measure TR-3 includes a contingency provision requiring NEET West to have staff available on-site at all times to place plates over open trenches or move

<sup>298</sup> DEIR, p. L-39 to L-40.

<sup>299</sup> Smith Comments, p. 6.

<sup>300</sup> DEIR, p. L-40.  
3448-014acp

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

January 11, 2017  
Page 58

A-88  
Cont.

construction equipment to allow for emergency vehicle access. However, the DEIR provides no evidence demonstrating that this plan would be fast enough or effective enough to allow emergency vehicle access at the moment it is needed. By its nature, emergency response happens quickly and without prior notice. Measure TR-2 contains no requirement that the 24-hour NEET West personnel be in close enough proximity to the obstructing Project features to respond instantly to an emergency call, or adequately trained in emergency response to ensure that they move construction equipment in the manner needed to allow for the particular size of emergency vehicle at issue (e.g. a fire truck may be substantially larger than an ambulance, may require larger turning radius, etc).

Mr. Smith proposes that the DEIR adopt the mitigations discussed in Measure TR-2 above to ensure that Project construction blocks no more than half the road-width at any given time.<sup>301</sup>

### IX. CONCLUSION

A-89

Commenters concur with the CPUC conclusion that the Suncrest Substation Alternative is the environmentally superior alternative to the Project, and urge the CPUC to select the Suncrest Substation Alternative as the Project.

A-90

The Project presents significant environmental issues that are far more extensive than disclosed in the DEIR. Commenters urge the CPUC to address these significant issues in a revised CEQA document. The DEIR's Project description is improperly truncated. The DEIR fails to adequately establish the existing setting upon which to measure impacts to biological and water resources. The DEIR also fails to include an adequate analysis of and mitigation measures for the Project's potentially significant impacts. Finally, the DEIR's conclusions lack substantial evidence as required by CEQA. Due to these significant deficiencies in the DEIR, the CPUC cannot conclude that the Project's potentially significant impacts have been mitigated to a less-than-significant level. Therefore, the DEIR must be revised and recirculated for public review.

<sup>301</sup> Smith Comments, p. 6.  
3448-014a.cp

**Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of  
California Unions for Renewable Energy (January 11, 2017)**

January 11, 2017  
Page 59

Thank you for your attention to these comments. Please include these comments in the record of proceedings for the Suncrest Project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Christina M. Caro'.

Christina M. Caro

CMC:acp

3448-014acp



**Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of  
California Unions for Renewable Energy (January 11, 2017)**

**EXHIBIT B**

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

Christina M. Caro  
Adams Broadwell Joseph & Cardozo  
601 Gateway Blvd., Suite 1000  
South San Francisco, CA 94080

January 5, 2017

Re: Suncrest project sponsor selection

Dear Ms. Caro,

At your request, I have reviewed the California Independent System Operator (CAISO) report on the selection process for the Suncrest Project sponsor. The Suncrest Project is a proposed 300 MVAR reactive power project to interconnect to the CAISO at the 230 kV bus of the existing Suncrest 500/230 kV substation in San Diego County, California, at a cost of \$50-75 million.<sup>1</sup> The CAISO identified a need for the Suncrest Project in its 2013-14 Transmission Plan,<sup>2</sup> and then conducted a competitive solicitation to determine who would be the "Project Sponsor" responsible for actually building the Project. The CAISO published a 94-page "Selection Report" describing how it had selected the Project Sponsor.<sup>3</sup> There were two competing bids, one each from the San Diego Gas and Electric Company ("SDG&E") and the other from NextEra Energy Transmission West, LLC ("NEET West"),<sup>4</sup> and the CAISO ultimately selected the NEET West proposal.<sup>5</sup>

A-91  
The Selection Report makes clear that (1) the factors that the CAISO considered did not lead to a strong, or even a moderate, preference for NEET West over SDG&E, and (2) the CAISO did not consider the different environmental impacts of the two proposals in choosing between them. It is thus quite possible, or even likely, that had environmental considerations been taken into account they would have swayed the decision.

A-92  
With regard to the first of these two points, the Selection Report is replete with instances of the CAISO describing the two

<sup>1</sup><http://www.caiso.com/Documents/Description-FunctionalSpecificationsSuncrest230ReactivePowerSupport.pdf>.

<sup>2</sup> Ibid.

<sup>3</sup> CAISO, 1/6/15, "Suncrest Reactive Power Project/Project Sponsor Selection Report." (cited hereafter as "Selection Report").

<sup>4</sup> Selection Report, p. 3.

<sup>5</sup> Ibid., p. 1.

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

A-92  
Cont.

↑ competing sponsors as well high equal, with almost no difference between them. They are "both ...highly qualified to finance, construct, own, operate, and maintain the Suncrest project."<sup>6</sup> In order to choose between them, the CAISO "had to make very slight distinctions."<sup>7</sup>The "competition was extremely close."<sup>8</sup>The Selection Report found "no material difference" between the proposals of the two project sponsors with regard to six of the eleven<sup>9</sup> selection criteria it evaluated them on.<sup>10</sup> It found SDG&E superior with regard to two of the criteria, both of which were among the three key criteria,<sup>11</sup> and NEET West superior with regard to the remaining three criteria.<sup>12</sup>

A-93

↓ With regard to environmental impacts, the CAISO provides a list of the 11 factors that it considered in choosing a Project Sponsor,<sup>13</sup> and identifies three of those factors as being the "key" ones that weighed most heavily in its decision-making process.<sup>14</sup> None of the three key factor involve a comparison of environmental impacts, nor do any of the other eight. The three key factors deal with access to "existing rights of way and substations that would contribute to the transmission solution,"<sup>15</sup> (a factor for which the CAISO determined that the winning sponsor, NEET West, was inferior to SDG&E<sup>16</sup>), schedule,<sup>17</sup> and cost containment.<sup>18</sup> The other eight factors also all deal with the competence of the bidders, their financial capabilities, their ability to assume liability for "major losses," and a catchall criteria involving "any other strengths

<sup>6</sup> Ibid., p. 1.

<sup>7</sup> Ibid., pp. 1, 8.

<sup>8</sup> Ibid., p. 46.

<sup>9</sup> There are eleven criteria (ibid., p. 7), but one of them the ISO deemed "encompasses several of the subsequent" factors, and thus did not separately address it (ibid., p. 11). Instead the ISO evaluated that criteria based on the results of the evaluation of four other criteria, of which three were tied between the two bidders and the fourth had NEET West "slightly better." (ibid., p. 42). Thus the CAISO rated NEET West "slightly better" with regard to this composite criterion (ibid., p. 42).

<sup>10</sup> Ibid., pp. 13, 22, 26, 27, 28, 32, 33, 34, 41, 44, and 46.

<sup>11</sup> Ibid., pp. 12 and 22. SDG&E was "slightly better" with regard to one criterion, and "better" with regard to the other.

<sup>12</sup> Ibid., pp. 29, 41, and 42. NEET West was "slightly better" with regard to two criteria, and "better" with regard to the other.

<sup>13</sup> Ibid., p. 7.

<sup>14</sup> Ibid., p. 3.

<sup>15</sup> Ibid., p. 3.

<sup>16</sup> Ibid., p. 12.

<sup>17</sup> Ibid., p. 3.

<sup>18</sup> Ibid., p. 3.

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

A-93  
Cont.

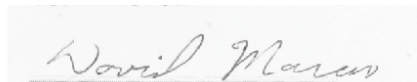
and advantages the Project Sponsor and its team may have ...".<sup>19</sup> None involve any comparison of the environmental impacts of the competing proposals, or even identification of those environmental impacts.

A-94

With six out of eleven factors a draw,<sup>20</sup> four factors evenly split between the two bidders,<sup>21</sup> and the final factor "slightly" in favor of NEET West only because NEET West's bid was "slightly better" in one of its four components,<sup>22</sup> it is clear that the CAISO's decision could have gone either way. It was, in the CAISO's own words summarizing the overall competition, "extremely close."<sup>23</sup> Indeed, the losing bidder (SDG&E) was ranked over the ultimate winner in two of the three selection categories deemed most significant by the CAISO,<sup>24</sup> and NEET West was only "slightly" better in the third.<sup>25</sup> Thus, if one of the proposals is environmentally superior to the other, there can be no overriding non-environmental reason to reject that proposal and choose the other one.

Please let me know if you need any further information or analysis regarding the Selection Report.

Sincerely,



David Marcus

<sup>19</sup> Ibid., p. 7.

<sup>20</sup> Ibid., pp. 13, 22, 28, 33, 34, and 41.

<sup>21</sup> Ibid., pp. 12, 18, 29, and 41.

<sup>22</sup> Ibid., p. 42.

<sup>23</sup> Ibid., p. 46.

<sup>24</sup> Ibid., pp. 3 (listing the three "key selection factors"), 12 (SDG&E "better" than NEET West in one of the three), and 18 (SDG&E "slightly better" in a second of the three categories).

<sup>25</sup> Ibid., p. 41.

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

### RESUME

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

April 2014

#### Employment

Self-employed, March 1981 - Present

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

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

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

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

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

CEC, October 1977 - December 1979

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

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

regulate nuclear powerplant siting.

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

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

Federal Energy Agency (FEA), April- May 1976

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

Angeles Chapter, Sierra Club, September 1974 - August 1975

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

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

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

### Education

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

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

University of California, San Diego, 1969 - 1973

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

### Professional Publications

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

**Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of  
California Unions for Renewable Energy (January 11, 2017)**

**ATTACHMENT**

**Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of  
California Unions for Renewable Energy (January 11, 2017)**

**EXHIBIT C**



## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)



Technical Consultation, Data Analysis and  
Litigation Support for the Environment

2656 29<sup>th</sup> Street, Suite 201  
Santa Monica, CA 90405

Matt Hagemann, P.G., C.Hg.  
(949) 887-9013  
[mhagemann@swape.com](mailto:mhagemann@swape.com)

January 6, 2017

Christina Caro  
Adams Broadwell Joseph & Cardozo  
601 Gateway Blvd., Suite 1000  
South San Francisco, CA 94080

**Subject: Comments on the Suncrest Transmission Line Project**

Dear Ms. Caro,

We have reviewed the November 2016 Draft Environmental Impact Report (DEIR) for the Suncrest Transmission Line Project ("Project") located in south-central San Diego County. The proposed Project would involve two primary components: (1) a Static Var Compensator (SVC) dynamic reactive device, and (2) an approximately one-mile-long transmission line connecting the proposed SVC to the existing Suncrest Substation. The electrical equipment at the SVC would include, but not be limited to, lightning shielding masts, circuit breakers, busbars, two single phase 230-kilovolt (kV) main power transformers, capacitor banks, air core reactors, surge arrestors, and air break switches. The SVC would also include an approximately 2,500 square foot control house including protective relaying and control equipment, supervisory control and data acquisition (SCADA) equipment, and various other equipment. The SVC's electrical equipment would be contained within a fenced area of approximately 2.58 acres. The transmission line connecting the SVC to the existing Suncrest Substation would be approximately one mile in length and would be installed primarily underground. The transmission line would follow the alignment and be located within Bell Bluff Truck Trail for the majority of its length, with the last approximately 300 feet of the line transitioning to an overhead span via a new riser pole to be installed just north of the road. An intermediate pole would carry the overhead span into the existing Suncrest Substation.

A-95

Our review concludes that the DEIR fails to adequately evaluate the Project's Air Quality and Hazards and Hazardous Waste impacts. As a result, air emissions and health impacts associated with construction of the proposed Project are underestimated and inadequately addressed. An updated DEIR should be prepared to adequately assess and mitigate potential health impacts. Additionally, a DEIR needs to be prepared to include a fire protection plan.

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

### Air Quality

#### Unsubstantiated Input Parameters Used to Estimate Project Emissions

According to the DEIR, the California Emissions Estimator Model Version CalEEMod.2013.2.2 ("CalEEMod")<sup>1</sup> was used to estimate the criteria air pollutant emissions generated during Project construction (p. 6-13). CalEEMod provides recommended default values based on site specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act (CEQA) requires that such changes be justified by substantial evidence.<sup>2</sup> Once all the values are inputted into the model, the Project's construction and operational emissions are calculated, and "output files" are generated. These output files, which can be found in Appendix E of the DEIR, disclose to the reader what parameters were utilized in calculating the Project's air pollutant emissions, and make known which default values were changed as well as provide a justification for the values selected.<sup>3</sup>

When we reviewed the output files, we found that several of the values inputted into the model were not consistent with information disclosed in the DEIR. As a result, the Project's construction emissions are greatly underestimated. An updated DEIR should be prepared to include an air quality analysis that adequately evaluates the impacts that the construction of the Project will have on local and regional air quality.

#### Failure to Account for All Material Import and Export

The Project's Air Quality Assessment (Appendix E) failed to include the total amount of material anticipated to be imported and exported during Project construction within the CalEEMod model, and as a result, the Project's construction emissions are underestimated.

According to the DEIR, "approximately 2,500 cy (or 6 inches over the SVC footprint) of gravel would need to be imported and installed at the SVC site for grounding purposes" (p. 2-19). Additionally, the DEIR states that grading for construction of the SVC would generate a total of approximately 4,000 cubic yards of excess material, and construction of the transmission line would generate a total of approximately 3,000 cubic yards of excess material, all of which "would require off-site removal and disposal at a landfill" (p. 2-19, p. 2-21). Therefore, based on this information, the DEIR should have modeled Project emissions assuming that 2,500 cubic yards of material import would be required during the SVC site grading phase, approximately 4,000 cubic yards of material export would be required during the SVC construction phase, and approximately 3,000 cubic yards of material export would be required during the transmission construction phase, all of which would be transported on or off the site during

<sup>1</sup> CalEEMod website, available at: <http://www.caleemod.com/>

<sup>2</sup> CalEEMod User's Guide, pp. 1, 9, available at: <http://www.caleemod.com/>

<sup>3</sup> CalEEMod User's Guide, pp. 7, 13, available at: <http://www.caleemod.com/> (A key feature of the CalEEMod program is the "remarks" feature, where the user explains why a default setting was replaced by a "user defined" value. These remarks are included in the report.)

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

A-97  
Cont.

Project construction via heavy-duty hauling trucks. Review of the CalEEMod output files, however, demonstrates that this is not the case.

According to Appendix E of the DEIR, the Project's construction emissions were modeled assuming that only 3,600 cubic yards of soil will be transported offsite during the SVC site grading phase (Appendix E, pp. 4). Appendix E of the DEIR states,

"Trips and VMT - 3,600 cubic yards of spoils will need to be hauled offsite = 450 trips \* 8 cubic yards/trip" (Appendix E, pp. 4, p. 2 of 46).

The excerpt above demonstrates that the DEIR only accounts for the transport of 3,600 cubic yards of soil, which would result in approximately 450 hauling trips. As you can see in the table below, only 450 hauling trips were accounted for in the CalEEMod model, thus confirming our assertion that the DEIR only accounts for the transport of approximately 3,600 cubic yards of soil (Appendix E, pp. 12, p. 10 of 46).

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Field Survey	0	3.00	1.00	0.00	65.00	65.00	65.00	LD_Mix	HD1_Mix	HHDT
SDG&E Site	7	6.00	5.00	0.00	65.00	61.00	65.00	LD_Mix	HD1_Mix	HHDT
SVC Site Grading	18	18.00	12.00	450.00	65.00	65.00	65.00	LD_Mix	HD1_Mix	HHDT
Trenching	4	5.00	0.00	0.00	65.00	65.00	65.00	LD_Mix	HD1_Mix	HHDT
Substation	5	6.00	2.00	0.00	65.00	65.00	65.00	LD_Mix	HD1_Mix	HHDT
Material delivery	4	3.00	1.00	0.00	65.00	65.00	65.00	LD_Mix	HD1_Mix	HHDT
Substation construction	7	8.00	0.00	0.00	65.00	65.00	65.00	LD_Mix	HD1_Mix	HHDT
Structure erection	9	10.00	9.00	0.00	65.00	65.00	65.00	LD_Mix	HD1_Mix	HHDT
Install Vaults	5	5.00	0.00	0.00	65.00	65.00	65.00	LD_Mix	HD1_Mix	HHDT
Install Transmission	8	10.00	5.00	0.00	65.00	143.00	65.00	LD_Mix	HD1_Mix	HHDT
Install duct package	3	5.00	0.00	0.00	65.00	65.00	65.00	LD_Mix	HD1_Mix	HHDT
Wire Stringing	5	23.00	6.00	0.00	65.00	65.00	65.00	LD_Mix	HD1_Mix	HHDT
Transformer & SVC delivery	2	5.00	1.00	0.00	65.00	65.00	65.00	LD_Mix	HD1_Mix	HHDT
Pull cable	4	10.00	0.00	0.00	65.00	65.00	65.00	LD_Mix	HD1_Mix	HHDT
Install cable splices	1	5.00	0.00	0.00	65.00	65.00	65.00	LD_Mix	HD1_Mix	HHDT
Right of way	4	6.00	3.00	0.00	65.00	65.00	65.00	LD_Mix	HD1_Mix	HHDT
Test cable splices	1	3.00	0.00	0.00	65.00	65.00	65.00	LD_Mix	HD1_Mix	HHDT

Furthermore, the DEIR also fails to account for bulking – the swell of excavated materials to a greater size than the size of the hole or holes that were dug. The amount of bulking depends on the material excavated. For instance, ordinary soil or dry gravel swells to a volume 20 to 30 percent greater than the size of the excavation; dolomite swells to a 50 to 60 percent greater volume than the hole; limestone and sandstone swell to volumes 75 to 80 percent greater than the size of the hole. The DEIR fails to state whether bulking of excavated materials is accounted for. If it is not, then the DEIR is likely to have underestimated the number of construction trucks required to haul excavated materials off-site.

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

A-97

By failing to account for the transport of the total amount of material that will be hauled on- or off-site during Project construction, the Project's mobile-source and fugitive dust emissions are greatly underestimated. The omission of this material from the DEIR's air quality analysis presents a serious issue, as it is necessary to include the entire amount of material that will be imported and exported in the air model in order to accurately calculate the emissions produced from material movement, including truck loading and unloading, and additional hauling truck trips.<sup>4</sup> Fugitive dust is generated by various source activities that occur during Project construction, including loading and unloading of material from trucks and on-road vehicles driving over paved and unpaved roads; and this dust contributes to the Project's PM10 and PM2.5 emissions.<sup>5</sup> Furthermore, CalEEMod uses the amount of material imported and exported to the site to estimate the number of hauling trips associated with material transport activities.<sup>6</sup> By failing to account for the total amount of material import and export that will be needed during Project construction, the Project's fugitive PM10 and PM2.5 emissions and mobile-source emissions are also greatly underestimated. These errors and omissions of basic input data from the DEIR's air quality model render the results of the DEIR's air quality analysis artificially low and inaccurate.

A-98

### *Use of Incorrect Number of Vendor Trips*

According to the CalEEMod User's Guide, water trucks needed for construction activities are considered "vendor trips" and can be incorporated in the CalEEMod model in one of two ways: (1) "use the Off-Highway Trucks category" in the Off-Road Equipment screen; or (2) "add these as additional vendor trips in the Trips and VMT screen."<sup>7</sup> According to the DEIR, approximately 2,600,000 gallons (~ 8 acre feet) of water will be required during Project construction (p. 2-24). The DEIR continues on to state that "all water to be used during Project construction would be supplied by water truck" if an existing PVC pipe cannot be used to transport the water to the construction site (p. 2-24). Therefore, "if it is necessary to deliver water to the site by truck, this would result in an average of three water truck trips per day, with a peak of up to 6 water trucks per day" (p. 19-9). Based on this information, the DEIR should have accounted for the truck trips required to import 2,600,000 gallons of water over the course of Project construction (in-and-out trips for each of approximately 650 4,000-gallon trucks or 1,300 2,000-gallon trucks) by including these truck trips as vendor trips or as Off-Highway Trucks in the CalEEMod model's equipment list. Review of the CalEEMod output files, however, demonstrates that this is not the case.

As previously stated, import of water during construction would result in approximately 3 truck trips per day, on average, over the course of the entire construction period (p. 19-9). Therefore, a minimum of 3 truck trips should have been inputted into the model for every construction phase in order to account for the emissions generated by these trucks. Review of the "Trips and VMT" values included in the CalEEMod model, however, demonstrates that not all the necessary water truck trips needed to import the water were included in the "Vendor Trips" section (see excerpt below) (Appendix E, pp. 12, pp. 58, pp. 105).

<sup>4</sup> CalEEMod User's Guide, available at: <http://www.caleemod.com/>, p. 3, 26.

<sup>5</sup> CalEEMod User's Guide, Appendix A, available at: <http://www.caleemod.com/>, p. 7.

<sup>6</sup> CalEEMod User's Guide, available at: <http://www.caleemod.com/>, p. 33, 34.

<sup>7</sup> <http://www.aqmd.gov/docs/default-source/caleemod/usersguide.pdf?sfvrsn=2>, p. 26, 27

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Field Survey	0	3.00	1.00	0.00	65.00	65.00	65.00	LD_Mix	HD_T_Mix	HHDT
SDG&P Site Preparation	7	9.00	5.00	0.00	65.00	91.00	65.00	LD_Mix	HD_T_Mix	HHDT
SVC Site Grading	18	18.00	12.00	160.00	65.00	65.00	65.00	LD_Mix	HD_T_Mix	HHDT
Trenching	4	5.00	0.00	0.00	65.00	65.00	65.00	LD_Mix	HD_T_Mix	HHDT
Set SVG Substation Equipment	5	6.00	2.00	0.00	65.00	65.00	65.00	LD_Mix	HD_T_Mix	HHDT
Material delivery	4	3.00	1.00	0.00	65.00	65.00	65.00	LD_Mix	HD_T_Mix	HHDT
Substation construction	7	8.00	8.00	0.00	65.00	65.00	65.00	LD_Mix	HD_T_Mix	HHDT
Structure Erection	9	10.00	9.00	0.00	65.00	65.00	65.00	LD_Mix	HD_T_Mix	HHDT
Install Vaults	5	5.00	0.00	0.00	65.00	65.00	65.00	LD_Mix	HD_T_Mix	HHDT
Install Transmission Pole Foundations	8	10.00	5.00	0.00	65.00	143.00	65.00	LD_Mix	HD_T_Mix	HHDT
Install duct package	3	5.00	0.00	0.00	65.00	65.00	65.00	LD_Mix	HD_T_Mix	HHDT
Wire Stringing	5	23.00	0.00	0.00	65.00	65.00	65.00	LD_Mix	HD_T_Mix	HHDT
Transformer & SVC	2	5.00	1.00	0.00	65.00	65.00	65.00	LD_Mix	HD_T_Mix	HHDT
Wireless	4	10.00	0.00	0.00	65.00	65.00	65.00	LD_Mix	HD_T_Mix	HHDT
Install cable splices	1	5.00	0.00	0.00	65.00	65.00	65.00	LD_Mix	HD_T_Mix	HHDT
Right of way reclamation, including	4	6.00	3.00	0.00	65.00	65.00	65.00	LD_Mix	HD_T_Mix	HHDT
Test cable splices	1	3.00	0.00	0.00	65.00	65.00	65.00	LD_Mix	HD_T_Mix	HHDT

A-98  
Cont.

Furthermore, while the DEIR includes Off-Highway Trucks in its off-road equipment list, these trucks are not representative of water trucks. Rather, it appears that the total number of off-road trucks listed in the "Off Road Equipment" table in the output files are only representative of splice and test trucks (Appendix E, pp. 3-4, pp. 49-50, pp. 95-96).

Our review demonstrates that the DEIR failed to account for the emissions that would be generated by water trucks used over the course of Project construction. By failing to account for these additional truck trips, the Project's fugitive dust and mobile-source emissions are greatly underestimated. This omission presents a serious issue with the DEIR's air quality analysis, as it is necessary to include these additional water truck trips as Off-Highway Trucks or as vendor trips within the model in order to accurately calculate the total emissions produced from material movement, including truck loading and unloading, and additional vendor truck trips.<sup>8</sup> Nothing in the DEIR or associated appendices indicates that the air model accounted for these additional truck trips. As a result, the Project's construction emissions are greatly underestimated. The omission of water trucks from the DEIR's air quality model therefore render the results of the DEIR's air quality analysis artificially low and inaccurate.

### *Failure to Demonstrate Feasibility of Obtaining Tier 3 Construction Fleet*

The DEIR proposes to use off-road equipment equipped with Tier 3 engines during Project construction as a mitigation measure (AQ-1), and estimates emissions assuming that all off-road construction equipment would be equipped with Tier 3 engines. However, the DEIR fails to evaluate the feasibility of obtaining an entirely Tier 3 construction fleet, and contains no evidence demonstrating that a Tier 3 fleet is available in the Project area or can feasibly be procured for use by the Project proponent during the Project construction period. As a result, the actual implementation of this mitigation measure once

A-99

<sup>8</sup> CalEEMod User's Guide, available at: <http://www.caleemod.com/>, p. 3, 26.

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

A-99  
Cont.

the Project is approved is questionable, as the availability of Tier 3 equipment is unknown. An EIR cannot simply assume, without evidence, that a Project proponent will use an entirely Tier 3 construction fleet. Rather, the DEIR must include a feasibility analysis for the proposed use of Tier 3 equipment. Until such an analysis is prepared, the effectiveness of Measure AQ-1 remains speculative at best.

Based on the emission estimates generated by CalEEMod, the DEIR finds that the Project's construction-related NOx emissions of 246.2 lbs/day are just below the 250 lb/day threshold; and while the Project's construction-related NOx emissions are below thresholds, the DEIR still proposes to implement additional mitigation, as changes in the "project's work task schedule, equipment size, or equipment engine tier level assumption could cause emissions to exceed this threshold" (Table 6-6, p. 6-15). The DEIR states,

"While the uncontrolled NOx emissions were determined to be marginally below the daily emissions significance threshold, changes in the project's work task schedule, equipment size, or equipment engine tier level assumption could cause emissions to exceed this threshold. Therefore, in order to ensure that the daily NOx emissions would be below the County of San Diego emissions significance threshold and have a margin of safety, which would allow for additional task overlap and construction schedule compression, it is considered prudent to increase the off-road equipment mitigation to require USEPA/CARB Tier 3 or better compliant engines. Tier 3 engines have been required for new equipment/engines since 2006 to 2008, so this additional level of mitigation is not a burdensome requirement" (p. 6-15).

The DEIR proposes to use Tier 3 equipment in order to reduce the Project's construction emissions, as "this additional level of mitigation is not a burdensome requirement" (p. 6-15). This assertion, however, is unsupported because, although off-road Tier 3 equipment is available for purchase, it is relatively new technology that may not yet be readily available at all construction equipment vendors, may require special procurement by the Applicant, and is more costly than lower tier equipment.

The United States Environmental Protection Agency's (USEPA) 1998 nonroad engine emission standards were originally structured as a three-tiered progression. Tier 1 standards were phased-in from 1996 to 2000 and Tier 2 emission standards were phased in from 2001 to 2006. Tier 3 standards, which applied to engines from 37-560 kilowatts (kW) only, were phased in from 2006 to 2008. The Tier 4 emission standards were introduced in 2004, and were phased in from 2008 to 2015.<sup>9</sup> These tiered emission standards, however, are only applicable to newly manufactured nonroad equipment. According to the USEPA, "if products were built before EPA emission standards started to apply, they are generally not affected by the standards or other regulatory requirements."<sup>10</sup> Therefore, pieces of equipment

<sup>9</sup> Emission Standards, Nonroad Diesel Engines, *available at*:

<https://www.dieselnet.com/standards/us/nonroad.php#tier3>

<sup>10</sup> "Frequently Asked Questions from Owners and Operators of Nonroad Engines, Vehicles, and Equipment Certified to EPA Standards." United States Environmental Protection Agency, August 2012. *Available at*: <http://www.epa.gov/oms/highway-diesel/regs/420f12053.pdf>

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

A-99  
Cont.

manufactured prior to 2000 are not required to adhere to Tier 2 emission standards, and pieces of equipment manufactured prior to 2006 are not required to adhere to Tier 3 emission standards. Construction equipment often lasts more than 30 years; as a result, Tier 1 equipment and non-certified equipment may still be in use.<sup>11</sup> It is estimated that of the two million diesel engines currently used in construction, 31 percent were manufactured before the introduction of emissions regulations.<sup>12</sup>

Although Tier 3 engines are currently being produced and installed in new off-road construction equipment, majority substantial amount of existing diesel off-road construction equipment in California is not yet equipped with Tier 3 engines.<sup>13</sup> CARB regulations do not currently mandate that off-road construction fleets be comprised solely of Tier 3 engines. According to CARB, regulations requiring that new additions to off-road vehicle fleets be equipped with Tier 3 engines will not take effect for a few more years. As CARB explains, "Beginning January 1, 2018, for large and medium fleets, and January 1, 2023, for small fleets, a fleet may not add vehicle with a Tier 2 engine to its fleet. The engine tier must be Tier 3 or higher."<sup>14</sup> Therefore, there is no present regulatory mandate that construction contractors or equipment retailers, from whom the Applicant is likely to procure its construction equipment, maintain an entirely Tier 3 fleet. The Applicant may therefore be required specially procure this equipment from limited sources that may or may not have Tier 3 equipment available for Project use on the dates and locations required. The DEIR fails to discuss these procurement issues.

According to the *San Francisco Clean Construction Ordinance Implementation Guide for San Francisco Public Projects*, in 2014, 25% of all off-road equipment in the state of California were equipped with Tier 2 engines, approximately 12% were equipped with Tier 3 engines, approximately 18% were equipped with Tier 4 Interim engines, and only 4% were equipped with Tier 4 Final engines (see excerpt below).<sup>15</sup>

<sup>11</sup> "Best Practices for Clean Diesel Construction." Northeast Diesel Collaborative, August 2012. Available at: <http://northeastdiesel.org/pdf/BestPractices4CleanDieselConstructionAug2012.pdf>

<sup>12</sup> Northeast Diesel Collaborative Clean Construction Workgroup, available at: <http://northeastdiesel.org/construction.html>

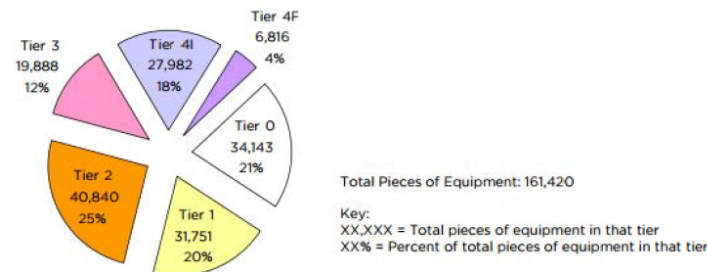
<sup>13</sup> California Industry Air Quality Coalition White Paper, p. 3, available at: [http://www.agc-ca.org/uploadedFiles/Member\\_Services/Regulatory-Advocacy-Page-PDFs/White\\_Paper\\_CARB\\_OffRoad.pdf](http://www.agc-ca.org/uploadedFiles/Member_Services/Regulatory-Advocacy-Page-PDFs/White_Paper_CARB_OffRoad.pdf)

<sup>14</sup> [http://www.arb.ca.gov/msprog/ordiesel/faq/overview\\_fact\\_sheet\\_dec\\_2010-final.pdf](http://www.arb.ca.gov/msprog/ordiesel/faq/overview_fact_sheet_dec_2010-final.pdf)

<sup>15</sup> "San Francisco Clean Construction Ordinance Implementation Guide for San Francisco Public Projects." August 2015, available at: [https://www.sfdph.org/dph/files/EHSdocs/AirQuality/San\\_Francisco\\_Clean\\_Construction\\_Ordinance\\_2015.pdf](https://www.sfdph.org/dph/files/EHSdocs/AirQuality/San_Francisco_Clean_Construction_Ordinance_2015.pdf), p. 6

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

Figure 4: 2014 Statewide All Fleet Sizes (Pieces of Equipment)



A-99  
Cont.

The figure shows that Tier 3 equipment only accounts for 12% of all off-road equipment currently available in the state of California. Thus, by stating that the Project proposes to use Tier 3 equipment during construction, the DEIR is relying, without supporting evidence, on the Applicant's alleged procurement of an entire fleet of construction equipment for the Project that only accounts for 12% of all off-road equipment currently available in the State of California. It is unreasonable for the DEIR to conclude, without further analysis and documentation, that the Applicant will comply with Measure AQ-1, and therefore speculative for the DEIR to conclude that construction emissions will be effectively mitigated by application of Measure AQ-1 to the Project.

Unless the Applicant can demonstrate, either through binding contracts, offer letters, or agreements with construction equipment providers or construction contractors, that Tier 3 equipment will be available prior to Project construction, the DEIR may not rely on the assumption that the Project will utilize an exclusively Tier 3 construction fleet.

### *Incorrectly Identified Mitigation Measures as Design Features*

The DEIR incorrectly applies two construction-related mitigation measures, Applicant Proposed Measures (APMs) AIR-1 and AIR-2, to the Project's unmitigated construction emissions in order to conclude that Project emissions are less than significant prior to mitigation.

A-100

APM AIR-1 requires the use of water or non-toxic soil stabilizers to control fugitive dust. APM AIR-2 requires vehicle speeds to be limited to 15 miles per hour on unpaved roads and work areas. See DEIR, p. 2-27, MMRP, p. L-10. The DEIR acknowledges that these APMS are intended to "reduce air pollutant emissions." DEIR P. 6-13. They are therefore mitigation measures intended to reduce unmitigated emissions, not a source of those emissions. These measures are to be applied after the emissions are quantified, not before. Mitigation measures cannot be incorporated in the DEIR's initial calculation of the Project's unmitigated air pollutant emissions because the analysis of unmitigated emissions, by definition, must quantify emissions before any mitigation measures to reduce those emissions are applied. By including these mitigation measures in the Project's initial CalEEMod modeling, the Project's construction emissions are therefore artificially and inaccurately reduced. As a result, the DEIR fails to disclose the Project's actual unmitigated construction emissions, and underestimates the severity of the



## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

A-100  
Cont.

Project's air quality impacts. An updated DEIR should be prepared to include an air quality analysis that adequately evaluates the impacts that construction of the Project will have.

Table 6-6 of the DEIR provides a summary of the Project's unmitigated construction emissions (see excerpt below) (p. 6- 15).

**Table 6-6. Unmitigated Construction Emissions**

	VOC	CO	NO <sub>x</sub>	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Maximum Daily Emissions (lbs/day) <sup>a</sup>	22.2	130.5	246.2	0.36	16.7	10.1
Significance Thresholds	75	550	250	250	100	55
Significant?	No	No	No	No	No	No
Annual Emissions (tons/year) <sup>a,b</sup>	1.4	8.6	15.6	0.02	1.0	0.7
Significance Thresholds	13.7	100	40	40	15	10
Significant?	No	No	No	No	No	No

Source: SWCA 2016 (as revised in Appendix D); County of San Diego 2007b.

**Notes:**

(a) Does not assume implementation of APM AIR-4.

(b) Assumes the worst case that the 10.5-month project construction schedule is completed in one calendar year.

According to the DEIR, "the uncontrolled emissions estimate shown in Table 6-6 assumes the application of APMs AIR-1 and AIR-2, but not APMs AIR-3 and AIR-4" (p. 6-15). The DEIR attempts to label the APMs as "design features" in order to remedy its mistake. However, this approach is inaccurate and misleading because the DEIR acknowledges that the APMs are designed to reduce emissions, not produce them. These measures are not "design features," contrary to what the DEIR states. As described under CEQA Guidelines Section 15370, mitigation includes avoiding, minimizing, rectifying, reducing, and compensating for a significant impact.<sup>16</sup> The use of water/soil stabilizers and a reduced speed limit on unpaved roads during Project construction would greatly reduce, minimize and/or avoid a potentially significant air quality impact. Therefore, these measures should be treated as mitigation, rather than design features, and should be included in the DEIR's Mitigation Monitoring and Reporting Program (MMRP) as such. By implementing fugitive dust control and vehicle speed reductions during Project construction as a part of the Project design, rather than mitigation measures, the Project's air quality impacts are inadequately evaluated and the DEIR is inconsistent with CEQA requirements.

<sup>16</sup> <http://resources.ca.gov/ceqa/guidelines/art20.html>

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

### Updated Analysis Indicates Significant Pollutant Emissions

In an effort to accurately estimate the Project's emissions, we prepared an updated air model in CalEEMod using correct input parameters. Consistent with the DEIR, we assumed that a total of approximately 7,000 cubic yards of material would be excavated and hauled from the site during the SVC Site Grading and Installation of Transmission Line Foundations phases. Additionally, we assumed that 2,500 cubic yards of gravel would be imported to the Project site and that 12,900 cubic yards of water would be supplied by water truck to the Project site throughout the entire construction period. We did not include use of Tier 3 off-road construction equipment, as the feasibility of obtaining Tier 3 equipment is questionable. Finally, while we included mitigation measures APMs AIR-1 and AIR-2 in the model, we did not apply these measures to the Project's unmitigated emissions, as the application of these mitigation measures as design features is improper.

When correct, site-specific input parameters are used to model emissions, we find that the Project's NO<sub>x</sub> construction emissions increase slightly. However, this slight increase in emissions causes the Project's NO<sub>x</sub> emissions to exceed thresholds when compared to the DEIR's model (see table below).

Model	Construction Emissions (lbs/day)			
	NO <sub>x</sub>	Fugitive PM <sub>10</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
DEIR	246.2	10.9	16.7	10.1
SWAPE	250.2	13.6	19.5	10.6
<b>Percent Increase</b>	1.62%	24.77%	16.77%	4.95%
<b>Significance Threshold</b>	<b>250</b>	<b>250</b>	<b>100</b>	<b>55</b>
<b>Threshold Exceeded?</b>	<b>Yes</b>	<i>No</i>	<i>No</i>	<i>No</i>

A-101 As you can see in the table above, when correct input parameters are used to model emissions, the Project's construction-related NO<sub>x</sub> emissions increase by approximately 2% and exceed the significance threshold of 250 lbs/day, fugitive PM<sub>10</sub> emissions increase by approximately 25%, PM<sub>10</sub> total emissions increase by approximately 17%, and PM<sub>2.5</sub> total emissions increase by approximately 5%. These updated emission estimates demonstrate that when the Project's construction emissions are estimated correctly, the Project would exceed NO<sub>x</sub> thresholds and would result in greater PM<sub>10</sub> and PM<sub>2.5</sub> emissions than what was previously examined in the DEIR. As a result, an updated DEIR should be prepared that includes an updated CalEEMod model, with a more accurate assessment of the Project's construction emissions, and additional mitigation to reduce Project air quality impacts to a less-than-significant level.

### Diesel Particulate Matter Health Risk Emissions Inadequately Evaluated

A-102 The DEIR fails to conduct a construction-related health risk assessment (HRA) to determine if construction of the Project would expose sensitive receptors to substantial toxic air pollutants (TACs), such as diesel particulate matter (DPM), yet concludes that the Project's construction emissions would have a less than significant impact on nearby sensitive receptors (p. 6-18). The DEIR attempts to justify the omission of a construction HRA, stating that "due to the limited construction duration, the limited construction emissions, and the 24 sparsely populated area surrounding the project site, there is very

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

A-102  
Cont.

low potential for fugitive 25 dust or DPM to impact sensitive receptors during construction" (p. 6-17). This justification, however, is incorrect.

Omission of a quantified health risk due to the assumption that construction would occur over a short period of time is inconsistent with the most recent guidance published by Office of Environmental Health Hazard Assessment (OEHHA), the organization responsible for providing recommendations and guidance on how to conduct health risk assessments in California. In February of 2015, OEHHA released its most recent *Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments*, which was formally adopted in March of 2015.<sup>17</sup> This guidance document describes the types of projects that warrant the preparation of a health risk assessment. Construction of the Project will produce emissions of DPM, a human carcinogen, through the exhaust stacks of construction equipment over an 11-month period (p. 2-23, Appendix E, pp. 7). The OEHHA document recommends that all short-term projects lasting at least two months be evaluated for cancer risks to nearby sensitive receptors.<sup>18</sup> Therefore, per OEHHA guidelines, health risk impacts from Project construction should have been evaluated by the DEIR. This recommendation reflects the most recent health risk assessment policy, and as such, an assessment of health risks to nearby sensitive receptors from construction should be included in a revised CEQA evaluation for the Project.

A-103  
Cont.

In an effort to determine the risk associated with construction-related DPM emissions, we prepared a screening-level health risk assessment. The results of our assessment, as described below, demonstrate that construction-related DPM emissions result in a significant health risk impact.

As of 2011, the Environmental Protection Agency (EPA) recommends AERSCREEN as the leading air dispersion model, due to improvements in simulating local meteorological conditions based on simple input parameters.<sup>19</sup> The model replaced SCREEN3, and AERSCREEN is included in the OEHHA<sup>20</sup> and the California Air Pollution Control Officers Associated (CAPCOA)<sup>21</sup> guidance as the appropriate air dispersion model for Level 2 health risk screening assessments ("HRSAs"). A Level 2 HRSA utilizes a limited amount of site-specific information to generate maximum reasonable downwind concentrations of air contaminants to which nearby sensitive receptors may be exposed. If an unacceptable air quality hazard is determined to be possible using AERSCREEN, a more refined modeling approach is required prior to approval of the Project.

We prepared a preliminary health risk screening assessment of the Project's construction impact to sensitive receptors using the annual estimates from the DEIR's air model. The DEIR states that the

<sup>17</sup> "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at*: [http://oehha.ca.gov/air/hot\\_spots/hotspots2015.html](http://oehha.ca.gov/air/hot_spots/hotspots2015.html)

<sup>18</sup> "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at*: [http://oehha.ca.gov/air/hot\\_spots/2015/2015GuidanceManual.pdf](http://oehha.ca.gov/air/hot_spots/2015/2015GuidanceManual.pdf), p. 8-18

<sup>19</sup> "AERSCREEN Released as the EPA Recommended Screening Model," USEPA, April 11, 2011, *available at*: [http://www.epa.gov/ttn/scram/guidance/clarification/20110411\\_AERSCREEN\\_Release\\_Memo.pdf](http://www.epa.gov/ttn/scram/guidance/clarification/20110411_AERSCREEN_Release_Memo.pdf)

<sup>20</sup> "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at*: [http://oehha.ca.gov/air/hot\\_spots/2015/2015GuidanceManual.pdf](http://oehha.ca.gov/air/hot_spots/2015/2015GuidanceManual.pdf)

<sup>21</sup> "Health Risk Assessments for Proposed Land Use Projects," CAPCOA, July 2009, *available at*: [http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA\\_HRA\\_LU\\_Guidelines\\_8-6-09.pdf](http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA_HRA_LU_Guidelines_8-6-09.pdf)

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

A-103  
Cont.

closest sensitive receptors to the Project site are located within 2,640 feet, or approximately 805 meters away (p. 6-13). The CalEEMod model's annual emissions indicate that construction activities will generate approximately 2,652 pounds of DPM over a 316 day (approximately 11 month) construction period (Appendix E, pp. 5, 7). The AERSCREEN model relies on a continuous average emissions rate to simulate maximum downwind concentrations from point, area, and volume emissions sources. To account for the variability in construction equipment usage over the many phases of Project construction, we calculated an average DPM emissions rate for construction by the following equation.

$$\text{Emission Rate} \left( \frac{\text{grams}}{\text{second}} \right) = \frac{\text{lbs}}{\text{days}} \times \frac{453.6 \text{ grams}}{\text{lb}} \times \frac{1 \text{ day}}{24 \text{ hours}} \times \frac{1 \text{ hour}}{3,600 \text{ seconds}}$$

Using this equation, we estimated a construction emission rate of 0.0011 grams per second (g/s). Construction activity was simulated as a 12.21 acre rectangular area source in AERSCREEN, with dimensions of 341 meters by 145 meters. A release height of three meters was selected to represent the height of exhaust stacks on construction equipment and other heavy duty vehicles, and an initial vertical dimension of one and a half meters was used to simulate instantaneous plume dispersion upon release. A rural meteorological setting was selected with model-default inputs for wind speed and direction distribution.

The AERSCREEN model generated maximum reasonable estimates of single hour DPM concentrations from the Project site. EPA guidance suggests that in screening procedures, the annualized average concentration of an air pollutant be estimated by multiplying the single-hour concentration by 10%.<sup>22</sup> There are residences located approximately 805 meters away from the Project boundary. The single-hour concentration estimated by AERSCREEN for Project construction is approximately 1.92 µg/m<sup>3</sup> DPM at approximately 100 meters downwind. Multiplying this single-hour concentration by 10%, we get an annualized average concentration of 0.192 µg/m<sup>3</sup> for construction.

A-104

We calculated the excess cancer risk for each sensitive receptor for infant receptors using applicable HRA methodologies prescribed by OEHHA. The annualized average concentration for construction was used for the infantile stage of life (0-2 years). OEHHA recommends the use of Age Sensitivity Factors (ASFs) to account for the heightened susceptibility of young children to the carcinogenic toxicity of air pollution.<sup>23</sup> According to the revised guidance, quantified cancer risk should be multiplied by a factor of ten during the first two years of life (infant). Furthermore, in accordance with guidance set forth by OEHHA, we used 95<sup>th</sup> percentile breathing rates for infants.<sup>24</sup> We used a cancer potency factor of 1.1 (mg/kg-day)<sup>-1</sup> and an averaging time of 25,550 days. The results of our calculations are shown below.

<sup>22</sup> [http://www.epa.gov/ttn/scram/guidance/guide/EPA-454R-92-019\\_OCR.pdf](http://www.epa.gov/ttn/scram/guidance/guide/EPA-454R-92-019_OCR.pdf)

<sup>23</sup> "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: [http://oehha.ca.gov/air/hot\\_spots/2015/2015GuidanceManual.pdf](http://oehha.ca.gov/air/hot_spots/2015/2015GuidanceManual.pdf)

<sup>24</sup> "Supplemental Guidelines for Preparing Risk Assessments for the Air Toxics 'Hot Spots' Information and Assessment Act," June 5, 2015, available at: <http://www.aqmd.gov/docs/default-source/planning/risk-assessment/ab2588-risk-assessment-guidelines.pdf?sfvrsn=6>, p. 19

"Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: [http://oehha.ca.gov/air/hot\\_spots/2015/2015GuidanceManual.pdf](http://oehha.ca.gov/air/hot_spots/2015/2015GuidanceManual.pdf)

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

A-104  
Cont.

Parameter	Description	Units	Infant
$C_{air}$	Concentration	$\mu\text{g}/\text{m}^3$	0.192
DBR	Daily breathing rate	L/kg-day	1090
EF	Exposure Frequency	days/year	350
ED	Exposure Duration	years	0.87
AT	Averaging Time	days	25550
	Inhaled Dose	(mg/kg-day)	5.7E-06
CPF	Cancer Potency Factor	1/(mg/kg-day)	1.1
ASF	Age Sensitivity Factor	-	10
<b>Cancer Risk by Age Group</b>			<b>2.74E-05</b>
<b>Total Residential Cancer Risk</b>			<b>2.74E-05</b>

The excess cancer risk to infants at a sensitive receptor located 805 meters away, over the course of Project construction is 27.4 in one million. Consistent with OEHHA guidance, exposure was assumed to begin in the infantile stage of life to provide the most conservative estimates of air quality hazards.

A-105

It should be noted that our analysis represents a screening-level health risk assessment, which is known to be more conservative, and tends to err on the side of health protection.<sup>25</sup> The purpose of a screening-level health risk assessment, however, is to determine if a more refined health risk assessment needs to be conducted. If the results of a screening-level health risk are above applicable thresholds, then the Project needs to conduct a more refined health risk assessment that is more representative of site specific concentrations. Our screening-level health risk assessment demonstrates that construction of the Project could result in a potentially significant health risk impact. As a result, a refined health risk assessment must be prepared to examine air quality impacts generated by Project construction using site-specific meteorology and specific equipment usage schedules. An updated DEIR must be prepared to adequately evaluate the Project's health risk impact, and should include additional mitigation measures to reduce these impacts to a less-than-significant level.

A-106

### Additional Mitigation Measures Available to Reduce Construction Emissions

Our updated air quality analysis and health risk assessment demonstrates that, when Project activities are modeled correctly, construction-related DPM and NOx emissions would result in a significant air quality and health risk impact. Therefore, additional mitigation measures must be identified and incorporated in an updated DEIR to reduce these emissions to a less than significant level.

Additional mitigation measures can be found in CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures*, which attempt to reduce Greenhouse Gas (GHG) levels, as well as reduce Criteria Air Pollutants such as particulate matter and NOx.<sup>26</sup> Diesel particulate matter ("DPM") and NOx are a byproduct of diesel fuel combustion, and are emitted by on-road vehicles and by off-road construction

<sup>25</sup> [http://oehha.ca.gov/air/hot\\_spots/2015/2015GuidanceManual.pdf](http://oehha.ca.gov/air/hot_spots/2015/2015GuidanceManual.pdf) p. 1-5

<sup>26</sup> <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

A-106 ↑ Cont. equipment. Mitigation for criteria pollutant emissions should include consideration of the following measures in an effort to reduce construction emissions to below thresholds.

A-107 | *Limit Construction Equipment Idling Beyond Regulation Requirements*  
Heavy duty vehicles will idle during loading/unloading and during layovers or rest periods with the engine still on, which requires fuel use and results in emissions. The California Air Resources Board (CARB) Heavy-Duty Vehicle Idling Emissions Reduction Program limits idling of diesel-fueled commercial motor vehicles to five minutes. Reduction in idling time beyond the five minutes required under the regulation would further reduce fuel consumption and thus emissions. The Project applicant must develop an enforceable mechanism that monitors the idling time to ensure compliance with this mitigation measure.

A-108 | *Require Implementation of Diesel Control Measures*  
The Northeast Diesel Collaborative (NEDC) is a regionally coordinated initiative to reduce diesel emissions, improve public health, and promote clean diesel technology. The NEDC recommends that contracts for all construction projects require the following diesel control measures:<sup>27</sup>

- All diesel onroad vehicles on site for more than 10 total days must have either (1) engines that meet EPA 2007 onroad emissions standards or (2) emission control technology verified by EPA<sup>28</sup> or the California Air Resources Board (CARB)<sup>29</sup> to reduce PM emissions by a minimum of 85 percent.
- All diesel generators on site for more than 10 total days must be equipped with emission control technology verified by EPA or CARB to reduce PM emissions by a minimum of 85 percent.
- All diesel nonroad construction equipment on site for more than 10 total days must have either (1) engines meeting EPA Tier 4 nonroad emission standards or (2) emission control technology verified by EPA or CARB for use with nonroad engines to reduce PM emissions by a minimum of 85 percent for engines 50 horse power (hp) and greater and by a minimum of 20 percent for engines less than 50 hp.
- All diesel vehicles, construction equipment, and generators on site shall be fueled with ultra-low sulfur diesel fuel (ULSD) or a biodiesel blend<sup>30</sup> approved by the original engine manufacturer with sulfur content of 15 parts per million (ppm) or less.

A-109 ↓ *Repower or Replace Older Construction Equipment Engines*  
The NEDC recognizes that availability of equipment that meets the EPA's newer standards is limited.<sup>31</sup> Due to this limitation, the NEDC proposes actions that can be taken to reduce emissions from existing

<sup>27</sup> Diesel Emission Controls in Construction Projects, *available*

at: <http://www2.epa.gov/sites/production/files/2015-09/documents/nedc-model-contract-specification.pdf>

<sup>28</sup> For EPA's list of verified technology: <http://www3.epa.gov/otaq/diesel/verification/verif-list.htm>

<sup>29</sup> For CARB's list of verified technology: <http://www.arb.ca.gov/diesel/verdev/vt/cvt.htm>

<sup>30</sup> Biodiesel blends are only to be used in conjunction with the technologies which have been verified for use with biodiesel blends and are subject to the following requirements:

<http://www.arb.ca.gov/diesel/verdev/reg/biodieselcompliance.pdf>

<sup>31</sup> <http://northeastdiesel.org/pdf/BestPractices4CleanDieselConstructionAug2012.pdf>

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

A-109  
Cont.

equipment in the *Best Practices for Clean Diesel Construction* report.<sup>32</sup> These actions include but are not limited to:

- Repowering equipment (i.e. replacing older engines with newer, cleaner engines and leaving the body of the equipment intact).

Engine repower may be a cost-effective emissions reduction strategy when a vehicle or machine has a long useful life and the cost of the engine does not approach the cost of the entire vehicle or machine. Examples of good potential replacement candidates include marine vessels, locomotives, and large construction machines.<sup>33</sup> Older diesel vehicles or machines can be repowered with newer diesel engines or in some cases with engines that operate on alternative fuels (see section “Use Alternative Fuels for Construction Equipment” for details). The original engine is taken out of service and a new engine with reduced emission characteristics is installed. Significant emission reductions can be achieved, depending on the newer engine and the vehicle or machine’s ability to accept a more modern engine and emission control system. It should be noted, however, that newer engines or higher tier engines are not necessarily cleaner engines, so it is important that the Project Applicant check the actual emission standard level of the current (existing) and new engines to ensure the repower product is reducing emissions for DPM.<sup>34</sup>

- Replacement of older equipment with equipment meeting the latest emission standards.

Engine replacement can include substituting a cleaner highway engine for a nonroad engine. Diesel equipment may also be replaced with other technologies or fuels. Examples include hybrid switcher locomotives, electric cranes, LNG, CNG, LPG or propane yard tractors, forklifts or loaders. Replacements using natural gas may require changes to fueling infrastructure.<sup>35</sup> Replacements often require some re-engineering work due to differences in size and configuration. Typically, there are benefits in fuel efficiency, reliability, warranty, and maintenance costs.<sup>36</sup>

### *Install Retrofit Devices on Existing Construction Equipment*

PM emissions from alternatively-fueled construction equipment can be further reduced by installing retrofit devices on existing and/or new equipment. The most common retrofit technologies are retrofit devices for engine exhaust after-treatment. These devices are installed in the exhaust system to reduce

<sup>32</sup> <http://northeastdiesel.org/pdf/BestPractices4CleanDieselConstructionAug2012.pdf>

<sup>33</sup> Repair, Rebuild, and Repower, EPA, *available at*: <https://www.epa.gov/verified-diesel-tech/learn-about-verified-technologies-clean-diesel#repair>

<sup>34</sup> Diesel Emissions Reduction Program (DERA): Technologies, Fleets and Projects Information, *available at*: <https://nepis.epa.gov/Exe/ZyPDF.cgi/P100CVIS.PDF?Dockey=P100CVIS.PDF>

<sup>35</sup> Recommendations for Reducing Emissions from the Legacy Diesel Fleet, April 10, 2006, Clean Air Act Advisory Committee, EPA, *available at*: <https://archive.epa.gov/sectors/web/pdf/retrofit-2.pdf>, p. 21; Alternative Fuels, Renewable Fuel Standard Program, EPA, *available at*: <https://www.epa.gov/renewable-fuel-standard-program/alternative-fuels>

<sup>36</sup> Cleaner Fuels, Verified Technologies for SmartWay and Clean Diesel, EPA, *available at*: <https://www.epa.gov/verified-diesel-tech/learn-about-verified-technologies-clean-diesel#cleaner>

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

A-109  
Cont.

emissions and should not impact engine or vehicle operation.<sup>37</sup> Below is a table, prepared by the EPA, that summarizes the commonly used retrofit technologies and the typical cost and emission reductions associated with each technology.<sup>38</sup> It should be noted that actual emissions reductions and costs will depend on specific manufacturers, technologies and applications.

Technology	Typical Emissions Reductions (percent)				Typical Costs (\$)
	PM	NOx	HC	CO	
Diesel Oxidation Catalyst (DOC)	20-40	-	40-70	40-60	Material: \$600-\$4,000 Installation: 1-3 hours
Diesel Particulate Filter (DPF)	85-95	-	85-95	50-90	Material: \$8,000-\$50,000 Installation: 6-8 hours
Partial Diesel Particulate Filter (pDPF)	up to 60	-	40-75	10-60	Material: \$4,000-\$6,000 Installation: 6-8 hours
Selective Catalyst Reduction (SCR)	-	up to 75	-	-	\$10,000-\$20,000; Urea \$0.80/gal
Closed Crankcase Ventilation (CCV)	varies	-	-	-	-
Exhaust Gas Recirculation (EGR)	-	25-40	-	-	-
Lean NOx Catalyst (LNC)	-	5-40	-	-	\$6,500-\$10,000

### *Use Electric and Hybrid Construction Equipment*

CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures*<sup>39</sup> report also proposes the use of electric and/or hybrid construction equipment as a way to mitigate DPM emissions. When construction equipment is powered by grid electricity rather than fossil fuel, direct emissions from fuel combustion are replaced with indirect emissions associated with the electricity used to power the equipment. Furthermore, when construction equipment is powered by hybrid-electric drives, emissions from fuel combustion are also greatly reduced. Electric construction equipment is available commercially from companies such as Peterson Pacific Corporation,<sup>40</sup> which specialize in the mechanical processing equipment like grinders and shredders. Construction equipment powered by hybrid-electric drives is also commercially available from companies such as Caterpillar<sup>41</sup>. For example, Caterpillar reports that during an 8-hour shift, its D7E hybrid dozer burns 19.5 percent fewer gallons of fuel than a conventional dozer while achieving a 10.3 percent increase in productivity. The D7E model burns 6.2 gallons per hour

<sup>37</sup> Retrofit Technologies, Verified Technologies for SmartWay and Clean Diesel, EPA, available at:

<https://www.epa.gov/verified-diesel-tech/learn-about-verified-technologies-clean-diesel#retrofit>

<sup>38</sup> Cleaner Diesels: Low Cost Ways to Reduce Emissions from Construction Equipment, March 2007, available at:

<https://www.epa.gov/sites/production/files/2015-09/documents/cleaner-diesels-low-cost-ways-to-reduce-emissions-from-construction-equipment.pdf>, p. 26

<sup>39</sup> <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

<sup>40</sup> Peterson Electric Grinders Brochure, available at: [http://www.petersoncorp.com/wp-content/uploads/peterson\\_electric\\_grinders1.pdf](http://www.petersoncorp.com/wp-content/uploads/peterson_electric_grinders1.pdf)

<sup>41</sup> Electric Power Products, available at: [http://www.cat.com/en\\_US/products/new/power-systems/electric-power-generation.html](http://www.cat.com/en_US/products/new/power-systems/electric-power-generation.html)



## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

A-109  
Cont.

compared to a conventional dozer which burns 7.7 gallons per hour.<sup>42</sup> Fuel usage and savings are dependent on the make and model of the construction equipment used. The Project Applicant should calculate project-specific savings and provide manufacturer specifications indicating fuel burned per hour.

A-110

### *Implement a Construction Vehicle Inventory Tracking System*

CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures*<sup>43</sup> report recommends that the Project Applicant provide a detailed plan that discusses a construction vehicle inventory tracking system to ensure compliances with construction mitigation measures. The system should include strategies such as requiring engine run time meters on equipment, documenting the serial number, horsepower, manufacture age, fuel, etc. of all onsite equipment and daily logging of the operating hours of the equipment. Specifically, for each onroad construction vehicle, nonroad construction equipment, or generator, the contractor should submit to the developer's representative a report prior to bringing said equipment on site that includes:<sup>44</sup>

- Equipment type, equipment manufacturer, equipment serial number, engine manufacturer, engine model year, engine certification (Tier rating), horsepower, and engine serial number.
- The type of emission control technology installed, serial number, make, model, manufacturer, and EPA/CARB verification number/level.
- The Certification Statement<sup>45</sup> signed and printed on the contractor's letterhead.

Furthermore, the contractor should submit to the developer's representative a monthly report that, for each onroad construction vehicle, nonroad construction equipment, or generator onsite, includes:<sup>46</sup>

- Hour-meter readings on arrival on-site, the first and last day of every month, and on off-site date.
- Any problems with the equipment or emission controls.
- Certified copies of fuel deliveries for the time period that identify:
  - Source of supply
  - Quantity of fuel
  - Quality of fuel, including sulfur content (percent by weight).

In addition to these measures, we also recommend that the Applicant implement the following mitigation measures, called "Enhanced Exhaust Control Practices,"<sup>47</sup> that are recommended by the Sacramento Metropolitan Air Quality Management District (SMAQMD):

<sup>42</sup><http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

<sup>43</sup><http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

<sup>44</sup> Diesel Emission Controls in Construction Projects, *available*

at: <http://www2.epa.gov/sites/production/files/2015-09/documents/nedc-model-contract-specification.pdf>

<sup>45</sup> Diesel Emission Controls in Construction Projects, *available*

at: <http://www2.epa.gov/sites/production/files/2015-09/documents/nedc-model-contract-specification.pdf> The

NEDC Model Certification Statement can be found in Appendix A.

<sup>46</sup> Diesel Emission Controls in Construction Projects, *available*

at: <http://www2.epa.gov/sites/production/files/2015-09/documents/nedc-model-contract-specification.pdf>

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

A-110  
Cont.

1. The project representative shall submit to the lead agency a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of the construction project.
  - The inventory shall include the horsepower rating, engine model year, and projected hours of use for each piece of equipment.
  - The project representative shall provide the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman.
  - This information shall be submitted at least 4 business days prior to the use of subject heavy-duty off-road equipment.
  - The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs.
2. The project representative shall provide a plan for approval by the lead agency demonstrating that the heavy-duty off-road vehicles (50 horsepower or more) to be used in the construction project, including owned, leased, and subcontractor vehicles, will achieve a project wide fleet-average 20% NOX reduction and 45% particulate reduction compared to the most recent California Air Resources Board (ARB) fleet average.
  - This plan shall be submitted in conjunction with the equipment inventory.
  - Acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available.
  - The District's Construction Mitigation Calculator can be used to identify an equipment fleet that achieves this reduction.
3. The project representative shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40% opacity for more than three minutes in any one hour.
  - Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately. Non-compliant equipment will be documented and a summary provided to the lead agency monthly.
  - A visual survey of all in-operation equipment shall be made at least weekly.
  - A monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey.
4. The District and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this mitigation shall supersede other District, state or federal rules or regulations.

A-111

These measures are more stringent and prescriptive than those measures identified in the DEIR. When combined together, the measures that we recommend in these comments offer a cost-effective,

<sup>47</sup>[http://www.airquality.org/ceqa/Ch3EnhancedExhaustControl\\_10-2013.pdf](http://www.airquality.org/ceqa/Ch3EnhancedExhaustControl_10-2013.pdf)

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

A-111  
Cont.

feasible way to incorporate lower-emitting equipment into the Project's construction fleet, which subsequently reduces NOx, PM and DPM emissions released during Project construction. An updated DEIR must be prepared to include additional mitigation measures, as well as include an updated air quality assessment to ensure that the necessary mitigation measures are implemented to reduce construction emissions to below thresholds. Furthermore, the Project Applicant needs to demonstrate commitment to the implementation of these measures prior to Project approval to ensure that the Project's construction-related emissions are reduced to the maximum extent possible.

### Hazards and Hazardous Waste

A-112

#### Construction Fire Protection Plan is not Included in DEIR

The Project is in a Very High Fire Hazard Severity Zone, as designated by the California Department of Forestry and Fire Protection (CALFIRE). (p. iii, Appendix K). The DEIR includes a fire protection plan for the operation of the Project for public review (Appendix K), but fails to include a fire protection plan for the construction of the Project. Instead, the DEIR includes a mitigation measure for the future preparation of a construction fire protection plan (Mitigation Measure HAZ-3). Mitigation Measure HAZ-3 simply requires a future construction fire protection plan (CFPP) to be prepared "in accordance with applicable sections of the San Diego County Consolidated Fire Code," (DEIR, p. L-31) but fails to require compliance with any other applicable State or Federal laws, despite the fact that fire protection in the project area is within the jurisdiction of several agencies, including CALFIRE, the San Diego County Fire Authority (SDCFA), and the US Forest Service. Measure HAZ-3 also fails to require the CFPP to be reviewed or approved by the US Forest Service. Since the Project area is located within the US Forest Service's administrative boundary for the Cleveland National Forest, the CFPP must also be subject to review and approval by the US Forest Service.

The failure to include a CFPP in the DEIR is improperly deferred mitigation, and fails to give the public the opportunity to evaluate the effectiveness of the proposed protection plan. The DEIR should be revised to include a construction fire protection plan that meets standards set by the San Diego County Consolidated Fire Code, the California Fire and Building Code, and US Forest Service fire regulations.

A-113

We have noted that construction fire protection plans are routinely prepared for other projects in rural San Diego County undergoing CEQA review. For example, the Otay Ranch Village project DEIR (located approximately 10 miles from the Project) included a full fire protection plan that covered aspects of project construction.<sup>48</sup> The fire protection plan included the results of fire-behavior modeling, fire response capabilities and modeling, analysis of fuel modification zones, road requirements, and evacuation plans. The DEIR should be revised to include a similar CFPP for Project construction, along with letters of approval for the CFPP by the County Fire Marshal, CALFIRE, and the US Forest Service.

<sup>48</sup> <http://www.sandiegocounty.gov/content/dam/sdc/pds/ceqa/OtayRanchVillage13Resort/PDS2004-3810-04-002-DEIR-AppendixC21-FPP.pdf>

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

Sincerely,



Matt Hagemann, P.G., C.Hg.



Jessie Jaeger

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)



1640 5<sup>th</sup> St., Suite 204 Santa  
Santa Monica, California 90401  
Tel: (949) 887-9013  
Email: [mhagemann@swape.com](mailto:mhagemann@swape.com)

Matthew F. Hagemann, P.G., C.Hg., QSD, QSP

Geologic and Hydrogeologic Characterization  
Industrial Stormwater Compliance  
Investigation and Remediation Strategies  
Litigation Support and Testifying Expert  
CEQA Review

### Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.

B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

### Professional Certifications:

California Professional Geologist

California Certified Hydrogeologist

Qualified SWPPP Developer and Practitioner

### Professional Experience:

Matt has 25 years of experience in environmental policy, assessment and remediation. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) while also working with permit holders to improve hydrogeologic characterization and water quality monitoring.

Matt has worked closely with U.S. EPA legal counsel and the technical staff of several states in the application and enforcement of RCRA, Safe Drinking Water Act and Clean Water Act regulations. Matt has trained the technical staff in the States of California, Hawaii, Nevada, Arizona and the Territory of Guam in the conduct of investigations, groundwater fundamentals, and sampling techniques.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2014;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 – 2003);

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

### Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt's responsibilities have included:

- Lead analyst and testifying expert in the review of over 100 environmental impact reports since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, Valley Fever, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at industrial facilities.
- Manager of a project to provide technical assistance to a community adjacent to a former Naval shipyard under a grant from the U.S. EPA.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.
- Expert witness on two cases involving MTBE litigation.
- Expert witness and litigation support on the impact of air toxins and hazards at a school.
- Expert witness in litigation at a former plywood plant.

With Komex H2O Science Inc., Matt's duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

**Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of  
California Unions for Renewable Energy (January 11, 2017)**

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

### Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

### Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted public hearings, and responded to public comments from residents who were very concerned about the impact of designation.



## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nationwide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

### Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9. Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, *Oxygenates in Water: Critical Information and Research Needs*.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

### Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

### Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt taught physical geology (lecture and lab and introductory geology at Golden West College in Huntington Beach, California from 2010 to 2014.

### Invited Testimony, Reports, Papers and Presentations:

**Hagemann, M.F.**, 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

**Hagemann, M.F.**, 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

**Hagemann, M.F.**, 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Colorado.

**Hagemann, M.F.**, 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

**Hagemann, M.F.**, 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

**Hagemann, M.F.**, 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

**Hagemann, M.F.**, 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

**Hagemann, M.F.**, 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

**Hagemann, M.F.**, 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal representatives, Parker, AZ.

**Hagemann, M.F.**, 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

**Hagemann, M.F.**, 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

**Hagemann, M.F.**, 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

**Hagemann, M.F.**, 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F.**, 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F.**, 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

**Hagemann, M.F.**, 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F.**, 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

**Hagemann, M.F.**, 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

**Hagemann, M.F.**, 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

**Hagemann, M.F.**, 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

**Hagemann, M.F.**, and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F.** 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

**Hagemann, M.F.**, 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

**Hagemann, M.F.**, 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

**Hagemann, M.F.**, and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

**Hagemann, M.F.**, Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

**Hagemann, M.F.**, Fukunaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

**Hagemann, M.F.**, 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

**Hagemann, M.F.** and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

**Hagemann, M.F.**, 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

**Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of  
California Unions for Renewable Energy (January 11, 2017)**

**Hagemann, M.F., 1992.** Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

**Other Experience:**

Selected as subject matter expert for the California Professional Geologist licensing examination, 2009-2011.

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

JESSIE MARIE JAEGER



Technical Consultation, Data Analysis and  
Litigation Support for the Environment

### SOIL WATER AIR PROTECTION ENTERPRISE

2656 29th Street, Suite 201  
Santa Monica, California 90405  
Mobile: (530) 867-6202  
Office: (310) 452-5555  
Fax: (310) 452-5550  
Email: [jessie@swape.com](mailto:jessie@swape.com)

### EDUCATION

UNIVERSITY OF CALIFORNIA, LOS ANGELES B.S. CONSERVATION BIOLOGY & ENVIRONMENTAL SCIENCES JUNE 2014

### PROJECT EXPERIENCE

#### SOIL WATER AIR PROTECTION ENTERPRISE

SANTA MONICA, CA

#### AIR QUALITY SPECIALIST

#### SENIOR ANALYST: CEQA ANALYSIS & MODELING

- Calculated roadway, stationary source, and cumulative impacts for risk and hazard analyses at proposed land use projects.
- Quantified criteria air pollutant and greenhouse gas emissions released during construction and operational activities of proposed land use projects using CalEEMod and EMFAC2011 emission factors.
- Utilized AERSCREEN, a screening dispersion model, to determine the ambient air concentrations at sensitive receptor locations.
- Organized presentations containing figures and tables comparing results of particulate matter analyses to CEQA thresholds.
- Prepared reports that discuss results of the health risk analyses conducted for several land use redevelopment projects.

#### SENIOR ANALYST: GREENHOUSE GAS MODELING AND DETERMINATION OF SIGNIFICANCE

- Quantified greenhouse gas (GHG) emissions of a "business as usual" scenario for proposed land use projects using CalEEMod.
- Determined compliance of proposed projects with AB 32 GHG reduction targets, with measures described in CARB's Scoping Plan for each land use sector, and with GHG significance thresholds recommended by various Air Quality Management Districts in California.
- Produced tables and figures that compare the results of the GHG analyses to applicable CEQA thresholds and reduction targets.

#### PROJECT MANAGER: OFF-GASSING OF FORMALDEHYDE FROM FLOORING PRODUCTS

- Determined the appropriate standard test methods to effectively measure formaldehyde emissions from flooring products.
- Compiled and analyzed laboratory testing data. Produced tables, charts, and graphs to exhibit emission levels.
- Compared finalized testing data to Proposition 65 No Significant Risk Level (NSRL) and to CARB's Phase 2 Standard.
- Prepared a final analytical report and organized supporting data for use as Expert testimony in environmental litigation.
- Participated in meetings with clients to discuss project strategy and identify solutions to achieve short and long term goals.

#### PROJECT ANALYST: EXPOSURE ASSESSMENT OF CONTAMINANTS EMITTED BY INCINERATOR

- Reviewed and organized sampling data, and determined the maximum levels of arsenic, dioxin, and lead in soil samples.
- Determined cumulative and hourly particulate deposition of incinerator and modeled particle dispersion locations using GIS and AERMOD.
- Conducted risk assessment using guidance set forth by the Office of Environmental Health Hazard Assessment (OEHHHA).
- Utilized LeadSpread8 to evaluate exposure, and the potential adverse health effects from exposure, to lead in the environment.
- Compared final results of assessment to the Environmental Protection Agency's (EPA) Regional Screening Levels (RSLs).

### ACCOMPLISHMENTS

- |   |                       |
|---|-----------------------|
| • <b>Recipient</b> , Bruins Advantage Scholarship, University of California, Los Angeles          | SEPT 2010 – JUNE 2014 |
| • <b>Academic Honoree</b> , Dean's List, University of California, Los Angeles                    | SEPT 2013 – JUNE 2014 |
| • <b>Academic Wellness Director</b> , UCLA Undergraduate Students Associated Council              | SEPT 2013 – JUNE 2014 |
| • <b>Student Groups Support Committee Member</b> , UCLA Undergraduate Students Associated Council | SEPT 2012 – JUNE 2013 |

**Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of  
California Unions for Renewable Energy (January 11, 2017)**

**ATTACHMENT**

**Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of  
California Unions for Renewable Energy (January 11, 2017)**

**EXHIBIT D**



**Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of  
California Unions for Renewable Energy (January 11, 2017)**

*Scott Cashen, M.S.—Independent Biological Resources Consultant*

January 6, 2017

Ms. Christina Caro  
Adams Broadwell Joseph & Cardozo  
601 Gateway Boulevard, Suite 1000  
South San Francisco, CA 94080

**Subject: Comments on the Draft Environmental Impact Report Prepared for the  
Suncrest Dynamic Reactive Power Support Project**

---

Dear Ms. Caro:

This letter contains my comments on the Draft Environmental Impact Report (“DEIR”) prepared by the California Public Utilities Commission (“CPUC”) for the Suncrest Dynamic Reactive Power Support Project (“Project”). NextEra Energy Transmission West (“NEET West”) proposes to construct and operate a Static Var Compensator (“SVC”) dynamic reactive device and approximately one-mile transmission line interconnecting with the existing Suncrest Substation near the community of Alpine in San Diego County.

I am an environmental biologist with 23 years of professional experience in wildlife ecology and natural resource management. I have served as a biological resources expert for over 100 projects in California. My experience and scope of work in this regard has included assisting various clients with evaluations of biological resource issues, reviewing environmental compliance documents prepared pursuant to the California Environmental Quality Act (“CEQA”) and the National Environmental Policy Act (“NEPA”), and submitting written comments in response to CEQA and NEPA documents. My work has included the preparation of written and oral testimony for the California Energy Commission, CPUC, and Federal courts. My educational background includes a B.S. in Resource Management from the University of California at Berkeley, and a M.S. in Wildlife and Fisheries Science from the Pennsylvania State University. A true and correct copy of my current curriculum vitae is attached hereto.

I have gained particular knowledge of the biological resource issues associated with the Project through my work on numerous other projects in San Diego County. The comments herein are based on my review of the environmental documents prepared for the Project, a review of scientific literature pertaining to biological resources known to occur in the Project area, consultations with other biological resource experts, and the knowledge and experience I have acquired during more than 23 years of working in the field of natural resources management.

*3264 Hudson Avenue, Walnut Creek, CA 94597*

1

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

### PROJECT ALTERNATIVES

The DEIR evaluates four alternatives to NEET West's proposed Project: (1) No Project Alternative, (2) Northeast Site Alternative, (3) Suncrest Substation Alternative, and (4) Overhead Transmission Line Alternative.<sup>1</sup> The CPUC correctly concluded that, in addition to the No Project Alternative, the Suncrest Substation Alternative is the environmentally superior alternative.<sup>2</sup> The Suncrest Substation Alternative is environmentally superior to the proposed Project because it would be built entirely within the existing substation, and thus, it would avoid virtually all of the environmental impacts associated with the proposed Project.<sup>3</sup>

San Diego Gas & Electric Company ("SDG&E") proposed to build the dynamic reactive device within the existing Suncrest Substation. However, the California Independent System Operator Corporation ("ISO") selected NEET West for the project based on "very slight distinctions" between the two proposals (SDG&E's and NEET West's).<sup>4</sup>

ISO's decision to select NEET West for the project did not include consideration of environmental impacts.<sup>5</sup> Instead, ISO gave the slight overall advantage to NEET West primarily because: (1) its proposed binding cost containment measures were more robust, in particular, it agreed to a materially lower cap on capital costs and (2) it proposed to assume more cost increase risk than SDG&E.<sup>6</sup>

The CPUC is tasked with ensuring that Californians receive safe, reliable utility service and infrastructure at reasonable rates, with a *commitment to environmental quality* and a prosperous California economy.<sup>7</sup> Although difficult to quantify monetarily, the biological resources in the proposed Project area provide a myriad of values and benefits to the citizens of California. As the DEIR acknowledges, the proposed Project would have substantial impacts on those biological resources.<sup>8</sup> Therefore, approval of the proposed Project is not justified unless the CPUC can demonstrate that the benefits (i.e., potential cost savings) of the proposed Project outweigh its costs (i.e., environmental impacts). Based on my expertise in natural resources, and given the feasibility of a

<sup>1</sup> DEIR, p. ES-8.

<sup>2</sup> DEIR, p. ES-9.

<sup>3</sup> DEIR, p. ES-10.

<sup>4</sup> California Independent System Operator Corporation. 2015 Jan 6. Suncrest Reactive Power Project, Project Sponsor Selection Report. p. 1.

<sup>5</sup> *Ibid*.

<sup>6</sup> *Ibid*, p. 46.

<sup>7</sup> California Public Utilities Commission. 2016 Jan 26. 2015 Annual Report. Cover letter to Honorable Edmund G. Brown Jr., Governor of the State of California, and distinguished members of the California State Legislature. Available at: [http://www.cpuc.ca.gov/uploadedFiles/CPUC\\_Public\\_Website/Content/About\\_Us/Annual\\_Reports/2015%20CPUC%20Performance%20and%20Accountability%20Annual%20Report\\_v004.pdf](http://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/About_Us/Annual_Reports/2015%20CPUC%20Performance%20and%20Accountability%20Annual%20Report_v004.pdf).

<sup>8</sup> *Ibid*.

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)



Project alternative that would avoid virtually all environmental impacts (i.e., the Suncrest Substation Alternative), approval of the proposed Project is not justified.

### PROJECT DESCRIPTION

#### Night Lighting

The proposed Project includes night lighting that would cause ecological light pollution.<sup>9</sup> Ecological light pollution has demonstrable effects on the behavioral and population ecology of organisms, with serious implications on community ecology.<sup>10</sup>

The DEIR indicates lighting at the Project site “shall be the lowest illumination allowed for human safety and security, selectively placed, shielded, and directed downward to the maximum extent practicable.”<sup>11</sup> It further indicates: “lighting at the SVC facility would conform to National Electric Safety Code (NESC) requirements and applicable San Diego County outdoor lighting codes. NESC recommends illuminating substation facilities to a *minimum* of 22 lux or 2 foot-candles.”<sup>12</sup> This information is insufficient to evaluate impacts on wildlife due to the Project’s night lighting.

Impacts on wildlife due to night lighting are dependent on the illumination (light incident per unit area), intensity (the number of photons per unit area), and spectral content (expressed by wavelength). Thus, to enable an evaluation of Project impacts, NEET West must identify: (a) the height and abundance of the lights; (b) the types of lights that will be installed; (c) the *maximum* luminosity of the bulbs; and (d) the location and orientation of light fixtures that would be installed at the Project site.

### EXISTING CONDITIONS

#### The DEIR Fails to Provide the Environmental Context

The DEIR fails to provide the context needed to establish the environmental setting. For example, the DEIR does not discuss: (a) the relative rarity, (b) population status (i.e., increasing, decreasing, or stable), or (c) primary threats associated with each special-status species that occurs, or could occur, in the Project area. This precludes the public and decision makers from understanding the relative severity of Project impacts to each sensitive biological resource that could be affected by the Project.

For example, data indicate the golden eagle population in San Diego County has experienced a precipitous decline, primarily due to the loss of foraging habitat.<sup>13</sup> Less

<sup>9</sup> DEIR, p. 2-16.

<sup>10</sup> *Ibid.*

<sup>11</sup> DEIR, p. 7-47.

<sup>12</sup> DEIR, p. 2-16. [emphasis added].

<sup>13</sup> Unitt PA. 2004. San Diego County Bird Atlas. Proceedings of the San Diego Society of Natural History, No. 39.

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

- A-116  
Cont. ↑
- than 50 pairs remain within the County, and by 2030 the population is predicted to drop to 25 pairs.<sup>14</sup> Consequently, each additional pair (territory) that is eliminated from the County has significant implications on conservation of the species. This information (i.e., the context) enables the reader to understand that any adverse impacts on golden eagles due to the Project could be relatively severe.
- Vegetation Communities**
- A-117 ↓
- The DEIR classifies 1.7 acres of the Project site as “ruderal” vegetation.<sup>15</sup> As described below, the DEIR fails to provide substantial evidence justifying that classification.
- First, biological resource mapping requirements imposed by the County of San Diego state: “[a]ll Biological Resource maps and studies must use the latest San Diego Regional Holland code classification system for vegetation communities.”<sup>16</sup> NEET West’s biological resources consultant, SWCA Environmental Consultants (“SWCA”), claims to have used that classification system, in conjunction with the *Manual of California Vegetation* (Sawyer et al. 2009) to classify vegetation at the Project site.<sup>17</sup> However, neither the San Diego Regional Holland code classification system, nor the Manual of California Vegetation, recognizes “ruderal” as a vegetation type.<sup>18</sup> This is important because mitigation requirements established in San Diego County’s *Biological Mitigation Ordinance* are dependent on proper classification of the vegetation community—as defined under the San Diego Regional Holland code classification system.<sup>19</sup> Consequently, circumventing the classification system by classifying a portion of the Project site as “ruderal” precludes the ability to determine compliance with the *Biological Mitigation Ordinance*.
- A-118 ↓
- Second, the DEIR fails to properly characterize the plant community within the “ruderal” portion of the Project site. It simply states:
- The northwest portion of the SVC site contains bare ground and ruderal vegetation in areas cleared and/or graded by the property owner. This habitat is dominated by species which can quickly colonize disturbed

<sup>14</sup> *Ibid.*

<sup>15</sup> DEIR, Figure 7-1 and Table 7-1.

<sup>16</sup> County of San Diego, Department of Planning and Land Use. 2002. Biological Resource Mapping Requirements. p. 2.

<sup>17</sup> PEA, Appendix D: Biological Resources Technical Report, Table 1, footnote “\*\*\*\*” states: “[v]egetation types follow the California Manual of Vegetation (Sawyer, Keeler-Wolf, and Evens 2009) as modified for San Diego County (Evens and San 2005, AECOM et al. 2011).” The sources cited for the County’s classification system are incorrect: Evens and San (2005) is a report on the vegetation alliances of the San Dieguito River Park region, and AECOM et al. (2011) is limited to Western San Diego County.

<sup>18</sup> Oberbauer T, M Kelly, J Buegge. March 2008. Draft Vegetation Communities of San Diego County. Based on “Preliminary Descriptions of the Terrestrial Natural Communities of California”, Robert F. Holland, Ph.D., October 1986. *See also* Sawyer JO, T Keeler-Wolf, JM Evens. 2009. A Manual of California Vegetation. Second edition. California Native Plant Society, Sacramento. 1300 pp.

<sup>19</sup> San Diego County Code, Title 8, Division 6, Chapter 5. Ordinance No. 10039 (N.S.).

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

A-118  
Cont.

areas. The majority of the species in these areas are non-native, but some native species are also present.<sup>20</sup>

The DEIR fails to identify the specific plant species that are present within the “ruderal” portion of the Project site, the relative abundances of those species, and their cover values. As a result, the vague description provided in the DEIR is insufficient evidence that 1.7 acres of the site should be considered ruderal.

A-119

Third, the DIER inappropriately defined the environmental baseline as the conditions that were present shortly after the property owner cleared and/or graded the site.<sup>21</sup> Biological resource mapping requirements imposed by the County of San Diego state:

Areas legally graded or cleared in preparation for the proposed project shall also be mapped as the habitat that existed prior to the clearing unless previous environmental review was conducted and appropriate mitigation applied. The reason for this is that the California Environmental Quality Act requires the County to assess the “whole of the proposed project” which includes activities completed preparation for the project. Examples include geotechnical testing, well drilling/testing, surveying, and recent (less than 5 years prior to project application) clearing or grading (including agricultural clearing or grading) completed without a clear documented purpose. Historical evidence, such as aerial photography or the County’s vegetation mapping information, must be used to determine the habitat that once existed.<sup>22</sup>

The property owner cleared the site sometime between December 22, 2014, and April 14, 2015 (Figures 1 and 2). The property owner then installed a dirt road and large water tank sometime between April 14, 2015, and March 22, 2016 (Figures 2 and 3). Although the Proponent’s Environmental Assessment (“PEA”) suggests the water tank was installed for SDG&E’s restoration efforts, that information appears inconsistent with the timing of SDG&E’s restoration program (which was deemed complete in March 2016).<sup>23</sup> As reported in the PEA, the tank will provide an on-site water source for the water needed during Project construction in the event that reclaimed water sources are unavailable.<sup>24</sup> Furthermore, although the PEA claims the “ruderal” portion of the Project site has been subject to repeated disturbance over the past two decades,<sup>25</sup> that claim is inconsistent with time-lapse imagery available through Google Earth. Nevertheless, the amount of land that was cleared and graded by the property owner far exceeds the amount of land that would be needed to install a water tank for SDG&E’s restoration efforts. Thus, existing evidence strongly supports the inference that grading and clearing were conducted in preparation for the proposed Project and not for some other purpose

<sup>20</sup> DEIR, p. 7-9.

<sup>21</sup> *Ibid.*

<sup>22</sup> County of San Diego, Department of Planning and Land Use. 2002. Biological Resource Mapping Requirements. p. 3.

<sup>23</sup> DEIR, p. 2-5.

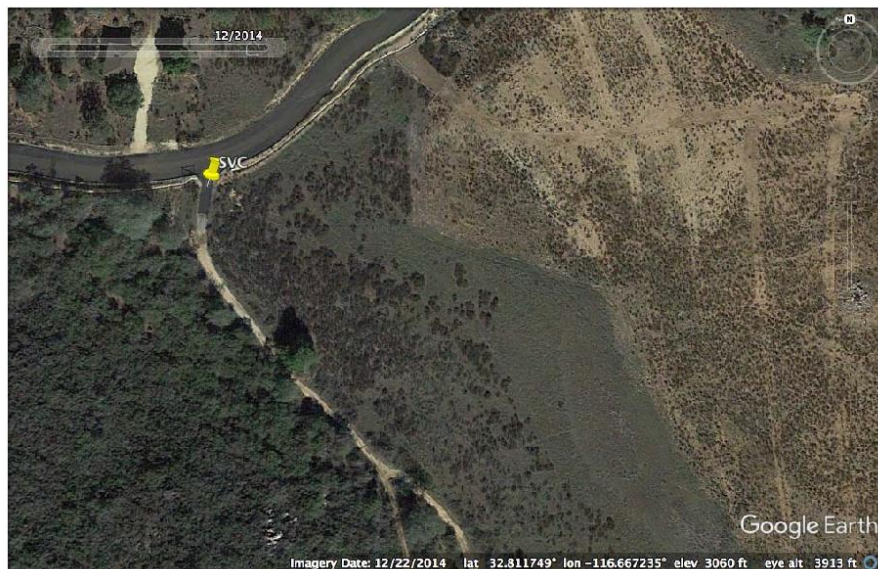
<sup>24</sup> PEA, p. 4.15-10.

<sup>25</sup> PEA, Appendix D: Biological Resources Technical Report, Table 1, footnote “\*\*\*\*”.

**Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of  
California Unions for Renewable Energy (January 11, 2017)**

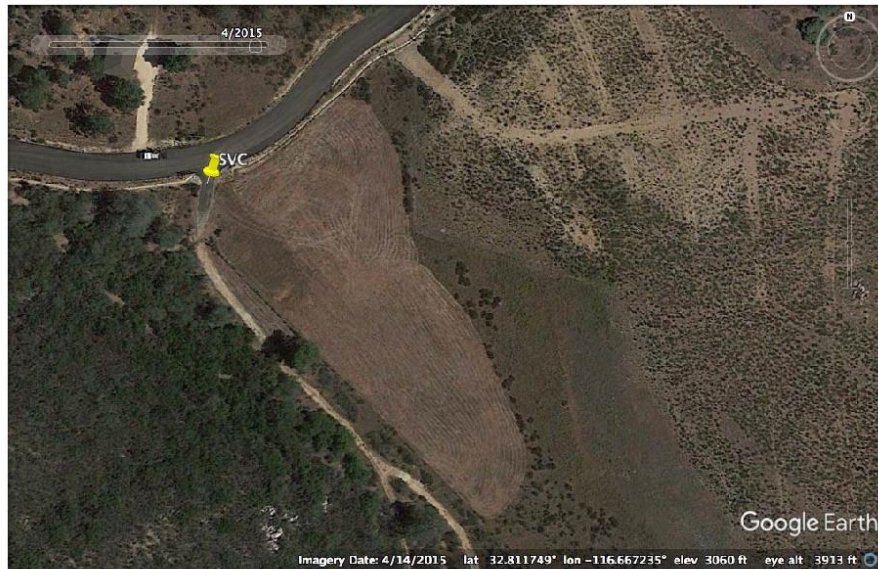
(e.g., as part of the property owner's routine maintenance of the property). As a result, the environmental baseline for the "ruderal" portion of the Project site needs to be revised to reflect the conditions present when the property owner cleared the site.

A-119  
Cont.

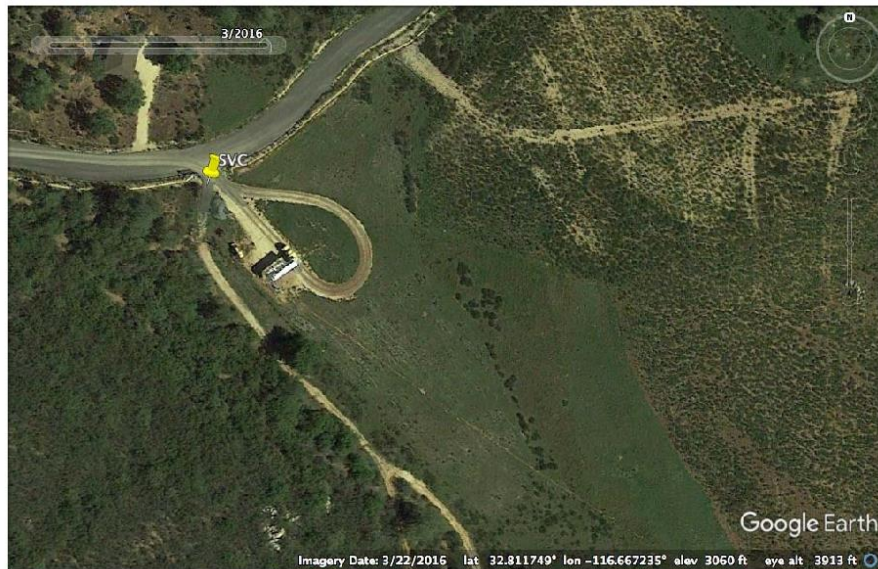


**Figure 1.** Site conditions at proposed SVC site on 22 December 2014.



**Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of  
California Unions for Renewable Energy (January 11, 2017)**A-119  
Cont.

**Figure 2.** Site conditions at proposed SVC site on 14 April 2015. Site has been cleared.



**Figure 3.** Site conditions at proposed SVC site on 22 March 2016. Road and water tank have been installed.

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

### Special-Status Plants

- A-120 The Biological Resources Technical Report (“BRTR”) that was prepared for the Project fails to establish the qualifications of the SWCA biologists that inventoried plant species at the Project site. However, the *Floral Compendium* provided in the BRTR provides evidence that the biologists lacked proper qualifications, and that they were not familiar with the plants that occur in eastern San Diego County.
- A-121 Contrary to survey guidance issued by the California Department of Fish and Wildlife (“CDFW”), the SWCA biologists did not identify all plant taxa at the Project site to the taxonomic level necessary to determine rarity and listing status. For example, SWCA did not identify the specific species within the following genera detected at the Project site: (1) *Amsinckia*, (2) *Crytantha*, (3) *Cuscuta*, and (4) *Ribes*.<sup>26</sup> Each of these genera contains special-status species known to occur in San Diego County.<sup>27</sup> SWCA’s failure to identify plants to the appropriate taxonomic level precludes a thorough understanding of the environmental settings, and consequently, the potential for significant impacts to sensitive botanical resources.
- A-122 The *Floral Compendium* lists *Galium trifidum* var. *pacificum* as one of the species present at the Project site.<sup>28</sup> No such species exists.<sup>29</sup> *G. trifidum* (i.e., without the “i”) is a recognized species. However, that species does not have varieties, nor does it occur in San Diego County.<sup>30</sup>
- A-123 The *Floral Compendium* lists *Delphinium hesperium* ssp. *hesperium* as one of the species present at the Project site.<sup>31</sup> That *hesperium* subspecies does not occur south of Monterey County.<sup>32</sup> Indeed, the only subspecies that occurs in San Diego County is *D. hesperium* ssp. *cuyamaca*, which is officially listed as Rare by the State of California.<sup>33</sup> The potential presence of *Delphinium hesperium* ssp. *cuyamaca* at the Project site is important because rare plants are afforded protection under the Native Plant Protection Act (“NPPA”). This has implications on the mitigation proposed in the DEIR because the NPPA prohibits take of rare plants without prior authorization from the CDFW.

<sup>26</sup> PEA, Appendix D: Biological Resources Technical Report, Appendix A.

<sup>27</sup> Reberman JP, MG Simpson. 2014. Checklist of the Vascular Plants of San Diego County, 5<sup>th</sup> ed. San Diego Natural History Museum, San Diego (CA). Available at: <[www.sdnhm.org/download\\_file/view/3382/582/582/](http://www.sdnhm.org/download_file/view/3382/582/582/)>.

<sup>28</sup> PEA, Appendix D: Biological Resources Technical Report, Appendix A, p. A-3.

<sup>29</sup> Jepson Flora Project (eds.). 2016. Jepson eFlora. Available at: <<http://ucjeps.berkeley.edu/IJM.html>>. [accessed on 14 Dec 2016]. See also Reberman JP, MG Simpson. 2014. Checklist of the Vascular Plants of San Diego County, 5<sup>th</sup> ed. San Diego Natural History Museum, San Diego (CA). Available at: <[www.sdnhm.org/download\\_file/view/3382/582/582/](http://www.sdnhm.org/download_file/view/3382/582/582/)>.

<sup>30</sup> *Ibid.*

<sup>31</sup> PEA, Appendix D: Biological Resources Technical Report, Appendix A, p. A-3.

<sup>32</sup> Data provided by the participants of the Consortium of California Herbaria. 2016. Available at: <<http://ucjeps.berkeley.edu/consortium/>>. [accessed on 14 Dec 2016].

<sup>33</sup> *Ibid.*



## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

A-124 **Hermes Copper Butterfly**

The DEIR indicates the proposed Project site does not contain suitable habitat for the Hermes copper butterfly because the site does not have spiny red berry shrubs (the host plant) within 15 feet of California buckwheat (the preferred nectar source).<sup>34</sup> The DEIR fails to cite any scientific evidence to substantiate the statement that suitable habitat for the species is limited to sites where spiny red berry shrubs are within 15 feet of California buckwheat. Furthermore, the DEIR's statement that the Project site lacks suitable habitat is inconsistent with the PEA, which states the proposed Project site provides suitable habitat, and that the species has moderate potential to occur at the Project site.<sup>35</sup>

A-125 **Dulzura Pocket Mouse and Northwestern San Diego Pocket Mouse**

The Dulzura pocket mouse and northwestern San Diego pocket mouse are California Species of Special Concern. Both species have the potential to occur at the Project site.<sup>36</sup> Nevertheless, SWCA did not conduct the surveys needed to determine whether either species is present at the Project site.

Detection of small mammals usually requires trapping surveys. Trapping surveys were not conducted at the Project site. This makes it impossible for the CPUC to determine whether the pocket mouse species are in fact present at the Project site, and it makes it impossible for the public and decision makers to understand the Project's environmental setting, potential impacts, and adequacy of the CPUC's proposed mitigation measures with regard to these species.

A-126 **Special-Status Bats**

Several special-status bat species have the potential to occur in the Project area.<sup>37</sup> I concur with the DEIR's conclusion that bats are unlikely to roost within the Project footprint. However, bat roosts may be present in the trees and rock outcrops immediately adjacent to the footprint (Figure 4). SWCA did not make any attempt to determine whether bat roosts are present in these areas, which will be subject to noise, vibration, and other disturbance activities associated with the proposed Project.

Bats are relatively long-lived and have low reproductive rates compared to many other mammals. In addition, most bat species are extremely susceptible to noise and other types of anthropogenic disturbance.<sup>38</sup> This makes them vulnerable to mass displacement. Maternity colonies and hibernating bats are especially susceptible to disturbance. One poorly timed disturbance event can cause complete abandonment of the maternity colony, resulting in mass mortality of the pups. These traits may seriously limit a bat species'

<sup>34</sup> DEIR, p. 7-34.

<sup>35</sup> PEA, Appendix D: Biological Resources Technical Report, p. 43.

<sup>36</sup> DEIR, Table 7-2.

<sup>37</sup> DEIR, Table 7-2.

<sup>38</sup> Western Bat Working Group. 2005 [update]. Species Accounts. Available at: <<http://www.wbwg.org>>.

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

A-126  
Cont.

ability to recover from persistent disturbance or fatality events.<sup>39</sup>

Because SWCA did not conduct focused surveys for bat roosts within areas that will be subject to disturbance (e.g., due to construction noise), it impossible for the public and decision makers to understand the Project's environmental setting, potential impacts, and the adequacy of the CPUC's proposed mitigation measures.



**Figure 4.** Rock outcrop immediately adjacent to Project footprint (Bell Bluff Truck Trail) where trenching and blasting would occur.

### IMPACTS

#### Special-Status Plants

Felt-leaved monardella, a special-status species, occurs immediately adjacent to the proposed Project site.<sup>40</sup> Several additional special-status plant species have the potential to occur within, or immediately adjacent to, the Project site.<sup>41</sup> The DEIR fails to provide any analysis of, or mitigation for, potentially significant *indirect* impacts to special-status plants. As a result, the DEIR lacks substantial evidence supporting its finding that Project impacts on special-status plants would be less than significant.

<sup>39</sup> *Ibid.*

<sup>40</sup> DEIR, p. 7-40.

<sup>41</sup> *Ibid.*

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

### Special-Status Mammals and Reptiles

A-128

The DEIR acknowledges the Project could adversely affect several special-status mammals and reptiles through effects on their habitat (among other adverse effects).<sup>42</sup> The CPUC has concluded those effects are potentially significant.<sup>43</sup> The DEIR then lists several proposed mitigation measures, which according to the DEIR, would reduce impacts to special-status mammals and reptiles to a less than significant level.<sup>44</sup> That conclusion is not supported by substantial evidence because the mitigation measures listed in the DEIR do not mitigate the residual effects of the Project on habitat (i.e., habitat loss, fragmentation, and degradation). As a result, the Project would continue to have a potentially significant, unmitigated impact on several special-status mammals and reptiles.

### Hermes Copper Butterfly

A-129

Suitable habitat for the Hermes copper butterfly is present in the vicinity of the proposed Project site. However, no suitable habitat was mapped within the Project footprint during the surveys conducted by SWCA.<sup>45</sup>

The DEIR's analysis of impacts to the Hermes copper butterfly is limited to the following statements:

Suitable habitat for Hermes copper butterfly may develop within the project footprint prior to construction. If this occurs, the Proposed Project could have a substantial adverse effect on the species. This would be a significant impact.<sup>46</sup>

The DEIR fails to provide any analysis of the extent of the admittedly potentially significant impacts, and fails to include any analysis of the potentially significant *indirect* impacts to the Hermes copper butterfly and its habitat.

Potentially significant indirect impact that the Project may have on the Hermes copper butterfly include vehicle strikes, application of herbicides, and Project activities that indirectly alter vegetation in the Project area.

Mortalities of Hermes copper butterflies due to strikes by vehicles associated with the Project could be significant to populations existing near roadways (i.e., the Bell Bluff Truck Trail). The threat of road mortalities to populations of various butterfly species has been confirmed in several studies (Ries and Debinski 2001, Ries et al. 2001, Rao and

<sup>42</sup> DEIR, p. 7-45.

<sup>43</sup> *Ibid.*

<sup>44</sup> *Ibid.*

<sup>45</sup> DEIR, p. 7-44.

<sup>46</sup> *Ibid.*

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

A-129  
Cont.

Girish 2007, Severns 2008).<sup>47</sup>

Vehicles are one of the primary vectors in the spread of invasive plants. For example, driving a truck along an infested road can pick up seeds and carry them to the worksite. In addition, Weiss (1999) demonstrated that pollution from vehicles can increase deposition of nitrogen compounds into the soil, which facilitate the spread of non-native plants that outcompete native plants essential to butterfly populations.<sup>48</sup> Field studies have documented population crashes and extirpations in several butterfly species as a direct result of butterfly-host (plant) asynchrony.<sup>49</sup>

The DEIR fails to incorporate mitigation for potentially significant indirect impacts to the Hermes copper butterfly and its habitat. As a result, the DEIR has not provided substantial evidence supporting the CPUC's conclusion that impacts to the species would be less than significant.<sup>50</sup>

### **The DEIR Fails to Analyze Potentially Significant Impacts to Wildlife Due to Noise and Vibration**

A-130

The DEIR fails to disclose and thoroughly analyze the numerous adverse effects that noise and vibration can have on wildlife. Animals rely on hearing to avoid predators, obtain food, and communicate.<sup>51</sup> Noise and vibration have the potential to disrupt these activities, and otherwise reduce fitness through injury (e.g., hearing loss), energy loss (from movement away from noise source), reduction in food intake, and habitat avoidance and abandonment.<sup>52</sup> Given this knowledge, almost all animal species in the vicinity of the Project site may be adversely affected by the noise and vibrations generated by the Project.

A-131

### Construction Noise

The DEIR's analysis of construction noise is limited to the statement that "[c]onstruction of the proposed Project could disturb nesting birds by generating noise."<sup>53</sup> The DEIR

<sup>47</sup> See page 16 in: U.S. Fish and Wildlife Service. 2009. Callippe Silverspot Butterfly (*Speyeria callippe callippe*), 5-Year Review: Summary and Evaluation. U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office. Sacramento, California. 29 pp.

<sup>48</sup> *Ibid*, p. 17.

<sup>49</sup> See page 15 in: U.S. Fish and Wildlife Service. 2009. Quino Checkerspot Butterfly (*Euphydryas editha quino*), 5-Year Review: Summary and Evaluation.

<sup>50</sup> DEIR, p. 7-44.

<sup>51</sup> Francis CD, JR Barber. 2013. A framework for understanding noise impacts on wildlife: an urgent conservation priority. *Frontiers in Ecology and the Environment* 11:305-313. See also Rabin LA, B McCowan, SL Hooper, DH Owings. 2003. Anthropogenic Noise and its effect on Animal Communication: An Interface Between Comparative Psychology and Conservation Biology. *International Journal of Comparative Psychology* Vol. 16(2/3):172-193.

<sup>52</sup> National Park Service, 1994. Report to Congress, Report on effects of aircraft overflights on the National Park System.

<sup>53</sup> DEIR, p. 7-43.

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

A-131  
Cont.

fails to provide any analysis of construction noise on other wildlife taxa (e.g., the special-status reptiles and mammals that occur in the Project area). Moreover, adverse effects of noise on birds are not limited to those that are “nesting.” Ortega (2012) identified nine ways in which noise pollution affects birds.<sup>54</sup> They are: (1) physical damage to ears; (2) stress responses; (3) fright-flight responses; (4) avoidance responses; (5) changes in other behavioral responses, such as foraging; (6) changes in reproductive success; (7) changes in vocal communication; (8) interference with the ability to hear predators and other important sounds; and (9) potential changes in populations.

Construction of the proposed Project entails use of a rock drill, which would generate a noise level of 98 dBA at a distance of 50 feet.<sup>55</sup> This level is high enough to significantly impact wildlife. For example, Bondello et al. (1979) reported that Mojave fringe-toed lizards experience hearing loss when exposed to 95-dB dune buggy sounds, even when the lizards were buried beneath shallow layers of sand.<sup>56</sup>

### Operational Noise

A-132

The DEIR’s analysis of operational noise is limited to the statement that “operation of the proposed Project is not anticipated to greatly increase noise compared to current conditions at the site.”<sup>57</sup> This statement is inconsistent with data provided in the DEIR. According to the DEIR, the baseline Leq and CNEL noise levels at the site proposed for the SVC were 49.8 dBA and 52.1 dBA, respectively.<sup>58</sup> The noise level would increase to approximately 90 dB during operation of the SVC.<sup>59</sup> Because the decibel (dB) is a logarithmic unit, an increase of 10 dB represents a doubling of loudness. Therefore, the proposed Project would generate noise that is approximately 16 times louder than existing conditions. As a frame of reference, a noise level of 90 dB is equivalent to a road with approximately 50,000 cars per day.<sup>60</sup>

<sup>54</sup> Ortega CP. 2012. Effects of Noise Pollution on Birds: A Brief Review of Our Knowledge. Ornithological Monographs 74:6-22.

<sup>55</sup> DEIR, p. 15-10.

<sup>56</sup> Bondello MC, AC Huntley, HB Cohen, BH Brattstrom. 1979. The effects of dune buggy sounds on the telencephalic auditory evoked response in the Mojave fringe-toed lizard, *Uma scoparia*. Pages 58-89 in MC Bondello and BH Brattstrom, eds. The experimental effects of off-road vehicle sounds on three species of desert vertebrates. U.S. Dept. Inter., Bur. Land Manage., Washington, DC.

<sup>57</sup> DEIR, p. 7-44.

<sup>58</sup> DEIR, p. 15-7.

<sup>59</sup> DEIR, p. 15-12. The sound pressure level from two equal sources is 3 dB greater than the sound pressure level of just one source. Therefore, the transformer and HVAC unit would combine to produce 90 dB. See DEIR, Appendix J.

<sup>60</sup> Bayne EM, BC Dale. 2011. Effects of Energy Development on Songbirds. Chapter 6 in: Energy Development and Wildlife Conservation in Western North America. DE Naugle (ed). Island Press, Washington, D.C. pp. 95-114.

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

A-132  
Cont.

Noise generated during operation of the Project (90 dB) far exceeds levels that have been shown to have adverse effects on wildlife.<sup>61</sup> Consequently, noise generated by operation of the Project will undoubtedly have adverse effects on wildlife. The distances over which these effects occur depend on the species, but could extend more than 3 km (1.9 mi).<sup>62</sup>

### Impacts to Golden Eagles

Golden eagles have historically nested approximately one mile away from the proposed Project site.<sup>63</sup> According to the DEIR:

At this distance [1 mile], construction of the Proposed Project is not anticipated to substantially affect nesting golden eagles through blasting noise. However, if nesting golden eagles were to occur within 500 feet of the construction footprint, and blasting was to be used during construction, nest abandonment might occur. This would be a significant impact.<sup>64</sup>

The DEIR fails to provide any scientific evidence to support these conclusions.

A-133

Construction of the Project will generate noise and other types of disturbance through ground clearing, grading, excavation, and blasting. This construction noise will be audible at long distances, and it has the potential to significantly impact golden eagle and other raptor nest sites. Disturbance of nesting raptors can result in complete desertion of nests, eggs, or young. Furthermore, temporary departure by adults can cause overheating, chilling, or desiccation of eggs or young, predation on eggs or young, or missed feedings. Studies have found that a considerable amount (46% to 85%) of golden eagle nesting failures were due to human disturbance.<sup>65</sup> Nesting failure (e.g., due to nest abandonment) constitutes “take” under the Bald and Golden Eagle Protection Act (“Eagle Act”).<sup>66</sup>

To avoid “take” of golden eagles, the United States Fish and Wildlife Service (“USFWS”) recommends avoidance of blasting and other activities that produce extremely loud noise within two miles of active eagle nests.<sup>67</sup> Because the proposed Project would not adhere to USFWS recommendations, and because the DEIR fails to

<sup>61</sup> Kaseloo PA, KO Tyson. 2004. Synthesis of Noise Effects on Wildlife Populations. US Department of Transportation, Federal Highway Administration. Publication No. FHWA-HEP-06-016. Available at: <[https://www.fhwa.dot.gov/environment/noise/noise\\_effect\\_on\\_wildlife/effects/effects.pdf](https://www.fhwa.dot.gov/environment/noise/noise_effect_on_wildlife/effects/effects.pdf)>.

<sup>62</sup> *Ibid.*

<sup>63</sup> DEIR, p. 7-44.

<sup>64</sup> DEIR, p. 7-44.

<sup>65</sup> Suter GW III, JL Joness. 1981. Criteria for Golden Eagle, Ferruginous Hawk and Prairie Falcon Nest Site Protection. Raptor Research 15(1):12-18.

<sup>66</sup> Pagel JE, DM Whittington, GT Allen. 2010 Feb. Interim Golden Eagle inventory and monitoring protocols; and other recommendations. Division of Migratory Birds, United States Fish and Wildlife Service.

<sup>67</sup> Legal Protections for the Golden Eagle. 24 Jun 2015 email communication to Scott Cashen from Heather Beeler, Eagle Permit Coordinator, USFWS.

**Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of  
California Unions for Renewable Energy (January 11, 2017)**A-133  
Cont. 

provide any evidence that a 500-foot buffer would be sufficient to avoid impacts to nesting eagles, the Project could have a significant, unmitigated impact on golden eagles.

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

A-134 **The DEIR Fails to Disclose and Analyze the Adverse Effects of Soil Stabilizers**

NEET West proposes the use of “non-toxic” soil stabilizers (also known as soil binders, dust suppressants, or dust palliatives) to control fugitive dust at the Project site.<sup>68</sup> Most soil stabilizers, including varieties that are “non-toxic” to humans, can have adverse effects on the environment.<sup>69</sup> Because the DEIR and PEA fail to identify the specific type of soil stabilizer that would be used at the Project site, it is impossible to evaluate the potentially significant adverse effects associated with the use of soil stabilizers at the Project site.

### **Cumulative Impacts**

#### Geographic Scope

A-135 The DEIR fails to clearly define the geographic scope of the CPUC’s cumulative impacts analysis. Specifically, the DEIR defines the geographic scope as: “[w]etlands and other waters, riparian habitat, sensitive natural communities, and other habitats within the Project vicinity that might support special-status species.”<sup>70</sup> This description is too vague to enable an independent assessment of cumulative impacts. In particular, because the DEIR fails to provide a precise description of the CPUC’s geographic scope of analysis, it is impossible to evaluate how many acres of habitat are within that geographic scope, and similarly, how many acres of habitat have been, or will be, impacted by past, present, and future projects. Consequently, the CPUC needs to quantify: (a) the geographic scope, (b) the total amount of each habitat type within the geographic scope, and (c) the total amount of each habitat type affected by cumulative impacts within that scope. Because the DEIR fails to provide this information, the CPUC has not provided substantial evidence to support its conclusion that the Project’s incremental contribution to cumulative effects would not be cumulatively considerable.

#### Analysis

A-136 Although the DEIR indicates the Project, in conjunction with other projects, *could* result in significant cumulative impacts to biological resources, it fails to provide any real or quantitative analysis of those cumulative impacts.<sup>71</sup> Instead, it simply jumps to the conclusion that all other projects would mitigate their contributions to biological resources impacts and thereby reduce cumulative impacts.<sup>72</sup> Specifically, the DEIR states:

<sup>68</sup> DEIR, p. 2-27.

<sup>69</sup> US Army Corps of Engineers. 2007. Environmental Evaluation of Dust Stabilizer Products. Vicksburg, Miss: US Army Corps of Engineers, Engineer Research and Development Center, Environmental Laboratory. 58 pp.

<sup>70</sup> DEIR, Table 21-2.

<sup>71</sup> DEIR, p. 21-8.

<sup>72</sup> DEIR, p. 21-11.



## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

- A-136  
Cont. ↑  
Through BMPs, mitigation measures contained in this EIR as well as other CEQA documents for nearby projects, and compliance with permit conditions, projects in the region would mitigate their contributions to biological resources impacts and thereby reduce cumulative impacts.<sup>73</sup>
- A-137 ↑  
There are four fundamental flaws with the DEIR's analysis:
- A-138 ↑  
First, the DEIR concludes all other projects would reduce cumulative impacts. However, the DEIR fails to identify whether there still would be significant cumulative impacts to sensitive biological resources despite efforts to *reduce* them. That is, the DEIR fails to provide a determination on the significance of cumulative impacts.
- A-139 ↑  
Second, all but one of the projects (i.e., the "Caltrans Drainage Improvements" Project) contemplated in the DEIR are (or were) subject to NEPA—not CEQA. This is a fundamental flaw in the DEIR's analysis because the DEIR points to CEQA as evidence that the other projects would mitigate their impacts to biological resources. Unlike CEQA, NEPA regulations do not automatically require the lead agency to impose mitigation measures for an environmental impact. As a result, the CPUC's conclusion that the other projects contemplated in its analysis would mitigate their contributions to biological resources impacts is speculative and not supported by evidence.
- A-140 ↑  
Third, it is improperly speculative to assume that future projects will provide sufficient mitigation to ensure that there will be no cumulative impacts. Similarly, just because a past project mitigated impacts, and the lead agency concluded residual impacts were less than significant, does not mean that no impacts whatsoever arose from the project. The point of cumulative impact analysis is to determine whether impacts from various past and future projects that may have been individually deemed less than significant are, in fact, significant when looked at as a whole.
- A-140 ↑  
Fourth, the provision of mitigation for impacts to biological resources does not guarantee a less than significant project-level or cumulative impact. Indeed, several studies have demonstrated that most mitigation projects fail from a functional perspective, or are never implemented.<sup>74</sup> NEET West's proposal to impact mitigation land (i.e., the Lightner Mitigation Site)—which is supposed to be protected in perpetuity—exemplifies why the CPUC cannot point to mitigation measures incorporated into other CEQA documents as evidence that cumulative impacts would be insignificant.

<sup>73</sup> DEIR, p. 21-11.

<sup>74</sup> Fiedler PL. 1991. Mitigation-related transplantation, relocation and reintroduction projects involving endangered and threatened, and rare plant species in California. Final Report. Available at: [nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=3173](http://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=3173). See also Ambrose RF. 2000. Wetland Mitigation in the United States: Assessing the Success of Mitigation Policies. Wetlands (Australia), 19:1-27. See also United States General Accounting Office. 2001. Endangered Species Act: Fee-Based Mitigation Arrangements. GAO-01-287R Endangered Species Act Mitigation. p. 3.

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

### Consistency with Local Laws, Regulations, and Policies

A-141

The DEIR provides a discussion of local laws, regulations, and policies, because “they may inform the analysis and allow for full disclosure of potential impacts.”<sup>75</sup> However, the DEIR fails to discuss San Diego County’s Biological Mitigation Ordinance (“BMO”). Although the PEA briefly mentions the BMO, it incorrectly suggests the BMO applies only to the Multiple Species Conservation Program (“MSCP”), and that: “[c]ompliance with the BMO allows the County to issue Incidental Take Permits for projects that impact sensitive habitats.”<sup>76</sup> The purpose of the BMO is twofold: (1) to enable the County of San Diego to achieve the conservation goals set forth in the MSCP, and (2) to comply with CEQA.<sup>77</sup> Thus, the mitigation requirements established in the BMO apply not only to projects seeking coverage under the MSCP, but to all projects requiring a discretionary permit subject to CEQA.<sup>78</sup>

The proposed Project is not consistent with the provisions of the BMO. Most notably: (a) the proposed Project does not incorporate mitigation for impacts to all Tier I through Tier III vegetation communities, as established in the BMO, and (b) the proposed Project is not consistent with the Project Design Criteria established in the BMO.<sup>79</sup>

A-142

In addition to failing to discuss the BMO, the DEIR fails to discuss the Project’s consistency with the Planning Agreement for the East County MSCP Plan (“Planning Agreement”).<sup>80</sup> Whereas the CPUC is not a signatory on the Planning Agreement, the Project is located in a Focused Conservation Area, and construction of the Project may have implications on the East County MSCP conservation strategy.<sup>81</sup>

### MITIGATION

A-143

In order for CEQA mitigation measures to be effective, they must be specific, enforceable, and feasible actions that will improve environmental conditions. As described further in the subsequent sections, most of the mitigation measures proposed in the DEIR lack one or more of these components. Specifically, for most mitigation measures, the DEIR fails to establish one or more of the following: (a) the specific mitigation measures that would be implemented; (b) performance standards (or success

<sup>75</sup> *Ibid.*

<sup>76</sup> PEA, p. 4.4-11.

<sup>77</sup> San Diego County Code, Title 8, Division 6, Chapter 5. Ordinance No. 10039 (N.S.), Sec. 86.501.

<sup>78</sup> *Ibid.* Sec. 86.501 and Sec. 86.502. *See also* County of San Diego, Department of Planning and Land Use, Land Use and Environment Group. 2010. Guidelines for Determining Significance for Biological Resources. Table 5.

<sup>79</sup> *Ibid.* Sec. 86.505 and Sec. 86.506.

<sup>80</sup> County of San Diego, California Department of Fish and Wildlife, and US Fish and Wildlife Service. 2014 [revised and amended]. Planning Agreement regarding the North and East County Multiple Species Conservation Program Plans: Natural Community Conservation Program Plans and Habitat Conservation Plans. Available at: <<http://www.sandiegocounty.gov/content/dam/sdc/pds/ceqa/Soitec-Documents/Final-EIR-Files/references/2014-05-12-Planning-Agreement-btw-County-USFWS-CDFW.pdf>>.

<sup>81</sup> *See* DEIR, Appendix C: Scoping Report. Comment Letter #2, p. 3.

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

A-143 criteria) for the proposed mitigation measures, (c) a definitive enforcement mechanism that ensures performance standards are met; (d) the contingency or remedial action measures that would be triggered if success standards are not achieved; (e) the measures that would be implemented to ensure the long-term protection and management of sensitive biological resources at mitigation sites; and (f) the required monitoring program, including the monitoring techniques, effort, and frequency. Because the DEIR lacks these fundamental details, the CPUC has not ensured Project impacts to sensitive biological resources would be reduced to a less than significant level.

### Mitigation Measure BIO-4 (Compensation for Special-Status Plants)

A-144 The DEIR states: “[i]f avoidance of special-status plants is not feasible, NEET West shall implement measures to compensate for impacts on special-status plants.”<sup>82</sup> The DEIR fails to identify whether this includes avoidance of all activities that could indirectly affect special-status plants.

According to the DEIR:

A-145 Compensation may be provided by purchasing credits at an approved mitigation bank (provided at a minimum 1:1 ratio [mitigation to impact]), or through transplanting perennial species, collecting and dispersing seed of annual species, and other conservation strategies that shall restore and protect the viability of the local population.<sup>83</sup>

The DEIR fails to establish the process for determining the appropriate compensation ratio (i.e., when > 1:1 would be required). In addition, the DEIR fails to provide evidence that there are approved mitigation banks for impacts to felt-leaved monardella and the other special-status plant species that might be impacted by the Project.

A-146 Relocation, salvage, and transplantation are generally not accepted techniques for mitigating impacts to special-status plants.<sup>84</sup> Fiedler (1991) conducted a thorough review of mitigation-related transplantation, relocation and reintroduction attempts involving special-status plants in California.<sup>85</sup> Fiedler reported only 8 of the 53 (15%) attempts reviewed in her study should be considered fully successful.<sup>86</sup> Although Fiedler reported several causes for the failed attempts, the common result was that the plants died. Before making a conclusion on the ability to use transplantation as a technique to mitigate significant Project impacts, the CPUC must first provide evidence that potentially impacted plants can be transplanted and/or propagated successfully.

<sup>82</sup> DEIR, p. 7-42.

<sup>83</sup> *Ibid.*

<sup>84</sup> DEIR, Appendix C: Scoping Report. Comment Letter #2, p. 8. *See also* California Native Plant Society. 1992. Policy on Appropriate Application of *Ex Situ* Conservation Techniques. Available at: <[http://www.cnps.org/cnps/archive/ex\\_situ.php](http://www.cnps.org/cnps/archive/ex_situ.php)>.

<sup>85</sup> Fiedler PL. 1991. Mitigation-related transplantation, relocation and reintroduction projects involving endangered and threatened, and rare plant species in California. Final Report. Available at: <[nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=3173](http://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=3173)>.

<sup>86</sup> *Ibid.*

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

- A-147 According to SWCA's Biological Resources Technical Report ("BRTR"):  
 Plant establishment may be feasible for felt-leaved monardella because monardellas are normally easily propagated from seeds and other perennial monardella species have been successfully restored when they are restored to their native parent soil and carefully maintained in nurseries (Fiedler and Howald 1991; Schmidt 1980).<sup>87</sup>
- The sources cited in the BRTR do not support SWCA's statement that "other perennial monardella species have been successfully restored." Fiedler (erroneously cited as Fiedler and Howald in the BRTR) reviewed only one monardella species (*M. linoides* ssp. *viminea*).<sup>88</sup> Efforts to transplant that species were unsuccessful.<sup>89</sup> Schmidt (1980) provides a limited discussion of perennial monardella species, but no actual evidence that they are "easily propagated from seeds" and restored.
- A-148 According to the DEIR: "[t]he determination of success will be based on whether there has been a substantial reduction (> 20 percent) in the size or abundance of the population compared to baseline conditions."<sup>90</sup> The DEIR fails to justify why a 20% decline in the population should be considered "success." As a result, the proposed success criterion is not supported by evidence and appears to be arbitrary. Some of the special-status plants that could be impacted by the Project may already be at the minimum viable population size, meaning any impacts to the species would cause the population to drop below a sustainable level. In this case, impacts would be significant even after implementation of the CPUC's proposed mitigation.
- A-149 In addition to population size, the DEIR lists several variables that should be assessed during mitigation monitoring: vegetative density, natural recruitment, and plant health and vigor.<sup>91</sup> The DEIR fails to identify how these variables would relate to "success" of the mitigation efforts.
- A-150 The DEIR requires five years of monitoring of the compensatory mitigation site. However, the DEIR fails to establish a mechanism (e.g., conservation easement) that would ensure the mitigation site is protected in perpetuity after monitoring terminates. In addition, the DEIR fails to establish a funding mechanism (e.g., endowment) that ensures appropriate management of the mitigation site in perpetuity.<sup>92</sup>
- Due to the issues described above, the Project would have a potentially significant, unmitigated impact on special-status plants.

<sup>87</sup> PEA, Appendix D: Biological Resources Technical Report, p. 54.

<sup>88</sup> Fiedler PL. 1991. Mitigation-related transplantation, relocation and reintroduction projects involving endangered and threatened, and rare plant species in California. Final Report. pp. 47 and 48.

<sup>89</sup> *Ibid*, Table 4.

<sup>90</sup> DEIR, p. 7-42.

<sup>91</sup> *Ibid*.

<sup>92</sup> Department of the Interior, Office of Policy Analysis. 2015. Department Manual, Part 600 (Public Land Policy), Chapter 6 (Implementing Mitigation at the Landscape-scale).

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

### Mitigation Measure BIO-5 (Avoid Impacts on Nesting Birds)

Mitigation Measure BIO-5 states:

Whenever possible, NEET West or their contractor(s) shall avoid impacts on native nesting birds by not initiating Proposed Project activities that involve clearing vegetation, generating mechanical noise, or ground disturbance during the typical breeding season from February 1 to August 31.<sup>93</sup>

A-151

The DEIR does not discuss what the CPUC considers “whenever possible,” or the circumstances that would make it impossible to avoid construction activities during the breeding season. This renders the proposed mitigation measure relatively meaningless. The DEIR should be revised to incorporate USFWS guidelines for avoiding potential take of migratory birds. Those guidelines state:

If a proposed project or action includes the potential for take of migratory birds and/or the loss or degradation of migratory bird habitat and work cannot occur outside the migratory bird nesting season (either the primary or maximum nesting season), project proponents will need to provide the USFWS with an explanation for why work has to occur during the migratory bird nesting season. Further, in these cases, project proponents also need to demonstrate that all efforts to complete work outside the migratory bird nesting season were attempted, and that the reasons work needs to be completed during the nesting season were beyond the proponent’s control.<sup>94</sup>

### Mitigation Measure BIO-6 (Preconstruction Surveys for Birds)

A-152

Mitigation Measure BIO-6 requires pre-construction bird surveys within a 500-foot radius of the construction area if construction begins between February 1 and August 31. If the biologist determines that the area surveyed does not contain any active nests, then construction activities may commence without any further mitigation.<sup>95</sup>

The DEIR does not define what should be considered an “active nest,” nor has a definition been established in California Fish and Game Code. In addition, the DEIR does not establish whether the 500-foot radius should be based on the slope distance or the horizontal distance.

A-153

The DEIR suggests a qualified biologist would conduct the nesting bird surveys, however, it fails to establish any minimum qualifications for that biologist. Indeed, the DEIR leaves it entirely up to NEET West or its contractor to ensure a “qualified

<sup>93</sup> DEIR, p. 7-43.

<sup>94</sup> U.S. Fish and Wildlife Service, Migratory Bird Management. 2010. Suggested Priority of Migratory Bird Conservation Actions for Projects. p. 1.

<sup>95</sup> DEIR, p. 7-43.

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

A-153  
Cont.

biologist” conducts the nesting bird surveys.<sup>96</sup> Having NEET West or a construction contractor determine whether a biologist is qualified to conduct nesting bird surveys poses a conflict of interest and is not reliable mitigation. Nest finding is labor intensive and can be extremely difficult due to the tendency of many species to construct well-concealed or camouflaged nests.<sup>97</sup> As a result, it takes considerable experience for a biologist to be able to detect all bird nests, especially within a relatively large area. I have several years of experience conducting nest searches for research projects, and given that experience, it is my professional opinion that it would be impossible for a biologist to reliably detect all bird nests within a 500-foot radius of the Project site, especially given: (a) the nesting habits of the birds that occur in the Project area, (b) the density and vertical complexity of vegetation in the Project area, and (c) the terrain.

The DEIR fails to establish any minimum standards for the pre-construction nesting bird survey(s), including the acceptable: (a) survey techniques, (b) level of effort, (c) weather conditions, and (d) time of day for the surveys. This results in unreliable mitigation. For example, locating bird nests requires the biologist to implement a variety of search techniques (e.g., watching parental behavior, territory mapping, and systematically searching nesting substrates).<sup>98</sup> Because the DEIR does not require these techniques, the CPUC has not provided substantial evidence supporting its conclusion that Mitigation Measure BIO-6 would reduce impacts to nesting birds to a less than significant level.

### Golden Eagle

A-154

The DEIR concludes: “[i]mplementation of Mitigation Measures BIO-5 and BIO-6 would reduce the potential for noise impacts from blasting on nesting Golden Eagles to a level that is less than significant with mitigation.”<sup>99</sup> As described below, the mitigation proposed in the DEIR is insufficient to avoid the potential for incidental take of golden eagles.

First, golden eagles are most sensitive to human activity during the courtship and nest-building phase, which begins as early as December.<sup>100</sup> As a result, the DEIR’s proposal to limit pre-construction bird surveys to construction activities that are initiated between February 1 and August 31 is insufficient to avoid incidental take of golden eagles.

A-155

Second, the DEIR’s proposal for pre-construction bird surveys within a 500-foot radius of the construction area is inconsistent with USFWS guidelines. The USFWS indicates

<sup>96</sup> *Ibid.*

<sup>97</sup> DeSante DF, GR Geupel. 1987. Landbird productivity in central coastal California: the relationship to annual rainfall and a reproductive failure in 1986. *Condor*. 89:636-653.

<sup>98</sup> Martin TE, GR Geupel. 1993. Nest-Monitoring Plots: Methods for Locating Nests and Monitoring Success. *J. Field Ornithol.* 64(4):507-519.

<sup>99</sup> DEIR, p. 7-44.

<sup>100</sup> Legal Protections for the Golden Eagle. 24 Jun 2015 email communication to Scott Cashen from Heather Beeler, Eagle Permit Coordinator, USFWS.

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

A-155 ↑ surveys should be conducted within two miles of a construction activity to locate any potential golden eagle nests.<sup>101</sup>  
Cont.

A-156 Third, the only standard the DEIR establishes for the bird surveys is that NEET West or its contractor should ensure the surveys are conducted by a “qualified biologist.” This is inconsistent with USFWS guidelines, which indicate golden eagle surveyors should have the equivalent of two seasons of intensive experience conducting survey and monitoring of golden eagle and/or cliff dwelling raptors.<sup>102</sup> Having NEET West or a construction contractor determine whether a biologist is qualified to conduct golden eagle surveys poses a conflict of interest and is not reliable mitigation.

A-157 Fourth, the DEIR fails to establish any standards for the survey methods other than they should be conducted no more than 14 days prior to construction. The USFWS has established inventory and monitoring protocols to avoid “take” of golden eagles during the construction and implementation of a project.<sup>103</sup> It is my professional opinion that unless these protocols are followed, the Project could result in “take,” as defined under the Eagle Act.

A-158 Finally, the DEIR fails to incorporate any mitigation for the direct, indirect, and cumulative loss of golden eagle foraging habitat. It is well known and documented that golden eagles avoid industrial facilities and other areas subject to frequent anthropogenic disturbance (e.g., due to noise and human activity). As a result, the proposed Project would functionally eliminate foraging habitat within an area several orders of magnitude larger than the Project footprint. Habitat loss (including the functional loss of habitat) in proximity to a golden eagle nest can result in decreased productivity or territory abandonment, which constitute “take” under the Eagle Act.

Due to the issues described above, the proposed Project could have a significant, unmitigated impact on golden eagles.

### **Mitigation Measures BIO-8 and BIO-9 (Hermes Copper Butterfly)**

A-159 Mitigation Measure BIO-8 requires a survey for Hermes copper butterfly habitat within the Project footprint prior to vegetation clearing. If Hermes copper habitat is mapped within the Project footprint and will be affected by Project activities, then Mitigation Measure BIO-9 shall be implemented.<sup>104</sup> Mitigation Measure BIO-9 states the following:

If areas mapped as Hermes Copper butterfly habitat are adversely affected by the Proposed Project, NEET West shall mitigate permanent impacts at a 1:1 ratio for unoccupied habitat and 3:1 ratio for occupied habitat.

<sup>101</sup> *Ibid.*

<sup>102</sup> Pagel JE, DM Whittington, GT Allen. 2010 Feb. Interim Golden Eagle inventory and monitoring protocols; and other recommendations. Division of Migratory Birds, United States Fish and Wildlife Service. p. 18.

<sup>103</sup> *Ibid.*, p. 11.

<sup>104</sup> DEIR, p. 7-44.

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

A-159  
Cont.

Habitat should be considered occupied if it is within 150 meters of a Hermes copper sighting (County of San Diego 2010).<sup>105</sup>

Mitigation Measures BIO-8 and BIO-9 are insufficient to avoid and minimize potentially significant impacts to the Hermes copper butterfly.

First, the DEIR does not require focused surveys to determine presence of the Hermes copper butterfly if suitable habitat is detected within the Project footprint. As a result, there is no mechanism for determining occupancy, and thus, whether NEET West needs to provide compensatory mitigation at a 1:1 or 3:1 ratio.

Second, the DEIR fails to identify the ways in which NEET West would be required to mitigate permanent impacts (e.g., habitat enhancement, habitat restoration, habitat acquisition, purchase of credits at a mitigation bank, etc.).

Third, the proposed mitigation is too vague to ensure success. Specifically, the DEIR fails to establish: (a) any performance standards or success criteria for the mitigation site; (b) the timing habitat mitigation in relation to Project impacts; (c) monitoring and reporting requirements; and (d) a mechanism that ensures the long-term protection and management of the mitigation site.

Fourth, the DEIR fails to incorporate any mitigation for potentially significant indirect impacts to the Hermes copper butterfly and its habitat.

Due to the issues described above, the DEIR has not provided substantial evidence that the proposed mitigation would reduce Project impacts to the Hermes copper butterfly to a less than significant level.

### Mitigation Measure BIO-16 (Restoration and Revegetation)

A-160

Mitigation Measure BIO-16 requires NEET West to prepare a Restoration and Revegetation Plan. However, it fails to establish specific criteria critical to the success of the plan. For example, the DEIR fails to establish success criteria for the restoration and revegetation sites. Instead, it allows NEET West to establish the success criteria, without a mechanism that ensures whatever success criteria NEET West selects are appropriate.<sup>106</sup> In addition, the DEIR does not establish specific standards for the composition, distribution, and abundance of plants (or seeds) that are used for restoration and revegetation, nor does it require approval of NEET West's planting plan prior to implementation.<sup>107</sup> Although the DEIR states: "[t]he total area to be planted, and species composition, shall be tailored for each affected plant community based on existing standards and precedents," it fails to identify those standards and precedents.<sup>108</sup> The

<sup>105</sup> DEIR, p. 7-45.

<sup>106</sup> DEIR, Appendix L: Mitigation Monitoring and Reporting Plan.

<sup>107</sup> *Ibid.*

<sup>108</sup> DEIR, p. 7-47.



## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

- A-160  
Cont. ↑ DEIR's failure to establish specific standards for the Restoration and Revegetation Plan results in a mitigation measure of uncertain rigor and effectiveness. This issue is exacerbated for three reasons:
- A-161 ↑ First, the DEIR defers development of the Restoration and Revegetation Plan until after the CEQA review process terminates. This precludes the public, resource agencies, and scientific community from being able to submit informed comments on the adequacy of plan and the actual mitigation that would be implemented. Moreover, because the DEIR does not require NEET West to prepare the plan until after Project impacts have occurred (i.e., "prior to completion of construction"), the CPUC would have no ability to rectify the impacts if NEET West's plan is inadequate. This would exacerbate environmental impacts, because as the DEIR acknowledges, revegetation activities need to be completed as soon as construction activities have been completed to minimize colonization of non-native weed species and ensure compliance with the Project's Stormwater Pollution Prevention Plan.<sup>109</sup>
- A-162 ↑ Second, the DEIR fails to establish specific monitoring requirements for the restoration and revegetation activities undertaken to satisfy Mitigation Measure BIO-16. Indeed, the only information the DEIR provides is that (unspecified) monitoring should occur "following construction, during revegetation/restoration period."<sup>110</sup> This information is too vague to ensure effective mitigation. The DEIR must establish standards for the monitoring techniques, effort, frequency, and duration. The DEIR's failure to establish specific monitoring requirements is exacerbated because the DEIR does not impose remedial action measures that shall be implemented if success standards are not achieved.
- Third, the Project would be completed before revegetation and restoration efforts could be deemed successful. However, the DEIR fails to establish a mechanism that guarantees success of the revegetation and restoration program. Typically, this entails a performance security that is large enough to complete the program or purchase other habitat in the event NEET West fails to successfully complete the work.
- For these reasons, the DEIR lacks substantial evidence that Mitigation Measure BIO-16 would contribute to less-than-significant impacts to sensitive biological resources.
- A-163 ↓ **Mitigation Measure BIO-15 (Night Lighting)**
- The DEIR concludes implementation of Mitigation Measure BIO-15 would reduce impacts of night lighting on special-status mammals and reptiles to a less than significant level.<sup>111</sup> Mitigation Measure BIO-15 requires NEET West or their contractor(s) to minimize construction night lighting on adjacent habitats. It further requires exterior lighting within the proposed Project area to be the lowest illumination allowed for human safety and security, and for lighting to be selectively placed, shielded, and directed

<sup>109</sup> DEIR, p. 7-48.

<sup>110</sup> DEIR, Appendix L: Mitigation Monitoring and Reporting Plan.

<sup>111</sup> DEIR, p. 7-45.

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

A-163  
Cont.

downward to the maximum extent practicable.<sup>112</sup> There are two primary reasons why the CPUC does not have the basis for its conclusion that Mitigation Measure BIO-15 would reduce impacts to a less than significant level:

First, a substantial amount of night lighting is required for human safety during construction activities. Therefore, “minimizing” night lighting during construction does not necessarily mean impacts to wildlife would be less than significant. The DEIR does not disclose the amount of night lighting that would be generated during construction, nor does it provide any analysis supporting the conclusion that impacts to wildlife from residual lighting (i.e., after attempts to minimize lighting) would be insignificant.

Second, night lighting that is shielded and directed downward mitigates astronomical light pollution (i.e., whereby stars and other celestial bodies are washed out by light that is either directed or reflected upward); however, it does not mitigate ecological light pollution (i.e., artificial light that alters the natural patterns of light and dark in ecosystems).<sup>113</sup>

### Mitigation Measure BIO-18 (Restoration Plan for Engelmann Oak)

Mitigation Measure BIO-18 requires NEET West to develop and implement a restoration plan for Engelmann oak. With few exceptions, Mitigation Measure BIO-18 suffers the same flaws as those discussed previously for Mitigation Measure BIO-16.

A-164

The DEIR proposes compensatory mitigation at a 1:1:1 ratio (replacement to impact) for permanent Project impacts to the Engelmann Oak vegetation community. The proposed mitigation ratio does not comply with San Diego County’s Biological Mitigation Ordinance, which requires mitigation at a 2:1 or 3:1 ratio (depending on whether the mitigation site meets the criteria for a Biological Resource Core Area). In addition, because the DEIR fails to establish a mechanism that ensures the long-term protection and management of the mitigation site, there are no assurances that the compensatory mitigation site would mitigate impacts to Engelmann oak.

The DEIR’s proposed success criterion for Mitigation Measure BIO-18 is  $\geq 65\%$  survival of woody planting after five years.<sup>114</sup> There are several problems with the proposed success criterion. First, the proposed success criterion is infeasible. Research indicates optimal sites experience approximately 75% mortality of Engelmann oak plantings after one year, and that mortality at poor sites may be 100%.<sup>115</sup> Second, it is impossible to evaluate whether achieving the proposed success criterion would result in a successfully restored Engelmann Oak woodland without corresponding information on the number of plantings that would be installed at the mitigation site. Third, Mitigation Measure BIO-

<sup>112</sup> DEIR, p. 7-47.

<sup>113</sup> Longcore T, C Rich. 2004. Ecological Light Pollution. *Frontiers in Ecology and the Environment* 2:191-198.

<sup>114</sup> DEIR, p. 7-48.

<sup>115</sup> St. John TV, T Scott. 1997. Small-Scale Planting of Engelmann Oak Trees. Available at: <<http://www.arroyoseco.org/eoplanting.htm>>.

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

A-164  
Cont.

18 does not require “woody plantings,” and thus, the proposed success criterion of  $\geq 65\%$  survival of “woody plantings” results in mitigation that is uncertain and unenforceable.

Due to the issues described above, the DEIR has not provided substantial evidence that the proposed mitigation would reduce Project impacts to the Engelmann Oak vegetation community to a less than significant level.

### Other Mitigation Issues

#### The DEIR Fails to Mitigate Impacts to the Lightner Mitigation Site

A-165

The proposed Project would impact 0.4 acres of Chamise Chaparral within the Lightner Mitigation Site, which was acquired by SDG&E to mitigate impacts from the Sunrise Powerlink Project.<sup>116</sup> All lands within the Lightner Mitigation Site are supposed to be protected in perpetuity for resource conservation purposes. Any impacts to the Lightner Mitigation Site due to the proposed Project would violate the terms of the mitigation agreement and compromise SDGE’s ability to satisfy its various permit obligations.<sup>117</sup>

The County of San Diego has determined that compensatory mitigation is required for impacts to Chamise Chaparral.<sup>118</sup> In cases where impacts to sensitive vegetation communities occur on lands already in use as mitigation for other projects, the mitigation ratios shall be doubled, as is standard practice in San Diego County.<sup>119</sup> Incredibly, the DEIR fails to incorporate any compensatory mitigation for Project impacts to Chamise Chaparral within the Lightner Mitigation Site.

#### The DEIR Fails to Ensure the Project Mitigates Potentially Significant Impacts Associated with the Spread of Non-Native Plants

A-166

The construction and operation of the Projects has the potential to facilitate the colonization and/or spread of non-native plant (weed) species. The spread of invasive weeds is threatening the health of riparian, forest, chaparral and grassland ecosystems on the Cleveland National Forest.<sup>120</sup> Non-native invasive weed species reduce native biological diversity, negatively impact threatened and endangered species, degrade wildlife habitat, modify vegetative structure and species composition, change fire and nutrient cycles, and degrade soil structure. As a result, the potential for the Project to

<sup>116</sup> DEIR, p. 13-4 and Table 7-1.

<sup>117</sup> San Diego Gas & Electric. 2011. Final Habitat Mitigation and Monitoring Plan: Lightner Mitigation Site, Sunrise Powerlink.

<sup>118</sup> County of San Diego, Department of Planning and Land Use, Land Use and Environment Group. 2010. Guidelines for Determining Significance for Biological Resources. Table 5.

<sup>119</sup> USDA Forest Service. 2010. Record of Decision: Sunrise Powerlink Project. Forest Service Clarifications and Revisions to Mitigation Measures. p. 2. Available at: <[http://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb5320679.pdf](http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5320679.pdf)>

<sup>120</sup> USDA Forest Service, Cleveland National Forest. 2014. Invasive Weed Management on the Cleveland National Forest: Environmental Assessment. Decision Notice and Finding of No Significant Impact. Available at: <<http://www.fs.usda.gov/project/?project=41607>>.

**Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of  
California Unions for Renewable Energy (January 11, 2017)**A-166  
Cont.

facilitate the colonization and/or spread of non-native plant species is a potentially significant impact.

The DEIR does not require NEET West to prepare and implement a weed control plan, or even to monitor the Project site for new weed infestations. Although Mitigation Measure BIO-16 suggests NEET West's Restoration and Revegetation Plan would eliminate non-native and invasive species, the DEIR fails to incorporate any specific, enforceable measures that ensure weed control measures are implemented and successful. As a result, the Project would result in a potentially significant, unmitigated impact to biological resource due the spread of non-native plant species.

A-167

**CONCLUSION**

Due to the issues discussed above, the Project would have significant impacts on sensitive biological resources. The DEIR that was prepared for the Project does not adequately disclose and analyze those impacts, nor does it provide the mitigation necessary to ensure impacts are reduced to less than significant levels.

Sincerely,

Scott Cashen, M.S.  
Senior Biologist

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

### **Scott Cashen, M.S.**

#### **Senior Biologist / Forest Ecologist**

3264 Hudson Avenue, Walnut Creek, CA 94597. (925) 256-9185. [scottcashen@gmail.com](mailto:scottcashen@gmail.com)

Scott Cashen has 20 years of professional experience in natural resources management. During that time he has worked as a field biologist, forester, environmental consultant, and instructor of Wildlife Management. Mr. Cashen currently operates an independent consulting business that focuses on CEQA/NEPA compliance issues, endangered species, scientific field studies, and other topics that require a high level of scientific expertise.

Mr. Cashen has knowledge and experience with many taxa, biological resource issues, and environmental regulations. This knowledge and experience has made him a highly sought after biological resources expert. To date, he has been retained as a biological resources expert for over 40 projects. Mr. Cashen's role in this capacity has encompassed all stages of the environmental review process, from initial document review through litigation support and expert witness testimony.

Mr. Cashen is a recognized expert on the environmental impacts of renewable energy development. He has been involved in the environmental review process for 28 renewable energy projects, and he has been a biological resources expert for more of California's solar energy projects than any other private consultant. In 2010, Mr. Cashen testified on 5 of the Department of the Interior's "Top 6 Fast-tracked Solar Projects" and his testimony influenced the outcome of each of these projects.

Mr. Cashen is a versatile scientist capable of addressing numerous aspects of natural resource management simultaneously. Because of Mr. Cashen's expertise in both forestry and biology, Calfire had him prepare the biological resource assessments for all of its fuels treatment projects in Riverside and San Diego Counties following the 2003 Cedar Fire. Mr. Cashen has led field studies on several special-status species, including plants, fish, reptiles, amphibians, birds, and mammals. Mr. Cashen has been the technical editor of several resource management documents, and his strong scientific writing skills have enabled him to secure grant funding for several clients.

#### AREAS OF EXPERTISE

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

#### EDUCATION

M.S. Wildlife and Fisheries Science - The Pennsylvania State University (1998)

B.S. Resource Management - The University of California, Berkeley (1992)

*Cashen, Curriculum Vitae*

1

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

### PROFESSIONAL EXPERIENCE

#### Litigation Support / Expert Witness

As a biological resources expert, Mr. Cashen reviews CEQA/NEPA documents and provides his client(s) with an assessment of biological resource issues. He then prepares written comments on the scientific and legal adequacy of the project's environmental documents (e.g., EIR). For projects requiring California Energy Commission (CEC) approval, Mr. Cashen has submitted written testimony (opening and rebuttal) in conjunction with oral testimony before the CEC.

Mr. Cashen can lead field studies to generate evidence for legal testimony, and he can incorporate testimony from his deep network of species-specific experts. Mr. Cashen's clients have included law firms, non-profit organizations, and citizen groups.

### REPRESENTATIVE EXPERIENCE

#### Solar Energy Facilities

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

#### Geothermal Energy Facilities

- East Brawley Geothermal
- Mammoth Pacific 1 Replacement
- Western GeoPower Plant and

#### Wind Energy Facilities

- Catalina Renewable Energy Project
- Ocotillo Express Wind Energy
- San Diego County Wind Ordinance
- Tres Vaqueros Repowering Project
- Vasco Winds Relicensing Project

#### Biomass Facilities

- Tracy Green Energy Project

#### Development Projects

- Alves Ranch
- Aviano
- Chula Vista Bayfront Master Plan
- Columbus Salame
- Concord Naval Weapons Station
- Faria Annexation
- Live Oak Master Plan
- Napa Pipe
- Roddy Ranch
- Rollingwood
- Sprint-Nextel Tower

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

### Project Management

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

### REPRESENTATIVE EXPERIENCE

#### *Wildlife Studies*

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

#### *Natural Resources Management*

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

#### *Forestry*

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

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

### Biological Resources

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

#### REPRESENTATIVE EXPERIENCE

##### *Avian*

- Study design and Lead Investigator - Delta Meadows State Park Special-Status Species Inventory (*CA State Parks: Locke*)
- Study design and lead bird surveyor - Placer County Vernal Pool Study (*Placer County: throughout Placer County*)
- Surveyor - Willow flycatcher habitat mapping (*USFS: Plumas NF*)
- Independent surveyor - Tolay Creek, Cullinan Ranch, and Guadacanal Village restoration projects (*Ducks Unlimited/USGS: San Pablo Bay*)
- Study design and Lead Investigator - Bird use of restored wetlands research (*Pennsylvania Game Commission: throughout Pennsylvania*)
- Study design and surveyor - Baseline inventory of bird species at a 400-acre site in Napa County (*HCV Associates: Napa*)
- Surveyor - Baseline inventory of bird abundance following diesel spill (*LFR Levine-Fricke: Suisun Bay*)
- Study design and lead bird surveyor - Green Valley Creek Riparian Restoration Site (*City of Fairfield: Fairfield, CA*)
- Surveyor - Burrowing owl relocation and monitoring (*US Navy: Dixon, CA*)
- Surveyor - Pre-construction raptor and burrowing owl surveys (*various clients and locations*)
- Surveyor - Backcountry bird inventory (*National Park Service: Eagle, Alaska*)
- Lead surveyor - Tidal salt marsh bird surveys (*Point Reyes Bird Observatory: throughout Bay Area*)
- Surveyor - Pre-construction surveys for nesting birds (*various clients and locations*)

##### *Amphibian*

- Crew Leader - Red-legged frog, foothill yellow-legged frog, and mountain yellow-legged frog surveys (*USFS: Plumas NF*)

*Cashen, Curriculum Vitae*

4



## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

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

### *Fish and Aquatic Resources*

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

### *Mammals*

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

### *Natural Resource Investigations / Multiple Species Studies*

- Scientific Review Team Member – Member of the science review team assessing the effectiveness of the US Forest Service's implementation of the Herger-Feinstein Quincy Library Group Act.
- Lead Consultant - Baseline biological resource assessments and habitat mapping for CDF management units (*CDF: San Diego, San Bernardino, and Riverside Counties*)

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

- Biological Resources Expert – Peer review of CEQA/NEPA documents (*Adams Broadwell Joseph & Cardozo: California*)
- Lead Consultant - Pre- and post-harvest biological resource assessments of tree removal sites (*SDG&E: San Diego County*)
- Crew Leader - T&E species habitat evaluations for Biological Assessment in support of a steelhead restoration plan (*Trout Unlimited: Cleveland NF*)
- Lead Investigator - Resource Management Study and Plan for Mather Lake Regional Park (*County of Sacramento: Sacramento, CA*)
- Lead Investigator - Biological Resources Assessment for 1,070-acre Alfaro Ranch property (*Yuba County, CA*)
- Lead Investigator - Wildlife Strike Hazard Management Plan (*HCV Associates: Napa*)
- Lead Investigator - Del Rio Hills Biological Resource Assessment (*The Wyro Company: Rio Vista, CA*)
- Lead Investigator – Ion Communities project sites (*Ion Communities: Riverside and San Bernardino Counties*)
- Surveyor – Tahoe Pilot Project: Validation of California’s Wildlife Habitat Relationships (CWHR) Model (*University of California: Tahoe NF*)

### Forestry

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

### REPRESENTATIVE EXPERIENCE

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

**Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of  
California Unions for Renewable Energy (January 11, 2017)****Grant Writing and Technical Editing**

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

**PERMITS**

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

CA Department of Fish and Game Scientific Collecting Permit

**PROFESSIONAL ORGANIZATIONS / ASSOCIATIONS**

The Wildlife Society (Conservation Affairs Committee member)

Cal Alumni Foresters

Mt. Diablo Audubon Society

**OTHER AFFILIATIONS**

Scientific Advisor and Grant Writer – *The Red Panda Network*

Scientific Advisor – *Mt. Diablo Audubon Society*

Grant Writer – *American Conservation Experience*

Scientific Advisor and Land Committee Member – *Save Mt. Diablo*

**TEACHING EXPERIENCE**

Instructor: Wildlife Management - The Pennsylvania State University, 1998

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

**Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of  
California Unions for Renewable Energy (January 11, 2017)**

**ATTACHMENT**

**Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of  
California Unions for Renewable Energy (January 11, 2017)**

**EXHIBIT E**

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

Tom Myers, Ph.D.  
Hydrologic Consultant  
6320 Walnut Creek Road  
Reno, NV 89523  
775-530-1483  
Tommyers1872@gmail.com

January 5, 2017

Christina M. Caro  
Adams Broadwell Joseph & Cardozo  
601 Gateway Blvd., Suite 1000  
South San Francisco, CA 94080

Re: Suncrest Dynamic Reactive Power Support Project, Draft Environmental Impact Report

Dear Ms. Caro:

I have reviewed the hydrogeologic aspects of the proposed Suncrest Dynamic Reactive Power Support Project, which would be the construction of a dynamic reactive device and about a one-mile-long transmission line near Alpine CA in San Diego County. Specifically, I reviewed the Draft Environmental Impact Report (DEIR) prepared for the project. My review included drainage and groundwater supply issues.

My experience includes a Ph.D. and M.S. in Hydrology/Hydrogeology from the University of Nevada, Reno, and a B.S. in Civil Engineering from the University of Colorado. I have approximately 20 years of experience consulting and researching hydrogeology, including groundwater modeling, and fluvial morphology. Much of my graduate research concerned riparian systems, including fluvial morphology and the impacts of flooding on stream channels. My curriculum vitae is attached to this letter.

Construction would occur in the Bell Bluff Truck Route, which is within the Lightner Mitigation Site (DEIR, Figure 2-5), which had been established to “compensate for impacts to water of the U.S. and water of the state during construction of the Suncrest Substation/Sunrise Powerlink,” and which is scheduled to be transferred from SDG&E to the U.S. Forest Service for conservation in perpetuity. (DEIR, p 2-9).

### Blasting Deposits

Construction would include blasting for both the Static VAR compensator (SVC) and the transmission line, which would be mostly buried. The SVC would require excavation up to 15 feet below ground surface (DEIR, Table 2-1), with a need for blasting in areas of shallow bedrock. The DEIR does not describe the full depth to bedrock at all locations within the Project site. The total amount of blasting that will be required to excavate the area needed for

A-168



Hydrology and Water Resources  
Independent Research and Consulting

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

A-168  
Cont.

the SVC is therefore not known and not described in the DEIR. (DEIR, p 2-19). The transmission line would also require excavation. The DEIR estimates that blasting would be required for about 530 feet of the trench (DEIR, p 2-20). The DEIR describes the blasting as “low-energy, localized rock blasting, which is also referred to as micro-blasting” (Id.). The intent is to fracture rock so that it can be excavated.

Blasting would deposit the pollutants nitrogen and nitrates into the fractured rock material. The nitrogen and nitrates would then be available for leaching into the groundwater, which may cause significant groundwater pollution problems. Unmitigated nitrogen and nitrates deposited by project blasting would cause potentially significant impacts on the Lower Sweetwater River, which is on the Clean Water Act Section 303d impaired water bodies list (DEIR Table 12-1). Water bodies listed on the Section 303d list are waters that are too polluted or otherwise degraded to meet State or Federal water quality standards. Increased percolation of these pollutants into groundwater through the explosive-fractured bedrock would increase the nitrogen loading in groundwater and to the River where the groundwater discharges. This will in turn increase the River’s total nitrogen concentration. Excess nitrogen is one of the principal causes of the River’s 303d listing. The project’s blasting deposits are therefore likely to increase the existing nitrogen pollution in the River, resulting in increased violations of water quality standards.

A-169

There is no discussion of this potentially significant impact in the DEIR, and no plan to mitigate the groundwater pollution that may be caused by the Project’s blasting activities. The DEIR should be revised to analyze the potential for nitrogen pollution leaching from explosive fractured debris. The DEIR should analyze the potential for nitrogen pollution reaching groundwater and propose both a way to monitor the potential and to mitigate its potential occurrence to less than significant levels. Effective monitoring would include installation of a shallow groundwater monitoring well on the most likely pathways for shallow groundwater flow to reach the river. Effective mitigation would include a commitment to remove the overburden nearest the blasting holes from the site so that meteoric water cannot leach through it.

The DEIR fails to describe this potentially significant impact. The DEIR should be revised to disclose and analyze the effects of percolation through explosive-fractured rock that would discharge to the Sweetwater River and increase the total nitrogen load in the Lower Sweetwater River.

A-170

### Construction Water Supply

The project would use about 2,600,000 gallons (8 af) of water spread over 196 workdays (DEIR, p 2-24). There are two potential sources. One would be a water services agreement with Padre

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

A-170  
Cont.

Dam MWD which is located about 19 miles away and would require three truck loads per day (Id.). The second is a neighbor's storage tanks (DEIR p 2-24, -25), but the DEIR does not describe a well or how those tanks are filled. Chapter 12 states there would be no groundwater used, but identifies the neighbor's source as "ponds" that are filled by runoff or from a contract with the Sweetwater Authority (DEIR p 12-22, -23). Presumably, adding this use to the neighbor's ponds would decrease the amount of time the ponds are full, thereby decreasing the average water level in the ponds. The DEIR fails to describe the existing uses of the neighbor's ponds, the current water balance, and what impact project water use would have on those uses. The DEIR similarly fails to describe the impact a lower water volume in the pond would have on the local hydrogeology. Thus, the DEIR contains no analysis of the potential impacts of using these ponds, and its conclusion that the Project would have a less than significant impact on water supply resulting from use of the ponds is entirely unsupported because the DEIR provides insufficient information about either the water balance or the hydrogeology of the ponds.

The DEIR should be revised to disclose and analyze the impacts of using water from the neighbor's ponds, including the potential for decreased recharge which could support either deep groundwater or local wetlands if the recharge circulates only to shallow aquifers. If these impacts are found to be significant, the DEIR must incorporate feasible mitigation measures to reduce those impacts to less than significant levels. Mitigation would include plans to keep the water level in the lakes higher by either quickly replacing it or by using the water only when there is significant potential inflow.

### Drainages

A-171

The DEIR inappropriately dismisses the potential for the project to reduce groundwater recharge into nearby drainages. The project would be located in the Upper Sweetwater River Hydrologic Area of the Sweetwater River Hydrologic Unit of the San Diego Basin (DEIR, Figure 12-1). The project site is in a saddle and on the ridgeline between two river basins (DEIR p 12-9, Figure 12-2). The project will pave over approximately 2.6 acres. This new impervious area would decrease existing recharge (DEIR, p 12-23). The DEIR minimizes the significance of this impact by claiming there are no groundwater basins in the project area and by suggesting that "due to its relatively high position in the watershed, limited catchment areas contributing (sic) runoff" (Id.). However, this statement is unsupported, because substantial evidence as described below demonstrates that the fractured bedrock and topography of the project site enables groundwater recharge to occur at this location.

A-172

The topographic maps and photographs of the project site indicate that small drainages contribute runoff to the proposed project site, but the DEIR does not analyze this runoff or



## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

A-172  
Cont.

provide an estimate of drainage area (p 12-9). Also, locations high in the watershed could have more fractured bedrock which allows water percolating through the soil layer to reach groundwater in the bedrock. The DEIR notes that the underlying granite at the project site is “appreciably decomposed, ranging from completely weathered to highly weathered” (DEIR, p 9-4). The proposed project site is relatively flat and runoff would slow as it crosses the area so that there is a high potential for precipitation and runoff to percolate to the fractured bedrock. Recharge that occurs there would go deep and support groundwater close to the river. Recharge would flow through bedrock pathways and discharge into the base of alluvial aquifers near the rivers. The DEIR claims groundwater in the bedrock is limited, but also notes that depth to water ranged from 44 to 60 feet at least at the Suncrest Substation. This groundwater clearly receives recharge from somewhere, but the DEIR inappropriately dismisses this potential recharge, and as a result, fails to disclose that the project may have a potentially significant impact on local groundwater resources.

Even if it does not enter bedrock, shallow pathways are likely sources of seasonal water transmission to downstream GW basins.

A-173

The DEIR also anticipates “that most precipitation falling on or near the site would be transported via shallow subsurface flow or via overland sheetflow to drainages down gradient” (DEIR p 12-23). Continuing, the DEIR states “the addition of impervious surface in this area may not have a dramatic effect on groundwater recharge and would not be expected to cause any undesirable results” (Id.). These statements contradict each other, rendering the DEIR’s analysis inaccurate. Impervious surface would prevent “shallow subsurface flow” from starting and could speed up sheet flow in such a way that runoff occurs more quickly. It would increase runoff volume, as the DEIR suggests, but the increased runoff velocity would then prevent the runoff from infiltrating and becoming recharge near the site or becoming shallow flow and supporting groundwater further down gradient. The DEIR fails to acknowledge this effect.

A-174

By contrast, the impervious area created by the project would drain to a detention basin which “would capture runoff and then release it slowly via shallow, overland flow” (DEIR, p 2-23). This would disrupt drainage patterns and cause runoff to flow through different pathways, thereby altering the recharge distribution in the area from distributed to linear focused on channels and from higher in the mountains to nearer the rivers. This alteration may cause a significant impact on recharge by changing the timing of baseflow discharge to the rivers.

A-175

The DEIR fails to analyze properly the potential impacts to recharge near the site that will be caused by the project. The DEIR should be revised to consider the potential changes in recharge and the effect that would have on baseflow in the streams that would receive the groundwater discharge. The DEIR must also propose monitoring and mitigation for the effects

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

A-175  
Cont. ↑ of changing recharge. Monitoring should include a monitoring well down gradient of the site and flow monitoring in the potential receiving waters. Mitigation should include the use of pervious pavement (preferred, except under hazardous waste storage areas) or for the runoff to be retained in a stormwater pond to percolate.

A-176 ↑ Potential Contamination from Transformer Oil

Spills or leaks on the newly-developed paved area could contaminate runoff from the project site, which could in turn contaminate down gradient aquifers if not contained (DEIR, p 12-24, -25). Each transformer would need 10,000 to 13,000 gallons of oil. The project would have “transformer oil containment basins” to contain the oil volume and 25-year 24-hour storm event (DEIR, p 2-15). This contaminated runoff would then be released from the stormwater ponds and contaminate down gradient aquifers or the Sweetwater River.

The DEIR does not consider the fate of contaminants spilled on the site. The DEIR should present a plan to prevent the release of water from detention basins until the quality of that water can be verified to not violate permits in the stormwater discharge permit.

### Potential Jurisdictional Waters

A-177 ↑ A wetlands delineation completed for the Sunrise Powerlink (SDFG 2009) identified a wetland in the proposed SVC site, but a delineation done for this DEIR did not delineate wetlands (DEIR, p 12-12). The 2009 delineation did not dig test pits because of concern for “high potential for archaeological sites to be located throughout the Project ROW” (SDFG 2009, p 8). However, they used other indicators such as “[a]lternative observational criteria were used to complete the hydric soils component of the data sheets and are described in the soils section below” (Id.). A primary factor causing a wetland is that of soil saturation of sufficient duration to cause anaerobic conditions sufficient to exert a controlling influence on the plant species. Obligate wetland plants essentially require wetland conditions whereas upland plants cannot survive in saturated soils. For the Arid West region, the Corps considers saturation for 14 consecutive days annually to be sufficient (SDFG 2009, p 9). There can be many indicators but SDFG used the standard methods used for wetlands in the West<sup>1</sup> (SDFG 2009, p 8).

Surveyors dug pits for the 2015 delineation, but did not find hydric soils (DEIR, p 12-12) which apparently leads to the findings in the DEIR that the project would not affect wetlands. However, the DEIR also notes that drainage patterns may have changed, which could have led to a change in the delineation. Hydric soils profiles may not be present especially in ephemeral

<sup>1</sup> U.S. Army Corps of Engineers Wetlands Delineation Manual (“USACE Manual”, Environmental Laboratory 1987). Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (“Arid West Regional Supplement”, USACE 2008)

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

A-177  
Cont.

washes “due to the alluvial nature of many of the wetland areas in the Project Survey Area” (SDFG 2009, p 10). Development of the Sunrise Link could have led to an “atypical situation”, in which wetland indicators are not apparent due to human activity (SDFG 2009, p 13). SDFG used other relevant factors, such as dominant species, to assess whether areas within and around the proposed project site are a wetland. Based on this analysis, SDFG determined that there is substantial evidence that these areas are wetlands and did not rely solely on showing there were hydric soils (SDFG 2016). The DEIR may not rely solely on a perceived absence of hydric soils to claim the project area is not a wetland. The DEIR contains additional evidence supporting a conclusion that the project site and adjacent areas may include wetlands and/or may have potentially significant impacts on other jurisdictional waters. The DEIR should be revised to conduct a similar analysis, including completing a comprehensive survey of relevant wetland-dependent species.

A-178

The transmission line crosses two jurisdictional waters (CDFW jurisdiction) (DEIR, Figure 7-2). Appendix F notes that the project overlaps Riverine wetlands rated as R4SBA<sup>2</sup>, which probably applies to the two CDFW jurisdictional waters. The topography of the site (DEIR, Figure 12-2) suggests the area could occasionally be saturated due to runoff reaching the area. The area is part of the Peninsular Mountain Range between the arid desert of the Imperial Valley to the east and the dry South Coast Basin to the west toward the ocean (SDFG 2009, p 16, 17). The area is significantly wetter than the surrounding areas and “due to the wetter climate and more watershed vegetative cover there is more potential for dry-season flow” (SDFG 2009, p 17). The site is relatively flat and water flowing onto the site from the ridge south of the project area could easily pond or provide runoff in ephemeral washes for a substantial time period.

These factors demonstrate that the project site is likely to contain wetland areas. The DEIR should be revised to include a water balance analysis for the area to determine the potential for soils being saturated sufficiently to be considered a wetland. This would consider precipitation onto the site, runoff reaching the site, evapotranspiration, and runoff from the site. The DEIR should also be revised to provide a more complete survey of wetland conditions in the project area.

A-179

### Impacts to Lightner Wetland Mitigation Site

In addition to failing to consider whether the area would affect wetlands, the DEIR fails to discuss impacts to the Lightner Mitigation Site, set aside as mitigation for the Sunrise Powerlink, which surround the project site. The Lightner Mitigation Site is intended to provide the “permanent protection of ecologically important wetlands or other aquatic resources” (SDFG

<sup>2</sup> R is Riverine, 4 is intermittent, SB is streambed, A is temporary flooded, meaning surface water is present for brief periods during the growing season.

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

A-179  
Cont. ↑ 2011, p 8) which may “include protection of upland areas adjacent to wetlands as necessary to ensure protection or enhancement of the aquatic ecosystem”. The mitigation site was also to include activities “that heighten, intensify, or improve one or more wetland functions” (Id.) or to restore historic functions and characteristics to a former or degraded wetland (SDFG 2011, p 9). The Lightner Mitigation Site, which surrounds the Suncrest Facilities, “supports a mixture of ephemeral and intermittent streams and along with riparian and wetland habitat (Id.). Figure 3 in SDFG (2011) shows the mitigation site contains a variety of wetland and aquatic resources including substantial riparian habitat just downstream of the two ephemeral drainages discussed above. The plan intends to permanently protect resources that have been under threat of development which would destroy or adversely modify the resources on the site (SDFG 2011, p 13). The Lightner site was selected based on it being a “large, intact watershed area containing ephemeral and intermittent streams along with wetland supporting emergent vegetation.”

A-180 ↑ The DEIR does not consider the effects of the proposed project, including the SVC and transmission line, on the factors for which the Lightner Mitigation Site was preserved. Neither the biologic nor hydrogeology chapter mentioned the Lightner Site (DEIR, chapters 7 and 12), nor considered impacts to it. The increased impervious area and graded drainages that will be constructed for the project would decrease both shallow groundwater flow and overland sheet flow, which are both necessary for ecosystems in the area.

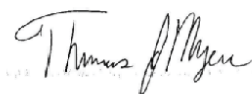
The DEIR should be revised to disclose impacts to the Lightner Mitigation Site. The proposed project design should also be revised to avoid impacts to the Lightner Mitigation Site, because the impacts caused by the project violate the purposes that the Site was established to effect in the first place.

### Conclusion

A-181 ↑ In my opinion, the DEIR has not adequately considered the potentially significant impacts the project would have on nearby hydrology, including contamination due to blasting, the use of water in the neighbor’s ponds, changes to recharge due to additional impervious area and grading, and impacts to wetlands or waters of the U.S. This letter provides details of these impacts. The DEIR should be revised to include a more detailed wetlands survey as described above, and to adequately analyze and mitigate all impacts discussed in this letter.

**Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of  
California Unions for Renewable Energy (January 11, 2017)**

Sincerely,



Tom Myers Ph.D.

Hydrologic Consultant

**References**

San Diego Gas and Electric (SDGE) (2011) Final Habitat Mitigation and Monitoring Plan, Lightner Mitigation Site, Sunrise Powerlink. San Diego, CA, May 6, 2011, available at [http://www.cpuc.ca.gov/environment/info/asp/sunrise/otherdocs/HMMP\\_Final\\_Lightner\\_May\\_2011.pdf](http://www.cpuc.ca.gov/environment/info/asp/sunrise/otherdocs/HMMP_Final_Lightner_May_2011.pdf).

San Diego Gas and Electric (SDGE) (2009) Volume 1 of 3: Revised and Updated, Preliminary Jurisdictional Determination Report and Appendices B, C, D, and E, Sunrise Powerlink, San Diego and Imperial Counties. San Diego CA, July 8, 2009, available at [http://www.cpuc.ca.gov/environment/info/asp/sunrise/otherdocs/Revised-Updated%20Prelim%20JD%20Report\\_072309.pdf](http://www.cpuc.ca.gov/environment/info/asp/sunrise/otherdocs/Revised-Updated%20Prelim%20JD%20Report_072309.pdf).

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

### Tom Myers, Ph.D.

Consultant, Hydrology and Water Resources  
6320 Walnut Creek Road  
Reno, NV 89523  
(775) 530-1483  
Tommyers1872@gmail.com

### Curriculum Vitae

**Objective:** To provide diverse research and consulting services to nonprofit, government, legal and industry clients focusing on hydrogeology specializing in mine dewatering, contaminant transport, natural gas development, groundwater modeling, NEPA analysis, federal and state regulatory review, and fluvial morphology.

### Education

Years	Degree	University
1992-96	Ph.D. Hydrology/Hydrogeology	University of Nevada, Reno Dissertation: Stochastic Structure of Rangeland Streams
1990-92		University of Arizona, Tucson AZ Classes in pursuit of Ph.D. in Hydrology.
1988-90	M.S. Hydrology/Hydrogeology	University of Nevada, Reno Thesis: Stream Morphology, Stability and Habitat in Northern Nevada
1981-83		University of Colorado, Denver, CO Graduate level water resources engineering classes.
1977-81	B.S., Civil Engineering	University of Colorado, Boulder, CO

### Professional Experience

Years	Position	Duties
1993-Pr.	Hydrologic Consultant	Completion of hydrogeology studies and testimony focusing on mine dewatering, groundwater modeling, natural gas development, contaminant transport, NEPA review, and water rights for nonprofit groups and government agencies.
1999-2004	Great Basin Mine Watch, Exec Director	Responsible for reviewing and commenting on mining projects with a focus on groundwater and surface water resources, preparing appeals and litigation, organizational development and personnel management.
1992-1997	Univ of NV, Reno, Res. Assoc.	Research on riparian area and watershed management including stream morphology, aquatic habitat, cattle grazing and low-flow and flood hydrology.
1990-1992	U of AZ, Res. and Teach. Assistant	Research on rainfall/runoff processes and climate models. Taught lab sections for sophomore level "Principles of Hydrology". Received 1992 Outstanding Graduate Teaching Assistant Award in the College of Engineering
1988-1990	U of NV, Reno Res. Asst	Research on aquatic habitat, stream morphology and livestock management.
1983-1988	US Bureau of Reclamation Hydraulic Eng.	Performed hydrology planning studies on topics including floodplains, water supply, flood control, salt balance, irrigation efficiencies, sediment transport, rainfall-runoff modeling and groundwater balances.

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

### Peer-Reviewed Publications

- Myers, T., 2016. A modeling approach to citing mine facilities in northern Minnesota USA. *J Hydrology* 533: 277-290. Doi: 10.1016/j.jhydrol.2015.12.020
- Myers, T., 2013. Remediation scenarios for selenium contamination, Blackfoot Watershed, southeast Idaho, USA. *Hydrogeology J.* DOI 10.1007/s10040-013-0953-8
- Myers, T., 2013. Reservoir loss rates from Lake Powell and their impact on management of the Colorado River. *Journal of the American Water Resources Association*. DOI: 10.1111/jawr.12081.
- Myers, T., 2012. Potential contaminant pathways from hydraulically fractured shale to aquifers. *Ground Water* 50(6): 872-882. doi: 10.1111/j.1745-6584.2012.00933.x
- Myers, T., 2009. Groundwater management and coal-bed methane development in the Powder River Basin of Montana. *J Hydrology* 368:178-193.
- Myers, T.J. and S. Swanson, 1997. Variation of pool properties with stream type and ungulate damage in central Nevada, USA. *Journal of Hydrology* 201-62-81
- Myers, T.J. and S. Swanson, 1997. Precision of channel width and pool area measurements. *Journal of the American Water Resources Association* 33:647-659.
- Myers, T.J. and S. Swanson, 1997. Stochastic modeling of pool-to-pool structure in small Nevada rangeland streams. *Water Resources Research* 33(4):877-889.
- Myers, T.J. and S. Swanson, 1997. Stochastic modeling of transect-to-transect properties of Great Basin rangeland streams. *Water Resources Research* 33(4):853-864.
- Myers, T.J. and S. Swanson, 1996. Long-term aquatic habitat restoration: Mahogany Creek, NV as a case study. *Water Resources Bulletin* 32:241-252
- Myers, T.J. and S. Swanson, 1996. Temporal and geomorphic variations of stream stability and morphology: Mahogany Creek, NV. *Water Resources Bulletin* 32:253-265.
- Myers, T.J. and S. Swanson, 1996. Stream morphologic impact of and recovery from major flooding in north-central Nevada. *Physical Geography* 17:431-445.
- Myers, T.J. and S. Swanson, 1995. Impact of deferred rotation grazing on stream characteristics in Central Nevada: A case study. *North American Journal of Fisheries Management* 15:428-439.
- Myers, T.J. and S. Swanson, 1992. Variation of stream stability with stream type and livestock bank damage in northern Nevada. *Water Resources Bulletin* 28:743-754.
- Myers, T.J. and S. Swanson, 1992. Aquatic habitat condition index, stream type, and livestock bank damage in northern Nevada. *Water Resources Bulletin* 27:667-677.
- Zonge, K.L., S. Swanson, and T. Myers, 1996. Drought year changes in streambank profiles on incised streams in the Sierra Nevada Mountains. *Geomorphology* 15:47-56.

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

### Representative Projects

#### Expert Witnessing

- Myers, T., 2016. Expert Report/Testimony: In Re State Land Office Agriculture Lease No. GT-0447, Brininstool XL Ranch, LLC v. Devon Energy Production Company, Contest No. 15-006. Santa Fe, NM
- Myers, T., 2014. Expert Report/Deposition: In the Matter of California Department of Parks and Recreation v. Newmont Mining Corporation, et al. Prepared for the California Department of Justice, February 2014
- Myers, T., 2012. Expert Report/ Testimony at Aquifer Protection Permit Appeal Hearing, Rosemont Mine. Phoenix AZ, August and September, 2012.
- Myers, T., 2011. Deposition: Northeast Natural Energy, LLC and Enroute Properties, LLC v. The City of Morgantown, WV, Civil Action No. 11-C-411, Circuit County of Monongalia County, WV.
- Myers, T. 2011 and earlier. Expert Reports (some listed below) and Testimony. Water Rights Protest Hearings before the Nevada State Engineer, Southern Nevada Water Authority Applications for (1) Spring Valley, (2) Cave, Dry Lake, Delamar Valley, (3) Three Lakes/Tikapoo Valley.
- Myers, T. 2006. Expert Report/Deposition. Cole et al. v J.M. Huber Corp, and William DeLapp. U.S. Federal District Court Case No. 06-CV-0142J.
- Myers, T., 2005. Nevada State Environmental Commission Appeal Hearing, Water Pollution Control Permit Renewal NEV0087001, Big Springs Mine. Prepared for Great Basin Mine Watch, Reno NV.
- Myers, T. 2004. Nevada State Environmental Commission Appeal Hearing, Water Pollution Control Permit, Lone Tree Mine, Gold Quarry Mine. Prepared for Great Basin Mine Watch, Reno NV.

#### Reports, Reviews and Activities

- Myers, T. 2016. Effect of Open-Pit Mine Dewatering and Cessation on Semi-Arid River Flows. Prepared for the Progressive Leadership Alliance of Nevada.
- Myers, T. 2016. International Technology Exchange, Mongolia. Working with Mongolian and Russian NGOs regarding Mining and Energy Development
- Myers, T. 2016. Technical Memorandum: Completeness Review of the Mine Operating Permit Application, Black Butte Copper Project, Meagher County MT. Prepared for Montana Chapter, Trout Unlimited.
- Myers, T. 2016. Technical Memorandum. Response to the US Fish and Wildlife Service Hydrologic Reasoning in its Response to the Center for Biological Diversity's Notice of Intent to Sue to Reopen Consultation on Various Memorandums of Agreement Regarding the Muddy River Springs. Prepared for the Center for Biological Diversity, September 10, 2016.
- Myers, T., 2016. Technical Memorandum, Review of the Draft Environmental Impact Statement, Copper Flat, Sierra County, NM. Prepared for Ladder Ranch, Inc. and New Mexico Environmental Law Center



## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

- Myers, T., 2016. Technical Memorandum, Review of the Draft Supplemental Environmental Impact Statement for the Donlin Gold Project. Prepared for the Northern Alaska Environmental Center.
- Myers, T., 2016. Technical Memorandum, Review of the Draft Supplemental Environmental Impact Statement for the Rock Creek Project, Sanders County, MT. Prepared for the Rock Creek Alliance.
- Myers, T. 2016. Technical Memorandum, Twin Metals Mine and the Peter Mitchell Pit, Simulation of the Development of the Peter Mitchell Pit and Its Effects on the Proposed Twin Metals Tailings Impoundment. Prepared for Northeastern Minnesotans for Wilderness.
- Myers, T., 2015. Conceptual Flow and Transport Model, Uranium Plume near the Homestake Millsite, Milan, NM. Prepared for Bluewater Valley Downstream Alliance. Marcy 16, 2015.
- Myers, T., 2015. Hydrogeology of the Humboldt River Basin, Impacts of Open-pit Mine Dewatering and Pit Lake Formation. Prepared for the Progressive Leadership Alliance of Nevada and Great Basin Resource Watch, Revised June 2015.
- Myers, T., 2015. Letter Report: Comments on the Draft Supplemental Environmental Impact Review for the Panoche Valley Solar Project. Prepared for Adams Broadwell Joseph and Cardozo, San Francisco CA
- Myers, T., 2015. Technical Memorandum: Review of the Final Environmental Impact Statement, NorthMet Mining Project and Land Exchange. Prepared for Minnesota Center for Environmental Advocacy.
- Myers, T., 2015. Technical Memorandum – Review of Assessment of the Potential Impacts of Hydraulic Fracturing for Oil and Gas on Drinking Water Resources. Prepared for Delaware Riverkeeper Network. August 24, 2015.
- Myers, T., 2015. Technical Memorandum – Review of Finger Lakes LPG Storage, LLC, Proposed LPG Storage Facility. Prepared for Earthjustice, New York. January 13, 2015
- Myers, T., 2015. Technical Memorandum – Review of Pennsylvania Governor’s Executive Order Concerning Hydraulic Fracturing in Pennsylvania State Parks and Forest. Prepared for Delaware River Keeper, January 9, 2015.
- Myers, T., 2015. Technical Memorandum – Review of Water Supply Assessment, Village at Squaw Valley. Prepared for Sierra Watch, July 13, 2015.
- Myers, T., 2014. Groundwater Flow and Transport Modeling, NorthMet Mine and Plant Site. Prepared for the Minnesota Center for Environmental Advocacy.
- Myers, T., 2014. Letter Report: Comments on the Environmental Assessment for the Proposed Photovoltaic Array Proposed for Ft Irwin CA. Prepared for Adams Broadwell Joseph and Cardozo, San Francisco CA, October 13, 2014
- Myers, T., 2014. Review of the Water Quality Modeling, NorthMet Mine and Plant Site, Minnesota. Prepared for Minnesota Center for Environmental Advocacy.
- Myers, T. 2014. Technical Memorandum: Review of Performance Standards, Center for Sustainable Shale Development. Prepared for Delaware River Keeper. May 8, 2014.

**Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of  
California Unions for Renewable Energy (January 11, 2017)**

- Myers, T. 2014. Technical Memorandum: Review of the Hydrogeologic Aspects of the Draft Environmental Impact Statement, Haile Gold Mine, Lancaster County, South Carolina. Prepared for Southern Environmental Law Center, May 8 2014.
- Myers, T., 2014. Technical Memorandum: Review of the Supplemental Draft Environmental Impact Statement, NorthMet Mining Project and Land Exchange. Prepared for Minnesota Center for Environmental Advocacy. March 10, 2014
- Myers, T. 2014. Technical Memorandum: Twin Metals and the Boundary Waters Canoe Area Wilderness, Risk Assessment for Underground Metals Mining. Prepared for Northeastern Minnesotans for Wilderness. August 8 2014
- Myers, T. 2012-3. Participation in EPA Potential Impacts of Hydraulic Fracturing on Drinking Water Resources Study. US Environmental Protection Agency, Washington DC.
- Myers, T., 2013. DRAFT: Chapter 5.1: Water Quality. Initiative for Responsible Mining.
- Myers, T., 2013. DRAFT: Chapter 5.2: Water Quantity. Initiative for Responsible Mining.
- Myers, T., 2013. Technical Memorandum: Comments on Encana Oil and Gas Inc.'s Application for the Madison Aquifer to be Exempt Wyoming Oil and Gas Conservation Commission Docket No. 3-2013. Prepared for Natural Resources Defense Council, Powder River Basin Council. June 12, 2013.
- Myers, T. 2013. Technical Memorandum: Impact Analysis: Wishbone Hill Water Right Application. Prepared for Trustees for Alaska
- Myers, T., 2013. Technical Memorandum: Review of Montanore Mine Dewatering Instream Flow Methodology. Prepared for Save our Cabinets, Earthworks. March 26, 2013
- Myers, T. 2012. Technical Memorandum: Chuitna Coal Mine Project, Review of Arcadis DRAFT Hydrogeologic Conceptual Site Model Update and Associated Documents. Prepared for Cook Inletkeeper. May 11, 2012.
- Myers, T., 2012. Technical Memorandum, Review of DRAFT: Investigation of Ground Water Contamination near Pavillion Wyoming Prepared by the Environmental Protection Agency, Ada OK. April 19, 2012.
- Myers, T., 2012. Participation in: Keystone Center Independent Science Panel, Pebble Mine. Anchorage AK, October 1-5, 2012.
- Myers, T., 2012. Technical Memorandum, Review and Analysis, Revised Draft, Supplemental Generic Environmental Impact Statement on the Oil, Gas and Solution Mining Regulatory Program, Well Permit Issuance for Horizontal Drilling and High-Volume Hydraulic Fracturing to Develop the Marcellus Shale and Other Low-Permeability Gas Reservoirs. Prepared for Natural Resources Defense Council.
- Myers, T., 2012. Technical Memorandum, Review of the Special Use Permit PP2011-035-Camilletti 21-10, Groundwater Monitoring Requirements. Prepared for Routt County Board of Commissioners and the Routt County Planning Department. June 19, 2012.
- Myers, T., 2012. Drawdown at U.S. Forest Service Selected Monitoring Points, Myers Rosemont Groundwater Model Report. Prepared for Pima County, AZ. March 22, 2012.

**Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of  
California Unions for Renewable Energy (January 11, 2017)**

- Myers, T. 2011. Baseflow Conditions in the Chuitna River and Watersheds 2002, 2003, and 2004 and the Suitability of the Area for Surface Coal Mining. January 14, 2011.
- Myers, T., 2011. Hydrogeology of Cave, Dry Lake and Delamar Valleys, Impacts of pumping underground water right applications #53987 through 53092. Presented to the Office of the Nevada State Engineer On behalf of Great Basin Water Network.
- Myers, T., 2011. Hydrogeology of Spring Valley and Surrounding Areas, Part A: Conceptual Flow Model. Presented to the Nevada State Engineer on behalf of Great Basin Water Network and the Confederated Tribes of the Goshute Reservation.
- Myers, T., 2011. Hydrogeology of Spring Valley and Surrounding Areas, Part B: Groundwater Model of Snake Valley and Surrounding Area. Presented to the Nevada State Engineer on behalf of Great Basin Water Network and the Confederated Tribes of the Goshute Reservation.
- Myers, T., 2011. Hydrogeology of Spring Valley and Surrounding Areas, PART C: IMPACTS OF PUMPING UNDERGROUND WATER RIGHT APPLICATIONS #54003 THROUGH 54021. Presented to the Nevada State Engineer on behalf of Great Basin Water Network and the Confederated Tribes of the Goshute Reservation.
- Myers, T., 2011. Rebuttal Report: Part 2, Review of Groundwater Model Submitted by Southern Nevada Authority and Comparison with the Myers Model. Presented to the Nevada State Engineer on behalf of Great Basin Water Network and the Confederated Tribes of the Goshute Reservation.
- Myers, T. 2011. Rebuttal Report: Part 3, Prediction of Impacts Caused by Southern Nevada Water Authority Pumping Groundwater From Distributed Pumping Options for Spring Valley, Cave Valley, Dry Lake Valley, and Delamar Valley. Presented to the Nevada State Engineer on behalf of Great Basin Water Network and the Confederated Tribes of the Goshute Reservation.
- Myers, T., 2011. Baseflow Selenium Transport from Phosphate Mines in the Blackfoot River Watershed Through the Wells Formation to the Blackfoot River, Prepared for the Greater Yellowstone Coalition.
- Myers, T., 2011. Blackfoot River Watershed, Groundwater Selenium Loading and Remediation. Prepared for the Greater Yellowstone Coalition.
- Myers, T., 2011. Technical Memorandum Review of the Proposed Montanore Mine Supplemental Draft Environmental Impact Statement and Supporting Groundwater Models
- Myers, T., 2010. Planning the Colorado River in a Changing Climate, Colorado River Simulation System (CRSS) Reservoir Loss Rates in Lakes Powell and Mead and their Use in CRSS. Prepared for Glen Canyon Institute.
- Myers, T., 2010. Technical Memorandum, Updated Groundwater Modeling Report, Proposed Rosemont Open Pit Mining Project. Prepared for Pima County and Pima County Regional Flood Control District
- Myers, T., 2009. Monitoring Groundwater Quality Near Unconventional Methane Gas Development Projects, A Primer for Residents Concerned about Their Water. Prepared for Natural Resources Defense Council. New York, New York.

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

- Myers, T., 2009. Technical Memorandum, Review and Analysis of the Hydrology and Groundwater and Contaminant Transport Modeling of the Draft Environmental Impact Statement Blackfoot Bridge Mine, July 2009. Prepared for Greater Yellowstone Coalition, Idaho Falls, Idaho.
- Myers, T., 2008. Hydrogeology of the Carbonate Aquifer System, Nevada and Utah With Emphasize on Regional Springs and Impacts of Water Rights Development. Prepared for: Defenders of Wildlife, Washington, D.C. June 1, 2008.
- Myers, T., 2008. Hydrogeology of the Muddy River Springs Area, Impacts of Water Rights Development. Prepared for: Defenders of Wildlife, Washington, D.C. May 1, 2008
- Myers, T., 2008. Hydrogeology of the Santa Rita Rosemont Project Site, Numerical Groundwater Modeling of the Conceptual Flow Model and Effects of the Construction of the Proposed Open Pit, April 2008. Prepared for: Pima County Regional Flood Control District, Tucson AZ.
- Myers, T., 2008. Technical Memorandum, Review, Record of Decision, Environmental Impact Statement Smoky Canyon Mine, Panels F&G, U.S. Department of the Interior, Bureau of Land Management. Prepared for Natural Resources Defense Council, San Francisco, CA and Greater Yellowstone Coalition, Idaho Falls, ID. Reno NV.
- Myers, T., 2007. Groundwater Flow and Contaminant Transport at the Smoky Canyon Mine, Proposed Panels F and G. Prepared for Natural Resources Defense Council, San Francisco, CA and Greater Yellowstone Coalition, Idaho Falls, ID. Reno NV. December 11, 2007.
- Myers, T., 2007. Hydrogeology, Groundwater Flow and Contaminant Transport at the Smoky Canyon Mine, Documentation of a Groundwater Flow and Contaminant Transport Model. Prepared for Natural Resources Defense Council, San Francisco, CA and Greater Yellowstone Coalition, Idaho Falls, ID. Reno NV, December 7, 2007.
- Myers, T., 2007. Review of Hydrogeology and Water Resources for the Final Environmental Impact Statement, Smoky Canyon Mine, Panels F and G and Supporting Documents. Prepared for Natural Resources Defense Council, San Francisco, CA and Greater Yellowstone Coalition, Idaho Falls, ID. Reno, NV. December 12, 2007.
- Myers, T., 2007. Hydrogeology of the Powder River Basin of Southeast Montana Development of a Three-Dimensional Groundwater Flow Model. Prepared for Northern Plains Resource Council. February 12 2007.
- Myers, T., 2007. Hydrogeology of the Santa Rita Rosemont Project Site, Conceptual Flow Model and Water Balance, Prepared for: Pima County Flood Control District, Tucson AZ
- Myers, T., 2006. Review of Mine Dewatering on the Carlin Trend, Predictions and Reality. Prepared for Great Basin Mine Watch, Reno, NV
- Myers, T., 2006. Hydrogeology of Spring Valley and Effects of Groundwater Development Proposed by the Southern Nevada Water Authority, White Pine and Lincoln County, Nevada. Prepared for Western Environmental Law Center for Water Rights Protest Hearing.
- Myers, T., 2006. Potential Effects of Coal Bed Methane Development on Water Levels, Wells and Springs of the Pinnacle Gas Resource, Dietz Project In the Powder River Basin of Southeast Montana. Affidavit prepared for Northern Plains Resource Council, April 4 2006.

**Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of  
California Unions for Renewable Energy (January 11, 2017)**

- Myers, T., 2006. Review of Hydrogeology and Water Resources for the Draft Environmental Impact Statement, Smoky Canyon Mine, Panels F and G, Technical Report 2006-01-Smoky Canyon. Prepared for Natural Resources Defense Council.
- Myers, T., 2006. Review of Nestle Waters North America Inc. Water Bottling Project Draft Environmental Impact Report / Environmental Assessment. Prepared for McCloud Watershed Council, McCloud CA.
- Myers, T., 2005. Hydrology Report Regarding Potential Effects of Southern Nevada Water Authority's Proposed Change in the Point of Diversion of Water Rights from Tikapoo Valley South and Three Lakes Valley North to Three Lakes Valley South. Prepared for Western Environmental Law Center for Water Rights Protest Hearing.
- Myers, T., 2005. Review of Draft Supplemental Environmental Impact Statement, Ruby Hill Mine Expansion: East Archimedes Project NV063-EIS04-34, Technical Report 2005-05-GBMW. Prepared for Great Basin Mine Watch.
- Myers, T., 2005. Hydrogeology of the Powder River Basin of Southeast Montana, Development of a Three-Dimensional Groundwater Flow Model. Prepared for Northern Plains Resource Council, Billings, MT in support of pending litigation.
- Myers, T., 2005. Potential Effects of Coal Bed Methane Development on Water Levels, Wells and Springs In the Powder River Basin of Southeast Montana. Prepared for Northern Plains Resource Council, Billings, MT.
- Myers, T., 2004. An Assessment of Contaminant Transport, Sunset Hills Subdivision and the Anaconda Yerington Copper Mine, Technical Report 2004-01-GBMW. Prepared for Great Basin Mine Watch.
- Myers, T., 2004. Technical Memorandum: Pipeline Infiltration Project Groundwater Contamination. Prepared for Great Basin Mine Watch.
- Myers, T., 2004. Technical Report Seepage From Waste Rock Dump to Surface Water The Jerritt Canyon Mine, Technical Report 2004-03-GBMW. Prepared for Great Basin Mine Watch.
- Myers, T., 2001. An Assessment of Diversions and Water Rights: Smith and Mason Valleys, NV. Prepared for the Bureau of Land Management, Carson City, NV.
- Myers, T., 2001. Hydrogeology of the Basin Fill Aquifer in Mason Valley, Nevada: Effects of Water Rights Transfers. Prepared for the Bureau of Land Management, Carson City, NV.
- Myers, T., 2001. Hydrology and Water Balance, Smith Valley, NV: Impacts of Water Rights Transfers. Prepared for the Bureau of Land Management, Carson City, NV.
- Myers, T., 2000. Alternative Modeling of the Gold Quarry Mine, Documentation of the Model, Comparison of Mitigation Scenarios, and Analysis of Assumptions. Prepared for Great Basin Mine Watch. Center for Science in Public Participation, Bozeman MT.
- Myers, T., 2000. Environmental and Economic Impacts of Mining in Eureka County. Prepared for the Dept. Of Applied Statistics and Economics, University of Nevada, Reno.
- Myers, T., 1999. Water Balance of Lake Powell, An Assessment of Groundwater Seepage and Evaporation. Prepared for the Glen Canyon Institute, Salt Lake City, UT.

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

Myers, T., 1998. Hydrogeology of the Humboldt River: Impacts of Open-pit Mine Dewatering and Pit Lake Formation. Prepared for Great Basin Mine Watch, Reno, NV.

### Selected Abstracts, Magazine and Proceedings Articles

Myers, T., 2014. Reservoir Loss Rates, Lakes Mead and Powell and Fill Mead First. INVITED PRESENTATION at 2014 Future of the Colorado Plateau Forum – Drought and the Colorado River. <http://musnaz.org/educational-programs/public-programs/future-of-the-colorado-plateau-forums/>

Myers, T., 2013. Three-dimensional Groundwater and Contaminant Flow around Marcellus Gas Development. INVITED PRESENTATION at 2013 Associated Engineering Geologists Conference, Seattle WA.

Myers, T., 2012. Mine Dewatering: Humboldt River Update. INVITED PRESENTATION at 2012 Nevada Water Resources Association Annual Conference.

Myers, T., 2012. Reservoir loss rates from Lake Powell, and long-term management of the Colorado River system. 2012 Nevada Water Resources Association Annual Conference

Myers, T., 2011. Reservoir loss rates from Lake Powell, and long-term management of the Colorado River system. 2011 Fall Conference, American Geophysical Union.

Myers, T., 2006. Modeling Coal Bed Methane Well Pumpage with a MODFLOW DRAIN Boundary. In MODFLOW and More 2006 Managing Ground Water Systems, Proceedings. International Groundwater Modeling Center, Golden CO. May 21-24, 2006.

Myers, T., 2006. Proceed Carefully: Much Remains Unknown, *Southwest Hydrology* 5(3), May/June 2006, pages 14-16.

Myers, T., 2004. Monitoring Well Screening and the Determination of Groundwater Degradation, Annual Meeting of the Nevada Water Resources Association, Mesquite, NV. February 27-28, 2004.

Myers, T., 2001. Impacts of the conceptual model of mine dewatering pumpage on predicted fluxes and drawdown. In MODFLOW 2001 and Other Modeling Odysseys, Proceedings, Volume 1. September 11-14, 2001. International Ground Water Modeling Center, Golden, Colorado.

Myers, T., 1997. Groundwater management implications of open-pit mine dewatering in northern Nevada. In Kendall, D.R. (ed.), Conjunctive Use of Water Resources: Aquifer Storage and Recovery. AWRA Symposium, Long Beach California. October 19-23, 1997

Myers, T., 1997. Groundwater management implications of open-pit mine dewatering in northern Nevada. In Life in a Closed Basin, Nevada Water Resources Association, October 8-10, 1997, Elko, NV.

Myers, T., 1997. Uncertainties in the hydrologic modeling of pit lake refill. American Chemical Society Annual Meeting, Las Vegas, NV, Sept. 8-12, 1997.

Myers, T., 1997. Use of groundwater modeling and geographic information systems in water marketing. In Warwick, J.J. (ed.), Water Resources Education, Training, and Practice: Opportunities for the Next Century. AWRA Symposium, Keystone, Colo. June 29-July 3, 1997.

**Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of  
California Unions for Renewable Energy (January 11, 2017)**

Myers, T., 1995. Decreased surface water flows due to alluvial pumping in the Walker River valley. Annual Meeting of the Nevada Water Resources Association, Reno, NV, March 14-15, 1995.

**Special Coursework**

Years	Course	Sponsor
2011	Hydraulic Fracturing of the Marcellus Shale	National Groundwater Association
2008	Fractured Rock Analysis	MidWest Geoscience
2005	Groundwater Sampling Field Course	Nielson Environmental Field School
2004	Environmental Forensics	National Groundwater Association
2004 and -5	Groundwater and Environmental Law	National Groundwater Association

**Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of  
California Unions for Renewable Energy (January 11, 2017)**

**ATTACHMENT**



**Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of  
California Unions for Renewable Energy (January 11, 2017)**

**EXHIBIT F**

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)



SMITH ENGINEERING & MANAGEMENT

January 5, 2017

Ms. Christina Caro  
Adams Broadwell Joseph & Cardozo  
601 Gateway Boulevard, Suite 1000  
South San Francisco, CA 94080-7037

**Subject: Suncrest Dynamic Reactive Power Support Project DEIR**

Dear Ms. Caro:

Per your request, I reviewed Draft Environmental Impact Report (the "DEIR") for the Suncrest Dynamic Reactive Power Support Project (the "Project") in San Diego County (the "County"). My review is with respect to transportation and circulation considerations.

My qualifications to perform this review include registration as a Civil and Traffic Engineer in California and over 48 years professional consulting engineering practice in the traffic and parking field. I have both prepared and reviewed the transportation and circulation sections of environmental review documents. My professional resume is attached hereto. Technical comments follow:

A-182



### **The Illustration of the Project in the Transportation and Traffic Chapter of the DEIR (Figure 19-1) Lacks Critical Details**

DEIR Figure 19-1 entitled "*Roadways in the Project Vicinity*" lacks critical details. It does not show the location of the gate that divides the portion of Bell Bluff Truck Trail to which the public has access from the portion to which access is restricted. Figure 19-1 also fails to show the locations of driveways to private residences accessed from Bell Bluff Truck Trail or Avenida de los Arboles, and does not show sufficient detail of the roadway network to disclose the fact that these residences have no alternate access routes. The text of the DEIR similarly fails to disclose the exact locations of residence access. These deficiencies render the DEIR inadequate as an informational document because the DEIR

TRAFFIC • TRANSPORTATION • MANAGEMENT

5311 Lowry Road, Union City, CA 94587 tel: 510.489.9477 fax: 510.489.9478

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

Ms. Christina Caro  
Adams Broadwell Joseph & Cardozo  
January 5, 2017  
Page 2

A-182  
Cont.

fails to set forth the baseline residential access conditions that will be impacted by the Project.

### Baseline Traffic Count and Residential Data is Deficient

A-183

The DEIR presents no traffic data for Bell Bluff Truck Trail or Avenida de los Arboles, instead stating that "no traffic data are available". This statement demonstrates the DEIR's failure to collect the relevant data necessary to perform a meaningful analysis of traffic impacts, resulting in an overall lack of informed analysis in the DEIR. Construction impacts on traffic utilizing these roads is at the essence of why a traffic impact study is being performed as part of the DEIR. It is therefore incumbent upon the preparing agency to obtain accurate data on the traffic using the roads that will be impacted by the Project. If no current data is available from the public agencies that ordinarily maintain traffic count records, then due diligence requires that the lead agency retain a traffic counting service to make the counts necessary to support the DEIR's analysis. The DEIR's failure to include this threshold information regarding existing traffic in the Project area fails to comply with the information disclosure requirements of CEQA and renders the DEIR's conclusions unsupportable.

A-184

The DEIR also improperly relies on outdated 2008 traffic counts on Japatul Valley Road. The DEIR acknowledges that the Japatul counts are outdated, but erroneously contends that reliance on the 2008 counts is nevertheless remedied by citation to more recent 2009 and 2013 counts taken on other roads located several miles away from the Project's roads of concern, and which are therefore irrelevant to the DEIR's analysis of current conditions on Japatul Valley Road. The DEIR's traffic analysis should be revised to include current traffic counts on all roads relevant to the Project, including Japatul Valley Road. The lack of current traffic count data makes the DEIR deficient as an informational document under CEQA.

A-185

Finally, the traffic analysis also fails to disclose the number of residences that would have their traffic access and egress potentially disrupted by the Project's construction traffic. This information is fundamental to the DEIR's impact analysis. Its omission makes it impossible to reach an informed conclusion about the severity of the Project's construction traffic impacts.

A-186

### The DEIR Traffic Analysis Understates the Amount of Construction Traffic

The DEIR discloses that approximately 4030 cubic yards of excavated materials would need to be hauled from the site. The DEIR concludes that, over a 220-day construction period, this would only involve an average of 2 trips per day by trucks with a 10 cubic yard capacity. However, the DEIR's analysis ignores the fact that each load involves both a truck trip in and a truck trip out (in other words 2 loads means 4 total truck trips) and assumes the unlikely fact that excavation

TRAFFIC • TRANSPORTATION • MANAGEMENT  
5311 Lowry Road, Union City, CA 94587 tel: 510.489.9477 fax: 510.489.9478

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

Ms. Christina Caro  
Adams Broadwell Joseph & Cardozo  
January 5, 2017  
Page 3

- A-186  
Cont. ↑
- and related hauling would take place evenly over every day of the 220-day construction period. There is no evidence in the DEIR's traffic analysis to support this assertion. Rather, the construction schedule described in the DEIR indicates that excavation, grading, and hauling activities are only likely to take place during the first 6.5 months of the 11-month construction period, whereas activities such as "testing and commissioning" and "restoration and cleanup" will occupy the remaining 4.5 months. See DEIR, p. ES-5 to 6.
- A-187 ↑
- The DEIR's traffic analysis also fails to account for bulking - the swell of excavated materials to a greater size than the size of the hole or holes that was or were dug. The amount of bulking depends on the material excavated. For instance, ordinary soil or dry gravel swells to a volume 20 to 30 percent greater than the size of the excavation; dolomite swells to a 50 to 60 percent greater volume than the hole; limestone and sandstone swell to volumes 75 to 80 percent greater than the size of the hole<sup>1</sup>. Since the DEIR discloses that some of the excavation might involve blasting, it is likely that much of the material hauled away will be rock materials that involve the highest swell factors. As a result, hauling activity would likely be much more intense on those days than disclosed in the DEIR. The DEIR also opines that the number of haul trips could be cut in half by using 20 cubic yard trucks instead of 10 cubic yard ones. However, this conclusion is unsupported and ignores the fact that such a substitution is improbable because of the difficulty of maneuvering the larger trucks on the subject roadways, particularly where Bell Bluff Truck Trail will be significantly narrowed by the excavation itself.
- A-188 ↑
- The DEIR discloses that a maximum of 64 workers would be on site during the construction period but claims that "*Typically, construction workers travel together to the work site*" and "*Even if each worker drove his or her own vehicle and traveled alone, based on the anticipated number of workers...the additional vehicle trips generated by construction would be negligible considering the average daily traffic and existing LOS on I-8 and local roadways*". These statements are unsupported and problematic on a number of levels. First, there is no evidence presented in the DEIR to support the conclusion that construction workers travel together. Rather, construction workers are widely recognized by traffic professionals as notorious solo commuters because they often carry personally owned tools with them in their vehicles to the work site. Second, even assuming (without evidence) that construction worker trips were minimal, the DEIR lacks evidence to conclude that construction vehicle trips would be negligible, and therefore have a less than significant impact, when compared to average daily traffic and existing LOS since the DEIR never measured existing daily traffic or related LOS. Finally, the DEIR fails to address the impacts of Project construction on local neighborhoods by failing to disclose that Project
- A-189 ↑
- A-190 ↓

<sup>1</sup> For more extended information on bulking and swell of excavated materials see [www.engineeringtoolbox.com/soil-rock-bulking-factor-d\\_1557.html](http://www.engineeringtoolbox.com/soil-rock-bulking-factor-d_1557.html).

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

Ms. Christina Caro  
Adams Broadwell Joseph & Cardozo  
January 5, 2017  
Page 4

A-190  
Cont. ↑  
construction traffic is likely to result in significant or complete blockage of access roads, and general disturbance of use and access to residences, located along Bell Bluff Truck Trail. The DEIR fails to analyze the impacts of this traffic obstruction in the local neighborhoods surrounding the Project site which depend entirely on the Trail for access, and the corollary impacts caused by obstructing emergency vehicle access to these residences.

In particular, the DEIR fails to address the following issues:

- A-191 ↑ • Construction Parking: Will all of the construction workers be able to park within the "secured" portion of Bell Bluff Truck Trail, or will they be parking to the east of that area where they will be more visible and objectionable to neighbors?
- A-192 ↑ • Presence of Construction Vehicles in Residential Neighborhood: Will heavy vehicles bringing construction equipment and supplies to the site be staged within the "secured" portion of Bell Bluff Truck Trail or will they be outside it where they will be more disruptive to the neighborhood?
- A-193 ↑ • Blocking Residential and Emergency Access: Will residential driveways and emergency vehicle access be blocked by inappropriately parked construction worker vehicles or idling haul vehicles occupying the narrow Trail?

The DEIR should be revised to address these fundamental traffic-related issues.

### Purported Mitigation Measures Are Ineffective

Mitigation Measure TR-1: Maintain Traffic Flow states as follows:

*NEET West or their contractor(s) shall implement the following measures:*

- *To the extent feasible, work shall be staged and conducted in a manner that maintains two-way traffic flow on roadways in the vicinity of the work site.*
- *Heavy equipment and haul traffic shall be prohibited in residential areas to the greatest extent feasible. When no other route to and from the site is available, heavy equipment and haul traffic through residential areas shall be restricted to the hours of 8 a.m. to 5:30 p.m., Monday through Friday.*

A-194 ↓  
This measure is infeasible, and not likely to be implemented in any meaningful way, because the only access to the Project site is via a single access road which passes through a residential neighborhood. It is therefore impossible for heavy equipment and haul traffic to be "prohibited in residential areas" as the Measure suggests, unless such equipment is eliminated from the Project altogether. Additionally, inclusion of the phrases "*to the extent feasible*" and "*to*

TRAFFIC • TRANSPORTATION • MANAGEMENT

5311 Lowry Road, Union City, CA 94587 tel: 510.489.9477 fax: 510.489.9478

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

Ms. Christina Caro  
Adams Broadwell Joseph & Cardozo  
January 5, 2017  
Page 5

A-194  
Cont.

*the greatest extent feasible*" gut the effectiveness of the mitigation measure because they do not require any action if the developer decides it is "infeasible" to perform the required tasks.

A-195

Mitigation actions that would be helpful to the neighborhood, and which should be specifically defined in the measure, include requiring all worker vehicle parking to take place within the secured portion of Bell Bluff Truck Trail, and for all staging of heavy equipment and haul traffic to also take place within the same secured portion of Bell Bluff Truck Trail, thus avoiding substantial interference with residential access and use.

Mitigation Measure TR – 2: Minimize Effects of Temporary Roadway Disturbances states as follows:

*NEET West or their contractor(s) shall implement the following Measures:*

- *Prepare and implement a Traffic Control Plan (TCP) to describe procedures to guide traffic (such as signage and flaggers, safeguard construction workers, provide safe passage of traffic and minimize traffic impacts, as necessary, through the duration of construction. In the event that closure of any portion of Bell Bluff Truck Trail were to become necessary, notification shall be provided to SDG&E at least 5 days in advance of anticipated closures. In the event that road closure were to become necessary for any publicly-accessible road segment, notification shall be posted and/or circulated to the public at least 5 days in advance of the anticipated closure. NEET West shall employ adequate control devices, signage, a detour route and flaggers, as necessary, throughout the duration of the construction.*

A-196

A-197

Given that the Project site's sole access is via residential streets that also serve as the sole access to residential neighborhoods, compliance with the mitigation measure is infeasible, rendering the measure ineffective. First, there are no possible "detour routes" since the Project site may only be accessed by Bell Bluff Truck Trail and its extension, Avenida de los Arboles. Second, the DEIR fails to analyze, and the Mitigation Measure fails to mitigate, the impacts that complete road closure would have on either SD&E or local residents, given the fact that there are no alternative access routes available. For example, if a resident was scheduled to have a large wedding party (or similar social function) in their home and yard, 5 days advanced notice of a complete road closure blocking access to their home would be inadequate to mitigate the harm to the residents. Similarly, if an emergency vehicle were required to respond to an emergency along Bell Bluff Truck Trail or Avenida de los Arboles during a Project-related road closure, the emergency vehicle would have no alternate means of access to residences located along those roads. This could result in unabated fire or crime, failure of

TRAFFIC • TRANSPORTATION • MANAGEMENT

5311 Lowry Road, Union City, CA 94587 tel: 510.489.9477 fax: 510.489.9478

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

Ms. Christina Caro  
Adams Broadwell Joseph & Cardozo  
January 5, 2017  
Page 6

A-197  
Cont.

an ambulance to timely respond to a health emergency, etc. These are significant impacts that the Mitigation Measure entirely fails to address or mitigate.

A-198

In order to be effective, this Mitigation Measure should instead require that no road closure may occupy more than the half-width of the publicly accessible portions of Bell Bluff Truck Trail or Avenida de los Arboles, and that the remaining half-width will be maintained accessible to two-way traffic by alternating one-way movements controlled by radio-equipped flaggers.

Mitigation Measure TR-3 Emergency Coordination And Access Considerations states as follows:

*NEET West or their contractor(s) shall implement the following measures:*

- *When work is conducted on roads and may have the potential to affect traffic flow, work shall be coordinated with local emergency service providers, as necessary, to ensure that emergency vehicle access and response is not impeded.*
- *Access for driveways and private roads shall be maintained to the extent feasible. If brief periods of construction work would temporarily block access, property owners shall be notified prior to construction activities.*
- *If closure of any portion of Bell Bluff Truck Trail is necessary during Project Construction, NEET West shall have staff available on-site at all times to place plates over open trenches, move construction equipment or clear any other obstructions to allow for 24 hour emergency vehicle access to SDG&E facilities.*

A-199

As discussed above, any complete road closure on Bell Bluff Truck Trail will impede emergency vehicle access. It logically follows that, if Project construction work is blocking traffic flow on a sole access road, a measure requiring that "work shall be coordinated with local emergency service providers to ensure that emergency vehicle access and response is not impeded" would have no practical effect, and would not mitigate this impact. It is also insufficient to have crews in place to allow for 24-hour emergency vehicle access solely to SDG&E facilities. The same should apply for any residential driveway or private roadway that might be temporarily obstructed. The Mitigation Measure should also define what is the acceptable duration for "brief periods of construction work that would temporarily block" driveway and private road access.

A-200

A-201

A-202

The DEIR's traffic mitigation measures must be revised to focus on protecting the safety and reasonable access needs of the residences that take their sole access via Bell Bluff Truck Trail and/or Avenida de los Arboles.

TRAFFIC • TRANSPORTATION • MANAGEMENT

5311 Lowry Road, Union City, CA 94587 tel: 510.489.9477 fax: 510.489.9478

**Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of  
California Unions for Renewable Energy (January 11, 2017)**

Ms. Christina Caro  
Adams Broadwell Joseph & Cardozo  
January 5, 2017  
Page 7

**Conclusion**

A-203

This completes my current comments on the Suncrest Dynamic Reactive Power Support Project DEIR. The DEIR's traffic impact study omits basic information that is critical to the public's analysis of the Project's traffic impacts, and fails to provide effective mitigation for admittedly significant traffic impacts. The DEIR's traffic analysis should be revised to include all relevant, missing information and recirculated in draft status.

Sincerely,

Smith Engineering & Management  
A California Corporation



Daniel T. Smith Jr., P.E.  
President

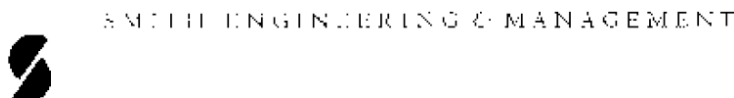


TRAFFIC • TRANSPORTATION • MANAGEMENT  
5311 Lowry Road, Union City, CA 94587 tel: 510.489.9477 fax: 510.489.9478



## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

Ms. Christina Caro  
Adams Broadwell Joseph & Cardozo  
January 5, 2017  
Page 8



### DANIEL T. SMITH, Jr. President

#### EDUCATION

Bachelor of Science, Engineering and Applied Science, Yale University, 1967  
Master of Science, Transportation Planning, University of California, Berkeley, 1968

#### PROFESSIONAL REGISTRATION

California No. 21913 (Civil) Nevada No. 7969 (Civil) Washington No. 29337 (Civil)  
California No. 938 (Traffic) Arizona No. 22131 (Civil)

#### PROFESSIONAL EXPERIENCE

Smith Engineering & Management, 1993 to present. President.  
DKS Associates, 1979 to 1993. Founder, Vice President, Principal Transportation Engineer.  
De Leuw, Cather & Company, 1968 to 1979. Senior Transportation Planner.  
Personal specialties and project experience include:

**Litigation Consulting.** Provides consultation, investigations and expert witness testimony in highway design, transit design and traffic engineering matters including condemnations involving transportation access issues; traffic accidents involving highway design or traffic engineering factors; land use and development matters involving access and transportation impacts; parking and other traffic and transportation matters.

**Urban Corridor Studies/Alternatives Analysis.** Principal-in-charge for State Route (SR) 102 Feasibility Study, a 35-mile freeway alignment study north of Sacramento. Consultant on I-280 Interstate Transfer Concept Program, San Francisco, an AA/EIS for completion of I-280, demolition of Embarcadero freeway, substitute light rail and commuter rail projects. Principal-in-charge, SR 238 corridor freeway/expressway design/environmental study, Hayward (Calif.) Project manager, Sacramento Northeast Area multi-modal transportation corridor study. Transportation planner for I-80N West Terminal Study, and Harbor Drive Traffic Study, Portland, Oregon. Project manager for design of surface segment of Woodward Corridor LRT, Detroit, Michigan. Directed staff on I-80 National Strategic Corridor Study (Sacramento-San Francisco), US 101-Sonoma freeway operations study, SR 92 freeway operations study, I-880 freeway operations study, SR 152 alignment studies, Sacramento RTD light rail systems study, Tasman Corridor LRT AA/EIS, Fremont-Warm Springs BART extension plan/EIR, SRs 70/99 freeway alternatives study, and Richmond Parkway (SR 93) design study.

**Area Transportation Plans.** Principal-in charge for transportation element of City of Los Angeles General Plan Framework, shaping nations largest city two decades into 21<sup>st</sup> century. Project manager for the transportation element of 300-acre Mission Bay development in downtown San Francisco. Mission Bay involves 7 million gsf office/commercial space, 8,500 dwelling units, and community facilities. Transportation features include relocation of commuter rail station; extension of MUNI-Metro LRT; a multi-modal terminal for LRT, commuter rail and local bus; removal of a quarter mile elevated freeway; replacement by new ramps and a boulevard; an internal roadway network overcoming constraints imposed by an internal tidal basin; freeway structures and rail facilities; and concept plans for 20,000 structured parking spaces. Principal-in-charge for circulation plan to accommodate 9 million gsf of office/commercial growth in downtown Bellevue (Wash.). Principal-in-charge for 64 acre, 2 million gsf multi-use complex for FMC adjacent to San Jose International Airport. Project manager for transportation element of Sacramento Capitol Area Plan for the state governmental complex, and for Downtown Sacramento Redevelopment Plan. Project manager for Napa (Calif.) General Plan Circulation Element and Downtown Riverfront Redevelopment Plan, on parking program for downtown Walnut Creek, on downtown transportation plan for San Mateo and redevelopment plan for downtown Mountain View (Calif.), for traffic circulation and safety plans for California cities of Davis, Pleasant Hill and Hayward, and for Salem, Oregon.

PRATT • TRANSPORTATION & ENVIRONMENT

501 University Blvd, Union City, CA 94587 Tel: 510 498 0477 Fax: 510 498 0774

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

Ms. Christina Caro  
Adams Broadwell Joseph & Cardozo  
January 5, 2017  
Page 9

**Transportation Centers.** Project manager for Daly City Intermodal Study which developed a \$7 million surface bus terminal, traffic access, parking and pedestrian circulation improvements at the Daly City BART station plus development of functional plans for a new BART station at Colma. Project manager for design of multi-modal terminal (commuter rail, light rail, bus) at Mission Bay, San Francisco. In Santa Clarita Long Range Transit Development Program, responsible for plan to relocate system's existing timed-transfer hub and development of three satellite transfer hubs. Performed airport ground transportation system evaluations for San Francisco International, Oakland International, Sea-Tac International, Oakland International, Los Angeles International, and San Diego Lindberg.

**Campus Transportation.** Campus transportation planning assignments for UC Davis, UC Berkeley, UC Santa Cruz and UC San Francisco Medical Center campuses; San Francisco State University; University of San Francisco; and the University of Alaska and others. Also developed master plans for institutional campuses including medical centers, headquarters complexes and research & development facilities.

**Special Event Facilities.** Evaluations and design studies for football/baseball stadiums, indoor sports arenas, horse and motor racing facilities, theme parks, fairgrounds and convention centers, ski complexes and destination resorts throughout western United States.

**Parking.** Parking programs and facilities for large area plans and individual sites including downtowns, special event facilities, university and institutional campuses and other large site developments; numerous parking feasibility and operations studies for parking structures and surface facilities; also, resident preferential parking .

**Transportation System Management & Traffic Restraint.** Project manager on FHWA program to develop techniques and guidelines for neighborhood street traffic limitation. Project manager for Berkeley, (Calif.), Neighborhood Traffic Study, pioneered application of traffic restraint techniques in the U.S. Developed residential traffic plans for Menlo Park, Santa Monica, Santa Cruz, Mill Valley, Oakland, Palo Alto, Piedmont, San Mateo County, Pasadena, Santa Ana and others. Participated in development of photo/radar speed enforcement device and experimented with speed humps. Co-author of Institute of Transportation Engineers reference publication on neighborhood traffic control.

**Bicycle Facilities.** Project manager to develop an FHWA manual for bicycle facility design and planning, on bikeway plans for Del Mar, (Calif.), the UC Davis and the City of Davis. Consultant to bikeway plans for Eugene, Oregon,

TRAFFIC • TRANSPORTATION • MANAGEMENT  
5311 Lowry Road, Union City, CA 94587 tel: 510.489.9477 fax: 510.489.9478

**Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of  
California Unions for Renewable Energy (January 11, 2017)**

Ms. Christina Caro  
Adams Broadwell Joseph & Cardozo  
January 5, 2017  
Page 10

Washington, D.C., Buffalo, New York, and Skokie, Illinois. Consultant to U.S. Bureau of Reclamation for development of hydraulically efficient, bicycle safe drainage inlets. Consultant on FHWA research on effective retrofits of undercrossing and overcrossing structures for bicyclists, pedestrians, and handicapped.

**MEMBERSHIPS**

Institute of Transportation Engineers Transportation Research Board

**PUBLICATIONS AND AWARDS**

*Residential Street Design and Traffic Control*, with W. Homburger et al. Prentice Hall, 1989. Co-recipient, Progressive Architecture Citation, *Mission Bay Master Plan*, with I.M. Pei WRT Associated, 1984. *Residential Traffic Management, State of the Art Report*, U.S. Department of Transportation, 1979. *Improving The Residential Street Environment*, with Donald Appleyard et al., U.S. Department of Transportation, 1979. *Strategic Concepts in Residential Neighborhood Traffic Control*, International Symposium on Traffic Control Systems, Berkeley, California, 1979. *Planning and Design of Bicycle Facilities: Pitfalls and New Directions*, Transportation Research Board, Research Record 570, 1976. Co-recipient, Progressive Architecture Award, *Livable Urban Streets, San Francisco Bay Area and London*, with Donald Appleyard, 1979.

TRAFFIC • TRANSPORTATION • MANAGEMENT

5311 Lowry Road, Union City, CA 94587 tel: 510.489.9477 fax: 510.489.9478

**Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of  
California Unions for Renewable Energy (January 11, 2017)**

**ATTACHMENT**

## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

### **Response to Comment A-1**

The description of the Proposed Project provided by the commenter in Comment A-1 is accurate.

### **Response to Comment A-2**

The commenter's support for selection of the Suncrest Substation Alternative is acknowledged. CPUC staff will not comment on the California Independent System Operator's (CAISO) 2015 competitive bid process or reasoning for selection of the Proposed Project Sponsor. For comments pertaining to the Suncrest Substation Alternative, please refer to Master Responses 1 and 2, provided in Chapter 2, *Master Responses*.

### **Response to Comment A-3**

CPUC staff disagrees with the commenter's assertion that the Proposed Project's potentially significant impacts are more extensive than disclosed in the DEIR. Please refer to applicable comment responses in this chapter for detailed responses to specific issues raised by the commenter. For air quality issues, please refer to Response to Comments A-32 through A-40, A-71 through A-75, and A-95 through A-111.

### **Response to Comment A-4**

Please refer to Response to Comments A-115 through A-167 for responses to the issues raised by Mr. Cashen regarding the Proposed Project's alleged impacts on biological resources.

### **Response to Comment A-5**

Please refer to Response to Comment A-168 for detailed discussion of Dr. Myers' comments regarding potential water quality impacts from Project blasting. In summary, CPUC staff disagrees with Dr. Myers' assertions. Staff believes that Mitigation Measure HAZ-2 would prevent substantial impacts to water quality from potential Project blasting. As described further in Response to Comment A-168 and shown in Chapter 4, *Revisions to the DEIR*, this mitigation measure has been enhanced to include additional measures to further prevent groundwater contamination from blasting activities. The Project site is not conducive to groundwater storage or movement. CPUC staff concludes that with implementation of the measures described in Mitigation Measure HAZ-2, any impacts to water quality from Project blasting activities would be less than significant.

Please also see Responses to Comments A-50 and A-51 for discussion of the commenter's claims that the Proposed Project may impact wetlands, including those included as part of the Lightner Mitigation Site.

## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

### **Response to Comment A-6**

Please refer to Responses to Comments A-26 through A-30, A-58 through A-62, and A-182 through A-203 for discussion of the points raised by Mr. Smith. CPUC disagrees with the commenter's assertions that the Proposed Project's construction traffic would have significant, unmitigated impacts on residential communities and that the DEIR's baseline for its traffic analysis is flawed.

### **Response to Comment A-7**

Please refer to Master Response 1 for discussion of the feasibility of the Suncrest Substation Alternative. As described in this master response, while the DEIR concluded that the Suncrest Substation Alternative is potentially feasible, CPUC staff disagrees with the notion that the alternative is unquestionably feasible. Several potential conflicts or issues suggest that the alternative may or may not be feasible, which is to ultimately be decided by the Commission.

Additionally, while the California Environmental Quality Act (CEQA) does require a lead agency to adopt feasible alternatives or mitigation measures that would reduce significant impacts, in this instance, the DEIR has found that the Proposed Project does not have any significant environmental impacts after mitigation. Therefore, CEQA would not obligate or require the CPUC to select the environmentally superior alternative. Please refer to Master Response 2 for discussion of this issue.

CPUC staff disagrees with the commenter's claim and experts' opinions that "additional mitigation measures are necessary to mitigate the Project's numerous potentially significant environmental effects." Please refer to applicable comment responses in this chapter for detailed responses to specific comments regarding the Proposed Project's alleged environmental impacts.

### **Response to Comment A-8**

The commenter's description of CEQA's requirements regarding recirculation of a DEIR appears to be correct. CPUC staff disagrees with the commenter's assertion that the DEIR must be revised and recirculated for public review and comment. Please refer to applicable comment responses throughout this chapter for CPUC staff's detailed responses to the commenter's specific comments regarding the Proposed Project's alleged environmental impacts.

### **Response to Comment A-9**

The commenter's statement that "CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an environmental impact report ('EIR') (except in certain limited circumstances)" is false. CEQA actually requires that lead agencies prepare an EIR on any project which they propose to carry out or approve that may have a significant effect on the environment (Public Resources Code [PRC] Section 21100). Therefore, for projects that may not have a significant effect on the environment, or for which a fair argument cannot be made that they would have a significant effect on the environment,

## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

the potential environmental effects of these projects may be evaluated in a negative declaration (ND) or mitigated negative declaration (MND). Far from “certain limited circumstances,” many hundreds to thousands of NDs and MNDs are prepared each year in California.

The remainder of the commenter’s description of CEQA’s purposes and requirements appears to be more or less correct; however, the commenter simplifies and omits several of CEQA’s stated purposes. As described in the State CEQA Guidelines (Section 15002[a]), the basic purposes of CEQA are four-fold, as follows:

1. Inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities.
2. Identify the ways that environmental damage can be avoided or significantly reduced.
3. Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.
4. Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

### **Response to Comment A-10**

The commenter’s support for the Suncrest Substation Alternative is noted. Please refer to Master Response 1 for discussion of the feasibility of the Suncrest Substation Alternative. As discussed in the master response, CPUC staff affirms its conclusion in the DEIR that the Suncrest Substation Alternative is potentially feasible; however, staff disagree with the commenter’s suggestion that implementation of the Suncrest Substation Alternative is unquestionably feasible.

The commenter’s summary of discussion of the environmentally superior alternative in the DEIR appears to be accurate. Please refer to Master Response 2 for discussion of CPUC staff’s rationale for selecting the Suncrest Substation Alternative as the environmentally superior alternative.

### **Response to Comment A-11**

The commenter is correct that the DEIR states that the Suncrest Substation Alternative would produce reactive power at the same level as the Proposed Project and would meet all of the stated project objectives.

### **Response to Comment A-12**

The commenter mischaracterizes the description of impacts in the DEIR and the DEIR’s rationale for selecting the Suncrest Substation Alternative as the environmentally superior alternative. The DEIR states that the Suncrest Substation Alternative could avoid various

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

adverse impacts of the Proposed Project, such as biological and potential cultural resources impacts from ground-disturbing activities for construction of the static VAR compensator (SVC) and underground transmission line; aesthetic impacts from the SVC and associated facilities; and stormwater/water quality impacts from development of a new impervious surface. The DEIR does not state, or conclude, as the commenter claims, that these are *significant* impacts that would be avoided by the Suncrest Substation Alternative. Rather, these are impacts that would be mitigated to a level that is less than significant; the DEIR merely reasons that, even though these impacts would be less than significant, as determined by applicable CEQA significance standards, some amount of impact would still be occurring, which could be completely avoided by implementation of the Suncrest Substation Alternative.

CPUC staff disagrees with the commenter, and its consultants, that the Proposed Project would have any significant effects on the environment. Therefore, staff disagrees with the commenter's assertion that "where, as here, a project is found to have significant adverse impacts, CEQA directs the lead agency to adopt feasible alternatives that meets most of the project objectives but result in fewer significant impacts." As described further in Master Response 2, the DEIR concluded that the Proposed Project would have no significant and unavoidable impacts (i.e., all potentially significant impacts could be mitigated to levels that are less than significant); therefore, CEQA does not obligate the CPUC to choose the Suncrest Substation Alternative.

### Response to Comment A-13

Comment noted. CPUC staff acknowledge that an alternative cannot be dismissed simply because it is less profitable; however, the State CEQA Guidelines make clear that determinations of feasibility may include economic factors. Section 15364 of the State CEQA Guidelines states that "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. As described in Master Response 1, NextEra Energy Transmission West, LLC (NEET West) has stated in its comments on the DEIR that the Suncrest Substation Alternative is economically infeasible because it would add substantial expense that is not included in the cost cap under the Approved Project Sponsor Agreement (APSA). CPUC staff cannot comment specifically on the economic feasibility argument put forward by NEET West, other than to say that it will be taken into account by the Commission when making a final decision on the Proposed Project.

### Response to Comment A-14

CPUC staff disagrees with the commenter's assertion that "the CPUC should not be influenced by CAISO's selection of NEET West as its project sponsor because CAISO's competitive bid selection was based solely on cost factors that did not consider the environmental impacts of the project." Application 15-08-021 was submitted to the CPUC by NEET West. NEET West was the only applicant associated with Application 15-08-021.

The commenter's summary/description of the CAISO selection process appears to be accurate. CPUC staff's understanding is that CAISO did not consider environmental impacts



## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

when comparing the proposals from NEET West and San Diego Gas & Electric (SDG&E). As described in the Project Sponsor Selection Report, and stated by CAISO in their comments on the DEIR, CAISO selected NEET West as the project sponsor primarily because (1) the binding cost containment measures were more robust, and (2) it assumed more risk for cost increases. Please refer to Response to Comments A-91 through A-94 for CPUC staff's detailed responses to Mr. Marcus's comments regarding CAISO's selection of the Proposed Project.

### **Response to Comment A-15**

CPUC staff disagree with the commenter's assertion that "the DEIR does not meet CEQA's requirements because it fails to include an accurate, complete and stable Project description, rendering the entire analysis inadequate." CPUC staff believes it has described the Proposed Project as completely and accurately as possible, and that the DEIR's Project Description allows for an adequate analysis of the Proposed Project's potential environmental impacts.

### **Response to Comment A-16**

Please refer to Response to Comment A-115 for discussion of Mr. Cashen's comments regarding night lighting and its potential effects on biological resources.

### **Response to Comment A-17**

Please refer to Response to Comment A-170 for discussion of the Proposed Project's construction water supply and Mr. Myers' claims regarding potential effects on local hydrogeology.

### **Response to Comment A-18**

CPUC staff disagrees with the commenter's assertions, as described in the comment responses that follow.

### **Response to Comment A-19**

The CPUC believes that the DEIR does provide sufficient information to establish the environmental setting for an accurate assessment of the Project's impacts on biological resources. The status of each species is listed in Table 7-2, "Sensitive Plant and Animal Species Known to Occur in the Vicinity of the Project Site," which gives an indication of their population status. The footprint of the project in relation to local and global ranges and populations of these species is small. Primary threats associated with each special-status species that occurs, or could occur, at the SVC project site are discussed in Section 7.4.3 "Environmental Impacts."

The number of occurrences of special-status species at the SVC project site is limited, and few special-status species have potential to occur at the site. The project area has been subject to repeated disturbance dating back more than 20 years which has diminished its habitat value. The project will not have severe impacts on numerous sensitive biological resources as

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

indicated in Comment A-19. Furthermore, mitigation measures will be implemented to reduce any significant impacts to a less than significant level.

### Response to Comment A-20

CPUC staff disagrees with the commenter's claim that the DEIR inadequately addresses potential impacts to the golden eagle. Potential impact of the proposed project on golden eagles is addressed in Impact BIO-3 of the DEIR, and this impact is deemed less-than-significant with implementation of Mitigation Measures BIO-5 and BIO-6. There is no substantial evidence indicating that the proposed project site is used as foraging habitat for the golden eagle.

### Response to Comment A-21

Ruderal areas are highly disturbed areas. While it is true that "ruderal" is not recognized as a vegetation type, the ruderal area at the SVC project site can be characterized under the vegetation type classified as "disturbed habitat" in the *Draft Vegetation Communities of San Diego County* based on "Preliminary Descriptions of the Terrestrial Natural Communities of California" prepared by Robert F. Holland. "Disturbed habitat" is characterized by predominantly non-native species introduced and established through human action, and includes ruderal vegetation. The 1.7-acre area on the northwest side of the SVC project site was recently cleared and the area graded by the property owner for the installation of a temporary water tank; the vegetation type on this area can be considered "disturbed habitat." Subsequently, "Disturbed Lands" fall under TIER IV in the San Diego County's Biological Mitigation Ordinance. Tier IV are lands which do not support natural vegetation and which are not regulated by the ordinance.

### Response to Comment A-22

Although the DEIR does not identify specific species within four genera listed in Comment A-22 (*Amsinckia*, *Cryptantha*, *Cuscuta* and *Ribes*), three out of four of these genera would not include special-status species that could occur in the Proposed Project Site. The County of San Diego Sensitive Plant List (List) does not list any *Amsinckia* sp. or *Cuscuta* sp. There is also not a "*Cryptantha*" sp.; however, the List does include *Cryptantha gander* which has a California Rare Plant Rank (CRPR) of 1B.1, and a San Diego County rank of A (Plants rare, threatened or endangered in California and elsewhere). *Cryptantha gander*, however, is only found in the Creosote Bush Scrub plant community; therefore, the Proposed Project site does not contain the suitable vegetation community for this species. There are two *Ribes* sp. on the List: *Ribes canthariforme* and *Ribes viburnifolium*. *Ribes canthariforme* has a CRPR of 1B.3 and *Ribes viburnifolium* has a CRPR of 1B.2. They both have a San Diego County rank of A. *Ribes canthariforme* is listed in the DEIR as having potential to occur at the Proposed Project site. *Ribes viburnifolium* is found mostly on Santa Catalina Island in the Channel Islands, and into northern Baja California in Mexico; it is rarely found in the California coastal sage and chaparral plant community, and therefore it is unlikely that it would occur in the Proposed Project site.

## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

Furthermore, per Mitigation Measures BIO-1 through BIO-4, surveys will be conducted for special-status plant species prior to construction. Any special-status plants that occur at the Proposed Project site will be identified, avoided if possible, and compensated for, should impacts occur.

### **Response to Comment A-23**

There is no formal U.S. Fish and Wildlife Service (USFWS) survey protocol for Hermes copper butterfly, and, therefore, the *County of San Diego Guidelines for Hermes Copper Butterfly (Lycaena hermes)* was used as guidance for the surveys. In preparing the guidelines, the County “reviewed available literature published by field surveyors and researchers, in particular, Michael Klein, Daniel Marschalek, and Douglas Deutschman, and notes from personal communications between these researchers and County staff biologists, to gain an understanding of the Hermes copper’s life history and habitat requirements.”

The guidelines state that “any woody (mature) spiny redberry shrub with California buckwheat within 15 feet” is considered potential Hermes copper habitat and should be surveyed.

The revised Biological Resources chapter of the Proponent’s Environmental Assessment (PEA) (NEET West 2015) states that as a result of the March 2015 and October 2015 surveys, no suitable habitat was identified within the impact footprint of the Proposed Project; however, suitable habitat was identified within the search area, which, during the October survey, included a 150-meter (500-foot) buffer around the Proposed Project. Most of the suitable habitat is located across the street from the SVC site, with additional stands of redberry and buckwheat located within the 150-meter buffer along Bell Bluff Truck Trail. In total, the buffer area surrounding the project contains approximately 36 stands of suitable Hermes copper butterfly habitat.

Both the revised PEA and the DEIR have stated that although there is no suitable habitat within the project site, the potential for the species’ occurrence at the Proposed Project is moderate and possible, respectively. The text in Table 7-2, “Sensitive Plant and Animal Species Known to Occur in the Vicinity of the Project Site” in the DEIR has been revised to further clarify the potential for the species to occur at the Proposed Project site. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

### **Response to Comment A-24**

If either of the pocket mouse species were present in the Proposed Project area, they would be sufficiently protected by the mitigation measures described in Impact BIO-5. Surveys for these species are not necessary.

### **Response to Comment A-25**

SWCA conducted a desktop assessment of species with California Natural Diversity Database (CNDDB) occurrences within a 9-quadrangle search area surrounding the Proposed Project area (NEET West 2015). Based on the habitat within the Proposed Project Area, the recent

## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

disturbance from the Sunrise Powerlink construction, use of the Wilson Laydown Yard as a construction staging area, construction of Bell Bluff Truck Trail, and ongoing use of Bell Bluff Truck Trail for access to the Sunrise Powerlink, SWCA determined that there was no evidence that the Proposed Project disturbance areas would support bat roosts (NEET West 2017). Additionally, the SDG&E 2010 *Report on Acoustic Bat Surveys Conducted along the Sunrise Powerlink* did not identify any bat roosts in the Proposed Project area (SDG&E 2010).

Although potentially suitable bat roost habitat exists in relatively close proximity to the Proposed Project, the recent and ongoing noise and human presence described above reduces the likelihood of occupation of these habitats by bats. Additionally, the ephemeral drainages in the Proposed Project area are not anticipated to provide sufficient water to support large insect populations (NEET West 2017). The Proposed Project is not in close proximity to riparian areas or open water sources, which are important components of bat habitat (NEET West 2017). For these reasons, bat roosts are less likely to be present in proximity to the Proposed Project and focused bat surveys were not conducted (NEET West 2017).

No permanent disturbance to potential bat roosts would occur as a result of the Proposed Project. See Response to Comment A-44 for more information on potential impacts of noise on wildlife. Although bat roosts are not anticipated to occur in the immediate vicinity of the Proposed Project, Mitigation Measure BIO-13: Preconstruction Sweeps for Biological Resources has been enhanced to further ensure that impacts to bats would be avoided or minimized during construction. The revisions would require that a qualified bat biologist perform a preconstruction survey for bat roosting habitat, and develop appropriate impact avoidance and minimization measures in the event occupied roosting habitat is discovered. With implementation of this mitigation measure, any potential impacts to bats would be less than significant. Please see Chapter 4, *Revisions to the DEIR* for the revised text.

### **Response to Comment A-26**

CPUC disagrees with the commenter's assertions. Please refer to Responses to Comments A-27 through A-30 for discussion of the specific points raised by the commenter.

### **Response to Comment A-27**

The commenter mischaracterizes the existing roadway conditions in the Project vicinity and the Proposed Project's construction activities. Contrary to the commenter's claims, the publicly accessible portion of Bell Bluff Truck Trail is a full-size two-lane road. The proposed SVC would be located approximately one mile west of the security gate on Bell Bluff Truck Trail, and all construction activities would occur within this secured portion of the road, to which the public does not have access. Installation of the underground transmission line for the Proposed Project may require temporary road blockage *within the secured portion of Bell Bluff Truck Trail*, but would not affect the publicly accessible portion of the road. The DEIR text on page 19-8 has been revised to clarify that Project construction activities would not result in road closures along the publicly accessible portion of Bell Bluff Truck Trail. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

Additionally, since publication of the DEIR, NEET West has completed an agreement to obtain water from the adjacent landowner's ponds during construction (see NEET West's Comment F-63). NEET West is still negotiating a water services agreement with the Padre Dam Municipal Water District (PDMWD), which would serve as a back-up construction water supply. Therefore, it is no longer anticipated that the Proposed Project would require delivery of water via water trucks. The DEIR text has been revised accordingly.

### **Response to Comment A-28**

The DEIR text on page 19-4 of the DEIR, lines 21 to 26, has been revised to state the approximate number of residences that are accessed from Avenida de los Arboles and Bell Bluff Truck Trail. Additionally, Figure 19-1, "Roadways in the Project Vicinity" of the DEIR has been updated to show the location of the access control gate, as well as the dead end spur of Bell Bluff Truck Trail, north of the intersection of Bell Bluff Truck Trail and Avenida de los Arboles. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text and figure.

### **Response to Comment A-29**

The DEIR provided an adequate analysis of traffic impacts commensurate with the trips that would be generated by the Proposed Project and the level of existing traffic in this rural location. The decision on whether to prepare a traffic study would generally be based on the number of anticipated trips generated by project operations (SANTEC and ITE 2000, County of San Diego 2009a). The Proposed Project would be unmanned, and its operations would generate occasional trips by maintenance staff. The DEIR used available traffic data for nearby roads in the Project vicinity, but given the low number of trips that would be generated by the Proposed Project and low potential for traffic impacts during construction, it was determined that site-specific traffic counts were not necessary.

### **Response to Comment A-30**

As described under Comment A-29, the DEIR used the traffic data that was available in evaluating potential transportation and traffic impacts from the Proposed Project. The DEIR reported 2013 traffic data for the segment of Route 79 from I-8 to Riverside Drive, which begins at the I-8/Route 79/Japatul Valley Road interchange, an interchange that would be used to access the Proposed Project. The traffic volumes of roadways at this interchange are of concern for the Proposed Project. The DEIR reported 2014 traffic data for I-8 at this same interchange. Due to the rural nature of the Proposed Project area, the low number of trips that would be generated by the Proposed Project, and the low potential for traffic impacts during Project construction, it was determined that more detailed information was not needed to adequately evaluate the Proposed Project's potential transportation and traffic impacts.

### **Response to Comment A-31**

CPUC staff disagrees with the commenter's assertion that "the DEIR fails to adequately analyze, quantify, and mitigate all potentially significant impacts." Please refer to Response

## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

to Comments A-32 through A-62 for responses to each of the alleged deficiencies in the DEIR raised by the commenter.

### **Response to Comment A-32**

The general conclusions made in this comment are incorrect. Air quality Mitigation Measure AQ-1 will ensure criteria pollutant emission rates remain below significance criteria; and this short-term construction project, along with the Proposed Project's negligible ongoing operation emissions, would not cause significant health risks. Please see the responses to the specific issue comments related to the Soil Water Air Protection Enterprise (SWAPE) comments on the air pollutant emissions estimate and health risk. Responses to the SWAPE comments are presented in Response to Comments A-95 through A-113.

### **Response to Comment A-33**

Please see Response to Comments A-96, A-97, A-98, and A-101.

### **Response to Comment A-34**

Please see Response to Comment A-97.

### **Response to Comment A-35**

Please see Response to Comment A-98.

### **Response to Comment A-36**

Please see Response to Comment A-100.

### **Response to Comment A-37**

Please see Response to Comments A-97, A-98, and A-101.

### **Response to Comment A-38**

Please see Response to Comments A-102 through A-104. Also, the characterization provided in this comment that, "...The Project site is located near several sensitive receptors in the form of local residences gives an incorrect impression of the Proposed Project site being located adjacent to residential development. The Proposed Project site is actually located in a remote rural area of San Diego County that has very few residences located within a mile of the Proposed Project site, and no residences located within a half-mile from the Proposed Project site. Therefore, the statement that the Proposed Project site is located "near" sensitive receptors is not considered accurate.

## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

### **Response to Comment A-39**

Please see Response to Comment A-102.

### **Response to Comment A-40**

Please see Response to Comments A-103 and A-104.

### **Response to Comment A-41**

Please refer to Responses A-42 through A-52.

### **Response to Comment A-42**

Indirect impacts on environmental resources were considered throughout the DEIR, and would be minimized through implementation of fugitive dust requirements, Mitigation Measure HYD/WQ-1: Implement Construction Best Management Practices for Erosion Control, Mitigation Measure HAZ-1: Hazardous Materials and Waste Management Plan, and other requirements. The commenter has not provided any specific details on possible indirect impacts, or substantial evidence to support that indirect impacts on special-status plants would occur. Therefore, CPUC maintains that its analysis of effects on biological resources, including felt-leaved monardella and other special-status plants, is adequate.

### **Response to Comment A-43**

Comments noted. Further analysis of the potential direct and indirect significant impacts on the Hermes copper butterfly and its habitat has been added to Impact BIO-4. Please refer to Chapter 4, *Revisions to the DEIR*, for the revised text. As described in the revised text of Impact BIO-4, implementation of Mitigation Measures BIO-8, BIO-9, BIO-12, BIO-16 and HYD/WQ-1 would reduce potential impacts on Hermes copper butterfly and its habitat to less than significant.

### **Response to Comment A-44**

Impacts resulting from noise at the Proposed Project site would be temporary and short-term. It is possible that construction noise could result in impacts to wildlife in the vicinity of the Proposed Project, such as habitat avoidance or disruption of communication, as described in the comment. However, with implementation of Mitigation Measures NOI-1, HAZ-2, BIO-5, BIO-6, BIO-11, and BIO-13, construction-related temporary noise is not anticipated to result in substantial adverse biological outcomes such as mortality, reduced reproductive fitness resulting in population-level effects, and long-term displacement from nursery sites. Please refer to the DEIR for detailed information on each mitigation measure.

### **Response to Comment A-45**

Please refer to Response A-44.

## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

### **Response to Comment A-46**

Potential significant impacts of the proposed project on the golden eagle is disclosed in Impact BIO-3 of the DEIR. These impacts would be reduced to a less-than-significant level with implementation of Mitigation Measures BIO-5 and BIO-6. To further ensure that any impacts of potential blasting activities are reduced to a less-than-significant level, Mitigation Measure BIO-6 has been strengthened in the FEIR. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

### **Response to Comment A-47**

While non-toxic soil stabilizers may potentially have some effect on the environment, this effect would be considered less than significant. The non-toxic soil stabilizers tested in the referenced study (Steevens et al. 2007) were rated using the acute aquatic toxicity rating scale developed by USFWS. The tested non-toxic soil stabilizers for which data was available were categorized as “practically non-toxic” and “relatively harmless.” Relatively harmless is the least toxic category on this scale. One soil stabilizer (Surtac) did not have available toxicity data, but was considered to pose little to no environmental hazard due to its ingredients (Steevens et al. 2007). Steevens et al. (2007) came to the conclusion that all of the tested non-toxic soil stabilizers appear to be relatively nontoxic to the environment, although there are data gaps. Thus, it can be concluded that non-toxic soil stabilizers potentially used at the Proposed Project would have less than significant effects on biological resources.

### **Response to Comment A-48**

CPUC staff disagrees with the commenter’s assertion. The CPUC’s understanding is that SDG&E would retain an easement on either side of Bell Bluff Truck Trail, which would not be transferred to the U.S. Forest Service (USFS) as part of the Lightner Mitigation Site. This easement would average 10 feet from the edge of the road on either side of the road (Peterson, pers. comm., 2017). SDG&E also would retain ownership of the steep hillside north of the Suncrest Substation to the upper road (Bell Bluff Truck Trail), and a portion of the hillside above Bell Bluff Truck Trail north of the substation. Because the transaction of parcels to be included as part of the Lightner Mitigation Site from SDG&E to USFS has not yet been completed, the exact location/dimensions of the easement is not yet known; however, NEET West’s communications with SDG&E indicate that the Proposed Project’s underground transmission line alignment, riser pole, and intermediate pole would be located outside of the area to be transferred to USFS as part of the Lightner Mitigation Site. Therefore, the Proposed Project would not eliminate any portion of the Lightner Mitigation Site, as is alleged by the commenter.

### **Response to Comment A-49**

As described in Chapter 2, *Project Description*, the proposed transmission line would be underground for the majority of its length along Bell Bluff Truck Trail, only transitioning to an overhead span for the last approximately 300 feet prior to entering the existing substation at the location of the riser pole. Installation of the splice vaults for the underground transmission line would require temporary disturbance of land outside of the roadbed, but



## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

the permanent vault structures would be located within the existing paved roadbed. Therefore, these structures would not permanently affect the Lightner Mitigation Site, which would begin approximately 10 feet on average from the edge of the road (Peterson, pers. comm., 2017).

As shown in Figure 2-5, *Lightner Mitigation Site*, of the DEIR, the proposed riser pole would be located immediately adjacent to the existing Bell Bluff Truck Trail and the intermediate pole would be located adjacent to the existing substation. SDG&E has communicated to NEET West that they would retain ownership of the hillside on which the riser pole and intermediate pole would be located (NEET West 2017). Therefore, these structures would not permanently affect the Lightner Mitigation Site.

CPUC staff disagrees with the commenter's assertion that the approach in the DEIR is "incorrect and contrary to law." As described in the DEIR, construction of the underground transmission line, specifically installation of the splice vaults, could temporarily disturb lands included as part of the Lightner Mitigation Site. The conclusion of the DEIR that the impacts to the Lightner Mitigation Site would be less than significant was based both on the temporary nature of the impacts and on the relatively small area of disturbance.

As described in Chapter 2, *Project Description*, of the DEIR, the splice vaults would have approximate dimensions of 30 feet long by 8 feet wide by 11 feet deep, and would be installed underground and within the confines of Bell Bluff Truck Trail. As shown in Table 7-1, *Land Cover/Vegetation Types in the Project Area*, of the DEIR, installation of the splice vaults would temporarily impact a total of less than 0.3-acre of land outside of the roadbed; however, not all of this land would be included as part of the Lightner Mitigation Site. As described in Response to Comment A-48, SDG&E would retain an easement on either side of Bell Bluff Truck Trail, which would not be transferred to USFS as part of the mitigation site. This easement would average 10 feet from the edge of the road on either side of the road (Peterson, pers. comm., 2017).

Therefore, CPUC staff stands by its determination that the impacts to the Lightner Mitigation Site from installation of the underground transmission line would be less than significant. The commenter is correct that an EIR must identify all potentially significant environmental effects, and that the State CEQA Guidelines, Section 15126.2(a) states that "direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects." Taken together, the temporary (i.e., short-term) effects on lands included as part of the Lightner Mitigation Site that could occur from installation of the proposed splice vaults would not be substantial and would not impact the long-term viability of the site.

### Response to Comment A-50

CPUC staff disagrees with the commenter's assertion that the Proposed Project would violate a mitigation measure pursuant to the Sunrise Powerlink project. Please refer to Response to Comments A-48 and A-49 for discussion of CPUC staff's reasoning behind its conclusion that impacts on the Lightner Mitigation Site from the Proposed Project would be less than significant.

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

The example provided by the commenter regarding the court case involving *Katzeff vs. Department of Forestry* is substantially different from what is contemplated under the Proposed Project, and, therefore, is not relevant. In the example provided by the commenter, it appears that the defendant completely eliminated a previously adopted mitigation measure by cutting down the wind buffer tree zone without first conducting CEQA review. The court's explanation, as provided by the commenter is, in summary, that a public agency may not authorize destruction or cancellation of a mitigation measure that it had previously adopted without first reviewing the continuing need for the mitigation, stating the reasons for its actions, and supporting its decision with substantial evidence.

The Proposed Project does not contemplate anything close to the cancellation or destruction of a previously adopted mitigation measure, and CPUC is reviewing the impacts of the Proposed Project on previously adopted mitigation in accordance with CEQA. As described in Response to Comments A-48 and A-49, CPUC staff does not believe that the Proposed Project would substantially affect the Lightner Mitigation Site, which was previously adopted as mitigation for impacts from the Sunrise Powerlink project.

CPUC staff also disagrees with the commenter's assertion that "there is substantial, uncontroverted evidence in the DEIR demonstrating that the Project will impact wetlands set aside as mitigation for the Sunrise Powerlink Project." It appears that the commenter is asserting that because the Lightner Mitigation Site was set aside as compensation for impacts to Waters of the U.S. and Waters of the State from the Sunrise Powerlink, any impacts on the Lightner Mitigation Site inherently constitute an impact on wetlands. This is incorrect. As shown in the Final Habitat Mitigation and Monitoring Plan (HMMP) for the Lightner Mitigation Site (SDG&E 2011; see Figure 3 on page 12), none of the areas that may be temporarily impacted by Proposed Project construction activities are mapped as wetlands. Two ephemeral streams are shown crossing Bell Bluff Truck Trail, but, as described in the DEIR, these features cross the road via culverts and are not anticipated to be impacted by the Proposed Project.

Finally, the DEIR describes that CPUC staff did not identify any wetlands that could be impacted by the Proposed Project. Therefore, it is not believed that the Proposed Project would require a Clean Water Act (CWA), section 404 permit from the U.S. Army Corps of Engineers (USACE); however, final determination of wetland features and permit requirements is left to the regulatory agencies.

### Response to Comment A-51

Please refer to Response to Comment A-50 for discussion of the commenter's assertion that the Proposed Project may impact wetlands.

Additionally, please refer to Response to Comments A-179 and A-180 for discussion of Dr. Myers' assertion that the Proposed Project's impacts on the Lightner Mitigation Site are likely to be permanent, including impacts to wetlands. In summary, CPUC staff disagrees with Dr. Myers' comments. As shown in Figure 2-5, "Lightner Mitigation Site," of the DEIR, and in Figure 3 of the Final HMMP for the Lightner Mitigation Site, the proposed SVC is not located within the Lightner Mitigation Site. Therefore, the impervious area and graded areas that

## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

would be included as part of the proposed SVC would not directly affect the Lightner Mitigation Site.

Secondly, as described in Response to Comment A-50, CPUC staff disagrees with the commenter's assumption that the entire Lightner Mitigation Site is composed of wetlands. Figure 3 of the Final HMMP for the Lightner Mitigation Site (SDG&E 2011) shows that no identified wetlands exist near the area of the proposed SVC. Therefore, while the proposed SVC and associated site improvements may reduce groundwater recharge and alter surface drainage patterns to some degree, as disclosed in the DEIR, this would not be anticipated to indirectly affect any existing wetlands.

### **Response to Comment A-52**

The comment stating that "the County of San Diego has determined that compensatory mitigation is required for impacts to chamise chaparral" is unfounded. The commenter claims that this assertion is supported by the County of San Diego's 2010 Guidelines for Determining Significance for Biological Resources. According to the referenced guidelines, "[t]hese Guidelines are not binding on any decision-maker and should not be substituted for the use of independent judgment to determine significance or the evaluation of evidence in the record." (p. i). Regardless, CPUC, as a state agency, is not bound by guidelines proposed by a local jurisdiction. Furthermore, chamise chaparral is not a sensitive vegetation community as defined by CDFW; therefore, NEET West is not required to propose compensatory mitigation for impacts to this community. A Restoration and Revegetation Plan will be developed to guide restoration activities for each affected vegetation community at the proposed project site; this plan will include the chamise chaparral community. Please refer to Mitigation Measure BIO-16: Restoration and Revegetation for further details on how impacts to vegetation communities on the Proposed Project site will be addressed.

Additionally, the commenter's discussion of *Katzeff v Department of Forestry and Fire Protection* (2010) is irrelevant. The areas where impacts to chamise chaparral would occur are outside of Lightner mitigation lands; therefore, there would be no impacts to the Lightner mitigation site.

### **Response to Comment A-53**

Please refer to Response to Comment A-168 for discussion of the commenter's and Dr. Myers' assertions regarding potential impacts to water resources from Proposed Project blasting.

### **Response to Comment A-54**

Please refer to Response to Comment A-172 for discussion of the commenter's assertions regarding the Proposed Project's impacts on drainages and groundwater recharge.

### **Response to Comment A-55**

Please refer to Response to Comment A-176.

## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

### **Response to Comment A-56**

Please refer to Response to Comment A-177. Additionally, note that it is CPUC's understanding that the Final Preliminary Jurisdictional Determination Report for the Sunrise Powerlink project was prepared by WRA Consultants on behalf of SDG&E; not by San Diego Fish and Game, as is indicated by the commenter.

### **Response to Comment A-57**

Please refer to Response to Comment A-178.

### **Response to Comment A-58**

CPUC disagrees with the commenter's assertions. Please refer to Responses to Comments A-59 through A-62 for discussion of the specific issues raised by the commenter. Also, please refer to Response to Comments A-182 through A-203 for responses to the specific comments submitted by Mr. Smith.

### **Response to Comment A-59**

The DEIR text (on page 19-9, lines 23 to 38) has been revised to indicate that the haul truck trips would be round trips. Additionally, a revised worst-case scenario analysis has been added to the DEIR that takes into account the maximum haul truck trips per day that could occur during peak excavation and grading activities, as well as possible "bulking," as described further in Response to Comment A-60. As shown in the added DEIR text (page 19-9) and described in Response to Comment A-60, even assuming worst-case conditions, the maximum number of haul truck trips that could be generated during Project construction, in combination with the maximum number of worker commute trips, would not substantially adversely affect existing LOS. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

### **Response to Comment A-60**

The commenter's point regarding "bulking" is acknowledged. A note has been added to the DEIR text on page 19-9 to state that it is possible that excavated materials could swell to a greater size than the excavation they were removed from. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

Because the precise type and composition of materials underlying the Proposed Project site is not currently known, it is not possible to know the degree of bulking that may be expected. However, even if all material removed from the Project site were to swell to a volume of 80% greater than the hole it was dug from (i.e., the maximum amount of bulking that could occur according to Mr. Smith), it would not affect the conclusion of the DEIR's impact analysis. This hypothetical situation would result in approximately 725 haul truck round trips during the Project construction period, and up to a maximum of 112 truck trips during the peak excavation and grading period. When added to the maximum number of worker commute trips that could occur per day (assuming no carpooling) of 64, this would result in 176 total

## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

vehicle round trips per day during peak construction activity. Considering these as single direction trips results in 352 total vehicle trips associated with the Proposed Project during peak construction activity, assuming worst-case conditions.

As reported in the DEIR, the average daily traffic (ADT) volume on Japatul Valley Road is 3,250. Compared to the roadway segment's Level of Service (LOS) E capacity of 16,200, this results in a volume-to-capacity ratio of 0.2, and LOS B. Likewise, I-8 has an ADT of 24,600 west of the Interchange with State Route (SR) 79 and Japatul Valley Road, and 19,000 east of the interchange. The roadway's LOS E capacity is 80,000, resulting in a volume-to-capacity ratio of 0.3, and LOS A. The addition of 352 vehicle trips to existing ADT on Japatul Valley Road results in 3,602, for a volume-to-capacity ratio of 0.22, and LOS B. The addition of 352 vehicle trips to existing ADT on I-8 results in 24,952, for a volume-to-capacity ratio of 0.31, and LOS A.

Language regarding the maximum, worst-case scenario with regard to bulking has been added to the DEIR. Please refer to Chapter 4, *Revisions to the DEIR* for the added text.

### **Response to Comment A-61**

The American Association of State Highway and Transportation Officials (AASHTO) has identified the construction industry and the manufacturing industry as the two industries in which carpooling is most evident (AASHTO 2014). This information has been added to the text on page 19-8 of the DEIR, lines 24 to 34. Nevertheless, the DEIR analysis assumes the worst-case scenario that all construction workers would travel to the Project site alone in separate vehicles.

CPUC disagrees with the commenter's assertion that the DEIR's conclusion that the vehicle trips generated by construction would be negligible considering existing average daily traffic and LOS on I-8 and local roadways is flawed. As described in Response to Comment A-29 and A-30, the DEIR used the traffic data that was available in the Project vicinity and made reasonable assumptions based on this available data. Due to the rural nature of the Project vicinity, the limited number of vehicle trips that would be generated by the Proposed Project, and the low potential for impacts on traffic from Project construction, it was determined that a detailed traffic study, including traffic counts, was not needed.

### **Response to Comment A-62**

CPUC disagrees with these comments. Project construction traffic is not likely to result in significant or complete blockage of access roads or residential driveways. As described in the DEIR and in Response to Comment A-27, all construction activities would take place within the secured portion of Bell Bluff Truck Trail, to which the public does not have access. Therefore, there would be no trenching or road closures within the publicly-accessible portion of Bell Bluff Truck Trail. Haul truck and equipment delivery traffic would pass through the public portion of Bell Bluff Truck Trail, but would not be anticipated to significantly or completely block any residential access roads. Additionally, Mitigation Measure TR-3 would provide for maintenance of emergency vehicle access during construction. Therefore, the commenter's claims are false.

## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

### **Response to Comment A-63**

The comment correctly describes the required elements of a cumulative impact analysis, including:

- the requirement that an EIR discuss the cumulative impacts of a project when a project's incremental effect is cumulatively considerable;
- that an EIR define the geographic scope of the area affected by the cumulative effect and provide reasonable explanation for the geographic limitation used, and
- that public agencies provide the general public with adequate and relevant detailed information about cumulative impacts.

The comment also acknowledges that the cumulative analysis should include a list of past, present, and probable future projects producing related or cumulative impacts that are outside the control of the agency.

As presented in Chapter 21 of the DEIR, the geographic scope for each relevant environmental resource area to which the Proposed Project could contribute to significant cumulative impacts is presented in Table 21-2 (pages 21-5 and 21-6). In addition, Table 21-3 (pages 21-6 through 21-8) includes a summary of projects planned in San Diego County that could affect resources that would also be affected by the Proposed Project. Responses to Comments A-64 through A-69, below, provide more detailed responses to the commenter's concerns regarding the DEIR's cumulative impact analysis.

### **Response to Comment A-64**

The comment first states that the geographic scope of the DEIR's cumulative impact analysis for biological resources is too vague to enable an assessment of cumulative impacts and requests that the analysis be revised to quantify the following: (1) the geographic scope, (2) the amount of each habitat type within the geographic scope, and (3) the total amount of each habitat type affected by cumulative impacts within that scope. The commenter further argues that without this information, the DEIR lacks substantial evidence to support its conclusion that the Proposed Project's contribution to cumulative effects would not be cumulatively considerable.

The CPUC and its EIR consultant have determined that the geographic scope of analysis for biological resources is approximately 5 miles from the project site. This scope of analysis was determined based on review of publicly available information regarding other cumulative projects in the project vicinity. To respond to the first part of the comment, Table 21-2 has been revised to clarify the geographic extent of the biological resources cumulative scope of analysis. Refer to Chapter 4, *Revisions to the DEIR* to view the revised DEIR text.

Quantifying the total amount of each habitat within the designated geographic scope and the total amount of habitat affected by other cumulative projects is not necessary for completing an adequate cumulative impact analysis for biological resources. Additionally, such details

## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

are not publicly available for the projects listed in Table 21-3. The CEQA Guidelines acknowledge that the cumulative impact analysis need not be as detailed as the project-level analysis and that discussion be guided by standards of practicality and reasonableness. Specifically, CEQA Guidelines Section 15130(3)(b) states that a cumulative impact analysis “shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by standards of practicality and reasonableness, and should focus on the cumulative impacts to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact.”

In response to this comment and Comments A-65 through A-69, the cumulative impact analysis presented on pages 21-10 through 21-11 has been revised to provide more detail about potential cumulative impacts that could occur as a result of the Proposed Project and other cumulative projects within 5 miles of the project site.

### **Response to Comment A-65**

The comment argues that the DEIR erroneously dismisses cumulative noise and vibration impacts. The comment further states that the analysis overlooks evidence that noise can affect sensitive avian species, particularly golden eagles, up to two miles away from their nests.

In response, please note that Chapter 15, *Noise and Vibration* focuses on noise impacts of the Proposed Project on human receptors. Chapter 7, *Biological Resources*, addresses the Proposed Project’s construction noise effects on avian species (page 7-43 of the DEIR). To address the commenter’s concern regarding potentially significant cumulative impacts on golden eagles due to construction noise, the impact analysis presented on page 21-11 of the DEIR has been revised. Please refer to Chapter 4, *Revisions to the DEIR*.

### **Response to Comment A-66**

The comment first states that the cumulative analysis for biological resources fails to provide a quantitative analysis of the Proposed Project’s impacts in conjunction with those of the other identified projects. The commenter then asserts that the DEIR jumps to an unsupported conclusion that implementation of mitigation measures (BIO-1 through BIO-18) along with other mitigation measures imposed by other projects would reduce the Project’s cumulative impact to less than significant. Lastly, this comment notes that the DEIR identifies six impact categories it believes will result in cumulatively considerable impacts.

As described in Response to Comment A-64, above, the cumulative discussion (presented on page 21-11 of the Draft EIR) provides a qualitative analysis because details (e.g., extent of habitat impacts) were not publicly available for other projects listed in Table 21-3. Nonetheless, additional discussion about other projects’ effects on biological resources has been added to pages 21-10 and 21-11 of the DEIR, as shown in Chapter 4, *Revisions to the DEIR*.

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

To address the commenter's second point, the last paragraph under Impact CUM-3 (page 21-11 of the DEIR) has been revised to acknowledge that best management practices (BMPs), mitigation measures, and compliance with permit conditions would reduce other projects' contributions to cumulative biological resources impacts.

Regarding the third point raised by the commenter, please note that the six bulleted impacts listed on page 21-10 are not intended to be cumulatively considerable impacts. These bullet items are intended to summarize potentially significant but mitigable impacts of the Proposed Project, as described in DEIR Chapter 7, *Biological Resources*. To clarify this, the first paragraph under Impact CUM-3 has been revised. Please refer to Chapter 4, *Revisions to the DEIR*.

### Response to Comment A-67

The comment states that the DEIR makes no attempt to determine whether any of the other cumulative projects identified in Table 21-3 will cause any of the same impacts, nor whether the lead agencies for projects which have already been approved have adopted mitigation measures to address those impacts. The comment then states that the DEIR provides no threshold determination of cumulative significance against which to measure the efficacy of the Project's mitigation measures in reducing cumulative impacts, nor does it describe the effectiveness of measures proposed by other projects.

To address this comment and other concerns raised in Comments A-64, A-65, and A-66, the analysis on page 21-11 of the DEIR has been augmented to include additional discussion about the biological resources effects of projects identified in Table 21-3 and describes which effects may be similar to those associated with the Proposed Project. Based on review of publicly available information, a brief discussion about other mitigation measures and BMPs that other project proponents have committed to has been added to page 21-11 of the DEIR. The last paragraph under Impact CUM-3 has also been revised to clarify that Mitigation Measures BIO-1 through BIO-18 would reduce the Proposed Project's effects to less-than-significant levels. When considering the cumulative effects of the Proposed Project and other projects, and with implementation of Mitigation Measures BIO-1 through BIO-18, the CPUC has determined that the Proposed Project's contribution to such effects would not be cumulatively considerable. Please refer to Chapter 4, *Revisions to the DEIR* to see how the analysis on page 21-11 has been revised.

### Response to Comment A-68

This comment states that the DEIR fails to identify biological mitigation measures adopted and implemented for other projects, and that the DEIR fails to discuss whether those measures are effective in reducing cumulative effects.

This comment raises similar concerns as Comment A-67. Please refer to Response to Comment A-67, above.



## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

### **Response to Comment A-69**

The commenter correctly notes that several of the projects identified in Table 21-3 are federal projects subject to the National Environmental Policy Act (NEPA) and are not subject to CEQA. The commenter then states that it is erroneous to rely on mitigation for federal projects to reduce the Project's impacts, as required by CEQA, because mitigation measures imposed by other agencies on projects outside of CPUC's jurisdiction are subject to other laws, and are not legally enforceable mitigation to reduce the Project's cumulative impacts. The second part of the comment acknowledges that NEPA regulations do not automatically require the lead agency to impose mitigation measures for an environmental impact and that the DEIR's reliance on mitigations imposed by federal projects to reduce the Project's cumulative impacts is speculative and unsupported by substantial evidence.

The commenter is correct in acknowledging that NEPA regulations are different from CEQA and do not automatically require the lead agency to impose mitigations for an environmental impact. The Record of Decision, which is prepared at the completion of the NEPA process, typically includes a list of BMPs and mitigation measures that a federal lead agency agrees to implement. At the time this FEIR was prepared, the Records of Decision for other projects undergoing NEPA review could not be found online. However, please note that the Proposed Project does not rely on the mitigation measures of other projects to reduce its contribution to cumulative biological resources impacts. Rather, the last sentence of the discussion under Impact CUM-3 (page 21-11), states that implementation of Mitigation Measures BIO-1 through BIO-18 would ensure that the Project's contribution to cumulative impacts regarding biological resources would not be considerable. The last paragraph under Impact CUM-3 (page 21-11) has also been revised to clarify that BMPs, mitigation measures contained in other CEQA and NEPA documents, and compliance with permit conditions would minimize the contributions of other projects to biological resources impacts (not the Proposed Project's). Please refer to the revised text presented in Chapter 4, *Revisions to the DEIR*.

### **Response to Comment A-70**

CPUC staff disagrees with the commenter's assertion that the DEIR contains inadequate mitigation measures. Please refer to Responses to Comments A-71 through A-88 for CPUC staff's responses to the specific comments raised by the commenter.

### **Response to Comment A-71**

Please see Response to Comment A-99.

### **Response to Comment A-72**

Mitigation Measure AQ-1 provides a limited exception for specialty equipment, where due to their low numbers and low turnover there is the potential that equipment with Tier 3 or better compliant engines would not be available. This exception is limited to short duration use (5 days or less) of specialty equipment after a due diligence search to find rental equipment that would meet or exceed Tier 3 standards. This should not affect most of the equipment types, which are not specialty equipment, and would not affect the conclusion that

## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

the maximum daily nitrogen oxide (NO<sub>x</sub>) emissions would be below the County's significance threshold due to the magnitude of the NO<sub>x</sub> emissions safety margin that is provided by implementing this mitigation measure. Also, please see Response to Comment A-99.

### **Response to Comment A-73**

Please see Response to Comment A-99.

### **Response to Comment A-74**

Mitigation Measure AQ-1 would be implemented through the Proposed Project's Mitigation Monitoring and Reporting Program. The CPUC would require ongoing monitoring and demonstration of compliance with all approved mitigation measures. Also, please see Response to Comments A-72 and A-99.

### **Response to Comment A-75**

Please see Response to Comments A-72, A-74, and A-99.

### **Response to Comment A-76**

Avoidance of impacts to felt-leaved monardella is not included in Mitigation Measure BIO-4, because avoidance measures are included in Mitigation Measure BIO-1, which states "[t]o the extent feasible, the Proposed Project shall avoid or minimize impacts on known occurrences of felt-leaved monardella." Thus avoidance of impacts to known populations of felt-leaved monardella is included in mitigation measures in the DEIR. As described in Mitigation Measure BIO-4, "conservation measures would be developed on a species-specific basis based on input from CDFW and shall be consistent with the East San Diego County Multiple Species Conservation Plan (MSCP) planning process." Consultation with CDFW on the potential mitigation methods for any plant species potentially impacted by the proposed project and adherence to standards in the applicable MSCP for the region would result in the most appropriate mitigation method being used.

This would include setting the mitigation ratio for any credits potentially purchased to offset potential impacts to special-status plant species. Although there is not currently an approved mitigation bank for felt-leaved monardella, such a mitigation bank may be developed prior to implementation of the Proposed Project. Reference to the purchase of mitigation bank credits was included to allow for credit purchase as mitigation should such a bank be developed.

As indicated in Mitigation Measure BIO-4, "If avoidance of special-status plants is not feasible, NEET West shall implement measures to compensate for impacts on special-status plants. Compensation may be provided by purchasing credits at an approved mitigation bank (provided at a minimum 1:1 ratio [mitigation to impact]), or through transplanting perennial species, collecting and dispersing seed of annual species, and other conservation strategies that shall restore and protect the viability of the local population. Because of the differences in plant growth forms and life histories, conservation measures would be developed on a species-specific basis based on input from CDFW and in accordance with the East San Diego

## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

County MSCP planning process. If compensation measures are implemented, monitoring plant populations shall be conducted annually for 5 years to assess the mitigation's effectiveness. Monitoring shall assess vegetative density, population size, natural recruitment, and plant health and vigor. Monitoring results may trigger management actions such as collection and sowing of additional seed, tillage/disturbance within existing populations to induce establishment, installation of container plants, and control of other competing vegetation to ensure successful plant establishment and survival. The determination of success will be based on whether there has been a substantial reduction (> 20 percent) in the size or abundance of the population compared to baseline conditions. The site shall be evaluated at the end of the 5-year monitoring period to determine whether the mitigation has met the success criteria." See Response to Comment A-146 for more information on transplantation. Mitigation is not required to be protected in perpetuity.

### **Response to Comment A-77**

Due to the timing of the construction at the SVC site, it may not be possible to avoid construction activities during the nesting bird season. Should construction activities need to take place during the nesting bird season, preconstruction surveys and no-buffer zones will be established as detailed in Mitigation Measure BIO-6: Implement Preconstruction Surveys for Birds Protected under the Migratory Bird Treaty Act (MBTA). The commenter fails to acknowledge that the DEIR includes additional mitigation measures to protect nesting birds should it not be possible to avoid disruptive construction activities during the breeding season.

### **Response to Comment A-78**

The text of the DEIR has been revised to require that nesting bird surveys be conducted by a USFWS, CDFW, and CPUC-approved biologist. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text. Survey techniques, level of effort, weather conditions, and time of day for the surveys will be described in the survey report. The CPUC does not believe it is necessary to list these "minimum standards" in Mitigation Measure BIO-6. An active nest, as defined by the USFWS, is a nest that contains eggs or young.

### **Response to Comment A-79**

Mitigation Measure BIO-8 does state that surveys will be conducted for suitable habitat for the Hermes copper butterfly. Mitigation Measure BIO-9 states that the SVC project site will be considered occupied should butterflies be present during the surveys. Habitat will also be considered occupied if it is within 150 meters of a Hermes copper sighting (County of San Diego 2010). The level of compensatory mitigation is also discussed in Mitigation Measure BIO-9.

### **Response to Comment A-80**

Comment noted; however, the DEIR does identify the ways in which NEET West would be required to mitigate permanent impacts as detailed in Mitigation Measures BIO-9.

## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

### **Response to Comment A-81**

CPUC staff disagrees with the commenter's claim that the DEIR fails to provide a mechanism for determining potential impacts to the Hermes copper butterfly. As the DEIR indicates, no suitable habitat for this species was found within the project footprint during 2015 surveys. Nevertheless, Mitigation Measure BIO-8 in the DEIR specifically calls for mapping of potential Hermes copper butterfly habitat prior to commencement of vegetation clearing to fully ensure that no impacts occur. Furthermore, if pre-construction surveys detect potential habitat, implementation of Mitigation Measure BIO-9 in the DEIR would reduce any impacts to a less-than-significant level. Please also refer to responses to comments A-23, A-43, A-79, and A-82.

### **Response to Comment A-82**

The text of the DEIR on page 7-44 has been revised to describe how the DEIR's mitigation measures would prevent or minimize indirect impacts on Hermes copper butterfly. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

### **Response to Comment A-83**

Please refer to Response to Comment A-115.

### **Response to Comment A-84**

Mitigation Measure BIO-18 has been further strengthened to ensure that any impacts to the Engelmann Oak vegetation community are reduced to a less-than-significant level. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

### **Response to Comment A-85**

Although it is possible that several special-status species could utilize the habitat in the Proposed Project area, none were observed during surveys conducted in 2015. Additionally, the Project footprint is small in relation to local and global ranges and populations of these species. Through the mitigation measures listed in Comment A-85 as well as through Mitigation Measure BIO-18: Develop and Implement a Restoration Plan for Engelmann Oak – Coast Live Oak/Poison Oak/Grass Association Habitat Disturbed during Construction, the CPUC believes that the loss of potential habitat that may be utilized by special-status species will be less than significant.

### **Response to Comment A-86**

CPUC staff disagrees with the commenter's assertion. Mitigation Measure HAZ-3 is appropriate as written, and ensures that the Construction Fire Protection Plan (CFPP) would be effective and would comply with applicable laws by requiring that San Diego County Fire Protection Authority (SDCFA) and the California Department of Forestry and Fire Protection (CAL FIRE) approve the plan prior to commencement of construction activities. SDCFA has

## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

assumed primary jurisdiction over firefighting in unincorporated San Diego County; therefore, it is the proper agency to review and approve the CFPP. Because the Proposed Project is located on private land in San Diego County, it is subject primarily to San Diego County laws and regulations. By law, the Proposed Project would be required to comply with CAL FIRE regulations related to operation of construction equipment and maintaining appropriate fire-suppression equipment during high-danger times of the year for fires (see page 11-5 of the DEIR), as well as any other applicable state or federal regulations.

### **Response to Comment A-87**

CPUC disagrees with the commenter's claim that Mitigation Measure TR-1 is unenforceable and unlikely to be implemented. The phrase "to the greatest extent feasible" is designed to account for the rare instances in which strict compliance with the given measure is not possible. The construction contractor, through NEET West, shall be responsible for ensuring compliance with Mitigation Measure TR-1, along with all other mitigation measures as detailed in the Proposed Project's Mitigation Monitoring and Reporting Program (MMRP). The CPUC will require that NEET West pay for third party monitors that will provide ongoing compliance monitoring.

CPUC disagrees with the commenter's assertion that the measure must be revised to provide an enforceable mechanism to reduce impacts to the residential communities located in the Project vicinity. The "alternative mitigation measures" that Mr. Smith proposes are unnecessary and would occur regardless of any written mitigation. The proposed SVC site is located approximately one mile by road to the west of the security gate on Bell Bluff Truck Trail. The transmission line work would occur further to the west, as the line would connect the proposed SVC to the existing Suncrest Substation. As such, it is inconceivable that construction workers for the Proposed Project would park their vehicles over a mile away from the work site in the publicly accessible portion of Bell Bluff Truck Trail.

Likewise, there is no potential for staging of heavy equipment and haul traffic to take place outside of the secured portion of Bell Bluff Truck Trail. As described in the DEIR, Chapter 2, *Project Description*, staging of equipment and materials for both the SVC and transmission line would occur adjacent to the SVC, within the "Project Area (Limit of Disturbance)" as shown on Figure 2-3.

With regard to Mitigation Measure TR-2, the commenter's concerns are noted. The text of this mitigation measure has been revised to reflect the fact that closure of the publicly-accessible portion of Bell Bluff Truck Trail is not contemplated. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

### **Response to Comment A-88**

Please refer to Response to Comment A-87. As described in this response, closure of the publicly accessible portion of Bell Bluff Truck Trail is not contemplated. The DEIR text under Mitigation Measure TR-2 has been revised accordingly. Additionally, the text under Mitigation Measure TR-3 and Impact TR-5 has been revised to reflect the fact that road

## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

closures along the publicly accessible portion of Bell Bluff Truck Trail would not occur. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

As described in the DEIR, for the majority of the length of the proposed transmission line, NEET West anticipates maintaining one lane of traffic open during trenching and installation activities. It is only the 12-foot-wide portion of Bell Bluff Truck Trail, north of the existing substation, where the transition to the above-ground span via the riser pole would occur, that closure of the entire road would likely be necessary. The mitigation measure requiring NEET West or its contractor to have staff available on-site to place plates over trenches and/or move equipment to allow for emergency vehicle passage was developed in coordination with SDG&E, who had indicated that they would need 24-hour emergency access to their transmission facilities which are only accessible via the 12-foot-wide portion of Bell Bluff Truck Trail. Given this, and the fact that NEET West would be required to coordinate with local emergency service providers, as necessary, CPUC believes that Mitigation Measure TR-3 is adequate and appropriate.

### **Response to Comment A-89**

Commenter's support for the Suncrest Substation Alternative is noted.

### **Response to Comment A-90**

CPUC staff disagrees with these comments. Please see previous applicable comment responses in this chapter which address each of these specific issues raised by the commenter.

### **Response to Comment A-91**

Comment noted. CPUC staff acknowledge that CAISO's selection of NEET West as the project sponsor for the Suncrest project was apparently close, as the Project Sponsor Selection Report states that both applicants (i.e., NEET West and SDG&E) were highly qualified to finance, construct, own, operate and maintain the Suncrest Project, and that CAISO had to make very slight distinctions between the proposals in determining the approved project sponsor (CAISO 2015: page 1). CPUC staff also acknowledges that CAISO did not consider the different environmental impacts of the two proposals in choosing between them.

### **Response to Comment A-92**

The commenter's summary of the Project Sponsor Selection Report (CAISO 2015) appears to be accurate. CPUC staff acknowledges that CAISO's selection of the approved project sponsor for the Suncrest project appears to have been close; however, staff also point out that this does not change the fact that CAISO selected NEET West as the approved project sponsor through the process dictated by their policies and the applicable federal regulations (i.e., FERC Order No. 1000).

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

### Response to Comment A-93

CPUC staff generally concurs with the commenter's summary of the Project Sponsor Selection Report. It appears that none of the criteria considered by CAISO specifically address the environmental impacts of the proposals.

### Response to Comment A-94

See Response to Comment A-91 and A-92.

### Response to Comment A-95

We disagree with the conclusions made in this comment, please see the responses to the detailed comments below made on the air pollutant emissions estimate and health risk analysis.

### Response to Comment A-96

The California Emissions Estimator Model Version CalEEMod.2013.2.2 (CalEEMod) provides construction off-road equipment and on-road trip defaults, primarily to be used for specific project types; such as residential, institutional, and small commercial construction projects, none of which are similar to this type of construction project. CalEEMod defaults should be used when appropriate and when project specific information is not available. The CalEEMod User's Guide (California Air Pollution Control Officers Association [CAPCOA] 2016) notes the following:

*"CalEEMod utilizes widely accepted methodologies for estimating emissions combined with default data that can be used when site-specific information is not available." (p. 1)*

*"The user may override the defaults to input more accurate, project-specific information as appropriate." (p. 8)*

The use of the CalEEMod defaults is not required nor desired when more accurate project-specific data is available. Therefore, project-specific construction inputs that more accurately estimate the construction requirements for the Proposed Project were provided by NEET West and used to create the construction emissions estimate.

It is nearly impossible to determine the exact equipment needs and project task schedule before a complex construction project is conducted, so some conservatism in the emissions estimate assumptions and approach is warranted. The review of the project information provided by NEET West indicated that there may be some conservative assumptions and some non-conservative assumptions. Therefore, it was determined that the application of additional mitigation for the Proposed Project's off-road equipment would address any non-conservative assumptions and ensure that the Proposed Project's emissions would be below all applicable significance thresholds.

## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

### **Response to Comment A-97**

As noted above in Response to Comment A-96, expecting perfection in a project's construction emissions estimate isn't rational or reasonable. The construction emissions estimate can only provide expected methods and quantities. The construction contractor will have the final say on the exact methods and schedule for completing construction. The important issue is determining that the overall level of effort, given potential maximum construction task overlaps, provides a reasonably conservative emissions estimate within an acceptable range of error. That reasonable margin of error has been accomplished for the Proposed Project's emissions estimate, and, with the implementation of Mitigation Measure AQ-1, a sizable safety margin has been established to ensure that all criteria pollutant emissions will remain below their respective significance thresholds. As provided in Comment A-101, the commenter determined an increase in maximum unmitigated NOx emissions of only 4 pounds per day based on what they considered questionable assumptions/inputs. If correct, this is only 2 percent of the NOx emissions significance threshold, and is well within the determined mitigated NOx emissions safety margin, which is the determined mitigated NOx emission minus the significance threshold, or 95 pounds per day.

CPUC agrees that there is the potential that some of the heavy haul trips may not be accounted for in the estimate, just like for any other construction emissions estimate; however, as noted above, the construction emissions estimate is intended to provide a conservative estimate of activity. CPUC's conclusion is that the impact of any such missing heavy haul trips is negligible in terms of the mitigated maximum daily and total construction emissions estimate. Part of this determination is based on NEET West's conservative assumption that the heavy haul trips carry only 8 cubic yards of material per trip. A typical dump truck has a capacity of 12 cubic yards, a high capacity dump truck has a capacity of 18 cubic yards, and a double trailer unit would have a similarly high capacity based on a 40-ton truck limit. Therefore, the 450 heavy haul trips included in the emission estimate could account for as much as 8,100 cubic yards of import/export, not just 3,600 cubic yards. If the imported gravel were to be brought to the site on backloaded waste haul trips, which would be a desirable cost saving method for the construction contractor, then the 450 heavy haul trips could accommodate all waste and import hauling.

### **Response to Comment A-98**

The commenter's assumptions regarding vendor trips fail to account for the way in which the vendor trips have been scheduled for the Proposed Project's overlapping construction tasks. The assumption in Comment A-98 that "a minimum of 3 truck trips should have been inputted into the model for every construction phase in order to account for the emissions generated by these trucks" is flawed for two reasons. First, not all construction phases will require water. For example, water will not be required during some of the minor equipment/cabling installation tasks that occur late in the construction schedule after the site/site access is no longer unpaved. Second, many of the construction tasks overlap, so assuming three trips per task would double- or triple-count these vendor trips during overlapping phases that require water. The emissions estimate includes a total of nearly 2,800 vendor trips, a number which averages to nearly 9 vendor trips per day, with as many as 17 to 21 vendor trips a day during



## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

the early construction phases that would need water the most for dust control. Therefore, the assertion in Comment A-98 that inadequate vendor trips have been assumed for the emissions estimate is incorrect.

Additionally, NEET West has entered into a water supply agreement to obtain water from the local Wilson pond water source, which includes a polyvinyl chloride (PVC) distribution line into the Proposed Project site (DEIR p. 2-25). NEET West is still negotiating an agreement with PDMWD for use of recycled water from their water recycling facility; this source of water would be intended to serve as a backup. The vendor trips are conservatively estimated to have a round trip distance of 65 miles. If water did need to be trucked from the back-up source that would only require a 38 mile round trip; therefore, each vendor trip provided in the estimate would cover 1.7 water haul trips. As such, it is clear that the worst-case assumption for water delivery has been accounted for in the emissions estimate.

Comment A-98 also states that off-highway trucks are not representative of water trucks. This assertion would be true for off-site water delivery, where street legal water trucks would be necessary; however, off-road trucks are regularly used as on-site water trucks. As noted above, given that the intended primary water source would come from an existing on-site water line, the use of off-road water trucks is feasible, if not likely, for the Proposed Project.

### **Response to Comment A-99**

This comment states that the DEIR should have demonstrated that compliance with Mitigation Measure AQ-1 is feasible. CPUC staff contends that there is no need to evaluate the feasibility of mitigation that has previously been completed successfully on numerous occasions. Mitigation requirements to use Tier 3 or better off-road equipment have been required and complied with on several large construction projects, including those under CPUC and California Energy Commission jurisdiction. The Ports of Long Beach and Los Angeles, under their Clean Air Action Plan (Port of Los Angeles/Port of Long Beach 2010, p. 160) currently require construction projects to use off-road equipment that meet Tier 4 emissions standards. Therefore, given that this mitigation measure has been previously and successfully implemented (i.e. shown to be feasible in practice), the assertion that the DEIR failed to demonstrate feasibility is erroneous.

Additionally, the assertion that only 12 percent of the statewide equipment fleet would comply with Mitigation Measure AQ-1 is flawed for several reasons:

- The 12 percent value is only based on Tier 3 equipment and does not include Tier 4 equipment, where Mitigation Measure AQ-1 requires “All off-road equipment engines that are 50 horsepower or greater shall meet or 3 exceed USEPA/California Air Resources Board (CARB) Tier 3 emissions standards.” (DEIR p. 6-17). Therefore, this mitigation measure could be complied with using diesel-fueled off-road equipment with Tier 3 or Tier 4 engines, or possibly alternatively fueled equipment that would also meet or exceed Tier 3 emissions standards. The reference cited by the commenter shows that in 2014, the statewide off-road equipment fleet with Tier 3 and Tier 4 engines would be 34 percent of the fleet.

## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

- Using overall equipment numbers provides a biased metric because older equipment may still be part of equipment fleets but their use is much lower than newer equipment. Therefore, pointing to overall fleet numbers overstates the extent to which older Tier 0 to Tier 2 equipment are active parts of the equipment fleet.
- The off-road equipment fleet in California is substantial, and even 12 percent of that number is a substantial amount of equipment that would be available for the Proposed Project.
- At the earliest, the Proposed Project would be constructed in 2017. The reference cited by the commenter in regards to off-road equipment fleet engine composition is based on statewide equipment availability in 2014; therefore, another three years of new model year equipment would be added to the statewide fleet by 2017 and would be available for use by the Proposed Project.

Please also note that this comment is in direct conflict with suggested mitigation measure comments provided later in comment A-108. It is unclear how the commenter can suggest mitigation measures that specify the use of Tier 3 and/or Tier 4 engines in those comments while asserting that requiring Tier 3 or better engines in Mitigation Measure AQ-1 is infeasible here.

Also, please see Response to Comment A-74 regarding implementation of Mitigation Measure AQ-1.

### **Response to Comment A-100**

The premise of this comment is incorrect. The fugitive dust control measures assumed as part of the Proposed Project are not considered mitigation measures; rather, they are regulatory compliance measures. The uncontrolled particulate matter (PM)<sub>10</sub> and PM<sub>2.5</sub> emissions are well below their respective significance thresholds (100 pounds/day and 55 pounds/day, respectively). This shows that the Proposed Project would have less than significant impacts related to fugitive dust, and that fugitive dust mitigation is not required under CEQA. However, as noted above, fugitive dust control is required to meet regulatory requirements. Therefore, these fugitive dust control measures are not identified as mitigation measures; as such, the Proposed Project's "uncontrolled emissions" of fugitive dust are not equivalent to "unmitigated emissions" under CEQA.

In regards to fugitive dust control in California, assuming no control is generally not an option. San Diego Air Pollution Control District (SDAPCD) rules and regulations (such as Rules 50, 51, and 55) require that fugitive dust be controlled to avoid visible plumes, nuisance conditions, offsite visible emissions, etc. Certain local air districts, such as the South Coast Air Quality Management District, provide more clarity in regards to the expected dust control measures that are needed to meet performance standards to comply with their rules; however, that is not the case for the SDAPCD rules. The assumed use of a limited number of standard fugitive dust control measures as project requirements to ensure compliance with these rules is not mitigation, it is regulatory compliance; and regulatory compliance

## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

requirements are not mitigation measures. Regardless, these fugitive dust control measures will be required to be implemented and compliance will be ensured through monitoring.

Given the concerns raised in this comment, however, it appears that the DEIR did not clearly present the distinction between uncontrolled emissions versus unmitigated emissions. Therefore, Impact AQ-3 has been edited to clarify this distinction.

### **Response to Comment A-101**

The finding of the analysis performed in Comment A-101 is fatally flawed because the analysis incorrectly eliminates the Proposed Project's off-road equipment mitigation. With implementation of Mitigation Measure AQ-1, the Proposed Project's emissions would not exceed criteria pollutant emissions significance thresholds. Please also see Response to Comment A-99.

### **Response to Comment A-102**

This comment incorrectly cites the Office of Environmental Health Hazard Assessment (OEHHA) guidance document. This document does not state that health risk analysis is recommended to be completed for all short-term construction projects. Rather, the document, which is an Assembly Bill (AB) 2588 Air Toxics Hot Spots Program guidance document and not a CEQA guidance document, provides recommended methods to assess short-term exposures if such analysis is required and performed for a project that requires approval under the AB 2588 program. The Proposed Project is not subject to the Air Toxics Hot Spots Program nor were any comments received on the Proposed Project regarding the need to complete a health risk analysis, either from the SDAPCD or San Diego County. Therefore, the premise that the Proposed Project needed to have a Health Risk Assessment (HRA) performed due to guidance within the current OEHHA AB 2588 Risk Assessment Guidelines is incorrect.

### **Response to Comment A-103**

The air dispersion modeling analysis that was performed, as described in Comment A-103, is flawed because it is based on several incorrect inputs, and it uses overly conservative modeling assumptions that create a severely inflated worst-case risk result.

The following incorrect assumptions and inputs were used:

- The analysis used the unmitigated diesel particulate matter (DPM) emissions. This overstates impacts by a factor of three in comparison to the mitigated on-site emissions.
- All emissions, including the off-site on-road DPM emissions and other offset emissions, were modeled as if they occurred within the Proposed Project site.

**Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

- The emissions rate value used in the analysis is incorrect by a factor of 40 (i.e., the value given is 0.0011 gram per second, whereas the correct value, given the comment's assumptions, should be 0.044 grams per second).
- The comment notes that the modeling results were for a receptor at a distance of 100 meters from the Proposed Project site, rather than 805 meters, which was noted earlier in the same paragraph as the appropriate distance for receptor modeling.

Furthermore, the air dispersion modeling methods described as being used in Comment A-103 appear to be overly conservative in the following ways:

- The AERSCREEN model was used, which is a simplified screening model that uses simplified meteorological data that can overestimate both peak- and long-term concentrations.
- The modeling does not appear to use temporalized emissions data, given the daytime construction schedule, where dispersion is greater in the daytime.
- The modeling does not address the local terrain, even though AERSCREEN allows for terrain to be included in the modeling. There are significant terrain features between the Proposed Project site and the nearest receptors that will influence downwind dispersion to that receptor.
- The AERSCREEN model is limited to a single emissions source, so modeling was performed as a single area source. This source type selection does not conform to USEPA guidance for moving sources or stationary point sources and it significantly over-predicts the impacts from the off-road equipment exhausts. These equipment exhausts should be modeled as point sources where appropriate (cranes, generators, etc.) and a series of volume sources for moving equipment.

Finally, while the comment describes the results of an air dispersion modeling analysis conducted by the commenter, it does not provide the actual analysis. Therefore, it is impossible to verify that the modeling analysis was completed as described, or if additional errors were made.

**Response to Comment A-104**

The cancer risk value provided by the commenter is significantly overestimated for the reasons noted in Response to Comment A-103. The use of multiple conservative assumptions can provide for a health risk overestimated by orders of magnitude.

As shown in Response to Comment A-102, an HRA was not required to have been performed for the Proposed Project. Regardless, when performing a health risk assessment using the latest OEHHA guidance, one of the two CARB/OEHHA-approved HARP2 risk programs should have been used to ensure that no errors occurred in the risk calculation. In this case, given that the commenter used the AERSCREEN dispersion modeling program rather than AERMOD, the most appropriate HARP2 program would be the Risk Assessment Standalone

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

Tool (RAST) to complete the risk calculation based on the receptor concentrations determined.

A simplified AERMOD-based modeling assessment, with multiple conservative assumptions, was performed to demonstrate that this comment provides overly conservative HRA results based on overly conservative assumptions. To obtain the most representative meteorological data, SDAPCD was contacted. Based on their available data, a three-year data set from Campo, CA was obtained and used in this analysis. The following assumptions were used in the AERMOD modeling analysis:

Parameter	Assumption	Conservatism
Total Emissions	All of the mitigated off-road equipment DPM emissions (729 pounds) are emitted within the 2.58-acre SVC site.	Moderately conservative given that the total extent of disturbed area is over four times this area.
Source Type	Volume sources with 25-meter separation.	Moderately conservative in comparison with using point sources for these hot exhausts.
Hourly Emissions	Emissions distributed eight hours per day from 7 am to 3 pm, 7 days per week.	Mildly conservative as daytime construction schedule assumption is more than 8 hours per day.
Source Assumptions	Release Height of 4.57 meters, Initial Horizontal Dimension of 11.6 meters (per source separation/2.15) and Initial Vertical Dimension of 2.06 meters (release height/2.15).	None. Follows USEPA guidance for use of volume sources to model ground level mobile sources.
Source and Receptor Heights	Sources: 933 meters above sea level. Receptors: Based on AERMAP determination using U.S. Geological Survey Viejas Mountain National Elevation Dataset elevation file.	None in regards to refined modeling analysis procedures, but more conservative than the analysis completed by the commenter for receptors located at elevations higher than the Proposed Project site.
Receptors	Five closest potential residential receptors to the site.	Conservative if any of the residences, specifically the worst-case receptor, are not actually inhabited. Less conservative than the comment's screening level modeling due to some of these receptors being located on terrain higher than the Proposed Project site.
Meteorological Data	Campo 2010-2012 per data availability from SDAPCD.	Potentially conservative given the Campo wind rose and the nearby elevated residential source with the highest concentration impacts.

## Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)

The results of this conservative modeling analysis provide for a worst-case hourly impact of  $6.41 \mu\text{g}/\text{m}^3$  and an annual average impact of  $0.00324 \mu\text{g}/\text{m}^3$  at the maximum exposed residential receptor. These results highlight the conservatism of the commenter's screening modeling assumption, described in Comment A-103, that the annual concentration is equal to one-tenth of the worst-case hourly concentration. Using real meteorological data and real terrain data, the actual annual concentration was found to be just over  $1/2000^{\text{th}}$  of the worst case hourly concentration. Therefore, it can be seen that this one screening factor assumption alone provides two orders of magnitude in over-prediction.

Using the CARB/OEHHA-approved RAST program, the following cancer risk levels were calculated based on a 0.9-year (328.5-day) exposure period for this 318-day construction project.

Age	Cancer Risk
Third Trimester	$5.23 \times 10^{-7}$
0	$4.79 \times 10^{-7}$
5	$1.14 \times 10^{-7}$
10	$9.82 \times 10^{-8}$
21	$1.07 \times 10^{-8}$
50	$9.30 \times 10^{-9}$

These risks are based on the annual concentration determined for a potential receptor location northeast of the Proposed Project site that may or may not be inhabited. The low likelihood that there would be someone at that location in the third trimester of their pregnancy at the exact time construction starts, or that any children of any age would be present at that location, provides an additional measure of conservatism for the worst-case results shown above.

The simplified modeling and HRA analysis performed as described above shows that the Proposed Project, using conservative air dispersion modeling and risk calculation assumptions, does not have the potential to create cancer risks above the significance threshold of  $1 \times 10^{-6}$ .

### Response to Comment A-105

Please see Response to Comment A-102 through A-104.

### Response to Comment A-106

Implementation and enforcement of Mitigation Measure AQ-1 is sufficient to reduce all impacts below significance criteria. Please see Response to Comment A-99, which addresses the feasibility of implementing Mitigation Measure AQ-1. Please also see Response to Comment A-74, which addresses the implementation of the mitigation measure.

## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

### **Response to Comment A-107**

Compliance with CARB's five-minute limit idling regulation is considered adequate to control emissions and is considered reflective of the mitigated emissions estimate. A tighter idling time limit would be significantly more difficult to implement and enforce than proposed Mitigation Measure AQ-1, and is not considered to be necessary.

### **Response to Comment A-108**

The Northeast Diesel Collaborative is not a California organization or agency, and as such has no authority or applicability to the Proposed Project's CEQA impact analysis. Additionally, the specific diesel control measures noted in Comment A-108 conflict with the previous comments provided by this commenter related to the feasibility of Mitigation Measure AQ-1. Specifically, by bulleted measure:

- Option "(1)" presented in the first bullet under Comment A-108 is essentially the same as Mitigation Measure AQ-1. Option "(2)" is actually much more difficult to implement and only reduces PM emissions; therefore, it would not address the potential for significant NOx emissions. If the commenter believes that Mitigation Measure AQ-1 isn't feasible, then it is unclear why they would propose this measure.
- Mitigation Measure AQ-1 would apply to all diesel generators above 50 horsepower, and diesel generators would also have to meet permitting requirements (local or pursuant to the State Portable Equipment Registry Program). Also, as is the case for the first bulleted measure, the requirement of adding emission control is much more difficult to implement than requiring a specific engine tier base level.
- Requiring Tier 4 engines for off-road construction equipment is much more difficult than requiring Tier 3 or better engines for off-road equipment, as is required by Mitigation Measure AQ-1. Additionally, it is not considered necessary based on the DEIR's air quality analysis.
- This fuel sulfur limit is a regulatory requirement; therefore, it is not needed as a mitigation measure.

### **Response to Comment A-109**

This comment provides generic information for reducing construction equipment emissions, but this information does not relate to how a specific project's construction equipment emissions mitigation measure would be designed or implemented. These are conceptual methods for off-road equipment engine mitigation that would be addressed by construction equipment fleet owners, and are not relevant to creating a project-based mitigation measure or to the Proposed Project's off-road equipment mitigation measure. Additionally, CARB already has an in-use off-road diesel-fueled fleet regulation that is designed to reduce off-road equipment fleet emissions.

## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

### **Response to Comment A-110**

The construction contractor, through NEET West, shall be responsible for ensuring compliance with Mitigation Measure AQ-1, along with all other mitigation measures as detailed in the Proposed Project's MMRP. The CPUC will require that NEET West pay for third party monitors that will provide ongoing compliance monitoring. The requirements listed in this comment, beyond those required in the MMRP, are overly burdensome; difficult to implement and enforce, and unnecessary to ensure that air quality impacts remain below significance thresholds, as analyzed in the DEIR. Additionally, certain provisions of these suggested measures are already required by law and others may conflict with or provide requirements beyond those contained in Mitigation Measure AQ-1 or other air quality control measures detailed in the MMRP.

### **Response to Comment A-111**

Mitigation Measure AQ-1 and the other control measures provided in the MMRP will provide adequate mitigation for the Proposed Project's construction emissions. We disagree with the summary provided in this comment for the reasons noted in Response to Comments A-108, A-109, and A-110.

### **Response to Comment A-112**

Please refer to Response to Comment A-86

### **Response to Comment A-113**

CPUC staff disagrees with these comments. Regardless of what was done for other projects in San Diego, CPUC staff believe that Mitigation Measure HAZ-3, as written in the DEIR, is appropriate and sufficiently protective of environmental resources. Please refer to Response to Comment A-86 for additional discussion of Mitigation Measure HAZ-3.

### **Response to Comment A-114**

The commenter's summary of the DEIR's alternatives analysis and the CAISO selection process appears to be correct.

The commenter mischaracterizes the DEIR's analysis of biological resources. The DEIR did not find that the Proposed Project would have substantial impacts on biological resources, as the commenter claims; rather, the DEIR found that all potentially significant impacts to biological resources from the Proposed Project could be mitigated to a level that is less than significant through implementation of mitigation measures.

Please also refer to Master Response 1 for discussion of the feasibility of the Suncrest Substation Alternative. This alternative is not necessarily "feasible," as the commenter suggests, but rather is "potentially feasible," as described in the DEIR and in Master Response 1.



## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

### **Response to Comment A-115**

Information is not readily available at this time to address (a) the height and abundance of the lights; (b) the types of lights that will be installed; (c) the maximum luminosity of the bulbs; and (d) the location and orientation of light fixtures that would be installed at the Project site. Although these specific details are not available at this time, as described in Mitigation Measure BIO-15, “NEET West or their contractor(s) shall minimize construction night lighting on adjacent habitats. Exterior lighting within the Proposed Project area adjacent to habitat shall be the lowest illumination allowed for human safety and security, selectively placed, shielded, and directed downward to the maximum extent practicable.”

A 2005 interpretation by the National Electrical Safety Code (NESC) Committee states “...neither work areas in nor entrances to unattended substations need to be lighted when personnel are not present” (NESC Committee 2005). This interpretation of the NESC indicates that although illumination of the Proposed Project would be required when personnel are present, night lighting would not be required when personnel are not present. Additionally, shielding of lights and downward directed lighting reduce the impact of night lighting on wildlife (National Park Service 2016). Implementation of Mitigation Measure BIO-15 would minimize potential adverse effects of night lighting on nocturnal animal species in the vicinity of the Proposed Project to a level that is less than significant.

### **Response to Comment A-116**

Please refer to Response to Comment A-19. With respect to comments on the golden eagle, please see responses to comments A-20, A-46, and A-65.

### **Response to Comment A-117**

Please refer to Response to Comment A-21.

### **Response to Comment A-118**

Due to the majority of the plant species at the Proposed Project site being non-native, the classification of the cover type as “ruderal” is relevant. It should be noted that the 1.7 acres of ruderal cover type found on the Proposed Project site has been subject to repeated disturbance since at least 1994 (NEET West 2015). Please refer to Response to Comment A-21 for more information on this cover type. Mitigation Measure BIO-16: Restoration and Revegetation would help to guide restoration activities to restore any native plants that may be in the ruderal area.

### **Response to Comment A-119**

The amount of land that was cleared and graded at the Proposed Project site was determined by the property owner. The CPUC is unaware of any evidence that would suggest that the land was cleared and graded in preparation for the Proposed Project.

## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

### **Response to Comment A-120**

Biological and botanical surveys were conducted by SWCA biologists and botanists with familiarity of local flora and fauna. All surveys were conducted in a manner consistent with the CDFW Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (California Department of Fish and Game 2009).

### **Response to Comment A-121**

Please refer to Response to Comment A-22.

### **Response to Comment A-122**

Comment is not relevant to the DEIR.

### **Response to Comment A-123**

*Delphinium hesperium* ssp. *cuyamaca*e has been evaluated in the DEIR. The potential for this species to occur within the Proposed Project site is "None." The Proposed Project site contains general habitat but lacks suitable micro habitat for this species. Additionally, the Proposed Project is not within the elevation range for this species.

### **Response to Comment A-124**

Please refer to Response to Comment A-23.

### **Response to Comment A-125**

Please refer to Response to Comment A-24.

### **Response to Comment A-126**

Please see Response to Comment A-25.

### **Response to Comment A-127**

Please see Response to Comment A-42.

### **Response to Comment A-128**

Please refer to Response to Comment A-85.

### **Response to Comment A-129**

Please refer to Response to Comment A-43.

## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

### **Response to Comment A-130**

Please refer to Response to Comment A-44.

### **Response to Comment A-131**

Please refer to Response to Comment A-44.

### **Response to Comment A-132**

The DEIR's analysis of operational noise is described in Impact NOISE-1 of Chapter 15, *Noise and Vibration*, and in Appendix J, *Noise Data*. Impact BIO-3's text has been amended to include a direct reference to the detailed operational noise analysis included in the DEIR's Chapter 15, *Noise and Vibration*. Impact NOISE-1 describes that the operational noise level generated by the Proposed Project would be approximately 90 decibels (dB) at a distance of 1 meter from the project's equipment. Based on this estimated noise level, the DEIR analysis calculated operational noise levels at additional distances, including those at the nearest residence (noise-sensitive land use), to estimate noise levels relevant to the County's noise significance thresholds. The County's noise significance thresholds require a comparison of project-generated noise levels to County-established noise level thresholds at the locations of noise-sensitive land uses, project site boundaries, and/or on any occupied property where the noise is received, depending on the particular significance criterion. Impact NOISE-1 and Appendix J, *Noise Data*, illustrate that at the nearest residence (noise-sensitive land use) to the project site, the Community Noise Equivalent Level (CNEL) (56.5 dB) would not be substantially different than existing conditions (less than a 10 dB increase compared to the existing CNEL of 52.1 dB) and in compliance with the County's CNEL threshold of 60 dB.

Also, please see Response to Comment A-44 for additional discussion of potential noise impacts on wildlife from the Proposed Project.

### **Response to Comment A-133**

Please see responses to comments A-20, A-46, and A-65.

### **Response to Comment A-134**

Please see Response to Comment A-47.

### **Response to Comment A-135**

This comment reiterates concerns raised in Comment A-64. Please refer to Response to Comment A-64.

## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

### **Response to Comment A-136**

This comment reiterates concerns raised in Comment A-66. Please refer to Response to Comment A-66.

### **Response to Comment A-137**

The comment states that the DEIR fails to identify whether there still would be significant cumulative effects to sensitive biological resources despite efforts to reduce them. The last paragraph under Impact CUM-3 of the DEIR has been revised to acknowledge that the efficacy of BMPs, mitigation measures, and permit conditions for other projects identified in Table 21-3 is unknown. Nonetheless, CPUC has concluded that by implementing Mitigation Measures BIO-1 through BIO-13, the Proposed Project's contributions to potentially significant cumulative impacts on biological resources would not be considerable. Refer to the revised text in Chapter 4, *Revisions to DEIR*.

### **Response to Comment A-138**

This comment reiterates concerns raised in Comment A-69. Please refer to Response to Comment A-69.

### **Response to Comment A-139**

The comment asserts that it is speculative to assume that future projects will provide sufficient mitigation to ensure there will be no cumulative impacts. The comment also states that it is incorrect to assume that no impacts whatsoever arose from past projects even if mitigated to less-than-significant levels.

The CPUC agrees with the concerns raised by the commenter. As stated in Response to Comment A-137, the last paragraph under Impact CUM-3 of the DEIR has been revised to acknowledge that the efficacy of BMPs, mitigation measures, and permit conditions for other projects listed in Table 21-3 is unknown. Regardless, the analysis concludes that with implementation of Mitigation Measures BIO-1 through BIO-13, the Proposed Project's contribution to potentially significant cumulative impacts regarding biological resources would not be considerable.

### **Response to Comment A-140**

The commenter raises a few concerns, the first of which states that the provision of mitigation for impacts to biological resources does not guarantee a less than significant project-level or cumulative impact. The comment further states that several studies have demonstrated that most mitigation projects fail from a functional perspective or are never implemented, citing a study conducted by Peggy Fiedler in 1991. Lastly, the comment asserts that the Proposed Project would impact mitigation land (i.e., the Lightner Mitigation Site), which is supposed to be preserved in perpetuity, and asserts that the CPUC cannot point to mitigation measures incorporated into other CEQA documents as evidence that cumulative impacts would not be significant.

## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

While it is true that provision of mitigation for impacts does not necessarily guarantee a less than cumulatively considerable impact, the DEIR concluded that mitigation measures would sufficiently reduce project-level effects to a less-than-significant level. Based on the professional judgment of the CPUC and its EIR consultant, all potentially significant impacts identified in Chapter 7, *Biological Resources*, can be reduced to less-than-significant levels through implementation of Mitigation Measures BIO-1 through BIO-19.

Regarding the second point, the CPUC acknowledges the study entitled “Mitigation-related Transplantation, Relocation and Reintroduction Projects Involving Endangered and Threatened, and rare plant species in California,” pointed out by the commenter. As detailed in Mitigation Measure BIO-4 (page 7-42 of the DEIR), if avoidance of special-status plants is not feasible, NEET West will be required to compensate for impacts either by purchasing credits at an approved mitigation bank or through transplanting perennial species, collecting and dispersing seed of annual species, or other conservation strategies. Such conservation measures would be developed through consultation with CDFW and would be consistent with the East San Diego County MSCP planning process. Monitoring plant populations will need to occur annually for 5 years to ensure the mitigation’s effectiveness.

In response to the third point, the Proposed Project would be adjacent to the Lightner Mitigation Site. As described in the DEIR, the Lightner Mitigation Site is part of the compensatory mitigation provided by SDG&E for impacts from the Sunrise Powerlink project and is intended to be preserved in perpetuity. As described in Response to Comments A-48 and A-49, SDG&E would retain ownership of the hillside to the north of the Suncrest Substation on which the proposed riser pole and intermediate pole would be constructed, as well as a portion of land approximately 10 feet in average width to either side of Bell Bluff Truck Trail. Therefore, no proposed structures would be located on the Lightner Mitigation Site. While some minor temporary disturbance of adjacent land could occur during installation of splice vaults, these impacts would not be substantial and would not meaningfully affect the integrity of the Lightner Mitigation Site.

Based on this and for other reasons described in earlier responses, the CPUC has determined that the Proposed Project’s contribution to cumulative impacts on biological resources would not be considerable. The text under Impact CUM-3 has also been revised to clarify that the Proposed Project’s mitigation measures (BIO-1 through BIO-18) would ensure that the Project’s contribution to such cumulative impacts would not be considerable.

### **Response to Comment A-141**

As indicated in the DEIR, San Diego County’s Biological Mitigation Ordinance applies only to the MSCP. The CPUC is not a party to the MSCP.

### **Response to Comment A-142**

The East County MSCP, which would cover the geographic area encompassed by the proposed project, is only in the planning phase and is not an adopted plan. In addition, the CPUC is not a party to the County’s MSCP.

## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

### **Response to Comment A-143**

CPUC staff disagrees with these comments. All mitigation measures proposed in the DEIR are specific, enforceable, and feasible. Please refer to subsequent applicable comment responses for CPUC staff's responses to the specific issues raised by the commenter.

### **Response to Comment A-144**

As specified in Mitigation Measure BIO-3: Avoid or Minimize Impacts on Special-Status Plant Species during Construction, the plants shall be monitored throughout the duration of construction to determine whether the project has resulted in adverse effects (direct or indirect), as determined by a qualified botanist. If the botanist determines that special-status plants may have been adversely affected, NEET West shall implement measures to compensate for the impact, as described in Mitigation Measure BIO-4.

Also, please refer to Response to Comment A-42 regarding indirect impacts on special status plants.

### **Response to Comment A-145**

Please see Response to Comment A-76.

### **Response to Comment A-146**

Avoidance has been identified as the preferred method to reduce potential impacts on special-status plants (California Native Plant Society [CNPS] 1998), and Mitigation Measure BIO-1 describes that impacts to known occurrences of felt-leaved monardella would be avoided or minimized through the Proposed Project design. Potential impacts to special-status plants would be further minimized through implementation of Mitigation Measure BIO-2 and BIO-3. Only after these mitigation measures are implemented, and if avoidance is not feasible, would Mitigation Measure BIO-4 be implemented. Transplantation can be successful for some plant species (Feidler 1991), although as the commenter notes it may not be an appropriate method for all species. As described in Mitigation Measure BIO-16, species-specific conservation measures would be developed with input from CDFW and would be consistent with the East San Diego County MSCP planning process; transplantation would only be used if determined to be appropriate for the species in question.

### **Response to Comment A-147**

This comment is in reference to information in the *Suncrest Dynamic Reactive Power Support Project Biological Resources Technical Report* prepared by SWCA Environmental Consultants in 2015, not to the DEIR. Thus, this comment is irrelevant to the DEIR.

### **Response to Comment A-148**

The figure of less than a 20% decline was conservative and was used to account for the natural fluctuations that occur within many native plant populations. Populations can

## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

fluctuate based on climatic factors such as precipitation, as well as other factors, including herbivory and natural disturbance. As population fluctuations are found in undisturbed plant populations, accounting for this variability within a potential mitigation plant population is reasonable.

### **Response to Comment A-149**

Based on biological expertise, monitoring of the listed variables would provide valuable information which could lead to successful mitigation. Measurements of vegetative density would show changes in target plant density across the monitoring period, which could be helpful in measuring plant response to any management actions. Measuring natural recruitment would indicate whether the plant population is successfully reproducing on its own following mitigation. Measuring plant health and vigor could help to identify issues with individual plants or the mitigation population as a whole which could be addressed through adaptive management. As stated in BIO-4, monitoring information may trigger additional management actions.

### **Response to Comment A-150**

Please see Response to Comment A-76.

### **Response to Comment A-151**

The CPUC understands that due to the phasing of some construction activities, some activities may need to take place during the breeding season for nesting birds. Therefore, CPUC has included the language “whenever possible” into Mitigation Measure BIO-5. Should construction activities need to take place during breeding bird season, Mitigation Measure BIO-6: Implement Preconstruction Surveys for Birds Protected under the MBTA would be implemented. This mitigation measure would ensure that if nests are found during preconstruction surveys, CDFW and USFWS would be notified and no-work buffers around nests would be established to ensure that breeding is not likely to be disrupted or adversely affected by construction.

Additionally, Mitigation Measures BIO-5 and BIO-6 generally follow the USFWS Nationwide Standard Conservation Measures guidelines for nationwide project development sites. Nowhere in the guidelines does it state that “project proponents will need to provide the USFWS with an explanation for why work has to occur during the migratory bird nesting season,” or that “project proponents also need to demonstrate that all efforts to complete work outside the migratory bird nesting season were attempted, and that the reasons work needs to be completed during the nesting season were beyond the proponent’s control.”

### **Response to Comment A-152**

USFWS defines a nest as active if there are eggs or young in the nest. This is the definition that CPUC would adhere to in implementing Project mitigation measures.

**Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

The specific methodology for determining the 500-foot radius survey area will be determined by the biologist(s) conducting the nesting surveys.

**Response to Comment A-153**

Please refer to Response to Comment A-78.

**Response to Comment A-154**

Please refer to responses to comments A-20, A-46, and A-65.

**Response to Comment A-155**

Please refer to responses to comments A-20, A-46, and A-65.

**Response to Comment A-156**

Please refer to Response to Comment A-78.

**Response to Comment A-157**

Please refer to responses to comments A-20, A-46, and A-65.

**Response to Comment A-158**

Please refer to responses to comments A-20, A-46, and A-65.

**Response to Comment A-159**

Please refer to responses to comments A-23, A-43, A-79, A-81, and A-82.

**Response to Comment A-160**

The DEIR has been revised to include language in Mitigation Measure BIO-16 that the Restoration and Revegetation Plan would be consistent with the East San Diego County MSCP planning process, and that restoration monitoring results would be provided to CDFW. Specific success criteria, monitoring (including technique, effort, frequency, and duration), and planting requirements would be established in the Restoration and Revegetation Plan. A performance security would not be expected. CDFW review of monitoring results would provide additional oversight of site restoration. These factors would ensure that Mitigation Measure BIO-16 would contribute to less-than-significant impacts to sensitive biological resources. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

**Response to Comment A-161**

Please refer to Response to Comment A-160.



## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

### **Response to Comment A-162**

Please refer to Response to Comment A-160 regarding specific monitoring requirements in the Restoration and Revegetation Plan.

### **Response to Comment A-163**

Please refer to Response A-115.

### **Response to Comment A-164**

The project has been designed to avoid impacts to Engelmann oaks. Text has been added to the DEIR to state that there will be no impacts to Engelmann oak trees. Impacts will occur to the surrounding vegetation of the Engelmann Oak – Coast Live Oak/Poison Oak/Grass Association; these impacts and subsequent mitigation measures are discussed in the DEIR. A minimum 1.1:1 mitigation ratio was selected (as opposed to the 2:1 or 3:1 ratio stated in the San Diego County's Biological Mitigation Ordinance) since the vegetation in this Association has been disturbed.

The DEIR has been revised to include language in Mitigation Measure BIO-18 that the Restoration Plan would be consistent with the East San Diego County MSCP planning process, and that restoration monitoring results would be provided to CDFW. A performance security would not be expected. CDFW review of monitoring results would provide additional oversight of site restoration. These factors would ensure that Mitigation Measure BIO-18 would contribute to less-than-significant impacts to the Engelmann Oak – Coast Live Oak/Poison Oak/Grass Association.

### **Response to Comment A-165**

Please refer to Response to Comment A-52 for discussion of impacts to Chamise Chaparral habitat. Please also refer to Response to Comment A-48 and A-49 for discussion of alleged impacts to the Lightner Mitigation Site.

### **Response to Comment A-166**

As indicated in Mitigation Measure BIO-16, NEET West shall develop a Restoration and Revegetation Plan to guide restoration activities on the Project site that promotes locally appropriate native plant growth and eliminates non-native and invasive species. Disturbed soils shall be revegetated with an appropriate weed-free, native seed mix. All areas designated for temporary impacts shall be revegetated with a seed blend that includes native grasses, forbs, and shrub species characteristic of the plant community receiving the temporary impact. Revegetation activities shall be undertaken as soon as construction activities have been completed to minimize colonization by non-native weedy species and to ensure compliance with the Proposed Project's Stormwater Pollution Prevention Plan (SWPPP). Herbicides, if required during the restoration period, shall be applied using hand-held applicators for spot-treatment and shall not be used within 100 feet of drainages or sensitive plant populations.

## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

Additionally, as described in Response to Comment A-160, additional language has been added to Mitigation Measure BIO-16 to clarify that the Restoration and Revegetation Plan would be consistent with the East San Diego County MSCP planning process. These measures would prevent significant impacts to biological resources from invasive weeds.

### **Response to Comment A-167**

The CPUC disagrees with these comments. Please refer to applicable previous comment responses for CPUC's responses to specific issues raised by the commenter.

### **Response to Comment A-168**

CPUC staff disagrees with the commenter's assertions. First, the commenter mischaracterizes the scope of blasting anticipated to be needed to construct the Proposed Project. As stated in Chapter 2, *Project Description*, of the DEIR (page 2-18), "based on information obtained from soil borings performed near the corners of the proposed SVC site and the results of the geotechnical investigation performed for the Proposed Project, NEET West anticipates that the SVC site can be excavated by conventional methods, although a minimal amount of hydraulic hammering or blasting may be required." The DEIR does not describe the full depth to bedrock at all locations within the Project site because this information cannot be ascertained prior to excavation.

CPUC staff believes that Mitigation Measure HAZ-2 would sufficiently protect water resources and water quality from potential impacts associated with Project blasting. Mitigation Measure HAZ-2 requires NEET West or its contractor(s) to prepare a blasting plan, including outlining safe and lawful procedures for transport, handling, and storage of explosives to prevent accidental explosions or release of hazardous materials into the environment. Additionally, Mitigation Measure HAZ-2 has been updated to include measures (e.g., proper explosive selection, prevention of misfires, and muckpile management) to further ensure that groundwater contamination would be prevented during blasting activities. Please refer to Chapter 4, *Revisions to the DEIR* to view the revised text.

Blasting to break up rock is a common construction method used throughout San Diego County and the state, and widespread groundwater contamination has not been attributed to this practice. Additionally, the Proposed Project site is not particularly well-suited to groundwater infiltration, storage, and movement. As described in the DEIR (page 12-18), the Proposed Project is not located within any identified/delineated groundwater basins and groundwater was not encountered in any of the borings drilled during the geotechnical study conducted for the Proposed Project. In general, the Proposed Project area is dry, with several ephemeral washes in the area, and is underlain by dense bedrock.

The nearest named surface water body to the Proposed Project site is Taylor Creek, which is approximately 0.55-mile south of the proposed SVC site. The Lower Sweetwater River, which the commenter claims would be subjected to potentially significant impacts from "unmitigated nitrogen and nitrates deposited by project blasting," begins downstream of the Sweetwater Reservoir approximately 19 miles west (as the crow flies) of the Proposed Project site. This stretch of the Sweetwater River passes through densely developed Bonita,

## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

Chula Vista, and National City before discharging into San Diego Bay. With innumerable possible sources of nitrogen contamination in this portion of the river (e.g., fertilizer application and runoff, atmospheric deposition, wastewater effluent discharge), migration of nitrate residue from low-energy, micro-blasting from a construction project over 19 miles away seems unlikely to comprise a significant contribution to any water quality impairments.

Taken together, CPUC staff believes that implementation of Mitigation Measure HAZ-2 would sufficiently protect water resources and water quality from potential impacts associated with Project blasting. This mitigation measure would require NEET West or its contractor(s) to perform any needed blasting in a safe and responsible manner, including implementing measures to prevent possible groundwater contamination.

### **Response to Comment A-169**

Please refer to Response to Comment A-168. Discussion of potential impacts to groundwater quality from Project blasting has been added to the DEIR, as shown in Chapter 4, *Revisions to the DEIR*. Additionally, Mitigation Measure HAZ-2 has been updated to include measures to further protect groundwater from potential impacts associated with Project blasting. As described in Response to Comment A-168, CPUC staff believe this mitigation measure would sufficiently protect water resources and water quality. CPUC staff do not believe that it is necessary or appropriate to install a monitoring well to monitor for potential groundwater contamination, as the commenter recommends. CPUC staff also disagrees with the commenter's assertion that residual nitrogen from blasting activities could reasonably migrate to the Sweetwater River in amounts such as to cause significant water quality impairments.

### **Response to Comment A-170**

NEET West has indicated in their comments on the DEIR (see Comment Letter F) that, since publication of the DEIR, they have entered into a water services agreement to obtain water from the Wilson ponds (i.e., the neighbor's pond referenced in the DEIR). NEET West is still negotiating a water services agreement with PDMWD for use of recycled water from their water recycling facility, but this would be intended to serve as a back-up water source.

The Wilson ponds are filled by rainfall and surface runoff; Mr. Wilson also has a private water agreement with Sweetwater Authority. The ponds are unlined and are currently used for non-potable water extraction for permitted uses on the Wilson property, such as fire suppression, dust control, and soil compaction. Existing PVC piping is already in place between the Wilson ponds and a water tank at the SVC site as the water has been used by SDG&E for restoration purposes (i.e., restoration of the Wilson Construction Yard). The ponds are at full capacity and the current inflow equals the outflow. There is no information regarding current consumption of water; however, if Mr. Wilson did not use the water in his ponds, the water would eventually enter the Sweetwater River downstream.

As described in Chapter 17, *Public Services and Utilities*, of the DEIR, the ponds have an annual availability of 40 acre-feet per year, and were successfully used as the water supply during construction of the existing Suncrest Substation. During the Suncrest Substation construction

## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

period, SDG&E used 32 acre-feet per year. No impacts from that water use were identified. The Proposed Project's water need during construction will be 8 acre-feet over less than one year. Therefore, the amount of water required for construction of the Proposed Project is anticipated to be less than significant and unlikely to impact the pond water level.

### **Response to Comment A-171**

CPUC staff disagrees with the commenter's assertion. As described in Chapter 12, *Hydrology and Water Quality*, of the DEIR, CPUC staff acknowledges that the new 2.6-acre impervious area from the Proposed Project may interfere with recharge to some degree; however, the DEIR explains staff's reasoning that this interference would not be substantial. The Project site is not within any identified groundwater basins and the geotechnical investigation found that all of the Project site is underlain by dense granitic rock; both of these facts suggest that the Project site is not especially conducive to groundwater infiltration and storage. Additionally, the Proposed Project would include a stormwater detention basin that would capture and slowly release water falling on the SVC site, allowing for infiltration of water into the soil to occur.

### **Response to Comment A-172**

It is unclear which topographic maps and photographs the commenter is referring to. Figure 12-2, *Surface Water in the Project Vicinity*, on page 12-11 of the DEIR, shows, if anything, that the proposed SVC site is located on more or less of a ridgeline, with few areas of higher ground that could contribute runoff to the site; no drainages contributing water to the SVC site are apparent. It is true that the proposed SVC site may receive runoff from the small hillsides to the east and west of the site, as noted in the DEIR (page 12-9); however, there is no reason to believe that this runoff would be substantial in volume. Providing an estimate of the drainage area is unnecessary for the purposes of this DEIR. CPUC staff believes that its qualitative analysis of potential impacts to hydrology and water quality is sufficient and appropriate for the scale and nature of the Proposed Project.

While it is true that some water could percolate through fractures in the bedrock in the area of the proposed SVC, CPUC staff disagrees with the notion that the Proposed Project would substantially limit existing recharge, such as to substantially deplete groundwater supplies or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or lowering of the local groundwater table. As described in Chapter 2, *Project Description* of the DEIR, the Proposed Project would include a stormwater management system, including a system of earthen swales around the facility and a detention basin to capture run-on and run-off water at the SVC. This water would be discharged via shallow, overland flow, where it would be anticipated to percolate into the soil or flow overland to drainages downgradient. Therefore, water falling on the SVC site would still have an opportunity to percolate to groundwater below, or flow overland to downstream water bodies, following discharge from the detention basin,. Therefore, CPUC staff believes that impacts to groundwater recharge from the Proposed Project would not be significant.

## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

### **Response to Comment A-173**

The referenced passage in the DEIR was intended to indicate that, *currently*, precipitation falling on the site is transported via shallow subsurface flow or via overland sheetflow to drainages downgradient; therefore, it does not infiltrate into the soil and recharge groundwater. Therefore, the addition of impervious surface to the area would not have a dramatic effect on recharge relative to existing conditions, because existing recharge at the site does not appear to be substantial. The DEIR text on page 12-23, lines 16 through 21, has been revised to clarify the intent of the passage. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

### **Response to Comment A-174**

The DEIR acknowledges that the Proposed Project would alter drainage patterns on the Project site to some degree; however, CPUC staff disagrees with the commenter's claim that these altered patterns could result in a significant impact with respect to any of the Appendix G significance criteria.

### **Response to Comment A-175**

CPUC staff disagrees with the commenter's assertions. Please refer to previous comment responses (see Response to Comments A-171 through A-174) for detailed discussion.

### **Response to Comment A-176**

The DEIR considers potential stormwater quality impacts in Impact HYD/WQ-4 (page 12-24 and 12-25). As described in this impact discussion, the Proposed Project would implement Mitigation Measure HAZ-1 to require preparation and implementation of a Hazardous Materials and Waste Management Plan, which would include standards for any secondary containment and countermeasures required for hazardous materials and spill response procedures based on product and quantity. Additionally, the DEIR explains that the Proposed Project would be subject to the San Diego Regional Stormwater Permit, which would limit discharges of poor quality water.

The water and/or oil captured in the transformer oil containment basins would not simply be released into the stormwater detention basin and then the environment; rather, it would be inspected prior to release and disposed of properly if found to contain oil or other contaminants. During operations, remote monitoring equipment installed at the SVC would be able to detect any substantial leaks in the transformer oil structure, and, in the event any leaks are detected, a repair technician would be dispatched to the site. Recurring monthly maintenance visits also would include inspections of the transformers and secondary containment basins.

If visual inspections show that the contents of containment basins do not contain oil or sheen, then the basins would be drained, either via opening of drain valves or using a pump if the containment structures did not contain a drain valve. If the containment basins do contain oil or sheen, the water and oil would be removed from the site and sent for recycling. The

## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

secondary containment basin would then be cleaned to ensure the oil residue is removed. If the secondary containment basin still contains oily water or sheen after the cleaning mentioned above, then the oil from the oily water would be removed by placing hydrophobic adsorbents on the surface to adsorb the oil, and would be disposed of (typically as oily rags) in accordance with applicable federal and state regulations. The adsorbents would be replaced until there is no visible sheen and then the remaining water would be drained from the secondary containment basin. Alternatively, a suitably designed oil adsorbent sock, Petro-Plug, or similar would be placed at the drain to ensure only water is released.

Text has been added to Chapter 2, *Project Description*, of the DEIR, to clarify this handling of material captured in the secondary containment structures for the transformers, and to describe the routine inspections of the facilities. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

### **Response to Comment A-177**

As described in Chapter 12, *Hydrology and Water Quality*, of the DEIR (page 12-12), SWCA, on behalf of NEET West, performed wetlands testing in 2015 in accordance with standard professional protocols. Their determination that the area identified as a wetland in the 2009 Sunrise Powerlink delineation was not a wetland was based on more than just the noted absence of hydric soils. SWCA delineators also did not find indicators of hydric soils or hydrology that are characteristic of wetlands at any of the four sampling points taken within the Proposed Project footprint (NEET West 2015). Facultative wetland species were found at each sampling point, but each point failed the Dominance Test and the Prevalence Index for hydrophytic vegetation. No obligate wetland species were found at the time of the survey. Please refer to NEET West's response to PEA Deficiency Letter 1, which can be found at the Project website, for additional discussion of wetlands testing conducted for the Proposed Project.

Based on SWCA's wetland determination, and coordination with relevant regulatory agencies, CPUC staff concluded that no wetlands exist within the Proposed Project's footprint. Also, note that it is CPUC's understanding that the Final Preliminary Jurisdictional Determination Report for the Sunrise Powerlink project was prepared by WRA Consultants on behalf of SDG&E. The commenter appears to mistakenly refer to San Diego Fish and Game as the preparer of this report.

### **Response to Comment A-178**

Regardless of the site topography and climate, CPUC staff believes it has sufficiently investigated the area for potential wetlands, as described in the DEIR. CPUC staff does not believe it is necessary to conduct a water balance analysis for the area, as is suggested by the commenter.

### **Response to Comment A-179**

Please refer to Response to Comments A-48 through A-50.

## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

### **Response to Comment A-180**

Please refer to Response to Comments A-171 through A-174.

### **Response to Comment A-181**

CPUC staff disagrees with the commenter's assertions. CPUC staff believes the DEIR includes a complete and good faith analysis of the Proposed Project's potential impacts on hydrology and water quality. Please refer to previous applicable comment responses for CPUC's responses to the specific issues raised by the commenter.

### **Response to Comment A-182**

Please refer to Response to Comment A-28. As described in this response, DEIR Figure 19-1 and the text of the DEIR on page 19-4 has been revised to show the location of the security gate on Bell Bluff Truck Trail and provide additional information regarding the residences that are accessed off of Bell Bluff Truck Trail and Avenida de los Arboles. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

### **Response to Comment A-183**

Please refer to Response to Comment A-29. As described in this comment response, the DEIR used the data that was available in evaluating the Proposed Project's potential transportation and traffic impacts. Due to the low number of vehicle trips that would be generated by the Proposed Project, the rural nature of the Project vicinity, and the low potential for traffic impacts during construction, it was determined that a detailed traffic study, including site-specific traffic counts, was not necessary.

### **Response to Comment A-184**

Please refer to Response to Comment A-30.

### **Response to Comment A-185**

Using Google Earth aerial imagery dated November 2016, a total of eight driveways or access roads were identified along the publicly-accessible road segments of Avenida de los Arboles and Bell Bluff Truck Trail. These eight driveways or access roads lead to approximately 20 residences. This information has been added to the DEIR on page 19-4, lines 21-28, as shown in Chapter 4, *Revisions to the DEIR*.

### **Response to Comment A-186**

Please refer to Response to Comment A-59. As described in this comment response, the DEIR's discussion of haul truck trips on page 19-9 has been revised to clarify that these would be round trips and that they would occur during the 6.5-month duration of excavation activities. Additionally, the DEIR text has been revised to reflect updated information

## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

provided by NEET West in their comments on the DEIR (see Comment F-63) that they have secured rights to use the Wilson ponds as a construction water supply, such that water trucks will no longer be needed to supply water during Project construction. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

### **Response to Comment A-187**

Please refer to Response to Comment A-60 for detailed discussion of bulking with respect to the DEIR's traffic analysis. As described in this comment response, language has been added to the DEIR to indicate that "bulking" of excavated materials is possible. Because the precise type and composition of materials underlying the Proposed Project site is not currently known, it is not possible to know the degree of bulking that may be expected. However, a worst-case analysis showed that even if all excavated materials removed during Project construction were subject to maximum bulking, it would not increase the number of haul truck trips such as to result in significant adverse impacts on LOS for nearby roadways.

The commenter's concern regarding the feasibility of using 20-cubic yard trucks instead of 10-cubic yard trucks is acknowledged. The possibility that these larger trucks could be used has been retained in the FEIR, in the event that such use is found to be feasible. As described in the DEIR, the DEIR's traffic analysis uses the conservative assumption that only 10-cubic yard trucks are used to remove excavated materials during Project construction.

### **Response to Comment A-188**

Please refer to Response to Comment A-60 for a revised worst-case scenario traffic analysis. This revised analysis and the original analysis presented in the DEIR used the conservative assumption that construction workers would each travel alone in separate vehicles, even though this likely would not be the case. Please also refer to Response to Comment A-61, which provides documentation to support the statement in the DEIR that construction workers often carpool to construction sites.

### **Response to Comment A-189**

Please refer to Response to Comment A-60 and the revised worst-case scenario traffic analysis presented in Chapter 4, *Revisions to the DEIR*.

### **Response to Comment A-190**

Please refer to Response to Comment A-62.

### **Response to Comment A-191**

Construction workers would park within the secured portion of Bell Bluff Truck Trail. As stated in the DEIR, the proposed SVC is located approximately one mile west of the security gate on Bell Bluff Truck Trail. As such, it is not reasonable that workers would park one mile away from the construction site in the publicly accessible portion of the road. As described in Response to Comment A-28, Figure 19-1 in the DEIR has been revised to show the location of



**Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

the security gate on Bell Bluff Truck Trail with respect to the Proposed Project and vicinity. Additionally, text has been added to the DEIR on page 19-11, under Impact TR-5, to state that construction workers would park within the secured portion of Bell Bluff Truck Trail. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

**Response to Comment A-192**

As shown in Figure 2-3 of the DEIR (see “Project Area (Limit of Disturbance)”) all construction equipment and materials staging would occur within the secured portion of Bell Bluff Truck Trail. Text has been added to the DEIR on page 19-11, under Impact TR-5, to make this clarification. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

**Response to Comment A-193**

Please see Response to Comment A-191 and A-192. Based on the clarifying information provided in these comment responses, residential driveways and emergency vehicle access would not be blocked by inappropriately parked construction worker vehicles or idling haul vehicles within the publicly accessible portion of Bell Bluff Truck Trail.

**Response to Comment A-194**

Please refer to Response to Comment A-87. CPUC disagrees with the commenter’s assertions.

**Response to Comment A-195**

Please refer to Response to Comment A-87. As described in this comment response, the mitigation actions proposed by Mr. Smith are unnecessary because the actions would occur regardless of any mitigation. As described in Response to Comment A-87 and A-191 and A-192, all construction worker vehicle parking and construction equipment and materials staging would occur within the secured portion of Bell Bluff Truck Trail.

**Response to Comment A-196**

Please refer to Response to Comments A-87 and A-88. The text of Mitigation Measure TR-2 has been revised to remove reference to detour routes. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

**Response to Comment A-197**

Please refer to Response to Comment A-88. Closure of the publicly accessible portion of Bell Bluff Truck Trail is not contemplated so none of the impacts identified by the commenter in Comment A-197 could occur.

## **Public Comment A: Adams Broadwell Joseph and Cardozo on behalf of California Unions for Renewable Energy (January 11, 2017)**

### **Response to Comment A-198**

Please refer to Response to Comment A-88. As described in this comment response, closure of the publicly accessible portion of Bell Bluff Truck Trail is not contemplated, so Mr. Smith's proposed mitigation measure is not necessary.

### **Response to Comment A-199**

Please refer to Response to Comment A-88.

### **Response to Comment A-200**

Please refer to Response to Comment A-88.

### **Response to Comment A-201**

Please refer to Response to Comment A-88 and the revised text in Chapter 4, *Revisions to the DEIR*. The phrase "brief periods of construction work would temporarily block access" to driveways and private roads has been removed from the DEIR because these activities are not contemplated and such a scenario would not occur.

### **Response to Comment A-202**

Please refer to previous applicable comment responses. DEIR mitigation measures have been revised and clarifying text has been added to the DEIR to address the commenter's critiques of the DEIR mitigation measures.

### **Response to Comment A-203**

Please refer to previous applicable comment responses for discussion of the commenter's specific points. The DEIR text has been updated, as appropriate, to address the commenter's critiques.

**Public Comment B: California Department of Fish and Wildlife (January 11, 2017)**

Comment Letter B



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
3883 Ruffin Road  
San Diego, CA 92123  
(858) 467-4201  
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor  
CHARLTON H. BONHAM, Director



January 11, 2017

Mr. Robert Peterson  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102  
Robert.Peterson@cpuc.ca.gov

**Subject: Comments on the Draft Environmental Impact Report for the Suncrest Dynamic Reactive Support Project, Community of Alpine, San Diego County, California (Project Number SCH # 2016011004)**

Dear Mr. Peterson:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Draft Environmental Impact Report (DEIR) for the Suncrest Dynamic Reactive Support Project Draft Environmental Impact Report (DEIR) dated November 2016. The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act, [CEQA] Guidelines § 15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code § 2050 *et seq.*) and Fish and Game Code section 1600 *et seq.* The Department also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program. The County of San Diego (County) participates in the NCCP program by implementing its approved Multiple Species Conservation Program (MSCP) Subarea Plan (SAP), and the draft East County MSCP Plan through a signed Planning Agreement. The Suncrest Reactive Power Support Project is located within the County of San Diego, the MSCP, and the draft East County Plan MSCP planning areas.

The Suncrest Dynamic Reactive Power Support Project (Proposed Project) is located in unincorporated south-central San Diego County, approximately 5.75 miles southeast of the community of Alpine, off of Bell Bluff Truck Trail Road. The lands surrounding the Proposed Project are primarily undeveloped, with some rural-residential development to the east and south—the existing Suncrest Substation located at the western terminus. The Proposed Project is located partially on and west of the former Wilson construction yard that was restored to natural habitat as part of the Sunrise Powerlink Project mitigation obligations. The Proposed Project is located approximately 1.8 miles south of Interstate-8, and Japatul Valley Road (State Highway 79) is approximately 1.2 miles to the southeast. The Proposed Project is planned to be located on private property within the administrative boundary of the Cleveland National Forest.

The Proposed Project includes two primary components: 1) a Static Var Compensator (SVC) facility, to be located approximately 1 mile east of the existing Suncrest Substation; and 2) an approximately 1-mile-long 230 kV transmission line from the proposed SVC facility to the existing substation.

*Conserving California's Wildlife Since 1870*

**Public Comment B: California Department of Fish and Wildlife (January 11, 2017)**

Mr. Robert Peterson  
California Public Utilities Commission  
January 11, 2017  
Page 2 of 7

Construction of the SVC facility generally would include site clearing, grubbing, grading, and installation of foundations and electrical equipment. Construction of the underground transmission line would be anticipated to be concurrent with construction of the SVC and would follow a general process of utility line locating; survey; asphalt cutting of pavement; trench excavation; installation of duct bank and vaults; pavement restoration; installation of conductor cables and fiber optic cables; and splicing and testing of the line. Grading for the SVC may result in up to 4,000 cubic yards of excess material, which would be hauled off site. In select locations, where material cannot be excavated using a backhoe and/or bulldozer, material removal may require scraping, ripping, drilling, hammering, cutting and localized low energy blasting. Construction of the Proposed Project would result in approximately 6.2 acres of temporary disturbance, accounting for staging area impacts and trenching for underground transmission line installation. When added to the permanent disturbance area of the SVC, total disturbance from the Proposed Project would be approximately 12.2 acres including the Project footprint, temporary, and permanent disturbance areas.

B-1 As identified in our February 2, 2016, Notice of Preparation (NOP) comment letter, golden eagle (*Aquila chrysaetos*) territories are known within the project vicinity, and could potentially be adversely impacted by the Proposed Project, particularly the potential blasting associated with the transmission line. As a fully protected species (Fish and Game Code § 3511), take (Fish and Game Code § 86) is prohibited. Anthropogenic presence and disruptive noise, such as noise associated with blasting, has the potential to interfere with early pairing and successful nesting attempts made by golden eagle. Given the proximity of at least one historic territory, the Department believes that blasting is inappropriate if all other construction alternative or locations have not been exhausted. Should the EIR continue to consider the use of blasting, additional detail regarding the extent, timing, and duration should be provided and the Department and U.S. Fish and Wildlife Service (Service) should be consulted for additional mitigation measures beyond the DEIR's mitigation measures BIO-5 and BIO-6.

B-2 The Proposed Project would also remove coast live oak (*Quercus agrifolia*) woodland including Engelmann oak (*Quercus engelmannii*). The Department considers coast live oak habitat sensitive, and the habitat is further addressed by Public Resource Code section 21083.4 *et seq* which generally directs the conservation and mitigation of oak species within the genus *Quercus*. The County also considers the coast live oak woodland an Environmentally Sensitive Land and is regulated by the County's Resource Protection Ordinance (RPO) adopted in 1989 and amended in 1991 and 2007. Per the County Biology Guidelines, "[i]mpacts to RPO sensitive habitat lands shall only be allowed when: (a) all feasible measures have been applied to reduce impacts; and (b) mitigation provides an equal or greater benefit to the affected species" (County, 2009). In addition to oak species, the Proposed Project has the potential to impact several sensitive plant species including Jacumba milkvetch (*Astragalus douglasii* var. *perstrictus*), San Diego milkvetch (*Astragalus oocarpus*), and species of *Monardella* among others. The Department considers impacts to sensitive plant communities and individuals significant without mitigation.

The Department offers the following comments and recommendations to assist the California Public Utilities Commission (CPUC) in avoiding, minimizing, and adequately mitigating Project-related impacts to biological resources.

B-4 To reduce the potential biological and land use planning impacts associated with the Proposed Project, the Department recommends that the CPUC adopt the Suncrest Substation Alternative (a location alternative) in lieu of the Proposed Project. On February 2, 2016, the Department

**Public Comment B: California Department of Fish and Wildlife (January 11, 2017)**

Mr. Robert Peterson  
California Public Utilities Commission  
January 11, 2017  
Page 3 of 7

B-4  
Cont.

provided comments to the CPUC suggesting that the Suncrest Substation Alternative would have less environmental impacts than the Proposed Project's configuration. Subsequent to our NOP comments, we have reviewed the DEIR and reiterate our original position and generally agree with the DEIR's assertion that the Suncrest Substation Alternative is the environmentally superior option (CPUC, 2016 pp. ES-9, 20-13, 20-14) because "...[t]he Suncrest Substation Alternative would avoid virtually all of the potential environmental impacts of the Proposed Project. Under the Suncrest Substation Alternative, there would be no land disturbance, trenching, or installation of new structures outside of the existing substation" (CPUC, 2016).

Following our review of the information presented in the DEIR, the Department recommends that the CPUC adopt the Suncrest Substation Alternative as the final design certified in the final EIR. CEQA Guidelines section 15126.6(f) instructs EIRs to evaluate alternatives based on the "rule of reason" which, in part, establishes a three-part structure in analyzing project alternatives including: 1) feasibility; 2) alternative locations; and 3) excluding speculative or remote project alternatives. Below, we outline our rationale for concluding that the Suncrest Substation Alternative should be approved based on a progressive analysis of CEQA Guideline's rule of reason (CEQA Guidelines, § 15126.6(f)).

**A. §15126.6(f)(1) Feasibility**

Based on the Department's review of the information provided in the DEIR, the Suncrest Substation Alternative achieves a superior project design based on the *Feasibility* criteria established under CEQA Guidelines section 15126.6(f)(1) "[a]mong the factors that may be taken into account when addressing the feasibility of alternatives are *site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries* (projects with a regionally significant impact should consider the regional context), and whether the proponent can *reasonably acquire*, control or otherwise have access to the alternative site [emphasis added]...."

- The Suncrest Substation Alternative offers superior *site suitability* over the Proposed Project by locating the Static Var Compensator (VAR) dynamic reactive device within the existing boundaries of the current Suncrest Substation—eliminating the need for *any* physical loss of habitat or earth-moving construction equipment. In addition to eliminating the need for a new construction pad, the Suncrest Substation Alternative would also eliminate approximately 1 mile of trenching and/or blasting to install the off-site transmission line the Proposed Project requires thereby minimizing the potential impacts to golden eagle and other species.
- The Department cannot, nor should it, assess the *economic viability* of the Suncrest Substation Alternative compared to that of the Proposed Project.
- Unlike the Proposed Project, and due to the Suncrest Substation Alternative's co-location of the VAR Compensator within the existing substation facility, no additional transmission lines, driveways, access roads, or storm water basins would be required. Based on our review of the above, the *availability of infrastructure* (generally, preexisting for the substation) greatly favors the Suncrest Substation Alternative over the Proposed Project.



**Public Comment B: California Department of Fish and Wildlife (January 11, 2017)**

Mr. Robert Peterson  
California Public Utilities Commission  
January 11, 2017  
Page 4 of 7

B-4  
Cont.

- As identified in the DEIR, the Suncrest Substation Alternative achieves *consistency with the San Diego County General Plan* by conforming to the following County Open Space Element and Land Use Element goals and policies:

- a) "COS-2.1 Protection, Restoration and Enhancement. Protect and enhance natural wildlife habitat outside of preserves as development occurs according to the underlying land use designation. Limit the degradation of regionally important natural habitats within the Semi-Rural Lands and regional categories...." The Suncrest Substation Alternative would protect existing and recently restored rural and natural habitats.
- b) "COS-2.2 Habitat Protection Through Site Design. Require development to be sited in the least biologically sensitive areas and minimize the loss of natural habitat through site design". Both the DEIR, and the Department's review of the information contained therein, conclude that the siting of the VAR Compensator within the Suncrest Substation (i.e., the Suncrest Substation Alternative) develops the least biologically sensitive area and also avoids any direct habitat loss associated with the currently Proposed Project configuration.
- c) "LU-12.4 Planning for Compatibility. Plan and site infrastructure for public utilities and public facilities in a manner compatible with community character, minimize visual and environmental impacts, and whenever feasible, locate any facilities and supporting infrastructure outside preserve areas." The Suncrest Substation Alternative would avoid duplicative or additional driveways, access roads, and storm water treatment basins while also minimizing environmental impacts associated with the multiple development locations of the Proposed Project. Additionally, the Suncrest Substation Alternative minimizes the impacts within the draft East County Plan's conceptual preserve design—the Focused Conservation Area (see discussion below).
- d) "Policy LU-5.3 – Rural Land Preservation. Ensure the preservation of existing open space and rural areas (e.g., forested areas, agricultural lands, wildlife habitat and corridors, wetlands, watersheds, and groundwater recharge areas) when permitting development under the Rural and Semi-Rural Land Use Designations." As identified above, the Suncrest Substation Alternative would better preserve rural lands, to the benefit of biological resources, by consolidating two developments within one existing location.

B-5

- With regard to *other plans or regulatory limitations and jurisdictional boundaries*, a Planning Agreement for the East County MSCP between the County of San Diego, the Department, and the Service was executed on November 18, 2008, and subsequently amended in May 2014. The Planning Agreement guides the planning and preparation of the MSCP plan including defining the parties' goals and commitments, defining the scope of the conservation planning areas, and establishing an interim review process intended to meet the preliminary conservation objectives and reserve assemblage. While the CPUC is not a party to the East County MSCP Planning Agreement, the CPUC should consider the Proposed

**Public Comment B: California Department of Fish and Wildlife (January 11, 2017)**

Mr. Robert Peterson  
California Public Utilities Commission  
January 11, 2017  
Page 5 of 7

B-5  
Cont.

Project's consistency with existing plans and draft planning efforts as the Proposed Project is located within the MSCP planning area, specifically within the conceptual reserve design (the Focused Conservation Area; FCA).

Pursuant to the Planning Agreement, the Department has worked cooperatively with the County, Service, and other stakeholders to develop a conceptual comprehensive strategy for the draft East County MSCP. The draft East County MSCP facilitates comprehensive planning by identifying FCAs for assembling an open space preserve and other areas outside of the FCA suitable for development. FCAs are areas identified by the draft East County MSCP where conservation and mitigation are anticipated in order to assemble the East County MSCP preserve (Independent Science Advisor's Documentation Binder/Workshop #1, February 2006 and the January 2007 Workshop). The Proposed Project is located within an East County MSCP FCA—denoted as Agricultural or Natural Upland Habitat within a FCA. While the Suncrest Substation is also located within the same FCA designation, co-locating the VAR Compensator within the existing Suncrest Substation footprint eliminates redundant building pads within an FCA. To avoid conflicts with the draft East County MSCP, we recommend that the final EIR include a discussion regarding the Proposed Project's compliance with the guidance provided in the Planning Agreement's Interim Review Process to ensure successful implementation of the Proposed Project and MSCP plans.

- In accordance with the DEIR, the Suncrest Substation Alternative does not represent a speculative alternative and therefore meets the CEQA Guideline standards of *whether the proponent can reasonably acquire, control or otherwise have access to the alternative site* as evidence in the DEIR "[u]nder this alternative [the Suncrest Substation Alternative], NEET West would construct, own, and operate the SVC" (CPUC, 20016 p.20-12).

B. §15126.6(f)(2) Alternative Locations

B-6

As posed by section 15126.6(f)(2), "The key question and first step in analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location" (CEQA Guidelines). As evidenced by the DEIR, "... [t]he Suncrest Substation Alternative would avoid virtually all of the potential environmental impacts of the Proposed Project" (CPUC, 2016). The Department believes that the Suncrest Substation Alternative avoids most, if not all, biological effects of the VAR Compensator for the reasons outlined in the sections above.

C. §15126.6(f)(3) Is the Project Remote or Speculative

B-7

In accordance with the DEIR's Table 20-1 Alternatives Screening Summary, the Suncrest Substation Alternative is not speculative. Subsection (f)(3) of CEQA Guidelines section 15126.6 does not require further evaluation of a remote or speculative project alternative.

Based on A-C above, the Suncrest Substation Alternative provides a superior project design while simultaneously achieving all four of the Proposed Project's Objectives outlined by the DEIR: 1) Provide reactive support to Suncrest Substation; 2) Improve and maintain transmission grid reliability; 3) Facilitate delivery of renewable energy generation from the Imperial Valley

**Public Comment B: California Department of Fish and Wildlife (January 11, 2017)**

Mr. Robert Peterson  
California Public Utilities Commission  
January 11, 2017  
Page 6 of 7

B-7  
cont.

area to population centers to the west; and 4) Support the achievement of California's Renewables Portfolio Standard (CPUC, 2016 p. 4). In addition to fulfilling the Project Objectives, the Suncrest Substation Alternative avoids and minimizes potentially significant biological impacts associated with the Proposed Project (see DEIR Impacts BIO-1, through Impact BIO-10) as directed by Public Resources Code section 21002.1(b). The Department recommends that the CPUC approve the Suncrest Substation Alternative absent the DEIR detailing the infeasibility of that alternative pursuant to CEQA Guidelines section 15091(b). For these reasons, the Department believes that the Suncrest Substation Alternative (e.g., the Environmentally Superior Alternative as identified by the DEIR) meets all of the stated project objectives and supports the Findings of Fact pursuant to CEQA Guidelines section 15091(a)(3)—that specific considerations do not make a project alternative (in this case the Environmentally Superior Suncrest Substation Alternative) necessary to certify the EIR.

B-8

We appreciate the opportunity to comment on the DEIR for the Proposed Project and to assist the CPUC in further minimizing and mitigating project impacts to biological resources. The Department requests an opportunity to review and comment on any response that the CPUC has to our comments and to receive notification to the forthcoming hearing date for this project. If you have questions or comments regarding this letter, please contact Eric Weiss, Senior Environmental Scientist at [Eric.Weiss@wildlife.ca.gov](mailto:Eric.Weiss@wildlife.ca.gov).

Sincerely,



Gail K. Sevrens  
Environmental Program Manager  
South Coast Region

cc: State Clearinghouse, Sacramento  
Eric Porter, U.S. Fish and Wildlife Service, Carlsbad  
Kirsten Winter, U.S. Forest Service



**Public Comment B: California Department of Fish and Wildlife (January 11, 2017)**

Mr. Robert Peterson  
California Public Utilities Commission  
January 11, 2017  
Page 7 of 7

**References:**

CNDDDB, 2015. California Natural Diversity Database (CNDDDB). Biogeographic Data Branch. California Department of Fish and Wildlife, <http://dfg.ca.gov/biogeodata/cnddb/>.

Community Conservation Program Plans and Habitat Conservation Plans. NCCP Planning Agreement No. 2810-2007-00205 October 29, 2008.

County of San Diego, 1996. Draft Multiple Species Conservation Program (MSCP) Subregional Plan. Volumes I and II. Document No. 110921000. Prepared by Ogden. August 1996. Part A-MSCP Subarea Plans.  
<http://www.sandiegocounty.gov/content/dam/sdc/pds/mscp/docs/SCMSCP/MSCPFEIRVol1.pdf>

County of San Diego, 1997. South County Multiple Species Conservation Program. Section 4.2.3 (Linkages) - Goals and Criteria for Linkages and Corridors, Page 4-9 and Biological Mitigation Ordinance (2010) - Attachment H (Design Criteria for Linkages and Corridors). October 22, 1997.  
[http://www.sandiegocounty.gov/content/dam/sdc/pds/mscp/docs/SCMSCP/MSCP\\_County\\_Subarea\\_Plan.pdf](http://www.sandiegocounty.gov/content/dam/sdc/pds/mscp/docs/SCMSCP/MSCP_County_Subarea_Plan.pdf)

County of San Diego, 1998a. Final Multiple Species Conservation Program (MSCP) Subregional Plan. Document No. 110921000. Prepared by Ogden. August 1998.  
<http://www.sandiegocounty.gov/content/dam/sdc/pds/mscp/docs/SCMSCP/FinalMSCPProgramPlan.pdf>

County of San Diego, 1998b. County of San Diego Multiple Species Conservation Program Implementing Agreement by and between United States Fish and Wildlife Service, California Department of Fish and Game and County of San Diego. March 17, 1998.  
[www.sdcountry.ca.gov/pds/mscp/docs/SCMSCP/implementingagreement.pdf](http://www.sdcountry.ca.gov/pds/mscp/docs/SCMSCP/implementingagreement.pdf).

County of San Diego, 2014a. Planning Agreement By and Among the County of San Diego, the California Department of Fish and Wildlife, and the United States Fish and Wildlife Office Regarding the North and East County Multiple Species Conservation Plans: Natural Community Conservation Program Plans and Habitat Conservation Plans. November 15, 2013. Revised and Amended May 12, 2014.  
[http://www.sandiegocounty.gov/pds/mscp/docs/P\\_A\\_SIGNED.pdf](http://www.sandiegocounty.gov/pds/mscp/docs/P_A_SIGNED.pdf)

County of San Diego, 2014b. Preliminary Draft North County MSCP Plan: Volume I Chapter 5: Preserve Assembly. Pages 47 and 49. September 2014.  
<http://www.sandiegocounty.gov/pds/mscp/nc.html>.

## **Public Comment B: California Department of Fish and Wildlife (January 11, 2017)**

### **Response to Comment B-1**

It is unknown whether blasting will be required during construction of the proposed SVC facility. To further ensure that potential blasting activities do not result in adverse impacts to Golden Eagles (if present), Mitigation Measure BIO-6 has been strengthened with the inclusion of the following language: “If construction-related blasting is deemed necessary during the nesting season for the Golden Eagle, NEET West shall provide CPUC, CDFW, and USFWS additional detail regarding the extent, timing, and duration of such blasting. No blasting shall occur until an avoidance plan is approved by CPUC, CDFW, and USFWS.” Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

### **Response to Comment B-2**

Mitigation Measure BIO-18 has been enhanced to further ensure protection of Engelmann Oak – Coast Live Oak/Poison Oak/Grass Association habitat, as described in Response to Comment A-164. The revisions, shown in Chapter 4, *Revisions to the DEIR*, would require that the Habitat Restoration Plan (to be developed and implemented to mitigate any temporary or permanent impacts on the Engelmann Oak – Coast Live Oak/Poison Oak/Grass Association) be consistent with the East San Diego County MSCP planning process. Monitoring results also would be provided to CDFW.

### **Response to Comment B-3**

Please refer to Mitigation Measures BIO-1 through BIO-4 regarding potential impacts to special-status plant species.

### **Response to Comment B-4**

The CPUC acknowledges the commenter’s support for the Suncrest Substation alternative; and the commenter’s assertion that the Suncrest Substation Alternative achieves a superior project design based on CEQA feasibility criteria, including site suitability, availability of infrastructure, and consistency with the San Diego County General Plan. For additional information pertaining to feasibility of the Suncrest Substation Alternative and the commission’s selection of the Environmentally Superior Alternative, please refer to Master Responses 1 and 2, respectively, in Chapter 2, *Master Responses*.

### **Response to Comment B-5**

CPUC staff acknowledge that the proposed project is within the intended boundary of the East County MSCP. The CPUC is not a party to the MSCP process. With implementation of the proposed mitigation measures in the FEIR, CPUC staff is confident that the proposed project would not result in any significant impacts to special status species potentially covered by the future East County MSCP. Given that the East County MSCP is currently in the draft planning phase (and is not an adopted plan), it is difficult to assess compliance with the anticipated plan or its Interim Review Process.

Thank you for your comment regarding the feasibility of the Suncrest Substation Alternative.

## **Public Comment B: California Department of Fish and Wildlife (January 11, 2017)**

### **Response to Comment B-6**

The CPUC acknowledges the commenter's support for the Suncrest Substation alternative; and the CDFW's assertion that the Suncrest Substation alternative would avoid most, if not all, biological effects of the SVC.

### **Response to Comment B-7**

The CPUC acknowledges the commenter's assertion that the Suncrest Substation Alternative is not speculative and achieves the Proposed Project's objectives outlined by the DEIR. The FEIR and the associated CEQA analysis is not intended to act as a decision-making document, but rather to provide the Commission with a complete set of facts and analysis to evaluate the merits of the Proposed Project and the various alternatives. For responses to comments pertaining to feasibility of the Suncrest Substation Alternative and the Commission's selection of the Environmentally Superior Alternative, please refer to Master Responses 1 and 2, respectively, in Chapter 2, *Master Responses*.

### **Response to Comment B-8**

Thank you for your comments. The FEIR will be distributed to public agencies that provided comments on the DEIR at least 10 days before its certification. At the close of the 10-day public agency review period, CPUC will review the FEIR, consider staff recommendations and public comment, and decide whether to certify the FEIR and approve or deny the Proposed Project. If CPUC decides to approve the Proposed Project, it will file a Notice of Determination (NOD) with OPR.

**Public Comment C: California Independent System Operator (January 10, 2017)**

Comment Letter C



California Independent System Operator Corporation

January 10, 2017

Rob Peterson, CPUC  
 c/o Tom Engels  
 Horizon Water and Environment, LLC  
 180 Grand Avenue, Suite 1405  
 Oakland, CA 94612  
[suncrestproject@horizonh2o.com](mailto:suncrestproject@horizonh2o.com)

**RE: CAISO Comments on the Suncrest Dynamic Reactive Power Support Project**

Dear Mr. Peterson;

**I. Introduction**

The California Independent System Operator Corporation (CAISO) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) prepared for the Suncrest Dynamic Reactive Support Project (Proposed Project) by the California Public Utilities Commission (CPUC). The Proposed Project was identified in the CAISO's 2013-14 transmission planning process as a policy project necessary to meet the California Renewable Portfolio Standard (RPS). The Proposed Project provides necessary reactive power support directly to the Suncrest Substation via a static var compensator (SVC) located near the Suncrest Substation.

C-1

The CAISO Tariff, approved by the Federal Energy Regulatory Commission, requires CAISO conduct a competitive solicitation process for new, stand-alone regional transmission facilities identified in the CAISO's annual transmission plan approved by the CAISO Board of Governors as needed for reliability, economic, and/or public policy driven reasons. Following CAISO Board approval of the Proposed Project in the 2013-14 transmission plan, the CAISO opened a bid solicitation window on April 16, 2014, which provided project sponsors with the opportunity to submit proposals to finance, construct, own, operate, and maintain the Proposed Project. Pursuant to the CAISO's competitive solicitation process, two potential project sponsors submitted applications to build the Proposed Project, San Diego Gas & Electric Company (SDGE) and NextEra Energy Transmission West, LLC (NEET West), an affiliate of NextEra Energy, Inc. The CAISO ultimately selected NEET West as the approved project sponsor to finance, construct, own, operate, and maintain the Proposed Project. The CAISO selected NEET West as the project sponsor primarily because (1) the binding cost containment measures were more robust and (2) it assumed more risk for cost increases.<sup>1</sup>

<sup>1</sup> Suncrest Reactive Power Project: Project Sponsor Selection Report, p. 46.  
<http://www.caiso.com/Documents/SuncrestProjectSponsorSelectionReport.pdf>.

**Public Comment C: California Independent System Operator (January 10, 2017)**

Page 2 of 3

California Independent System Operator Corporation

**II. Discussion**

C-2

The CAISO understands the environmental impact report is designed to be “an informational document that assesses potential environmental effects of a proposed project, and identifies mitigation measures and alternatives to the project that could reduce or avoid potentially significant environmental impacts.”<sup>2</sup> Based on that purpose, the DEIR identifies an environmentally superior alternative that sites the SVC within San Diego Gas and Electric Company’s (SDGE’s) existing Suncrest Substation. Based on the CAISO’s understanding of the factual and legal circumstances, it appears that the DEIR erroneously assumes NEET West can complete the DEIR’s environmentally superior alternative. It cannot. Thus, if the Commission selects the environmentally superior alternative, NEET West would be unable to obtain the necessary permits, and its Approved Project Sponsor Agreement would be terminated. The CAISO would then have to reassess the project and reassign responsibility for the project. Because of the nature of the permitting challenges, responsibility for the project would likely revert to the incumbent Participating Transmission Owner (SDGE).<sup>3</sup> Such a result could significantly affect and undermine the CAISO’s competitive solicitation process going forward, a process that the Commission supported as a means to contain project costs and shift cost risk from ratepayers to project sponsors.

C-3

**A. NEET West Cannot Feasibly Build the DEIR’s Environmentally Superior Alternative.**

The DEIR-identified environmentally superior alternative locates the project entirely within SDGE’s Suncrest Substation. The DEIR indicates that “NEET West would construct, own, and operate the SVC” based on this alternative configuration.<sup>4</sup> However, based on the CAISO’s understanding, both NEET West and SDG&E agree that NEET West cannot feasibly build such an alternative configuration based on legal and practical considerations. NEET West does not have legal rights to site the SVC within SDGE’s substation. Moreover, it is not practical to allow an entity to construct and own facilities within another utility’s existing substation because it could lead to significant safety issues and questions regarding accountability. The CAISO Tariff recognizes that transmission solutions that involve an upgrade or improvement to, addition on, or a replacement of a part of an existing facility will be built and owned by the owner of the existing facilities.<sup>5</sup> As a result, under the CAISO tariff NEET West is not authorized to construct the SVC within the Suncrest Substation, as is assumed in the DEIR. Instead, if the Commission requires to the SVC to be built within the substation, SDGE will be required to build the resulting project.

C-4

**B. Selecting the Environmentally Superior Alternative Will Limit the CAISO’s Competitive Solicitation Process.**

As discussed above, the CAISO selected NEET West as the project sponsor for the Proposed Project primarily on the basis that its (1) proposed binding cost containment measures were more robust and (2) it assumed a greater amount of risk for cost increases. With respect to cost containment measures,

<sup>2</sup> DEIR Introduction, p. 1-2.

<sup>3</sup> CAISO Tariff Section 24.5.1 allows the CAISO to consider the “expected severity of siting or permitting challenges;” in determining key selection criteria for projects subject to competitive solicitation.

<sup>4</sup> DEIR Executive Summary, p. ES-9.

<sup>5</sup> CAISO Tariff, Section 24.5.1.

**Public Comment C: California Independent System Operator (January 10, 2017)**

Page 3 of 3

California Independent System Operator Corporation

C-4  
Cont.

the CAISO found that NEET West's application was more robust particularly with respect to its materially lower cap on capital costs for the Proposed Project.

If the Commission selects the environmentally superior alternative, NEET West will not be capable of completing the project. Instead, SDGE will be required to complete the Proposed Project. This will undercut the CAISO's competitive solicitation process for new transmission solutions, in particular, rendering cost considerations a nullity and significantly impacting the overall cost and cost increase risk for the Proposed Project. In addition, it will undermine the CAISO's competitive solicitation process going forward, a process that the Commission has supported to ensure cost containment and reduce project costs and cost risk.

C-5

**III. Conclusion**

The CAISO appreciates the opportunity to provide these comments on the DEIR and looks forward to presenting more detailed analysis in the context of the Commission's proceeding on certificate of public convenience and necessity.

Respectfully,

/s/ Jordan PinjuvJordan Pinjuv  
Senior Counsel

---

www.caiso.com

## Public Comment C: California Independent System Operator (January 10, 2017)

### Response to Comment C-1

Thank you for your comment. The summary provided of the CAISO transmission planning and project selection process appears to be correct and consistent with what is described in the DEIR.

### Response to Comment C-2

Please refer to Master Response 1 in Chapter 2, *Master Responses* for discussion of the feasibility of the Suncrest Substation Alternative. As described in Master Response 1, CPUC staff had several lines of reasoning suggesting that the Suncrest Substation Alternative was potentially feasible, and could not rule out that it was infeasible. It is the CPUC staff's understanding that NEET West could, in fact, obtain the necessary permits if the Suncrest Substation Alternative is selected by going through a condemnation proceeding to obtain ownership of a portion of the substation property. This process may delay the project, but it is unknown whether such a delay would render the project impracticable or whether the CAISO's stated in-service date for the project is critical for addressing a current transmission system need.

As described in Master Response 1, the Commission will consider the various legal, economic, schedule, and other factors when determining the feasibility of the Suncrest Substation Alternative and whether to select the environmentally superior alternative.

### Response to Comment C-3

Please refer to Master Response 1 for a complete discussion of the feasibility of the Suncrest Substation Alternative. As described in Master Response 1, it is CPUC staff's understanding that while NEET West does not currently have legal rights to build the SVC within the existing substation site, it could potentially obtain legal rights through a condemnation proceeding to condemn a portion of the substation site after it is issued a CPCN.

In regards to safety and security concerns arising from locating two entities within the same substation, there is no law of which the CPUC is aware that expressly prohibits two utilities from operating within the same substation. CPUC staff contend that it is possible for SDG&E and the Applicant to develop appropriate agreements establishing protocols to mitigate potential safety and security concerns. As described in Master Response 1, and as argued by the Office of Ratepayer Advocates (ORA) in their comments on the DEIR (see Comment Letter G), locating the SVC within the existing substation rather than approximately one mile away could reduce safety risks from possible miscommunications during operations and maintenance activities. For example, having the SVC and substation facilities close to each other could make it easier for operators and technicians to follow "check and tag" requirements and reduce the possibility of mistakes. Likewise, the County of San Diego states in their comments on the DEIR (see Comment Letter L) that co-locating the facilities would make them more resilient in a firestorm.

With respect to the CAISO Tariff, Section 24.5.1 states: "If the transmission solution adopted in Phase 2 involves an upgrade or improvement to, addition on, or a replacement of a part of

## Public Comment C: California Independent System Operator (January 10, 2017)

an existing Participating TO [Transmission Owner] facility, the Participating TO will construct and own such upgrade, improvement, addition or replacement facilities *unless a Project Sponsor and the Participating TO agree to a different arrangement.*" While CPUC staff understands that currently SDG&E is unwilling to allow NEET West to construct, own and operate the SVC on its existing substation site, it is unknown if such an agreement could not potentially be reached in the future, e.g., based on the outcome of the CPUC's Formal Proceeding for Application A.15-08-027. Additionally, although CPUC staff understands that placement of the SVC on the existing substation may be considered an upgrade to an existing facility, the 300 megavar project identified by CAISO was considered a new, stand-alone facility such as to require a competitive bid process in the first place<sup>1</sup>.

Therefore, it is unclear to CPUC staff why the CAISO would necessarily terminate NEET West's APSA and require SDG&E to construct the project if the environmentally superior alternative is selected.

Nevertheless, as described in Master Response 1, it is impossible to determine at this time if the Suncrest Substation Alternative is feasible or not. CPUC staff understands that a number of issues, such as those described in Comment C-3, could potentially arise with respect to this alternative; however, CPUC staff could not rule out that the alternative was infeasible during preparation of the DEIR. Feasibility, including the legal, economic, safety, and other factors, shall be considered by the Commission in deciding whether or not to approve the Proposed Project or an alternative.

### Response to Comment C-4

Please refer to Master Response 1 and Response to Comment C-3 for detailed discussion of the feasibility of the Suncrest Substation Alternative. As described in Master Response 1 and Response to Comment C-3, it is not clear to CPUC staff that if the Commission selects the environmentally superior alternative then NEET West will not be capable of completing the project. The Commission will consider this matter during its Formal Proceeding for Application A.15-08-027.

It is unclear to CPUC staff how the Suncrest Substation Alternative would undercut the CAISO's overall competitive solicitation process for new transmission solutions. Regardless, the CPUC also is obligated to consider environmental quality in regulating electric transmission projects, and consider potential environmental impacts of projects in accordance with CEQA. The outcome for the Suncrest project in consideration of the environment and CAISO's competitive solicitation process and associated cost considerations will be determined in the CPUC's Formal Proceeding for Application A.15-08-027.

---

<sup>1</sup> The CAISO Tariff specifies that the CAISO's transmission planning process must include a competitive solicitation process for new, stand-alone regional transmission facilities needed for reliability, economic, and/or public policy driven reasons (CAISO 2015: page 2).



**Public Comment C: California Independent System Operator (January 10, 2017)****Response to Comment C-5**

Thank you again for commenting. The CPUC welcomes CAISO's participation in the Commission's proceeding.

**Public Comment D: Anonymous Commenter (December 1, 2017)**

Comment Letter D

From: [Sun Crest](#)  
 To: [Tom Engels](#)  
 Subject: Fwd: Rob Peterson  
 Date: Thursday, December 01, 2016 3:10:24 PM

---

----- Forwarded message -----

From: [REDACTED]  
 Date: Thu, Dec 1, 2016 at 2:08 PM  
 Subject: Rob Peterson  
 To: [suncrestproject@horizonh2o.com](mailto:suncrestproject@horizonh2o.com)

D-1 [ [REDACTED] I cannot see the initial blight of the towers but suffered intensely during construction with the constant, noisy helicopters 6 days a week for months. I just rec'd your latest "support project" information from CPUC.

I will assume the horrific noise will again be part of it but perhaps you can estimate the time length for me....

D-2 [ Also, the General Plan designation is set to change to SR-10 for my lot. What about for your site? Although you have RL-80 presently, what is it supposed to change to?

D-3 [ Is the height of the next support project more than the present towers? Will it surpass the nearby hills in between my road and your site (which buffer and protect my view?

D-4 [ How many support projects are planned?

Thanks,  
 [REDACTED]

D-5 [ PS I do see ugly towers/lines across Japatul Valley Rd which connect to your tower station [REDACTED] and wonder if this as well as future support projects are planned for the area south of the chain link fenced-in area of towers originally dropped.

I have a conflict with the Dec. 8 meeting but hope to be there. Perhaps you can respond briefly to my concerns here.

## Public Comment D: Anonymous Commenter (December 1, 2017)

### Response to Comment D-1

Thank you for your comment. Please refer to Chapter 15, *Noise and Vibration* of the DEIR for analysis and discussion of the anticipated noise from Proposed Project construction. As described in Chapter 15, the DEIR will require implementation of Mitigation Measure NOI-1, which will require preparation and implementation of a construction-noise mitigation plan, including notification of nearby land uses. With implementation of this mitigation measure, noise impacts from construction of the Proposed Project are expected to be less than significant.

Helicopters will not be used during Project construction. The estimated duration of construction is 11 months (6.5 months for construction; 2.5 months for testing and commissioning; and 2 months for restoration and cleanup).

### Response to Comment D-2

The proposed SVC site is currently designated as Rural Lands (RL)-80 in the San Diego County General Plan, but there is a proposal to change the designation to RL-40 in accordance with the County's Forest Conservation Initiative General Plan Amendment. Please refer to Chapter 13, *Land Use and Planning* of the DEIR for a complete discussion of the land use designations in the Proposed Project area.

### Response to Comment D-3

The tallest structure included in the Proposed Project would be the intermediate pole between the riser pole and existing Suncrest Substation, which would be approximately 116 feet tall. The riser pole would be approximately 85 to 95 feet tall. The tallest structure at the proposed SVC would be the lightning shielding masts, which would be approximately 75 feet tall. Please refer to Chapter 2, *Project Description* of the DEIR for additional information on the height and locations of proposed structures included in the Proposed Project.

Chapter 4, *Aesthetics* of the DEIR presents visual simulations showing what the Proposed Project would look like when built from a number of key observation points. Please refer to this chapter for additional information as to whether your view will be affected.

### Response to Comment D-4

At this time, the Proposed Project is the only "support project" proposed at the location of the Suncrest Substation. Please refer to Chapter 21, *Other Statutory Considerations*, Section 21.4, *Cumulative Impact Analysis* of the DEIR for a list of past, present, and reasonably foreseeable future projects in the Proposed Project vicinity. You may also refer to the various CAISO planning documents for additional information about transmission system planning in the Southern California area.

**Public Comment D: Anonymous Commenter (December 1, 2017)****Response to Comment D-5**

Please see Response to Comment D-4. Planning of future projects is outside the scope of this DEIR. Section 21.4, *Cumulative Impact Analysis* of the DEIR provides a list of reasonably foreseeable future projects in the Proposed Project vicinity. The commenter also may refer to CAISO planning documents for information about transmission system planning in Southern California.

**Public Comment E: Anonymous Commenter (December 23, 2016)**

Comment Letter E

**From:** Tom Engels  
**To:** Patrick Donaldson [REDACTED]  
**Subject:** FW: Alpine meeting dec 8  
**Date:** Tuesday, January 10, 2017 4:35:00 PM

**From:** Sun Crest [mailto:suncrestproject@horizonh2o.com]  
**Sent:** Wednesday, December 28, 2016 10:09 AM  
**To:** Tom Engels [REDACTED]  
**Subject:** Fwd: Alpine meeting dec 8

----- Forwarded message -----  
**From:** [REDACTED]  
**Date:** Fri, Dec 23, 2016 at 12:38 PM  
**Subject:** Alpine meeting dec 8  
**To:** [suncrestproject@horizonh2o.com](mailto:suncrestproject@horizonh2o.com)

Comments:

- E-1 I looked through the EIR at the library as you suggested. Still can't get clear answers. I wish you would have shown me the pages you referenced at the meeting.
- E-2 I did enjoy the pictures from dif. viewpoints but can't be sure. Of course, driving along Bell Bluff Truck Trail is not helpful because the road access ends at SDGE's locked property. [REDACTED]  
 [REDACTED] I can only hope I won't see the project or towers and that I won't be bombarded by helicopters as happened previously.
- E-3 I remain grateful for EIR consideration and the positive is that it opened up new job opps for people to guide others through the process when bringing forward projects. Having said that, I'm not convinced much changes in the end. I'm probably not the only skeptic.
- E-4 The Sunrise Power Link Project already knew (or should have known) that further stages would be required. Public support would probably have been less forthcoming if made clear that smoothing out the incoming "waves" would be necessary (along with any other stages that have not yet been admitted/unveiled.) By the way, rural dwellers agree that the I-8 freeway is an obvious corridor whenever possible.
- E-5
- E-6 Here's what I can't get past:  
 Obviously the original project passed an EIR so why would anyone want to disturb a new area when there is an option for this followup project to be located in the same "footprint"? Perhaps that has been clearly explained in the EIR for this plan, but....
- E-7 SDGE, PGE and various other "PUBLIC" utilities continue to enrich board members, CEO/directors, friends, acquaintances, etc. with the help of the CPUC and at the expense of the public, environment, and anything else they can get away with. There are egregious, documented, ongoing problems with deceptive and oftentimes, illegal practices and deals.

**Public Comment E: Anonymous Commenter (December 23, 2016)**

E-7  
Cont. ↑ SDG&E spends much money on lawyers to escape loss of money/profit to aforementioned higher-ups. They fight in court to push all costs onto the public. (It doesn't appear they need to fight the CPUC very much) In the end, I am not hopeful because regular people don't even aspire to the fantastic power and wealth that the privileged inherit. Most of us have given up as evidenced by the lack of interest even by the local population impacted by the current suncrest project.

E-8 ↑ I have retired out here and hope to die before this peaceful and truly lovely area totally disappears. I chose this spot thinking that the adjoining Cleveland Nat'l Forest, Cuyamaca Rancho Mountain Preserve, Laguna Mtns, Anza-Borrego Desert etc. will protect me somewhat for awhile. I'll keep my fingers crossed.

E-9 ↑ Please reflect on when enough is enough and examine the motives of your higher-ups. Profit is fine but for whom and how much is a question to ponder.

Respectfully,  
[REDACTED]

E-10 ↑ PS: A friend [REDACTED] was surprised she did not hear about the Dec. 8 meeting. Did she miss the notification in the mail or was her street not included?

## **Public Comment E: Anonymous Commenter (December 23, 2016)**

### **Response to Comment E-1**

Thank you for viewing the DEIR at the library, and for attending the December 8 public meeting in Alpine. We apologize if you were not able to find the specific pages of the document you were looking for. Hopefully, our responses to your comments in this FEIR will answer any questions you may have regarding the Proposed Project.

### **Response to Comment E-2**

Chapter 4, *Aesthetics* of the DEIR assesses impacts related to views and visual resources, including impacts to nearby residents' views. Please refer to this chapter for additional information on potential effects on your views. The Proposed Project would not involve use of helicopters during construction or operation.

### **Response to Comment E-3**

Comment noted. We appreciate your participation in the EIR public review process.

### **Response to Comment E-4**

Comment noted. The Sunrise Powerlink planning process is outside the scope of this EIR. As described in Chapter 2, *Project Description* of the DEIR, however, a number of factors contributed to the need for the Proposed Project. These included the retirement of the San Onofre Nuclear Generating Station (SONGS), along with anticipated future retirement of coastal gas-fired generation and increases in renewable generation in the Imperial Valley to meet California's Renewable Portfolio Standard (RPS).

### **Response to Comment E-5**

Thank you for your comment. I-8 is described as eligible for listing as a state scenic highway in Chapter 4, *Aesthetics* of the DEIR, and potential impacts to scenic qualities of I-8 are evaluated in Impact AES-1.

### **Response to Comment E-6**

Chapter 20, *Alternatives* of the DEIR includes analysis of several alternatives to the Proposed Project, including a Suncrest Substation Alternative. As described in Chapter 20, this alternative would locate the proposed SVC within the footprint of the existing Suncrest Substation. For some of the reasons you describe (i.e., it would not disturb a new area), this alternative was selected as the environmentally superior alternative among all the action alternatives considered.

This alternative is considered potentially feasible for the purposes of the EIR, but there are several issues that arise with consideration of the alternative and it remains to be seen whether it can actually be accomplished. The Commission will decide whether the Suncrest Substation Alternative is feasible during the FEIR certification process. Please refer to Master

**Public Comment E: Anonymous Commenter (December 23, 2016)**

Response 1 for additional information on the feasibility of the Suncrest Substation Alternative.

**Response to Comment E-7**

Comment noted.

**Response to Comment E-8**

Comment noted. Chapter 13, *Land Use* of the DEIR contains discussion of the Cleveland National Forest (CNF), and consistency of the Proposed Project with elements of the CNF Land Management Plan.

**Response to Comment E-9**

Comment noted. As described in Response to Comment E-4, and in Chapter 2, *Project Description* of the DEIR, the Proposed Project is needed to address voltage stability issues in the area of the Suncrest Substation caused by a number of factors, including the retirement of SONGS, anticipated future retirement of coastal gas-fired generation, and increased renewable generation in the Imperial Valley and beyond to meet California's RPS.

**Response to Comment E-10**

The mailing list for Notice of Availability for the DEIR was developed based on Assessor's parcel ownership information for properties near the Proposed Project. Therefore, it is possible that her property was not within a close enough distance to the Proposed Project site to be included on the list. The December 8 meeting and availability of the DEIR also was advertised in The Alpine Sun and the San Diego Union-Tribune, as well as on CPUC's project website.



**Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)**

Comment Letter F

**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 10, 2017

**By Electronic Mail; Two Paper Copies and Archival-Grade DVDs By Hand Delivery**Robert Peterson, c/o Tom Engels  
Horizon Water and Environment  
180 Grand Avenue, Suite 1405  
Oakland, CA 94612  
[suncrestproject@horizonh20.com](mailto:suncrestproject@horizonh20.com)**Re: Comments of NextEra Energy Transmission West, LLC on the Draft Environmental Impact Report for NextEra Energy Transmission West's Proposed Suncrest Dynamic Reactive Power Support Project, November 2016 (SCH # 2016011004)**

Dear Mr. Peterson and Mr. Engels:

This letter and the enclosed documents provide the comments of NextEra Energy Transmission West, LLC ("NEET West") on the Draft Environmental Impact Report ("DEIR") for NEET West's proposed Suncrest Dynamic Reactive Power Support Project ("Suncrest Project" or "Proposed Project"). NEET West appreciates the time and effort of staff of the California Public Utilities Commission ("Commission") and its consultants in preparing the DEIR. NEET West's comments are intended to ensure that the DEIR is accurate, complete, and consistent with the California Environmental Quality Act ("CEQA").

**I. INTRODUCTION**

NEET West filed an application requesting a certificate of public convenience and necessity ("CPCN") for the Suncrest Project that is pending before the Commission in Docket Number A.15-08-027 ("Application"). The Suncrest Project is a policy-driven upgrade to the transmission system that was identified and selected by the California Independent System Operator Corporation ("CAISO") through its regional transmission planning process. The Proposed Project is comprised of a static var compensator and related equipment ("SVC Facility"), and an approximately one-mile underground 230 kV transmission line that connects the SVC Facility to the Suncrest Substation owned by the incumbent utility, San Diego Gas and Electric Company ("SDG&E"). The CAISO selected NEET West's Suncrest Project as the most cost-effective solution to meet the policy-driven need after conducting a competitive solicitation in accordance with the CAISO Tariff and Order 1000 issued by the Federal Energy Regulatory Commission ("FERC").<sup>1</sup>

The fundamental purpose of the Suncrest Project is for NEET West to provide the reactive power support project that the CAISO selected based on the CAISO Tariff and FERC Order 1000, and that NEET West committed to build to meet the CAISO's technical specifications and legal and regulatory

<sup>1</sup> *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).

**Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)****WINSTON  
& STRAWN**  
LLPNEET West Comments on Suncrest Project DEIR – January 10, 2017  
Page 2F-1  
cont.

requirements specified in the Approved Project Sponsor Agreement (“APSA”) executed by NEET West and the CAISO. The DEIR ignores this fundamental project purpose and NEET West’s stated project objectives. By doing so, the DEIR improperly identifies as environmentally superior an alternative known as the Suncrest Substation Alternative that would require NEET West to locate its SVC Facility at the site of the existing Suncrest Substation owned by SDG&E. The Suncrest Substation Alternative, however, is directly at odds with the CAISO’s selection of NEET West’s Suncrest Project and thus would not meet the project purpose or a majority of the project objectives. The DEIR’s failure to recognize this conflicts with the fundamental project purpose and jeopardizes the viability of the project selected as the lowest cost solution through the CAISO’s competitive solicitation process. This is contrary to ratepayers’ interests, and inconsistent with the goals of FERC Order 1000 to promote competition and ensure just and reasonable transmission rates. These flaws must be corrected by modifying the DEIR to include the underlying project purpose and the project objectives.

F-2

NEET West understands the Commission’s interest in analyzing a reasonable range of alternatives, but there is neither a legal nor a factual basis warranting inclusion of the Suncrest Substation Alternative. First, it is worth emphasizing that the DEIR demonstrates that the Proposed Project will have no residual, significant impacts. Thus, the Suncrest Substation Alternative is not necessary to reduce any impacts to less than significant, and both the Proponent’s Environmental Assessment (“PEA”) and the DEIR itself set forth a sufficient range of alternatives other than the Suncrest Substation

F-3

Alternative to satisfy CEQA. Second, there is no evidence in the record that the Suncrest Substation Alternative is potentially feasible, and to the contrary, there is substantial evidence in the PEA demonstrating that it is infeasible. Specifically, the PEA shows that the Suncrest Substation Alternative is legally and factually infeasible because: (1) its selection would directly conflict with the CAISO competitive solicitation process, the CAISO Tariff, and the goals of FERC Order 1000, and could result in termination of the APSA; (2) there is no evidence in the record that NEET West could gain site control in order to locate the SVC Facility at the Suncrest Substation site in a timely manner that would meet the CAISO-identified policy need; (3) there is express evidence in the record that SDG&E would not allow NEET West to build its SVC Facility at the Suncrest Substation site; and (4) the Suncrest Substation Alternative would be economically infeasible because costs associated with attempting to acquire site control are not included in the cost cap specified in the APSA, and would render construction of the Suncrest Project impracticable. All of this argues against identification of the Suncrest Substation Alternative as a potentially feasible alternative in the DEIR. The DEIR should therefore be modified to thoroughly examine the feasibility of the Suncrest Substation Alternative, conclude that it is infeasible, and select the Proposed Project as the next environmentally superior alternative after the No Project Alternative.

F-4

In addition to concerns relating to identification of the Suncrest Substation Alternative, NEET West is concerned that the DEIR incorrectly identifies certain potentially significant environmental effects based upon conclusions, rather than evidence in the record. This does not meet the requirements of CEQA, which specifies that findings of significant impacts must be based on substantial evidence. The DEIR’s conclusions regarding potentially significant effects for certain environmental parameters, as discussed below, should be modified to correctively characterize impacts to those parameters as less than significant. Accordingly, the mitigation measures identified for those effects should be eliminated from the final EIR because they are not required under CEQA.

**Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)****WINSTON  
& STRAWN**  
LLPNEET West Comments on Suncrest Project DEIR – January 10, 2017  
Page 3

F-5

Finally, the DEIR fails to include and analyze many Applicant Proposed Measures (“APMs”) set forth in the PEA as part of the project description. This results in the DEIR identifying a number of potentially significant impacts that require mitigation, rather than finding such impacts to be less than significant. In turn, the DEIR identifies a number of required mitigation measures, many of which repeat verbatim APMs from the PEA. The DEIR thus improperly transforms APMs into mitigation measures, which is contrary to CEQA. While NEET West objects to this practice, and respectfully suggests that subsequent Commission EIRs should not engage in this approach, NEET West is largely amenable to accepting these APMs as mitigation measures, except as noted in Section II(C) below and the Table of Detailed Comments submitted concurrently herewith. However, to the extent that the Suncrest Substation Alternative is justified to address potential effects of the Proposed Project for which the DEIR failed to include APMs as part of the underlying project description, NEET West objects to such analysis.

Each of these concerns is explained in more detail below. NEET West also provides detailed comments on each section of the DEIR in the Table of Detailed Comments and Attachments, and in the Table of Editorial Comments, that are submitted with this letter.

**II. DISCUSSION****A. By Failing To Adhere To CEQA’s Requirements, The DEIR Engages In An Alternatives Analysis That Could Jeopardize The Viability Of The Lowest Cost Project Selected In The CAISO’s Competitive Solicitation.****1. The Suncrest Substation Alternative Is Considered Only Because The DEIR Ignores The Underlying Fundamental Project Purpose And Most Of The Project Objectives.**

F-6

CEQA requires an EIR to contain a clearly written statement of the underlying fundamental purpose and the objectives sought by the proposed project, which will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include “the underlying purpose of the project.” (CEQA Guidelines, Cal. Code Regs., tit. 14, § 15124(b).) The project objectives are integral to the analysis of alternatives, because CEQA requires an EIR to focus on alternatives that can eliminate or reduce significant environmental impacts while attaining most of the project objectives. (CEQA Guidelines, Cal. Code Regs., tit. 14, § 15126.6(a)-(b).) Under California law, it is not enough for the project purpose to simply describe the nature of a project. Rather, the underlying purpose motivating the project must also be reflected. (*Habitat and Watershed Caretakers v. City of Santa Cruz* (2013) 213 Cal.App.4th 1277, 1300 (confirming that project objectives must reflect the underlying purpose of the project).) Correctly identifying the underlying fundamental purpose of the Suncrest Project and its project objectives is critical because an EIR need not study an alternative that “cannot achieve the project’s underlying fundamental purpose.” (*In re Bay-Area Delta Programmatic Environmental Impact Report Coordinated Proceedings* (hereinafter, “*Bay-Area Delta*”) (2008) 43 Cal.4th 1143, 1165.) This is also critical because an EIR need not consider alternatives that would change the basic nature of the project. (*See Al Larson Boat Shop Inc. v. Board of Harbor Commissioners* (1993) 18 Cal.App.4th 729, 745.)

**Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)****WINSTON  
& STRAWN**  
LLPNEET West Comments on Suncrest Project DEIR – January 10, 2017  
Page 4F-6  
Cont.

The Application and PEA clearly showed that the underlying fundamental purpose of the Suncrest Project is for NEET West to provide the reactive power support project that the CAISO selected based on the CAISO Tariff and FERC Order 1000, and that NEET West committed to build to meet the CAISO's technical specifications and legal and regulatory requirements specified in the executed APSA. (Application at 1-2; PEA, Chapters 1.0 and 2.0.) Through its transmission planning process, the CAISO identified a policy-driven need for a reactive power support project that is necessary to facilitate achievement of the California Renewables Portfolio Standard ("RPS"). To meet that policy-driven need, the CAISO conducted a competitive solicitation in accordance with the CAISO Tariff, which specifies that the CAISO's transmission planning process must include a competitive solicitation process for new, stand-alone regional transmission facilities needed for reliability, economic and/or public policy driven reasons. (CAISO Tariff Section 24.5.1.) This requirement complies with FERC Order 1000, which enacted reforms to ensure "an opportunity for more transmission projects to be considered in the transmission planning process on an equitable basis," and, in turn, "ensure that [FERC]-jurisdictional transmission services are provided at rates, terms, and conditions that are just and reasonable and not unduly discriminatory or preferential." (FERC Order 1000 at P 42.) Under the FERC Order 1000 reforms, a competitive process is required to identify and select more cost-effective solutions than would be available if incumbent utilities retained a right of first refusal to build all transmission upgrades. (*Id.* at P 284) ("granting incumbent transmission providers a federal right of first refusal with respect to transmission facilities selected in a regional transmission plan for purposes of cost allocation effectively restricts the universe of transmission developers offering potential solutions for consideration in the regional transmission planning process," which "may result in the failure to consider more efficient or cost-effective solutions to regional needs and, in turn, the inclusion of higher-cost solutions in the regional transmission plan").)

In its competitive solicitation, the CAISO evaluated competing proposals submitted by NEET West and SDG&E. The CAISO ultimately determined that NEET West's proposed Suncrest Project would meet the policy-driven need and technical specifications at the best available cost. The CAISO therefore selected NEET West as the approved project sponsor. The CAISO explained that NEET West agreed to a materially lower cap on capital costs and proposed to assume more cost increase risk than SDG&E. (CAISO Suncrest Reactive Power Project Sponsor Selection Report at 46, submitted as Annex B to the prepared testimony of NEET West that was served with the Application.) NEET West and the CAISO subsequently executed the APSA, which identifies the specifications for the Suncrest Project, establishes a binding cost cap and an in-service date, and allows the CAISO to terminate the Suncrest Project if the CAISO's specifications and legal and regulatory requirements are not met. The APSA thus ensures that the CAISO's technical specifications, and the legal and regulatory requirements underlying the CAISO's competitive solicitation process, will be satisfied.

F-7

This underlying fundamental purpose of the Suncrest Project – for NEET West to provide the reactive power support project that the CAISO selected based on the CAISO Tariff and FERC Order 1000, and that NEET West committed to build to meet the CAISO's technical specifications and legal and regulatory requirements specified in the APSA – is embedded in the eleven project objectives that NEET West proposed in the Application and the PEA, and particularly in Project Objectives 1, 2, 3 and 9, which are highlighted below. The Application and PEA specify that the project objectives are to:

**Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)****WINSTON  
& STRAWN**  
LLPNEET West Comments on Suncrest Project DEIR – January 10, 2017  
Page 5F-7  
Cont.

- (1) *Meet the CAISO's policy-driven need for reactive support at the Suncrest Substation's 230 kV bus identified in CAISO's powerflow, stability, and deliverability assessment for the SDG&E area in a manner consistent with the requirements of the Approved Project Sponsor Agreement.*
- (2) *Meet the technical specifications set forth by the CAISO for a 230 kV, +300/-100 Mvar dynamic reactive power support system near the Suncrest Substation.*
- (3) *Achieve commercial operation by May 31, 2017, to meet the CAISO's required in-service date of June 1, 2017.*
- (4) Improve and maintain the reliability of the transmission grid by providing dynamic reactive power support, and increase deliverability of renewable power, by building and operating a facility that will help keep transmission voltages within specified parameters, reduce transmission losses, increase reactive margin for the system bus, increase transmission capacity, provide a higher transient stability limit, increase damping of minor disturbances, provide greater voltage contract and stability, and provide power oscillation damping.
- (5) Facilitate deliverability to load of renewable generation from the Imperial Valley area and corresponding progress toward achieving California's RFP goals in a timely and cost-effective manner by California utilities.
- (6) Meet the policy-driven project need while minimizing environmental impacts.
- (7) To the extent practicable, locate the dynamic reactive support equipment and transmission tie-line on land that is, or has previously been, disturbed or in an existing right-of-way, or which would otherwise minimize environmental impacts in a manner consistent with prudent transmission planning.
- (8) Construct and operate the facility with safety as a top priority.
- (9) *Meet the project need in a safe, cost-effective manner and consistent with NEET West's cost containment agreement in the Approved Project Sponsor Agreement.*
- (10) Comply with and assist the CAISO in meeting applicable Reliability Standards and Regional Business Practices developed by NERC, WECC, and the CAISO.
- (11) Design and construct the Proposed Project in conformance with NEET West's standards, the National Electrical Safety Code, and other applicable national and state codes and regulations.

(Application at 18-19; PEA, Section 2.2 at 2-5 through 2-6 (emphasis added).)

F-8

Commission staff conceived of the Suncrest Substation Alternative and required its inclusion and evaluation in NEET West's PEA. NEET West explained at that time that the Suncrest Substation

**Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)****WINSTON  
& STRAWN**  
LLPNEET West Comments on Suncrest Project DEIR – January 10, 2017  
Page 6F-8  
Cont.

Alternative is at odds with the fundamental project purpose and project objectives and conflicts with the CAISO's competitive selection of NEET West's Suncrest Project, and its selection could trigger termination of the APSA. The PEA clearly states that (1) the CAISO may terminate NEET West's right to develop the Suncrest Project if the project is required to be sited within the Suncrest Substation, and (2) under the CAISO Tariff, only the incumbent utility (*i.e.*, SDG&E) can construct a project within an existing substation. (PEA, Chapter 5, Section 5.2.6.4 at 5-31.) Yet the DEIR ignores these points, and adopts a different, truncated set of project objectives. The Application and PEA set forth eleven project objectives in total; the DEIR, notably and without explanation, condenses these objectives into only three:

F-9

- (1) Provide reactive support at or connected to the Suncrest Substation;
- (2) Improve and maintain the reliability of the transmission grid; and
- (3) Support achievement of the state's RPS by facilitating delivery of a higher percentage of renewable energy generation from the Imperial Valley area to population centers to the west.

(DEIR, Section 2.2 at 2-2:33-38.)

F-10

In doing so, the DEIR disregards many of the other project objectives that were identified in NEET West's Application and PEA that are integral to the underlying project purpose, such as meeting the project need in a safe and cost-effective manner consistent with the APSA. NEET West recognizes that a lead agency must independently investigate, review, analyze, and discuss alternatives in good faith. (*See Foundation for San Francisco's Architectural Heritage v. City and County of San Francisco* (1980) 106 Cal.App.3d 893, 906; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 736.) Although this responsibility may afford some discretion to enlarge an applicant's project objectives in a reasonable manner if necessary to facilitate a legally adequate alternatives analysis, the DEIR goes far beyond what is needed for an adequate alternatives analysis. The DEIR does not merely enlarge the objectives, but instead completely eliminates the majority of NEET West's stated project objectives. There is no justification for doing so.

F-11

Nothing in the record or the law supports this extreme modification of the project purpose and objectives. NEET West's PEA considered a sufficient range of alternative technologies and site locations, and as discussed herein, there are no residual significant effects of the Proposed Project that would be minimized by inclusion of the Suncrest Substation Alternative. On the other hand, by ignoring the fundamental project purpose and objectives, the DEIR inexplicably delves into an alternative that would present clear challenges and conflicts. NEET West made clear that the Suncrest Substation Alternative would not meet the requirements of the APSA and could trigger its termination based upon provisions arising from restrictions in the CAISO Tariff, which specifies that only the incumbent utility (*i.e.*, SDG&E) can construct a project within an existing substation. (*See* CAISO Tariff Section 24.5.1.) Such termination would be contrary to ratepayers' interests and undermine the goals of FERC Order 1000 to promote competition and ensure just and reasonable transmission rates. (*See* Order 1000 at P 42.) Thus, selection of the Suncrest Substation Alternative would not only fail to meet the underlying project purpose or most of the project objectives, but also would directly conflict with and



**Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)****WINSTON  
& STRAWN**  
LLPNEET West Comments on Suncrest Project DEIR – January 10, 2017  
Page 7F-11  
Cont.

undermine the CAISO competitive process, and the specific CAISO actions resulting in the selection of NEET West as the approved project sponsor for the Suncrest Project. Only by ignoring the underlying project purpose and the key project objectives is the DEIR able to select a wholly infeasible site as the environmentally superior alternative.<sup>2</sup>

F-12

These flaws must be corrected by modifying the DEIR to include the underlying fundamental project purpose and NEET West's project objectives, as specified in the Application and PEA. The EIR must consider the requirements of the APSA, which are not irrelevant and must be considered in the EIR and the Commission review process. (*Kings County Farm Bureau v. City of Hanford, supra*, 221 Cal.App.3d at p. 737.)<sup>3</sup> For these reasons, and to ensure an accurate analysis of alternatives and their potential feasibility, NEET West requests that the DEIR be modified to clearly identify the fundamental project purpose and the eleven project objectives specified in the Application and PEA, which are reproduced above.

**2. The DEIR Incorrectly Assumes That The Suncrest Substation Alternative Is Potentially Feasible, But Fails To Cite Evidence For That Assumption.**

F-13

NEET West made clear in submitting its PEA that the Proposed Project warranted preparation of a Negative Declaration ("ND") or Mitigated Negative Declaration ("MND") because there would be no significant impacts. Had either a ND or MND been prepared, the Commission would not have been required to consider alternatives to the project. The DEIR essentially affirms this conclusion because it finds that the Proposed Project will not have any significant adverse impacts.

F-14

Having decided to prepare an EIR despite the lack of any significant impact, the Commission must follow CEQA's requirements in conducting its alternatives analysis. An EIR is required to describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. (CEQA Guidelines, Cal. Code Regs., tit. 14, § 15126.6(a).) As noted above, the addition of the Suncrest Substation Alternative was not even necessary in order to reduce any impacts of the Proposed Project to less than significant, and both the PEA and DEIR set forth a sufficient range of reasonable alternatives other than the Suncrest Substation Alternative to satisfy CEQA. CEQA clearly states that "[o]nly locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR." (CEQA Guidelines, Cal. Code Regs., tit. 14, § 15126.6(f)(2)(A).)

<sup>2</sup> The Suncrest Substation Alternative is the only alternative site location that could trigger the APSA's termination provision. Thus, unlike in other cases where project objectives may have been drawn too narrowly to limit alternatives to one technology or one site, the NEET West project objectives allowed consideration of a broad range of technologies and a broad range of sites, but precluded the use of only one alternative site.

<sup>3</sup> In *Kings County*, the Court of Appeal explained that, although contracts executed in support of a proposed project "cannot be used to avoid the scrutiny envisioned by CEQA," the contract executed by the project applicant "is not irrelevant" and "must be considered in the review process." Here, rather than suggest that the APSA limits the alternatives analysis to a single technology or site, NEET West asks that APSA be considered and analyzed as evidence that is relevant to consideration of whether the Suncrest Substation Alternative would meet the fundamental project purpose and project objectives, and be feasible. The DEIR completely fails to consider the APSA in those analyses and should be modified accordingly.

**Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)****WINSTON  
& STRAWN**  
LLPNEET West Comments on Suncrest Project DEIR – January 10, 2017  
Page 8

F-15

Beyond this significant flaw, inclusion of the Suncrest Substation Alternative in the DEIR presents significant concerns based on feasibility. An EIR is not required to consider alternatives which are infeasible, and an EIR need examine in detail only those alternatives that “could feasibly attain most of the basic objectives of the project.” (CEQA Guidelines, Cal. Code Regs., tit. 14, § 15126.6(f).) “Feasible” is defined as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” (Pub. Resources Code § 21061.1; CEQA Guidelines, Cal. Code Regs., tit. 14, § 15364.)

In *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4<sup>th</sup> 957, 981, the Court of Appeal explained that the issue of feasibility arises at two different junctures in the CEQA review and project approval process: (1) in the assessment of alternatives in the EIR; and (2) during the agency’s later consideration of whether to approve the project. In the first phase – inclusion in the EIR – the standard is whether the alternative is “potentially” feasible. (*Ibid.*) In the second phase – the final decision on project approval – the decision-making body evaluates whether the alternatives are “actually” feasible. (*Ibid.*) At that juncture, the decision-makers may reject as infeasible alternatives that were identified in the EIR as potentially feasible. (*Ibid.*)

F-16

Under this structure, the DEIR should analyze in detail only those alternatives that could attain the fundamental underlying project purpose and most of the basic project objectives, and are potentially feasible.<sup>4</sup> The DEIR recognizes that “[i]n accordance with State CEQA Guidelines Section 15126.6(f), the Lead Agency should consider site suitability, economic viability, availability of infrastructure, general plan consistency, other regulatory limitations, and jurisdictional boundaries in determining the feasibility of alternatives to be evaluated in an EIR.” However, this ignores other important specifications in Section 15126.6(f)(1) which states that: “Among the factors that may be taken into account when addressing feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects within a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent).” (CEQA Guidelines, Cal. Code Regs., tit. 14, § 15126.6(f)(1) (emphasis added), citing *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553 and *Save our Residential Environment v. City of West Hollywood* (1992) 9 Cal.App.4<sup>th</sup> 1745, 1753, fn. 1.) It is notable that the DEIR omits the underlined language from its formulation of the factors that the lead agency should consider under CEQA, since the Suncrest Substation Alternative would clearly fail to satisfy the requirement that “the proponent can reasonably acquire, control or otherwise have access to the alternative site,” as explained in Section II(A)(3)(b) below.

F-17

The DEIR wrongly assumes, without adequate evidence, analysis or explanation, that the Suncrest Substation Alternative is potentially feasible. The DEIR appears to rely solely on the notion that there is sufficient physical space in the substation, as suggested by the statement that: “San Diego Gas & Electric

<sup>4</sup> The DEIR’s analysis and selection of the Suncrest Substation Alternative as the environmentally superior alternative fails to meet either requirement. As explained in Section II(A)(1) above, the Suncrest Substation Alternative would not meet the fundamental underlying project purpose or the key project objectives, and should be eliminated from detailed consideration on that basis. In addition, the Suncrest Substation Alternative is not potentially feasible, and should be excluded from detailed consideration in the EIR for the reasons explained in Section II(A)(3) below.



**Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)**WINSTON  
& STRAWN  
LLPNEET West Comments on Suncrest Project DEIR – January 10, 2017  
Page 9F-17  
Cont.

↑ (SDG&E) has indicated that there is room within the existing substation to construct the SVC without expanding the substation footprint.” (DEIR, Section 20.3.3 at 20-12:3-7.) Physical space alone is insufficient to demonstrate potential feasibility, as shown by the litany of factors identified in the CEQA Guidelines as quoted above. Yet the DEIR advances no other evidence to support its assumption of potential feasibility. The DEIR thus inappropriately engages in consideration of an alternative that is speculative at best.

**3. The DEIR Also Completely Ignores Substantial Evidence Demonstrating That The Suncrest Substation Alternative Is Infeasible On Numerous Grounds.**

F-18

In addition to its failure to cite evidence supporting a determination that the Suncrest Substation Alternative is potentially feasible, the DEIR completely ignores and fails to consider substantial evidence in the record demonstrating that the Suncrest Substation Alternative is actually infeasible, including evidence showing infeasibility based on the factors specifically identified in the CEQA Guidelines and case law cited above. To comply with CEQA, the DEIR should analyze and address this information provided in the PEA. Although the determination of the actual feasibility of the reasonable project alternatives set forth in an EIR is generally made by the Commission in its decision on project approval, this does not translate into *carte blanche* discretion for Commission staff to entertain alternatives in the DEIR that are not reasonable because they are not potentially feasible. To conclude otherwise fails to meet CEQA’s requirements.

If Commission staff continues to believe that the Suncrest Substation Alternative is potentially feasible, notwithstanding the lack of sufficient evidence supporting this belief, and notwithstanding contrary substantial evidence provided by NEET West, then at a minimum, and to comply with CEQA, the DEIR must be revised to disclose the evidence provided by NEET West. Additionally, the DEIR should acknowledge that NEET West provided substantial evidence regarding the infeasibility of the Suncrest Substation Alternative that will be addressed to the extent necessary in the formal application proceeding that is pending in A.15-08-027. Because all environmental impacts of the Proposed Project will be reduced to less than significant levels, the Commission in its ultimate decision granting a CPCN for the Suncrest Project is not required to make findings regarding the infeasibility of the environmentally superior alternative selected in the EIR. Nevertheless, NEET West will be prepared to demonstrate in A.15-08-027 that the Suncrest Substation Alternative is infeasible, including on the following grounds.

**a) The Suncrest Substation Alternative is legally infeasible because it violates the regulatory requirements of the CAISO competitive solicitation and triggers termination of the APSA.**

F-19

The DEIR fails to recognize that the Suncrest Substation Alternative is legally infeasible because it is not allowable under the APSA and could result in termination of the APSA. The DEIR completely ignores information in the PEA that shows the following:

- NEET West’s APSA with the CAISO states that the CAISO may terminate NEET West’s right to develop the Suncrest Project if the project is required to be sited within the Suncrest Substation. Under the CAISO Tariff, only the incumbent utility can construct a project within an existing substation, so NEET West would not have been awarded the project, if it were

**Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)****WINSTON  
& STRAWN**  
LLPNEET West Comments on Suncrest Project DEIR – January 10, 2017  
Page 10F-19  
Cont.

located within the substation. The Suncrest Substation Alternative would not be feasible due to lack of site control and would not meet the basic project objectives of meeting the CAISO's in-service date and conformance with the APSA.

(PEA, Chapter 5, Section 5.2.6.4 at 5-31.)

Under CEQA, an alternative may be found legally infeasible due to a conflict with regulatory limitations. *Center for Biological Diversity v. Department of Fish and Wildlife* (2015) 234 Cal.App.4<sup>th</sup> 214, 255 (alternative of discontinuing hatchery production and fish stocking activities was infeasible due to conflict with Department's statutory mandate); *City of Maywood v. Los Angeles Unified School District* (2012) 208 Cal.App.4<sup>th</sup> 362, 418 (school district reasonably determined that reduced school size alternative was infeasible because of conflict with state school siting guidelines). The DEIR completely ignores clear legal constraints, as detailed in the PEA, showing that Exhibit E of the APSA allows the CAISO to terminate NEET West's right to develop the Suncrest Project if the project is required to be located within the Suncrest Substation site, and potentially conduct a new solicitation under Section 24.6.4 of the CAISO Tariff. This termination provision arises from the CAISO Tariff, under which only the incumbent utility can construct a project within an existing substation. The DEIR as drafted thus could place the Commission in the potential situation where it needs to consider approving the Suncrest Substation Alternative as the environmentally superior alternative, even though NEET West would not be allowed to build it under the APSA, which in turn could trigger termination of the APSA and the NEET West Suncrest Project. Termination of the project that was selected as the lowest cost proposal in the CAISO's competitive solicitation would be contrary to ratepayers' interests, and would undermine the goals of FERC Order 1000 to promote competition and ensure just and reasonable transmission rates. (Order 1000 at P 42.) Because the CAISO Tariff and the limitations of the CAISO's competitive solicitation process do not allow NEET West to build the Suncrest Project inside the substation footprint, the Suncrest Substation Alternative creates a clear conflict with<sup>F-1</sup> legal and regulatory requirements of the CAISO Tariff. Moving the SVC Facility into the substation could terminate NEET West's Suncrest Project completely, and it is thus is not "potentially feasible."

F-20

In addition, an EIR need not consider an alternative whose effect cannot be reasonably ascertained or whose implementation is remote and speculative, because unrealistic alternatives do not contribute to useful analysis. (CEQA Guidelines, Cal. Code Regs., tit. 14, § 15126.6(f)(3); *Bay-Area Delta*, 43 Cal.4<sup>th</sup> at 1163; *Foundation for San Francisco's Architectural Heritage*, 106 Cal.App.3d at 910.) A lead agency may conclude that an alternative is remote or speculative if significant changes in governmental policy or legislation are necessary to accomplish it. (*Residents Ad Hoc Stadium Commission v. Board of Trustees* (1979) 89 Cal.App.3d 274, 286.) An alternative also may be found remote and speculative if it is unlikely as a practical matter to be carried out within the reasonable future or is contingent on the occurrence of uncertain future events. (*Al Larson Boat Shop, Inc.*, *supra*, 18 Cal.App.4<sup>th</sup> at p. 745; *Bowman v. City of Petaluma* (1986) 185 Cal.App.3d 1065, 1084.) Here, it would be necessary to obtain CAISO (and potentially FERC) authorization to deviate from the policies governing eligibility for competitive solicitations in order to allow NEET West to build the Suncrest Project inside an existing substation owned by the incumbent utility. It is not clear whether that would be possible. Even if possible, obtaining such authorization likely would add significant time and uncertainty to the project approval process. Given the current regulatory policies governing which projects are

**Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)**WINSTON  
& STRAWN  
LLPNEET West Comments on Suncrest Project DEIR – January 10, 2017  
Page 11F-20  
Cont.

eligible for construction by non-incumbent utilities, the Suncrest Substation Alternative is remote and speculative and should be rejected as not potentially feasible.

**b) The Suncrest Substation Alternative is infeasible because it would result in extensive delay that would not meet the CAISO's required in-service date or the fundamental project purpose.**

The DEIR also completely ignores information in the PEA that shows the following:

- SDG&E owns the Suncrest Substation and the underlying land. SDG&E denied NEET West's request to locate the SVC within the Suncrest Substation. Because SDG&E is not a willing seller, it would be infeasible for NEET West to obtain site control to locate the SVC inside the Suncrest Substation in time to meet the CAISO's required in-service date. If directed to locate the SVC within the Suncrest Substation, NEET West would have to then attempt to obtain site control via eminent domain. But NEET West cannot exercise eminent domain authority until after it is certificated as a public utility, which will not occur until after a CPCN is granted for the Suncrest Project. There is not sufficient time to complete the proceeding, acquire rights through eminent domain, and then build the Suncrest Project to meet the CAISO's required in-service date.

F-21

(PEA, Chapter 5, Section 5.2.6.4 at 5-30 through 5-31; *see also* SDG&E Comment Letter in Appendix B.)

As noted above, CEQA provides that a lead agency's decision on the feasibility of alternatives may rest on "economic, legal, social, technological, or other considerations." (Pub. Resources Code § 21081(a)(3).) Similarly, the CEQA Guidelines define "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." (Pub. Resources Code § 21061.1; CEQA Guidelines, Cal. Code Regs., tit. 14, § 15364.) A substantial delay could, by itself, render an alternative incapable of being "successfully accomplished within a reasonable period of time," and hence infeasible. (CEQA Guidelines, Cal. Code Regs., tit. 14, § 15364; *Bowman v. City of Petaluma*, *supra*, 185 Cal.App.3d at p. 1084 (condition of project approval requiring development of ring road that would result in long delay was infeasible).) As noted above, in the context of alternative locations for a project, the CEQA Guidelines recognize that another factor in the determination of feasibility is whether the proponent can reasonably acquire, control or otherwise have access to the alternative site. (CEQA Guidelines, Cal. Code Regs., tit. 14, § 15126.6(f)(1).)

The Suncrest Substation Alternative would not be feasible due to lack of site control and would not meet the basic project objectives of meeting the CAISO's in-service date and conformance with the APSA. (PEA, Chapter 5, Section 5.2.6.4 at 5-31.) In this case, NEET West cannot reasonably acquire, control or otherwise have access to the Suncrest Substation site. NEET West has already asked SDG&E if it would be willing to grant such access, and SDG&E said no. (*See* SDG&E Comment Letter in Appendix B at page 3.) Because SDG&E is not a willing seller, NEET West's only recourse is to attempt to obtain site control via eminent domain. But NEET West cannot exercise eminent domain authority until after it is certificated as a public utility, which will not occur until after a CPCN is granted for the

**Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)****WINSTON  
& STRAWN**  
LLPNEET West Comments on Suncrest Project DEIR – January 10, 2017  
Page 12F-21  
Cont.

Suncrest Project. Given the current status of the proceeding, and the time expected to be required for testimony, evidentiary hearings and briefing, it does not appear likely that NEET West will have a CPCN until late 2017 or early 2018. That end date marks the earliest time that NEET West could initiate eminent domain proceedings to require SDG&E to convey a portion of the site. NEET West understands that eminent domain proceedings in California can take a significant amount of time to complete. The combined effect would be to add years to the development timeline just for obtaining site control. This added delay would further delay the in-service date for the Suncrest Project years beyond the CAISO's required in-service date, with resulting additional substantial delays to the ability of the project to meet the policy-driven need for reactive power to facilitate achievement of the RPS as required by the CAISO. That substantial delay alone is sufficient to demonstrate that the Suncrest Substation Alternative is infeasible. (*Bowman v. City of Petaluma, supra*, 185 Cal.App.3d at p. 1084.)

**c) The Suncrest Substation Alternative is economically infeasible because it adds substantial expense that is not included in the cost cap under the APSA.**

F-22

The DEIR also completely ignores information in the PEA that shows the following:

- NEET West proposed its project subject to binding cost estimate and cost containment measures that the CAISO found to result in a "materially lower and more robust binding cost cap" with "more robust limitations on potential cost increases" than SDG&E's proposed project that would be constructed within the Suncrest Substation. NEET West did not provide a binding cost estimate for a project constructed inside the substation and therefore could not feasibly construct the project within the Suncrest Substation for the estimate provided in the its proposal to the CAISO. "Although SDG&E provided an estimate for a project inside the substation, based on its estimate to the CAISO, SDG&E could do so only for a materially higher cost and with a less robust binding cost cap than NEET West is providing." "NEET West's project provides significant economic benefits in the form of a lower cost estimate and more robust cost controls."

(PEA, Chapter 5, Section 5.2.6.4 at 5-31.)

The DEIR ignores this evidence and inexplicably concludes that "the Suncrest Substation Alternative would be a cost-effective alternative that does not require construction of the proposed mile-long 230 kV underground transmission line." (DEIR, Section 20.2.4 at 20-8:26-28.) The DEIR does not explain the conclusion that this would be cost effective. NEET West has not undertaken a design for installing the SVC Facility in the Suncrest Substation, so it is purely speculative to conclude that such an alternative would be cost effective compared to the Proposed Project. SDG&E's proposal for a similar facility located inside the Suncrest Substation footprint had a materially higher cost than the NEET West proposal, suggesting that locating the SVC Facility inside the substation footprint is not as cost effective as the Proposed Project.

F-23

The DEIR's conclusion on cost-effectiveness also is contrary to the evidence showing that the Suncrest Substation Alternative would add expenses that are not accounted for in the cost cap specified in the APSA. As demonstrated in the PEA, NEET West's binding cost estimate specified in the APSA does not include the cost of acquiring additional land rights from SDG&E. It also does not include the cost of

**Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)****WINSTON  
& STRAWN**  
LLPNEET West Comments on Suncrest Project DEIR – January 10, 2017  
Page 13F-23  
Cont.

↑ acquiring site control through eminent domain proceedings. The cost of acquiring rights through eminent domain likely would be substantial, and that added expense alone would add significant cost if the Suncrest Substation Alternative were selected.

F-24

Accordingly, the Suncrest Substation Alternative would render it impractical for NEET West to proceed with the Suncrest Project in an economically viable manner. This supports a finding of economic or financial infeasibility under the standard adopted in *Citizens of Goleta Valley v. Board of Supervisors* (1988) 97 Cal.App.3d 1167, 1181, affd. (1990) 52 Cal.3d 553; *see also Association of Irrigated Residents v. Madera* (2003) 107 Cal. App. 4th 1383, 1403 (“Economic viability is a factor that may be considered when assessing the feasibility of alternatives. . . Here, the lender’s letter and the economic analysis constitute substantial evidence supporting the board’s finding that the reduced-herd-size alternative is not economically feasible; elimination of all profit and loss of construction financing adequately proves that the reduced-herd-size alternative is not viable.”); *SPRAWLDEF v. San Francisco Bay Conservation & Dev. Commission* (2014) 226 Cal.App.4th 905, 912 and 918 (affirming a decision to approve a landfill to be located in a marsh because all of the alternative sites were “too costly on a per unit basis [and] any alternative costing 50 percent more per ton than the proposed expansion was not economically practical,” and confirming that this conclusion was supported because the definition of feasible under CEQA “embraces the concept of reasonableness.”)

**d) The Suncrest Substation Alternative should be rejected because it changes the basic nature of the Suncrest Project.**

F-25

↑ Moving the SVC Facility into the Suncrest Substation footprint also would change the basic nature of the Suncrest Project. An EIR need not consider alternatives that would change the basic nature of the project. (*See Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners, supra*, 18 Cal.App.4th at p. 745.) As explained above, the Suncrest Project was selected by the CAISO through its competitive solicitation process conducted in accordance with the requirements of the CAISO Tariff and FERC Order 1000. Those legal requirements do not allow the CAISO to solicit competitive bids for, or NEET West to compete for or be awarded, a project that can only be constructed entirely within the substation footprint owned by the incumbent utility in order to meet the technical specifications. The Suncrest Substation Alternative thus changes the basic nature of the Suncrest Project from a competitively sourced project into a project that would not have been eligible for competitive solicitation in the first place. Under the precedent cited above, an EIR is not required to analyze such an alternative, and the DEIR should be modified to recognize both the fundamental nature of the Suncrest Project and the resulting limitation on consideration of the Suncrest Substation Alternative.<sup>5</sup>

<sup>5</sup> The Suncrest Substation Alternative also changes the jurisdictional status of the project under the Commission’s General Order 131-D. Moving the SVC Facility into the substation footprint would eliminate the jurisdictional basis for requiring NEET West to obtain a CPCN for the Suncrest Project because it eliminates the approximately one-mile 230 kV transmission line that would connect the SVC Facility to the Suncrest Substation. Under the Suncrest Substation Alternative, which is conceived as an upgrade to existing substation facilities, a CPCN would no longer be required. And under General Order 131-D it appears that no discretionary approval would be required, because the project would merely be an upgrade to existing substation facilities.

**Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)**

WINSTON  
& STRAWN  
LLP

NEET West Comments on Suncrest Project DEIR – January 10, 2017  
Page 14

**B. The DEIR Incorrectly Identifies Certain Potentially Significant Environmental Effects Based Upon Conclusions Rather Than Evidence in the Record**

F-26

CEQA is clear that the identification of potentially significant effects must be based upon substantial evidence. (Pub. Resources Code § 21082.2; CEQA Guidelines, Cal. Code Regs., tit. 14, § 15064.) However, as detailed in the Table of Detailed Comments submitted concurrently herewith, the DEIR fails to meet this standard in its identification of several allegedly significant effects. Indeed, the DEIR ignores substantial evidence presented by NEET West in its PEA demonstrating that these effects are less than significant, and instead, concludes that these effects will be potentially significant based solely upon conjecture.

First, the DEIR identifies potentially significant effects to Hermes copper butterfly. (DEIR, Section 7.4.3 at 7-44 through 7-45). This determination is based upon only the fact that the species is known to have been identified within 500 feet of the Proposed Project boundary. However, the record is clear – including in the record for the Sunrise Powerlink Project – that there is no suitable habitat for the species within the Proposed Project boundary. In turn, because there is no evidence of potential effects on the species, there is no basis for the DEIR to identify the need for Mitigation Measures BIO-8 or BIO-9 and these mitigation measures should therefore be deleted. (DEIR, Section 7.4.3 at 7-44 through 7-45).<sup>6</sup>

F-27

Second, the DEIR identifies potentially significant effects on Scenic Vistas (Impact AES-1) based upon a conclusion that the “Proposed Project would be marginally visible” from I-8 for approximately 0.25 miles. (DEIR, Section 4.4.3 at 4-12.) However, the visual analysis and simulations performed for the Proposed Project and included in the PEA show that it would be virtually impossible to see the Proposed Project’s lighting masts from I-8 because intervening topography shields the Proposed Project site. Thus, there is substantial evidence supporting the conclusion of no potentially significant effect, and the DEIR should be revised to eliminate the unsupported assertion of Impact AES-1.

F-28

Third, the DEIR requires a mitigation measure for NOx emissions, not based upon substantial evidence in the record of a potentially significant effect, but rather, based solely upon conjecture that a “margin of safety” is required to keep NOx emissions less than significant. (DEIR, Section 6.4.3, AQ-1 at 6-16.) This once again fails to meet CEQA evidentiary requirements. In fact, evidence in the record establishes that Proposed Project’s NOx emissions will be below the stated CEQA significance criteria even under a worst-case (*i.e.*, maximum emissions) scenario. Indeed, the DEIR itself acknowledges that there likely is an over-estimation for the Proposed Project’s use of off-road trucks. (DEIR, Section 6.4.3 at 6-15.) CEQA requires mitigation only to address potentially significant effects, which again, must be based upon substantial evidence. Here, not one of these CEQA requirements has been met in the DEIR, and thus AQ-1 should be eliminated. Further, NEET West revised the CalEEMod air quality inputs to include use of an existing graveled road to access the intermediate pole on the overhead segment. This approximately 30-foot-wide by 150-foot-long road would be the only additional unpaved road used during construction, operation, and maintenance of the Proposed Project. Even with the addition of this unpaved road, the CalEEMod results indicate compliance with all San Diego County pollutant thresholds,

<sup>6</sup> Regarding BIO-8, NEET West’s consultant SWCA performed surveys for Hermes copper butterfly surveys in 2015 to confirm absence of the species and suitable habitat. There is no reasonable basis to require duplication of these surveys.



**Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)****WINSTON  
& STRAWN**  
LLPNEET West Comments on Suncrest Project DEIR – January 10, 2017  
Page 15F-28  
Cont.

including NOx. This substantiates NEET West’s argument to eliminate AQ-1. An Updated Air Quality Memorandum (January 2017) is provided as Attachment B to the Table of Detailed Comments that is submitted with this letter.

F-29

Fourth, the DEIR identifies Mitigation Measure BIO-4 to allegedly “compensate” for impacts to special-status plant species. (DEIR, Section 7.4.3 at 7-42.) However, there is no evidence cited in the DEIR establishing potentially significant effects on special-status species. In fact, NEET West performed focused plant species during the appropriate blooming period for species with the potential to occur in the Proposed Project area, and found no such species to be present within the Proposed Project footprint. Additionally, NEET West included APM BIO-4 in the PEA to protect special-status plant populations, such as the felt-leaved monardella, that are present adjacent to the Proposed Project footprint. The text of this APM specified as follows:

***APM BIO-4: Delineating Sensitive Plant Populations.***

*The Proposed Project does not directly impact any sensitive plant populations, although felt-leaved monardella has been observed immediately adjacent to the Proposed Project. To ensure proper protection of these plants on or near the Proposed Project alignment, a qualified botanist will flag plant populations to be protected and avoided prior to Proposed Project implementation. The flagging will remain in place until work has ceased and the potential for impacts to the populations has abated. Flagging and demarcation will be updated as necessary. The botanist will also map populations using GPS/GNSS to update Proposed Project designs for avoidance in the field. If any sensitive plants are encountered during construction, buffers will be established for avoidance. A minimum buffer of 50 feet will be established from an identified special-status plant species unless consultation with a qualified biologist determines a reduced buffer would suffice to avoid impacts to the species. If plants cannot be avoided, seed will be collected and used during revegetation efforts following construction.*

This APM was not carried forward into the DEIR and was replaced with Mitigation Measure BIO-3 which calls for similar protections to special-status plants. The fact that the felt-leaved monardella is an annual species and therefore the populations can move year to year, is speculative and should not serve as the basis for additional mitigation and the compensation required under Mitigation Measure BIO-4.

F-30

Fifth, the DEIR ignores the APM included in the PEA for construction monitoring by an archeologist and Native American monitor during initial ground disturbing activities. This was specified as APM CUL-2. (PEA, Section 4.5.6.2 at 4.5-21.) The DEIR, however, identifies Mitigation Measure CR-1, which would require full-time monitoring of all ground disturbing activities. (DEIR, Section 8.4.3 at 8-19.) The DEIR asserts that this mitigation is required due to the claimed “presence of archaeological sites ... within the Proposed Project SVC” which alleged makes the area “sensitive for archaeological resources.” (*Id.*) However, this conclusion is not based on any actual evidence, and disregards the substantial evidence that is in the record indicating that there is little potential for effects on

**Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)****WINSTON  
& STRAWN**  
LLPNEET West Comments on Suncrest Project DEIR – January 10, 2017  
Page 16F-30  
Cont.

archaeological resources. Surveys done in support of the PEA found that it is unlikely that intact subsurface archaeological deposits are present in the Proposed Project area, given that, *inter alia*, the site has already been disturbed down to a depth of 24 inches, and the site has been surveyed three times for cultural resources since 2008. Specifically, the Cultural Resources Technical Report (November 2015), attached as Attachment E to the Table of Detailed Comments included with this letter, concludes on pages 66-67 that it is unlikely that previously unidentified cultural resources, including intact buried archaeological deposits, occur within the Proposed Project Area:

*The results of SWCA's survey and research indicate that it is unlikely that intact, subsurface archaeological deposits are present in the Proposed Project Area. As noted above, the SVC location has been disturbed down to a depth of 24 inches as part of recent construction activities. The majority of the proposed underground transmission line will be located within the paved roadbed of Bell Bluff Truck Trail. Further, with the exception of the SVC site, most of the Proposed Project Area is located on slopes where the depositional context is not conducive to sediment accumulation, reducing the possibility of encountering buried deposits. Prehistoric sites in the vicinity of the project consist primarily of lithic and ground stone scatters, bedrock milling stations, or a combination of these. These types of sites typically do not have buried deposits. Of the three sites in the project vicinity that have been evaluated, two (CA-SDI-20166 and CA-SDI-20239) did not have a buried component, and the buried component of the remaining site (CA-SDI-19036) was not significant.*

*Further, the survey coverage of the Proposed Project Area is excellent, and it is likely that any resources present have been identified. In addition to the current study, three cultural resources studies have been conducted within the Proposed Project Area since 2008: these include two cultural resources surveys (Garcia-Herbst et. al 2010 and Noah 2008) and one construction monitoring project (Kyle and Williams 2013).*

*Based on background research, survey results, and the highly disturbed context of sediments in the Proposed Project Area, it is unlikely that previously unidentified cultural resources, including intact buried archaeological deposits, occur within the Proposed Project Area. Proposed construction activities will be limited to the Proposed Project Area, and potential blasting will be limited to excavations for the underground electrical transmission line in areas wherein standard excavation methods are not feasible, such as within bedrock, which is highly unlikely to contain archaeological deposits. NEET West anticipates that majority of the site can be excavated by conventional methods, although a minimal amount of hydraulic hammering or blasting may be required. Further, the potential blasting will occur after other sediments have been mechanically removed through standard excavation methods*



**Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)****WINSTON  
& STRAWN**  
LLPNEET West Comments on Suncrest Project DEIR – January 10, 2017  
Page 17F-30  
Cont.

*and will be minimized to localize disturbance. Thus, proposed construction activities, including potential blasting, are unlikely to disturb previously unidentified cultural resources.*

As a result, there is no substantial evidence to warrant full-time archaeological and/or Native American monitoring during all ground disturbing activities.

F-31

Sixth, the DEIR identifies Mitigation Measure NOI-1, purportedly to address potentially significant construction noise impacts, yet the DEIR identifies such potentially significant effects only by ignoring the noise methodology used in the PEA and selecting an alternative methodology (the FTA's Transit Noise and Vibration Impact Assessment) without any explanation. (DEIR, Section 15.5.3 at 15-12.) Moreover, use of this methodology includes an assumption that the two loudest pieces of construction equipment (*i.e.*, rock drill and scraper) would operate simultaneously at the same location under full power for one hour. (DEIR, Section 15.5.3 at 15-11.) There is absolutely no evidence or even suggestion, however, that these two pieces of equipment would operate at the same time in the same location. In fact, the evidence is to the contrary; a rock drill would only be used to break up rock deposits before a scraper could then be used. Similarly, blasting, which is also mentioned in this mitigation, would only be used after a rock drill or scraper proved ineffective in achieving required excavation depths. (*Id.*) Thus, once again, the DEIR reaches a conclusion of a potentially significant effect, and identifies a mitigation measure for such claimed effect, absent evidence in the record supporting its conclusion.

F-32

The conclusions in the DEIR of potentially significant effects for the environmental parameters discussed above lack any substantial evidence, and thus the DEIR must be revised to characterize impacts to these parameters as less than significant. In turn, the mitigation measures identified for these effects should be eliminated from the final EIR because they are not needed under CEQA.

**C. The DEIR Improperly Transforms APMs Into Mitigation Required To Reduce Significant Impacts.**

F-33

NEET West carefully designed the Proposed Project to incorporate measures that reduce potential project impacts below the threshold of significance. These measures were identified as APMs and expressly incorporated into the project design. The APMs were intended to be part of the Proposed Project.

The DEIR ignores the APMs and fails to include the APMs in its discussion of potential impacts, except in the areas of Air Quality and Greenhouse Gas Emissions. Indeed, Table 2-3 of the DEIR demonstrates that only a handful of APMs set forth in the PEA were properly treated in the DEIR as part of the Proposed Project's design. (DEIR, Section 2.6 at 2-27.) Because the description of the Proposed Project includes the APMs, the DEIR's analysis of potentially significant environmental effects of the Proposed Project should have started with the Proposed Project as described. The DEIR's analysis effectively re-wrote the project description to remove the APMs as part of the project design, and to impose them as mitigation measures identified through the EIR process. This fails to comply with Section 15126.4(a)(1)(A) of the CEQA Guidelines, which requires EIRs to distinguish and recognize mitigation proposed by the applicant to be included in the project. Specifically, Section 15126.4(a)(1)(A)

**Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)****WINSTON  
& STRAWN**  
LLPNEET West Comments on Suncrest Project DEIR – January 10, 2017  
Page 18F-33  
Cont.

requires that: “The discussion of mitigation measures shall distinguish between the measures which are proposed by project proponents to be included in the project and other measures proposed by the lead, responsible or trustee agency or other persons which are not included but the lead agency determines could reasonably be expected to reduce adverse impacts if required as conditions of approving the project.” (Cal. Code Regs., tit. 14, §15126.4(a)(1)(A).)

F-34

Ignoring the APMs in the project description also is contrary to case law recognizing that when mitigation is built into the project’s design, the lead agency may presume that the project will be implemented consistent with the project description. (*Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal.App.4<sup>th</sup> 1018, 1035-36; *South County Citizens for Smart Growth v. County of Nevada* (2013) 221 Cal.App.4<sup>th</sup> 316, 337.)

F-35

At this time, NEET West has reviewed the mitigation measures that have been derived from APMs, and is amenable to adhering to these mitigation measures. (Please see the table comparing APMs and mitigation measures submitted as Attachment A to the Table of Detailed Comments that is provided with this letter.) However, to the extent that the Suncrest Substation Alternative is justified to address potential effects of the Proposed Project for which the DEIR failed to include APMs as part of the underlying project description, NEET West objects to such analysis on the bases discussed above.

**III. CONCLUSION**

F-36

NEET West appreciates the opportunity to submit these comments and requests that the DEIR be modified as described herein. NEET West is particularly troubled by the DEIR’s failure to recognize the fundamental project purpose and project objectives for the Suncrest Project, and the DEIR’s improper selection of the Suncrest Substation Alternative as a potentially feasible alternative without recognizing or analyzing substantial evidence demonstrating infeasibility. To correct those problems and the others identified above, NEET West requests that the DEIR be modified as follows:

F-37

- Include and address the underlying fundamental project purpose and NEET West’s project objectives, as specified in the Application and PEA, and as restated in full in Section II(A)(1) above. The EIR must consider the requirements of the APSA and the FERC-ordered competitive solicitation process, including in its alternatives analysis.
- Revise the analysis of the Suncrest Substation Alternative and its potential feasibility, and recognize and consider the substantial evidence in the record showing that the Suncrest Substation Alternative is legally and factually infeasible. That evidence supports a decision to eliminate the Suncrest Substation Alternative and select the Proposed Project as the environmentally superior alternative after the No Project Alternative.

F-38

- Modify the conclusions in the DEIR regarding potentially significant effects for the environmental parameters discussed in Section II(B) above to characterize impacts to these parameters as less than significant. Eliminate the mitigation measures identified for these effects from the final EIR because they are not required under CEQA.

**Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)**

**Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)****WINSTON  
& STRAWN**  
LLPNEET West Comments on Suncrest Project DEIR – January 10, 2017  
Page 19

F-39

- Modify the DEIR to include the additional detailed comments and edits specified in the attached Table of Detailed Comments and Attachments, and the attached Table of Editorial Comments.

Very truly yours,



Lisa Cottle  
Louise Dyble  
Winston & Strawn LLP  
101 California Street  
35<sup>th</sup> Floor  
San Francisco, CA 94111-5894  
Telephone: (415) 591-1579  
Email: [lcottle@winston.com](mailto:lcottle@winston.com)

Tracy Davis  
NextEra Energy Transmission,  
LLC  
301 Congress Avenue  
Suite 1850  
Austin, TX 78701  
Telephone: (512) 236-3141  
Email: [tracy.c.davis@nee.com](mailto:tracy.c.davis@nee.com)

Scott Castro  
NextEra Energy Transmission,  
LLC  
One Post Street  
Suite 2550  
San Francisco, CA 94111  
Telephone: (415) 318-5919  
Email: [scott.castro@nee.com](mailto:scott.castro@nee.com)

*Attorneys for NextEra Energy Transmission West, LLC***Enclosed: Additional Documents Provided With This Letter:<sup>7</sup>****Table of Detailed Comments and Attachments:**

Attachment A:	Applicant-Proposed Measures versus DEIR Mitigation Measures Comparison Table
Attachment B:	Updated Air Quality Memorandum (January 2017)
Attachment C:	Fire Protection Plan (December 2016)
Attachment D:	Biological Resources Technical Report (November 2015)
Attachment E:	Cultural Resources Technical Report (November 2015)

**Table of Editorial Comments**

<sup>7</sup> The Attachments to the Table of Detailed Comments are provided in the two paper copies and in electronic format in the Archival-Quality DVD submitted with each paper copy. Due to file size, the Attachments are not being submitted via electronic mail.

**Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)**

*This page intentionally left blank*

Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

NextEra Energy Transmission, West LLC’s Suncrest Dynamic Reactive Power Support Project			
Draft Environmental Impact Report Comment Table			
California State Clearinghouse No. 2016011004			
PAGE		DEIR LANGUAGE	NEXTERA ENERGY TRANSMISSION WEST’S COMMENT
EXECUTIVE SUMMARY			
F-40	Page ES-1	<p><b>Project Purpose and Objectives</b></p> <p>“The Proposed Project’s objectives are as follows:</p> <ul style="list-style-type: none"><li>• Provide reactive support at or connected to the Suncrest Substation;</li><li>• Improve and maintain the reliability of the transmission grid; and</li><li>• Support achievement of the state’s RPS by facilitating delivery of a higher percentage of renewable energy generation from the Imperial Valley area to population centers to the west.”</li></ul>	<p>The Project Purpose and Objectives in the DEIR differ significantly from those identified by NEET West in its Proponent’s Environmental Assessment. Specifically, the DEIR completely eliminates the majority of NEET West’s stated Project Objectives, including, most significantly, the Project Objectives comprising the underlying purpose of the Suncrest SVC Project (the “Proposed Project” or “SVC”). Please see NEET West’s accompanying cover letter for concerns related to the DEIR’s formulation of the Project Objectives.</p>
F-41	Page ES-1, Lines 18-26	<p><b>Project Purpose and Objectives</b></p> <p>“The Proposed Project was identified as a policy-driven need by the CAISO in its transmission plan for the State to meet its 50 percent Renewable Portfolio Standard (RPS). The retirement of the San Onofre Nuclear Generating Station and anticipated increases in renewable energy generation in the Imperial Valley area have created a deficit of reactive power in the transmission system in Southern California. Essentially, because renewable generation does not produce reactive power at the same level as traditional generating sources (e.g., fossil fuels), dynamic reactive power support is needed at the Suncrest Substation to support the voltage necessary to deliver power from the Imperial Valley to demand centers in the San Diego Basin.”</p>	<p>The Proposed Project was identified as needed during the California Independent System Operator Corp. (“CAISO”) 2013-14 Transmission Planning Process (“TPP”) planning cycle to <u>meet the 33% Renewable Portfolio Standard (“RPS”)</u>, not <u>50%</u>. Senate Bill 350, which requires a 50% RPS by 2030 became effective in October, 2015, after the CAISO’s 2013-14 TPP was completed. The CAISO has not yet made plans to meet the 50% goal. Therefore, references to the 50% RPS should be corrected to “33%”, here and throughout the DEIR.</p> <p>In addition, the CAISO 2013-2014 TPP identified the Proposed Project need as not only renewable integration and San Onofre retirement but also the impact of potential retirement of gas generation in the San Diego and LA Basin.</p> <p>The CAISO approved the Proposed Project as a policy-driven project that was needed primarily due to a combination of the following:</p> <ul style="list-style-type: none"><li>- The state’s goal, <u>to have renewable resources provide 33 percent of California’s retail electricity consumption by 2020</u>, has become the principal driver of substantial investment in new renewable generation capacity both inside and outside of California. See CAISO 2013-2014 Transmission Plan at Executive Summary, page 1.</li><li>▪ <u>The deliverability of future renewable generation from the Imperial Valley area has been significantly reduced primarily due to changes in flow patterns resulting from the retirement of the San Onofre Nuclear Generating Station further coupled with the impacts of potential retirement of gas-fired generation in the San Diego and LA Basin areas (largely to eliminate coastal water use in “once-through cooling” have created both opportunities for development of preferred resources as well as challenges in ensuring continued reliable service in these areas).</u> See CAISO 2013-2014 Transmission Plan at Executive Summary, pages 1-2, 9.</li></ul> <p>Accordingly, please revise the DEIR language to:</p> <p>“The Proposed Project was identified as a policy-driven need by the CAISO in its transmission plan for the State to meet its <del>33</del><u>50</u> percent Renewable Portfolio Standard (RPS). The retirement of the San Onofre Nuclear Generating Station, <u>other potential retirements of gas-fired generation in the San Diego and LA Basin areas</u>, and anticipated increases in renewable energy generation in the Imperial Valley area have created a deficit of reactive power in the transmission system in Southern California. Essentially, because renewable generation does not produce reactive power at the same level as</p>

1

Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

F-41 Cont.  F-42  F-43  F-44  F-45  F-46  F-47		<b>PAGE</b>	<b>DEIR LANGUAGE</b>	<b>NEXTERA ENERGY TRANSMISSION WEST’S COMMENT</b>
				traditional generating sources (e.g., fossil fuels), dynamic reactive power support is needed at the Suncrest Substation to support the voltage necessary to deliver power from the Imperial Valley to demand centers in the San Diego Basin.”
		Page ES-2, Lines 24-25	<b>Project Location</b> “The parcels comprising the Lightner Mitigation Site are currently owned by San Diego Gas & Electric (SDG&E), but are scheduled to be transferred from SDG&E to the U.S. Forest Service for conservation in perpetuity.”	The entire Lightner Mitigation Site will not be transferred to the U.S. Forest Service (“USFS”). San Diego Gas & Electric Company (“SDG&E”) will retain ownership of the Suncrest Substation, Bell Bluff Truck Trail, and a portion of the road surrounding Bell Bluff Truck Trail.  Therefore, for clarity, please revise the DEIR language to:  “The parcels comprising the Lightner Mitigation Site are currently owned by San Diego Gas & Electric (SDG&E). <u>Certain parcels owned by SDG&amp;E, but</u> are scheduled to be transferred from SDG&E to the U.S. Forest Service for conservation in perpetuity. <u>SDG&amp;E will retain ownership of certain of the Lightner parcels, including the Suncrest Substation, Bell Bluff Truck Trail, and a certain width outside of the road bed.</u> ”
		Page ES-4, Line 16	<b>Proposed Project</b> “Electrical equipment at the SVC would include, but not be limited to, lightning shielding masts, circuit breakers, busbars, two single phase 230-kilovolt (kV) main power transformers, capacitor banks, air core reactors, surge arrestors, and air break switches.”	The Proposed Project includes two, three-phase 230 kV main power transformers, not two single-phase 230 kV transformers. To ensure an accurate description of the Proposed Project, please revise the DEIR language to:  “Electrical equipment at the SVC would include, but not be limited to, lightning shielding masts, circuit breakers, busbars, two, <del>three single</del> phase 230-kilovolt (kV) main power transformers, capacitor banks, air core reactors, surge arrestors, and air break switches.”
		Page ES-4, Line 28	<b>SVC Dynamic Reactive Device</b> “A Mechanically Stabilized Earth retaining wall approximately 480 feet long and 15 feet tall at its highest point (an average height of 8 feet) along the east side of the facility”	A Mechanically Stabilized Earth (“MSE”) wall was not part of the Project Description contained within the PEA.  To ensure an accurate description of the Proposed Project, please revise the DEIR language to:  “A <del>Mechanically Stabilized Earth</del> retaining wall approximately 480 feet long and approximately 15 feet tall at its highest point (an average height of 8 feet) along the east side of the facility”
		Page ES-4, Line 31	<b>SVC Dynamic Reactive Device</b> “Chain link and barb wire security fencing approximately 7 feet high with secure gates accessible only by NEET West staff and emergency services personnel.”	To ensure an accurate description of the Proposed Project, please revise the DEIR language to:  “Chain link and <u>barbed</u> wire security fencing approximately <del>7</del> <u>8</u> feet high with secure gates accessible only by NEET West staff and emergency services personnel.”
		Page ES-5 line 21	<b>Transmission Line</b> “Up to five underground splice vaults would be installed along the transmission line alignment to allow for installation of the underground cables and for operation and maintenance of the transmission line.”	NEET West has continued to optimize its project design to minimize environmental impacts. To reflect NEET West’s current design, please revise the DEIR language to:  “Up to <u>two five</u> underground splice vaults would be installed along the transmission line alignment to allow for installation of the underground cables and for operation and maintenance of the transmission line.”
		Page ES-5, Line 36	<b>Project Construction</b> “Overall, Project construction is anticipated to take 11 months (6.5 months for construction; 2.5 months for testing and commissioning, and 2 months for restoration and cleanup).”	The DEIR contains several areas discussing the duration of project scheduling. Please revise the DEIR language to:  “Overall, Project construction is anticipated to take 11 months (6.5 months for construction, 2.5 months for testing and commissioning, and 2 months for restoration and cleanup, <u>which will occur after project commercial operation</u> ).”  Please note that the construction schedule stated here is 11 months. In other chapters it is described also as 9 and 10.5 months.
2				

Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

	PAGE	DEIR LANGUAGE	NEXTERA ENERGY TRANSMISSION WEST’S COMMENT
F-48	Page ES-7, lines 27-28	<b>Areas of Known Controversy and Issues to be Resolved</b> “Potential location of the SVC within the existing Suncrest Substation, which could avoid virtually all of the Proposed Project’s environmental impacts.”	NEET West disagrees that the Suncrest Substation Alternative is a feasible project alternative that would avoid virtually all of the Proposed Project’s environmental impacts. The DEIR fails to disclose the environmental impacts associated with the Suncrest Substation Alternative. Please see also NEET West’s accompanying cover letter for objections to the DEIR’s discussion of the Suncrest Substation Alternative and the lack of support for such alternative.
F-49	Page ES-7, Lines 34-35	<b>Areas of Known Controversy and Issues to be Resolved</b> “Possible impacts to Hermes copper butterfly and the possible presence of suitable habitat on the proposed SVC site.”	<p>There is no evidence supporting identification of possible impacts to Hermes copper butterfly as an area of known controversy. Please see NEET West’s accompanying cover letter for NEET West’s objections to the DEIR’s discussion of the Hermes copper butterfly.</p> <p>Specifically, NEET West performed a habitat assessment in 2015 and no suitable habitat for the Hermes copper butterfly was found at the Proposed Project location due to the distance between California buckwheat and spiny redberry, which need to be within 15 feet of each other to constitute suitable habitat.</p> <p>The Sunrise Powerlink Project Documents also confirm such findings. An excerpt from the Sunrise Powerlink Site-Specific Restoration Plan (SRP) SRP AS-47 Southern Foothills; Link 3; Wilson (August 2012). Section 2.3 and 4.3 states:</p> <p><i>“No sensitive wildlife species are known to occur within the Wilson Construction Yard site. Hermes copper butterfly (Lycaena hermes), a species of local importance is known to occur within 500 feet of the Wilson Construction Yard (see Appendix A, Figure 2). However, habitat suitable for this species does not occur within the site boundaries.”</i></p> <p>Accordingly, please revise the DEIR language to delete lines 34-35 as an area of known controversy and issue to be resolved. Also refer to comment on Mitigation Measure BIO-9 regarding Hermes copper butterfly.</p>
F-50	Page ES-8, Line 9 to Page ES-10, Line 29	<b>Alternatives Considered</b>	Please see NEET West’s accompanying cover letter for a discussion of NEET West’s objections to the DEIR’s discussion of alternatives to the Proposed Project.
F-51	Page ES-9, Lines 13-20	<b>“Suncrest Substation Alternative</b> Under the Suncrest Substation Alternative, the SVC would be installed within the existing Suncrest Substation and, therefore, no transmission line would be required. SDG&E has indicated that there is room within the existing substation to construct the SVC without expanding the substation footprint. Under this alternative, NEET West would construct, own, and operate the SVC. The Suncrest Substation Alternative would produce and consume reactive power at the same level as the Proposed Project and would meet all of the project objectives.”	<p>NEET West disagrees that the Suncrest Substation Alternative is a feasible project alternative.</p> <p>There is also no evidence in the record for the proposition that NEET West could construct, own, and operate the SVC within SDG&amp;E’s Suncrest Substation. See PEA Section 5.2.6.4; see also SDG&amp;E Comment Letter, DEIR, Appendix B at page 3.</p> <p>Additionally, NEET West disagrees that “no transmission line” would be required for the Suncrest Substation Alternative, as NEET West understands that a 230 kV transmission line would be required to connect the SVC to the 230 kV bus at the Suncrest Substation even under the Suncrest Substation Alternative.</p> <p>Please see NEET West’s accompanying cover letter for objections to the DEIR’s discussion of the Suncrest Substation Alternative and the lack of support for such alternative.</p>
F-52	Page ES-9, lines 15-18	<b>Suncrest Substation Alternative</b> “SDG&E has indicated that there is room within the existing substation to construct the SVC without expanding the substation footprint. Under this alternative, NEET West would construct, own, and operate the SVC.”	There is no evidence in the record demonstrating that NEET West could construct, own, and operate the SVC within SDG&E’s Suncrest Substation. Please see NEET West’s accompanying cover letter for objections to the DEIR’s discussion of the Suncrest Substation Alternative. See also SDG&E Comment Letter, DEIR, Appendix B at page 3.
F-53	Page ES-10, Lines 4-5	<b>Environmentally Superior Alternative</b> “Likewise, the Suncrest Substation Alternative would have no substantial impact on aesthetics or hydrology and water quality, and would avoid the need for a transmission line.”	NEET West disagrees with the DEIR’s characterization of the Suncrest Substation Alternative as avoiding the need for a transmission line. Please see NEET West’s comment above regarding Page ES-9, Lines 13-20. Please see also NEET West’s accompanying cover letter for a general discussion of concerns related to the DEIR’s discussion of the Suncrest Substation Alternative.
			3



Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

	PAGE	DEIR LANGUAGE	NEXTERA ENERGY TRANSMISSION WEST’S COMMENT
	CHAPTER 2, PROJECT DESCRIPTION		
F-54	Page 2-11, Line 18	<b>Electrical Equipment and Facilities</b> “Two single phase 230-kV main power transformers (one would be a spare), outdoor heating, venting and air conditioning equipment and thyristor/convertor cooling equipment”	Please see comment above regarding Page ES-4, Line 16. The Proposed Project includes two, three-phase 230 kV main power transformers, not two, single-phase 230 kV transformers.  Please revise the DEIR language to:  “Two <del>three single</del> phase 230-kV main power transformers (one would be a spare), outdoor heating, venting and air conditioning equipment and thyristor/converter cooling equipment”
F-55	Page 2-15, Lines 8 and 35-37	<b>Associated Site Improvements</b>  The third bullet states, “A Mechanically Stabilized Earth retaining wall approximately 480 feet long and 15 8 feet tall at its highest point (an average height of 8 feet) along the east side of the 9 facility”  Then Lines 35-37 at the bottom of the page then state, “The retaining wall would be supported by a concrete foundation constructed of concrete blocks, installed 1-2 feet below grade.	Please see comment above on Page ES-4, Line 28 regarding the proposed retaining wall.
F-56	Page 2-15, Line 11	<b>Associated Site Improvements</b> “Chain link and barb wire security fencing approximately 7 feet high with secure gates accessible only by NEET West staff and emergency services personnel”	Please see the comment above regarding Page ES-4, Line 31.
F-57	Page 2-17, Line 26	<b>Riser Pole and Above-Ground Transmission Line Segment</b> “The new riser and intermediate poles would facilitate entry into the existing substation via an approximately 300-foot-long overhead span of 1272 kcmil (45/7) aluminum steel reinforced, non-specular, ‘Bittern’ conductors.”	Please revise the DEIR language to:  “aluminum <u>conductor</u> steel reinforced ( <u>ACSR</u> ), non-specular, ‘Bittern’ conductors.”
F-58	Page 2-17, Line 32	<b>Riser Pole and Above-Ground Transmission Line Segment</b> “Additionally, SDG&E would need to add electrical infrastructure to facilitate interconnection to SDG&E equipment at the Suncrest Substation.”	Please remove the reference to “SDG&E equipment at”. Change to:  “Additionally, SDG&E would need to add electrical infrastructure to facilitate interconnection to <del>SDG&amp;E equipment at</del> the Suncrest Substation.”
F-59	Page 2-18, Line 18	<b>Site Preparation, Grading, and Earthwork</b> “Construction of the SVC would require clearing of approximately 8.56 acres of California buckwheat scrub, non-native grassland, and ruderal lands.”	Please revise text to reflect current total acreage of impacts of the SVC:  “Construction of the SVC would require clearing of approximately <del>8.56</del> <u>8.59</u> acres of California buckwheat scrub, non-native grassland, and ruderal lands.”
F-60	Page 2-18, Line 23	<b>Site Preparation, Grading, and Earthwork</b> “Following initial clearing, topsoil would be salvaged to a depth of approximately 6 inches ( <u>or less if subsoil is not present to that depth</u> ) in all areas to be restored and would be stored on-site or at a nearby approved work area for use in site restoration, as appropriate.”	The word “subsoil” should be replaced with “topsoil”. If topsoil is shallower than 6 inches, NEET West would only salvage to the depth of the topsoil layer whatever that depth actually is on-site.  Please revise the DEIR language to:  “Following initial clearing, topsoil would be salvaged to a depth of approximately 6 inches (or less if <u>topsoil</u> <del>subsoil</del> is not present to that depth).”

Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

	PAGE	DEIR LANGUAGE	NEXTERA ENERGY TRANSMISSION WEST’S COMMENT
F-61	Page 2-19, Table 2-1: SVC Grading Summary and Line 17	<b>Site Preparation, Grading, and Earthwork</b> “Maximum depth of excavation from ground surface            15 feet”	Please revise table and text to state “approximately <del>45</del> <u>18</u> feet.” These are estimates based on preliminary design.
F-62	Page 2-23, Line 32	<b>Construction Workforce and Equipment</b> “The workers for the more common development tasks of grading and building foundations for the SVC and riser pole structure are likely to be hired from San Diego County.”	Please revise the DEIR language to:  “The workers for the more common development tasks of grading and building foundations for the SVC and <u>transmission</u> <del>riser pole</del> structures are likely to be hired from San Diego County.”
F-63	Page 2-24, Lines 43-45	<b>Water Use</b> “Currently, NEET West is negotiating a water services agreement with the Padre Dam Municipal Water District (PDMWD) for use of recycled water from their water recycling facility, located approximately 19 miles from the Project site. NEET West is also coordinating with the owner of the property on which the SVC would be built for use of the property owner’s storage ponds.”	During the preparation of the DEIR by the CPUC, NEET West has entered into a water supply agreement to obtain water from the Wilson Pond. The agreement with Padre Dam Municipal Water District is intended to serve as a back-up water source.  Therefore, please revise the DEIR language to:  “ <u>NEET West has rights to obtain water from the Wilson ponds, located on the Wilson property where the SVC is to be built. As a back-up water source, NEET West is also negotiating a water services agreement with the Padre Dam Municipal Water District (PDMWD) for use of recycled water from their water recycling facility, located approximately 19 miles from the Project site. NEET West is also coordinating with the owner of the property on which the SVC would be built for use of the property owner’s storage ponds.</u> ”
F-64	Page 2-25, Lines 25-26	<b>2.4.3.1 Operation</b> “NEET West anticipates remotely operating the Proposed Project from its affiliate Lone Star Transmission, LLC’s control center in Austin, Texas.”	Please revise the DEIR language to:  “NEET West anticipates remotely operating the Proposed Project from <del>its a NextEra affiliate’s Lone Star Transmission, LLC’s control center in Austin, Texas.</del> ”
F-65	Page 2-27, Table 2-3	<b>2.6 Applicant Proposed Measures</b> “The Applicant, NEET West, would implement several measures to reduce the potential impacts of Project construction. Applicant proposed measures (APMs) that would be implemented for the Proposed Project are listed in Table 2-3.”	Please see NEET West’s accompanying cover letter for concerns related to the DEIR’s characterization of the Applicant Proposed Measures (“APM”).  With respect to this specific reference, please revise the DEIR language to:  “The Applicant, NEET West, <u>included project design features and Applicant Proposed Measures (APMs) in its September August 31, 2015 PEA. NEET West proposed to implement these measures during the design, construction, and operation of the Proposed Project to avoid or minimize would implement several measures to reduce the potential environmental impacts of Project construction. Applicant proposed measures (APMs) are considered part of the Proposed Project in the evaluation of environmental impacts. The APMs are presented that would be implemented for the Proposed Project are listed</u> in Table 2-3.”
	<b>CHAPTER 4, AESTHETICS</b>		
F-66	Page 4-12, Lines 7-8	<b>Impact AES-1 (Adverse Impacts on Scenic Vistas)</b> “The Proposed Project would be marginally visible (e.g. the tops of the lightning masts within the SVC) from I-8 for less than 0.25-mile (KOP 10).”	There is no evidence in support of this conclusion. Based on NEET West’s technical analysis set forth in the PEA and accompanying documents, it would be nearly impossible that the slender lightning masts would be visible from I-8 to a motorist passing at 75 mph. The topography shields the SVC from I-8. Please see NEET West’s accompanying cover letter for NEET West’s objections regarding Impact AES-1.  Please revise the DEIR language to:  “The Proposed Project would <u>not</u> be <del>marginally visible (e.g. the tops of the lightning masts within the SVC)</del> from I-8 <u>at KOP 10 for less than 0.25 mile (KOP 10).</u> ”
5			

Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

	PAGE	DEIR LANGUAGE	NEXTERA ENERGY TRANSMISSION WEST’S COMMENT
F-67	Page 4-12, Line 17	<b>Impact AES-2 (Adverse Effects on the Visual Character or Quality of the Site...)</b> “During the Proposed Project’s construction period (approximately 9 months), construction activities, including vegetation removal and the staging of construction materials, equipment, and vehicles would be moderately visible along Bell Bluff Truck Trail (KOPs 3, 6, 7, and 8) to authorized personnel.”	The text indicates that the construction period is approximately 9 months. This construction length is inconsistent with other chapters/sections. However, the Proposed Project’s construction period as reflected in the PEA is estimated to last a total of 11 months, which includes 2 months of testing and commissioning or restoration and cleanup that will occur after project commercial operation. See comment above regarding Page ES-5, Line 36 regarding NEET West’s proposed construction schedule.  To accurately reflect the full construction period, please revise the DEIR language to read:  “During the Proposed Project’s construction period (approximately <u>9-11</u> months), construction activities, including vegetation removal and the staging of construction materials, equipment, and vehicles would be moderately visible along Bell Bluff Truck Trail (KOPs 3, 6, 7, and 8) to authorized personnel.”
	<b>CHAPTER 5, AGRICULTURE AND FORESTRY</b>		
F-68	Page 5-4, Line 24	<b>5.4.2 Criteria for Determining Significance</b> “Based on Appendix G of the State CEQA Guidelines and professional expertise, it was determined that the Proposed Project would result in a significant impact on aesthetics if it would:”	There is an incorrect reference to “aesthetics” on Line 24, which instead should refer to “agriculture and forestry resources”. Please revise the DEIR language to:  “Based on Appendix G of the State CEQA Guidelines and professional expertise, it was determined that the Proposed Project would result in a significant impact on <u>agriculture and forestry resources</u> <del>aesthetics</del> if it would:”
F-69	Page 5-5, Lines 7-8	<b>Impact AGR-2: Conflict with Existing Zoning for Agricultural Use or Williamson Act Contract (Less than Significant)</b> “The Proposed Project would appear to conflict with the CNF Land Management Plan Strategy LG-1 (shown in Section 5.2 above), which is intended to maintain livestock grazing areas, because it would develop an area that has been used for animal grazing; however, although portions of the Project site may have been used for livestock grazing in the past, currently there does not appear to be any grazing activity. Furthermore, the construction, operation, and maintenance of the Proposed Project would not discourage future agricultural uses within the area, as grazing and farming could occur around the SVC without it conflicting with agricultural operations.”	Impact AGR-2 should be characterized as “No Impact” because CNF Land Management Plan strategies do not apply to private land. Please revise this impact to state “No Impact” and the text should read:  <b>“Impact AGR-2: Conflict with Existing Zoning for Agricultural Use or Williamson Act Contract (No Impact)</b>  The Proposed Project would not conflict with the CNF Land Management Plan Strategy LG-1 (shown in Section 5.2 above), which is intended to maintain livestock grazing areas, because it such provisions do not apply to private lands.”
	<b>CHAPTER 6, AIR QUALITY</b>		
F-70	Page 6-15, Lines 13-16	<b>Impact AQ-3 (Create Emissions During Construction that Exceed County of San Diego Significance Thresholds)</b> “There are a few discovered issues that may overestimate emissions, such as a likely overestimation of use for off-road trucks, and a few discovered issues that could underestimate emissions, such as not assuming any unpaved road travel.”	NEET West revised the CalEEMod air model inputs to include the use of an unpaved access road leading to the intermediate pole along the overhead segment of the project. This road is an existing, gravel SDG&E access road that exists outside the fence of the Suncrest Substation. NEET West included a 30-foot-wide by 150-foot-long portion of this road in the model inputs and assumed it would be used during the 12-week construction period of the overhead segment and during operations and maintenance. The revised CalEEMod inputs and outputs have been summarized in a memorandum attached to these comments (Attachment B). Results indicate that even with the addition of this unpaved road, San Diego County emissions thresholds for all pollutants considered would not be exceeded. As a result, the “margin of safety” described in Mitigation Measure AQ-1 below is unnecessary and should be removed from this document. Additionally, NEET West anticipated that a large portion of the construction equipment used for the project would already have Tier 3 or better compliant engines as Tier 3 engines have been required for new equipment/engines since 2006 to 2008. Please see NEET West’s accompanying cover letter for NEET West’s objections related to Mitigation Measure AQ-1
F-71	Page 6-16, Lines 9-18 Page 6-17,	<b>Mitigation Measure AQ-1 (Off-Road Equipment Control)</b> “While the uncontrolled NOx emissions were determined to be <u>marginally</u> below the daily emissions significance threshold, changes in the project’s work task schedule, equipment size, or	Please refer to above comment on Impact AQ-3 and Mitigation Measure AQ-1 (Page 6-15, Lines 13-16). Please see also NEET West’s accompanying cover letter.
6			

Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

F-71 Cont.	↑	<table><tr><th>PAGE</th><th>DEIR LANGUAGE</th><th>NEXTERA ENERGY TRANSMISSION WEST’S COMMENT</th></tr><tr><td>Lines 1-8</td><td>equipment engine tier level assumption could cause emissions to exceed this threshold. Therefore, in order to ensure the daily NOx emissions would be below the County of San Diego emissions significance threshold and have a margin of safety, which would allow for additional task overlap and construction schedule compression, it is considered prudent to increase the off-road equipment mitigation to require USEPA/CARB Tier 3 or better compliant engines. Tier 3 engines have been required for new equipment/engines since 2006 to 2008, so this additional level of mitigation is not a burdensome requirement. Mitigation Measure AQ-1 (Off-Road Equipment Control) is proposed to address this mitigation recommendation.”  “NEET West or their contractor(s) shall implement the following measure:  ▪ All off-road equipment engines that are 50 horsepower or greater shall meet or exceed USEPA/ CARB Tier 3 emissions standards.  ▪ Exceptions to the Tier 3 requirement shall be allowed for specialty equipment that will be used for no more than 5 days; provided that a due diligence search, which includes at least three (3) appropriate equipment rental firms could not procure the necessary equipment type with a Tier 3 compliant or better engine.”</td><td>Please revise DEIR text to read:  “<del>While the uncontrolled NOx emissions were determined to be marginally below the daily emissions significance threshold, changes in the project’s work task schedule, equipment size, or equipment engine tier level assumption could cause emissions to exceed this threshold. In addition, a large portion of the construction equipment used for the project would have Tier 3 or better compliant engines as Tier 3 engines have been required for new equipment/engines since 2006 to 2008. Therefore, in order to ensure the daily NOx emissions would be below the County of San Diego emissions significance threshold and impacts will be less than significant. No mitigation is required, have a margin of safety, which would allow for additional task overlap and construction schedule compression, it is considered prudent to increase the off-road equipment mitigation to require USEPA/CARB Tier 3 or better compliant engines. Tier 3 engines have been required for new equipment/engines since 2006 to 2008, so this additional level of mitigation is not a burdensome requirement. Mitigation Measure AQ-1 (Off Road Equipment Control) is proposed to address this mitigation recommendation”</del>  “NEET West or their contractor(s) shall implement the following measure:  ▪ <del>All off road equipment engines that are 50 horsepower or greater shall meet or exceed USEPA/ CARB Tier 3 emissions standards.</del>  ▪ <u>Exceptions to the Tier 3 requirement shall be allowed for specialty equipment that will be used for no more than 5 days; provided that a due diligence search, which includes at least three (3) appropriate equipment rental firms could not procure the necessary equipment type with a Tier 3 compliant or better engine.”</u></td></tr></table>	PAGE	DEIR LANGUAGE	NEXTERA ENERGY TRANSMISSION WEST’S COMMENT	Lines 1-8	equipment engine tier level assumption could cause emissions to exceed this threshold. Therefore, in order to ensure the daily NOx emissions would be below the County of San Diego emissions significance threshold and have a margin of safety, which would allow for additional task overlap and construction schedule compression, it is considered prudent to increase the off-road equipment mitigation to require USEPA/CARB Tier 3 or better compliant engines. Tier 3 engines have been required for new equipment/engines since 2006 to 2008, so this additional level of mitigation is not a burdensome requirement. Mitigation Measure AQ-1 (Off-Road Equipment Control) is proposed to address this mitigation recommendation.”  “NEET West or their contractor(s) shall implement the following measure:  ▪ All off-road equipment engines that are 50 horsepower or greater shall meet or exceed USEPA/ CARB Tier 3 emissions standards.  ▪ Exceptions to the Tier 3 requirement shall be allowed for specialty equipment that will be used for no more than 5 days; provided that a due diligence search, which includes at least three (3) appropriate equipment rental firms could not procure the necessary equipment type with a Tier 3 compliant or better engine.”	Please revise DEIR text to read:  “ <del>While the uncontrolled NOx emissions were determined to be marginally below the daily emissions significance threshold, changes in the project’s work task schedule, equipment size, or equipment engine tier level assumption could cause emissions to exceed this threshold. In addition, a large portion of the construction equipment used for the project would have Tier 3 or better compliant engines as Tier 3 engines have been required for new equipment/engines since 2006 to 2008. Therefore, in order to ensure the daily NOx emissions would be below the County of San Diego emissions significance threshold and impacts will be less than significant. No mitigation is required, have a margin of safety, which would allow for additional task overlap and construction schedule compression, it is considered prudent to increase the off-road equipment mitigation to require USEPA/CARB Tier 3 or better compliant engines. Tier 3 engines have been required for new equipment/engines since 2006 to 2008, so this additional level of mitigation is not a burdensome requirement. Mitigation Measure AQ-1 (Off Road Equipment Control) is proposed to address this mitigation recommendation”</del>  “NEET West or their contractor(s) shall implement the following measure:  ▪ <del>All off road equipment engines that are 50 horsepower or greater shall meet or exceed USEPA/ CARB Tier 3 emissions standards.</del>  ▪ <u>Exceptions to the Tier 3 requirement shall be allowed for specialty equipment that will be used for no more than 5 days; provided that a due diligence search, which includes at least three (3) appropriate equipment rental firms could not procure the necessary equipment type with a Tier 3 compliant or better engine.”</u>
		PAGE	DEIR LANGUAGE	NEXTERA ENERGY TRANSMISSION WEST’S COMMENT				
		Lines 1-8	equipment engine tier level assumption could cause emissions to exceed this threshold. Therefore, in order to ensure the daily NOx emissions would be below the County of San Diego emissions significance threshold and have a margin of safety, which would allow for additional task overlap and construction schedule compression, it is considered prudent to increase the off-road equipment mitigation to require USEPA/CARB Tier 3 or better compliant engines. Tier 3 engines have been required for new equipment/engines since 2006 to 2008, so this additional level of mitigation is not a burdensome requirement. Mitigation Measure AQ-1 (Off-Road Equipment Control) is proposed to address this mitigation recommendation.”  “NEET West or their contractor(s) shall implement the following measure:  ▪ All off-road equipment engines that are 50 horsepower or greater shall meet or exceed USEPA/ CARB Tier 3 emissions standards.  ▪ Exceptions to the Tier 3 requirement shall be allowed for specialty equipment that will be used for no more than 5 days; provided that a due diligence search, which includes at least three (3) appropriate equipment rental firms could not procure the necessary equipment type with a Tier 3 compliant or better engine.”	Please revise DEIR text to read:  “ <del>While the uncontrolled NOx emissions were determined to be marginally below the daily emissions significance threshold, changes in the project’s work task schedule, equipment size, or equipment engine tier level assumption could cause emissions to exceed this threshold. In addition, a large portion of the construction equipment used for the project would have Tier 3 or better compliant engines as Tier 3 engines have been required for new equipment/engines since 2006 to 2008. Therefore, in order to ensure the daily NOx emissions would be below the County of San Diego emissions significance threshold and impacts will be less than significant. No mitigation is required, have a margin of safety, which would allow for additional task overlap and construction schedule compression, it is considered prudent to increase the off-road equipment mitigation to require USEPA/CARB Tier 3 or better compliant engines. Tier 3 engines have been required for new equipment/engines since 2006 to 2008, so this additional level of mitigation is not a burdensome requirement. Mitigation Measure AQ-1 (Off Road Equipment Control) is proposed to address this mitigation recommendation”</del>  “NEET West or their contractor(s) shall implement the following measure:  ▪ <del>All off road equipment engines that are 50 horsepower or greater shall meet or exceed USEPA/ CARB Tier 3 emissions standards.</del>  ▪ <u>Exceptions to the Tier 3 requirement shall be allowed for specialty equipment that will be used for no more than 5 days; provided that a due diligence search, which includes at least three (3) appropriate equipment rental firms could not procure the necessary equipment type with a Tier 3 compliant or better engine.”</u>				
		CHAPTER 7, BIOLOGICAL RESOURCES						
		Pages 7-7 and 7-37	Figures 7-1 and 7-7	Please update Figures 7-1: Vegetation Types and 7-7: Likely Golden Eagle Nesting Area to include the existing Suncrest Substation with cross-hatching, consistent with the other aerial figures in the DEIR.				
Page 7-14, Lines 20-21	Special-Status Species “Plants considered by the California Native Plant Society [CNPS] to be “rare, threatened, or endangered in California” (CNPS Rare Plant Ranks 1, 2, 3 and 4)”	The California Department of Fish and Wildlife (“CDFW”) administers the Native Plant Protection Act and generally regards as rare many plant species included on California Rare Plant Rank (CRPR) 1A, 1B, 2A, and 2B of the California Native Plant Society (“CNPS”) Inventory of Rare and Endangered Vascular Plants of California. In addition, sometimes CRPR 3 and 4 plants are considered if the population has local significance in the area and is impacted by the project.  As a result, please revise the DEIR text to read:  “Plants considered by the California Native Plant Society [CNPS] to be “rare, threatened, or endangered in California” (CNPS Rare Plant Ranks 1, 2, <u>and sometimes</u> 3 and 4)”						
Page 7-26, Table 7-2	Table 7-2 Mammals Table 7-2 lists the Townsend’s bid-eared bat (State Candidate Species and Species of Special Concern) as “Possible. The Proposed Project contains suitable habitat for this species. This species is not expected to roost in the Proposed Project.”	On August 25, 2016, CDFW determined that Townsend’s big-eared bat ( <i>Corynorhinus townsendii</i> ) is not warranted for listing pursuant to the California Endangered Species Act (“CESA”). On October 20, 2016, the California Fish and Game Commission adopted the finding, and the species is therefore no longer is afforded the protections of a CESA candidate or listed species.  (see documentation here: <a href="http://www.fgc.ca.gov/CESA/Townsend's_Big-eared_Bat/tbeb_findings_listing_not_warranted.pdf">http://www.fgc.ca.gov/CESA/Townsend's_Big-eared_Bat/tbeb_findings_listing_not_warranted.pdf</a> )						
F-75	↓	<table><tr><td>Page 7-44, Line 38 and Page 7-45, Lines 1-5</td><td>Mitigation Measure BIO-9 (Mitigate for Impacts to Hermes Copper Butterfly) NEET West or their contractor(s) shall implement the following measures:</td><td>NEET West objects to the text of Mitigation Measure BIO-9 as proposed. There is no evidence of suitable habitat for the species on site. Accordingly, there is no basis, absent further information to the contrary, for the DEIR to identify a potentially significant impact to the species and to require compensatory mitigation. The only suitable habitat for Hermes</td></tr></table>	Page 7-44, Line 38 and Page 7-45, Lines 1-5	Mitigation Measure BIO-9 (Mitigate for Impacts to Hermes Copper Butterfly) NEET West or their contractor(s) shall implement the following measures:	NEET West objects to the text of Mitigation Measure BIO-9 as proposed. There is no evidence of suitable habitat for the species on site. Accordingly, there is no basis, absent further information to the contrary, for the DEIR to identify a potentially significant impact to the species and to require compensatory mitigation. The only suitable habitat for Hermes			
Page 7-44, Line 38 and Page 7-45, Lines 1-5	Mitigation Measure BIO-9 (Mitigate for Impacts to Hermes Copper Butterfly) NEET West or their contractor(s) shall implement the following measures:	NEET West objects to the text of Mitigation Measure BIO-9 as proposed. There is no evidence of suitable habitat for the species on site. Accordingly, there is no basis, absent further information to the contrary, for the DEIR to identify a potentially significant impact to the species and to require compensatory mitigation. The only suitable habitat for Hermes						

7

PAGE	DEIR LANGUAGE	NEXTERA ENERGY TRANSMISSION WEST'S COMMENT
F-75 Cont.	If areas mapped as Hermes copper butterfly habitat are adversely affected by the Proposed Project, NEET West shall mitigate permanent impacts at a 1:1 ratio for unoccupied habitat and 3:1 ratio for occupied habitat. Habitat should be considered occupied if it is within 150 meters of a Hermes copper sighting (County of San Diego 2010).	copper butterfly is located outside of the proposed SVC footprint. Please see NEET West's accompanying cover letter for NEET West's objections to the DEIR's discussion of the Hermes copper butterfly.  NEET West notes that in the Sunrise Powerlink Documents there is an excerpt from the Restoration Plan for Sensitive Vegetation in Temporary Impact Areas (March 2011) applicable to mitigation for impacts to Hermes copper butterfly habitat. Section 2.3, page 7 and Section 4.1.2.3, page 37 states, " <i>Where habitat for Hermes copper occurred within chaparral, spiny redberry will be included in the seed mix. Hermes copper is a species of local importance but is not a species for which mitigation is required for the Project's impacts.</i> "  The only suitable habitat for Hermes copper butterfly was found outside the proposed SVC footprint within the 150 meter survey buffer within chaparral habitat. This measure is extremely unusual in that it requires the applicant to provide compensatory mitigation for impacts to habitat, regardless of whether the species is present or not.  As a result, NEET West recommends that Mitigation Measure BIO-9 requiring compensatory mitigation for Hermes copper butterfly be removed from the DEIR and that no potentially significant impact to Hermes copper butterfly be identified.
F-76	Page 7-46, Lines 2-8  <b>Mitigation Measure BIO-10 (Educational Training)</b>  NEET West or their contractor(s) shall ensure that before conducting construction activities all Proposed Project personnel shall participate in an educational training session conducted by a qualified biologist. All on-site personnel shall be informed about relevant special-status species and their habitat, conservation goals, identification, and procedures to follow in the event of a possible sighting. Personnel who miss the first training session or are hired later in the season must participate in a make-up session before conducting Project activities. A record of the personnel that attended the training shall be kept by the qualified biologist.	Mitigation Measure BIO-10 states that training shall be conducted by a qualified biologist. During construction the need for training may arise when a qualified biologist is not at the project site and an environmental inspector provides the training.  Therefore, please revise Mitigation Measure BIO-10 to read:  NEET West or their contractor(s) shall ensure that before conducting construction activities all Proposed Project personnel shall participate in an educational training session <del>conducted</del> <u>prepared</u> by a qualified biologist. All on-site personnel shall be informed about relevant special-status species and their habitat, conservation goals, identification, and procedures to follow in the event of a possible sighting. Personnel who miss the first training session or are hired later in the season must participate in a make-up session before conducting Project activities. A record of the personnel that attended the training shall be <u>retained onsite</u> <del>kept by the qualified biologist</del> .
F-77	Page 7-6 and 7-48  <b>Mitigation Measure BIO-18 (Restoration Plan for Englemann Oak – Coast Live Oak/Poison Oak/Grass Association Habitat)</b>  "NEET West or their contractor(s) shall develop and implement a Habitat Restoration Plan to mitigate any temporary and permanent impact on Englemann Oak – Coast Live Oak/Poison Oak/Grass Association habitat. For any temporary impact, all disturbed soils and new fill in this habitat shall be revegetated with site-appropriate native species. For any permanent impact, Englemann Oak – Coast Live Oak/Poison Oak/Grass Association habitat shall be mitigated at a ratio of 1.1:1 (replacement to impact). Englemann Oak – Coast Live Oak/Poison Oak/Grass Association restoration or compensation may be completed at the Project site, in the vicinity, or at a conservation bank with a service area that covers the Project site. Revegetated or restored areas shall be maintained and monitored to ensure a minimum of 65 percent survival of woody plantings after 5 years."	Portions of the SVC site may have historically been mapped as Englemann oak woodland. However, this woodland area has been repeatedly disturbed, and as of the date of the Notice of Preparation (which serves as the baseline for CEQA analysis), the understory component of the community resembles that of a California buckwheat association (consistent with what is present on the rest of the proposed SVC site). Accordingly, there is no potential impact to Englemann oak habitat as indicated in the DEIR.  Additionally, the DEIR section 7.3.2 explains that this Englemann oak vegetation community has been repeatedly disturbed, "This habitat is considered a sensitive natural community by CDFW (California Department of Fish and Game [CDFG] 2010). In the vicinity of the Static VAR compensator (SVC) facility, this community has been repeatedly disturbed. In the disturbed areas, the understory component of this community is not fully developed and is more similar to the Eriogonum fasciculatum Association, described below."  For the Sunrise Powerlink project compensatory mitigation was not required for disturbed habitats as stated in the FEIR for that project on page E.4.2-5 which reads, "Impacts to nonnative vegetation, developed areas, and disturbed habitat would be adverse but less than significant (Class III), and no mitigation is required."  Accordingly, please remove Mitigation Measure BIO-18 from the DEIR, and revise the DEIR such that no potentially significant impact to Englemann Oak – Coast Live Oak/Poison Oak/Grass Association Habitat is identified.
F-78	Page 7-34, Lines 15-17 and 39-41  Invertebrates, <b>Hermes Copper Butterfly</b>	Please refer to comment on Mitigation Measure BIO-9 (Page 7-44, Line 38 and Page 7-45, Lines 1-5) regarding Hermes copper butterfly.

8

Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

		<table><tr><th>PAGE</th><th>DEIR LANGUAGE</th><th>NEXTERA ENERGY TRANSMISSION WEST’S COMMENT</th></tr><tr><td></td><td>“Both of these species are present on the Proposed Project site (NEET West 2015a), though not in close enough proximity to each other to be considered suitable habitat for Hermes copper butterfly, as described further below.”  “These surveys did not identify any suitable habitat within the Proposed Project site, but did identify suitable habitat within 150 meters (500 feet) of the Proposed Project site (NEET West 2015a).”</td><td></td></tr><tr><td>Page 7-41, Lines 33-38</td><td><b>Mitigation Measure BIO-2 (Perform Focused Surveys for Special-Status Plants)</b> “NEET West or their contractor(s) shall implement the following measures:  Within 1 year before commencement of ground-disturbing activities, a qualified botanist shall perform surveys for special-status plant species with the potential to occur at the site. Floristic surveys will be performed according to the <i>Protocols for 35 Surveying and Evaluating Impacts to Specials Status Native Plant Populations and Natural Communities</i> (CDFG 2009 or current version). Floristic surveys will be performed during the appropriate bloom period(s) for each species. If special-status plants are detected within the construction zone or within a 100-foot radius of the construction zone, Mitigation Measure BIO-3 shall be implemented.”</td><td>NEET West performed focused plant surveys during the appropriate blooming period for the species with potential for occurrence within the project area. As such, supplemental focused plant survey is unnecessary. The locations of special-status plant populations will be observed and documented during the preconstruction surveys that will be conducted prior to construction as required by Mitigation Measure BIO-13(c). Without a rationale for this measure, there is no basis to require additional focused plant surveys. Therefore, Mitigation Measure BIO-2 is unnecessary and should be removed from the document.</td></tr><tr><td>Page 7-42, Lines 13-33</td><td><b>Mitigation Measure BIO-4 (Compensate for Impacts to Special-Status Plant Species)</b> “If avoidance of special-status plants is not feasible, NEET West shall implement measures to compensate for impacts on special-status plants. Compensation may be provided by purchasing credits at an approved mitigation bank (provided at a minimum 1:1 ratio [mitigation to impact]), or through transplanting perennial species, collecting and dispersing seed of annual species, and other conservation strategies that shall restore and protect the viability of the local population. Because of the differences in plant growth forms and life histories, conservation measures would be developed on a species-specific basis based on input from CDFW. If compensation measures are implemented, monitoring plant populations shall be conducted annually for 5 years to assess the mitigation’s effectiveness. Monitoring shall assess vegetative density, population size, natural recruitment, and plant health and vigor. Monitoring results may trigger management actions such as collection and sowing of additional seed, tillage/disturbance within existing populations to induce establishment, installation of container plants, and control of other competing vegetation to ensure successful plant establishment and survival. The determination of success will be based on whether there has been a substantial reduction (&gt; 20 percent) in the size or abundance of the population compared to baseline conditions. The site shall be evaluated at the end of the 5-year monitoring period to determine whether the mitigation has met the success criteria.”</td><td>Please refer to above comment on Page 7-14, Lines 20-21 regarding Special Status Plants. Additionally, compensatory mitigation was not required for special-status plants with a CNPS Rank 3 or 4 on the Sunrise Powerlink Project. Given the overlap in the project footprints, comparable nature and much smaller impact area of the Proposed Project, mitigation requirements should be comparable. Specifically, Mitigation Measure B-5 for Sunrise Powerlink stated, “Impacts to moderately sensitive plant species (i.e., BLM Sensitive, USDA Forest Service Sensitive, CNPS List 1 and 2 species) shall first be avoided where feasible, and, where not feasible, impacts shall be compensated through reseeding (with locally collected seed stock) or relocation to temporarily disturbed areas (reseeding and relocation of plants in ABDSP shall be determined in consultation with, and approval of, State Parks).” There was no mention of CNPS Ranks 3 or 4 receiving mitigation. Please also refer to NEET West’s accompanying cover letter for a discussion of NEET West’s concern with Mitigation Measure BIO-4.  Therefore, please revise Mitigation Measure BIO-4 be revised to read:  “If avoidance of special-status plants <u>or moderately sensitive (CNPS Ranks 1 and 2)</u> is not feasible, NEET West shall implement measures to compensate for impacts on special-status plants. Compensation may be provided by purchasing credits at an approved mitigation bank (provided at a minimum 1:1 ratio [mitigation to impact]), or through transplanting perennial species, collecting and dispersing seed of annual species, and other conservation strategies that shall restore and protect the viability of the local population. Because of the differences in plant growth forms and life histories, conservation measures would be developed on a species-specific basis based on input from CDFW. If compensation measures are implemented, monitoring plant populations shall be conducted annually for 5 years to assess the mitigation’s effectiveness. Monitoring shall assess vegetative density, population size, natural recruitment, and plant health and vigor. Monitoring results may trigger management actions such as collection and sowing of additional seed, tillage/disturbance within existing populations to induce establishment, installation of container plants, and control of other competing vegetation to ensure successful plant establishment and survival. The determination of success will be based on whether there has been a substantial reduction (&gt; 20 percent) in the size or abundance of the population compared to baseline conditions. The site shall be evaluated at the end of the 5-year monitoring period, <u>or sooner if conditions allow</u>, to determine whether the mitigation has met the success criteria.”</td></tr></table>	PAGE	DEIR LANGUAGE	NEXTERA ENERGY TRANSMISSION WEST’S COMMENT		“Both of these species are present on the Proposed Project site (NEET West 2015a), though not in close enough proximity to each other to be considered suitable habitat for Hermes copper butterfly, as described further below.”  “These surveys did not identify any suitable habitat within the Proposed Project site, but did identify suitable habitat within 150 meters (500 feet) of the Proposed Project site (NEET West 2015a).”		Page 7-41, Lines 33-38	<b>Mitigation Measure BIO-2 (Perform Focused Surveys for Special-Status Plants)</b> “NEET West or their contractor(s) shall implement the following measures:  Within 1 year before commencement of ground-disturbing activities, a qualified botanist shall perform surveys for special-status plant species with the potential to occur at the site. Floristic surveys will be performed according to the <i>Protocols for 35 Surveying and Evaluating Impacts to Specials Status Native Plant Populations and Natural Communities</i> (CDFG 2009 or current version). Floristic surveys will be performed during the appropriate bloom period(s) for each species. If special-status plants are detected within the construction zone or within a 100-foot radius of the construction zone, Mitigation Measure BIO-3 shall be implemented.”	NEET West performed focused plant surveys during the appropriate blooming period for the species with potential for occurrence within the project area. As such, supplemental focused plant survey is unnecessary. The locations of special-status plant populations will be observed and documented during the preconstruction surveys that will be conducted prior to construction as required by Mitigation Measure BIO-13(c). Without a rationale for this measure, there is no basis to require additional focused plant surveys. Therefore, Mitigation Measure BIO-2 is unnecessary and should be removed from the document.	Page 7-42, Lines 13-33	<b>Mitigation Measure BIO-4 (Compensate for Impacts to Special-Status Plant Species)</b> “If avoidance of special-status plants is not feasible, NEET West shall implement measures to compensate for impacts on special-status plants. Compensation may be provided by purchasing credits at an approved mitigation bank (provided at a minimum 1:1 ratio [mitigation to impact]), or through transplanting perennial species, collecting and dispersing seed of annual species, and other conservation strategies that shall restore and protect the viability of the local population. Because of the differences in plant growth forms and life histories, conservation measures would be developed on a species-specific basis based on input from CDFW. If compensation measures are implemented, monitoring plant populations shall be conducted annually for 5 years to assess the mitigation’s effectiveness. Monitoring shall assess vegetative density, population size, natural recruitment, and plant health and vigor. Monitoring results may trigger management actions such as collection and sowing of additional seed, tillage/disturbance within existing populations to induce establishment, installation of container plants, and control of other competing vegetation to ensure successful plant establishment and survival. The determination of success will be based on whether there has been a substantial reduction (> 20 percent) in the size or abundance of the population compared to baseline conditions. The site shall be evaluated at the end of the 5-year monitoring period to determine whether the mitigation has met the success criteria.”	Please refer to above comment on Page 7-14, Lines 20-21 regarding Special Status Plants. Additionally, compensatory mitigation was not required for special-status plants with a CNPS Rank 3 or 4 on the Sunrise Powerlink Project. Given the overlap in the project footprints, comparable nature and much smaller impact area of the Proposed Project, mitigation requirements should be comparable. Specifically, Mitigation Measure B-5 for Sunrise Powerlink stated, “Impacts to moderately sensitive plant species (i.e., BLM Sensitive, USDA Forest Service Sensitive, CNPS List 1 and 2 species) shall first be avoided where feasible, and, where not feasible, impacts shall be compensated through reseeding (with locally collected seed stock) or relocation to temporarily disturbed areas (reseeding and relocation of plants in ABDSP shall be determined in consultation with, and approval of, State Parks).” There was no mention of CNPS Ranks 3 or 4 receiving mitigation. Please also refer to NEET West’s accompanying cover letter for a discussion of NEET West’s concern with Mitigation Measure BIO-4.  Therefore, please revise Mitigation Measure BIO-4 be revised to read:  “If avoidance of special-status plants <u>or moderately sensitive (CNPS Ranks 1 and 2)</u> is not feasible, NEET West shall implement measures to compensate for impacts on special-status plants. Compensation may be provided by purchasing credits at an approved mitigation bank (provided at a minimum 1:1 ratio [mitigation to impact]), or through transplanting perennial species, collecting and dispersing seed of annual species, and other conservation strategies that shall restore and protect the viability of the local population. Because of the differences in plant growth forms and life histories, conservation measures would be developed on a species-specific basis based on input from CDFW. If compensation measures are implemented, monitoring plant populations shall be conducted annually for 5 years to assess the mitigation’s effectiveness. Monitoring shall assess vegetative density, population size, natural recruitment, and plant health and vigor. Monitoring results may trigger management actions such as collection and sowing of additional seed, tillage/disturbance within existing populations to induce establishment, installation of container plants, and control of other competing vegetation to ensure successful plant establishment and survival. The determination of success will be based on whether there has been a substantial reduction (> 20 percent) in the size or abundance of the population compared to baseline conditions. The site shall be evaluated at the end of the 5-year monitoring period, <u>or sooner if conditions allow</u> , to determine whether the mitigation has met the success criteria.”
PAGE	DEIR LANGUAGE	NEXTERA ENERGY TRANSMISSION WEST’S COMMENT												
	“Both of these species are present on the Proposed Project site (NEET West 2015a), though not in close enough proximity to each other to be considered suitable habitat for Hermes copper butterfly, as described further below.”  “These surveys did not identify any suitable habitat within the Proposed Project site, but did identify suitable habitat within 150 meters (500 feet) of the Proposed Project site (NEET West 2015a).”													
Page 7-41, Lines 33-38	<b>Mitigation Measure BIO-2 (Perform Focused Surveys for Special-Status Plants)</b> “NEET West or their contractor(s) shall implement the following measures:  Within 1 year before commencement of ground-disturbing activities, a qualified botanist shall perform surveys for special-status plant species with the potential to occur at the site. Floristic surveys will be performed according to the <i>Protocols for 35 Surveying and Evaluating Impacts to Specials Status Native Plant Populations and Natural Communities</i> (CDFG 2009 or current version). Floristic surveys will be performed during the appropriate bloom period(s) for each species. If special-status plants are detected within the construction zone or within a 100-foot radius of the construction zone, Mitigation Measure BIO-3 shall be implemented.”	NEET West performed focused plant surveys during the appropriate blooming period for the species with potential for occurrence within the project area. As such, supplemental focused plant survey is unnecessary. The locations of special-status plant populations will be observed and documented during the preconstruction surveys that will be conducted prior to construction as required by Mitigation Measure BIO-13(c). Without a rationale for this measure, there is no basis to require additional focused plant surveys. Therefore, Mitigation Measure BIO-2 is unnecessary and should be removed from the document.												
Page 7-42, Lines 13-33	<b>Mitigation Measure BIO-4 (Compensate for Impacts to Special-Status Plant Species)</b> “If avoidance of special-status plants is not feasible, NEET West shall implement measures to compensate for impacts on special-status plants. Compensation may be provided by purchasing credits at an approved mitigation bank (provided at a minimum 1:1 ratio [mitigation to impact]), or through transplanting perennial species, collecting and dispersing seed of annual species, and other conservation strategies that shall restore and protect the viability of the local population. Because of the differences in plant growth forms and life histories, conservation measures would be developed on a species-specific basis based on input from CDFW. If compensation measures are implemented, monitoring plant populations shall be conducted annually for 5 years to assess the mitigation’s effectiveness. Monitoring shall assess vegetative density, population size, natural recruitment, and plant health and vigor. Monitoring results may trigger management actions such as collection and sowing of additional seed, tillage/disturbance within existing populations to induce establishment, installation of container plants, and control of other competing vegetation to ensure successful plant establishment and survival. The determination of success will be based on whether there has been a substantial reduction (> 20 percent) in the size or abundance of the population compared to baseline conditions. The site shall be evaluated at the end of the 5-year monitoring period to determine whether the mitigation has met the success criteria.”	Please refer to above comment on Page 7-14, Lines 20-21 regarding Special Status Plants. Additionally, compensatory mitigation was not required for special-status plants with a CNPS Rank 3 or 4 on the Sunrise Powerlink Project. Given the overlap in the project footprints, comparable nature and much smaller impact area of the Proposed Project, mitigation requirements should be comparable. Specifically, Mitigation Measure B-5 for Sunrise Powerlink stated, “Impacts to moderately sensitive plant species (i.e., BLM Sensitive, USDA Forest Service Sensitive, CNPS List 1 and 2 species) shall first be avoided where feasible, and, where not feasible, impacts shall be compensated through reseeding (with locally collected seed stock) or relocation to temporarily disturbed areas (reseeding and relocation of plants in ABDSP shall be determined in consultation with, and approval of, State Parks).” There was no mention of CNPS Ranks 3 or 4 receiving mitigation. Please also refer to NEET West’s accompanying cover letter for a discussion of NEET West’s concern with Mitigation Measure BIO-4.  Therefore, please revise Mitigation Measure BIO-4 be revised to read:  “If avoidance of special-status plants <u>or moderately sensitive (CNPS Ranks 1 and 2)</u> is not feasible, NEET West shall implement measures to compensate for impacts on special-status plants. Compensation may be provided by purchasing credits at an approved mitigation bank (provided at a minimum 1:1 ratio [mitigation to impact]), or through transplanting perennial species, collecting and dispersing seed of annual species, and other conservation strategies that shall restore and protect the viability of the local population. Because of the differences in plant growth forms and life histories, conservation measures would be developed on a species-specific basis based on input from CDFW. If compensation measures are implemented, monitoring plant populations shall be conducted annually for 5 years to assess the mitigation’s effectiveness. Monitoring shall assess vegetative density, population size, natural recruitment, and plant health and vigor. Monitoring results may trigger management actions such as collection and sowing of additional seed, tillage/disturbance within existing populations to induce establishment, installation of container plants, and control of other competing vegetation to ensure successful plant establishment and survival. The determination of success will be based on whether there has been a substantial reduction (> 20 percent) in the size or abundance of the population compared to baseline conditions. The site shall be evaluated at the end of the 5-year monitoring period, <u>or sooner if conditions allow</u> , to determine whether the mitigation has met the success criteria.”												

F-78  
Cont.

F-79

F-80

9

Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

	PAGE	DEIR LANGUAGE	NEXTERA ENERGY TRANSMISSION WEST’S COMMENT
F-81	Page 7-43, Lines 14-17 and 20-34	<b>Mitigation Measures BIO-5 (Avoid Impacts on Nesting Birds) and BIO-6 (Implement Preconstruction Surveys for Birds Protected Under MBTA)</b>  “Whenever possible, NEET West or their contractor(s) shall avoid impacts on native nesting birds by not initiating Proposed Project activities that involve clearing vegetation, generating mechanical noise, or ground disturbance during the typical breeding season from February 1 to August 31.”	Due to the phasing of construction, it is infeasible to comply with this measure and initiate all construction activities outside the nesting bird breeding season. As a result, NEET West requests that Mitigation Measure BIO-5 be removed from the DEIR. Additionally, BIO-5 is unnecessary; any impacts to nesting birds will be less than significant through compliance with Mitigation Measure BIO-6.
F-82	Page 7-43, Line 24	<b>Mitigation Measure BIO-6 (Implement Preconstruction Surveys for Birds Protected Under MBTA)</b>  “If construction is scheduled to commence during the non-nesting season (September 1 to January 31), no preconstruction surveys for nesting birds are required. If construction begins between February 1 and August 31, NEET West or their contractor(s) shall ensure that surveys for nesting birds are conducted by a qualified biologist within a 500-foot radius of the construction area. The survey shall be conducted no more than 14 days prior to construction. If the biologist determines that the area surveyed does not contain any active nests, then construction activities may commence without any further mitigation. If active nests are found, CDFW and USFWS will be notified and no-work buffers around nests shall be established that are sufficient to ensure that breeding is not likely to be disrupted or adversely affected by construction. Buffers for non-special-status birds protected under the MBTA shall be 250 feet around the nest. Special status birds are not anticipate to nest within 500 feet of the Proposed Project, but if active special status bird nest are detected, no-work buffer shall be 500 feet around the nest. Buffers will be maintained until the young have fledged or the nests become inactive.”	<p>There is no provision in Mitigation Measure BIO-6 allowing the qualified biologist to adjust no-work buffers as NEET West had proposed in APM BIO-5 in the PEA. In certain circumstances where there is visual screening from the nest, intervening topography, active and existing roadways between the nest and construction areas, or habituation to construction as determined by a qualified biologist, the applicant should be afforded the opportunity to coordinate with CDFW and U.S. Fish and Wildlife Service (“USFWS”) to obtain a buffer reduction. Similarly, in some circumstances it may be necessary to perform certain types of work within the standard buffer. In these cases, qualified biologists consider all relevant site-specific conditions, including the species’ tolerance for disturbance, work activity type, noise levels, and distance to nest to determine if reducing the standard buffer is appropriate. Buffers should not apply to construction related traffic using existing roads that are not limited to project-specific use (i.e., county roads, highways, farm and/or neighborhood roads, etc.).</p> <p>Additionally Mitigation Measure BIO-6 includes only one no-work buffer of 250 feet for non-special-status birds. Typically the buffers are based on whether the birds are passerine species or raptors. NEET West accepts the 250 foot buffer for common raptors; however, a 250-foot buffer for passerines is atypical. On most projects the no-work buffer for common passerine species protected by MBTA is 100 feet.</p> <p>As a result, please revise Mitigation Measure BIO-6 to read:</p> <p>“If construction is scheduled to commence during the non-nesting season (September 1 to January 31), no preconstruction surveys for nesting birds are required. If construction begins between February 1 and August 31, NEET West or their contractor(s) shall ensure that surveys for nesting birds are conducted by a qualified biologist within a 500-foot radius of the construction area. The survey shall be conducted no more than 14 days prior to construction. If the biologist determines that the area surveyed does not contain any active nests, then construction activities may commence without any further mitigation. If active nests are found, CDFW and USFWS will be notified and no-work buffers around nests shall be established that are sufficient to ensure that breeding is not likely to be disrupted or adversely affected by construction. Buffers for non-special-status birds protected under the MBTA shall be 250 feet around the nest <u>for raptors and 100 feet for passerine species</u>. Special status birds are not anticipate to nest within 500 feet of the Proposed Project, but if active special status bird nest are detected, no-work buffer shall be 500 feet around the nest. Buffers will be maintained until the young have fledged or the nests become inactive. <u>Encroachment into the buffer may occur at the discretion of a qualified biologist in certain circumstances such as visual screening from the nest, intervening topography, existing roadways between the nest and construction areas, habituation to construction, or similar. If bird nesting is initiated during active construction, the birds will be assumed acclimated to the disturbance and no buffer will be applied; however, direct impacts to active nests will be avoided. Buffers will not apply to construction related traffic using existing roads that are not limited to project-specific use (i.e., county roads, highways, farm and/or neighborhood roads, etc.).</u>”</p>
F-83	Page 7-44 and 7-45, Line 18-38 on page 7-44 and Line 1-5 on page 7-45	<b>Mitigation Measure BIO-8: Survey for Potential Hermes Copper Habitat.</b>  “Prior to the start of vegetation clearing for the Project, a survey shall be conducted to determine the presence or absence of potentially suitable Hermes copper habitat within the Project footprint. Potentially suitable habitat is defined as mature (woody) spiny redberry shrub(s) within 15 feet of California buckwheat. If Hermes copper habitat is mapped within the project footprint and will be affected by Project activities, then Mitigation Measure BIO-9 shall be implemented.”	Please refer to comment on Mitigation Measure BIO-9 (Page 7-44, Line 38 and Page 7-45, Lines 1-5) regarding Hermes copper butterfly.
10			

Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

	PAGE	DEIR LANGUAGE	NEXTERA ENERGY TRANSMISSION WEST’S COMMENT
F-84	Page 7-46, Lines 26-33	<b>Mitigation Measure BIO-12 (Vehicle Use of Existing Roads)</b> “NEET West or their contractor(s) shall restrict all Proposed Project vehicle movement to existing roads as a part of the Proposed Project, except when not feasible due to physical or safety constraints. When it is not feasible to keep vehicles on existing access roads or avoid construction of access driveways during the nesting, breeding, or migration season, NEET West shall perform a site survey in the area where the work is to occur. This survey shall be performed to determine presence or absence of special-status nesting birds or other special-status species in the work area.”	Portions of Mitigation Measure BIO-12 are duplicative with Mitigation Measure BIO-6 relating to the need to conduct surveys during nesting, breeding, or migration seasons.  Accordingly, please modify the DEIR language as follows:  <b>Mitigation Measure BIO-12 (Vehicle Use of Existing Roads)</b> “NEET West or their contractor(s) shall restrict all Proposed Project vehicle movement to existing roads as a part of the Proposed Project, except when not feasible due to physical or safety constraints. <del>When it is not feasible to keep vehicles on existing access roads or avoid construction of access driveways during the nesting, breeding, or migration season, NEET West shall perform a site survey in the area where the work is to occur. This survey shall be performed to determine presence or absence of special status nesting birds or other special status species in the work area.”</del>
	Page 7-47, Lines 7-10	<b>Mitigation Measure BIO-13(c) (Preconstruction Sweeps for Biological Resources)</b> “c) In the event of the discovery of a previously unknown special-status plant, the area will be marked as an environmentally sensitive area, and avoided to the maximum extent practicable. If avoidance is not possible, NEET West will consult with USFWS and/or CDFW as appropriate given the species’ status.”	Mitigation Measure BIO-13(c) is duplicative and inconsistent with Mitigation Measure BIO-4, which already requires compensatory mitigation for impacts to special-status plants, which is sufficient mitigation for impacts to such species. Furthermore, Mitigation Measure BIO-13(c) is vague and contains no criteria for developing actual mitigation, other than coordination/consultation with CDFW and USFWS “as appropriate given the species’ status.”  Therefore, please revise Mitigation Measure BIO-13(c) text to read:  “c) In the event of the discovery of a previously unknown special-status plant, the area will be marked as an environmentally sensitive area, and avoided to the maximum extent practicable. If avoidance is not possible, NEET West will implement MM BIO-4 <del>consult with USFWS and/or CDFW as appropriate given the species’ status.”</del>
CHAPTER 8, CULTURAL RESOURCES			
F-86	Page 8-19, Lines 24-25	<b>Mitigation Measure CR-1 (Conduct Archaeological Sensitivity Training and Construction Monitoring)</b> “Prior to initiation of ground-disturbing activities, NEET West shall arrange for construction crews to receive training about the kinds of archaeological materials that could be present within the project site and the protocols to be followed should any such materials be uncovered during construction. Training shall be conducted by an archaeologist who meets the U.S. Secretary of Interior’s professional standards. Training may be required during different phases of construction to educate new construction personnel.”	Mitigation Measure CR-1 states that training shall be conducted by an archaeologist who meets the U.S. Secretary of Interior’s professional standards. Not all archaeological monitors meet these standards nor do they need to if overseen by a principal investigator. In addition, during construction environmental awareness training is often provided by the on-site environmental inspector and it is unnecessary for an archaeologist meeting U.S. Secretary of Interior professional standards to come to the site to facilitate the cultural resources portion of the training.  Therefore, please revise Mitigation Measure CR-1 to read:  “Prior to initiation of ground-disturbing activities, NEET West shall arrange for construction crews to receive training about the kinds of archaeological materials that could be present within the project site and the protocols to be followed should any such materials be uncovered during construction. Training materials <del>shall be developed</del> <del>shall be conducted</del> by an archaeologist who meets the U.S. Secretary of Interior’s professional standards. Training may be required during different phases of construction to educate new construction personnel.”
	Page 8-19, Lines 28-30	<b>Mitigation Measure CR-1 (Conduct Archaeological Sensitivity Training and Construction Monitoring)</b>  The DEIR states:  “Prior to initiation of ground-disturbing activities, NEET West shall arrange for construction crews to receive training about the kinds of archaeological materials that could be present within the project site and the protocols to be followed should any such materials be uncovered during construction. Training shall be conducted by an archaeologist who meets the U.S. Secretary of Interior’s professional standards. Training may be required during different phases of construction to educate new construction personnel.	Based on the November 2015 Cultural Resources Technical Report findings, the PEA included an APM for construction monitoring by an archaeologist and Native American for initial ground disturbing activities. In contrast, Mitigation Measure CR-1 would require full time monitoring of all ground disturbing activities by archaeologist and Native American. This level of monitoring is not warranted, given the low likelihood that there are subsurface archaeological deposits within the Project’s footprint.  The November 2015 Cultural Resources Technical Report (pages 66-67) concludes that it is unlikely that previously unidentified cultural resources, including intact buried archaeological deposits, occur within the Proposed Project Area:  <i>“The results of SWCA’s survey and research indicate that it is unlikely that intact, subsurface archaeological deposits are present in the Proposed Project Area. As noted above, the SVC location has been disturbed down to a depth of 24 inches as part of recent construction activities. The majority of the proposed underground transmission line will be located</i>
F-87			



Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

F-87 Cont.		<table><tr><th>PAGE</th><th>DEIR LANGUAGE</th><th>NEXTERA ENERGY TRANSMISSION WEST’S COMMENT</th></tr><tr><td></td><td><p>The presence of archaeological sites both within the Proposed Project SVC area and along the Bell Bluff Truck Trail indicates that the area is sensitive for archaeological resources. As a result, a qualified archaeological monitor shall be retained to monitor all ground disturbing activities associated with the project. A Native American monitor shall also participate in observing ground-disturbing activities. If any prehistoric or historic-era features, or human remains, are exposed during construction, the archaeological monitor shall have the authority to stop work in the vicinity of the finds and implement the actions identified in Mitigation Measure CR-2.”</p></td><td><p><i>within the paved roadbed of Bell Bluff Truck Trail. Further, with the exception of the SVC site, most of the Proposed Project Area is located on slopes where the depositional context is not conducive to sediment accumulation, reducing the possibility of encountering buried deposits. Prehistoric sites in the vicinity of the project consist primarily of lithic and ground stone scatters, bedrock milling stations, or a combination of these. These types of sites typically do not have buried deposits. Of the three sites in the project vicinity that have been evaluated, two (CA-SDI-20166 and CA-SDI-20239) did not have a buried component, and the buried component of the remaining site (CA-SDI-19036) was not significant.</i></p><p><i>Further, the survey coverage of the Proposed Project Area is excellent, and it is likely that any resources present have been identified. In addition to the current study, three cultural resources studies have been conducted within the Proposed Project Area since 2008: these include two cultural resources surveys (Garcia-Herbst et. al 2010 and Noah 2008) and one construction monitoring project (Kyle and Williams 2013).</i></p><p><i>Based on background research, survey results, and the highly disturbed context of sediments in the Proposed Project Area, it is unlikely that previously unidentified cultural resources, including intact buried archaeological deposits, occur within the Proposed Project Area. Proposed construction activities will be limited to the Proposed Project Area, and potential blasting will be limited to excavations for the underground electrical transmission line in areas wherein standard excavation methods are not feasible, such as within bedrock, which is highly unlikely to contain archaeological deposits. NEET West anticipates that majority of the site can be excavated by conventional methods, although a minimal amount of hydraulic hammering or blasting may be required. Further, the potential blasting will occur after other sediments have been mechanically removed through standard excavation methods and will be minimized to localize disturbance. Thus, proposed construction activities, including potential blasting, are unlikely to disturb previously unidentified cultural resources.”</i></p><p>Based on the foregoing, please revise Mitigation Measure CR-1 to read:</p><p>“Prior to initiation of ground-disturbing activities, NEET West shall arrange for construction crews to receive training about the kinds of archaeological materials that could be present within the project site and the protocols to be followed should any such materials be uncovered during construction. Training shall be conducted by an archaeologist who meets the U.S. Secretary of Interior’s professional standards. Training may be required during different phases of construction to educate new construction personnel.</p><p><del>The presence of archaeological sites both within the Proposed Project SVC area and along the Bell Bluff Truck Trail indicates that the area is sensitive for archaeological resources. As a result, a</del> qualified archaeological monitor shall be retained to <del>monitor all</del> <u>conduct full-time monitoring of initial</u> ground disturbing activities associated with the project. A Native American monitor shall also participate in observing <u>initial</u> ground-disturbing activities. <u>The archaeological monitor will work under the supervision of the principal investigator. The duration and timing of the monitoring will be determined by the CPUC, with recommendations provided by the principal investigator. If the principal investigator determines that monitoring is no longer warranted, he or she may recommend to the CPUC that monitoring cease entirely. In addition, if the principal investigator determines that an increase in the level of monitoring is warranted, he or she may recommend to the CPUC that full-time monitoring continue beyond initial ground disturbance.</u> If any prehistoric or historic-era features, or human remains, are exposed during construction, the archaeological monitor shall have the authority to stop work in the vicinity of the finds and implement the actions identified in Mitigation Measure CR-2.”</p></td></tr></table>	PAGE	DEIR LANGUAGE	NEXTERA ENERGY TRANSMISSION WEST’S COMMENT		<p>The presence of archaeological sites both within the Proposed Project SVC area and along the Bell Bluff Truck Trail indicates that the area is sensitive for archaeological resources. As a result, a qualified archaeological monitor shall be retained to monitor all ground disturbing activities associated with the project. A Native American monitor shall also participate in observing ground-disturbing activities. If any prehistoric or historic-era features, or human remains, are exposed during construction, the archaeological monitor shall have the authority to stop work in the vicinity of the finds and implement the actions identified in Mitigation Measure CR-2.”</p>	<p><i>within the paved roadbed of Bell Bluff Truck Trail. Further, with the exception of the SVC site, most of the Proposed Project Area is located on slopes where the depositional context is not conducive to sediment accumulation, reducing the possibility of encountering buried deposits. Prehistoric sites in the vicinity of the project consist primarily of lithic and ground stone scatters, bedrock milling stations, or a combination of these. These types of sites typically do not have buried deposits. Of the three sites in the project vicinity that have been evaluated, two (CA-SDI-20166 and CA-SDI-20239) did not have a buried component, and the buried component of the remaining site (CA-SDI-19036) was not significant.</i></p> <p><i>Further, the survey coverage of the Proposed Project Area is excellent, and it is likely that any resources present have been identified. In addition to the current study, three cultural resources studies have been conducted within the Proposed Project Area since 2008: these include two cultural resources surveys (Garcia-Herbst et. al 2010 and Noah 2008) and one construction monitoring project (Kyle and Williams 2013).</i></p> <p><i>Based on background research, survey results, and the highly disturbed context of sediments in the Proposed Project Area, it is unlikely that previously unidentified cultural resources, including intact buried archaeological deposits, occur within the Proposed Project Area. Proposed construction activities will be limited to the Proposed Project Area, and potential blasting will be limited to excavations for the underground electrical transmission line in areas wherein standard excavation methods are not feasible, such as within bedrock, which is highly unlikely to contain archaeological deposits. NEET West anticipates that majority of the site can be excavated by conventional methods, although a minimal amount of hydraulic hammering or blasting may be required. Further, the potential blasting will occur after other sediments have been mechanically removed through standard excavation methods and will be minimized to localize disturbance. Thus, proposed construction activities, including potential blasting, are unlikely to disturb previously unidentified cultural resources.”</i></p> <p>Based on the foregoing, please revise Mitigation Measure CR-1 to read:</p> <p>“Prior to initiation of ground-disturbing activities, NEET West shall arrange for construction crews to receive training about the kinds of archaeological materials that could be present within the project site and the protocols to be followed should any such materials be uncovered during construction. Training shall be conducted by an archaeologist who meets the U.S. Secretary of Interior’s professional standards. Training may be required during different phases of construction to educate new construction personnel.</p> <p><del>The presence of archaeological sites both within the Proposed Project SVC area and along the Bell Bluff Truck Trail indicates that the area is sensitive for archaeological resources. As a result, a</del> qualified archaeological monitor shall be retained to <del>monitor all</del> <u>conduct full-time monitoring of initial</u> ground disturbing activities associated with the project. A Native American monitor shall also participate in observing <u>initial</u> ground-disturbing activities. <u>The archaeological monitor will work under the supervision of the principal investigator. The duration and timing of the monitoring will be determined by the CPUC, with recommendations provided by the principal investigator. If the principal investigator determines that monitoring is no longer warranted, he or she may recommend to the CPUC that monitoring cease entirely. In addition, if the principal investigator determines that an increase in the level of monitoring is warranted, he or she may recommend to the CPUC that full-time monitoring continue beyond initial ground disturbance.</u> If any prehistoric or historic-era features, or human remains, are exposed during construction, the archaeological monitor shall have the authority to stop work in the vicinity of the finds and implement the actions identified in Mitigation Measure CR-2.”</p>
PAGE	DEIR LANGUAGE	NEXTERA ENERGY TRANSMISSION WEST’S COMMENT						
	<p>The presence of archaeological sites both within the Proposed Project SVC area and along the Bell Bluff Truck Trail indicates that the area is sensitive for archaeological resources. As a result, a qualified archaeological monitor shall be retained to monitor all ground disturbing activities associated with the project. A Native American monitor shall also participate in observing ground-disturbing activities. If any prehistoric or historic-era features, or human remains, are exposed during construction, the archaeological monitor shall have the authority to stop work in the vicinity of the finds and implement the actions identified in Mitigation Measure CR-2.”</p>	<p><i>within the paved roadbed of Bell Bluff Truck Trail. Further, with the exception of the SVC site, most of the Proposed Project Area is located on slopes where the depositional context is not conducive to sediment accumulation, reducing the possibility of encountering buried deposits. Prehistoric sites in the vicinity of the project consist primarily of lithic and ground stone scatters, bedrock milling stations, or a combination of these. These types of sites typically do not have buried deposits. Of the three sites in the project vicinity that have been evaluated, two (CA-SDI-20166 and CA-SDI-20239) did not have a buried component, and the buried component of the remaining site (CA-SDI-19036) was not significant.</i></p> <p><i>Further, the survey coverage of the Proposed Project Area is excellent, and it is likely that any resources present have been identified. In addition to the current study, three cultural resources studies have been conducted within the Proposed Project Area since 2008: these include two cultural resources surveys (Garcia-Herbst et. al 2010 and Noah 2008) and one construction monitoring project (Kyle and Williams 2013).</i></p> <p><i>Based on background research, survey results, and the highly disturbed context of sediments in the Proposed Project Area, it is unlikely that previously unidentified cultural resources, including intact buried archaeological deposits, occur within the Proposed Project Area. Proposed construction activities will be limited to the Proposed Project Area, and potential blasting will be limited to excavations for the underground electrical transmission line in areas wherein standard excavation methods are not feasible, such as within bedrock, which is highly unlikely to contain archaeological deposits. NEET West anticipates that majority of the site can be excavated by conventional methods, although a minimal amount of hydraulic hammering or blasting may be required. Further, the potential blasting will occur after other sediments have been mechanically removed through standard excavation methods and will be minimized to localize disturbance. Thus, proposed construction activities, including potential blasting, are unlikely to disturb previously unidentified cultural resources.”</i></p> <p>Based on the foregoing, please revise Mitigation Measure CR-1 to read:</p> <p>“Prior to initiation of ground-disturbing activities, NEET West shall arrange for construction crews to receive training about the kinds of archaeological materials that could be present within the project site and the protocols to be followed should any such materials be uncovered during construction. Training shall be conducted by an archaeologist who meets the U.S. Secretary of Interior’s professional standards. Training may be required during different phases of construction to educate new construction personnel.</p> <p><del>The presence of archaeological sites both within the Proposed Project SVC area and along the Bell Bluff Truck Trail indicates that the area is sensitive for archaeological resources. As a result, a</del> qualified archaeological monitor shall be retained to <del>monitor all</del> <u>conduct full-time monitoring of initial</u> ground disturbing activities associated with the project. A Native American monitor shall also participate in observing <u>initial</u> ground-disturbing activities. <u>The archaeological monitor will work under the supervision of the principal investigator. The duration and timing of the monitoring will be determined by the CPUC, with recommendations provided by the principal investigator. If the principal investigator determines that monitoring is no longer warranted, he or she may recommend to the CPUC that monitoring cease entirely. In addition, if the principal investigator determines that an increase in the level of monitoring is warranted, he or she may recommend to the CPUC that full-time monitoring continue beyond initial ground disturbance.</u> If any prehistoric or historic-era features, or human remains, are exposed during construction, the archaeological monitor shall have the authority to stop work in the vicinity of the finds and implement the actions identified in Mitigation Measure CR-2.”</p>						
F-88	Page 8-20, Line 2	<p><b>Mitigation Measures CR-2 (Immediately Halt Construction if Cultural Resources Are Discovered, Evaluate All Identified Cultural Resources for Eligibility for Inclusion in the CRHR, and Implement Appropriate Mitigation Measures for Eligible Resources)</b></p> <p>“Not all cultural resources are visible on the ground surface. Construction activities, including possible blasting, at the SVC would require excavation up to 15 feet deep for the installation for the transmission line along the Bell Bluff Truck Trail would be up to 9 feet deep.”</p>						

Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

		<table><tr><th>PAGE</th><th>DEIR LANGUAGE</th><th>NEXTERA ENERGY TRANSMISSION WEST’S COMMENT</th></tr><tr><td>Page 8-20, Lines 41-42</td><td><p><b>Mitigation Measure CR-3 (Immediately Halt Construction if Human Remains Are Discovered and Implement Applicable Provisions of the California Health and Safety Code)</b></p><p>“If human remains are accidentally discovered during the Proposed Project’s construction activities, the requirements of California Health and Human Safety Code Section 7050.5 shall be followed. Potentially damaging excavation shall halt in the project site of the remains, with a minimum radius of <b>100 feet</b>, and the County Coroner shall be notified. The Coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code § 7050.5[b]). If the Coroner determines that the remains are those of a Native American, he or she must contact NAHC by phone within 24 hours of making that determination (Health and Safety Code § 7050[c]). Pursuant to the provisions of Public Resources Code Section 5097.98, the NAHC shall identify a Most Likely Descendent (MLD). The MLD designated by the NAHC shall have at least 48 hours to inspect the site and propose treatment and disposition of the remains and any associated grave goods. NEET West shall work with the MLD to ensure that the remains are removed to a protected location and treated with dignity.”</p></td><td><p>If human remains are encountered during construction, NEET West will comply with California law (Health and Safety Code Section 7050.5; Public Resources Code sections 5097.94, 5097.98, and 5097.99). These laws specify that work stop immediately in any areas where human remains or suspected human remains are encountered. A 100-foot buffer is excessive and not required.</p><p>Please revise the DEIR text to read:</p><p>“If human remains are accidentally discovered during the Proposed Project’s construction activities, the requirements of California Health and <del>Human</del> Safety Code Section 7050.5 shall be followed. Potentially damaging excavation shall halt in the project site of the remains, with a minimum radius of <del>100</del> <u>50</u> feet, and the County Coroner shall be notified. The Coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code § 7050.5[b]). If the Coroner determines that the remains are those of a Native American, he or she must contact NAHC by phone within 24 hours of making that determination (Health and Safety Code § 7050[c]). Pursuant to the provisions of Public Resources Code Section 5097.98, the NAHC shall identify a Most Likely Descendent (MLD). The MLD designated by the NAHC shall have at least 48 hours to inspect the site and propose treatment and disposition of the remains and any associated grave goods. NEET West shall work with the MLD to ensure that the remains are removed to a protected location and treated with dignity.”</p></td></tr></table>	PAGE	DEIR LANGUAGE	NEXTERA ENERGY TRANSMISSION WEST’S COMMENT	Page 8-20, Lines 41-42	<p><b>Mitigation Measure CR-3 (Immediately Halt Construction if Human Remains Are Discovered and Implement Applicable Provisions of the California Health and Safety Code)</b></p> <p>“If human remains are accidentally discovered during the Proposed Project’s construction activities, the requirements of California Health and Human Safety Code Section 7050.5 shall be followed. Potentially damaging excavation shall halt in the project site of the remains, with a minimum radius of <b>100 feet</b>, and the County Coroner shall be notified. The Coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code § 7050.5[b]). If the Coroner determines that the remains are those of a Native American, he or she must contact NAHC by phone within 24 hours of making that determination (Health and Safety Code § 7050[c]). Pursuant to the provisions of Public Resources Code Section 5097.98, the NAHC shall identify a Most Likely Descendent (MLD). The MLD designated by the NAHC shall have at least 48 hours to inspect the site and propose treatment and disposition of the remains and any associated grave goods. NEET West shall work with the MLD to ensure that the remains are removed to a protected location and treated with dignity.”</p>	<p>If human remains are encountered during construction, NEET West will comply with California law (Health and Safety Code Section 7050.5; Public Resources Code sections 5097.94, 5097.98, and 5097.99). These laws specify that work stop immediately in any areas where human remains or suspected human remains are encountered. A 100-foot buffer is excessive and not required.</p> <p>Please revise the DEIR text to read:</p> <p>“If human remains are accidentally discovered during the Proposed Project’s construction activities, the requirements of California Health and <del>Human</del> Safety Code Section 7050.5 shall be followed. Potentially damaging excavation shall halt in the project site of the remains, with a minimum radius of <del>100</del> <u>50</u> feet, and the County Coroner shall be notified. The Coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code § 7050.5[b]). If the Coroner determines that the remains are those of a Native American, he or she must contact NAHC by phone within 24 hours of making that determination (Health and Safety Code § 7050[c]). Pursuant to the provisions of Public Resources Code Section 5097.98, the NAHC shall identify a Most Likely Descendent (MLD). The MLD designated by the NAHC shall have at least 48 hours to inspect the site and propose treatment and disposition of the remains and any associated grave goods. NEET West shall work with the MLD to ensure that the remains are removed to a protected location and treated with dignity.”</p>
PAGE	DEIR LANGUAGE	NEXTERA ENERGY TRANSMISSION WEST’S COMMENT						
Page 8-20, Lines 41-42	<p><b>Mitigation Measure CR-3 (Immediately Halt Construction if Human Remains Are Discovered and Implement Applicable Provisions of the California Health and Safety Code)</b></p> <p>“If human remains are accidentally discovered during the Proposed Project’s construction activities, the requirements of California Health and Human Safety Code Section 7050.5 shall be followed. Potentially damaging excavation shall halt in the project site of the remains, with a minimum radius of <b>100 feet</b>, and the County Coroner shall be notified. The Coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code § 7050.5[b]). If the Coroner determines that the remains are those of a Native American, he or she must contact NAHC by phone within 24 hours of making that determination (Health and Safety Code § 7050[c]). Pursuant to the provisions of Public Resources Code Section 5097.98, the NAHC shall identify a Most Likely Descendent (MLD). The MLD designated by the NAHC shall have at least 48 hours to inspect the site and propose treatment and disposition of the remains and any associated grave goods. NEET West shall work with the MLD to ensure that the remains are removed to a protected location and treated with dignity.”</p>	<p>If human remains are encountered during construction, NEET West will comply with California law (Health and Safety Code Section 7050.5; Public Resources Code sections 5097.94, 5097.98, and 5097.99). These laws specify that work stop immediately in any areas where human remains or suspected human remains are encountered. A 100-foot buffer is excessive and not required.</p> <p>Please revise the DEIR text to read:</p> <p>“If human remains are accidentally discovered during the Proposed Project’s construction activities, the requirements of California Health and <del>Human</del> Safety Code Section 7050.5 shall be followed. Potentially damaging excavation shall halt in the project site of the remains, with a minimum radius of <del>100</del> <u>50</u> feet, and the County Coroner shall be notified. The Coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code § 7050.5[b]). If the Coroner determines that the remains are those of a Native American, he or she must contact NAHC by phone within 24 hours of making that determination (Health and Safety Code § 7050[c]). Pursuant to the provisions of Public Resources Code Section 5097.98, the NAHC shall identify a Most Likely Descendent (MLD). The MLD designated by the NAHC shall have at least 48 hours to inspect the site and propose treatment and disposition of the remains and any associated grave goods. NEET West shall work with the MLD to ensure that the remains are removed to a protected location and treated with dignity.”</p>						
	<b>CHAPTER 11, HAZARDS AND HAZARDOUS MATERIALS</b>							
	<table><tr><td>Page 11-20, Lines 25-32</td><td><p><b>Mitigation Measure HAZ-3: Prepare and Implement a Construction Fire Prevention Plan</b></p><p>“NEET West and/or its contractor(s) shall prepare and implement the Project’s Construction Fire Prevention Plan (CFPP) in accordance with applicable sections of the San Diego County Consolidated Fire Code. The document will address fire prevention measures that will be employed during the construction phase, identifying potential sources of ignition and detailing the measures, equipment, and training that will be provided to all site contractors. The CFPP shall be prepared, reviewed, and approved by the San Diego County Fire Authority (SDCFA) and CAL FIRE a minimum of 45 days prior to commencement of construction activities.”</p></td><td><p>The San Diego County Fire Authority (“SDCFA”) has assumed primary jurisdiction over wildland firefighting in the Proposed Project vicinity and will be the lead agency with approval authority for the Proposed Project’s Construction Fire Prevention Plan. CAL FIRE was involved with SDCFA in the review and approval of the Proposed Project’s Fire Protection Plan.</p><p>Accordingly, please revise text of Mitigation Measure HAZ-3 to read:</p><p>“NEET West and/or its contractor(s) shall prepare and implement the Project’s Construction Fire Prevention Plan (CFPP) in accordance with applicable sections of the San Diego County Consolidated Fire Code. The document will address fire prevention measures that will be employed during the construction phase, identifying potential sources of ignition and detailing the measures, equipment, and training that will be provided to all site contractors. The CFPP shall be prepared, reviewed, and <del>approved by</del> provided to the San Diego County Fire Authority (SDCFA) <del>and CAL FIRE</del> for a minimum of 45 days for review prior to <del>commencement</del> of construction activities.”</p></td></tr></table>	Page 11-20, Lines 25-32	<p><b>Mitigation Measure HAZ-3: Prepare and Implement a Construction Fire Prevention Plan</b></p> <p>“NEET West and/or its contractor(s) shall prepare and implement the Project’s Construction Fire Prevention Plan (CFPP) in accordance with applicable sections of the San Diego County Consolidated Fire Code. The document will address fire prevention measures that will be employed during the construction phase, identifying potential sources of ignition and detailing the measures, equipment, and training that will be provided to all site contractors. The CFPP shall be prepared, reviewed, and approved by the San Diego County Fire Authority (SDCFA) and CAL FIRE a minimum of 45 days prior to commencement of construction activities.”</p>	<p>The San Diego County Fire Authority (“SDCFA”) has assumed primary jurisdiction over wildland firefighting in the Proposed Project vicinity and will be the lead agency with approval authority for the Proposed Project’s Construction Fire Prevention Plan. CAL FIRE was involved with SDCFA in the review and approval of the Proposed Project’s Fire Protection Plan.</p> <p>Accordingly, please revise text of Mitigation Measure HAZ-3 to read:</p> <p>“NEET West and/or its contractor(s) shall prepare and implement the Project’s Construction Fire Prevention Plan (CFPP) in accordance with applicable sections of the San Diego County Consolidated Fire Code. The document will address fire prevention measures that will be employed during the construction phase, identifying potential sources of ignition and detailing the measures, equipment, and training that will be provided to all site contractors. The CFPP shall be prepared, reviewed, and <del>approved by</del> provided to the San Diego County Fire Authority (SDCFA) <del>and CAL FIRE</del> for a minimum of 45 days for review prior to <del>commencement</del> of construction activities.”</p>				
Page 11-20, Lines 25-32	<p><b>Mitigation Measure HAZ-3: Prepare and Implement a Construction Fire Prevention Plan</b></p> <p>“NEET West and/or its contractor(s) shall prepare and implement the Project’s Construction Fire Prevention Plan (CFPP) in accordance with applicable sections of the San Diego County Consolidated Fire Code. The document will address fire prevention measures that will be employed during the construction phase, identifying potential sources of ignition and detailing the measures, equipment, and training that will be provided to all site contractors. The CFPP shall be prepared, reviewed, and approved by the San Diego County Fire Authority (SDCFA) and CAL FIRE a minimum of 45 days prior to commencement of construction activities.”</p>	<p>The San Diego County Fire Authority (“SDCFA”) has assumed primary jurisdiction over wildland firefighting in the Proposed Project vicinity and will be the lead agency with approval authority for the Proposed Project’s Construction Fire Prevention Plan. CAL FIRE was involved with SDCFA in the review and approval of the Proposed Project’s Fire Protection Plan.</p> <p>Accordingly, please revise text of Mitigation Measure HAZ-3 to read:</p> <p>“NEET West and/or its contractor(s) shall prepare and implement the Project’s Construction Fire Prevention Plan (CFPP) in accordance with applicable sections of the San Diego County Consolidated Fire Code. The document will address fire prevention measures that will be employed during the construction phase, identifying potential sources of ignition and detailing the measures, equipment, and training that will be provided to all site contractors. The CFPP shall be prepared, reviewed, and <del>approved by</del> provided to the San Diego County Fire Authority (SDCFA) <del>and CAL FIRE</del> for a minimum of 45 days for review prior to <del>commencement</del> of construction activities.”</p>						
	<table><tr><td>Page 11-22, Lines 19 through 32</td><td><p><b>Mitigation Measures HAZ-5: Follow Operational Requirements and Recommendations Identified in the Fire Protection Plan</b></p><p>“NEET West and/or its contractor(s) shall follow all of the requirements and recommendations contained in the FPP prepared for the Proposed Project by Dudek, dated June 2016. These requirements include, but are not limited to, design and implementation of defensible space around the proposed SVC facility according to the parameters described in the FPP; conducting training sessions with local fire station personnel and providing technical support to fire personnel regarding electrical fires and firefighting at energized facilities; appropriate design of driveways and access roads to allow for safe and efficient fire personnel and equipment access; development and implementation of appropriate protocols for de-energizing the proposed facilities; inclusion of a 10,000-gallon water storage tank accessible to firefighters at the SVC site, and arrangement of electrical equipment on the SVC site to maintain adequate setbacks from vegetated areas.”</p></td><td><p>This section does not discuss the private fire brigade that will be contracted and refers to the June 2016 FPP. DEIR should reference the December 2016 version (provided as Attachment C to this comment matrix)</p><p>Please revise text of Mitigation Measure HAZ-5 to read:</p><p>“NEET West and/or its contractor(s) shall follow all of the requirements and recommendations contained in the FPP prepared for the Proposed Project by Dudek, dated <del>June</del> <u>December</u> 2016. These requirements include, but are not limited to, design and implementation of defensible space around the proposed SVC facility according to the parameters described in the FPP; conducting training sessions with local fire station personnel and providing technical support to fire personnel regarding electrical fires and firefighting at energized facilities; appropriate design of driveways and access roads to allow for safe and efficient fire personnel and equipment access; development and implementation of appropriate protocols for de-energizing the proposed facilities; inclusion of a 10,000-gallon water storage tank accessible to firefighters at the SVC site, and arrangement of electrical equipment on the SVC site to maintain adequate setbacks from vegetated areas.”</p></td></tr></table>	Page 11-22, Lines 19 through 32	<p><b>Mitigation Measures HAZ-5: Follow Operational Requirements and Recommendations Identified in the Fire Protection Plan</b></p> <p>“NEET West and/or its contractor(s) shall follow all of the requirements and recommendations contained in the FPP prepared for the Proposed Project by Dudek, dated June 2016. These requirements include, but are not limited to, design and implementation of defensible space around the proposed SVC facility according to the parameters described in the FPP; conducting training sessions with local fire station personnel and providing technical support to fire personnel regarding electrical fires and firefighting at energized facilities; appropriate design of driveways and access roads to allow for safe and efficient fire personnel and equipment access; development and implementation of appropriate protocols for de-energizing the proposed facilities; inclusion of a 10,000-gallon water storage tank accessible to firefighters at the SVC site, and arrangement of electrical equipment on the SVC site to maintain adequate setbacks from vegetated areas.”</p>	<p>This section does not discuss the private fire brigade that will be contracted and refers to the June 2016 FPP. DEIR should reference the December 2016 version (provided as Attachment C to this comment matrix)</p> <p>Please revise text of Mitigation Measure HAZ-5 to read:</p> <p>“NEET West and/or its contractor(s) shall follow all of the requirements and recommendations contained in the FPP prepared for the Proposed Project by Dudek, dated <del>June</del> <u>December</u> 2016. These requirements include, but are not limited to, design and implementation of defensible space around the proposed SVC facility according to the parameters described in the FPP; conducting training sessions with local fire station personnel and providing technical support to fire personnel regarding electrical fires and firefighting at energized facilities; appropriate design of driveways and access roads to allow for safe and efficient fire personnel and equipment access; development and implementation of appropriate protocols for de-energizing the proposed facilities; inclusion of a 10,000-gallon water storage tank accessible to firefighters at the SVC site, and arrangement of electrical equipment on the SVC site to maintain adequate setbacks from vegetated areas.”</p>				
Page 11-22, Lines 19 through 32	<p><b>Mitigation Measures HAZ-5: Follow Operational Requirements and Recommendations Identified in the Fire Protection Plan</b></p> <p>“NEET West and/or its contractor(s) shall follow all of the requirements and recommendations contained in the FPP prepared for the Proposed Project by Dudek, dated June 2016. These requirements include, but are not limited to, design and implementation of defensible space around the proposed SVC facility according to the parameters described in the FPP; conducting training sessions with local fire station personnel and providing technical support to fire personnel regarding electrical fires and firefighting at energized facilities; appropriate design of driveways and access roads to allow for safe and efficient fire personnel and equipment access; development and implementation of appropriate protocols for de-energizing the proposed facilities; inclusion of a 10,000-gallon water storage tank accessible to firefighters at the SVC site, and arrangement of electrical equipment on the SVC site to maintain adequate setbacks from vegetated areas.”</p>	<p>This section does not discuss the private fire brigade that will be contracted and refers to the June 2016 FPP. DEIR should reference the December 2016 version (provided as Attachment C to this comment matrix)</p> <p>Please revise text of Mitigation Measure HAZ-5 to read:</p> <p>“NEET West and/or its contractor(s) shall follow all of the requirements and recommendations contained in the FPP prepared for the Proposed Project by Dudek, dated <del>June</del> <u>December</u> 2016. These requirements include, but are not limited to, design and implementation of defensible space around the proposed SVC facility according to the parameters described in the FPP; conducting training sessions with local fire station personnel and providing technical support to fire personnel regarding electrical fires and firefighting at energized facilities; appropriate design of driveways and access roads to allow for safe and efficient fire personnel and equipment access; development and implementation of appropriate protocols for de-energizing the proposed facilities; inclusion of a 10,000-gallon water storage tank accessible to firefighters at the SVC site, and arrangement of electrical equipment on the SVC site to maintain adequate setbacks from vegetated areas.”</p>						
	<b>CHAPTER 12, HYDROLOGY AND WATER QUALITY</b>							

13

Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

	PAGE	DEIR LANGUAGE	NEXTERA ENERGY TRANSMISSION WEST’S COMMENT
F-92	Page 12-21, Lines 18-22	<b>Impact HYD/WQ-1, Potential Impacts to Surface or Groundwater Quality</b>  “It is possible, however, that the transmission line may not be able to avoid the culverts across Bell Bluff Truck Trail, and may therefore require CWA Section 401 and/or 404 permits. If required, a Section 401 WQC and/or Section 404 nationwide or individual permit also may require water quality protection measures and compensatory mitigation for any impacts to waters of the U.S. or State.”	The waters mapped along Bell Bluff Truck Trail do not meet the federal definition of waters of the U.S. and were noted in the PEA as only “potential CDFW-jurisdictional” drainages outside the project footprint where the natural drainages exist. Therefore, even if impacts were to occur, no Section 404 or 401 permits would be required, and no associated compensatory mitigation would be necessary.
F-93	Page 12-25; Lines 12-27	<b>Impact HYD/WQ-5: Potential to Expose Persons or Structures to Significant Risk of Loss Due to Flooding</b>  The Proposed Project is located relatively high in the watershed in a mountainous area. The surrounding topography is steep and there are no defined river or stream systems in immediate proximity to the Project site. The nearest features are Sweetwater River and Taylor Creek, which are approximately 1 mile northwest and 0.55 mile south of the Project site, respectively. In addition to being relatively far away, these drainages are at lower elevations than the Proposed Project, which is relatively elevated on a ridge. The Project site is not located in a 100-year flood hazard zone as defined by FEMA. In this type of setting, flooding would not be anticipated and there would be little possibility of significant loss to people or structures from flooding. The proposed SVC would be an important, if not critical, component to the regional transmission system, as it would provide needed voltage support and regulation. As such, any damage to the facility from flooding could have impacts on the transmission system beyond those impacts to the facility; however, there is no reason to believe such an event is likely or possible. Therefore, this impact would be less than significant.	Analysis under Impact HYD/WQ-5: Potential to Expose Persons or Structures to Significant Risk of Loss Due to Flooding (Less than Significant) is about significant loss to people or structures from the placement of structures in a 100-year floodplain. Both the PEA and DEIR analyses explain that the nearest waterbodies/floodplains are over 0.5 mile away and that the project would not be located in a 100-year flood hazard zone. As a result, the conclusion in the DEIR analysis should be No Impact as opposed to Less than Significant.
	<b>CHAPTER 13, LAND USE AND PLANNING</b>		
F-94	Page 13-5, Lines 7-9	<b>Lightner Mitigation Site</b>  “For long-term management and protection of the site, it is anticipated that ownership of the Lightner Mitigation Site will be transferred to the U.S. Forest Service (currently the site is still owned by SDG&E).”	Please refer to comment above regarding Page ES-2, Lines 24-25. The entire Lightner Mitigation Site will not be transferred to USFS. SDG&E will retain ownership of the Suncrest Substation, Bell Bluff Truck Trail, and a portion of the road surrounding Bell Bluff Truck Trail.
F-95	Page 13-5, Line 27	<b>13.3 Environmental Setting</b>  “The existing SDG&E Suncrest Substation represents a very large utility/industrial use in the area, as it includes an approximately 40-acre concrete pad with large electrical equipment and high-voltage transmission lines entering and exiting the facility from the southwest and northeast.”	It should be noted that Suncrest Substation site is not 100% concrete. Therefore, please revise the DEIR language to:  “The existing SDG&E Suncrest Substation represents a very large utility/industrial use in the area, as it includes an approximately 40-acre <u>site</u> <del>concrete pad</del> .”
	<b>CHAPTER 15, NOISE AND VIBRATION</b>		
F-96	Page 15-9, Lines 18-25	<b>15.5.2 Methodology</b>  “Project construction noise impacts were assessed by applying the FTA's <i>Transit Noise and Vibration Impact Assessment</i> (FTA 2006) recommended methodology. This methodology assumes that the two loudest pieces of construction equipment would operate simultaneously at the same location under full power, assuming the following: <ul style="list-style-type: none"><li>• full power operation for a full 1-hour,</li><li>• there are no obstructions to the noise travel paths,</li></ul>	The DEIR uses a different methodology for assessing construction noise impacts than NEET West used in the PEA. The DEIR uses the <i>FTA’s Transit Noise and Vibration Impact Assessment</i> guidelines for evaluating daytime construction noise in outdoor areas and for construction vibration impacts. The Proposed Project is not subject to FTA regulations. The County of San Diego General Plan’s Noise Element specifies in Policy N-31 to defer to FTA guidelines for construction vibration to avoid harmful effects from excessive groundborne vibration only. This methodology assumes that the two loudest pieces of equipment would operate simultaneously at the same location under full power for one hour. Loudest equipment was called out under the Impacts section as a rock drill, scraper, and/or blasting.
			14

F-96 Cont.	PAGE	DEIR LANGUAGE	NEXTERA ENERGY TRANSMISSION WEST'S COMMENT
		<ul style="list-style-type: none"> <li>typical noise levels from construction equipment are used, and</li> <li>all pieces of equipment operate at the center of the project site.”</li> </ul>	<p>NEET West questions the rationale for changing the noise impact assessment methodology from that used in NEET West's PEA without providing a basis for doing so. The FTA methodology is not appropriate for the Proposed Project, and it appears to have been selected solely to arrive at a different impact conclusion and therefore provide justification for additional mitigation. The FTA methodology is extremely conservative, and the assumption under it that a rock drill, scraper, and/or blasting will be used simultaneously during the same hour of construction simply is not appropriate for the Proposed Project. Typically blasting is only used when a rock drill or scraper prove ineffective in reaching required excavation depths. In other words, blasting will not occur at the same time as these activities, and thus the FTA model assumptions are flawed for the Proposed Project. NEET West contests the use of this methodology and the basis for prescribing additional noise mitigation, specifically Mitigation Measure NOI-1 below.</p> <p>While NEET West contends that mitigation is unwarranted for noise, if the DEIR text remains unchanged, the appropriate mitigation would be one precluding the use of a rock drill, scraper, and/or blasting at the same time over a one-hour period. There is no basis for Mitigation Measure NOI-1 as written, and NEET West requests it either be eliminated, or revised accordingly to the preceding revision.</p>
F-97	Page 15-12, Lines 5-10	<p><b>Construction</b></p> <p><b>Mitigation Measure NOI-1 (Construction Noise Mitigation Plan)</b></p> <p>NEET West and/or its contractors shall develop and implement a construction-noise mitigation plan in close coordination with adjacent noise-sensitive land uses so that construction activities can be scheduled to minimize noise disturbance. The plan must be approved by the CPUC prior to the initiation of construction activities. The construction-noise mitigation plan shall consider the following available controls to reduce construction-noise levels to as low as practicable:</p> <p>Equip all internal combustion-driven equipment with mufflers that are in good condition and appropriate for the equipment.</p> <p>Construct temporary sound barriers using plywood or similar material bearing the same sound attenuating effectiveness as plywood between portions of the construction sites and sensitive receptors. These temporary sound barriers, which could also consist of construction grade sound blankets/curtains, should be at least feet in height. Sound barriers shall be used during activities involving use of a rock drill, scraper, and/or blasting.”</p> <p>Residences or noise-sensitive land uses within 500 feet of the construction site should be notified in writing of construction at least seven (7) days prior to the onset of construction activities. A “construction liaison” contact person should be designated in the notifications; he/she would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. The phone number of the liaison should be conspicuously posted at the construction site.</p>	<p>Please refer to comment above regarding the rationale for changing the methodology used to assess noise impacts. Additional noise mitigation is unwarranted as the methodology chosen for the DEIR analysis is extremely conservative and highly unlikely to ever occur during a one-hour period. Additionally, there are no residences or noise sensitive land uses within 500 feet of the construction site; therefore, the notification requirement of this measure is not applicable to this project. As a result, NEET West requests that Mitigation Measure NOI-1 be removed from the document, or revised as proposed above.</p>
F-98	<b>CHAPTER 17, PUBLIC SERVICES AND UTILITIES</b>		
	Page 17-9, Line 11	<p><b>Water Supply</b></p> <p>“At the Project site, currently, there is a 4-inch-diameter water line that runs underneath Bell Bluff Truck Trail.”</p>	<p>The 4-inch-diameter water line lies beneath SDG&amp;E's driveway to the Suncrest Substation and only crosses Bell Bluff Truck Trail near its intersection with SDG&amp;E's driveway and the water tank. Therefore, please revise DEIR text to read:</p> <p>“At the Project site, currently, there is a 4-inch-diameter water line that <u>lies beneath a portion of</u> runs underneath Bell Bluff Truck Trail.”</p>

Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

		<table><tr><th>PAGE</th><th>DEIR LANGUAGE</th><th>NEXTERA ENERGY TRANSMISSION WEST’S COMMENT</th></tr><tr><td>Page 17-15; Lines 38-39</td><td><b>Impact PUB/UTL-6: Effects on Existing Landfill Capacity (Less than Significant with Mitigation)</b>  “As described in Mitigation Measure PUB/UTL-2 (see Impact PUB/UTL-7 below), the Project would recycle at least 90 percent of inerts and at least 70 percent of other materials, in accordance with the County’s Construction and Demolition Debris Recycling Ordinance. With implementation of this mitigation measure, depending on the type and composition of solid waste generated by the Proposed Project, much less than 7,030 cy of material would be disposed of at a landfill. <u>Even without mitigation, this impact would be less than significant.</u>”</td><td>The DEIR analysis for Impact PUB/UTL-6 ends with the following sentence: “<i>Even without mitigation, this impact would be less than significant.</i>” Therefore, the DEIR significance conclusion in the title of the Impact should be revised to read:  <b>Impact PUB/UTL-6: Effects on Existing Landfill Capacity (Less than Significant <del>with Mitigation</del>)</b>  “As described in Mitigation Measure PUB/UTL-2 (see Impact PUB/UTL-7 below), the Project would recycle at least 90 percent of inerts and at least 70 percent of other materials, in accordance with the County’s Construction and Demolition Debris Recycling Ordinance. With implementation of this mitigation measure, depending on the type and composition of solid waste generated by the Proposed Project, much less than 7,030 cy of material would be disposed of at a landfill. <u>Even without mitigation, this impact would be less than significant.</u>”</td></tr></table>	PAGE	DEIR LANGUAGE	NEXTERA ENERGY TRANSMISSION WEST’S COMMENT	Page 17-15; Lines 38-39	<b>Impact PUB/UTL-6: Effects on Existing Landfill Capacity (Less than Significant with Mitigation)</b>  “As described in Mitigation Measure PUB/UTL-2 (see Impact PUB/UTL-7 below), the Project would recycle at least 90 percent of inerts and at least 70 percent of other materials, in accordance with the County’s Construction and Demolition Debris Recycling Ordinance. With implementation of this mitigation measure, depending on the type and composition of solid waste generated by the Proposed Project, much less than 7,030 cy of material would be disposed of at a landfill. <u>Even without mitigation, this impact would be less than significant.</u> ”	The DEIR analysis for Impact PUB/UTL-6 ends with the following sentence: “ <i>Even without mitigation, this impact would be less than significant.</i> ” Therefore, the DEIR significance conclusion in the title of the Impact should be revised to read:  <b>Impact PUB/UTL-6: Effects on Existing Landfill Capacity (Less than Significant <del>with Mitigation</del>)</b>  “As described in Mitigation Measure PUB/UTL-2 (see Impact PUB/UTL-7 below), the Project would recycle at least 90 percent of inerts and at least 70 percent of other materials, in accordance with the County’s Construction and Demolition Debris Recycling Ordinance. With implementation of this mitigation measure, depending on the type and composition of solid waste generated by the Proposed Project, much less than 7,030 cy of material would be disposed of at a landfill. <u>Even without mitigation, this impact would be less than significant.</u> ”
PAGE	DEIR LANGUAGE	NEXTERA ENERGY TRANSMISSION WEST’S COMMENT						
Page 17-15; Lines 38-39	<b>Impact PUB/UTL-6: Effects on Existing Landfill Capacity (Less than Significant with Mitigation)</b>  “As described in Mitigation Measure PUB/UTL-2 (see Impact PUB/UTL-7 below), the Project would recycle at least 90 percent of inerts and at least 70 percent of other materials, in accordance with the County’s Construction and Demolition Debris Recycling Ordinance. With implementation of this mitigation measure, depending on the type and composition of solid waste generated by the Proposed Project, much less than 7,030 cy of material would be disposed of at a landfill. <u>Even without mitigation, this impact would be less than significant.</u> ”	The DEIR analysis for Impact PUB/UTL-6 ends with the following sentence: “ <i>Even without mitigation, this impact would be less than significant.</i> ” Therefore, the DEIR significance conclusion in the title of the Impact should be revised to read:  <b>Impact PUB/UTL-6: Effects on Existing Landfill Capacity (Less than Significant <del>with Mitigation</del>)</b>  “As described in Mitigation Measure PUB/UTL-2 (see Impact PUB/UTL-7 below), the Project would recycle at least 90 percent of inerts and at least 70 percent of other materials, in accordance with the County’s Construction and Demolition Debris Recycling Ordinance. With implementation of this mitigation measure, depending on the type and composition of solid waste generated by the Proposed Project, much less than 7,030 cy of material would be disposed of at a landfill. <u>Even without mitigation, this impact would be less than significant.</u> ”						
CHAPTER 19, TRANSPORTATION AND TRAFFIC								
	<table><tr><td>Page 19-10, Lines 2-8</td><td><b>Mitigation Measure TR-1 (Maintain Traffic Flow)</b> NEET West or their contractor(s) shall implement the following measures:<ul style="list-style-type: none"><li>▪ To the extent feasible, work shall be staged and conducted in a manner that maintains two-way traffic flow on roadways in the vicinity of the work site.</li><li>▪ Heavy equipment and haul traffic shall be prohibited in residential areas to the greatest extent feasible. When no other route to and from the site is available, heavy equipment and haul traffic through residential areas shall be restricted to the hours of 8 a.m. to 5:30 p.m., Monday through Friday.</li></ul></td><td>The Proposed Project involves delivery of transformers on oversized tractor-trailers, concrete deliveries, hauling of spoils and import of materials. The activities will typically occur during normal work hours (7 a.m. to 7 p.m.) as described in the PEA. Due to the limited number of residences in the area, and the fact that Bell Bluff Truck Trail is already used by SDG&amp;E for similar activities, there is no reason for further restricting these hours for heavy equipment and hauling to 8 a.m. to 5:30 p.m. There also must be some provision, such as notifying adjacent property owners or similar, if heavy equipment will be needed beyond these normal working hours.  Therefore, please revise Mitigation Measure TR-1 to read:  “NEET West or their contractor(s) shall implement the following measures:<ul style="list-style-type: none"><li>▪ To the extent feasible, work shall be staged and conducted in a manner that maintains two-way traffic flow on roadways in the vicinity of the work site.</li><li>▪ Heavy equipment and haul traffic shall be prohibited in residential areas to the greatest extent feasible. When no other route to and from the site is available, heavy equipment and haul traffic through residential areas shall be restricted to the normal working hours of <del>7</del> 8 a.m. to <del>5:30</del> 7 p.m., Monday through Friday.</li><li>▪ <u>If heavy equipment or hauling is required beyond the hours above, NEET West or its contractor will provide adjacent property owners advance notice of such activities.</u>”</li></ul></td></tr></table>	Page 19-10, Lines 2-8	<b>Mitigation Measure TR-1 (Maintain Traffic Flow)</b> NEET West or their contractor(s) shall implement the following measures: <ul style="list-style-type: none"><li>▪ To the extent feasible, work shall be staged and conducted in a manner that maintains two-way traffic flow on roadways in the vicinity of the work site.</li><li>▪ Heavy equipment and haul traffic shall be prohibited in residential areas to the greatest extent feasible. When no other route to and from the site is available, heavy equipment and haul traffic through residential areas shall be restricted to the hours of 8 a.m. to 5:30 p.m., Monday through Friday.</li></ul>	The Proposed Project involves delivery of transformers on oversized tractor-trailers, concrete deliveries, hauling of spoils and import of materials. The activities will typically occur during normal work hours (7 a.m. to 7 p.m.) as described in the PEA. Due to the limited number of residences in the area, and the fact that Bell Bluff Truck Trail is already used by SDG&E for similar activities, there is no reason for further restricting these hours for heavy equipment and hauling to 8 a.m. to 5:30 p.m. There also must be some provision, such as notifying adjacent property owners or similar, if heavy equipment will be needed beyond these normal working hours.  Therefore, please revise Mitigation Measure TR-1 to read:  “NEET West or their contractor(s) shall implement the following measures: <ul style="list-style-type: none"><li>▪ To the extent feasible, work shall be staged and conducted in a manner that maintains two-way traffic flow on roadways in the vicinity of the work site.</li><li>▪ Heavy equipment and haul traffic shall be prohibited in residential areas to the greatest extent feasible. When no other route to and from the site is available, heavy equipment and haul traffic through residential areas shall be restricted to the normal working hours of <del>7</del> 8 a.m. to <del>5:30</del> 7 p.m., Monday through Friday.</li><li>▪ <u>If heavy equipment or hauling is required beyond the hours above, NEET West or its contractor will provide adjacent property owners advance notice of such activities.</u>”</li></ul>				
Page 19-10, Lines 2-8	<b>Mitigation Measure TR-1 (Maintain Traffic Flow)</b> NEET West or their contractor(s) shall implement the following measures: <ul style="list-style-type: none"><li>▪ To the extent feasible, work shall be staged and conducted in a manner that maintains two-way traffic flow on roadways in the vicinity of the work site.</li><li>▪ Heavy equipment and haul traffic shall be prohibited in residential areas to the greatest extent feasible. When no other route to and from the site is available, heavy equipment and haul traffic through residential areas shall be restricted to the hours of 8 a.m. to 5:30 p.m., Monday through Friday.</li></ul>	The Proposed Project involves delivery of transformers on oversized tractor-trailers, concrete deliveries, hauling of spoils and import of materials. The activities will typically occur during normal work hours (7 a.m. to 7 p.m.) as described in the PEA. Due to the limited number of residences in the area, and the fact that Bell Bluff Truck Trail is already used by SDG&E for similar activities, there is no reason for further restricting these hours for heavy equipment and hauling to 8 a.m. to 5:30 p.m. There also must be some provision, such as notifying adjacent property owners or similar, if heavy equipment will be needed beyond these normal working hours.  Therefore, please revise Mitigation Measure TR-1 to read:  “NEET West or their contractor(s) shall implement the following measures: <ul style="list-style-type: none"><li>▪ To the extent feasible, work shall be staged and conducted in a manner that maintains two-way traffic flow on roadways in the vicinity of the work site.</li><li>▪ Heavy equipment and haul traffic shall be prohibited in residential areas to the greatest extent feasible. When no other route to and from the site is available, heavy equipment and haul traffic through residential areas shall be restricted to the normal working hours of <del>7</del> 8 a.m. to <del>5:30</del> 7 p.m., Monday through Friday.</li><li>▪ <u>If heavy equipment or hauling is required beyond the hours above, NEET West or its contractor will provide adjacent property owners advance notice of such activities.</u>”</li></ul>						
	<table><tr><td>Page 19-12; Lines 6-7</td><td><b>Impact TR-6: Conflicts with Alternative Transportation</b>  “No public transit, bicycle, or pedestrian facilities are located in the Project vicinity, although bicycles are allowed to use the shoulder of I-8 for approximately 3.5 miles, from Willows Road to the SR 79/Japatul Valley Road interchange. Despite the absence of bicycle or pedestrian facilities, bicyclists and pedestrians may use roadways in the project vicinity, as allowed by the California Vehicle Code. With the implementation of Mitigation Measures TR-1 and TR-2, described above, any impacts to alternative transportation would be less than significant.”</td><td>Roadway construction activities associated with this project will be limited to the private section of Bell Bluff Truck Trail. NEET West’s PEA concluded that there would be No Impact as a result. The analysis of Impact TR-6 indicates that even though there are no designated public transit, bicycle, or pedestrian facilities in the project vicinity that bicyclists and pedestrians may still use the roadways in the project vicinity. The DEIR analysis ignores the fact that this is a private section of road where construction will occur. As a result, NEET West requests that the DEIR significance determination be changed to No Impact.</td></tr></table>	Page 19-12; Lines 6-7	<b>Impact TR-6: Conflicts with Alternative Transportation</b>  “No public transit, bicycle, or pedestrian facilities are located in the Project vicinity, although bicycles are allowed to use the shoulder of I-8 for approximately 3.5 miles, from Willows Road to the SR 79/Japatul Valley Road interchange. Despite the absence of bicycle or pedestrian facilities, bicyclists and pedestrians may use roadways in the project vicinity, as allowed by the California Vehicle Code. With the implementation of Mitigation Measures TR-1 and TR-2, described above, any impacts to alternative transportation would be less than significant.”	Roadway construction activities associated with this project will be limited to the private section of Bell Bluff Truck Trail. NEET West’s PEA concluded that there would be No Impact as a result. The analysis of Impact TR-6 indicates that even though there are no designated public transit, bicycle, or pedestrian facilities in the project vicinity that bicyclists and pedestrians may still use the roadways in the project vicinity. The DEIR analysis ignores the fact that this is a private section of road where construction will occur. As a result, NEET West requests that the DEIR significance determination be changed to No Impact.				
Page 19-12; Lines 6-7	<b>Impact TR-6: Conflicts with Alternative Transportation</b>  “No public transit, bicycle, or pedestrian facilities are located in the Project vicinity, although bicycles are allowed to use the shoulder of I-8 for approximately 3.5 miles, from Willows Road to the SR 79/Japatul Valley Road interchange. Despite the absence of bicycle or pedestrian facilities, bicyclists and pedestrians may use roadways in the project vicinity, as allowed by the California Vehicle Code. With the implementation of Mitigation Measures TR-1 and TR-2, described above, any impacts to alternative transportation would be less than significant.”	Roadway construction activities associated with this project will be limited to the private section of Bell Bluff Truck Trail. NEET West’s PEA concluded that there would be No Impact as a result. The analysis of Impact TR-6 indicates that even though there are no designated public transit, bicycle, or pedestrian facilities in the project vicinity that bicyclists and pedestrians may still use the roadways in the project vicinity. The DEIR analysis ignores the fact that this is a private section of road where construction will occur. As a result, NEET West requests that the DEIR significance determination be changed to No Impact.						
CHAPTER 20, ALTERNATIVES								
	<table><tr><td>Page 20-1, Lines 24-31</td><td><b>20.1.1 Regulatory Requirements</b>  “In determining whether alternatives are potentially feasible, Lead Agencies are guided by the definition of feasibility found in State CEQA Guidelines Section 15364: ‘capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.’ In accordance with State</td><td>The referenced portion of CEQA Guidelines Section 15126.6(f) omits additional language that should be included for completeness. Therefore, please revise the DEIR language to:  “In determining whether alternatives are potentially feasible, Lead Agencies are guided by the definition of feasibility found in State CEQA Guidelines Section 15364: “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” In</td></tr></table>	Page 20-1, Lines 24-31	<b>20.1.1 Regulatory Requirements</b>  “In determining whether alternatives are potentially feasible, Lead Agencies are guided by the definition of feasibility found in State CEQA Guidelines Section 15364: ‘capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.’ In accordance with State	The referenced portion of CEQA Guidelines Section 15126.6(f) omits additional language that should be included for completeness. Therefore, please revise the DEIR language to:  “In determining whether alternatives are potentially feasible, Lead Agencies are guided by the definition of feasibility found in State CEQA Guidelines Section 15364: “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” In				
Page 20-1, Lines 24-31	<b>20.1.1 Regulatory Requirements</b>  “In determining whether alternatives are potentially feasible, Lead Agencies are guided by the definition of feasibility found in State CEQA Guidelines Section 15364: ‘capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.’ In accordance with State	The referenced portion of CEQA Guidelines Section 15126.6(f) omits additional language that should be included for completeness. Therefore, please revise the DEIR language to:  “In determining whether alternatives are potentially feasible, Lead Agencies are guided by the definition of feasibility found in State CEQA Guidelines Section 15364: “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” In						

16

Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

F-102 Cont.  F-103  F-104  F-105  F-106	<div>↑</div>	<b>PAGE</b>	<b>DEIR LANGUAGE</b>	<b>NEXTERA ENERGY TRANSMISSION WEST’S COMMENT</b>
			CEQA Guidelines Section 15126.6(f), the Lead Agency should consider site suitability, economic viability, availability of infrastructure, general plan consistency, other regulatory limitations, and jurisdictional boundaries in determining the feasibility of alternatives to be evaluated in an EIR.”	accordance with State CEQA Guidelines Section 15126.6(f), <u>among the factors</u> the Lead Agency should consider <u>in determining the feasibility of alternatives to be evaluated in the EIR</u> are site suitability, economic viability, availability of infrastructure, general plan consistency, other regulatory limitations, <del>and jurisdictional boundaries, and the project proponent’s control over alternative sites, in determining the feasibility of alternatives to be evaluated in an EIR.”</del>
		Page 20-2, Lines 20-24	<b>20.2.1 Project Purpose and Objectives</b> “1. Provide reactive support to Suncrest Substation; 2. Improve and maintain transmission grid reliability; and 3. Facilitate delivery of renewable energy generation from the Imperial Valley area to population centers to the west and support achievement of California’s Renewables Portfolio Standard.”	The Project Purpose and Objectives in the DEIR differ significantly from those identified by NEET West in its PEA. Please see NEET West’s accompanying cover letter for concerns related to the DEIR’s formulation of the Project Objectives.  Further, the Project Objectives listed on this page are different than those presented in the Executive Summary. At a minimum, they should be consistent.
		Page 20-7, Lines 3-6	<b>CAISO Initiative for Reactive Power Support from Asynchronous Generators</b> “This policy, currently under review by the Federal Energy Regulatory Commission (FERC), would require that new or repowered asynchronous resources provide reactive power and voltage regulation. In its PEA submitted to the California Public Utilities Commission (CPUC), NEET West theorized that if the new CAISO requirements were to go into effect and several large solar or wind facilities were to be required to provide reactive power capability, it could reduce the amount of reactive power needed at the Suncrest Substation. Therefore, instead of building the SVC, the transmission grid could potentially receive reactive power support from new renewable generating facilities built in compliance with CAISO’s initiative.”	Please revise the DEIR language to read:  “This policy, currently under review by the Federal Energy Regulatory Commission (FERC), would require that new or repowered asynchronous resources provide reactive power and voltage regulation. <del>In its PEA submitted to the California Public Utilities Commission (CPUC), NEET West theorized that if the new CAISO requirements were to go into effect and several large solar or wind facilities were to be required to provide reactive power capability, it could reduce the amount of reactive power needed at the Suncrest Substation.</del> Therefore, <del>instead of building the SVC,</del> the transmission grid could potentially receive reactive power support and voltage regulation from new renewable generating facilities built in compliance with CAISO’s initiative.”
		Page 20-9, Lines 19-26	<b>20.3.2 Northeast Site Alternative</b> “No part of the site is mapped as California Buckwheat Scrub habitat. In this respect, the Northeast Site Alternative would reduce potential impacts on Hermes copper butterfly habitat.”	This analysis states that “no part of the Northeast site alternative is mapped at CA buckwheat scrub habitat. In this respect, the Northeast Site alternative would reduce potential impacts on Hermes copper butterfly habitat.” It goes on to state that “suitable habitat for Hermes copper butterfly is unlikely to be present.”  With regard to the first statement, the Hermes copper butterfly depends on CA buckwheat <i>and spiny redberry to be within 15 feet of each other</i> to be determined suitable habitat for Hermes copper butterfly. This situation does not exist at the proposed SVC location as there are no spiny redberry within 15 feet of buckwheat. Therefore, this distinction between the two sites is incorrect.  With regard to the second statement that suitable habitat for Hermes copper butterfly is unlikely to be present at the Northeast site alternative, no habitat assessments measuring the spacing between the two plant species that constitute habitat were conducted at this site. Habitat assessment was conducted at the SVC site and no suitable habitat was found in this location.  As a result, this argument for carrying the Northeast site alternative forward is unsubstantiated.
		Page 20-12, Lines 1-17	<b>20.3.3 Suncrest Substation Alternative</b> “Under the Suncrest Substation Alternative, the SVC would be installed within the existing Suncrest Substation and, therefore, no transmission line would be required. San Diego Gas & Electric (SDG&E) has indicated that there is room within the existing substation to construct the SVC without expanding the substation footprint. Under this alternative, NEET West would construct, own, and operate the SVC.” See also footnotes 1 and 2.	Please see NEET West’s accompanying cover letter for objections to the DEIR’s discussion of the Suncrest Substation Alternative and the lack of support for such alternative, as well as the comments above regarding Page ES-7, Lines 27-28 and Page ES-9, Lines 13-20.
		<b>CHAPTER 21, OTHER STATUTORY CONSIDERATIONS</b>		

17

Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

	PAGE	DEIR LANGUAGE	NEXTERA ENERGY TRANSMISSION WEST’S COMMENT
F-107	Page 21-1, Line 32	<b>21.3 Growth Inducement</b> “Additionally, operation of the Proposed Project would not require any on-site workers as NextEra Energy Transmission West, LLC (NEET West) anticipates remotely operating the facility from its Lone Star control Center in Austin, Texas.”	Please see comment above regarding Page 2-25, Lines 25-26. Please revise DEIR language to:  “Additionally, operation of the Proposed Project would not require any on-site workers as NextEra Energy Transmission West, LLC (NEET West) anticipates remotely operating the facility from <del>its a NextEra affiliate’s Lone Star</del> control center <del>in Austin, Texas.</del> ”
F-108	Page 21-12, Lines 11-15	<b>Impact CUM-5: Cumulative Impacts on Fire Protection Services</b> “Implementation of Mitigation Measure PUB/UTL-1 would ensure that NEET West coordinates with the County of San Diego, California Department of Forestry and Fire Protection, and U.S. Fish and Wildlife Service to determine if additional fire protection improvements are needed to ensure adequate fire protection services for the Proposed Project.”	Please revise DEIR language to read:  “Implementation of Mitigation Measure PUB/UTL-1 would ensure that NEET West coordinates with the County of San Diego, <del>California Department of Forestry and Fire Protection, and U.S. Fish and Wildlife Service to determine if</del> <del>additional fire protection improvements are needed</del> to ensure adequate fire protection services for the Proposed Project.”
	<b>CHAPTER 23, REFERENCES</b>		
F-109	NA	References	Chapter 23 of the DEIR lists documents referenced and lists the PEA as prepared in August 2015. However, the Biological Resources chapter of the PEA and Biological Resources Technical Report were revised in November 2015. The November 2015 update of the Biological Resources Technical Report is provided as Attachment D to these comments.
	<b>APPENDIX D, EMF MANAGEMENT PLAN</b>		
	<b>APPENDIX G, CULTURAL RESOURCES TECHNICAL REPORT</b>		
F-110	NA	General comment	The Cultural Resources Technical Report was updated in November 2015 and is provided as Attachment E to these comments.
	<b>APPENDIX I, MITIGATION, MONITORING AND REPORTING PROGRAM</b>		
F-111	Page L-33, HAZ 5	<b>Follow Requirements and Recommendations Identified in the Fire Protection Plan (FPP)</b>  “NEET West and/or its contractor(s) shall follow all of the requirements and recommendations contained in the FPP prepared for the Proposed Project by Dudek, dated June 2016. These requirements include, but are not limited to, design and implementation of defensible space around the proposed SVC facility according to the parameters described in the FPP; conducting training sessions with local fire station personnel and providing technical support to fire personnel regarding electrical fires and firefighting at energized facilities; appropriate design of driveways and access roads to allow for safe and efficient fire personnel and equipment access; development and implementation of appropriate protocols for de-energizing the proposed facilities; inclusion of a 10,000 gallon water storage tank accessible to firefighters at the SVC site; and arrangement of electrical equipment on the SVC site to maintain adequate setbacks from vegetated areas.”	The Fire Protection Plan was finalized in December 2016 and is provided as Attachment C to these comments.  Please revise DEIR text to read:  “NEET West and/or its contractor(s) shall follow all of the requirements and recommendations contained in the FPP prepared for the Proposed Project by Dudek, dated <del>June</del> December 2016. These requirements include, but are not limited to, design and implementation of defensible space around the proposed SVC facility according to the parameters described in the FPP; conducting training sessions with local fire station personnel and providing technical support to fire personnel regarding electrical fires and firefighting at energized facilities; appropriate design of driveways and access roads to allow for safe and efficient fire personnel and equipment access; development and implementation of appropriate protocols for de-energizing the proposed facilities; inclusion of a 10,000 gallon water storage tank accessible to firefighters at the SVC site; and arrangement of electrical equipment on the SVC site to maintain adequate setbacks from vegetated areas.”
F-112	Page L-37, PUB/UTIL 1	<b>“Fund Fair Share toward Any Necessary Fire Protection Service Improvements.</b>  NEET West shall coordinate with the County of San Diego, CAL FIRE, and U.S Forest Service (USFS) to determine if any additional apparatus, equipment, personnel, or facilities are necessary to provide adequate fire service to the Proposed Project. If recommended improvements or upgrades to facilities, and/or additional apparatus, equipment, or personnel are identified, NEET	Please revise DEIR text to read:  <b>“Fund Fair Share toward Any Necessary Fire Protection Service Improvements.</b>  <u>The Fire Protection Plan commits NEET West shall coordinate with the County of to enter into an agreement with San Diego Community Fire District, CAL FIRE, and U.S Forest Service (USFS) to provide fair-share funding to be used for</u>
18			

Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

F-112  
Cont.

↑

PAGE	DEIR LANGUAGE	NEXTERA ENERGY TRANSMISSION WEST’S COMMENT
	West shall contribute its fair share toward the attributed costs. The Proposed Project’s, or NEET West’s, fair share will be proportionate to its contribution to the need for improvements.”	<del>fire protection improvements, as determined by County of San Diego. determine if any additional apparatus, equipment, personnel, or facilities are necessary to provide adequate fire service to the Proposed Project. If recommended improvements or upgrades to facilities, and/or additional apparatus, equipment, or personnel are identified, NEET West shall contribute its fair share toward the attributed costs. The Proposed Project’s, or NEET West’s, fair share will be proportionate to its contribution to the need for improvements.”</del>
APPENDIX K, FIRE PROTECTION PLAN		
NA	General comment	The Fire Protection Plan was finalized in December 2016 and is provided as Attachment C to these comments.

F-113

↓

**Attachments:**

- Attachment A: Applicant-Proposed Measures versus DEIR Mitigation Measures Comparison Table
- Attachment B: Updated Air Quality Memorandum (January 2017)
- Attachment C: Fire Protection Plan (December 2016)
- Attachment D: Biological Resources Technical Report (November 2015)
- Attachment E: Cultural Resources Technical Report (November 2015)

19



Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

NextEra Energy Transmission, West LLC’s Suncrest Dynamic Reactive Power Support Project			
Draft Environmental Impact Report Comment Table – Editorial Comments			
California State Clearinghouse No. 2016011004			
	PAGE	DEIR LANGUAGE	NEXTERA ENERGY TRANSMISSION WEST’S COMMENT
F-114	EXECUTIVE SUMMARY		
	ES-13 (Table ES-1)	<b>Summary of Impacts and Levels of Significance</b> Mitigation Measure BIO-8: Survey for Potential Hermes Copper Habitat	In BIO-4 - Add word “Butterfly” to first bullet after the word Copper to read: Mitigation Measure BIO-8: Survey for Potential Hermes Copper <u>Butterfly</u> Habitat
F-115	CHAPTER 2, PROJECT DESCRIPTION		
	Page 2-29, Line 22	<b>2.7.1.2 Magnetic Fields</b> The electric field strength is directed related to the magnitude of the voltage from the outlet and the magnetic field strength is directly related to the magnitude of the current flowing in the cord and appliance.	Change text to read: The electric field strength is <del>directed</del> <u>directly</u> related to the magnitude of the voltage from the outlet and the magnetic field strength is directly related to the magnitude of the current flowing in the cord and appliance.
F-116	Page 2-30, Lines 6-7 and 11-13	<b>2.7.1.2 Magnetic Fields</b>	Delete repetitive sentence, “The CPUC previously conducted an investigation of EMF levels along the underground double-circuit 230-kV transmission line 12 located in Alpine Boulevard (CPUC 2016)”
F-117	Page 2-31, Line 21	<b>2.7.2.2 Methods to Reduce EMF</b> In underground lines, the three phases typically can be placed much closer together than for overhead lines because the cables are have dielectric insulation.	Change text to read: In underground lines, the three phases typically can be placed much closer together than for overhead lines because the cables <del>are</del> have dielectric insulation.
F-118	Page 2-35, Line 17	<b>2.7.4 EMF Data Applicable to the Proposed Project</b> Since the EMF along the transmission line is directly related to the power flow on the line, it also vary over time.	Change text to read: “Since the EMF along the transmission line is directly related to the power flow on the line, it also <del>vary</del> <u>varies</u> over time.
F-119	CHAPTER 5, AGRICULTURE AND FORESTRY		
	Page 5-1, Line 19	5.2.1 Federal Laws, Regulations, and Policies <b>Cleveland National Forest Land Management Plan</b> Grazing and forestry goals and strategies identified in the USFS’s <i>Land Management Plan for the National Forests in Southern California (Part 1)</i> (U.S. Department of Agriculture [USDA] 2005a) and <i>Cleveland National Forest Strategy (Part 2)</i> (USDA 2005b) are including below for informational purposes.	Change text to read: Grazing and forestry goals and strategies identified in the USFS’s <i>Land Management Plan for the National Forests in Southern California (Part 1)</i> (U.S. Department of Agriculture [USDA] 2005a) and <i>Cleveland National Forest Strategy (Part 2)</i> (USDA 2005b) are <del>including</del> <u>included</u> below for informational purposes.
CHAPTER 6, AIR QUALITY			

1

Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

	PAGE	DEIR LANGUAGE	NEXTERA ENERGY TRANSMISSION WEST’S COMMENT
F-120	Pages 6-10 and 6-11, Table 6-4	Air Quality, Table 6-4	Table 6-4 header repeats when not needed on top of page 11.
	CHAPTER 7, BIOLOGICAL RESOURCES		
F-121	Page 7-43, Line 23	<b>Mitigation Measure BIO-6 (Implement Preconstruction Surveys for Birds Protected Under MBTA)</b>  If construction begins between February 1 and August 31, NEET West or their contractor(s) shall ensure that surveys for nesting birds are be conducted by a qualified biologist within a 500-foot radius of the construction area.	Change text to read:  If construction begins between February 1 and August 31, NEET West or their contractor(s) shall ensure that surveys for nesting birds are <del>be</del> conducted by a qualified biologist within a 500-foot radius of the construction area.
	CHAPTER 8, CULTURAL RESOURCES		
F-122	Page 8-15, Line 25	<b>Archaeological Resources</b>  An intensive cultural resources pedestrian survey was conducted of all areas that could be impacted by the Proposed Project during February, March, May, and August 2015 (Hoffman and Treffers 2015).	The reference citation should be consistent with other sections in referring to the firm name as opposed to individuals conducting the work. Change text to read:  An intensive cultural resources pedestrian survey was conducted of all areas that could be impacted by the Proposed Project during February, March, May, and August 2015 ( <del>Hoffman and Treffers</del> <u>SWCA</u> 2015).
F-123	Page 8-16, Line 2	<b>Archaeological Resources</b>  As a result, the top 24 to 30 inches of the Proposed Project area have been thoroughly disturbed. .	Delete extra period at the end of sentence.
F-124	Page 8-16, Line 26	<b>Prehistoric Archaeological Site (SUN-S-1012)</b>  Information provided by SDG&E indicates that the disturbance related to the use of the area as a materials storage and laydown area for Sunrise Powerlink has thoroughly disrupted the horizontal position of materials and the stratigraphic relationships of the entire area to a depth of at least 6 inches, and as deep as 9 inches (SDG&E 2015); the soil was ripped to another 24 to 30 inches deep during restoration of the area The archaeological site is not known to contain buried deposits, but if these exist, they are highly unlikely to retain integrity.	Add period to end of sentence between “area” and “The.” Change text to read:  Information provided by SDG&E indicates that the disturbance related to the use of the area as a materials storage and laydown area for Sunrise Powerlink has thoroughly disrupted the horizontal position of materials and the stratigraphic relationships of the entire area to a depth of at least 6 inches, and as deep as 9 inches (SDG&E 2015); the soil was ripped to another 24 to 30 inches deep during restoration of the area. The archaeological site is not known to contain buried deposits, but if these exist, they are highly unlikely to retain integrity.
	CHAPTER 9, GEOLOGY, SOILS, AND SEISMICITY		
F-125	Page 9-5	<b>9.3.3 Soils</b>	The numbers switch from numerals to text throughout the page. Suggest making consistent.
F-126	Page 9-8	<b>Figure 9-2</b>	The legend in Figure 9-2 uses a non-word (“recency”).
F-127	Page 9-12, Line 24	<b>Impact GEO-1 (Potential to Expose People or Structures to Substantial 9 Adverse Effects Associated with Rupture of a Known Earthquake Fault)</b>	Only impact determination to be formatted bold. Bold text is unnecessary in this line.
	CHAPTER 10, GREENHOUSE GAS EMISSIONS		
F-128	Page 10-4, Line 24	<b>California Renewable Portfolio Standard Program</b>  Early in 2015, the Governor and Legislature started work to increase the RPS standard to 50 percent by the year 2030 With the Clean Energy and Pollution Reduction Act of 2015 (SB 350),	Add missing period between “2030” and “With.” Change text to read:
2			

Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

F-128 Cont.  F-129   F-130   F-131  F-132   F-133  F-134	<div>↑</div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div>	<b>PAGE</b>	<b>DEIR LANGUAGE</b>	<b>NEXTERA ENERGY TRANSMISSION WEST’S COMMENT</b>
			signed into law on October 7, 2015, California expanded the specific set of objectives to be achieved by 2030, with the following:	Early in 2015, the Governor and Legislature started work to increase the RPS standard to 50 percent by the year 2030. With the Clean Energy and Pollution Reduction Act of 2015 (SB 350), signed into law on October 7, 2015, California expanded the specific set of objectives to be achieved by 2030, with the following:
		Page 10-7, Line 11	<b>Environmental Setting</b>  Without these natural GHGs, the Earth’s surface would be approximately 61 degrees Fahrenheit (°F) cooler (California Environmental Protection Agency6 [CalEPA] 2006)	Delete “6” at end of California EPA. Change text to read:  Without these natural GHGs, the Earth’s surface would be approximately 61 degrees Fahrenheit (°F) cooler (California Environmental Protection Agency6 [CalEPA] 2006)
		<b>CHAPTER 16, POPULATION AND HOUSING</b>		
		Page 16-2, Line 30	<b>Alpine Community Plan</b>  To encourage and reinforce the goal of keeping alpine a safe, pleasant and rural place to live, it is the goal of the alpine planning group to promote and encourage the safety and tranquility of private residences.	Capitalize “Alpine” and change text to read:  To encourage and reinforce the goal of keeping <del>alpine</del> <u>Alpine</u> a safe, pleasant and rural place to live, it is the goal of the alpine planning group to promote and encourage the safety and tranquility of private residences.
		<b>CHAPTER 17, PUBLIC SERVICES AND UTILITIES</b>		
		Page 17-7, Line 8	<b>Fire Protection and Emergency Services</b>  The captain estimated a travel time of five5 to six minutes from the Descanso Station 45 to the Bell Bluff Truck Trail area;	Correct “five5” and change text to read:  The captain estimated a travel time of five5 to six minutes from the Descanso Station 45 to the Bell Bluff Truck Trail area;
		Page 17-14, Lines 14 and 15	<b>Impact PUB/UTL-2 (Possible Effect on Police Protection, School, and Parks Service)</b>  It would speculative to say what specific impacts on public services may occur from indirect growth caused by the Project because it is unknown where such growth may occur and at what magnitude.	Change text to read:  It would <u>be</u> speculative to say what specific impacts on public services may occur from indirect growth caused by the Project because it is unknown where such growth may occur and at what magnitude.
		<b>CHAPTER 20, ALTERNATIVES</b>		
		Page 20-3, line 10	<b>20.2.3 Alternatives Screening and Development</b>  Due either to their inability to meet most of the project objectives, be feasibly implemented, or avoid or substantially less one or more of the Proposed Project’s environmental impacts, of if they were deemed speculative, a number of these initial alternatives were dismissed from further consideration.	Change text to read:  Due either to their inability to meet most of the project objectives, be feasibly implemented, or avoid or substantially <del>less</del> <u>lessen</u> one or more of the Proposed Project’s environmental impacts, <del>of or</del> if they were deemed speculative, a number of these initial alternatives were dismissed from further consideration.
		Page 20-3, line 17	<b>Alternatives Dismissed from Further Consideration: Technology Alternatives</b>  The California Independent System Operator’s (CAISO’s) 2013-2014 Transmission Plan (CAISO 2014) identified a need for a +300/-100 megavar dynamic reactive power device at the Suncrest Substation’s 230-kilovot (-kV) bus.	Change text to read:  The California Independent System Operator’s (CAISO’s) 2013-2014 Transmission Plan (CAISO 2014) identified a need for a +300/-100 megavar dynamic reactive power device at the Suncrest Substation’s 230- <u>kilovolt</u> <del>kilovot</del> (-kV) bus.

**Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)**

Attachment A:

Applicant-Proposed Measures versus DEIR Mitigation Measures Comparison Table

**Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)**

**Suncrest Dynamic Reactive Power Support Project**  
**Comparison of PEA Applicant Proposed Measures vs.**  
**Draft EIR Mitigation Measures**

Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

COMPARISON OF PEA APPLICANT-PROPOSED MEASURES VS. DRAFT EIR MITIGATION MEASURES			
Applicant Proposed Measures		Draft EIR Mitigation Measures	NEET West Comments
GENERAL		GENERAL	
F-135	APM GEN-1 <b>Worker Environmental Awareness Program.</b> Prior to construction, all NEET West, contractor, and subcontractor Project personnel will receive training regarding the appropriate work practices necessary to effectively implement the project APMs and to comply with the applicable environmental laws and regulations including appropriate resource avoidance and impact minimization procedures, the importance of resources and the purpose and necessity of protecting them, methods for protecting sensitive resources, and unanticipated discovery procedures should resources be uncovered during construction.	**DEIR doesn't include a similar mitigation measure for general training. Instead, biological training and cultural resources training was incorporated as mitigation measures in the Biological Resources and Cultural Resources sections, respectively.	Changes to Mitigation Measure BIO-10 and MM CUL-1 are suggested in the attached comment matrix.
AESTHETICS		AESTHETICS	
F-136	APM AES-1 <b>Visual Contrast Minimization.</b> The color of the SVC perimeter fence will be chosen to blend with the existing site features (i.e., dull grey, light brown, or dull green) in order to minimize visual contrast with the landscape setting. No paint or permanent discoloring agents will be applied to rocks or vegetation to indicate survey or construction activity limits.	AES-1 <b>** APMs were retained in concept but significantly edited; edits are not shown as strikeout vs. new text.</b> <b>Use Design and Architectural Features on Project Structures to Complement the Surrounding Visual Landscape.</b> NEET West or their contractor(s) shall implement the following measures to the extent feasible: <ul style="list-style-type: none"><li>Material and paint colors should be selected that are compatible with the existing colors of the surrounding area (i.e., dull grey, light brown, or dull green) in order to minimize visual contrast.</li><li>Natural materials should be selected that blend with the natural surroundings and avoid the use of large expanses of reflective glazing, aluminum panels, and other materials not normally found in the environment.</li><li>Dulled metal finish transmission structures and non-specular conductors (within the SVC and for the overhead span to interconnect into Suncrest Substation) shall be used for the Proposed Project.</li><li>Non-specular conductors shall be treated to reduce reflectivity and have a smooth matte gray finish that blends unobtrusively with the environment.</li></ul>	Acknowledge NEET West's two APMs (AES-1 and AES-2) are very similar to Mitigation Measure AES-1 and should have been considered as part of the description of the Proposed Project. NEET West accepts the language of MM AES-1.
	APM AES-3 <b>Material Selection.</b> Dulled metal finish transmission structures and non-specular conductors (within the SVC and for the overhead span to interconnect into SDG&E's Suncrest Substation) will be used for the Proposed Project. Non-specular conductors have been treated to reduce reflectivity. They must have a smooth matte gray finish that blends unobtrusively with the environment.		
F-137	APM AES-2 <b>Light and Glare Reduction.</b> Construction lighting and permanent exterior lighting of the SVC will be the lowest illumination allowed for human safety and security, selectively placed, and shielded to minimize nighttime glare.	AES-2 <b>Light and Glare Reduction.</b> <u>Temporary</u> construction <u>lighting</u> and permanent <u>exterior</u> <u>SVC</u> lighting shall be the lowest illumination allowed for human safety and security, selectively placed, <del>and</del> shielded <u>and downward facing</u> to minimize nighttime glare.	Acknowledge NEET West's APM AES-3 is very similar to Mitigation Measure AES-2 and should have been considered as part of the description of the Proposed Project. NEET West accepts the language of MM AES-1.
AIR QUALITY AND GREENHOUSE GAS EMISSIONS		AIR QUALITY	
F-138	APM AIR-1 <b>Fugitive Dust Control.</b> During construction, water or non-toxic soil stabilizers will be applied in sufficient quantities on access roads, staging areas, work areas, and on stockpiles to control fugitive dust.	(APM AIR-1) <b>Fugitive Dust Control.</b> <b>**APM was retained verbatim</b>	APM was retained in DEIR. No changes requested.
F-139	APM AIR-2 <b>Speed Limits.</b> During construction, vehicle speeds will be limited to 15 mph on unpaved roads or work areas and vehicles should be turned around in established or designated areas only.	(APM AIR-2) <b>Speed Limits.</b> <b>**APM was retained verbatim</b>	APM was retained in DEIR. No changes requested.
F-140	APM AIR-3 <b>Vehicle Use and Idling Time.</b> To the extent feasible construction vehicle use and idling time will be minimized. The ability to limit construction vehicle	(APM AIR-3) <b>Vehicle Use and Idling Time.</b> <b>**APM was retained verbatim</b>	APM was retained in DEIR. No changes requested.

Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

	Applicant Proposed Measures	Draft EIR Mitigation Measures	NEET West Comments
F-140 Cont.	idling time is dependent upon the sequence of construction activities and when and where vehicles are needed or staged. Certain vehicles, such as large diesel powered vehicles, have extended warm-up times following start-up that limit their availability for use following startup. Where such diesel powered vehicles are required for repetitive construction tasks, these vehicles may require more idling time. The Proposed Project will apply a “common sense” approach to vehicle use; if a vehicle is not required for use immediately or continuously for construction activities, its engine will be shut off. Construction foremen will include briefings to crews on vehicle use as part of pre-construction conferences. Those briefings will include discussion of a “common sense” approach to vehicle use.		
F-141	APM AIR-4 <b>Construction Equipment Emissions.</b> Low-emission construction equipment will be utilized during construction of the Proposed Project. Construction equipment will be maintained per manufacturer specifications. All off-road construction diesel engines not registered under the CARB Statewide Portable Equipment Registration Program shall meet at a minimum the Tier 2 California Emission Standards for Off-Road Compression-Ignition Engines as specified in CCR Title 13, Section 2423(b)(1).	(APM AIR-4) <b>Construction Equipment Emissions.</b> Low-emission construction equipment will be utilized during construction of the Proposed Project. Construction equipment will be maintained per manufacturer specifications. All off-road construction diesel engines not registered under the CARB Statewide Portable Equipment Registration Program shall meet at a minimum the Tier 2 California Emission Standards for Off-Road Compression-Ignition Engines as specified in <del>CCR Title 13, Section</del> <u>Cal. Code Regs., tit. 13 §</u> 2423(b)(1).	APM was retained in DEIR. No changes requested.
F-142	APM AIR-5 <b>Loss of SF6.</b> In operation of the SVC, NEET West will maintain the 230 kV circuit breaker so that the loss of SF6 is less than 0.5% per year. To assess the loss of SF6, NEET West will conduct monthly inspections and maintain the records of such inspections. NEET West will also participate in EPA’s voluntary SF6 Emission Reduction Partnership for Electric Power Systems.	(APM AIR-5) <b><u>Loss of Sulfur Hexafluoride (SF6).</u></b> In operation of the SVC, NEET West will maintain the 230-kv circuit breaker so that the loss of SF6 is less than 0.5 % <u>percent</u> per year. To assess the loss of SF6, NEET West will conduct monthly inspections and maintain the records of such inspections. NEET West will also participate in the <del>EPA’s</del> <u>U.S. Environmental Protection Agency’s</u> voluntary SF6 Emission Reduction Partnership for Electric Power Systems.	APM was retained in DEIR. No changes requested.
F-143		AQ-1 <b>Additional DEIR Mitigation:</b> <b>Off-Road Equipment Control.</b> NEET West or their contractor(s) shall implement the following measure: <ul style="list-style-type: none"><li>• All off-road equipment engines that are 50 horsepower or greater shall meet or exceed U.S. Environmental Protection Agency/California Air Resources Board Tier 3 emissions standards.</li><li>• Exceptions to the Tier 3 requirement shall be allowed for specialty equipment that will be used for no more than 5 days; provided that a due diligence search, which includes at least three (3) appropriate equipment rental firms could not procure the necessary equipment type with a Tier 3 compliant or better engine.</li></ul>	Additional air quality impact mitigation is unnecessary and unwarranted. Remove Mitigation Measure AQ-1 from DEIR. Refer to comment letter and associated comment matrix.
	<b>BIOLOGICAL RESOURCES</b>	<b>BIOLOGICAL RESOURCES</b>	
F-144	APM BIO-1 <b>Biological Monitor.</b> A qualified biologist or environmental inspector who is familiar with the biological resources and issues at the Proposed Project will conduct monitoring during all construction-related ground-disturbing activities that may impact sensitive biological resources, including but not necessarily limited to: initial clearing and vegetation removal; perimeter fence installation and excavation; and movement of construction equipment and other activities outside of fenced/paved areas within wildlife habitat. The biological monitor/environmental inspector will flag or otherwise clearly mark environmentally sensitive areas with appropriate buffers, within which construction is not allowed. The monitor/inspector will have the authority to	BIO-11 <b>Biological Monitor.</b> <del>NEET West or their contractor(s) shall employ</del> a qualified biologist or environmental inspector who is familiar with the biological resources and issues at the Proposed Project <del>will to</del> conduct monitoring during all construction-related ground-disturbing activities that may impact sensitive biological resources, <del>including. These activities would include</del> but not necessarily be limited to: initial clearing and vegetation removal; perimeter fence installation and excavation; and movement of construction equipment and other activities outside of fenced/paved areas within wildlife habitat. The biological monitor/environmental inspector shall flag or otherwise	Acknowledge NEET West’s APM BIO-1 as the language is very similar to Mitigation Measure AES-1 and should have been considered as part of the description of the Proposed Project. NEET West accepts the language of MM BIO-11.



Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

	Applicant Proposed Measures	Draft EIR Mitigation Measures	NEET West Comments
F-144 Cont.	stop work activities upon the discovery of sensitive biological resources, and allow construction to proceed after the identification and implementation of steps required to avoid or minimize impacts to sensitive resources.	clearly mark environmentally sensitive areas with appropriate buffers, within which construction is not allowed. The monitor/inspector <del>will</del> <u>shall</u> have the authority to stop work activities upon the discovery of sensitive biological resources, and allow construction to proceed after the identification and implementation of steps required to avoid or minimize impacts to sensitive resources. <u>Such steps shall be pre-approved by CDFW and/or USFWS, as applicable given the species' status.</u>	
F-145	APM BIO-2 <b>Vehicle Use of Existing Roads.</b> Except when not feasible due to physical or safety constraints, all Proposed Project vehicle movement will be restricted to existing roads as a part of the Proposed Project. When it is not feasible to keep vehicles on existing access roads or avoid construction of access driveways during the nesting, breeding, or migration season, NEET West will perform a site survey in the area where the work is to occur. This survey will be performed to determine presence or absence of special-status nesting birds or other special-status species in the work area.  Parking or driving on unpaved areas underneath oak trees will not be allowed in order to protect root structures. In addition, a 15-mile-per-hour speed limit will be observed on dirt access roads to reduce dust and allow reptiles and small mammals to disperse.	BIO-12 <b>Vehicle Use of Existing Roads.</b> <u>NEET West or their contractor(s) shall restrict all Proposed Project vehicle movement to existing roads as a part of the Proposed Project,</u> except when not feasible due to physical or safety constraints. When it is not feasible to keep vehicles on existing access roads or avoid construction of access driveways during the nesting, breeding, or migration season, NEET West <del>will</del> <u>shall</u> perform a site survey in the area where the work is to occur. This survey shall <del>will</del> <u>shall</u> be performed to determine presence or absence of special-status nesting birds or other special-status species in the work area.  Parking or driving on unpaved areas underneath oak trees shall not be allowed in order to protect root structures. In addition, a 15-mile-per-hour speed limit shall be observed on roads in the Proposed Project area to reduce dust and allow reptiles and small mammals to disperse.	Acknowledge NEET West's APM BIO-2 as the language is very similar to Mitigation Measure BIO-12 and should have been considered as part of the description of the Proposed Project. NEET West accepts the language of MM BIO-12.
F-146	APM BIO-3 <b>Debris and Litter Removal.</b> Littering will not be allowed in the Proposed Project area. Proposed Project personnel will deposit all debris and litter into covered garbage containers which will be disposed of when full. Garbage containers will not be allowed to overflow and lids will be secured to prevent wildlife from removing garbage from containers. No food or waste will be left on the ground in the Proposed Project area, and no biodegradable or non-biodegradable debris will remain in the right-of-way following completion of construction.	**DEIR does not include a similar mitigation measure	Acknowledge NEET West's APM BIO-3 which should have been considered as part of the description of the Proposed Project.
F-147	APM BIO-4 <b>Delineating Sensitive Plant Populations.</b> The Proposed Project does not directly impact any sensitive plant populations, although felt-leaved monardella has been observed immediately adjacent to the Proposed Project. To ensure proper protection of these plants on or near the Proposed Project alignment, a qualified botanist will flag plant populations to be protected and avoided prior to Proposed Project implementation. The flagging will remain in place until work has ceased and the potential for impacts to the populations has abated. Flagging and demarcation will be updated as necessary. The botanist will also map populations using GPS/GNSS to update Proposed Project designs for avoidance in the field. If any sensitive plants are encountered during construction, buffers will be established for avoidance. A minimum buffer of 50 feet will be established from an identified special-status plant species unless consultation with a qualified biologist determines a reduced buffer would suffice to avoid impacts to the species. If plants cannot be avoided, seed will be collected and used during revegetation efforts following construction.	BIO-2  ** APM was retained in concept but was replaced with more stringent and specific requirements; edits are not shown as strikeout vs. new text. <b>Perform Focused Surveys for Special-Status Plants</b> NEET West or their contractor(s) shall implement the following measures: Within 1 year before commencement of ground-disturbing activities, a qualified botanist shall perform surveys for special-status plant species with the potential to occur at the site. Floristic surveys will be performed according to the <i>Protocols for Surveying and Evaluating Impacts to Specials Status Native Plant Populations and Natural Communities</i> (California Department of Fish and Game 2009 or current version). Floristic surveys will be performed during the appropriate bloom period(s) for each species. If special-status plants are detected within the construction zone or within a 100-foot radius of the construction zone, Mitigation Measure BIO-1c shall be implemented.	NEET West performed focused surveys for special status plants during the appropriate blooming windows. Therefore an additional focused plant survey is unnecessary. Furthermore, NEET West proposed APM BIO-4 to delineate, protect, and avoid special-status plant populations. As a result, impacts will be less than significant and additional special-status plant mitigation such as Mitigation Measure BIO-2 is unnecessary to reduce impacts to a less than significant level. Mitigation Measure BIO-2 should therefore be removed from the DEIR.
F-148		BIO-1 <b>Design Project to Avoid or Minimize Impacts on Known Occurrences of Special-Status Plants</b> NEET West or their contractor(s) shall implement the following measures: <ul style="list-style-type: none"><li>To the extent feasible, the Proposed Project shall avoid or minimize impacts on known occurrences of felt-leaved monardella (as shown on Figure 7-6 of this EIR). Avoidance and minimization measures</li></ul>	See above, APM BIO-4 is similar to this Mitigation Measure BIO-1. Acknowledge NEET West's APM BIO-4 as part of the project design and impacts to special-status plants will be less than significant as stated in the PEA. The project has already been designed to avoid special-status plants. NEET West accepts the language of Mitigation Measure BIO-1.



Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

	Applicant Proposed Measures	Draft EIR Mitigation Measures	NEET West Comments
F-148 Cont.		may include adjustments of the project design to avoid special-status plants.	
F-149		<b>BIO-3</b> <b>Avoid or Minimize Impacts on Special-Status Plant Species during Construction</b> If special-status plants are detected within the construction zone or within a 100-foot radius of the construction zone while implementing Mitigation Measure BIO-2, NEET West or the contractor(s) shall install exclusion fencing to protect plants that remain in place. Locations of special-status plant populations shall be clearly identified in the field by staking, flagging, or fencing. The plants shall be monitored throughout the duration of construction to determine whether the project has resulted in adverse effects (direct or indirect), as determined by a qualified botanist. If the botanist determines that special-status plants may have been adversely affected, NEET West shall implement measures to compensate for the impact as described in Mitigation Measure BIO-4.	See above, APM BIO-4 is similar to this Mitigation Measure BIO-3. Acknowledge NEET West's APM BIO-4 as part of the project design and description and impacts to special-status plants will be less than significant as stated in the PEA.
F-150		<b>BIO-4</b> <b>Compensate for Impacts to Special-Status Plant Species</b> If avoidance of special-status plants is not feasible, NEET West shall implement measures to compensate for impacts on special-status plants. Compensation may be provided by purchasing credits at an approved mitigation bank (provided at a minimum 1:1 ratio [mitigation to impact]), or through transplanting perennial species, collecting and dispersing seed of annual species, and other conservation strategies that shall restore and protect the viability of the local population. Because of the differences in plant growth forms and life histories, conservation measures would be developed on a species-specific basis based on input from CDFW. If compensation measures are implemented, monitoring plant populations shall be conducted annually for 5 years to assess the mitigation's effectiveness. Monitoring shall assess vegetative density, population size, natural recruitment, and plant health and vigor. Monitoring results may trigger management actions such as collection and sowing of additional seed, tillage/disturbance within existing populations to induce establishment, installation of container plants, and control of other competing vegetation to ensure successful plant establishment and survival. The determination of success will be based on whether there has been a substantial reduction (greater than 20 percent) in the size or abundance of the population compared to baseline conditions. The site shall be evaluated at the end of the 5-year monitoring period to determine whether the mitigation has met the success criteria.	The project was designed to avoid impacts to special-status plants. Future impacts to special-status plants is speculative and therefore there is no basis for prescribing compensation for impacts. Remove Mitigation Measure BIO-4 from the DEIR.
F-151	<b>APM BIO-5</b> <b>Vegetation Trimming and Removal.</b> Vegetation trimming and removal will not be conducted during the bird breeding season (February through August) without a pre-activity survey for vegetation containing active nests, burrows, or dens. The pre-activity survey performed by the on-site biological resource monitor will ensure that the vegetation to be cleared contains no active migratory bird nests, burrows, or active dens prior to clearing. If occupied migratory bird nests are present, tree removal/trimming or brush clearing work would be avoided within a buffer determined by the on-site biologist. If no nests are observed, clearing may proceed. Where burrows or dens are identified in the reconnaissance-level survey, soil in the vegetation trimming or removal area would be sufficiently dry before clearing activities occur to prevent mechanical damage to burrows that may be present.	<b>BIO-5</b> <b>** APM was retained in concept but significantly edited; edits are not shown as strikeout vs. new text.</b> <b>Avoid Impacts on Nesting Birds.</b> Whenever possible, NEET West or their contractor(s) shall avoid impacts on native nesting birds by not initiating Proposed Project activities that involve clearing vegetation, generating mechanical noise, or ground disturbance during the typical breeding season from February 1 to August 31.	Mitigation Measure BIO-5 is infeasible due to the phasing of construction of the Proposed Project. Remove Mitigation Measure BIO-5 and replace with Mitigation Measure BIO-6 as revised below. Additionally, acknowledge NEET West's APM BIO-5 as part of the Proposed Project.

Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

	Applicant Proposed Measures	Draft EIR Mitigation Measures	NEET West Comments
F-151 Cont.	<p>Whenever feasible, trees in environmental sensitive areas, such as areas of riparian or native scrub vegetation, will be scheduled for trimming during non-sensitive (i.e., outside breeding or nesting) times. Where trees cannot be trimmed during non-sensitive times, NEET West will perform a site survey, or more as appropriate, to determine presence or absence of nesting bird species in riparian or native scrub vegetation. Only the minimum amount of vegetation necessary for the construction of structures and facilities will be removed.</p> <p><b>Nesting Bird Buffers and Management Plan.</b> If active nests of non-special-status species birds or common raptors are found, a suitable buffer shall be established around active nests and no construction within the buffer allowed until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). Encroachment into the buffer may occur at the discretion of a qualified biologist. If bird nesting is initiated during active construction, the birds will be assumed acclimated to the disturbance and no buffer will be applied; however, direct impacts to active nests will be avoided.</p> <p>Prior to construction, NEET West shall prepare a Nesting Bird Management Plan. The plan shall include at a minimum: the types of birds that may occur in the Proposed Project area; the proposed management strategy for nesting birds; the proposed buffer distances for nesting birds; monitoring, field survey requirements and reporting standards; and nest deterrence strategies.</p>		
F-152	APM BIO-6 <b>Harming or Feeding Wildlife.</b> No wildlife, including rattlesnakes, will be harmed except to protect life and limb. Firearms and pets will be prohibited in all Proposed Project areas. In addition, feeding of wildlife will not be allowed. This includes keeping trash bins covered and secured at all times until they are removed from the Proposed Project site.	<b>**DEIR does not include a similar mitigation measure</b>	Acknowledge NEET West's APM BIO-6 which should have been considered as part of the description of the Proposed Project.
F-153	APM BIO-7 <b>Inspect Excavations for Trapped Wildlife.</b> All steep-walled trenches or excavations used during construction will be inspected twice daily (early morning and evening) to protect against wildlife entrapment. If wildlife is located in a trench or excavation, the on-site biological resource monitor will be contacted immediately to remove them if they cannot escape unimpeded. If the biological resource monitor is not qualified to remove the entrapped wildlife, a recognized wildlife rescue agency may be employed to remove the wildlife and transport them safely to other suitable habitats. <p>Steep-walled trenches and excavations will be fenced and/or covered at the end of each workday to the extent practicable, to prevent wildlife from becoming entrapped and for safety purposes. Alternatively, escape ramps will be installed in trenches or excavation to allow wildlife to exit on their own volition.</p>	BIO-14 <b>Inspect Excavations for Trapped Wildlife.</b> <u>NEET West or their contractor(s) shall inspect</u> all steep-walled trenches or excavations used during construction will be inspected twice daily (early morning and evening) to protect against wildlife entrapment. If wildlife is located in a trench or excavation, the on-site biological resource monitor <del>will</del> <u>shall</u> be contacted immediately to remove them if they cannot escape unimpeded. If the biological resource monitor is not qualified to remove the entrapped wildlife, a recognized wildlife rescue agency may be employed to remove the wildlife and transport them safely to other suitable habitats. <p>Steep-walled trenches and excavations <del>will</del><u>shall</u> be fenced and/or covered at the end of each workday, to prevent wildlife from becoming entrapped and for safety purposes. Alternatively, escape ramps <del>will</del><u>shall</u> be installed in trenches or excavation to allow wildlife to exit on their own volition.</p>	Acknowledge that APM BIO-7 is very similar to Mitigation Measure BIO-14. NEET West accepts the language of Mitigation Measure BIO-14.
F-154	APM BIO-8 <b>Emergency Repairs.</b> Emergency repairs may be required during the construction and maintenance of the Proposed Project to address situations (e.g., slides, slumps, major subsidence, etc.) that potentially or immediately threaten the integrity of the Proposed Project facilities. During emergency repairs, APMs will be followed to the fullest extent practicable.	<b>**DEIR does not include a similar mitigation measure</b>	Acknowledge NEET West's APM BIO-8 which should have been considered as part of the description of the Proposed Project.
F-155	APM BIO-9 <b>Structures Constructed to Minimize Impacts to Raptors.</b> Structures shall be constructed to conform to "Suggested Practices for Raptor Protection on Power Lines" (Raptor Research Foundation, Inc. 1981) to minimize impacts to raptors. NEET West will construct all aboveground power transmission	BIO-7 <b>Structures Constructed to Minimize Impacts to Raptors <u>and other Avian Life.</u></b> <del>Structures shall be constructed</del> <u>NEET West or their contractor(s) shall construct structures</u> to conform to "Suggested Practices for Raptor	Acknowledge that APM BIO-9 is very similar to Mitigation Measure BIO-7. NEET West accepts the language of Mitigation Measure BIO-7.

Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

	Applicant Proposed Measures	Draft EIR Mitigation Measures	NEET West Comments
F-155 Cont.	lines to the Avian Power Line Interaction Committee (APLIC) Guidelines recommendations: Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006, and Reducing Avian Collisions with Power Lines: State of the Art in 2012.	Protection on Power Lines” (Raptor Research Foundation, Inc. 1981) to minimize impacts to raptors. NEET West <del>will or their contractor(s) shall</del> construct all aboveground power transmission lines to the Avian Power Line Interaction Committee (APLIC) Guidelines recommendations: <i>Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006, and Reducing Avian Collisions with Power Lines: State of the Art in 2012 (APLIC 2006, 2012).</i>	
F-156	APM BIO-10 <b>Restoration and Revegetation.</b> NEET West will develop a Restoration and Revegetation Plan to guide restoration activities on the Proposed Project that promotes locally appropriate native plant growth and eliminates non-native and invasive species. The Restoration Plan will identify measures and success criteria specific to each impacted plant community at the Proposed Project. The total area to be planted, and species composition, will be tailored for each impacted plant community based on existing standards and precedents. The Restoration Plan will identify success criteria for each habitat type and develop monitoring measures to ensure that success criteria will be met.  Disturbed soils will be revegetated with an appropriate weed-free, native seed mix. All areas designated for temporary impacts will be revegetated with a seed blend that includes native grasses, forbs, and shrub species characteristic of the plant community receiving the temporary impact. Revegetation activities will be undertaken as soon as construction activities have been completed to minimize colonization by non-native weedy species and to ensure compliance with the Proposed Project’s SWPPP. Herbicides, if required during the restoration period, will be applied using hand-held applicators for spot-treatment and will not be used within 100 feet of drainages or sensitive plant populations.	BIO-16 <b>Restoration and Revegetation.</b> NEET West <del>will</del> <u>shall</u> develop a Restoration and Revegetation Plan to guide restoration activities on the Project site that promotes locally appropriate native plant growth and eliminates non-native and invasive species. The Restoration Plan <del>will</del> <u>shall</u> identify measures and success criteria specific to each impacted plant community at the Proposed Project. The total area to be planted, and species composition, <del>will</del> <u>shall</u> be tailored for each impacted plant community based on existing standards and precedents. The Restoration Plan <del>will</del> <u>shall</u> identify success criteria for each habitat type and develop monitoring measures to ensure that success criteria will be met.  Disturbed soils <del>will</del> <u>shall</u> be revegetated with an appropriate weed-free, native seed mix. All areas designated for temporary impacts <del>will</del> <u>shall</u> be revegetated with a seed blend that includes native grasses, forbs, and shrub species characteristic of the plant community receiving the temporary impact. Revegetation activities <del>will</del> <u>shall</u> be undertaken as soon as construction activities have been completed to minimize colonization by non-native weedy species and to ensure compliance with the Proposed Project’s Storm Water Pollution Prevention Plan (SWPPP). Herbicides, if required during the restoration period, <del>will</del> <u>shall</u> be applied using hand-held applicators for spot-treatment and <del>will</del> <u>shall</u> not be used within 100 feet of drainages or sensitive plant populations.	Acknowledge that APM BIO-16 is very similar to Mitigation Measure BIO-16. NEET West accepts the language of Mitigation Measure BIO-16.
F-157	APM BIO-11 <b>Night Lighting.</b> NEET West will minimize construction night lighting on adjacent habitats. Exterior lighting within the Proposed Project area adjacent to habitat will be the lowest illumination allowed for human safety and security, selectively placed, shielded, and directed downward to the maximum extent practicable. Vehicle traffic associated with Proposed Project activities will be kept to a minimum volume and speed to prevent mortality of nocturnal wildlife species moving about.	BIO-15 <b>Minimize Night Lighting.</b> NEET West or their contractor(s) <del>will</del> <u>shall</u> minimize construction night lighting on adjacent habitats. Exterior lighting within the Proposed Project area adjacent to habitat shall be the lowest illumination allowed for human safety and security, selectively placed, shielded, and directed downward to the maximum extent practicable. Vehicle traffic associated with Proposed Project activities shall be kept to a minimum volume and speed to prevent mortality of nocturnal wildlife species <del>moving about.</del>	Acknowledge that APM BIO-11 is very similar to Mitigation Measure BIO-15. NEET West accepts the language of Mitigation Measure BIO-15.
F-158	APM BIO-12 <b>Implementation of Best Management Practices.</b> The plans and specifications for the Proposed Project will require the construction contractor to comply with the Proposed Project’s SWPPP and reduce the transport of fugitive dust particles related to construction activities through the use of soil stabilization, watering, or implementation of comparable measures. In addition, construction materials and stockpiled soils will be covered or treated in accordance with the SWPPP to ensure that they do not become a source of fugitive dust or sediment. Fugitive dust management areas, including stockpiled soils, will be inspected weekly by the on-site biologist to ensure that they are adequately managed to prevent the generation of fugitive dust.  Erosion controls that comply with county, State, and federal standards will be applied, including the implementation of best management practices. Practices such as installation of silt fences, straw wattles, and check dams will be implemented near disturbed areas to minimize and control erosion and	<b>**DEIR does not include a similar mitigation measure</b>	Acknowledge NEET West’s APM BIO-12 which should have been considered as part of the description of the Proposed Project.

Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

	Applicant Proposed Measures	Draft EIR Mitigation Measures	NEET West Comments
F-158 Cont.	<p>sedimentation. Erosion management areas will be inspected and maintained regularly in accordance with the Proposed Project's SWPPP.</p> <p>To minimize potential impacts to the environment from accidental fuel spills, the plans and specifications for the Proposed Project will specify that all refueling occur in a designated fueling area that includes a temporary berm to limit the spread of any spill; drip pans will be used during refueling to contain accidental releases, and drip pans will be used under the fuel pump and valve mechanisms of any bulk fueling vehicles parked at the construction site; spills will be immediately addressed per the appropriate spill management plan, and soil cleanup and soil removal initiated if needed.</p>		
F-159	<p>APM BIO-13</p> <p><b>Preconstruction Sweeps for Biological Resources.</b> Prior to initial vegetation clearance, grubbing, and ground-disturbing activities, a qualified biologist will conduct pre-construction sweeps of the Proposed Project for special-status wildlife and plants. During these surveys, the biologist will:</p> <ul style="list-style-type: none"><li>a) Ensure that potential habitats become inaccessible to wildlife (e.g., burrows are removed that would otherwise provide temporary refuge);</li><li>b) In the event of an unanticipated discovery of a special-status ground-dwelling animal, a biologist holding the appropriate State and/or federal permits will recover and relocate the animal to adjacent suitable habitat within the Proposed Project at least 200 feet from the limits of grading; and,</li></ul> <p>In the event of the discovery of a previously unknown special-status plant, the area will be marked as an environmentally sensitive area, and avoided to the maximum extent practicable. If avoidance is not possible, NEET West will consult with USFWS and/or CDFW as appropriate given the species' status.</p>	<p>BIO-13</p> <p><b>Preconstruction Sweeps for Biological Resources.</b> Prior to initial vegetation clearance, grubbing, and ground-disturbing activities, <u>NEET West or their contractor(s) shall ensure that</u> a qualified biologist <del>will</del><u>shall</u> conduct pre-construction sweeps of the Project site for special-status wildlife and plants. During these surveys, the biologist <del>will</del><u>shall</u>:</p> <ul style="list-style-type: none"><li>a) Ensure that potential habitats become inaccessible to wildlife (e.g., burrows are removed that would otherwise provide temporary refuge);</li><li>b) In the event of an unanticipated discovery of a special-status ground-dwelling animal, a biologist holding the appropriate State and/or federal permits shall recover and relocate the animal to adjacent suitable habitat within the Proposed Project at least 200 feet from the limits of grading; and,</li><li>c) In the event of the discovery of a previously unknown special-status plant, the area will be marked as an environmentally sensitive area, and avoided to the maximum extent practicable. If avoidance is not possible, NEET West will consult with USFWS and/or CDFW as appropriate given the species' status.</li></ul>	<p>Acknowledge that APM BIO-13 is very similar to Mitigation Measure BIO-13. NEET West accepts the language of Mitigation Measure BIO-13.</p>
F-160	<p>APM BIO-14</p> <p><b>Nesting Bird Surveys.</b> If construction is scheduled to commence during the non-nesting season (September 1 to January 31), no preconstruction surveys or additional measures with regard to nesting birds and other raptors are required. To avoid impacts to nesting birds in the Proposed Project area, a qualified wildlife biologist shall conduct preconstruction surveys of all potential nesting habitat within the Proposed Project, and within a 150-foot buffer if access allows, for Proposed Project activities that are initiated during the breeding season (February 1 to August 31). The survey for special-status raptors shall focus on potential nest sites on site and within a 500-foot buffer around the site. Surveys shall be conducted no more than 14 days prior to construction activities. Surveys need not be conducted for the entire Proposed Project at one time; they may be phased so that surveys occur shortly before a portion of the site is disturbed. The surveying biologist must be qualified to determine the status and stage of nesting by migratory birds and all locally breeding raptor species without causing intrusive disturbance. Active nests will be avoided and monitored, and the qualified biologists will have authority to stop-work should it be determined that a nest is being impacted by Proposed Project activity.</p>	<p>BIO-6</p> <p><b><u>Nesting Bird Surveys. Implement Preconstruction Surveys for Birds Protected under the Migratory Bird Treaty Act (MBTA).</u></b> If construction is scheduled to commence during the non-nesting season (September 1 to January 31), no preconstruction surveys for nesting birds are required. <del>To avoid impacts to nesting birds in the Proposed Project area, a qualified wildlife biologist shall conduct preconstruction surveys of all potential nesting habitat within the Proposed Project, and within a 150-foot buffer if access allows, for Proposed Project activities that are initiated during the breeding season (February 1 to August 31).</del> <u>NEET West or their contractor(s) shall ensure that surveys for nesting birds are be conducted by a qualified biologist within a 500-foot radius of the construction area.</u> The survey <del>for special-status raptors shall be conducted no more than 14 days prior to construction activities. Surveys need not be conducted for the entire Proposed Project at one time; they may be phased so that surveys occur shortly before a portion of the site is disturbed. The surveying biologist must be qualified to determine the status and stage of nesting by migratory birds and all locally breeding raptor species without causing intrusive disturbance. Active nests will be avoided and monitored, and the qualified biologists will have authority to stop-work should it be determined that a nest is being impacted by Proposed Project activity.</del> <u>If the biologist determines that the area surveyed does not contain any active nests, then construction activities may commence without any further mitigation. If active nests are found, CDFW and U.S. Fish and</u></p>	<p>Revise Mitigation Measure BIO-6 to include provisions for the qualified biologist adjusting the no-work buffer depending on site specific circumstances. Refer to the comment matrix for specific revisions proposed. Additionally, the buffer distances should be broken down by passerines and raptors and revised as suggested.</p>



Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

	Applicant Proposed Measures	Draft EIR Mitigation Measures	NEET West Comments
F-160 Cont.		<u>Wildlife Service (USFWS) will be notified and no-work buffers around nests shall be established that are sufficient to ensure that breeding is not likely to be disrupted or adversely affected by construction. Buffers for non-special-status birds protected under the MBTA shall be 250 feet around the nest. Special status birds are not anticipated to nest within 500 feet of the Proposed Project, but if active special status bird nest are detected, no-work buffer shall be 500 feet around the nest. Buffers will be maintained until the young have fledged or the nests become inactive.</u>	
F-161	APM BIO-15 <b>Dead or Injured Special-Status Wildlife.</b> If any dead or injured special-status wildlife, or birds protected by the MBTA, are discovered at the Proposed Project during construction, NEET West will stop work in the immediate vicinity. NEET West will notify CPUC, the on-call biologist, and the appropriate resource agency (USFWS and/or CDFW) before construction is allowed to resume.	<b>**DEIR does not include a similar mitigation measure</b>	Acknowledge NEET West's APM BIO-15 which should have been considered as part of the description of the Proposed Project.
F-162	<b>Additional air quality impact mitigation is unnecessary and unwarranted. Remove Mitigation Measure AQ-1 from DEIR. Refer to comment letter and associated matrix for justification.</b>	BIO-8 <b>Additional DEIR Mitigation:</b> <b>Survey for Potential Hermes Copper Habitat.</b> Prior to the start of vegetation clearing for the Project, a survey shall be conducted to determine the presence or absence of potentially suitable Hermes copper habitat within the Project footprint. Potentially suitable habitat is defined as mature (woody) spiny redberry shrub(s) within 15 feet of California buckwheat. If Hermes copper habitat is mapped within the project footprint and will be affected by Project activities, then Mitigation Measure BIO-9 shall be implemented.	Mitigation Measure BIO-8 affords no additional protections as a habitat assessment was performed in November 2015 and preconstruction surveys will take place prior to construction. NEET West accepts the language of Mitigation Measure BIO-8.
F-163		BIO-9 <b>Mitigate for Impacts to Hermes Copper Butterfly Habitat.</b> NEET West or their contractor(s) shall implement the following measures: <ul style="list-style-type: none"><li>If areas mapped as Hermes Copper butterfly habitat are adversely affected by the Proposed Project, NEET West shall mitigate permanent impacts at a 1:1 ratio for unoccupied habitat and 3:1 ratio for occupied habitat. Habitat should be considered occupied if it is within 150 meters of a Hermes copper sighting (County of San Diego 2010).</li></ul>	Additional mitigation and compensation for Hermes copper butterfly is unnecessary and unwarranted. Remove Mitigation Measure BIO-9 from DEIR. Refer to comment letter and associated matrix for justification
F-164		BIO-10 <b>Educational Training.</b> NEET West or their contractor(s) shall ensure that before conducting construction activities all Proposed Project personnel shall participate in an educational training session conducted by a qualified biologist. All on-site personnel shall be informed about relevant special-status species and their habitat, conservation goals, identification, and procedures to follow in the event of a possible sighting. Personnel who miss the first training session or are hired later in the season must participate in a make-up session before conducting Project activities. A record of the personnel that attended the training shall be kept by the qualified biologist.	Mitigation Measure BIO-10 is similar to APM GEN-1. NEET West requests a revision to this mitigation measure as stated in comment matrix.
F-165		BIO-17 <b>Minimize Area of Disturbance of Engelmann Oak-Coast Live Oak/Poison Oak/Grass Association Habitat.</b> NEET West or their contractor(s) shall ensure that the disturbance or removal of vegetation shall not exceed the minimum necessary to complete construction and shall only occur within the defined work area.	This measure is already part of the project's design. Impacts to this community were considered in the PEA and minimized by establishing a retaining wall on the east side of the SVC. NEET West accepts the language of Mitigation Measure BIO-17.
F-166		BIO-18 <b>Develop and Implement a Restoration Plan for Engelmann Oak-Coast Live Oak/Poison Oak/Grass Association Habitat Disturbed during Construction.</b>	Additional mitigation and compensation for Englemann oak woodland is unnecessary and unwarranted. Remove Mitigation Measure BIO-18

Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

	Applicant Proposed Measures	Draft EIR Mitigation Measures	NEET West Comments
F-166 Cont.		NEET West or their contractor(s) shall develop and implement a Habitat Restoration Plan to mitigate any temporary and permanent impact on Engelmann Oak-Coast Live Oak/Poison Oak/Grass Association habitat. For any temporary impact, all disturbed soils and new fill in this habitat shall be revegetated with site-appropriate native species. For any permanent impact, Engelmann Oak-Coast Live Oak/Poison Oak/Grass Association habitat shall be mitigated at a ratio of 1.1:1 (replacement to impact). Engelmann Oak-Coast Live Oak/Poison Oak/Grass Association restoration or compensation may be completed at the Project site, in the vicinity, or at a conservation bank with a service area that covers the Project site. Revegetated or restored areas shall be maintained and monitored to ensure a minimum of 65 percent survival of woody plantings after 5 years.	from DEIR. Refer to comment letter and associated matrix for justification
	CULTURAL RESOURCES	CULTURAL RESOURCES	
F-167	APM CUL-1 <b>Retain a Qualified Principal Investigator.</b> A qualified principal investigator, defined as an archaeologist who meets the Secretary of the Interior's Standards for professional archaeology, will be retained to carry out all applicant proposed measures related to archaeological and historical resources.	**DEIR does not include a similar mitigation measure	Acknowledge NEET West's APM BIO-3 which should have been considered as part of the description of the Proposed Project.
F-168	APM CUL-2 <b>Archaeological Construction Monitoring.</b> A qualified archaeological monitor will be retained to conduct periodic spot checking of initial ground disturbing activities. The archaeological monitor will work under the supervision of the principal investigator. Spot checking will include but not be limited to: excavations below 24 inches (60 cm) within the former Wilson Laydown Area (previously used as a materials storage and laydown area for the Sunrise Powerlink); and in locations wherein blasting will occur, both prior to and after blasting. The duration and timing of the monitoring will be determined by the CPUC, with recommendations provided by the principal investigator. If the principal investigator determines that periodic spot-checking is no longer warranted, he or she may recommend to the CPUC that monitoring cease entirely. In addition, if the principal investigator determines that an increase in the level of monitoring is warranted, he or she may recommend to the CPUC that full-time monitoring of ground disturbing activities be conducted in archaeologically sensitive areas.	CR-1  ** APM was retained in concept but significantly edited; edits are not shown as <del>strikeout</del> vs. new text. <b>Conduct archaeological sensitivity training and construction monitoring.</b> A qualified archaeological monitor will be retained to conduct periodic spot checking of initial Prior to initiation of ground-disturbing activities, NEET West shall arrange for construction crews to receive training about the kinds of archaeological materials that could be present within the project site and the protocols to be followed should any such materials be uncovered during construction. Training shall be conducted by an archaeologist who meets the U.S. Secretary of Interior's professional standards. Training may be required during different phases of construction to educate new construction personnel.  The presence of archaeological sites both within the Proposed Project SVC area and along the Bell Bluff Truck Trail indicates that the area is sensitive for archaeological resources. As a result, a qualified archaeological monitor shall be retained to monitor all ground disturbing activities associated with the project. A Native American monitor shall also participate in observing ground-disturbing activities. If any prehistoric or historic-era features, or human remains, are exposed during construction, the archaeological monitor shall have the authority to stop work in the vicinity of the finds and implement the actions identified in Mitigation Measure CR-2.	Mitigation Measure CR-1 is similar to APM GEN-1 and APM CUL-2. NEET West requests a revision to this mitigation measure as stated in comment matrix.
F-169	APM CUL-3 <b>Inadvertent Discoveries.</b> In the event that unanticipated cultural materials are encountered during any phase of construction, all construction work within 50 feet of the deposit will cease, and the principal investigator will be consulted to assess the find. Construction activities may continue in other areas. Ground-disturbing impacts to any newly-discovered eligible or potentially eligible resources should be avoided to the extent feasible. If avoidance of <del>these</del> sites is not feasible, CPUC's Energy Division will ensure that potentially impacted cultural resources are assessed for significance, as defined by PRC Section 21083.2 or State CEQA Guidelines Section	CR-2  ** APM was retained in concept but significantly edited; edits are not shown as <del>strikeout</del> vs. new text. <b>Immediately halt construction if cultural resources are discovered, evaluate all identified cultural resources for eligibility for inclusion in the California Register of Historical Resources (CRHR), and implement appropriate mitigation measures for eligible resources.</b> Not all cultural resources are visible on the ground surface. Construction activities, including possible blasting, at the SVC would require excavation up to 15 feet deep and trenching for the installation for the transmission line	Mitigation Measure CR-2 is similar to APM APM CUL-3. NEET West requests a revision to this mitigation measure as stated in comment matrix.

Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

	Applicant Proposed Measures	Draft EIR Mitigation Measures	NEET West Comments
F-169 Cont.	<p>15064.5(a), through implementation of Phase II investigations. Should such testing exhaust the data potential of these resources, impacts from the Proposed Project would be reduced to less than significant. Resources found to be not significant will not require additional treatment. Impacts to resources found to be significant will be reduced to less than significant through a Phase III data recovery program. Prior to any ground-disturbing activities, a detailed archaeological treatment plan will be prepared and implemented by a qualified archaeologist for the data recovery program. Data recovery investigations will be conducted in accordance with the archaeological treatment plan to ensure collection of sufficient information to address archaeological and historical research questions, and results will be presented in a technical report (or reports) describing field methods, materials collected, and conclusions. Additional testing and/or data recovery phases may involve additional excavation and/or more detailed recordation of resources or more comprehensive archival research. Any cultural material collected as part of an assessment or data recovery effort should be curated at a qualified facility. Field notes and other pertinent materials should be curated along with the archaeological collection.</p>	<p>along the Bell Bluff Truck Trail would be up to 9 feet deep. These activities have the potential to uncover buried cultural resources. If any cultural resources, such as structural features, unusual amounts of bone or shell, flaked or ground stone artifacts, historic-era artifacts, human remains, or architectural remains are encountered during any project construction activities, work shall be suspended immediately at the location of the find and within a radius of at least 50 feet and the CPUC shall be notified within 24 hours.</p> <p>All cultural resources accidentally uncovered during construction within the project site shall be evaluated for eligibility for inclusion in the CRHR. Resource evaluations shall be conducted by individuals who meet the U.S. Secretary of the Interior's professional standards in archaeology, history, or architectural history, as appropriate. If any of the resources meet the eligibility criteria identified in Public Resources Code section 5024.1 or CEQA section 21083.2(g), mitigation measures shall be developed and implemented in accordance with CEQA Guidelines section 15126.4(b) before construction resumes.</p> <p>For resources eligible for listing in the CRHR that would be rendered ineligible by the effects of project construction, or a Tribal Cultural Resource (TCR), additional mitigation measures shall be implemented. Mitigation measures for archaeological resources may include (but are not limited to) avoidance; incorporation of sites within parks, greenspace, or other open space; capping the site; deeding the site into a permanent conservation easement; or data recovery excavation. Mitigation measures for archaeological resources shall be developed in consultation with responsible agencies and, as appropriate, interested parties, such as Native American tribes. Native American consultation is required if an archaeological site is determined to be a TCR. Implementation of the approved mitigation would be required before resuming any construction activities with potential to affect identified eligible resources at the site.</p> <p>Furthermore, archaeological resources may also contain previously unidentified human remains. Although it would be unlikely for human remains to be disturbed during construction, given the previously disturbed nature and geology of the location, the possibility, though remote, exists that burials could be encountered. If human remains are encountered, Mitigation Measure CR-3 would be implemented during construction to ensure that potential impacts to these resources are less than significant with mitigation.</p>	
F-170	<p>APM-CUL-4     <b>Discovery of Human Remains:</b> If human remains are discovered, all work within 15 meters (50 feet) of the discovery shall cease and the San Diego County Coroner shall be notified. State of California Health and Safety Code Section 7050.5 stipulates that no further disturbance will occur until the County Coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98. The San Diego County Coroner and the CPUC will be notified of the find immediately. If the human remains are determined to be prehistoric, the Coroner will notify the NAHC, which will determine and notify a MLD. The MLD will complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.</p>	<p>CR-3     <b>** APM was retained in concept but significantly edited; edits are not shown as strikeout vs. new text.</b></p> <p><b>Immediately halt construction if human remains are discovered and implement applicable provisions of the California Health and Safety Code.</b></p> <p>If human remains are accidentally discovered during the Proposed Project's construction activities, the requirements of California Health and Human Safety Code section 7050.5 shall be followed. Potentially damaging excavation shall halt in the project site of the remains, with a minimum radius of 100 feet, and the County Coroner shall be notified. The Coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code § 7050.5[b]). If the Coroner determines that the remains are those of</p>	<p>Mitigation Measure CR-3 is similar to APM APM CUL-4. NEET West requests a revision to this mitigation measure as stated in comment matrix.</p>

Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

	Applicant Proposed Measures	Draft EIR Mitigation Measures	NEET West Comments
F-170 cont.		a Native American, he or she must contact Native American Heritage Commission (NAHC) by phone within 24 hours of making that determination (Health and Safety Code § 7050[c]). Pursuant to the provisions of Public Resources Code section 5097.98, the NAHC shall identify a Most Likely Descendent (MLD). The MLD designated by the NAHC shall have at least 48 hours to inspect the site and propose treatment and disposition of the remains and any associated grave goods. NEET West shall work with the MLD to ensure that the remains are removed to a protected location and treated with dignity.	
F-171	APM-PR-1 <b>Inadvertent Fossil Discovery.</b> Should any paleontological resources be found within the Proposed Project footprint prior to or during construction: <ul style="list-style-type: none"><li>▪ Surface-disturbing work will be halted in the immediate area (within 50 feet) of the find and project paleontologist notified immediately so the find can be evaluated</li></ul> No operations will resume in the immediate area of the find until written authorization to proceed is issued by the appropriate agency personnel.	<b>**DEIR evaluated paleo in cultural section (as opposed to geo section) but doesn't include a similar mitigation measure</b>	Acknowledge NEET West's APM BIO-3 which should have been considered as part of the description of the Proposed Project.
	<b>GEOLOGY AND SOILS</b>	<b>GEOLOGY AND SOILS</b>	
F-172	APM-GEO-1 <b>Appropriate Design Measure Implementation.</b> Site excavation likely has the potential to expose variably weathered granitic and metamorphic rock. Earthwork will incorporate the following measures typical to southern California grading practices: <ul style="list-style-type: none"><li>▪ Remove soils and other surficial deposits that do not possess sufficient strength and stability to support structures. Removals should extend to competent materials with high mechanical strength and resistant to erosion and deformation.</li><li>▪ Process material obtained from excavation to achieve a maximum particle size and distribution that is suitable for conventional placement in engineered fills. Depending on the quantity of oversize material, consider rock fill placement and/or other forms of disposal as appropriate.</li><li>▪ Construct keyways, benches, or other structural component transitions/connections into competent material for all fill slopes.</li><li>▪ Control blasting or utilize alternative excavation techniques near cut slope faces that may be unstable to minimize further slope instability.</li><li>▪ Install sub-drains in the base of fills placed in swales or ravines.</li><li>▪ Over-excavate cut areas where structures will be supported by shallow foundations between transitions from cut to fill.</li></ul>	<b>**DEIR does not include a similar mitigation measure</b>	Acknowledge NEET West's APM GEO-1 which should have been considered as part of the description of the Proposed Project.
F-173	APM-GEO-2 <b>Soil Disturbance Minimization.</b> The following measures will be implemented during construction to minimize impacts from geological hazards and disturbance to soils: <ul style="list-style-type: none"><li>▪ Keep vehicle and construction equipment within the limits of the Proposed Project and in approved construction work areas to reduce disturbance to topsoil.</li><li>▪ Prior to grading, salvage topsoil to a depth of 6 inches or to actual depth if shallower (as identified in site-specific geotechnical investigation report) to avoid mixing of soil horizons.</li></ul>	<b>**DEIR does not include a similar mitigation measure</b>	Acknowledge NEET West's APM GEO-2 which should have been considered as part of the description of the Proposed Project.



Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

	Applicant Proposed Measures	Draft EIR Mitigation Measures	NEET West Comments
F-173 Cont.	<ul style="list-style-type: none"><li>Avoid construction in areas with saturated soils, whenever practical, to reduce impacts to soil structure and allow safe access. Similarly, avoid topsoil salvage in saturated soils to maintain soil structure.</li><li>Keep topsoil material onsite in the immediate vicinity of the temporary disturbance or at a nearby approved work area to be used in restoration of temporary disturbed areas. Temporary disturbance areas will be re-contoured following construction to match pre-construction grades. Areas will be allowed to re-vegetate naturally, or will be reseeded with a native seed mix from a local source if necessary. Onsite material storage will be sited and managed in accordance with all required permits and approvals.</li><li>Keep vegetation removal and soil disturbance to a minimum and limited to only the areas needed for construction. Removed vegetation will be disposed of off-site to an appropriate licensed facility or can be chipped onsite to be used as mulch during restoration. Onsite material storage will be sited and managed in accordance will all required permits and approvals.</li></ul>		
F-174	<p>APM-GEO-3</p> <p><b>Stormwater Pollution Prevention Plan Implementation.</b> The Proposed Project will involve more than one acre of ground disturbance. A SWPPP will be prepared in accordance with the California General Permit for Stormwater Discharges Associated with Construction Activities (CGP) (2009-009-DWQ) and implemented for the Proposed Project. Construction will not begin until the SWPPP is complete and coverage under the CGP is obtained. The SWPPP will be prepared in accordance with CGP requirements and other applicable BMPs.</p> <p>The plan will designate BMPs that will be followed during construction to help stabilize disturbed areas and reduce erosion, sedimentation, and pollutant transport. Erosion minimizing efforts will include:</p> <ul style="list-style-type: none"><li>Avoiding excessive disturbance of steep slopes;</li><li>Using drainage control structures (e.g., straw wattles or silt fencing) to direct surface runoff away from disturbed areas;</li><li>Installing sediment barriers between disturbed areas and aquatic habitat (i.e. jurisdictional wetland and water);</li><li>Strictly controlling vehicular traffic, specifically ingress and egress locations;</li><li>Implementing a dust control program during construction;</li><li>Stockpile containment and management requirements; and</li><li>Re-vegetating disturbed areas where applicable following construction.</li></ul> <p>Erosion control measures will be installed, as necessary, prior to clearing during the wet season and before the onset of winter rains or any anticipated storm event. Temporary measures, such as silt fences or straw wattles, intended to minimize erosion from temporarily disturbed areas will remain in place until disturbed areas have stabilized. Such temporary measures will be placed and monitored by a qualified inspector to ensure effectiveness and timely repair as needed.</p> <p>If determined to be necessary the SWPPP will be submitted to the CPUC for review at least 30 days prior to the start of construction. Plan updates will be made and submitted as needed if construction activities change whereas the existing plan does not adequately address the Proposed Project.</p>	<p><b>**DEIR does not include a similar mitigation measure; compliance with Construction General Permit and preparation of SWPPP is assumed.</b></p>	<p><b>Acknowledge NEET West's APM GEO-3 which should have been considered as part of the description of the Proposed Project.</b></p>

Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

	Applicant Proposed Measures	Draft EIR Mitigation Measures	NEET West Comments
F-175	<ul style="list-style-type: none"><li></li></ul>	<p>GEO-1</p> <p><b>Additional DEIR Mitigation:</b></p> <p><b>Implement Recommendations in the Project Geotechnical Investigation Report.</b></p> <p>NEET West and/or its contractors shall implement the recommendations contained in the geotechnical investigation report prepared for the Proposed Project by Kleinfelder, dated September 2015 (see Appendix H, <i>Geotechnical Investigation Report</i>). These include recommendations for a geotechnical engineer to be present during construction to evaluate the suitability of excavated soils for use as engineered fill, and to observe and test site preparation and fill placement.</p>	No changes requested.
	<b>HAZARDS AND HAZARDOUS MATERIALS</b>	<b>HAZARDS AND HAZARDOUS MATERIALS</b>	
F-176	<p>APM HAZ-1</p> <p><b>Hazardous Materials and Waste Management Plan.</b> A HMWMP will be prepared and implemented for the Proposed Project. Construction will not begin until the plan is complete. The plan will be prepared in accordance with relevant state and federal guidelines and regulations (e.g., Cal/OSHA).</p> <p>The plan will include the following information related to hazardous materials and waste, as applicable:</p> <ul style="list-style-type: none"><li>A list of hazardous materials present on-site during construction and operation to be updated as needed along with product Safety Data Sheets and other information regarding storage, application, transportation, and disposal requirements;</li><li>A Hazardous Materials Communication (i.e., HAZCOM) Plan;</li><li>Assignments and responsibilities of Proposed Project Health and Safety roles;</li><li>Standards for any secondary containment and countermeasures required for hazardous materials;</li><li>Spill response procedures based on product and quantity. The procedures will include materials to be used, location of such materials within the Proposed Project area, and disposal protocols; and</li><li>Protocols for the management, testing, reporting, and disposal of potentially contaminated soils or groundwater observed or discovered during construction. This will include termination of work within the area of suspected contamination sampling by an OSHA trained individual, and testing at a certified laboratory.</li></ul> <p>A copy of the plan will be provided to the CPUC for recordkeeping prior to the start of construction. Plan updates will be made and submitted as needed if construction activities change whereas the existing plan does not adequately address the Proposed Project.</p>	<p>HAZ-1</p> <p><b>Hazardous Materials and Waste Management Plan (HMWMP)</b></p> <p><del>A HMWMP will be prepared and implemented for the Proposed Project. Construction will not begin until the plan is complete. The plan will be prepared in accordance with relevant state and federal guidelines and regulations (e.g., Cal/OSHA). NEET West and/or its contractor(s) shall prepare and implement a HMWMP. The HMWMP may include components or requirements which are part of compliance documents for other applicable federal and state hazardous materials regulations. The plan will HMWMP shall include the following information related to hazardous materials and waste, as applicable:</del></p> <ul style="list-style-type: none"><li>A list of hazardous materials present on-site during construction and operation, to be updated as needed along with product Safety Data Sheets and other information regarding storage, application, transportation, and disposal requirements;</li><li>A Hazardous Materials Communication (i.e., HAZCOM) Plan;</li><li>Assignments and responsibilities of Proposed Project Health and Safety roles;</li><li>Standards for any secondary containment and countermeasures <u>that will be</u> required for hazardous materials;</li><li>Spill response procedures based on product and quantity. The procedures <del>will</del><u>shall</u> include materials to be used, location of such materials within the Proposed Project area, and disposal protocols; and</li><li>Protocols for the management, testing, reporting, and disposal of potentially contaminated soils or groundwater observed or discovered during construction. This will include termination of work within the area of suspected contamination sampling by an OSHA trained individual, and testing at a certified laboratory.</li></ul> <p>A copy of the HMWMP <del>will</del><u>shall</u> be provided to the CPUC for recordkeeping prior to the start of construction. HMWMP updates shall be made and submitted as needed if construction activities change whereas the existing HMWMP does not adequately address the Proposed Project.</p>	Acknowledge NEET West's APM HAZ-1 as the language is very similar to Mitigation Measure HAZ-1 and should have been considered as part of the description of the Proposed Project. NEET West accepts the language of Mitigation Measure HAZ-1.
F-177	<p>APM HAZ-2</p> <p><b>Environmental and Hazardous Materials Safety and Management Plans.</b> In addition to the HMWMP, all necessary environmental and hazardous materials safety and management plans will be developed for the Proposed Project. This may include but is not limited to the preparation of a Hazardous</p>	<p><b>**DEIR does not include a similar mitigation measure</b></p>	Acknowledge NEET West's APM HAZ-2 which should have been considered as part of the description of the Proposed Project.

Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

	Applicant Proposed Measures	Draft EIR Mitigation Measures	NEET West Comments
F-177 Cont.	Materials Business Plan, Spill-Response Plan, 90-day temporary storage and disposal facility permit, and a Spill Prevention Control and Countermeasure Plan (i.e., if the Proposed Project will result in storage of over 1,320 gallons of oil at any one location).		
F-178	APM HAZ-3 <b>Weed Control Plan.</b> A Proposed Project-specific weed control plan will be prepared and implemented. The plan will include methods for controlling the introduction and distribution of weeds during construction such as cleaning of tires and surfaces of all trucks and construction equipment prior to commencing work in off-road areas, using rocks/grates at the Proposed Project entry points to physically dislodge seeds, using certified weed-free mulch for stabilizing areas of disturbed soil, utilizing on-site soil to the maximum extent practicable for fill. Following construction annual maintenance activities will track the presence and proliferation of non-native, invasive plants known to potential increase wildland fire hazards (e.g., cheatgrass [ <i>Bromus tectorum</i> ], Saharan mustard [ <i>Brassica tournefortii</i> ], and medusa head [ <i>Taeniatherum caputmedusae</i> ]. The plan will establish performance criteria and metrics for the presence of weed species based on reducing fire hazards and include methods for control of these species to generated acceptability thresholds.	**DEIR does not include a similar mitigation measure	Acknowledge NEET West's APM HAZ-3 which should have been considered as part of the description of the Proposed Project.
F-179	APM HAZ-4 <b>Develop and implement a Fire Prevention Plan.</b> Following Proposed Project approval, a Fire Prevention Plan will be prepared and implemented for the Proposed Project. The Plan is intended to reduce or eliminate the causes of fire, and prevent loss of life and property by fire. The goals of the Plan are to further minimize or eliminate identifiable fire risks associated with the Proposed Project and minimize or eliminate impedances to local fire protection service responders through design improvements or aid agreements. The Plan will be prepared based on evaluation of potential fire risks as they relate to required building standards, structural protection, fire protection systems, access requirements, fuel management requirements, water supply, and emergency response adequacy. This evaluation will be augmented by fire behavior modeling (utilizing BehavePlus 5.05) to determine site-specific priority hazard areas, appropriate setbacks from wild land field, and stable defensible space distances. The Plan will outline recommendations and site-specific measures or requirements for construction, operation and maintenance of the Proposed Project. The Plan will be prepared with a similar intent to the Occupational Safety and Health Administration's standard on fire prevention, 29 CFR 1926.24, 8 CCR 3221 and in consideration of the San Diego County Consolidated Fire Code (Ordinance No. 10172). The Plan will be developed in coordination with the San Diego County Fire Authority (SDCFA).	HAZ-5 <b>Follow Requirements and Recommendations Identified in the Fire Protection Plan (FPP)</b> NEET West and/or its contractor(s) shall follow all of the requirements and recommendations contained in the FPP prepared for the Proposed Project by Dudek, dated June 2016. These requirements include, but are not limited to, design and implementation of defensible space around the proposed SVC facility according to the parameters described in the FPP; conducting training sessions with local fire station personnel and providing technical support to fire personnel regarding electrical fires and firefighting at energized facilities; appropriate design of driveways and access roads to allow for safe and efficient fire personnel and equipment access; development and implementation of appropriate protocols for de-energizing the proposed facilities; inclusion of a 10,000 gallon water storage tank accessible to firefighters at the SVC site, and arrangement of electrical equipment on the SVC site to maintain adequate setbacks from vegetated areas.	Acknowledge NEET West's APM HAZ-4 as the language is very similar to Mitigation Measure HAZ-5 and should have been considered as part of the description of the Proposed Project. NEET West accepts the language of Mitigation Measure HAZ-5.
F-180		<b>Additional DEIR Mitigation:</b> <b>Prepare and Implement a Construction Fire Protection Plan (CFPP)</b> NEET West and/or its contractor(s) shall prepare and implement the Project's CFPP in accordance with applicable sections of the San Diego County Consolidated Fire Code. The document will address fire prevention measures that will be employed during the construction phase, identifying potential sources of ignition and detailing the measures, equipment, and training that will be provided to all site contractors. The CFPP shall be prepared, reviewed, and approved by the San Diego County Fire Authority (SDCFA) and California Department of Forestry and Fire Protection (CAL	

Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

	Applicant Proposed Measures	Draft EIR Mitigation Measures	NEET West Comments
F-180 Cont.		FIRE) a minimum of 45 days prior to commencement of construction activities.	
F-181	APM HAZ-5 <b>Remove hazards from work area.</b> The removal of hazards (i.e., fuels) from the work area will reduce the severity of construction- and maintenance-related ignitions that escape initial containment efforts by minimizing fuel loads. This will reduce the potential impact to communities and natural resources in the event of a project construction- or maintenance-related ignition.	<b>**DEIR does not include a similar mitigation measure</b>	Acknowledge NEET West's APM HAZ-5 which should have been considered as part of the description of the Proposed Project.
F-182	APM HAZ-6 <b>Establish and maintain adequate equipment clearances.</b> Establishing and maintaining adequate clearances from electrical equipment, such as the riser pole structure or SVC transformer components, will reduce the risk of vegetation contact with the 300-foot overhead conductor and provide a defensible space around the SVC site. Maintenance of vegetation will be in accordance with CPUC General Order No. 95, Section 3, Rule 35, Vegetation Management.	<b>**DEIR does not include a similar mitigation measure</b>	Acknowledge NEET West's APM HAZ-6 which should have been considered as part of the description of the Proposed Project.
F-183	APM HAZ-7 <b>Fire Safe Working Conditions and Best Management Practices.</b> The following measures will be implemented during construction and operation to reduce the potential for ignitions and minimize fire related hazards: <ul style="list-style-type: none"><li>All work vehicles will be required to carry fire suppression equipment. Workers will be trained in the use of equipment for incipient stage fire suppression (see APM HAZ-3).</li><li>Smoking will be confined to vehicles or approved smoking areas where fire suppression equipment and appropriate disposal facilities are present. All smoking materials will be disposed of in appropriate disposal bins.</li><li>All on-road vehicle parking will be restricted to paved or graveled surfaces unless parking is required during an emergency or required for worker safety.</li><li>Require spark arrestors on all off-road equipment.</li><li>Restrict work activities during Red Flag Warnings issued by the National Weather Service to the extent possible. Where it is not possible to stop or restrict work activities due to safety or time sensitive activities, work activities will be limited to those needed to complete the current task and establish safe working conditions. During Red Flag Warnings a crew member will be assigned to fire watch for each separate and distinct active work area.</li><li>Weather and fire danger will be monitored on a daily basis.</li><li>Fire suppression equipment such as backpack water pumps or water buffaloes will be kept on-site at a minimum of 50 feet from each separate and distinct active work area.</li></ul>	HAZ-4 <b>Fire Safe Working Conditions and Best Management Practices.</b> <u>NEET West and/or its contractor(s) shall implement the following measures will be implemented during construction and operation to reduce the potential for ignitions and minimize fire-related hazards (these measures may be included in the CFPP, as appropriate):</u> <ul style="list-style-type: none"><li>All work vehicles will be required to carry fire suppression equipment. Workers will be trained in the use of equipment for incipient stage fire suppression.</li><li>Smoking will be confined to vehicles or approved smoking areas where fire suppression equipment and appropriate disposal facilities are present. All smoking materials will be disposed of in appropriate disposal bins.</li><li>All on-road vehicle parking will be restricted to paved or graveled surfaces unless parking is required during an emergency or required for worker safety.</li><li>Require spark arrestors on all off-road equipment.</li><li>Restrict work activities during Red Flag Warnings issued by the National Weather Service to the extent possible. Where it is not possible to stop or restrict work activities due to safety or time sensitive activities, work activities will be limited to those needed to complete the current task and establish safe working conditions. During Red Flag Warnings a crew member will be assigned to fire watch for each separate and distinct active work area.</li><li>Weather and fire danger will be monitored on a daily basis.</li><li>Fire suppression equipment such as backpack water pumps or water buffaloes will be kept on-site at a minimum of 50 feet from each separate and distinct active work area.</li></ul>	Acknowledge NEET West's APM HAZ-7 as the language is very similar to Mitigation Measure HAZ-4 and should have been considered as part of the description of the Proposed Project. NEET West accepts the language of Mitigation Measure HAZ-4.
F-184	APM HAZ-8 <b>Blasting Plan.</b> If blasting is deemed necessary for the construction of Proposed Project components, NEET West shall conduct a pre-blast survey and prepare a blasting plan. A written report of the pre-blast survey and final blasting plan shall be provided to the appropriate regulatory agency and approved prior to any rock removal using explosives. In addition to any other requirements established by the appropriate regulatory agencies, the pre-	HAZ-2 <b><u>Prepare and Implement Blasting Plan</u></b> <del>If blasting is deemed necessary for the construction of Proposed Project components, NEET West shall conduct a pre-blast survey, and prepare a blasting plan, and obtain appropriate blasting and explosive permits prior to conducting any blasting activities during Project construction. NEET West shall submit a written report of the pre-blast survey and final blasting plan shall be provided to the appropriate regulatory agency and approved prior to any rock removal using explosives to CPUC and the County of San</del>	Acknowledge NEET West's APM HAZ-8 as the language is similar to Mitigation Measure HAZ-2 and should have been considered as part of the description of the Proposed Project. NEET West accepts the language of Mitigation Measure HAZ-2.



Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

	Applicant Proposed Measures	Draft EIR Mitigation Measures	NEET West Comments
F-184 Cont.	<p>blast survey and blasting plan shall meet the following conditions, as well as those outlined in APM NOI-2:</p> <ul style="list-style-type: none"><li>The pre-blast survey shall be conducted for structures within a minimum radius of 1,000 feet from the identified blast site to be specified by NEET West. Notification that blasting will occur shall be provided to all owners of the identified structures to be surveyed prior to commencement of blasting. The pre-blast survey shall be included in the final blasting plan.</li><li>The final blasting plan shall address air-blast limits, ground vibrations, and maximum peak particle velocity for ground movement, including provisions to monitor and assess compliance with the air-blast, ground vibration, and peak particle velocity requirements. The blasting plan shall meet criteria established in Chapter 3 (Control of Adverse Effects) in the Blasting Guidance Manual of the U.S. Department of Interior Office of Surface Mining Reclamation and Enforcement.</li><li>The blasting plan shall outline the anticipated blasting procedures for the removal of rock material at the proposed SVC, riser pole and underground transmission line structures. The blasting procedures shall incorporate line control to full depth and controlled blasting techniques to create minimum breakage outside the line control and maximum rock fragmentation within the target area. Prior to blasting, all applicable regulatory measures shall be met. NEET West, or its subcontractor (as appropriate) shall keep a record of each blast for at least 1 year from the date of the last blast.</li><li>The blasting plan shall incorporate provisions to post signage along roads and trails within a minimum of 1000 feet of the identified blast site. Precautions such as fencing or taping will be incorporated that limit access to recreationalists and the general public.</li></ul>	<p><u>Diego and receive approval from that agency prior to any rock removal activity.</u> The pre-blast survey and blasting plan shall meet the following conditions, as well as those outlined in APM NOI-2:</p> <ul style="list-style-type: none"><li>The pre-blast survey shall be conducted for structures within a minimum radius of 1,000 feet from the identified blast site to be specified by NEET West. Notification that blasting will occur shall be provided to all owners of the identified structures to be surveyed prior to commencement of blasting. The pre-blast survey shall be included in the final blasting plan.</li><li><u>The final blasting plan shall outline safe and lawful procedures for transport, handling, and storage of explosives. The blasting plan shall identify where on the site explosives will be stored and explain what safety precautions will be taken in transporting and handling explosives to prevent potential accidental explosions or release of hazardous materials into the environment.</u></li><li>The final blasting plan shall address air-blast limits, ground vibrations, and maximum peak particle velocity for ground movement, including provisions to monitor and assess compliance with the air-blast, ground vibration, and peak particle velocity requirements. The blasting plan shall meet criteria established in Chapter 3 (Control of Adverse Effects) in the Blasting Guidance Manual of the U.S. Department of Interior Office of Surface Mining Reclamation and Enforcement.</li><li><u>The final blasting plan shall identify fire-safe blasting procedures and measures to prevent possible ignition of wildfires during blasting activities.</u></li><li>The blasting plan shall outline the anticipated blasting procedures for the removal of rock material at the proposed SVC, riser pole and underground transmission line structures. The blasting procedures shall incorporate line control to full depth and controlled blasting techniques to create minimum breakage outside the line control and maximum rock fragmentation within the target area. Prior to blasting, all applicable regulatory measures shall be met. NEET West, or its subcontractor (as appropriate) shall keep a record of each blast for at least 1 year from the date of the last blast.</li></ul> <p>The blasting plan shall incorporate provisions to post signage along roads and trails within a minimum of 1000 feet of the identified blast site. Precautions such as fencing or taping will be incorporated that limit access to recreationalists and the general public.</p>	
	HYDROLOGY AND WATER QUALITY	HYDROLOGY AND WATER QUALITY	
F-185	<p>APM WQ-1 <b>Limited On-site Vehicle and Equipment Fueling.</b> Construction equipment will use off-site fueling stations to the extent possible. Where off-site fueling is not possible, all on-site fueling will adhere to measures specified in the SWPPP and Hazardous Materials and Waste Management Plan. On-site fueling will occur within approved work areas only. No refueling or fuel storage will occur within 100 feet of environmentally sensitive areas (i.e., jurisdictional waters, and riparian areas; rare plant localities; or existing storm drains) or within 200 feet of water supply wells, unless otherwise approved by the environmental inspector or in the event of an emergency that threatens life or property. If fueling is required within these buffer zones, the</p>	<p><b>**DEIR does not include a similar mitigation measure</b></p>	<p>Acknowledge NEET West's APM WQ-1 which should have been considered as part of the description of the Proposed Project.</p>

Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

	Applicant Proposed Measures	Draft EIR Mitigation Measures	NEET West Comments
F-185 Cont.	environmental inspector or on-site biologist must be contacted and secondary containment devices must be utilized to ensure no fuel spills occur.		
F-186	APM WQ-2 <b>Proper Sanitary/Septic Waste Management.</b> Sanitary facilities will be located at least 100 feet from environmentally sensitive areas (i.e., jurisdictional waters and riparian areas; rare plant localities; or existing storm drains) at locations convenient for pump-out. Facilities will be sited and maintained (including scheduling regular waste collection by a licensed hauler) to ensure there is no overflow.	<b>**DEIR does not include a similar mitigation measure</b>	Acknowledge NEET West's APM WQ-2 which should have been considered as part of the description of the Proposed Project.
F-187	APM WQ-3 <b>Source Water Protection and Identification.</b> Source water for the Proposed Project will be obtained from a permitted source. There will be no unauthorized withdrawal or capture of surface waters for use or consumption. Contact will occur with affected landowners (i.e., the owner of each tax parcel crossed by the Proposed Project) prior to construction to identify the location of unknown water supply wells.	<b>**DEIR does not include a similar mitigation measure</b>	Acknowledge NEET West's APM WQ-3 which should have been considered as part of the description of the Proposed Project.
F-188	APM WQ-4 <b>Groundwater Management.</b> Groundwater encountered during construction will be handled and discharged in accordance with all State and federal regulations including the following: <ul style="list-style-type: none"><li>Recovered groundwater will be contained on site and tested prior to discharge.</li><li>If testing determines water is suitable for land application, discharge may be applied to flat, vegetated, upland areas, used for dust control, or used in other suitable construction operations (e.g., concrete mixing).</li><li>Land application will be made in a manner that discharge does not result in substantial erosion and will not be made directly to receiving waters or storm drains.</li><li>Water unsuitable for land application will be disposed of at an appropriately permitted facility.</li><li>Discharge to surface waters or storm drains may occur only if permitted by the agency(ies) with jurisdiction over the resource (e.g., USACE, RWQCB, and/or CDFW, as applicable) .</li></ul>	<b>**DEIR does not include a similar mitigation measure</b>	Acknowledge NEET West's APM WQ-4 which should have been considered as part of the description of the Proposed Project.
F-189	APM WQ-5 <b>Identification and Flagging of Sensitive Aquatic Features.</b> Prior to construction, sensitive aquatic features (i.e., jurisdictional wetlands, waters, and riparian areas; and existing storm drains, culverts, or drainage ditches), where disturbance is not already approved pursuant to permits issued by the USACE, CDFW, RWQCB or other authorizing agency, will be identified in the field and clearly marked for avoidance using flagging tape or other high-visibility signage. Construction personnel will be trained on feature avoidance marking and associated restrictions.	<b>**DEIR does not include a similar mitigation measure</b>	Acknowledge NEET West's APM WQ-5 which should have been considered as part of the description of the Proposed Project.
F-190	APM WQ-6 <b>Avoidance of Sensitive Aquatic Features.</b> The Proposed Project will be designed to avoid sensitive aquatic features (i.e., jurisdictional wetlands, waters, riparian areas, and stormwater conveyance structures) to the extent feasible. Specific avoidance strategies include: <ul style="list-style-type: none"><li>Siting splice vault structures and the riser pole structure within or immediately adjacent to Bell Bluff Truck Trail or in uplands outside of existing drainage features and the storm water conveyance system along Bell Bluff Truck Trail.</li></ul>	HYD/WQ-2 <b>Avoidance and Minimization of Impacts to Existing Culverts and Stormwater Conveyance Features</b> The Proposed Project will be designed to avoid <del>sensitive aquatic features (i.e., jurisdictional wetlands, waters, riparian areas, and stormwater conveyance structures)</del> existing stormwater conveyance structures to the extent feasible. Specific avoidance strategies include: <ul style="list-style-type: none"><li>Siting splice vault structures and the riser pole structure within or immediately adjacent to Bell Bluff Truck Trail or in uplands outside</li></ul>	Acknowledge that Mitigation Measure HYD/WQ-2 is similar to APM WQ-2 and should be considered part of the Proposed Project. NEET West accepts the language of Mitigation Measure HYD/WQ-1 as written.

Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

	Applicant Proposed Measures	Draft EIR Mitigation Measures	NEET West Comments
F-190 Cont.	<ul style="list-style-type: none"><li>Siting of laydown and other temporary staging/materials storage areas within Bell Bluff Truck Trail.</li><li>Constructing the SVC, access drives, and riser pole structure within uplands while avoiding other sensitive features (e.g., steep slopes, rare plant localities, sensitive wildlife habitats).</li><li>Where feasible based on geotechnical investigation, avoiding culverts within Bell Bluff Truck Trail during construction of the underground transmission line by bracing or stabilizing culvert structures and excavating beneath the culvert structures to maintain culvert function. Where it is infeasible to avoid impacts to existing culverts, work will not occur within 48 hours of a forecasted rain event of 0.5 inches or greater and temporary piping will be onsite to maintain any unexpected water flow.</li><li>All regulated activities within jurisdictional wetlands and waters (e.g., waters of the United States and waters of the State) will require regulatory approval/permitting from the appropriate agency including USACE, CDFW, and/or RWQCB prior to any work within jurisdictional features.</li></ul>	<p>of existing drainage features and the storm water conveyance system along Bell Bluff Truck Trail.</p> <ul style="list-style-type: none"><li><del>Siting of laydown and other temporary staging/materials storage areas within Bell Bluff Truck Trail.</del></li><li><del>Constructing the SVC, access drives, and riser pole structure within uplands while avoiding other sensitive features (e.g., steep slopes, rare plant localities, sensitive wildlife habitats).</del></li><li>Where feasible based on geotechnical investigation, avoiding culverts within Bell Bluff Truck Trail during construction of the underground transmission line by bracing or stabilizing culvert structures and excavating beneath the culvert structures to maintain culvert function. Where it is infeasible to avoid impacts to existing culverts, work will not occur within 48 hours of a forecasted rain event of 0.5 inches or greater and temporary piping will be onsite to maintain any unexpected water flow.</li><li><del>All regulated activities within jurisdictional wetlands and waters (e.g., waters of the United States and waters of the State) will require regulatory approval/permitting from the appropriate agency including USACE, CDFW, and/or RWQCB prior to any work within jurisdictional features.</del></li></ul> <p>Where it is infeasible to avoid impacts to existing culverts or other stormwater conveyance structures, work will not occur within 48 hours of a forecasted rain event of 0.5 inches or greater and temporary piping will be onsite to maintain any unexpected water flow. <u>Prior to removing or impacting any existing culverts during construction, NEET West shall obtain all necessary regulatory approvals/permits from the appropriate agency (e.g., U.S. Army Corps of Engineers, CDFW, or Regional Water Quality Control Board) with jurisdiction over the features.</u></p> <p><u>Following construction, NEET West shall reinstall any temporarily removed culverts or other stormwater conveyance structures and restore work areas to preconstruction conditions.</u></p>	
F-191		<p>HYD/WQ-1</p> <p><b>DEIR mitigation measures are similar to APM GEO 2 and APM GEO 3 but significantly reworded:</b></p> <p><b>Implement Construction Best Management Practices for Erosion Control</b></p> <p>NEET West and/or its contractor(s) shall implement the following measures during Proposed Project construction, or shall implement alternative measures that are equally or more effective:</p> <ul style="list-style-type: none"><li>Implement practices to reduce erosion of exposed soil and stockpiles, including watering for dust control, establishing perimeter silt fences, and/or placing fiber rolls.</li><li>Minimize soil disturbance areas.</li><li>Implement practices to maintain water quality, including silt fences, stabilized construction entrances, and storm-drain inlet protection.</li><li>Where feasible, limit construction to dry periods.</li><li>Revegetate disturbed areas.</li></ul> <p>The performance standard for these erosion control measures is to use the best available technology that is economically achievable. These measures may be included in SWPPP requirements, as appropriate.</p>	<p>Acknowledge that Mitigation Measure HYD/WQ-1 is similar to APM GEO-2 and APM GEO-3 and should be considered part of the Proposed Project. NEET West accepts the language of Mitigation Measure HYD/WQ-1.</p>

Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

Applicant Proposed Measures		Draft EIR Mitigation Measures	NEET West Comments
NOISE		NOISE AND VIBRATION	
F-192	APM NOI-1 <b>Construction Work Hours.</b> Noise-generating construction activities will typically occur between 7:00 a.m. and 7:00 p.m. consistent with San Diego County's Noise Ordinance. Additional work days or hours will also be required for time sensitive work activities (e.g., concrete pours, underground transmission cable splicing, trenching, transformer oil filling, etc.) or as dictated by safety concerns. When noise-intensive construction work (which has the potential to exceed noise standards) is required earlier than 7:00 a.m. or later than 7:00 p.m., landowners will be notified at least 2 days prior to the activities beginning. The notice will provide details on the nature of the activity, noise levels anticipated, and duration of the activity.	**DEIR does not include a similar mitigation measure	Acknowledge NEET West's APM NOI-1 which should have been considered as part of the description of the Proposed Project.
F-193	APM NOI-2 <b>Reduction of Blasting Impacts.</b> NEET West will explore the use of alternative excavation techniques (micropiles, etc.) as an alternative to blasting. However, if blasting activities become necessary for excavation, blasting mats or similar attenuation measures will be used to reduce the impulsive noise associated with such activities. Additionally, NEET West shall conduct a pre-blast survey, prepare a blasting plan, and obtain appropriate blasting and explosive permits. A written report of the pre-blast survey and final blasting plan shall be provided to the appropriate regulatory agency and approved prior to any rock removal using explosives. In addition to any other requirements established by the appropriate regulatory agencies, the pre-blast survey and blasting plan shall meet the following conditions: <ul style="list-style-type: none"><li>▪ The pre-blast survey shall be conducted for structures within a minimum radius of 1,000 feet from the identified blast site to be specified by NEET West. Sensitive receptors that could reasonably be affected by blasting shall be surveyed as part of the pre-blast survey. Notification that blasting would occur shall be provided to all owners of the identified structures to be surveyed prior to commencement of blasting. If SDG&amp;E facilities are within the survey radius, NEET West will consult with SDG&amp;E engineers in the pre-blast survey (no other structures fall within 1,000 feet of any part of the Proposed Project). The pre-blast survey shall be included in the final blasting plan.</li><li>▪ The final blasting plan shall address air-blast limits, ground vibrations, and maximum peak particle velocity for ground movement, including provisions to monitor and assess compliance with the air-blast, ground vibration, and peak particle velocity requirements. The blasting plan shall meet criteria established in Chapter 3 (Control of Adverse Effects) in the Blasting Guidance Manual of the U.S. Department of Interior Office of Surface Mining Reclamation and Enforcement.</li><li>▪ The blasting plan shall outline the anticipated blasting procedures for the removal of rock material at the proposed SVC and underground transmission line structures. The blasting procedures shall incorporate line control to full depth and controlled blasting techniques to create minimum breakage outside the line control and maximum rock fragmentation within the target area. Prior to blasting, all applicable regulatory measures shall be met. NEET West, or its subcontractor (as appropriate), shall keep a record of each blast for at least 1 year from the date of the last blast.</li></ul>	**DEIR does not include a similar mitigation measure in noise but see DEIR MM HAZ-2, above, which includes some of the provisions outlined in this APM	Acknowledge NEET West's APM NOI-2 which should have been considered as part of the description of the Proposed Project.

20



Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

	Applicant Proposed Measures	Draft EIR Mitigation Measures	NEET West Comments
F-194		<div>NOI-1</div> <div>Additional DEIR Mitigation: <b>Construction-Noise Mitigation Plan</b> NEET West and/or its contractors shall develop and implement a construction-noise mitigation plan in close coordination with adjacent noise-sensitive land uses so that construction activities can be scheduled to minimize noise disturbance. The plan must be approved by the CPUC prior to the initiation of construction activities. The construction-noise mitigation plan shall consider the following available controls to reduce construction-noise levels to as low as practicable.<ul style="list-style-type: none"><li>Equip all internal combustion-driven equipment with mufflers that are in good condition and appropriate for the equipment.</li><li>Construct temporary sound barriers using plywood or similar material bearing the same sound attenuating effectiveness as plywood between portions of the construction sites and sensitive receptors. These temporary sound barriers, which could also consist of construction grade sound blankets/curtains, should be at least 12 feet in height. Sound barriers shall be used during activities involving use of a rock drill, scraper, and/or blasting.</li><li>Residences or noise-sensitive land uses within 500 feet of the construction site should be notified in writing of construction at least seven (7) days prior to the onset of construction activities. A “construction liaison” contact person should be designated in the notifications; he/she would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. The phone number of the liaison should be conspicuously posted at the construction site.</li></ul></div>	<div>Additional mitigation for construction noise impacts is unnecessary and unwarranted. Remove Mitigation Measure NOI-1 from DEIR. Refer to comment letter and associated matrix for justification</div>
	TRANSPORTATION AND TRAFFIC	TRANSPORTATION AND TRAFFIC	
F-195	<div>APM TRA-1</div> <div>Preparation of a Traffic Control Plan. NEET West will prepare a Traffic Control Plan to describe measures to be taken to guide traffic (such as signs and workers directing traffic), safeguard construction workers, provide safe passage, and minimize traffic impacts.</div>	<div>TR-2</div> <div><b>Minimize Effects of Temporary Roadway Disturbances.</b> NEET West or their contractor(s) shall implement the following measures: Prepare and implement a Traffic Control Plan (TCP) to describe procedures to guide traffic (such as signage and flaggers), safeguard construction workers, provide safe passage of traffic, and minimize traffic impacts, as necessary, through the duration of construction. In the event that closure of any portion of Bell Bluff Truck Trail were to become necessary, notification shall be provided to SDG&amp;E at least 5 days in advance of anticipated closures. In the event that road closure were to become necessary for any publicly-accessible road segment, notification shall be posted and/or circulated to the public at least 5 days in advance of anticipated closures. NEET West shall employ adequate control devices, signage, a detour route, and flaggers, as necessary, through the duration of construction.</div>	<div>Acknowledge that Mitigation Measure TR-2 is similar to APM TRA-1 and should be considered part of the Proposed Project. NEET West accepts the language of Mitigation Measure TR-2.</div>
F-196		<div>TR-1</div> <div>Additional DEIR Mitigation: <b>Maintain Traffic Flow</b> NEET West or their contractor(s) shall implement the following measures:<ul style="list-style-type: none"><li>To the extent feasible, work shall be staged and conducted in a manner that maintains two-way traffic flow on roadways in the vicinity of the work site.</li></ul></div>	<div>NextEra requests revisions to this mitigation measure as identified in the comment matrix.</div>

Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

	Applicant Proposed Measures	Draft EIR Mitigation Measures	NEET West Comments
F-196 Cont.		<ul style="list-style-type: none"><li>Heavy equipment and haul traffic shall be prohibited in residential areas to the greatest extent feasible. When no other route to and from the site is available, heavy equipment and haul traffic through residential areas shall be restricted to the hours of 8 a.m. to 5:30 p.m., Monday through Friday.</li></ul>	
F-197		TR-3 <b>Emergency Coordination and Access Considerations</b> NEET West or their contractor(s) shall implement the following measures: <ul style="list-style-type: none"><li>When work is conducted on roads and may have the potential to affect traffic flow, work shall be coordinated with local emergency service providers, as necessary, to ensure that emergency vehicle access and response is not impeded.</li><li>Access for driveways and private roads shall be maintained to the extent feasible. If brief periods of construction work would temporarily block access, property owners shall be notified prior to construction activities.</li><li>If closure of any portion of Bell Bluff Truck Trail is necessary during Project construction, NEET West shall have staff available on-site at all times to place plates over open trenches, move construction equipment, or clear any other obstructions to allow for 24-hour emergency vehicle access to SDG&amp;E facilities.</li></ul>	No changes requested.
	UTILITIES AND SERVICE SYSTEMS	PUBLIC SERVICES AND UTILITIES	
F-198	APM UT-1 <b>Use of Reclaimed Water.</b> To the extent feasible, NEET West will utilize reclaimed water from the Padre Dam Municipal Water District's Reclaimed Water Facility. If needed, NEET West will coordinate with other water suppliers, including the Descanso Community Water District, the San Diego County Water Authority, and possibly other local water districts within 30 miles, in attempt to acquire reclaimed water for delivery to the construction site, if available at a reasonable cost, and to meet any restrictions imposed by the water supplier(s). If a reclaimed source is unavailable prior to construction, the nearby non-potable water supply at the Wilson's ponds will be utilized to reduce the air quality emissions and traffic impacts associated with hauling water to the Proposed Project site.	**DEIR does not include a similar mitigation measure	Acknowledge NEET West's APM UT-1 which should have been considered as part of the description of the Proposed Project.

22

Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

	Applicant Proposed Measures	Draft EIR Mitigation Measures	NEET West Comments
F-199	APM UT-2 <b>Recycle Construction Waste.</b> In accordance with the San Diego County Construction and Demolition Debris Ordinance, NEET West and/or its construction contractor will recycle a minimum of 90 percent of inerts and 70 percent of all other materials, and submit all applicable plans and documentation to the appropriate agency(ies).	PUB/UTL-2 <b>Diversion of Solid Waste in Accordance with San Diego County's Construction and Demolition Debris Recycling Ordinance</b> <u>NEET West and/or its contractors shall follow the requirements specified in the In accordance with the County of San Diego's Construction and Demolition Debris Recycling Ordinance. NEET West and/or its construction contractor will recycle a minimum of 90 percent of inerts and 70 percent of all other construction demolition debris materials, and submit all applicable plans and documentation to the appropriate agency(ies), and preparation of a Construction and Demolition Debris Management Plan (DMP). In accordance with Section 68.511 of the San Diego County Code, the DMP shall provide the following information:</u> <u>1. The type of project;</u> <u>2. The total square footage of the project;</u> <u>3. The estimated volume or weight of project construction and demolition debris, by material type that the project will generate;</u> <u>4. The maximum volume or weight of construction and demolition debris that can feasibly be diverted via reuse or recycling;</u> <u>5. The estimated volume or weight of construction demolition debris that will be disposed of in a landfill; and</u> <u>6. The name and address of any person and/or recycling facility the applicant proposes to use to collect, process or receive construction and/or demolition debris the project will generate.</u>	Acknowledge that Mitigation Measure UT-2 is similar to APM PUB/UTL-2 and should be considered part of the Proposed Project. NEET West accepts the language of Mitigation Measure PUB/UTL-2.
F-200	APM UT-3 <b>Coordination with Existing Utilities.</b> NEET West will coordinate with all utility providers with facilities located within or adjacent to the Proposed Project to ensure that the design does not conflict with other utilities. No subsurface work will be conducted that would conflict with a buried utility. In the event of a conflict, the project will be realigned vertically and/or horizontally as appropriate to avoid utilities and provide adequate operational and safety buffering. Underground Service Alert will be notified a minimum of 48 hours in advance of excavation in any location.	**DEIR doesn't include a similar mitigation measure	Acknowledge NEET West's APM UT-3 which should have been considered as part of the description of the Proposed Project.
F-201		PUB/UTL-1 <b>Additional DEIR Mitigation:</b> <b>Fund Fair Share toward Any Necessary Fire Protection Service Improvements.</b> NEET West shall coordinate with the County of San Diego, CAL FIRE, and U.S Forest Service (USFS) to determine if any additional apparatus, equipment, personnel, or facilities are necessary to provide adequate fire service to the Proposed Project. If recommended improvements or upgrades to facilities, and/or additional apparatus, equipment, or personnel are identified, NEET West shall contribute its fair share toward the attributed costs. The Proposed Project's, or NEET West's, fair share will be proportionate to its contribution to the need for improvements.	Mitigation Measures PUB/UTL-1 is part of the Fire Protection Plan approved by San Diego County Fire Authority. SDCFA is the only agency with jurisdiction for fire protection over the Proposed Project. Proposed changes to MM PUB/UTL-1 are provided on the comment matrix.

23

## Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

### Response to Comment F-1

The summary provided of the CPCN application and transmission planning and competitive solicitation process provided in Comment F-1 appears to be correct and consistent with what was presented in the DEIR.

CPUC staff identified the Project objectives listed in Chapter 2, *Project Description*, of the DEIR, to allow for selection of a reasonable range of alternatives to the Proposed Project, and based on their understanding of the Proposed Project. Given that the Proposed Project was identified by the CAISO to address policy-driven needs, and based on the CAISO's 2013/2014 Transmission Planning Process (TPP), its underlying purpose can be defined as the need to provide reactive power support at the existing Suncrest Substation to allow for importation of renewable generation from the Imperial Valley to demand centers in the west in support of achieving California's Renewables Portfolio Standard goals. The following Project objectives were developed with this understanding of the Project's fundamental underlying purpose in mind:

- Provide reactive support at or connected to the Suncrest Substation;
- Improve and maintain the reliability of the transmission grid; and
- Support achievement of the state's RPS by facilitating delivery of a higher percentage of renewable energy generation from the Imperial Valley area to population centers to the west.

NEET West's stated fundamental project purpose, expressed in Comment F-1, and their identified project objectives as stated in their PEA, would too narrowly restrict the DEIR's alternatives analysis. The CAISO Tariff and FERC Order 1000 are regulatory decisions and documents that describe the competitive solicitation process for transmission projects, cost containment, and other factors. CPUC staff understands that these regulations are important for consideration in assessing the feasibility of Project alternatives (see discussion in Master Response 1); however, staff disagrees that these regulations are appropriate to include as part of the underlying project purpose, as it pertains to the environmental document. Similarly, the CAISO's technical specifications and Approved Project Sponsor Agreement ('APSA') are important considerations in the design of the proposed project but not necessarily for the selection of a reasonable range of alternatives pursuant to CEQA. Refer to Master Response 1.

As described in Master Response 2, the DEIR identified the Suncrest Substation Alternative, after the No Project Alternative, as the environmentally superior alternative because it was determined that this alternative could avoid virtually all of the environmental impacts of the Proposed Project. CPUC staff received requests from numerous individuals during the scoping period for the Proposed Project DEIR to consider such an alternative, and determined that the alternative would meet the project objectives identified in the DEIR Project Description. Master Response 1 provides a detailed description of CPUC staff's reasoning for considering the Suncrest Substation Alternative as potentially feasible in the DEIR.

## **Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)**

### **Response to Comment F-2**

Please refer to Master Response 2 for a discussion of selection of the Suncrest Substation Alternative as the environmentally superior alternative.

### **Response to Comment F-3**

Please refer to Master Response 1 for discussion of the feasibility of the Suncrest Substation Alternative. As described in Master Response 1, CPUC staff had multiple lines of reasoning to indicate that the Suncrest Substation Alternative is potentially feasible, including counter-arguments to the points raised in Comment F-3.

### **Response to Comment F-4**

CPUC staff based its analysis and significance conclusions on substantial evidence, in accordance with the State CEQA Guidelines, as described further in subsequent comment responses.

The State CEQA Guidelines (Section 15384) defines substantial evidence as including “facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.” This section of the CEQA Guidelines also describes substantial evidence as meaning enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.

### **Response to Comment F-5**

CPUC staff and its consultants conducted an independent analysis of the Proposed Project in preparing the DEIR. Therefore, CPUC staff and consultants independently identified mitigation that they believed was necessary to prevent or minimize environmental impacts that would be caused by the Proposed Project. In some cases, the mitigation measures were very similar in language and/or intent to Applicant Proposed Measures (APMs) presented in the PEA submitted by NEET West. In these cases, CPUC staff and its consultants determined that the measures contemplated were designed specifically to mitigate potential impacts and therefore were more appropriate as mitigation measures rather than as part of the project description. CPUC staff and consultants also believe that mitigation measures, recorded in the MMRP, are more readily enforced and tracked than APMs, which are generally not subjected to the same reporting requirements.

### **Response to Comment F-6**

The commenter’s description of CEQA requirements related to describing a project’s purpose and objectives, FERC Order 1000, and CAISO’s competitive solicitation for the Proposed Project appears to be correct and consistent with what is provided in the DEIR.

Please refer to Response to Comment F-1 for a discussion of CPUC staff’s understanding of the fundamental underlying purpose of the Suncrest Project.

## **Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)**

### **Response to Comment F-7**

Please refer to Response to Comment F-1 for discussion of CPUC staff's understanding of the fundamental underlying purpose of the Suncrest Project and project objectives.

### **Response to Comment F-8**

Please refer to Master Response 1 for discussion of the feasibility of the Suncrest Substation Alternative. This master response considers and discusses possible inconsistencies with the terms of the APSA and the requirements of the CAISO Tariff.

### **Response to Comment F-9**

Please refer to Response to Comment F-1 for discussion of CPUC staff's understanding of the fundamental underlying purpose of the Proposed Project, and the reasoning behind the project objectives identified in the DEIR. CPUC staff did not include a number of the project objectives from the PEA because it determined that these objectives were overly restrictive with respect to the alternatives analysis, and that these objectives were not necessarily relevant to the environmental analysis.

### **Response to Comment F-10**

Please refer to Response to Comment F-1.

### **Response to Comment F-11**

Please refer to Master Response 2, which discusses the CPUC staff's consideration and selection of the Suncrest Substation Alternative as the environmentally superior alternative. Please also refer to Master Response 1 for discussion of the feasibility of the Suncrest Substation Alternative, including potential conflicts with the CAISO Tariff, APSA, and FERC Order 1000.

### **Response to Comment F-12**

Please refer to Response to Comment F-1.

### **Response to Comment F-13**

Please refer to Master Response 2 for discussion of CPUC staff's reasoning for selecting the Suncrest Substation Alternative as the environmentally superior alternative despite the DEIR's conclusion that the Proposed Project would have no significant and unavoidable impacts.

### **Response to Comment F-14**

Please refer to Master Response 2.

## **Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)**

### **Response to Comment F-15**

Please refer to Master Response 1 for discussion of CPUC staff's understanding of the feasibility of the Suncrest Substation Alternative.

### **Response to Comment F-16**

CPUC staff appreciates the commenter's observation and comment. The DEIR text in Chapter 20, *Alternatives*, page 20-1, lines 28-31, has been revised as the commenter recommends to include reference to consideration of whether the proponent can reasonably acquire, control or otherwise have access to the alternative site. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

Please refer to Master Response 1 for discussion of the feasibility of the Suncrest Substation Alternative. As described in this master response, the project proponent could potentially acquire the alternative site by going through a condemnation proceeding to obtain a portion of the existing substation site after it is issued a CPCN.

### **Response to Comment F-17**

Please refer to Master Response 1 for discussion of the feasibility of the Suncrest Substation Alternative.

### **Response to Comment F-18**

Please refer to Master Response 1 for discussion of the feasibility of the Suncrest Substation Alternative.

### **Response to Comment F-19**

Please refer to Master Response 1.

### **Response to Comment F-20**

Please refer to Master Response 1.

### **Response to Comment F-21**

Please refer to Master Response 1.

### **Response to Comment F-22**

Please refer to Master Response 1.

**Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)****Response to Comment F-23**

Please refer to Master Response 1.

**Response to Comment F-24**

Please refer to Master Response 1.

**Response to Comment F-25**

Please refer to Response to Comment F-1 for discussion of CPUC staff's understanding of the underlying project purpose and objectives.

**Response to Comment F-26**

As stated in the DEIR, due to the presence of suitable habitat (spiny redberry shrubs occurring within 15 feet of California buckwheat) within 150 meters (500 feet) of the Proposed Project site, there is potential for suitable habitat to develop on the Proposed Project site prior to the start of construction.

The County of San Diego Guidelines for Hermes Copper (*Lycaena hermes*) (2010) state that for purposes of assessing impacts of a project, a negative survey will be valid for one year if the site is within one mile of a known Hermes copper location and for three years if the site is more than one mile from a known Hermes copper location. The closest observation to the Proposed Project for Hermes copper is believed to be approximately 0.3 mile south (DEIR pg. 7-34). Because the most recent survey for Hermes copper was conducted in October of 2015, a new survey would need to be conducted in the Proposed Project area prior to construction.

**Response to Comment F-27**

Impact AES-1 in the DEIR makes a finding of "no impact." The statement provided in that impact discussion that "the Proposed Project would be marginally visible (e.g., the tops of the lightning masts within the SVC) from I-8 for less than 0.25 mile" is consistent with the visual analysis provided in the PEA. Figure 4.1-2, "Viewshed Delineation" of the PEA shows the SVC as potentially visible along a portion of I-8. Likewise, the description under Key Observation Point #10 (page 4.1-28) acknowledges that the SVC would be slightly visible for less than 0.25 mile. Therefore, CPUC does not understand the basis for Comment F-27, and believes that Impact AES-1 of the DEIR is appropriate as written.

**Response to Comment F-28**

CPUC does not agree with the assertions made in this comment and continues to recommend Mitigation Measure AQ-1 to ensure that all air quality impacts for the Proposed Project would be less than significant. Specifically:

- As noted in the DEIR (pp. 6-14, 15), the assumption that implementing APM AIR-3: Vehicle Use and Idling Time would provide a 10 percent emissions reduction is not



## Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

and cannot be substantiated. Also, it is not a reasonable assumption for several reasons, with these two reasons noted in the DEIR: 1) idle restrictions are already required by law; 2) CalEEMod emissions estimates would not assume excessive idle times. Additionally, it would be impossible to confirm the effectiveness of this APM. The updated air quality memorandum, Attachment B, provided with the comment letter still employs this 10 percent reduction factor, despite the DEIR's repudiation of that factor. This 10 percent emissions reduction is the primary factor contributing to the determination that the Proposed Project does not require additional mitigation.

- The controlled emissions estimate prepared by NEET West, which assumes application of APM-4's Tier 2 engine requirement, is essentially equal to the NOx emissions significance threshold. There is no safety margin to address any non-conservative assumptions used in the emissions estimate. Additional mitigation to provide a reasonable emissions safety margin is considered necessary in lieu of any other mitigation measures that would limit construction activity levels and construction phase overlaps beyond those analyzed in the current project schedule.

The requirements of Mitigation Measure AQ-1 are feasible and are not overly burdensome. As the DEIR notes, Tier 3 or better engines have been required for new equipment since model years 2006 to 2008, depending on engine size. Please see Response to Comment A-99 for discussion of the feasibility of this mitigation measure.

### Response to Comment F-29

CPUC has chosen to disclose the potential impacts to felt-leaved monardella (*Monardella hypoleuca* ssp. *Lanata*) and propose appropriate feasible mitigation measure(s) to reduce the impact(s) to a less-than-significant level. This protective measure will be tracked in the MMRP. Also, please refer to Response to Comment F-5 for further explanation on why CPUC and consultants decided that APM's should be designated as mitigation measures rather than part of the project description.

### Response to Comment F-30

As described in Response to Comment F-87, the text of the DEIR, on page 8-19, lines 28-32, has been modified to require monitoring during initial ground disturbing activities during Project construction, and to allow flexibility in subsequent monitoring based on the results of the initial monitoring and the recommendations of the archaeological Principal Investigator.

### Response to Comment F-31

Under its authority as lead agency, the CPUC has the discretion to select an alternative methodology from that used in the PEA to analyze potential noise impacts of the Proposed Project. The CPUC follows guidance published by the Federal Transit Administration (FTA) (2006), as stated in Section 15.5.2, Methodology of the DEIR.

**Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)**

The DEIR's noise analysis conservatively assumed that the rock drill and scraper would be operated simultaneously since they are the two loudest pieces of equipment that would be used during the Proposed Project's construction activities. This methodology is consistent with the FTA's *Transit Noise and Vibration Impact Assessment* (2006) guidance document.

If the analysis was modified to only assume the two loudest pieces of construction equipment by construction phase, then the loudest equipment would occur in the Site Preparation phase and would include a rock drill and off-site trucks. The combined noise level and corresponding CNEL level at the nearest residence would be 62.1 dB and 60.8 dB, respectively. This CNEL exceeds the County's Criterion Threshold 1 of 60 dB, and, therefore, would not change the impact determination of Impact NOISE-1, which was a potentially significant impact requiring mitigation.

Blasting activities, as stated in the DEIR and indicated in the DEIR's Appendix J, *Noise Data*, were not assumed to occur at the same time as the use of other construction equipment. Thus, the blasting-related noise levels in the DEIR would not be altered by the modification of any construction equipment timing assumptions, and would generate less noise than construction equipment. Therefore, there would not be any changes to the content or conclusions of Impact NOISE-1.

**Response to Comment F-32**

Please refer to Response to Comments F-26 through F-31 for CPUC staff and consultant's responses to the specific issues raised by the commenter.

**Response to Comment F-33**

Please refer to Response to Comment F-5.

**Response to Comment F-34**

Please refer to Response to Comment F-5. CPUC staff and its consultants disagree with the commenter's assertion that the DEIR's treatment of APMs versus mitigation measures is contrary to case law. The cases that the commenter references do not support the commenter's claims and are not relevant to the Proposed Project or DEIR.

Specifically, *Environmental Council of Sacramento v. City of Sacramento* (2006) is in regard to a habitat conservation plan which included measures or "assumptions" (e.g., retention of agricultural land, maintenance of connected channels and ditches for endangered snakes, and preservation of sufficient setbacks between habitat and development), which plaintiffs argued were unfunded, voluntary, and unenforceable mitigation measures. Ruling that these assumptions were not mitigation measures (i.e., rather, part of the project) and were based on substantial evidence, the court concluded that the plaintiff's concerns were unfounded. This case is not particularly relevant to the Proposed Project or DEIR because the "assumptions" discussed in the case are not at all similar to the APMs contained in the PEA referenced by the commenter. The assumptions were the basis and justification for the habitat conservation plan (i.e., not mitigation for any environmental harm caused by the

**Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)**

project), whereas the APMs in the PEA are specific measures designed to avoid, reduce, or minimize environmental impacts from construction and operation of project features.

The second court case cited by the commenter, *South County Citizens for Smart Growth v. County of Nevada (2013)*, appears to be primarily related to consideration of alternatives for a retail/commercial development project, and the defendant's alleged failure to recirculate a revised draft EIR after adding a staff alternative. The plaintiff also contended that the lead agency violated CEQA by relying on future traffic improvements that had not been approved yet in order to declare the revised project's traffic impacts were less than significant. The court ruled in the defendant's favor on both counts, finding that the staff alternative did not constitute "significant new information," and that the lead agency properly relied on future planned roadway improvements as "reasonable assumptions" rather than as mitigation measures. Similar to the above case, this case does not appear to be particularly relevant to the Proposed Project, where NEET West's APMs are measures specifically designed to avoid, reduce, or minimize impacts from Project construction and operational activities.

**Response to Comment F-35**

Please refer to Response to Comment F-5.

**Response to Comment F-36**

Please refer to Response to Comment F-1 for discussion of CPUC's understanding of the fundamental project purpose and objectives. Please also see Master Response 1 for discussion of the feasibility of the Suncrest Substation Alternative.

**Response to Comment F-37**

Please refer to Master Response 1 for discussion of the feasibility of the Suncrest Substation Alternative. Based on the information and discussion in Master Response 1, it is not reasonable to eliminate the Suncrest Substation Alternative.

**Response to Comment F-38**

Please refer to Response to Comments F-26 through 32.

**Response to Comment F-39**

The DEIR has been modified to include the majority of the detailed comments and edits provided by the commenter in their attached tables. Please refer to Response to Comments F-42 through F-135 and Chapter 4, *Revisions to the DEIR* for CPUC's responses to these comments and corresponding changes to the DEIR.

**Response to Comment F-40**

Please refer to Response to Comment F-1 for discussion of the fundamental project purpose and CPUC staff's development of project objectives for the purposes of the DEIR.

## Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

### Response to Comment F-41

The commenter is correct that CAISO's 2013-2014 Transmission Plan identified the 33% RPS as one of the driving factors behind the need for the proposed reactive device at the Suncrest Substation. The 50% RPS goal was enacted in October 2015; after the 2013-2014 Transmission Plan was published, but prior to publication of the DEIR. Also, the commenter is correct that CAISO identified the impact of potential retirement of gas generation in the San Diego and Los Angeles Basins as another driving factor behind the need for the Proposed Project, although this is stated in other sections of the DEIR (see page 2-2).

Therefore, the text of the DEIR on page ES-1 has been revised to reference the 33 percent RPS in regards to the project need identified in the 2013-2014 Transmission Plan. Additionally, references to the State's RPS have been revised in several other locations in the DEIR. Please refer to Chapter 4, *Revisions to the DEIR* to view the revised text.

### Response to Comment F-42

The commenter is correct that not all portions of the Lightner Mitigation Site will be transferred to USFS. Therefore, the text of the DEIR has been revised on page ES-2, lines 24-25, to more clearly describe the transfer of Lightner parcels from SDG&E to USFS, including the fact that SDG&E will retain ownership of certain Lightner parcels, such as the Suncrest Substation, Bell Bluff Truck Trail, and a certain width outside of the road bed. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

### Response to Comment F-43

Comment noted. The text of the DEIR has been changed on page ES-4, line 16, to indicate that the SVC would contain two, three phase 230-kilovolt (kV) main power transformers, rather than two, single phase transformers. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

### Response to Comment F-44

Actually, the Mechanically Stabilized Earth (MSE) wall was part of the Project Description contained in the PEA (see page 3-21). Nevertheless, the DEIR text has been revised on page ES-4, line 28, as the commenter requests, to remove reference to an MSE wall. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

### Response to Comment F-45

Comment noted. The text of the DEIR, on page ES-4, line 31, has been revised to state that the chain link and barbed wire security fencing at the proposed SVC would be approximately 8 feet high instead of 7 feet high. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

## **Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)**

### **Response to Comment F-46**

The text of the DEIR, on page ES-5, line 21, has been revised, as the commenter requests, to indicate that the proposed underground transmission line would include up to two splice vaults, instead of up to five splice vaults, as originally stated in the DEIR. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

### **Response to Comment F-47**

The commenter's recommended change is accepted. The DEIR text, on page ES-5, line 36, has been revised to clarify that the 2 months for restoration and cleanup described in discussion of the Proposed Project's construction schedule would occur after project commercial operation. Additionally, references to the Project construction schedule in several other locations in the DEIR have been revised to make them consistent with the schedule described in the Executive Summary and Project Description. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

### **Response to Comment F-48**

Please refer to Master Response 1 for discussion of the feasibility of the Suncrest Substation Alternative. As described in this master response, CPUC staff has reason to believe that this alternative can be feasibly accomplished. As a CEQA alternative, the Suncrest Substation Alternative is not analyzed at the same level of detail as the Proposed Project, but CPUC staff can conclude that the alternative would avoid virtually all of the Proposed Project's environmental impacts. As stated in the DEIR, this alternative would be sited on an existing developed pad area, and would not require a new, primarily underground approximately one-mile-long transmission line.

### **Response to Comment F-49**

Please refer to Response to Comment F-26. CPUC staff does not agree with removing possible impacts to Hermes copper butterfly as an area of known controversy.

### **Response to Comment F-50**

Please refer to Master Response 1 and 2.

### **Response to Comment F-51**

Please refer to Master Response 1 for discussion of the feasibility of the Suncrest Substation Alternative.

The DEIR text has been revised to more clearly state that siting the SVC within the existing Suncrest Substation would avoid the need for an approximately one-mile-long transmission line.

## **Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)**

### **Response to Comment F-52**

For comments pertaining to the feasibility of the Suncrest Substation Alternative, including the feasibility of construction, operation, and ownership of a dynamic reactive device within the existing Suncrest Substation by NEET West, please refer to Master Response 1 in Chapter 2, *Master Responses*.

### **Response to Comment F-53**

Please refer to Response to Comment F-51 for comments pertaining to transmission line needs for the Suncrest Substation Alternative. For response to general comments pertaining to the Suncrest Substation Alternative, including feasibility of the Suncrest Substation alternative and identification of this alternative in the DEIR as the Environmentally Superior Alternative, please refer to Master Responses 1 and 2, in Chapter 2, *Master Responses*.

### **Response to Comment F-54**

The DEIR text, on page 2-11, line 18, has been revised to indicate that the SVC would contain two, three phase 230-kV main power transformers, rather than two, single phase transformers. This is the same change that was described in Response to Comment F-43 in regards to the Executive Summary. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

### **Response to Comment F-55**

The DEIR text, on page 2-15, line 8, has been revised, as requested by the commenter, to remove reference to an MSE retaining wall. This is the same change that was described in Response to Comment F-44 in regards to the Executive Summary. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

It is unclear to the CPUC the purpose of the commenter's requested change or comment in regards to lines 35-37, other than possibly to highlight an inconsistency in the original DEIR text: that the proposed retaining wall is described as an MSE retaining wall in one location and simply as a retaining wall in another location.

### **Response to Comment F-56**

The DEIR text, on page 2-15, line 11, has been revised, as requested by the commenter, to state that the chain link and barbed wire security fencing at the proposed SVC would be approximately 8 feet high instead of 7 feet high. This is the same change that was described in Response to Comment F-45 in regards to the Executive Summary. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

## **Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)**

### **Response to Comment F-57**

The DEIR text, on page 2-17, line 26, has been revised, as the commenter requests, to clarify the type of conductor to be used for the proposed above-ground transmission line segment. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

### **Response to Comment F-58**

The DEIR text, on page 2-17, line 32, has been revised, as requested by the commenter, to remove unnecessary language in reference to SDG&E equipment within the Suncrest Substation. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

### **Response to Comment F-59**

The DEIR text, on page 2-18, line 18, has been revised, as requested by the commenter, to update the acreage of impacts from the SVC from 8.56 acres to 8.59 acres of California buckwheat scrub, non-native grassland, and ruderal lands. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

### **Response to Comment F-60**

The DEIR text, on page 2-18, line 23, has been revised, as requested by the commenter, to correct that topsoil would be salvaged to a depth of 6 inches or less if topsoil is not present to that depth. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

### **Response to Comment F-61**

The information in Table 2-1, on page 2-19 of the DEIR, has been revised, as requested by the commenter, to update the anticipated maximum depth of excavation from ground surface during site preparation, grading, and earthwork for the proposed SVC. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

### **Response to Comment F-62**

The DEIR text, on page 2-23, line 32, has been revised, as requested by the commenter, to correct the description of transmission structures that would be built by workers likely to be hired from San Diego County. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

### **Response to Comment F-63**

Thank you for your comment and the update. The DEIR text, on page 2-24, lines 43-45, has been revised to reflect completion of an agreement by NEET West to supply water needed during construction from the Wilson ponds. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

## **Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)**

### **Response to Comment F-64**

Thank you for the update. The DEIR text, on page 2-25, lines 25-26, has been revised, as requested by the commenter, to remove specific mention that the Proposed Project would be operated remotely from NEET West's Lone Star Transmission, LLC's control center in Austin, Texas. Rather, the Proposed Project would be remotely operated from a NextEra affiliate's control center. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

### **Response to Comment F-65**

Please refer to Response to Comment F-5 for discussion of CPUC's understanding and treatment of APMs versus mitigation measures. CPUC disagrees with the commenter's recommended revisions in Comment F-65.

### **Response to Comment F-66**

Please see Response to Comment F-27. The PEA confirms the statement made in Impact AES-1.

### **Response to Comment F-67**

The DEIR text, on page 4-12, line 17, has been revised, as requested by the commenter, to describe the construction period as 11 months instead of 9 months to ensure consistency between chapters and include the full suite of construction activities, including the 2 months of restoration and cleanup that would occur after project commercial operation. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

### **Response to Comment F-68**

The DEIR text, on page 5-4, line 24, has been revised to correct the identified reference from "aesthetics" to "agriculture and forestry resources." Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

### **Response to Comment F-69**

CPUC understands that CNF Land Management Plan strategies do not apply to private land, but, as stated in the DEIR, CPUC staff considered consistency with CNF policies given the close proximity of the project site to CNF lands. Additionally, although not acknowledged in Comment F-69, the impact discussion under Impact AGR-2 of the DEIR also considers potential conflicts with local plans and policies. Given that the proposed SVC site is designated for rural use and the County General Plan contains goals and policies for preservation of rural character, the DEIR finds that the Proposed Project conflicts somewhat with these local plans and policies; however, the DEIR finds that utilities are permitted land uses in the Agriculture (A-72) zone district. Therefore, the DEIR's discussion of consistency with federal and local policies and zoning related to agricultural land use, and finding of a "less than significant" impact, is appropriate.



## **Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)**

### **Response to Comment F-70**

Please see Response to Comment F-28.

### **Response to Comment F-71**

Please see Response to Comment F-28. CPUC disagrees with the commenter's recommended changes.

### **Response to Comment F-72**

Figure 7-1: "Vegetation Types" and Figure 7-7: "Likely Golden Eagle Nesting Area" have been revised to include cross-hatching. Please refer to Chapter 4, *Revisions to the DEIR* for the revised figures.

### **Response to Comment F-73**

CPUC disagrees with the commenter's recommended revisions. As stated on the CNPS website, all of the plants with a CRPR of 3 meet the definitions of the California Endangered Species Act (CESA), and are eligible for state listing. Impacts to these species or their habitat must be analyzed under CEQA, as they meet the definition of Rare or Endangered under CEQA Guidelines §15125 (c) and/or §15380.

While it is true that only some of the plants with a CRPR of 4 meet the definitions of the CESA, and only a few may be eligible for state listing, many of them have local significance. The CNPS strongly recommends that CRPR 4 plants be evaluated for impact significance during preparation of environmental documents relating to CEQA (CNPS 2017), based on CEQA Guidelines §15125 (c) and/or §15380.

### **Response to Comment F-74**

The listing status for the Townsend's big-eared bat (*Corynorhinus townsendii*) in DEIR Table 7-2, "Sensitive Plant and Animal Species Known to Occur in the Vicinity of the Project Site" has been revised to remove the state candidate (SC) listing status. The special species of concern (SSC) listing status will remain.

Although this species was not granted endangered or threatened status, it is a SSC. Section 15380 of the CEQA Guidelines clearly indicates that species of special concern should be included in an analysis of project impacts if they can be shown to meet the criteria of sensitivity outlined therein (CDFW 2017).

### **Response to Comment F-75**

Please see response to F-26.

## **Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)**

### **Response to Comment F-76**

It is important to ensure that all Proposed Project personnel have been properly trained on the sensitive biological resources present at the Proposed Project site by a CPUC-approved biological monitor or a CPUC-approved environmental inspector. The DEIR text, on page 7-46, Lines 2-8, has been revised to state that all Proposed Project personnel shall participate in an educational training session prepared by a CPUC-approved biologist or a CPUC-approved environmental inspector.

A record of the personnel that attended the training shall be kept by the CPUC-approved biologist or CPUC-approved environmental inspector.

### **Response to Comment F-77**

Text has been added to the DEIR on page 7-48, line 16, to state that the project has been designed to avoid all Engelmann oak and coast live oak trees; therefore, there are no anticipated impacts to oak trees within the project area. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text. Impacts will occur to the understory vegetation of the Engelmann Oak – Coast Live Oak/Poison Oak/Grass Association; these impacts and subsequent mitigation measures are discussed in the DEIR. The CPUC has proposed a 1:1.1 mitigation ratio since the area has been disturbed.

The DEIR has been revised to include language in Mitigation Measure BIO-18 that the Habitat Restoration Plan would be consistent with the East San Diego County MSCP planning process. Specific success criteria, monitoring (including technique, effort, frequency, and duration), and planting requirements would be established in the Habitat Restoration Plan. CDFW review of monitoring results would provide additional oversight of site restoration. These factors would ensure that Mitigation Measure BIO-18 would contribute to less-than-significant impacts to the Engelmann Oak – Coast Live Oak/Poison Oak/Grass Association

### **Response to Comment F-78**

Please see response to F-26.

### **Response to Comment F-79**

Given that the focused plant surveys were conducted in a period of drought throughout the state of California, the CPUC feels that it is prudent to conduct an additional focused plant survey during the appropriate blooming periods prior to construction.

### **Response to Comment F-80**

Please refer to Response to Comment F-73 regarding CRPR 3 and 4. Additionally, page 7-42, lines 32-33 of the DEIR have been revised to incorporate text that states that the site may be evaluated sooner if conditions allow, rather than deferring evaluation to the end of a 5-year monitoring period. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

## Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)

### Response to Comment F-81

To clarify, Mitigation Measure BIO-5: “Avoid Impacts on Nesting Birds” does not state that all construction activities must be initiated outside of the nesting bird season; rather, it requires that NEET West or its contractor avoid initiating construction activities within the nesting bird season whenever possible. Conducting vegetation clearing outside of the nesting bird season would reduce the level of effort needed for pre-construction surveys for any activities that necessarily must occur within the breeding season, as well as lower the probability of a bird nesting within the site.

### Response to Comment F-82

The CPUC agrees that Mitigation Measure BIO-6: “Implement Preconstruction Surveys for Birds Protected under the MBTA” should allow for adjustments to be made to no-work buffers around nests in coordination with CDFW and USFWS in certain circumstances. The text of Mitigation Measure BIO-6 on page 7-43 has been revised to allow for such adjustments.

The CPUC does not agree with the commenter’s assertion that a 250-foot no-work buffer for nesting passerines is atypical, and that a 100-foot buffer is standard for most projects. As stated in *Appendix I: CDFW’s Conservation Measures for Biological Resources That May Be Affected by Program-level Actions* (CDFW No Date), buffers around active nests for birds protected by the Migratory Bird Treaty Act will be a minimum of 250 feet, unless a qualified CDFW biologist determines that smaller buffers would be sufficient to avoid impacts to nesting birds. Factors to be considered for determining buffer size will include: the presence of natural buffers provided by vegetation or topography; nest height; locations of foraging territory; and baseline levels of noise and human activity. Buffers will be maintained until young have fledged or the nests become inactive (CDFW No Date).

### Response to Comment F-83

Please see response to F-26.

### Response to Comment F-84

The CPUC agrees with the commenter that the portion of Mitigation Measure BIO-12 relating to the need to conduct surveys during nesting, breeding, or migration seasons is duplicative with Mitigation Measure BIO-6. However, a preconstruction sweep for biological resources (as detailed in Mitigation Measure BIO-13) will need to be conducted in areas where vehicles will be parked off-road in the Proposed Project area. The text on page 7-46 of the DEIR has been revised to delete text referring to the nesting, breeding, and migration season and replace it with text regarding Mitigation Measure BIO-13. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

### Response to Comment F-85

Comment noted. The CPUC agrees with the commenter and has revised the text on page 7-47, lines 9-10, to delete the text referring to consultation with the USFWS and CDFW and replace

**Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)**

it with text referring to implementation of Mitigation Measure BIO-4. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

**Response to Comment F-86**

The text of the DEIR, on page 8-19, lines 24-25, under Mitigation Measure CR-1, has been revised to indicate that cultural resources training materials shall be developed by an archaeologist who meets the U.S. Secretary of the Interior's professional standards, rather than having the training conducted by someone who meets those qualifications. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

**Response to Comment F-87**

The text of the DEIR, on page 8-19, lines 28-32, under Mitigation Measure CR-1, has been modified to require monitoring during initial ground disturbing activities during Project construction, and to allow flexibility in subsequent monitoring based on the results of the initial monitoring and the recommendations of the archaeological Principal Investigator. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

**Response to Comment F-88**

The text of the DEIR, on pages 8-19, line 41, and 8-20, lines 1-2, under Mitigation Measure CR-2, have been revised to reflect the updated proposed depths of excavation.

**Response to Comment F-89**

A buffer of 100 feet around discovered human remains is preferred by Native American tribes and is commonly used throughout California. This language will not be changed. However, the word "Human" in the title of Health and Safety Code has been removed. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

**Response to Comment F-90**

The CPUC believes it is prudent for both SDCFA and CAL FIRE to approve the applicant's CFPP prior to commencement of construction activities. The DEIR text will remain unchanged.

**Response to Comment F-91**

The text of the DEIR has been revised to reference the December 2016 version of the Fire Protection Plan (FPP). Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

**Response to Comment F-92**

Comment noted. Jurisdiction over the natural drainages that pass under Bell Bluff Truck Trail through culverts would need to be determined by NEET West prior to any disturbance of the drainages, and proper permits would need to be acquired.

## **Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)**

### **Response to Comment F-93**

CPUC staff concur with the commenter's reasoning. The DEIR text has been revised to indicate a finding of "No Impact" under Impact HYD/WQ-5. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

### **Response to Comment F-94**

The text of the DEIR, on page 13-5, lines 7-9, has been revised to clarify that not all of the Lightner Mitigation Site parcels will be transferred to the USFS from SDG&E; rather, SDG&E will retain ownership of the Suncrest Substation, Bell Bluff Truck Trail, and a portion of the land on either side of Bell Bluff Truck Trail. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

### **Response to Comment F-95**

The commenter is correct in noting that the Suncrest Substation is not 100% concrete. Therefore, the DEIR text on page 13-6, line 27, has been revised to indicate that the entire Suncrest Substation site is not concrete. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

### **Response to Comment F-96**

Please refer to Response to Comment F-31 for information about the specific methods used in the DEIR's noise analysis and the change in noise analysis methods compared to the PEA. The FTA methodology was selected for the construction noise- and vibration-impact analysis because it is a widely-used and appropriate analysis method for all types of construction activities. The County of San Diego General Plan's Noise Element Policy N-3.1 does not exclude the use of FTA methods for purposes other than analyzing groundborne vibration; rather it is solely a recommendation that it be used, where appropriate, for the groundborne vibration analysis. However, the CPUC has modified the text of Mitigation Measure NOI-1 to clarify the distance for which notification should occur and clarify which measures are applicable primarily to the rock drill's use. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

### **Response to Comment F-97**

The DEIR text of Mitigation Measure NOI-1 (page 15-11 to 15-12) has been revised to clarify the notification requirements based on the potential for the CNEL threshold to be exceeded up to approximately 3,800 feet during rock drilling activities. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

### **Response to Comment F-98**

The DEIR text, on page 17-9, line 11, has been changed to clarify that the 4-inch-diameter water line referenced in the chapter only crosses underneath Bell Bluff Truck Trail in one

**Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)**

location near the water tank, and does not run underneath the length of the road. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

**Response to Comment F-99**

The DEIR text, on page 17-15, lines 38-39, has been revised to reflect a significance conclusion under Impact PUB/UTL-6 of “Less than Significant.” Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

**Response to Comment F-100**

As described in Chapter 15, *Noise*, the San Diego County Noise Abatement and Control Ordinance requires that construction equipment only be operated between 7 a.m. and 7 p.m., Monday through Friday, although certain time-sensitive activities and/or activities which are not noise-intensive may occur outside these hours. Therefore, the text on page 19-10, lines 5-8, has been revised to state that heavy equipment and haul traffic through residential areas shall be restricted to the hours of 7 a.m.-7 p.m., Monday through Friday. In the event that use of heavy equipment beyond normal working hours is required, notice would be provided to adjacent property owners 48 hours in advance. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

**Response to Comment F-101**

The DEIR (see page 19-8 to 19-9) noted that trenching activities in Bell Bluff Truck Trail would occur entirely within the access-secured segment of Bell Bluff Truck Trail. The DEIR further discloses that, outside of the access-secured segment of Bell Bluff Truck Trail, impacts associated with construction-related traffic (e.g., daily commutes by construction workers, periodic delivery and removal of materials to and from the site) could occur. As such, bicyclists and pedestrians that use local roads in the project vicinity during the construction period may need to share the road with heavy equipment and haul traffic.

**Response to Comment F-102**

Please refer to Response to Comment F-16. The passage of the DEIR (page 20-1, lines 28-31) referenced in Comment F-102 has been revised to add “proponent’s ability to control the alternative sites” as another factor for the lead agency to consider in determining the feasibility of alternatives to be evaluated in the EIR. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

**Response to Comment F-103**

Please refer to Response to Comment F-1 for discussion of CPUC staff’s understanding of the Proposed Project’s underlying purpose and objectives.

The commenter is correct that there is a slight difference in the wording of the third Project objective in the Alternatives chapter compared to that in the Executive Summary and Project

**Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)**

Description. The text of the DEIR, on page 20-2, lines 20-24, has been changed to make the description of objectives in these chapters consistent.

**Response to Comment F-104**

The DEIR text, on page 20-7, lines 3-6, has been revised, as requested by the commenter. Please refer to Chapter 4, *Revisions to the DEIR*, for the revised text.

**Response to Comment F-105**

While the CPUC agrees that currently there is no suitable habitat (California buckwheat and spiny redberry occurring within 15 feet of each other) for Hermes copper butterfly within the proposed SVC site, there is suitable habitat within 150 meters (500 feet) of the site and both buckwheat and spiny redberry are present on the site (but not within 15 feet of each other). Therefore, the DEIR reasoned that there is potential for suitable habitat to develop on the site prior to the start of construction. Due to the lack of California buckwheat scrub habitat mapped at the Northeast Alternative site, it is unlikely that suitable habitat would develop on that site. Given that buckwheat is a critical component of Hermes copper butterfly habitat, the reasoning in the DEIR is sound that the Northeast Site Alternative site may be less likely to contain or develop suitable butterfly habitat, and, therefore, siting the project on the Northwest Site Alternative site may reduce potential impacts on such habitat.

**Response to Comment F-106**

Please refer to Master Response 1 for discussion of the feasibility of the Suncrest Substation Alternative. Please also refer to Response to Comment F-51 for CPUC staff's response to NEET West's comment regarding whether or not a transmission line would be required for the Suncrest Substation Alternative.

**Response to Comment F-107**

The DEIR text, on page 21-1, line 32, has been revised to remove specific mention that the Proposed Project would be operated remotely from NEET West's Lone Star Transmission, LLC's control center in Austin, Texas. Rather, the Proposed Project would be remotely operated from a NextEra affiliate's control center. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

**Response to Comment F-108**

CPUC staff believes that Mitigation Measure PUB/UTL-1 is appropriate as written, and that it is appropriate for NEET West to coordinate with the County of San Diego, CAL FIRE, and USFS to determine if additional fire protection improvements are needed to ensure adequate fire protection services are available for the Proposed Project. However, the reference to "U.S. Fish and Wildlife Service" in the referenced passage is a typo (it should be U.S. Forest Service), and it has been corrected in Chapter 4, *Revisions to the DEIR*.

## **Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)**

### **Response to Comment F-109**

The references chapter of the DEIR has been revised to reflect the most recent date of the PEA and components. Please see Chapter 4, *Revisions to the DEIR* for the revised text.

### **Response to Comment F-110**

Thank you for providing the most recent version of the Cultural Technical Resources Report. This version has been included as part of the FEIR (see Volume 2).

### **Response to Comment F-111**

The DEIR text on page L-33 has been revised to reference the December 2016 version of the FPP. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

### **Response to Comment F-112**

CPUC believes that Mitigation Measure PUB/UTL-1 is appropriate as written. Therefore, the text is left unchanged in the DEIR and NEET West is required to coordinate with San Diego County, CAL FIRE, and USFS to determine if additional fire protection improvements are needed to serve the Proposed Project, and to commit its fair share toward those improvements.

### **Response to Comment F-113**

Comment noted. The revised version of the FPP has been incorporated into the FEIR (see Volume 2).

### **Responses to Comments F-114 through F-120**

Comment accepted. DEIR text has been revised as the commenter recommends.

### **Response to Comment F-121**

The typo pointed out in Comment F-121 has been corrected as part of revisions made in response to Comment A-78. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

### **Responses to Comments F-122 through F-125**

Comment accepted. DEIR text has been revised as the commenter recommends.

### **Response to Comment F-126**

“Recency” is listed in the Merriam-Webster Dictionary as “the quality or state of being recent.” Therefore, the terminology used in the legend of Figure 9-2 is appropriate.



## **Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)**

### **Response to Comment F-127**

The bold subheadings under Impact GEO-1 are intended to organize the discussion and indicate to the reader which aspects of the significance criteria are being discussed. Therefore, no revisions to the DEIR text are needed.

### **Responses to Comments F-128 through F-134**

Comment accepted. DEIR text has been revised as the commenter recommends.

### **Response to Comment F-135**

CPUC staff conducted an independent analysis of the Proposed Project in preparing the DEIR. Therefore, mitigation measures were developed independently of what was presented in the PEA. The commenter's recommended revisions to Mitigation Measures BIO-10 and CR-1 are addressed in Response to Comments F-76 and F-86, respectively.

### **Response to Comment F-136**

CPUC staff developed mitigation measures for the DEIR independently from what was presented in the PEA. Therefore, the text of Mitigation Measure AES-1 reflects CPUC staff's independent judgment for protection of environmental resources vis-à-vis the Proposed Project.

Please refer to Response to Comment F-5 for a detailed discussion of CPUC staff's understanding and treatment of APMs versus mitigation measures.

### **Response to Comment F-137**

Please refer to Response to Comment F-5 for a detailed discussion of CPUC staff's understanding and treatment of APMs versus mitigation measures.

### **Responses to Comments F-138 through F-142**

Comment noted.

### **Response to Comment F-143**

Please refer to Response to Comment F-28 for discussion of Mitigation Measure AQ-1.

### **Responses to Comments F-144 through F-146**

Comment noted. Please refer to Response to Comment F-5 for a detailed discussion of CPUC staff's understanding and treatment of APMs versus mitigation measures.

**Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)****Response to Comment F-147**

Please see Response to Comment F-79.

**Response to Comment F-148**

CPUC has chosen to propose appropriate feasible mitigation measure(s) to reduce the impact(s) to special-status plants to a less-than-significant level. This protective measure will be tracked in the MMRP. Also, please refer to Response to Comment F-5 for further discussion of CPUC's understanding and treatment of APMs versus mitigation measures.

**Response to Comment F-149**

Please refer to Response to Comment F-148.

**Response to Comment F-150**

Please refer to Response to Comment F-79.

**Response to Comment F-151**

Please see Response to Comment F-84.

The CPUC has chosen to propose appropriate feasible mitigation measure(s) to reduce the impact(s) to nesting birds to a less-than-significant level. This protective measure will be tracked in the MMRP. Please refer to Response to Comment F-5 for further discussion of CPUC's understanding and treatment of APMs versus mitigation measures.

**Response to Comment F-152**

Comment noted. Please refer to Response to Comment F-5 for a detailed discussion of CPUC staff's understanding and treatment of APMs versus mitigation measures.

**Response to Comment F-153**

CPUC staff acknowledge that the text of APM BIO-7 is very similar to Mitigation Measure BIO-14. Please see Response to Comment F-5.

**Response to Comment F-154**

Please refer to Response to Comment F-5 for a detailed discussion of CPUC staff's understanding and treatment of APMs versus mitigation measures.

**Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)****Response to Comment F-155**

CPUC staff acknowledge that APM BIO-9 is similar to Mitigation Measure BIO-7. As stated previously, the mitigation measures included in the DEIR reflect CPUC staff's independent judgment based on the environmental analysis conducted for the Proposed Project. Please refer to Response to Comment F-5 for a detailed discussion of CPUC staff's understanding and treatment of APMs versus mitigation measures.

**Response to Comment F-156**

CPUC staff acknowledge that APM BIO-10 is similar to Mitigation Measure BIO-16. Please refer to Response to Comment F-5 for a detailed discussion of CPUC staff's understanding and treatment of APMs versus mitigation measures.

**Response to Comment F-157**

CPUC staff acknowledge that APM BIO-11 is similar to Mitigation Measure BIO-15. Please refer to Response to Comment F-5 for a detailed discussion of CPUC staff's understanding and treatment of APMs versus mitigation measures.

**Response to Comment F-158**

Please refer to Response to Comment F-5 for a detailed discussion of CPUC staff's understanding and treatment of APMs versus mitigation measures.

**Response to Comment F-159**

CPUC staff acknowledges that the text of APM BIO-13 is similar to that of Mitigation Measure BIO-13. Please refer to Response to Comment F-5 for a detailed discussion of CPUC staff's understanding and treatment of APMs versus mitigation measures.

**Response to Comment F-160**

Please refer to Response to Comment F-82.

**Response to Comment F-161**

Please refer to Response to Comment F-5 for a detailed discussion of CPUC staff's understanding and treatment of APMs versus mitigation measures.

**Response to Comment F-162**

CPUC disagrees with the commenter's assertion that Mitigation Measure BIO-8 affords no additional protections. Please refer to Response to Comment F-26.

## **Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)**

### **Response to Comment F-163**

CPUC staff disagrees with the comment that Mitigation Measure BIO-9 should be removed from the DEIR. Please refer to Response to Comment F-26.

### **Response to Comment F-164**

Please refer to Response to Comment F-76.

### **Response to Comment F-165**

Comment noted. Please refer to Response to Comment F-5 for a detailed discussion of CPUC staff's understanding and treatment of APMs versus mitigation measures.

### **Response to Comment F-166**

Please refer to Response to Comment F-77.

### **Response to Comment F-167**

Please refer to Response to Comment F-5 for a detailed discussion of CPUC staff's understanding and treatment of APMs versus mitigation measures.

### **Response to Comment F-168**

Comment noted. Please refer to Response to Comment F-87 for CPUC staff's response to the commenter's request for changes to Mitigation Measure CR-1. Please also refer to Response to Comment F-5 for a detailed discussion of CPUC staff's understanding and treatment of APMs versus mitigation measures.

### **Response to Comment F-169**

Comment noted. Please refer to Response to Comment F-88 for CPUC staff's response to the commenter's request for changes to Mitigation Measure CR-2. Please also refer to Response to Comment F-5 for a detailed discussion of CPUC staff's understanding and treatment of APMs versus mitigation measures.

### **Response to Comment F-170**

Please refer to Response to Comment F-89 for CPUC staff's response to the commenter's request for changes to Mitigation Measure CR-3. Please refer to Response to Comment F-5 for a detailed discussion of CPUC staff's understanding and treatment of APMs versus mitigation measures.

## **Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)**

### **Responses to Comments F-171 through F-174**

Please refer to Response to Comment F-5 for a detailed discussion of CPUC staff's understanding and treatment of APMs versus mitigation measures.

### **Response to Comment F-175**

Comment noted.

### **Responses to Comments F-176 through F-179**

Please refer to Response to Comment F-5 for a detailed discussion of CPUC staff's understanding and treatment of APMs versus mitigation measures.

### **Response to Comment F-180**

Comment noted.

### **Responses to Comments F-181 through F-193**

Please refer to Response to Comment F-5 for a detailed discussion of CPUC staff's understanding and treatment of APMs versus mitigation measures.

### **Response to Comment F-194**

Please refer to Response to Comment F-96 and F-97 for CPUC staff's response to the commenter's request for changes to Mitigation Measure NOI-1. Please also see Response to Comment F-5 for a detailed discussion of CPUC staff's understanding and treatment of APMs versus mitigation measures.

### **Response to Comment F-195**

Please refer to Response to Comment F-5 for a detailed discussion of CPUC staff's understanding and treatment of APMs versus mitigation measures.

### **Response to Comment F-196**

Please refer to Response to Comment F-100 for CPUC staff's response to the commenter's request for changes to Mitigation Measure TR-1. Please also see Response to Comment F-5 for a detailed discussion of CPUC staff's understanding and treatment of APMs versus mitigation measures.

### **Response to Comment F-197**

Comment noted.

**Public Comment F: NextEra Energy Transmission West, LLC (January 10, 2017)****Response to Comment F-198**

Please see Response to Comment F-5 for a detailed discussion of CPUC staff's understanding and treatment of APMs versus mitigation measures.

**Response to Comment F-199**

Please refer to Response to Comment F-5 for a detailed discussion of CPUC staff's understanding and treatment of APMs versus mitigation measures.

**Response to Comment F-200**

Please refer to Response to Comment F-5 for a detailed discussion of CPUC staff's understanding and treatment of APMs versus mitigation measures.

**Response to Comment F-201**

Please refer to Response to Comment F-112 for CPUC staff's response to the commenter's requested revisions to Mitigation Measure PUB/UTL-1. Please also refer to Response to Comment F-5 for a detailed discussion of CPUC staff's understanding and treatment of APMs versus mitigation measures.

**Public Comment G: Office of Ratepayer Associates (January 10, 2017)**

Comment Letter G

**ORA**

*Office of Ratepayer Advocates*  
*California Public Utilities Commission*  
 505 Van Ness Avenue  
 San Francisco, California 94102  
 Tel: 415-703-1584  
<http://ora.ca.gov>

January 10, 2017

Rob Peterson, CPUC  
 c/o Tom Engels  
 Horizon Water and Environment, LLC  
 180 Grand Avenue, Suite 1405  
 Oakland, CA 94612

**Re: Office of Ratepayer Advocates Comments on the Draft Environmental Impact Report  
 for the Suncrest Reactive Power Support Project, Proposed by NextEra Energy  
 Transmission West, LLC; Application (A.) 15-08-027**

Dear Mr. Peterson:

The Office of Ratepayer Advocates (ORA) hereby submits the following comments in support of the Draft Environmental Impact Report (DEIR) for the Suncrest Reactive Power Support Project (Project) proposed by NextEra Energy Transmission West, LLC (NEET West).

The Commission published the DEIR on November 23, 2016 and evaluated the following four alternatives for the Suncrest Project:

- No Project Alternative,
- Northeast Site Alternative,
- Suncrest Substation Alternative, and
- Overhead Transmission Line Alternative.

Of these alternatives, the DEIR selected the No Project Alternative as the environmentally superior alternative, and stated “that in cases when the No Project Alternative is the environmentally superior alternative, an EIR must also identify an environmentally superior alternative from among the other alternatives (State CEQA Guidelines Section 15126.6[e][2]). Accordingly, in addition to the No Project Alternative, the Suncrest Substation Alternative is considered to be the environmentally superior alternative.” (DEIR, p.ES-8)

ORA supports the DEIR selection of the two environmentally superior alternatives in accordance with State CEQA Guidelines. To the extent that voltage support is needed, ORA requested, in its comments on the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) on February 8, 2016, that the EIR study the Suncrest Substation Alternative, which would require the

G-1

---

172349611 *Ratepayer Advocates in the Gas, Electric, Telecommunications and Water Industries*

**Public Comment G: Office of Ratepayer Associates (January 10, 2017)**

Mr. Peterson  
January 10, 2017  
Page 2

G-1  
Cont.

Reactive Power Support Project to be placed within the immediate footprint of the San Diego Gas & Electric (SDG&E) Suncrest Substation facility.

The Suncrest Substation Alternative is the most reasonable option for the following reasons:

G-2

- 1) From an engineering perspective, this alternative would be more effective than the other alternatives because the Status Var Compensator (SVC) facility would be directly interconnected to the substation, which would allow the SVC to adjust the voltage level of the power equipment at the substation. Conversely, with the Proposed Project, the Overhead Transmission Line Alternative and the Northeast Site Alternative, there would be a voltage drop due to the power being conveyed for more than one mile to the Suncrest Substation. Due to this voltage drop, the SVC project would not provide reactive power support or voltage support to the Suncrest Substation in the most effective and efficient way.

G-3

- 2) From a construction perspective, co-locating the SVC facility with the Suncrest Substation would avoid unnecessary construction of the following components of the Proposed Project and their associated environmental impacts :
  - Two new 20-foot-wide by 95-foot-long access driveways from Bell Bluff Truck Trail to the SVC;
  - A stormwater detention basin, sized to capture the runoff from the 85th percentile of a 25-year, 24-hour rain event, and earthen swales to divert run-on stormwater;
  - A Mechanically Stabilized Earth retaining wall approximately 480 feet long and 15 feet tall at its highest point (an average height of 8 feet) along the east side of the facility;
  - Chain link and barb wire security fencing approximately 7 feet high with secure 31 gates accessible only by NEET West staff and emergency services personnel;
  - Transformer oil containment basins designed to contain the oil volume of the transformers plus stormwater from the 25-year, 24-hour storm event;
  - A 10,000-gallon water tank for fire suppression outside the Suncrest SVC fence and adjacent to the northeastern driveway; and



**Public Comment G: Office of Ratepayer Associates (January 10, 2017)**

Mr. Peterson  
January 10, 2017  
Page 3

G-3  
Cont.

- Signage and lighting.

G-4

- 3) From a communications perspective, the Suncrest Substation Alternative would be more reliable as there would be no need for separate communication facilities between the substation and the SVC site. Since they would be co-located, the communications would be easier to implement and more reliable. However, under the Proposed Project, communications facilities would need to be installed between the SVC facility and the Suncrest Substation. (DEIR, p.ES-5.)

G-5

- 4) From operational and coordination perspectives, locating the SVC within the substation footprint would be more effective with regards to operating and mitigating potential safety issues that could occur from operators' miscommunications. However, under the Proposed Project, there would be two groups of operators: one for the SVC facility and one for the Suncrest Substation that are more than one mile away from each other. This distance creates a higher risk of errors. For example, it would be difficult for two groups of operators to follow the "check and tag" requirements when they operate the devices either during routine operation or during maintenance. This could result in a compromise of safety operation at the Suncrest Substation and the SVC facility. Approval of any of the alternatives other than the Suncrest Substation Alternative increases the risk of safety hazards.

G-6

- 5) From a cost perspective, co-locating the SVC facility within the Suncrest Substation facility would eliminate the cost of constructing and maintaining a one mile 230 kV transmission line that would be required to connect the SVC to the substation. Constructing the SVC facility at the Suncrest Substation also would incur lower costs.

Sincerely,

/s/ Chloe Lukins  
Chloe Lukins

Program Manager, Office of Ratepayer Advocates

Cc: Administrative Law Judge Colette Kersten  
Tom Engels, Horizon Water and Environment, LLC  
Service List for A.15-08-027

## Public Comment G: Office of Ratepayer Associates (January 10, 2017)

### Response to Comment G-1

The commenter's summary of the alternatives analysis in the DEIR is correct. The commenter's support of the DEIR's selection of the No Project Alternative and Suncrest Substation Alternative as the environmentally superior alternatives is noted.

### Response to Comment G-2

CPUC staff concurs with the commenter's reasoning that locating the SVC at the Suncrest Substation, where it would be more directly interconnected to the substation bus, may be more efficient in providing reactive power and regulating voltage levels; however, CPUC staff acknowledges that the Proposed Project was determined by CAISO to adequately address the voltage stability issues identified in the 2013-2014 transmission planning process.

### Response to Comment G-3

CPUC staff agrees with the commenter's reasoning that the Suncrest Substation Alternative would avoid construction of a number of structures and facilities associated with the Proposed Project, including those listed by the commenter. The commenter may also refer to Master Response 2 in Chapter 2, *Master Responses*, of this DEIR, for discussion of CPUC staff's reasoning for selecting the Suncrest Substation Alternative as the environmentally superior alternative.

### Response to Comment G-4

CPUC staff concurs with the commenter's reasoning that co-locating the SVC with the existing substation may make communications between the two facilities easier to implement, and, potentially, more reliable. However, while this line of thinking may lend credence to the value of the Suncrest Substation Alternative, CPUC staff believes that NEET West's proposal for communications associated with the Proposed Project is wholly adequate, and would not lead to any reliability concerns.

### Response to Comment G-5

CPUC staff concurs with the commenter's reasoning that locating the SVC within the substation may be more effective with regards to mitigating potential safety issues that could occur such as operators' miscommunications. It stands to reason that if the SVC were located within a close-enough distance to the substation facilities to permit visual or oral communication between operators, it may reduce potential for miscommunications and may make it easier to follow "check and tag" requirements.

However, CPUC staff found no reason to believe that the Proposed Project presents any significant safety risks associated with communications between the SVC and substation facilities. Additionally, other commenters on the DEIR (e.g., SDG&E, CAISO) have suggested that locating two utilities in the same substation footprint, in fact, presents safety and security risks. SDG&E argues that if there was a fire at the NEET West device that required shutting down the substation, SDG&E crews would not be able to enter the substation to start

**Public Comment G: Office of Ratepayer Associates (January 10, 2017)**

restoration efforts until NEET West personnel could make the device safe, leading to unnecessary reliability risk for customers (see Comment Letter I).

All that is to say that different arguments can be made regarding possible safety risks associated with co-locating a NEET West-owned reactive device within the existing substation. CPUC staff contends that appropriate agreements and protocols could be developed between NEET West and SDG&E to address potential safety issues in the event the Suncrest Substation Alternative is selected, but the feasibility of the alternative will be determined by the Commission.

**Response to Comment G-6**

CPUC staff agrees with the commenter's reasoning that the Suncrest Substation Alternative may be more cost-effective than the Proposed Project, as it would avoid the need to construct a one-mile-long transmission line as well as various other site development facilities. However, the cost-effectiveness of the Suncrest Substation Alternative is unknown and the alternative may add costs associated with obtaining ownership of a portion of the substation site through a condemnation hearing. NEET West has stated that it does not know the cost of the Suncrest Substation Alternative, but that it could be more expensive than the Proposed Project (see Comment Letter F). Nonetheless, these matters will be addressed in the CPUC's Formal Proceeding for Application A.15-08-027.

## Public Comment H: Oral Comments Received at the Public Meeting in Alpine (December 8, 2016)

Comment Letter H

### Oral Comments Received at the December 8, 2016 Public Meeting in Alpine, CA

- H-1 • At the time they put in the existing Suncrest Substation, was all of this other stuff already expected to be a follow-up from the original thing?
- H-2 • Do you have an expected date when the EIR/General Proceeding process will be completed?
- H-3 • Is the Proposed Project the way you've decided that you'd like to do the project?
- H-4 • Is CAISO the group that decided that this iteration of the project is going forward or that they think is best?
- H-5 • Has NEET West already determined what they feel is best for the project/site?
- H-6 • What is reactive support?
- H-7 • When they built the original Suncrest Substation, shouldn't they have thought that they were going to need reactive support?

## **Public Comment H: Oral Comments Received at the Public Meeting in Alpine (December 8, 2016)**

### **Response to Comment H-1**

The planning/decision-making process for the Sunrise Powerlink project, including the existing Suncrest Substation, is outside the scope of this EIR; however, it is reasonable to assume that, at the time the existing substation was conceived, it was not envisioned that there would be a need for additional reactive power support in the future. The planning and design of the Sunrise Powerlink/Suncrest Substation likely took many years and a number of changes in the transmission system and power mix may have occurred in the interim.

Please refer to Chapter 2, *Project Description*, of the DEIR, for discussion of the need for, and driving forces, behind the Proposed Project. As described in Chapter 2, the Proposed Project was identified as a policy-driven transmission need in the CAISO's 2013-2014 Transmission Plan, and would provide voltage support to address stability issues associated with the retirement of SONGS, the anticipated retirement of coastal gas-fired generation, and projected increases in renewable generation in the Imperial Valley area.

### **Response to Comment H-2**

As described in Chapter 1, *Introduction*, the FEIR will be distributed to public agencies that provided comments on the DEIR at least 10 days before its certification. At the close of the 10-day public agency review period, CPUC will review the EIR, consider staff recommendations and public comment, and decide whether to certify the EIR and approve or deny the Proposed Project. Concurrently, CPUC will conduct a general proceeding to hear testimony from the different parties to the proposed action. If CPUC decides to approve the Proposed Project, it will file a NOD with OPR. No expected date has been identified for the conclusion of this process.

### **Response to Comment H-3**

The Proposed Project is the Project sponsor's (NEET West's) proposed design for addressing a policy-driven transmission need in the CAISO's 2013-2014 Transmission Plan. As the lead agency for the Proposed Project, the CPUC will consider various legal, economic, environmental, and other factors when determining whether to approve the Proposed Project, or choose one of the alternatives presented, and certify the EIR.

### **Response to Comment H-4**

CAISO is the group that selected NEET West, who put forward the Proposed Project as their proposed design, as the Approved Project Sponsor through their competitive bid solicitation process. In that regard, yes, they are the group that identified the Proposed Project as the design to carry forward for environmental analysis.

### **Response to Comment H-5**

The CPUC cannot comment on the Project sponsor's (i.e., NEET West's) determination of what they feel is the best design to meet the project's objectives. However, it is reasonable to

## **Public Comment H: Oral Comments Received at the Public Meeting in Alpine (December 8, 2016)**

assume that the Proposed Project was determined by NEET West as the best design for addressing policy-driven transmission needs in the CAISO's 2013-2014 Transmission Plan.

### **Response to Comment H-6**

"Reactive power" is a concept used by engineers to describe the loss of power in a system arising from the production of electric and magnetic fields. As opposed to real power, which is the element of electricity that performs useful work and is measured in watts, *reactive power* functions to support voltage levels needed to maintain transmission system reliability. In an electric transmission system, reactive power is essential to the ability to transmit power to meet demands and the operation of the system as a whole. "Reactive support" refers to the support facilities or service systems implemented to sustain the reactive power and voltage levels required for electric transmission system operation.

### **Response to Comment H-7**

The Sunrise Powerlink Project, including the existing Suncrest Substation, planning and approval process is outside the scope of this EIR; however, it is reasonable to assume that at the time the existing Suncrest Substation was conceived, it was not envisioned that there would be a need for additional reactive power support in the future. The planning and design of the Suncrest Substation likely took many years and a number of changes in the transmission system and power mix may have occurred in the interim.

**Public Comment I: San Diego Gas & Electric Company (January 10, 2017)**

Comment Letter I



**Adrianna B. Kripke**  
**Senior Environmental Counsel**

San Diego Gas & Electric Company  
 8330 Century Park Court, CP32C  
 San Diego, CA 92123  
 Tel: 858-654-1536  
 akripke@semprautilities.com

January 10, 2017

SENT BY EMAIL

Robert Peterson, California Public Utilities Commission  
 c/o Tom Engels, Horizon Water and Environment, LLC  
 180 Grand Avenue, Suite 1405  
 Oakland, CA 94612  
 <suncrestproject@horizonh2o.com>

**Re: San Diego Gas & Electric Company's Comments on the Draft Environmental Impact Report for the Suncrest Dynamic Reactive Power Support Project Proposed by NextEra Energy Transmission West, LLC**

Dear Mr. Peterson:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Suncrest Dynamic Reactive Power Support Project (Proposed Project).

I-1 | San Diego Gas & Electric Company (SDG&E) agrees that an alternative that locates a dynamic reactive device within the Suncrest Substation, which SDG&E owns and operates, is environmentally superior to the Proposed Project. The Proposed Project would expand the footprint of electric transmission facilities in the surrounding area. As the Draft EIR notes, the expanded footprint would have aesthetic and other environmental resource implications. By comparison, locating the device within the substation would have relatively minimal environmental impacts.

I-2 | SDG&E is concerned that the Draft EIR goes beyond its purpose of analyzing environmental impacts. References to Next Era Energy Transmission West, LLC's (NEET West) construction, ownership, and operation of a Static VAR Compensator (SVC) within the substation are unnecessary for the environmental analysis of alternatives. SDG&E therefore requests that the Final EIR:

1. Revise the description of the Suncrest Substation Alternative not to reference the entity who will construct, own, and operate a dynamic reactive device within the substation. Removing this reference avoids the suggestion that the environmental analysis depends on that entity. Additionally, removing this reference is

**Public Comment I: San Diego Gas & Electric Company (January 10, 2017)**

Robert Peterson, California Public Utilities Commission  
January 10, 2017  
Page 2 of 6

I-2  
Cont.

consistent with the likely infeasibility of a NEET West device within the substation due to concerns about security, electric transmission operations, and a lack of property rights.

2. Confirm that any NEET West facility must not conflict with SDG&E's ongoing, legally binding mitigation obligations for the Sunrise Powerlink.

These changes will ensure that the analysis in the Final EIR fulfills the California Environmental Quality Act's (CEQA) primary goal of environmental protection and recognizes all existing environmental constraints in the vicinity of the Proposed Project.

**I. The Description of the Suncrest Substation Alternative Should Not Reference the Entity Who Will Construct, Own, and Operate a Dynamic Reactive Device Within the Substation**

The Draft EIR describes the Suncrest Substation Alternative as follows:

Under the Suncrest Substation Alternative, the SVC would be installed within the existing Suncrest Substation and, therefore, no transmission line would be required. San Diego Gas & Electric (SDG&E) has indicated that there is room within the existing substation to construct the SVC without expanding the substation footprint. Under this alternative, NEET West would construct, own, and operate the SVC.<sup>1</sup>

SDG&E requests that the Final EIR delete all references that "NEET West would construct, own, and operate the SVC" within the Suncrest Substation. SDG&E makes this request because an alternative that locates a dynamic reactive device within the substation is environmentally superior regardless of who constructs, owns, and operates it.

**A. Specifying the Entity Who Will Construct, Own, and Operate the Device Within the Substation Is Outside CEQA's Scope**

When considering the feasibility of project alternatives, the California courts have ruled that the California Environmental Quality Act (CEQA) "should not be interpreted to allow discrimination between project applicants for an identical project based upon the financial status of the applicant."<sup>2</sup> This rule recognizes that CEQA's primary goal is environmental protection.<sup>3</sup>

<sup>1</sup> Draft EIR at 20-12.

<sup>2</sup> *Center for Biological Diversity v. County of San Bernardino*, 185 Cal. App. 4th 866, 883 n.5 (2010) (quoting *Uphold Our Heritage v. Town of Woodside*, 147 Cal. App. 4th 587, 599-600 (2007); *Maintain Our Desert Environment v. Town of Apple Valley*, 124 Cal. App. 4th 430, 448-49 (2004)).

<sup>3</sup> See Cal. Pub. Res. Code §§ 2100-21001.



**Public Comment I: San Diego Gas & Electric Company (January 10, 2017)**

Robert Peterson, California Public Utilities Commission  
January 10, 2017  
Page 3 of 6

I-2  
Cont.

References to the appropriate project applicant, whether based on financial status or some other factor, are outside CEQA's scope.

Given this recognition by the California courts, the Final EIR should be silent on who constructs, owns, and operates a dynamic reactive device within the substation. This will prevent the Final EIR from straying outside CEQA's primary focus on environmental protection.

**B. The Analysis in the Final EIR Should Be Consistent with the Likely Infeasibility of a NEET West Device Within the Substation**

I-3

The Draft EIR properly determines that an alternative that locates a dynamic reactive device within the substation "would avoid virtually all of the potential environmental impacts of the Proposed Project."<sup>4</sup> The Draft EIR also properly determines that an alternative that locates the device within the substation "would be a cost-effective alternative that does not require construction of the proposed mile-long 230-kV underground transmission line."<sup>5</sup>

I-4

The alternatives analysis in the Final EIR should be consistent with the likely infeasibility of NEET West's construction, ownership, and operation of the device within the substation. The CEQA Guidelines define the term "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors."<sup>6</sup>

**1. A NEET West Device Within the Substation Would Introduce Regulatory Conflicts**

I-5

In Order No. 1000, the Federal Energy Regulatory Commission (FERC), among other things, required all jurisdictional utilities to participate in regional transmission planning and to remove federal rights of first refusal to construct transmission facilities from their open access transmission tariffs.<sup>7</sup> FERC emphasized, however, that its action did not alter a utility's right to construct upgrades to its own facilities or the use and control of its existing rights-of-way.<sup>8</sup> The California Independent System Operator's (CAISO) planning process tariff provisions give effect to this principle by stating that the "Participating Transmission Owner will have the

<sup>4</sup> Draft EIR at 20-12.

<sup>5</sup> *Id.* at 20-8.

<sup>6</sup> Cal. Code Regs. tit. 14, § 15364.

<sup>7</sup> *See generally 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, *order on reh'g and clarif.*, Order No. 1000-B, 141 FERC ¶ 61,044 (2012), *aff'd sub nom. S.C. Pub. Serv. Auth. v. FERC*, 762 F.3d 41, 412 U.S. App. D.C. 41 (D.C. Cir. 2014).

<sup>8</sup> Order No. 1000 at P 319.

**Public Comment I: San Diego Gas & Electric Company (January 10, 2017)**

Robert Peterson, California Public Utilities Commission  
January 10, 2017  
Page 4 of 6

responsibility to construct, own, finance and maintain . . . any upgrade or addition to an existing transmission facility.”<sup>9</sup>

The Approved Project Sponsor Agreement between NEET West and CAISO recognizes that constructing the Proposed Project within the substation is reserved for the utility pursuant to Order No. 1000 and CAISO’s Tariff by stating:

If the siting agency orders the Project facilities to be sited within the substation footprint of the Interconnecting [Participating Transmission Owner (PTO)], the CAISO will consult with the Approved Project Sponsor and may take such action, including termination of this Agreement, as it determines to be necessary and appropriate in accordance with Section 24.6.4 of the CAISO Tariff.<sup>10</sup>

In its application testimony for the Proposed Project, NEET West “cites this provision as one reason why it is not feasible for NEET West to locate the SVC and related equipment within the existing Suncrest Substation.”<sup>11</sup> NEET West also states that “the Approved Project Sponsor Agreement is relevant to any required consideration of the feasibility of project alternatives.”<sup>12</sup>

Specifically, NEET West explains that “CAISO may terminate NEET West’s right to develop the Suncrest SVC Project if the project is required to be sited within the Suncrest Substation after consultation with NEET West” and that “[u]nder the CAISO Tariff, only the incumbent utility can construct a project within an existing substation, so NEET West would not have been awarded the project if it were located within the substation.”<sup>13</sup>

## **2. A NEET West Device Within the Substation Raises Concerns About Security and Electric Transmission Operations**

A NEET West device within the substation also raises concerns about security and electric transmission operations. The North American Electric Reliability Corporation’s Cyber

<sup>9</sup> CAISO Tariff, § 24.4.10, *available at* [http://www.caiso.com/Documents/Section24\\_--ComprehensiveTransmissionPlanningProcess\\_asof\\_Mar28\\_2016.pdf](http://www.caiso.com/Documents/Section24_--ComprehensiveTransmissionPlanningProcess_asof_Mar28_2016.pdf).

<sup>10</sup> Approved Project Sponsor Agreement Between NEET West and CAISO, Appendix E at 43-44 (Annex C to NEET West Testimony in Support of Application for a Certificate of Public Convenience and Necessity for the Suncrest Dynamic Reactive Power Support Project (Aug. 31, 2015) (“NEET West Testimony”).

<sup>11</sup> NEET West’s Reply to Responses to Its Application for a Certificate of Public Convenience and Necessity for the Suncrest Dynamic Reactive Power Support Project at 7 (Oct. 15, 2015) (“NEET West Reply”).

<sup>12</sup> *Id.*

<sup>13</sup> NEET West Testimony at 26:3-9.

**Public Comment I: San Diego Gas & Electric Company (January 10, 2017)**

Robert Peterson, California Public Utilities Commission  
January 10, 2017  
Page 5 of 6

I-6  
Cont. ↑ and Physical Security Standards would require SDG&E and NEET West to establish cyber and physical security barriers within the substation, including a separately enclosed and monitored facility and control shelter. This would complicate access and electric transmission operations, as well as reduce SDG&E's ability to install new equipment within the substation to reliably serve its customers.

I-7 ↑ The interconnection between the Suncrest Substation and Imperial Valley Substation is one of the most critical electric links in the CAISO electric transmission system and delivers large amounts of renewable energy to Southern California load centers. Locating a NEET West device within the substation would place two commercial entities within the substation. This adds complexity to the substation's operations and could negatively affect electric transmission operations during system events or equipment failure.

For instance, if a fire at the NEET West device required shutting down the substation, SDG&E crews would not be able to enter the substation to start restoration efforts until NEET West personnel could make the device safe. This delay would expose electricity customers to unnecessary reliability risk.

### **3. NEET West Lacks Property Rights Within the Substation**

I-8 ↑ Under CEQA, the California Public Utilities Commission may consider whether a project applicant "can reasonably acquire, control or otherwise have access to the alternate site."<sup>14</sup> NEET West does not have property rights within the substation. NEET West has correctly stated that SDG&E will not agree to NEET West's construction of the dynamic reactive device within the substation.<sup>15</sup> NEET West has also stated that its construction of the device within the substation would be infeasible due to issues with site control and timing.<sup>16</sup>

To obtain property rights within the substation, NEET West would likely need to initiate a condemnation proceeding against SDG&E in San Diego Superior Court. This proceeding could take approximately one to two years to resolve. SDG&E would also need to request approval to encumber its substation property under California Public Utilities Code Section 851. These property rights proceedings involve legal and timing issues that could make a NEET West device within the substation infeasible.

<sup>14</sup> Cal. Code Regs. tit. 14, § 15126(f)(1).

<sup>15</sup> NEET West Reply at 7-8; NEET West's Proponent's Environmental Assessment – Suncrest Dynamic Reactive Power Support Project at 5-30 (Aug. 31, 2015) ("PEA").

<sup>16</sup> PEA at 5-31.

**Public Comment I: San Diego Gas & Electric Company (January 10, 2017)**

Robert Peterson, California Public Utilities Commission  
January 10, 2017  
Page 6 of 6

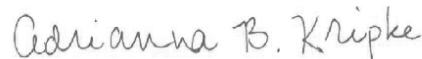
**II. The Final EIR Should Confirm that Any NEET West Facility Must Not Conflict with SDG&E's Ongoing, Legally Binding Mitigation Obligations**

I-9

The project description in the Draft EIR identifies SDG&E's ongoing, legally binding mitigation obligations for the Sunrise Powerlink regarding site restoration at the Wilson Construction Yard and transfer of the Lightner Mitigation Site for conservation purposes.<sup>17</sup> The discussion of these properties in the Final EIR should confirm that any NEET West facility, whether part of the Proposed Project or another alternative, must not conflict with SDG&E's ongoing, legally binding mitigation obligations for these properties. This confirmation will ensure that the Final EIR recognizes all existing environmental constraints in the vicinity of the Proposed Project.

Thank you for the opportunity to review the Draft EIR and for considering these comments. Please contact me if you have any questions.

Sincerely,



Adrianna B. Kripke  
Senior Environmental Counsel  
San Diego Gas & Electric Company

cc: Wendy D. Johnson, Regulatory Business Manager, SDG&E

---

<sup>17</sup> Draft EIR at 2-5, 2-9.

## Public Comment I: San Diego Gas & Electric Company (January 10, 2017)

### Response to Comment I-1

The CPUC acknowledges SDG&E's assertion that location of a dynamic reactive device within the existing Suncrest Substation would be environmentally superior to the Proposed Project. Please refer to Master Response 2 for more detailed discussion of CPUC's reasons for selecting the Suncrest Substation Alternative as the environmentally superior alternative.

### Response to Comment I-2

The DEIR appropriately references the Project sponsor (i.e., NEET West), the project Applicant, when discussing the proposed Suncrest Substation Alternative. Application 15-08-021 was submitted to the CPUC by NEET West. NEET West was the only applicant associated with Application 15-08-021. Please refer to Master Response 1 for discussion of the feasibility of the Suncrest Substation Alternative, including the feasibility of NEET West operating the facility. Potential conflicts of the Proposed Project with SDG&E's ongoing mitigation obligations for the Sunrise Powerlink Project are evaluated in Chapter 13, *Land Use and Planning* of the DEIR. Furthermore, the outcome of NEET West's application will be decided in the CPUC's Formal Proceeding for Application A.15-08-027.

### Response to Comment I-3

Comment noted. Please refer to Master Response 1.

### Response to Comment I-4

Please refer to Master Response 1 in Chapter 2, *Master Responses* for discussion of the feasibility of the Suncrest Substation Alternative. As described in this master response, CPUC staff have reason to believe that the alternative is potentially feasible, as described in the DEIR; however, the final determination of feasibility will be made by the Commission.

### Response to Comment I-5

Please refer to Master Response 1 for discussion of the feasibility of the Suncrest Substation Alternative, including discussion of the alternative's consistency/potential conflicts with FERC Order No. 1000 and the CAISO Tariff.

### Response to Comment I-6

Please refer to Master Response 1 for discussion of the feasibility of the Suncrest Substation Alternative, including discussion of potential security concerns from siting a NEET West-owned device within the existing Suncrest Substation.

### Response to Comment I-7

Please refer to Master Response 1 for discussion of the feasibility of the Suncrest Substation Alternative, including potential safety concerns. SDG&E's concerns regarding the Suncrest Substation Alternative are noted.

**Public Comment I: San Diego Gas & Electric Company (January 10, 2017)****Response to Comment I-8**

Please refer to Master Response 1 for discussion of the feasibility of the Suncrest Substation Alternative.

**Response to Comment I-9**

Potential conflicts with SDG&E's mitigation obligations from the Proposed Project are evaluated in Chapter 13, *Land Use and Planning* of the DEIR. Please refer to this chapter for additional discussion.

**Public Comment J: San Diego Regional Chamber of Commerce (January 10, 2017)**

Comment Letter J

402 West Broadway, Suite 1000  
San Diego, CA 92101-3585  
or 619.544.1300[www.sdchamber.org](http://www.sdchamber.org)

January 10, 2017

Robert Peterson  
c/o Tom Engels  
Horizon Water and Environment  
180 Grand Avenue, Suite 1405  
Oakland, CA 94612**Via Electronic Mail**  
[suncrestproject@horizonh2o.com](mailto:suncrestproject@horizonh2o.com)**Re: Draft Environmental Impact Report Regarding the Proposed Suncrest Dynamic Reactive Power Support Project**

Dear Mr. Peterson:

I am writing in response to the release of the Draft Environmental Impact Report (DEIR) for the Suncrest Dynamic Reactive Power Support Project. I appreciate the opportunity to provide feedback on this important project.

J-1 As Executive Director of Policy and Economic Research of the San Diego Regional Chamber of Commerce, a leading advocate for economic growth in the greater San Diego Region, I know it is critical that San Diego County has a safe, reliable and affordable energy supply. Our region's energy supply was reinforced through the approval of the landmark Sunrise Powerlink project. The need for the Suncrest Dynamic Reactive Power Support is evident to maintain stability of these valuable resources.

J-2 Each project, however, does not occur in a vacuum. It is incredibly important that projects respect the region's natural resources, the community surrounding the project, and perhaps most importantly, commitments made - both express and implied. That is why I am concerned that the degree to which the mitigation measures included in the November 2016 DEIR differs from the Sunrise Powerlink and Suncrest Substation projects' strict construction and operation mitigation standards. Any perceived difference could spark feelings of distrust in the community regarding the California Public Utilities Commission's process.

J-3 We implore the California Public Utilities Commission to hold NextEra Energy Transmission West to these same standards, including scenery conservation, vegetation/irrigation and screening measures. Doing so will minimize aesthetic impacts, and will demonstrate the respect to prior implied community commitments that is needed to maintain and build a track record of integrity.

Sincerely,

A blue ink signature of Sean Karafin.

Sean Karafin  
Executive Director of Policy and Economic Research  
San Diego Regional Chamber of Commerce

**Public Comment J: San Diego Regional Chamber of Commerce (January 10, 2017)****Response to Comment J-1**

The CPUC acknowledges the commenter's support for the Proposed Project.

**Response to Comment J-2**

Mitigation measures included in the DEIR were specifically designed and developed to address the potentially significant impacts of the Proposed Project. The mitigation measures for the Sunrise Powerlink project are not all necessarily applicable to the Proposed Project. Therefore, while the CPUC acknowledges the commenter's concern, it does not think it would be appropriate to apply mitigation measures from one project to a wholly separate project which may have very different potential environmental impacts. As stated in the DEIR, CPUC believes the mitigation measures developed for the Proposed Project are appropriate and sufficiently protective of environmental resources.

**Response to Comment J-3**

As described in Response to Comment J-2, CPUC believes that the mitigation measures developed for the Proposed Project are appropriate and sufficiently protective of environmental resources. CPUC also contends that it is holding the Sunrise Powerlink project and the Proposed Project to the same standards by adhering to the CEQA significance criteria. In this regard, CPUC is ensuring that, for both projects, potential impacts to aesthetics, biological resources, or other resources, as identified under the CEQA significance criteria, are avoided or mitigated to the greatest extent feasible.



**Public Comment K: Alpine Community Planning Group (January 27, 2017)**

Comment Letter K

**Alpine Community Planning Group  
P.O. Box 1419  
Alpine, CA 91903**

January 27, 2017

Robert Peterson, CPUC  
 C/o Tom Engles  
 Horizon Water and Environment  
 180 Grand Avenue, Suite 1405  
 Oakland, CA 94612  
 Sent Via Electronic Mail - suncrestproject@horizonh2o.com

Dear Mr. Peterson,

K-1

At the January 26<sup>th</sup> 2017 public meeting, the Alpine Community Planning Group voted 12-0 (2 absent, 1 vacant) in favor of making the following comments regarding the draft environmental impact report regarding the Proposed Suncrest Dynamic Reactive Power Support Project located within the community of Alpine, California.

K-2

**Background & Primary Recommendation:**

The community of Alpine was greatly affected by the construction of the Sunrise Powerlink Project. It is not hyperbole to state that Alpine was more affected by the project than any other community along the 117 mile transmission line. Overhead transmission lines crossed private property and affected cultural and biological resources on the South, East, and West edges of our community. The existing Suncrest substation was constructed at its current location by blasting, grading, and paving over almost 100 acres of land within the Cleveland National Forest and within our community boundaries. The greatest impact was due to the fact that the decision was made to underground approximately 6 miles of the line right through our village core along Alpine Blvd.

This decision was by far the most destructive. Rather than face opposition of environmental groups opposed to the Northern route through barren desert lands, or enter into negotiations with Cal-Trans to locate this 6 mile underground stretch of the transmission line in the median of Interstate-8, the CPUC allowed SDG&E to run a high voltage transmission line right through the heart of an established community in close proximity to schools, businesses, & residences. This decision caused major disruption to our community during the lengthy and hastily planned construction. All our local businesses along Alpine Blvd. were negatively affected and many closed their doors due to the economic losses as a result of the disruption. The hasty planning forced the County of San Diego Public Works Department to scrap plans for improvements to our storm drainage network along Alpine Blvd.

**Public Comment K: Alpine Community Planning Group (January 27, 2017)**

↑ which means our village core may never be improved to handle significant storm events.

K-2  
Cont. Worst of all, the effects of this decision linger to this day. These twin circuit 230-kV underground transmission lines bring measurably high levels of Electromagnetic Field radiation (EMF). The potential health risks associated with prolonged exposure to EMF has raised significant concern for the health and safety of our residents, especially our children who attend classes at elementary schools and preschools along Alpine Blvd. This new dynamic reactive power support project will result in increased transmission along these lines, and increased risks associated with even higher levels of EMF. For this reason our primary position on this project is complete support for the No Project Alternative.

**Primary Project Concerns and Alternative Recommendation:**

The community of Alpine voiced three primary concerns with the project:

- K-3  
K-4  
K-5
1. A new substation creates an unmitigable increased fire risk.
  2. The increased transmission of power through the lines enabled by the project increases potential risks associate with prolonged exposure to EMF's.
  3. The new substation would require significant grading and construction that would have affects on biological resources, cultural resources, geology, hydrology, and water quality.

In the event that the No Project Alternative is not considered by the CPUC, the Alpine Community Planning Group strongly recommends that the CPUC consider the Suncrest Substation Alternative (20.3.3). Locating the SVC within the Suncrest Substation avoids virtually all environmental impacts and still achieves all other goals of the project. From the draft EIR:

K-6  
*The Suncrest Substation Alternative would avoid virtually all of the potential environmental impacts of the Proposed Project. Under the Suncrest Substation Alternative, there would be no land disturbance, trenching, or installation of new structures outside of the existing substation. As such, there would be no potential for impacts to aesthetics, biological resources, cultural resources, geology and soils, or hydrology and water quality. The Suncrest Substation Alternative would require use of some construction equipment and therefore would generate some air emissions, greenhouse gas emissions, and noise; however, these would all be substantially less than under the Proposed Project. Earth-moving construction equipment would not be required under the Suncrest Substation Alternative.*

Our community has been confounded since day one why this option was not chosen by default. We have asked the question of why would a new facility be built when there is excess capacity within the existing facility. The only determination we can make is that all the stakeholders (CPUC, SDG&E, et al) realized the Sunrise Powerlink was a public relations disaster for SDG&E by any measure. We have to assume that the stake holders realized that the mere suggestion of more work and additional facilities to support the Sunrise Powerlink by SDG&E would cause

↓

**Public Comment K: Alpine Community Planning Group (January 27, 2017)**

significant public opposition. So this project was proposed under the guise of a different contractor in NextEra Energy. Folks in our community have a saying for this - "same horse, different jockey".

K-6  
Cont.

We believe this project has been presented under the pretense of the work being completed and operated by a new energy partner to minimize public opposition. We find absolutely no reason why this project should not be co-located within the existing Suncrest Substation. The draft EIR clearly states that this is feasible and, although it would not alleviate all concerns about the affects of the project, it would likely avoid virtually all environmental impacts. For these reasons the Alpine Community Planning Group strongly recommends the CPUC consider the Suncrest Substation Alternative (20.3.3).

**Additional Requests:**

If the project does move forward, either in the Suncrest Substation Alternative, or in the new location the Alpine Community Planning Group makes the following two requests:

K-7

1. Fires originating or affecting substations such as these with high voltage transmission lines require additional and specialized fire support equipment and training. For this reason we request that this training be provided to the responsible fire authority for this project and the equipment be located on site. These were measures that were put in place for the original Suncrest substation and we feel that this should be an absolute requirement of the project.

K-8

2. As previously detailed, the community of Alpine has borne the brunt of negative impacts for a transmission line that benefits an entire region. Therefore we believe it is only fair to consider some equitable form of mitigation for this approximately \$80,000,000.00 project. Suggestions include monetary contributions to be used for public safety projects within our community or for the benefit of our local schools.

K-9

Thank you for this opportunity to provide comments and we are hopeful our recommendations will be given significant consideration.

Regards,



Travis Lyon | Chairman  
Alpine Community Planning Group  
travislyonacpg@gmail.com

cc:

San Diego County Supervisor Dianne Jacob  
County of San Diego Planning and Development Services

## Public Comment K: Alpine Community Planning Group (January 27, 2017)

### Response to Comment K-1

Thank you for providing comments.

### Response to Comment K-2

CPUC staff understands that the Alpine community was affected by the Sunrise Powerlink Project. The environmental impacts of that project are outside the scope of this DEIR, and CPUC staff cannot comment on the decision-making process for the Sunrise Powerlink Project.

Please refer to Chapter 2, *Project Description*, Section 2.7, *Electric and Magnetic Fields*, of the DEIR, for discussion of CPUC staff's understanding of electric and magnetic fields (EMF) and possible related health effects. As described in the DEIR (page 2-35), the Proposed Project would not generate any real power and is not a "power plant." Additionally, the Proposed Project does not increase nor decrease the amount of power flow over existing transmission lines; rather, it acts to support voltage on the existing lines. Because the Proposed Project would not modify nor alter the rated capacity of the existing Sunrise Powerlink 500-kV and 230-kV transmission lines, any potential future power flow along these existing lines would be within the levels foreseen when these facilities were originally approved.

As such, the Proposed Project would not increase risks associated with EMF exposure. Nevertheless, the commenter's support for the No Project Alternative is noted.

### Response to Comment K-3

The potential impacts of the Proposed Project related to fire risk are evaluated in Chapter 11, *Hazards and Hazardous Materials* of the DEIR. As described in this chapter, the Proposed Project could increase fire risk to some degree during construction and operation, due to operation of combustion-engine equipment and electrified equipment at the SVC site; however, compliance with existing laws and regulations and implementation of mitigation measures would minimize these risks.

The Proposed Project's construction activities would be subject to the requirements of the California Fire Code and Public Resources Code for wildland fire prevention, and Mitigation Measure HAZ-3 would require preparation and implementation of a CFPP in coordination with San Diego County Fire Authority and CAL FIRE. The Proposed Project also would implement Mitigation Measure HAZ-4, which would require NEET West or its contractor(s) to implement fire safe working conditions and BMPs to minimize fire risk during construction.

Consistent with local and state law, the Proposed Project would be designed to provide defensible space (i.e., natural and landscaped area around a structure that is maintained and designed to reduce fire danger) surrounding the equipment at the SVC. The Proposed Project also would be subject to CPUC General Order 95, which specifies minimum clearances for overhead electric lines for fire safety. Additionally, NEET West has prepared a FPP for the Proposed Project that models anticipated fire behavior at the Project site and makes

**Public Comment K: Alpine Community Planning Group (January 27, 2017)**

recommendations to minimize fire risk. Mitigation Measure HAZ-5 would require implementation of all the requirements and recommendations contained in the FPP.

Please refer to Chapter 11, *Hazards and Hazardous Materials* of the DEIR for a complete discussion of the potential impacts of the Proposed Project related to fire risk.

**Response to Comment K-4**

Please refer to Response to Comment K-2 and Chapter 2, *Project Description*, Section 2.7, *Electric and Magnetic Fields*, of the DEIR, for discussion of the CPUC staff's understanding of EMF exposure and potential risk associated with the Proposed Project.

**Response to Comment K-5**

Potential impacts resulting from Proposed Project construction, including grading, on biological resources, cultural resources, geology, hydrology, and water quality, are discussed in the DEIR in Chapter 7, *Biological Resources*; Chapter 8, *Cultural Resources*; Chapter 9, *Geology, Soils, and Seismicity*; and Chapter 12, *Hydrology and Water Quality*, respectively. As described in the DEIR, the environmental analysis did identify a number of potential impacts related to these resources; however, in all cases, mitigation measures were identified to reduce potential impacts to a level of less than significant. Please refer to applicable sections of the DEIR for a complete discussion of potential impacts to environmental resources.

**Response to Comment K-6**

CPUC acknowledges the commenter's support for the No Project Alternative, and, in the event the No Project Alternative is not considered, the Suncrest Substation Alternative. The FEIR and the associated CEQA analysis is not intended to act as a decision-making document, but rather to provide the Commission with a complete set of facts and analysis to evaluate the merits of the Proposed Project and the various alternatives. Please refer to Master Response 1 for additional information on the feasibility of the Suncrest Substation Alternative, as well as Master Response 2 for information on selection of the Environmentally Superior Alternative. Please also refer to Chapter 2, *Project Description* of the DEIR for discussion of the purpose and need for the Proposed Project. As described in this chapter, the Proposed Project originates from CAISO's 2013-2014 Transmission Plan, which identified a need for a +300/-100 megavar dynamic reactive device at the Suncrest Substation.

**Response to Comment K-7**

As discussed in Chapter 17, *Utilities and Public Services* of the DEIR, to ensure the Proposed Project does not have adverse effects on fire protection services, in accordance with the County of San Diego General Plan Policy S-6.3, Mitigation Measure PUB/UTL-1 will require that the Project sponsor (i.e., NEET West) fund its fair share toward any necessary fire protection service improvements.

Additionally, Mitigation Measure HAZ-5 will require that NEET West or its contractor(s) implement all requirements and recommendations in the FPP prepared for the Proposed Project, including conducting training sessions with local fire station personnel and providing

**Public Comment K: Alpine Community Planning Group (January 27, 2017)**

technical support to fire personnel regarding electrical fires and firefighting at energized facilities.

**Response to Comment K-8**

Comment noted. The decision to approve or deny the proposed project or an alternative will occur as part of the CPUC's Formal Proceeding for Application A.15-08-027.

**Response to Comment K-9**

Thank you for providing comments.

**Public Comment L: San Diego County (January 30, 2017)**

Comment Letter L

**County of San Diego**

**MARK WARDLAW**  
DIRECTOR  
PHONE (858) 694-2962  
FAX (858) 694-2556

PLANNING & DEVELOPMENT SERVICES  
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123  
[www.sdcountry.ca.gov/pds](http://www.sdcountry.ca.gov/pds)

January 30, 2017  
Robert Peterson, C/O Tom Engels  
Horizon Water and Environment  
180 Grand Avenue, Suite 1405  
Oakland, CA 94612

Via email to [suncrestproject@horizonh2o.com](mailto:suncrestproject@horizonh2o.com)

**COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT REGARDING SUNCREST  
DYNAMIC REACTIVE POWER SUPPORT PROJECT**

Dear Mr. Peterson,

L-1

The County of San Diego (County) has reviewed the Proposed Suncrest Dynamic Reactive Power Support Project (Proposed Project) Draft Environmental Impact Report (Draft EIR), and appreciates this opportunity to provide input. The County has completed their review and has the following comments regarding the proposed project.

**Land Use Authority**

L-2

The Proposed Project applicant, NextEra Energy Transmission West (NEET West), has applied to the California Public Utilities Commission (CPUC) for a Certificate of Public Convenience and Necessity (Certificate) for the Proposed Project. Upon issuance of the Certificate, NEET West will be a public utility as defined by Public Utilities Code 216 and 218. As a public utility, NEET West will be subject to the land use authority of the CPUC for the Proposed Project.

L-3

1. If NEET West does not receive the Certificate, the Proposed Project would be subject to the County's land use authority. County permits would be required for the proposed use, grading, drainage, and the legal subdivision of private property in order to purchase a portion of a legal lot. Permits required by the County in the event the Certificate is not approved should be described in Section 2.5 Permits and Approvals of the Draft EIR.
2. The purpose of the Certificate and its implications to the Proposed Project's land use authority should be described in detail throughout the Proposed Project's Draft EIR.

**Public Comment L: San Diego County (January 30, 2017)**

Comment Letter L

Peterson  
January 30, 2017  
Page 2 of 5

**Alternatives**

L-4

1. The County recommends approval of the Draft EIR Environmentally Superior Alternative, the Suncrest Substation Alternative (Draft EIR 20.3.3). This alternative avoids close to all of the potential environmental impacts of the Proposed Project by installing the Static VAR Compensator (SVC) on the existing Suncrest Substation site and eliminating the need for a transmission line. San Diego Gas & Electric (SDG&E) has indicated there is room within the existing substation to construct the SVC without expanding the substation footprint (Draft EIR 20.3.3). Co-locating these large industrial-type uses would reduce impacts to rural community character, biological resources, and be more resilient in an emergency such as a firestorm.

**County Plans**

L-5

1. The County requests project consistency with County plans, such as the Multiple Species Conservation Plan, the County Trails Master Plan and General Plan Mobility Element, be analyzed and the Proposed Project conditioned accordingly to ensure compliance with these plans.

L-6

2. The adopted Alpine Community Trails and Pathways Plan and Map, included in the County Trails Master Plan (CTMP), identifies proposed community trail alignment #23 as the Bell Bluff Trail (see attachment A). The trail locations shown on the maps on the CTMP represent general corridors and do not represent exact trail alignment locations. The Department of Parks and Recreation recommends coordination with the Alpine Community Planning Group regarding any proposed trail accommodation through the site.

**Noise**

L-7

1. The Proposed Project should comply with the County's Regulatory Section: Section 36.401 for operation and construction of the facilities. During construction for the Suncrest Substation, SDG&E was required to obtain a Noise Variance from the County when construction activity was proposed outside of allowed hours between 7 a.m. and 7 p.m. Monday through Saturday. This was required during the 24-hour oil filling of the transformers. A County Noise Variance is required for the Proposed Project if work outside the normal construction hours is proposed.

**Fire**

L-8

1. The Fire Protection Plan provided in Appendix K of the Draft EIR shall be reviewed and accepted by the San Diego County Fire Authority.

L-9

2. This Proposed Project, along with all other development, has a cumulative impact on the emergency services for this community. To mitigate for this impact, the Proposed Project will be conditioned to participate in the existing County Service Area 135 Community Facilities District No. 04-1.



**Public Comment L: San Diego County (January 30, 2017)**

Comment Letter L

Peterson  
January 30, 2017  
Page 3 of 5

**Vector Control Program**

The County Vector Control Program (VCP) is responsible for the protection of public health through the surveillance and control of mosquitoes that are vectors for human disease including West Nile virus (WNV).

1. The VCP respectfully requests the design features described in the Draft EIR address potential impacts from possible mosquito breeding sources created by the Proposed Project and that the Proposed Project be designed and constructed in a manner to minimize those impacts. Specifically, ensure construction-related depressions created by grading activities, vehicle tires, trenching (described in the Draft EIR, page 12-24, paragraph 5) and excavation (described in the Draft EIR, page 12-24, paragraph 5) do not result in depressions that will hold standing water. In addition, ensure best management practices and storm water conveyance systems and structures (described in the Draft EIR, page 12-24, paragraph 1) do not create a potential mosquito breeding source. Any area that is capable of accumulating and holding at least ½ inch of water for more than 96 hours can support mosquito breeding and development. Finally, if habitat remediation is required for the Proposed Project, the design should be consistent with guidelines for preventing mosquito habitat creation.
2. Please note, the VCP has the authority pursuant to state law and County Code to order the abatement of any mosquito breeding that does occur either during construction or after the project is completed that is determined to be a vector breeding public nuisance. The VCP will exert that authority as necessary to protect public health if the project is not designed and constructed to prevent such breeding.

For your information, the County Guidelines for Determining Significance for Vectors can be accessed at: [http://www.sandiegocounty.gov/content/dam/sdc/pds/docs/vector\\_guidelines.pdf](http://www.sandiegocounty.gov/content/dam/sdc/pds/docs/vector_guidelines.pdf) and the California Department of Public Health Best Management Practices for Mosquito Control in California is available at: <http://www.cdph.ca.gov/HealthInfo/discond/Documents/BMPforMosquitoControl07-12.pdf>

**Grading/Improvement Plans**

If the Proposed Project comes under the County's land use authority, then grading and improvement plans, as required, shall be reviewed and approved prior to issuance of construction permits pursuant to the County Grading Ordinance and County road standards. If the grading or improvement requires the use of County roads to transport materials, then a Truck Haul Route study will be required.

**Drainage**

If the Proposed Project crosses or has any existing drainages within the project scope, then these should be reviewed to ensure no impacts will occur as a result of the Proposed Project. Any impacts to jurisdictional waters of the United States or State shall be discussed with the

**Public Comment L: San Diego County (January 30, 2017)**

Comment Letter L

Peterson  
January 30, 2017  
Page 4 of 5

L-13  
Cont.

appropriate entities and avoided or, if allowed, mitigated to the satisfaction of the governing authority.

**Watershed Protection Program**

L-14

The Proposed Project may generate potential storm water impacts to adjacent private parcels located in the unincorporated County.

1. Consider updating Local Laws, Regulations, and Policies Section 12.2.3 to include a discussion for the Proposed Project to meet the requirements of the 2013 Municipal Separate Storm Sewer Systems Permit Order No. R9-2013-0001, as amended by Order Nos. R9-2015-0001 and R9-2015-0100, and the County Best Management Practices Design Manual (dated February of 2016).

L-15

The County looks forward to receiving future documents and/or notices related to this Proposed Project and providing additional assistance at your request. If you have any questions regarding these comments, please contact Emma Schoppe, Land Use / Environmental Planner at (858) 495-5437, or via email at [Emma.Schoppe@sdcounty.ca.gov](mailto:Emma.Schoppe@sdcounty.ca.gov).

Sincerely,



Joseph Farace, Group Program Manager  
Advance Planning Division  
Planning & Development Services

Attachment A: Bell Bluff Trail CTMP

Email cc:

Michael De La Rosa, Policy Advisor, Board of Supervisors, District 1  
Adam Wilson, Policy Advisor, Board of Supervisors, District 2  
Keith Corry, Policy Advisor, Board of Supervisors, District 3  
Adrian Granda, Policy Advisor, Board of Supervisors, District 4  
Melanie Wilson, Board of Supervisors, District 5  
Vincent Kattoula, CAO Staff Officer, LUEG  
Leann Carmichael, Program Manager, LUEG  
Jeff Kashak, Environmental Planner, DPW  
Sheri McPherson, Project Manager, DPW  
Marcus Lubich, Project Manager, DPR  
Deborah Mosley, Group Program Manager, DPR  
James Pine, Deputy Fire Marshal, County Fire Authority  
Daniel Valdez, Environmental Health Specialist, DEH  
Ed Sinsay, Planning Manager, PDS

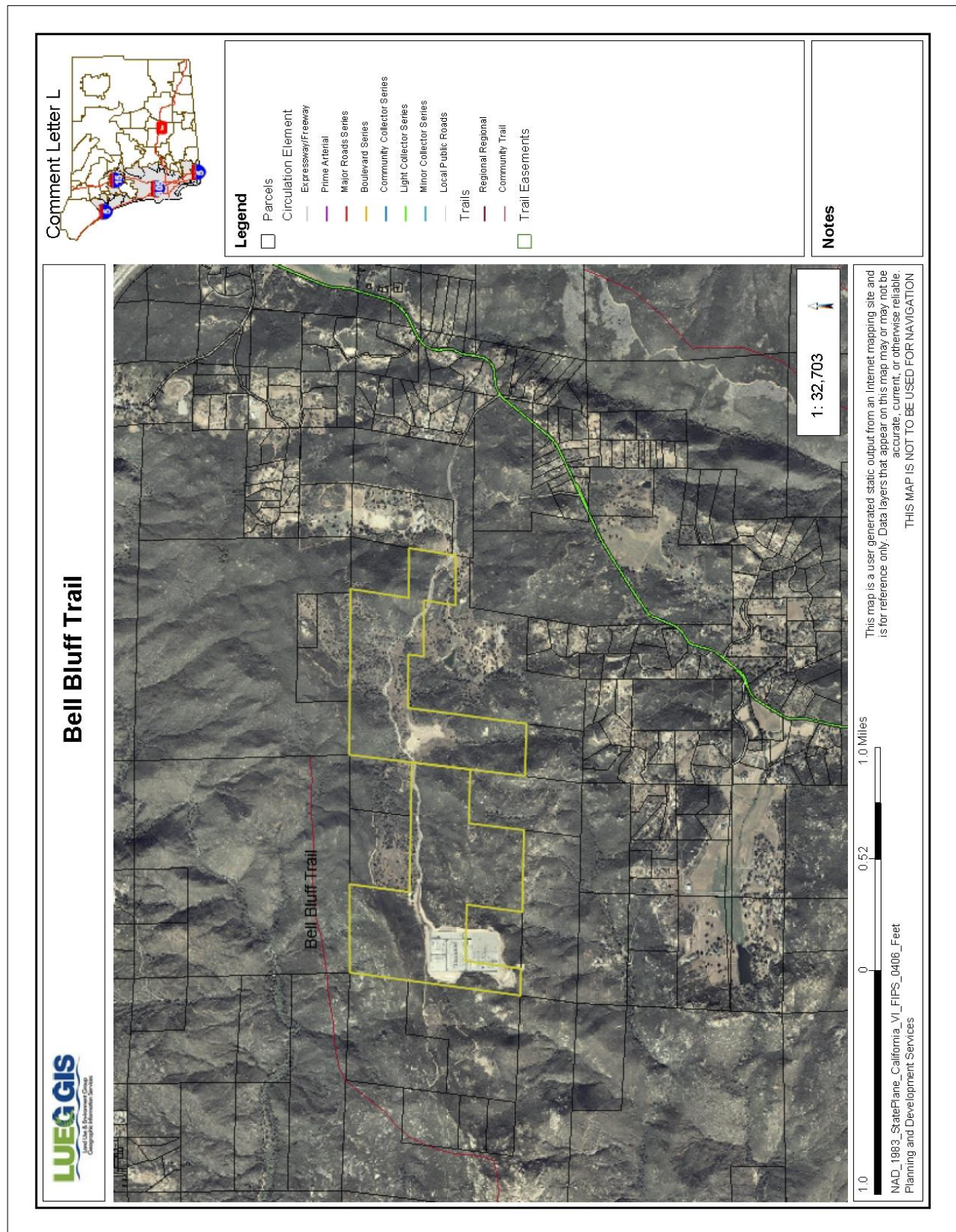
## Public Comment L: San Diego County (January 30, 2017)

Comment Letter L

Peterson  
January 30, 2017  
Page 5 of 5

Jarrett Ramaiya, Planning Manager, PDS  
Laurel Lees, Planning Manager, PDS  
Emma Schoppe, Land Use/Environmental Planner, PDS

## Public Comment L: San Diego County (January 30, 2017)



## Public Comment L: San Diego County (January 30, 2017)

### Response to Comment L-1

Thank you for providing comments.

### Response to Comment L-2

If a CPCN is not issued to the project sponsor (i.e., NEET West), the Proposed Project would not be constructed. Therefore, there would not be a scenario in which NEET West constructs the Proposed Project without having first been issued a CPCN.

### Response to Comment L-3

Additional language has been added to the DEIR, in Chapter 13, *Land Use and Planning*, describing the CPCN process as it relates to land use authority. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text.

### Response to Comment L-4

The CPUC acknowledges the commenter's support for the Suncrest Substation Alternative. Please refer to Master Response 1 and 2 in Chapter 2, *Master Responses*, for additional discussion of the feasibility of the Suncrest Substation and the DEIR's selection of this alternative as the environmentally superior alternative.

### Response to Comment L-5

The DEIR evaluates consistency with local plans, including the East County MSCP and General Plan Mobility Element. Please refer to Chapter 7, *Biological Resources*, under Impact BIO-10, for discussion of the Proposed Project's consistency with the MSCP. Please refer to Chapter 19, *Transportation and Traffic*, under Impact TR-1, for discussion of the General Plan Mobility Element. For a discussion of the County Trails Master Plan, please refer to Response to Comment L-6. As described in the DEIR, and acknowledged by the commenter, because CPUC has exclusive jurisdiction over the siting and design of electric transmission facilities, the Proposed Project is not subject to local land use plans.

### Response to Comment L-6

Information regarding the proposed community trail alignment #23 has been added to the Setting section of Chapter 19, *Transportation and Traffic* in the DEIR. Please refer to Chapter 4, *Revisions to the DEIR* for the added text. The Proposed Project does not include any construction work on the publicly-accessible roadways in the project vicinity. There would be no effect on any future plans for the development of trail alignment #23, and no trail accommodations are indicated.

### Response to Comment L-7

As described in Chapter 15, *Noise and Vibration*, construction activities for the Proposed Project would mostly be conducted between the hours of 7 a.m. to 7 p.m.; however, certain time-sensitive activities and/or activities which are not noise-intensive may occur outside

## Public Comment L: San Diego County (January 30, 2017)

these hours. The performance of time-sensitive activities outside of the construction hour limits would not be anticipated to result in a significant impact due to the infrequent nature of these activities and the anticipated CNEL levels associated with the two loudest pieces of construction equipment.

### Response to Comment L-8

Comment noted. CPUC's understanding is that the FPP was prepared in coordination with the SDCFA. Mitigation Measure HAZ-3 of the DEIR requires that NEET West and/or its contractor(s) prepare and implement a CFPP that shall be reviewed and approved by SDCFA a minimum of 45 days prior to commencement of construction activities.

### Response to Comment L-9

As discussed in Chapter 17, *Utilities and Service Systems*, of the DEIR, to ensure the Proposed Project does not have adverse effects on fire protection services, Mitigation Measure PUB/UTL-1 would require that NEET West fund its fair share toward any necessary fire protection service improvements. As discussed in Chapter 21, *Other Statutory Considerations*, the DEIR finds that with implementation of this measure, and given that other proposed projects in the vicinity would also be required to implement measures to that minimize wildland fire hazards (e.g., the Alpine Community Defense Project and Greater Alpine Community Defense Fuels Project), the Proposed Project would not contribute considerably to cumulative impacts on fire protection services.

### Response to Comment L-10

CPUC has reviewed the County's *Guidelines for Determining Significance for Vectors*. The Proposed Project does not include any structures that could create substantial sources of standing water for more than 72 hours. As discussed in Chapter 2, *Project Description*, the Project's stormwater detention basin would be designed to capture runoff and then release the captured water over 48 hours; therefore, it would not support the conditions for mosquito breeding.

It is not anticipated that construction activities would allow for standing water to collect for more than 96 hours. Nevertheless, to further ensure that such activities do not create opportunities for mosquito breeding, language has been added to Mitigation Measure HYD/WQ-1 to require NEET West and/or its contractor(s) to prevent standing water from forming for over 96 hours. Please refer to Chapter 4, *Revisions to the DEIR* for the revised text. With implementation of this mitigation measure, and the Project SWPPP, it is not anticipated that the Proposed Project would contribute to vector propagation.

### Response to Comment L-11

Thank you for your comments.

## Public Comment L: San Diego County (January 30, 2017)

### Response to Comment L-12

As discussed in Response to Comment L-2, the Proposed Project would require the issuance of a CPCN in order to be constructed. Therefore, the Proposed Project would not be constructed under the County's land use authority.

### Response to Comment L-13

Potential impacts to drainages are discussed under Impact HYD/WQ-3, in Chapter 12, *Hydrology and Water Quality* of the DEIR. As described in this chapter, CPUC does not believe that any wetlands or features subject to USACE or CDFW jurisdiction exist on the proposed SVC site that would be disturbed by the Proposed Project.

### Response to Comment L-14

The San Diego County Regional Stormwater Permit (Order No. R9-2013-0001, as amended by Order Nos. R9-2015-0001 and R9-2015-0100) is described in the DEIR in Section 12.2.1, *Federal Laws, Regulations, and Policies*, under CWA Section 402 (page 12-3 of the DEIR). The DEIR then analyzes potential stormwater impacts from the Proposed Project under Impact WQ-1 (page 12-22 of the DEIR), and notes that the Proposed Project would be subject to the San Diego Regional Stormwater Permit and the County of San Diego's Watershed Protection Ordinance.

As noted in the DEIR, the Proposed Project is not anticipated to have significant adverse effects related to stormwater discharges. The proposed SVC would include a stormwater management system that would include a stormwater detention basin that would capture and slowly release stormwater flows from the SVC. Additionally, in accordance with the General Construction Stormwater Permit, the Proposed Project would be required to prepare and implement a SWPPP to minimize potential erosion and discharges of contaminated runoff to the existing system resulting from construction. These measures would limit potential for the Proposed Project to discharge poor quality water onto adjacent properties.

### Response to Comment L-15

Thank you for your comments.



## Chapter 4

# REVISIONS TO THE DEIR

This chapter presents revisions made to the Draft Environmental Impact Report (DEIR) in response to comments received on the DEIR. Changes to the DEIR are presented in the order they would appear in the document. Deleted text is shown in ~~strike through~~, and inserted text is shown in underline. Page numbers are provided to assist the reader in identifying the location of the revisions.

## Executive Summary

The text on page ES-1, lines 18-26, has been revised in response to Comment F-41 to more clearly describe the driving factors behind the need for the Proposed Project, as identified by the California Independent System Operator (CAISO) in its 2013-2014 Transmission Plan. The revised text is presented as follows:

The Proposed Project was identified as a policy driven need by the CAISO in its 2013-2014 Transmission Plan for the State to meet its 33.50 percent Renewable Portfolio Standard (RPS). Since the 2013-2014 Transmission Plan was published, California has increased the RPS goal to 50% renewable procurement by 2030. The retirement of the San Onofre Nuclear Generating Station, other potential retirements of gas-fired generation in the San Diego and Los Angeles Basin areas, and anticipated increases in renewable energy generation in the Imperial Valley area have created a deficit of reactive power in the transmission system in Southern California.

The text on page ES-2, lines 24-25, has been revised in response to Comment F-42 to clarify that not all of the parcels comprising the Lightner Mitigation Site will be transferred to U.S. Forest Service, but rather San Diego Gas & Electric Company will retain ownership of certain portions of the site. The revised text is presented as follows:

The parcels comprising the Lightner Mitigation Site are currently owned by San Diego Gas & Electric (SDG&E). Certain parcels owned by SDG&E, but are scheduled to be transferred from SDG&E to the U.S. Forest Service for conservation in perpetuity. SDG&E will retain ownership of certain Lightner parcels, including the Suncrest Substation, Bell Bluff Truck Trail, and a certain width outside of the road bed.

The text on page ES-4, line 16, has been revised in response to Comment F-43 to reflect updated equipment requirements for the static VAR compensator (SVC). The revised text is presented as follows:

Electrical equipment at the SVC would include, but not be limited to, lightning shielding masts, circuit breakers, busbars, two, three single phase 230-kilovolt (kV) main power transformers, capacitor banks, air core reactors, surge arrestors, and air break switches.



The text on page ES-4, line 28, has been revised in response to Comment F-44 to remove reference to a Mechanically Stabilized Earth wall as part of the Project Description. The revised text is presented as follows:

A ~~Mechanically Stabilized Earth~~ retaining wall approximately 480 feet long and approximately 15 feet tall at its highest point (an average height of 8 feet) along the east side of the facility

The text on page ES-4, line 31, has been revised in response to Comment F-45 to reflect updated requirements for the Proposed Project's security fencing. The revised text is presented as follows:

Chain link and barbed wire security fencing approximately ~~78~~ feet high with secure gates accessible only by NEET West staff and emergency services personnel

The text on page ES-5, line 21, has been revised in response to Comment F-46 to reflect updated requirements for the Proposed Project's underground transmission line component. The revised text is presented as follows:

Up to ~~two five~~ underground splice vaults would be installed along the transmission line alignment to allow for installation of the underground cables and for operation and maintenance of the transmission line.

The text on page ES-5, line 36, has been revised in response to Comment F-47 to clarify that the 2 months of the Proposed Project's construction schedule for restoration and cleanup would occur after project commercial operation. The revised text is presented as follows:

Overall, Project construction is anticipated to take 11 months (6.5 months for construction, 2.5 months for testing and commissioning, and 2 months for restoration and cleanup, which will occur after project commercial operation).

The text on page ES-9, lines 14-15, has been revised in response to Comment F-51 to more clearly state that under the Suncrest Substation Alternative, an approximately one-mile-long transmission line would not be required. The revised text is presented as follows:

Under the Suncrest Substation Alternative, the SVC would be installed within the existing Suncrest Substation and, therefore, ~~no transmission line~~ the approximately one-mile-long transmission line would not be required.

The text on page ES-13, within Table ES-1, under the column, "Mitigation Measures," for the row "Impact BIO-4: Effects on Hermes Copper Butterfly," the first bullet has been revised in response to Comment F-114 to read:

- Mitigation Measure BIO-8: Survey for Potential Hermes Copper Butterfly Habitat

## Chapter 1, Introduction

None.

## Chapter 2, Project Description

The text on page 2-2, lines 3-6, has been revised in response to Comment F-41 to remove incorrect reference to compliance with the California's 50 percent Renewable Portfolio Standard (RPS) as a driving factor behind the need for the Proposed Project. Rather, as described in Response to Comment F-41, CAISO's 2013-2014 Transmission Plan identified the state's 33 percent RPS as one of the driving factors; the RPS was subsequently increased to 50 percent in October 2015. The revised text is presented as follows:

The retirement of SONGS and anticipated increases in renewable energy production to meet the state's ~~50 percent~~ Renewable Portfolio Standard (RPS),<sup>1</sup> as well as anticipated future retirement of coastal gas-fired generation utilizing once-through cooling, are causing issues throughout the transmission grid in Southern California.

The text on page 2-2, footnote 1, has been revised in response to Comment F-41, as described above, to remove incorrect reference to compliance with California's 50 percent RPS as one of the driving factors behind the need for the Proposed Project. The revised text is presented as follows:

California's RPS, first established in 2002 under Senate Bill (SB) 1078 and most recently expanded in 2015 under SB 350, requires electric retail sellers and public owned utilities to procure 50 percent of their electricity from eligible renewable energy resources by 2030. At the time of publication of CAISO's 2013-2014 Transmission Plan, in which the need for the Proposed Project was identified, the State's RPS goal was 33 percent.

The text on page 2-4, lines 19-20, has been revised in response to Comment F-41, as described above, to remove incorrect reference to compliance with California's 50 percent RPS as one of the driving factors behind the need for the Proposed Project. The revised text is presented as follows:

The +300/-100 megavar reactive device at the Suncrest Substation was identified as a policy-driven need in CAISO's 2013-2014 Transmission Plan to meet California's ~~50 percent~~ RPS.

The text on page 2-11, line 18, has been revised in response to Comment F-54 and F-43 to reflect updated requirements for equipment at the proposed SVC. The revised text is presented as follows:

Two, ~~three single~~ phase 230-kV main power transformers (one would be a spare), outdoor heating, venting and air conditioning equipment and thyristor/converter cooling equipment

The text on page 2-15, line 8, has been revised in Response to Comment F-55 and F-44 to remove reference to a Mechanically Stabilized Earth retaining wall as part of the Project Description. The revised text is presented as follows:

A ~~Mechanically Stabilized Earth~~ retaining wall approximately 480 feet long and 15 feet tall at its highest point (an average height of 8 feet) along the east side of the facility

The text on page 2-15, line 11, has been revised in response to Comment F-56 and F-45 to reflect updated requirements for the proposed SVC's security fencing. The revised text is provided as follows:

Chain link and barbed wire security fencing approximately 78 feet high with secure gates accessible only by NEET West staff and emergency services personnel

The text on page 2-17, line 26, has been revised in response to Comment F-57 to clarify the type of conductor to be used for the proposed above-ground transmission line segment. The revised text is presented as follows:

The new riser and intermediate poles would facilitate entry into the existing substation via an approximately 300-foot-long overhead span of 1272 kcmil<sup>1</sup> (45/7) aluminum conductor steel reinforced (ACSR), non-specular, 'Bittern' conductors.

The text on page 2-17, line 32, has been revised in response to Comment F-58 to remove unnecessary language in reference to SDG&E equipment at the Suncrest Substation. The revised text is presented as follows:

Additionally, SDG&E would need to add electrical infrastructure to facilitate interconnection to ~~SDG&E equipment at the Suncrest Substation.~~

The text on page 2-18, line 18, has been revised in response to Comment F-59 to update the total acreage of impacts from the SVC from 8.56 acres to 8.59 acres. The revised text is presented as follows:

Construction of the SVC would require clearing of approximately 8.569 acres of California buckwheat scrub, non-native grassland, and ruderal lands.

The text on page 2-18, line 23, has been revised in response to Comment F-60 to correct a typo that incorrectly references "subsoil" instead of "topsoil." The revised text is presented as follows:

Following initial clearing, topsoil would be salvaged to a depth of approximately 6 inches (or less if topsoil ~~subsoil~~ is not present to that depth).

The text on page 2-19, within Table 2-1, has been revised in response to Comment F-61 to update the anticipated maximum depth of excavation from ground surface during site preparation, grading, and earthwork for the proposed SVC. The revised text is presented as follows:

Item	Description	Quantity/Height
Maximum Cut-Slope Depth	Maximum depth of excavation from ground surface	<u>18</u> <del>15</del> -feet

The text on page 2-23, line 32, has been revised in response to Comment F-62 to correct the description of the transmission structures that would be built by workers likely to be hired from San Diego County. The revised text is presented as follows:

The workers for the more common development tasks of grading and building foundations for the SVC and transmission ~~riser pole~~ structures are likely to be hired from San Diego County.

The text on page 2-24, lines 43-45, has been revised in response to Comment F-63 to reflect the fact that NEET West has obtained rights to obtain water from the Wilson ponds, and that recycled water from the Padre Dam Municipal Water District, for which NEET West is currently negotiating a water services agreement, would now serve as a back-up source. The revised text is presented as follows:

NEET West has rights to obtain water from the Wilson ponds, located on the Wilson property where the SVC is to be built. As a back-up water source, NEET West is also negotiating a water services agreement with the Padre Dam Municipal Water District (PDMWD) for use of recycled water from their water recycling facility, located approximately 19 miles from the Project site. NEET West is also coordinating with the owner of the property on which the SVC would be built for use of the property owner's storage ponds.

The text on page 2-25, lines 25-26, has been revised in response to Comment F-64 to remove specific mention that the Proposed Project would be operated remotely from NEET West's Lone Star Transmission, LLC's control center in Austin, Texas. Rather, the Proposed Project would be operated remotely from a NextEra affiliate's control center. The revised text is presented as follows:

NEET West anticipates remotely operating the Proposed Project from its a NextEra affiliate's ~~Lone Star Transmission, LLC's control center in Austin, Texas.~~

The text on page 2-26, lines 13-14, has been revised in response to Comment A-176 to include description of how water and/or oil that collects in the transformer secondary containment structures would be disposed of, as follows:

Inspection and maintenance would be performed by NEET West local personnel, augmented as necessary by NEET West subject matter experts and the equipment Original Equipment Manufacturer.

Remote monitoring equipment installed at the SVC would be able to detect any substantial leaks in the transformer oil structures and a repair technician would be dispatched to inspect the site in the event any leaks are detected. Additionally, the recurring maintenance visits described above would include inspections of the transformers and secondary containment basins. During the monthly inspections of the SVC facility, a technician would visually inspect for water collected in the transformer secondary containment basins to ensure there is no oil or sheen on water prior to draining. If the contents contain no oil or sheen, then the secondary containment basins would be drained, either through a drain valve or using a pump

if the structure does not contain a drain valve. Any drain valves on the secondary containment structures would be kept closed, except for when draining the basin.

If, based on visual inspections, the secondary containment basins contain oil or sheen, the water and oil would be removed from site and sent for recycling. The secondary containment basin would then be cleaned to ensure the oil residue is removed.

If the secondary containment basin contains oily water and/or sheen after the cleaning mentioned above, the oil from the oily water would be removed by placing hydrophobic adsorbents on the surface to adsorb the oil, and would be disposed of (typically as oily rags) in accordance with the applicable federal and state regulations. The adsorbents would be replaced until there is no visible sheen and then the remaining water would be drained from the secondary containment basin. Alternatively, a suitably designed oil adsorbent sock, Petro-Plug, or similar would be placed at the drain to ensure only water is released.

NEET West anticipates creating a maintenance plan in accordance with the equipment vendors' directives, industry practice, NEET West's internal guidelines, and regulatory requirements.

The information in Table 2-3, on page 2-27 of the DEIR, has been revised as follows:

APM Number and Title	APM Text
<b>AIR-1: Fugitive Dust Control</b>	<del>During construction, water or non-toxic soil stabilizers will be applied in sufficient quantities on access roads, staging areas, work areas, and on stockpiles to control fugitive dust.</del>

The text on page 2-29, line 22, has been revised in response to Comment F-115 to correct a typo, as follows:

The electric field strength is ~~directed~~ directly related to the magnitude of the voltage from the outlet and the magnetic field strength is directly related to the magnitude of the current flow in the cord and appliance.

The text on page 2-30, lines 11-13, has been revised in response to Comment F-116 to delete a repetitive sentence, as follows:

~~The CPUC previously conducted an investigation of EMF levels along the underground double-circuit 230-kV transmission line located in Alpine Boulevard (CPUC 2016).~~

The text on page 2-31, line 21, has been revised in response to Comment F-117 to correct a typo, as follows:

In underground lines, the three phases typically can be placed much closer together for overhead lines because the cables ~~are~~ have dielectric insulation.

The text on page 2-35, line 17, has been revised in response to Comment F-118 to correct a typo, as follows:

Since the EMF along the transmission line is directly related to the power flow on the line, it also ~~vary~~varies over time.

## Chapter 3, Introduction to the Analysis

None.

## Chapter 4, Aesthetics

The text on page 4-12, line 17, has been revised in response to Comment F-67 to describe the construction period as 11 months instead of 9 months to ensure consistency between chapters and include the full suite of construction activities, including the 2 months of restoration and cleanup activities that would occur after project commercial operation. The revised text is presented as follows:

During the Proposed Project's construction period (approximately ~~9~~11 months), construction activities, including vegetation removal and the staging of construction materials, equipment, and vehicles would be moderately visible along Bell Bluff Truck Trail (KOPs 3, 6, 7, and 8) to authorized personnel.

## Chapter 5, Agriculture and Forestry Resources

The text on page 5-1, line 19, has been revised in response to Comment F-119 to correct a typo, as follows:

Grazing and forestry goals and strategies identified in the USFS's *Land Management Plan for the National Forests in Southern California (Part 1)* (U.S. Department of Agriculture [USDA] 2005a) and *Cleveland National Forest Strategy (Part 2)* (USDA 2005b) are ~~including~~included below for informational purposes.

The text on page 5-4, line 24, has been revised in response to Comment F-68 to correct a typo incorrectly referencing "aesthetics" instead of "agriculture and forestry resources." The revised text is presented as follows:

Based on Appendix G of the State CEQA Guidelines and professional expertise, it was determined that the Proposed Project would result in a significant impact on agriculture and forestry resources ~~aesthetics~~ if it would:

## Chapter 6, Air Quality

The text on pages 6-10 through 6-11, within Table 6-4, has been changed in response to Comment F-120 to remove an unnecessary repeated header.

The text on page 6-15, note (a) within Table 6-6, has been revised in response to Comment A-100 to clarify the role of fugitive dust control measures. The revised text is presented as follows:

(a) Does not assume implementation of APM AIR-4, but does include fugitive dust control measures APM AIR-1 and APM AIR-2 that are considered necessary to meet the performance requirements of SDAPCD Rule 55, and therefore are not considered mitigation measures. However, the emissions without these two APMs are presented in the uncontrolled emissions totals Appendix D.

The text on page 6-15, lines 19-22, has been revised in response to Comment A-100 to clarify the role of fugitive dust control measures and the distinction between unmitigated and uncontrolled emissions. The revised text is presented as follows:

The ~~unmitigated~~~~controlled~~ emissions estimate shown above in Table 6-6 assumes the application of APMs AIR-1 and AIR-2, which are considered necessary to meet the performance standards of SDAPCD Rule 55 and therefore are not considered mitigation measures, but not APMs AIR-3 and AIR-4 (see Chapter 2, Project Description).

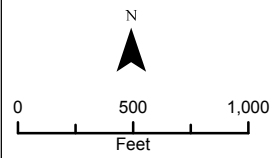
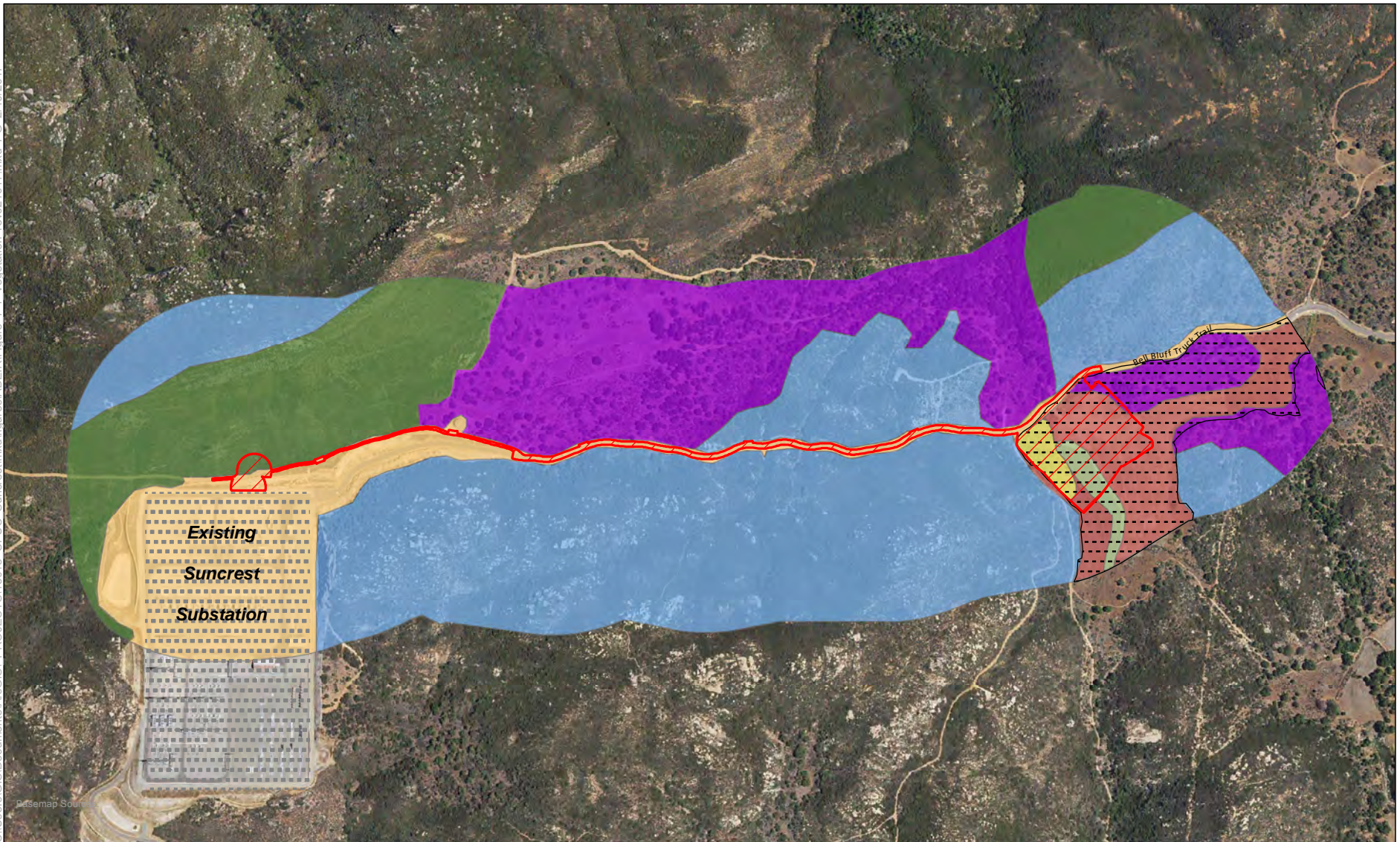
The text on page 6-17, lines 21-23, has been revised in response to Comment A-100 to correct the distinction between unmitigated and uncontrolled emissions, as follows:

The ~~unmitigated~~~~controlled~~ emissions estimate shown in Table 6-8 demonstrates that the project's operating emissions are well below County of San Diego emissions significance thresholds. Therefore, Project operation emissions would be less than significant.

## Chapter 7, Biological Resources

Figure 7-1: "Vegetation Types" (page 7-7) and Figure 7-7: "Likely Golden Eagle Nesting Area" (page 7-37) have been revised to include cross-hatching over the existing Suncrest Substation. The revised figures are presented on the pages below.





Prepared by:



### **Vegetation Communities**

- Bigberry Manzanita – Chamise Chaparral
- California Buckwheat Scrub
- Chamise Chaparral

Source: SCWA 2015a

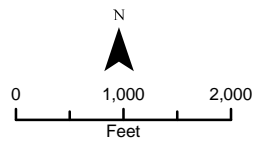
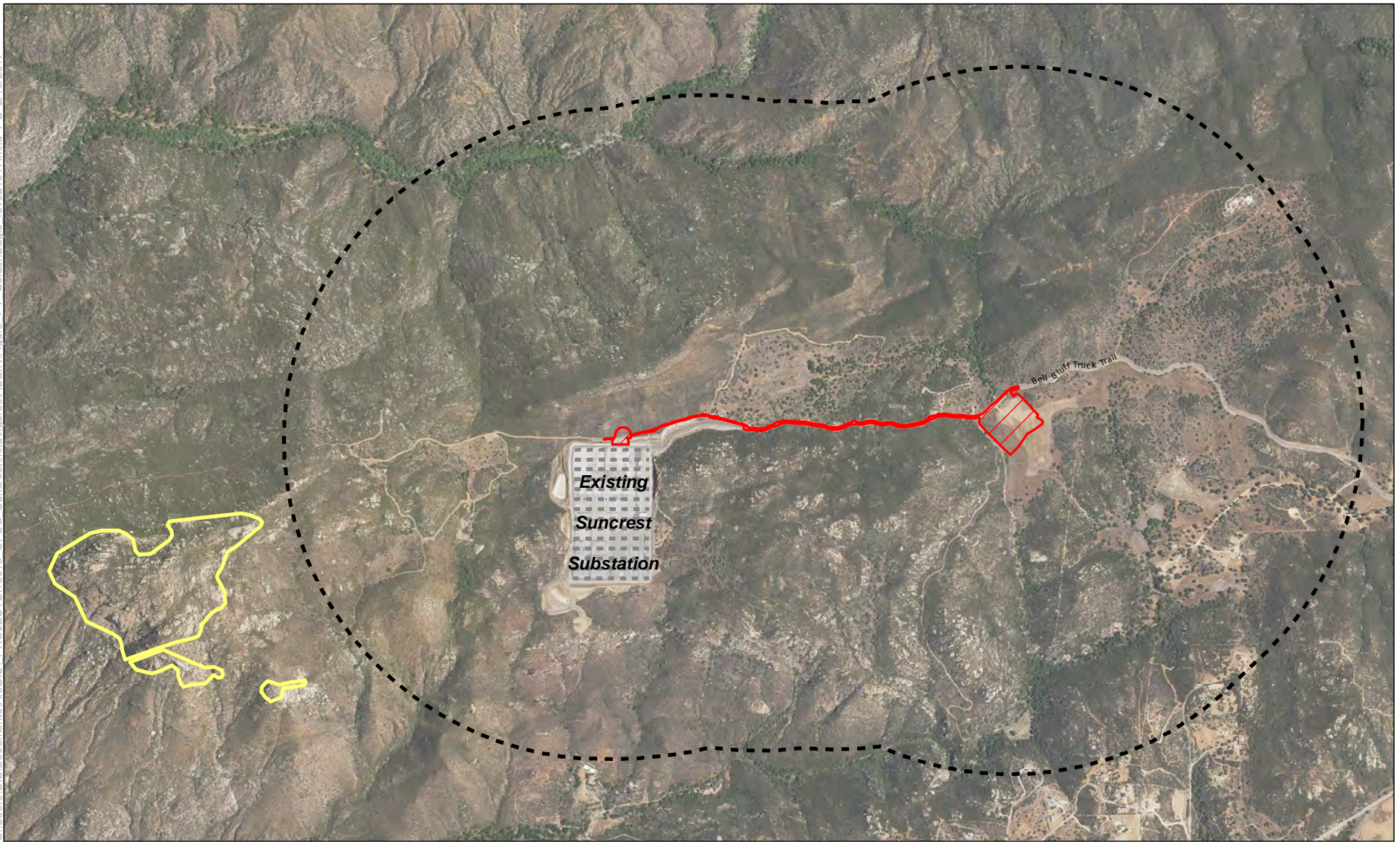
- Engelmann Oak-Coast Live Oak/Poison Oak/Grass Association
- Non-native Grassland
- Ruderal
- Urban/Developed


- Project Area (limit of disturbance)
- Subject to repeated disturbance

**Figure 7-1  
Vegetation Types**

**Suncrest Dynamic Reactive  
Power Support Project**





 Likely Golden Eagle Nesting Area  
Source: SCWA 2015a

 Project Area  
 4000-foot buffer

**Figure 7-7**  
**Likely Golden Eagle Nesting Area**

Prepared by:



**Suncrest Dynamic Reactive  
Power Support Project**

The text on page 7-24, within Table 7-2, has been revised under the column, “Potential to Occur at the Project Site.” In response to Comment A-23, the text for the Hermes Copper butterfly (*Lycaena hermes*) has been revised as follows:

**Possible.** The Proposed Project does not currently contains suitable habitat for this species; however, suitable habitat is located within the 150-meter buffer along Bell Bluff Truck Trail. It is possible that suitable habitat could develop within the Proposed Project site.

The text on page 7-26, within Table 7-2, has been revised in response to Comment F-74 to remove the listing of SC (state candidate) for the Townsend’s big-eared bat. The revised text is presented as follows:

Scientific Name	Common Name	Federal Listing Status	State Listing Status	CNPS Rare Plant Rank
<i>Corynorhinus townsendii</i>	Townsend’s big-eared bat	-	<del>SC</del> SSC	-

The text on page 7-41, line 6, has been revised to more accurately characterize felt leaf monardella:

Although felt-leaved monardella is not currently present within the Project site, ~~as this species is an annual, its location can change from year to year~~ the location of this population may change over time. If the Proposed Project were to overlap with occurrences of this species, due to design change or population movement, impacts could include mortality of individuals and/or population fragmentation. This would be a significant impact.

The text on page 7-42, line 4, under Mitigation Measure BIO-3, has been revised to correct a typo making an incorrect reference to a mitigation measure, as follows:

If special-status plants are detected within the construction zone or within a 100-foot radius of the construction zone while implementing Mitigation Measure BIO-~~4b2~~, NEET West or the contractor(s) shall install exclusion fencing to protect plants that remain in place.

The text on page 7-42, Lines 32-33, under Mitigation Measure BIO-4, has been revised in response to Comment F-80 to allow for the mitigation site to be evaluated sooner than at the end of the 5-year monitoring period, if conditions allow. The revised text is presented as follows:

The site shall be evaluated at the end of the 5-year monitoring period, or sooner if conditions allow, to determine whether the mitigation has met the success criteria.

The text on page 7-43, lines 21-24, under Mitigation Measure BIO-6, has been revised in response to Comment A-78 to require that nesting bird surveys performed for the Proposed Project be conducted by a CPUC-, USFWS-, or CDFW-approved biologist. The revised text also



corrects a typo identified in Comment F-121. Additionally, the text on page 7-43, Lines 30-34, has been revised in response to Comment F-82 to allow for adjustments to no-work buffers around bird nests to be made in coordination with CDFW and/or USFWS in certain circumstances. Additionally, text is added in response to Comment B-1 to provide strengthened measures to ensure that potential blasting activities do not result in adverse impacts to Golden Eagles (if present). The revised text of Mitigation Measure BIO-6 is presented as follows:

**Mitigation Measure BIO-6: Implement Preconstruction Surveys for Birds Protected under the MBTA.**

If construction is scheduled to commence during the non-nesting season (September 1 to January 31), no preconstruction surveys for nesting birds are required. If construction begins between February 1 and August 31, ~~NEET West or their contractor(s) shall ensure that~~ surveys for nesting birds are will be conducted by a CPUC, USFWS, or CDFW-approved qualified biologist within a 500-foot radius of the construction area. The survey shall be conducted no more than 14 days prior to construction. If the biologist determines that the area surveyed does not contain any active nests, then construction activities may commence without any further mitigation. If active nests are found, CDFW and USFWS will be notified and no-work buffers around nests shall be established that are sufficient to ensure that breeding is not likely to be disrupted or adversely affected by construction. Buffers for non-special-status birds protected under the MBTA shall be 250 feet around the nest. Special status birds are not anticipate to nest within 500 feet of the Proposed Project, but if active special status bird nest are detected, no-work buffer shall be 500 feet around the nest. Buffers for non-special-status birds protected under the MBTA shall be 250 feet around the nest. Special status birds are not anticipated to nest within 500 feet of the Proposed Project, but if active special status bird nests are detected, a no-work buffer shall be 500 feet around the nest. Buffers will be maintained until the young have fledged or the nests become inactive, or unless a qualified CDFW or USFWS biologist determines that smaller buffers would be sufficient to avoid impacts to nesting birds. Factors to be considered for determining buffer size will include: the presence of natural buffers provided by vegetation or topography; nest height; locations of foraging territory; and baseline levels of noise and human activity.

If construction-related blasting is deemed necessary during the nesting season for the Golden Eagle, NEET West shall provide CPUC, CDFW, and USFWS additional detail regarding the extent, timing, and duration of such blasting. No blasting shall occur until an avoidance plan is approved by CPUC, CDFW, and USFWS.

The text on page 7-44, line 13, under Impact BIO-3, has been modified in response to Comment A-132 to include a reference to the noise analysis in Chapter 15, *Noise and Vibration*:

Operation of the Proposed Project is not anticipated to greatly increase human visitation and noise compared to current conditions at the site. Anticipated operational noise levels resulting from the Proposed Project are discussed in detail in Chapter 15, Noise and Vibration, and were found to be less than significant compared

to existing conditions. Thus, impacts from operation of the Proposed Project on golden eagles are anticipated to be minimal.

The text on page 7-44, line 27, under Impact BIO-4, has been clarified in response to Comment A-43 to include description of potential direct and indirect effects on Hermes copper butterfly that could occur during Project construction. The revised text is presented as follows:

Suitable habitat for the Hermes copper butterfly may develop within the project footprint prior to construction. If this occurs, the Proposed Project could have a substantial adverse effect on the species. ~~This would be a significant impact.~~ Vehicle strikes and removal of vegetation could result in direct impacts to the Hermes copper butterfly. Removal of the spiny redberry shrub and California buckwheat would destroy the Hermes copper butterfly's habitat. Indirect impacts to both the Hermes copper butterfly and its habitat could result from fugitive dust, invasive plant species, and herbicide application. These impacts would be considered significant. **Mitigation Measure BIO-8** and **BIO-9** would reduce potential impacts to Hermes copper butterfly to less than significant. **Mitigation Measure BIO-12** would minimize impacts from vehicle strikes by generally restricting vehicles to existing roads and minimizing vehicle speed on roads in the Proposed Project. **Mitigation Measure HYD/WQ-1** would reduce the potential for fugitive dust by watering for dust control. **Mitigation Measure BIO-16** would ensure that herbicide drift would be controlled by using hand-held applicators for spot-treatment, and would reduce the impacts of invasive plant species on potential Hermes copper butterfly habitat.

The text on page 7-46, Lines 2-9, has been revised in response to Comment F-76 to allow for biological resources educational training of construction personnel required under Mitigation Measure BIO-10 to be conducted by a CPUC-approved biologist or environmental inspector. The revised text is presented as follows:

**Mitigation Measure BIO-10: Educational Training.**

NEET West or their contractor(s) shall ensure that before conducting construction activities all Proposed Project personnel shall participate in an educational training session conducted by a CPUC-approved qualified biologist or CPUC-approved environmental inspector. All on-site personnel shall be informed about relevant special-status species and their habitat, conservation goals, identification, and procedures to follow in the event of a possible sighting. Personnel who miss the first training session or are hired later in the season must participate in a make-up session before conducting Project activities. A record of the personnel that attended the training shall be kept by the CPUC-approved qualified biologist or CPUC-approved environmental inspector.

The text on page 7-46, lines 28-33, under Mitigation Measure BIO-12, has been revised in response to Comment F-84 to remove reference to surveys for the presence of nesting birds, which is duplicative with Mitigation Measure BIO-6, and add reference to pre-construction sweeps detailed in Mitigation Measure BIO-13. The revised text is presented as follows:

**Mitigation Measure BIO-12: Vehicle Use of Existing Roads.**

NEET West or their contractor(s) shall restrict all Proposed Project vehicle movement to existing roads as a part of the Proposed Project, except when not feasible due to physical or safety constraints. When it is not feasible to keep vehicles on existing access roads or avoid construction of access driveways ~~during the nesting, breeding, or migration season~~, NEET West shall perform preconstruction sweeps in the area where the work is to occur. ~~This survey shall be performed to determine presence or absence of special-status nesting birds or other special-status species in the work area as detailed in Mitigation Measure BIO-13.~~

Parking or driving on unpaved areas underneath oak trees shall not be allowed in order to protect root structures. In addition, a 15-mile-per-hour speed limit shall be observed on roads in the Proposed Project area to reduce dust and allow reptiles and small mammals to disperse.

Text has been added to page 7-47, after line 3, under Mitigation Measure BIO-13, in response to Comment A-25, to include measures to further ensure that impacts to bats will be avoided during construction. Additionally, the text on page 7-47, lines 9-10, has been revised in response to Comment F-85 to remove duplicative text regarding consultation with USFWS and CDFW and instead require implementation of Mitigation Measure BIO-4. The revised text of Mitigation Measure BIO-13 is presented as follows:

**Mitigation Measure BIO-13: Preconstruction Sweeps for Biological Resources.**

Prior to initial vegetation clearance, grubbing, and ground-disturbing activities, NEET West or their contractor(s) shall ensure that a qualified biologist shall conduct preconstruction sweeps of the Project site for special-status wildlife and plants. During these surveys, the biologist shall:

- a) Ensure that potential habitats become inaccessible to wildlife (e.g., burrows are removed that would otherwise provide temporary refuge);
- b) Survey for bat roosts by performing a daytime pedestrian survey to inspect potential habitat within 100 feet of the Proposed Project limits for indications of bat use (e.g., occupancy, guano, staining, smells, or sounds) and a night roost/emergence survey. The survey must be performed by a qualified bat biologist. If the bat biologist determines that habitat within the survey area is used, or is likely to be used, as a bat roost, and may be affected by construction, then specific measures will be developed and implemented to minimize impacts on the roost. Such measures may include minimizing construction activity near the roost during the maternity season (May 1-August 15) or other measures developed by a qualified bat biologist that will minimize the disturbance to a level that would not cause long-term roost abandonment or failure of a maternity roost.
- c) In the event of an unanticipated discovery of a special-status ground-dwelling animal, a biologist holding the appropriate State and/or federal permits shall recover and relocate the animal to adjacent suitable habitat within the Proposed Project at least 200 feet from the limits of grading; and,

- d) In the event of the discovery of a previously unknown special-status plant, the area will be marked as an environmentally sensitive area, and avoided to the maximum extent practicable. If avoidance is not possible, NEET West will implement Mitigation Measure BIO-4. ~~consult with USFWS and/or CDFW as appropriate given the species' status.~~

The text of Mitigation Measure BIO-16, on page 7-47, line 38, has been revised in response to Comment A-160 as follows:

**Mitigation Measure BIO-16: Restoration and Revegetation.**

NEET West shall develop a Restoration and Revegetation Plan to guide restoration activities on the Project site that promotes locally appropriate native plant growth and eliminates non-native and invasive species. The Restoration Plan shall identify measures and success criteria specific to each impacted plant community at the Proposed Project. The total area to be planted, and species composition, shall be tailored for each affected plant community based on existing standards and precedents. The Restoration Plan shall identify success criteria for each habitat type and develop monitoring measures to ensure that success criteria will be met. The Restoration Plan shall be consistent with the East San Diego County MSCP planning process. Monitoring results shall be provided to CPUC and CDFW on a basis determined in the Restoration Plan.

Disturbed soils shall be revegetated with an appropriate weed-free, native seed mix. All areas designated for temporary impacts shall be revegetated with a seed blend that includes native grasses, forbs, and shrub species characteristic of the plant community receiving the temporary impact. Revegetation activities shall be undertaken as soon as construction activities have been completed to minimize colonization by non-native weedy species and to ensure compliance with the Proposed Project's SWPPP. Herbicides, if required during the restoration period, shall be applied using hand-held applicators for spot-treatment and shall not be used within 100 feet of drainages or sensitive plant populations.

In Response to Comment A-164, the text on page 7-48, line 14, has been inserted as follows to indicate that no Engelmann Oak trees would be disturbed by the Proposed Project:

The majority of the Proposed Project would be constructed on disturbed and previously developed land that does not support riparian habitat or other sensitive natural communities; however, portions of the Proposed Project would be constructed in the Engelmann Oak – Coast Live Oak/Poison Oak/Grass Association, a sensitive natural community as identified by CDFW (CDFG 2010) (Figure 7-1). Although no Engelmann Oak trees will be disturbed, ~~t~~The Proposed Project would permanently impact approximately 0.3 acre of this habitat (Table 7-1).

The text on page 7-48, line 20, under Mitigation Measure BIO-18 has been revised in response to Comments A-164 and F-77 to state that the Restoration Plan for any Engelmann Oak – Coast Live Oak/Poison Oak/Grass Association habitat disturbed during construction would be consistent with the East San Diego County MSCP planning process. The revised text is provided as follows:

**Mitigation Measure BIO-18: Develop and Implement a Restoration Plan for Engelmann Oak – Coast Live Oak/Poison Oak/Grass Association Habitat Disturbed during Construction.**

NEET West or their contractor(s) shall develop and implement a Habitat Restoration Plan to mitigate any temporary and permanent impact on Engelmann Oak – Coast Live Oak/Poison Oak/Grass Association habitat. The Restoration Plan shall be consistent with the East San Diego County MSCP planning process. Monitoring results shall be provided to CDFW on a basis determined in the Restoration Plan. At a minimum, fFor any temporary impact, all disturbed soils and new fill in this habitat shall be revegetated with site-appropriate native species. For any permanent impact, Engelmann Oak – Coast Live Oak/Poison Oak/Grass Association habitat shall be mitigated, at a minimum, at a ratio of 1.1:1 (replacement to impact). Engelmann Oak – Coast Live Oak/Poison Oak/Grass Association restoration or compensation may be completed at the Project site, in the vicinity, or at a conservation bank with a service area that covers the Project site. Revegetated or restored areas shall be maintained and monitored to ensure a minimum of 65 percent survival of woody plantings after 5 years.

## Chapter 8, Cultural Resources

The text on page 8-15, line 25, has been revised in response to Comment F-122 to change a reference citation to make the format consistent with that used for citations in other chapters. The revised text is presented as follows:

An intensive cultural resources pedestrian survey was conducted of all areas that could be impacted by the Proposed Project during February, March, May, and August 2015 (~~Hoffman and Treffers~~ SWCA 2015).

The text on page 8-16, line 2, has been revised in response to Comment F-123 to delete the extra period at the end of the sentence:

As a result, the top 24 to 30 inches of the Proposed Project area have been thoroughly disturbed. -

The text on page 8-16, line 26, has been revised in response to Comment F-124 to add a period to the end of a sentence between “area” and “The,” as follows:

Information provided by SDG&E indicates that the disturbance related to the use of the area as a materials storage and laydown area for Sunrise Powerlink has thoroughly disrupted the horizontal position of materials and the stratigraphic relationships of the entire area to a depth of at least 6 inches, and as deep as 9 inches (SDG&E 2015); the soil was ripped to another 24 to 30 inches deep during restoration of the area. The archaeological site is not known to contain buried deposits, but if these exist, they are highly unlikely to retain integrity.

The text on page 8-19, lines 24-25, under Mitigation Measure CR-1, has been revised in response to Comment F-86 to indicate that cultural resources materials shall be developed

by an archaeologist who meets the U.S. Secretary of Interior's professional standards, rather than having the training conducted by someone who meets those qualifications. Additionally, lines 28-32 have been revised in response to Comment F-87 to require that an archaeological monitor and Native American monitor only conduct full-time monitoring of initial ground-disturbing activities, and to add detail regarding the role of the principal investigator. The revised text of Mitigation Measure CR-1 is presented as follows.

**Mitigation Measure CR-1: Conduct Archaeological Sensitivity Training and Construction Monitoring.**

Prior to initiation of ground-disturbing activities, NEET West shall arrange for construction crews to receive training about the kinds of archaeological materials that could be present within the project site and the protocols to be followed should any such materials be uncovered during construction. Training materials shall be developed ~~shall be conducted~~ by an archaeologist who meets the U.S. Secretary of Interior's professional standards. Training may be required during different phases of construction to educate new construction personnel.

The presence of archaeological sites both within the Proposed Project SVC area and along the Bell Bluff Truck Trail indicates that the area is sensitive for archaeological resources. As a result, a qualified archaeological monitor shall be retained to conduct full-time monitoring of initial ~~monitor all~~ ground disturbing activities associated with the project. A Native American monitor shall also participate in observing initial ground-disturbing activities. The archaeological monitor will work under the supervision of the principal investigator. The duration and timing of the monitoring will be determined by the CPUC, with recommendations provided by the principal investigator. If the principal investigator determines that monitoring is no longer warranted, he or she may recommend to the CPUC that monitoring cease entirely. In addition, if the principal investigator determines that an increase in the level of monitoring is warranted, he or she may recommend to the CPUC that full-time monitoring continue beyond initial ground disturbance. If any prehistoric or historic-era features, or human remains, are exposed during construction, the archaeological monitor shall have the authority to stop work in the vicinity of the finds and implement the actions identified in Mitigation Measure CR-2.

The text of the DEIR, on page 8-19, line 41, and page 8-20, lines 1-2, under Mitigation Measure CR-2, have been revised in response to Comment F-88 to reflect updated proposed excavation depths provided by the commenter. The revised text is presented as follows:

**Mitigation Measure CR-2: Immediately Halt Construction if Cultural Resources Are Discovered, Evaluate All Identified Cultural Resources for Eligibility for Inclusion in the CRHR, and Implement Appropriate Mitigation Measures for Eligible Resources.**

Not all cultural resources are visible on the ground surface. Construction activities, including possible blasting, at the SVC would require excavation up to approximately 18 ~~15~~ feet deep, and trenching ~~Excavation~~ for the installation for the transmission line along ~~the~~ Bell Bluff Truck Trail would be up to approximately 9 feet deep.



The text on page 8-20, line 39, under Mitigation Measure CR-3, has been revised in response to Comment F-89 to correct a typo that included the word “Human” in the title of the California Health and Safety Code. The revised text is presented as follows:

**Mitigation Measure CR-3: Immediately Halt Construction if Human Remains Are Discovered and Implement Applicable Provisions of the California Health and Safety Code.**

If human remains are accidentally discovered during the Proposed Project’s construction activities, the requirements of California Health and ~~Human~~ Safety Code Section 7050.5 shall be followed.

## Chapter 9, Geology, Soils, and Seismicity

The text on page 9-5, lines 10 and 16, has been revised in response to Comment F-125 to make consistent the use of numerals versus written numbers in Section 9.3.3. The revised text is presented as follows:

However, artificial fill was only encountered in one boring location (along Bell Bluff Truck Trail, near the middle of the proposed alignment) during the geotechnical investigation, consisting of a clayey sand and extending to a depth of approximately ~~3-three~~ feet bgs. The geotechnical investigation report anticipates most of the fill in the Project area to be less than five feet in depth, with isolated areas up to a maximum of 10 feet in depth (Kleinfelder 2015).

The geotechnical investigation tested three soil samples taken from the proposed SVC location for their expansive properties. Test results on one of the samples showed an expansion index (EI) of ~~4-four~~, while test results on the other two showed the soils were non-expansive.

## Chapter 10, Greenhouse Gas Emissions

The text on page 10-4, line 24, has been revised in response to Comment F-128 to add a missing period at the end of a sentence between “2030” and “With,” as follows:

Early in 2015, the Governor and Legislature started work to increase the RPS standard to 50 percent by the year 2030. With the Clean Energy and Pollution Reduction Act of 2015 (SB 350), signed into law on October 7, 2015, California expanded the specific set of objectives to be achieved by 2030, with the following:

The text on page 10-4, line 32, has been revised at the discretion of the lead agency to clarify the purpose of the Proposed Project.

This law does not specifically apply to the Proposed Project, but the Proposed Project would increase grid reliability and efficiency to allow for that helps the integration of intermittent renewable energy resources that will enable electricity retailers to meet their RPS obligations required under this law.

The text on page 10-7, line 11, has been revised in response to Comment F-129 to correct a typo to remove the “6” at the end of “California Environmental Protection Agency,” as follows:

Without the natural GHGs, the Earth’s surface would be approximately 61 degrees Fahrenheit (F) cooler (California Environmental Protection Agency [CalEPA] 2006).

The text on page 10-11, lines 8 to 9, has been revised at the discretion of the lead agency to clarify the purpose of the Proposed Project, as follows:

Indirect GHG emissions sources can take many forms. Some of these forms include increase or decrease in electricity or water use, loss of natural CO<sub>2</sub> uptake from developing formerly vegetated areas, and material recycling. For the Proposed Project, the indirect GHG emissions would be minor, as there is little or no net anticipated electricity use for the Project and water use would primarily be in the form of the temporary use of water for fugitive dust control during construction. The purpose of the Project is to maintain system reliability with the forecasted increased use of renewable energy sources ~~improve local grid reliability and efficiency~~, which should reduce fossil fuel use for electricity generation ~~needs~~.

The text on page 10-12, line 10, has been revised as follows to clarify the referenced portion of Project construction:

The period of construction would be short-term (approximately 6.5 months [not including the 2.5 months for testing and commissioning, and 2 months for restoration and cleanup]), and construction-phase GHG emissions would occur directly from the off-road heavy-duty equipment and on-road motor vehicles used during construction.

The text on page 10-13, lines 4 to 6, has been revised at the discretion of the lead agency to clarify the purpose of the Proposed Project, as follows:

The conservative estimate of total project life annualized GHG emissions are estimated to be approximately 500 metric tons of CO<sub>2</sub>e per year, and would therefore be well below the County of San Diego’s recommended GHG emissions significance threshold of 900 tons per year of CO<sub>2</sub>e. Additionally, the Project’s purpose is to improve ~~the grid~~ efficiency and reliability to allow for increased use of renewable energy sources of the local electricity distribution system. Any gains in electricity distribution efficiency could reduce the GHG emissions from additional electricity generation; however, these indirect emissions reductions that would be attributable to the Project cannot be estimated. The Project’s total direct and indirect GHG emissions have been determined to be less than significant.

The text on page 10-13, lines 22 to 23, has been revised at the discretion of the lead agency to clarify the purpose of the Proposed Project, as follows:

The Proposed Project would ~~also~~ improve the capacity, reliability, and efficiency of the overall electrical transmission system to ~~which would~~ help meet the goal of reducing electricity sector GHG emissions.

## Chapter 11, Hazards and Hazardous Materials

Mitigation Measure HAZ-2, described on page 11-14 of the DEIR, has been revised in response to Comment A-168 to include measures to further ensure protection of groundwater quality from construction activities. The revised text is presented as follows:

### **Mitigation Measure HAZ-2: Prepare and Implement Blasting Plan.**

NEET West shall conduct a pre-blast survey, prepare a blasting plan, and obtain appropriate blasting and explosive permits prior to conducting any blasting activities during Project construction. NEET West shall submit a written report of the pre-blast survey and final blasting plan to CPUC and the County of San Diego and receive approval from that agency prior to any rock removal activity. The pre-blast survey and blasting plan shall meet the following conditions:

- The pre-blast survey shall be conducted for structures within a minimum radius of 1,000 feet from the identified blast site to be specified by NEET West. Notification that blasting will occur shall be provided to all owners of the identified structures to be surveyed prior to commencement of blasting. The pre-blast survey shall be included in the final blasting plan.
- The final blasting plan shall outline safe and lawful procedures for transport, handling, and storage of explosives. The blasting plan shall identify where on the site explosives will be stored and explain what safety precautions will be taken in transporting and handling explosives to prevent potential accidental explosions or release of hazardous materials into the environment.
- The final blasting plan shall address air-blast limits, ground vibrations, and maximum peak particle velocity for ground movement, including provisions to monitor and assess compliance with the air-blast, ground vibration, and peak particle velocity requirements. The blasting plan shall meet criteria established in Chapter 3 (Control of Adverse Effects) in the Blasting Guidance Manual of the U.S. Department of Interior Office of Surface Mining Reclamation and Enforcement.
- The final blasting plan shall identify fire-safe blasting procedures and measures to prevent possible ignition of wildfires during blasting activities.
- The blasting plan shall include measures to prevent contamination of groundwater including proper drilling, explosive handling and loading procedures; observing the entire blasting procedures; evaluating blast performance; and handling and storage of blasted rock, as follows:
  1. **Loading practices.** The following blasthole loading practices to minimize environmental effects shall be followed:
    - a. Drilling logs shall be maintained by the driller and communicated directly to the blaster. The logs shall indicate

- depths and lengths of voids, cavities, and fault zones or other weak zones encountered as well as groundwater conditions.
- b. Explosive products shall be managed on-site so that they are either used in the borehole, returned to the delivery vehicle, or placed in secure containers for off-site disposal.
  - c. Spillage around the borehole shall either be placed in the borehole or cleaned up and returned to an appropriate vehicle for handling or placement in secured containers for off-site disposal.
  - d. Loaded explosives shall be detonated as soon as possible and shall not be left in the blastholes overnight, unless weather or other safety concerns reasonably dictate that detonation should be postponed.
  - e. Loading equipment shall be cleaned in an area where wastewater can be properly contained and handled in a manner that prevents release of contaminants to the environment.
  - f. Explosives shall be loaded to maintain good continuity in the column load to promote complete detonation. Industry accepted loading practices for priming, stemming, decking and column rise need to be attended to.
2. **Explosive selection.** The following measures shall be followed to reduce the potential for groundwater contamination when explosives are used:
- a. Explosive products shall be selected that are appropriate for site conditions and safe blast execution.
  - b. Explosive products shall be selected that have the appropriate water resistance for the site conditions present to minimize the potential for hazardous effect of the product upon groundwater.
3. **Prevention of misfires.** Appropriate practices shall be developed and implemented to prevent misfires.
4. **Muck pile management.** Muck piles (the blasted pieces of rock) and rock piles shall be managed in a manner to reduce the potential for contamination by implementing the following measures:
- a. Remove the muck pile from the blast area as soon as reasonably possible.

- b. Manage the interaction of blasted rock piles and stormwater to prevent contamination of water supply wells or surface water.
- The blasting plan shall outline the anticipated blasting procedures for the removal of rock material at the proposed SVC, riser pole and underground transmission line structures. The blasting procedures shall incorporate line control to full depth and controlled blasting techniques to create minimum breakage outside the line control and maximum rock fragmentation within the target area. Prior to blasting, all applicable regulatory measures shall be met. NEET West, or its subcontractor (as appropriate) shall keep a record of each blast for at least 1 year from the date of the last blast.
  - The blasting plan shall incorporate provisions to post signage along roads and trails within a minimum of 1000 feet of the identified blast site. Precautions such as fencing or taping will be incorporated that limit access to recreationalists and the general public.

Mitigation Measure HAZ-5 has been revised to reference the December 2016 version of the Fire Protection Plan (FPP). NEET West, in their comments on the DEIR (see Comment F-91), indicated that the FPP was updated during public review of the DEIR. Therefore, the DEIR text, on page 11-22, lines 19 through 32, has been revised as follows:

**Mitigation Measure HAZ-5: Follow Operational Requirements and Recommendations Identified in the Fire Protection Plan.**

NEET West and/or its contractor(s) shall follow all of the requirements and recommendations contained in the FPP prepared for the Proposed Project by Dudek, dated ~~June~~ December 2016. These requirements include, but are not limited to, design and implementation of defensible space around the proposed SVC facility according to the parameters described in the FPP; conducting training sessions with local fire station personnel and providing technical support to fire personnel regarding electrical fires and firefighting at energized facilities; appropriate design of driveways and access roads to allow for safe and efficient fire personnel and equipment access; development and implementation of appropriate protocols for de-energizing the proposed facilities; inclusion of a 10,000-gallon water storage tank accessible to firefighters at the SVC site, and arrangement of electrical equipment on the SVC site to maintain adequate setbacks from vegetated areas.

## Chapter 12, Hydrology and Water Quality

The text on page 12-20, line 32, has been clarified in response to Comment A-169 to discuss in more detail potential impacts to water quality from Project blasting as follows:

Project construction also would involve operation and storage of construction equipment, which typically contains hazardous materials, such as fuel, lubricant, oil, etc., and storage and management of explosive products and blasted pieces of rock from blasting activities. If improperly handled or without adequate safeguards, use and storage of such materials could potentially contaminate surface or ground waters

from spills, ~~or~~ leaking equipment, ~~or leaching of exploded materials~~. Many hazardous materials used in construction activities are toxic to aquatic organisms or humans and, if allowed to enter waterways, could adversely affect designated beneficial uses (see Table 12-1).

The text on page 12-21, lines 9 through 27, has been revised to reference Mitigation Measure HAZ-2 for safe handling of explosives and protection of groundwater quality. The revised text is presented as follows:

Additionally, as described in Chapter 11, *Hazards and Hazardous Materials*, the Proposed Project would implement Mitigation Measure HAZ-1, which would require preparation of a Hazardous Materials and Waste Management Plan (HMWMP), which will describe hazardous materials storage, management, and disposal protocols during Project construction and operation. Mitigation Measure HAZ-2 would require preparation and implementation of a blasting plan, including outlining safe and lawful procedures for transport, handling, and storage of explosives; identifying where on the site explosives would be stored and explaining what safety precautions would be taken in transporting and handling explosives to prevent accidental explosions or release of hazardous materials into the environment; and measures to protect groundwater quality, such as proper loading practices, explosive selection, and muck pile management. It is not anticipated that the Proposed Project would require a CWA, Section 401 Water Quality Certification (WQC) because it is not believed any wetlands or features subject to USACE jurisdiction exist on the proposed SVC site and transmission line installation would avoid existing jurisdictional features crossing Bell Bluff Truck Trail via culverts. It is possible, however, that the transmission line may not be able to avoid the culverts across Bell Bluff Truck Trail, and may therefore require CWA Section 401 and/or 404 permits. If required, a Section 401 WQC and/or Section 404 nationwide or individual permit also may require water quality protection measures and compensatory mitigation for any impacts to waters of the U.S. or State.

With implementation of Mitigation Measure HYD/WQ-1, ~~and~~ HAZ-1, ~~and~~ HAZ-2, and adherence to existing laws and regulations, the Proposed Project is not anticipated to have any significant impacts on water quality during construction. With implementation of Mitigation Measure HAZ-2, Project blasting during construction would not be anticipated to cause significant water quality impairments. Overall, ~~t~~The Proposed Project would not be anticipated to violate any water quality standards or waste discharge requirements during construction. This impact would be less than significant with mitigation.

Text has been added to Mitigation Measure HYD/WQ-1 (page 12-21, lines 39-40), in response to Comment L-10, to add a measure to prevent formation of standing water for more than 96 hours in order to prevent opportunities for mosquito breeding.

**Mitigation Measure HYD/WQ-1: Implement Construction Best Management Practices for Erosion Control.**

NEET West and/or its contractor(s) shall implement the following measures during Proposed Project construction, or shall implement alternative measures that are equally or more effective:

- Implement practices to reduce erosion of exposed soil and stockpiles, including watering for dust control, establishing perimeter silt fences, and/or placing fiber rolls.
- Minimize soil disturbance areas.
- Implement practices to maintain water quality, including silt fences, stabilized construction entrances, and storm-drain inlet protection.
- Where feasible, limit construction to dry periods.
- Prevent standing water from forming and remaining in depressions, excavations, trenches, or any other areas for more than 96 hours.
- Revegetate disturbed areas.

The text on page 12-23, lines 16 through 21, has been revised to clarify the intent of the passage describing potential impacts on groundwater recharge, in response to Comment A-173. The revised text is presented as follows:

Given the existing geologic and topographic conditions at the proposed SVC site, it is ~~anticipated~~ believed that, ~~currently~~, most precipitation falling on or near the site ~~would be~~ is transported via shallow subsurface flow or via overland sheetflow to drainages downgradient, and is not percolating deep into soil below and recharging groundwater. Therefore, the addition of impervious surface in this area may not have a dramatic effect on groundwater recharge with respect to existing conditions, and would not be expected to cause any undesirable results, as defined under SGMA. This impact would be less than significant.

The text on page 12-25, lines 13 and 26-27, have been revised in response to Comment F-93 to indicate a finding of “No Impact” regarding potential impacts due to flooding. The revised text is presented as follows:

**Impact HYD/WQ-5: Potential to Expose Persons or Structures to Significant Risk of Loss Due to Flooding (No Impact ~~Less than Significant~~)**

The Proposed Project is located relatively high in the watershed in a mountainous area. The surrounding topography is steep and there are no defined river or stream systems in immediate proximity to the Project site. The nearest features are Sweetwater River and Taylor Creek, which are approximately 1 mile northwest and 0.55 mile south of the Project site, respectively. In addition to being relatively far away, these drainages are at lower elevations than the Proposed Project, which is relatively elevated on a ridge. The Project site is not located in a 100-year flood hazard zone as defined by FEMA. In this type of setting, flooding would not be anticipated and there would be little possibility of significant loss to people or structures from flooding. The proposed SVC would be an important, if not critical, component to the regional transmission system, as it would provide needed voltage support and regulation. As such, any damage to the facility from flooding could have impacts on the transmission system beyond those impacts to the facility; however, there is no

reason to believe such an event is likely or possible. Therefore, no impact would occur  
~~this impact would be less than significant.~~

## Chapter 13, Land Use and Planning

Text has been added to Section 13.2.2, "State Laws, Regulations, and Policies" (page 13-2, lines 11-12) in response to Comment L-3 to describe the CPUC's Certificate of Public Convenience and Necessity process as it relates to land use authority. The revised text is presented as follows:

~~No state laws, regulations, and policies relate to land use and planning and the Proposed Project.~~ **Certificate of Public Convenience and Necessity**

CPUC General Order No. 131-D, Section III.A states that a Certificate of Public Convenience and Necessity (CPCN) is required for construction of major electric transmission line facilities which are designed for immediate or eventual operation at 200 kV or more. Issuance of a CPCN is the Commission's finding that such facilities are necessary to promote the safety, health, comfort, and convenience of the public, and that the facilities are required by the public convenience and necessity. As described in Chapter 2, *Project Description*, the proposed SVC would interconnect with the existing Suncrest Substation's 230 kV bus via a one-mile-long transmission line that would operate at 230 kV. Therefore, the Proposed Project requires a CPCN from the CPUC.

From a land use perspective, issuance of a CPCN by CPUC certifies the entity proposing to construct the subject transmission facility as a public utility, as defined under Public Utilities Code, Section 216 and 218. Because CPUC has exclusive jurisdiction over the siting and regulation of electric transmission facilities, issuance of a CPCN by CPUC exempts the entity proposing to construct the transmission facility from local land use authority.

Text has been added to Section 13.2.3, "Local Laws, Regulations, and Policies," on page 13-4, after line 16, in response to Comment L-6 to describe the San Diego County Trails Master Plan and provide information regarding the planned trail alignment in the Project vicinity. The revised text is presented as follows:

### **County of San Diego Community Trails Master Plan**

The County of San Diego Community Trails Master Plan (CTMP) provides a blueprint for development of a system of interconnected regional and community trails and pathways, which is intended to address an established public need for recreation and transportation. The Alpine Community Trails Map section of the CTMP shows Proposed Community Trail #23 as running in an east-to-west direction approximately 0.5 mile north of Bell Bluff Truck Trail in the area of the Proposed Project (County of San Diego 2009).

The text on page 13-5, lines 7-9, has been revised in response to Comment F-94 to clarify that certain Lightner Mitigation Site parcels will not be transferred to USFS; rather, SDG&E will retain ownerships of certain portions of the site. The revised text is presented as follows:



For long-term management and protection of the site, it is anticipated that ownership of portions of the Lightner Mitigation Site will be transferred to the U.S. Forest Service (currently the site is still owned by SDG&E). SDG&E will retain certain areas within the area designated as the Lightner site, including the Suncrest Substation, Bell Bluff Truck Trail, and a portion of the land on either side of Bell Bluff Truck Trail.

The text on page 13-6, line 27, has been revised in response to Comment F-97 to clarify that the entire Suncrest Substation is not concrete. The revised text is presented as follows:

The existing Suncrest Substation represents a very large utility/industrial use in the area, as it includes an approximately 40-acre site concrete pad with large electrical equipment and high-voltage transmission lines entering and exiting the facility from the southwest and northeast.

## Chapter 14, Minerals

None.

## Chapter 15, Noise and Vibration

The text of Mitigation Measure NOI-1 (page 15-11 to 15-12 of the DEIR) has been revised in response to Comments F-96 and F-97 to modify the notification requirements based on the proximity of the nearest sensitive receptors. The revised text is presented as follows:

### **Mitigation Measure NOI-1: Construction-Noise Mitigation Plan**

NEET West and/or its contractors shall develop and implement a construction-noise mitigation plan in close coordination with adjacent noise-sensitive land uses so that construction activities can be scheduled to minimize noise disturbance. The plan must be approved by the CPUC prior to the initiation of construction activities. The construction-noise mitigation plan shall consider the following available controls to reduce construction-noise levels to as low as practicable.

- Equip all internal combustion-driven equipment with mufflers that are in good condition and appropriate for the equipment.
- Construct temporary sound barriers using plywood or similar material bearing the same sound attenuating effectiveness as plywood between portions of the construction sites and sensitive receptors. These temporary sound barriers, which could also consist of construction grade sound blankets/curtains, should be at least 12 feet in height. Sound barriers shall be used during activities involving use of a rock drill, scraper, and/or blasting. Alternatively, if a rock drill was not required for the project, construction equipment with a reference noise level of 89 dB or less could be used and would not require construction of temporary sound barriers.

Residences or noise-sensitive land uses within 3,800 feet of the construction site should be notified in writing of construction at least seven (7) days prior to the onset

of construction activities. A “construction liaison” contact person should be designated in the notifications; he/she would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. The phone number of the liaison should be conspicuously posted at the construction site.

## Chapter 16, Population and Housing

The text on page 16-2, line 30, has been revised in response to Comment F-130 to capitalize the references to the community of Alpine and the Alpine Planning Group, as follows:

- **Goal 3** - To encourage and reinforce the goal of keeping ~~alpine~~ Alpine a safe, pleasant and rural place to live, it is the goal of the ~~alpine planning group~~ Alpine Planning Group to promote and encourage the safety and tranquility of private residences.

## Chapter 17, Public Services and Utilities

The text on page 17-7, line 8, has been revised in response to Comment F-131 to correct a typo to remove the numeral “5” after word “five,” as follows:

The captain estimated a travel time of five~~5~~ to six minutes from the Descanso Station 45 to the Bell Bluff Truck Trail area;

The text on page 17-9, line 11, has been revised in response to Comment F-98 to clarify that the 4-inch diameter water line underlying Bell Bluff Truck Trail does not underlie the length of the road, but rather crosses a portion of the road. The revised text is presented as follows:

At the Project site, currently, there is a 4-inch diameter water line that lies beneath a portion of ~~runs underneath~~ Bell Bluff Truck Trail.

The text on page 17-14, line 14, has been revised in response to Comment F-132 to add a missing word “be,” as follows:

It would be speculative to say what specific impacts on public services may occur from indirect growth caused by the Project because it is unknown where such growth may occur and at what magnitude.

The text on page 17-15, lines 38-39, has been revised in response to Comment F-99 to correct a typo in the header for Impact PUB/UTL-6, which indicates a finding of “Less than Significant with Mitigation” when the finding should be “Less than Significant.” The revised text is presented as follows:

### **Impact PUB/UTL-6: Effects on Existing Landfill Capacity (Less than Significant with Mitigation)**

As described in Chapter 2, *Project Description*, it is anticipated that excavation for construction of the proposed SVC would result in up to 4,030 cubic yards (cy) of

excess material that would need to be removed from the site. Additionally, trenching for installation of the transmission line is anticipated to result in a total of 3,000 cy being generated and hauled off-site, for a total of 7,030 cy of material that may require disposal due to the Proposed Project. On a daily basis, it is anticipated that construction activities are expected to produce 30 cy of solid waste per week on average, and a peak of 60 cy per week. During operation, the Project would not be anticipated to generate substantial amounts of solid waste. The likely types of solid waste are packaging for replacement parts, used cleaning materials, and used parts. It is estimated that roughly 5 cy of solid waste will be generated annually during Project operation.

As shown in Table 17-1, the large landfills in San Diego County all have substantial remaining capacity and would be anticipated to accommodate the Proposed Project's solid waste disposal needs. Even if all the solid waste generated was disposed of at a single landfill, it would not be anticipated to have an appreciable effect on capacity, and would not require construction or expansion of any existing facilities. As described in Mitigation Measure PUB/UTL-2 (see Impact PUB/UTL-7 below), the Project would recycle at least 90 percent of inerts and at least 70 percent of other materials, in accordance with the County's Construction and Demolition Debris Recycling Ordinance. With implementation of this mitigation measure, depending on the type and composition of solid waste generated by the Proposed Project, much less than 7,030 cy of material would be disposed of at a landfill. Even without mitigation, this impact would be less than significant.

## Chapter 18, Recreation

None.

## Chapter 19, Transportation and Traffic

The text on page 19-4, lines 21-28, has been revised in response to Comments A-28, A-182, and A-185 to provide additional detail regarding access to residential properties along Bell Bluff Truck Trail and Avenida de los Arboles in the Proposed Project vicinity. The revised text is presented as follows:

West of SDG&E's existing 230-kilovolt transmission line (which crosses over Bell Bluff Truck Trail to connect existing Suncrest Substation), Bell Bluff Truck Trail transitions from a paved road to a dirt/gravel road. SDG&E maintains Bell Bluff Truck Trail, including the roadway segment east of the security gate approaching Avenida de los Arboles, where it provides access to a number of several residences and trails, and the roadway segment west of the security gate, in which Bell Bluff Truck Trail is closed to the public.

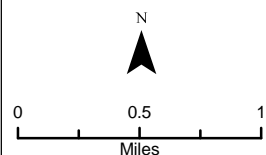
Avenida de los Arboles is a paved local road that connects Bell Bluff Truck Trail to Japatul Valley Road. Access to residential properties on Bell Bluff Truck Trail and Avenida de los Arboles is via Japatul Valley Road. There is no alternate access to these properties.

Avenida de los Arboles and Bell Bluff Truck Trail serve approximately 20 single family residences. These roadways also serve the unmanned Sunrise Powerlink facility located on the access-controlled portion of Bell Bluff Truck Trail.

Figure 19-1, “Roadways in the Project Vicinity” has been revised in response to Comments A-28 and A-182 to show the location of the security gate along Bell Bluff Truck Trail that restricts access to the Suncrest Substation, as well as the dead end spur of Bell Bluff Truck Trail north of the intersection with Avenida de los Arboles. The revised figure is presented as follows:



**Figure 19-1**  
**Roadways in the**  
**Project Vicinity**



Prepared by:



Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User

**Suncrest Dynamic Reactive**  
**Power Support Project**

Text has been added on page 19-7, after line 10, in response to Comment L-6 to include identification of community trail #23/Bell Bluff Trail, which is a planned trail alignment in proximity to the Proposed Project, as follows:

The nearest airport is the On the Rocks Airport, a private airport in Alpine, located approximately 5 miles southwest of the Project site (FAA 2016).

The County Trails Master Plan identifies a planned community trail alignment (#23/Bell Bluff Trail) approximately 0.5-mile north of the Proposed Project site, but this trail has not yet been constructed (County of San Diego 2009).

The text on page 19-8, lines 24-34 has been revised in response to Comment A-61 to provide documentation in support of the statement that construction workers may carpool to the Project site. The revised text is presented as follows:

Construction workers accessing the work sites would add vehicle traffic to area roadways. The construction industry is recognized as one of two industries in which carpooling is most evident – the other is the manufacturing industry (AASHTO 2014). ~~Typically, construction workers travel together to the work site.~~ However, E-even if each worker drove his or her own vehicle and traveled alone, based on the anticipated number of workers at peak activity (64 workers) the additional vehicle trips generated by construction would be negligible considering the average daily traffic and existing LOS on I-8 and State Route 79, as well as the low number of developed properties served by Avenida de los Arboles and Bell Bluff Truck Trail and the local roadways. Minor, temporary traffic increases are common for all construction projects and generally are not considered a significant impact because of the small number of trips, their limited duration, and intermittent activity. Thus, even the maximum number of additional commute trips likely to result from construction (64 round trips per day) would not result in a substantial change in traffic flow or intersection operations on regional and local access routes.

The text on page 19-8, lines 35 to 38, has been revised in response to Comment A-27 to clarify that installation of the proposed transmission line would not affect the publicly accessible portions of Bell Bluff Truck Trail. The revised text is presented as follows:

Installation of the proposed 1-mile long transmission line/duct bank, splice vaults, and riser pole components of the Project could temporarily affect traffic flow for SDG&E workers or other individuals with access to the secured portion of Bell Bluff Truck Trail by closing or narrowing lanes within the secured portion of ~~on~~ Bell Bluff Truck Trail.

The text on page 19-9, lines 23 to 38, has been revised to reflect updated information provided by NEET West in Comment F-63 regarding their construction water source, and in response to Comment A-59 to clarify that haul truck trips would be round-trip and to provide a revised worst-case scenario Level of Service (LOS) analysis. Also, language has been added to the DEIR in response to Comment A-60 to discuss the worst-case scenario with regard to

“bulking” of excavated materials removed during Project construction. The revised text is presented as follows:

In addition, the Proposed Project would involve additional truck haul traffic associated with the removal of excavated material, ~~and may require daily water truck trips, if it is not possible to convey water to the construction site via an existing PVC pipe as discussed in Chapter 2, Project Description.~~ Based on the 4,030-cubic-yard (-cy) estimated range of excavated material requiring disposal (note: this number could increase to some degree depending on the level of “bulking”<sup>1</sup> that may occur; see further discussion below), a total of approximately 403 truck haul round trips would be generated using standard 10-cu. yd. capacity trucks. During peak excavation and grading activities, Project construction could generate a maximum of approximately 62 haul truck round trips per day. Assuming that construction activities would last 11 months (approximately 220 working days), this translates to approximately one to two truck trips per day. With larger 20-cu. Yd. trucks, this could be halved, to approximately one-half to one truck trip per day. If it is necessary to deliver water to the site by truck, this would result in an average of three water truck trips per day, with a peak of up to 6 water trucks per day. The combined number of haul truck and water truck trips, on average, would range from four to 6 trips per day (0.5 to 0.75 truck trips per hour, assuming an 8-hour work day). Because these truck haul trips would be intermittent and temporary, the addition of four to five truck trips per day (0.5 to 0.75 truck trips per hour) over 220 work days would not cause substantial degradation of LOS or delay for motorists in the vicinity of the Proposed Project. When added to the maximum number of worker vehicle commute round trips per day of 64 (assuming no carpooling), this would result in 126 total vehicle round trips, or 252 single-direction trips, associated with the Proposed Project during peak construction activity. Adding this number to existing ADT on Japatul Valley Road would result in 3,502, for a volume-to-capacity ratio of 0.22, and LOS B. Likewise, adding the maximum Project construction vehicle traffic to existing ADT on I-8 would result in 24,852, for a volume-to-capacity ratio of 0.31, and LOS A.

Because the precise type and composition of materials underlying the Proposed Project site is not currently known, it is not possible to know the degree of bulking that may be expected. However, even assuming that all material removed from the Project site were to swell to a volume of 80 percent greater than the hole it was dug from (i.e., the maximum amount of bulking that could occur), it would not increase the number of necessary haul truck trips to a level that would have a significant impact. This hypothetical situation would result in approximately 725 total haul truck round trips during the Project construction period, or a peak of approximately 112 haul truck round trips per day. Adding this number to the maximum number of worker commute trips that could occur of 64 results in 176 vehicle round trips, or 352 single-direction trips. The addition of 352 vehicle trips to existing ADT on Japatul Valley Road results in 3,602, for a volume-to-capacity ratio of 0.22, and LOS B. The

---

<sup>1</sup> “Bulking rate” refers to the swelling of excavated materials to a greater volume than the volume of the excavated hole or holes. The amount of bulking depends on the material excavated. Ordinary soil or dry gravel swells to a volume 20 to 30 percent greater than the size of the excavation; dolomite swells to a 50 to 60 percent greater volume than the hole; limestone and sandstone swell to volumes 75 to 80 percent greater than the volume of the hole (Engineering Tool Box 2017).

addition of 352 vehicle trips to existing ADT on I-8 results in 24,952, for a volume-to-capacity ratio of 0.31, and LOS A.

Therefore, even assuming maximum, worst-case conditions with respect to bulking, worker commuting (i.e., no carpooling), and peak excavation and grading activity, Project construction vehicle trips would not adversely affect existing LOS on nearby roadways. However, as described previously, the presence of construction truck traffic related to heavy equipment transport and haul trucks could temporarily reduce roadway capacity due to the slower travel speeds and larger turning radii of trucks. Implementation of Mitigation Measures TR-1 and TR-2 would ensure that the effects of construction traffic on local roadways would remain less than significant.

The text on page 19-10, lines 5-8, under Mitigation Measure TR-1, has been revised in response to Comment F-100 to make restrictions on heavy vehicle traffic consistent with the County noise ordinance and to provide notification of adjacent property owners should use of heavy equipment or hauling beyond normal working hours become necessary. The revised text is presented as follows:

**Mitigation Measure TR-1: Maintain Traffic Flow.**

NEET West or their contractor(s) shall implement the following measures:

- To the extent feasible, work shall be staged and conducted in a manner that maintains two-way traffic flow on roadways in the vicinity of the work site.
- Heavy equipment and haul traffic shall be prohibited in residential areas to the greatest extent feasible. When no other route to and from the site is available, heavy equipment and haul traffic through residential areas shall be restricted to the hours of ~~8 a.m. to 5:30 p.m.~~ 7 am-7 p.m., Monday through Friday.
- If heavy equipment or hauling is required beyond the hours above, NEET West or their contractor would provide notice to adjacent property owners 48 hours in advance of such activities.

The text on page 19-10, lines 12-22, under Mitigation Measure TR-2, has been revised in response to Comment A-87 to reflect the fact that closure of the publicly accessible portion of Bell Bluff Truck Trail is not contemplated. The revised text is presented as follows:

**Mitigation Measure TR-2: Minimize Effects of Temporary Roadway Disturbances.**

NEET West or their contractor(s) shall implement the following measures:

- Prepare and implement a Traffic Control Plan (TCP) to describe procedures to guide traffic (such as signage and flaggers), safeguard construction workers, provide safe passage of traffic, and minimize traffic impacts, as necessary, through the duration of construction. In the event that closure of any portion of the private Bell Bluff Truck Trail were to become necessary, notification shall be provided to SDG&E at least 5 days in advance of anticipated closures. ~~In the event that road closure were to become necessary~~



~~for any publicly accessible road segment, notification shall be posted and/or circulated to the public at least 5 days in advance of anticipated closures. NEET West shall employ adequate control devices, signage, a detour route, and flaggers, as necessary, through the duration of construction.~~

The text on pages 19-11 and 19-12, lines 34 to 5, under Impact TR-5 and Mitigation Measure TR-3, has been revised in response to Comment A-88 to reflect that closure of the publicly accessible portion of Bell Bluff Truck Trail is not contemplated. Additionally, text has been added in response to Comments A-191 and A-192 to clarify that construction workers would park within, and construction equipment and materials staging would occur within, the private portion of Bell Bluff Truck Trail. The revised text is presented as follows:

**Impact TR-5: Interference with Emergency Access and Circulation (Less than Significant with Mitigation)**

Temporary road closures along the private portion of Bell Bluff Truck Trail, detours, and construction-related traffic could delay or obstruct the movement of emergency vehicles in the vicinity of the Proposed Project. If construction activities interfere with emergency response efforts such that response times would be extended, a significant impact would result. In addition, safe access to the Suncrest Substation may be disrupted by equipment, staging, or construction activity, including potential local blasting along Bell Bluff Truck Trail and the SDG&E service road to construct the riser pole and intermediate riser pole. However, the implementation of Mitigation Measures TR-1 and TR-2, described above, would ensure that work would be staged and conducted in a manner that would maintain two-way directional flow to the extent feasible, and would ensure that a TCP is developed and implemented. If road closures on the private Bell Bluff Truck Trail are anticipated, Mitigation Measure TR-3 would be implemented to ensure the timely notification of maintenance schedules and consultation with all affected agencies (including police and fire departments) for all activities that could affect emergency access. Given that the proposed SVC site is located approximately one mile west of the security gate on Bell Bluff Truck Trail, construction workers would park within the private portion of the road (to which the public does not have access), adjacent to the Project construction site. Additionally, as shown in Figure 2-3, all construction equipment and materials staging would occur adjacent to the SVC site and along the proposed transmission line route, within the private portion of Bell Bluff Truck Trail.

The Proposed Project does not propose any structures that would permanently block or constrain roadways; therefore, the Project would not result in a permanent impact on emergency and residential access. With the adherence to the Mitigation Measures TR-1 through TR-3, the Proposed Project's impact on emergency access would be less than significant.

**Mitigation Measure TR-3: Emergency Coordination and Access Considerations.**

NEET West or their contractor(s) shall implement the following measures:

- When work is conducted on ~~roads~~ the private portion of Bell Bluff Truck Trail and may have the potential to affect traffic flow, work shall be coordinated

with local emergency service providers, as necessary, to ensure that emergency vehicle access and response is not impeded.

- ~~• Access for driveways and private roads shall be maintained to the extent feasible. If brief periods of construction work would temporarily block access, property owners shall be notified prior to construction activities.~~
- If closure of any portion of the private Bell Bluff Truck Trail is necessary during Project construction, NEET West shall have staff available on-site at all times to place plates over open trenches, move construction equipment, or clear any other obstructions to allow for 24-hour emergency vehicle access to SDG&E facilities.

The text on page 19-12, lines 8-13, has been revised to reflect that the portion of Bell Bluff Truck Trail on which construction activities are proposed is inaccessible to the public. The revised text is presented as follows:

No public transit, bicycle, or pedestrian facilities are located in the Project vicinity, although bicycles are allowed to use the shoulder of I-8 for approximately 3.5 miles, from Willows Road to the SR 79/Japatul Valley Road interchange. Despite the absence of bicycle or pedestrian facilities, bicyclists and pedestrians may use roadways in the project vicinity, as allowed by the California Vehicle Code. ~~With the implementation of Mitigation Measures TR-1 and TR-2, 13 described above, any~~ As described in Section 2.4.2.2, Transmission Line Construction, the segment of Bell Bluff Truck Trail on which construction activities such as trenching are proposed is inaccessible to the public. The potential impacts to alternative transportation are anticipated to be limited to the need for any bicyclists and pedestrians to share local roads with heavy equipment and haul traffic during the construction period. The impacts would be less than significant. ~~impacts to alternative transportation would be less than significant.~~

## Chapter 20, Alternatives Analysis

The text on page 20-1, lines 28-31, has been revised in response to Comments F-16 and F-102 to add the project proponent's ability to reasonably acquire, control, or have access to the alternative site as a factor for the Lead Agency to consider in determining the feasibility of alternatives. The revised text is presented as follows:

In accordance with State CEQA Guidelines Section 15126.6(f), the Lead Agency should consider site suitability, economic viability, availability of infrastructure, general plan consistency, other regulatory limitations, ~~and jurisdictional boundaries~~ (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent) in determining the feasibility of alternatives to be evaluated in an EIR.

The text on page 20-2, lines 22-24, has been changed in response to Comment F-103 to make the wording of the third Project objective in the Alternatives chapter consistent with the wording of the objectives presented in the Executive Summary and Project Description.

3. Support achievement of the state's RPS by facilitating delivery of a higher percentage of renewable energy generation from the Imperial Valley area to population centers to the west and support achievement of California's Renewable Portfolio Standard.

The text on page 20-3, line 10, has been revised in response to Comment F-133 to correct several typos, as follows:

Due either to their inability to meet most of the project objectives, be feasibly implemented, or avoid or substantially ~~less~~ lessen one or more of the Proposed Project's environmental impacts, ~~or~~ or if they were deemed speculative, a number of these initial alternatives were dismissed from further consideration.

The text on page 20-3, line 17, has been revised in response to Comment F-134 to correct the misspelling of "kilovolt" in the DEIR, as follows:

The California Independent System Operator's (CAISO's) 2013-2014 Transmission Plan (CAISO 2014) identified a need for a +300/-100 megavar dynamic reactive power device at the Suncrest Substation's 230-~~kilovolt~~ kilovolt (-kV) bus.

The text on page 20-7, lines 3-6, has been revised in response to Comment F-104, as follows:

This policy, currently under review by the Federal Energy Regulatory Commission (FERC), would require that new or repowered asynchronous resources provide reactive power and voltage regulation. ~~In its PEA, submitted to the California Public Utilities Commission (CPUC), NEET West theorized that if the new CAISO requirements were to go into effect and several large solar or wind facilities were to be required to provide reactive power capability, it could reduce the amount of reactive power needed at the Suncrest Substation. Therefore, instead of building the SVC, the transmission grid could potentially receive reactive power support and voltage regulation from new renewable generating facilities built in compliance with CAISO's initiative.~~

The text on page 20-7, line 25, has been revised at the discretion of the lead agency to clarify the purpose of the Proposed Project, as follows:

As described in Chapter 2, *Project Description*, reactive power is the component of electricity that functions to maintain adequate voltages for system reliability, e.g., when increasing the amount of electric generation from renewable sources.

## Chapter 21, Other Statutory Considerations

The text on page 21-1, line 32, has been revised in response to Comment F-107 to remove specific reference to NEET West's Lone Star Transmission, LLC's control center in Austin, Texas. Rather, the Proposed Project would be remotely operated from a NextEra affiliate's control center. The revised text is presented as follows:

Additionally, operation of the Proposed Project would not require any on-site workers as NextEra Energy Transmission West, LLC (NEET West) anticipates

remotely operating the facility from its a NextEra affiliate's Lone Star control center in Austin, Texas.

The text on page 21-10, line 29, has been revised in response to Comment A-66 to clarify that the bulleted items summarizing the Project's effects on biological resources are from Chapter 7, *Biological Resources*:

The Proposed Project could potentially affect biological resources through habitat alterations or losses. Project activities would involve vegetation clearance, grubbing, ground-disturbing activities, and blasting. As described in Chapter 7, *Biological Resources*, these activities would potentially affect various biological resources including:

The first paragraph on page 21-11 has been revised and a new paragraph has been inserted in response to Comments A-64, A-65, A-66, A-67, and A-69 to provide more detail about biological resources effects associated with cumulative projects identified in DEIR Table 21-3:

The cumulative impact on biological resources resulting from the Proposed Project in combination with other projects listed in Table 21-3 and the greater San Diego County would depend upon the relative magnitude of adverse effects of those projects on biological resources compared to the relative benefit of impact avoidance and minimization efforts prescribed by planning documents, CEQA and NEPA mitigation measures, and permit requirements for each project. The cumulative impact on biological resources would also depend on the benefits that would be realized from adopted habitat conservation plans such as the San Diego Multiple Species Conservation Program.

The EAs for the Cleveland National Forest Forest-wide Unauthorized Route Decommissioning, Invasive Weed Management on the Cleveland National Forest, and Alpine Community Defense Zone Project concluded that these projects would have no negative effects on wetlands or sensitive species on the Regional Forester's list (including San Diego horned lizard, San Diego milk-vetch, felt-leaved monardella, and red-diamond rattlesnake) (USFS 2014, 2016b, and 2016c). The EAs for the Forest-wide Unauthorized Route Decommissioning and Invasive Weed Management on the Cleveland National Forest also acknowledge that these projects would have long-term benefits to plants and wildlife in the area, by removing invasive species and decommissioning environmentally damaging unauthorized routes. Similar to the Proposed Project, the SDG&E MSUP and Permit to Construct Power Line Replacement Projects, USFS Greater Alpine Community Defense Fuels, and other projects listed in Table 21-3 could result in impacts on special-status species habitat and/or individual special-status species (e.g., red-diamond rattlesnake, coast horned lizard, pallid bat, and Townsend's big-eared bat). In the event that construction of the Proposed Project overlaps in duration with other projects listed in Table 21-3, potentially significant cumulative noise effects could occur on avian species like golden eagles. In addition, like the Proposed Project, the SDG&E MSUP and Permit to Construct Power Line Replacement Projects and USFS Greater Alpine Community Defense Fuels project and other projects listed in Table 21-3 could also result in temporary and/or permanent impacts to waters and wetlands of the U.S., and other sensitive natural habitats.

Although completed, the Final EIR/EIS for the Sunrise Powerlink Project identifies significant effects related to loss of sensitive plants (e.g., felt-leaf monardella, delicate clarkia), and sensitive wildlife species (e.g., red-diamond rattlesnake, pallid bat, Dulzura pocket mouse), some of which are similar or more severe than those associated with the Proposed Project.

In the absence of avoidance and minimization measures, compensatory mitigation, and conservation measures, the Proposed Project in combination with projects such as the SDG&E MSUP and Permit to Construct Power Line Replacement Projects and USFS Greater Alpine Community Defense Fuels, and other projects listed in Table 21-3 would have a potentially significant cumulative impact on biological resources such as wetlands would occur. The Final EIR/EIS prepared for the SDG&E MSUP and Permit to Construct Power Line Replacement Projects identified several APMs and mitigation measures that are intended to reduce impacts on special-status plants like San Diego milk-vetch and special-status animals (e.g., golden eagles, coast patch-nosed snake, pallid bat, Dulzura pocket mouse, red-diamond rattlesnake) (CPUC and USFS 2014). According to the USFS Greater Alpine Community Defense Fuels Treatment on Non-Federal Lands Project EA, no substantial adverse effects on San Diego milk-vetch, felt leaved monardella, and delicate clarkia are anticipated to occur; BMPs and design features would be implemented to reduce potential effects on biological resources (USFS 2016b). ~~However, In addition, the County of San Diego General Plan contains conservation measures that would benefit biological resources, as well as measures to avoid, minimize, and mitigate impacts to these resources. Potential BMPs and mitigation measures for the other above-listed cumulative projects listed in Table 21-3 may include pre-construction surveys and avoidance measures to protect plants, wildlife, waters of the U.S. and state, and sensitive natural communities and breeding. Projects such as the SDG&E MSUP and Permit to Construct Power Line Replacement Projects, USFS Alpine Community Defense Project, and 16 USFS Greater Alpine Community Defense Fuels would likely have impacts on resources such as special status species habitat and sensitive natural habitats which are similar to the Proposed Project. Projects such as the Cleveland National Forest Forest-wide Unauthorized Route Decommissioning and Invasive Weed Management on the Cleveland National Forest would likely have long-term benefits to plants and wildlife in the area, by removing invasive species and decommissioning environmentally damaging unauthorized routes.~~

The Proposed Project would implement Mitigation Measures BIO-1 through BIO-18, described in Chapter 4, *Biological Resources*, to avoid, reduce, or compensate its impacts on special-status plants and animals, birds protected under the MBTA, wetlands and other sensitive habitats, and movement of wildlife and use of breeding sites to less-than-significant levels. Through BMPs, mitigation measures contained in this EIR as well as other CEQA and NEPA documents for nearby projects, and compliance with permit conditions, other projects in the region would ~~mitigate~~ minimize their contributions to biological resources impacts and thereby reduce cumulative impacts. Based on publicly available information, the efficacy of BMPs, mitigation measures, and permit conditions for other projects in the region is not known. However, By implementing Mitigation Measures BIO-1 through BIO-18, the Proposed Project would ensure that its contributions to cumulative impacts on biological resources would not be considerable.

The DEIR text on page 21-12, lines 11-15, has been revised to correct an incorrect reference to U.S. Fish and Wildlife Service, as follows:

Implementation of Mitigation Measure PUB/UTL-1 would ensure that NEET West coordinates with the County of San Diego, California Department of Forestry and Fire Protection, and U.S. ~~Forest Service Fish and Wildlife Service~~ to determine if additional fire protection improvements are needed to ensure adequate fire protection services for the Proposed Project.

## Chapter 22, Report Preparers

None.

## Chapter 23, References

The reference for the PEA and Biological Resources Technical Report, on page 23-8, lines 13 through 17, has been revised in response to Comment F-109 to reflect the most recent dates of these documents.

NextEra Energy Transmission West, LLC (NEET West). 2015a. Proponent's Environmental Assessment Suncrest Dynamic Reactive Power Support Project. Prepared by SWCA Environmental Consultants, Inc. August. Revised November 2015.

\_\_\_\_\_. 2015b. Suncrest Dynamic Reactive Power Support Project Biological Resources Technical Report. Prepared by SWCA Environmental Consultants, Inc. August. Revised November 2015.

The following reference has been added to the References chapter, on page 23-22, after line 10, to support information added to the DEIR in Response to Comment L-6 regarding the community trail alignment #23 located north of Bell Bluff Truck Trail in the Project vicinity.

County of San Diego. 2009. San Diego County Community Trails Master Plan, Alpine Community Trails and Pathways Plan, Community Trails Map. Accessed May 8, 2017, <http://www.sandiegocounty.gov/content/dam/sdc/pds/CTMP/maps/Alpine.pdf>.

The following reference has been added to page 23-28, before line 1, to support information added to the DEIR in response to Comment A-60 regarding potential bulking of excavated materials as it pertains to the traffic analysis.

Engineering Tool Box. 2017. Soil and Rock – Bulking Factors. Accessed December 1, 2017, [https://www.engineeringtoolbox.com/soil-rock-bulking-factor-d\\_1557.html](https://www.engineeringtoolbox.com/soil-rock-bulking-factor-d_1557.html).

The reference on page 23-29, line 1 has been replaced with an updated reference as follows:

- \_\_\_\_\_. 2016a. Draft Environmental Assessment. Greater Alpine Community Fuels Treatment Project. Descanso Ranger District, Cleveland National Forest, San Diego County, California. Prepared by Frank Springer & Associates, Inc. October. Greater Alpine Community Defense. Accessed July 11, 2016, [http://data.ecosystem-management.org/nepaweb/nepa\\_project\\_exp.php?project=45286](http://data.ecosystem-management.org/nepaweb/nepa_project_exp.php?project=45286).

The reference on page 23-29, line 4, has been replaced with an updated reference as follows:

- \_\_\_\_\_. 2016b. Environmental Assessment. Alpine Community Defense Project. Descanso Ranger District, Cleveland National Forest, San Diego County, California. December. Alpine Community Defense. Accessed July 7, 2016, [http://data.ecosystem-management.org/nepaweb/nepa\\_project\\_exp.php?project=23706](http://data.ecosystem-management.org/nepaweb/nepa_project_exp.php?project=23706).

## Appendix L, Mitigation Monitoring and Reporting Program

The revisions to Mitigation Measure BIO-13, described in Response to Comment A-25 and F-85, have been carried over to page L-19 of the MMRP. Additionally, an additional monitoring and reporting action has been added to the MMRP table to “Confirm that pre-construction bat survey is performed and appropriate avoidance and minimization measures are developed and implemented in the event of bat roost discovery.” The revised mitigation measure text is presented as follows:

### **Mitigation Measure BIO-13: Preconstruction Sweeps for Biological Resources.**

Prior to initial vegetation clearance, grubbing, and ground-disturbing activities, NEET West or their contractor(s) shall ensure that a qualified biologist shall conduct pre-construction sweeps of the Project site for special-status wildlife and plants. During these surveys, the biologist shall:

- a) Ensure that potential habitats become inaccessible to wildlife (e.g., burrows are removed that would otherwise provide temporary refuge);
- b) Survey for bat roosts by performing a daytime pedestrian survey to inspect potential habitat within 100 feet of the Proposed Project limits for indications of bat use (e.g., occupancy, guano, staining, smells, or sounds) and a night roost/emergence survey. The survey must be performed a qualified bat biologist. If the bat biologist determines that habitat within the survey area is used, or is likely to be used, as a bat roost, and may be affected by construction, then specific measures will be developed and implemented to minimize impacts on the roost. Such measures may include minimizing construction activity near the roost during the maternity season (May 1-August 15) or other measures developed by a qualified bat biologist that will minimize the disturbance to a level that would not cause long-term roost abandonment or failure of a maternity roost.

- c) In the event of an unanticipated discovery of a special-status ground-dwelling animal, a biologist holding the appropriate State and/or federal permits shall recover and relocate the animal to adjacent suitable habitat within the Proposed Project at least 200 feet from the limits of grading; and,
- d) In the event of the discovery of a previously unknown special-status plant, the area will be marked as an environmentally sensitive area, and avoided to the maximum extent practicable. If avoidance is not possible, NEET West will implement Mitigation Measure BIO-4. ~~consult with USFWS and/or CDFW as appropriate given the species' status.~~

The revisions to Mitigation Measure BIO-16, described in Response to Comment A-160, have been carried over to page L-22 of the MMRP table, as follows:

**Mitigation Measure BIO-16: Restoration and Revegetation.**

NEET West shall develop a Restoration and Revegetation Plan to guide restoration activities on the Project site that promotes locally appropriate native plant growth and eliminates non-native and invasive species. The Restoration Plan shall identify measures and success criteria specific to each impacted plant community at the Proposed Project. The total area to be planted, and species composition, shall be tailored for each affected plant community based on existing standards and precedents. The Restoration Plan shall identify success criteria for each habitat type and develop monitoring measures to ensure that success criteria will be met. The Restoration Plan shall be consistent with the East San Diego County MSCP planning process. Monitoring results shall be provided to CDFW on a basis determined in the Restoration Plan.

Disturbed soils shall be revegetated with an appropriate weed-free, native seed mix. All areas designated for temporary impacts shall be revegetated with a seed blend that includes native grasses, forbs, and shrub species characteristic of the plant community receiving the temporary impact. Revegetation activities shall be undertaken as soon as construction activities have been completed to minimize colonization by non-native weedy species and to ensure compliance with the Proposed Project's SWPPP. Herbicides, if required during the restoration period, shall be applied using hand-held applicators for spot-treatment and shall not be used within 100 feet of drainages or sensitive plant populations.

The revisions to Mitigation Measure BIO-18, described in Response to Comments A-164 and F-77, have been carried over to page L-22 and L-23 of the MMRP, as follows:

**Mitigation Measure BIO-18: Develop and Implement a Restoration Plan for Engelmann Oak – Coast Live Oak/Poison Oak/Grass Association Habitat Disturbed during Construction.**

NEET West or their contractor(s) shall develop and implement a Habitat Restoration Plan to mitigate any temporary and permanent impact on Engelmann Oak – Coast Live Oak/Poison Oak/Grass Association habitat. The Restoration Plan shall be consistent with the East San Diego County MSCP planning process. Monitoring results shall be provided to CDFW on a basis determined in the Restoration Plan. At a



~~minimum.~~ For any temporary impact, all disturbed soils and new fill in this habitat shall be revegetated with site-appropriate native species. For any permanent impact, Engelmann Oak – Coast Live Oak/Poison Oak/Grass Association habitat shall be mitigated, at a minimum, at a ratio of 1.1:1 (replacement to impact). Engelmann Oak – Coast Live Oak/Poison Oak/Grass Association restoration or compensation may be completed at the Project site, in the vicinity, or at a conservation bank with a service area that covers the Project site. Revegetated or restored areas shall be maintained and monitored to ensure a minimum of 65 percent survival of woody plantings after 5 years.

The revisions to Mitigation Measure CR-1, described in Response to Comment F-86, have been carried over to page L-25 of the MMRP, as follows:

**Mitigation Measure CR-1: Conduct Archaeological Sensitivity Training and Construction Monitoring.**

Prior to initiation of ground-disturbing activities, NEET West shall arrange for construction crews to receive training about the kinds of archaeological materials that could be present within the project site and the protocols to be followed should any such materials be uncovered during construction. Training materials shall be developed ~~shall be conducted~~ by an archaeologist who meets the U.S. Secretary of Interior's professional standards. Training may be required during different phases of construction to educate new construction personnel.

The presence of archaeological sites both within the Proposed Project SVC area and along the Bell Bluff Truck Trail indicates that the area is sensitive for archaeological resources. As a result, a qualified archaeological monitor shall be retained to conduct full-time monitoring of initial ~~monitor~~ all ground disturbing activities associated with the project. A Native American monitor shall also participate in observing initial ground-disturbing activities. The archaeological monitor will work under the supervision of the principal investigator. The duration and timing of the monitoring will be determined by the CPUC, with recommendations provided by the principal investigator. If the principal investigator determines that monitoring is no longer warranted, he or she may recommend to the CPUC that monitoring cease entirely. In addition, if the principal investigator determines that an increase in the level of monitoring is warranted, he or she may recommend to the CPUC that full-time monitoring continue beyond initial ground disturbance. If any prehistoric or historic-era features, or human remains, are exposed during construction, the archaeological monitor shall have the authority to stop work in the vicinity of the finds and implement the actions identified in Mitigation Measure CR-2.

The revisions to Mitigation Measure CR-2, described in response to Comment F-88, have been carried over to page L-25 of the MMRP, as follows:

**Mitigation Measure CR-2: Immediately Halt Construction if Cultural Resources Are Discovered, Evaluate All Identified Cultural Resources for Eligibility for Inclusion in the CRHR, and Implement Appropriate Mitigation Measures for Eligible Resources.**

Not all cultural resources are visible on the ground surface. Construction activities, including possible blasting, at the SVC would require excavation up to approximately 1815 feet deep, and trenching Excavation for the installation for the transmission line along ~~the~~ Bell Bluff Truck Trail would be up to approximately 9 feet deep.

The revisions to Mitigation Measure CR-3, described in response to Comment F-89, have been carried over to page L-27 of the MMRP, as follows:

**Mitigation Measure CR-3: Immediately Halt Construction if Human Remains Are Discovered and Implement Applicable Provisions of the California Health and Safety Code.**

If human remains are accidentally discovered during the Proposed Project's construction activities, the requirements of California Health and ~~Human~~ Safety Code Section 7050.5 shall be followed.

The revisions to Mitigation Measure HAZ-2, described in Response to Comment A-168, have been carried over to page L-31 to L-35 of the MMRP, as follows:

**Mitigation Measure HAZ-2: Prepare and Implement Blasting Plan.**

NEET West shall conduct a pre-blast survey, prepare a blasting plan, and obtain appropriate blasting and explosive permits prior to conducting any blasting activities during Project construction. NEET West shall submit a written report of the pre-blast survey and final blasting plan to CPUC and the County of San Diego and receive approval from that agency prior to any rock removal activity. The pre-blast survey and blasting plan shall meet the following conditions:

- The pre-blast survey shall be conducted for structures within a minimum radius of 1,000 feet from the identified blast site to be specified by NEET West. Notification that blasting will occur shall be provided to all owners of the identified structures to be surveyed prior to commencement of blasting. The pre-blast survey shall be included in the final blasting plan.
- The final blasting plan shall outline safe and lawful procedures for transport, handling, and storage of explosives. The blasting plan shall identify where on the site explosives will be stored and explain what safety precautions will be taken in transporting and handling explosives to prevent potential accidental explosions or release of hazardous materials into the environment.
- The final blasting plan shall address air-blast limits, ground vibrations, and maximum peak particle velocity for ground movement, including provisions to monitor and assess compliance with the air-blast, ground vibration, and peak particle velocity requirements. The blasting plan shall meet criteria established in Chapter 3 (Control of Adverse Effects) in the Blasting Guidance Manual of the U.S. Department of Interior Office of Surface Mining Reclamation and Enforcement.
- The final blasting plan shall identify fire-safe blasting procedures and measures to prevent possible ignition of wildfires during blasting activities.

- The blasting plan shall include measures to prevent contamination of groundwater including proper drilling, explosive handling and loading procedures; observing the entire blasting procedures; evaluating blast performance; and handling and storage of blasted rock, as follows:
  1. **Loading practices.** The following blasthole loading practices to minimize environmental effects shall be followed:
    - a. Drilling logs shall be maintained by the driller and communicated directly to the blaster. The logs shall indicate depths and lengths of voids, cavities, and fault zones or other weak zones encountered as well as groundwater conditions.
    - b. Explosive products shall be managed on-site so that they are either used in the borehole, returned to the delivery vehicle, or placed in secure containers for off-site disposal.
    - c. Spillage around the borehole shall either be placed in the borehole or cleaned up and returned to an appropriate vehicle for handling or placement in secured containers for off-site disposal.
    - d. Loaded explosives shall be detonated as soon as possible and shall not be left in the blastholes overnight, unless weather or other safety concerns reasonably dictate that detonation should be postponed.
    - e. Loading equipment shall be cleaned in an area where wastewater can be properly contained and handled in a manner that prevents release of contaminants to the environment.
    - f. Explosives shall be loaded to maintain good continuity in the column load to promote complete detonation. Industry accepted loading practices for priming, stemming, decking and column rise need to be attended to.
  2. **Explosive selection.** The following measures shall be followed to reduce the potential for groundwater contamination when explosives are used:
    - a. Explosive products shall be selected that are appropriate for site conditions and safe blast execution.
    - b. Explosive products shall be selected that have the appropriate water resistance for the site conditions present to minimize the potential for hazardous effect of the product upon groundwater.

3. **Prevention of misfires.** Appropriate practices shall be developed and implemented to prevent misfires.
  4. **Muck pile management.** Muck piles (the blasted pieces of rock) and rock piles shall be managed in a manner to reduce the potential for contamination by implementing the following measures:
    - a. Remove the muck pile from the blast area as soon as reasonably possible.
    - b. Manage the interaction of blasted rock piles and stormwater to prevent contamination of water supply wells or surface water.
- The blasting plan shall outline the anticipated blasting procedures for the removal of rock material at the proposed SVC, riser pole and underground transmission line structures. The blasting procedures shall incorporate line control to full depth and controlled blasting techniques to create minimum breakage outside the line control and maximum rock fragmentation within the target area. Prior to blasting, all applicable regulatory measures shall be met. NEET West, or its subcontractor (as appropriate) shall keep a record of each blast for at least 1 year from the date of the last blast.
  - The blasting plan shall incorporate provisions to post signage along roads and trails within a minimum of 1000 feet of the identified blast site. Precautions such as fencing or taping will be incorporated that limit access to recreationalists and the general public.

The text under Mitigation Measure HAZ-5, on page L-33, has been revised in response to Comment F-111 to reference the December 2016 version of the Project FPP, as follows:

**Mitigation Measure HAZ-5: Implement Requirements and Recommendations Identified in the Fire Protection Plan (FPP)**

NEET West and/or its contractor(s) shall follow all of the requirements and recommendations contained in the FPP prepared for the Proposed Project by Dudek, dated ~~June~~ December 2016. These requirements include, but are not limited to, design and implementation of defensible space around the proposed SVC facility according to the parameters described in the FPP; conducting training sessions with local fire station personnel and providing technical support to fire personnel regarding electrical fires and firefighting at energized facilities; appropriate design of driveways and access roads to allow for safe and efficient fire personnel and equipment access; development and implementation of appropriate protocols for de-energizing the proposed facilities; inclusion of a 10,000 gallon water storage tank accessible to firefighters at the SVC site; and arrangement of electrical equipment on the SVC site to maintain adequate setbacks from vegetated areas.

The revisions to Mitigation Measure HYD/WQ-1, described in Response to Comment L-10, have been carried over to page L-38 of the MMRP, as follows:

**Mitigation Measure HYD/WQ-1: Implement Construction Best Management Practices for Erosion Control.**

NEET West and/or its contractor(s) shall implement the following measures during Proposed Project construction, or shall implement alternative measures that are equally or more effective:

- Implement practices to reduce erosion of exposed soil and stockpiles, including watering for dust control, establishing perimeter silt fences, and/or placing fiber rolls.
- Minimize soil disturbance areas.
- Implement practices to maintain water quality, including silt fences, stabilized construction entrances, and storm-drain inlet protection.
- Where feasible, limit construction to dry periods.
- Prevent standing water from forming and remaining in depressions, excavations, trenches, or any other areas for more than 96 hours.
- Revegetate disturbed areas.

The revisions to Mitigation Measure NOI-1, described in Response to Comments F-96 and F-97, have been carried over to page L-40 of the MMRP, as follows:

**Mitigation Measure NOI-1: Construction-Noise Mitigation Plan**

NEET West and/or its contractors shall develop and implement a construction-noise mitigation plan in close coordination with adjacent noise-sensitive land uses so that construction activities can be scheduled to minimize noise disturbance. The plan must be approved by the CPUC prior to the initiation of construction activities. The construction-noise mitigation plan shall consider the following available controls to reduce construction-noise levels to as low as practicable.

- Equip all internal combustion-driven equipment with mufflers that are in good condition and appropriate for the equipment.
- Construct temporary sound barriers using plywood or similar material bearing the same sound attenuating effectiveness as plywood between portions of the construction sites and sensitive receptors. These temporary sound barriers, which could also consist of construction grade sound blankets/curtains, should be at least 12 feet in height. Sound barriers shall be used during activities involving use of a rock drill, scraper, and/or blasting. Alternatively, if a rock drill was not required for the project, construction equipment with a reference noise level of 89 dB or less could be used and would not require construction of temporary sound barriers.

Residences or noise-sensitive land uses within 3,800 feet of the construction site should be notified in writing of construction at least seven (7) days prior to the onset of construction activities. A “construction liaison” contact person should be designated in the notifications; he/she would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. The phone number of the liaison should be conspicuously posted at the construction site.

The revisions to Mitigation Measure TR-1, described in Response to Comment F-100, have been carried over to page L-44 of the MMRP, as follows:

**Mitigation Measure TR-1: Maintain Traffic Flow.**

NEET West or their contractor(s) shall implement the following measures:

- To the extent feasible, work shall be staged and conducted in a manner that maintains two-way traffic flow on roadways in the vicinity of the work site.
- Heavy equipment and haul traffic shall be prohibited in residential areas to the greatest extent feasible. When no other route to and from the site is available, heavy equipment and haul traffic through residential areas shall be restricted to the hours of ~~8 a.m. to 5:30~~ 7 am-7 p.m., Monday through Friday.
- If heavy equipment or hauling is required beyond the hours above, NEET West or their contractor would provide notice to adjacent property owners 48 hours in advance of such activities.

The revisions to Mitigation Measure TR-2, described in Response to Comment A-87, have been carried over to page L-44 of the MMRP, as follows:

**Mitigation Measure TR-2: Minimize Effects of Temporary Roadway Disturbances.**

NEET West or their contractor(s) shall implement the following measures:

- Prepare and implement a Traffic Control Plan (TCP) to describe procedures to guide traffic (such as signage and flaggers), safeguard construction workers, provide safe passage of traffic, and minimize traffic impacts, as necessary, through the duration of construction. In the event that closure of any portion of the private Bell Bluff Truck Trail were to become necessary, notification shall be provided to SDG&E at least 5 days in advance of anticipated closures. ~~In the event that road closure were to become necessary for any publicly accessible road segment, notification shall be posted and/or circulated to the public at least 5 days in advance of anticipated closures. NEET West shall employ adequate control devices, signage, a detour route, and flaggers, as necessary, through the duration of construction.~~

The revisions to Mitigation Measure TR-3, described in Response to Comments A-191 and A-192, have been carried over to page L-44 of the MMRP, as follows:

**Mitigation Measure TR-3: Emergency Coordination and Access Considerations.**

NEET West or their contractor(s) shall implement the following measures:

- When work is conducted on ~~roads~~ the private portion of Bell Bluff Truck Trail and may have the potential to affect traffic flow, work shall be coordinated with local emergency service providers, as necessary, to ensure that emergency vehicle access and response is not impeded.
- ~~Access for driveways and private roads shall be maintained to the extent feasible. If brief periods of construction work would temporarily block access, property owners shall be notified prior to construction activities.~~
- If closure of any portion of the private Bell Bluff Truck Trail is necessary during Project construction, NEET West shall have staff available on-site at all times to place plates over open trenches, move construction equipment, or clear any other obstructions to allow for 24-hour emergency vehicle access to SDG&E facilities.

## Chapter 5

### REPORT PREPARATION

The following list presents the individuals who assisted in preparing and/or reviewing the FEIR. For a list of individuals who assisted in preparing and/or reviewing the DEIR, please refer to Chapter 22 of the DEIR.

#### California Public Utilities Commission

505 Van Ness Avenue  
San Francisco, CA 94102  
(415) 703-2782

Robert Peterson	Project Manager
Jack Mulligan	Counsel

#### Horizon Water and Environment, LLC

266 Grand Avenue, Suite 210  
Oakland, CA 94610  
(510) 986-1850

Tom Engels	Project Manager
Patrick Donaldson	Deputy Project Manager
Julie Allison	Senior Associate
Carley Dutra	Senior Associate
Laura Prickett	Senior Associate
Allison Chan	Senior Associate
Megan Giglini	Senior Associate
Kevin Fisher	Director, Ecological Services
Robin Hunter	Analyst
Michael Lee	Analyst



## **Aspen Environmental Group**

5020 Chesebro Road, Suite 200  
Agoura Hills, CA 91301  
(818) 597-3407

Fritts Golden

Senior Associate

William Walters

Senior Associate

## Chapter 6

## REFERENCES

AASHTO. *See* American Association of State Highway Transportation Officials.

American Association of State Highway Transportation Officials (AASHTO). 2014. *Commuting in America 2013, The National Report on Commuting Patterns and Trends, Brief 12 Auto Commuting*. Accessed April 1, 2017. <http://traveltrends.transportation.org/Pages/default.aspx>.

California Air Pollution Control Officers Association (CAPCOA). 2016. *California Emissions Estimator Model User's Guide, Version 2016.3.1*. September 2016. Accessed February 2017. <http://caleemod.com/>

CAISO. *See* California Independent System Operator.

California Coastal Commission (CCC). 1995. *Procedural Guidance for Evaluating Wetland Mitigation Projects in California's Coastal Zone, 3. Mitigation Defined*. Accessed December 1, 2017, <https://www.coastal.ca.gov/weteval/we3.html>.

California Department of Fish and Game (CDFG). 2009. *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*.

California Department of Fish and Wildlife (CDFW). No Date. *Appendix I: CDFW's Conservation Measures for Biological Resources That May Be Affected by Program-level Actions*. Accessed April 17, 2017, [nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=73979](http://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=73979).

\_\_\_\_\_. 2017. *Species of Special Concern*. Accessed April 17, 2017, <https://www.wildlife.ca.gov/Conservation/SSC#394871319-how-are-sscs-addressed-under-the-california-environmental-quality-act>.

California Independent System Operator (CAISO). 2014. *2013-2014 Transmission Plan*. Accessed November 30, 2017, [https://www.caiso.com/Documents/Board-Approved2013-2014TransmissionPlan\\_July162014.pdf](https://www.caiso.com/Documents/Board-Approved2013-2014TransmissionPlan_July162014.pdf).

\_\_\_\_\_. 2015. *Suncrest Reactive Power Project: Project Sponsor Selection Report*. Accessed April 4, 2017, <http://www.caiso.com/Documents/SuncrestProjectSponsorSelectionReport.pdf>.

California Native Plant Society (CNPS). 1998. *Policy on Mitigation Guidelines Regarding Impacts to Rare, Threatened, and Endangered Plants*. Rare Plant Scientific Advisory Committee. Original February 1991, revised April 1998.

- \_\_\_\_\_. 2017. The California Rare Plant Ranking System. Accessed April 17, 2017, <http://www.cnps.org/cnps/rareplants/ranking.php>.
- CCC. *See* California Coastal Commission.
- CDFG. *See* California Department of Fish and Game.
- CDFW. *See* California Department of Fish and Wildlife.
- CNPS. *See* California Native Plant Society.
- County of San Diego. 2009. Community Trails Master Plan; Community Trails Map, Alpine. Accessed November 30, 2017, <http://www.sandiegocounty.gov/content/dam/sdc/pds/CTMP/maps/Alpine.pdf>.
- \_\_\_\_\_. 2010. Report Format and Content Requirements: Biological Resources. Accessed November 30, 2017, [http://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/docs/Biological\\_Report\\_Format.pdf](http://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/docs/Biological_Report_Format.pdf).
- Engineering Tool Box. 2017. Soil and Rock – Bulk Factors. Accessed December 1, 2017, [https://www.engineeringtoolbox.com/soil-rock-bulking-factor-d\\_1557.html](https://www.engineeringtoolbox.com/soil-rock-bulking-factor-d_1557.html).
- Federal Transit Administration (FTA). 2006. Transit Noise and Vibration Impact Assessment. Accessed November 30, 2017, [https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA\\_Noise\\_and\\_Vibration\\_Manual.pdf](https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Noise_and_Vibration_Manual.pdf).
- Fiedler, P.L. 1991. Mitigation-Related Transplantation, Relocation and Reintroduction Projects Involving Endangered and Threatened, and Rare Plant Species in California.
- FTA. *See* Federal Transit Administration.
- National Electrical Safety Code Committee (NESC Committee), Accredited Standards Committee. 2005. National Electrical Safety Code Interpretation, Section 11: Protective Arrangements in Electric Supply Stations.
- National Park Service. 2016. Artificial Night Lighting and Protected Lands: Ecological Effects and Management Approaches. Natural Resource Report NPS/NRSS/NSNS/NRR—2016/1213. May.
- NextEra Energy Transmission West (NEET West). 2015. Proponent’s Environmental Assessment for the Suncrest Dynamic Reactive Support Project. Revised November 2015.
- \_\_\_\_\_. 2017. Suncrest Information Requests in Response to DEIR Comments. March 2017.
- NEET West. *See* NextEra Energy Transmission West.
- NESC Committee. *See* National Electric Safety Code Committee.

- Peterson, Megan, SWCA Consultants, Inc. 2017. Personal communication with Horizon staff via phone.
- Port of Los Angeles/Port of Long Beach. 2010. San Pedro Bay Ports Clean Air Action Plan 2010 Update. Accessed February 2017. <http://www.cleanairactionplan.org/documents/2010-final-clean-air-action-plan-update.pdf>.
- San Diego Gas & Electric Company (SDG&E). 2010. Report on acoustic bat surveys conducted along the Sunrise Powerlink in San Diego and Imperial Counties, California.
- \_\_\_\_\_. 2011. Final Habitat Mitigation and Monitoring Plan, Lightner Mitigation Site, Sunrise Powerlink. Accessed April 5, 2017, [http://www.cpuc.ca.gov/Environment/Info/aspen/sunrise/otherdocs/HMMP\\_Final\\_Lightner\\_May\\_2011.pdf](http://www.cpuc.ca.gov/Environment/Info/aspen/sunrise/otherdocs/HMMP_Final_Lightner_May_2011.pdf).
- San Diego Traffic Engineers' Council (SANTEC) and the Institute of Transportation Engineers (ITE – California Border Section). 2000. Guidelines for Traffic Impact Studies [TIS] in the San Diego Region. Accessed March 31, 2017, <http://www.sandiegoite.org/wp-content/uploads/2012/08/San-Diego-TIS-Guidelines.pdf>.
- SANTEC and ITE. *See* San Diego Traffic Engineers' Council and Institute of Transportation Engineers.
- SDG&E. *See* San Diego Gas & Electric.
- Steevens, J., Suedel, B., Gibson, A., Kennedy, A., Blackburn, W., Splichal, D. and Pierce, J.T., 2007. Environmental Evaluation of Dust Stabilizer Products (No. ERDC/EL-TR-07-13). United State Army Corps of Engineers. Engineer Research And Development Center, Vicksburg, MS Environmental Lab.
- U.S. Army and U.S. Environmental Protection Agency (USEPA). 1990. Memorandum of Agreement Between the Department of the Army and the EPA Concerning the Determination of Mitigation Under the Clean Water Act Section 404(b)(1) Guidelines. Accessed December 1, 2017, <https://nepis.epa.gov/Exe/ZyNET.exe/200053CW.txt?ZyActionD=ZyDocument&Client=EPA&Index=1986%20Thru%201990&Docs=&Query=&Time=&EndTime=&SearchMethod=1&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&UseQField=&IntQFieldOp=0&ExtQFieldOp=0&XmlQuery=&File=D%3A%5CZYFILES%5CINDEX%20DATA%5C86THRU90%5CTX%5C00000005%5C200053CW.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=1&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=hpfr&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1>.



## **Appendix A**

### **DEIR NOTICES**

This appendix contains the Notice of Availability of the DEIR, the Notice of Completion of the DEIR that was sent to the State Office of Planning and Research (OPR), and the newspaper advertisements announcing the availability of the DEIR published in local newspapers.

*This page intentionally left blank.*

## DEIR Notice of Availability

---



*This page intentionally left blank.*



# California Public Utilities Commission

November 23, 2016

## Notice of Availability of a Draft Environmental Impact Report Regarding the Proposed Suncrest Dynamic Reactive Power Support Project

---

CALIFORNIA PUBLIC UTILITIES COMMISSION  
505 Van Ness Avenue  
San Francisco, CA 94102-3238

1. NOTICE IS HEREBY GIVEN that the California Public Utility Commission (CPUC), is the lead agency for preparation of a draft Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA) for construction and operation of the Suncrest Dynamic Reactive Power Support Project (Proposed Project). This DEIR was prepared in compliance with the California Environmental Quality Act (CEQA) of 1970 (as amended) and the State CEQA Guidelines (California Code of Regulations [CCR] title 14, section (§) 15000 et seq.). CPUC hereby invites comments on the adequacy and completeness of the environmental analyses in the draft EIR.
2. Project Title & Number: Suncrest Dynamic Reactive Power Support Project
3. Property Owner(s): Private Parties within the administrative boundary of the Cleveland National Forest
4. Contact Person: Rob Peterson; [suncrestproject@horizonh2o.com](mailto:suncrestproject@horizonh2o.com)
5. Project Location: unincorporated south-central San Diego County, approximately 3.75 miles southeast of the community of Alpine, off of Bell Bluff Truck Trail. (See attached project location map.)  
  
Project APNs: 523-040-080 and 523-030-130
6. General Plan designation: RL-80
7. Zoning: Agriculture (A72)



8. Brief Description of the Project: The Proposed Project would involve construction and operation of a SVC dynamic reactive device and approximately one-mile-long transmission line interconnecting with the existing Suncrest Substation in San Diego County. The dynamic reactive device would provide voltage regulation and support for the existing transmission system in accordance with the California Independent System Operator Corporation's (CAISO's) 2013-2014 Transmission Plan. The Proposed Project would disturb approximately 12 acres during construction, with Project features occupying a permanent footprint of approximately 6 acres.
9. Project Alternatives: The draft EIR evaluates the potential environmental impacts of the Proposed Project and four project alternatives: the No Project Alternative, Northeast Site Alternative, Suncrest Substation Alternative, Overhead Transmission Line Alternative. These alternatives were determined to: (1) meet most of the project objectives; (2) be feasible; (3) avoid or reduce one or more of the Proposed Project's significant impacts, and (4) not be speculative.
10. The project site is not located on the lists enumerated under Section 65962.5 of the Government Code, including, but not limited to lists of hazardous waste facilities.
11. Copies of the draft EIR and all documents referenced are available for review online at [www.cpuc.ca.gov/environment/info/horizonh2o/suncrest/index.html](http://www.cpuc.ca.gov/environment/info/horizonh2o/suncrest/index.html)

Printed copies of the draft EIR and all document referenced are also available to review during regular business hours at the Alpine Branch Library, 1752 Alpine Blvd., Alpine, California 9190, (619) 445-4221. The draft EIR is also available on the CPUC's website at:

<http://www.cpuc.ca.gov/Environment/info/horizonh2o/suncrest/index.html>

12. Public Meeting: All interested persons are encouraged to attend a public meeting to present written and/or verbal comments on the draft EIR. The public meeting will be held at the following location and time:



Thursday, December 8, 2016  
6:00 pm – 8:00 pm  
Alpine Community Center  
1830 Alpine Blvd.  
Alpine, CA 91901

November 23, 2016

DATE OF THIS NOTICE



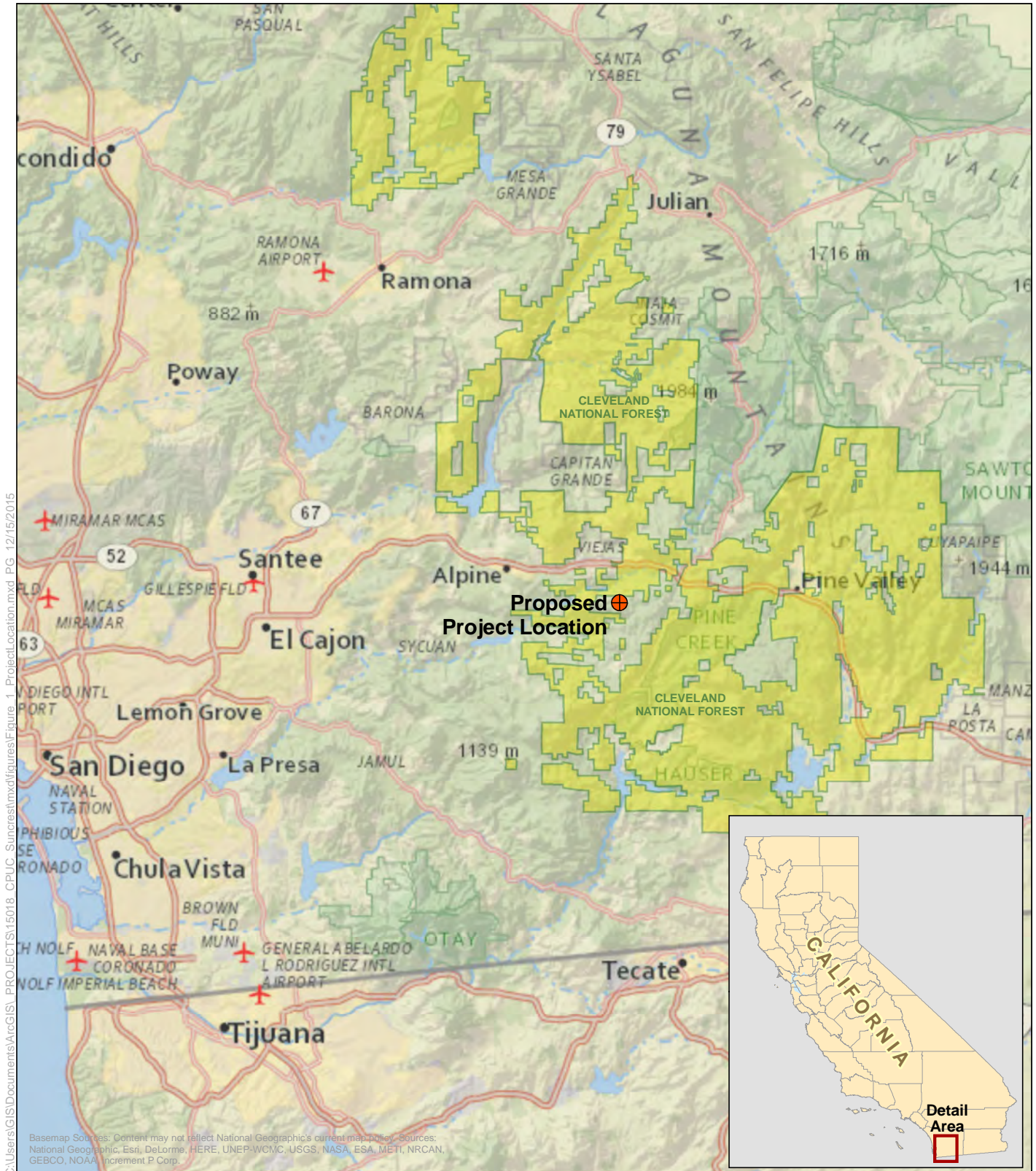
BY: Rob Peterson, CPUC

**WRITTEN COMMENT PERIOD: November 23, 2016 to January 10, 2017**

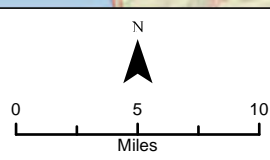
*Please send written comments to the attention of Robert Peterson, c/o Tom Engels at Horizon Water and Environment, 180 Grand Avenue, Suite 1405, Oakland, CA 94612, or via e-mail to [suncrestproject@horizonh2o.com](mailto:suncrestproject@horizonh2o.com).*







C:\Users\GIS\Documents\ArcGIS\PROJECTS\15018\_CPUC\_Suncrest\myd\figures\Figure\_1\_ProjectLocation.mxd PG. 12/15/2015



- Proposed Project Location
- Cleveland National Forest



**Figure  
Project Location**

**Suncrest Dynamic Reactive  
Power Support Project**

## DEIR Notice of Completion

---

*This page intentionally left blank.*

**Notice of Completion & Environmental Document Transmittal**

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613  
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

**SCH #2016011004****Project Title:** Suncrest Dynamic Reactive Power Support Project

Lead Agency: California Public Utilities Commission

Contact Person: Robert Peterson

Mailing Address: 505 Van Ness Avenue

Phone: (415) 703-2820

City: San Francisco

Zip: 94102

County: San Francisco

**Project Location:** County: San Diego City/Nearest Community: Alpine

Cross Streets: Bell Bluff Truck Trail, Japatul Valley Road

Zip Code: 91901

Longitude/Latitude (degrees, minutes and seconds): 32 ° 48 ' 44.07" N / 116 ° 39 ' 59.88" W Total Acres: 12.2

Assessor's Parcel No.: 52304000800, 5230301300 &amp; 1400

Section: 3.4

Twp.: 16 S

Range: 3 E

Base: San Bern.

Within 2 Miles: State Hwy #: 79

Waterways: Sweetwater River, Taylor Creek, Japatul Creek

Airports: none

Railways: none

Schools: none

**Document Type:**

CEQA: ☐ NOP  
☐ Early Cons  
☐ Neg Dec  
☐ Mit Neg Dec

☒ Draft EIR  
☐ Supplement/Subsequent EIR  
 (Prior SCH No.) \_\_\_\_\_  
 Other: \_\_\_\_\_

NEPA: ☐ NOI  
☐ EA  
☐ Draft EIS  
☐ FONSI

Other: ☐ Joint Document  
☐ Final Document  
☐ Other: \_\_\_\_\_

**Local Action Type:**

☐ General Plan Update  
☐ General Plan Amendment  
☐ General Plan Element  
☐ Community Plan

☐ Specific Plan  
☐ Master Plan  
☐ Planned Unit Development  
☐ Site Plan

☐ Rezone  
☐ Prezone  
☐ Use Permit  
☐ Land Division (Subdivision, etc.)

☐ Annexation  
☐ Redevelopment  
☐ Coastal Permit  
☒ Other: \_\_\_\_\_

**Development Type:**

☐ Residential: Units \_\_\_\_\_ Acres \_\_\_\_\_  
☐ Office: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  
☐ Commercial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  
☐ Industrial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  
☐ Educational: \_\_\_\_\_  
☐ Recreational: \_\_\_\_\_  
☐ Water Facilities: Type \_\_\_\_\_ MGD \_\_\_\_\_

☐ Transportation: Type \_\_\_\_\_  
☐ Mining: Mineral \_\_\_\_\_  
☒ Power: Type Voltage Support MW N/A  
☐ Waste Treatment: Type \_\_\_\_\_ MGD \_\_\_\_\_  
☐ Hazardous Waste: Type \_\_\_\_\_  
☐ Other: \_\_\_\_\_

**Project Issues Discussed in Document:**

☒ Aesthetic/Visual  
☒ Agricultural Land  
☒ Air Quality  
☒ Archeological/Historical  
☒ Biological Resources  
☐ Coastal Zone  
☒ Drainage/Absorption  
☒ Economic/Jobs  
☐ Fiscal  
☒ Flood Plain/Flooding  
☒ Forest Land/Fire Hazard  
☒ Geologic/Seismic  
☒ Minerals  
☒ Noise  
☒ Population/Housing Balance  
☒ Public Services/Facilities

☒ Recreation/Parks  
☒ Schools/Universities  
☒ Septic Systems  
☒ Sewer Capacity  
☒ Soil Erosion/Compaction/Grading  
☒ Solid Waste  
☒ Toxic/Hazardous  
☒ Traffic/Circulation

☒ Vegetation  
☒ Water Quality  
☒ Water Supply/Groundwater  
☒ Wetland/Riparian  
☒ Growth Inducement  
☒ Land Use  
☒ Cumulative Effects  
☐ Other: \_\_\_\_\_

**Present Land Use/Zoning/General Plan Designation:**

Undeveloped/Agriculture/Rural Land

**Project Description:** (please use a separate page if necessary)

The Suncrest Dynamic Reactive Power Support Project proposed by NextEra Energy Transmission West, LLC, would include two primary components: (1) a Static Var Compensator (SVC) facility, and (2) an approximately one-mile-long 230 kilovolt transmission line connecting from the SVC to the existing Suncrest Substation. The SVC facility would produce and consume reactive power and would be approximately 6 acres in total size. The transmission line would be installed primarily underground beneath Bell Bluff Truck Trail road, with the last approximately 300 feet of the line transitioning aboveground via a riser pole and an intermediate pole to connect with the existing substation.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.



## Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".  
If you have already sent your document to the agency please denote that with an "S".

<input checked="" type="checkbox"/> Air Resources Board	<input checked="" type="checkbox"/> Office of Historic Preservation
<input type="checkbox"/> Boating & Waterways, Department of	<input type="checkbox"/> Office of Public School Construction
<input checked="" type="checkbox"/> California Emergency Management Agency	<input checked="" type="checkbox"/> Parks & Recreation, Department of
<input checked="" type="checkbox"/> California Highway Patrol	<input type="checkbox"/> Pesticide Regulation, Department of
<input checked="" type="checkbox"/> Caltrans District #11	<input type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Caltrans Division of Aeronautics	<input checked="" type="checkbox"/> Regional WQCB #9
<input checked="" type="checkbox"/> Caltrans Planning	<input checked="" type="checkbox"/> Resources Agency
<input type="checkbox"/> Central Valley Flood Protection Board	<input checked="" type="checkbox"/> Resources Recycling and Recovery, Department of
<input type="checkbox"/> Coachella Valley Mtns. Conservancy	<input type="checkbox"/> S.F. Bay Conservation & Development Comm.
<input type="checkbox"/> Coastal Commission	<input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
<input type="checkbox"/> Colorado River Board	<input type="checkbox"/> San Joaquin River Conservancy
<input checked="" type="checkbox"/> Conservation, Department of	<input type="checkbox"/> Santa Monica Mtns. Conservancy
<input type="checkbox"/> Corrections, Department of	<input type="checkbox"/> State Lands Commission
<input type="checkbox"/> Delta Protection Commission	<input type="checkbox"/> SWRCB: Clean Water Grants
<input type="checkbox"/> Education, Department of	<input checked="" type="checkbox"/> SWRCB: Water Quality
<input checked="" type="checkbox"/> Energy Commission	<input checked="" type="checkbox"/> SWRCB: Water Rights
<input checked="" type="checkbox"/> Fish & Game Region #5	<input type="checkbox"/> Tahoe Regional Planning Agency
<input checked="" type="checkbox"/> Food & Agriculture, Department of	<input checked="" type="checkbox"/> Toxic Substances Control, Department of
<input checked="" type="checkbox"/> Forestry and Fire Protection, Department of	<input type="checkbox"/> Water Resources, Department of
<input type="checkbox"/> General Services, Department of	
<input checked="" type="checkbox"/> Health Services, Department of	Other: _____
<input type="checkbox"/> Housing & Community Development	Other: _____
<input checked="" type="checkbox"/> Native American Heritage Commission	

### Local Public Review Period (to be filled in by lead agency)

Starting Date November 23, 2016

Ending Date January 10, 2017

### Lead Agency (Complete if applicable):

Consulting Firm: Horizon Water and Environment  
Address: 180 Grand Ave, Suite 1405  
City/State/Zip: Oakland, CA 94612  
Contact: Tom Engels  
Phone: (916) 790-8548

Applicant: NextEra Energy Transmission West, LLC  
Address: 700 Universe Blvd  
City/State/Zip: Juno Beach, FL 33408  
Phone: (561) 304-5243

Signature of Lead Agency Representative: \_\_\_\_\_

Date: Nov 22, 2016

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

## Newspaper Advertisements of DEIR Availability and Public Meetings

---

*This page intentionally left blank.*



## Sun Dial

FROM PAGE 3

## Fit4Me Training

Do you want to get fit and healthy and have fun doing it? Join Becky Machado-Miller at the Descanso Town Hall on Tuesdays and Thursdays at 9:30am or 5:30pm for group fitness classes. The workouts include a variety of strength and cardio type exercises with or without equipment and are designed for all fitness levels. The cost is \$10 per class or \$100 for 12 classes. Bring a towel or mat and water. Becky also offers personal training, online or in-home. Contact her at 619-289-8833 or becky@fit4metraining.com and visit her website at www.fit4metraining.com.

## \$1500 Live Your Dream Cash Award

Eligible recipients must be women who provide the primary financial support for their families, and who are enrolled in or have been accepted to a vocational/skills training program or an undergraduate degree program. The women may use the cash award to offset any costs associated with their efforts to attain higher education, including books, childcare, and transportation. Application and references are due 11/15/16.

Contact Patty Tweed, [pattytweed@gmail.com] Program Chair, Soroptimist International of Alpine, for application information.

## Volunteer!

Find Your Joy! Volunteer! Helping others can make you happy and keep you healthy throughout your lifetime. Pay it forward. Change the world. Become a Soroptimist in Alpine. Improving the lives of women and girls through programs

leading to social and economic empowerment". Contact us to learn how you can get involved: call Patty Tweed at 619 445 8266 or email alpine@soroptimist.net and join us the first Tuesday of every month, 6 pm, at 2271 Alpine Blvd. Suite B, [upstairs from Dana's Boutique]

## Annual Trick or Treat Dog Show

Alpine Stagecoach Lions Club Second Annual Trick or Treat Dog Show

Saturday, October 29, 2016  
Doors open at 10 a.m. Dog Show 1-4 p.m. at Summer's Past Farms 15602 Olde Highway 80, Flinn Springs CA, Special Exhibitions: Champion Frisbee, Surf & Diver Dogs Costume Contest, Prizes and Trophies. For information Call: 619-631-5237

## Bible Study

Come join us while we journey "Through-the-bible". This is a bible study every Wed night 7:00 PM at the Youth Center 2153 Arnold Way, Alpine CA 91901. Dean Kellio is leading the fellowship / study which ends promptly at 8:00 PM. All are welcome as it is a co-ed fellowship open to all people, young and old, married or single, male or female.

## Dinner Every Fri &amp; Sat

Alpine VFW Post 9578 Invites You for Dinner Every Fri & Sat

The new Commander Jack Gauthier of Alpine VFW Post 9578 would like to invite the public to come in and meet him and the members. Join us for our dinners on Friday & Saturday nights from 5pm to 8pm! This is a great Place to put on you special events!! Come check us out! We are located at 844 Tavern Rd., Alpine, Ca. 91901.

For more info please call (619) 445-6040 or email Debbie Tracey

## Ralph's Mobile Food Pantry at 1st Baptist Church

ALPINE—Ralph's Mobile Food Pantry Visits Alpine at the 1st Baptist Church from 9:30 until supplies run out. (Tavern Rd. & Arnold Way) Please don't wait till the last minute to come. Since the truck is there based on need, if no one is in line, the driver may move on to the next site in Campo.

The Ralph's Mobile Pantry Program will be coming to Alpine every 2nd & 4th Tuesday of the month. No income verification is required. Individuals and families can take home 20-30 pounds of fresh fruit, vegetables, bread and other staple items.

## Alpine Community Center Activities

Your Community Center has monthly on-going activities and we invite you to join us!

TUESDAY Yoga 9:15am - 10:15am Mary Barkley, has been teaching this class for 15 years at the Center. \$8 for ACC members, \$10 for non-members per class.

\*Matt's Sit N Fit 11am - 12pm. A Free Exercise class, learn to exercise while sitting in a chair.

THURSDAY \*Weight Watchers 9:00 am - 10:30 am

\*Yoga 9:15am - 10:15am \*Senior Lunch 11am

\*Card Club noon - 3:30pm

Our co-ed Softball league has started and we are currently looking for players 18 or older to join. "Men's League starting soon!" Please call the Center for more information.

SUN DIAL, PAGE 14

## Notice of Public Meeting and Availability of a Draft Environmental Impact Report

for the

## Suncrest Dynamic Reactive Power Support Project Proposed by NextEra Energy Transmission West

The California Public Utilities Commission (CPUC) is circulating for public review a Draft Environmental Impact Report (EIR) for the NextEra Energy Transmission West's Suncrest Dynamic Reactive Power Support Project (Proposed Project).

**Project Background:** The Proposed Project would involve construction of a dynamic reactive device and an approximately one-mile-long transmission line interconnecting with the existing Suncrest Substation in San Diego County, near the community of Alpine, California. The dynamic reactive device would provide voltage regulation and support for the existing transmission system in accordance with the California Independent System Operator's (CAISO's) 2013-2014 Transmission Plan.

**Information Available:** The CPUC has prepared this Draft EIR pursuant to the California Environmental Quality Act (CEQA). The Draft EIR describes the Proposed Project and evaluates its potential environmental effects. Based on the findings of the Draft EIR, the CPUC has determined that the Proposed Project, as mitigated, would not result in any significant impacts on the environment. The Draft EIR is available on the CPUC's website at:

<http://www.cpuc.ca.gov/Environment/info/horizonh2o/suncrest/index.html>

The document is also available for review at the following address: Alpine Branch Library, 1752 Alpine Blvd., Alpine, CA 91901.

**Public Meeting:** The CPUC will hold a public meeting from 6:00 pm to 8:00 pm on Thursday, December 8, 2016, at the Alpine Community Center, 1830 Alpine Blvd., Alpine, CA 91901. If you need an accommodation to attend and/or participate in the event, please contact Tom Engels, Horizon Water and Environment, at (916) 790-8548.

**Time for Review:** The public review period for this Draft EIR will be from November 23, 2016 to January 10, 2017. Comments must be received by 5:00 p.m. on January 10, 2017.

**Comment Submittal:** Comments may be submitted via email ([suncrestproject@horizonh2o.com](mailto:suncrestproject@horizonh2o.com)) or U.S. mail, at the following address: CPUC Suncrest Dynamic Reactive Power Support Project, c/o Tom Engels, Horizon Water and Environment, 180 Grand Avenue, Suite 1405, Oakland, CA 94612.

## Mayor

FROM PAGE 9

"You do get to become involved with the community and the Chamber," Ring said.

Candidate filings must be received by Dec. 12 at the Chamber office in the Alpine Regional Center at 1620 Alpine Blvd., Ste. 208, Alpine, CA 91901. E-mailed ballots may be sent to [maryr@alpinechamber.sdcx-mail.com](mailto:maryr@alpinechamber.sdcx-mail.com).

Vote as often and as much as you wish. All dollar "votes" must be turned in to the Chamber office by March 1, 2017. The winner will be announced on March 10. For more information, call (619) 445-2722 or visit [www.alpinechamber.com](http://www.alpinechamber.com).

DOING WHAT WE SAY SINCE 1935.  
**SEE FOR YOURSELF.**

**SIGN-ON BONUSES OR LEASE INCENTIVES —  
UP TO \$5,000 — AVAILABLE IN YOUR AREA!**

## FOR COMPANY DRIVERS

INTERMODAL  
AND DEDICATED

Home multiple  
times per week

Paid orientation and ongoing training  
Medical, dental and vision insurance and  
401(k) plan  
\$6,000 tuition reimbursement

## FOR OWNER-OPERATORS

PORT DRAY  
Home daily

Discounts on business expenses such  
as fuel, tires and maintenance  
New/used tractors available at [sftrucks.com](http://sftrucks.com)

**SCHNEIDER**

[schneiderjobs.com](http://schneiderjobs.com)  
[schneiderowneroperators.com](http://schneiderowneroperators.com)  
800-44-PRIDE | 800-28-LEASE

## Lewy Body Dementia? Parkinson's Disease Dementia?

Suffer From Visual Hallucinations?  
Been hearing or seeing things that  
are not actually present?

You may qualify for a research study that  
is evaluating the safety and effectiveness  
of a new investigational medication that  
may help to reduce the symptoms of Lewy  
Body Dementia or Parkinson's Disease  
Dementia if:

- You are aged 50 - 85 years with a diagnosis of Dementia with Lewy Bodies
- You suffer from visual hallucinations that occur on more days than not
- Medications you take have been on a consistent dose for at least 4 weeks

For More Information, Please Contact  
The Parkinson and Movement Disorder Institute,  
Dr. Daniel Truong or Vickie Bounkousohn at  
(714) 378-5074



Client Name: Horizon Water & Environment LLC  
Advertiser: Horizon Water & Environment LLC  
Section/Page/Zone: Legal 9col/F004/NO  
Description: Legal-Metro-Legal Notices

Ad Number: 4609064-1  
Insertion Number: 1 x 0.07  
Size: 1 x 0.07  
Color Type: B&W

# Make your holiday shopping twice as nice

The Ultimate Holiday Gift Guide arrives Thursday, November 24th



Your guide to the year's best gift ideas and local offers.

The San Diego Union-Tribune

Psst...Print Subscribers: Coffee not included, but Unlimited Digital Access is.

## Your Unlimited Digital Access includes:

- Full, 24/7 use of SanDiegoUnionTribune.com and its mobile app
- The eNewspaper, a replica of the day's paper

Call us at 619-299-4141 to activate your digital access today

The San Diego Union-Tribune

Or visit SanDiegoUnionTribune.com/Activate

## Legal Notices

**Notice of Public Meeting and Availability of a Draft Environmental Impact Report for the Suncrest Dynamic Reactive Power Support Project Proposed by NextEra Energy Transmission West**  
The California Public Utilities Commission (CPUC) is circulating for public review a Draft Environmental Impact Report (EIR) for the NextEra Energy Transmission West's Suncrest Dynamic Reactive Power Support Project (Proposed Project). Project Background: The Proposed Project would involve construction of a dynamic reactive device would provide voltage regulation and support for the existing transmission system in accordance with the California Independent System Operator's (CAISO's) 2013-2014 Transmission Plan. Information Available: The CPUC has prepared this Draft EIR pursuant to the California Environmental Quality Act (CEQA). The Draft EIR describes the Proposed Project and evaluates its potential environmental effects. Based on the findings of the Draft EIR, the CPUC has determined that the Draft EIR is available as mitigated, would not result in any significant impacts on the environment. The Draft EIR is available on the CPUC's website at: <http://www.cpuc.ca.gov/Environment/Info/horizonh2o/suncrest/index.html>. The document is also available for review at the following address: Alpine Branch Library, 1752 Alpine Blvd., Alpine, CA 91901. Public Meeting: The CPUC will hold a public meeting from 6:00 pm to 8:00 pm on Thursday, December 8, 2016, at the Alpine Community Center, 1830 Alpine Blvd., Alpine, CA 91901. If you need an accommodation to attend and/or participate in the event, please contact Tom Engels, Horizon Water and Environment, at (916) 790-8548. Time for Review: The public review period for this Draft EIR will be from November 23, 2016 to January 10, 2017. Comments must be received by 5:00 p.m. on January 10, 2017. Comment Submittal: Comments must be submitted via email ([suncrestproject@horizonh2o.com](mailto:suncrestproject@horizonh2o.com)) or U.S. mail, at the following address: CPUC Suncrest Dynamic Reactive Power Support Project, c/o Tom Engels, Horizon Water and Environment, 180 Grand Avenue, Suite 1405, Oakland, CA 94612. **Notice of Closing** Blue Rhino Inc. Closing notice, effective 12/1/2016

**CAREGIVER** Seeking a reliable, female caregiver Through IHSS. Nearly full-time job, to help 140 lb disabled man, SD area. No lift/carry. No exp ok, will train. Must own small car. Interest call Bo, 619-719-9038. Info. Job avail now. Hire ASAP.

## Jobs Wanted

### CAREGIVER SEEKS WORK

All of ADL's included 30+ yrs exp. - Alzheimers, Dementia & Parkinsons. Hourly Rate. Some Live-in. References upon request. Please call 619-213-3836

**Juliana's House Cleaning Service** Open All Week. General cleaning. Weekly, bi-weekly, or monthly. Cleaning supplies provided. Free estimates. 858-568-2806



## Transportation

## For Sale

**Bentley 2007 Continental GT White/Blue top, tan interior** Excellent condition. Original Owner, 79k miles. \$45,000 Please call Sandie (858)565-4472. CASH IN YOUR COMPUTER CHIPS IN THE SAN DIEGO UNION-TRIBUNE CLASSIFIEDS CALL US: 866-411-4140

**BMW 2009 750 7 series** LI Blk on Blk, Fully Loaded, Very Clean Inside & Out/ 2 Keys. Offered at \$18,900. 619-203-5191

**Chevrolet 2000 Impala** Impressive very clean. Looks newer. v6 auto. All power options. Tilt cruise. Well maintained. No accidents. Recent Firestone Tires. 150k mi. Current registration. Drives great. Doesn't need anything. Dependable. \$2250 OBO 619-571-9985

**Dodge 2002 Stratus SE only 62K original mis** 4 dr V6 auto, AC, Power wind & locks, tilt cruise, beautiful Adriatic blue, smogged, looks newer, drives great Doesn't need anything \$3850/obo 619-571-9985

**Ford 2006 500 XL 6 cyl white 4dr fully loaded, smog**, clean, runs/looks like new. \$2750. 619-674-8513

**Ford 2001 F150 crew cab** 4dr AT, air, loaded smogged \$2750. 951-491-5303

**Honda 1993 del Sol Si** Completely stocked, senior owner, 5 speed. Smog & tags, good till Nov 2017. 137,564 Miles. Clean title, great condition \$3100. Call 619-481-4387

**Bid adieu to your French Horn. Sell it in the Classifieds. Call Us. 866-411-4140**

**Subaru 2010 Outback Blue.** Clean, 1 owner. 110,000 mi. \$9000. 940-435-9114

## Motorcycles



**AC 2013 Verona SSR 150cc** Scooter. 50 mi. Runs Great! \$1000. 619-889-3868.

**2016 Indian Scout** 3,700 miles, \$3,085 worth of accessories, \$9,500 firm. 951-609-3399

## Motorhomes



**Ford 2002 Spirit** 2002 Ford Itasca Winnebago 23', V10, E350 Clean Inside, Mechanic Owned & Maintained Asking \$18,000 OBO Call John at 619-249-1459

**CaSh 4 RV's, Trailers & Boats** - Run/Not. Free Towing. All States okay. Ask for Ed 800-613-5410

**Wanted: Motorhome or Trailer**, Clean, Any Make/Year 619-520-5696, prvt prty

## Services

\$95/Wk or \$350/Mo. Rent 7 days or more, get 1 day free We Sell Cars! 760-633-3552.

## CROSSWORD

By THOMAS JOSEPH

### ACROSS

- Swindle
- Surgery
- memento
- Inlets
- Beach setting
- Scarlett's last name
- Berry of film
- Parking place
- Wrangled
- Talked like a Texan
- They hold power
- Grove makeup
- "Aw, shucks!"
- Pallid
- Spoil
- "Halt!"
- from a salt
- Decline
- Moved on all fours
- Fished with a net
- Purpose
- Bewildered
- Best of the best
- Out of bed
- Chopped up
- Scissors sound

### DOWN

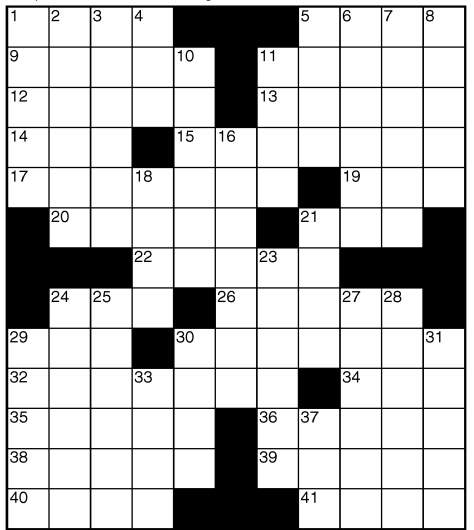
- Bawl out
- Colleague
- Film set on Pandora
- Sea, to Simone
- "Pygmalion" playwright
- Lassie, for one
- Francis of TV
- Marsh plants
- Dark-furred martens

B	A	S	I	C	S	A	S	A	P
A	P	O	L	L	O	L	A	C	E
A	P	P	L	E	B	U	T	T	E
				S	A	S	H	A	
		S	C	A	N	H	I	T	S
A	W	A	Y		P	U	R	E	E
L	E	I		B	A	H		N	E
F	E	R	R	E	T		D	O	M
		T	O	O	L	A	I	R	S
				B	L	A	Z	E	
		C	O	C	O	A	B	U	T
A	L	O	T		C	R	E	O	L
P	E	W	S		S	E	R	G	I

### Yesterday's answer

- Herring's kin
- Divide and divide
- again
- Act the rodent
- Steered clear of
- Purple swallow
- 1992 Wimbledon champ
- Water channel
- Tried out
- Flag features
- Large family
- Actions
- Show sorrow
- Ignited

THOMAS CROSSWORD BOOKS 1-8! Send \$4.75 (check/m.o.) for each book to 628 Virginia Dr., Orlando, FL 32803



11-23



## Employment

### Domestic Employment

**\*\* CAREGIVERS \*\***  
6 Bed eldercare facility, El Cajon, Good transp. Must be 21. No criminal record. 619-659-1599

Say ciao to your Ferrari. Sell it in the Classifieds. Call Us. 866-411-4140

Our Automotive section appears every Saturday. In it you'll find cars, trucks, campers, vans and more for sale, plus automotive articles to keep you better informed.

The San Diego Union-Tribune Classifieds Call Us.

866-411-4140

## rental directory

### ESCONDIDO - SENIOR LIVING APARTMENTS



Starting at \$1025! Feel at home in our resort-style community. Fitness Center, Newly Renovated Clubhouses, Billiard Room, Pools & Spas, Elevators, Air Conditioning, Controlled Access & Close to Shopping. 1 Bedroom Resort-Style Apartment Homes for Senior Living 55+.

**CASA ESCONDIDA**  
715 NORTH BROADWAY, ESCONDIDO 92025  
**RA SNYDER PROPERTIES**  
866-636-0915  
[SeniorOutlook.com/CasaEscondida](mailto:SeniorOutlook.com/CasaEscondida)  
[CasaEscondida.RASnyder.com](mailto:CasaEscondida.RASnyder.com)

**DOWNTOWN - Pinnacle On The Park**  
New 1, 2, & 3 BR Luxury Apts 45 Story High-Rise – Best Views of the City! \$1800+/mo. Great amenities!  
**PinnacleOnThePark.com 619.544.6800**

**DOWNTOWN**  
Furnished Studios.  
[www.affordablehousingdsd.com](http://www.affordablehousingdsd.com)  
**619-232-4138**

**HILLCREST \$1400 - \$1850**  
1Br or 2Br Apt. Incl elec, gas & A/C. Just North of the zoo. No pets. \$1500 dep. 3402 Park Blvd. 92103.  
**619-298-0823**

**SPRING VALLEY BEAUTIFUL CONDO**  
2br 2ba, attached 2 car gar, pool, gated comm. Military welcome. No smoking, pets or drugs. 1 or 2 yr lease. \$1795.  
**9270 Amys St, 91977. Call 619-972-7744**

## hotels & motels

**BAY PARK Seaside Inn nr Sea World**  
\$65 & up daily, \$325 & up weekly. Free net, phone, cable tv. Free Wifi. Refrig & microwave. Laundry. **Pet ok. Free Gift. 619-431-5115 or 619-431-5121**



## **Appendix B**

# **MEETING MATERIALS**

This appendix contains the materials associated with the public meetings that were held during the public review period of the DEIR, including the meeting sign-in sheet, comment form, and presentation slides.

*This page intentionally left blank.*

## DEIR Public Meeting Sign-in Sheet

---



*This page intentionally left blank.*

**CPUC Suncrest Dynamic Reactive Power Support Project**  
**Proposed by NextEra Energy Transmission West, LLC**  
**Draft EIR Public Meeting Sign-In Sheet**  
**December 8, 2016 – Alpine, California**

Name	Address	Email Address	Organization (optional)	Phone Number (optional)
Joe Wilson		JWilson@gmail.com	resident	
Andy Flajole		Andy.Flajole@nee.com		
Chris Santiago		Chris.Santiago@nee.com		
Jennifer Ford		jenford54@gmail.com		

**Disclaimer:** Before including your name, address, email address or other personal identifying information, please be aware that your name and contact information will be added to the project mailing list and your personal identifying information may be made publicly available at any time. While you may request that your personal identifying information be withheld from public review, CPUC cannot guarantee that this will be possible.

*This page intentionally left blank.*

## DEIR Public Meeting Comment Form

---

*This page intentionally left blank.*

California Public Utilities Commission

**Suncrest Dynamic Reactive Power Support Project  
Proposed by NextEra Energy Transmission West, LLC**

*Draft EIR Public Meeting Comment Form*

Name:
Group/Organization (optional):
Mailing Address:
Telephone Number (optional):
Email (optional):

<b>Comments/Issues:</b>

*Please use additional sheets if necessary.*

**Submit written comments (postmarked no later than January 10, 2017) to:**

**Mail:** Rob Peterson, CPUC Project Manager  
c/o Tom Engels  
Horizon Water and Environment, LLC  
180 Grand Avenue, Suite 1405  
Oakland, CA 94612

**Email:** [suncrestproject@horizonh2o.com](mailto:suncrestproject@horizonh2o.com)

***Questions? Please contact us or visit our website:***  
<http://www.cpuc.ca.gov/environment/info/horizonh2o/suncrest/index.html>

---

---

---

Place  
Stamp  
Here

**Rob Peterson, CPUC Project Manager  
c/o Tom Engels  
Horizon Water and Environment, LLC  
180 Grand Avenue, Suite 1405  
Oakland, CA 94612**

(fold here)

---

Tape  
Here-  
Do not  
staple

## Presentation Slides

---



*Page intentionally left blank.*



CPUC PUBLIC MEETING FOR DRAFT ENVIRONMENTAL IMPACT REPORT

**NEET West Energy Transmission West, LLC  
Suncrest Dynamic Reactive Power Support  
Project**

Application No. 15-08-027    California Public Utilities Commission    December 8, 2016

## Meeting Agenda

1. Meeting purpose
2. Roles
3. CPUC Process
4. Overview of the California Environmental Quality Act (CEQA)
5. Overview of Proposed Project
6. Alternatives and environmental analysis
7. Receive Public comments



Suncrest Draft EIR Public Meeting

## Purpose of Public Meeting

Purpose: Receive public comments on the Draft EIR

### Goals:

- Inform the community members about the project purpose, evaluation process, project design, and environmental analysis, with an emphasis on the issues of concern.
- Ensure that all participants have an opportunity to comment.



Suncrest Draft EIR Public Meeting

## Roles



California Public Utilities  
Commission (CPUC)  
Lead Agency under CEQA



Horizon Water and Environment  
Environmental Contractor  
for CPUC



NextEra Energy Transmission  
West, LLC (NEET West)  
Project Applicant



Suncrest Draft EIR Public Meeting

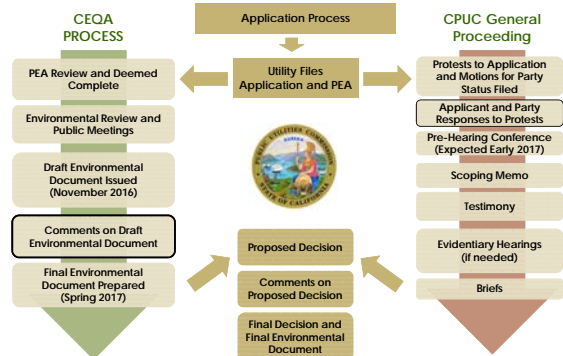
## CPUC Process

- Investor-owned utilities must submit a permit application to CPUC for construction of certain infrastructure listed under Public Utilities Code Section 1001
- NEET West filed an Application consisting of:
  - Application for Certificate of Public Convenience and Necessity for the proposed project
  - A Proponent's Environmental Assessment (PEA)
- CPUC has authority to approve or deny the Application
- CPUC permit application review involves:
  - Environmental Review (CEQA)
  - CPUC Proceeding



Suncrest Draft EIR Public Meeting

## CPUC Process



Suncrest Draft EIR Public Meeting

## CEQA Overview

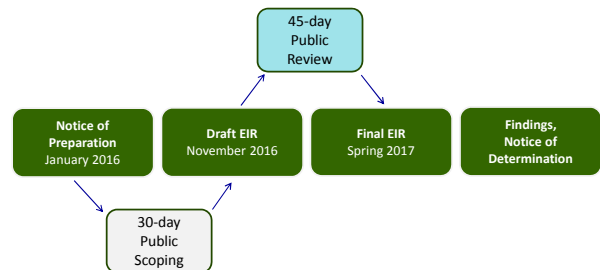
Basic purposes of CEQA (State CEQA Guidelines, Section 15002):

- Inform governmental decision makers and public about potential significant environmental effects of proposed activities.
- Identify ways that environmental damage can be avoided or significantly reduced.
- Prevent significant, avoidable damage to environment by requiring changes in projects through use of alternatives or mitigation measures when governmental agency finds changes to be feasible.
- Disclose to public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.



Suncrest Draft EIR Public Meeting

## EIR Process



Suncrest Draft EIR Public Meeting

## Summary of Applicant's Project Objectives

- Provide reactive support at or connected to the Suncrest Substation;
- Improve and maintain the reliability of the transmission grid; and
- Support achievement of the state's Renewable Portfolio Standard by facilitating delivery of a higher percentage of renewable energy generation from the Imperial Valley area to population centers to the west.



Suncrest Draft EIR Public Meeting

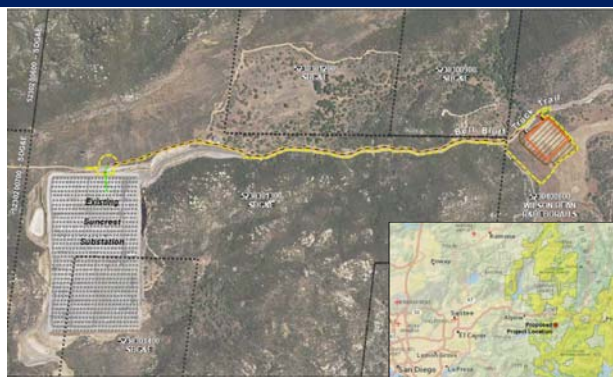
## Structure of Draft EIR

- Executive Summary
- Chapter 1 – Introduction
- Chapter 2 – Project Description
- Chapter 3 – Introduction to the Environmental Analysis
- Chapters 4 through 19 – Topical Impact Sections
- Chapter 20 – Alternatives
- Chapter 21 – Other Statutory Considerations
- Chapter 22 – Report Preparation
- Chapter 23 – References
- Appendices



Suncrest Draft EIR Public Meeting

## Where is the Proposed Project?



Suncrest Draft EIR Public Meeting

## Simulation of the Proposed Project (looking east)



Suncrest Draft EIR Public Meeting

Proposed Project Components

SVC Facility

- Approximately 6 acres total disturbance
- Contained within approximately 2.6 acres (fenced)

230 kV Transmission Line

- Approximately 1 mile in length
- Beneath Bell Bluff Truck Trail

Overhead Transmission Span

- Approximately 300 feet in length
- Would terminate into the existing San Diego Gas & Electric Suncrest Substation

Suncrest Draft EIR Public Meeting

CEQA Draft EIR

TOPICS:

Aesthetics	Land Use and Planning
Agriculture and Forestry Resources	Mineral Resources
Air Quality/Greenhouse Gas Emissions	Noise and Vibration
Biological Resources	Population and Housing
Cultural Resources	Public Services (fire, police, schools, parks)
Geology, Soils, and Seismicity	Recreation
Hazards and Hazardous Materials	Transportation and Traffic
Hydrology and Water Quality	Utilities and Service Systems (water, wastewater, solid waste)

Suncrest Draft EIR Public Meeting

Key Impacts of Proposed Project

- Construction-related effects on air quality/GHG emissions, noise, and traffic
- Potential impacts to Hermes copper butterfly
- Potential effects on cultural resources
- Visual quality effects associated with riser pole and SVC
- Effects on drainage patterns

Suncrest Draft EIR Public Meeting

Alternatives Considered

- No Project Alternative
- Northeast Site Alternative
  - SVC would be 0.3 mile north of Bell Bluff Truck Trail
  - Longer transmission line
- Suncrest Substation Alternative
  - SVC would be within Suncrest Substation
  - No transmission line required
  - Draft EIR Environmentally Superior Alternative
- Overhead Transmission Line Alternative
  - SVC at same location as Proposed Project
  - Transmission line would be overhead

Suncrest Draft EIR Public Meeting

## Alternatives Considered



Suncrest Draft EIR Public Meeting

## Final EIR

Final EIR will include:

- Copies of all comments received
- Specific responses to each comment
- Changes to Draft EIR based on the comments and responses



Suncrest Draft EIR Public Meeting

## How Can You Provide Comments?

- Provide informal oral comments and questions tonight
- Preferred: Submit comments after this meeting by email or via mail or phone.
- Fill out a comment card to submit written comments and questions tonight.

Mail	Voice Mail	Email
Mr. Rob Peterson CPUC c/o Horizon Water and Environment 180 Grand Avenue, Suite 1405 Oakland, CA 94612	(844) 211-7510	suncrestproject@ horizonh2o.com

- Comments due by 5:00 p.m. on January 10, 2017

For more information, go to:

<http://www.cpuc.ca.gov/Environment/info/horizonh2o/suncrest/index.html>



Suncrest Draft EIR Public Meeting

*This page intentionally left blank.*