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December 15, 2025

VIA EMAIL

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Re: Comments on Draft Environmental Impact Report for Collinsville 500/230 kV Substation Project

On behalf of California Forever LP ("CAF"),[1] Holland & Knight, LLP hereby submits the following comments on the Draft Environmental Impact Report ("DEIR") for the Collinsville 500/230 kV Substation Project (the "Project") proposed by LS Power Grid California, LLC ("LS Power").

I. Background

LS Power has applied to the California Public Utilities Commission ("CPUC") for a Certificate of Public Convenience and Necessity ("CPCN") to construct and operate the Project. According to the DEIR's Project Description, the Project will involve construction of a 500/230 kV substation, a 230 kV transmission line, telecommunication interconnection lines, 500 kV interconnection lines, 500 kV transposition sites, a 12 kV distribution line, a telecommunication yard, and modifications to three existing PG&E substations, as detailed in Figure 2-4 of the DEIR.[2]

[1] CAF is the largest landowner in Solano County, who owns nearly 70,000 acres in Solano County, including essentially all of the land that would be impacted by the project, as proposed, as well as included projects this would cause, such as the Humboldt transmission line. LS Power has already repeatedly threatened CAF with eminent domain proceedings to condemn CAF lands against its will. CAF previously submitted scoping comments on February 6, 2025 ("Scoping Comments") in response to the Notice of Preparation ("NOP"), which are incorporated by reference herein.
[2] CPUC, Collinsville 500/230kV Substation Project, DEIR, Vol. 1, (Nov. 2025), at 2-1.

II. The DEIR Improperly Rejects Project Alternatives Near Pittsburg Substation, Which are Feasible, Environmentally Superior and Achieve Project Objectives.

In its Scoping Comments, CAF recommended that the EIR consider and analyze a project alternative immediately adjacent to PG&E's Pittsburg Substation.[3] CAF provided substantial evidence in its Scoping Comments that relocating the Project to pre-existing disturbed and industrialized lands would lead to substantially reduced environmental impacts compared to a greenfield development.[4]

Appendix C of the DEIR (Alternatives Screening Report) documents the CPUC's process of identifying project alternatives as well as the criteria used to screen potential alternatives from further consideration in the DEIR.[5] According to Appendix C, the screening process culminated in the identification of fourteen potential alternatives, but only five were retained for detailed analysis in the DEIR. Of the nine alternatives screened out for further consideration, two included relocated project sites near the Pittsburg Substation: (i) Alternative 11 - Collinsville Substation North of Pittsburg Substation and (ii) Alternative 12 - Collinsville Substation South of Pittsburg Substation (collectively, the "Pittsburg Alternatives").

As discussed below, the DEIR improperly screened out the Pittsburg Alternatives based on improper criteria and erroneous assumptions in violation of CEQA Guidelines § 15126.6(c). To remedy this, the DEIR must be revised to include a detailed discussion of the Pittsburg Alternatives and their comparative environmental impacts and benefits.

a. Legal Standard Governing CEQA Alternatives Analyses and Screening

Under CEQA, an EIR must "describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives."[6] The purpose of CEQA's alternative analysis is to foster informed decisionmaking and public participation.[7] CEQA Guidelines § 15126.6, subdivision (c) governs the process by which the lead agency can identify, but reject from further analysis, project alternatives. It states, in pertinent part, that:

> "[*t*]*he EIR should ... identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination*. Additional information explaining the choice of alternatives may be included in the administrative record. *Among the factors that may be used to eliminate alternatives from detailed consideration* in an EIR are:
>
> (i) failure to meet most of the basic project objectives,
> (ii) infeasibility, or

[3] Scoping Comments, Section V.
[4] *Id*.
[5] DEIR, Appendix C, Alternatives Screening Report, at 1.
[6] CEQA Guidelines § 15162.6(a).
[7] *Id*.

(iii) inability to avoid significant environmental impacts."[8]

As demonstrated below, the Pittsburg Alternatives should not have been rejected from further consideration on any of these bases.

b. The Pittsburg Alternatives Achieve Most Basic Project Objectives

Appendix C confirms that both Pittsburg Alternatives are "potentially able to meet most basic project objectives."[9] However, Appendix C opines that because two seasonal windows would be required to install 12 submarine cables, which would occur a year later, neither alternative is capable of meeting the May 2028 CAISO operational date, which is another Project Objective of the DEIR. This conclusion is problematic for multiple reasons.

As a preliminary point, the DEIR provides no explanation as to why the Pittsburg Alternatives would require two seasonal windows and/or why it would be impossible to develop 12 submarine cables on a similar timeframe as the Proposed Project.

More importantly, the DEIR over-emphasizes the importance of achieving (or failing to achieve) commercial operation (or "COD") by May 2028. CAISO's *2024-2025 Transmission Plan* contemplates that the Project has a "current expected in-service date" of May 2028.[10] That is precisely what that date represents – an *expected* in-service date. There is no evidence to support the DEIR's rigid treatment of the May 2028 date, nor any information suggesting the California transmission grid will be threatened with risks if COD is not achieved at that time, *especially* if an environmentally superior alternative is selected. In fact, CAISO's *2023-2024 Transmission Plan* assumed an expected in-service date for the Project by December 2027, offering further evidence that this COD target is not "set in stone." Further, nothing in the CAISO Transmission Plans suggests the Project is needed to alleviate constraints on the transmission system by May 2028. The *2024-2025 Transmission Plan*'s discussion of the "Greater Bay Area 500 kV Transmission Reinforcement" project (which the Project would support), indicates that "a major ramp-up in demand [for transmission capacity in the Greater Bay Area] is expected in the long-term, *particularly in scenarios beyond 2034*."[11] Thus, the May 2028 *expected* in-service date is an artificially narrow project objective and improper basis to screen alternatives from further consideration.

Lastly, the DEIR's core assumption that construction will commence in May 2026 in order to achieve COD by May 2028 is tenuous at best. The DEIR's comment period closes on December 19, 2025, after which the CPUC must review and respond to all comments and prepare the Final EIR. Following release of the Final EIR, the CPUC must consider the project at a noticed public hearing, and any decision will be subject to a statute of limitations to challenge the decision. Construction of the Project is also contingent on LS Power obtaining a host of permits and

[8] CEQA Guidelines § 15126.6(c); emphasis added.
[9] Appendix C, at 44, 46.
[10] California ISO, 2024-2025 Transmission Plan, (approved May 30, 2025), at 190.
[11] California ISO, 2024-2025 Transmission Plan at 69 ("The latest long-term Local Capacity Requirement (LCR) study indicates a deficiency of nearly 5,000 MW in the 2039 scenario.")

clearances from federal, state, regional, and local agencies (See DEIR Table 2-11), including but not limited to, (i) a Section 7 Consultation (with both the U.S. Fish Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS); (ii) a Section 404 Permit (from the U.S. Army Corps of Engineers); (iii) a state Incidental Take Permit and Lake and Streambed Alteration Agreement (from the California Department of Fish and Wildlife (CDFW)); (iv) an Encumbrance Agreement/Administrative Permit (from the San Francisco Bay Conservation and Development Commission (BCDC); and (v) grading, building and encroachment permits from local agencies. Furthermore, because at this time LS Power has no real property interests or rights of way to construct either the transmission or the substation itself, LS Power must initiate (and prevail in) eminent domain proceedings to condemn the Project Site before any work may commence. After project construction, the DEIR assumes that seven months of testing is required before the Project can become operational.[12] In light of the above, the May 2028 COD date is a wholly unrealistic benchmark and not a proper basis for eliminating the Pittsburg Alternatives from detailed consideration in the DEIR.[13]

c. The Pittsburg Alternatives Are Feasible, Contrary to the Unsupported Statement in the DEIR.

Appendix C opines that the Pittsburg Alternatives are not "technically feasible" because "[s]ubmerged 500 kV transmission cables are not commercially available."[14] The EIR provides no evidence for this statement. In fact, substantial evidence indicates that submarine 500 kV cables have been deployed at other high voltage transmission projects in the United States (the Neptune project connecting New Jersey and New York),[15] United Kingdom (the Western HVDC Link connecting Scotland with Wales and England),[16] China (500 kV submarine cable "connecting offshore installations, Ningbo and Zhoushan)[17] and Scandinavia (the Skagerrak 4 HVDC Light link connecting Norway and Denmark).[18] A 2024 report analyzing switching transients in the proposed 500 kV Java-Bali Connection submarine cable project[19] in Indonesia observed that "[s]elf-contained fluid-filled and cross-linked polyethylene are the two technologies that can be employed for high-power submarine cable application."[20] Thus, the DEIR's elimination of the Pittsburg Alternative due to technological or commercial infeasibility is unsupported. To the extent

[12] DEIR, at 2-78.
[13] This construction schedule for the Proposed Project (May 2026 - November 2027) also calls into question the seasonal and durational assumptions in the DEIR's AQ and GHG impact analyses. CAF recommends that the DEIR be revised to include a more realistic and up-to-date construction schedule and revise the AQ and GHG qualitative analyses accordingly.
[14] Appendix C, at 44, 46.
[15] Neptune Regional Transmission System, The Project, (last visited Dec. 8, 2025), https://neptunerts.com/project/.
[16] SP Energy Networks, Western HVDC Link, (last visited Dec. 8, 2025), https://www.spenergynetworks.co.uk/pages/western_hvdc_link.aspx.
[17] N. Flaherty, World's Longest 500 KV AC Submarine Power Cable With No Factory Joints, EENews, (Apr. 18, 2018), https://www.eenewseurope.com/en/worlds-longest-500kv-ac-submarine-power-cable-with-no-factory-joints/.
[18] ABB, Press Release, ABB Sets World Record in HVDC Light Voltage Level, (Dec. 1, 2015), https://new.abb.com/news/detail/13859/abb-sets-world-record-in-hvdc-light-voltage-level.
[19] https://web.pln.co.id/en/stakeholders/larp-500-kv-jawa-bali-crossing-en
[20] Nababan, B. et al, *Switching Analysis in Hybrid OHL-Submarine Cable 500-kV Transmission System*, in IEEE Open Access Journal of Power and Energy, vol. 11, available at https://ieeexplore.ieee.org/document/10592028

submarine transmission cables are merely more costly to develop, additional costs are not proper basis to reject a project alternative as infeasible.

Separately, the screening analysis states that the South of Pittsburg Substation Alternative "would prevent any future lines from being able to access the Collinsville Substation, including any required upgrades, which would constrain operation and expansion of this substation."[21] This too is an invalid basis for elimination of the alternative. The purpose of CEQA is to analyze the environmental impacts and alternatives of the Project, not future, speculative expansions of said project. None of the Project's Objectives in the DEIR pertain to future expansions or creating additional capacity of the Project. Indeed, if expansion of the Project is anticipated, which as discussed below is reasonably foreseeable due to the planned Humboldt-Collinsville transmission line,[22] the DEIR must be materially revised to analyze the impacts of the whole project, including future expansions.

d. The Pittsburg Alternatives Are Environmentally Superior to the Project

Appendix C acknowledges that the Pittsburg Alternatives would "avoid development of the substation on areas zoned for agricultural use,"[23] and thus would result in less impacts on agricultural conversion (and not require agricultural mitigation under CEQA).

However, Appendix C ignores that the Pittsburg Alternatives would be environmentally superior to the Project in a host of other impact areas, including aesthetics, biological resources, geology and soils, cultural and tribal resources, land use/planning, and wildfire risks and public safety. Whereas Appendix C only references agricultural benefits, the body of the DEIR provides direct evidence that the Pittsburg Substation and adjacent lands are preferrable development sites for other environmental reasons. See, e.g.:

- DEIR at 4.11-22 – "PG&E's existing Pittsburg Substation **is in an industrial area** of the City of Pittsburg surrounded primarily by industrial activities, undeveloped lands to the west and southwest, and residential neighborhoods to the east and southeast. The Pittsburg Substation site **is designated as Industrial** and **zoned as Industrial General**."
- DEIR at 4.1-32 – For purposes of aesthetic impacts, "a portion of the telecommunication interconnection lines would be installed near Pittsburg Substation is in a **heavily developed and industrialized area** where public access is restricted."
- DEIR at 4.10-7 – "**No drainages, creeks, or streams** are located within the PG&E Pittsburg Substation site."
- DEIR at 4.4-85, -90, -104, -109 – Areas around Pittsburg substation are developed areas that **do not contain habitat for special-status reptiles, invertebrates, or mammal species**.
- DEIR at 4.15-16 - "the existing Pittsburg Substation .... [is] **not located in areas of high risk for wildfires**. Construction activities within PG&E's existing substations

[21] Appendix C, at 46.
[22] CAISO, 2024-2025 Transmission Plan, at 69.
[23] Appendix C, at 45, 47.

would not affect fire response as the existing substation has been cleared of all fuels/vegetation ...."

- DEIR at 4.12-5 – "The area surrounding the existing substations **have no known mineral resources** according to the MLC."
- DEIR at 4.5-34 – "PG&E project components are in areas with **low sensitivity for cultural resources**."
- DEIR at 4.7-32 – "None of the PG&E project components are located within an Alquist-Priolo fault zone or cross an active fault."

To screen out each Pittsburg Alternative, Appendix C focuses on purported "disadvantages" that each alternative would entail, specifically, *greater* impacts on air quality/GHG emissions, biological resources, hazardous and hazardous materials, and mineral resources.[24] However, the conclusions in Appendix C not supported by factual evidence.

For example, the conclusion that each Pittsburg Alternative would increase in cut/fill values due to contamination at the site and therefore lead to greater air quality emissions has no supporting evidence. It is not clear whether the alternative sites are contaminated, and if so, to what extent. Online resources demonstrate that neither site is listed on the Department of Toxics Substance Control's *EnviroStor* database,[25] and elsewhere the DEIR states that "[t]he existing PG&E Pittsburg Substation is identified in the [State Water Board's] GeoTracker database for historical releases that have been remediated and are under regulatory oversight."[26] In any event, even if increased emissions would occur due to increase in cut/fill values, Appendix C ignores the possibility that such emissions could be wholly outweighed by reduced emissions associated with reduced truck and construction worker trip lengths to a more urban, centrally-located site. It also overlooks the possibility that ground-disturbing activities at a pre-disturbed industrial site may be less intensive and involve fewer air quality emissions than a greenfield development. In a similar vein, the screening analysis states that increased cables crossing the Delta would have a greater potential for impacts on fish and marine mammals. Even if this were true, it is impossible to conclude on that assertion alone that a Pittsburg Alternative would not result in fewer impacts on biological species *overall* (including terrestrial species and migratory birds) by relocating the Project from a greenfield development to preexisting industrial land.

Thus, the Appendix C screening analysis prematurely rejects the Pittsburg Alternatives from further consideration, despite direct evidence in the DEIR that such alternatives are capable of reducing environmental impacts.

III. The DEIR's Project Objectives Are Artificially Narrow and Do Not Comply With CEQA

CEQA requires an EIR's Project Description to "[a] clearly written statement of objectives" to "develop a reasonable range of alternatives to evaluate in the EIR."[27] A lead agency may not give

[24] Appendix C, at 45, 47.
[25] https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=pittsburg+california
[26] DEIR at 4.9-53.
[27] CEQA Guidelines § 15124(b).

a project's purpose an artificially narrow definition.[28] In other words, an EIR's project objectives may not be so narrow as to "ensure[] that the results of" the "alternatives analysis would be a foregone conclusion."[29] Rather than set forth a suite of broad project objectives, the DEIR includes extremely specific and prescriptive goals that match like-for-like with the Proposed Project. Examples of overly particular project objectives include, among other things:

- "Meet the functional specifications set forth by CAISO for the Collinsville 500/230 kV Substation and 230 kV transmission lines located near or adjacent to the existing PG&E Vaca Dixon-Tesla 500 kV Line."[30]

- "Achieve commercial operation by June 2028 in order to address critical reliability issues within the transmission system, such as high voltage under non-peak conditions and voltage that varies significantly on a daily basis."[31]

- "Improve and maintain the reliability of the transmission grid by addressing overloads on the Cayetano-North Dublin 230 kV Line, Lone Tree-USWP-JRW-Cayetano 230 kV Line, and Las Positas-Newark 230 kV Line ...."[32]

Evidence of this artificially narrow suite of Project Objectives is the fact that the majority of feasible and environmentally beneficial alternatives were prematurely rejected from detailed consideration in the EIR. The only alternatives selected for detailed analysis in the EIR include a construction start date of May 1, 2026 and the only two relocated site alternatives (Alternative 1 - Collinsville Substation North of Talbert Lane and Alternative 2 - Collinsville Substation East of Wind Energy Substations) are within 3 miles of the Proposed Project Site (i.e., both are close to the existing Vaca-Dixon Tesla 500 kV Transmission Line).[33] The EIR must be revised to include a broader set of project objectives in order to foster a meaningful alternatives analysis.

IV. The DEIR Violates CEQA by Obscuring Project Features (or "Construction Measures") and CEQA Mitigation Measures

California courts have distinguished project elements which are "an integral part of the overall project" and "subsequent actions by a project's proponent to mitigate or offset . . . alleged adverse environmental impacts" (i.e., mitigation measures).[34] Whereas project features or components that are integral to the project can incidentally reduce certain impacts (e.g., bike parking and bike lanes for transportation impacts, windows for noise attenuation), measures added by the lead agency or applicant to reduce or avoid impacts are properly characterized as CEQA mitigation measures. In *Lotus v. Department of Transportation,* a case involving a tree restoration program, the court noted

[28] *North Coast Rivers Alliance v. Kawamura* (2015) 243 Cal.App.4th 647, 668.
[29] *We Advocate Through Environmental Review v. County of Siskiyou* (2022) 78 Cal.App.5th 683, 692 (ruling that objectives that are "'so narrow[ ] as to preclude any alternative other than the Project'")
[30] DEIR at ES-3 to ES-4.
[31] *Id*.
[32] *Id*.
[33] Appendix C, at 32 and 34.
[34] *Save the Plastic Bag Coalition v. City & County of San Francisco* (2013) 222 Cal.App.4th 863, 882–83.

that certain measures, such as restorative planting, invasive plant removal, and use of specialized construction equipment were "plainly mitigation measures not part of the project itself . . . ."[35] Subsequent cases confirmed that an EIR's mischaracterization of project features and mitigation measures violates CEQA "if it precludes or obfuscates required disclosure of the project's environmental impacts and analysis of potential mitigation measures."[36]

Here, the DEIR analyzes the environmental impacts of the Proposed Project, which incorporates at least forty-two (42) applicant proposed measures ("APMs") and thirty-seven (37) PG&E proposed construction measures ("CMs").[37] If the Project, *including all applicable APMs and CMs*, would result in a potentially significant impact, the DEIR then analyzes mitigation measures to avoid or substantially reduce potential significant impacts.[38] The DEIR explains that the purpose of APMs and CMs is to "avoid or minimize environmental impacts associated with the Proposed Project ...," but that they are included as "part of the Proposed Project and considered in the evaluation of environmental impacts."[39] In some cases, mitigation measures can "supersede, expand upon, or add detail to the APMs [and CMs] as necessary to *further* reduce or avoid potential impacts."[40]

The problem with the DEIR's approach is that it completely obscures (for decisionmakers and the public alike) the true environmental impacts associated with the Project (i.e., construction and operation of a new substation and related transmission infrastructure). Here, the APMs and CMs do not resemble Project features, but are identified as measures to "avoid or lessen" environmental impacts. The APMs and CMs are common mitigation measures that other EIRs across the state routinely label as mitigation measures. To illustrate, a few examples of purported project features include:

- **APM AIR-1**: "Tier 4 Construction Equipment. Construction equipment with a rating between 100 and 750 horsepower (hp) would be required to use engines compliant with EPA Tier 4 non-road engine standards."

- **APM BIO-11**: "Pre-Construction Wildlife Surveys. Prior to initial vegetation clearance and ground-disturbing activities within suitable habitat for special-status wildlife, a biologist would conduct pre-construction surveys within Proposed Project work areas for special-status wildlife. Within wetland habitats or other areas suitable for northwestern pond turtle occupation, a qualified biologist would examine potential basking sites for adult turtles, as well as potential nest sites in sandy or sparsely vegetated substrates; turtle nests would be flagged for avoidance. ..."

- **APM BIO-15**: "To the greatest extent feasible, work within wetland habitats suitable for California black rail or Ridgway's rail occupation would be limited to a work

[35] (2014) 223 Cal.App.4th 645. 656, fn. 8
[36] *Mission Bay All. v. Off. of Cmty. Inv. & Infrastructure* (2016) 6 Cal.App.5th 160, 185.
[37] DEIR at ES-6.
[38] *Id*.
[39] DEIR at 3-1, 2-86, 2-97.
[40] *Id*.

window of September 1 through January 15, which is outside of the breeding season for these species."

- **APM PALEO-2:** "A professional paleontologist would be retained to monitor initial ground-disturbing activities in areas mapped as Pleistocene alluvial fan deposits (Qpf) and Montezuma Formation (Qmz). Monitoring would entail the visual inspection of excavated or graded areas and trench sidewalls. If a paleontological resource is discovered, the paleontological monitor would have the authority to temporarily divert the construction equipment around the find until it is assessed for scientific significance and, if appropriate, collected...."

- **APM FIRE-1**: "Construction Fire Prevention Plan. A Proposed Project-specific CFPP would be prepared and submitted to the CPUC for review prior to initiation of construction. ...."

The Project's reliance and incorporation of numerous APMs and CMs makes it impossible for decisionmakers and the public to evaluate the true extent of the Project's environmental impacts under unmitigated and mitigated scenarios.[41] It is also impossible to determine whether other mitigation measures would be more effective and should have been considered.[42] The DEIR must be revised to reallocate APMs and CMs as mitigation measures under CEQA, and include the required level of disclosure of Project impacts before and after imposition of mitigation measures.[43]

V. The DEIR Fails to Identify Feasible Mitigation Measures for Certain Significant and Unavoidable Impacts

The DEIR concludes that the Project will result in certain significant and unavoidable ("S&U") impacts, including those pertaining to air quality, cultural and tribal resources, energy, GHG, and land use and planning. However, California courts have confirmed that a S&U impact determination does not excuse a lead agency from analyzing and adopting all feasible mitigation measures,[44] even if mitigation measures are incapable of reducing impacts to less-than-significant

[41] *Cf., Mission Bay* Alliance, 6 Cal.App.5th at 185-86 (2016) (upholding EIR that analyzed impacts both with and without implementation of a SFMTA special event transit service plan and applied the same threshold standards to determine the significance of those impacts.)
[42] *Id*.
[43] See also *People ex rel. Bonta v. Cnty. of Lake*, 105 Cal.App.5th 1222, 1235–36 (2024)("the County presents no industry standard modeling tools, no methodology or analysis for its conclusory findings, nor any other discussion of how the Wildfire Plan proposes to address the existing baseline conditions other than the Project design proposal itself. This is insufficient. *Failure to separately identify and analyze the significant impacts of the fire risk to the Project area and its baseline existing conditions before proposing mitigation measures violates CEQA*.")(emphasis added).
[44] CEQA provides that a "public agency shall mitigate or avoid the significant effect on the environment of projects that it carries out or approves whenever it is feasible to do so." (Pub. Res. Code § 21002.1(b).) "If, after the feasible mitigation measures have been implemented, significant effects still exist, a project may still be approved if it is found that the 'unmitigated effects are outweighed by the project's benefits." *Sierra Club v. County of Fresno*

levels. While lead agencies are not required to adopt every mitigation measure or project alternative imaginable, lead agencies must respond to specific mitigation measures proposed in public comments.[45]

Here, CAF questions whether the DEIR complies with CEQA by considering all feasible mitigation measures for S&U impacts. CAF recommends that the DEIR be revised to analyze whether the following mitigation measures (which have been incorporated for similar projects elsewhere in California) are feasible and can be implemented at the Project:

S&U Impact	Recommended Mitigation Measure
Impact AQ-2 (Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment). "[C]onstruction of the 230 kV submarine segment in BAAQMD and SMAQMD jurisdiction would exceed both BAAQMD and SMAQMD thresholds and the project contribution to a cumulative impact would be considerable. MM AQ-2 requires the use of marine vessels equipped with Tier 3 engines, at a minimum, and Tier 4 engines contingent upon availability to reduce emissions of the ozone precursor NOx to the extent feasible. However, even after mitigation, the Proposed Project contribution to a cumulative impact in BAAQMD and SMAQMD would remain significant and unavoidable."[46]	There are additional mitigation measures that the DEIR should analyze to reduce the significance of this environmental impact, including but not limited to: • Use of 2010 and newer truck models (e.g., material delivery trucks and soil import/export) or the use of trucks that meet EPA 2007 Model NOX emissions requirements if 2010 model year or newer diesel trucks cannot be obtained. (*Source: MM AQ-3 of the MESA 500-kv Substation Project.)* [47] • Offset NOX emissions that exceed applicable thresholds through the purchase of Emission Reduction Credits (ERC).[48] The total amount of NOX ERCs to be purchased determined by the CPUC after the construction schedule and operating conditions are finalized, based on estimates provided by the applicant as described above. (*Source: MM AQ-4 of the MESA 500-kv Substation Project.)* [49]
Impact BIO-1D (Have substantial adverse effects, either directly or through habitat modifications, on any bird species identified as candidate, sensitive, or special status species in	There are additional mitigation measures that the DEIR should analyze to reduce the significance of this environmental impact, including but not limited to:[51]

(2018) 6 Cal.5th 502, 524.) Even if a project's benefits outweigh its unmitigated environmental effects, CEQA requires agencies to implement all mitigation measures unless those measures are truly infeasible. *Id*. at 524–525.

[45] *League to Save Lake Tahoe v County of Placer* (2022) 75 Cal.App.5th 63, 160; *Los Angeles Unified Sch. Dist. v City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1029.

[46] DEIR at 4.3-51.

[47] https://ia.cpuc.ca.gov/environment/info/ene/mesa/Docs/2017-08_Mesa_MMCRP_ver1_AttBCD.pdf

[48] See, e.g., Sacramento Metropolitan Air Quality Management District, *Current ERC Certificate Holders* (Oct. 16, 2025); available at https://www.airquality.org/ProgramCoordination/Documents/Current_ERC_Certificate_Holders.pdf

[49] https://ia.cpuc.ca.gov/environment/info/ene/mesa/Docs/2017-08_Mesa_MMCRP_ver1_AttBCD.pdf

[51] See, e.g., Mulqueeney Ranch Wind Repowering Project, Final Subsequent Environmental Impact Report, Alameda County (Apr. 2021), available at

S&U Impact	Recommended Mitigation Measure
local or regional plans, policies, or regulations, or by the CDFW or USFWS). "PG&E's proposed 500 kV lattice steel towers (LSTs) would be located within the SMUD Solano wind farm. LSTs have cross bars and framing that raptors and birds have been observed using for perching and nesting (Steenhof et al. 1993). Introduction of structures, like LSTs, that support raptor and avian perching and nesting in proximity to the existing wind turbines could result in increased avian collisions with the surrounding wind turbines, including potential special-status avian species mortality. The wind farm itself is already a significant source of avian mortality. .... *Because the impact on special-status birds is due to the nature/design of the proposed transmission structures within the wind farm, no mitigation is feasible to avoid special-status avian perching or nesting on the proposed LSTs*. Therefore, the impact from potential increased special-status avian interactions with the wind turbines from the use of LSTs within the windfarm would remain significant and unavoidable."[50]	• Post-construction avian mortality monitoring. • Constructing additional nesting structures or platforms at sufficient distances away from the proposed LSTs and wind turbines. • Use of tubular steel poles for proposed overhead transmission lines instead of LSTs, to avoid new perching and nesting habitat. • Where feasible, siting LSTs on land not immediately adjacent to the upwind sides of ridge crests. • Rocks unearthed during the excavation process to be used during construction of foundations or hauled off site and disposed of properly, and not be left in piles near turbines. • Discourage small mammals and reptiles from burrowing under or near LST bases by placing gravel at least 5 feet around each tower foundation. • Reduced lighting of LSTs and related infrastructure unless required by FAA.

VI. The DEIR's Climate Analysis Improperly Compartmentalizes GHG Emissions for Project Components to Reach a Less-Than-Significant Impact Determination

Climate change is inherently a cumulative problem. Climate change is not caused by any individual emission source but by a large number of sources emitting GHGs that collectively create a significant cumulative impact.[52] Unlike other environmental media which are localized in nature (e.g., noise, dust), GHGs are emitted into the atmosphere where they absorb heat radiating from Earth's surface, preventing it from being emitted into space. Indeed, the California Supreme Court has recognized that:

https://www.acgov.org/cda/planning/landuseprojects/documents/MulqueeneyRanch/Mulqueeney_FinalSEIR_ELECTRONIC.pdf; Mitigation Monitoring Program –Pacific Wind Energy Project Certified Final Environmental Impact Report, Kern County (2011), available at https://psbweb.kerncounty.com/planning/pdfs/eirs/PacWind/pac_wind_add4_keyhole_wind_appA.pdf

[50] DEIR at 4.4-102.
[52] BAAQMD 2022 CEQA Guidelines at 3-5, available at https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-3-thresholds_final_v2-pdf.pdf?rev=a976830cce0c4a6bb624b020f72d25b3&sc_lang=en.

> "... the fact that carbon dioxide and other greenhouse gases, once released into the atmosphere, are not contained in the local area of their emission means that the impacts to be evaluated are also global rather than local. *For many air pollutants, the significance of their environmental impact may depend greatly on where they are emitted; for greenhouse gases, it does not*."[53]

CEQA Guidelines Section 15064.4 requires lead agencies to consider the following factors, among others, when determining the significance of impacts from greenhouse gas emissions on the environment: "(i) [t]he extent to which *the project* may increase or reduce greenhouse gas emissions as compared to the existing environmental setting; (ii) [w]hether *the project* emissions exceed a threshold of significance that the lead agency determines applies to the project; [and] (iii) [t]he extent to which *the project* complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions."[54] Clearly, CEQA requires a EIR to analyze and disclose climate impacts from the entire project, not portions thereof.

Impact GHG-1 analyzes whether the Project would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. The DEIR acknowledges that construction of the Project would involve use of heavy equipment, vehicles, helicopters and watercraft, which would generate GHG emissions. Table 4.8-5 provides estimated annual construction-level GHG emissions for the Project, both in terms of total emissions and emissions for project components located in the jurisdiction of one of three air quality management districts: Bay Area Air Quality Management District ("BAAQMD"), Sacramento Metropolitan Air Quality Management District ("SMAQMD"), and Yolo Solano Air Quality Management District ("YSAQMD")

Table 4.8-5 Proposed Project Construction Estimated Annual GHG Emissions by Jurisdiction

	CO_2 (metric tons)	CH_4 (metric tons)	N_2O (metric tons)	Total CO_2e (metric tons)
BAAQMD	10,159.33	0.30	0.36	10,274.71
SMAQMD	955.74	0.04	0.01	959.14
YSAQMD	46.15	<.01	0.00	46.76
Total combined	11,161.22	0.33	0.37	11,280.61

Although neither BAAQMD nor YSAQMD have adopted quantitative GHG emissions thresholds, the DEIR notes that:

> "SMAQMD recommends an annual emissions threshold of 1,100 MTCO2e per year for the construction. As shown in Table 4.8-5, construction activities

[53] *Ctr. for Biological Diversity v. Dep't of Fish & Wildlife*, 62 Cal. 4th 204, 219–20 (2015), as modified on denial of reh'g (Feb. 17, 2016)
[54] CEQA Guidelines Section 15064.4(b).

> within the SMAQMD (LSPGC submarine segment construction) are anticipated to generate approximately 959.14 MTCO2e, which falls below the applicable significance threshold. Therefore, impacts would be less than significant."[55]

The DEIR unlawfully bifurcates GHG emissions on a location- and jurisdictional-basis to conclude that impacts will be less-than-significant. While it may be reasonable for the DEIR to analyze climate impacts using both quantitative (SMAQMD) and qualitative thresholds (BAAQMD and YSAQMD), nowhere does CEQA or the CEQA Guidelines allow an EIR to compartmentalize impact determinations for Project *components*. CEQA (including CEQA Guidelines Section 15064.4) concerns itself with climate impacts *of the Project*, i.e., the "whole of the action." **Accordingly, the DEIR must be revised to disclose that the Project's total annual construction emissions (11,280.61 metric tons of CO2e) exceed SMAQMD's quantitative threshold of significance (1,100 MTCO2e per year).** The DEIR must also analyze feasible mitigation measures to reduce that potentially significance GHG impact, and revise its alternatives screening analysis to reflect this correction.

VII. The DEIR Engages in Improper Piecemealing by Foregoing Environmental Review of the Humboldt to Collinsville 500 kV Transmission Line

In its Scoping Comments,[56] CAF advised the CPUC that it would be engaging in piecemeal CEQA review if it does not treat the proposed 500 kV Transmission Lin between the Project and planned 500 kV Humboldt Substation (the "HVDC Line") as a component of the Project. The DEIR disregards that admonishment by including the HVDC Line in the DEIR's list of cumulative projects.[57]

Under CEQA, lead agencies are prohibited from engaging in piecemeal environmental review (*i.e.*, chopping up a project into small pieces to under-emphasize the collective environmental impacts of the project).[58] CEQA requires a lead agency to consider "the whole of an action" when determining whether the action will have a potentially significant impact on the environment. Further, "[w]here an individual project is a necessary precedent for action on a larger project, or commits the lead agency to a larger project, with significant environmental effect, an EIR must

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[55] *Id*. at 4.8-19

[56] See, Scoping Comments at 4.

[57] DIER at 4.0-8.

[58] CEQA requires a lead agency to consider "the whole of an action" when determining whether the action will have a potentially significant impact on the environment. CEQA Guidelines § 15378; see also *Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007) 155 Cal.App.4th 1214, 1223 ("the requirements of CEQA cannot be avoided by chopping up proposed projects into bite-size pieces which, when taken individually, may have no significant adverse effect on the environment.") Improper piecemealing occurs "when the purpose of the reviewed project is to be the first step toward future development," or "when the reviewed project legally compels or practically presumes completion of another action." *Banning Ranch Conservancy*, 211 Cal.App.4th at 1223.

address itself to the scope of the larger project."[59] Improper piecemealing occurs "when the reviewed project legally compels or practically presumes completion of another action."[60]

Here, the HVDC Line proposes to interconnect the Project with the proposed 500 kv Humboldt Substation. The location of the Project inherently pre-determines the distance and path of the HVDC Line. Indeed, the CAISO 2024-2025 Transmission Plan refers to the HVDC Line (as Project 13 – "New Humboldt 500 kV Substation *with 500 kV line to Collinsville*") and confirms the Line will span approximately 274 miles.[61] The HVDC Line *cannot operate independently* from the Substation project, and the Substation's location in Collinsville predetermines the corridor of the HVDC line. Therefore, the Project is "the first step towards future development," and practically "presumes completion of" the HVDC Line. Accordingly, the EIR must analyze the Collinsville Substation and the HVDC Line together as a single "project" for purposes of CEQA.

VIII. The CPUC Has Failed to Consult With All Agencies Having Jurisdiction Over the Project

The CEQA Guidelines include specific and mandatory requirements for lead agencies to consult with responsible and trustee agencies.[62] Immediately after a lead agency determines that an EIR is required for a project, the lead agency must prepare and circulate a NOP stating that an environmental impact report will be prepared. The NOP must be sent to each responsible and trustee agency and be filed with the county clerk's office.[63] Within thirty (30) days of receiving an NOP, responsible and trustee agencies must provide the lead agency with "specific detail about the scope and content of the environmental information related to the responsible or trustee agency's area of statutory responsibility that must be included in the draft EIR."[64] Lead agencies must also consult with and request comments on the draft EIR from responsible agencies, trustee agencies, and agencies having jurisdiction with respect to the project or affected resources.[65]

According to the Scoping Report (DEIR, Appendix B), the CPUC has not fully complied with these mandates by failing to consult with the following agencies:

- Alameda County – the Project Description expressly defines the Project as a 500/230 kV Substation Project located in Solano, Sacramento, and Alameda counties. Specifically, modifications to PG&E's existing Tesla Substation in Alameda County would occur within

[59] CEQA Guidelines § 15165.
[60] *Banning Ranch Conservancy*, 211 Cal.App.4th at 1223 (citations omitted)
[61] CAISO, 2024-2025 Transmission Plan at 190.
[62] A "responsible agency" includes any agency which proposes to carry out or approve a project, for which a lead agency is preparing or has prepared an EIR or negative declaration. For the purposes of CEQA, the term "responsible agency" includes all public agencies other than the lead agency which have discretionary approval power over the project. "Trustee agency" means a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California.
[63] CEQA Guidelines § 15082(a).
[64] CEQA Guidelines § 15082(b).
[65] CEQA Guidelines § 15086(a).

the substation fence line.[66] Yet, the record does not demonstrate that the CPUC has satisfied its obligation to consult with the County.[67]

- YSAQMD - As noted above, the DEIR's GHG analysis evaluated Project climate impacts against thresholds of significance for three AQMDs (BAAQMD, SMAQMD and YSAQMD), given the Project spans across the jurisdiction of each. However, according to Table 2-2 of the Scoping Report, only BAAQMD and SMAQMD were sent a copy of the NOP. The CPUC is required to consult with YSAQMD, an agency with jurisdiction with respect to resources impacted by the Project.[68]

IX. Conclusion

CAF appreciates the opportunity to submit comments on the DEIR, and respectfully requests that the CPUC and LS Power take these comments into consideration to achieve a legally adequate environmental document under CEQA.

Sincerely yours,

HOLLAND & KNIGHT LLP

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[66] DEIR at ES-1, 1-3.
[67] DEIR Appendix B at 6-7. https://ia.cpuc.ca.gov/environment/info/panoramaenv/collinsville/DEIR/Collinsville_Draft%20EIR_Appendix%20B_Scoping%20Report.pdf
[68] *Id*.