November 13, 2015

Mr. Rob Peterson
Energy Division, Infrastructure Permitting and CEQA
California Public Utilities Commission
500 Van Ness Avenue
San Francisco, CA 94102-3298

Subject: CPUC's Deficiency List for the Suncrest Dynamic Reactive Power Support Project (Application A.15-08-027)

Dear Mr. Peterson:

On behalf of NextEra Energy Transmission West, LLC ("NEET West"), I am providing to you the attached responses and supplemental information responding to your October 1, 2015 Suncrest Project PEA Deficiency List No. 1 ("PEA Deficiency List"). It is our hope that the information provided will address all of the issues identified on the PEA Deficiency List, and that from this supplemental information, you will be able to make a determination that Application A.15-08-027 is complete for further consideration and processing.

In responding to the PEA Deficiency List, we have worked to provide all relevant technical information responsive to the identified deficiencies. Prior to our submittal of this information, we were informed by the CPUC on November 6, 2015 that it had "gathered enough information to determine that an Environmental Impact Report will be required." Notwithstanding this, we continue to believe that the Proponent's Environmental Assessment ("PEA"), in conjunction with our responses to the PEA Deficiency List, correctly concludes that there are no significant impacts associated with the Proposed Project, which in turn should support the preparation of a Negative Declaration, or at most, a Mitigated Negative Declaration, for the project under the California Environmental Quality Act ("CEQA").[1]

[1] We note that the PEA's approach to analyzing potential environmental effects of the Proposed Project mirrors the approach taken in other similar projects before the CPUC that have relied upon Negative Declarations or Mitigated Negative Declarations, such as the Initial Study and Mitigated Negative Declaration ("IS/MND") for the San Diego Gas & Electric Company Tie-Line 637 Wood-to-Steel Project (Application No. 13-03-003), as well as the IS/MND for the Donner Summit Public Utilities District Donner Summit Wastewater Treatment Plant and Irrigation disposal Upgrade and Expansion Project. We also note that the Proposed Project site was subject to extensive environmental review during the CPUC's and Bureau of Land Management's ("BLM") evaluation of SDG&E's Sunrise Powerlink Transmission Line Project (Applications A.05-12-014 and A.06-08-010). The CPUC is thus familiar with the site and possible environmental effects of the Proposed Project, facts which further argue in support of preparation of a negative declaration or MND for the project.

We nonetheless respect the CPUC's determination that an EIR will be required for the project. However, we do respectfully request that the CPUC consider the project's context, including the prior analyses conducted for the site, previous CPUC projects of similar scale that were subject to IS/MNDs, as well as the siting and design of the project itself, in scoping and evaluating potential effects under CEQA.

Thank you for considering this information and please do not hesitate to contact me with any questions.

Very truly yours,

Andrew J. Flajole

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NextEra Energy Transmission West
Suncrest Dynamic Reactive Power Support Project (A.15-08-027)

Response to Deficiency List No. 1

Staff of the California Public Utilities Commission (CPUC) (Staff) has identified deficiencies in NextEra Energy Transmission West, LLC's (NEET West) Proponent's Environmental Assessment (PEA) for the Suncrest Dynamic Reactive Power Support Project (Proposed Project). Below are responses to Deficiency List No. 1 issued by Staff on October 1, 2015 (Deficiency List). Each deficiency is numbered according to Staff's Deficiency List and its applicable PEA Chapter/Section, followed by NEET West's response. References cited in responses are also provided. This document includes the following PEA attachments, which are described in more detail in the text below under the applicable response.

Attachment 4.1: Aesthetics (revised section)
Attachment 4.4a: NEET West's 2015 Wetland Determination Sampling Points
Attachment 4.4b: NEET West's 2015 Wetland Determination Forms
Attachment 4.4c: Biological Resources (revised version)
Attachment 4.5: Cultural Resources (revised section)
Attachment 4.6: Geology and Soils (revised section)

3.0 PROJECT DESCRIPTION

3.7 LAND REQUIREMENTS

Deficiency No. 3.7-1:

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. (Page 3-20)

NEET West Response:

An objective of the Proposed Project is, to the extent practicable, to locate the dynamic reactive support equipment and transmission 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. (Objective 7)

NEET West selected the proposed Static Var Compensator (SVC) location and underground transmission line route primarily because this land had been previously disturbed and environmental resource issues had been previously evaluated as part of the Sunrise Powerlink Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) (CPUC and U.S. Department of Interior, Bureau of Land Management 2008). (Page 1-4)

The distinction made in Section 3.0 Project Description, Table 3-2, between "previously disturbed areas" and "new disturbed areas" was not intended to influence the California Environmental Quality Act (CEQA) baseline for existing conditions in this PEA. This distinction was intended to illustrate in quantitative terms how NEET West designed the project to be consistent with Objective 7 above and with prudent transmission planning practices. In addition, distinguishing areas that were previously disturbed from areas that have remained undisturbed for some time helps to explain the differences in baseline vegetative communities within the previously-disturbed project footprint versus certain portions of the immediately surrounding area that have remained undisturbed and is also relevant to the risk of finding intact, buried cultural resources (see response to Deficiency No. 4.5-1 below) The existing land cover and vegetation types currently present within the Proposed Project footprint are identified in Section 4.4 Biological Resources, Table 4.4-2 Land Cover and Vegetation Types. (Page 4.4-16)

Table 3-2 from Section 3.0 Project Description (Page 3-20) has been revised below to remove the acreages of "previously disturbed" and "new disturbance areas" to address Staff's comment.

Table 3-1. Proposed Project Disturbance Summary

Project Component	Temporary Disturbance Area* (Acres)	Permanent Disturbance Area** (Acres)	Total Disturbance Area (Acres)
SVC			
SVC Footprint (Area within Fence)	0.00	2.58	2.58
Two New Access Driveways	0.00	0.10	0.10
Stormwater Conveyance and Detention System	0.03	2.04	2.07
Staging Area	2.56	0.00	2.56
SVC subtotal	*2.59*	*6.00****	*8.59****
Underground Transmission Line			
Underground Transmission Line (includes Work Areas and Vaults)	3.13	0.00	3.13
Riser Pole (includes Work Area and Pad)	0.48	0.01	0.49
Underground Transmission Line Subtotal	*3.61*	*0.01*	*3.62*
Totals	**6.20**	**6.01**	**12.21**

* Includes all temporary staging and work areas. Excludes areas being permanently disturbed.

** Includes only those areas of permanent disturbance following construction and all restoration. Does not include the portion of the underground line installed within the existing roadway.

***While the acreage of permanent disturbance totals less than 6 acres, we have assumed permanent disturbance for entire 6-acre parcel.

3.8 CONSTRUCTION

Deficiency No 3.8.3.2-1:

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 and the SVC footprint. Stating that the blasting will be "localized" and "low energy" is insufficient detail. (Page 3-32)

NEET West Response:

Blasting Locations

- **SVC Site:** Soil borings were performed near the corners of the proposed SVC site and the results can be found in the Suncrest Final Geotechnical Report SDI15R25051 (Kleinfelder 2015). Based on the information obtained from the soil borings, 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.

- **Transmission Line:** If approved by San Diego Gas & Electric (SDG&E), NEET West plans to perform potholing along the underground transmission line alignment as frequently as every 8 feet to obtain a ground profile and determine more specific locations where blasting may be required. This information will be incorporated into the blasting plan as described in Applicant Proposed Measure (APM) NOI-2 which will be submitted to SDG&E's blasting coordinator for approval to ensure that no groundborne vibrations or other impacts from blasting will affect SDG&E infrastructure.

Type and Extent of Blasting

As stated in Section 3.0 Project Description, conventional excavation practices would be used first to excavate to the location where bedrock is encountered. In areas where shallow bedrock is found, detonation blast holes would be drilled into the bedrock. Explosives would be detonated in the blast holes to crack the rock around the blast hole. Blast intensity is dependent on the amount of explosives used, frequency, and diameter of the holes where the explosives are placed, and timing of the detonation. NEET West described the potential blasting that may be used for the Proposed Project as "localized" and "low energy" based on the amount of explosive that would be used at one time. This low-energy, localized rock blasting is referred to as micro-blasting. Micro-blasting is blasting in a highly controlled manner involving time delays between numerous small micro blasts to fracture rock without injecting material and to minimize noise effects. While this method of blasting is potentially needed along the underground alignment to achieve excavation depths, it is not possible to determine the exact location where blasting will be required until conventional excavation is conducted and areas of bedrock are identified. As stated in the PEA, it is estimated that 10 percent of the alignment or approximately 530 linear feet of trench could require blasting, which specifically means micro-blasting as described above.

Effects of Blasting

Noise: Any blasting would be very brief in duration (lasting milliseconds), and the noise would dissipate quickly. Typically blasting would occur only once per day. As stated in Section 4.10.4.3, blasting will only occur briefly in an 8-hour period and the average noise level would be much less than an average of 75 A-weighted decibels (dBA) when measuring at the nearest occupied property-property line. Construction impacts will be less than the 60 dBA Community Noise Equivalent Level and less than 10 dBA above the baseline noise level when measured at the nearest residence (a distance of approximately 0.81 mile from the SVC). The maximum noise level from blasting at the nearest occupied property-property line will be less than 85 dBA and will not occur for more than 15 minutes out of every hour. The Proposed Project will have no impact on ambient noise levels.

Vibration: Groundborne vibration from the Proposed Project construction would be intermittent and temporary and would not likely be perceivable at SDG&E's Suncrest Substation control building, which is the closed occupied structure to the source. Furthermore, groundborne vibration would only occur during daytime work hours. While controlled, micro-blasting does not typically result in flyrock, NEET West would use flyrock protection (e.g. rubberized blasting mats), proper stemming[1], and dust control during any controlled detonations to minimize hazards and ensure no fly rock or debris escapes the approved work area. Like other projects that involved blasting, and for which the CPUC issued a mitigated negative declaration, a blasting plan will be submitted to the CPUC for review before blasting begins. The Blasting Plan included in APM NOI-2 requires notifications, monitoring, and provisions to minimize risk of damage to structures. Site-specific calculations and measurement prior to any single blasting event would be conducted as required to ensure noise and vibration impacts do not exceed established thresholds. APM NOI-2 on page 4.10-13 and APM HAZ-8 on page 4.7-23 further describe the approach for minimizing impacts.

Cultural Resources: Refer to the discussion in response to Deficiency No. 4.5-1.

Biological Resources: No federally or state-listed species were recorded within the Proposed Project as a result of the 2015 biological surveys. Refer to the discussion in response to Deficiency No. 4.4-4 for the methodology used during those survey efforts. To minimize noise impacts from blasting to wildlife in the vicinity of the Proposed Project, APM BIO-13 (Preconstruction Sweeps for Biological Resources) and APM BIO-14 (Nesting Bird Surveys) would be implemented prior to blasting (or any other construction activity) to determine the presence of wildlife and/or active bird nests. As per the Nesting Bird Buffers and Management Plan outlined in APM BIO-5, "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." Depending on the type of construction activity proposed, a qualified biologist make the determination as to the size of the buffer which may be larger where blasting is proposed.

[1] Stemming is material placed above the explosive charge in the drill hole and is used to keep the force of the blast from exiting through the drill hole. Stemming will be left at the top of blast holes to control/eliminate airblast.

Review of Recent CPUC CEQA Documents

While preparing the response to this deficiency, NEET West reviewed recent CPUC CEQA documents for projects in San Diego County, including the 2014 CPUC IS/MND for SDG&E's Tie-Line 637 Wood to Steel Project (CPUC 2014), as a comparison to the impact analysis provided in the NEET West PEA. These documents were reviewed to determine the extent to which specific blasting locations were provided and evaluated in the CEQA documents. In the Tie-Line 637 Wood to Steel Project for example, the Project Description provided no detail regarding specific locations where blasting would or would not occur and states:

> "Construction of the proposed project would include removal of existing wooden poles; micropile construction for engineered steel poles; direct-embedded, weathering steel pole construction; guard pole installation; conductor stringing; dewatering at pole locations where groundwater is identified; ***blasting (only if rock is found during pole extraction)***; undergrounding of fiber optic cables; and establishment of temporary work areas."

Despite the lack of detail on blasting locations, the CPUC determined that blasting impacts could be mitigated to less than significant levels. In review of the Responses to Comments to the IS/MND (specifically Comment C1-15 from San Diego County), the County requested specifics on the blasting locations. The response by CPUC stated,

> ***"The exact locations of blasting activities, if any, are unknown at this time.*** It is possible that no blasting would be required during construction activities. Blasting operations would only be required where hard rock is found during pole extraction. Section 5.8 of the IS/MND Impact a) addresses hazards should blasting be required and provides MM HAZ-3 to ensure that impacts would be less than significant."

Given the clarifications detailed above, as well as the very similar discussion of blasting impacts discussed in the Tie-Line 637 Wood to Steel Project documents, NEET West believes the amount of detail in the PEA regarding blasting is sufficient to deem NEET West's PEA complete and begin the CEQA process. Additional information will be provided to the CPUC as part of the blasting plan submittal once potholing is completed.

4.0 ENVIRONMENTAL SETTING AND IMPACT ASSESSMENT SUMMARY

4.1 AESTHETICS

Deficiency No. 4.1.-4:

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. (Page 4.1-29)

NEET West Response:

Although NEET West does not believe a visual simulation for key observation point 6 is needed for CEQA purposes (given that this location is only relevant to the visual impacts to a limited number of workers using a private road and viewer concern and visual sensitivity are generally low), NEET West prepared a visual simulation of the proposed SVC for key observation point 6 as requested by Staff. NEET West also added additional detail for key observation point 6 to Section 4.1.4.3, Potential Impacts. In addition, two new figures have been added to Section 4.1.4.3, Potential Impacts: "Figure 4.1-7, Key Observation Point 6: Existing Conditions, Looking East" and "Figure 4.1-8, Key Observation Point 6: Future Conditions with Proposed Project, Looking East – Simulated View of the Proposed SVC." The revised version of Section 4.1 Aesthetics, provided as Attachment 4.1, supersedes the version contained within the PEA.

4.4 BIOLOGICAL RESOURCES

Deficiency No. 4.4.-1:

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. (Page 4.4-21)

NEET West Response:

NEET West conducted an informal jurisdictional delineation for the project. NEET West intends to avoid impacts to all jurisdictional waters and therefore no permitting for impacts to jurisdictional waters is anticipated. Because there are no jurisdictional features affected by the Proposed Project, NEET West did not prepare a separate jurisdictional delineation report as part of the PEA. Section 4.4.2.2 of the PEA outlines the methods used to identify potentially jurisdictional features, and Section 4.4.3.3 of the PEA describes the results. Figure 4.4-3 illustrates the potentially jurisdictional features that were identified in proximity to the Proposed Project.

Two streams potentially subject to the jurisdiction of the California Department of Fish and Wildlife (CDFW) cross under Bell Bluff Truck Trail via underground culverts. Excavation for the underground transmission line will occur under these culverts and no impacts to natural bed, bank, or riparian vegetation will occur. A stream potentially subject to the jurisdiction of CDFW and the U.S. Army Corps of Engineers (USACE) begins immediately north of the Proposed Project and flows northward, eventually draining into the Sweetwater River. As stated in the PEA, the

Proposed Project will avoid this feature. Table 4.4-6 provides more detail on the features discussed above and supplements the information provided in Section 4.4 Biological Resources of the PEA.

Table 4.4-6. Potentially Jurisdictional Water Features in Proximity to the Proposed Project

Feature ID	Description	Potential Jurisdictional Status
1	Ephemeral stream that flows northward to Bell Bluff Truck Trail, under the road via a 29' culvert, and continues northward.	CDFW
2	Ephemeral stream that flows northward to Bell Bluff Truck Trail, under the road via a 30' culvert, and continues northward.	CDFW
3	Ephemeral stream originating north of Bell Bluff Truck Trail; waters would flow northward into the Sweetwater River. An ordinary high water mark is apparent. Does not cross Bell Bluff Truck Trail.	USACE, CDFW

In addition to the waters mentioned above, SWCA Environmental Consultants (SWCA) conducted a wetland delineation in a declivity open area adjacent to SDG&E's former Wilson Laydown Yard at the eastern end of the Proposed Project, on the southwest side of the proposed SVC facility. In a desktop review, this area was identified by SWCA biologists as having the potential to be a wetland, because of the abrupt changes in the vegetation, from scrub to grassland. This area was also identified as an Environmentally Sensitive Area on the Wilson Laydown Yard grading plans for the Sunrise Powerlink Project. At the time of the desktop study, SWCA did not have the maps and site-specific jurisdictional delineation information from the Sunrise Powerlink Project.

Staff has suggested that this declivity open area may be a wetland based on work conducted for the Sunrise Powerlink Project in 2009. Staff provided a map to NEET West at a meeting on October 8, 2015, that shows two wetland sampling points from Sunrise Powerlink located approximately 414 feet south of and outside of the Proposed Project footprint and a preliminary delineation of the feature based on those two offsite points. Upon further review of the Revised and Updated Preliminary Jurisdictional Determination Report (SDG&E 2009), from which the map provided was part of, it was determined that no soil test pits were dug as described on page 8 and 10 of the report and "alternative observational criteria were used to complete the hydric soils component of the data sheets." This suggests that the USACE Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (USACE 2006) was not followed through to completion to determine if the area was a wetland. Three indicators (with associated tests) are used to determine if an area is a wetland: 1. Hydrophytic vegetation indicators, 2. Hydric soil indicators, and 3. Wetland hydrology indicators. It appears that the delineation conducted for the Sunrise Powerlink Project, did not use the applicable tests for hydric soils indicators, namely no soil test pits were dug.

In contrast, for the Proposed Project, NEET West conducted test pit soil sampling to assess the potential wetland area identified by SWCA. On May 1, 2015, an experienced SWCA wetland

delineator conducted a single wetland determination in the declivity open area adjacent to the Wilson Laydown Yard. During the determination, all three wetland indicators (hydrophytic vegetation, hydrology, and hydric soils) were evaluated in accordance with the USACE Wetlands Delineation Manual (USACE 1987) and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (USACE 2006). The wetland delineator also assessed the site for state jurisdictional waters pursuant to the California Department of Fish and Game (CDFG) code Section 1600 – 1616. A sampling point was established at a low point in the terrain where the vegetation (primarily nonnative grasses) was denser and taller than the surrounding area, suggesting potentially greater water availability (Attachment 4.4a). However, it should be noted that water movement through the declivity is likely to be small in volume due to the lack of stream hydrology (i.e. no bed or bank) or hydric soils.

As indicated in Attachment 4.4b, Wetland Determination Form, none of the three wetland indicators—hydrophytic vegetation, hydric soils, or wetland hydrology—were present at the sampling point tested on May 1, 2015. "Normal Circumstances" were determined to be present at that time. In addition, SWCA's wetland delineator noted several active Botta's gopher burrows within the declivity downslope of the culvert exit and in the surrounding 10 meters. This species nests in burrows with deep chambers excavated in friable soils. Individuals usually remain in the same burrow system for life. This species would not be able to persist in soils saturated by water (as in a wetland). Based on the absence of any wetland indicators, SWCA determined that the area at issue was not a wetland (Attachment 4.4a). As mentioned above, the initial sampling point was selected because it was considered to have the highest likelihood of displaying wetland indicators; therefore, no additional sampling was deemed necessary (see PEA Figure 4.4-3, Potentially Jurisdictional Waters).

However, to help respond to this particular PEA deficiency, SWCA took five additional sampling points in November 2015 in the area at issue *within* the Proposed Project footprint. Four of these samples were taken within the declivity depression as seen in Attachment 4.4a. A single, upland control sampling location was also established to compare the differences in soil and vegetation within and outside of the declivity. In addition, conversations with the current landowner, Mr. Wilson, about the location's history made it apparent that "Normal Circumstances" were not present due to an artificial alteration of the vegetation communities in the Project area. According to Mr. Wilson, the previous landowner had cleared the scrub vegetation from the entire flat topography south of the current Bell Bluff Truck Trail and maintained it as a grassland for livestock grazing. Historic aerial photography from 1954 and 1994 of the Project region verifies that the area was primarily grassland at those instances; however, aerial photography from 2002 shows that scrub vegetation had become reestablished in most of the flat topography, with the exception of the declivity. Aerial photography from 2006 shows the removal of the scrub and indications that the soils in the area were disked.

None of the four sample points in the area at issue *within* the Proposed Project footprint were found to have indicators of hydric soils or hydrology that are characteristic of wetlands. Facultative wetland species (usually a hydrophyte but occasionally found in uplands) were found at each sampling point, with the exception of the upland control sampling point 5, 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. Based on the data collected within the

sampling points, the declivity feature within the Project footprint does not meet the established criteria that define a jurisdictional wetland.

SWCA's findings contrast with the delineation of the same area conducted in support of the Sunrise Powerlink Project (the exact date of that delineation is not currently known). However, the methodologies varied from one delineation to the other and were conducted years apart (in this case 6 years) during a significant drought. The field work completed in 2009 for the Sunrise Powerlink Project did not include test pits for hydric soils, which is a common practice in wetland delineations, and recommended by the USACE Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region. The field work performed by SWCA in 2015 included a hydric soils test pits. In addition, each delineation records the current conditions, but certain field indicators of hydric soils should be consistent over time unless the soils have been significantly disturbed. As it takes years for hydric soils to form, even in drought conditions, these soils would be present. Unlike soils, it is possible for some facultative vegetation species to exist in non-hydric soils. Therefore, it is possible that two delineations, performed years apart (in this case approximately 6 years), using different methodologies, could have different conclusions. The additional sampling and analysis confirmed that the Proposed Project has been designed to avoid impacts to all potentially jurisdictional water features.

Deficiency No. 4.4.-2:

Hermes copper butterfly (Lycaena hermes). 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. (Page 4.4-30)

NEET West Response:

To be suitable for Hermes copper butterfly, habitat must include mature spiny redberry (*Rhamnus crocea*) shrubs in close proximity to California buckwheat (*Eriogonum fasciculatum*) (Marschalek 2004, Marschalek and Deutschmann 2015). Spiny redberry is believed to be the only species that support Hermes copper butterfly eggs and larvae, and adults feed almost exclusively on nectar from blooming California buckwheat (Thorne 1963, Emmel and Emmel 1973, Marschalek 2004). San Diego County recommends that potentially suitable habitat be defined as any mature spiny redberry shrubs located within 15 feet of California buckwheat plants (County of San Diego 2010). The most comprehensive study to date of Hermes copper butterfly found that much suitable habitat within the species' range was unoccupied: only 40% of site with apparently high-quality habitat were occupied (Deutschmann et al. 2011).

NEET West is not aware of any observations of Hermes copper butterfly at or immediately adjacent to the Proposed Project. In the California Natural Diversity Database (CNDDB), the nearest recorded occurrence of Hermes copper butterfly is approximately 2.5 miles from the Proposed Project, as was reported in the PEA (page 4.4-30). A search of Hermes copper butterfly research and environmental documents for nearby projects yielded additional records that are not (yet) reflected in the CNDDB. The Final EIR/EIS for the Sunrise Powerlink Project reported

observations of Hermes copper butterfly, although the information is not entirely consistent within the EIR/EIS. Pages E.4.2-2 and E.4.2-12 indicate that four Hermes copper butterfly individuals were observed in 2007 along an unspecified portion of the Modified Route D Alternative (the Proposed Project is also located along the Modified Route D Alternative), and refers to a map in Appendix 8J that shows three sites which are approximately 8 miles south of the Proposed Project. Also in the EIR/EIS, page D.2-11 refers to Appendix 8R (*2008 Survey Results Summary*), which states that roughly 80 individuals were observed in 2008 along the "MRD Alternative," which presumably refers to the Modified Route D Alternative. No maps of the survey results are provided in Appendix 8R, but MP numbers are listed which refer to mile posts, which suggest that Hermes copper butterflies may have been observed immediately south of the current site of SDG&E's Suncrest Substation. The south edge of the Suncrest Substation is located approximately 0.3 mile (525 meters) from the Proposed Project; this is the nearest known possible observation of Hermes copper butterfly.

Hermes copper butterfly observations were also reported in a technical study conducted in support of the Master Special Use Permit and Permit to Construct Power Line Replacement Projects, located in the Cleveland National Forest, San Diego County (CPUC and U.S. Department of Agriculture, Forest Service 2015). A total of 38 individual Hermes copper butterflies were detected in various locations generally along the Japatul Valley Road in 2010, the closest of which was approximately 1.3 miles east of the Proposed Project.

SWCA conducted a detailed habitat assessment for Hermes copper on October 28, 2015, including field surveys for spiny redberry shrubs within 15 feet of California buckwheat, which is the species preferred habitat. Previous general habitat surveys for the Project were conducted in March 2015. However, due to access restrictions on the site at the time of the March 2015 survey, SWCA biologists were unable to survey more than 10 feet off the roadway. Although there is no formal U.S. Fish and Wildlife Service (USFWS) survey protocol for Hermes copper butterfly, the *County of San Diego Guidelines for Hermes Copper Butterfly (Lycaena hermes)* was used as a general guideline for the survey (County of San Diego 2010). These 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. Although surveys were conducted outside of the flight season (mid-May to early-June, and as late as mid-July), the guidelines state that even if Hermes copper is not present in their suitable habitat, any suitable habitat "will be considered potential habitat for the Hermes copper." Additional biological surveys were conducted in mid-May and early-June and biologists did not incidentally observe any butterflies within the Proposed Project during those surveys.

As a result of the March and October 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.

Considering all of the available data together, it is concluded that the potential for the species' occurrence at the Proposed Project is moderate, as stated in the PEA. This is based on several variables. First, there is suitable habitat present in close proximity to, but not within the project footprint, which indicates that the species may exist within the 150-meter buffer zone of the Proposed Project. Despite the presence of suitable habitat, there have been no recorded observations of Hermes copper butterfly within the project footprint, with the nearest recorded occurrence of Hermes copper butterfly being approximately 2.5 miles from the Proposed Project. The closest possible observation of Hermes copper butterfly, according to the Sunrise Powerlink EIR/EIS, which does not include maps of the Hermes copper survey results, is approximately 0.3 mile (525 meters) from the Proposed Project. Finally, we have partially based the designation of moderate off the EIR/EIS for the Sunrise Powerlink Project. Despite observing multiple Hermes copper butterflies surrounding that project, the EIR/EIS gave the occurrence designation of low to moderate for this species. Considering the data, and to be consistent with previous relevant CPUC CEQA documents, a moderate occurrence designation is appropriate for the Proposed Project.

As another point of reference, the SDG&E Tie Line 649 Wood to Steel Replacement Project (CPUC 2014) had suitable habitat for Hermes copper butterfly within the project's survey area; however, the potential to occur was indicated as "Low" because the closest documented occurrence was several miles from the project. To ensure that spiny redberry shrubs that may support eggs or larvae of Hermes copper butterfly are avoided, an additional APM has been incorporated into the Proposed Project and is provided below (see Attachment 4.4c, the revised PEA Section 4.4, Biological Resources):

> **APM-BIO-16: Hermes Copper Butterfly.** Prior to the start of vegetation trimming, clearing, or ground-disturbing activities, a qualified biologist will mark all mature spiny redberry (Rhamnus crocea) shrubs as an Environmentally Sensitive Area within which construction activities and worker access are prohibited. During construction, the Biological Monitor (APM BIO-1) will ensure that impacts to spiny redberry are avoided during construction.

Deficiency No. 4.4.-3:

USFWS species lists and CNDDB lists do not appear to be included in the PEA or Biological Resources Technical Report. (Page 4.4-30)

NEET West Response:

In a meeting with Staff on October 8, 2015, Staff indicated that this deficiency had been addressed and is now closed. The list of plant and wildlife species provided in PEA Appendix D - Biological Resources Technical Report is a compilation of the results of both the USFWS and CNDDB species lists and identifies the sensitive species with the potential to occur on or near the Proposed Project. The methodology used for developing the species lists is provided in the PEA on Page 4.4-12 in Section 4.4 Biological Resources.

Deficiency No. 4.4.-4:

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. (Page 4.4-42)

NEET West Response:

The response below provides additional information regarding the methodologies used to detect special-status species potentially affected by the Proposed Project and additional species information for several species of concern identified by Staff during a meeting on October 8, 2015. The summary below supplements PEA Section 4.4, Biological Resources, included as Attachments 4.4c.

SWCA biologists conducted an initial site reconnaissance in May 2014. Additional field studies to document existing plant, wildlife, and wetlands were performed by the biologists the following spring/early summer on February 24 and 25, March 25 and 26, May 1 and 13, June 25, October 28, and November 10, 2015. SWCA biologists spent approximately 140 hours conducting the field surveys within the Proposed Project, at alternative site locations, and within 150 meters of the Proposed Project. The surveys included plant and wildlife inventories; vegetation mapping; and a delineation of waters, wetlands, and riparian areas potentially subject to the jurisdiction of the USACE, CDFW, and/or RWQCB. Surveyors noted and recorded all wildlife species encountered through direct observation, sign (scat, remains, or tracks), and for birds, by their species-specific vocalizations. The use of binoculars also facilitated wildlife identification. Similarly, surveyors recorded plant species encountered in the field, although in some instances they collected plants and subsequently identified using dichotomous keys. Field surveys were supported by rigorous desktop analysis of special-status species known to occur at and around the Proposed Project footprint.

The Proposed Project footprint lies almost entirely within the area previously impacted by the construction of the Sunrise Powerlink. The area of the Proposed Project that coincides with the Sunrise Powerlink Project was subject to habitat assessments, and where warranted, SDG&E conducted surveys for special-status species. SDG&E surveys did not identify any special status species within the area coinciding with the Proposed Project footprint, and identified only two that were near the Proposed Project footprint: the red diamond rattlesnake and the felt-leaved monardella. SDG&E observed the Hermes copper butterfly immediately south of what is now the Suncrest Substation, approximately 0.3 mile from the Proposed Project, well outside of the 150 meter buffer zone. Since those studies were completed, habitats for special-status wildlife are generally less available and/or suitable, due to the temporary and permanent impacts resulting from the construction of the Sunrise Powerlink, including the construction of the Suncrest Substation, the paving of Bell Bluff Truck Trail, and the use of the Wilson Laydown Area as a construction laydown yard and subsequent restoration. The PEA provides sufficient detail regarding the potential presence and potential impacts to special-status species. Additional details on selected biological resources, and the approach taken to determine potential for presence, are provided below and have been added to the PEA and BRTR as indicated above.

<u>Hermes copper butterfly</u>

See response to Deficiency No. 4.4.-2 above.

Arroyo toad

Field surveys conducted for the Proposed Project did not result in observations of potentially suitable habitat for arroyo toad. Arroyo toads occupy aquatic, riparian, and upland and are breeding habitat specialists that require slow-moving streams that are composed of sandy soils with sandy streamside terraces (USFWS 2014). Reproduction is dependent upon the availability of very shallow, still, or low-flow pools in which breeding, egg-laying, and tadpole development occur. Suitable habitat for the arroyo toad is created and maintained by periodic flooding and scouring that modify stream channels, redistribute channel sediments, and alter pool location and form (USFWS 2014). This specialized habitat is not present at the Proposed Project. In addition, a study of arroyo toad was conducted in support of the Sunrise Powerlink (RECON Environmental 2010). The study used a USFWS habitat model and recorded occurrences of Arroyo toad to identify potentially suitable habitat, and then conducted a field-based visual habitat assessment of these areas in 2009. No potentially suitable habitat was identified that overlaps with the Proposed Project. The closest recorded occurrence of arroyo toad is approximately 0.5 mile from the Proposed Project. Therefore, the species is unlikely to be affected by the project.

Golden eagle

No golden eagles were detected during avian surveys conducted by SWCA in 2015 at the Proposed Project. The closest site that could potentially support a golden eagle nest is located approximately 4,400 feet away from the Proposed Project, and was confirmed to be unoccupied and lacking in nest structures in 2010 and 2011 (Figure 4.4-5 of the PEA). This is beyond the maximum distance at which a nest may be potentially affected by Project Activities, per the mitigation requirements of the Sunrise Powerlink project. Therefore, it was determined that focused surveys at the Proposed Project for nesting golden eagles were not warranted, as the nesting habitat does not exist in the project footprint or within the buffer zone.

Stephens' Kangaroo Rat

No survey was conducted for Stephens' kangaroo rat at the Proposed Project because the species' known range is well north of the project footprint. In addition, there are no Stephens' kangaroo rat occurrences within or near the project site. The closest confirmed occurrence of this species is approximately 21 miles northwest of the project, north of Escondido, California. Therefore, the species is unlikely to be affected by the Proposed Project.

Southwestern Willow Flycatcher

Suitable nesting habitat for southwestern willow flycatcher, which according to the USFWS, includes patchy to dense riparian habitats along streams, reservoirs, or other wetlands dominated by tree or shrub species such as willow, box elder, salt cedar, and cottonwood, is absent from the project site. Moreover, slow moving or still water, or saturated soil is characteristic at or near breeding sites during non-drought years. Due to the lack of suitable nesting habitat, no focused survey was conducted; the species is unlikely to be affected by the Proposed Project.

Rare Plants

SWCA biologists and botanists with familiarity of local flora, conducted biological and botanical surveys on the project site to determine presence of special status plants including those listed by state and federal agencies and others based on available data. The data evaluated included the most up to date version of the CNDDB at the time of the survey, voucher records from the Consortium of California Herbaria, Inventory of Rare and Endangered Plants of California, published and unpublished technical reports, and peer-reviewed literature. 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 (CDFG 2009). The CDFW Protocols facilitate a consistent and systematic approach to the survey and assessment of special status native plants and natural communities so that reliable information is produced and the potential of locating a special status plant species or natural community is maximized. In addition, this protocol calls for field surveys to be floristic in nature, meaning that every plant taxon that occurs on site is identified to the taxonomic level necessary to determine rarity and listing status, and conducted using systematic field techniques to ensure thorough coverage of potential impact areas..

Based on the preliminary review, SWCA biologists compiled a list of special status plants, as defined by the CDFW 2009 Protocols, that were likely to occur on the project site based on site-specific conditions (soils, geology, topography, elevation and associated plant communities) (Section 4.4 Biological Resources, Table 4.4-3). The surveys were floristic in nature, identifying each plant to the taxonomic level necessary to make a presence/absence determination. The surveys were conducted over a period of one year to capture the flowering period of all special status plants on site. When possible, the biologists examined reference sites to determine whether special status species were identifiable at the time of the survey. For example, for the felt-leaved monardella surveys, SWCA botanists visited previously known locations where this species existed to ensure the plant was in bloom and identifiable.

Deficiency No. 4.4.-5:

BIO-4: The potential for indirect impacts to wetlands must be discussed. (Page 4.4-45)

NEET West Response:

The potential for indirect impacts to wetlands was considered in the preparation of the PEA. No wetlands were identified at or near the Proposed Project as a result of SWCA's desktop and field studies. The closest delineated wetland, as identified by the National Wetlands Inventory (2014) is approximately 425 feet north of the Proposed Project. The vegetated declivity identified near the proposed SVC facility, for which a wetland delineation was conducted, was determined not to be a wetland (see response to Deficiency No. 4.4-1). As a result, it was determined that there are no wetlands near the Proposed Project that would be subject to direct or indirect impacts. As stated on page 4.8-13, many of the surface waters in the Proposed Project area do not have an apparent connection to downstream waters, essentially transitioning from shallow semi-confined flow paths to overland sheetflow.

The potential for indirect impacts to any type of habitat, wetland or upland, would be avoided and minimized with the implementation of APM BIO-12, Implementation of Best Management

Practices (BMPs). This APM was included as part of the Proposed Project to control fugitive dust and manage stormwater, erosion, and fuel spills, should they occur at the project site, to minimize off-site impacts. Prior to construction, NEET West will prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) per APM GEO-3 and a Hazardous Materials and Waste Management Plan that includes protocols for spill prevention and response per APM HAZ-1. NEET West has proposed the construction of a stormwater system and detention pond as part of the project within the SVC site to manage the water quality, quantity, and velocity of post-construction drainage. Therefore, indirect impacts to wetlands (or any other off-site areas) will be less than significant.

4.5 CULTURAL RESOURCES

Deficiency No. 4.5.-1:

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. (Table 4.5-2, Page 4.5-21)

NEET West Response:

NEET West's response to Deficiency No. 4.5-1 is broken down based on what NEET West understands to be Staff's four key concerns:

1. The primary document detailing the level of previous disturbance related to restoration in Wilson Laydown Yard (the location of archaeological site SUN-S-1012) is unpublished.

2. The Proposed Project Area is sensitive for cultural resources.

3. Spot-checking by monitors per APM CUL-2 is not sufficient to identify buried cultural resources prior to blasting.

4. Subsurface testing is necessary to assess the likelihood of buried cultural resources.

<u>Response to Item 1: Unpublished SDG&E Document</u>

NEET West provided the unpublished SDG&E document, PEA Section 4.5 Reference SDG&E 2015, *Wilson Construction Yard Summary,* to Staff following the October 8, 2015 meeting.

Response to Item 2: Cultural Sensitivity of the Project Area

The appropriate sections of the cultural resources PEA chapter have been revised to address questions regarding the sensitivity of the project area for cultural resources (see Attachment 4.5). Background research and survey results indicate it is unlikely that unidentified cultural resources, including intact, buried, archaeological sites, are present within the Proposed Project Area. While the general area may be sensitive for certain types of cultural resources, the conditions within the Proposed Project Area are such that it is much less sensitive. This finding is supported by the following:

1. The highly disturbed context greatly decreases the sensitivity of the Proposed Project Area. Nearly all of the Proposed Project Area has been subject to previous disturbance. Across the SVC location, grading/excavation occurred to a depth of 24 inches as part of the Sunrise Powerlink Project construction and site restoration of the Wilson Laydown Area. The landowner has also conducted grading and leveling of the property outside the grading limits of the Wilson Laydown Area as depicted on Figure 4.4-2 in Attachment 4.4c to establish a pad and pipeline for a water tank. The proposed location of the underground transmission line lies within Bell Bluff Truck Trail, which was widened, graded, and paved during construction associated with the Sunrise Powerlink. Because of this previous disturbance, the likelihood of encountering intact buried archaeological deposits is low, which is one of the benefits of the Proposed Project being located in an area that was previously disturbed.

2. The results of previous studies indicate that the Proposed Project Area is not sensitive. In addition to the current study, three additional studies have been conducted within the Proposed Project Area in the last 10 years. These include two cultural resources surveys (Garcia-Herbst et. al 2010 and Noah 2008) and one cultural resources monitoring program (Kyle and Williams 2013). The entire Proposed Project Area was surveyed and construction of all components of the Sunrise Powerlink and associated infrastructure, including the disturbances associated with Bell Bluff Truck Trail and the Wilson Laydown Area described above, was monitored by a qualified archaeologist. It is highly likely that any cultural resources present within the Proposed Project Area have been identified by these studies. Only two archaeological sites (SUN-S-1012 and CA-SDI-20166) were identified in the Proposed Project Area as a result of these efforts, and neither is eligible for the CRHR. Further, there are no sites that have been found eligible for the CRHR or NRHP in the immediate vicinity of the project. Thus it is unlikely that unidentified cultural resources, including intact buried archaeological deposits, are present within the Proposed Project Area.

3. The depositional setting of much of the Proposed Project Area indicates the area is not sensitive. Other than the SVC location, most of the Proposed Project is located on or adjacent to slopes where the depositional context is not conducive to sediment accumulation, thus reducing the likelihood of encountering intact buried archaeological deposits. While the depositional context of the SVC location is conducive to site formation, the extensive disturbances described above make the likelihood of encountering intact buried archaeological deposits low within the SVC location.

4. The types of sites present in the vicinity of the project suggest the area is not sensitive for buried archaeological deposits. Nearby sites consist primarily of lithic and ground stone scatters, bedrock milling stations, or a combination of these; these types of sites typically do not have substantive buried deposits.

5. Previous archaeological testing has not identified any significant buried archaeological deposits. Of the three sites in the project vicinity that have been tested, two did not yield intact buried archaeological materials, and the buried component of the third was not deemed significant.

Response to Item 3: Level of Monitoring Proposed for the Project

Blasting will only be employed in areas where standard excavation methods are not feasible, and will occur after other sediments have been mechanically removed under the watch of archaeological monitors using standard excavation methods and bedrock is identified. Blasting will occur only in bedrock, which is not sensitive for cultural resources. Because an archaeological monitor will be present, the monitor will be able to identify any cultural materials present as they are exposed. Thus the resources will be treated appropriately in accordance with APM CUL-3 and APM CUL-4. The language in the cultural resources technical report and PEA chapter has been revised to clarify the level of monitoring recommended. Please see revised APM CUL-2below. This APM supersedes the APM provided on page 4.5-21 of the PEA.

> **APM CUL-2: Archaeological Construction Monitoring.** ~~A qualified archaeological monitor~~ Qualified archaeological and Native American monitors will be retained to conduct ~~periodic spot-checking~~ full-time monitoring of initial ground disturbing activities within the Proposed Project Area. 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~~ 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 ~~of ground disturbing activities be conducted in archaeologically sensitive areas~~ continue beyond initial ground disturbance.

Response to Item 4: Need for Subsurface Inspection

The two archaeological sites present in the Proposed Project Area, SUN-S-1012 and CA-SDI-20166, have been evaluated and found not eligible. Therefore, test excavation is not necessary for these sites. Further, as discussed above in the response to Item 2, it is unlikely that intact cultural deposits are present within the Proposed Project Area and thus archaeological testing is also not warranted elsewhere. Outside of sites SUN-S-1012 and CA-SDI-20166, no surface expression of a site, such as artifacts, features, or the presence of midden, has been identified. During the pedestrian survey conducted for the current study visibility in the Proposed Project Area was good, at approximately 70 percent; thus any surface expression of archaeological deposits would likely have been identified. The decision regarding whether to conduct subsurface testing is context dependent; in contexts like this, for the reasons stated above, it is not standard practice.

4.6 GEOLOGY AND SOILS

Deficiency No. 4.6.-1:

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). (Page 4.6-24)

NEET West Response:

Please see revised APM GEO-3 below. This APM supersedes the APM provided on page 4.6-24 of the PEA.

> **APM-GEO-3: Stormwater Pollution Prevention Plan Implementation.** 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) (Adopted Order 2009-009-DWQ, as amended by 2010-0014-DWQ and 2012-006-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.
>
> 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:
>
> - Avoiding excessive disturbance of steep slopes;
> - Using drainage control structures (e.g., straw wattles or silt fencing) to direct surface runoff away from disturbed areas;
> - Installing sediment barriers between disturbed areas and aquatic habitat (i.e. jurisdictional wetland and water);
> - Strictly controlling vehicular traffic, specifically ingress and egress locations;
> - Implementing a dust control program during construction;
> - Stockpile containment and management requirements; and
> - Re-vegetating disturbed areas where applicable following construction.
>
> 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.

Deficiency No. 4.6.-2:

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. (Page 4.6-16 and 4.6-17)

NEET West Response:

There was an error in the figure numbers within the PDF version of Section 4.6. A revised Section 4.6 Geology and Soils is included in Attachment 4.6, which contains the corrected figure numbers

and figure references throughout the section and the revised APM GEO-3. With the corrections made, the Map of Geological Units is Figure 4.6-2a and the corresponding Map of Geological Units Legend is Figure 4.6-2b.

4.8 HYDROLOGY AND WATER QUALITY

Deficiency No. 4.8.-1:

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? (Page 4.8-4)

NEET West Response:
There are no municipal separate stormwater sewer systems (MS4s) located within 2 miles of the Proposed Project. Section 402 of the Clean Water Act (CWA) is applicable to the Proposed Project as it established the National Pollutant Discharge Elimination System (NPDES) requirements administered at the federal level by the Environmental Protection Agency (EPA) and at the state level by the State Water Resources Control Board (SWRCB) and the nine Regional Water Quality Control Boards.

The 1987 amendments to the CWA added Section 402(p), which establishes a framework for regulating municipal and industrial storm water discharges under the NPDES Program. In 1990, the U.S. Environmental Protection Agency (EPA) published final Phase I regulations that established a storm water permit program for specified categories of industries, including construction projects that encompassed five or more acres of soil disturbance. In 1999, the EPA issued Phase II regulations that lowered the permitting threshold from five acres to one acre, and the SWRCB reissued the General Construction Storm Water Permit (CGP) (Water Quality Order 99-08-DWQ) to implement the EPA's Phase II regulations at the state level. The CGP underwent a major overhaul in 2009 (2009-009-DWQ), and has since been amended in 2010 and 2014 (2010-0014-DWQ and 2012-0006-DWQ). Collectively this permit and its amendments set forth the stormwater permitting and regulatory framework for construction projects such as the Proposed Project. Therefore, Section 402 of the CWA is applicable to the regulatory discussion presented in the PEA on page 4.8-4.

As defined by 40 Code of Federal Regulations 122.26(b)(8), a MS4 is a conveyance or system of conveyances that is:

- Owned by a state, city, town, village, or other public entity that discharges to waters of the U.S.;
- Designed or used to collect or convey stormwater (including storm drains, pipes, ditches, etc.);
- Not a combined sewer; and
- Not part of a Publicly Owned Treatment Works (sewage treatment plant).

In greater San Diego County, per the County Jurisdictional Runoff Management Plan, the County of San Diego maintains approximately 4 miles of open channel, 2,065 miles of linear MS4

systems, 18,973 drainage inlets, and 13 flood detention structures in its unincorporated jurisdictional area, as defined by the following structure types:

- **MS4 Open Channels**: Lined concrete flood control channels inspected and maintained by County Flood Control personnel. Inlets to flood control channels prevent trash and debris from entering and are considered self-cleaning.
- **Linear MS4 Systems:** Drainage systems located on public land or easements primarily inspected and maintained by County Road crews. Linear road drainage systems include curbed streets, gutters, and ditches that run along the road. Tracked by centerline miles.
- **Storm Drain Inlets:** Any entrance to an enclosed underground storm drain system that, by design, accepts surface water. Storm drain inlets and outlets include culvert openings and storm drain inlet boxes and cleanouts. Inlets commonly have grates that prevent large pieces of debris from entering the storm drain system and/or have boxes to trap debris. Inlets have to be regularly inspected and cleaned of debris by both County Road and Flood Control personnel.
- **Catch Basins:** Above-ground, catch (detention) basins typically are open, dry, sometimes vegetated, that utilize an outlet structure with a small orifice at the bottom to control the outflow of the water volume. Sediment, litter, and debris are typically captured at the inlet of the basin, or within the entire basin. Catch basins are primarily maintained by County Flood Control personnel.

As described in Section 4.8.3.2, localized drainage in the immediate vicinity of the Proposed Project is toward several ephemeral drainages along valley or canyon bottomlands that eventually flow to the Sweetwater River (Figure 4.8-2). Surface drainage in the Proposed Project area is generally dictated by two main surface water systems: the Sweetwater River and several unnamed drainages to the north and Peterson Creek (a tributary to Taylor Creek that drains to the Sweetwater River) and several unnamed drainages to the south.

There are no existing County-owned conveyances that are designed or used to collect or convey stormwater flows between the Proposed Project site and Sweetwater River itself. Although typical stormwater conveyance features such as man-made concrete-lined ditches and riprap bio-swales occur along Bell Bluff Truck Trail, these features are not maintained by the County nor do they flow directly into a County conveyance such as an MS4 open channel or linear MS4 system. Instead, these stormwater features on Bell Bluff Truck Trail simply direct flows away from the roadway and into ephemeral washes or overland sheetflow. Storm drain inlets do occur along some county roads such as Via Palo Verde Lago in the unincorporated community of Alpine, located approximately 2 miles west of the Proposed Project. As a result, the Proposed Project is too far away to impact any existing MS4 systems.

Deficiency No. 4.8.-2:

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. (Page 4.8-20)

NEET West Response:

As described in Section 4.8.3.2, Surface Waters, the nearest San Diego Water Resources Control Board (SDRWQCB) 303(d)-listed water body is Loveland Reservoir, located approximately 4.6 miles southwest of the Proposed Project. Potential water quality impairments to Loveland Reservoir are a result of four pollutants: aluminum, manganese, dissolved oxygen, and pH (Table 4.8-4). Sources of Loveland Reservoir limiting pollutants have not been identified by the SDRWQCB.

Pollutants are transported from point sources to receiving waters via contaminated surface flows or groundwater. As stated on page 4.8-13, many of the surface waters in the Proposed Project area do not have an apparent connection to downstream waters, essentially transitioning from shallow semi-confined flow paths to overland sheetflow. Flow volumes would need to be substantially more than the average wet season to enable surface flows to overcome that lack of pathway to downstream waters. In the unlikely event that a storm event or discharge occurs, waters will dissipate and dilute substantially before reaching Loveland Reservoir, which is located more than 4 miles away. As described in Impact WQ-1 and WQ-5, the Proposed Project will not violate any water quality standards or generate substantial runoff water during construction or operation. The potential for the Proposed Project to contribute to the downstream 303(d) impairments during construction or operation will be less than significant. With implementation of APMs WQ-1, WQ-2, and WQ-4 through WQ-6, the handling of fuels, sanitary/septic waste, and groundwater will be controlled and offsite aquatic features would be identified and avoided to the greatest extent possible during construction. APM-GEO-3 would also involve preparation and implementation of a SWPPP. This plan will designate BMPs that help reduce erosion, sedimentation, and pollutant transport. 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. Similarly, APM HAZ-1, HAZ-2, HAZ-5, and HAZ 8 each involve the development of hazard-specific plans to address and prevent the release of hazardous materials into the surrounding environment. Implementation of APMs ensures that impacts will remain less than significant.

Deficiency No. 4.8.-3:

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? (Page 4.8-25)

NEET West Response:

The stormwater system and detention pond have been designed to manage both the quantity and quality of stormwater flows. Stormwater that enters the site as run-on and/or retained on site following a rain event would be directed by site grading to drainage ditches at the site perimeter. These drainage ditches would be directed to the stormwater pond located on the south side of the SVC. This stormwater pond would serve to both control the velocity and energy of stormwater flow to minimize scour and off-site sedimentation and detain stormwater to allow soil particles to settle out of stormwater to minimize the potential for turbid water flowing off-site. There is no

chemical (e.g. Chitosan) or mechanical (e.g., oil and grease skimmers) treatment of stormwater proposed in this stormwater system.

In order to manage the flow of potential pollutants such as fuels, oil, and grease into this stormwater system or carried off-site, NEET West has designed separate oil containment basins around the transformers as discussed in Section 3.0 Project Description, page 3-13. Oil containment basins have been designed to contain the oil volume of the transformers plus the 25-year 24-hour storm. Any releases of oil from the transformers will be responded to immediately, cleaned up, and hauled offsite to a permitted waste facility. Similarly, any spills or equipment leaks that may occur during construction would be managed by implementing BMPs including those NEET West has committed to in APMs BIO-12, GEO-3, and HAZ-1.

There would be no impacts to MS4 systems as there are no MS4 systems in close proximity to the Proposed Project. The closest MS4 system is 2 miles away from the Proposed Project in the community of Alpine and is not hydrologically connected to waterways near the Proposed Project.

Deficiency No. 4.8.-4:

During a meeting with the CPUC on October 8, 2015, Mr. Andy Flajole (and perhaps others at NextEra) indicated that the topography of the Wilson Laydown Area was "permanently altered" during the Sunrise Powerlink project. This statement contradicts a memo prepared by SDG&E (entitled "Wilson Construction Yard Summary") that was provided to NextEra. According to the memo, the Wilson Laydown Yard was "ripped and cross-ripped between 18-24 inches prior to being re-contoured to the original topography."

Please clarify the apparent contradiction between NextEra's comment during the October 8th meeting and the cited text from SDG&E's memo. (Provided October 14, 2015)

NEET West Response:

There is no contradiction between suggesting that SDG&E "permanently altered" the Wilson Laydown Yard during construction of the Sunrise Power Link project, and the language contained in the referenced SDG&E memo (SDG&E 2015). We assume that SDG&E did (as they were required to do) re-contour the area that they disturbed back to the pre-disturbance topography in 2012. However, as is the case with any revegetation effort of this nature, it is impossible to return topography to the exact same condition as it was prior to being disturbed. Thus, certain aspects of the area SDG&E disturbed will inherently be somewhat different than prior to disturbance. For example, there may be differences in vegetation and a different makeup/mixture of the soil down to 24 inches post-disturbance as compared with pre-disturbance.

4.10 NOISE

Deficiency No. 4.10.2.2-1:

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. (Page 4.10-11)

NEET West Response:

The referenced statement was meant as a factual statement, and was not intended to be tied to any significance criteria or mitigation. The use of blasting will shorten the excavation schedule where alternatives to blasting would require conventional excavation (e.g., ripping) to remove the bedrock layer to achieve excavation depths. Conventional excavation could add approximately one month or more to the construction schedule. With an extended construction schedule, there would be commensurately greater air quality, noise, and traffic impacts, as compared to the proposed schedule where low-intensity blasting is utilized, simply due to the fact that vehicles and heavy equipment would be needed over a longer period of time. As stated in a case study entitled *Selection of Blasting Limits for Quarries and Civil Construction Projects* (Orica Limited Group 2015):

> "The selection of appropriate blasting vibration limits for civil construction projects and quarry operations has a major influence on the overall cost, duration, and environmental impact of a project. In some cases the application of an overly conservative limit may affect the financial viability of a project to a point where it may not even commence, despite it going through all the relevant planning approvals. Low vibration limits have resulted in explosive blasting being precluded from some major projects in in favor of slower, more disruptive, mechanical methods such as ripping and hammering. This has prolonged the duration of the projects and extended the community's exposure to excavation noise and dust."

It is also worth noting that the methods of blasting proposed for the Suncrest Project are also not of the scale that was seen for the construction of SDG&E's Suncrest Substation. As stated in Section 3.0, Project Description, conventional excavation with a backhoe or excavator will be the primary excavation method. Only when bedrock is reached will low-intensity micro blasting be used to crack the rock so that the rock can then be removed with conventional means.

Lastly, NEET West notes that similar language was used in the CPUC's Tie-Line 637 Wood-to-Steel Replacement Project IS/MND in 2014, which states on page 5-12-10,

> "At this time, blasting activities are not anticipated; however, should rock drilling or blasting be required during construction, such activities would only occur once per day for a short period of time. Such activities, though generally resulting in elevated noise levels at the time the activity is performed, would actually reduce overall drilling time required at each pole site. Thus, rock drilling and blasting activities would effectively reduce overall noise impacts over the course of the 9-month construction period."

Thus, the approach to blasting noise impacts utilized for the Suncrest Project is not only consistent with San Diego County's CEQA guidelines relating to noise impacts, but also consistent with CPUC precedent for a recently approved project of similar impacts that was analyzed under CEQA pursuant to an IS/MND.

Deficiency No. 4.10.2.2-2:

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. (Page 4.10-11)

NEET West Response:

Appendix G of CEQA Guidelines (14 CCR 15000 *et seq.*) provides guidance on assessing whether a project would have significant impacts on the environment. The above statement is connected to Appendix G CEQA significance criteria a) and b). Consistent with Appendix G, the Proposed Project would have significant noise impacts if it would:

a) Expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies.

b) Expose persons to or generate excessive groundborne vibration or groundborne noise levels.

Significance levels from the San Diego County Guidelines for Determining Significance for Noise (County of San Diego 2009) were used in the analysis, as these guidelines are specific to CEQA and as stringent as or more stringent than other potential significance levels (Noise Control Act, HUD guidelines, etc.). The analysis for significance criteria (a) is provided in Section 4.10.4.3. The Proposed Project, including blasting, will not exceed noise standards in the general plan, noise ordinance, or other applicable standards. APM NOI-1 will ensure impacts remain less than significant.

Significance criteria (b) is connected to the potential for blasting to expose persons to or generate excessive groundborne vibration or groundborne noise levels. As stated in Section 4.10.4.1, the San Diego County Significance Guidelines contain significance guidelines for the impact of vibration on buildings in the following categories: research and manufacturing facilities with special vibration constraints, buildings where people normally sleep, institutional land uses with primarily daytime use, concert halls, TV studios, recording studios, auditoriums, and theaters (County of San Diego 2009). None of these facilities are located within 1 km (0.62 mile).

The closest vibration sensitive receptor as defined in the County Guidelines is an occupied residence located approximately 0.81 mile southeast from the SVC. The closest occupied structure to the Proposed Project is SDG&E's Suncrest Substation control building, which is located approximately 400 feet from the Proposed Project. An abandoned storage garage, a microwave tower, a water tank, and an underground 12-kilovolt distribution duct bank are closer and located approximately 65 feet, 20 feet, 10 feet, and 20 feet respectively, from the Proposed Project.

Vibration levels associated with micro-blasting, if conducted, would be site-specific and depend on soil/rock conditions at the site, the amount of explosives used, and the depth that the blasting occurs. Groundborne vibration dissipates rapidly with distance and the vibrations would not be perceptible at distances farther than 50 feet from the vibration source. As stated in response to Deficiency No. 3.8.3.2-1, the Suncrest Substation control building is located approximately 400 feet from the Proposed Project. To ensure vibration impacts are minimized, NEET West will consult with SDG&E's blasting coordinator in review of the blasting plan as required by APM NOI-2.

The nearest noise sensitive receptor (i.e. occupied residence) is located over 0.81 mile from the SVC, which is too far away for any vibration damage to be anticipated. Furthermore, groundborne vibration would only occur during daytime work hours when normal daily activities reduce the perceptibility of such vibration. Therefore, groundborne vibration would not be excessive, and the impact would be less than significant.

Deficiency No. 4.10.3.2-1:

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. (Page 4.10-12)

NEET West Response:

National Forest lands are not automatically considered a noise sensitive land use. National Forests (managed by the U.S. Forest Service) have many uses, including recreation, but also resource extraction (e.g., livestock grazing, timber harvesting, mining, and oil drilling). Therefore, a recreational area, park, or wilderness area can only be said to exist in a national forest if designated as such. As discussed in Section 4.13.3.1 of the PEA, the nearest Cleveland National Forest recreation area to the Proposed Project footprint is the Pine Creek Wilderness, approximately 2.2 miles southeast of the proposed project and outside the 1 kilometer (km) radius of construction impacts. Indeed, there is no evidence that there are any recreational areas or other similarly-designated areas within the 1 km radius of project-related construction impacts. Additionally, it should be noted that the Sunrise Powerlink Project EIR/EIS did not indicate that USFS land, outside of designated parks or wilderness areas, was a noise sensitive land use:

> "Recreational land uses within the BLM and the Cleveland National Forest (CNF) that would be noise-sensitive include: the Pacific Crest Trail (PCT) within CNF at MP-MD-10; and the CNF Hauser Wilderness South Expansion Area approximately 700 feet from the route near MP MD-13. The remainder of the route occurs on national forest land, which provides a rural and natural setting, but is not noise-sensitive."
>
> "No residences or otherwise noise-sensitive receptors are located within 1,000 feet of the Modified Route D Substation Alternative site, which is in a rural and natural setting."

Deficiency No. 4.10.3.2-2:

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. (Page 4.10-12)

NEET West Response:

As stated in the response to Deficiency 4.10.2.2-2, the San Diego County Significance Guidelines do not identify electrical substations and transmission lines as "vibration sensitive structures" (County of San Diego 2009). Nevertheless, NEET West has considered the location and proximity of the Suncrest Substation in the PEA analysis and has committed to coordinate with SDG&E as discussed in Impact N-2 of the PEA (Page 4.10-17). While NEET West has taken SDG&E's facilities into consideration in its planning and analysis, there are no vibration sensitive structures as defined by the County code near the Proposed Project as stated on page 4.10-17 of the PEA.

To address Staff's second comment about APM NOI-2 being "deferred mitigation," NEET West clarifies that the proposed APMs are part of the Proposed Project description, and are not intended to serve as mitigation measures under CEQA. The APMs are called out separately from the project description in order to clarify for Staff all of the proactive efforts being made by the applicant in the design of the project.

Accordingly, because the APMs are not equivalent to mitigation measures, there can be no improper "deferral" under CEQA of any APM. In addition, NEET West reviewed other recent PEAs and CEQA documents and found similar language to NEET West's APM in CPUC-applied mitigation measures. Therefore, NEET West's APM is as stringent as the CPUC mitigation measures. More specifically, the Tie-Line 637 Wood to Steel Project IS/MND and Draft Sycamore-Penasquitos EIR as excerpted below (CPUC 2014 and 2015):

> ***Tie-Line 637 Wood to Steel Project:***
>
> Mitigation Measure HAZ-3: In the event that rock blasting is used during construction, a noise and vibration calculation will be prepared and submitted to the California Public Utilities Commission and the County of San Diego for review before blasting at each site. The construction contractor will ensure compliance with all relevant local, state, and federal regulations relating to blasting activities. In addition to any other requirements established by the appropriate regulatory agencies, 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 San Diego Gas & Electric (SDG&E) or SDG&E's contractor. 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. The pre-blast survey shall be included in the final blasting plan.

- 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.

Sycamore-Penasquitos Project:

Mitigation Measure Hazards-1. Site Specific Blasting Plan. The construction contractor shall ensure compliance with all relevant local, state, and federal regulations relating to blasting activities through the development and submittal of site-specific blasting plans, notification requirements, and monitoring as required below:

A site-specific blasting plan shall be prepared prior to rock blasting in any location where blasting is required. Each blasting plan must include noise and vibration calculations, blasting methods, surveys of existing structures and other built facilities, and distance calculations to estimate the area of effect where vibration levels would exceed 0.2 in/sec PPV or noise levels would exceed 90 dBA as a result of the blasting. The blasting plan shall identify a hazardous zone for people during blasting. The hazardous zone shall be defined as the area where a person could be injured or killed if they were to be located in that zone during controlled detonation. Personnel and members of the public shall be located outside of the hazardous zone. The blasting plan shall include methods to verify that personnel or members of the public are located outside of the hazardous zone. In addition, the blasting plan shall identify the trails that are adjacent to the blasting sites and that would require temporary closure during blasting activities. Finally, the blasting plan would require that SDG&E coordinate with MCAS Miramar to identify any locations where controlled detonation would be prohibited because the detonation site is located near unexploded ordnances.

Blasting plans shall be submitted to the CPUC and the City of San Diego for review and approval before blasting at each site. SDG&E's contractor shall prepare daily blasting-related reports that include: Blast Report, Seismograph Monitoring Report, Inspection Report, Blasting Complaint Report, and Pre-Blast Inspection Report.

Deficiency No. 4.10.4.2-1:

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. (Page 4.10-13)

NEET West Response:

There is the potential for time-sensitive construction activities to extend into the 7PM to 7AM time window. The sentence previous to the sentence quoted above states, "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."

To expand upon to statement made in APM NOI-1, the kinds of activities that may fall outside of the 7AM to 7PM time window include, but are not limited to, the following:

- SVC site grading
- Setting of the SVC foundations
- Trenching for the 230kV underground transmission line
- Vault installation
- Installation of the 230kV duct bank
- Cable splicing

There are no noise-sensitive receptors within 1 km of the Proposed Project. As stated on page 4.10-12 of the PEA, "A 1-km (0.62-mile) radius represents a reasonable distance where sensitive noise receptors could potentially experience impacts because most typical construction equipment noise attenuates to less than 70 dBA at 330 feet and would not be discernable at a distance of 1 km (0.62 mile). The nearest NSLU is a residence located approximately 0.81 mile from the SVC. Due to the distance to the nearest NSLU, APM NOI-1 further reduces impacts that are already less than significant.

Deficiency No. 4.10.4.2-2:

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. (Page 4.10-14)

NEET West Response:

Please see the response to Deficiency 4.10.3.2-2.

Deficiency No. 4.10.4.1:

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."

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."

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)

Please clarify the apparent discrepancy above. (Pages 4.10-12; 4.10-14)

NEET West Response:
There are several similar, yet ultimately distinct, concepts being described in the deficiency above. To clarify:

By ordinance (and referenced in the CEQA guidelines), **Construction Noise** is measured at the nearest occupied property-property line. To find this line, it is first necessary to find the nearest occupied property (property with a residence), then find the closest distance to the proposed project. This line is 985 feet (or 300 meters) from the center of the SVC.

By ordinance (and referenced in the CEQA guidelines), **Operational Noise** (noise from the operation of the SVC) is evaluated at the nearest property line, regardless of whether the property is occupied or not. This line is 395 feet from the center of the SVC.

If the Suncrest Substation was an occupied property, then these property lines would be the same. However, the Suncrest Substation is not occupied and the nearest occupied property is much further away. The comment is reproduced below with appropriate emphasis and notes added:

*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*** [not the same as occupied property] *is between the Dean R. and Deborah S. Wilson property and SDG&E property* [both of which are unoccupied]*, approximately 395 feet from the center of the proposed SVC, where the property line is also crossed by the underground transmission line.* [Operational] *Noise impacts are evaluated at this boundary."*

*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* [985 feet = 300 meters] *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."*

According to the Noise Modeling Report in Appendix H of the PEA, the receptor distance for blasting was assumed to be 300 meters [985 feet = 300 meters] *(see RCNM report)*

5.0 DETAILED DISCUSSION OF SIGNIFICANT IMPACTS

5.2 DESCRIPTION OF PROJECT ALTERNATIVES AND IMPACT ANALYSIS

Deficiency No. 5.2.2-1:

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.

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 in inadequate. (Page 5-3)

NEET West Response:

The PEA and the responses above provide substantial evidence demonstrating that there will be no significant impacts associated with the Proposed Project. Based on the lack of identified significant impacts, it was NEET West's position in preparing the PEA that CEQA would not require an analysis of alternatives. This was explained in the PEA on page 5-1. (See CEQA Guidelines § 15126.6 and CPUC Rule 2.4.) NEET West understood, however, based on communications with Staff prior to filing the PEA, that a discussion of alternatives would be informative to Staff. NEET West thus included in the PEA an analysis of all the alternatives that NEET West considered in identifying the Proposed Project, and additional alternatives that potentially could be included in a reasonable range of alternatives under CEQA.

As explained in the PEA on page 5-1, NEET West examined a range of technology, system, SVC location, and transmission line alternatives in addition to the No Project Alternative. The results of this evaluation are set forth in the PEA. The evaluation of potential alternatives showed that there is not an alternative that would be feasible and could result in reduced environmental impacts as compared with the Proposed Project.

NEET West conducted a thorough analysis to identify alternatives that meet the CEQA thresholds for suitable alternatives (i.e., those that can substantially reduce significant environmental impacts, can attain most of the basic project objectives, are potentially feasible, and are reasonable and realistic). The list of alternatives analyzed in the PEA includes every alternative that was identified as being potentially capable of meeting these criteria. As such, NEET West believes that the alternatives presented in the PEA should be the same "reasonable range" of alternatives that Staff will consider in preparing an EIR for the Proposed Project.

The PEA's ultimate determination that none of the alternatives is feasible also does not cause the alternatives analysis to be deficient. If an agency determines that a project as proposed by an applicant will best achieve project objectives taking account of relevant economic, environmental, social, technological, legal, and other factors, it may approve the project and find the alternatives "infeasible." Courts have held that an agency's ultimate findings rejecting alternatives as infeasible does not imply that those alternatives were improperly included for discussion in an EIR. *California Native Plant Society v. City of Santa Cruz,* 177 Cal.App.4th 957, 998 (2009); *Mira Mar Mobile Community v. City of Oceanside,* 119 Cal.App.4th 477, 489 (2004). Consistent with this case law, the PEA identifies the reasonable range of potentially feasible alternatives that are likely to be evaluated in an EIR. A detailed evaluation of those alternatives provides substantial evidence that that the Proposed Project should be approved with a finding that the alternatives are infeasible.

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