

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



SENT BY E-MAIL

October 1, 2015

Andy Flajole
Environmental Licensing Lead
NextEra Energy Transmission West, LLC
Andy.Flajole@nexteraenergy.com

SUBJECT: Completeness Review of NextEra Energy Transmission West, LLC (NextEra) Application (A.15-08-027) and Proponent's Environmental Assessment (PEA) for the Suncrest Dynamic Reactive Power Support Project (Proposed Project)

Dear Mr. Flajole:

The California Public Utilities Commission's (CPUC's) Infrastructure Permitting and CEQA section has completed its review of NextEra's application and PEA for a Certificate of Public Convenience and Necessity. NextEra filed the application and PEA on August 31, 2015. The CPUC's Information and Criteria List and PEA Checklist were used as basic guides for determining PEA adequacy.

The information contained in the PEA for the Proposed Project is currently incomplete. Attached is a list of deficiency items. Additional information submitted in response to this letter should be filed as supplements to the PEA. Responses to each item should be provided within 60 days.

Upon receipt of the supplemental information, the CPUC will perform a second review to assess application and PEA adequacy and issue a determination. The CPUC reserves the right to request additional information at any point during the proceeding and throughout construction should the project be approved. Questions should be directed to Rob Peterson at (415) 703-2820. Please copy the CPUC's consultant, Tom Engels, Horizon Water and Environment, on communications.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Peterson".

Rob Peterson
Energy Division, Infrastructure Permitting and CEQA

CC:

Scott Castro, Attorney, NextEra Energy Transmission, LLC
Michael Sheehan, Executive Director, Development, NextEra Energy Transmission, LLC
Megan Peterson, Office Director, SWCA Environmental Consultants
Todd Edmister, Administrative Law Judge, CPUC
Tom Engels, Principal, Horizon Water and Environment
Jack Mulligan, Attorney, CPUC
Mary Jo Borak, Supervisor, Infrastructure Permitting and CEQA, CPUC

Suncrest Project PEA Deficiency List No. 1 (October 1, 2015)

Complete	Incomplete (no further request at this time)	Incomplete (additional request)	Response Under Review	No Applicant Response
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Def.#	Resource Area / Topic	Source / PEA Page	Request	Request Date	Reply Date	Status	Notes
3.7-1	Project Description	Page 3-20	Table 3-2 makes a distinction between “previously disturbed areas” and “new disturbed areas.” Based on CPUC’s 9/4/15 site visit, the term “previously disturbed areas” does not appear to be consistent with existing conditions (per CEQA). Currently, most of the proposed project site appears to be undisturbed.	10/1/15			
3.8.3.2-1	Project Description	Page 3-32	The Project Description states that blasting may be used during construction. The 9/11/15 Geotechnical Investigation report provided by NextEra does not provide sufficient information to indicate where such blasting may occur. Please provide additional details regarding the location, type, and extent of blasting activities. This information is requested for both the transmission line <u>and</u> the SVC footprint. Stating that the blasting will be “localized” and “low energy” is insufficient detail.	10/1/15			
4.1-4	Aesthetics	Page 4.1-29	It is useful to see the visual simulation for key observation point 8, which shows a view from Bell Bluff Truck Trail at a distance of 0.25 mile from the project site. However, there should also be a visual simulation for key observation point 6, which would show the view of the project that drivers on Bell Bluff Truck Trail will see as they pass by or enter the project. Although the drivers on this private road will consist mainly of employees, who are assumed to have low viewer concern, the most direct view they will have of the project (KOP 6) should be presented as a visual simulation, in order to understand the aesthetic impacts of the project. The requested visual simulation, for example, would show the proposed wall (up to 15 feet in height) on the northeast side of the SVC.	10/1/15			

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4.4-1	Biological Resources	4.4-21	The PEA acknowledges that a wetland delineation has not been completed, yet claims that "the Proposed Project has been designed to avoid impacts to all potentially jurisdictional water features; therefore, no impacts would result from the Project and no permitting for jurisdictional waters is required." Insufficient evidence is presented to support this assertion. Based on observations by CPUC staff during the 9/4/15 site visit and discussions with regulatory agencies (i.e., the State Water Resources Control Board, the Regional Water Quality Control Board, the U.S. Fish and Wildlife Service, and the California Department of Fish and Wildlife), a jurisdictional delineation of waters of the U.S. and of the State must be prepared for all areas potentially affected by the proposed project.	10/1/15			
4.4-2	Biological Resources	4.4-30	Hermes copper butterfly (<i>Lycaena hermes</i>). The PEA cites that this species is known to occur within 2 miles of the site and that suitable habitat is present, yet concludes that the species has only a "Moderate" potential to occur in the project area. This conclusion needs to be substantiated. Based on a recent discussion with the U.S. Fish and Wildlife Service, there is every reason to believe that the Hermes copper butterfly is present on the proposed project site.	10/1/15			
4.4-3	Biological Resources	4.4-30	USFWS species lists and CNDDDB lists do not appear to be included in the PEA or Biological Resources Technical Report.	10/1/15			
4.4-4	Biological Resources	4.4-42	The PEA cites the absence of special-status species observed during the surveys as partial rationale for concluding that impacts to special-status animals would be less than significant. However, it is not clear that the site surveys were conducted with methods appropriate to detect these species. Please provide specific methods used for detecting special status species potentially affected by the proposed project.	10/1/15			
4.4-5	Biological Resources	4.4-45	BIO-4: The potential for indirect impacts to wetlands must be discussed.	10/1/15			

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4.4-1	Cultural Resources	Table 4.5-2 (Page 4.5-21)	According to the PEA, "the site is not known to contain buried deposits, but if these exist, they are highly unlikely to retain integrity." This conclusion appears to be based upon an unpublished SDG&E document that suggests that the top 62 cm (24 inches) of soils on the proposed project site has been disturbed by past restoration activities. Nevertheless, the cultural resources technical report identifies the presence of numerous cultural resources at or in the vicinity of the proposed project site. This suggests that the proposed project site has high sensitivity with respect to cultural resources. According to APM CUL-2, "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)." It is unclear how surface-level "spot checking" will reduce potentially significant impacts by blasting to eligible subsurface cultural resources to a less-than-significant level. Such resources, if they exist, would not be visible prior to blasting; post-blasting, such resources would be destroyed (a significant impact). Subsurface testing needs to be conducted at the proposed project site to further assess the likelihood of buried cultural resources.				
4.6-1	Geology and Soils	4.6-24	APM-GEO-3 should refer to the most current version/amendment of the General Construction NPDES permit and/or indicate that the 2009 version has been updated (in 2010 and 2012).	10/1/15			
4.6-2	Geology and Soils	Page 4.6-16 and 4.6-17	Figure 4.6-2a is missing its legend. Figure 4.6-3b may be the legend to Figure 4.6-2a but this isn't entirely obvious since the figure numbers differ and Figure 4.6-3b doesn't provide the names of any of the geological units shown in Figure 4.6-2a.	10/1/15			
4.8-1	Hydrology	Page 4.8-4	Under Clean Water Act Section 402, it seems like it would be a valid location to mention if there are any MS4 systems that the Proposed Project could potentially discharge to or that would be applicable to the Proposed Project. If not, why bring up extra information that's not relevant?	10/1/15			
4.8-2	Hydrology	Page 4.8-20	Provide an explicit discussion/mention of project's potential (or lack of potential) to contribute to the downstream 303(d) impairments during construction or operation.	10/1/15			

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4.8-3	Hydrology	Page 4.8-25	Impact WQ-5: What are the stormwater quality treatment measures of the Proposed Project? Is the stormwater system only mitigating changes in flow quantities and not stormwater quality? In addition, discussion should mention potential pollutants associated with use of parking areas at the SVC (oil/grease deposited by vehicles could be transported from parking areas during storm events). What MS4 measures might be applicable?	10/1/15			
4.10.2.2-1	Noise	Page 4.10-11	The PEA states the following: "Though generally resulting in elevated noise levels at the time the blasting is performed, blasting would actually reduce overall construction time required, if utilized." This sentence does not make sense from a CEQA standpoint. Blasting will result in loud, impulsive noise and vibration. The fact that blasting might reduce overall construction time is irrelevant to the stated CEQA significance criteria.	10/1/15			
4.10.2.2-2	Noise	Page 4.10-11	The PEA states that "In the event that rock blasting is used during construction, NEET West (or the blasting subcontractor) will be required to obtain a blasting permit (issued by the Sheriff or Chief Officer of the fire department serving the area, pursuant to Article 77 of the Uniform Fire Code) and explosive permit (issued by the Sheriff pursuant to Section 12000, et seq. of the California Health and Safety Code and Article 77 of the Uniform Fire Code) and will ensure compliance with all relevant federal, state, and local regulations relating to blasting activities. NEET West (or the blasting subcontractor) will also be responsible for limiting vibration from the blast to prevent damage to any structures." This statement needs to be meaningfully connected to the stated CEQA significance criteria.	10/1/15			
4.10.3.2-1	Noise	Page 4.10-12	The PEA states that Noise Sensitive Land Uses (NSLUs) "are any residential areas, schools and day care facilities, hospitals, long-term care facilities, places of worship, libraries, parks, and recreational areas specifically known for their solitude and tranquility (such as wilderness areas). There are no NSLUs within 1 km (0.62 mile) of the Proposed Project." This statement appears to conflict with Figure 4.10-1, which clearly shows that USFS lands are well within the 1 km radius of construction impacts. The PEA needs to reconcile this apparent contradiction.	10/1/15			

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4.10.3.2-2	Noise	Page 4.10-12	The PEA states that "Vibratory impacts are not analyzed because there are no vibration-sensitive structures (as defined by the San Diego County Significance Guidelines) in the analysis area. Without a vibration sensitive structure, there are no significance levels for determining vibration impacts." Specifically addressing vibration from blasting activities, please confirm that SDG&E's existing Suncrest Substation is not a vibration sensitive structure. APM NOI-2 suggests that the existing Suncrest Substation is a vibration sensitive structure. In addition, APM NOI-2, as stated, is deferred mitigation and is inadequate under CEQA.				
4.10.4.2-1	Noise	Page 4.10-13	APM NOI-1 states that "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." Please clarify if construction work is proposed outside of the 7:00 am to 7:00 pm time window. Also, please note that APM NOI-1 is insufficient to prevent potentially significant noise impacts to sensitive receptors.	10/1/15			
4.10.4.2-2	Noise	Page 4.10-14	APM NOI-2 (Reduction of Blasting Impacts) is deferred mitigation and is inadequate under CEQA to reduce potentially significant noise and/or vibration impacts to sensitive receptors.	10/1/15			

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4.10.4.1	Noise	Pages 4.10-12; 4.10-14	<p>With respect to blasting, the PEA states that “Lmax at the nearest occupied property-property line will be 68.1 dBA.” According to the PEA, The closest property boundary is between the Dean R. and Deborah S. Wilson property and SDG&E property, approximately 395 feet from the center of the proposed SVC, where the property line is also crossed by the underground transmission line. Noise impacts are evaluated at this boundary.”</p> <p>Yet, on page 4.10-14, the PEA states “Estimates of noise from construction of the SVC are based on a roster of likely construction equipment at the station (presented in Table 4.10-8 below, this roster is a composite of the loudest equipment from each phase of construction), a distance of 985 feet from the center of the SVC construction area to the nearest occupied property-property line (for ease of calculation, all equipment is assumed to be operating at this single point), and the FHWA RCNM.”</p> <p>According to the Noise Modeling Report in Appendix H of the PEA, the receptor distance for blasting was assumed to be 300 meters (see RCNM report)</p> <p>Please clarify the apparent discrepancy above.</p>				

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5.2.2-1	Alternatives	Page 5-3	<p>The PEA presents a total of 11 “action” alternatives to the Proposed Project. Of these alternatives, the PEA states that 10 would neither meet most project objectives nor be feasible. If true, these 10 alternatives provide very little value from a CEQA standpoint. The remaining alternative (Northeast Site Alternative) is stated to have greater impacts than the Proposed Project. In effect, the PEA only presents a single alternative to the Proposed Project. Presumably to support this approach, the PEA states that CPUC’s “Information and Criteria List” cites CPUC Rule 2.4 (i.e., that Alternatives and Growth-Inducing Impacts discussions may not be required for projects that have no significant Impacts.</p> <p>Because of the deficiencies included in this table, in addition to concerns expressed by applicable State and Federal agencies, CPUC is unconvinced that the Proposed Project would not result in any potentially significant impacts to the environment. Consequently, without appropriate revisions to the Proposed Project, the alternatives analysis presented in the PEA is inadequate.</p>				