Comment Set A.23, continued: Goodin, MacBride, Squeri, Day & Lamprey, LLP

SECTION 2

DETAILED COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT
APPENDIX F. DRAFT EIR/EIS COMMENTS AND RESPONSES
Tehachapi Renewable Transmission Project

Comment Set A.23, continued: Goodin, MacBríde, Squeri, Day & Lamprey, LLP

COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT

The Draft Environmental Impact Report (DEIR/EIS) is fundamentally and basically inadequate and conclusory in nature regarding the suitability of the Chino Hills portion of Segment 8A of the Project, as proposed by SCE (the "Project"). The DEIR/EIS failed to fully present the impacts of placing the 500 kV powerlines within a 150-foot right of way (ROW) over residential and private property. Further, the DEIR/EIS ignores feasible mitigation that when analyzed would clearly lessen the environmental impacts of Alternative 4C relative to the Project. The result of these deficiencies in the DEIR/EIS was the selection of the Project as the environmentally superior route. Correction of these errors will result in selection of Alternative 4C as will be demonstrated by these comments

Summary of Fundamental Flaws in DEIR/EIS

1. Incomplete Project Description

Failure to Describe Existing Physical Conditions
CEQA requires that existing physical conditions be described. Within the portion of the 150-foot ROW that runs through and near Chino Hills are: (a) part of the physical structure of six single family homes; (b) over half the parking area belonging to the Chino Valley Community Church; (c) an access drive and parking for a full service car wash belonging to the Chino Hills Promenade commercial center; (d) parking and access roads of the Inland Hills Church; (e) parking, access roads and approximately half of the yard space of the Chino Hills Old City Yard; and (e) a tot lot play structure underneath the drip line of the proposed line in Corral Ridge Park. The DEIR/EIS fails to identify these existing land uses. ¹

Further, the DEIR/EIS fails to discuss that according to information provided by SCE to the City of Chino Hills, parking or other land use activities that are currently permitted in the existing 150-foot ROW would not be permitted to continue following conversion of the ROW to a 500 kV system. ² As a result, the above-described existing land uses that currently straddle the ROW would lose building and/or site improvements. SCE would be required to take all or part of these properties. The DEIR/EIS provides no discussion regarding these required takings.

Lack of Construction Information:
The DEIR/EIS omits very important information regarding the location of construction sites, including Marshalling and Material Storage Yards that are typically large areas (5 to 50 acres) and Pulling and Splicing Locations (0.92 acre). Where these sites are located is critical to a full evaluation of Project impacts, particularly within Chino Hills where the

¹ See Aerial Maps illustrating the homes which fall within the 150 ROW in Chino Hills and vicinity. See Section 2, Attachment 1.
² Correspondence to Ann Dutrey of the City of Chino Hills, from Rosalie Barcina, Land Services Agent with Southern California Edison dated January 29, 2008. See Section 2, Attachment 2.
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ROW is substandard. In fact, the DEIR/EIS omits and disregards previous information contained in Section 4.0 of the Preliminary Environmental Assessment (PEA) that states: “Construction of Segment 8 would require expanded ROW at certain locations and staging areas”.

Required 200 foot ROW Dimension/Eminent Domain Requirement
Information presented in the DEIR/EIS for the TRTP indicates that a minimum acceptable ROW for construction of a 500-kv T/L facility is no less than 200 feet wide. Further, SCE’s own Transmission Design Specifications provide that, for maintenance purposes, new 500 kV pole and tower sites must have a minimum 100-foot radius clearance from the face of each tower footing. Within the Chino Hills portion of Segment 8A where the ROW is 150 feet, there is insufficient ROW to build or maintain the line. In fact, the DEIR/EIS omits and disregards without explanation previous information contained in Section 4.0 of the Preliminary Environmental Assessment (PEA) that states: “Construction of Segment 8 would require expanded ROW at certain locations and staging areas”. At a ROW of 200 feet, 147 homes, commercial, church and public park properties would lose all or part of the building and site improvements. The DEIR/EIS provides no discussion regarding these required takings under the 200-foot ROW scenario.

Moreover, it is interesting to note that the DEIR/EIS excludes a discussion of Section IX.a of the CEQA Guidelines Appendix G (“Would the project physically divide an established community?”) Clearly, the permanent placement of 195-foot high, 60-foot wide active high voltage lines within 75 feet of approximately 147 residential properties could physically divide established Chino Hills’ communities. Without this information, the project description is incomplete and does not comply with CEQA requirements.

2. Inconsistent Application of the Rules Excludes the City’s Mitigation Plan
The DEIR/EIS selectively omits discussion of the City of Chino Hills proposed Mitigation and Cost Recovery Plan that support its proposed alternative routes for Segment 8A. In its comparison of Project alternatives, the DEIR/EIS relegates mention of the City plan to a footnote, claiming that the plan is not considered mitigation for impacts identified in the DEIR/EIS. Specifically, the DEIR/EIS states that: “While the 21st Century proposal attempts to compensate the Department of Parks and Recreation for routing Segment 8A across Chino Hills State Park as part of Alternative 4, it does not directly address the significant adverse effects on the physical environmental associated with Segment 8A that are identified in this EIR.” However, such reason for exclusion is inconsistent with proposed DEIR/EIS Mitigation Measures B-1 and V-3b, both of which propose to mitigate impacts through off-site restoration or improvements.

Under its discussion of “Other Required NEPA and CEQA Considerations”, the DEIR/EIS outlines provisions of the City Mitigation and Cost Recovery Plan, but this

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3 See Diagram of SCE Proposed Right of Way with 500 Kv line using Tubular Steel Poles, appended hereto as Section 2, Attachment 3.
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time finds that “the Lead Agencies do not consider this proposal to constitute mitigation as defined by CEQA and NEPA because it is not needed to reduce or avoid any significant adverse impacts caused by the implementation of Alternative 4”. No explanation of this finding is provided. By excluding the City Mitigation Plan in its evaluation of alternatives, the DEIR/EIS analysis and findings regarding Alternative 4 impacts are inaccurate and conclusory.  

3. Alternative 4C Consistent with the Chino Hills State Park General Plan

The DEIR/EIS erroneously finds that Alternative 4 (Routes A through D) would conflict with certain goals contained in the Chino Hills State Park General Plan (CHSPGP), and thus approval of the Alternative would require an amendment to the CHSPGP, and thereby result in an unavoidable adverse impact. This erroneous conclusion rest on the DEIR/EIS’ failure to note that the supporting CHSPGP guidelines provide that:

“The [State Parks] Department will work to reduce the negative impacts of the utility easements in the park. All utility companies will be encouraged to reduce the impacts by consolidating easements into fewer or smaller corridors, or by placing the equipment underground. The Department will work with utility companies to remove unnecessary utility roads and reduce road widths, and will discourage any new easements within the park unless mitigated to benefit park resources.”

Mitigation measures proposed by the City of Chino Hills that would accompany Alternative 4C include removal of approximately 12 existing 220-kV double-circuit lattice steel towers within CHSP. The measures also include removal of all easements from the Water Canyon Natural Preserve and improved view sheds by taking the towers off of the peaks. Consequently, with inclusion of the proposed City of Chino Hills mitigation measures, Alternative 4C would in fact be consistent with the above listed goals. No amendment to the CHSPGP would be necessary.

Moreover, the City notes that no amendment was needed to the CHSPGP in the recent instance of the addition to the Park of a mile long private access road. The DEIR/DEIS fails to distinguish the necessity of a General Plan Amendment for the replacement of an existing utility line when there was no need for an amendment for the addition of an access road.

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4 See 21st Century Green Partnership, Mitigation and Cost Recovery Plan, appended hereto as Section 2, Attachment 4.

5 Robert B. Diemer Treatment Plant North Access Road Draft Environmental Impact Report ("EIR") dated February 20, 2007 prepared by Metropolitan Water District
Comment Set A.23, continued: Goodin, MacBride, Squeri, Day & Lamprey, LLP

4. Deferred Analysis

There are several areas in the DEIR/EIS (e.g., archeology, noise, traffic) which defer the technical analysis required to determine the significance of and impacts to various environmental receptors until after the EIR and Project are approved (i.e., the assessment of impacts and appropriate mitigation will not occur until after project approval). Such deferral makes it impossible to determine, for comparison purposes, the impact of the Project vis-a-vis other alternatives, and whether the environmental impacts the Project can be mitigated below a level of significance.

5. Flawed Visual Impact Analysis

The DEIR/EIS’s visual impact assessment is fatally flawed. The visual simulation photographs of the Project do not provide a fair representation of the neighborhoods that will be impacted by the poles. The visual simulation photographs of the Project in the DEIR/EIS are not accurate depictions of the environment in which the transmission lines will be sited. In addition, the EIR visual simulation photographs of Chino Hills State Park downplay the visual improvements that would accompany Alternative 4C.

The misleading nature of the visual simulations contained in the DEIR/EIS is illustrated by the visual impacts prepared by the City of Chino Hills which illustrate the true impact of the SCE project on the City. 6

6. Aerojet Property: A Red Herring

The DEIR/EIS in Appendix A-105 states that the site proposed for the City’s Alternative C “could be contaminated resulting in potentially significant hazards and hazardous materials impacts.” Further, the DEIR/EIS at page 3.6-50 concludes that the potential for munitions and explosives of concern (MEC) cannot be ruled out along Alternative Routes 4C and 4D or along the permanent access roads passing through or near the Aerojet Facility. This statement is incorrect. The DEIR/EIS ignores a December 2008 letter to the City from the California Department of Toxic Substances Control (DTSC) that states "that the likelihood of having munitions in the area proposed for the Chino Hills Alternative is "remote." In that letter, DTSC also outlined the short process required to issue a letter stating that no further corrective action is necessary, enabling the release of that portion of the Aerojet property so that it could be used for the transmission line. 7 This letter was provided to the CPUC and Aspen Consulting, and was the subject of a

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6 See Visual Simulations of areas along Project’s Proposed Segment 8A and the Chino Hills State Park as impacted by the City of Chino Hills Mitigation Plan appended hereto as Section 2, Attachment 5

7 See November 21, 2008 Letter to Douglas LaBelle, City Manager, City for Chino Hills from Robert Romero, Department of Toxic Substance Control; See also November 14, 2008 Letter to Mark Hensley, Counsel for the City of Chino Hills, from Michael Short of Parson’s Engineering opining that the Aerojet property which would be utilized in Alternative 4C is suitable for transmission towers. Both of these letters are appended hereto as Section 2, Attachment 6.
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December 16, 2008 meeting, held at the Aerojet offices attended by representatives of the CPUC, Aspen Consulting and SCE.

7. Incorrect Assessment of Fire Hazard

According to the DEIR/EIS, the impacts associated with Criterion FIRE 1 for Alternative 4 would be “more severe than those associated with this criterion for the proposed Project” (pg. 3.16-36). The DEIR/EIS (pg. 3.16-37, par. 2) also finds that Alternative 4, by introducing varying lengths of new transmission ROW in Chino Hills State Park (CHSP) the DEIR/EIS states that Impact F-2 for Alternative 4 would be “significant and unavoidable, and no mitigation is available (Class I)”. These findings are incorrect.8

Several critical factors are omitted in the DEIR/EIS’s analysis of Alternative 4. A thorough analysis of Alternative 4 shows that the consolidation of transmission lines into a shared corridor through the park, the removal of an existing network of transmission lines within the CHSP, and the relocation of some ridge top transmission lines could actually reduce the existing impediments to ground and aerial firefighter operations if Alternative 4 is used.

Similarly, several critical factors are omitted in the DEIR/DEIS’ analysis of the Project. Significant portions of the Project’s transmission lines in Segment 8A run within ROW that is bordered by hundreds of residential structures, many of which are in the high hazard fireshed and on lands covered with highly flammable vegetation. According to Paul Benson, Fire Chief for the Chino Valley Fire District, the addition of new transmission lines into this corridor will likely result in additional fire starts.9 Fires occurring in this environment will immediately threaten the lives and property of those living in such close proximity to the transmission lines. In this regard, the width of the transmission ROW is a critical factor in those areas where the transmission lines run adjacent to development or other obstructions. Absent sufficient distance between the towers and the homes, which will not be present, firefighting options are extremely limited as aerial operations are curtailed due to the lack of space to maneuver the helicopters and there is little, if any, opportunity for ground firefighting resources to maintain a safe distance from the transmission lines and hazards associated with them during firefighting operations.

8 See March 25, 2009 Letter from Paul Benson, Fire Chief, Chino Valley Fire District, to Joann Lombardo, Environmental Consultant City of Chino Hills, appended hereto as Section 2, Attachment 7.

9 Id.
alternatives in order to substantially lessen or avoid otherwise significant adverse
environmental effects of proposed projects, unless specific social or other conditions
make such mitigation measures of alternatives infeasible. According to the DEIR/EIS,
the Project would result in unavoidable adverse impacts relative to nine of the 17 topics
covered by the DEIR/EIS. In its evaluation of Alternative 4, the DEIR/EIS concludes that
each of the Alternative 4 Routes would result in impacts to only four of the topics found
to have unavoidable adverse impacts. The math alone places Alternative 4 as the
superior alternative.

The DEIR/EIS also contradicts its stated criterion from which to identify the superior
alternative: weighing effects on the natural environment against effects on the human
environment. As referenced above, the DEIR/EIS states that all of the Alternative 4
routes would be inconsistent with the CHSP General Plan, which would be significant
and unavoidable unless remedied with approval of an amendment to the CHSP General
Plan by the State Park and Recreation Commission. This finding completely ignores the
effects on the human environment, notably how each of the Alternative 4 routes would
avoid air quality, noise, land use, visual and safety impacts that would occur under the
Project proposal to place the 195-foot 500 kV facilities on and adjacent to residential and
other sensitive uses. Further, basing its dismissal of Alternative 4 on the requirement for a
CHSPGP amendment conflicts with the DEIR/EIS findings that the requirement for a
Special Use Easement and ANF Land Management Plan amendment is not a significant
impact. The DEIR/EIS must be revised to follow its stated methodology of weighing
impacts on the natural environment against impacts on the human environment.

Finally, the DEIR/EIS selects the Project as the superior alternative, and dismisses the
other alternatives without any ranking. By so doing, the DEIR/EIS deprives the CPUC of
a fair menu of alternatives or mitigation. If the Project proves untenable, uneconomic or
otherwise unfavored by the CPUC, the DEIR/EIS does not provide clear direction as to
which alternative would have the next least amount of environmental impacts. The
DEIR/EIS clearly violates Sections 21002 and 21081 of the Public Resources Code
which require lead agencies to identify a superior alternative. The Project is not an
alternative.

The DEIR/EIS further skews its comparison of alternatives by failing to incorporate the
City Mitigation and Cost Recovery Plan into its analysis. Using the EIR criteria and
incorporating the City proposed mitigation, a tabulated ranking of the Project and each of
the Segment 8A alternatives (Routes 4A-D and 5), as presented below, results in the
following findings:

- Alternative 4 Routes improves over the Project in 9 of the 17 DEIR/EIS
  environmental topics
- Alternative 5 improves over the Project in 6 of the 17 environmental topics, but
  has less desirable impacts in 5 of the topics, resulting in a one net improvement of
  one topic over the Project.
- Based on the tabulated ranking, the Alternative 4 routes are each superior
  alternatives to the Project.
SECTION SPECIFIC COMMENTS:

Section 2.2. Description of Alternatives, including the Proposed Project:

1. Page 3.12.29 of the DEIR/EIS states, “While business uses occur along the route, all Project-related activities and infrastructure placement would occur within designated utility ROW and would not require the removal or relocation of any business uses”. This statement is incorrect. As stated by SCE in a January 2008 letter to Ann Dutrey of the City of Chino Hills, that while parking is currently allowed in the SCE ROW, it will no longer be allowed if the 500 kV transmission line is installed. Within the Chino Hills and Chino portions of the 150-foot ROW, the following existing land uses occur: six single family houses; over half the parking area belonging to the Chino Valley Community Church; an access drive and a full service car wash belonging to the Chino Hills Promenade commercial center; parking, a yard and tot lots belonging to the Inland Hills Church in Chino; and approximately half of the yard space of the Chino Hills Old City Yard. CEQA requires that existing physical conditions be described; the DEIR/EIS must be revised to describe existing land uses within the ROW.

2. Section 2.2.12.2 of the DEIR/EIS describes Staging and Support Areas, which include Marshalling and Material Storage Yards that are typically large areas (5 to 50 acres) generally located at both ends of a bulk power T/L construction project, but with larger projects like the TRTP, generally placed every 25 miles. In addition, the DEIR/EIS notes the in addition to these primary areas, secondary yards, approximately 1 to 3 acres in size, would be located every 5 to 10 miles along the T/L alignment. About 3 miles of Segment 8 are to be located within a narrow 150-foot right-of-way behind existing Chino Hills’ single family homes, parkland, commercial buildings and institutional buildings. The DEIR/EIS does not describe where these Marshalling and Material Storage Yards (primary or secondary) will be located. In fact, the DEIR/EIS disregards previous information contained in Section 4.0 of the Preliminary Environmental Assessment (PEA) that states: “Construction of Segment 8 would require expanded ROW at certain locations and staging areas”. In the City of Chino Hills, there would not be adequate space for these large construction areas.

Section 2.2.12.4 of the DEIR/EIS provides that for each existing 220 kV lattice steel tower (LST) located in the Chino Hills right of way, a crane pad of approximately 50 feet by 50 feet would need to be cleared of vegetation and graded to allow a removal crane to be setup at a distance of 60 feet from the LST’s center line. The DEIR/EIS does not provide any indication as to how the cranes would be able to maneuver behind Chino Hills’ existing homes and buildings.

Section 2.2.12.4 of the DEIR/EIS also provides that at each new pole location a laydown area would be established for the assembly process and would generally occupy an area of 200 feet by 200 feet (0.92 acre). The DEIR/EIS does not provide any indication as to where these laydown areas would be located or how they could be accommodated behind Chino Hills’ existing homes and buildings.
Comment Set A.23, continued: Goodin, MacBride, Squeri, Day & Lamprey, LLP

Section 2.2.12.6 of the DEIR/EIS discusses the need for Pulling and Splicing Locations with an average dimension of 200 feet by 200 feet (0.92 acre), sited approximately every 15,000 feet along the utility corridor. According to Table 3.9-15, there will be 33 wire pulling and 2 or 3 staging areas along Segment 8. Using the DEIR/EIS stated measurement of one Pulling and Splicing Location per every 15,000 feet, there would be 2.5 of these locations within Chino Hills, with at least one behind its urbanized 3-mile stretch. There will not be adequate space for the Pulling and Splicing operations behind the Chino Hills homes.

Section 15124 of the CEQA Guidelines requires that the description of the project contain the precise location and boundaries of the proposed project shown on a detailed map. The construction is part of the project. The fact the DEIR/EIS omits very important information regarding the location of construction sites means that the project description is incomplete. The project description forms the foundation for the DEIR/EIS; it is essential that the project description is whole and accurate. As stated by the court in County of Inyo v. City of Los Angeles, "Only through an accurate view of the project may affected outsiders and public decision makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal and weigh other alternatives in the balance. An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient DEIR/EIS." (County of Inyo v. City of Los Angeles (1977) 71 Cal.App.3d 185.) These errors in the project description must be corrected and the DEIR/EIS must be revised to ensure that the DEIR/EIS accurately reflects the whole of the project.

3. The lack of critical construction information requires the reader to question the Project’s feasibility. Within the Chino Hills portion of Segment 8, the DEIR/EIS does not provide adequate information to validate that the existing 150-foot ROW can support the required 200 by 200 feet Pulling and Splicing Locations, or the 50 by 50 feet cleared removal crane pad located at least 60 feet from LST centerline, or the 200 by 200 feet assembly laydown area at each new pole location. Further, the Project’s proposal to locate 500 kV towers in the 150-foot Chino Hills ROW appears to violate SCE’s Transmission Design specification E-2008-21, Construction of Transmission Line Access Roads and Tower Site Preparation, Section 1.8.5, which provides that, for maintenance purposes, new 500 kV pole and tower sites must have a minimum 100-foot radius clearance from the face of each tower footing. This required radius cannot be accommodated in the existing 150-foot ROW that traverses behind Chino Hills residences, park facilities and buildings. The DEIR/EIS provides no discussion regarding the adequacy of the existing 150-foot ROW for 500 kV facilities. This analysis is essential to determining the feasibility of the Project, and the DEIR/EIS must be revised to disclose potential impacts associated with the deficient ROW.

4. Based on the information presented in points 1 through 3 above, the existing 150-foot ROW in Chino Hills cannot support the new TRTP 500-kV T/L facilities; and the minimum acceptable ROW for a 500-kV T/L facility needs to be no less than 200 feet.
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wide. To accommodate the proposed TRTP 500-kV T/L facilities within Chino Hills, the existing 150-foot easement will need to be widened by 25 feet on each side.

Based on the analysis performed and presented in Southern California Edison’s Proposed Route for the Tehachapi Renewable Transmission Project Segment 8A through Chino Hill: Report on Required Condemnation and Valuation, prepared on behalf of the City of Chino Hills, expansion of the ROW to the minimum acceptable width of 200 feet would affect all or part of 147 residential properties; require relocation of three tennis courts and a tot lot within the City of Chino Hills Coral Ridge Park; result in loss of approximately 180 parking spaces and the viability of the Chino Valley Community Church; and in the loss of 11,000 square feet of multi-tenant retail building area, a full service car wash, a fast food restaurant, and approximately 31 parking spaces at the Chino Hills Promenade commercial center.  

The DEIR/EIS provides no discussion regarding the adequacy of the existing 150-foot ROW or how development of the proposed TRTP facilities within the ROW would require the taking of scores of Chino Hills properties. The Project description is both incomplete and inaccurate. These errors must be corrected and the DEIR/EIS must be revised to ensure that the DEIR/EIS accurately reflects the whole of the Project.

5. Page 2.2 of the DEIR/EIS presents various confidence intervals used for estimating project impacts. These intervals range from ±10 percent once final design and construction documents have been completed, to ±30 percent for projects “which are still at the conceptual or planning level and the location and elements of construction may be substantially adjusted”. The DEIR/EIS goes on to state that for the Project, which has gone through preliminary engineering, the potential impacts are estimated with a confidence interval of ±15 percent. However, as noted in comment #1, above, the DEIR/EIS omits very important information regarding the location of construction sites. Consequently, for many of the Project segments, including segment 8, elements of construction will need to be substantially adjusted, and according to the parameters outlined in the DEIR/EIS, the confidence interval for estimating Project impacts would be ±30 percent. With critical information not known or not disclosed, the DEIR/EIS’ Project description and assessment of Project impacts is incomplete. The DEIR/EIS must be revised and its analysis corrected to ensure that the DEIR/EIS accurately reflects the whole of the Project.

Section 3.1. Introduction:

1. Section 15128 of the CEQA Guidelines require DEIR/EISs to contain a statement indicating the reasons that reasons possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the DEIR/EIS. The DEIR/EIS does not appear to contain this section. This is of particular concern because there are a number of CEQA identified environmental topics omitted


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from the DEIR/EIS. For example, the DEIR/EIS, in its review of potential TRTP impacts, does not provide any explanation for excluding a detailed discussion of the following topics identified by CEQA Guidelines:

- IX. Land Use and Planning: a) Would the project physically divide an established community?
- XIII. Public Services: d) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities?
- Mandatory Findings of Significance: c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Without a clear explanation of why certain impacts are included and others omitted, the scope of the DEIR/EIS is incomplete and responsible agencies and the public are deprived reasonable disclosure of project impacts. The DEIR/EIS must be revised to include all required CEQA topics, including a statement of effects found not significant.

Section 3.2. Agricultural Resources:

1. Section 3.2.3.3 of the DEIR/EIS states that “A review of all agricultural resource policies that apply to the proposed Project was conducted, which includes all county and city plans, as well as applicable local area plans”. However, no discussion of local area plans is provided. For example, the proposed TRTP alignment crosses areas of the City of Chino Hills General Plan designated Agriculture/Ranches. This designation allows for residential densities of 0.2 units per acre, as well as equestrian facilities (including public stables), agricultural uses, and cattle grazing. This local land use plan of Chino Hills is not discussed or analyzed within Section 3.2 or any other section of the DEIR/EIS. The DEIR/EIS must be revised to present a complete description and assessment of existing agricultural conditions, including local plans.

Section 3.3. Air Quality and Air Quality Specialist Report:

General Comment: These comments were compiled based on a review of the DEIR/EIS and the “Air Quality Specialist Report” by Todd Brody, principal of Synectology, an environmental consulting firm specializing in air emissions and noise analysis and modeling. All included comments relevant to the Specialist Report must also be addressed in the DEIR/EIS/ document, as appropriate, and vice versa.

Specialist Report:

1. Page 4-3: The text states “Note that ozone and PM2.5 are not included in Tables 4-1, 4-2, and 4-3.” However, the table clearly includes values for PM2.5. The DEIR/EIS must be revised to correct this apparent discrepancy.
Comment Set A.23, continued: Goodin, MacBrine, Squeri, Day & Lamprey, LLP

2. Page 4-4, Table 4-5: The table notes, “Restrict vehicle idling time to less than 10 minutes whenever possible. (See proposed Mitigation Measure AQ-1g).” However, the mitigation plan provides for this idling time to be a 5-minute duration. Page 3.3-33 of the DEIR/EIS/EIS notes for mitigation: “AQ-1g Restrict Engine Idling to 5 Minutes. Diesel engine idle time shall be restricted to no more than 5 minutes. There are other places in the air quality analysis that also note the allowance of a 10-minute idle period (e.g., Table 3.3-17). The DEIR/EIS must be revised to correct these apparent discrepancies.

3. Page 4-5, 3rd paragraph: The text notes “The operating emissions from the proposed Project and all Project alternatives are comprised of occasional inspection and maintenance activities and no new stationary source operating emission sources will be constructed/operated as part of this Project. However, the Project description notes that to “Construct new Whirlwind Substation; activity would require acquisition of a new approximately 106-acre substation property.” The substation is part of the Project; the direct and indirect emissions associated with the construction and operation of the substation need to be included in the air quality analysis. The DEIR/EIS must be revised to incorporate substation related emissions.

4. Page 6-1, Table 6-1: The analysis underestimates the fugitive particulate (PM10 and PM2.5) emissions associated with the use of the helicopters in that it does not account for dust that is blown up as a result of “prop wash” as the helicopters take off and land or when working close to the ground. The DEIR/EIS must be revised to incorporate dust emissions relative to helicopter use.

5. Page 6-7, 2nd paragraph: The text notes “helicopter emissions are not included as they are not ground level emissions, with the exception of the helicopter construction staging areas that are not separately evaluated as they are not known to be located within 500 meters of any sensitive receptors.” Helicopter prop wash could create substantial quantities of PM10 and PM2.5 in a very small area; well under one acre. If helicopter staging is proposed over an unpaved area and receptors are located in proximity, they have the potential to be impacted. As these staging areas are unknown, the DEIR/EIS must be revised to identify provisions should the staging areas be within 500 meters of any sensitive receptors.

6. Page 6-7, 3rd paragraph: The text notes, “As can be seen in Table 6-3, site specific construction emissions of PM10 and PM2.5 emissions would have the potential to exceed the localized significance criteria during tower construction activities when those towers are located less than 50 meters from a receptor. Actually, the table shows that there is an exceedance at 25 meters. However, the table does not denote any distance at which there is no longer an impact for a 1-acre site. The 50-meter substation distance cannot be applied as it is based on a 2, as opposed to 1-acre construction site. The DEIR/EIS must be revised to correct this apparent discrepancy.

7. Page 6-7, 4th paragraph: The text states, “The onsite construction emissions are estimated, after implementation of Mitigation Measures AQ-1a for fugitive dust control, but do not explicitly include all of the control gained for measures AQ-1b to AQ-1j, as
Comment Set A.23, continued: Goodin, MacBride, Squeri, Day & Lamprey, LLP

8. Page 6-12, 4th paragraph: The text notes, “The effect of downwind dispersion eliminates the potential for Project level significant cumulative air quality impacts over areas larger than a few miles.” The formation of photochemical ozone can take as much as 20 miles from its source. As such, projects in the South Coast Air Basin that are typically deemed regionally significant are also deemed cumulatively significant as their emissions add to the downwind ozone exceedance condition. The DEIR/EIS must be revised to correct this apparent discrepancy.

9. Page 6-14, 3rd paragraph: The text states “Given the temporary nature and low toxic air contaminant emission level for the proposed Project’s and cumulative projects, the proposed Project would not have a less-than-significant cumulative health risk (Class III).” The DEIR/EIS must be revised to correct this conflicting statement.

10. Page 9-3, 5th paragraph: The text notes, “The GHG emissions estimated for construction are higher for this alternative (Alternative 5) than for Alternative 2” but never provides the actual value. The DEIR/EIS must be revised to include this value in the text so that the reader may know the actual projected difference.

11. Page 10-3, 5th paragraph: The text notes, “The GHG emissions estimated for construction are higher for this alternative (#6) than for Alternative 2” but never provides the actual value. The DEIR/EIS must be revised to include this value in the text so that the reader may know the actual projected difference.

12. Section 12: The comparison of alternatives does not provide any meaningful data to lead the decision makers to a reasonable conclusion of the emissions and severity of the impact associated with each alternative. The DEIR/EIS must be revised to include a table that states the maximum and average daily and yearly emissions, preferably associated with each type of construction operation, its duration, and the total emissions associated with the full construction schedule.

13. Page 13-1: The text states, “The mitigation measures introduced in Sections 6 through 11 of this Specialist Report for Air Quality are presented below in Table 13-1 (Mitigation Monitoring Program – Air Quality), which provides a summary of how each mitigation measure should be implemented and evaluated for effectiveness.” However, the table provides no guidance on how to evaluate the various mitigation measures for effectiveness. For example, the analysis requires soil binders that are to achieve a
Comment Set A.23, continued: Goodin, MacBride, Squeri, Day & Lamprey, LLP

Appendix A. Air Pollutant Emissions Calculations:

14. Page C-1: The text notes, “1) Unpaved road travel is minimized to the extent feasible and shall be no more than one-half mile per trip for equipment that must access the working sites. Construction employee traffic does not use unpaved roads, parking will be on paved roads/lots.” This statement grossly underestimates the fugitive dust emissions that will result from the Project. The Project would require that workers get to the individual construction sites. While the applicant may provide a shuttle to reduce the number of these trips, the DEIR/EIS does not present estimates for these shuttles in the emissions calculations.

Furthermore, the DEIR/EIS erroneously concludes that the nearest paved road would be within 0.5 mile of each construction site. Many of the sites are in secluded areas with little or no local access, such as areas along Segment 8 that would require more than 0.5 mile of off-road travel in either direction. Also, the construction equipment would need to set up areas for wheel washers, etc. (per Rule 403/mitigation), and would likely have to travel further than 0.5 mile to set up a “cleaning station.” To present a reasonably accurate estimate of construction related air emissions, the DEIR/EIS must be revised to reexamine these areas with an eye as to where parking, staging, and truck travel could be conducted.

15. Page C-26: There is no source listed for these on-road emission factors. While the analysis alludes to the South Coast Air Quality Management District (SQAMD) website, there are discrepancies in the values provided. For example the Year 2009 emissions used in the TRTP DEIR/EIS are included in the following tables:

<table>
<thead>
<tr>
<th>Passenger Vehicles, Model Years 1965-2009</th>
<th>Lb/mi</th>
</tr>
</thead>
<tbody>
<tr>
<td>CO</td>
<td>0.010849</td>
</tr>
<tr>
<td>NOx</td>
<td>0.001138</td>
</tr>
<tr>
<td>ROG</td>
<td>0.001179</td>
</tr>
<tr>
<td>SOx</td>
<td>0.000009</td>
</tr>
<tr>
<td>PM10</td>
<td>0.000081</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Delivery Trucks, Model Years 1965-2009</th>
<th>Lb/mi</th>
</tr>
</thead>
</table>

14
## Comment Set A.23, continued: Goodin, MacBride, Squeri, Day & Lamprey, LLP

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>CO</td>
<td>0.01454</td>
<td></td>
</tr>
<tr>
<td>NOx</td>
<td>0.021501</td>
<td></td>
</tr>
<tr>
<td>ROG</td>
<td>0.002295</td>
<td></td>
</tr>
<tr>
<td>SOx</td>
<td>0.000033</td>
<td></td>
</tr>
<tr>
<td>PM10</td>
<td>0.000400</td>
<td></td>
</tr>
</tbody>
</table>

### Heavy–Heavy Duty, Model Years 1965–2009

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>Lb/mi</th>
</tr>
</thead>
<tbody>
<tr>
<td>CO</td>
<td>0.004738</td>
<td></td>
</tr>
<tr>
<td>NOx</td>
<td>0.029455</td>
<td></td>
</tr>
<tr>
<td>ROG</td>
<td>0.001042</td>
<td></td>
</tr>
<tr>
<td>SOx</td>
<td>4.61E-05</td>
<td></td>
</tr>
<tr>
<td>PM10</td>
<td>0.000559</td>
<td></td>
</tr>
</tbody>
</table>

Whereas the values on the SCAQMD website for these same years are included below:

### Scenario Year: 2009

<table>
<thead>
<tr>
<th>All model years in the range 1965 to 2009</th>
<th>Passenger Vehicles (pounds/mile)</th>
<th>Delivery Trucks (pounds/mile)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CO</td>
<td>0.00968562</td>
<td>CO 0.02016075</td>
</tr>
<tr>
<td>NOx</td>
<td>0.00100518</td>
<td>NOx 0.02236636</td>
</tr>
<tr>
<td>ROG</td>
<td>0.00099245</td>
<td>ROG 0.00278899</td>
</tr>
<tr>
<td>SOx</td>
<td>0.00001066</td>
<td>SOx 0.00002679</td>
</tr>
<tr>
<td>PM10</td>
<td>0.00008601</td>
<td>PM10 0.00080550</td>
</tr>
<tr>
<td>PM2.5</td>
<td>0.00005384</td>
<td>PM2.5 0.00069228</td>
</tr>
<tr>
<td>CO2</td>
<td>1.09755398</td>
<td>CO2 2.72330496</td>
</tr>
<tr>
<td>CH4</td>
<td>0.00008767</td>
<td>CH4 0.00013655</td>
</tr>
</tbody>
</table>

### All model years in the range 1965 to 2009

<table>
<thead>
<tr>
<th>HHDT-DSL (pounds/mile)</th>
<th>HHDT-DSL, Exh (pounds/mile)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CO</td>
<td>0.01282236</td>
</tr>
<tr>
<td>NOx</td>
<td>0.04184591</td>
</tr>
<tr>
<td>ROG</td>
<td>0.00329320</td>
</tr>
<tr>
<td>SOx</td>
<td>0.00004013</td>
</tr>
<tr>
<td>PM10</td>
<td>0.00005384</td>
</tr>
<tr>
<td>PM2.5</td>
<td>0.04184591</td>
</tr>
<tr>
<td>CO2</td>
<td>0.00008767</td>
</tr>
</tbody>
</table>

Note the discrepancies, especially for delivery and heavy duty trucks that would appear to grossly underestimate these emissions. For example, the value used for heavy-heavy truck PM10 is less than 1/3 of that presented by the SCAQMD. As such, the analysis
underestimates various emissions associated with the Project. This underestimate is further reflected in the on-road vehicle summary on Page C-31. Other years also show inconsistency with the SCAQMD data. The DEIR/EIS must be revised to address these inconsistencies.

16. Page C-44: The text presents a summary of the off-road equipment emissions. However, the DEIR/EIS does not present a listing of the type and number of equipment or the time and duration of equipment use. The validity of the analysis rests on the assumptions employed in the emissions modeling. Without this information, the off-road equipment emissions assumptions and calculations cannot be validated. The DEIR/EIS must be revised to provide this data.

17. Page C-97: The time of use for certain helicopters is underestimated. For example, the text notes that the Sky Crane would operate for 0.33 hours per working trip. This equates to just 19.8 minutes to warm up the engine, fly to the site, perform the actual work, fly back to the staging area, and shut down the engine. This assumption appears unreasonable and unjustified, and the DEIR/EIS must be revised to either justify or revise the assumption.

18. Page C-104: The analysis calculates fugitive dust emissions from dozers and graders. However, the listing of equipment on page C-78 includes several other types of equipment that would also generate dust including: crawlers, excavators, backhoes, etc. that appear to not have been included in the analysis of fugitive dust. The DEIR/EIS must be revised to include all equipment in the fugitive dust emissions calculation.

19. Page C-104: The use of the 84% control efficiency for dust suppressant underestimates fugitive dust emissions. A review of the products noted in the analysis at the CARB website states: “When topically applied as a dust suppressant in accordance with the manufacturer's instructions, including a target concentration of 0.28 gallons of concentrate per square yard of treated surface applied in multiple passes on a single day, Soil-Sement® reduced PM10 emissions by approximately 84 percent after 339 days and 6,780 vehicle (predominantly light-duty) (emphasis added) passes on an unpaved road consisting of a silty, sandy loam.” Furthermore, the other suppressant also noted at the CARB website also specifies that the effectiveness is for predominantly light-duty vehicles. Because the Project would use predominantly heavy-heavy duty trucks, the use of the 84% control efficiency is unsubstantiated, and fugitive dust estimates are grossly understated in the analysis. The DEIR/EIS must be revised to more accurately represent real world conditions.

20. Page C-115: In calculation of windblown dust from the disturbed areas, the disturbed areas only appear to include the actual areas of construction. The DEIR/EIS must be revised to include in the calculation of windblown dust the various staging areas that would also be disturbed.

21. Page C-153: The LST analysis includes marshalling yards, tower construction, and substation construction, none of which are associated with fugitive dust from the use of
heavy equipment. But the analysis goes to lengths to calculate this fugitive dust associated with grading and dozing activities. It is possible that these activities would also subject sensitive receptors to localized impacts and this should be addressed in the analysis.

22. Page C-186. Alt. 4C - Offroad Equipment Emission Calculations: The page notes what equipment is to be used in the construction of each portion of the Project and how many hours each piece of heavy equipment is anticipated to be used on a daily basis. A similar table is provided for all other alternatives, with the notable exception of Alternative 2, the Proposed Project/Action (that based on its position for the other alternatives, should have been on Page C-30). Without these data on equipment use, it is not possible for us to replicate and verify the analysis of the Project. Under CEQA, these data need to be provided and the document revised.

DEIR/EIS Air Quality Text:

23. Page 42, 4th paragraph: The text lists mitigation including: (1) Implementation of a fugitive dust control plan; (2) Compliance with off-road diesel-fueled equipment; (3) Equipment standards for heavy duty diesel hauling vehicles; (4) Equipment standards for on-road construction vehicles (including passenger cars); (7) Restriction of engine idling to five minutes or less; and (9) Off-road gasoline-fueled equipment standards. Most of these measures are requisite under the applicable agency and therefore do not constitute mitigation under CEQA. Pursuant to Section 15126.4 of the CEQA Guidelines, the discussion of mitigation measures must go beyond statutory requirements, and shall distinguish between the measures which are proposed by project proponents to be included in the project and other measures proposed by the lead agencies or other responsible parties to reduce adverse impacts. The DEIR/EIS must be revised to present mitigation in compliance with CEQA.

24. Page 42, 5th paragraph: The text notes: “Construction of the Project would result in emissions that would not be in full compliance with the requirements of all applicable federal, State, and local Air Quality Management Plans.” The proposed mitigation would not reduce these construction emissions and their resultant concentrations at sensitive receptors to less than significant.” Still, Page 6-11 of the Specialist Report notes: “After mitigation the Project would be consistent with the currently approved Air Quality Management Plans and would have a less-than-significant impact (Class II).” The DEIR/EIS must be revised to identify this impact as a Class I impact and to disclose that the residual impact remains significant.

25. Page 43, 6th paragraph: The text states: “Construction equipment and construction operations (such as the potential for some small areas of asphalt paving), as well as the use of certain equipment types during operation and maintenance activities, may create mildly objectionable odors. However, this would be temporary and would not affect a substantial number of people.” However, the analysis of construction emissions fails to include an asphalt paver and its associated equipment or the ROG emissions associated with the application of this asphalt that are released into the air. Furthermore, the
Comment Set A.23, continued: Goodin, MacBride, Squeri, Day & Lamprey, LLP

analysis of operational emissions fails to disclose the source of the potential odors. The DEIR/EIS must be revised to correct these apparent discrepancies.

26. The analysis is flawed in that it fails to describe the various health effects for the noted air pollutants. As such, the reader has no idea of the potential health impacts associated with the Project thereby trivializing the impacts. The DEIR/EIS must be revised to disclose the type of potential health risks associated with the Project.

27. Page 3.3-21, 1st paragraph: The text states: “The proposed Project includes construction but does not include any stationary emission sources...” This is incorrect. The proposed switching stations and sub facilities, which are part of the Project, will require that the equipment be air-conditioned and this will use power. Furthermore, these facilities would require maintenance and the reapplication of paints and coatings, and these produce emissions. As such, the statement that the Project “does not include any stationary emission sources” is in error and misleading to the reader. The DEIR/EIS must be revised to correctly disclose and assess Project stationary source emissions.

28. Page 3.3-25: The study includes a “localized” analysis for those areas within the SoCAB. However, the significance of the localized emissions is based on adherence to the CAAQS, and not that of the local jurisdiction (i.e., SCAQMD). As such, the analysis is deficient in not providing localized analysis for those regions outside of the SoCAB with relation to the CAAQS, and should be revised to correct this deficiency.

29. Page 3.3-25, 5th paragraph: The text notes, “Note that ozone and PM2.5 are not included in Tables 3.3-13, 3.3-14, and 3.3-15.” However, all three tables certainly include PM2.5. The DEIR/EIS must be revised to correct this inconsistency.

30. Page 3.3-27, Table 3.3-17: The table includes many Applicant-proposed “Mitigation Measures.” However, most of these measures are requisite and therefore do not constitute mitigation under CEQA. Furthermore, Measure AQ-4, “Restrict vehicle idling time to less than 10 minutes whenever possible” would allow vehicles to idle twice as long as is included in the actual mitigation measures or is legally allowable (5 minutes in either case). As noted above, pursuant to Section 15126.4 of the CEQA Guidelines, the discussion of mitigation measures must go beyond statutory requirements, and shall propose measures to reduce, not increase, adverse impacts. The DEIR/EIS must be revised to present mitigation in compliance with CEQA.

31. Page 3.3-32, AQ-1B: The Project proposes the use of Tier II equipment as mitigation. The use of this measure demonstrates that the analysis is flawed because its proposed mitigation would result in higher emissions than those modeled in the DEIR/EIS air quality analysis.

The requisite off-road standards, obtained from the SCAQMD web site, are included in the following table:
APPENDIX F. DRAFT EIR/EIS COMMENTS AND RESPONSES

Tehachapi Renewable Transmission Project

Comment Set A.23, continued: Goodin, MacBride, Squeri, Day & Lamprey, LLP

<table>
<thead>
<tr>
<th>TIERS 1, 2, 3 &amp; 4 OFF-ROAD ENGINE EMISSION STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Engine Size (hp)</td>
</tr>
<tr>
<td>------------------</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>75 - 99</td>
</tr>
<tr>
<td>100 - 174</td>
</tr>
<tr>
<td>175 - 299</td>
</tr>
<tr>
<td>300 - 600</td>
</tr>
</tbody>
</table>

The analysis then proposes compliance with these standards to reduce emissions. For example, the Air Quality Appendix C (Page C-154) makes the use of a value of 0.1706 pounds per hour for ROG for a 450 horsepower crane. The mitigation then requires that crane is to meet Tier II standards thereby allowing it to meet a standard of 0.24 grams per horsepower-hour for ROG. This then represents a value of 0.2379 pounds per hour [i.e., (450 hp x 0.24 g/hp-hr) / 454 g/lb = 0.2379 pounds per hour]. As such, the mitigation would increase the ROG emissions associated with the crane by 39% from the value used in the analysis.

In fact, many of the values used in the analysis are cleaner than Tier III standards. For example, the Air Quality Appendix C (Page C-154) makes the use of a value of 1.6652 pounds per hour for NOx for a 450 horsepower crane. Under the Tier III standards it would have to meet a standard of 2.85 grams per horsepower-hour for NOx. This then represents a value of 2.8249 pounds per hour [i.e., (450 hp x 2.85 g/hp-hr) / 454 g/lb = 0.2379 pounds per hour]. As such, the analysis uses an unmitigated value that is 40% lower than the future Tier III standards. These same flaws run through all of the equipment calculations and as such, the analysis drastically underestimates the potential impacts of the Project.

The DEIR/EIS goes on to state (Page 3.3-33, 10th paragraph), “However, an analysis of the 2009 SCAQMD off-road emission factors indicates that the fleet average engine for the equipment types assumed to be used for this Project would be just better than Tier 1 on average.” As demonstrated above, this is incorrect and the SCAQMD emission factors are actually cleaner than Tier II and in many cases Tier III requirements. As such, the analysis is flawed in that the mitigation would in many cases increase the impact (including the significant localized impacts) over that projected in the analysis. The DEIR/EIS must be revised to present a consistent and accurate assessment of off-road emissions.

32. Page 3.3-38, 4th paragraph: The text states, “...the Project will obtain emission reduction credits to fully offset the NOx and/or VOC emissions per 40 CFR §93.158(a)(2) for the years that the Project has been estimated to exceed the NOx and/or VOC emission applicability thresholds. Credits shall be submitted to the CPUC and FS for review and approval.” However, Page 3.3-34, 2nd paragraph contradicts this statement, indicating that
Comment Set A.23, continued: Goodin, MacBride, Squeri, Day & Lamprey, LLP

“The use of emission offsets to further mitigate the significant maximum daily construction emissions in SCAQMD and AVAQMD and the 2010 PM10 emissions in KCAPCD are not considered feasible, due to lack of availability of such offsets and their prohibitive cost.” The DEIR/EIS does not address this contradiction. The DEIR/EIS must be revised to explain how if emission reduction credits are neither available nor affordable for construction emissions in SCAQMD, AVAQMD, and KCAPCD areas, the credits could be both available and affordable for federal conformity areas that also fall within these jurisdictions.

33. Page 3.3-39, 3rd paragraph: The text notes, “Construction equipment and equipment used during construction operations, such as the potential for small areas of asphalt paving; and the operations maintenance/inspection equipment may create mildly objectionable odors.” As discussed above, the DEIR/EIS must be revised to disclose the source of the potential odors.

34. Page 3.3-54, 1st paragraph: The text states, “A comparison of Table 3.3-21 and Table 3.3-25 shows that Alternative 6 has higher construction NOx emissions for project construction during 2010 through 2012, and has the same overall findings with respect to exceeding General Conformity applicability triggers in the SoCAB but creates a new exceedance of the AVAQMD/MDAB applicability trigger for NOx. However, the NOx emission estimate for Alternative 6 does not include the NOx reduction from the recommended off-road equipment mitigation measures, which would reduce the annual NOx emissions in the AVAQMD portion of the MDAB similar to the project (to less than 25 tons per year in 2012). Following the discussion provided in the DEIR/EIS, like the project, with incorporation of Mitigation Measure AQ-6, Alternative 6 would conform to the SIP and would have an NOx emission impact similar to the project. The DEIR/EIS analysis is flawed in that it fails to apply equivalent standards to the evaluation of the project and all alternatives.

Further given that the air emission analysis underestimates construction emissions and the required mitigation (i.e., requirement for Tier II equipment) would further raise the emissions from those used in the analysis, the DEIR/EIS findings that project residual NOx emissions would be less than 25 tons per year is incorrect. The DEIR/EIS analysis of construction related air emissions should be revised to correct these notable flaws and should be applied consistently to all alternatives evaluated in the DEIR/EIS.

35. In accordance with page 3.10-5 of the noise analysis, "Corona may result in radio and television reception interference, audible noise, light, and production of ozone." Ozone, also known as smog, is also the by-product of photochemical oxidation of NOx and ROG. While the direct release of ozone is not regulated as a criteria pollutant, the DEIR/EIS must revise its air quality analysis to determine the equivalent value of NOx/ROG that would lead to this volume of ozone and assess the impact accordingly.
Section 3.4. Biological Resources and Biological Resources Specialist Report:

General Comment: These comments were compiled based on a review of the DEIR/EIS and the “Biological Specialist Report” by Ingrid Chulp, regulatory specialist/biologist with Glenn Lukos Associates. All included comments relevant to the Specialist Report must also be addressed in the DEIR/EIS document, as appropriate, and vice versa.

1. Table 3.4-1 reports that the Project degrades 1,538 acres of vegetation communities of which 277 acres will be permanent. These totals are inconsistent with the combined totals from Tables 3.4-17 and 3.4-18, which report that the project would degrade 1,546.8 acres of vegetation communities of which 282.5 acres would be permanent. Impact B-1 and B-3 (Pages 3.4-109-3.4-110 and 3.4-130) B-1) report that permanent degradation will encompass 283 acres. The DEIR/EIS must be revised to correct these inconsistencies.

2. Table 3.4-1 suggests that there are significant differences between Alternative 2 and 4 for all of the environmental issues analyzed when in fact the differences are not significant. Both alternatives have the same impacts relative to introduction of noxious weeds to remote or natural areas and habitat interiors. Both alternatives result in transmission line strikes and electrocutions not found to be significant for either alternative based on Project design features (specifically AMP’s BIO-4 and BIO-9). The table is misleading and should be revised to clarify the status of each environmental issue for each alternative by adding: “Not Significant” or “Less than Significant with Mitigation”.

3. Table 3.4-7 incorrectly reports that the San Diego horned lizard (Phrynosoma coronatum blainvillii) is unlikely to be found in Segment 8. According to the California Natural Diversity Database (CNDDB) [CDFG March 2009] San Diego horned lizards were identified in the vicinity of the Project Segment 8 alignment. Therefore, the table and analysis in the DEIR/EIS needs to be revised to correctly report on the “likely” occurrence of the San Diego horned lizard within Segment 8.

4. Table 3.4-7 incorrectly reports that Bald Eagles have been utilizing the Chino Hills State Park (CHSP) Area. Based on personal conversations between biologist Ingrid Chulp and Alissa Ing, CHSP biologist, bald eagles have been observed utilizing the adjacent Prado Basin during migration. The CHSP does not support suitable foraging habitat. Further the DEIR/EIS and technical report do not provide any documentation to support that bald eagles have been breeding in the vicinity of the Project. Therefore, the table and analysis in the DEIR/EIS needs to be revised to correctly report on the occurrence of the bald eagle within Segment 8.

5. Table 3.4-7 incorrectly reports that prairie falcons are unlikely to occur within Segment 8. According to Appendix A of the CHSP General Plan and Summary of Avian Resources of the Puente-Chino Hills Corridor, prairie falcon has been observed in the vicinity of the Project, although no suitable nesting habitat is apparent. The DEIR/EIS and technical report do not provide any documentation to support the findings regarding prairie falcons. Therefore, the table and analysis in the DEIR/EIS needs to be revised to correctly report on the occurrence of the prairie falcon within Segment 8.
Comment Set A.23, continued: Goodin, MacBride, Squeri, Day & Lamprey, LLP

6. Page 3.4-137 states that “Project related activities that result in the increase in noxious weed populations would have long-lasting consequences for habitats in the proposed Project area and would constitute a significant impact...Implementation of Mitigation Measure B-1a (Provide restoration/compensation for impacts to native vegetation communities), Mitigation Measure B-2 (Implement RCA Treatment Plan) and Mitigation Measures B-3a through B-3c (Prepare and implement a Weed Control Plan, Remove weed seed sources from construction routes and Remove weed sources from assembly yards, staging areas, tower pads, pull sites, landing zones and spur roads) will reduce impacts to less-than-significant levels (Class II)”. The DEIR/EIS needs to be revised to discuss whether mitigation is available for the balance of the Project area.

7. As noted by the Todd Brody, principal of Synectology, an environmental consulting firm specializing in air emissions and noise analysis and modeling, page 3.4-180, B-15, the mitigation is inadequate for the impact. The text states "If construction activities occur during the breeding season at the Whittier Narrows Recreation Area, Whittier Narrows Nature Center, Puente Hills Landfill Native Habitat Preservation Authority lands, and/or the Rio Hondo, or other areas including the ANF that have the potential to support listed riparian species, a qualified ornithologist shall conduct protocol surveys of the Project and adjacent areas within 500 feet. Fish and Wildlife Service (FWS) protocol surveys will be conducted for southwestern willow flycatcher, least Bell's vireo, and western yellow-billed cuckoo. In known occupied habitat for listed riparian birds, SCE shall only conduct focused surveys of the Project and adjacent areas within 500 feet. The surveys shall be of adequate duration to verify potential nest sites if work is scheduled to occur during the breeding season.”

The text also notes, “In coordination with the FWS and CDFG, a 300-foot disturbance-free buffer shall be established and demarcated by fencing or flagging. No construction shall occur within this buffer during the breeding season for this species.” This provision is incorporated in Mitigation Measure B-16.

In accordance with the Fish and Wildlife Service, sensitive bird species are subject to a significance level of no disturbance of 60 dBA. According to Table 3.10-4 of the noise analysis, the 60-dBA level for construction would occur at a distance of about 1,200 feet from the construction activities (and is probably further for helicopter noise that the text fails to properly document). Additionally, according to Impact B-15 Section, 3rd paragraph page 3.4-179, the 60 dBA threshold may not be sufficient. As such, the use of a 300 or 500-foot buffer, as promulgated in Mitigation Measures B-15 and B-16, is totally inadequate and these distances must be increased accordingly. The DEIR/EIS needs to be revised to identify appropriate mitigation and Project impacts relative to nesting birds.

8. Page 3.4-278. Impact B-3, in assessing potential impacts relative to Chino Hills State Park, the DEIR/EIS fails to note that grasslands within the CHSP exhibit a very high proportion of mustard and may be better classified, in many cases, as Ruderal Grassland. Additionally, the areas proposed for Alternative 4 currently exhibit a relatively high density of dirt roads. Consequently, the areas traversed by Alternative 4 east of Segment
Comment Set A.23, continued: Goodin, MacBride, Squeri, Day & Lamprey, LLP

9. Based on the analysis of disturbance footprints provided in Chapter 2, the DEIR/EIS concludes that Alternative 4C results in a 1 to 2% increase in land disturbance and a 3-4% increase in permanent impacts to habitat when compared to Alternative 2, in part due to a 2.4% increase in the construction and improvement of roads. Relative to biological resources, the DEIR/EIS then concludes that this increase in total disturbance area has the potential to increase potential impacts to special-status habitats including walnut woodland, coastal sage scrub, southern coast live oak riparian forest and southern sycamore-elder riparian. However, the DEIR/EIS discussion of biological resource impacts fails to discuss the mitigation measures proposed by the City of Chino Hills that would accompany Alternative 4 (21st Century Green Partnership, Mitigation and Cost Recovery Plan). The mitigation measures proposed by Chino Hills include removal of approximately 12 existing 220-kV double-circuit lattice steel towers within CHSP and 2 outside CHSP (14 total) and 3.4 miles of transmission lines that would allow for additional restoration opportunities, and the elimination of 16 miles of transmission line through Chino and Ontario that would reduce potential impacts to burrowing owl, saltspring checkerbloom and Coulter’s saltbush.

Additionally, given the high proportion of black mustard throughout CHSP and the great numbers of existing dirt roads traversing Alternative 4C, the DEIR/EISs assessment that Alternative 4C would increase the introduction of noxious weeds and interfere with wildlife movement is incorrect. Further the DEIR/EIS fails to discuss the City of Chino Hills proposed mitigation measures that would provide significant funding to the CHSP which could be used to restore habitat and eradicate highly invasive species in the CHSP. Potential uses for those funds, as presented in the 21st Century Green Partnership, Mitigation and Cost Recovery Plan, include:

a) Bio-Corridor Expansion: A bio-corridor expansion of undeveloped parcels of land east of the State Park’s current boundary totaling 2,517 acres.

b) View Shed Enhancements: Removal of 10.45 miles of inactive 220kV line within the Park that would enhance views into the park’s natural areas.

c) Habitat Enhancements: Connections and enhancement of the CHSP bio-corridors with 1) Coal Canyon, linking the State Park to the Cleveland National Forest; 2) Sonome Canyon, linking the State Park to Tonner Canyon; and 3) The Prado Basin Area to the east of the State Park. The proposed restoration program targets and ranks areas based on several criteria including: 1) Location relative to core habitat; 2) Location relative to bio-corridors; 3) Existing condition of habitat; 4) Presence of target species indicating viability of the site; and 5) Potential to support special-status species. Each of the three canyons that meet the criteria will be buffered 300-feet to delineate an approximate restoration area.
Comment Set A.23, continued: Goodin, MacBride, Squeri, Day & Lamprey, LLP

d) Habitat Restoration: Proposed restoration including: eradication of highly invasive species, such as tamarisk, and the supplemental planting of riparian oak woodland and cottonwood willow riparian species within, and adjacent to, the canyon bottom; and supplemental planting of scrub species and native grass species adjacent to the drainage in areas that currently support non-native grassland is also proposed. Areas to be restored include:

1) Water Canyon - totaling approximately 9 acres including 3 acres of riparian habitat and 6 acres of sage scrub habitat.
2) Brush Canyon - totaling approximately 15 acres including 5 acres of riparian habitat and 10 acres of sage scrub habitat.
3) Lower Aliso Canyon - totaling approximately 35 acres including 6 acres of riparian habitat and 29 acres of sage scrub habitat.

e) Operational Enhancements: construction of a guard shack, gate improvements, a message board, as well as other enhancements as recommended by the State Park.

The DEIR/EIS confines its assessment of the City proposed biological resources mitigations to a footnote on page 4-48. Within the footnote, the DEIR/EIS attempts to defend its omission of the City’s mitigation plan by stating that it is not considered mitigation for impacts identified in the DEIR/EIS. The DEIR/EIS states that “While the 21st Century proposal attempts to compensate the Department of Parks and Recreation for routing Segment 8A across Chino Hills State Park as part of Alternative 4, it does not directly address the significant adverse effects on the physical environmental associated with Segment 8A that are identified in this DEIR/EIS”. However, this statement is inconsistent with Mitigation Measure B-1 proposed by the DEIR/EIS, which offers off-site mitigation, restoration, enhancement/re-vegetation and/or mitigation banking to reduce impacts relative to habitat disturbance to less than significant levels. The City proposed mitigation proposes to conduct the mitigation, restoration and enhancement/re-vegetation on-site within CHSP. The Lead Agencies appear to be selectively ignoring feasible mitigation, and by so doing, the DEIR/EIS presentation of biological resource impacts associated with Alternative 4 is inaccurate. The DEIR/EIS must be revised to include the proposed City of Chino Hills mitigations in its assessment of Alternative 4.

10. Table 3.4-1 indicates that line collision and electrocution potential is higher in Alternative 4 than the Project. However, in neither alternative is the potential significant as a result of APM's BIO-4 and BIO-9. Additionally, according to Appendix B of the Biological Specialist Report [Aspen 2008] “none of the 21 species identified during the risk assessment as vulnerable to line collision is state or federally listed as threatened or endangered, and only one, white-faced ibis, is a CDFG Watch List species. No other special status species known from the region is considered vulnerable to line collisions, and no important bird migration corridors have been identified.” Specifically, the report indicates that CHSP contains upland habitats with no potential to concentrate large numbers of birds, and no species considered vulnerable to line collisions were detected there during reconnaissance surveys. Consequently, the DEIR/EIS overstates the impact.
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of line collision and electrocution on biological resources. The DEIR/EIS must be revised to present a complete and accurate discussion of these impacts.

Section 3.5. Cultural Resources:

1. On February 23, 2009, Michael B. Day of Goodin, MacBride, Squeri, Day & Lamprey LLP, as counsel to the City of Chino Hills, phoned Jon Davidson of Aspen Environmental to request a copy of the TRTP DEIR/EIS cultural resources technical studies, but was denied a copy on the grounds that the information is proprietary. A follow up demand letter dated March 2, 2009 was sent to Mr. Davidson as well as Laurence Chaset of the CPUC by Mr. Day. No response to the request was received. Although it is standard practice to keep the locations of recorded historical archaeological sites confidential when presenting a cultural resource report prepared in support of an DEIR/EIS, it is not standard practice to keep the entire report confidential and simply not available to affected responsible agencies. This is of particular concern because the detailed information necessary to support the DEIR/EISs cultural resource conclusions are not provided within the body of the DEIR/EIS document.

Although the DEIR/EIS Section 3.5 notes that Pacific Legacy, Inc. and Applied EarthWorks, Inc, provided background information in support of the cultural resource analysis, the titles and dates of these reports are not provided and these reports are omitted from DEIR/EIS Section 9.0 References. Further there is no reference to which consultant performed the analysis of cultural resource impacts, identified mitigation measures and determined the expected level of mitigation effectiveness. Technical expertise in historical and prehistorical cultural resources is necessary to adequately perform such analysis. Without inclusion of the TRTP DEIR/EIS cultural resources technical studies, the DEIR/EIS fails to satisfy Section 15064.5 of the CEQA Guidelines. The DEIR/EIS should be revised to include the cultural resources technical studies, excluding the confidential locations of recorded historical archaeological sites.

2. The cultural resource section of the DEIR/EIS is deficient as it lacks the following critical pieces of information needed to determine potential Project impacts relative to cultural resources:
   a. An area of potential affects or study area map.
   b. A description of the type of historical and archaeological resources found within each segment.
   c. An evaluation as to why each identified potential resource is significant, i.e., a description of the ethnographic period or National Register of Historic Places criteria that defines each resource identified in Table 3.5-5.

The DEIR/EIS should be revised to include these critical pieces of information relative to cultural resources.

3. Table 3.5-2 lists 7 potentially significant cultural resources within Segment 8. Table 3.5-5 identifies one of these 7 sites within Segment 8 that could be potentially affected by the Project. However, the DEIR/EIS fails to discuss why the other 6 sites within Segment

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8 would not be potentially affected by the Project. The DEIR/EIS should be revised to include this discussion.

4. Table 3.5-1 indicates that there are a number of cultural resources that are not known without additional information. Table 3.5-8 indicates that the eligibility of most resources has not been evaluated. Section 3.5 of the DEIR/EIS defers the technical analysis required to determine the significance and impacts to important archaeological resources to mitigation measure C-1b, which discusses the need for site specific field surveys. Despite this deferment, the DEIR/EIS concludes that with inclusion of mitigation measures C-1a through C-1h, direct project impacts would be reduced to a less-than-significant level (Class II). However, without knowing the extent of the potential impacts, it is impossible to determine if the mitigations offered in the DEIR/EIS can reduce the impacts to less than significant.

5. The mitigation measures (C-1a through C-1h) do not satisfy the requirements of Section 15126.4 (b) (3) of the CEQA Guidelines. Pursuant to that section, public agencies should, whenever feasible, seek to avoid damaging effects on any historical resource of an archaeological nature. The DEIR/EIS defers required efforts to avoid damage to mitigation measure C-1c, which offers project redesign or use of protective buffers to avoid and protect resources. This mitigation measure is not feasible. In some places, the Project right of way is less than 200 feet. There would not be sufficient space to redesign the Project or use protective buffers.

6. The DEIR/EIS goes on to state that should mitigation measures not be able to reduce impacts to less than significant levels, then effects would be considered adverse (Class I). If the deferred field surveys find that the Project will compromise, damage or destroy an important resource, this impact will not have been adequately disclosed through the DEIR/EIS process. The DEIR/EIS does not provide sufficient information, analysis or findings from which decision makers and the public can reasonably evaluate the Project’s potential damage to cultural resources. The DEIR/EIS fails to meet the standards of Public Resources Code Section 15161. A Project DEIR/EIS shall examine all phases of the Project including planning, construction, and operation. It cannot defer analysis of reasonably foreseeable impacts. The DEIR/EIS should be revised to include the required field surveys and specific and feasible mitigation measures to address potential impacts to cultural resources identified through the surveys.

Section 3.6. Environmental Contamination and Hazards:

1. Page 3.6-49 of the DEIR/EIS states that Alternative 4C would traverse within approximately 100 to 400 feet of the former burn area #18 at the Aerojet Chino Hills munitions testing facility. The DEIR/EIS goes on to conclude that although there are very low levels of contaminants identified on the Aerojet site, the potential remains for ordinance and soil contamination to be present along portions of Route C and Route D in the vicinity of the Aerojet property. However, this information conflicts with that provided in Tables 3.6-11 and 3.6-12 of the DEIR/EIS, which find “soil testing indicated no risk for human health prior to site clean” relative to Alternative Routes C and D and
Comment Set A.23, continued: Goodin, MacBride, Squeri, Day & Lamprey, LLP

the Aerojet property. The inconsistency needs to be explained or corrected in the DEIR/EIS.

2. Page 3.6-25 of the DEIR/EIS states that the Aerojet Chino Hills Facility is actively undergoing cleanup, and, at the time of publication of the DEIR/EIS, no reports to verify that this work was completed have been made available. Page 3.6-50 of the DEIR/EIS concludes that the potential for munitions and explosives of concern (MEC) cannot be ruled out along Route C and Route D or along the permanent access roads passing through or near the Aerojet Facility. To mitigate this impact, the DEIR/EIS recommends Mitigation Measure E-6a to provide ordnance recognition training, and cites DTSC (2008) as the source for this mitigation.

However, the DEIR/EIS fails to discuss recent (November 21, 2008) findings by DTSC regarding the Aerojet property. Moreover the Lead Agencies had such information several months prior to publication of the DEIR/EIS. Accordingly it is unclear why such information was not factored in to the analysis. Had the DEIR done so it would have correctly reported that DTSC finds that the likelihood of having munitions present within the Alternative Route C corridor is remote. Consistent with Mitigation Measure E-6a, DTSC does recommend that an ordnance recognition course be given to all site personnel as a precaution. However, DTSC also lays out the process through which a determination of "no further action" on the proposed Route C relative to the Aerojet property would be granted. The DEIR/EIS must fully report on available information, and must be revised to include recent DTSC information regarding the Aerojet property that was available prior to the DEIR/EIS publication.

3. Table 3.9.12 of the DEIR/EIS identifies educational facilities within ½ mile of the ROW through Chino Hills and other communities. The California Code of Regulations, Title 5, Section 14010(c) establishes minimum setbacks between schools and overhead utility lines. The setbacks have been developed in consultation with international experts on the health effects of electro-magnetic fields (EMF), state agencies such as the Department of Health Services (DHS), the Division of the State Architect (DSA), and the California Public Utilities Commission (PUC), electric utilities, school districts, consultants, and private citizens with an interest in the topic. For 500 kV lines, the setbacks recommend a distance of 350 feet measured from the edge of easement of overhead transmission lines to the usable portions of the school site. The DEIR/EIS provides no discussion of whether the Project would comply with the Title 5 Guidelines. In fact, the DEIR/EIS provides somewhat contradictory information. While, Section 3.17.4 of the DEIR/EIS incorrectly states that there are no federal or State standards limiting human exposure to EMFs from transmission lines or substation facilities in California, Section 5.3.1.3 sets forth those standards. Of particular concern in the City of Chino Hills is the large number of residents who reside within 75 feet of the proposed 500 kV ROW. Two churches and two daycare facilities are within 350 feet of the ROW. The DEIR/EIS is remiss in not identifying and discussing the relevance of this guideline or the potential health effects of EMF on the children who would live, play and attend daycares and

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11 See Section 2, Attachment 5.
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church adjacent to the ROW. The DEIR/EIS must be revised to address this state regulation and impacts associated with the Project’s noncompliance.

Section 3.7. Geology and Soils and Geology, Soils, and Paleontology Specialist Report:

General Comment: These comments were compiled based on a review of the DEIR/EIS and the “Air Quality Specialist Report” by Lisa L. Bates-Seabold, CEG 2293, Senior Engineering Geologist at GMU Geotechnical Inc. All included comments relevant to the Specialist Report must also be addressed in the DEIR/EIS document, as appropriate, and vice versa.

1. The DEIR/EIS refers to the Puente Formation bedrock in general as particularly prone to landsliding. However, within the City of Chino Hills, the Yorba member of the Puente Formation is significantly more prone to failure than other members. While landsliding may occur infrequently within other members, such as the Sycamore Canyon and Soquel Sandstone members, it is the Yorba member that should be considered as “landslide prone”. The DEIR/EIS must be revised to correct this misstatement.

2. The DEIR/EIS must be revised to differentiate the Yorba member of the Puente Formation from other members when discussing soil conditions, slope stability, landslide potential, earthquake-induced landsliding, etc. For example, the DEIR/EIS states Alternate 4 passes through “moderate to steep terrain with mapped landslides, potentially unstable slopes...” referring to the Puente Formation bedrock slopes in general. Given that the entire Alternate 4 alignment is underlain by the Puente Formation, this generalization results in increased potential for slope failures and landsliding. However, the Yorba member of the Puente Formation is exposed along roughly half of Alternate 4 (depending on Route). Taking this difference into account, as well as the relatively lower potential for slope instability in the other exposed members of the Puente Formation, the slope stability and other potential landsliding issues for Alternative 4 would be reduced.

3. The DEIR/EIS refers to Alternate 2 as crossing soils possessing “low to moderate” expansion potential and “moderate” potential corrosion to concrete; however, site-specific geotechnical investigations completed within similar soils in the City of Chino Hills yielded results of highly expansive soils possessing high corrosion potential to concrete. The DEIR/EIS must be revised to correct this misstatement.

4. The DEIR/EIS refers to Alternate 2 as crossing the potentially active Central Avenue fault and not crossing the currently mapped trace of the active Chino fault. While the Alquist-Priolo designation does not continue northward, topography, regional mapping (reference (5)), aerial photograph review, and site-specific geologic data suggest the fault may continue northward, crossing the Alternatives 2 and 5. Alternative 4 Routes A and C do not cross the Alquist-Priolo zone for the Chino fault. Based on this distinction, Routes A and C of Alternate 4 would not be subject to potential fault rupture and damage to the transmission line. The DEIR/EIS must be revised to correct this misstatement.
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5. The DEIR/EIS provides potential peak ground accelerations for the Project within Chino Hills up to 0.5g. However, site specific seismic analyses for other projects in the vicinity of the Project have yielded accelerations greater than 0.5g. The DEIR/EIS must be revised to correct this misstatement.

6. The DEIR/EIS does not specifically address the potential for landsliding and slope instability across Alternate 2 given that regional bedding dips to the northeast and that all north, northeast, and east facing slopes may be potentially unstable. The DEIR/EIS must be revised to describe these existing geologic conditions and the potential impacts associated with placing the 195-foot facilities within this unstable area.

7. The DEIR/EIS refers to liquefaction potential of Alternate 2 as “low” within alluvial areas due to deep groundwater elevations based on Chino Basin Watermaster (CBWM) data. The City of Chino Hills General Plan (reference (3)), Figure 8-2 (Seismic Hazards, Fault Rupture and Liquefaction Susceptibility) delineates the area between approximate Mileposts 24 and 26 as having “high” liquefaction potential. It should be noted that groundwater data in this area is limited, and shallow groundwater conditions cannot be ruled out without further investigation. The DEIR/EIS must be revised to describe these existing conditions and the potential impacts associated with placing the 195-foot facilities within a potential liquefaction area.

8. The DEIR/EIS appears to be inconsistent in the evaluation and impact analysis of landsliding, erosion, and slope stability impacts. The DEIR/EIS should be revised to state that Route A of Alternate 4 will be susceptible to less impact from geotechnical hazards than Alternate 2, as stated on Page 3.7-77.

9. The Chino Hills General Plan Safety Element’s Focused Goal 1-1 provides for: “A safe community free from manmade and natural hazards.” The Project’s proposes to locate 195-foot poles on seismically active land, that in the case of a seismic event, could fall well outside of the 150 foot easement onto homes is a manmade hazard in clear violation of the City Safety Element. The DEIR/EIS must be revised to disclose this information.

Section 3.8. Hydrology and Water Quality:

1. Table 4.2-2, relative to hydrology, erroneously states that Alternative 4 would cross several high quality streams. Rather, Alternative 4 crosses a lesser number of streams than the Project, and the DEIR/EIS provides no analysis regarding stream quality. The DEIR/EIS must be revised to correct this information.

Section 3.9. Land Use and Planning:

1. A discussed in Comment #3 to Section 2.2, within the Chino Hills and Chino portions of the 150-foot ROW, the existing land uses include: six single family houses, Chino Valley Community Church; Chino Hills Promenade commercial center, Inland Hills Church and Chino Hills Old City Yard. CEQA requires that existing physical conditions be
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The DEIR/EIS must be revised to include a description of the existing land use conditions within and adjacent to the Project site, including these existing land uses that overlap the ROW.

2. As noted in Comment #1 to Section 3.1, the DEIR/EIS excludes IX.a of the CEQA Guidelines Appendix G (Would the project physically divide an established community?) without providing any explanation for its exclusion. Clearly, the permanent placement of 195-foot high, 60-foot wide active high voltage lines across six existing homes and within 75 feet of approximately 147 residential properties could physically divide established Chino Hills’ communities. Further it would clearly physically divide the existing Chino Hills and Chino commercial and institutional properties that overlap the ROW (reference Comment #1 to Section 3.9) and would lose parking and other facilities. The DEIR/EIS must be revised to include item IX.a in its criteria for land use and planning, and provide an analysis of these impacts.

3. Table 3.9-12 of the DEIR/EIS identifies existing uses within \( \frac{1}{4} \) mile of the ROW. Section 3.9.6.1 of the DEIR/EIS discusses Project construction impacts that would temporarily disrupt, displace, or preclude existing residential land uses. According to the DEIR/EIS, construction activities could include work crews of up to 80 persons with durations of up to 45 months. The DEIR/EIS recognizes that many residential properties that are located less than 250 feet away would be impacted by construction-related activity. To mitigate these impacts, the DEIR/EIS proposes 3 mitigation measures, each which require property owner notification regarding the construction process. The DEIR/EIS then concludes that these measures would reduce construction-related impacts to residential land uses to a level of less than significant. The DEIR/EIS provides no discussion or rationale to support how the proposed notices would mitigate the construction impacts to Chino Hills’ residents living immediately adjacent to the construction. As noted in the DEIR/EIS, there would be almost 4 years (45 months) of construction activity in the ROW. Existing towers would need to come down. Existing footings would need to be drilled out. New footings would need to be excavated and poured. Two-trailer trucks would be driving back and forth delivering the poles. Materials would need to be marshaled and stored and transmission wires would need to be pulled and spliced. For the Chino Hills’ residents living adjacent to the ROW, construction impacts would be adverse and significant. The mitigation proposed by the DEIR/EIS is not sufficient to reduce these impacts to less than significant levels. The DEIR/EIS must be revised to provide a thorough and accurate evaluation of construction related impacts to residential land uses.

4. On pages 9.9-65-67, Impact L-3, the DEIR/EIS discusses the Project’s operation and maintenance and finds that these impacts would be adverse but less than significant impact relative to existing and planned residential land uses. However, as discussed above in Comment #3 to Section 2.2, there are six existing homes within the existing 150-foot ROW. Further as discussed in Comment #4 to Section 2.2, the existing 150-foot ROW adjacent to Chino Hills homes and businesses is deficient. To widen this ROW to the minimum acceptable width of 200 feet, approximately 147 existing residences would be fully or partially displaced. Further, as discussed above in Comment #3 to Section 3.6,
the DEIR/EIS provides no discussion of California Code of Regulations, Title 5, Section 14010(c) guidelines or of the potential land use compatibility impacts of placing 500 kV facilities adjacent to sensitive land uses. The DEIR/EIS must be revised to identify potential impacts associated with the probable taking of residential properties and the Project’s impacts relative to Title 5 on residential and other sensitive land uses.

5. On page 3.9-69-78, Conflict with any applicable federal, State, or local land use plans, goals, or policies (Criterion LU2), the DEIR/EIS discusses applicable federal, state and local land use plans, goals, or policies. The only Chino Hills’ goal or policy identified by the DEIR/EIS is a Park, Recreation and Open Space Element policy that was superseded by an update to that Element, adopted by the City in March of 2008. A more thorough review by the DEIR/EIS of the Chino Hills General Plan would have identified the following applicable goals and policies:

Land Use Element:
\- Policy 1-8: Require underground utilities for all new development.

Land Use Element / Safety Element:
\- Major Goal 2 – A high quality of life for all residents
\- Focused Goal 2-1: A safe community free from manmade and natural hazards.

Conservation Element:
\- Policy 5-4: Make available to the public information concerning electric and magnetic fields (EMF), and as continuing research supports, amend City codes to address any risks associated with EMF.

Parks, Recreation and Open Space Element:
\- Focused Goal 1-1: Protect and preserve the natural features of Chino Hills’ open space, such as the ridgelines, native vegetation, wildlife, springs and waterways.
\- Focused Goal 2-5: Create a strong community image for Chino Hills using the City parks and natural open space.

Each of the above goals and policies emphasize protection of the City’s quality of life, including safety from hazards, preservation of natural open spaces, and creation of a strong community image, open spaces view sheds and quality of life. Of particular interest, given that the residential neighborhoods adjacent to the ROW pre-date the City’s incorporation, is that one of the first policies of the City Land Use Element is to require undergrounding of utilities for all new development. This policy is further supported by a Conservation Element policy to inform the community and to reduce risks associated with EMFs. Clearly, placing a 195 foot utility tower at the back door of residents violates each of the above listed Chino Hills goals and policies. The DEIR/EIS must be revised to identify and assess the Project’s compatibility with these goals and policies.

6. Table 3.9-23 of the DEIR/EIS identifies applicable Chino Hills State Park General Plan (CHSPGP) goals and implementation measures. From the approximately 25 goals identified in the CHSPGP, the DEIR/EIS selects only two goals to evaluate:
\- Establish, maintain, and protect buffers adjacent to Chino Hills State Park.
Comment Set A.23, continued: Goodin, MacBride, Squeri, Day & Lamprey, LLP

- Protect scenic features from man-made intrusions and preserve the visitor’s experience of the natural landscape by minimizing adverse impacts to aesthetic resources.

The DEIR/EIS then finds that Alternative 4 (Routes A through D) would conflict with these goals, which in turn would require an amendment to the CHSPGP, and thereby result in an unavoidable adverse impact. However, the DEIR/EIS fails to discuss that the supporting CHSPGP guidelines provide that: “The [State Parks] Department will work to reduce the negative impacts of the utility easements in the park. All utility companies will be encouraged to reduce the impacts by consolidating easements into fewer or smaller corridors, or by placing the equipment underground. The Department will work with utility companies to remove unnecessary utility roads and reduce road widths, and will discourage any new easements within the park unless mitigated to benefit park resources.”

Mitigation measures proposed by the City of Chino Hills that would accompany Alternative 4C (21st Century Green Partnership, Mitigation and Cost Recovery Plan) include removal of approximately 12 existing 220-kV double-circuit lattice steel towers within CHSP. The measures also include removal of all easements from the Water Canyon Natural Preserve and improved view sheds by taking the towers off of the peaks. Consequently, with inclusion of the proposed City of Chino Hills mitigation measures, Alternative 4C would in fact be consistent with the above listed goals.

The City Mitigation and Cost Recovery Plan which would provide funding to take such measure as: restore vegetation; expand the bio-corridor by assisting with the acquisition of compatible adjacent properties and construct visitor amenities such as a new gate, guard shack and message board. Through these measures, Alternative 4C further supports other CHSPGP goals, including the following:

- Maintain and enhance the movement of native animals through the park and regional ecosystem.
- Restore and protect the native vegetation within Chino Hills State Park through active resource management programs.
- Protect, perpetuate, and restore native wildlife populations and native aquatic species at Chino Hills State Park
- Expand the visitor’s awareness, understanding, and appreciation of the park’s resources.
- Provide for appropriate visitor uses of the park and at the same time protect resources.
- Provide essential visitor services and operations facilities to enhance the visitor’s experience and at the same time maintain the park’s natural, cultural, and aesthetic values.
- Provide safe, reliable vehicle access points for park visitors to enter the park and travel to the primary park destinations.
- Create appropriate pedestrian access points to meet the needs of both the park and the local jurisdictions that are contiguous to the park boundary.
- Protect and enhance park resources and improve visitor’s enjoyment and education in the park through appropriate land acquisitions.
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The DEIR/EIS fails to mention these other goals or guidelines, or how with the City proposed mitigation measures, Alternative 4C is compatible with the CHSPGP and potential impacts would be reduced to less than significant levels.

In contrast to its treatment of the CHSPGP, the DEIR/EIS appears to interpret the criterion for significance differently when discussing the goals and policies of the 2005 ANF Land Management Plan. Page 3.9-73 of the DEIR/EIS states that as part of the proposed Project’s approval and prior to construction, the USDA Forest Service would issue a Special Use Easement, which would involve amending the 2005 ANF Land Management Plan. Pursuant to the Special Use Easement and plan amendment, the DEIR/EIS finds that the Project impacts related to potential conflicts with applicable ANF land use plans, goals, or policies would be mitigated to a level of less than significant. This DEIR/EIS finding directly contradicts the DEIR/EIS finding relative to the CHSPGP, for which as described above, the finding of a need for a general plan amendment results in a finding of an unavoidable adverse impact.

Further, the DEIR/EIS appears to select only the ANF Land Management provisions that support its conclusion, ignoring those that do not. For example, ANF Forest Goal 1.1 - Community Protection states: “The most obvious general effects on scenic resources are derived from unplanned natural occurrences, such as wildland fire… road construction and utility and communication-site infrastructure.” Such goal is overlooked by the DEIR/EIS.

The DEIR/EIS selectively presents goals and mitigations, and ignores others. By so doing, the DEIR/EIS presentation of conflicts with applicable federal, State or local land use plans is biased and inaccurate. The DEIR/EIS must be revised to include the proposed City of Chino Hills mitigations, all applicable goals and policies of the City of Chino Hills General Plan as well as the CHSPGP, and to evaluate land use impacts of Alternative 4 according to the same standards applied to the Project.

Section 3.10. Noise and Noise Specialist Report:

General Comment: These comments were compiled based on a review of the DEIR/EIS and Noise Technical Report by Todd Brody, principal of Synectology, an environmental consulting firm specializing in air emissions and noise analysis and modeling. Additional support for the following noise related comments was provided by Darush Shirmohammadi, PhD, PE, of Shir Consultants, Inc. and Turan Gonen, Professor of Electrical and Electronic Engineering at California State University, Sacramento. All included comments relevant to the Technical Report must also be addressed in the DEIR/EIS document, as appropriate, and vice versa.

1. There are many cases where construction activities would violate the local noise standards and the sole mitigation cited is to obtain a variance through that municipality. There are also cases where corona noise could violate local standards. For example, page 3.10-39 of the DEIR/EIS, states, “Corona noise generated by the proposed Project would not be in compliance with noise standards of Los Angeles County, or the Cities of Chino, Monterey Park, and Whittier Corona noise generated by the proposed Project would not
Comment Set A.23, continued: Goodin, MacBride, Squeri, Day & Lamprey, LLP

be in compliance with noise standards of Los Angeles County, or the Cities of Chino, Monterey Park, and Whittier.” However, the DEIR/EIS does not identify these violations of the noise standards as adverse impacts and does not provide mitigation for these violations. Because the Project must be viewed as a “whole,” a mitigation should be added to the Project requiring the Lead Agencies to obtain any and all of these variances before construction work starts anywhere along the Project route. The DEIR/EIS must be revised to address, through either construction alternatives or mitigation, what actions the Project will undertake to comply with local noise standards should the affected responsible agencies decide not to grant requested variances.

2. The criteria for a significant noise increase are different in the DEIR/EIS and the Noise Technical Report. For example, page 3.10-19 of the DEIR/EIS states, “Given that environmental noise levels vary widely over time, an increase in ambient noise levels of 3 dBA is the minimum change that is perceptible and recognizable by the human ear. An increase in day-night environmental noise levels of more than 5 dBA (Ldn or CNEL) is considered to be a substantial increase. Intermittent noise sources that are temporary or periodic may also be substantial over shorter durations if it is determined that increases over 5 dBA could occur. For the purposes of this noise analysis, a predicted (modeled) change in ambient noise of 5 dBA or more is considered to be substantial.” The analysis provides no basis for using a threshold level of 5 dBA Ldn. Because a change of 3 dBA is clearly audible to the human ear, this is the appropriate threshold, and the DEIR/EIS analysis must be revised to present Project impacts based on this threshold.

3. Although the DEIR/EIS uses any increase of 5 dBA or more to represent a substantial increase, the technical report notes that the increase must also be accompanied by a set level to be exceeded (e.g., 50 dBA) to be significant. In many instances, the technical report shows increases of 6 dB but dismisses the increase as less than significant because the resultant level does not exceed this set value. The DEIR/EIS on the other hand notes these impacts as significant. The DEIR/EIS must be revised to correct inconsistencies with the technical report and vice versa.

4. Helicopter noise is based on unreported exposure duration of just 1-second during an hour with the remainder of that hour in complete helicopter silence. For example, page 6-2 of the Noise Technical Report notes, “Available data indicate that the sound exposure level (SEL) from the overflight of one heavy-duty helicopter flying at an elevation of 1,000 feet would likely be in the range of 85 dBA to 93 dBA. This corresponds to an hourly Leq of 49 dBA to 57 dBA. Light-duty helicopters may also be used during construction. Light-duty helicopters would be smaller and generate an SEL of 80 dBA to 85 dBA for an overflight at 1,000 feet elevation. This corresponds to an hourly Leq of 44 dBA to 49 dBA for the light-duty helicopters.” Nowhere in the DEIR/EIS or technical report does it state how long the actual noise from the helicopter is estimated to last at the site. However, a “back-calculation” of this duration based on the values presented in the Noise Technical Study, indicate that helicopter exposure is based on a period of just 1 second during the hour with the remainder of the hour in silence: 49 dBA Leq = 10 \log(108.5 \times 1 \text{ second} / 3,600}
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seconds/hour). Actual helicopter noise gets louder as the helicopter approaches, comes to a peak level for a few moments (or longer if actually working at a site), then gets softer as the helicopter moves away. This 1-second estimate drastically underestimates the exposure of this noise. The DEIR/EIS must be revised to correctly calculate helicopter noise.

5. The DEIR/EIS states (page 3.10-1), “In the following noise analysis, data was extensively used from the TRTP Noise Technical Report, dated December 2007 (CH2M Hill, 2007).” However, the Lead Agencies did not include this technical report with the on-line TRTP documentation or specialist reports. This is a substantial omission, especially because much of technical report does not agree with the text and conclusions of the DEIR/EIS.

6. Page 3.10-3, 3rd paragraph, the text describes various noise descriptors. However, the analysis presented in the DEIR/EIS does not report noise in any of the described formats. For example, page 3.10-7, 4th paragraph reports noise as “The hourly Leq noise level measured over a 24-hour period was 71 dBA.” There is no discussion in the noise descriptors of what an hourly Leq over 24-hours even means. Does this value represent the actual 24-hour Leq expressed as one value, or is it a simple average or logarithmic average of 24 1-hour measurements? Is it an Ldn, CNEL, or some other measurement? The DEIR/EIS must be revised and its analysis corrected to present a clear description of the noise measurements used.

7. Page 3.10-21, 4th paragraph of the DEIR/EIS text notes, “All noise-sensitive receptors located within approximately 200 feet of construction activities would be affected by this construction noise. Construction of the proposed Project would result in noise levels (Leq) ranging from greater than 83 dBA at 50 feet from the noise source to 52 dBA from approximately 3,200 feet from the edge of the ROW, as shown in Table 3.10-4 (Estimated Construction Equipment Noise Levels Versus Distance).” The analysis then underestimates the impact that goes out well beyond the 200 feet noted above. Table 3.10-2 shows ambient levels that, with one exception, range from 40 to 59 dBA. If construction were to be conducted in a quiet area (e.g., 40 dBA), the noise would increase by 5 dBA if construction were at just 43 dBA (i.e., 43 dBA + 40 dBA = 45 dBA). This 43-dBA level would fall at a distance of about 5,000 feet. As such, the DEIR/EIS analysis must be revised to correct this underestimate, and must address each area on a case-by-case basis rather than in some general blanket statement with a 200-foot zone of impact.

8. Page 3.10-27, Table 3.10-9 states, “Man-made vibration issues are usually confined to short distances (i.e., 500 feet or less) from the source. Based on the distance of the ROW and receptors from vibration construction activities, and Mitigation Measures N-1a and N-1b specified to ensure construction equipment noise impacts to sensitive receptors would be reduced to the maximum extent feasible, it is assumed vibration impacts during construction would be less than the specified threshold. With incorporation of these measures, construction activities would be compliant with this City of La Habra Heights ordinance.”


A.23-109

A.23-110

A.23-111

A.23-112
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However, the DEIR/EIS provides no evidence to support the assumption that such things as engine shrouds and mufflers, as proposed by the mitigation measures, would reduce the groundborne vibration associated with the operation of heavy equipment. As such, contrary to the statement, this impact could remain significant. The DEIR/EIS must be revised to correctly calculate expected noise reduction from proposed mitigation.

9. On page 3.10-31, 6th paragraph, the DEIR/EIS text notes, “Segment 4. The overall existing ambient noise measured along this segment was 40 dBA, while existing wet weather corona noise was estimated to vary between 50 and 51 dBA at the edge of the ROW along Segment 4. Future corona noise along Segment 4 of the proposed Project route is characterized by corona modeling at Location 7, as presented in Table 3.10-5 (Modeled Future Audible Corona Noise along Proposed Project Route), and was determined to range between 52 to 55 dBA at the edge of the ROW.”

Given the uncertainty in the measurements (i.e., no wet weather data was actually obtained) and presented ranges of the ambient setting and with Project setting, it is certainly conceivable that the increase could go from 50 to 55 dBA representing an increase of 5 dBA and an undisclosed significant impact. Furthermore, the analysis of the existing environment considers 24-hours of measurement. Page 3.10-3, 5th paragraph notes, “Nighttime ambient levels in urban environments are about seven decibels lower than the corresponding daytime levels.” Because corona discharge can take place at night when ambient noise levels are much lower, the DEIR/EIS must be revised to assess the increase in night noise (and not just the average 24-hour noise).

10. Page 3.10-36, Table 3.10-10, regarding the City of Chino Hills Municipal Code Noise Ordinance: The text states, “No noise policies apply during operation.” “Operational activities would be compliant with City of Chino Hills.” This is in error; the City of Chino Hills Municipal Code Noise Ordinance applicable to the Project is included in Chapter 16.48 PERFORMANCE STANDARDS, 16.48.20, Noise. According to the City Code, a significant noise impact is any noise that exceeds the City standard by 5 dBA for a cumulative period of more than five minutes in any hour; or by 10 dBA for a cumulative period of more than five minutes in any hour; or by 15 dBA for a cumulative period of more than one minute in any hour; or by 20 dBA for any period of time. There is not sufficient information in the DEIR/EIR to ascertain whether or not the Project would violate City of Chino Hills operational noise standards. This same error occurs in the DEIR/EIS presentation of other city noise ordinances. The DEIR/EIS must be revised to document these standards and assess Project compliance with City standards.

11. Page 3.10-39, 1st paragraph the DEIR/EIS text states, “Corona noise generated by the proposed Project would not be in compliance with noise standards of Los Angeles County, or the Cities of Chino, Monterey Park, and Whittier.” It continues by say that “No feasible mitigation is available to reduce or eliminate the corona noise that would be generated by the proposed Project. Therefore, because Project operation would result in local plan violations regardless of mitigation measure implementation, impact N-4 would be significant and unavoidable (Class 1).” However, Page 3.10-5, 2nd paragraph
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describes several ways to reduce the noise of corona discharge (e.g., heavier wire). The DEIR/EIS assessment of Impact N-4 is incomplete and must be revised to consider all mitigation to reduce the impact to the extent feasible.

12. Page 3.10-39, 2nd paragraph the DEIR/EIS text states, “The geographic extent for the analysis of cumulative impacts related to noise is generally limited to areas within approximately 0.25 mile of the proposed Project route and substation locations. This area is defined as the geographic extent of the cumulative noise impact area because noise impacts would generally be localized, mainly within approximately 600 feet from any noise source.” On the other hand, page 3.10-21, 4th paragraph noted “All noise-sensitive receptors located within approximately 200 feet of construction activities would be affected by this construction noise.” The DEIR/EIS does not discuss this apparent discrepancy between the 600 and 200 feet thresholds, and must be revised to assess impacts from a consistent threshold and present potential impacts to residents residing between 200 to 600 feet of the noise source.

13. Page 3.10-41, 3rd paragraph, the DEIR/EIS text states that operational impacts would be significant both by increasing the ambient noise levels at sensitive receptor locations, as well as violating the various Cities’ noise ordinances. As such, the document must consider all viable mitigation. However, the analysis provides absolutely no mitigation for operational impacts and every mitigation measure is proposed to reduce construction noise. Still, the text demonstrates that there are ways to reduce this operational noise (e.g., thicker wire, taller towers, etc.) none of which have been included to mitigate impact of the Project’s operation. Furthermore, if this noise is not mitigable at the source, the applicant still has the responsibility to mitigate this noise at the receptors, as feasible, including the use of sound-rated window assemblies for any affected sensitive land uses as any noise increase outside of the structure would have a similar effect inside the structure. Because the analysis fails to include any viable measures to reduce the operational impacts (or state why these measures are not viable), the analysis is inadequate and must be revised. This comment applies to all the alternatives.

14. Page 3.10-41, 4th paragraph, the DEIR/EIS text notes, “Mitigation measures are introduced where necessary in order to reduce significant impacts to less-than-significant levels” (emphasis added). This statement misleads the reader, because in no case does the mitigation reduce the impact to less than significant. The DEIR/EIS needs to be corrected. This applies to all the other alternatives as well.

15. Page 3.10-42, 2nd paragraph, the DEIR/EIS text notes, “All noise-sensitive receptors located within approximately 225 feet of construction activities would be impacted by construction noise.” The DEIR/EIS is not consistent regarding the distance from which noise impacts are measured. For example, on page 3.10-21 4th paragraph of the DEIR/EIS, the distance is measured at 200 feet; and on page 3.10-39, 2nd paragraph, the distance is measured at 600 feet; and on page 3.10-55, the distance is measured from 300 feet. The DEIR/EIS needs to be revised to assess noise impacts according to consistent thresholds.
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TRTP Noise Technical Report:

16. Page 4-4, Table 4-1, The text states, “Transmission facility construction generally scheduled for Monday through Friday, 7:00 a.m. to 5:00 p.m.; when extended hours would require a variance, it would be acquired.” “Substation construction generally scheduled for Monday through Friday, 7:00 a.m. to 5:00 p.m.; when extended hours would require a variance, it would be acquired.” On the other hand, page C-1 of the Air Quality Appendix notes “Proposed Project General Assumptions. Construction work occurs 6 days a week excepting major holidays.” As such, the air quality and noise analyses use different assumptions and this either leads to an underestimation of noise impacts or an overestimation of air quality impacts. The supporting technical reports and the DEIR/EIS must be revised to present consistent assumptions.

17. Page 5-5, 6th paragraph The analysis notes, “The hourly Leq noise levels measured over a 24-hour period ranged from 57 to 78 dBA at this site. The hourly L90 noise levels measured at this site over the same 24-hour time period ranged from 43 to 72 dBA. The DNL noise level was 75 dBA.” As such, the DNL was 3 dBA louder than the peak hour. On the other hand, page 5-6, 3rd paragraph notes, “No noise measurements were conducted in Segment 6; however, the noise measurement conducted in the ANF portion of Segment 11 (Site 10) is representative of the noise level in this segment. The hourly Leq noise levels measured over a 24-hour period ranged from 26 to 49 dBA at Site 10. The hourly L90 noise levels measured at Site 10 over the same 24-hour time period ranged from 20 to 40 dBA. The DNL noise level was 45 dBA.” So in this case, the peak hour was 4 dBA louder than the DNL.

However, page 3-2, Table 3-1 specifically notes, “Because FHWA regulates peak noise level, the DNL is assumed equivalent to the peak noise hour.” However, most of the obtained readings do not show this similarity. (Also see page T5-7, Table 5.2-4.) Obviously the field data refute this assumption and the DEIR/EIS noise analysis must be redone to assure consistency of the data.

18. Page T5-3, Table 5.2-2, shows that noise readings were being obtained with winds up to 23 mph. This wind noise obviously skews the reading raising measured ambient noise levels. Because Project impacts are based on the difference between the ambient levels and the “with project” levels, use of these elevated ambient levels reduces the apparent impact of the Project. To truly determine the magnitude of the impacts, the DEIR/EIS noise analysis must be redone to account for ambient levels during non-wind conditions.

19. Page T5-7, Table 5.2-4, uses the term Leq (24-hour) with no explanation of what this even means or how it is calculated. There is not identified regulatory basis for this metric. The DEIR/EIS noise analysis should identify this metric or apply a metric recognized by responsible agencies.

20. Page 6-10, 2nd paragraph the noise report states, “Noise associated with construction would be potentially significant if: (1) the construction activity is permanent, (2) use of heavy equipment will occur outside of daytime hours; and (3) no feasible noise
abatement measures can be implemented for noise-producing equipment.” On the other hand, the text of the DEIR/EIS includes a threshold of 5 dBA for a temporary increase in construction noise. The DEIR/EIS and the technical report must be revised to apply consistent thresholds.

21. Page 6-10, paragraph 5&6, The analysis is inconsistent in its use of the threshold criteria to assess the impact leading to erroneous conclusions. The text states, “For “permanent increases” associated with fair weather corona noise or substation noise, the threshold for a potentially significant increase is 5 dBA resulting in a level that exceeds 40 dBA. Permanent increases of any magnitude that do not result in levels above 40 dBA are considered less than significant. In addition, increases that result in permanent noise levels greater than 50 dBA are considered potentially significant.”

22. Page 6-13, 2nd paragraph of the DEIR/EIS noise report states, “Pile driving activities are typically the construction activity with the greatest potential to create groundborne vibration and noise, and pile driving is not currently anticipated as part of this project. The groundborne vibration and noise associated with construction of this segment would not be excessive.” But, the Department of Transportation notes that other construction equipment can also create excessive vibration including such things as dozers and loaded trucks (Transit Noise and Vibration Impact Assessment, DOT, May 2006). Because some cities along the route (e.g., La Habra Heights) note a significant vibration impact as “any vibration that is above the vibration perception threshold of any individual (motion velocity of 0.01 in/sec over the range of 1 to 100 Hertz) at or beyond the property boundary of the source,” the noise analysis must be revised to provide a quantitative analysis, at least for those jurisdictions with such restrictions.

23. Page 6-14, 2nd paragraph of the DEIR/EIS noise report states, “Use of heavy equipment during construction of this segment would result in noise levels (Leq) ranging from greater than 83 dBA to 52 dBA from the edge of the ROW to approximately 3,200 feet from the edge of the ROW, respectively.” This is inconsistent with page 6-5, Table 6-4 that shows the 83-dBA-value at a distance of 50 feet from the edge of the ROW. The noise analysis must be revised to present consistent thresholds.

24. Data in included in the DEIR/EIS noise report is inconsistent with the DEIR/EIS text in a number of instances, including: page 6-25, 8th paragraph of the DEIR/EIS noise report which states that for Segment 8, the measured ambient noise levels range from 43 to 63 dBA; while page 3.10-32 of the DEIR/EIS notes that for this same segment, the measured ambient noise level of this segment ranges from 43 to 69 dBA. Similarly, page 6-25, of the DEIR/EIS noise report states that the modeling of fair weather future corona noise shows noise levels from 26 to 29 dBA; while page 3.10-32 of the DEIR/EIS notes that for this same segment, the range of existing wet weather corona noise at the ROW edge ranges from 23 dBA to 25 dBA. The DEIR/EIS and its noise report must be revised to correct these inconsistencies.

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25. The corona discharge on the high-voltage line produces air movement and creates an audible noise (corona noise) which for a well-designed transmission line in fair weather is very low. Rain and fog produce droplets on the surface of line conductors that can significantly enhance the corona discharge. The corona discharge bursts the water droplets and disperses the water increasing the corona noise dramatically. The light rain and fog produce corona noise that varies in intensity, depending on the level of wetting of the conductors. However, heavy rain generates more or less constant and loud corona noise.

At this time all models used for predicting corona noise from a yet to be built line are very unreliable and inaccurate, especially when dealing with foul weather corona noise levels. There is no documented basis upon which to predict the level of corona noise at the level of accuracy stated in the DEIR/EIS.

Section 3.11. Public Services and Utilities:

1. Impact PSU-5 discusses impacts to public works maintenance yards. However, it fails to mention the Old City Yard in Chino Hills that it is currently being utilized for a transfer station for waste haulers. The Old City Yard is located within and adjacent to the existing ROW and would certainly be adversely impacted by Project construction and operation. The DEIR/EIS must be revised to discuss potential impacts to this facility.

2. The DEIR/EIS's analysis of public service impacts fails to consider how the Project would impact public parks. For example, Coral Ridge Park in the City of Chino Hills is located within and adjacent to the ROW and would certainly be impacted by the Project. The DEIR/EIS needs to be revised to discuss how the Project would impact existing park facilities.

The DEIR/EIS’s analysis erroneously states that Alternative 4 would interfere with public services. On the contrary, as discussed in Section 3.16 comments below, the Segment 8A transmission lines and properties adjacent to the lines would be much easier to access under Alternative 4 than the Project. The DEIR/EIS needs to be revised to present accurate information provided by public services providers, including those presented by Paul Benson, Fire Chief for the Chino Valley Fire District. 12

Section 3.12. Socioeconomics:

1. Section 3.12.3.2 of the DEIR/EIS states that consistent with the requirements set forth in State CEQA Guidelines Section 15131, social and economic effects are not treated as significant effects on the environment in this analysis and, therefore, no CEQA significance conclusions are presented for such effects. However, the DEIR/EIS’s interpretation of Section 15131 is not entirely correct. CEQA Guidelines state that economic or social information may be included in an DEIR/EIS as they relate to physical changes caused in turn by the economic or social changes. The CEQA

12 See Section 2, Attachment G (letter from Fire Chief, Paul Benson).
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Guidelines cite two examples illustrating the causal relationship between socioeconomic and physical changes:

a. If the construction of a new freeway or rail line divides an existing community, the construction would be the physical change, but the social effect on the community would be the basis for determining that the effect would be significant.

b. If the construction of a road and the resulting increase in noise in an area disturbed existing religious practices in the area, the disturbance of the religious practices could be used to determine that the construction and use of the road and the resulting noise would be significant effects on the environment. The religious practices would need to be analyzed only to the extent to show that the increase in traffic and noise would conflict with the religious practices.

Similar to the first example, the Project proposes to locate new transmission line poles behind existing homes and businesses in Chino Hills. The new poles would be almost twice as large as the existing poles that they would replace. At 195 feet tall, the new poles would loom over residential yards and houses located less than 75 feet away. The construction of new poles would be the physical change caused by the project. Residents living under the poles would suffer fear due to both the perceived probability of the poles falling on their homes during a seismic event, and the perceived health hazards posed by electromagnetic radiation and its effect on property value. In San Diego Gas & Electric Co. v. Daley (1988) (205 Cal.App.3d 1334), the court determined that the controversy over health hazards posed by electromagnetic radiation would affect market value. The fear and effect on market value are the socioeconomic change caused by the Project.

Similar to the second example, the Project ROW would cross existing residential, church and commercial properties in Chino Hills. Locating the 195-foot poles and active transmission lines across existing private property is the physical change caused by the Project. For the houses, the Project ROW would take away structural portions of the dwellings, making them uninhabitable. For the church property, the Project ROW would take away over half of the existing parking for the church. SCE has informed the City of Chino Hills that while parking is currently allowed in the SCE ROW, it will no longer be allowed if the 500 kV transmission line is installed. This taking of parking would interfere with the church’s ability to accommodate its patrons and hold services. For the commercial property, the ROW would take away an access drive and as much as an 11,000 square foot multi-tenant retail building, a full service car wash, building square footage and parking. This taking of access, property and parking would interfere with the tenant businesses ability to operate. Interference with community members’ ability to live in their homes, church services and business operations are the socioeconomic changes associated with the Project.

These two examples of Project impacts demonstrate that the Project would indeed cause interrelated socioeconomic and physical changes that could significantly alter the character of Chino Hills’ neighborhoods and properties. The DEIR/EIS must be revised to identify these changes and assess their impacts consistent with Section 15131 of the CEQA Guidelines.
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2. Page 3.12-22 of the DDEIR/EIS concludes that the proposed Project ROW does not contain any habitable housing structures and would not require the removal of any housing units. This conclusion is incorrect. As discussed in comment #1 to Section 2.2 above, seven existing single family homes are within the Segment 8A ROW. Further SCE specifications and information contained in the DEIR/EIS indicate that a minimum acceptable ROW for a 500-kV T/L facility needs to be no less than 200 feet wide. Expansion of the existing 150-foot ROW through Chino Hills would require the taking of all or part of 147 residential properties. The DEIR/EIS fails to identify this potential impact that would result in the substantial displacement of housing and people. The DEIR/EIS must be revised to evaluate this potential impact.

3. Pages 3.12-25 through 29 of the DEIR/EIS discuss a variety of studies that address the impacts of transmission lines on property values. The DEIR/EIS concludes that the effects of transmission lines on property value are generally smaller in comparison to other relevant factors. However, the DEIR/EIS fails to consider not just the lines, but the effects of a 195 foot pole within 75 feet of a home on property values. The DEIR/EIS must be revised to evaluate the specific impacts that are reasonably accepted to occur should the Project be implemented.

Page 3.12.29 of the DEIR/EIS states, “While business uses occur along the route, all Project-related activities and infrastructure placement would occur within designated utility ROW and would not require the removal or relocation of any business uses”. This statement is incorrect. The SCE 150-foot ROW crosses multiple properties and would be required to remove and or relocate the uses on those properties, which include: six single family houses; over half the parking area belonging to the Chino Valley Community Church; an access drive and a full service car wash belonging to the Chino Hills Promenade commercial center; parking, access roads and a yard belonging to the Inland Hills Church; approximately half of the yard space of the Chino Hills Old City Yard; and a tot lot play structure underneath the drip line of the proposed lines in Corral Ridge Park.

Further, as discussed in the Southern California Edison’s Proposed Route for the Tehachapi Renewable Transmission Project Segment 8A through Chino Hill: Report on Required Condemnation and Valuation (March 2009), expansion of the ROW to the minimum acceptable width of 200 feet would also require the removal and/or relocation of approximately 147 single family houses; three tennis courts within the City of Chino Hills Coral Ridge Park; another one-third loss of parking spaces at the Chino Valley Community Church; and an 11,000 square feet of multi-tenant retail building area, a fast food restaurant, and approximately 31 parking spaces at the Chino Hills Promenade commercial center. The DEIR/EIS must be revised to correctly identify the properties expected to require removal and/or relocation as a result of the Project and the impacts associated with these actions.
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Section 3.13. Traffic:

1. Impact T-2 of DEIR/EIS Section 3.13 discusses the impact of Project construction on traffic congestion on area roadways. To address these impacts, the DEIR/EIS offers Mitigation Measure T-2. This measure recommends preparation of subsequent transportation control plans, which according to the DEIR/EIS, would reduce this impact to less than significant. However, the DEIR/EIS does not provide information regarding the number, type and duration of truck and vehicle trips associated with TRTP construction. Without even an approximation of these trips, the potential impacts of Project construction on road closures and area roadway traffic cannot be known. The DEIR/EIS does not disclose the level of service thresholds for affected roadways or how Project construction traffic would affect these levels of service. The DEIR/EIS is deficient in its failure to estimate these impacts. Further its assumption that Mitigation Measure T-2 would reduce these impacts to less than significance is a finding based on conjecture rather than reasoned analysis. The DEIR/EIS defers the technical analysis required to determine the significance and impacts to traffic, and must be revised to correct the deficiencies of its Impact T-2 analysis.

2. Page 3.13-36 of the DEIR/EIS discusses temporary impacts of Project construction on parking in Chino Hills. There is no discussion of long-term Project impacts on area parking. As discussed in comment #2 to Section 2.2, the Project would result in the loss of approximately 180 parking spaces and the viability of the Chino Valley Community Church; and in the loss of 11,000 square feet of multi-tenant retail building area, a full service car wash, a fast food restaurant, and approximately 31 parking spaces.

Section 3.14. Visual Resources:

1. The DEIR/EIS provides visual simulations of the proposed TRTP facilities from key observation points (kop), 3 of which are from points in Chino Hills. Although the ROW will be located behind 3 miles of residential development and directly adjacent and within 300 feet of hundreds homes, the DEIR/EIS provides only one visual simulation that shows the 500 kV poles in relation to the houses. Consequently, the visual simulations do not provide a fair representation to the neighborhoods that will be impacted by the poles. In addition, the DEIR/EIS visual simulation photographs of Chino Hills State Park downplay the visual improvements that would accompany Alternative 4. For example, the photo simulations do not show how vistas from the park would be enhanced by the City Mitigation and Cost Recovery Plan proposal to relocate the 220 kV lines outside the park, and to relocate the ridgetop 500 kV lines. Nor do the photo simulations depict the how the City proposed habitat restoration would visually enhance the Water Canyon Natural Preserve. The DEIR/EIS must be revised to present an accurate depiction of the proposed TRTP and Alternative 4.

2. Chino Hills State Park currently has 25 miles of transmission lines that cross its 13,800-acre area, including 10.5 miles of inactive line. Alternative 4C would add 7.8 miles of new lines within the CHSP, but as proposed as part of the City of Chino Hills Mitigation Plan, 18.7 of the existing active and inactive (8.2 miles of existing active and 10.5 miles
Comment Set A.23, continued: Goodin, MacBride, Squeri, Day & Lamprey, LLP

of inactive) transmission lines would be removed, resulting in a net of 14.1 miles of transmission lines remaining in the Park." Section 3.14 fails to discuss the City’s proposed mitigation in its evaluation of Alternative 4C impacts. As noted in comment #9 to Section 3.4, above, the DEIR/EIS confines its assessment of the City proposed mitigations to a footnote page 4-48, where it dismisses the City Mitigation Plan because "it does not directly address the significant adverse effects on the physical environmental associated with Segment 8A". However, this statement is inconsistent with DEIR/EIS proposed Mitigation Measures V-3b, which offers to provide restoration/compensation for impacts to landscape character and visual quality as full mitigation for visual impacts on NFS land. The Lead Agencies is selectively ignoring feasible mitigation, and by so doing, the DEIR/EIS presentation of visual resource impacts associated with Alternative 4 is biased and inaccurate. The DEIR/EIS must be revised to include the proposed City of Chino Hills mitigations in its assessment of Alternative 4.

Section 3.15. Wilderness and Recreation:

1. As discussed in Comment #6 to Section 3.9, the City Mitigation and Cost Recovery Plan includes measures to restore vegetation; expand the bio-corridor by assisting with the acquisition of compatible adjacent properties and construct visitor amenities such as a new gate, guard shack and message board. When added to Alternative 4, these measures would have a beneficial impact to Chino Hills State Park. The DEIR/EIS needs to be revised to include these mitigation's in its discussion of Wilderness and Recreation.

2. This DEIR/EIS’s analysis of recreation impacts fails to consider how the Project would impact public recreation facilities. For example, Coral Ridge Park in the City of Chino Hills is located within and adjacent to the ROW and contains a number of recreation amenities, including tennis courts and a tot lot. The DEIR/EIS needs to be revised to discuss how the Project would impact existing public recreation facilities.

Section 3.16. Wildfire:

General Comment: These comments were compiled based on a review of the DEIR/EIS/EIS by Paul Benson, Fire Chief of the Chino Valley Fire District. Comments:

1. Criterion FIRE 1: Adverse effects on fire prevention and suppression activities: According to the DEIR/EIS, the impacts associated with Criterion FIRE 1 for Alternative 4 would be "more severe than those associated with this criterion for the proposed Project" (pg. 3.16-36). The DEIR/EIS (pg. 3.16-37, par. 2) states that Alternative 4 would: introduce varying lengths of new transmission ROW through areas of high risk fuels and steep topography, introduce new obstructions to aerial and ground-based firefighting operations, and create an area of indefensible space in Chino Hills State Park (CHSP) of approximately 2,000 acres. Based on these assertions, the DEIR/EIS states that Impact F-2 for Alternative 4 would be “significant and unavoidable, and no mitigation is available (Class I)”. The Fire District disagrees with this finding. Several critical factors are omitted in the DEIR/EIS’s analysis of Alternative 4. The DEIR/EIS fails to acknowledge that much of
Comment Set A.23, continued: Goodin, MacBride, Squeri, Day & Lamprey, LLP

the new transmission ROW in Alternative 4 is consolidated into existing transmission ROW. The DEIR/EIS also does not address the fact that Alternative 4 removes existing transmission ROW from the CHSP in amounts nearly equal to that of the new transmission ROW required.

In fact, the existing transmission lines that would be removed with Alternative 4 dissect the CHSP, creating a patchwork of obstacles/impediments to aerial and ground firefighting operations. Their removal will open up large portions of the Park previously impacted by transmission ROW, thus improving aerial and ground firefighting effectiveness and safety.

Alternative 4 also proposes to relocate significant portions of ridge top transmission lines to lower elevations, thereby further reducing potential impacts to aerial firefighting operations.

The consolidation of transmission lines into a shared corridor through the park, the removal of the existing network of transmission lines within the CHSP, and the relocation of some ridge top transmission lines could actually reduce the existing impediments to ground and aerial firefighter operations if Alternative 4 is used. Therefore, Impact F-2 for Alternative 4 would be less than significant (Class II).

2. Criterion FIRE 2: Exposure of communities, firefighters, personnel, and/or natural resources to an increased risk of wildfire: The DEIR/EIS findings for Impact F-5 (presence of overhead transmission lines would increase the risk of wildfire and compromise firefighter safety) state that impacts relative to Alternative 4 would remain “significant and unavoidable (Class I)”. This finding for Impact F-5 does not take into consideration the fact that Alternative 4 will remove significant portions of existing transmission ROW, all of which is located in the high-hazard Fireshed area of the CHSP.

It is troubling that credit is given for removal of existing transmission lines in Alternative 2 (SCE’s proposal, pg. 3.16-30, p.5); however there is no recognition for removal in Alternative 4. Given the consolidation of transmission lines into existing ROW with Alternative 4, and the removal of significant segments of existing transmission lines within CIISP, Impact F-5 would seem to be more appropriately evaluated as having less than or no significant impact.

3. Impact F-6 (introduction of non-native plants contributing to increased ignition potential and rate of fire spread) within Segment 8 should be rated as Class III, i.e., no significant impact. Through a variety of circumstances, including wildfires, non-native plants and grasses are pervasive in the CHSP. These plants have traditionally contributed to fire ignition and spread. In November 2008, the Freeway Complex Fire burned more than 90% of the lands within the CHSP. City of Chino Hills Mitigation Plan for Alternative 4 includes reintroduction of native plant species and numerous physical and ecological improvements to the Park; therefore it is likely the selection of Alternative 4 would result in a positive impact on the fire environment through reduction in invasive and non-native plant species.
Comment Set A.23, continued: Goodin, MacBride, Squeri, Day & Lamprey, LLP

Cumulative Impact Analysis: The cumulative impact analysis states that Alternative 4 would “incrementally increase the Project’s contribution to significant cumulative impacts F-2, F-3, F-5, and F-6.” For the reasons outlined above, the Chino Valley Fire Chief finds that Alternative 4 would have a cumulative impact of less-than-significant, and potentially could have a positive impact on wild fire prevention and suppression through the removal of existing transmission lines within CHSP, reintroduction of native plant species, and the consolidation of new lines into existing ROW. 13

4. Additional Factors Affecting Wild Fire Prevention and Suppression: Additional factors that should be considered in the DEIR/EIS include relative values at risk, proximity of values at risk to transmission lines, and the effects of constrained ROW widths on fire operations and firefighter and public safety. Firefighting tactics and strategy are driven relative to the values at risk. Industry recognized priorities, in descending order, are the need to protect life, property, and resources/environment. Each of the DEIR/EIS Alternatives should include an assessment of the values at risk relative to that Alternative.

5. Significant portions of the Project’s transmission lines in Segment 8A run within ROW that is bordered by hundreds of residential structures. The threat to these high-value priorities is further complicated by the fact that most of the ROW running through the residential neighborhoods is in the high hazard fireshed, and the lands are covered with highly flammable vegetation. The use of existing ROW and the addition of new transmission lines into this corridor will likely result in additional fire starts. Fires occurring in this environment will immediately threaten the lives and property of those living in such close proximity to the transmission lines. Alternative 4 will relocate those lines from the higher values-at-risk ROW to more rural and open ROW, providing significantly greater opportunity for the firefighting operations to gain control of the fire before lives and structures are threatened.

The width of the transmission ROW is a critical factor in those areas where the transmission lines run adjacent to development or other obstructions. Tower or line failure in the ROW of Segment 8A that is proposed to run through residential neighborhoods will pose a direct and immediate threat to lives and property simply because the ROW width is far less than adequate to provide separation from the structures. Aerial firefighting options through most of this ROW are severely limited today. Fixed wing aircraft cannot operate in this environment due to the transmission lines and the proximity of structures. Rotary wing aircraft operations are severely limited within this narrow corridor.

Relocating these lines to the CHSP as proposed in Alternative 4 would substantially improve access for aerial firefighting operations, both fixed and rotary wing aircraft. In addition, the limited ROW through the residential neighborhoods provides little, if any, operating room for ground firefighting resources. Transmission line arching-to-ground frequently occurs during wildfires when smoke plumes from the fires directly impact the transmission lines. This potential is extremely dangerous to firefighters or anyone in the

13 See Attachment _
Comment Set A.23, continued: Goodin, MacBride, Squeri, Day & Lamprey, LLP

immediate vicinity. The limited width of the ROW through this residential area provides little, if any, opportunity for ground firefighting resources to maintain a safe distance from the transmission lines and hazards associated with them during firefighting operations. Routing these transmission lines through vast areas of open space, as proposed in Alternative 4, provides greater flexibility and safety for firefighting resources.

Section 3.17. Electrical Interference:

1. Criterion EIH-1 of the DEIR/EIS discusses impacts of wind and earthquakes on Project structures. It finds that there is a less than significant risk (Class III) that high winds or an earthquake would cause transmission line structures to threaten public safety. However, the DEIR/EIS does not discuss the potential seismic safety risks of placing 195-foot poles on seismically active land less than 75 feet from single family dwellings. The DEIR/EIS must be revised to disclose this information.

2. As discussed in Comment #3 to Section 3.6, the California Code of Regulations, Title 5, Section 14010(c) establishes minimum setbacks between schools and overhead utility lines. For 500 kV lines, the setbacks recommend a distance of 350 feet measured from the edge of easement of overhead transmission lines to the usable portions of the school site. The DEIR/EIS provides no discussion of the Title 5 guidelines, or if the Project would comply with them. Of particular concern in the City of Chino Hills is the large number of residents who reside within 75 feet of the proposed 500 kV ROW. Two churches and two daycare facilities are within 350 feet of the ROW. The DEIR/EIS is remiss in not identifying and discussing the relevance of this guideline or the potential health effects of EMFs on the children who would live, play and attend daycare and church adjacent to the ROW. The DEIR/EIS must be revised to address this state regulation and impacts associated with the Project’s noncompliance.

3. Section 3.17.2.3, containing the DEIR/EIS only discussion of electric fields, states that:

   The electric fields associated with the proposed Project’s transmission lines may be of sufficient magnitude to impact operation of a few older model pacemakers resulting in them reverting to an asynchronous pacing. Cardiovascular specialists do not consider prolonged asynchronous pacing to be a problem; periods of operation in this mode are commonly induced by cardiologists to check pacemaker performance. Therefore, while the transmission line’s electric field may impact operation of some older model pacemakers, the result of the interference is of short duration and is not considered harmful. No mitigation measures are required or recommended.”

Such discussion is inadequate. Several recent studies have concluded that the electric field effects for extra-high-voltage transmission (such as 500 kV lines) are much more harmful than even the magnetic fields. These studies have shown that the quantity and character of currents induced in the body by magnetic effects have considerably less impact than those...
arising from electric induction. For example, the induced current densities in the human body are less than one-tenth those caused by electric field induction.\textsuperscript{14}

4. The electric field surrounding a transmission line can charge ungrounded metallic objects close to the line to the ROW. This will cause a person standing on the ground and touching such metallic objects to discharge the object to the ground and receive an electric shock. After the initial discharge the person touching the ungrounded metallic object grounds it through his or her body, which results in a constant current through the person. The discussion of this impact is set forth in Section 3.17.6.1 which states that: “Induced currents and voltages on conducting objects near the proposed transmission lines represent a potential significant impact that can be mitigated. These impacts do not pose a threat in the environment if the conducting objects are properly grounded.” The mitigation proposed for such impact is:

“As part of the siting and construction process for the Project, SCE shall identify objects (such as fences, metal buildings, and pipelines) within and near the ROW that have the potential for induced voltages and shall implement electrical grounding of metallic objects in accordance with SCE’s standards. The identification of objects shall document the threshold electric field strength and metallic object size at which grounding becomes necessary. SCE shall install all necessary grounding measures prior to energizing the transmission lines.”

Such mitigation is insufficient. The DEIR fails to cover many mobile ungrounded metallic objects, such as children’s tricycles, or objects installed at higher elevations, such as satellite dishes or TV antennas, that cannot be permanently grounded per above measure and will commonly be used in the backyards of the residents 75 feet or less from the lines. The mitigation measures set forth in the DEIR/EIS will NOT be effective under many prevalent life scenarios.

4. The totality of the DEIR/EIS analysis of the impact of wind and earthquakes on transmission line is comprised of statements contained in Section 3.17.2.4 of DEIR/EIS. In totality its states that: “Transmission line structures used to support overhead transmission lines must meet the requirements of the California Public Utilities Commission, General Order No. 95, Rules for Overhead Electric Line Construction.\textsuperscript{15} This design code and the National Electrical Safety Code (NESC) include loading requirements related to wind conditions. Transmission support structures are designed to withstand different combinations of loading conditions including extreme winds. These design requirements include use of safety factors that consider the type of loading as well as the type of material used, e.g., wood, steel or


\textsuperscript{15} General Order 95 states that as a rule of thumb the required distance between two lines should be 60% of the highest structure. If such a rule of thumb was applied to current situation between the structures and Chino Hills homes, then the SCEs proposed installation of the 500kV transmission line through Chino Hills would fail miserably as 60% of the height of the proposed structures is 119 feet.
Comment Set A.23, continued: Goodin, MacBride, Squeri, Day & Lamprey, LLP

Concrete. Failures of transmission line support structures are extremely rare and are typically the result of anomalous loading conditions such as tornadoes or ice-storms. Overhead transmission lines consist of a system of support structures and interconnecting wire that is inherently flexible. Industry experience has demonstrated that under earthquake conditions structure and member vibrations generally do not occur or cause design problems. Overhead transmission lines are designed for dynamic loading under variable wind conditions that generally exceed earthquake loads.”

Based on this generic analysis of the impact of wind and earthquakes on transmission lines, the DEIR/EIS conclude (Section 3.17.6.1):

“The proposed Project would be constructed on steel lattice towers or tubular steel poles, where failure as a result of extreme wind conditions would be highly unlikely. Overhead transmission lines are designed for dynamic loading under variable wind conditions that generally exceed earthquake loads. Consequently, the risk that high winds or an earthquake would cause transmission line structures to threaten public safety is less than significant (Class III).”

The DEIR/EIS’ treatment of the hazards related to wind and earthquakes is deficient.

5. Experience with SCE’s own transmission lines have shown that 500 kV transmission structures have collapsed during the Northridge Earthquake of 1994 and in 2006 as the result of high desert winds. The industry standards referenced in the DEIR/EIS have been in effect for decades, and therefore it can be assumed that SCE abided by them when erecting the above referenced structures which ultimately failed. These failures lend to the conclusion that, regardless of the mitigation measures taken, the chance of large transmission structures failing due to earthquakes and wind does exist.

6. Given the DEIR/EIS’ generic treatment of wind and earthquake hazards no effort is taken to evaluate the conditions along Segment 8A which may elevate the likelihood of their occurrence. Specifically: 16

- The TRTP Segment 8A alignment passes through parts of Chino Hills that are susceptible to landslides, with about a quarter of the area identified as “most susceptible.” The Safety Element of the Chino Hills General Plan defines “most susceptible” as areas being unstable and subject to failure even in the absence of activities by man.

- Over two thirds of the proposed TRTP Chino Hills alignment crosses through areas with a moderate to high potential for liquefaction. The City Safety Element and environmental studies prepared on properties within the vicinity of the proposed TRTP alignment document groundwater at depths of below 30 feet. Much of the soil

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16 All of this information, as well as that in point 4 was provided to the CPUC and Aspen Environmental through an August 21, 2008 Letter from Jeanne Armstrong, Counsel for the City of Chino Hills.
Comment Set A.23, continued: Goodin, MacBride, Squeri, Day & Lamprey, LLP

in the proposed TRTP alignment area is comprised of unconsolidated, sandy alluvial soil, which is highly susceptible to liquefaction.

- There exists a tangle of small faults in the Chino Hills area as evidenced by the Chino Hills earthquake of July 29, 2008 (5.4 on Richter Scale).
- Chino Hills is susceptible to very high winds. The design wind speed for Chino Hills is 85 mph exposure C. The highest recorded wind speed in the area has been 90 MPH.\(^\text{17}\)
- There are two transmission angle structures along the path of the TRTP Segment 8A within populated areas of Chino Hills. These angle structures are subject to higher lateral forces and thus pose a higher risk of collapse.

7. The DEIR/EIS also failed to account for, or mitigate against, the devastation which would be imparted if, as a result of such hazards, tower failure did occur. As detailed in Comment No. 1, of Section 5, the TRTP Segment 8A alignment goes through the most densely populated residential neighborhoods of Chino Hills, with an estimated 3,000 people living within 500 feet of the proposed lines. In addition there are three parks and four daycare centers and schools located within 500 feet of the line.

Section 4.0. Comparison of Alternatives

1. Section 4.3.1 of the DEIR/EIS states its methodology for determining the environmental superior alternative as follows: “Determination of the environmentally superior alternative also requires a weighing of one type of impact against another type, such as weighing short-term effects against long-term effects or weighing effects on the natural environment against effects on the human environment.” However, the DEIR/EIS fails to follow its own methodology and violates Sections 21002 and 21081 of the Public Resources Code which require lead agencies to adopt feasible mitigation measures or feasible environmentally superior alternatives in order to substantially lessen or avoid otherwise significant adverse environmental effects of proposed Projects, unless specific social or other conditions make such mitigation measures of alternatives infeasible.

The California Court of Appeals has upheld the requirement to examine an environmentally superior alternative when the adoption of all feasible mitigation measures would leave an unmitigated significant impact (Citizens for Quality Growth vs. City of Mount Shasta 1988) 198 Cal.App.3d 433). Focus of the alternatives analysis must be on reducing the unavoidable adverse impacts of the Project.

According to the DEIR/EIS, the Project would result in unavoidable adverse impacts relative to nine of the 17 topics covered by the DEIR/EIS, including: agricultural resources, air quality, biological resources, cultural resources, land use, visual resources, noise, wilderness and recreation, wildfire and suppression. In its evaluation of Alternative 4, the DEIR/EIS concludes that each of the Alternative 4 Routes would result in impacts to only four of the topics found to have unavoidable adverse impacts (biological resources, cultural resources,

\(^\text{17}\) Recorded on January 6, 2003 at the Ontario Airport.
wilderness and recreation, wildfire and suppression). The math alone places Alternative 4 as the superior alternative. The DEIR/EIS must be revised to weigh the unavoidable adverse impacts of the Project against those of the alternatives.

2. The DEIR/EIS further skews its presentation of Alternative 4 by failing to incorporate the City Mitigation and Cost Recovery Plan into its analysis. The City plan would reduce the long-term impacts to biological resources, visual resources and wilderness and recreation. Rather than incorporate the feasible mitigation proposed by the City, the DEIR/EIS essentially relegates its evaluation to a footnote on page 4-48, and to a summary in Section 5.3.4 that finds “the Lead Agencies do not consider this proposal to constitute mitigation as defined by CEQA and NEPA because it is not needed to reduce or avoid any significant adverse impacts caused by the implementation of Alternative 4”. By dismissing these long-term benefits of Alternative 4 in conjunction with the City proposed mitigations, the DEIR/EIS contradicts its own criterion of weighing short-term effects against long-term effects.

On page 4.45, the DEIR/EIS further contradicts its stated criterion to weigh short-term effects against long-term effects, by listing the following environmental benefits offered by Alternative 4:

- Eliminates the need for construction along the proposed Project (Alternative 2) route between S8A MP 19.2 and 35.2 (16 miles), thereby eliminating impacts associated with construction and operation of that portion of the proposed Project;
- Socioeconomic impacts east of Segment 8A MP 19.2 along the Project route, which would: benefit several communities (Chino Hills, Chino, and Ontario) and their existing and planned land uses;
- Convert fewer acres of Farmland and traverse shorter distances of agricultural lands compared to the Project;
- Avoid construction and operational (corona) noise impacts that would occur along 16 miles of the proposed Project alignment;
- Avoid interference with public service and utilities systems during construction (within the re-routed portion);
- Avoid potential adverse impacts to private property values within the re-routed portion of Segment 8;
- Cross the fewer roadways, municipal transit routes, bicycle routes, and pedestrian routes; and
- Place the new double-circuit 500-kV T/L and switching station in a less visible location to many viewers in the cities of Chino Hills, Chino, and Ontario.

Of these benefits, only one (interference with public service and utilities systems during construction) is exclusively short-term; the balance has substantial long term benefits. The DEIR/EIS must be revised to follow its stated methodology of weighing short term effects against long-term impacts.

3. The DEIR/EIS also contradicts the last criterion it lays out to identify the superior alternative: weighing effects on the natural environment against effects on the human environment. Section 4.31 concludes its assessment of Alternative 4 impacts by focusing
Comment Set A.23, continued: Goodin, MacBrige, Squeri, Day & Lamprey, LLP

exclusively on the natural environment, i.e., impacts to Chino Hills State Park. The DEIR/EIS states that all of the Alternative 4 routes would be inconsistent with the CHSP General Plan, which would be significant and unavoidable unless remedied with approval of an amendment to the CHSP General Plan by the State Park and Recreation Commission. However, because the Lead Agencies do not know if the State Parks and Recreation Commission would approve such an amendment, the DEIR/EIS concludes the Project is the superior alternative. This finding completely ignores the effects on the human environment, notably how each of the Alternative 4 routes would avoid air quality, noise, land use, visual and safety impacts that would occur under the Project proposal to place the 195-foot 500 kV facilities within 75 feet of residential and other sensitive uses. Further, the DEIR/EIS dismissal of Alternative 4 is inconsistent with its findings that the requirement for a Special Use Easement and ANF Land Management Plan amendment is not a significant impact. The DEIR/EIS must be revised to follow its stated methodology of weighing impacts on the natural environment against impacts on the human environment.

4. Section 4.3.1 of the DEIR/EIS selects the Project (Alternative 2) as the superior alternative, and dismisses the other alternatives without any ranking. By so doing, the DEIR/EIS deprives the CPUC of a fair menu of alternatives or mitigation. If the Project proves untenable, unfeasible or otherwise unfavored by the CPUC, the DEIR/EIS does not provide clear direction as to which alternative would have the next least amount of environmental impacts. The DEIR/EIS clearly violates Sections 21002 and 21081 of the Public Resources Code which require lead agencies to identify a superior alternative. The Project is not an alternative.

In the following table, each of the Segment 8A alternatives (Routes 4A-D and 5) is compared against the Project. The criteria applied in the table follows that used in Tables 4.2-1 and 4.2-2 of the DEIR/EIS. For each of the 17 environmental topics covered in the DEIR/EIS, the table ranks each Segment 8A alternatives against the Project and against each other, adding in the mitigation available through the City of Chino Hills Mitigation and Cost Recovery Plan. As shown in the table, each of the Alternative 4 Routes improves over the Project in 9 of the 17 DEIR/EIS environmental topics. Alternative 5 improves over the Project in 6 of the 17 environmental topics, but has less desirable impacts in 5 of the topics, resulting in a one net improvement of one topic over the Project. Based on the tabulated ranking, the Alternative 4 routes are each superior alternatives to the Project.
### Comparison of Environmental Issues of Project (Alternative 2), Alternative 4 and Alternative 5 for Segment 8A

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<td>Electrical Interferences and Hazards</td>
<td>Overhead route (172.9 miles); minor to moderate electrical interference and hazards impacts Superior to Project; (156.3 miles plus 0.95 mile for existing T/L modifications) Superior to Project; (155.8 miles plus 0.95 mile for existing T/L modifications) Superior to Project; (155.9 miles plus 0.95 mile for existing T/L modifications) Superior to Project; under-grounding would eliminate electrical interference and hazards impacts</td>
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<td>Ranking among Seg. 8A alternatives (4)</td>
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Notes:
1. Comparison to Project: "+" indicates superior to the project; "o" similar to the project; "-" inferior to the project.
2. Comparison to Seg. 8A Alternatives: each alternative is ranked against each other on a scale from "1" to "5", "1" being the best. Where the alternatives are comparable, they are grouped together and assigned the same numerical ranking.
3. Where Alternative 4 is ranked the same and Alternative 5 is inferior to the project, a numerical ranking of 3 is given.
4. The lower the ranking, the more environmentally superior the alternative.
Comment Set A.23, continued: Goodin, MacBride, Squeri, Day & Lamprey, LLP

Section 5. Other Required CEQA Considerations

5.3.1 Magnetic Field Concerns:

1. As set forth in the DEIR/EIS, in Table 5.3-5, SCE proposed measures to mitigate the magnetic field along Segment 8A of the TRTP mainly consists of using taller and more compact tubular steel poles in residential areas as well as using split-phasing (effectively using a double-circuit line where a single-circuit line would have sufficed). The DEIR/EIS, Table 5.3-6 shows that with the use of these measures a magnetic field of approximately 27 mG will exist at the edge of the Segment 8A ROW in the residential areas of Chino Hills. The following illustrates that SCE has significantly understated the level of the magnetic field along Segment 8A.

- SCE’s reason to have a double-circuit transmission line for Segment 8A between San Gabriel Junction and the Chino Substation area is not to mitigate electromagnetic field effect of the line but to allow for future significant flow increase on Segment 8A, especially after Segment 8C is also converted to 500 kV and becomes part of Mira Loma-Vincent line.

- SCE does not have a credible basis to establish the level of current used for the calculation of the magnetic field. This current was selected based on the assumption of certain flow forecast in the line and came to about 2000 Amps which after split phasing results in 1000 Amps current in each phase. Using this assumption, SCE estimates magnetic fields reaching 27 mG on a temporary or sustained basis. The conductor type used for Segment 8A (Bluebird conductors - ACSR 2156) can carry up to 2000 Amps per conductor. Since Segment 8A is set up as double conductor bundle, the current in each phase can readily reach 4000 Amps sometime in the future as generation and load configuration in and around LA basin change. Therefore, the actual current per phase can be 4 times higher than the value used by SCE to calculate the magnetic field at the edge of ROW in populated areas of Chino Hills. The result is that the people of Chino Hills, as well as those in Chino and Ontario could be exposed to magnetic fields reaching 110 mG on a temporary or sustained basis rather than the 27 mG estimated by SCE. The DEIR/EIS fails to properly acknowledge the impact of such high and partially sustained magnetic field on the residents of Chino Hills who would live in close proximity of the Segment 8A of TRTP transmission line.

2. The following demographic facts illustrate the magnitude of the risk posed by the high level of the magnetic field created by TRTP Segment 8A:

- Segment 8A goes through densely populated residential neighborhoods in Chino Hills; over one thousand homes (estimated 3,000 people) would be located within 500 feet of the proposed line;

- There are three parks owned by the City – two of which the line will pass directly through and one of which will be within 500 feet of the line;

- Chino Hills has four day care centers and schools which are located within 500 feet of the line.
Comment Set A.23, continued: Goodin, MacBride, Squeri, Day & Lamprey, LLP

- Sunshine Montessori School (provides a year round program for 70 children ranging in age from infants to school level);
- Montessori School of Chino Hills (provides elementary level education for 120 students in grades kindergarten through fifth);
- Loving Savior of the Hills, Lutheran Church and School (provides year round preschool for 200 children ranging in age from infant to five years old; year round elementary level education for 180 students in the grades of kindergarten through eighth);
- KinderCare Learning Center (provides a year round program for 75 children ranging in age from infant to 12 years old);
January 25, 2008

Anne Darby
City of Chino Hills
Chino Hills, CA 91709

Subject: Request to Connect for Parking, Landscaping, and Irrigation on SCE Easement Right of Way

Chino Mesa 20001 S.F. RTH
Location: East Side of Pipeline Avenue, North of Chino Hills Parkway, Chino Hills

This letter is a follow-up to our meeting on January 7th of this year. In that meeting you presented your Chino Hills Community Center project to which impacts a portion of the SCE easement right of way as part of your plans. Some of your requested improvements over the SCE right of way are parking, landscaping, and irrigation.

It was discussed that this particular site is currently within the proposed path for the future 500kV right of way, although it is not included as part of the alternate path. The final decision is to be made by the CPUC and SCE does not expect to receive an answer until mid-year at the earliest. In the event the decision is to have the 500kV line through this site we will work to allow the City to proceed with the planning of the site with the exception of the alternate path which will be closed. SCE agrees to meet with the City’s planning department with the understanding that no approvals will be granted until the decision regarding the new 500kV line is determined.

To make the proper determination of your project plans I am including a few of SCE’s general guidelines as discussed at the meeting. Please note a right of way check will be done in order to first determine what allowances are made on the next right of way under the existing easement document(s). These guidelines are given subject to the language within the easement document.

1. Grounds are cleared of any vegetation verified for necessary clearance around the tower and there needs to be a 50 foot clearance (from each tower leg).
2. Trees (along with their conifer) need to be located 10 feet outside of the conductor lines and at a maximum height of 15 feet (allowing them to be in sight of the easement document). They should be in the slow to moderate growth species as well.
3. Light standards should be located 10 feet outside of the conductor lines with a maximum height of 12 feet.
4. The installation of 3-foot high lighting for the walkway was proposed by the City.
5. Parking should be located 10 feet outside of the conductor lines as well (again assuming it is not prohibited by the easement document). Overflow parking only will be considered if SCE will review the site to take back a portion of the site for future operational needs.
6. Transmission towers and poles should be elevated or cut off at the top in a preferred location.
7. Access roads must be designed away from SCE facilities and easement right of way.
8. Articulated and bi-directional access to this site will be requested on and around the towers.

Also included is a general checklist to assist in putting together your request package. It is understood the underlying fee owner of the property is partly the County of San Bernardino and the Flood Control District. A plan checklist is included in this letter for your approval.

Sincerely,

Rosalie Bardenas
LAND SERVICES AGENT

E: Richard Chu, Senior Architectural Group
Raymond Hills, SCE Public Affairs
Jeffrey Rivers, SCE Transmission
Todd Powers, SCE Distribution Planner

14305 Chestnut Street
Windsor, CA 95492

Section 2, Attachment 3

Letter of acknowledgment will be issued from them for your request as on their behalf. Also needed to complete your request package is an engineering advance of $3,500 made payable to Southern California Edison.

In our meeting a possible quick claim request for a distribution facility on the south side of the property was discussed. Todd Powers, our planner, confirmed this facility to find several parents and therefore a quick claim would not be possible.

Once your request package is complete, please mail to me for review and further processing of the current request.

Please send to Southern California Edison, 14305 Chestnut Street, Windsor, CA 95492, Attention: Rosalie Bardenas.

I look forward to working on this project with you. If you have any questions, please do not hesitate to call me at (714) 934-0830.
21st Century Green Partnership

“A community committed to the responsible delivery of renewable energy for the State of California.”

The 21st Century Green Partnership provides all of the stakeholders with the always hoped for “Golden Opportunity” to create the perfect partnership leading to a win-win for all parties. The State’s goal of expanding renewable energy in a timely fashion is achieved. Much-needed enhancements to Chino Hills State Park are made possible and the adverse impacts to the residents of Chino Hills from the SCE proposed Segment 8A are eliminated. Let us all move forward together to make the 21st Century Green Partnership a reality.

Mitigation and Cost Recovery Plan

After a comprehensive review of the status and plans for Chino Hills State Park, including informational meetings with State Park representatives, a Mitigation and Enhancement Plan (Plan) has been developed for Chino Hills State Park (State Park). We are excited and enthusiastic about the Plan’s benefits from an environmental as well as a user perspective. The proposed Plan focuses on the areas we believe to be important to the State. The Plan provides for expansion of the bio-corridor, view shed improvements, riparian habitat improvements and funding for ongoing operational costs. The total cost of the Plan’s components is $50,000,000 as detailed below.

Funding for these items is proposed to be paid for by Southern California Edison (SCE) which would be conditioned by the California Public Utilities Commission (CPUC) as part of the project’s approval. The proposed source results from Decision 93-11-013, which established the California Public Utilities Commission’s “low cost/no cost” policy for EMF mitigation. As a measure of low-cost EMF mitigation, the Commission adopted a benchmark 4% of transmission and substation project costs. This policy was reaffirmed two years ago in Decision 06-01-042. Based on the Tehachapi Renewable Transmission Project’s (TRTP) estimated cost of $2 billion dollars, $80 million dollars would be available for mitigation measures.

Bio-Corridor Expansion

The City has identified various undeveloped parcels of land east of the State Park’s current boundary totaling 2,517 acres. Given the current zoning and topographical challenges, these properties are not good candidates for future development. The Bio-Corridor Expansion component also includes the construction of a wildlife crossing that would travel under the SR-71 Freeway into the Prado Basin area. The Prado Basin contains nearly 10,300 acres which will remain as permanent open space.

The City of Chino Hills is also offering, as a part of the expansion component, to provide assistance to the State Park with the acquisition of these properties. This assistance would include all aspects of the real property acquisition process.

2. Brush Canyon - totaling approximately 15 acres including 5 acres of riparian habitat and 10 acres of sage scrub habitat.

3. Lower Aliso Canyon - totaling approximately 35 acres including 6 acres of riparian habitat and 29 acres of sage scrub habitat.

Proposed restoration would include eradication of highly invasive species, such as tamarisk, and the supplemental planting of riparian oak woodland and cottonwood willow riparian species within, and adjacent to, the canyon bottom. Supplemental planting of scrub species and native grass species adjacent to the drainage in areas that currently support non-native grassland is also proposed. In addition, this proposal includes funding for project monitoring and operational costs for a period of ten years.
The City will seek a partnership with Cal Poly Pomona to provide environmental expertise and oversight of this phase of the project. This partnership would provide a long-term educational and research opportunity that would also serve to reduce initial and ongoing maintenance costs of this project.

Habitat Restoration Funding: $8,000,000

Operational Enhancements

The Plan also provides for the reconstruction of the Chino Hills entrance to the State Park. Improvements would include the construction of a guard shack, gate improvements, a message board, as well as other enhancements as recommended by the State Park. Funding would also be provided for long-term operational expenses associated with the Plan’s various components.

These improvements will enhance the State Park’s ability to monitor, limit, and collect user fees at this entrance. The new informational kiosk and rest area will enable improved communication and outreach to Park users. In addition, these improvements would provide opportunities for new partnerships with local educational institutions, environmental organizations and user groups.

This section of the proposal estimates $2,000,000 for construction costs and $15,000,000 to be placed in an interest bearing trust to fund on-going operational costs.

Construction and Operational Funding: $17,000,000

Conclusion

The 21st Century Green Partnership looks forward to working with the various stakeholders including California State Parks Department, California Public Utilities Commission, and Southern California Edison. It is the goal of the 21st Century Green Partnership to create a responsible solution that delivers renewable energy to the State of California.
Mr. Hensley,

I have reviewed existing documents to determine if there is a potential hazard related to the installation of the subject transmission line. The primary reference used in the review was the Geomatrix Consultants Inc. Conceptual Site Model (CSM) for Munitions and Explosives of Concern (MEC), for the Aerojet Chino Hills Property dated August 24, 2006. Any reference made to paragraphs, figures or tables, in this report, are from the document identified above.

The proposed Alternative Route C of the transmission line (assuming a 250-foot corridor), which runs through the southern portion of the Aerojet property and adjoining leased areas, does not include any property that has been found to be contaminated with MEC. Therefore, it is the most desirable general area if the line is to be placed within the Aerojet property. There are only two previously contaminated areas that are outside the 250-foot corridor but within reasonable proximity to the proposed Alternate Route C and switching station. Both areas are located within the leased Paige Property boundary. They are the southern most area of the South Lease Impact Area, which is approximately 155-feet to the north of the transmission line and Area 18 also identified as Solid Waste Management Unit (SWMU) No. 9, which is approximately 250-feet north of the line. The area to be used as the right-of-way is 125-feet to the north and south of the center line, therefore neither area impacts the proposed route. The properties to the east of the Paige property through which the Alternative C transmission line would pass are: the extreme southern portion of the Aerojet, McDermont and Bonnett properties, all of which are well south of any MEC contaminated areas within their respective boundaries. There is virtually no chance of encountering MEC along the proposed Alternate Route C in any of the three properties. The types of activities conducted and the ordnance associated with those activities are described below:
Parsons

South Lease Impact Area – This area is identified as a firing range, which was typically contained inside a box canyon as described in Para. 2.2.2.1, page 7 and illustrated in Figure 4 of referenced document. The type of ordnance being fired ranged from 20 – 30mm projectiles. The ordnance being fired was fired from a fixed gun position into an impact area (back of box canyon), a steel plate, or a concrete or steel three sided box filled with sand. The fixed gun and target virtually eliminated any stray rounds. While highly unlikely, however, there is always a chance that a round ricochets or bounces out of the target area. For this reason it is always recommended that the contractor cleared the area superstar to the target area to ensure there were no MEC items outside the target area. The contractor did clear both the target area and the area outside of the target and encountered no MEC items. As a result of the findings delineated under the Paige property on page 61 and 62 of the referenced report, ordnance clearance activities on the South Lease Impact Area have met the project objectives. We agree with the Geomatrix findings, therefore, no further action is necessary to remediate this property before the construction of the transmission line.

Area 18 (SWMU 9) – This area was used for burial and thermal treatment of off site items. MEC contamination appears to be limited to the boundaries of the treatment area as there are no “kick outs” as stated in Para. 2.2.3.2, page 9 and Para. 3.1.3, page 21. The types of items that were destroyed in the area were small primers, detonators and reactive fuze components. Due to the small size of the items it was necessary to excavate and screen this area. They recovered numerous MEC items during this process. As a result of the findings delineated under the Paige property on page 61 and 62 of the referenced report, ordnance clearance activities on Area 18 (SWMU 9) have met the project objectives. We agree with the Geomatrix findings, therefore, no further action is required to remediate this property before the construction of the transmission line.

Figures 3 and 7 Plate 2 of the referenced report best illustrate the relationship of the MEC areas described above with the effected properties and the location of the proposed Alternative C transmission line route.

Based on the above findings and remediation efforts and the distance from the two areas to the proposed transmission line corridor, it is highly unlikely that there are any MEC items on the surface or in the subsurface of the corridor. However, to ensure the construction crews safety, I highly recommend that an ordnance recognition course be given to all site personnel as a precaution. This is the only mitigation action I deem appropriate based on the current available information.

In the event the construction crews were to encounter MEC, at that point they would have to resort to construction support consisting of two UXO technicians on site to observe the excavation. The UXO team would identify any MEC items and either remove them, if it was appropriate to do so, or call the local bomb squad to respond and destroy the item(s).

If you have any questions please do not hesitate to contact me at (678) 969-2451 Office or (404) 387-0798 Cell.

Sincerely yours,
Parsons
Michael E. Short
Technical Director

Department of Toxic Substances Control

Maureen F. Gorski, Director
5796 Corporate Avenue
Cypress, California 90630

November 21, 2008

Mr. Doug La Belle
City Manager
City of Chino Hills
2051 Grand Avenue
Chino Hills, California 91709

PROPOSED SOUTHERN CALIFORNIA EDISON TRANSMISSION LINES - AEROJET
PROPERTY ACCESS. AEROJET GENERAL CORPORATION, CHINO HILLS
FACILITY (EPA ID: CA06457302)

Dear Mr. La Belle:

Reference is made to a meeting between the Department of Toxic Substances Control (DTSC) and the City of Chino Hills held on October 21, 2008. As a follow-up to the meeting, DTSC has reviewed the currently available data and information regarding the placement of Southern California Edison (SCE) transmission lines on a portion of the Aeroflot Chino Hills property on its southern border (Route C) corridor. Based on its review, DTSC has the following comments:

1. DTSC agrees with the analysis in the November 14, 2008 letter from Parsons Engineering that the likelihood of having munitions present within the “C” corridor as shown on the site map is remote. However, DTSC highly recommends that an ordnance recognition course be given to all site personnel as a precaution. Also, given the site map was limited to showing the Corridor Route, delineation is needed on how access to Route C will be achieved. Should this access be planned through areas identified in the conceptual model as having potential hazards and/or explosives of concern (MEC), additional measures to detect and remove MEC along with construction support for access would be needed.

2. DTSC’s decision on corrective action for the proposed Corridor Route C is subject to DTSC’s public participation requirements as well as the requirements of the California Environmental Quality Act (CEQA).

A determination of “no further action” on the proposed Corridor Route C of the Aeroflot property would require the following process:

a. DTSC would prepare a document called a Statement of Basis, which would explain the basis for a DTSC determination that further corrective action is not needed on that portion of the Aeroflot property. The Basis would include references to site reports documenting the lack of hazardous ordnance in the area.

b. The Statement of Basis would be supported by a document needed to demonstrate no environmental impact, pursuant to the provisions of CEQA. Approval of CEQA documents is required by DTSC’s Office of Planning/Environmental Analysis.

c. The Statement of Basis and CEQA documents would be sent to public notice for a comment period of 45 days. DTSC would respond to all comments received during the comment period. The length of time required to do so would be dependent on the number and type of comments received.

d. The Response to Comments would be sent to those persons on the facility mailing list who commented. All persons on the facility mailing list would be sent a letter notifying them of DTSC’s decision that no further action is needed on the specific portion of the Aeroflot property containing the transmission lines. Please note that the letter would state that the determination of no further action is based on the number of comment letters received.

Please note that this letter serves only as DTSC’s statement regarding the environmental condition of the proposed corridor and the process for determination of “no further action” which will facilitate the release of the corridor for transmission line construction. This letter should not be interpreted as an expression of DTSC’s opinion regarding whether Route C is considered the best route for the transmission line.

If you have any questions about this letter, feel free to call me at 714-484-6316.

Sincerely,

Robert Romero
Hazardous Substances Engineer
RCRA Corrective Action Unit
Brownfields and Environmental Restoration Program

Certified Mail Receipt No.: 7007 0220 0003 3942 1600
Return Receipt Requested
March 25, 2009

Joann Lombardo
Senior Environmental Consultant
c/o The City of Chino Hills
14000 City Center Drive
Chino Hills, CA 91709

Re: FIRE DISTRICT COMMENTS: TEHACHAPI RENEWABLE TRANSMISSION PROJECT DRAFT EIR

Dear Ms. Lombardo:

Following are the Chino Valley Independent Fire District’s comments to the Fire Prevention and Suppression Element of the Draft Environmental Impact Report (DEIR) for the Tehachapi Renewable Transmission Project (TRTP). It is important to note that all comments herein are specific to those portions of Segment 8 that do or will pass through this Fire District.

Summary

The Fire District is in favor of and supports the development and use of renewable energy projects with due consideration given to design, safety, and economic efficiency. Of the given Alternatives, Alternative 4, specifically 4-C, is preferred by the Fire District. Alternative 4 will consolidate existing transmission lines and proposed transmission lines into a common corridor while removing excess lines from the system. Alternative 4 removes transmission lines from narrow rights-of-way running through high fire hazard watershed that is bordered by hundreds of residential properties. Alternative 4 also removes an estimated 10 miles of existing power lines in the State Park. Their removal will result in safer access to aerial firefighting equipment for significant portions of the State Park.

Comments

I. Criterion FIRE 1: Adverse effects on fire prevention and suppression activities
According to the DEIR, the impacts associated with Criterion FIRE 1 for Alternative 4 would be "more severe than those associated with this criterion for the proposed Project" (pg. 3.16-36). The DEIR (pg. 3.16-37, par. 2) states that Alternative 4 would:

- introduce varying lengths of new transmission ROW through areas of high risk fuels and steep topography
- introduce new obstructions to aerial and ground-based firefighting operations
- create an area of indefensible space in Chino Hills State Park (CHSP) of approximately 2,000 acres

Based on these assertions, the DEIR states that Impact F-2 for Alternative 4 would be "significant and unavoidable, and no mitigation is available (Class I)"

The Fire District disagrees with this finding. Several critical errors are omitted in the DEIR’s analysis of Alternative 4. The DEIR fails to acknowledge that much of the new transmission ROW in Alternative 4 is consolidated into existing transmission ROW. The DEIR also does not address the fact that Alternative 4 removes existing transmission ROW from the CHSP in amounts nearly equal to that of the new transmission ROW required.

The existing transmission lines that would be removed with Alternative 4 dissect the CHSP, creating a patchwork of obstacles/impediments to aerial and ground firefighting operations. Their removal will open up large portions of the Park previously impacted by transmission ROW, thus improving aerial and ground firefighting effectiveness and safety.

Alternative 4 also proposes to relocate significant portions of ridge top transmission lines to lower elevations, thereby further reducing potential impacts to aerial firefighting operations.

The consolidation of transmission lines into a shared corridor through the park, the removal of the existing network of transmission lines within the CHSP, and the relocation of some ridge top transmission lines could actually reduce the existing impediments to ground and aerial firefighter operations if Alternative 4 is used. Therefore, Impact F-2 for Alternative 4 would be less than significant (Class II).

III. Criterion FIRE 2: Exposure of communities, firefighters, personnel, and/or natural resources to an increased risk of wildfire

The DEIR findings for Impact F-5 (presence of overhead transmission lines would increase the risk of wildfire and compromise firefighter safety) remain "significant and unavoidable (Class I)". This finding for Impact F-5 does not take into consideration the fact that Alternative 4 will remove significant portions of existing transmission ROW, all of which is located in the high-hazard Fireshed area of the CHSP.

It is troubling that credit is given for removal of existing transmission lines in Alternative 2 (SCG’s proposal, pg. 3.16-33, p.5); however there is no recognition for removal in Alternative 4. Given the consolidation of transmission lines into existing ROW with Alternative 4, and the removal of significant segments of existing transmission lines within CHSP, Impact F-5 would seem to be more appropriately evaluated as having less than or no significant impact.

Additionally, Impact F-6 (introduction of non-native plants contributing to increased ignition potential and rate of fire spread) within Segment 8 should be rated as no significant impact. Through a variety of mechanisms, including type conversion from wild fire, non-native plants and grasses are pervasive in the CHSP. These plants have traditionally contributed to fire ignition and spread and in November 2008, the Freeway Complex Fire burned more than 90% of the lands within the CHSP. Mitigation planned with Alternative 4 for Segment 8 includes reintroduction of native plant species and numerous physical and ecological improvements to the Park; therefore it is likely the selection of Alternative 4 would result in a positive impact on the fire environment through reduction in invasive and non-native plant species.

III. Cumulative Impact Analysis

The cumulative impact analysis states that Alternative 4 would “incrementally increase the Project’s contribution to significant cumulative Impacts F-2, F-3, F-5, and F-6”. For the reasons outlined above, it is our position that for Segment 8, Alternative 4 would have a cumulative impact of less-than-significant and potentially could have a positive impact on wild fire prevention and suppression through the removal of existing transmission lines within CHSP, reintroduction of native plant species, and the consolidation of new lines into existing ROW.

IV. Additional Factors Affecting Wild Fire Prevention and Suppression

Additional factors that should be considered in the DEIR include relative values at risk, proximity of values at risk to transmission lines, and the effects of constrained ROW widths on fire operations and firefighter and public safety.

Firefighting tactics and strategy are driven relative to the values at risk. Industry recognized priorities, in descending order, are the need to protect life, property, and resources/environment. Each of the DEIR Alternatives should include an assessment of the values at risk relative to that Alternative.

With the exception of Alternative 4, significant portions of Segment 8 transmission lines run within ROW that is bordered by hundreds of residential structures. The threat to these high-value priorities is further complicated by the fact that most of the ROW running through the residential neighborhoods is in the high hazard Fireshed, and the lands are covered with highly flammable vegetation. The use of existing ROW and the addition of new transmission lines into this corridor will likely result in additional fire starts. Fires occurring in this environment will immediately threaten the lives and property of those living in such close proximity to the transmission lines. Alternative 4 will relocate those lines from the higher values-at-risk ROW to more rural and open ROW, providing significantly greater opportunity for the firefighting operations to gain control of the fire before lives and structures are threatened.

The width of the transmission ROW is a critical factor in those areas where the transmission lines run adjacent to development or other obstructions. Tower or line failure in the ROW of Segment 8 that is proposed to run through residential neighborhoods will pose a direct and immediate threat to lives and property simply because the ROW width is far less than adequate to provide separation from the structures. Aerial firefighting options through most of this ROW are severely limited today. Fixed wing aircraft cannot operate in this environment due to the transmission lines and the proximity of structures. Rotary wing aircraft operations are severely limited within this narrow corridor.

Relocating these lines to the CHSP as proposed in Alternative 4 would substantially improve access for aerial firefighting operations, both fixed and rotary wing aircraft. In addition, the limited ROW through the residential neighborhoods provides little, if any, operating room for ground firefighting resources. Transmission line arching-to-ground frequently occurs during wildfires when smoke plumes from the fires directly impact the transmission lines. This potential is extremely dangerous to firefighters or anyone in the immediate vicinity. The limited width of the ROW through this residential area provides little, if any, opportunity for ground firefighting resources to maintain a safe distance from the transmission lines and hazards associated with them during firefighting operations. Routing these transmission lines through vast areas of open space, as proposed in Alternative 4, provides greater flexibility and safety for firefighting resources.

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Paul L. Benson
Fire Chief
cc: CVIFD Board of Directors

Section 2, Attachment 8
Preliminary Assessment of Impacts to Chino Hills Properties from TRTP Easement

EXECUTIVE SUMMARY

Introduction

This report presents a preliminary estimate of the impacts of the Tehachapi Renewable Transmission Project (TRTP) SCE easement on properties within the City of Chino Hills. SCE proposes to locate the TRTP through Chino Hills on an existing 150-foot-wide right of way (ROW or easement), which was designed to accommodate 220-kV T/L structures that are approximately 100 feet tall with a wingspan of 45 feet. As shown in Figure 2.2-41 of the DEIR/EIS, the proposed TRTP structures would be 500-kV T/L facilities, 195 feet tall with a wingspan of approximately 60 feet.

Information presented in the Draft Environmental Impact Report (DEIR/EIS) for the TRTP indicates that a minimum acceptable ROW for a 500-kV T/L facility needs to be no less than 200 feet wide. To accommodate the proposed TRTP 500-kV T/L facilities within Chino Hills, the existing 150-foot easement will need to be expanded to a minimum width of 200 feet. This will require that the existing Chino Hills ROW be widened by 25 feet on each side.

In this report, aerial maps (Exhibits 2 through 37) are provided to demonstrate which Chino Hills properties would be affected by the proposed TRTP easement. Areas affected by both the existing 150-foot and accepted minimum 200-foot ROW are shown. This report then quantifies the number of properties affected and calculates the costs to SCE that would be required to acquire these properties through eminent domain.

Methodology of TRTP 200' Easement Map

To illustrate the potential impacts of the SCE ROW on City of Chino Hills’ properties, a Geographic Information System (GIS) and 2008 aerial photo and parcel map overlays were used to accurately display the existing 150’ SCE ROW and the minimum acceptable 200’ ROW.

Residential Properties: Residential parcels that have homes, pools, patios and other structures within the ROW were tabulated. Next, using current (March 2009) data from www.zillow.com and the DEIR/EIS where those locations will be along Segment 8A of the project which runs through Chino Hills, the need for such a site every 15,000 feet would indicate that at least one wire pull site would be needed in the approximately three mile stretch of Chino Hills residential areas through which the line would run. The dimensions of the area needed for the stringing setups associated with wire installation require an area of 200 feet by 200 feet (0.92 acre) (DEIR/EIS, p. 2-46). Again, these figures provide further justification for the inability of the existing 150-foot ROW to accommodate the 500 kV transmission line.

Assembly Process: Assembly process and generally occupy an area of 200 feet by 200 feet (0.92 acre). While recognizing that the dimensions set forth in the DEIR/EIS are based on preliminary engineering and may vary slightly depending on location, the DEIR/EIS’ recognition of the need for approximately 200 square feet for pole assembly at each pole location further illustrates the fact that the planned 195 foot poles cannot be accommodated within the 150 foot ROW.

a) If the ROW encompassed any part of a house, the cost to acquire the property through eminent domain was calculated at 100% of the property value.

b) If the ROW did not reach the house but encompassed part of a residential yard that contained a pool, gazebo, patio or other similar structure, the cost to acquire the necessary portion of the property through eminent domain was calculated at 50% of the property value.

c) If the ROW did not reach the house but encompassed 50% of the residential yard, the cost to acquire the necessary portion of the property through eminent domain was calculated at 50% of the property value.

Executive Summary

• Table 1. Estimated Condemnation Cost for Chino Hills Properties Impacted by a 200’ Wide SCE Easement for the Tehachapi Renewable Transmission Project

• Exhibit 1. Required Footing Clearance for 500 kV Towers

• Aerial Map Organizer – Exhibits 2 – 37

• Qualifications of Report Preparers
Chino Hills is unique among southland communities for its large minimum single family residential lot sizes and generous setbacks. The market attraction of homes in Chino Hills is strongly influenced by their lot and yard sizes. Consequently, loss of use of yards and outdoor amenities would severely diminish the value of a Chino Hills residential property. A 50% loss is considered a reasonable estimate of this diminishment.

The estimated costs to acquire the affected residential properties presented in this report do not include associated relocation costs. According to the United States Department of Housing and Urban Development (HUD), relocation costs could include a price differential payment of up to $22,500 for owner occupied houses and rental assistance payments of up to $25,000 for renter owned houses. 

Owners whose property is condemned would also be entitled to any loss of value of their properties suffer due to the fear the increase in the size of the TRTP 500 kV lines will cause. This loss of value based on fear is commonly referred to as "stigma cost." At this time, the City does not have an estimate for additional stigma costs.

**Park Property:** For the Coral Ridge Park property, the overlay maps reveal that three (3) tennis courts and a tot lot with fall zone (edge restraint, rubber surface, sand, etc.) would be located within the 200' easement. The potential cost to SCE to relocate and reconstruct the tennis courts and tot lot elsewhere on the park property was calculated based on information provided March 2009 by Craig Sensenbach of RUM Design Group, a landscape architectural firm under contract with the City of Chino Hills. The cost estimate does not include the value of land lost to the easement or the cost of grading the new site on which the relocated facilities would be located.

**Church Property:** The overlay maps reveal that over half of the existing parking of the Chino Valley Community Church is located within both the existing 150-foot ROW and the minimum acceptable 200-foot ROW. The church property contains a 28,000 square foot sanctuary building, 23,402 square foot multi-purpose building, a 21,500 square foot classroom building and 346 total parking spaces. SCE has informed the City that while parking is currently allowed in the SCE ROW, it will no longer be allowed if the 500 kV transmission line is installed. With the loss of more than half of its available parking spaces, the church would no longer comply with the parking requirements of the City of Chino Hills Development Code, and would deprive the church of the needed parking it needs to accommodate its patrons. Consequently, to proceed with the TRTP, SCE would be required to compensate the Chino Valley Community Church for all or part of its property, as well as the associated relocation and/or replacement costs.

Under both the current 150-foot and required expanded 200-foot ROW, Chino Valley Community Church would lose between 174 to 182 parking spaces, over 50% of its existing 346 total parking spaces. With the loss of more than half of its available parking spaces, the church would no longer comply with the parking requirements of the City of Chino Hills Development Code, and would deprive the church of the needed parking it needs to accommodate its patrons. Consequently, to proceed with the TRTP, SCE would be required to compensate the Chino Valley Community Church for all or part of its property, as well as the associated relocation and/or replacement costs.

Under both the current 150-foot and required expanded 200-foot ROW, the Chino Hills Promenade commercial center would lose approximately 50% of its value. Consequently, to proceed with the TRTP, SCE would be required to compensate the Chino Hills Promenade for 50% of its property value. With a total estimated value of $13,500,000 (54,000 square feet of building area x $250 per square foot), SCE would be required to compensate the property owner $6,750,000 (50%), plus associated business relocation costs.

Based on this preliminary estimate of the impacts of the TRTP on Chino Hills’ properties, the cost of TRTP to compensate property owners for lost use of property would be a minimum of $61,946,000. This minimum amount accounts for the residential, park and commercial property costs summarized above. Additional costs to SCE related to the Chino Hills Community Church property, loss of City park property, and associated relocation and stigma costs still are unknown.
Table 1. Estimated Condemnation Costs for Chino Hills Properties Impacted by a 200’ Wide SCE Easement for the Tehachapi Renewable Transmission Project

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<tr>
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

In the Matter of the Application of SOUTHERN CALIFORNIA EDISON COMPANY (U338E) for a Certificate of Public Convenience and Necessity Concerning the Tehachapi Renewable Transmission Project (Segments 4 through 11)

Application No. 07-06-031
(Filed June 29, 2007)

NOTICE OF AVAILABILITY OF THE CITY OF CHINO HILLS

GOODIN, MACBRIE, SQUERI, DAY & LAMPREY, LLP
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Attorneys for the City of Chino Hills

Date: April 6, 2009

NOTICE OF AVAILABILITY OF THE CITY OF CHINO HILLS

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Attorneys for the City of Chino Hills

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

In the Matter of the Application of Southern California Edison Company (U338E) for a Certificate of Public Convenience and Necessity Concerning the Tehachapi Renewable Transmission Project (Segments 4 through 11)

NOTICE OF AVAILABILITY OF THE CITY OF CHINO HILLS

On April 6, 2009, The City of Chino Hills served a document entitled “Comments of the City of Chino Hills on Draft Environmental Impact Report/Environmental Impact Statement” in the above-captioned proceeding. Appended to these Comments was a report entitled “Southern California Edison’s Proposed Route for the Tehachapi Renewable Transmission Project Segment 8A through Chino Hills and Chino: Report on Required Condensation and Valuation.” Pursuant to Rule 1.9 (c) of the Commission’s Rules of Practice and Procedure, and because the size of the complete report, which exceeds 3.5 megabytes, only a portion of this report was appended to the service copy of the Comments (the photographs were omitted). By this Notice of Availability, Chino Hills informs interested parties that a complete report will be provided immediately upon the request of the party receiving this notice. All requests should be directed to Jeanne Armstrong, Goodin, MacBride, Squeri, Day & Lamprey, 505 Sansome Street, Suite 900, San Francisco, CA 94111; (415) 392-7900.

Respectfully submitted this 6th day of April, 2009, at San Francisco, California.

GOODIN, MACBRIE, SQUERI, DAY & LAMPREY, LLP
By /s/ Jeanne B. Armstrong
Jeanne B. Armstrong

Attorneys for the City of Chino Hills
Comprehensive Planning Services

Joann Lombardo

Joann Lombardo is an environmental and urban planner with over twenty-five years’ experience. Areas of expertise include preparation of CEQA and NEPA environmental impact analyses; policy planning; land use planning; housing studies; and socio-economic statements. Her range of experience includes assignments with over fifty western United States communities, allowing her to work effectively with city staff and the public and to ensure quality work products within established time frames.

CREDENTIALS:
Planner of City and Regional Planning, Harvard University Kennedy School of Government, 1979
Urban Design Studies, Harvard University School of Design, 1980
Bachelor of Arts, American Studies/Economics, Reed College, 1976
Continuing Environmental and Planning Studies, University of California Extension Programs, 1994-2009

Publications:
"Arterial Access Management Issues/Opportunities—Three California Case Studies", National Research Council, Transportation Research Board
"Footfall Boodoo: Transition from Service Road to Access Guidelines", Institute of Traffic Engineers
"Homeland in our Care", Orange County Magazine
"BID To Change Downtown", The Register

Professional Appointments and Activities:
Orange County Transportation Commission Measure M Citizen Oversight Committee Member
City of Newport Beach Bicycle Trails Committee Past Chair
City of Newport Beach Historic Preservation Committee Past Member
Lecturer: Access Management on Arterial Service Roads, Transportation Research Board
Lecturer: Creating New Guidelines for Retail Development, La Verne Planning Committee
Lecturer: Specific Planning Process, Pacific Downtown Association
Workshop Leader: General Planning Process Workshop, City of Victorville Planning Commission
Workshop Leader: Affordable Housing and Community Re-Use, Capitola Housing Advisory Committee
Interim Community Development Director, City of Glenwood Terrace
Acting Community Development Director, City of Los Alamitos

Professional History:
Comprehensive Planning Services: President (1993 - current)
PHC Technologies: Senior Planner (1985 - 1993)
City of El Segundo: Planner/Planning Specialist (1980 - 1985)
City of Downey: Housing & Redevelopment Specialist (1981 - 1983)
U.S. Environmental Protection Agency: Public Information Specialist (1978 - 1979)

Henry K. Noh

Professional Experience
1/1/91-Present
Principal, Senior, Associate and Assistant Planner, City of Chino Hills

Presently responsible for planning projects, serving as "Assistant Planner" to "Principal Planner". Currrently, serve as Assistant Community Development Director - Development Services by assuming lead responsibility for the oversight of current and advanced planning projects; supervise, train, evaluate and advise in the development of two planning staff members; coordinate project administration and communication between the City Departments, other Agencies, the applicant and the public; and act on behalf of the Assistant Community Development Director - Development Services during absences.

As the City's Economic Development Planner I assist in attempting to attract various service-oriented retailers and restaurant to the City by marketing available sites. Also, I plan for and attend the various KSC conferences to represent and promote the City to the retail and development community.

As Project Manager of various significant development projects I have a major amount of interface with the Planning Commission, City Council, City Manager and major developers. As Project Manager I am in charge of ensuring the project to all necessary departments; administering the City's development standards, goals and policies; review all environmental impact reports; issue all land use permits and the general public; compile and deliver correspondence to the applicants; meet with the developers and staff to discuss and resolve various project issues, prepare formal presentations during entitlement and post entitlement, prepare reports for proposals for consultants, draft staff reports and make presentations to the City Council and Planning Commission. Some of the significant projects I have been the Project Manager of include:

The Shoppes at Chino Hills
Serving as Project Manager and working with the City Manager and Department Heads on a joint City/Developer development project called The Shoppes at Chino Hills, a 200,000-square-foot retail center located in the City's central business district. The Shoppes at Chino Hills is the largest and most complex project in the City's history, which involves the development of the City's permanent Civic Center, a upscale lifestyle retail/restauranteur space, a multi-family residential component, the relocation of the largest existing City Park and a number of Land Use and Zoning Changes. The total building area for the project is approximately 1 million square feet.

The Commons at Chino Hills
Project Manager of a 400,000-square-foot commercial office center located on approximately 40 acres. The proposed uses include The Commons include a Lowe's Home Improvement, various retail, restaurant, and hotel uses totaling approximately 500,000 square feet of building area.

Chino Hills Corporate Park
Project Manager of a 160,000-square-foot corporate office development located on approximately 10 acres. The project consists of four two-story office buildings totaling approximately 150,000 square feet of building area.

Five Corporate Center
Project Manager of a five-story corporate office building development on approximately 25 acres. The project consists of four two-story office and retail buildings totaling approximately 80,000 square feet of building area.

Highpoint at Chino Hills
Project Manager of an upscale gated hillside community of 125 single-family detached homes on approximately 150 acres.

Planning Consultant, The Consulting Group, Inc.
Met with planning staff from various municipalities to discuss zoning and design concerns regarding wireless communications facilities, met with our clients weekly to discuss the progress of our sites, researching and reviewing zoning ordinances of municipalities to ensure our developments met zoning requirements; preparing letters of responses to staff comments regarding developments; preparing project descriptions and justifications letters; taking photos of sites to show existing conditions and for photo simulations; preparing applications for permits; making presentations at public hearings.

Planning Intern, City of Fullerton
Answering questions on the telephone and at the public counter; reviewing rezoning applications; preparing land use plans for compliance with zoning code requirements; preparing plan check comments; preparing CEQA documents; assisting in the compliance process by creating a sign program map of all commercial and industrial centers within the city; taking pictures of various sites in the city for presentation purposes; generating graphics for the city's zoning code update; conducting surveys for the soil erosion and wetlands program; and other various activities requested by the Chief Planner and Planning Staff.

EDUCATION
12/1994-Current
California State University, Fullerton
Bachelor of Public Administration

California State Polytechnic University, Pomona
Bachelor of Science in Urban and Regional Planning
Response to Comment Set A.23: Goodin, MacBride, Squeri, Day & Lamprey, LLP

A.23-1 The Forest Service is aware of the City of Chino Hills’ interest in the Project and appreciates its participation in the Draft EIR/EIS process. The Forest Service is also aware of the residential nature of the proposed route for Segment 8A through Chino Hills. The Forest Service appreciates the City’s work to identify alternatives and commend its efforts to help the EIR/EIS preparers establish a reasonable range of alternatives for analysis.

A.23-2 The Draft EIR/EIS reflects the City’s input into the identification and analysis of a range of potentially feasible alternatives in that all four of the alternative routing concepts offered by the City were analyzed in complete detail in the Draft EIR/EIS. The Draft EIR/EIS includes a range of reasonable alternatives which were fully and adequately analyzed, and all data and information relevant to an analysis of alternatives under CEQA and NEPA were considered. The CPUC identified the environmentally superior alternative in the Draft EIR/EIS based on this analysis. The Forest Service was not involved in that decision.

A.23-3 The Forest Service commends the City’s efforts to solicit the input of interested parties in this process. The comments offered by Hills for Everyone (see Comment Set B.16) will be considered by federal decision-makers who are reviewing the Project. Although please note that the Forest Service has no jurisdiction over those portions of the Project not located on National Forest System lands.

A.23-4 Thank you. The Draft EIR/EIS have determined that Alternative 4C Modified would have substantially similar impacts to Alternative 4C. This determination was based on an investigation of Alternative 4C Modified conducted by the Draft EIR/EIS preparers, which included additional data collection and analysis. A description and analysis of Alternative 4C Modified was incorporated into the Final EIR prepared by the CPUC.

A.23-5 The Draft EIR/EIS complies with CEQA and NEPA and is adequate. Specific comments provided in the second section of this comment letter are responded to below. The selection of the environmentally superior alternative was based on the analysis of environmental impacts in the Draft EIR/EIS.

A.23-6 Thank you. Please note that the comment period for the Draft EIR/EIS ended on April 6, 2009, and that the comment period was not extended beyond that date.

A.23-7 Thank you for your opinions regarding Alternative 4C. The Forest Service is aware that Alternative 4C is the City’s preferred alternative. As indicated in the comment, Hills for Everyone submitted a letter (Comment Set B.16) supportive of the City’s Modified Alternative 4C.

A.23-8 Thank you for the description of the City’s Modified Alternative 4C.

A.23-9 Thank you for your comments regarding the City’s identification of potential benefits associated with the modified Alternative 4C. Please see the comparison table (with updates) presented in the response to Comment A.23-12 regarding the potential benefits of Alternatives 4C verses 4C Modified. Please note that the potential benefits identified in the comment would result from relocation of the switching station and existing 500/220-kV lines compared to Alternative 4C, not from reduction of an impact created by the proposed Project (Alternative 2). Federal agencies are not required to consider every potential alternative;
however, they are responsible for developing a range of reasonable alternatives, which are discussed in the Draft EIR/EIS.

A.23-10 The responsibility for determining whether amendments to the Chino Hills State Park General Plan are necessary to allow implementation of Alternative 4C or any other alternative that traverses a portion of Chino Hills State Park belongs to the California Park and Recreation Commission. The Park and Recreation Commission did not submit a comment letter on the Draft EIR/EIS; however, the California Department of Parks and Recreation, which is responsible for administering the Chino Hills State Park General Plan, submitted a letter (Comment Set A.13) stating that an amendment to the General Plan would be required to allow the implementation of Alternative 4A, 4B, 4C, or 4D. Based on this input, the Forest Service and CPUC assume that a General Plan amendment would be needed to implement Modified Alternative 4C.

A.23-11 Although unlikely, the possible presence of munitions and explosives of concern (MEC) along Alternative 4C has not been ruled out. Mitigation Measure E-6 requires ordnance recognition training to reduce this impact.

A.23-12 Thank you for your comparison information. Your comments will be shared with federal decision-makers who are reviewing the Project. This comment specifically addresses the adequacy of CEQA analysis, which is not an appropriate discussion in an EIS. Additionally, this comment involves an area outside of the boundaries of the federal jurisdictions involved in preparing this EIS. A full response to this comment can be found in the Final EIR prepared by the CPUC which has jurisdiction over those portions of the Project that are not located on federal lands.

A.23-13 The Draft EIR/EIS provides a complete and adequate analysis of the proposed Project and the alternatives, and is fully compliant with all NEPA (and CEQA) requirements. The Draft EIR/EIS provides substantial evidence to support all conclusions and provides a comprehensive and detailed description of impacts.

The Draft EIR/EIS provides all required information related to the objectives of the Project, the description of the Project as proposed by SCE, descriptions of a reasonable range of feasible alternatives, descriptions of existing environmental conditions, and descriptions of direct, indirect, cumulative, and growth-inducing effects on the environment, as well as mitigation measures to reduce adverse effects. This comment fails to mention what type of information relevant to NEPA and CEQA analysis is not presented in the Draft EIR/EIS, nor does it indicate what feasible mitigation is not included in the Draft EIR/EIS. Please see General Response GR-8 regarding the placement of a 500-kV transmission line in a 150-foot ROW.

A.23-14 The Draft EIR/EIS presents a comprehensive description of existing environmental conditions in the vicinity of the proposed Project and alternatives. Section 3.9.2 (Land Use - Affected Environment) describes existing land uses within one-half mile of the Project’s ROW. Existing land uses and General Plan land use designations in the South Region (which includes Chino Hills) are shown in Figure 3.9-4i (located in the TRTP Map and Figures Series Volume) and summarized in Table 3.9-12, Land Uses: South Region. The description of “baseline” conditions in Section 3.9 (Land Use) is appropriate for the purposes of the impact analysis. Please also see the response to Comment A.23-98.
Under SCE’s Easement Policy (Rev. 1, July 7, 2008), it is stated that “Buildings and other permanent structures, both above ground and underground are prohibited within SCE’s ROWs. Examples of permanent structures are pipelines, concrete slabs [i.e., parking lot], foundations, vaults, decks, detention basins, pools, and anything else that is not portable and easily moveable.” In SCE’s Secondary Land Use Policy, it states that SCE “will permit secondary uses of its transmission rights-of-way only when these secondary land uses do not conflict with current or projected first priority use, as determined by the company’s Transmission and Distribution Business Unit (TDBU). Such uses will be low intensity in nature….Other possible low-intensity projects include short-term or overflow parking lots or equestrian stables. Since these are not the preferred uses, SCE will not actively pursue these uses but will consider them on a case-by-case basis.” Previously existing land uses, such as parking lots, that may conflict with SCE’s Secondary Land Use Policy and Transmission Line Right of Way Requirements will be reviewed by SCE on a case-by-case basis. It should be noted that SCE is currently working towards a system-wide policy regarding land uses under 500-kV T/Ls; however, this policy is not yet in place.

Please see the response to Comment A.23-23 regarding (1) the level of detail of construction information, with respect to marshalling and material storage yards and pulling/splicing locations, and (2) sufficiency of 150-foot ROW for construction.

Please see General Response GR-9 regarding the contribution of funds as mitigation under CEQA. The Forest Service does not have authority to impose mitigation for those portions of the Project that are not located on National Forest System lands.

The 21st Century Green Partnership, of which the City is a part, announced its Mitigation and Cost Recovery Plan (Plan) in August 2008. The Plan has four components – Bio-Corridor Expansion, View Shed Enhancements, Habitat Enhancements, and Operational Enhancements – which are each described in Section 5.3.4 of the Draft EIR/EIS and have been updated to reflect the most current description of the Plan per the supplemental information provided by legal counsel for the City of Chino Hills (Goodin, MacBride, Squeri, Day & Lamprey, LLP) on August 12, 2009, in response to a data request from the CPUC. Changes to the proposed Plan include elimination of the proposed reconstruction of park entrance facilities (guard shack, gate improvements, installation of an informational kiosk and message board), elimination of the proposed construction of a wildlife crossing under State Route 71, and a reduction in the number and miles of existing transmission lines to be removed.

The introduction to the Plan states that the Plan provides “benefits from an environmental as well as user perspective” and “focuses on areas we believe to be important to the State.” However, the Plan does not indicate what significant impacts would be mitigated by the Plan. The Plan also states that the funding source for the Plan is the CPUC’s low cost/no cost policy for reduction of electric and magnetic fields (EMF), which provides that up to four percent of a transmission project’s cost can be used to incorporate measures into the design of the project to reduce EMF levels. The fact that the proposed funding for the Plan would be generated from the CPUC’s low cost/no cost EMF reduction policy, indicates that the Plan is intended to reduce EMF levels. However, none of the four components of the Plan would affect EMF generation. Further, the CPUC’s low cost/no cost EMF reduction policy is not intended to generate funds for mitigation, but rather is a directive to the electrical utility to incorporate design measures into the project to reduce the amount of EMF that is generated.
Some of these design measures can be incorporated at no additional cost, hence the “no cost” aspect of the CPUC’s policy.

As the comment indicates, the Draft EIR/EIS already includes mitigation measures that would mitigate impacts through off-site restoration or improvements. Therefore, there is no requirement to consider additional means of mitigation.

Furthermore, mitigation, as defined by NEPA, is intended to avoid, minimize, rectify, reduce, or compensate for the adverse effects of a project. In accordance with Supreme Court rulings (Nollan v. California Coastal Commission (1987) 483 U.S. 825), there must be an essential nexus between an impact and the measures proposed to mitigate the impact. Therefore, before mitigation can be formulated, an adverse impact requiring mitigation must be identified. After a specific adverse impact has been identified that would be caused by the proposed project, mitigation measures addressing that impact can be developed. The concept behind this is that a project should only be responsible for mitigating the impacts it generates and can only be required to mitigate its fair share of those impacts.

As indicated above, the proposed Mitigation and Cost Recovery Plan does not reduce EMF levels, even though this seems to be the Plan’s intended purpose, and it also does not mitigate any of the adverse impacts of the Project identified in the Draft EIR/EIS that are not already reduced by mitigation identified in the Draft EIR/EIS. Therefore, the Plan fails to establish a nexus between Project impacts and the mitigation outlined in the Plan. The Plan also makes no attempt to establish that the Plan’s proposed $50 million in mitigation funds is an appropriate amount that is “roughly proportional” to the impacts of the Project. By contrast, Mitigation Measures B-1 or V-3b set forth practical and feasible means to reduce identified impacts and are proportional to the magnitude of the Project’s impact.

As noted above, the Plan has four components – Bio-Corridor Expansion, View Shed Enhancements, Habitat Enhancements, and Operational Enhancements. Based on the supplemental information provided by legal counsel for the City of Chino Hills (Goodin, MacBride, Squeri, Day & Lamprey, LLP) on August 12, 2009, in response to a data request from the CPUC, these elements are described below.

**Bio-Corridor Expansion**

*CHSP Land Acquisition.* 21st Century proposes the acquisition of undeveloped land adjacent to the boundaries of CHSP in order to expand the CHSP and provide connectivity to natural habitat areas in nearby Prado Basin. The City of Chino Hills has identified certain undeveloped parcels of land east of CHSP and within Carbon Canyon totaling approximately 2,500 acres that would be acquired for CHSP expansion under 21st Century’s proposal. The City of Chino Hills has offered to provide assistance to the CHSP with the acquisition of these properties.

**View-Shed Enhancements**

*Removal of Existing Transmission Lines in CHSP.* 21st Century proposes the removal of certain existing transmission lines that currently traverse CHSP. According to 21st Century, staff from the City of Chino Hills worked with SCE to identify transmission facilities that are either no longer in use and can be dismantled and removed from CHSP or could be relocated in order to improve the view sheds within CHSP. 21st Century has indicated that there are
currently 4.6 miles of de-energized 115-kV line (CEP “O” line - eastern portion, 2.4 miles; western portion, 2.2 miles) and 2.4 miles of de-energized single-circuit 220-kV line within CHSP that could be considered for removal. SCE is already committed to removing these de-energized existing transmission lines within CHSP irrespective of the 21st Century proposal as part of an unrelated agreement between Hills for Everyone and SCE (see additional discussion below).

21st Century has also proposed that the transmission lines that remain in CHSP be relocated away from ridgelines and other prominent areas to improve views within CHSP. 21st Century proposes that the removal and relocation plan be reviewed and approved by the Department of Parks and Recreation and made a part of the CPUC’s approval of the TRTP.

Please note that Alternatives 4C and 4C Modified include the relocation of certain existing 220-kV and 500-kV transmission lines within CHSP, including the relocation of a portion of an existing 220-kV line to an alignment outside the CHSP boundary.

**Habitat Enhancements**

**Habitat Restoration in CHSP.** 21st Century has proposed a habitat restoration program that is intended to target and rank areas within CHSP for restoration based on several criteria, including:

- Location relative to core habitat;
- Location relative to bio-corridors;
- Existing condition of habitat;
- Presence of target species indicating viability of the site; and
- Potential to support special-status species.

Areas within the three bio-corridors that meet the criteria would be buffered 300 feet to delineate approximate restoration areas. According to 21st Century, the 300-foot buffer is based upon functional assessment standards that consider an aquatic feature with a 300-foot buffer of native habitat as high functioning.

21st Century has identified three potential habitat restoration areas with CHSP:

- Water Canyon - totaling approximately 14 acres, including 4 acres of riparian habitat and 10 acres of sage scrub habitat;
- Brush Canyon - totaling approximately 7 acres, including 1 acre of riparian habitat and 6 acres of sage scrub habitat; and
- Lower Aliso Canyon - totaling approximately 39 acres, including 8 acres of riparian habitat and 31 acres of sage scrub habitat.

The restoration proposed by 21st Century would include eradication of invasive plant species, such as mustard, thistle and tamarisk, and the supplemental planting of riparian oak woodland and cottonwood willow riparian species within and adjacent to the canyon bottoms. 21st Century also proposes supplemental planting of scrub species and native grass species in adjacent upland areas that currently support non-native grassland. In addition, the 21st Century proposal includes funding for monitoring and maintenance of the restoration areas for a period of ten years. The City of Chino Hills has indicated that it would seek to establish a partnership with California Polytechnic State University, Pomona, to help monitor the success of the restoration areas and provide oversight of maintenance and management activities. The
intent of this partnership is to provide a long-term educational and research opportunity that would also serve to reduce initial and ongoing maintenance costs for the restoration project.

Operational Enhancements

Fund for New Personnel. 21st Century also proposes creating a fund for ongoing operational expenses to establish an endowed program to hire one environmental scientist and one ranger. These staff positions would monitor the impacts of SCE TRTP construction activities, create and monitor the proposed restoration mitigation, and manage new lands to be acquired through the bio-corridor expansion program.

Two elements of the Plan – Bio-Corridor Expansion and Habitat Enhancements – address biological resources. These elements of the Plan are not appropriate mitigation for the impacts of Alternative 4 because they do not reduce any impacts of either the Proposed Project or Alternative 4 as defined under the applicable thresholds of significance. All of Alternative 4’s significant impacts to biological resources, including impacts from habitat disturbance to annual grasslands and limited riparian areas, runoff and erosion from access and spur roads, and disturbance to sensitive wildlife during construction (e.g., least Bell’s vireo) would be mitigated to the extent feasible with implementation of the mitigation measures proposed in Chapter 3.4 of the EIR/EIS, with the exception of cumulative impacts. The following mitigation measures would be implemented to reduce biological resource impacts to a less-than-significant level:

- AQ-1a (Implement Construction Fugitive Dust Control Plan)
- B-1a (Provide restoration/compensation for impacts to native vegetation communities)
- B-1b (Implement a Worker Environmental Awareness Program)
- B-1c (Treat cut tree stumps with Sporax)
- B-2 (Implement RCA Treatment Plan)
- B-3a (Prepare and implement a Weed Control Plan)
- B-3b (Remove weed seed sources from construction access routes)
- B-3c (Remove weed seed sources from assembly yards, staging areas, tower pads, pull sites, landing zones, and spur roads)
- B-5 (Conduct protocol or focused surveys for listed riparian birds and avoid occupied habitat)
- B-7 (Conduct preconstruction surveys for State and federally Threatened, Endangered, Proposed, Petitioned, and Candidate plants and avoid any located occurrences of listed plants)
- B-8a (Conduct protocol surveys for California red-legged frogs and implement avoidance measures)
- B-8b (Conduct biological monitoring)
- B-9 (Conduct protocol surveys for arroyo toads and implement avoidance measures in occupied areas)
- B-10 (Conduct presence or absence surveys for desert tortoise and implement avoidance measures)
- B-12 (Implement avoidance and minimization measures for Santa Ana sucker and other aquatic organisms)
- B-14 (Monitor construction in condor habitat and remove trash and micro-trash from the work area daily)
- B-15 (Conduct protocol surveys for listed riparian birds and avoid occupied habitat)
- B-16 (Conduct protocol or focused surveys for coastal California gnatcatchers and implement avoidance measures)
- B-17 (Preserve off-site habitat and/or habitat restoration for the coastal California gnatcatcher)
- B-18a (Conduct pre-construction surveys for Swainson’s hawks)
- B-18b (Removal of nest trees for Swainson’s hawks)
- B-19 (Compensate for loss of foraging habitat for Swainson’s hawks)
- B-22a (Conduct protocol surveys for Mohave ground squirrels)
- B-22b (Implement construction monitoring for Mohave ground squirrels)
- B-22c (Preserve off-site habitat for the Mohave ground squirrel)
- B-23 (Preserve offsite habitat/management of existing populations of special-status plants)
- B-24 (Conduct focused presence/absence surveys for southwestern pond turtle and implement monitoring, avoidance, and minimization measures)
- B-25 (Conduct focused surveys for the two-striped garter snake and south coast garter snake and implement monitoring, avoidance, and minimization measures)
- B-26 (Conduct focused surveys for coast range newt and implement monitoring, avoidance, and minimization measures)
- B-27 (Monitoring, avoidance, and minimization measures for special-status terrestrial herpetofauna)
- B-29 (Implement CDFG protocol for burrowing owls)
- B-30 (Conduct pre- and during construction nest surveys for spotted owl)
- B-33a (Maternity colony or hibernaculum surveys for roosting bats)
- B-33b (Provision of substitute roosting bat habitat)
- B-33c (Exclude bats prior to demolition of roosts)
- B-36 (Conduct focused surveys for San Diego desert woodrats and passively relocate)
- B-37 (Conduct focused surveys for ringtail and passively relocate during the non-breeding season)
- B-38 (Conduct focused surveys for American badger and passively relocate during the non-breeding season)
- H-1a (Implement an Erosion Control Plan and demonstrate compliance with water quality permits)
- H-1b (Dry weather construction)

Additional mitigation introduced by the 21st Century Plan is not required to mitigate Project effects to biological resources, as these impacts have been adequately reduced. Furthermore, the 21st Century Plan would not reduce Alternative 4’s contribution to cumulative biological impacts. If analyzed separately, the impacts associated with re-routed portion of Alternative 4 would not necessarily constitute a cumulatively significant impact. However, for the purposes of CEQA and NEPA, the impacts of the entire Project must be considered during the evaluation of cumulative impacts, such that the impacts associated with re-routed portion of Alternative 4 would be considered cumulatively adverse and unavoidable.

One element of the Plan is the removal of existing de-energized transmission lines within CHSP. However, SCE is already committed to removing these de-energized existing transmission lines within CHSP as part of an unrelated agreement. SCE originally committed to removing these lines in 1982 as part of an agreement between Hills for Everyone and SCE
described in a letter dated April 7, 1982, from William Elston (Attorney for SCE) to Claire Schlotterbeck (Hills for Everyone) in response to CPUC Decision D.82-07-9319. SCE confirmed this in a letter from Leslie Starck to Ruth Coleman, dated January 27, 2009, (see Appendix H, Comment Letter A.23, Exhibit A) and clarified the scope and timing of this commitment in a letter from Susan Nelson (SCE) to John Boccio (CPUC), dated September 4, 2009 (see Appendix H, Comment Letter A.23, Exhibit B). Since the removal of these existing de-energized lines will take place irrespective of the 21st Century proposal, the question of whether this element of the proposal would constitute a proper mitigation for any of the impacts identified under Alternative 4 is moot and need not be considered further.

A further element of the Plan includes an endowment to hire an environmental scientist and a ranger. A contribution of funds to unspecified future programs, improvements, or actions is not appropriate mitigation. See General Response GR-9 for additional explanation.

The Plan, as originally proposed, would have included the creation of a wildlife crossing under State Route 71. Per Chino Hills’ August 12, 2009, Data Response, this element is no longer proposed as part of the Plan. Similarly, Chino Hills has removed the construction of a new entrance gate at the north entrance of the Park from the Plan.

Finally, compensatory benefits unrelated to project benefits are outside the scope of NEPA. NEPA simply does not require project proponents to provide or pay for compensation unrelated to project impacts.

A.23-16 This comment involves an area outside of the boundaries of federal jurisdictions involved in preparing this EIS. A full response to this comment can be found in the Final EIR prepared by the CPUC who has jurisdiction over the subject area of discussion in this comment.

A.23-17 The comment does not contain specifics as to what technical analysis is allegedly deferred. All impacts of the proposed Project to archaeology, noise, and traffic are adequately addressed in the EIR/EIS and appropriate mitigation has been presented. Without further information, it is not possible to respond to the comment’s specific concerns.

A.23-18 The Draft EIR/EIS visual assessment is a comprehensive analysis of expected visual effects throughout the more than 185-mile extent of the proposed Project and its alternative routes. As described in Section 3.14.4.3, Impact Assessment Methodology, “From thousands of potential viewpoints, and in consultation with Forest Service and CPUC personnel, 53 locations were selected as KOPs for detailed analysis of the proposed Project, and seven additional KOPs were selected for detailed analysis of the Alternatives 3 through 7.” As explained in Section 3.14.2.1, “From all Possible KOPs, the most critical were selected as KOPs for analysis, based on their ability to exemplify visual resource impacts at a particular location. KOPs that were analyzed are representative of visual resource impacts to a particular landscape unit.” Because photographs were taken of existing landscape conditions, these photographs are accurate depictions of the environment in which the transmission lines would be sited. Photographs and simulations of Alternative 4 (Options A, B, C, and D) in and/or near Chino Hills State Park accurately depict the visual effects of placing new structures in the Park and/or removing/relocating existing structures in the Park.

Thank you and for providing additional simulations, which seem to illustrate the same visual effects that are adequately illustrated in Draft EIR/EIS Figures 3.14-48a/b, 3.14-49a/b, and 3.14-50a/b: namely, that proposed new transmission line structures would be taller and more
visually evident than existing transmission line structures. Additionally, existing condition photographs and simulations were provided in Chino Hills for Alternatives 4 and 5 (see Figure 3.14-58a/b/c/d, Figure 3/14-59a/b, Figure 3/14-60a/b/c/d/e, Figure 3/14-61a/b/c, Figure 3/14-62a/b, and Figure 3/14-63a/b).

A.23-19 The December 2008 letter from DTSC to City of Chino Hills was reviewed and incorporated into the EIR. Although the existence of munitions and explosives of concern (MEC) cannot be confirmed, the potential for these hazards results in a significant impact under CEQA. Therefore, Mitigation Measure E-6 was developed to require munitions recognition training for onsite workers to address the safety concern due to the “remote or unlikely potential” for munitions along Route C and D.

A.23-20 With regard to Alternative 4, the commenter states that “the consolidation of transmission lines into a shared corridor through the park, the removal of an existing network of transmission lines within the CHSP, and the relocation of some ridge top transmission lines could actually reduce the existing impediments to ground and aerial firefighter operations [Impact F-2] if Alternative 4 is implemented.” However, the commenter misrepresents the degree of consolidation of transmission lines in CHSP that would result from the construction of Alternative 4 compared to the proposed Project. The commenter is referred to Revised Figures 2.4-1 through 2.4-4, which depict the four Alternative 4 routing options. While Alternative 4C (Revised Figure 2.4-3) would remove existing transmission lines and consolidate existing and proposed lines, it would consolidate these lines into a new corridor, which would result in no net benefit to firefighting operations. The changes that would result from Alternative 4C would effectively shift the “network of transmission lines” a few miles north, but would not consolidate the lines into fewer numbers of corridors on the landscape.

Alternatives 4A and 4B (Revised Figures 2.4-1 and 2.4-2) would also consolidate existing and proposed lines, as would the proposed Project, which would replace a single-circuit line with a double-circuit line in an existing ROW. The superiority of the proposed Project compared to Alternatives 4A, B, and C, with regard to impacts associated with Criterion FIRE 1, is in its placement of a shorter length of new transmission line through the high-risk Tehachapi Fireshed and in its replacement of a single-circuit line with a double-circuit line rather than the addition of an additional set of towers to the landscape in a widened corridor. Alternative 4D (Revised Figure 2.4-4) would not consolidate transmission lines and would place towers in a new corridor, creating an increased burden on firefighting operations relative to Alternatives 4A thorough 4C and to the proposed Project. In addition, a review of aerial photographs reveals that Alternative 4C would relocate ridgetop transmission lines to alternative ridgetops, resulting in no net benefit to firefighting operations. Therefore, Alternative 4 would not reduce existing impediments to ground and aerial firefighting operations as the commenter suggests. Figures 2.4-1 through 2.4-4 have been revised to show that the Segment 8A portion of the proposed Project follows an existing transmission line.

Commenting on the portion of Segment 8A of the proposed Project that passes through residential areas in the City of Chino Hills, the commenter states that “the addition of new transmission lines into this corridor will likely result in additional fire starts.” The proposed Project along this segment would replace an existing set of single-circuit towers with a set of double-circuit towers. Therefore, the likelihood of ignitions would not be increased as long as sufficient vegetation management is carried out and inspections are adequate. As noted in
Section 3.16.6.1 of the Draft EIR/EIS under Impact F-2, transmission line component failures can result in wildfire ignitions if maintenance or inspections are inadequate. However, the risk of ignitions (and therefore the risk of damage from Project-related ignitions) would be substantially reduced through implementation of adequate line clearances in compliance with GO95 Rule 35, and by performing adequate inspections to detect imminent component failures in compliance with GO 95 Rule 31.2.

In addition, line faults can be caused by such unpredictable events as conductor contact by floating debris, gun shots, and helicopter collisions. Although there is no mitigation to eliminate the potential occurrence of these unpredictable events, the rate of occurrence of these events would not be increased by the addition of a second circuit in the existing ROW. Floating debris that can cause sparking from a transmission line, such as kites and balloons, are only marginally more likely to become entangled in and create sparks from a double-circuit line than a single-circuit line; vandals shooting at insulators would be marginally less likely to cause sparking from a taller, double-circuit line than a shorter single-circuit line because the insulators would be farther away from the shooter; and finally, helicopter collisions that cause sparking from a transmission line would be marginally more likely to occur with taller structures. Therefore, the addition of a second conductor in the existing ROW would not be likely to result in additional fire starts as stated by the commenter. Once operational, the potential for wildfire ignitions as a result of the presence of a transmission line would persist, but would not be increased.

Commenting on the portion of Segment 8A of the proposed Project that passes through a residential area of the City of Chino Hills, the commenter states “the width of the transmission ROW is a critical factor in those areas where the transmission lines run adjacent to development or other obstructions. Absent sufficient distance between the towers and the homes, which will not be present, firefighting options are extremely limited as aerial operations are curtailed due to the lack of space to maneuver the helicopters and there is little, if any, opportunity for ground firefighting resources to maintain a safe distance from the transmission lines and hazards associated with them during firefighting operations.” However, the comment does not consider the fact that no additional ROW width will be required to accommodate the proposed Project along this segment.

The proposed Project along Segment 8A between MP 19.2 (the point at which Alternative 4 diverges from the proposed Project) and MP 23.2 (the limit of the Tehachapi Fireshed, or the high-risk project area) would replace the existing towers with a single set of double-circuit towers within the existing ROW. Please refer to Figures 2.2-40 and 2.2-41 for a visual representation of the proposed changes.

A.23-21 As discussed in General Response GR-1, a reasonable range of alternatives has been considered as part of the Draft EIR/EIS. These alternatives have been developed to reduce adverse environmental effects associated with SCE’s proposed Project and feasible mitigation measures have been developed for all alternatives, including SCE’s proposed Project, to reduce impacts to the extent feasible.

As discussed in Section 4.2 (Comparison of Alternatives) and shown in Tables 4.2-1 and 4.2-2, different alternatives may be clearly superior for certain environmental resource/issue areas, while for other areas, there may be only slight differences making the superiority of one alternative over another difficult to ascertain. Under NEPA, the Forest Service is not
required to identify a superior alternative, although the CPUC was required to do so pursuant to CEQA.

To provide for a more detailed comparison of the alternatives, the Draft EIR/EIS presents two tables summarizing and comparing the various alternatives as required by CEQA and NEPA. In Table 4.2-1, each alternative is compared to SCE’s proposed Project (Alternative 2) by environmental issue effectively ranking the alternatives. Similarly, Table 4.2-2 provides an overall summary comparison of each alternative by issue area to allow for direct comparison of the alternatives. This information, as well as the discussions provided in Chapter 3 (Affected Environment and Environmental Consequences) and summarized in Section 4.2 (Comparison of Alternatives) is then synthesized and used as the basis to formulate the discussion of the environmentally superior alternative which was included in the Final EIR and considered by the CPUC.

As described in Chapter 2 of the Draft EIR/EIS, as part of each alternative (if approved) the Forest Service would issue a 50-year term Special Use authorization and various 2005 Forest Plan amendments would be required. These would be approved as part of the Forest Service’s Record of Decision (ROD) on the Project. As such, they are considered part of the Project and do not result in adverse impacts. Unlike these amendments and permits, the amendment to the CHSP General Plan required as part of Alternative 4 is not part of the Project and the State Park and Recreation Commission has no obligation to approve such an amendment.

As discussed above, a comparison of the alternatives is provided in Tables 4.2-1 and 4.2-2. The Draft EIR/EIS has been structured to consider SCE’s proposed Project as an alternative (Alternative 2), as is commonly done under NEPA. The environmentally superior alternative was included in the Final EIR and considered by the CPUC.

A.23-22 The reference letter to Anne Dutrey from SCE is specifically concerning a new project (Chino Hills Community Center) and requests approval from SCE to use a portion of the SCE easement ROW as part of the project’s design for a new parking area. SCE stated that “[i]n the event the decision is to have the 500kV line through this site no parking will be allowed.” This does not mean that parking lots currently existing within the ROW, which will be utilized for TRTP, would no longer be allowed.

Under SCE’s Easement Policy (Rev. 1, July 7, 2008), it is stated that “Buildings and other permanent structures, both above ground and underground are prohibited within SCE’s ROW’s. Examples of permanent structures are pipelines, concrete slabs [i.e., parking lot], foundations, vaults, decks, detention basins, pools, and anything else that is not portable and easily moveable.” In SCE’s Secondary Land Use Policy, it states that SCE “will permit secondary uses of its transmission rights-of-way only when these secondary land uses do not conflict with current or projected first priority use, as determined by the company’s Transmission and Distribution Business Unit (TDBU). Such uses will be low intensity in nature…. Other possible low-intensity projects include short-term or overflow parking lots or equestrian stables. Since these are not the preferred uses, SCE will not actively pursue these uses but will consider them on a case-by-case basis.” Previously existing land uses, such as parking lots, that may conflict with SCE’s Secondary Land Use Policy and Transmission Line
Right of Way Requirements will be reviewed by SCE on a case-by-case basis. It should be noted that SCE is currently working towards a system-wide policy regarding land uses under 500-kV T/Ls; however, this policy is yet in place.

Therefore, as stated in the Draft EIR/EIS, SCE’s proposed Project (Alternative 2) would not require the removal or relocation of any business uses.

A.23-23 A portion of this comment addresses requirements under CEQA and, therefore, is not applicable to the Forest Service’s obligations under NEPA. However, the CPUC provided a response to this comment in the Final EIR and that response is reproduced below.

As noted in the comment, construction of Segment 8 would require expanded ROW at certain locations and staging areas. The locations of expanded ROW are identified within Table 2.2-1 of the Draft EIR/EIS. No ROW expansion is required within the City of Chino Hills. Furthermore, based on the detailed Road Stories, which were prepared and submitted by SCE with its applications to the CPUC and Forest Service (available upon request to SCE), and which were updated in August 2008 (Segment 8), staging areas within the City of Chino Hills would be located within the existing ROW and any not located in the existing ROW would be in areas where no condemnation of structures/homes would be required (i.e., undeveloped/open areas).

While the precise locations of Project components were not detailed in the Draft EIR/EIS, preliminary locations of structures and construction areas (laydown, pulling/splicing, marshalling yards, etc.) were detailed in the Road Stories. These details were acknowledged and used in the EIR/EIS to develop the description of the Project and conduct the impact analysis. As such, adequate detail was available to allow the characterization of impacts, the determination of impact significance, and the need for mitigation as required under CEQA and NEPA.

As detailed in Data Request Set TRTP Chino Hills-07, two potential conductor stringing sites have been identified along the route within the boundary of the City of Chino Hills. The approximate locations of the conductor stringing sites are identified as follows: (1) S8A MP 21.3 - on existing ROW between Esquilime Drive and Canyon Hills Road, and (2) S8A MP 23.7 - on existing ROW south of the intersection of Chino Hills Parkway and Eucalyptus Avenue (Note: Milepost information obtained from Draft EIR/EIS Figure 2.2-1x). The final location of the conductor stringing sites will depend on the final alignment of the CPUC approved project, final engineering, and the selection of appropriate construction methods by SCE’s Construction Contractor. SCE’s response to Chino Hills’ Data Request Set TRTP Chino Hills-07 (Question #11) also provides a detailed explanation of conductor stringing locations and the activities associated with these locations. This information has been reproduced below for completeness.

Please see the response to Comment A.18-6 for additional discussion on the adequacy of the level of detail presented in the Draft EIR/EIS. Please also refer to General Response GR-8 regarding use of and construction within the existing 150-foot ROW through Chino Hills.

Excerpt from Data Request Set TRTP Chino Hills-07, Question #11:

Conductor Stringing Locations:
The dimensions of the area needed for the conductor stringing set-ups associated with conductor installation are variable and depends upon terrain. On average, pulling equipment set-up sites require an area of 150 feet by 300 feet, tensioning equipment set-up sites require an area of 150 feet by 500 feet, and splicing sites are typically 100 feet by 100 feet; however, crews can work from within a slightly smaller areas when space is limited. These set-up site locations require level areas to allow for maneuvering and positioning of the equipment. When possible, these locations would be sited on existing level areas and existing roads to minimize the need for grading and cleanup. Any conductor stringing set-up site locations, or portions thereof, which would be located outside of the established utility corridor, would be authorized under a Temporary Entry Permit with the property owner.

Each conductor stringing location would include one puller positioned at one end and one tensioner and conductor reel stand truck positioned at the other end. Specialized support equipment such as skidders and conductor crimping equipment would be strategically positioned to support the operations. The splicing set-up locations would be used to remove temporary pulling splices and install permanent splices once the conductor is strung through the rollers located on each transmission structure, and are necessary as standard permanent splices that join the conductor together cannot travel through the rollers. For stringing equipment that cannot be positioned at either side of a dead-end transmission tower, field snubs (i.e., anchoring and dead-end hardware) would be temporarily installed to sag conductor to the correct tension.

The puller, tensioner, and splicing set-up locations associated with the TRTP would be temporary uses during construction, and the land would be restored to its previous condition following completion of pulling and splicing activities. It is anticipated that the same locations for installation of the 500-kV lines would be used for removal of existing transmission lines.

Conductor Stringing Activities:

Conductor stringing includes all activities associated with the removal of existing conductors during the demolition and removal of the existing facilities, and the installation of new conductors onto the new transmission structures.

For the removal of the existing conductors, a 3/8-inch pulling cable would be used to replace the existing conductor as it is pulled out, thereby allowing complete control of the conductor during its removal. The 3/8-inch line would then be removed under controlled conditions to minimize ground disturbance. The old conductor would be wound onto “breakaway” reels as it is removed. The conductor would be transported to a marshalling yard where it would be prepared for recycling.

The installation of new conductors onto the new transmission structures consists of many activities. These activities include the installation of primary conductor and ground wire, vibration dampeners, weights, spacers, and suspension and dead-end hardware assemblies. Insulators and stringing sheaves (rollers or travelers) are attached as part of the conductor stringing activity; they are typically attached during the steel erection process. Conductor stringing activities would be conducted in accordance with SCE specifications, which is similar to process methods detailed in IEEE Standard 524-2003, Guide to the Installation of Overhead Transmission Line Conductors. A standard conductor stringing plan includes a sequenced program of events starting with determination of conductor pulls and conductor...
pull equipment set-up sites. Advanced planning by supervision determines circuit outages, pulling times, and safety protocols needed for ensuring that safe and quick installation of conductor is accomplished.

Typically, conductor pulls occur every 15,000 feet. Conductor splices typically occur every 7,500 feet. “Conductor pulls” are the length of any given continuous conductor installation process between two selected points along the line. Conductor pulls are selected, where possible, based on availability of dead-end structure at the ends of each pull, geometry of the line as affected by points of inflection, terrain, and suitability of stringing and splicing equipment setups. In some cases, it may be preferable to select an equipment setup sites between two suspension structures. Anchor rods would then be installed to provide dead-ending capability for conductor sagging purposes, and also to provide a convenient splicing area.

To ensure the safety of workers and the public, safety devices such as traveling grounds, guard structures, and radio-equipped public safety roving vehicles and linemen would be in place prior to the initiation of conductor stringing activities.

The following four steps describe the conductor installation activities proposed by SCE:

- **Step 1: Sock Line; Threading:** A helicopter would fly a lightweight sock line from tower to tower, which would be threaded through the conductor rollers in order to engage a cam-lock device that would secure the pulling sock in the roller. This threading process would continue between all towers through the rollers of a particular set of spans selected for a conductor pull.

- **Step 2: Pulling:** The sock line would be used to pull in the conductor pulling cable. The conductor pulling cable would be attached to the conductor using a special swivel joint to prevent damage to the conductor and to allow the conductor to rotate freely to prevent complications from twisting as the conductor unwinds off the reel. A piece of hardware known as a running board would be installed to properly feed the conductor into the roller; this device keeps the bundle conductor from wrapping during installation.

- **Step 3: Splicing, Sagging, and Dead-ending:** After the conductor is pulled in, all mid-span splicing would be performed. Once the splicing has been completed, the conductor would be sagged to proper tension and dead-ended to towers.

- **Step 4: Clipping-in, Spacers:** After conductor is dead-ended, the conductors would be attached to all tangent towers; a process called clipping in. Once this is complete, spacers would be attached between the bundled conductors of each phase to keep uniform separation between each conductor.

As noted above, the threading step of conductor installation would require helicopter use. On average, the helicopter would operate 4 hours per day during stringing operations. The operations area of the small helicopter would be limited to helicopter staging areas and designated positions along the utility corridor that may have previously been used for this purpose and/or are considered safe locations for landing. Final siting of staging areas for TRTP would be coordinated with the input of the helicopter contractor, the affected private landowners, and the land management agencies.
A.23-24 Please see the response to Comment A.23-23 regarding the adequacy of the information presented in the Draft EIR/EIS. Please also see General Response GR-8 for a discussion of the feasibility of constructing double-circuit 500-kV structures within the existing 150-foot ROW.

A.23-25 Please see the response to Comment A.23-23 regarding the adequacy of the information presented in the Draft EIR/EIS. Please also see General Response GR-8 for a discussion of the feasibility of constructing double-circuit 500-kV structures within the existing 150-foot ROW. Under SCE’s proposed Project (Alternative 2) no new ROW or expansion of existing ROW is required within the City of Chino Hills.

A.23-26 The information on confidence intervals in the Draft EIR/EIS reflects that due to the level of preliminary design that has been completed, the types of impacts can be well defined. The overall impacts of the proposed Project can be defined within the relatively narrow range of +/- 15 percent since the type and frequency of towers is known and the Project has gone through preliminary engineering. (Draft EIR/EIS, p. 2-2) Further, the Draft EIR/EIS provides details on the preliminary locations of structures and construction areas (laydown, pulling/splicing, marshalling yards, etc.) in the Road Stories. These details were acknowledged and used in the Draft EIR/EIS in developing the description of the Project and impact analysis. As such, adequate detail was available to allow the characterization of impacts, the determination of impact significance, and the need for mitigation as required under CEQA and NEPA. Please see the response to Comment A.18-6 for additional discussion on the adequacy of the level of detail presented in the Draft EIR/EIS.

A.23-27 This comment addresses requirements under CEQA and, therefore, is not applicable to the Forest Service’s obligations under NEPA. A full response to this comment can be found in the Final EIR prepared by the CPUC which has jurisdiction over those portions of the Project not located on federal land.

A.23-28 Please see the responses to Comments A.23-102 and A.23-103. Relevant provisions of the City of Chino Hills General Plan are analyzed in Section 3.9 of the Draft EIR/EIS.

A.23-29 Thank you for your comment. Specific comments on Biological Resources provided in this section of the comment letter are responded to below. If any comments result in revisions to the Air Quality section, changes will be shown in the Final EIR and Final EIS.

A.23-30 Comment noted. Appropriate revisions have been made to clarify that ozone is not included in the table.

A.23-31 To clarify, the 10-minute idling restriction is included as part of Applicant Proposed Measure AQ-4, which is proposed by SCE and considered part of the Project. In comparison, the 5-minute idling restriction is included as part of Mitigation Measure AQ-1g, which is required to reduce Project impacts and would be implemented to supplement APM AQ-4. There is no discrepancy and the suggested revisions have been made.

A.23-32 Substation construction emissions are included in the analysis. The substations are unmanned, but the general maintenance trips are included in the analysis. No new direct stationary emission sources (such as emergency engines) are forecast for the substations (other than new equipment SF6 leakage for GHG emissions). The indirect emissions are negligible and do not affect the qualitative analysis of reduced criteria emissions from the renewable power
transmitted by the proposed Project or the quantitative estimate for GHG emission reductions due to the transmitted renewable power. Suggested revisions have not been incorporated.

A.23-33 The helicopter staging areas, if unpaved, are included in the areas that require soil binder use (please see Mitigation Measure AQ-1a). This will control prop wash fugitive dust emissions. Additionally, there are no regulatory approved or recommended emission techniques for calculating these emissions. Outside of the ANF only small helicopters used during cable stringing will be used and paved helicopter staging areas, such as regional airports, will be more available than in the ANF. Suggested revisions have not been incorporated.

A.23-34 The use of large helicopters will only happen within the ANF where the staging areas will not be located near any fixed sensitive receptors. The small helicopters that will be used outside the ANF have limited idling emissions which would not occur at the same location as the other activities. The selection of the activities considered for review for the SCAQMD LST criteria comparison are those with the highest ground level emissions. Please also note that unlike other construction sites, with the exception of substation construction, the tower/pole construction will be limited to only a few days of active construction at each tower/pole site. Suggested revisions have not been incorporated.

A.23-35 Clarification was added to the Final EIR by referring back to Table 4-3, where a comparison shows the 50 meter values are not exceeded.

The 50 meter distance for the substation LST comparison is based on a determination that receptors are not located closer than 50 meters to the substations with major construction activities. The two substations with receptors within 100 meters, evaluated at 50 meters, are Gould and Mira Loma, where the LSTs for Gould (SRA 8) are lower than those for Mira Loma (SRA 33). The table does have a typo as the substation values are based on a 1-acre site not a 2-acre site. This typographical error has been corrected.

A.23-36 This comment as provided was incomplete. Therefore, the intent of the comment is not known and it could not be addressed.

A.23-37 The cumulative regional criteria impact for construction was noted as significant and unavoidable per CEQA on Page 6-13. There is no discrepancy and the suggested revisions have not been incorporated.

A.23-38 Comment noted. Typographical error was corrected by the CPUC in the Final EIR.

A.23-39 The actual projected difference in construction GHG emissions is not important as the construction GHG emissions are clearly shown to be miniscule in comparison with the GHG emission reductions that will occur as a result of the transmitted renewable power. Therefore, the finding of an overall beneficial GHG emission impact for the project does not change and it is not necessary to provide the overall minor differences in the project alternative GHG emission totals.

A.23-40 Please see the response to Comment A.23-39.

A.23-41 To clarify, Section 3.3 of the Draft EIR/EIS provides emission data for all alternatives including worst-case daily, where different from the proposed Project, and annual criteria pollutant emissions. In addition, Sections 5 through 11 of the Air Quality Specialist Report describe the anticipated construction and operational emissions associated with each Project alternative, including GHG emissions.
Also, please see the response to Comment A.23-45.

A.23-42 Table 13-1 was not intended to provide specific criteria, thresholds, or methods for evaluating mitigation effectiveness. It was meant to provide concepts by which such monitoring methods could be developed. The description and column headings have been changed to more accurately reflect this.

Also, this comment as provided was incomplete. Therefore, the full intent of the comment is not known and it could not be fully addressed.

A.23-43 The text noted by the commenter has been corrected to reflect the actual basis used in the analysis. A detailed analysis of unpaved road trip length was completed including determining the unpaved trip length for each tower site. The results of this analysis are shown in the emission spreadsheets where the unpaved trip length for each construction subtask is provided and range from zero for upgrades to paved substation sites to over 7 miles for construction segments within the ANF. Unpaved road lengths for workers of 0.1 miles are also assumed as part of unpaved parking area access/egress. The total unpaved road travel for Alternative 2 is estimated to be over 225,000 miles.

A.23-44 The SCAQMD on-road emission factors were updated in 2008 and that update was put into the spreadsheet but was inadvertently not linked properly, so the previous update of the SCAQMD on-road emission factors was used in the calculations. This error has been corrected; however, the associated increase of on-road emissions does not change the findings, which already note significant air quality impacts based on the regional emission criteria.

A.23-45 The number of hours of equipment use can be determined from the data presented, the format of which has been standardized in the Final EIS for consistency with the presentation provided for the off-road equipment emissions tables shown for Alternative 5.

A list of equipment, number of daily operating hours, and total number of days used in the calculations are provided in Appendix A.

A.23-46 There is no information presented that suggests the assumed round trip times, considering the round trip distance is maintained at less than 5 miles, is not reasonable. Considering the extremely high fuel consumption and other costs associated with using these large helicopters, they will be used as efficiently as possible. Additionally, the emission factors used for helicopters are very old and likely overestimate the emissions from current engines. Suggested revisions have not been incorporated.

A.23-47 Crawlers, where they are used to move soil, are included in the dozer estimate. Dozers that are not used to move soil, for example sagging dozers used for line installation, are not. The fugitive dust emissions from excavators and backhoes are included in the material loading/handling emission estimate. All fugitive dust sources that can be estimated have been considered in the emissions estimate. Suggested revisions have not been incorporated.

A.23-48 The soil binder effectiveness is a function of the application intensity and effective depth of the bound soil, where reapplication would be required when the unpaved road soils are no longer stabilized/bound. Additionally, while larger vehicles will increase the stress on the unpaved roads, the number of trips over any section of road will be much fewer than 6,780 and the number of days of travel significantly less than 339. An 84 percent efficiency is
reasonable given proper application of a durable soil binder and adequate monitoring during construction. Suggested revisions have not been incorporated.

A.23-49 Staging area acreage is actually included in the total disturbed area acreage estimate. It must be noted that the amount of disturbed acreage changes over time and that stabilization of the staging areas and other disturbed areas, after construction activities are complete, is required. Suggested revisions have not been incorporated.

A.23-50 The LST CEQA criteria are proposed for use only by the SCAQMD. Therefore, this analysis is limited to SCAQMD territory. For most project alternatives the fixed construction sites within SCAQMD territory located near receptors do not have significant earthmoving activities. Road construction/improvement would have fugitive dust emission activities (dozing/grading) but would occur over a half mile distance each day, so the impacts to a fixed receptor would be limited. For Alternative 4, the construction of new switchyard would occur at a fixed site and would include a substantial amount of earthmoving activities; however, as noted the distance to the nearest receptor is far enough that the construction emissions would remain below the applicable LST criteria. Due to the rapid increase in the LST thresholds with distance, the activities that could occur closest to receptors were the only ones that were found to potentially exceed these criteria.

A.23-51 Please see the response to Comment A.23-45.

A.23-52 Some of the mitigation measures noted by the commenter are statutory requirement under specific circumstances, but not necessarily for the type of equipment or activities being used or completed for the construction of the proposed TRTP. Additionally, while there are fugitive dust control plan requirements, they are specific to each jurisdiction and would not include the linear tower/pole construction sites, and would only include certain large substation construction work, while the mitigation measures were designed to cover the entirety of the project. Other mitigation measures noted by the commenter, such as the on- and off-road equipment measures, do not apply to any specific piece of equipment being used at a given construction site associated with the proposed TRTP. An effort was made to not duplicate regulatory measures in the mitigation measures. For example, the requirement to use 15 ppm sulfur diesel fuel was not listed as a mitigation measure because it is now a statutory requirement for the type of diesel fueled equipment that would be used for this Project.

While some of the Air Quality mitigation measures generally refer to regulatory requirements the specific control requirements (such as those required in AQ-1a) go beyond the basic regulatory requirements. Other mitigation measures provide specific compliance monitoring requirements, such as Mitigation Measure AQ-6 (General Conformity Emission Offset Mitigation), which are not required by the regulation and so such mitigation measures are not considered duplicative of the statutory requirements of these regulations.

A.23-53 The quotation noted in this comment does not exist and the location in the document does not appear to make sense given the likely intent of the comment.

Given the two potential intents of this comment two potential responses are given. First, page 42 is concerned with cumulative impacts where it is noted that compliance with Impact AQ-9 (Air Quality Plan Conformance), is a single project impact and not a cumulative impact. Second, conformance with the air quality plan is not emission driven but driven by whether
the project would be conforming with the assumptions and reduction measures of the latest AQMP, which is considered to be the case. Within the context of CEQA, it is not inconsistent for a project to be significant in relation to emission impacts (regional or LST) and be less than significant in relation to AQMP conformance.

A.23-54 Large asphalt paving jobs for roads, etc. is not part of the Project design. The use of asphalt would be limited to small areas in substations and for minor road repairs. An asphalt paver is not needed for these applications, a grader and compactor, which could be crew truck pneumatic tampers in the case of minor road repairs, should be sufficient. The amount of asphalt use is assumed to be minor and was considered negligible for the emission estimates, but was noted as a potential source of minor odors.

The source(s) of minor odors for operational emissions would primarily be vehicle exhaust (a very minor odor source). Revisions have been incorporated to the Final EIS to reflect this conclusion.

A.23-55 Comment noted. A discussion of potential air pollutant health effects has been added to Table 3.3-4 and discussed further in Section 3.3.2.1 of the Final EIS.

A.23-56 The small use of power at the substations/switching yards is a negligible indirect emission source and maintenance painting is an infrequent area emission source; neither sources are considered to be a stationary emission source. True stationary emission sources that have fixed locations and emission points/stacks such as engines, boilers, etc. are not proposed as part of the Project. The text in the Draft EIR/EIS is correct, and suggested revisions have not been incorporated.

A.23-57 This comment addresses requirements under CEQA and, therefore, is not applicable to the Forest Service’s obligations under NEPA. A full response to this comment can be found in the Final EIR prepared by the CPUC which has jurisdiction over those portions of the Project not located on federal land.

A.23-58 Please see the response to Comment A.23-30.

A.23-59 Please see the response to Comment A.23-31.

A.23-60 This comment does not take into account that the SCAQMD emission factors, in lbs/hour, assume an hourly load factor as equipment are not used continuously at 100 percent engine load. These load factors are equipment-specific, and for the types of equipment required for this project generally range from 30 to 75 percent.

Using the example provided, a crane has an hourly load factor of approximately 43 percent, so the emission factor of 0.1706 lbs/hour would be equivalent to 0.40 g/bhp or nearly 67 percent greater than the Tier 2 0.24 g/bhp factor noted in the comment.

To reiterate, in general the SCAQMD emission factors for 2009 are very comparable on average with actual Tier 1 engine emission factors, which are in practice lower than the Tier 1 mandated limits.

The emission estimates use appropriate off-road emission factors from SCAQMD. Suggested revisions have not been incorporated.

A.23-61 The NOx emission credit requirement for General Conformity, which will only occur if the selected alternative exceeds the de minimus threshold and SCAQMD cannot make a finding
that the construction NOx emissions are within currently approved SIP budgets, are a regulatory requirement; and at somewhere between 25 and 40 tons/year, or approximately 140 to 220 pounds per day, these emission credit amounts are considered viable despite the limited availability of NOx RECLAIM credits within SCAQMD jurisdiction.

The use of emission reduction credits for construction mitigation is normally not considered reasonable for NEPA purposes given the fact that construction emissions are temporary. Additionally, mitigating the maximum daily emissions for pollutants in each jurisdiction would require substantially higher quantities of emission reduction credits that are not considered available in the current emission reduction credit markets.

Additional description of the types of existing emission reduction credits and their general availability, and other emission reduction creation programs that could be used by SCE to offset Project emissions for General Conformity regulatory purposes has been added to the Final EIS following Mitigation Measure AQ-6 in Section 3.3.10.1. The specific incorporation of the all feasible emission mitigation measures, to reduce emissions and offset requirements for the preferred Project alternative, to the extent considered feasible, was made a part of the General Conformity analysis that was completed on June 2, 2010, and will be publically noticed separately from this Final EIS.

A.23-62 Please see the response to Comment A.23-54.

A.23-63 The conformity analysis will be performed on the agency preferred alternative, which is a combination of the proposed Project (Alternative 2) and other Project alternatives evaluated in the Draft EIR/EIS. For the AVAQMD portion of the ANF, this means that the emissions are bounded by Alternative 2 on the low end and Alternative 6 on the high end, where the expectation is that the worst case annual emission will be lower than the general conformity applicability thresholds for all pollutants. The General Conformity analysis included an emission calculation that considers all recommended mitigation measures for the recommended preferred alternative.

Also please see the responses to Comments A.23-44 and A.23-60.

A.23-64 First, the direct corona effect emissions of ozone cannot be reasonably estimated. The NOx/VOC equivalency for ozone is speculative and changes with time of day and season. So, this type of analysis cannot be reasonably completed.

Second, the energy distributed through this line will reduce energy distributed through other lines, reducing their corona effects. So, the overall system-wide cumulative impact is impossible to determine.

Finally, the amount of ozone created by the corona effect is not likely to be significant in relation to the other sources of ambient ozone emissions.

A.23-65 Thank you for your comment. Specific comments on Biological Resources provided in this section of the comment letter are responded to below. If any comments result in revisions to the Draft EIR/EIS or Specialist Report, red-line tracked changes will be identified in the Final EIS.

A.23-66 Thank you for your comment. As described in the revised text added to the discussion of Impact B-1, the method used to calculate the disturbance acreage for the analysis of impacts to vegetation communities (Tables 3.4-17 and 3.4-18) included the use of GIS data provided
by SCE. Therefore, the totals varied slightly from the totals reported in Table 3.4-1, which are the acreages calculated in the Project Description (Chapter 2) using more detailed information submitted in SCE’s PEA and based on preliminary engineering. The GIS method was necessary to spatially map impact areas to determine vegetation communities affected by the Project. Some areas of disturbance that were included in the calculations provided in Chapter 2 but were not available as GIS information include turning radii from access to spur roads and guard pole structures. In addition, the locations of many staging areas, pulling and stringing locations, and towers have not been determined yet, especially on non-NFS lands, and are not included in the GIS information. Therefore, the total disturbance acreages to vegetation communities that were determined using GIS are lower than what is reported in Chapter 2 as total land disturbance. The acreages associated with temporary and permanent disturbances for which location information is currently unknown have been quantified in Tables 3.4-17 and 3.4-18 as “Other,” meaning that these acreages are associated with the development of the proposed Project, but information regarding the locations, and therefore the specific vegetation communities impacted, is unknown at this time as final engineering has not yet been conducted.

A.23-67 Thank you for your comment. The purpose of Table 3.4-1 is to present differences between each of the proposed Alternatives. Because Alternative 4 is located in Chino Hills State Park, an area known to support a broader diversity of sensitive plants and wildlife when compared to Alternative 2, potential impacts to these resources, while mitigated, would be slightly greater than Alternative 2. Table 3.4-27 provides the status of impacts to Biological Resources for the proposed Project (Alternative 2) and each of the alternatives analyzed in the Draft EIR/EIS. This information is also included in Table ES-3. Impact classification is explained in Section ES-4 (see p. ES-9).

A.23-68 Thank you for your comment. We have received additional information that San Diego horned lizard is present along portions of Segment 8 and Table 3.4-7 has been edited to include this information. Impacts to special status herpetofauna, including the San Diego horned lizard, are addressed under Impact B-27.

A.23-69 Thank you for your comment. Table 3.4-7 has been revised to clarify information about bald eagles. As discussed in the species account in the Biological Resources Specialist Report, there are winter sightings of bald eagles in the Prado Basin, approximately 3.5 miles south of the existing Chino substation. No suitable nesting habitat was observed during reconnaissance-level surveys. Individuals in the vicinity of Chino Hills State Park, including Prado Basin, are presumed to be migrants or wintering.

A.23-70 Thank you for your comment. Table 3.4-7 has been edited to state that the prairie falcon is present along Segment 8.

A.23-71 Thank you for your comment. Mitigation Measure B-1a instructs SCE to provide restoration/compensation for temporary and permanent impacts to all disturbed areas, regardless of jurisdiction. The required contents of the restoration plan and the mitigation ratios to be used are included in this mitigation measure for all lands within the Project area. Further, Mitigation Measure B-3a includes provisions for the control of nonnative and invasive weeds both on and off of NFS lands. The mitigation proposed would effectively limit the spread and establishment of nonnative and invasive weeds due to Project activities. No changes have been made to the text.
A.23-72 Thank you for your comment. The buffer requirements identified in Mitigation Measures B-15 and B-16 have been revised to include the 60 dBA noise contour. The Lead Agencies have determined the use of the existing survey distances and proposed buffer requirements is adequate to provide a reasonable expectation of detecting and protecting both common and sensitive birds. Although the text refers to the noise levels of 55 dBA correlating to an occupancy rate of 25% this is for a species not expected to nest in the project area. The use of that data was to illustrate that noise levels may have an adverse affect on some species of nesting birds. Adequate mitigation has been proposed to protect nesting wildlife.

A.23-73 Thank you for your comment. The vegetation maps supplied by SCE (2007) generally classified the vegetation types within the proposed Project according to the nomenclature of Holland (1986). The widely-used Holland classification system is a qualitative system that lacks keys or specific criteria for the identification of stands of vegetation. The system has now been largely replaced by the quantitative, hierarchical, and floristically based International Vegetation Classification System (IVCS; Grossman et al., 1998), which has become the standard accepted by the majority of the state and federal agencies in California including CDFG, FS, and the National Parks Service. While the majority of the Holland (1986) vegetation types used by SCE (2007) were retained for the final vegetation map (HTH Mapped Vegetation Types in Table 2-1 of the Biological Specialist Report), a crosswalk to the corresponding IVCS types identified using Gordon and White (1994; CWHR in Table 2-1) and/or Sawyer and Keeler-Wolf (1995; MCV in Table 2-1) is provided in Table 2-1 of the Biological Specialist Report.

While it is recognized that annual grasslands in many areas are dominated by various species of mustard, they do not meet the classification of ruderal habitats defined in this project. For the purposes of this project ruderal habitats have been defined as more disturbed areas. Alternative 4 traverses Chino Hills State Park, an area with a broad diversity of sensitive plants and wildlife species than Alternative 2, even though Alternative 4 also includes areas with dirt roads. Project activities, even on disturbed sites, would contribute to adverse impacts of noxious weeds as discussed in the Draft EIR/EIS at page 3.4-129 – 130.

A.23-74 Thank you for providing your comment. Please see the response to Comment A.23-15 addressing the 21st Century Green Partnership, Mitigation and Cost Recovery Plan and the response to Comment A.23-2. Analysis in the Draft EIR/EIS demonstrates that mitigation measures for the proposed Project and Alternative 4 would reduce impacts to burrowing owl, saltspring checkerbloom and Coulter’s saltbush to less than significant. Therefore, no additional mitigation is required.

A.23-75 Thank you for your comment. Habitat in the Chino Hills State Park supports numerous sensitive plant and wildlife species. The analysis reflected in the Draft EIR/EIS is accurate regarding potential effects to wildlife movement, and impacts associated with introduction of noxious weeds. Habitat restoration would be implemented by mitigation measures proposed in the EIR/EIS (including APM BIO-1 through APM BIO-7 and BIO-1a). Please see the response to Comment A.23-15 regarding the mitigation proposed by the City of Chino Hills.

A.23-76 Thank you for providing your comment. Please see the response to Comment A.23-15 addressing the 21st Century Green Partnership, Mitigation and Cost Recovery Plan. The 21st Century Plan is also discussed in Section 5.3.4.2 of the EIR/EIS. However, the Plan does not address specific impacts of the proposed Project.
As acknowledged in the comment, mitigation measures in the EIR/EIS, including Mitigation Measure B-1a, which requires habitat restoration, would reduce impacts to less-than-significant levels. Specific impacts would be reduced to less-than-significant levels by implementing Mitigation Measure B-1a as part of a suite of mitigation measures. Because these specific impacts are mitigated to less-than-significant levels, no additional mitigation is required.

A.23-77 Thank you for your comment. Table 3.4-1 is intended to illustrate potential differences between each alternative. While the potential collision effects to birds is considered less than significant for each alternative the addition of transmission line structures and conductor would incrementally increase collision risk.

A.23-78 Section 3.5 (Cultural Resources) of the Draft EIR/EIS presents the findings of the Tehachapi Renewable Transmission Project Cultural Resources Specialist Report (2008), prepared by Applied Earthworks, Inc. Due to the sensitive nature of the cultural resources discussed in this report, it is not available to the public although a redacted version may be requested in writing to the CPUC and/or Forest Service. State and federal law prohibit the disclosure and distribution of information about the locations of archeological and cultural resources to the general public. For these reasons, and contrary to the statement in Section 3.5 referring the reader to this report, the Tehachapi Renewable Transmission Project Cultural Resources Specialist Report in its entirety is not included as part of the Draft EIR/EIS and is not available for public review.

Members of the public wishing to obtain more detailed information about cultural resources discussed in the Draft EIR/EIS may seek access to such information through the process established by the California Historical Resources Information System (CHRIS). Additionally, individuals not otherwise granted access to confidential CHRIS information may receive summaries of this information through CHRIS, which may include identification of the presence or absence, quantity, and general character of historical resources within a specific geographic area. (See 2008 CHRIS Information Center Rules of Operation Manual, available at http://ohp.parks.ca.gov/?page_id=1068.)

The Cultural Resources Specialist Report prepared by Applied EarthWorks is already listed in the Draft EIR/EIS references. Dates were also added to the text where these reports already are cited. The Cultural Resources Specialist Report was not yet finalized when the Draft EIR/EIS was released; however, data from the draft report was used to prepare the analysis of cultural resources in the Draft EIR/EIS. This is not unusual as the report is prepared the purpose of submission to the CHRIS, which does not need to coincide with publication of either the Draft or Final EIR or Final EIS. The report is often not finalized and submitted to the CHRIS until after the Final EIR or Final EIS is completed to ensure that the report includes all relevant information about cultural resources that may be generated from the EIR/EIS process.

Table 7.7 in Section 7.3 provides a list of the persons that prepared, or participated in preparation of, the Draft EIR/EIS. Qualifications of the individual members of the EIR/EIS team are also included. The cultural resources staff of Applied EarthWorks, Inc., who participated in the analysis, are included in that table.
The Area of Potential Effects (APE) for the proposed Project and its alternatives is defined in Section 3.5.2 of the Draft EIR/EIS (in particular, see p. 3.5-2 of the Draft EIR/EIS). In the Draft EIR/EIS Map and Figure Series Volume, Section 1 provides detailed proposed Project location strip maps and Section 6 provides project segment detail maps illustrating the general vicinity of the project and the APE.

Historical and archaeological resources found within each segment are listed in Tables 3.5-2, 3.5-3, 3.5-5, and 3.5-6. Each table identifies the site’s period(s) of occupation and available information on its National Register status.

As explained in Section 3.5.4.3 of the Draft EIR/EIS, affected sites are those for which anticipated new ground disturbance will overlap the recorded site boundary. If no new ground disturbance is expected, then the sites listed in Table 3.5-2 are not listed in Table 3.5-8. (It appears that the commenter mis-references Table 3.5-5, which lists affected sites in Alternative 6 (Segments 4 and 11). Table 3.5-8 lists affected sites along SCE’s proposed Project, including one in Segment 8.

Comment noted. As described in Section 3.5.2, cultural resource inventories have been completed for most of the APE. However, some elements of the Project remain undefined and additional inventories may be necessary. Thus, Mitigation Measure C-1b calls for additional inventories to ensure that all areas of proposed ground disturbance are inspected for cultural resources prior to construction.

Avoidance and protection of resources (Mitigation Measure C-1c) is the preferred approach to cultural resource management, and the Forest Service considers avoidance to be a feasible mitigation measure in most instances. In those instances where resources cannot be avoided, Mitigations Measures C-1d, C-1e, and C-1f call for evaluation of site significance and data recovery excavation or other measures to avoid, minimize, reduce, or otherwise compensate for the impact. These are standard approaches commonly employed to reduce impacts to cultural resources, and the Lead Agencies consider these to be feasible measures for reducing impacts to less than significant levels in most cases. However, all comments will be shared with, and considered by, federal decision-makers who are reviewing the project.

Direct impacts to sites eligible for inclusion on the National Register will be avoided to the extent feasible (Draft EIR/EIS, p. 3.5-25). If direct impacts cannot be avoided, Forest Service and other decision-makers, in consultation with the California State Historic Preservation Officer, will make a final determination of adverse effects and have entered into a Programmatic Agreement to guide resolution of any adverse effects (Draft EIR/EIS, p. 3.5-25 and Mitigation Measure C-1a.). Avoidance and protection of resources required under Mitigation Measure C-1c is feasible in most cases through adjustment in the locations of towers, access roads, staging areas, and other project facilities. If such adjustments are found to be operationally infeasible at an affected location, Mitigation Measures C-1d, C-1e, C-1f, C-1g, and C-1h will minimize, reduce, or otherwise compensate for the direct impacts to the cultural resources. These are standard approaches commonly employed to reduce impacts to cultural resources, and the Forest Service considers these to be feasible measures for reducing impacts in most cases.
This comment addresses requirements under CEQA and, therefore, is not applicable to the Forest Service’s obligations under NEPA. However, the CPUC provided a response to this comment in the Final EIR and that response is reproduced below.

The Draft EIR/EIS has not deferred analysis of reasonably foreseeable impacts on cultural resources. CEQA requires the Lead Agency to determine whether a project will have significant environmental impacts and to formulate measures to mitigate those impacts before the project is approved. (California Native Plant Society v. City of Rancho Cordova (2009) 172 Cal.App.4th 603). Establishing a commitment to mitigate the significant impacts of a project before it is approved, even if the details of a particular mitigation measure are unknown, satisfies this requirement. (Id.) This may be especially appropriate where, as here, further studies are needed to determine the exact placement and design of the mitigation. (National Parks & Conservation Ass’n v. County of Riverside (1999) 71 Cal.App.4th 1341, 1366). As explicated in Section 3.5.6 and elsewhere in the text of Section 3.5, the analysis identifies sites that may be affected by the proposed Project and alternatives. The analysis of Impact C-1 explains, in detail, the potential direct and indirect impacts that may occur to properties eligible for inclusion on the National Register, and Mitigation Measures C-1a through C-1i specify the range of measures that would be taken to mitigate any impacts to these properties.

The Final EIR describes the soil testing and conclusions regarding former Burn Area #18 (Note: Burn Area #18 is replaced with SWMU #9 throughout for consistency). The Final EIR/EIS has been revised to indicate that “no further action” status has been assigned to SWMU #9 by DTSC regarding chemical contamination. This statement cannot be extrapolated to areas beyond the area sampled and tested at SWMU #9, particularly areas where MEC and possibly associated contamination may occur. Aerojet and DTSC have identified areas of data gap (lacking MEC surveys) along Alt 4C, Alt 4C Modified, and Alt 4D alignments. Aerojet reports that a “data gap report” was submitted by Aerojet to DTSC week ending July 24, 2009.

The Final EIR has been revised to reflect that DTSC has assigned a status of “no further action” required related to cleanup of chemical contamination along Alternative Route C and C Modified (Section 3.6.2.4 Alternative 4: Chino Hills Route Alternatives). With regards to “remote or unlikely potential” for munitions (MEC) along Route C, Route C Modified, and Route D, the Draft EIR/EIS has included Mitigation Measure E-6 to require munitions recognition training, consistent with DTSC letter dated November 21, 2008.

The commenter references “California Code of Regulations, Title 5, Section 14010(c)” which sets forth site selection requirements all California school districts must follow in selecting and identifying new school sites; these regulations are not applicable to the CPUC, USDA Forest Service, or SCE in the siting of transmission line projects. The Draft EIR/EIS states that there are no federal or state standards limiting human exposure to EMFs from transmission lines in California (Draft EIR/EIS, p. 3.17-5). This is a correct statement and is consistent with the discussion and table presented in Section 5.3.1.3 of the Draft EIR/EIS. That section lists standards that currently exist and are applicable in states other than California. These standards were provided to assist the reader in understanding the issues surrounding EMF exposure only and do not apply to transmission lines in California. The Lead Agencies are not aware of any applicable regulations of the California Department of
Education (CDE) that would be violated by the proposed transmission project (see Section 5.3.1.3 of the Draft EIR/EIS). However, the Draft EIR/EIS prepared for the proposed TRTP includes analysis of environmental issue areas that are also considered by the CDE in siting new school locations. With regards to proximity to high-voltage transmission lines, Sections 3.17 and 5.3.1 of the Draft EIR/EIS acknowledge that persons in close proximity to transmission lines will be exposed to EMF; the federal decision-makers are aware of the EMF generated by transmission lines, and they will need to determine if additional measures are needed to reduce EMF in order to conform to the EMF-reduction policies. Thank you for submitting your comments and concerns; they will be shared with federal decision-makers who are reviewing the Project.

A.23-87 Thank you for your comment. Specific comments on Geology and Soils provided in this section of the comment letter are responded to below. If any of your comments result in revisions to the Draft EIR/EIS or Specialist Report, such changes are shown in the Final EIR or EIS accordingly.

A.23-88 Thank you for your comment. While the Yorba member of the Puente Formation may be the most landslide prone member of the Puente Formation, all of the members of the Puente Formation are prone to landsliding in the Puente Hills due to the highly folded and faulted nature of the formation. Additionally, although structures and facilities may not be placed directly within or across the Yorba member, they may be in close enough proximity to it that construction could trigger landslides or landslides could affect project components.

A.23-89 Thank you for your comment. Please see the response to Comment A.23-88.

Discussions of soil conditions and related impacts are based on USDA soil mapping and are not directly related to the geologic formations noted in the Draft EIR/EIS.

While impacts related to slope stability issues are partly based on the formation type, they are also based on physical conditions along the alignments, such as moderate to steep slopes with many areas of out of slope dip, many areas of significant fracturing and folding due to faulting, and the very close proximity to active faults.

The statement in the comment that slope stability issues would be reduced along the Alternative 4 routes compared to Alternative 2 if the slope stability and landslide impacts were based mainly on the length of Yorba member crossed by each alignment is erroneous. Based on geologic maps in USGS Professional Paper 420-B (Geology and Oil Resources of the Eastern Puente Hill Area, Southern California by Durham and Yerkes), the various Alternative 4 routes cross approximately 1.6 to 3.7 miles of Yorba Member compared to approximately 1.6 miles of Yorba member along the comparative portion of Segment 8A of Alternative 2. This in general would still result in a comparatively higher potential for landsliding along the Alternative 4 routes.

A.23-90 Thank you for your comments. While it is understandable that interested and affected groups would like to know specific details about how a proposed alternative might affect the property they own or their community, complete engineering and seismic design is not necessary for the completion of the impact analysis in the Draft EIR/EIS. The EIR/EIS preparers need enough information about a project or alternative to adequately characterize potential impacts, determine impact significance, and recommend measures to reduce impacts. Detailed design information about an alternative would be helpful, but is not necessary to conduct an adequate
impact analysis in accordance with NEPA (and CEQA). The EIR/EIS preparers used widely published geologic, seismic, and soils information derived primarily from USGS, CGS, and USDA NRCS sources, combined with various reasonable assumptions, to conduct the impact analysis for the Project alternatives.

Detailed geotechnical and seismic studies will be conducted for the approved Project once it has been selected by the Lead Agencies, or prior to a decision if independent environmental reviews are conducted, and as required by APM GEO-1 (Seismic design), APM GEO-2 (Perform geotechnical studies), Mitigation Measure G-3 (Conduct geological surveys for landslides and protect against slope instability), Mitigation Measures G-4a (Minimize Project structures within active fault zones), G-5a (Reduce the effects of groundshaking), G-5b (Conduct geotechnical investigations for liquefaction), and Mitigation Measure G-6 (Conduct geotechnical studies to assess soil characteristics and aid in foundation design). These studies will conform to all codes and standards current at that time, and will be based on the most current and accepted seismic data available at the time.

Although site specific soils information from localized geotechnical investigations may indicate high expansion and corrosion potential, this information cannot be generalized for a many miles long alignment that crosses several mapped soil types.

A.23-91 The commenter’s statement is inaccurate. Section 3.7.2.2 of the Draft EIR/EIS and Final EIR discusses the potential that the northward extension of the Chino fault may cross the Segment 8 alignment and is a Fault rupture hazard as noted in this excerpted text: “...Although the Segment 8A route does not cross the currently mapped trace of the active Chino segment of the Chino-Central Avenue fault, the mapped active, Alquist-Priolo zoned trace of the fault is located just less than a mile south of the alignment, trending northwest towards S8A MP 25.5. The locations of these faults relevant to Segment 8A are shown in Figure 3.7-9 (Segment 8A Fault Crossings).” However, the discussion in Impact G-4 in Section 3.7.6.1 was somewhat unclear that both the Chino and Central Avenue faults were included as potential fault rupture sources and the text has been edited to clarify this information.


A.23-93 Thank you for your comment. The Draft and Final EIR/EIS discuss potential landslide and slope stability issues along portions of the Alternative 2 alignment that are underlain by landslide prone formations. The contribution of bedding dip angles and directions to landslide hazards in these areas is not discussed as dip direction and angle varies widely, even in small areas, with the Puente Hills and analyses based on general bedding trends would not be accurate for all locations. Detailed geotechnical analyses, including slope stability and landslide surveys will be conducted for the approved Project once it has been selected by the Lead Agencies. Please see the response to Comment A.23-90.

A.23-94 Thank you for the information regarding liquefaction potential in the alluvial sediments along Segment 8 near the eastern edge of the Chino Hills. The information regarding liquefaction susceptibility along Alternative 2, Segment 8 has been updated/added to reflect the mapped ‘high’ liquefaction susceptibility shown in the referenced Figure S-2 from the Chino Hills General Plan.

A.23-95 The commenter’s statement is inaccurate. The Draft EIR/EIS section states that the Alternative 4 routes would have an increased potential for landslide and slope stability.
impacts due to the larger amounts of grading and excavation that would be required in the landslide prone Puente Formation. Please see the response to Comment A.23-89 for a more detailed explanation of slope stability impacts.

A.23-96 Thank you for your comment. Please see General Response GR-10 regarding the potential for tower collapse. Additionally, SCE has indicated that it meets or exceeds appropriate State of California codes in its design for earthquake, floods, weather and other known ground disturbance events.

A.23-97 To clarify, Table 4.2-2 (Summary of Alternative Comparisons) does not state that Alternative 4 would cross more streams than the proposed Project. Rather, Table 4.2-2 provides a summary of the streams that would be crossed by the Alternative 4 routing options but would not be crossed by the proposed Project. As described in Section 4.2.7, Table 4.2-2 refers to these streams as “high quality” because they are natural, undeveloped waterways situated within Chino Hills State Park, a protected area. Also, with regard to stream quality, Section 3.8.2.3 of the Draft EIR/EIS describes that several streams and other water bodies in the Southern Region of the Project Study Area are listed as impaired on the 2006 Clean Water Act Section 303(d) List of Water Quality Limited Segments, including: Reach 3 of the San Gabriel River for toxicity; Reach 2 of the Rio Hondo for coliform and NH3; Reach 1 of San Jose Creek for algae and coliform; and Reach 2 of Chino Creek for coliform. None of these impaired waterways would be traversed by Routes A, B, C, C Modified, or D of Alternative 4.

The surface and groundwater resources that would be affected by the proposed Project but would be avoided under the routing options for Alternative 4 are listed in the Hydrology and Water Quality Specialist Report, Table 2.5-1 (Stream Crossings that would be Avoided by Alternative 4). As stated in this table, the Alternative 4 routing options would avoid 13 unnamed stream crossings by the proposed Project, as well as crossings of three named streams, including Little Chino Creek, Chino Creek, and Cucamonga Creek. Therefore, the Alternative 4 routing options would avoid approximately 16 stream crossings of the proposed Project. In addition, as described in Section 3.8.2.5 of the Draft EIR/EIS, each of the Alternative 4 routing options would traverse streams that would not be affected by the proposed Project. Table 4.2-2, noted by the commenter, provides a comparison between the five routing options of Alternative 4, comparing Routes A, B, C, and C Modified to Route D, which would traverse the least number of streams within Chino Hills State Park; Table 4.2-2 does not assert that Alternative 4 would traverse a greater number of streams than the proposed Project.

As described in Table 4.2-2 and Section 3.8 of the Draft EIR/EIS, the Alternative 4 routes would affect the following number of streams not affected by the proposed Project: Route A (5 unnamed streams), Route B (8 streams, including Aliso Creek), Route C (10 unnamed streams), Route C Modified (12 unnamed streams), and Route D (4 streams, including Aliso Creek). Additionally, the Comparison of Alternatives discussion provided in Section 4.2.7 (Hydrology and Water Quality) of the Draft EIR/EIS includes the following statement: “Alternative 4 (Chino Hills Routes), Route D, would cross fewer streams and overlies one fewer groundwater basin than the proposed Project, Alternative 3, or Alternative 6, but would affect high quality, natural streams within CHSP that would not be affected by the [proposed Project]. Route A would cross one more stream than Route D; Route B would
cross four additional streams; Route C would cross six additional streams, and Route C Modified would cross eight additional streams (in comparison with Route D).” As noted above, the streams traversed by the Alternative 4 routing options are considered high quality because they are natural, undeveloped waterways situated within a protected area (CHSP) and additionally, none of the streams traversed by Routes A through D and Route C Modified are listed as impaired on the 2006 Clean Water Act Section 303(d) List of Water Quality Limited Segments.

A.23-98

Section 3.9.2.2 (the “Affected Environment” for Alternative 2: SCE’s Proposed Project) and Table 3.9-12 (Land Uses: South Region) of the Draft EIR/EIS provide descriptions of existing land uses within one-half mile of (and including) the proposed Project’s right-of-way. As summarized in Table 3.9-12, within the City of Chino Hills existing land uses within one-half mile of the proposed Project right-of-way are comprised of Residential (including single and multi-family residential units, as outlined in Table 3.9-1 [Existing Land Use Classification Scheme]), Open Space/Recreation, Open Space/Undeveloped, Educational Facilities, Public and Special Use Facilities (including religious facilities, as also outlined in Table 3.9-1), Agriculture, Commercial and Services, Mixed Uses, Transportation-Communications-Utilities, Water, Electrical Power Facilities and Industrial. Additionally Table 3.9-17 (Summary of Residential Land Uses by Region) provides, by Project Segment and Milepost, a synopsis of residential land uses. The description of existing land uses within the City of Chino Hills was prepared at the same level of detail as all other portions of the proposed Project right-of-way and its alternatives. The “baseline” analysis of Section 3.9 (Land Use) is appropriate for the purposes and scale of the land use impact analysis.

A.23-99

NEPA does not provide any specific requirements for the evaluation of land use impacts. As such, when preparing an EIS (or joint EIR/EIS), Lead Agencies may develop resource/issue-specific impact criteria as warranted by the attributes and location of a proposed project. In the Draft EIR/EIS, Impact Criterion L-1 (including Impacts L-1 though L-4) was designed to capture and evaluate any temporary or permanent physical divisions of an established community. This would include physically separating a community or neighborhood into distinct parts either through a physical barrier or by some type of subdivision or lot line adjustment, otherwise physically fragmenting or displacing a cohesive community, or disrupting a community function (or functions) or connectivity. Although construction of the proposed Project could temporarily disrupt or partially divide an existing community or community function, mitigation measures have been identified to reduce such impacts. Long-term, the proposed Project would not have the potential to physically divide of an established community within the City of Chino Hills or any other segment under the proposed Project. Within the City of Chino Hills the proposed Project would be placed within an existing utility corridor that contains existing transmission towers. Although the replacement towers would be larger than the existing towers, no ground-level physical barricades or other impediments to existing connectivity or access within or between communities would occur. Similarly, the replacement towers’ arms, conductors and overhead ground wires would range between 150 and 198.5 feet above ground level. At this height they would, at points, span across existing land uses; however, at ground level they would not create any type of physical barrier that could divide an established community’s existing development, connectivity, routes of access or function. No change in the existing land use of the ROW, or its width, within the City of Chino Hills is proposed, nor is any change to existing and planned land uses surrounding the
Segment 8A ROW proposed, as addressed in Section 3.9 (Land Use). The impact criteria established for the land use impact analysis are appropriate and adequately address potential impacts to established communities.

Section 2.2.12 (Proposed Project Construction) and corresponding Table 2.2-43 (Proposed Project Construction Schedule) provide details related to construction of the proposed Project. As outlined in Table 2.2-43, the duration of construction for each Segment of the proposed Project will vary between 17 and 49 months. Along Segment 8, the total duration of construction would be approximately 47 months. However, it is important to realize that the 47-month total does not imply that construction at any single location along Segment 8 would occur every day for the entire construction period. Transmission lines are both dismantled and constructed sequentially, as outlined in Sections 2.2.12.4 (Removal of Existing Wire, Structures, and Footings) and 2.2.12.5 (Tower & Pole Construction). Additionally, there are typically periods of no activity at any single location between the completion of one construction phase (or sequence) and the start of the next. For example, on level terrain, a single work crew can excavate, place steel cages and stub angles, and pour in place concrete footings for one complete LST every 2 days; the work crew then moves to the next tower site location. The foundation for a TSP can typically be completed in 3 working days; as with a LST, upon completion the work crew then moves to the next tower site location. Once tower footings have been poured, approximately 20 working days are needed to cure the concrete footings before tower erection can begin. As such, residents adjacent to the proposed Project Right-Of-Way would not be subject to construction-related impacts continuously, nor would the intensity (e.g., work force and equipment requirements) of construction-related activities always be the same, as outlined in Table 2.2-18 (Proposed Project Construction Equipment and Workforce Estimates By Activity – Segment 8: New Mira Loma – Vincent 500-kV T/L).

As noted in Section 3.9.6.1 (Direct and Indirect Effects Analysis for Alternative 2: SCE’s Proposed Project), construction-related impacts to residential land uses (Impact L-1), including residential properties within the City of Chino Hills, have been identified as adverse. Mitigation Measure L-1a would provide affected residents with a means of communicating construction-related concerns directly to SCE and a response would be required within a 72-hour period of the contact. The purpose of the mitigation is to provide a rapid mechanism for resolving property-specific disturbances related to construction that are considered to be unacceptable by the subject property owner; it is considered to be the most expeditious way of addressing property-specific impacts. Mitigation Measures L-1b would provide affected residents with advance notification of construction-related activities; the purpose of this mitigation measure is to provide residents with the time that may be needed to prepare for construction-related inconveniences and disturbances to minimize exposure to increased noise levels and construction-related equipment emissions. Mitigation Measure L-1c would provide affected residents with updated construction schedule information to ensure that they are kept informed of, and provided with the time to need to adjust for, any construction-related changes that may affect their daily routines and activities. These mitigation measures are adequate, practicable and can be successfully implemented to reduce temporary construction-related impacts residential land uses. Additional mitigation measures are not considered necessary.
A.23-101 Please see response to Comment A.23-86 regarding the inapplicability of California Code of Regulations §14010. California Code of Regulations Title 5, Division 1, Chapter 13, Subchapter 1, Section 14001 et. seq. relates to the construction of new school facilities. Section 14010 is specific to the siting of new schools. Section 14010(c) requires that school districts site new schools a minimum distance away from the edge of a power line easement (or Right-Of-Way), as follows: (1) 100 feet away from 50- to 133-kV lines; (2) 150 feet away from a 220- to 230-kV lines; and, (3) 350 feet away from 500 to 550-kV lines. As such, implementation of the proposed Project would require school districts to site any new school facilities a minimum of 350 feet away from the Right-Of-Way; however, the regulations do not require SCE to align the proposed Project 350 feet away from existing schools. Therefore, analysis of California Code of Regulations Section 14010(c) is not applicable to the land use analysis. As addressed in response to Comments A.23-25 and GR-8, implementation of the proposed Project would not require widening of the ROW within the City of Chino Hills. Additionally, no Segment of the proposed Project would require the removal or relocation of a residential dwelling; the homes referenced in Comment A.23-101 would not be displaced by implementation of the proposed Project. Therefore, analysis of displaced residences is not applicable to the proposed Project.

A.23-102 A Policy Consistency and Plan Amendments Report (Policy Consistency Report) has been prepared for the proposed Project and is available from the CPUC. Preparation of the Policy Consistency Report involved the review of applicable federal, State, regional, and local agency plans and planning documents to identify goals, policies and objectives that apply to implementation of the proposed Project or that address the protection of environmental resources along or near its alignment. The process for identifying applicable goals, policies and objectives included the following steps: (1) review of all applicable agency plans; (2) development of a list of applicable goals, policies and objectives contained within the plans; and, (3) at a resource/issue-specific level of analysis, the completion of a consistency review of the applicable goals, policies and objectives identified. While numerous plans and documents were reviewed, not all of these documents included goals, policies and objectives that were directly applicable to the proposed Project. The consistency analysis for the goals, policies and objectives that are considered applicable to the proposed Project are contained in Appendix A of the Policy Consistency Report. The City of Chino Hills General Plan Land Use Policy 1-8 (require underground utilities for all new development) is contained in Appendix A of the Policy Consistency Report, and it is noted that Alternative 5 involves an approximate four-mile undergrounding of the proposed transmission line within the City of Chino Hills (Segment 8A, Mile Posts 21.9 and 25.8). The other “major” and “focused” goals and policies referenced in Comment A.23-102 were not found to be directly applicable to the proposed Project. However, as related to Conservation Element Policy 5-4, the commenter is referred to Section 3.17 (Electrical Interference and Hazards) of the Draft EIR/EIS, which provides the public with a discussion and evaluation of electric and magnetic fields (EMF). Per State CEQA Guidelines Section 15125(e), the referenced City of Chino Hills General Plan policy that was superseded by an update in March of 2008 occurred after publication of the proposed Project’s Notice of Preparation (August 29, 2007), and thus was not included as part of the “baseline” for the Policy Consistency Report.

A.23-103 As addressed in the response to Comment A.23-102, a Policy Consistency and Plan Amendments Report has been prepared for the proposed Project, including its alternatives.
As related to Alternative 4, all applicable Goals and supporting Guidelines contained in the Chino Hills State Park General Plan have been assessed for consistency in the Policy Consistency and Plan Amendments Report; this assessment is contained in Appendix A (Section 3, State Plans) of the Policy Consistency and Plan Amendments Report. As addressed in the response to Comment A.23-16, although implementation of any of the Alternative 4 routing options would result in some beneficial impacts, consistent with the supporting Guideline for the Aesthetic Resources Goal contained in the Chino Hills State Park General Plan, implementation of any of routing options would also result in adverse impacts, which would not be consistent with either the Aesthetic Resources Goal or its supporting Guidelines. Additionally, the California Department of Parks and Recreation has indicated that implementation of any of Alternative 4 routing options would require a General Plan amendment (please refer to Comments A.13-12 and A.13-13).

It is understood that the City of Chino Hills has proactively pursued development of a Mitigation and Cost Recovery Plan for Alternative 4. Please see response to Comment A.23-15, above, and General Response GR-9 for additional information regarding issues with relying on mitigation fee programs for mitigation. In addition, it would be speculative to assume that the California Department of Parks and Recreation would approve, adopt and enter into the agreements necessary for implementation of a Mitigation and Cost Recovery Plan, and it is unknown if such an approval and adoption process would render amendment to the Chino Hills State Parks General Plan unnecessary.

The federal regulations and guidance for a national forest Land Management Plan amendment are distinct and separate from the State’s regulations and guidance for amendment to a State Park General Plan. The Forest Service, as part of its approval process for the proposed Project, can amend the Land Management Plan for the Angeles National Forest. The amendments would be specific to those Standards that apply to the Pacific Crest Trail (ANF S-1 and S-9 and S-10) and the Standards that apply to the Riparian Conservation Areas affected by the proposed Project. The Forest Service does not consider the required amendments to constitute an unavoidable impact. As addressed in Response to Comment A.23-16, the California Department of Parks and Recreation has indicated that amendment to the Chino Hills State Park General Plan would be required for Alternative 4 and that such an amendment would not necessarily be feasible or allowable. Due to this uncertainty and Alternative 4’s inconsistencies with the Chino Hills State Park General Plan, implementation of Alternative 4 would likely result in an unavoidable impact.

The Policy Consistency and Plan Amendments Report prepared for the proposed Project and its alternatives contains an extensive analysis of the USDA Forest Service’s Land Management Plan for the southern California national forests (Angeles, Cleveland, Los Padres and San Bernardino National Forests), including Community Protection Goal 1.1 (“Improve the ability of southern California communities to limit loss of life and property and recover from the high intensity wildland fires that are a natural part of this state’s ecosystem”). (For clarification, please note that the goal referenced in Comment A.23-103, is not an “ANF Goal” because it is not contained within Part 2 of the Land Management Plan, which is specific to the Angeles National Forest [ANF]; the goal referenced in the comment [Goal 1.1] is contained in Part 1 of the Land Management Plan and is linked to the USDA Forest Service’s National Strategic Plan, which addresses the “Southern California
National Forests Vision.”) The consistency analysis for the Land Management Plan is contained in Appendix A of the Policy Consistency Report (Section 2, Federal Plans and Policies). The policy consistency analysis associated with the land use analysis (Draft EIR/S Section 3.9) has been designed to minimize redundancy by cross-referencing the Policy Consistency and Plan Amendments Report, as appropriate. No further policy evaluation is considered necessary.

A.23-104 Thank you for your comment. Specific comments on Noise provided in this section of the comment letter are responded to below. If any of your comments result in revisions to the Draft EIR/EIS, red-line tracked changes will be identified in the Final EIR and/or the Final EIS.

A.23-105 With regard to violating local standards pertaining to construction noise thresholds, as stated on Draft EIR/EIS page 3.10-23, despite the implementation of APMs (NOI-1 through NOI-4) and mitigation measures (N-1a and N-1b), maximum construction noise levels would substantially exceed ambient noise conditions along the proposed Project route and would affect sensitive noise receptors. These proposed APMs and mitigation measures are intended to reduce construction noise impacts to the maximum extent feasible. All feasible mitigation measures which could mitigate this impact were included in the Draft EIR/EIS.

With regard to operational noise violating local standards, the discussion presented immediately after Table 3.10-10 and titled “CEQA Significance Conclusion” states that corona noise would violate local standards and would be an impact. The last sentence of that paragraph states: “Therefore, because Project operation would result in local plan violations regardless of mitigation measure implementation, Impact N-4 would significant and unavoidable.” The word “be” was erroneously omitted from this sentence in the Draft EIR/EIS. The Final EIR has been revised to correct this omission. Although this discussion did not use the word “adverse,” it is clear that unavoidable impacts related to violation of local standards would occur.

With regard to mitigation for operational impacts, as stated on Draft EIR/EIS page 3.10-34, there is no feasible mitigation available to reduce or eliminate the permanent operational corona noise that would be generated by the proposed Project. The proposed Project would use best available technology pertaining to electrical transmission line components to minimize corona noise to the maximum extent feasible. Draft EIR/EIS Table 3.10-5 identifies the parameters considered during corona noise modeling, which include conductor size and other engineering specifications to minimize corona noise to the maximum extent feasible. All build alternatives evaluated in the Draft EIR/EIS would include best available technologies and include all infrastructure available for reducing corona noise to the maximum extent feasible. The noise modeling and subsequent analysis conducted in the Applicant’s Noise Technical Study and the Draft EIR/EIS assumes this, and the estimated corona noise levels associated with the proposed Project incorporate these best available technology components. The Draft EIR/EIS evaluated a number of different reroute options through the City of Chino Hills. As discussed in Final EIR/EIS Table 4.2-1, operational noise impacts of the proposed Project (Alternative 2) as a whole would be the same as the Alternative 4 re-route alternatives; however, by rerouting the proposed T/L through more rural areas of the City of Chino Hills, fewer sensitive residential receptors would be subjected to corona noise.
A Statement of Overriding Considerations consistent with CEQA requirements was prepared by the CPUC for significant unavoidable noise impacts, including the violations of local jurisdictional ordinances pertaining to both construction and operational noise levels. (http://docs.cpuc.ca.gov/published/final_decision/111744.htm)

Please note that the CPUC has preemptive authority over local jurisdictions with regard to the regulation of electrical power lines and electric facilities constructed by public utilities. Therefore, the proposed Project and other projects subject to the CPUC’s jurisdiction are not required to obtain approvals from local agencies, including variances from local noise ordinances. As a result, the suggestion to include mitigation requiring SCE to obtain local noise ordinance variances is not appropriate and, further, there is no reason to believe that such a measure would actually result in a reduction of noise impacts. As indicated above, all feasible mitigation for noise impacts, including the use of best available technology, either has already been recommended in the Draft EIR/EIS or has already been incorporated into the Project design. The CPUC does not have jurisdiction over those portions of the Project located on federal land.

The purpose of the Draft EIR/EIS text referenced in the comment is to identify that a 3 dBA increase is the minimum change perceptible to the human ear, while a 5 dBA increase is considered to be a noticeable increase. As described in Draft EIR/EIS Section 3.10.4.1 (Criteria for Determining Impact Significance), the significance criteria for noise were derived from previous environmental impact assessments performed by the lead agencies and from the CEQA Guidelines. Criteria NOI-1 and NOI-2 are based on the terminology of a “substantial” increase in permanent and temporary ambient noise levels. The use of a 5 dBA threshold was used as it is considered a substantial and significant noise increase. It should be noted that a number of local municipalities use a noise level increase of 5 dBA as the impact threshold in their respective Municipal Code Noise Ordinances pertaining to operational noise impacts (refer to Draft EIR/EIS Table 3.10-10). In addition, because none of the operational impacts identified in the Draft EIR/EIS would result in an increase of less than 5 dBA, use of a 3 dBA threshold would not alter the significance conclusions of the Draft EIR/EIS noise analysis. Please note that significance conclusions are a CEQA requirement and are not required for compliance with NEPA.

Please refer to the response to Comment A.23-106 above regarding the Draft EIR/EIS’s use of 5 dBA as the significance threshold. Noise Technical Report Section 6.4.2 (Operational Noise Thresholds) states the following: “For ‘permanent increases’ associated with fair weather corona noise or substation noise, the threshold for a potentially significant increase is 5 dBA resulting in a level that exceeds 40 dBA.” Therefore, the Draft EIR/EIS and Noise Technical Report in fact used the identical 5 dBA increase threshold for determining operational noise impacts. Please note that significance conclusions are a CEQA requirement and are not required for compliance with NEPA.

The duration of noise from construction-related helicopters that would be experienced by noise-sensitive receptors would likely vary between a few seconds and a few minutes depending on the location of the sensitive receptor and helicopter. For example, a person hiking along a trail within the ANF located beneath the flight path of a construction-related helicopter would likely experience helicopter noise for a few seconds as it passed overhead,
whereas receptors located in close proximity to helicopter staging areas and construction locations would likely experience helicopter noise for periods of several minutes.

Draft EIR/EIS Section 2.0 (Description of Alternatives) provides the most recent information available on construction hours, use of construction equipment, and proposed construction activities. The impact of construction equipment noise (including helicopter use) was based on the construction equipment noise levels shown in Draft EIR/EIS Table 3.10-4 and the most recent construction equipment usage data provided in Draft EIR/EIS Section 2.0 (Project Description). Based on Draft EIR/EIS Significance Criterion NOI-1, a noise impacts would be significant if a substantial temporary or periodic increase in ambient noise levels during construction in the vicinity of sensitive receptors above levels existing without the proposed Project were to occur. Therefore, based on this threshold, the severity of a one-second noise impact is weighted evenly with that of a longer duration if the dBA level is identical.

As noted on Draft EIR/EIS page 3.10-23, despite the implementation of APMs and mitigation measures, maximum construction noise levels would substantially exceed ambient noise conditions along the proposed Project (Alternative 2) route, and would affect sensitive noise receptors. Draft EIR/EIS Mitigation Measure N-1b specifically addressed noise from helicopter use and requires the Applicant to route all construction traffic and helicopter flight away from residences, schools, and recreational facilities to the maximum extent feasible. All feasible mitigation measures which could mitigate this adverse impact were included in the Draft EIR/EIS, as required by NEPA (40 CFR 1502.16 (h)). As construction noise impacts are considered significant and unavoidable, further analysis will not result in a change or increase to the assigned CEQA impact significance level. Please note that significance conclusions are a CEQA requirement and are not required for compliance with NEPA.

A.23-109 The Noise Technical Report prepared by CH2M Hill is listed in the Reference section of the Draft EIR/EIS and citations to it are included throughout the document where appropriate. 40 CFR 1502.18 The Noise Technical Report was included as Appendix K of the Final EIR and is available on the Project website at:

http://docs.cpuc.ca.gov/environ/tehachapi_renewables/finalEIR.htm

A.23-110 Draft EIR/EIS Table 3.10-2 has been revised to reflect that ambient noise conditions calculated in the Noise Technical Report represent 24-Hour Leq conditions expressed as one value.

A.23-111 Page 3.10-21, 4th paragraph of the Draft EIR/EIS has been revised to omit the reference of a 200-foot boundary to clarify that construction would generate noise levels up to 83 dBA within 50 feet from the noise source to 52 dBA at a distance of 3,200 feet from the edge of the ROW.

Due to the number of variables and site specific factors that determine construction noise levels, the impact of construction noise on sensitive receptors was based on the construction equipment noise levels presented in Draft EIR/EIS Table 3.10-4. Based on Draft EIR/EIS Significance Criterion NOI-1, in the event a substantial temporary or periodic increase in ambient noise levels during construction in the vicinity of sensitive receptors above existing levels without the proposed Project occurs, a significant impact would result. Draft EIR/EIS APMs and Mitigation Measures N-1a and N-1b would reduce construction noise levels to the maximum extent feasible. APMs NOI-3 and NOI-4 would provide notice to receptors near
construction zones and provide a toll free number to contact the Applicant for noise complaints. These measures would allow for addressing noise levels on a case-by-case basis during construction to reduce impacts. Please note that significance conclusions are a CEQA requirement and are not required for compliance with NEPA.

As noted on Draft EIR/EIS page 3.10-23, despite the implementation of APMs and mitigation measures, maximum construction noise levels would substantially exceed ambient noise conditions along the proposed Project (Alternative 2) route, and would affect sensitive noise receptors. However, all feasible mitigation measures which could mitigate this significant impact were included in the Draft EIR/EIS, as required by NEPA (40 CFR 1502.16 (h)).

A.23-112 Draft EIR/EIS Page 3.10-22 discussed potential vibration impacts during construction. As stated, the Draft EIR/EIS (based on Federal Transit Authority data) concludes that vibration issues are usually confined to short distances (i.e., 500 feet or less) from the source. A sensitive receptor field study did not identify sensitive receptors within 500 feet of construction ROW within the City of La Habra Heights (as discussed in Draft EIR/EIS Table 3.10-9 on page 3.10-27). Therefore, it was determined that proposed Project construction would be in compliance with specified vibration thresholds. However, the discussion of construction noise and vibration (Impact N-1) has been revised to more clearly explain that sensitive receptors located in close proximity to heavy construction activities could be subject to vibration impacts.

A.23-113 Draft EIR/EIS page 3.10-31, analysis of Segment 4, has been revised to clarify that implementation of the proposed Project (Alternative 2) would result in a significant unavoidable increase over ambient noise conditions. This clarification does not alter the significance of Impacts N-3 or N-4 of Alternative 2, which were determined in the Draft EIR/EIS to be significant and unavoidable. Please note that significance conclusions are a CEQA requirement and are not required for compliance with NEPA.

A.23-114 Draft EIR/EIS Table 3.10-10 has been corrected to evaluate this policy. As noted with the change, the proposed Project (Alternative 2) would not be in compliance with this City of Chino Hills operational noise ordinance and would, therefore, result in a significant unavoidable noise impact.

A.23-115 The referenced text on Draft EIR/EIS page 3.10-5 describes how corona discharge noise is created and what factors affect its output. Draft EIR/EIS Table 3.10-5 identifies the parameters considered during corona noise modeling, which include conductor size and other engineering specifications to minimize corona noise to the maximum extent feasible. All build alternatives evaluated in the Draft EIR/EIS would include best available technologies and include all infrastructure available for reducing corona noise to the maximum extent feasible. The noise modeling and subsequent analysis conducted in the Applicant’s Noise Technical Study and the Draft EIR/EIS assumes this, and the estimated corona noise levels associated with the proposed Project incorporate these best available technology components. Therefore, the factors identified in Draft EIR/EIS Page 3.10-39, first paragraph, to reduce corona noise are incorporated into the proposed Project. The Noise Technical Report is provided as Appendix K to the Final EIR and is available on the Project website at:

http://docs.cpuc.ca.gov/environ/tehachapi_renewables/finalEIR.htm
A.23-116  Adverse construction noise impacts from a point source are typically limited to within close proximity (200 feet for a 74 dBA level according to Draft EIR/EIS Table 3.10-4) of a receptor. However, as cumulative impacts refer to the compounding of impacts from multiple potential point sources (i.e., other nearby unrelated construction projects), the limit for cumulative noise sources is considered 600 feet, as it is unlikely any two single-point noise source locations beyond 600 feet apart would combine to cumulatively impact one receptor location.

A.23-117  Draft EIR/EIS Table 3.10-5 identifies the parameters considered during corona noise modeling, which includes conductor size and other engineering specifications to minimize corona noise to the maximum extent feasible, including tower height. Implementation of single location mitigation (such as sound rated windows) would not change the increase in outdoor ambient noise levels associated with the proposed alternatives (upon which the ambient noise levels were based). All feasible mitigation measures which could mitigate this adverse impact are included in the Draft EIR/EIS, as required by NEPA (40 CFR 1502.16 (h)).

A.23-118  The text referenced in this comment has been revised in the Final EIR to reflect that mitigation measures are introduced where possible in order to reduce significant impacts to the maximum extent feasible.

A.23-119  Where necessary, the Draft EIR/EIS has been changed to omit the reference of a 200-foot (or 225-foot) boundary regarding construction noise. The impact of construction noise was based on the construction equipment noise levels shown in Table 3.10-4. Based on Draft EIR/EIS Significance Criterion NOI-1, in the event a substantial temporary or periodic increase in ambient noise levels during construction in the vicinity of sensitive receptors above levels existing without the proposed Project occurs, a significant impact would be generated. Please note that significance conclusions are a CEQA requirement and are not required for compliance with NEPA.

As explained in the response to Comment A.23-116, the limit for cumulative noise sources in analyzing cumulative impacts is 600 feet, which is what is discussed on page 3.10-39 of the Draft EIR/EIS. The reference to 300 feet on page 3.10-55 is not a reference to an impact or threshold boundary. Rather, it is the distance of one sensitive receptor, South El Monte High School, from the nearest underground segment of Segment 7 that would be located along Durfee Avenue.

Due to the number of variables and site specific factors that determine construction noise levels, the impact of construction noise on sensitive receptors was based on the construction equipment noise levels shown in Draft EIR/EIS Table 3.10-4. Based on Draft EIR/EIS Significance Criterion NOI-1, in the event a substantial temporary or periodic increase in ambient noise levels during construction in the vicinity of sensitive receptors above existing levels without the proposed Project occurs, a significant impact is generated. Draft EIR/EIS APMs and Mitigation Measures N-1a and N-1b would reduce construction noise levels to the maximum extent feasible. All feasible mitigation measures which could mitigate this significant impact were included in the Draft EIR/EIS, as required by NEPA (40 CFR 1502.16 (h)).
As stated in Chapter 2 of the Draft EIR/EIS, construction would generally occur Monday through Friday from 7:00 a.m. to 5:00 p.m.; therefore, the information and analysis presented in Section 3.10 (Noise) is correct. Noise impacts identified in the Draft EIR/EIS include: N-1 (Construction noise would substantially disturb sensitive receptors), N-2 (Construction noise levels would violate local standards), N-3 (Permanent noise levels along the ROW would increase due to corona noise from operation of the transmission lines and substations), and N-4 (Operational noise levels would violate local standards). Impacts N-1 and N-3 are characterized by the magnitude of Project-related noise experienced by sensitive receptors independent of the time of day or day of the week the noise would occur. Impacts N-2 and N-4 are characterized by exceedance of municipal thresholds of noise. However, because the potential exists for construction to occur outside of the hours of 7:00 a.m. to 5:00 p.m. Monday through Friday (i.e., after 5:00 p.m. Monday through Friday or on Saturdays), SCE has committed to implementing APM NOI-1 which, as stated throughout Section 3.10 of the Draft EIR/EIS and noted by the commenter, would ensure that construction activities would comply with local noise ordinances. APM NOI-1 also indicates that SCE intends to acquire variances where necessary. As described in detail in Sections 3.10.6 through 3.10.11, noise impacts N-1 through N-4 would be significant and unavoidable for all action alternatives (Alternative 2 through Alternative 7). Additionally, revising the noise analysis to assume a 6-day workweek would not change any of the significance determinations identified in the noise analysis. Please note that significance conclusions are a CEQA requirement and are not required for compliance with NEPA.

Most air quality impacts are characterized by the amount of emissions generated by Project-related equipment. Because Project construction has the potential to require work outside the hours of 7:00 a.m. and 5:00 p.m. Monday through Friday, in order to account for weekday work after 5:00 p.m. or weekend work emissions estimates used to analyze potential air quality impacts were conservatively generated based on a 6-day work week.

Noise Technical Report Section 2.0 (Fundamentals of Noise) provides an explanation of the noise descriptors used within the report. Equivalent sound level (Leq) is a steady-state sound that has the same energy and A-weighted level as the community noise over a given time interval. Day-night averaged sound level (DNL) is the 24-hour Leq obtained after addition of 10 dBA to the sound levels from 10 p.m. to 7 a.m. The term L90 represents the noise level exceeded for 90 percent of the time. Meaning, for 90 percent of the time, the noise level is above this level. Therefore, the high range L90 noise levels presented do not represent "peak hour" noise levels, but a decibel level which was exceeded over 90 percent of the time. Therefore, because L90 represents noise levels exceeded 90 percent of the time, it is expected that the DNL would be greater than the maximum L90 range.

Table 3-1 of the Noise Technical Report was provided to present a comparison of regulations and regulatory metrics used by the various federal agencies. As some federal agencies regulate the 24 hr DNL and others regulate the hourly Leq, a comparison is made based on the nature of the regulated source (i.e., highways, airports, etc.) and the metric used by the agencies. If the peak hour is equal to DNL assumption was not made and the 67 dBA level used by FHWA occurred over a 24 hour period, the resulting DNL would be 74 dBA. Variation from the stated illustrative assumption may be expected, and does not alter the determination of significance thresholds or resulting determinations of potential significance.
Please note that significance conclusions are a CEQA requirement and are not required for compliance with NEPA.

A.23-122 Noise Technical Study Table 5.2-2 also indicates that the winds were calm during the measurement period. The environmental Consequences references the complete range of measured noise levels including the calm periods. The assessment of increase is based on the evaluation of the quietest measured noise level, indicative of the calm periods.

A.23-123 The TRTP Noise Technical Report (Page 2-1) states that “A-weighted sound levels are typically measured or presented as the equivalent sound pressure level (Leq), which is defined as the average noise level, on an equal energy basis for a stated period of time...” The Leq (24 hr) indicates that it is the Leq computed over the 24 hour period. This summary table provides the Ldn, the maximum hourly and minimum hourly Leq in addition to the 24 hour average Leq (e.g., Leq (24 hr)). Detailed tables of hourly data are provided and the Environmental Consequences references the complete range of hourly levels. The inclusion of the 24 hour average Leq in a summary table does not alter the discussion or determinations of potential significance.

Draft EIR/EIS Table 3.10-2 has been revised to reflect that ambient noise conditions calculated in the Noise Technical Report represent 24-Hour Leq conditions expressed as one dBA value.

A.23-124 Please refer to the response to Comment A.23-106, above, for an explanation regarding the thresholds of significance used in the Draft EIR/EIS to determine a noise impact and the use of a 5 dBA threshold within those parameters. The analysis presented in the Draft EIR/EIS evaluates data from the Noise Technical Report and other sources against the noise impact criteria presented in the Draft EIR/EIS.

A.23-125 Please refer to the responses to Comments A.23-106 and A23-107, above, for an explanation regarding the thresholds used in the Draft EIR/EIS to determine noise impact significance and the use of a 5 dBA threshold within those parameters. The analysis presented in the Draft EIR/EIS evaluates data from the Noise Technical Report and other sources against the noise impact criteria presented in the Draft EIR/EIS. As stated in response to comment A23-107, the use of a 5 dBA threshold for determining “significant” increases for operational noise is consistent between the Draft EIR/EIS and the Applicant’s Noise Technical Study, which is provided as Appendix K to the Final EIR is available on the Project website at:

http://docs.cpuc.ca.gov/environ/tehachapi_renewables/finalEIR.htm.

A.23-126 Draft EIR/EIS Page 3.10-22 discussed potential vibration impacts during construction. As stated, the Draft EIR/EIS (based on Federal Transit Authority data) concludes that vibration issues are usually confined to short distances (i.e., 500 feet or less) from the source. Where applicable, policies pertaining to vibration thresholds were evaluated for each jurisdiction in Draft EIR/EIS Table 3.10-9, including the City of La Habra Heights Municipal Code mentioned in the comment. Based on the distances of the receptors from the ROW and vibration construction activities, as well as implementation of Mitigation Measures N-1a and N-1b, construction activities would comply with this ordinance of the City of La Habra Heights. Please note that as sensitive receptors may occur within 500 feet of vibration generating construction equipment, Impact N-1 has been revised to state that temporary
vibration impacts related to construction of the proposed Project would be significant and unavoidable.

A.23-127 The text referenced in this comment from the Noise Technical Report should read:

“Use of heavy equipment during construction of this segment would result in noise levels (Leq) ranging from greater than 83 dBA to 52 dBA from the edge of the ROW from 50 feet to approximately 3,200 feet from the edge of the ROW, respectively.”

This change was made by the CPUC in the Final EIR. It should be noted that despite the mischaracterization of this sentence in the Noise Technical Report, the Draft EIR/EIS accurately evaluates construction noise levels at these distances.

A.23-128 Errors in the Draft EIR/EIS pertaining to proposed Project segment noise levels corresponding to those presented in the Noise Technical Report have been corrected for Impacts N-3 and N-4 of Alternative 2. These clarifications do not change the conclusions in the EIR/EIS regarding the significance of impacts. Please note that significance conclusions are a CEQA requirement and are not required for compliance with NEPA.

A.23-129 Thank you for your comment. Your opinion is noted. The methodology used for modeling predicted wet-weather corona discharge noise is presented in the Noise Technical Report Section 6.2.1.2, which is provided as Appendix K to the Final EIR and is available on the Project website at:

http://docs.cpuc.ca.gov/environ/tehachapi_renewables/finalEIR.htm.

A.23-130 According to the City of Chino Hills website, the City is in the process of developing the Pipeline Avenue Community Center on the Old City Yard site. As a result, the existing modular structures will be demolished and replaced with a 17,000 square foot community center. The 2.8 acres within the SCE easement will likely be used for parking. Therefore, the Old City Yard is not included in the analysis of public services. Revisions to Draft EIR/EIS Section 3.11 (Public Services and Utilities) have been made to include this information.

A.23-131 Impacts related to parks are discussed in Draft EIR/EIS Section 3.15 (Wilderness and Recreation), which includes potential impacts related to Coral Ridge Park. As related to Alternative 4, Draft EIR/EIS Section 3.11 (Public Services and Utilities) includes Impact PSU-2, which addresses the proposed Project’s potential to impede or interfere with access for emergency response vehicles. According to Draft EIR/EIS Section 3.13 (Traffic and Transportation), all four route options under Alternative 4 would avoid crossing six major roadways that would be crossed by the proposed Project route; and Mitigation Measure T-1a (Traffic Control Plan) would still be required under Alternative 4. Therefore, the potential for access-related impacts to public services would be reduced but still considered a significant impact with implementation of Mitigation Measure T-1a. Draft EIR/EIS Section 3.11.8 (Public Services and Utilities) has been revised accordingly. Please note that significance conclusions are a CEQA requirement and are not required for compliance with NEPA.

A.23-132 This comment primarily addresses requirements under CEQA and, therefore, is not applicable to the Forest Service’s obligations under NEPA. However, the CPUC provided a response to this comment in the Final EIR and that response is reproduced below.

The commenter is correct in stating that, in accordance with CEQA, a physical change resulting in economic or social changes should be analyzed for significance. However, to be
clear, the language presented in State CEQA Guidelines Section 15131, also presented in Section 3.12.3.2 of the Draft EIR/EIS, directs EIR preparers to consider economic and social effects in terms of how they affect the significance of physical impacts; Section 15131 of the State CEQA Guidelines also explicitly states that significance conclusions shall not be made for economic and social effects. State CEQA Guidelines Section 15131(a) states: “Economic or social effects of a project shall not be treated as significant effects on the environment;” and State CEQA Guidelines Section 15131(b) states: “Economic or social effects of a project may be used to determine the significance of physical changes caused by the project.” In the context of this CEQA language, the examples of causal relationships between physical and economic/social effects that are cited by the commenter (and presented in Section 3.12.3.2 of the EIR/EIS) are intended by CEQA to demonstrate how economic and social effects may be used to determine the significance of physical impacts; they are not intended to demonstrate that significance conclusions should be made for economic and social effects.

The commenter is also correct in noting that homes and businesses are adjacent to the utility corridor in areas of Chino Hills. However, the proposed Project components analyzed in the EIR/EIS would be located within an existing utility corridor and would not conflict with the designated purposes and uses for which the utility corridor exists. As mentioned, the commenter cites two examples of causal impact relationships from CEQA. In the first example, the physical change that results in a social effect is the construction of a new freeway or rail line that divides an existing community. The underlying basis for this example is that the community was not originally divided by a freeway or rail line. In comparison, the proposed Project is located within an existing utility corridor through the City of Chino Hills; the Project does not include establishment of a new utility corridor in this area. Similarly, in the second example, the construction of a new road introduces noise that disrupts religious practices, thus resulting in social effects. As with the first example, the underlying basis for this example is that the religious practices were not originally situated in proximity to noise and traffic from a road. The proposed Project would be situated within an existing utility corridor; any religious practices or other sensitive uses that are present along the ROW in this area are already located in proximity to the utility corridor. With respect to this example, the commenter quotes from CEQA, “The religious practices would need to be analyzed only to the extent to show that the increase in traffic and noise would conflict with the religious practices.” The purpose of this statement is to guide EIR preparers to consider the social effect(s) of a physical impact when making a significance determination for the physical impact. Accordingly, Chapter 3 of the EIR/EIS provides significance determinations for all physical impacts of the proposed Project and alternatives. Per the CEQA language described above, significance determinations are not made for economic and social effects of the Project, as described in Section 3.12 of the EIR/EIS; however, these effects may be taken into consideration by decision-makers before issuing a decision on the Project.

To clarify statements made by the commenter, no residents live “under the poles,” as habitable structures are not present or permitted within the utility corridor. Additionally, the statement that “the Project ROW would take away structural portions of the dwellings, making them uninhabitable” is not correct. The proposed Project would not remove any private property in Chino Hills. For a discussion of eminent domain relevant to the overall Project, please see General Response GR-6.
The EIR/EIS acknowledges that there is public concern regarding the potential for proposed infrastructure to fail, as well as public concern regarding factors such as property value and electric and magnetic fields (EMF). Please see Section 3.7 (Geology, Soils, and Paleontology) of the EIR/EIS for discussion of seismic hazards. Issues relating to property value are addressed in Section 3.12 (Socioeconomics). Information about possible human health effects from exposure to Electric and Magnetic Fields (EMF) is provided in Section 5.3.1 of the EIR/EIS, and also addressed in General Response GR-2 regarding EMF.

Under SCE’s Easement Policy (Rev. 1, July 7, 2008), it is stated that “Buildings and other permanent structures, both above ground and underground are prohibited within SCE’s ROWs. Examples of permanent structures are pipelines, concrete slabs [i.e., parking lot], foundations, vaults, decks, detention basins, pools, and anything else that is not portable and easily moveable.” In SCE’s Secondary Land Use Policy, it states that SCE “will permit secondary uses of its transmission rights-of-way only when these secondary land uses do not conflict with current or projected first priority use, as determined by the company’s Transmission and Distribution Business Unit (TDBU). Such uses will be low intensity in nature.” Other possible low-intensity projects include short-term or overflow parking lots or equestrian stables. Because these are not the preferred uses, SCE will not actively pursue these uses but will consider them on a case-by-case basis. Previously existing land uses, such as parking lots, that may conflict with SCE’s Secondary Land Use Policy and Transmission Line Right of Way Requirements will be reviewed by SCE on a case-by-case basis. It should be noted that SCE is currently working towards a system-wide policy regarding land uses under 500-kV T/Ls; however, this policy is not yet in place.

It should also be clarified that the following statement made by the commenter is incorrect: “the ROW would take away an access drive and as much as an 11,000 square foot multi-tenant retail building, a full service car wash, building square footage and parking.” As described in Table 2.2-1 (Summary of Alternative 2 Components), implementation of the proposed Project would not include expansion of the existing utility corridor through the City of Chino Hills. Along Segment 8, which is the portion of the Project located in the City of Chino Hills, the existing utility corridor would be expanded in the following areas:

- Rose Hills Memorial Park ROW relocation (existing: 1.1-mile, 200-foot-wide; future: 1.4-mile, 240-foot-wide);
- Hacienda Heights ROW expansion (existing: 2.15-mile, 150 to 230-foot-wide; future: 250 to 330-foot-wide);
- Fullerton Road new ROW (existing: none; future: 0.4-mile, 100-foot-wide); and
- Ontario (near Mira Loma Substation) ROW expansion (existing: 0.45-mile, 175-foot-wide; future: 325-foot-wide).

Construction of the Project would require some temporary access restrictions, which are described in Section 3.13 (Traffic and Transportation) of the EIR/EIS. However, the proposed Project (Alternative 2) would not remove a full service car wash, as noted by the commenter. Rather, the Eastern Transition Station included under Alternative 5 (Partial Underground Alternative) would require the removal of a car wash in the event that decision-makers at the CPUC and Forest Service (Lead Agencies) select Alternative 5 for construction. The selection of Alternative 5 would also include conversion of a retail business and a parking lot. Socioeconomic effects of the proposed Project and alternatives, including
as related to businesses, private properties, and Section 15131 of the State CEQA Guidelines, are discussed in Section 3.12 (Socioeconomics) of the EIR/EIS.

A.23-133 There are no habitable structures located within the proposed Project ROW and no housing units would be removed as a result of the proposed Project. The commenter is incorrect in stating that homes are located within the Segment 8A ROW; rather, numerous homes and businesses are located nearby and adjacent to the Segment 8A ROW, as is common in the highly populated South Region of the Project Study Area. It should also be noted that the Draft EIR/EIS does not indicate that the minimum acceptable distance for the Project ROW is 200 feet. Section 2 (Description of Alternatives, including the proposed Project) of the Draft EIR/EIS describes that installation of each transmission tower would require an “approximate” or “typical” area of 200 feet by 200 feet; however, these specifications do not mean that the Project ROW would be 200 feet wide. Rather, construction activities along Segment 8 would occur within the existing ROW and on adjacent private lands where the affected landowner(s) have a mutual agreement with the Project Proponent (SCE) for construction-related use of such land. The approximate 200-foot by 200-foot area described in the Draft EIR/EIS is applicable to all tower locations along the length of the proposed Project route and is not limited to Segment 8. The commenter is incorrect in stating that the Project’s ROW width would result in “the taking of all or part of 147 residential properties” through the City of Chino Hills; accurately stated, the proposed Project would not require that ROW width be expanded to 200 feet through the City of Chino Hills and the Project would not result in the removal of any private properties in the City of Chino Hills.

A.23-134 Numerous varied and interrelated factors affect the market value of private properties, and it is not possible to accurately characterize how a single factor, such as proximity to transmission infrastructure, may affect property value. Section 3.12 (Socioeconomics) of the Draft EIR/EIS presents a variety of studies that address the relationship between transmission lines and property values to demonstrate the different ways in which property value may be affected. Thank you for expressing your concern on this topic; your comments will be taken into consideration in making a decision on the Project.

The proposed Project ROW does not cross properties that would need to be removed or relocated as a result of the Project (please refer to Draft EIR/EIS Section 3.9 [Land Use]). Under Alternative 5 (Partial Underground Alternative), the Eastern Transition Station would require the removal of a car wash in the event that decision-makers select Alternative 5 for implementation. The selection of Alternative 5 would also include the conversion of a retail business and a parking lot (please refer to Draft EIR/EIS Section 3.9 [Land Use]). However, as noted, these actions would not occur under the proposed Project (Alternative 2).

The commenter references a report titled “Southern California Edison’s Proposed Route for the Tehachapi Renewable Transmission Project Segment 8A through Chino Hill: Report on Required Condemnation and Valuation”, which was prepared by a consultant for the City of Chino Hills in March 2009. The Report is incorrect in stating that the proposed Project would require ROW expansions that would necessitate the removal of multiple business and residential properties. In actuality, the proposed Project would be located within existing ROW and would not require the removal or relocation of any private properties in the City of Chino Hills (please refer to Draft EIR/EIS Section 3.9 [Land Use]). As described in the response to Comment A.23-132, the ROW in which Segment 8A is situated would be
expanded and/or relocated in four areas, none of which are located within the City of Chino Hills. For a discussion of eminent domain relevant to the overall Project, please see General Response GR-6. Other socioeconomic effects of the proposed Project and alternatives, including as related to businesses and private properties, are discussed in Section 3.12 (Socioeconomics) of the Draft EIR/EIS.

A.23-135 Thank you for your comment. Trip assumptions for truck traffic were erroneously omitted from the Draft EIR/EIS and have been included in the Final EIS. As discussed in section 3.13.2.2 of the Draft EIR/EIS construction of the proposed Project would require a total of 300 workers for approximately 55 months.

As discussed in section 3.13.2.2 of the Draft EIR/EIS, project construction would also require a peak of approximately 540 truck deliveries. Construction activities would occur concurrently at several locations along the proposed right-of-way (ROW) within the counties of Kern, Los Angeles, and San Bernardino. Assuming that each worker would travel in a personal vehicle this would represent a peak of 300 worker commute trips per day in addition to 540 truck trips per day. Worker and truck trips are assumed to be evenly dispersed along the entire 173-mile long transmission line route in the project regions discussed in Section 3.13 (Northern, Central, and Southern). Therefore, during peak construction approximately 100 worker trips and 180 truck trips would be added to the regional roadway system of each Project region.

As discussed in Section 3.13.2.2 of the Draft EIR/EIS delivery activities requiring major street use would be scheduled to occur during off-peak traffic hours; therefore, Project-related deliveries are not expected to result in increases in peak-hour traffic volumes. Because the proposed Project is a linear facility that would be constructed by multiple crews at multiple locations along the entire route, Project-related traffic would be dispersed over large areas. For example, the peak 180 daily truck trips in each Project region would likely be dispersed over five to six hours and dispersed over several different marshalling yards. This dispersion would result in relatively minor incremental increases to existing traffic loads on any given roadway at any given time. Therefore, this analysis evaluated average daily traffic levels on major roadways likely to be utilized by construction-related traffic to determine whether the addition of Project-related traffic would be likely to substantially contribute to congestion on area roads. As discussed in the Draft EIR/EIS, much of the proposed Project would be constructed in rural areas with low levels of existing traffic which would not be expected to be adversely affected with the addition of Project traffic. However, the portions of the Project that would be constructed in more densely populated areas would have greater potential to experience adverse impacts with the addition of project traffic. Therefore, mitigation measures have been recommended to further reduce the effects of Project-related traffic on the area roadways.

A.23-136 Please see response to Comment A.23-22 regarding current land uses, such as parking lots, within the existing ROW through Chino Hills. As stated in that response, the referenced letter to Anne Dutrey from SCE is specifically concerning a new project (Chino Hills Community Center) and requests approval from SCE to use a portion of the SCE easement ROW as part of the project’s design for a new parking area. SCE stated that “[i]n the event the decision is to have the 500kV line through this site no parking will be allowed.” This does not mean that parking lots currently existing within the ROW, which will be utilized for TRTP, would no
APPENDIX F. DRAFT EIR/EIS COMMENTS AND RESPONSES

Tehachapi Renewable Transmission Project

longer be allowed. While parking within the existing ROW would be limited during periods of active construction within the ROW, the proposed project is not expected to result in any long term reductions of public parking.

A.23-137 It is true that the Draft EIR/EIS provides visual simulations as seen from three KOPs in Chino Hills, specifically for the proposed TRTP facilities (Alternative 2). However, in addition, the Draft EIR/EIS provides visual simulations for 12 possible alternative scenarios from six additional KOPs in Chino Hills for Alternatives 4 and 5 (please refer to Figures 3.14-58a/b/c/d, Figures 3.14-59a/b, Figure 3.14-60a/b/c/d/e, Figures 3.14-61a/b/c, Figures 3.14-62a/b, and Figures 3.14-63a/b of the Draft EIR/EIS Map & Figure Series Volume). The number of simulations of Chino Hills’ landscapes is a fair and adequate representation to the neighborhoods in Chino Hills. Photographs and simulations of Alternative 4 (Options A, B, C, and D) in and/or near Chino Hills State Park accurately display the visual effects of placing new structures in the Park and/or removing/relocating existing structures in the Park. Visual simulations were not provided for the City Mitigation and Cost Recovery Plan or the City’s proposed habitat restoration at Water Canyon Natural Preserve because these elements are not part of the proposed Project or any of its alternatives, as described in the Draft EIR/EIS Section 2 (Description of Alternatives, including the Proposed Project).

A.23-138 Photographs and simulations of Alternative 4 in and/or near Chino Hills State Park accurately display the visual effects of placing new structures in the Park and/or removing/relocating existing structures in the Park. Figure 3/14-59b (KOP-South-23 for Alternative 4-OptionA) and Figure 3/14-60b (KOP-South-24 for Alternative 4-OptionA) have been revised to show a gas-insulated switching station instead of an air-insulated switching station. This change in structure type was made after these two simulations were prepared. The Draft EIR/EIS has not ignored any feasible mitigation measures. Visual simulations were not prepared for the City Mitigation and Cost Recovery Plan because these elements are not part of the proposed Project or any of its alternatives. As stated in the Draft EIR/EIS, the 21st Century Green Partnership Proposal, referred to by the commenter as the Mitigation and Cost Recovery Plan, does not constitute mitigation for impacts identified in the Draft EIR/EIS because it does not directly address any of the adverse effects on the physical environment identified in the Draft EIR/EIS (Draft EIR/EIS, p. 4-48; see also Draft EIR/EIS, Section 5.4.3). To be considered a mitigation measure, the measure must necessarily be linked to the reduction, avoidance, rectification, minimization of, or compensation for a particular significant environmental impact of a project. The 21st Century Green Partnership Proposal does not identify any significant environmental impact its plan would reduce, minimize, rectify, avoid, or compensate and is therefore not a mitigation measure. Please see the response to Comment A.23-15 for further discussion of this issue.

With respect to NFS lands, where NEPA would apply, 40 CFR 1508.20 defines mitigation to include (a) avoiding the impact altogether by not taking a certain action or parts of an action; (b) minimizing impacts by limiting the degree or magnitude of the action and its implementation; (c) rectifying the impact by repairing, rehabilitating, or restoring the affected environment; (d) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and (e) compensating for the impact by replacing or providing substitute resources or environments. As such, the mitigation applied to NFS lands by definition would meet different standards.
A.23-139 The 21st Century Green Partnership Proposal, referred to by the commenter as the City Mitigation and Cost Recovery Plan, does not include any measures that constitute mitigation as defined by NEPA. Please see the response to Comment A.23-15 and General Response GR-9 for a discussion relevant to the City Mitigation and Cost Recovery Plan noted by the commenter.

A.23-140 Public recreation facilities are analyzed in Section 3.15 (Wilderness and Recreation) of the Draft EIR/EIS. Section 3.15.2.1 (Regional Setting) describes wilderness and recreation resources, including public recreation facilities, which are located within one-half mile of the proposed transmission line route. Additionally, Sections 3.15.2.2 through 3.15.2.7 identify the proximity of Alternatives 2 through 7, respectively, in relation to wilderness and recreation resources located within one-half mile of the proposed route. The impact analysis presented in Sections 3.15.5 through 3.15.11 and summarized in Section 3.15.12 includes tables for the proposed Project and each alternative that identify how Project impacts would affect wilderness and recreation resources within one-half mile of the transmission line route.

Table 3.15-17 (South Region Recreational Resources within One-Half Mile of Alternative 2) identifies that Coral Ridge Park, located in the City of Chino Hills, which would be traversed by the proposed Project route along Segment 8A, from approximately Mile 22.9 – 23.0. Table 3.15-17 further describes that Coral Ridge Park includes 6.5 acres with a playground, picnic area, basketball half-court, par course, barbeque area, four lighted tennis courts, and a bike pathway that continues in a northeast direction within the utility corridor. In addition, Table 3.15-31 (Wilderness and Recreation Impacts Applicable to Resources in the South Region) indicates that the following recreation impacts would affect Coral Ridge Park: Impact R-1 (Construction activities would restrict access to or disrupt activities within established recreational areas), and Impact R-2 (Operation and maintenance activities would restrict access or disrupt activities within established recreational areas). Table 3.15-31 and the discussion that follows Table 3.15-31 also identify best management practices and mitigation measures for Impacts R-1 and R-2 which would be implemented to reduce these impacts to Coral Ridge Park and other affected recreational facilities to the maximum extent feasible. Please see Section 3.15 of the Draft EIR/EIS for detailed discussion of public recreation facilities.

A.23-141 Please see the response to Comment A.23-20. As explained in that response, the routing of the transmission lines through CHSP would not have fewer impacts to ground and aerial firefighting operations than the proposed Project. Impact F-2 for Alternative 4 would be adverse and unavoidable.). No changes to the significance determination of Impact F-2 for Alternative 4 were made by the CPUC in the Final EIR. Please note that significance conclusions are a CEQA requirement and are not required for compliance with NEPA.

A.23-142 The commenter overstates the degree of consolidation of transmission lines that would be achieved by Alternative 4 compared with the proposed Project. Please see response to Comment A.23-20. For the same reasons as stated in that response, Impact F-5 would not be reduced by construction of Alternative 4 as stated by the commenter. As stated in Section 3.16.8.1, each Alternative 4 route would be constructed either directly adjacent, or in close proximity, to existing transmission lines within and immediately north of CHSP, where the risk of fire ignition already exists. Despite this existing risk, the additional infrastructure associated with any of the Alternative 4 routes would incrementally increase the amount of
equipment in the area that could fail or be interfered with, thereby incrementally increasing the risk of a wildfire and compromising firefighter safety, as described in the Draft EIR/EIS.

A.23-143 The commenter states that non-native plants are pervasive in CHSP, and that Impact F-6 should be classified as no impact. However, Alternative 4 includes not only the segments through CHSP, but also Segments 4 through 7, 10, 11, 8B, 8C, and the majority of Segment 8A. The introduction of nonnative plants along the alternative route would introduce non-native plants and exacerbate wildfire conditions. Impact determinations are made for the project or alternative as a whole, not for project segments (40 CFR 1502.4). No change to the impact conclusions related to Impact F-6 for Alternative 4 has been made.

A.23-144 While the Draft EIR/EIS did not and was not required to quantify the value of residential structures at risk in the Project area, the document did consider the proximity of residences to the proposed Project and alternatives and the risk that the proposed Project and alternatives would pose to communities along the routes. A portion of Segment 8A through the City of Chino Hills is outside of the high-risk Tehachapi Fireshed because the area consists of primarily urban fuels, and the nearby homes are not in the (downwind) Santa Ana influence area of the proposed Project. Because Santa Ana winds blow to the southwest in this area, during extreme Santa Ana weather conditions any ignition from Segment 8A would tend to spread in a southwesterly direction.

A.23-145 Please see the responses to Comments A.23-20 and A.23-144. Alternative 4 would not relocate the existing Chino-Mesa transmission line away from a residential area into CHSP as stated by the commenter and would therefore not reduce the impact to firefighting operations as stated in the comment.

A.23-146 Seismic hazards are fully described and analyzed in Section 3.7 of the Draft EIR/EIS. Please see General Response GR-10 for further discussion of the potential failure risk of transmission structures.

A.23-147 Please see the response to Comment A.23-86. Contrary to statements made by the commenter, the Draft EIR/EIS does discuss California Code of Regulations §14010(c), which is a requirement related to California school districts’ site selection of public schools. It does not apply to the siting of transmission lines. The Project would not result in placement of a transmission line within 350 feet of any public schools. Sections 3.17 and 5.3.1 of the Draft EIR/EIS discuss EMF exposure to persons in close proximity to the transmission lines. This issue is also fully discussed in General Response GR-2.

A.23-148 The Draft EIR/EIS in Section 5.3.1.1 notes that electric fields can be blocked by most materials. The Draft EIR/EIS also indicates that a substantial amount of research investigating both electric and magnetic fields has been conducted over the past several decades; however, much of the body of national and international research regarding EMF and public health risks remains contradictory or inconclusive. Unlike magnetic fields, there are design code requirements limiting the strength of the electric field at ground level to protect the public. The Project will be required to meet these requirements included in CPUC General Order 95.

A.23-149 The electric field that is present around energized transmission lines can induce currents and voltages on other metal objects in the vicinity of the transmission line. The amount or magnitude of the current or voltage induced depends upon several factors including: the voltage and current in the transmission line, the distance from the transmission line, the size
and orientation of the metal object and the grounding of the metal object. Design codes require that transmission lines be designed with sufficient clearance above ground to limit the strength of the electric field at ground level to protect the public from electrical shocks. Metal objects, such as chain link fences, are in direct contact with the ground and any induced currents or voltages are drawn off the object to ground. Small objects with insufficient metal surface will not develop induced voltage or current to a level requiring grounding. Some metal objects are insulated from the ground, such as vehicles with rubber tires. The design code limitations related to electric field strength, limit the strength of the field to a value such that a large semi-truck trailer parked directly beneath the line will not result in a public shock hazard. The Draft EIR/EIS does include grounding mitigation for large metal buildings, fences or pipelines in the event that these facilities are insulated from ground and are parallel to the transmission line for very long distances, in order to limit the build-up of induced currents and voltages.

A.23-150 The information in the Draft EIR/EIS related to structure strength is based upon the project meeting the requirements of applicable codes and regulations. The entities with jurisdiction over the public policy and regulations related to design of transmission lines determine the sufficiency of these codes to provide for the protection of public health and safety. The Draft EIR/EIS’ analysis of the proposed Project’s compliance with these codes is sufficient to provide the decision-makers with enough information to enable them to make an intelligent decision regarding the environmental consequences of the proposed Project. (30 CFR 1500.1) Please see General Response GR-10 regarding potential structure failure.

A.23-151 The risk of failure does exist, though the risk is very low as such failures are extremely rare. Please see General Response GR-10 regarding potential structure failure.

A.23-152 The Draft EIR/EIS discusses environmental hazards, including earthquakes, for the entire Project, including Segment 8A. Earthquakes, liquefaction, and landslides are addressed and impacts assessed in Section 3.7 (Geology, Soils, and Paleontology) of the Draft EIR/EIS. For information related to the design and strength of transmission structures, please refer to General Response GR-10. In the case of angle transmission structures, design codes require that the structures be designed to withstand all physical loadings, including the conductor tension loads that are imposed on the structure due to line angles.

A.23-153 The Draft EIR/EIS addresses the proposed Project’s potential to pose an increased risk of harm to persons and property should an extreme weather event that causes structural failure occur. Page 3.7-62 of the Draft EIR/EIS states, “[c]ollapse of Project structures could result in power outages, damage to nearby roads or structures, and injury or death to people, a significant impact.” These impacts, including Impacts G-4 through G-7, are identified in Section 3.7 of the Draft EIR/EIS and mitigation measures are proposed to minimize possible adverse impacts. Please see General Response GR-10 for further discussion regarding the potential for structure failure.

A.23-154 Please see the response to Comment A.23-21 regarding the methodology and analysis for determining the environmentally superior alternative. As pointed out by the commenter and explained in the Draft EIR/EIS, the selection of the environmentally superior alternative involves weighing one type of impact against another and is therefore not merely a question of totaling the impacts and “doing the math.” Section 4.3.1 of the Draft EIR/EIS provides a segment-by-segment detailed analysis of the environmental effects of the proposed Project and
each alternative. After careful consideration of the type and severity of the impacts associated with the proposed Project and each alternative, the Draft EIR/EIS concludes that the environmentally superior alternative is a combination of Alternatives 2, 3, 6, and 7 (Draft EIR/EIS, page 4-48).

Also, the focus of the alternatives analysis was on reducing the adverse effects of the proposed Project, among other criteria. Please also see General Response GR-1 regarding the alternatives identification, screening, and analysis used to determine the alternatives considered in the Draft EIR/EIS. As discussed, a reasonable range of alternatives was considered and evaluated as to whether or not the alternatives (1) meet most of the project objectives/purpose and need, (2) are considered feasible, (3) meet CAISO/WECC/NERC reliability planning criteria, and (4) would avoid or lessen adverse effects of the proposed Project. As such, the alternatives analysis does focus on alternatives that would reduce the adverse effects/impacts of SCE’s proposed Project.

Please see the response to Comment A.23-15 and General Response GR-9 for a discussion on the City’s 21st Century Green Partnership, Mitigation and Cost Recovery Plan. Please also see the responses to Comments A.23-21 and A.23-154 regarding the methodology and analysis for determining the environmentally superior alternative. The Draft EIR/EIS lists the reduced land use and socioeconomic benefits associated with Alternative 4 in Segment 8, as pointed out by commenter. These factors were weighed along with the adverse impacts of Alternative 4, against the impacts and benefits associated with Alternative 2 (Draft EIR/EIS, p. 4-45).

Please see the response to Comment A.23-21 regarding the methodology and analysis for determining the environmentally superior alternative and the significance determination resulting from the need to change the CHSP General Plan. The discussion regarding the inconsistency of Alternative 4 with the CHSP General Plan is only one part of the entire analysis of the impacts and benefits associated with those routes. Please note that significance conclusions and identification of an environmentally superior alternative are CEQA requirements and are not required for compliance with NEPA. Please see the Final EIR for a fuller response to this comment. Amendments to the ANF Land Management Plan can be approved by a local administrator, in this case the Forest Supervisor, and while such amendments are discretionary, they do not require the vote of a commission as do amendments to a State Park General Plan. As the federal lead agency under NEPA, the Forest Service is not subject to the same criteria used to determine impact significance for CEQA, and the determination that ANF plan amendments were not significant is consistent with NEPA regulations requiring consideration of context and intensity.

The evaluation of alternatives in the Draft EIR/EIS provides sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed Project so that the decision-makers may decide, after making the appropriate findings, whether and how they will decide to approve or carry out the project. NEPA requires that an EIS should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision-makers (40 CFR 1502.14).
Your comments and the table prepared as part of Comment A.23-157 will be shared with federal decision-makers who are reviewing the Project.

For further discussion of these issues, please see the response to Comment A.23-15 and General Response GR-9 regarding the City’s 21st Century Green Partnership, Mitigation and Cost Recovery Plan. Please also see the response to Comment A.23-21 regarding the methodology and analysis for determining the environmentally superior alternative.

A.23-158 The magnetic field levels included in the Draft EIR/EIS are based upon the Field Management Plan prepared by SCE. The power flow levels and calculated EMF are used to identify potential field strengths in the vicinity of the line and how certain field mitigation techniques may be used to result in lower field strengths. The calculated field strength is not intended to predict the actual field strength in the vicinity of the transmission line since these will be highly variable over the life of the transmission line. The field strength will vary significantly over time, including variation on a daily, seasonal and year to year basis and the use of electricity changes in the region. The Draft EIR/EIS did not identify any impacts from magnetic fields regardless of the calculated field strength along the transmission line. As stated in the Draft EIR/EIS in Section 3.17, there remains a lack of consensus in the scientific community regarding possible public health effects resulting from EMF exposure at the levels expected from electric power facilities. There are also no federal or State standards limiting human exposure to EMFs from transmission lines or substation facilities in California. For those reasons, no impact significance determinations are presented for EMF-related concerns. Please note that significance conclusions are a CEQA requirement and are not required for compliance with NEPA.

A.23-159 The transmission line is routed through areas of varying land use, from open country to populated communities. The Draft EIR/EIS did not identify any impacts from the magnetic fields levels anticipated along the transmission line. As stated in the Draft EIR/EIS in Section 3.17, there remains a lack of consensus in the scientific community regarding possible public health effects resulting from EMF exposure at the levels expected from electric power facilities. There are also no federal or State standards limiting human exposure to EMFs from transmission lines or substation facilities in California. For those reasons, no impact significance determinations are presented for EMF-related concerns. Please note that significance conclusions are a CEQA requirement and are not required for compliance with NEPA.
Exhibit A: Letter to Ruth Coleman from Leslie Starck of SCE

January 27, 2009

Ruth Coleman
Director, California State Parks
P.O. Box 942896
Sacramento, CA 94296

Subject: Chino Hills State Park – Transmission Tower Removal

Dear Director Coleman:

Pursuant to previous discussions between Southern California Edison (SCE) and the Department of Parks and Recreation (State Parks), I am sending this letter to confirm SCE’s commitment to the removal of vacant transmission towers within Chino Hills State Park. SCE plans to remove the vacant transmission towers during construction of the Tehachapi Renewable Transmission Project, Segment 8.

However, and as previously discussed, State Parks has requested that certain transmission towers not be removed. For example, some transmission towers are being used as nesting habitat for area wildlife. There are also some transmission towers that are designated as historical. SCE will work closely with and coordinate the transmission tower removal work with State Parks.

If you have any questions or would like to discuss further, please do not hesitate to contact me at (626) 302-4883.

Sincerely,

[Signature]

Leslie E. Starck
Vice President

cc: Sandra Blain
September 4, 2009

Exhibit B: Letter to John Boccio from Susan Nelson of SCE

Mr. John Boccio, Project Manager
California Public Utilities Commission
Energy Division
505 Van Ness Avenue
San Francisco, CA 94102

Dear Mr. Boccio:

Re: Chino Hills State Park Idle Line Removals

SCE has committed to the California Department of Parks and Recreation to remove the idle 220kV and 115kV lines from the Chino Hills State Park. This commitment was made via a letter from Les Starck (SCE VP of Local Public Affairs) to Ruth Coleman on January 27, 2009. The idle lines are:

- A section of 220kV line from the north park entrance running south-southwest to a location near the existing 500kV lines.
- A section of idle 115kV line running from the Brea area to just east of the Rolling M Ranch.

SCE will remove these lines regardless of the outcome in the TRTP proceeding. As a matter of construction efficiency, the idle facilities would likely be removed at the same time as the TRTP Segment 8 construction. The cost of this removal will not be part of TRTP. In addition, at the Park's request, there may be some structures that would not be removed.

Please let me know if you have additional questions on this matter

Sincerely,

Susan J. Nelson

Enclosure

cc: Chuck Adamson
Comment Set A.24: County of Los Angeles

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
http://dpw.lacounty.gov

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460
IN HOUSE FILE: LD-1

April 2, 2009

Mr. John Boccio, CPUC, EIR Project Manager
Mr. Justin Seastrand, USDA Forest Service, Special Uses Coordinator
c/o Aspen Environmental Group
30423 Canwood Street, Suite 215
Agoura Hills, CA 91301

Dear Mr. Boccio and Mr. Seastrand:

DRAFT ENVIRONMENTAL IMPACT REPORT FOR
TEHACHAPI RENEWABLE TRANSMISSION PROJECT

As requested, we reviewed the Draft Environmental Impact Report (DEIR) for the subject project. The proposed project includes construction, operation, and maintenance of 173 miles of new and upgraded transmission infrastructure within new and existing right of ways. The transmission alignment extends southerly from Kern County through north and central Los Angeles County and easterly along the Puente/Chino Hills to San Bernardino County.

The following comments are for your consideration:

Hydrology/Water Quality

1. Alternative 2: The Southern California Edison (SCE) proposed project alternative includes two proposals for the double-circuit 66-kV transmission towers in Segment 7, either relocation of 45 existing towers to the edge of the SCE right of way between Mile Post 4.4 and 15.8 or undergrounding of the transmission lines of these same towers for the same 11.4 miles. Since this stretch of Segment 7 runs immediately parallel to the San Gabriel River, from the City of Irwindale southerly through the Whittier Narrows Dam Recreation Area, and because the relocation of the towers to the edge of the right of way could increase the area with restricted use around the SCE right of way, we recommend that the transmission lines be placed underground rather than the towers relocated. This would minimize impacts to proposed and ongoing San Gabriel River Corridor Master Plan projects in the area.
Comment Set A.24, continued: County of Los Angeles

Mr. John Boccio
Mr. Justin Seastrand
April 2, 2009
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2. If project transmission lines are not placed underground, we recommend that SCE develop joint projects with Public Works to enhance adjacent SCE and Los Angeles County Flood Control District right of ways with water quality and/or passive recreation amenities in order to mitigate the aesthetic impact of the project on the San Gabriel River Bicycle Trail and the San Gabriel River Corridor Master Plan projects as well as the reduced usable area surrounding the larger and/or increased number of towers.

3. Substations and/or towers should be kept out of natural drainage pathways.

4. The proposed project may affect several Los Angeles County Flood Control District facilities. Some of the facilities include: Eaton Wash, San Gabriel River, and the Santa Fe Spreading Grounds. At this time, we cannot comment on the degree of impact this project would have until more specific information, such as construction plans at a standard scale, is available. SCE should obtain permits through the County of Los Angeles Department of Public Works' Construction Division for any work within the Los Angeles County Flood Control District easements and/or right of ways.

5. Prior to construction, grading permits must be obtained for all access roads within the County of Los Angeles jurisdiction. Grading permits can be obtained through Public Works' Building and Safety Division.

Traffic/Access

Any proposed public road closure and detour, towers and/or transmission lines within public road right of way, or any USFS permitted locations will require a construction permit from Public Works' Construction Division.

Geology/Soils

1. All or portion of the site is located within potentially liquefiable and earthquake-induced landslide areas per the State of California Seismic Hazard Zones Map—Del Sur, Sleepy Valley, Lancaster West, Ritter Ridge, Pacifico Mountain, Acton, Pasadena, Azusa, Mt. Wilson, El Monte, Baldwin Park, Whittier, La Habra, and Yorba Linda Quadrangles. Site-specific geotechnical reports addressing the proposed development and recommending mitigation measures for geotechnical hazards should be included as part of the EIR. Without this information, the true extent of habitat disturbance caused by construction of geological hazard mitigation measures cannot be accurately determined.
Comment Set A.24, continued: County of Los Angeles

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2. On page 3.7-61, a discussion is made of the impacts of fault rupture on the project. Mitigation Measure G-4a discusses "minimization" of the placement of structures upon an active fault. However, it is appears that there will no absolute prohibition of placement of a structure upon an active fault. No discussion is made regarding the determination of what circumstances would necessitate the placement of a structure upon a fault and no discussion is made regarding which structures could be safely placed upon an active fault trace. In addition, Mitigation Measure G-4b acknowledges the fact that placement of structures upon a fault trace may cause damage to transmission facilities. This contradicts the findings made in Section 3.17 (Hazards) under Impact EIH-4. Although discussion is made of "contingency" plans for the damage, no discussion is made of the severity of the anticipated damage nor of the impact to public safety from the damage. This should be addressed and appropriate mitigation provided.

If you have any other questions or require additional information, please contact Mr. Toan Duong at (626) 458-4921.

Very truly yours,

GAIL FARBER
Director of Public Works

DENNIS HUNTER, PLS PE
Assistant Deputy Director
Land Development Division

cc: Chief Executive Office (Lari Sheehan)
Regional Planning (Hsiao-Ching Chen, Paul McCarthy)
Response to Comment Set A.24: County of Los Angeles

A.24-1 Please see the responses to Comments A.17-10 and A.8-1. Please note that the letter from the County of Los Angeles, Department of Public Works was submitted separately and is identified above as Comment Set A.8. Please see Comment Set A.8 for responses to those comments.

A.24-2 Please see the response to Comment A.8-2.

A.24-3 Please see the response to Comment A.8-3.

A.24-4 Please see the response to Comment A.8-4.

A.24-5 Please see the response to Comment A.8-5.

A.24-6 Please see the response to Comment A.8-6.

A.24-7 Please see the response to Comment A.8-7.

A.24-8 Please see the response to Comment A.8-8. (Note: This particular comment is not identical to that previously submitted as Comment Set A.8; therefore, additional discussion is provided herein.)

With respect to Mitigation Measure G-4 (previously G-4a in the Draft EIR/EIS), the title was updated in the Final EIR and has been updated in this Final EIS to: “Avoid Placement of Project structures on active fault traces” for clarification. Mitigation Measure G-4 requires that fault investigation studies be completed to prevent placement of structures on active faults and to allow for placement of these structures as far away as feasible from these fault traces. Mitigation Measure G-4b has been deleted in the Final EIS.

For Impact EIH-4, it is concluded that project structures would not be affected by earthquake vibrations. This conclusion is based on proper design per the requirements of the California Public Utilities Commission, General Order No. 95, Rules for Overhead Electric Line Construction. As discussed under Impact EIH-4 subheading “Earthquake,” overhead transmission lines are designed for dynamic loading under variable wind conditions that generally exceed earthquake loads, and industry experience has demonstrated that under earthquake conditions structure and member vibrations generally do not occur or cause design problems. This conclusion is not contradictory to the conclusion reached for Impact G-4, as it is limited to impacts resulting from earthquake shaking or vibrations. Impact G-4 assesses the impacts related to surface fault rupture, which is an entirely different component of earthquake-related phenomenon.
Comment Set A.25: Glenn Robertson, CRWQCB, Santa Ana Region

To Mathew Long, Aspen Environmental (Environmental Impact Report Comment Coordinator):

Thank you for your call today, with what turned out to be one final opportunity to add a comment that was overlooked in our April 1, 2009 letter to John Boccio/Justin Seastrand. Please consider the following to be an addendum to stormwater permit comment #4 of our letter:

The Statewide General Permit for Storm Water Discharges Associated with Construction Activities (SWRCB Order No. 99-08-DWQ) is required for linear projects that encompass an area of 5 acres or more, which we anticipate is necessary for the comprehensive project. Please be aware that for linear projects that disturb greater than 1 ac but less than 5 ac, a variation of the General Permit is required (SWRCB Order No. 2003-0007-DWQ), the Statewide General Permit for Storm Water Discharges Associated with Construction Activity from Small Linear Underground/Overhead Projects (Small LUP General Permit).

Calculations of impacted Project acreage should be compared with those of the applicable permit. Please refer to the State Board website for more criteria, both http://www.waterboards.ca.gov/water_issues/programs/stormwater/linear_const.shtml and http://www.waterboards.ca.gov/water_issues/programs/stormwater/linearfaq.shtml

Glenn Robertson, Engineering Geologist
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Website: www.waterboards.ca.gov/santaana

Glenn Robertson.vcf 0.1 kb

From: 'Glenn Robertson' <grobertson@waterboards.ca.gov> - Additional Comment For Tehachapi Renewable Transmission Project DEIR/DEIS, SCH# 2007081156
Response to Comment Set A.25: Glenn Robertson, CRWQCB, Santa Ana Region

A.25-1 Thank you for your input. This information will be passed on to SCE, which will be responsible for obtaining all necessary permits for the Project.
Comment Set A.26: City of Ontario

John Boccio/Justin Seastrand  
CPUC/USDA Forest Service  
c/o Aspen Environmental Group  
30423 Canwood Street, Suite 215  
Agoura Hills, CA 91301

SUBJECT: TEHACHAPI RENEWABLE TRANSMISSION PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT (SCH #2007081156)

To Whom It May Concern:

The City of Ontario has reviewed the information contained in Draft Environmental Impact Report (DEIR) for the Tehachapi Project. Based on that review, the City offers the following comments for the DEIR:

1. In our letter of August 2, 2008, the City requested that all new towers (500kV and 220kV) be tubular steel poles rather than the skeletal design. Mitigation Measure V-2a states as follows:

"Use tubular steel poles instead of lattice steel towers in designated areas. When feasible, SCE shall use tubular steel poles, rather than lattice steel towers, in locations designated by the CPUC and the FS (for NFS lands), to reduce visual impacts as seen from sensitive receptor locations and/or to match existing and/or future wind turbine generator monopoles and/or to accomplish community desires. SCE shall submit a Structure Type and Treatment Plan to the CPUC and FS, as appropriate, 45 days after Project approval, demonstrating compliance with this measure and Mitigation Measure V-2b (Treat surfaces with appropriate colors, textures, and finishes).

Comment: The mitigation measure does not identify the specific locations for which tubular steel poles (TSP) will be used and, in fact, defers mitigation to some future date and approval process contrary to the requirements of CEQA. The mitigation measure should identify the TSP locations to allow adequate review by all parties.
Comment Set A.26, continued: City of Ontario

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2. In our letter of August 2, 2008, the City noted that placement of the lines in the area west of Haven Avenue, between Chino and Schaefer Avenues, requires an additional 150-foot wide easement be obtained. This location impacts existing entitled projects and proposed developments. The City requested the PUC consider a reduction in the easement width from 150 to 100 feet as part of the application.

Comment: The DEIR appears internally inconsistent. Table 3.9-1 of the DEIR says that “no residential land uses would be temporarily or permanently displaced.” Figure 2.2-1v, however, indicates that a new 150-foot wide expanded right-of-way (ROW) will be required east of the existing ROW. Further, it does not appear that any analysis has been done in consideration of the request to reduce the easement width requested during the scoping period.

After consideration of the various alternatives provided in the DEIR, the City of Ontario finds that Alternative 4 is the preferred alternative. Alternative 4 would provide the necessary facilities to transmit the wind-generated electricity to the Inland Empire without any new facilities being required within the City. Alternative 4 would eliminate the need for new, taller towers impacting nearby existing and proposed residential development.

If the City can be of any assistance, please feel free to contact me at (909) 395-2199 or jblum@ci.ontario.ca.us or Scott Murphy, Assistant Planning Director at (909) 395-2419 or smurphy@ci.ontario.ca.us.

Sincerely,

Jerry L. Blum
Planning Director

Cc: Greg Devereaux, City Manager
Otto Krouth, Development Director
Scott Murphy, Assistant Planning Director
Response to Comment Set A.26: City of Ontario

A.26-1 Thank you for your comment. This comment pertains specifically to CEQA requirements. The CPUC included a response to this comment in the Final EIR and it is reproduced here.

Mitigation Measure V-2a does not improperly defer mitigation to a later date. CEQA requires the Lead Agency to determine whether a project will have significant environmental impacts and to formulate measures to mitigate those impacts before the project is approved (California Native Plant Society v. City of Rancho Cordova (2009) 172 Cal. App.4th 603). Establishing a commitment to mitigate the significant impacts of a project before it is approved, even if the details of a particular mitigation measure are unknown, satisfies this requirement. (Id.) This may be especially appropriate where, as here, further studies are needed to determine the exact placement and design of the mitigation (National Parks & Conservation Ass’n v. County of Riverside (1999) 71 Cal.App.4th 1341, 1366). Unlike lattice steel towers (LSTs), tubular steel poles (TSPs) are individually engineered for each location. In addition, TSPs are comprised of much larger individual components than LSTs, which introduces many more constraints related to their construction. Therefore, the feasibility of constructing TSPs must be determined on a site-by-site basis based on detailed engineering design as well as construction planning. The CPUC and Forest Service have crafted Mitigation Measure V-2a with wording indicating their intentions to specify locations for TSPs where feasible and practical. Recommendations for locations where TSPs may reduce visual impacts have been made by a visual specialist for consideration by the Lead Agencies. Final locations for the installation of TSPs will be determined as part of the final engineering and design process subject to further review by the CPUC and Forest Service. The Draft EIR/EIS identifies the potentially significant visual impacts of using lattice steel towers, evaluates them, and commits to mitigating them through the implementation of Mitigation Measure V-2a. The details regarding exactly where the tubular steel poles will be placed can be deferred pending the completion of engineering and construction designs (California Native Plant Society, supra 172 Cal.App.4th 603; Sacramento Old City Ass’n v. City Council (1991) 229 Cal.App.3d 1011). Therefore, Mitigation Measure V-2a is an adequate mitigation measure.

A.26-2 Draft EIR/EIS Figure 2.2-1v does not show a new 150-foot ROW east of the existing ROW. Draft EIR/EIS Figure 2.2-1v does indicate that the Project would result in a new 240-foot ROW through Rose Hills Memorial Park. This new ROW would be on existing Rose Hills Memorial Park property, which is not a “residential land use.” As such, there is no conflict between Table 3.9-1 and Figure 2.2-1v.

It is acknowledged that during scoping the City of Ontario requested that the 150-foot ROW expansion west of Haven Avenue, south of Chino Ave, just west of Mira Loma Substation, be reduced to 100 feet. At this time, SCE has indicated that a 150-foot expansion in this area is required per its current design.

A.26-3 Thank you for expressing your concerns and opinions. Your comments will be shared with federal decision-makers who are reviewing the Project.
Comment Set A.27: US Department of the Interior, Office of the Secretary

United States Department of the Interior
OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Pacific Southwest Region
1111 Jackson Street, Suite 520
Oakland, California 94607

E-filed
6 April 2009

John Boccio/Justin Seastrand
CPUC/USDA Forest Service
c/o Aspen Environmental Group
30423 Canwood Street, Suite 215
Agoura Hills, CA 91301


Dear Mr. Boccio/Mr. Seastrand:

The Department of the Interior has received and reviewed the subject document and has the following comments to offer.

The U.S. Fish and Wildlife Service (Service) has reviewed the Draft Environmental Impact Statement (DEIS) for the Tehachapi Renewable Transmission Project (TRTP) provided by the U.S. Forest Service.

The TRTP would involve construction, operation, and maintenance of new and upgraded transmission infrastructure along approximately 173 miles of new and existing rights-of-way in southern Kern County; portions of Los Angeles County, including the Angeles National Forest and U.S. Army Corps of Engineers lands; and southwestern San Bernardino County, California.

The DEIS evaluates seven alternatives including: Alternative 1 (No Project/Action Alternative), Alternative 2 (Southern California Edison’s Proposed Project), Alternative 3 (West Lancaster Alternative), Alternative 4 (Chino Hills Alternatives), Alternative 5 (Partial Underground Alternative), Alternative 6 (Maximum Helicopter Construction in the Angeles National Forest Alternative), and Alternative 7 (66-kV Subtransmission Alternative).

- 1 -
Comment Set A.27, continued: US Department of the Interior, Office of the Secretary

The DEIS includes an analysis of potential development of Tehachapi Wind Resource Area that may occur as a result of the TRTP. The following comments are provided for your use and information when preparing the final environmental impact statement (FEIS).

General Comments

Comparison of Alternatives

Based on our review of the information provided in the DEIS, it appears the superior alternative for protection of fish, wildlife and plants among alternatives 2-7 is Alternative 6 (Maximum Helicopter Construction in the Angeles National Forest).

According to the DEIS, Alternative 6 would reduce the amount of new or upgraded roads by about 42.5 miles; permanent land disturbance would be reduced by 46.5 acres; 38 fewer riparian areas would be affected; 85 riparian areas would sustain fewer impacts; and potential for transfer of noxious weeds would be reduced.

Alternative 6 appears to result in less potential for effects to the federally endangered arroyo toad (Bufo californicus) and the federally threatened Santa Ana sucker (Catostomus santaanae) by reducing the amount of new and/or upgraded roads and the amount of road use. In addition, fewer impacts would be expected to species such as the southwestern pond turtle (Clemmys marmorata pallida) and coast range newt (Taricha torosa torosa) due to lower road use along the West Fork of the San Gabriel River.

Additional noise and disturbance may occur under Alternative 6 due to additional helicopter trips, resulting in impacts to birds. However, Alternative 6 would result in less permanent habitat loss and less potential for unauthorized off-road vehicle use and the additional noise during construction should be temporary.

We recommend not selecting Alternative 4 (Chino Hills Alternatives) due to greater potential for impacts to fish, wildlife and plant resources. Alternative 4 would result in development of new powerlines, switching stations, roads, and staging areas within Chino Hills State Park. While the extent of impacts is not clear due to lack of complete information regarding potential locations of roads and staging areas, the DEIS indicates that more impacts could occur to habitat for federally threatened coastal California gnatcatcher (Polioptila californica californica) compared to other alternatives and potential for spread of noxious weeds is enhanced due to disturbance of more undeveloped areas.

In addition, the DEIS indicates that additional effects would be expected to burrowing owls (Athene cunicularia hypogaeae) and San Diego desert woodrats (Neotoma lepida intermedia) compared to other alternatives.

Finally, we recommend addition of an alternative, alteration of an existing alternative, or discussion of potential alternatives that avoid impacts to coastal California gnatcatcher in the Montebello Hills due to the importance of this population.

The proposed project under alternatives 2-7 appears to occur within or near part of the Montebello Hills population of coastal California gnatcatcher. The Montebello Hills population is one of only three core populations within Unit 9 of designated critical habitat for coastal
Comment Set A.27, continued: US Department of the Interior, Office of the Secretary

California gnatcatcher. The Montebello Hills population helps provide connectivity between significant coastal California gnatcatcher populations within Orange County Central-Coastal Natural Community Conservation Plan area, Western Riverside County Multiple Species Habitat Conservation Plan area and Bonelli Regional Park area within East Los Angeles.

Information Requests

We request the following information be included in the FEIS:

1. The DEIS indicates that under Alternative 7 slightly more impacts will occur to a number of species compared to Alternative 2 (Southern California Edison’s Proposed Project), including coastal California gnatcatcher and federally endangered least Bell’s vireo (Vireo bellii pusillus) (page 3.4-5); however, some habitat enhancement will occur for least Bell’s vireo under Alternative 7 (page 2-104). For the FEIS, we recommend explaining benefits and effects to least Bell’s vireo from implementation of Alternative 7 more explicitly in order to allow for a better evaluation of this alternative.

2. The DEIS describes acreage of habitat impacts for each alternative by habitat type. We recognize the need to provide total impacts attributed to each alternative; however, there is a need to differentiate impacts by segment in order to better understand effects of each alternative to local habitats. We recommend including specific information on habitat impacts for each segment in the FEIS, especially for segments near or within important habitats and wildlife corridors, such as Puente-Chino Hills Wildlife Corridor.

3. Please clarify whether or not acres of habitat affected shown in the DEIS include habitat loss from future fuels management associated with the project. If the DEIS does not include potential impacts of fuels management in the analysis, we recommend adjusting acreages and proposed mitigation for the FEIS to reflect these impacts, as appropriate.

4. The DEIS does not address potential for effects to fish, wildlife, and plants from wildfires associated with the proposed project. Potential effects of wildfires may be especially important for areas with new transmission lines and roads, such as in Chino Hills State Park. We recommend including this discussion in the FEIS for each alternative.

5. Addition of roads or expansion of roads is an important potential impact to fish, wildlife and plant resources. Not only would new roads directly damage habitat, but they may also open additional areas for unauthorized off-road vehicle use and result in impacts beyond those described in the DEIS.

Due to potential importance of impacts of additional/expanded roads on fish, wildlife, and plants, we recommend identifying new and existing roads that would be used for the project and for future maintenance activities for the FEIS. Specifically, we recommend identifying whether each of these roads will be temporary or permanent. This information should be included in the discussion of acreage calculations and mitigation for each alternative. In addition, the FEIS should identify where additional unauthorized off-road vehicle use might occur due to the project.

6. For portions of transmission lines that occur within threatened or endangered species habitat or that remove habitat for threatened or endangered species, we recommend
Comment Set A.27, continued: US Department of the Interior, Office of the Secretary

specifically identifying proposed mitigation for the FEIS. Specifically, we recommend identifying mitigation for the estimated 45 acres of impacts to Unit 9 of designated critical habitat for coastal California gnatcatcher mentioned on page 3.4-250 and the 7 acres of arroyo toad habitat mentioned on page 3.4-234, including proposed site for mitigation and nature of the mitigation.

7. The DEIS does not include a description of potential effects associated with continued operation and maintenance of the proposed project. Please describe how this project will change maintenance activities from existing situation for each alternative. Please describe potential effects to fish, wildlife, and plants associated with new maintenance activities and any associated mitigation proposed.

Specific Comments

Page 1-14: The following standard from the Angeles National Forest Land Management Plan should also be addressed:

S31: Design new facilities or expansion of existing facilities to direct public use away from occupied habitat for threatened, endangered, proposed and candidate species.

Page 3.4-18: Helicopter construction should be considered as an alternative for the entire project area, not just for the Angeles National Forest. Exceptions to helicopter use should be considered for areas important to bird species off the Angeles National Forest in this analysis, especially during breeding season.

Page 3.4-26: We recommend adding mitigation measures such as closing/barricading roads used for long-term maintenance, removing roads as much as possible, and adding monitoring and remediation efforts to ensure no effects occur from unauthorized off-highway vehicle use. These measures would be especially important for protecting Puente-Chino Hills Wildlife Corridor, which is described in the DEIS.

Page 3.4-133: We recommend extending weed management practices and monitoring that are proposed for the Angeles National Forest for the entire project area.

Page 3.4-157: We recommend surveying for federally endangered mountain yellow-legged frog (Rana muscosa) in addition to surveys for federally threatened California red-legged frog (Rana aurora draytonii), in appropriate areas.

Page 3.4-163: Please note that Segment 6 of the proposed project appears to traverse Unit 7 of arroyo toad designated critical habitat.

Page 3.4-169: The discussion in the DEIS for Impact B-11 (i.e., The Project would result in mortality of desert tortoise as a result of increased predation by common ravens) does not adequately address potential effects of this project. Please review information provided below relative to Impact B-11. We are providing you with additional information regarding raven nesting and power lines, known distances that ravens can fly in a day, and recommendations for minimizing impact of ravens associated with this project. We encourage you to incorporate this information into your analysis.
Comment Set A.27, continued: US Department of the Interior, Office of the Secretary

Human activities in the desert frequently attract and provide subsidies for common ravens (*Corvus corax*), which are effective predators of desert tortoises. Suitable habitat for federally threatened desert tortoise (*Gopherus agassizii*) exists in the Northern Segment of proposed project on Segments 4 and 10. Common ravens are known to fly up to at least 40 miles in a day (Engel and Young, 1992) expanding their potential area of impact into desert tortoise habitat. In addition, studies have indicated power lines in particular are directly correlated to an increase in raven nesting. For example, in Idaho, a high-tension power line was installed in 1980; 1 raven nested in 1981, 9 in 1982, and 39 in 1983, and twice as many by 1987. Furthermore, numbers of nesting ravens did not decline in surrounding area as a result of towers (Steenhof et al., 1993).

The U.S. Fish and Wildlife Service is currently attempting to address the issue of predation of desert tortoises by recommending that all new projects be developed and designed with the goal of not providing subsidies for common ravens. Subsidies include food, water, and nesting, perching and roosting substrates. When subsidies cannot be eliminated completely, we further recommend that project proponents provide contribution to a fund that will be used to manage common ravens on a regional basis.

The proposed project should ensure that all human activities related to the project do not attract ravens or provide subsidies for the common raven. These include considerations for food, trash, surface water from dust suppression, other water sources and pooling water, surface disturbance (exposing insects, rodents, and lizards as a food source), and temporary structures or tall vehicles left unattended for more than a few days.

In addition, developers in the desert should prepare and implement a project-specific Raven Management Plan that is consistent with the most current U.S. Fish and Wildlife Service-approved guidelines. The plan would incorporate a monitoring and adaptive management framework that aids in determining effectiveness of design features and implementation of operation practices meant to reduce or eliminate subsidies to common ravens. The plan would also include a raven nest removal component on project structures.

Page 3.4-234: The FEIS should include a description of potential effects to arroyo toad upland habitat in addition to impacts to the arroyo toad riparian habitat mentioned in the DEIS.

Thank you for the opportunity to review this project.

Sincerely,

[Signature]

Patricia Sanderson Port
Regional Environmental Officer

cc:
Comment Set A.27, continued: US Department of the Interior, Office of the Secretary

Director, OEPC
FWS, Region VIII
Response to Comment Set A.27: US Department of the Interior, Office of the Secretary

A.27-1 Thank you for your review and comments. The support of Alternative 6 by USFWS will be shared with federal decision-makers who are reviewing the Project.

A.27-2 Thank for providing your recommendation regarding Alternative 4. Only preliminary information regarding the location of staging or access roads was available during the preparation of the Draft EIR/EIS. Nonetheless, the document did provide estimates of potential habitat loss for California Gnatcatcher. This effect is expected to be slightly greater under Alternative 4 than under the proposed project. Your comments will be shared with federal decision-makers who are reviewing the Project.

A.27-3 Thank you for providing your recommendation regarding the avoidance of the Montebello Hills. The Draft EIR/EIS considered a reasonable range of alternatives that accomplish the project objectives while minimizing the impacts to the environment. Unfortunately, it is not feasible to consider every possible permutation of each alternative and NEPA does not require this. (CEQ Forty Questions, No. 1b.). The Draft EIR/EIS evaluated effects of the project to the Montebello Hills population of coastal California gnatcatchers and found effects to be minimized to the maximum extent feasible after mitigation (Draft EIR/EIS, pages 3.4-181 through 3.4-184). Gnatcatchers would remain subject to project effects even if the alignment along the margin of the Montebello Hills was avoided. The Draft EIR/EIS has evaluated effects of the project to this population and found effects to be adverse and unavoidable absent mitigation. Your comments will be shared with federal decision-makers who are reviewing the Project.

A.27-4 Thank you for your comment. The text of the Final EIS has been revised to better articulate the effects of each alternative to sensitive species habitat. Based on information provided by SCE, which clarifies the placement of towers in or adjacent to habitat utilized by least Bell’s vireo, Alternative 7 would result in a reduction in potential effects to this species.

A.27-5 Thank you for your comment. The Biological Resources chapter of the Draft EIR/EIS provides a description of the habitats associated with each project Alternative and an analysis of the impacts to the habitat. (Draft EIR/EIS sections 3.4.7 through 3.4.11.) The analysis of each of the proposed Alternatives includes a description of where the habitat loss would occur. The analysis is not broken down by segment; however, enough detail is provided to adequately assess the impacts to the various habitat types within each of the Alternatives. Each Alternative primarily consists of a modification to a specific segment of the proposed Project. For example, Alternative 3 consists of a minor re-route in Segment 4. Accordingly, the Draft EIR/EIS provides a description of this re-routed portion, including land use classifications and habitat types. A full impact analysis is also provided. Please see Sections 3.4.7 through 3.4.11 of the Draft EIR/EIS for specific information addressing habitat loss associated with each Project Alternative.

A.27-6 Operations and maintenance activities associated with the Project, which includes vegetation management, would be governed per the terms specified in the Special Use authorization which would need to be issued by the Forest Service as part of Project approval and by CPUC regulations, such as General Order No. 95., and. One of the standard terms for Forest
Service transmission line permits is development of an Operations and Maintenance Plan. Operations and maintenance activities associated with the Project, as proposed by SCE, are detailed in Draft EIR/EIS Section 2.2.13. These activities routinely involve removal of vegetation per SCE Transmission Operations and Maintenance Policies and Procedures. While the Forest Service (ANF) generally does not complete any further NEPA review for activities within the scope of an approved Operations and Maintenance Plan, all operations and maintenance activities are reviewed to ensure that impacts are avoided or minimized. Operations and maintenance activities would not cause any new disturbance on NFS lands, as all new transmission lines would be replacing existing ones.

A.27-7 Thank you for your comment. Impacts to wildfire prevention and suppression were analyzed in Section 3.16 of the Draft EIR/EIS. Although a separate impact specifically addressing effects from wildfire was not included in the Biological Resources section of the Draft EIR/EIS, potential effects from wildfires to plants and wildlife are discussed throughout the biological resource section. Please see Impact B-3 (The Project would result in the establishment and spread of noxious weeds); Impact B-7 (The Project would disturb endangered, threatened, or proposed plant species or their habitat); Impact B-15 (The Project would disturb nesting southwestern willow flycatchers, least Bell’s vireos, yellow-billed cuckoos, or their habitat); Impact B-20 (The Project would result in electrocution of State and/or federally protected birds); and Impact B-30 (The Project would result in the loss of occupied California spotted owl habitat). In addition, impacts to wildfire prevention and suppression in Chino Hills State Park are analyzed in section 3.16.8 of the Draft EIR/EIS.

A.27-8 Thank you for your comment. New and existing access and spur roads that may be used for the project have been identified to the extent possible in section 2.2.12.3 and Table 2.2-41 of the Draft EIR/EIS. Section 3.15, Wilderness and Recreation, analyzes the impact of unauthorized off-road vehicle use and concludes that improvements to existing roads and construction of new roads could facilitate unmanaged recreational uses, but that the implementation of mitigation measure R-5 would reduce this impact to the maximum extent feasible (Draft EIR/EIS, page 3.15-94). In addition, the biological resource section of the Draft EIR/EIS provides a description and analysis of potential effects to plants and wildlife from the expansion and use of these roadways as an indirect project effect (Draft EIR/EIS, section 3.4.6, Impact B-4). The impact was determined to be minimized to the extent feasible with the implementation of mitigation measures B-1a, B-1b, B-2, B-3a, AQ-1a, and H-1a (Draft EIR/EIS, pages 3.4-139 through 3.4-143).

A.27-9 Thank you for your comment. Mitigation Measure B-17 (Preserve off-site habitat and/or habitat restoration for the coastal California gnatcatcher) requires SCE to mitigate effects from Project construction at a 3:1 ratio unless otherwise approved by the FWS upon consultation (Draft EIR/EIS, pages 3.4-183 through 3.4-184). For lands located within the Montebello Hills HCP a 1:1 ratio will be implemented unless otherwise approved by the FWS. (Id.) In the Project area arroyo toads are known to occur only within National Forest System lands. Mitigation Measure B-1a provides a table with mitigation ratios for plant communities on both public and private lands. The expected mitigation ratios for loss of toad habitat would range from 3:1 for chaparral communities to 5:1 for riparian and coastal scrub communities (Draft EIR/EIS, pages 3.4-119 through 3.4-122). Location of the mitigation site will be determined as part of the Habitat Restoration and Revegetation Plan that will be
prepared by the Forest Service and the USFWS will have approval authority over. This constitutes adequate mitigation under CEQA (*California Native Plant Society v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603 [CEQA does not require the identification of a specific mitigation site in an EIR]). In addition, in *Robertson v. Methow Valley Citizens Council*, the Supreme Court noted the importance under NEPA of discussing mitigation in sufficient detail to ensure that environmental consequences have been fairly evaluated. However, it held that requiring a fully developed mitigation plan before an agency acts would be inconsistent with NEPA’s reliance on procedural mechanisms.

A.27-10 Thank you for your comment. Section 3.4.6 of the Draft EIR/EIS discusses the ongoing and operational effects of the proposed Project on plants and wildlife. Impact B-1, Impact B-4, and Impact B-5 are specific to Project construction; however, the remaining impact analysis discusses the impacts of the Project in general, including both construction and operational impacts. In most cases, operational impacts are not presented as a separate paragraph or identified under a specific heading. Nonetheless, these impacts are accounted for in the impact analysis for this Project. Even for the construction specific impacts, ongoing operation and maintenance activities are discussed. For example, Impact B-1 (Construction activities would result in temporary and permanent losses of native vegetation) states that “[o]ngoing operations and maintenance impacts would occur during routine inspection and maintenance of the proposed Project facilities or as a result of facilitated public access. These impacts would include trampling or crushing of native vegetation by vehicular or foot traffic, alterations in topography and hydrology, increased erosion and sedimentation, and the introduction of non-native, invasive plants due to increased human presence.”

Please note that in most cases the proposed transmission lines would replace existing transmission lines. Therefore, operation and maintenance practices would not be substantially different than existing practices.

A.27-11 All access/spur roads will be closed to the public unless they are currently identified in the Travel Management Plan as open to the public. Access will be restricted according to the mitigation as identified in the Final EIS in Mitigation Measure B-1a. The construction of the transmission upgrades will not result in increased access by the public to areas that are occupied by TESP species. The TRTP does not contain objectives or provisions for public use of utility corridors; therefore, Angeles National Forest Land Management Plan standard S31 is not applicable.

A.27-12 Thank you for your comment. The use of helicopter construction on National Forest System lands may be required due to existing topographical constraints, such as steep hillside and remote tower locations. Most of the remaining areas associated with the Project alignment do not have the physical access constraints that occur on National Forest System lands. The impacts of using helicopters in Project areas other than on National Forest System lands outweigh the benefits. Helicopters may reduce some effects to vegetation from road grading; however, the increase disturbance from noise outweighs the value of constructing with helicopters. In addition, even with the use of helicopters lay down areas for staging equipment may still be required at each tower site depending on other access constraints.

A.27-13 The use of roads for construction, operation, and maintenance of the proposed Project is addressed throughout the Draft EIR/EIS at a resource/environmental issue area-specific level
of analysis, and mitigation measures are identified, as appropriate, to minimize road effects to the maximum extent feasible, including unauthorized off-highway vehicle (OHV) use. Section 3.15 (Wilderness and Recreation) of the Draft EIR/EIS identifies Impact R-6 (The Project would facilitate unmanaged recreational uses that would contribute to the long-term loss or degradation of recreational opportunities) and provides a corresponding impact analysis which characterizes how Project activities, particularly as related to road use, would cause or contribute to unauthorized OHV activities throughout the project area. This impact was determined to be minimized to the extent feasible with the implementation of Mitigation Measure R-5, which requires SCE to avoid the permanent upgrade of Forest System roads as a result of Project construction or operation and maintenance (Draft EIR/EIS, page 3.15-91). It is common practice for private utility roads to be closed to the public and blocked from use by fences, gates, barricades, or other structures, unless a mutual/shared use agreement is in place for public use of such road. Common mutual/shared uses of utility roads include access to recreational trails and public parks located within or nearby the utility corridor. It is expected that SCE’s maintenance roads for the proposed Project would be effectively restricted from public use (including by OHV recreationists) except where mutual/shared use agreements are in place. Furthermore, Mitigation Measure B-1a includes requirements for gates/barricades on Forest Service-identified entrances to access roads on NFS lands during and after construction to prevent the unauthorized use of these roads by the general public. Signs prohibiting unauthorized use of the access roads would also be posted on these gates.

A.27-14 Thank you for your comment. The specific weed management mitigation measures identified in the Draft EIR/EIS that are required on National Forest System lands have been requested by the Federal Lead agency in order to comply with management guidelines identified in the Forest Land Management Plan. While these measures are more stringent on National Forest System lands the Draft EIR/EIS does include best management practices to reduce the spread and colonization of weeds on private lands. These include vehicle washing prior to use in the region and weed monitoring of restoration sites. The primary mechanism to monitor the spread of weeds on private lands would be the implementation of Mitigation Measure B-1a which requires monitoring the temporarily disturbed areas for a period of five years.

A.27-15 Thank you for your comment. Based on information provided in the Draft EIR/EIS, Forest Records, and ANF species accounts the mountain yellow-legged frog is not believed to be present in the project area. The closest known record of this species occurs approximately five miles from the closest section of the ROW and suitable habitat is not expected to occur in the Project Area (Draft EIR/EIS, p. 3.4-156). Therefore, mountain yellow-legged frogs are not expected to occur. If they are present, they would likely be detected during the surveys that will be conducted for the California red-legged frog under Mitigation Measure B-8a and the biological monitoring program that will occur under Mitigation Measure B-8b. If mountain yellow-legged frog or other federally listed amphibians are found, work will cease until SCE receives concurrence from the FS, USACE, and FWS. (Id.) These surveys include surveys specific for California red-legged frog and would occur at drainages that support habitat for amphibians and focused surveys for special status reptiles and other amphibians at each of the drainages affected by project construction (Draft EIR/EIS, p. 4.3-159). Therefore, further surveys specific to the mountain yellow-legged frog were determined to be unnecessary. Please see Draft EIR/EIR section 3.4, pages 3.4-154 through 3.4-160 for
further discussion. Unlike the mountain yellow-legged frog, focused surveys for the California red-legged frog were determined to be necessary because, although not detected in the Project area, suitable habitat for the red-legged frog is present in several drainages associated with the Project. Populations of red-legged frogs have been documented in both up and downstream portions of Aliso Creek and Amargosa Creek, which gives them a high potential to occur in or adjacent to the proposed ROW at those locations. In addition, California red-legged frogs can travel overland up to one mile during a winter-spring wet season. Mountain yellow legged frogs’ recorded ability to travel overland is more limited (1 km). For these reasons, Mitigation Measure B-8a requires protocol surveys to be conducted for California red-legged frogs, but not for mountain yellow-legged frogs.

A.27-16 Thank you for your comment. According to the Final Designation of critical habitat for the arroyo toad (Federal Register / Vol. 70, No. 70 / Wednesday, April 13, 2005 / Rules and Regulations 19585), “…all essential lands in Unit 7 are excluded from critical habitat designation under section 4(b)(2) of the Act for economic reasons.” Therefore, this Unit was considered for but ultimately excluded from critical habitat designation. However, this unit has been reproposed for designation and was analyzed in the Biological Assessment submitted to the Carlsbad USFWS office for formal consultation in December 2009 (Appendix B-1). The Forest Service has made the determination that the proposed Project will not affect proposed critical habitat for the arroyo toad.

A.27-17 Thank you for providing the information regarding ravens and their effects to desert tortoise. In April 2009 the CPUC received information that two desert tortoises were observed adjacent to the project alignment in Segment 10. Based on this information, the text of the Draft EIR/EIS has been updated to include a more comprehensive discussion of raven effects. In addition, the Forest Service and SCE are coordinating with the Carlsbad and Ventura USFWS offices to develop a raven management plan. This will be implemented according to the Biological Opinion issued by the Carlsbad USFWS office.

A.27-18 Potential effects to arroyo toad upland habitat are described in Section 3.4 under Impact B-9. Specifically: “Direct impacts to arroyo toad could occur as a result of crushing from mechanized equipment, temporary disruption of foraging or thermoregulation sites in adjacent upland areas, fugitive dust, or the disruption of egg masses from impacts to water quality. Arroyo toads spend the majority of their life cycles well away from aquatic habitat and impacts to adjacent vegetation can have deleterious effects on this species (Cadre Environmental, 2002).” Please see Draft EIR/EIS Section 3.4, pages 3.4-160 through 3.4-166 for a complete discussion of the impacts to arroyo toads, including upland and riparian habitats.
Comment Set A.28: United States Environmental Protection Agency

UNited States Environmental Protection Agency
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

April 6, 2009

Mr. Justin Seastrand
USDA Forest Service
e/o Aspen Environmental Group
30423 Canwood Street, Suite 215
Agoura Hills, CA 91301

Subject: Draft Environmental Impact Statement (DEIS) for the Tehachapi Renewable Transmission Project, Kern, San Bernardino, and Los Angeles Counties, CA (CEQ # 20090035)

Dear Mr. Seastrand:

The U.S. Environmental Protection Agency (EPA) has reviewed the DEIS for the Tehachapi Renewable Transmission Project (Project) pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act. Our comments were also prepared under the authority of, and in accordance with, the provisions of the Federal Guidelines (Guidelines) promulgated at 40 CFR 230 under Section 404(b)(1) of the Clean Water Act (CWA).

The DEIS provides a comprehensive analysis of this highly complex project. We recognize the considerable level of effort that has gone into the analysis, discussion, and graphic illustrations of the Project. The EPA supports the Project purpose to provide adequate transmission capacity for renewable wind energy sources -- a step towards accommodating renewable energy transmission and reducing the demand for traditional forms of energy production that contribute significantly to air pollution, including climate changing greenhouse gases. We also support the Project objectives to minimize environmental effects by maximizing the use of existing transmission line right of way, and appropriate siting of infrastructure.

We have rated the DEIS EC-2, Environmental Concerns – Insufficient Information (see attached “Summary of the EPA Rating System”). Because of the complex nature of this proposed 173 mile transmission line, and the variety of landscapes, land uses and habitat areas that would be affected, we have identified several concerns and recommendations, summarized below. Our detailed comments are enclosed.
Comment Set A.28, continued: United States Environmental Protection Agency

The EPA recommends the FEIS include a commitment to implement Alternative 6 *Maximum Helicopter Construction in the Angeles National Forest* (ANF), and that the Forest Service consider modifications to Segment 10, and correct the figures for Segment 8A. The DEIS identifies the environmentally superior alternative under the California Environmental Quality Act as a combination of four alternatives, including the partial implementation of Alternative 6. EPA is concerned with the level of impacts to terrestrial and aquatic resources that would result from Alternative 2 (Proposed Project) construction and operations associated with extensive road widening and crossings of riparian conservation areas. We recommend full implementation of Alternative 6 to reduce these impacts in the ANF. We also question the alignment of the first portion of Segment 10 and recommend considering an alternative alignment that reduces impacts to undisturbed areas. The Project follows existing transmission lines for most of the proposed alignments, but the DEIS fails to show the existing alignment in Segment 8A and should be corrected.

EPA encourages the project proponent Southern California Edison to commit to working with the California Public Utilities Commission and the California Independent System Operator to maximize the Project transmission of energy from wind or other renewable sources. We also suggest that a discussion of Project consistency with the environmental protection goals of the California Renewable Energy Transmission Initiative would be beneficial in the FEIS.

We recommend the FEIS provide a discussion of Clean Water Act jurisdictional waters that could be filled by Project activities and include descriptions of type and areage of jurisdictional waters, measures to avoid impacts, and consistency with the *Compensatory Mitigation for Losses of Aquatic Resources: Final Rule*. We are also concerned with the level of impacts from stream crossings in the ANF and recommend full implementation of Alternative 6 as a way to reduce these impacts. The FEIS should discuss crossings in non-National Forest Service lands and describe how spoils from construction activities will be stored and disposed to avoid environmental impacts, including aquatic resources.

The Air Quality analysis should be updated in the FEIS to reflect the most recently approved State Implementation Plan and to accurately portray information pertaining to existing air quality conditions. A discussion of health impacts from particulate matter should be provided and sensitive receptors should be notified in advance of exposure from construction. We recommend an expanded discussion of the practicability of purchasing offsets for nitrogen oxide emissions in the South Coast Air Basin and suggest additional source controls as a possible alternative. To reduce impacts from ozone due to helicopter emissions, the EPA recommends best available emission control technologies, and scheduling heavy helicopter usage primarily in the fall and winter months when ozone formation is lowest. The EPA is available to serve in our consulting agency capacity prior to the finalization of the National Forest Service (NFS) determination of general conformity with local air quality plans.

The attached detailed comments provide additional information regarding the above-stated concerns, and provide additional recommendations regarding invasive species management, revised environmental justice analysis to consider existing health burdens, and use of tubular steel towers to reduce visual impacts. Thank you for the opportunity to review this
Comment Set A.28, continued: United States Environmental Protection Agency

DEIS and discuss our preliminary comments with you, the California Public Utilities Commission, and Southern California Edison on March 30, 2009. When the FEIS is published, please send one hard copy to us at the address above (Mail Code: CED-2). If you have any questions, please contact me at 415-972-3521, or contact Paul Amato, the lead reviewer for this project. Paul can be reached at 415-972-3847 or amato.paul@epa.gov.

Sincerely,

Kathleen M. Goforth, Manager
Environmental Review Office

Enclosures: Summary of EPA Rating System
EPA’s Detailed Comments

cc:
Mr. John Boccio, California Public Utilities Commission
SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)
The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)
The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)
The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)
The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

ADEQUACY OF THE IMPACT STATEMENT

Category 1" (Adequate)
EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)
The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)
EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purpose of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

Comment Set A.28, continued: United States Environmental Protection Agency

ENVIRONMENTAL PROTECTION AGENCY'S DETAILED COMMENTS ON THE TEHACHAPI RENEWABLE TRANSMISSION LINE PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT, KERN, SAN BERNARDINO AND LOS ANGELES COUNTIES, CA. APRIL 6, 2009

Alternatives

Consider full implementation of Alternative 6, Maximum Helicopter Construction in the Angeles National Forest (ANF). Section 4 of the Draft Environmental Impact Statement (DEIS) compares the Project alternatives and identifies the environmentally superior alternative under the California Environmental Quality Act (CEQA) as a "...combination of Alternative 2 (Southern California Edison's (SCE) Proposed Project) Alternative 3 (West Lancaster) Alternative 6 (Maximum Helicopter Construction in the ANF), and Alternative 7 (66-kV Subtransmission)." As described in the DEIS, the environmentally superior alternative would include partial implementation of Alternative 6. The EPA supports the National Forest Service (NFS) Alternative 6 that would maximize use of helicopters to construct the Project in the ANF and we encourage full implementation of this alternative to reduce long-term impacts to terrestrial and aquatic resources described in the DEIS. We understand that Alternative 6 could have greater construction emissions than the Proposed Project, but consider the long-term impacts that widening existing roads and constructing new roads would have to biological resources, water quality, land use, and wilderness and recreation to outweigh the short-term air quality impacts that would occur during construction. We also recommend measures to reduce air quality impacts from helicopter use under our air quality comments.

Recommendation:
Fully implement Alternative 6 to reduce environmental impacts that would otherwise occur from road widening and new road construction.

Discuss the potential environmental benefits of realigning part of Segment 10. As depicted in Figure 2.2-1b, the first 4.8 miles of Segment 10 would be sited through relatively open and undeveloped desert habitats and would cross at or near two ephemeral drainage confluences; areas that can provide higher quality habitats. The existing 90th Avenue appears to provide an alignment from north to south in an already disturbed area, potentially eliminating the need to construct the access and maintenance road along the proposed alignment. We appreciate the Project goals to minimize environmental impacts through selection of routes and follow existing right of way (ROW) throughout most of the Proposed Project, and recommend Segment 10 be sited along existing roads in an effort to accomplish similar impact minimization.

Recommendations:
Consider siting the first 4.8 miles of Segment 10 along 90th Avenue, or another existing roadway, to minimize impacts of locating the proposed transmission line and associated road through undisturbed desert habitats.

Update the FEIS to accurately portray Segment 8A existing transmission lines. The DEIS description of the Proposed Project mentions that an existing transmission line would be replaced between Segment 8A, mile post 19.2 and the existing Chino Substation, but this is not reflected in Figures 2.2-1x and 1v. Instead, the legend designation for existing transmission lines is absent
Comment Set A.28, continued: United States Environmental Protection Agency

between these two points. The figures should be updated to avoid confusion and accurately reflect the intent to follow an existing alignment.

Recommendation:
Update Figures 2.2-1x and 1y to show the existing transmission line between Segment 8A, mile post 19.2 and the existing Chino Substation.

Purpose and Need

The California Public Utilities Commission (CPUC) and Southern California Edison should work with the California Independent System Operator (CAISO) to ensure the Tehachapi Renewable Transmission Project (Project) wind energy transmission purpose is met. The DEIS states that the purpose of the proposed Project is to provide electrical facilities necessary to integrate new wind generation in excess of 700 MW and up to 4,500 MW from the Tehachapi Wind Resources Area (TWRA). The EPA supports the appropriate development of renewable energy resources and reducing the use of fossil fuels for energy development as a critical step towards reducing major sources of greenhouse gases that contribute to climate change. To that end, we also support efforts to meet the State of California’s Renewables Portfolio Standard (RPS) of 20 percent renewable energy sources by 2010. According to the RPS website, transmission is a major barrier to RPS project development. Based on information provided in the DEIS, the Project would provide an important element toward overcoming this barrier.

The DEIS discloses the potential for non-renewable energy projects to utilize the Project as interconnection requests to the California Independent System Operator (CAISO) are approved based on the order they are received, and that there is no guarantee against other types of energy projects connecting prior to wind projects. Specifically, the Walnut Creek Energy Park natural gas plant and the El Paso Line 1903 Conversion to natural gas are mentioned in Section 2.9.3. The EPA understands that the CAISO will ultimately decide what energy projects are permitted to connect to the proposed Project, but we strongly encourage the CPUC and SCE to work with the CAISO to ensure consistency with the Project purpose and maximize wind energy transmission, or other renewable energy transmission.

Recommendations:
CPUC should work with the SCE and the CAISO to maximize approval of wind energy projects (or other renewable energy) for connection to the Project.

The FEIS should include a discussion of the application and decision making process used by the CAISO to determine transmission line connection permits.

The FEIS should discuss consistency with environmental goals of the State of California Renewable Energy Transmission Initiative (RETI). The RETI, an effort supervised by the CPUC, CAISO, and others is intended to help identify the transmission projects needed to accommodate California’s renewable energy goals. The EPA understands that the DEIS does not discuss the RETI because the Project was developed in advance of this effort but it would be useful to include a discussion in the FEIS that describes Project consistency with the RETI goal.
Comment Set A.28, continued: United States Environmental Protection Agency

to “...identify those [transmission] zones that can be developed in the most cost effective and environmentally benign manner.”

Recommendation:
The FEIS should include a discussion describing Project consistency with the environmental goals of the RE1.

Introduction

Update Table 1-1 to clarify Regional Water Quality Control Board (RWQCB) permit authority. Table 1-1 Required Federal and State Permits and Approvals does not include the need to apply to the appropriate RWQCB for Clean Water Act (CWA) Section 401 water quality certification and/or waste discharge requirements, pursuant to the Porter-Cologne Water Quality Control Act, for fill of waters of the State.

Recommendation:
Table 1-1 should be updated to include RWQCB authority to issue CWA Section 401 water quality certifications and/or waste discharge requirements under Porter-Cologne.

Waters of the U.S.

Potential wetland fill and mitigation should be clarified. Impact B-39 describes potential impacts to waters of the U.S. (jurisdictional waters), commits to obtaining appropriate State and federal permits, and to mitigating unavoidable impacts through the restoration, enhancement, and/or preservation of existing wetlands; however, there does not appear to be a jurisdictional delineation or even an estimate of the acreage of different types of jurisdictional waters that could be filled by the Project. The DEIS also lacks a clear discussion of avoidance measures that would be implemented to prevent impacts and to comply with CWA Section 404(b)(1) Guidelines (Guidelines) that require selection of the least environmentally damaging practical alternative (LEPDA). The FEIS should include a more detailed discussion of impact avoidance measures and unavoidable impacts to jurisdictional waters, including the acreage and type(s) that could be filled. The FEIS should also provide a more detailed discussion of the availability of mitigation opportunities and compliance with the "Compensatory Mitigation for Losses of Aquatic Resources: Final Rule (Mitigation Rule) 33 CFR Parts 325 and 332, and 40 CFR Part 230 found at: http://www.epa.gov/wetlands/mitigation/ and at: http://www.usace.army.mil/cw/eacw2/seg/citizen.htm.

Recommendation:
Expand the FEIS discussion of impacts to jurisdictional waters to include an estimate of type(s) and acreage, and include a discussion of impact avoidance measures, mitigation availability, and compliance with the Guidelines and Mitigation Rule.

Impacts to riparian areas from road crossings should be avoided. According to Table 3.4-19, under the proposed Project, 171 Riparian Conservation Areas (RCAs) in the Angeles National Forest (ANF) would be subject to some form of permanent crossing, of which 95 would not conform to the Forest Plan. The EPA is concerned with the potential direct and indirect impacts
Comment Set A.28, continued: United States Environmental Protection Agency

that could result, and suggests the FEIS provide a more detailed discussion of the different types of crossings and their potential impacts to RCAs. The FEIS should also provide a similar discussion for crossings on non-NFS lands. The EPA considers Alternative 6, Maximum Helicopter Construction in the Angeles National Forest, to be the environmentally preferred alternative for the ANF as it would reduce the total number of crossings to 86, with only 57 being subject to adverse impacts. Alternative 6 would also reduce direct impacts, such as clearing vegetation, and indirect impacts, such as sedimentation to riparian areas from road widening.

Recommendations:
Expand the discussion of stream crossings to include crossings outside of the ANF, descriptions of the different crossing types, and their potential impacts.

Select Alternative 6 to reduce direct and indirect impacts to riparian areas and jurisdictional waters in the ANF.

Commit to appropriate construction spoil disposal that avoids impacts. Project construction includes auguring for transmission tower foundations and the creation of concrete batch plants. The EPA is concerned that these activities could generate significant amounts of sediment runoff into aquatic resources. The DEIS does not discuss what would be done with spoils left after auguring and creation of the proposed concrete batch plants. According to the DEIS, 15 to 100 cubic yards of concrete would be needed for each tower foundation, depending on the design. These volumes would presumably replace similar volumes of excavated and/or augured spoils. Concrete batch plants are estimated to be approximately 2 acres each in size. Spoils generated from these activities could result in substantial volumes of loose sediment potentially contributing to water quality degradation and habitat impacts, as well as air quality impacts from fugitive dust. The FEIS should describe what would be done with construction spoils and commit to storage and disposal methods that would avoid and minimize impacts.

Recommendation:
Describe what would be done with construction spoils and how environmental impacts would be avoided.

Air Quality

Revise the air quality analysis to reflect the recently approved 2003 State Implementation Plan (SIP). The EPA recently approved the 2003 SIP for the South Coast Air Basin (SoCAB) and, effective April 9, 2009, the Basin will be redesignated attainment for one hour ozone, and maintenance for nitrogen dioxide (NO2). Table 3.3-5 of the DEIS, the discussion of existing air quality, and the air quality analysis for the SCAB should be revised to reflect the 2003 SIP.

Recommendation:
Revise the air quality analysis for the SoCAB, Table 3.3-5, and the discussion of existing air quality to reflect the recently approved 2003 SIP for one-hour ozone and NO2, and include these in the FEIS.
Comment Set A.28, continued: United States Environmental Protection Agency

Revise the SoCAB carbon monoxide (CO) National Ambient Air Quality Standard designation. The DEIS discussion of existing air quality incorrectly states that the entire SoCAB is designated as a nonattainment area for CO (p. 3.3-12). Table 3.3-5 correctly shows that the SoCAB is in attainment. EPA granted the State request to redesignate the SoCAB from nonattainment to attainment on June 11, 2007.

Recommendation:
Revise the FEIS discussion of existing air quality to reflect the CO attainment designation in the SoCAB and to be consistent with Table 3.3-5.

Revise the statement that PM_{2.5} is not included in air quality threshold tables. The DEIS discussion on regional air quality significance criteria incorrectly states that particulate matter smaller that 2.5 microns (PM_{2.5}) is not included in Tables 3.3-13, 3.3-24, and 3.3-15 (p. 3.3-25). All three of these tables include PM_{2.5}. This is inconsistent and confusing.

Recommendation:
Revise the discussion on regional air quality significance criteria to correctly reflect PM_{2.5} data in Tables 3.3-13, 3.3-14, and 3.3-15, and include this information in the FEIS.

Consider expanding the air quality analysis to include a discussion of potential health effects from particulate matter. Project construction emissions would exceed SCAQMD PM_{10} and PM_{2.5} thresholds and would have a significant and unavoidable impact to local sensitive receptors located within 2500 meters of construction (p. 3.3-17). Table 3.3-20 compares the worst case daily construction emissions to the SCAQMD less than significant thresholds and shows that construction would generate 6.5 pounds of PM_{10} per day, exceeding the less than significant threshold of 4. PM_{2.5} emissions would equal 3.5 pounds per day, exceeding the daily threshold of 3. As a result, the FEIS should include a discussion of the potential health effects of these emissions to sensitive receptors and consider a mitigation measure that would inform sensitive receptors of these potential risks in advance of construction. This information could be provided concurrently with the advanced notification of construction Applicant-Proposed Measure (APM) NOI-3 for noise impacts.

Recommendation:
Expand the air quality impact analysis to include a discussion of the potential effects to sensitive receptors from exposure to PM_{10} and PM_{2.5}.

Consider an APM that would provide advanced notification to sensitive receptors of the potential effects of PM_{10} and PM_{2.5}.

Consider consultation with the EPA for general conformity. The DEIS air quality analysis concludes that a complete general conformity analysis will be completed as a result of exceeding NOx thresholds for the SoCAB (p. 3.3-38) and that, if needed, the NFS will obtain emission reduction credits to offset NOx emissions consistent with Mitigation Measure AQ-6. The EPA is concerned that NOx emission offset credits may not be a viable or practicable option for the NFS due to cost and availability, and we suggest greater source control measures be considered. In addition to working with the SCAQMD, the NFS should consider consulting with the EPA.
Comment Set A.28, continued: United States Environmental Protection Agency

prior to finalizing your general conformity determination. To consult with the EPA, please contact Mr. John Kelly of the Air Division at (415) 947-4151, or by email at Kelly.Johnl@epa.gov.

Recommendations:
Include a discussion in the FEIS describing the availability and practicability of purchasing NOx offsets for the SoCAB. Commit to greater source control measures in the event offsets cannot be purchased.

Consider consulting with the EPA before finalizing the general conformity determination for the Project.

Schedule Helicopter construction during the winter months to reduce ozone from NOx emissions. The DEIS describes the formation of ozone from NOx and volatile organic carbons (VOCs) in the presence of ultraviolet radiation, and demonstrates how ozone creation is higher in the spring and summer. Because emissions of NOx and VOCs would be greater for Alternative 6 Maximize Helicopter Construction in the ANF, the EPA recommends the scheduling of heaviest helicopter usage during the fall and winter months when ozone formation is lowest. We also recommend the best available control technologies be used to reduce helicopter emissions.

Recommendations:
The Project schedule should minimize helicopter construction during the spring and summer months and instead, schedule the heaviest helicopter use during the fall and winter when ozone production is the lowest.

Use the best available control technologies to reduce helicopter emissions.

Biological Resources

Revegetation plans should be prepared for areas of native and non-native vegetation disturbance. APM BIO-2 proposes to minimize vegetation removal and prepare revegetation plans for native vegetation temporarily disturbed by construction activities. The EPA agrees with this approach; however, we are concerned that areas of nonnative, or mixed native and non-native vegetation would not be subject to the same level of revegetation. Non-native vegetation can provide some level of habitat, as well as soil stability, and should be revegetated with native vegetation when disturbed. We understand from our March 31, 2009 meeting that the intent is to revegetate all disturbed areas with a native vegetation seed mix, regardless of the pre-construction vegetation community, but that areas previously occupied by non-native communities would not be held to the same standard of success as those that were native. This should be included in the FEIS.

Recommendations:
Amend APM BIO-2 to include revegetation of both native and non-native vegetation that is temporarily disturbed by construction activities.

Include a discussion of revegetation success criteria for areas disturbed by construction.
Comment Set A.28, continued: United States Environmental Protection Agency

Non-native vegetation communities should be mitigated for both NFS and non-NFS lands. Table 3.4-17 shows the vegetation communities that would be disturbed on non-NFS lands, the mitigation ratios for permanent and temporary impacts, and the total mitigation acres. According to the table, permanent impacts to 4.63 acres and temporary impacts to 6.27 acres of non-native woodland would go unmitigated. The same is true for ruderal wetland areas. The discussion in the DEIS characterizes non-native woodland as common and low quality and uses this characterization as justification for not mitigating these effects. Ruderal wetland does not appear to be discussed in this context. It also remains unclear whether these are jurisdictional wetlands under the Clean Water Act (CWA) or areas that could potentially support listed species.

Table 3.4-18 provides the same information as Table 3.4-17 for NFS lands and includes a 3:1 mitigation ratio for permanent impacts to non-native woodlands, and 1:1 for temporary impacts. The commitment to mitigate on NFS lands contradicts the characterization of non-native communities as low quality and common. The EPA is concerned that such areas would go unmitigated on non-NFS lands, resulting in prolonged impacts to habitat, increased opportunities for noxious weed species to establish, or excessive sediment to runoff into aquatic resource areas.

Recommendation:
The FEIS should commit to mitigation of non-native woodlands and ruderal wetland communities on both NFS and non-NFS lands that are disturbed by temporary and permanent Project activities. A description of ruderal wetlands should be provided and any CWA jurisdiction confirmed.

The FEIS should clarify whether all existing weed seed sources will be removed prior to construction. Mitigation Measure B-3a, Prepare and Implement a Weed Control Plan, includes several ongoing measures to prevent weed infestations in areas disturbed by Project construction and operation. Mitigation Measure B-3b, Remove weed seed sources from construction access routes, would include identification and control of weed seed sources along transportation routes to prevent spread of infestations following Project land disturbance. The EPA supports these mitigation measures but we suggest the control of noxious weeds and weed seed sources in all areas within the transmission line right of way (ROW), such as areas previously disturbed by the existing transmission line structures. All noxious weed sources should be controlled to prevent infestations in disturbed areas. We recommend consulting the California Native Plant Society and California Invasive Plant Council for an inventory of noxious weeds in California.

Recommendation:
Mitigation Measures B-3a and b should be revised in the FEIS to include ongoing control of noxious weeds and pre-construction noxious weed seed control in all areas of the Project ROW.

Environmental Justice

Revise the Environmental Justice analysis to consider any existing burdens. The Environmental Justice (EJ) section of the DEIS does a good job of looking at demographic and
Comment Set A.28, continued: United States Environmental Protection Agency

income data of the general population that resides along the proposed transmission alignment. Based on these data, the discussion concludes that Project impacts will be distributed evenly along the alignment; therefore it will not result in a disproportionate impact to minority communities (no low income communities were identified). The EPA does not disagree with the approach used to identify EJ communities along the proposed Project alignment but we do suggest the NFS revise the criteria used to determine disproportionate impacts. The EPA’s Environmental Justice Toolkit, found at http://www.epa.gov/compliance/resources/policies/ej/ej-toolkit.pdf, states that,

“Disproportionately high and adverse effects or impacts means an adverse effect or impact that: (1) is predominately borne by any segment of the population, including, for example, a minority population and/or a low-income population; or (2) will be suffered by a minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect or impact that will be suffered by a non-minority population and/or non-low-income population.”

The DEIS conclusion is consistent with the first criterion but lacks any discussion of whether the impacts of the Project would be appreciably more severe to any of the existing minority communities. The FEIS should discuss whether any of the EJ communities identified could be more severely affected by Project impacts due to existing burdens that may already be affecting those communities.

Recommendation:
Revise the EJ analysis to consider whether any of the minority communities along the Project alignment would be more severely affected due to existing burdens that may already be more significant in those communities.

Visual Resources

Commit to using tubular steel towers in Segment 10 and in natural areas close to recreational users. The DEIS states that lattice steel towers (LSTs) are not recommended in Segment 10 because tubular steel towers (TSPs) would blend better with the existing monopole wind turbines to reduce visual impacts (p. 3.14-97). Reduced bird-kills are also noted as a benefit of TSPs. Figures 3.14-3b and 4b contradict this statement and show LSTs in the post-Project visual simulations for Segment 10. The EPA supports the use of the TSPs over LSTs for the reasons stated. In addition, Applicant-Proposed Measure (APM) AES-3 specifies the use of TSPs in close proximity to existing residential areas. The EPA supports the use of TSPs over LSTs in these areas and suggests the FEIS include an additional APM that specifies the use of TSPs in natural settings near areas frequented by recreational users, such as in proximity to the Pacific Crest Trail.

Recommendations:
In the FEIS, revise the visual simulations for Segment 10 to be consistent with the discussion in Section 4.14 of the DEIS that describes the use of TSPs to reduce visual impacts and reduce bird-kills.
Comment Set A.28, continued: United States Environmental Protection Agency

Include an APM that specifies the use of TSPs in natural settings near areas frequented by recreational users.

**Noise**

**Clarify noise policies for the City of Industry.** Table 3.10-9 provides a description of applicable municipal noise policies and an analysis of Project compliance. The table indicates that construction activities would be compliant with City of Industry ordinances but also says “no noise policies apply during construction.” The table should be revised to reflect what noise ordinances will be followed for construction in the City of Industry.

**Recommendation:**
Revise Table 3.10-9 to reflect applicable noise ordinances and policies for the City of Industry.
Response to Comment Set A.28: United States Environmental Protection Agency

A.28-1 Thank you for your review and comments. Your support for the project purpose and objectives is noted.

A.28-2 Thank you for your comment. For detailed responses to these summarized comments regarding Alternative 6, Segment 10, and figures for Segment 8A, please see the responses to Comments A.28-7, A.28-8, A.28-9, and A.28-17, below. Please note that Segment 8A and Segment 10 are not located on National Forest System lands and, therefore, are outside the jurisdiction of the Forest Service. The CPUC has exclusive jurisdiction over Segment 10 and the CPUC and the USACE have jurisdiction over Segment 8A.

A.28-3 Thank you for your comment. For detailed responses to these summarized comments regarding the maximization of Project transmission of renewable resources, please see the responses to Comments A.28-10, A.28-11, and A.28-12, below.

A.28-4 Thank you for your comment. For detailed responses to these summarized comments regarding waters of the U.S., please see the responses to Comments A.28-13 through A.28-19, below.

A.28-5 Thank you for your comment. For detailed responses to these summarized comments regarding air quality, please see the responses to Comments A.28-19 through A.28-24, below.

A.28-6 Thank you for your review comments. A hard copy of the Final EIS will be provided as requested.

A.28-7 Thank you for your recommendation to fully implement Alternative 6 to reduce environmental impacts that would otherwise occur from road widening and new road construction. Your recommendation will be shared with federal decision-makers who are reviewing the Project. Full implementation of Alternative 6, which would construct 134 towers by helicopter, will be considered by the decision-makers reviewing the Project. The extent to which helicopters are used for construction will be determined based on a careful weighing of the increase in short-term impacts against the decrease in long-term impacts. The short-term impacts of increased helicopter construction include greater air pollutant emissions, greater construction noise, disruption to dispersed recreation, and increased potential for fuel leaks. However, long-term impacts to biological resources would be reduced by the use of helicopter construction because using helicopters would reduce the amount of new and upgraded access and spur roads required to facilitate ground-based construction. (Draft EIR/EIS, section 4.3.1) The total number of towers constructed by helicopter will be based on a careful weighing of these factors and will fall somewhere between 33 to 134 towers.

A.28-8 Thank you for your comment regarding realignment of the first 4.8 miles of Segment 10. Similar to the design of Segment 3, which was approved as part of SCE’s Antelope Transmission Project, the alignment of Segment 10 has been intentionally designed to allow for optimization of the placement of wind turbines in the Tehachapi Wind Resource Area. Placement of the transmission line along a north-south alignment would prevent the placement of multiple wind turbines, which are designed to be placed in rows at specific angles to take...
best advantage of the wind patterns of the area and must be placed away from the transmission lines per industry setback requirements. As such, SCE has developed the northern portion of Segment 10 to not follow a north-south alignment. Furthermore, placement of the transmission line along developed roadways has proven to be problematic as the property owners located along these roadways may have to contend with a transmission line crossing the frontage of their property at their point of access.

Please see discussion in the Alternatives Screening Report located in Appendix A of the Draft EIR/EIS pertaining to the reasons for developing and carrying forward Alternative 3 (West Lancaster Alternative). Please also note that Segment 10 is not located on National Forest System lands and, therefore, is outside the jurisdiction of the Forest Service. The CPUC has exclusive jurisdiction over Segment 10.

A.28-9 The requested edits to Figures 2.2-1x and 2.2-1y have been implemented in the Final EIS.

A.28-10 Thank you for your comment encouraging the CPUC and SCE to coordinate with the CAISO. The Purpose and Need for the proposed TRTP, including the role of CAISO, is provided in Section 1.2 (Purpose and Need) of the Draft EIR/EIS.

A.28-11 Thank you for submitting your comment and suggestions. The CPUC is charged with the regulation of Investor-Owned Utilities operating within California, including SCE, and will facilitate the achievement of the State of California’s goals for the distribution of renewable energy. The CPUC will determine whether the proposed Project is consistent with CPUC’s purpose and objectives for granting Certificates of Public Convenience and Necessity (CPCNs). In addition, the CPUC will explore possibilities for the removal of constraints on the transmission of electricity from its point of generation to its point of use, such as would be facilitated by the proposed Project (Draft EIR/EIS, Section 1.2.2). Information regarding the California Independent System Operator’s (CAISO) interconnection queue is provided in on pages 2-115 through 2-116 of the Draft EIR/EIS. Additionally, coordination with the Forest Service and USACE must occur since portions of the Project traverse National Forest System lands and other federal lands and, therefore, the Forest Service as the NEPA lead agency and the USACE as a cooperating agency have responsibility for NEPA compliance over those portions of the project. Your comments will be shared with federal decision-makers.

A.28-12 Discussion has been added to Chapter 1 (Introduction) of the Draft EIR/EIS to address the State of California’s Renewable Energy Transmission Initiative. Thank you for your suggestion; however, as noted in the comment, the initiation of this Project pre-dates the initiation of the RETI process.

A.28-13 Comment noted. Table 1-1 (Required Federal and State Permits and Approvals), as presented in Section 1 (Introduction) of the Draft EIR/EIS, has been revised to clarify that CWA Section 401 Water Quality Standards Certification from the Regional Board is a prerequisite for USACE issuance of a CWA Section 404 permit.

A.28-14 Thank you for your comment. As the comment acknowledges, effects on federally protected wetlands are analyzed under Impact B-39 (Criterion BIO4). Federally protected wetlands are a subset of jurisdictional waters (i.e., “waters of the United States”). Analysis of impacts to jurisdictional waters in the Draft EIR/EIS is not limited to Impact B-39. Impacts on riparian vegetation, which are typically greater than jurisdictional areas they may include, are assessed...
under Impact B-1 for the proposed Project and alternatives. Effects on other types of jurisdictional waters are addressed in the analysis of Impacts B-2 and B-4. Impact B-2 addresses effects on desert washes and Riparian Conservation Areas within National Forest System lands, two habitat types which may include areas of jurisdictional waters. Impact B-4 addresses the effects of access roads, including changes in the hydrology of slopes and stream channels. To date, SCE has not completed a formal jurisdictional delineation of wetland waters for the Project area. This activity will be conducted once the final alignment has been selected. Mitigation providing restoration and compensation has been presented in Mitigation Measure B-1a.

A.28-15 A detailed discussion of the laws, regulations, and standards relevant to Hydrology and Water Quality is provided in Section 3.8.3 of the Draft EIR/EIS. Additional discussion of compliance with the Clean Water Act, including as relevant to new NPDES Construction General Permit (CGP) requirements that would affect the proposed Project, has also been incorporated into Section 3.8.3. Mitigation measures are presented throughout Section 3.8 of the Draft EIR/EIS in order to avoid and/or minimize Project impacts to Hydrology and Water Quality. Identification of the acreage and type(s) of jurisdictional water(s) that could be filled as a result of Project implementation will occur as part of the CWA Sections 401 and 404 permit application and compliance process which will assess the least environmentally damaging practical alternative. The permit application and compliance process, as noted, is discussed in Section 3.8.3 of the Draft EIR/EIS. Thank you for your input.

A.28-16 Thank you for your comment. The Draft EIR/EIS presents a concise discussion of potential effects to jurisdictional features. As a matter of law, SCE is required to comply with and obtain permits for effects to wetland waters. In addition, Impact B-39 of the Draft EIR/EIS presents a series of measures to reduce and mitigate effects to wetland waters including the presentation of mitigation ratios for habitat loss. Please see the responses to Comments A.28-14 and A.28-15.

A.28-17 Thank you for your comment. Vehicle crossings and upgrades to riparian areas cannot be avoided due to the steep topography of the ANF. Even with the use of helicopters, which have adverse effects of their own, construction and maintenance of the transmission lines still require travel through riparian areas. Any effects to RCAs that are considered not to be neutral or beneficial are considered to not comply with the Forest Plan. This can include removal or trimming of vegetation, stream diversion or other factors. Information regarding each of the RCAs present on Forest Service lands may be viewed in Appendix L of the TRTP Biological Specialist Report. The USDA establishes RCAs within National Forest System lands but not on private lands. However, overall effects to wetland and riparian resources were considered in the analysis if the Draft EIR/EIS. Please see the responses to Comments A.28-14 through A.28-16.

A.28-18 Thank you for your comment. Chapter 2 (Description of Alternatives) Tables 2.2-2 through 2.2-10 provide information regarding the location and amount of spoils that would be removed from the project area during construction. However, the expected sediment contribution to downstream areas with the implementation of best management practices including soil stabilization and restoration would be considered negligible. Sediment analysis shows that the amount of sediment anticipated from construction of this project is negligible
Construction spoils would either be temporarily stored on site for use in recontouring and restoration, as discussed in Section 3.4.4.3, Assumptions and Approach Regarding Restoration, and required by Mitigation Measure B-1a (Section 3.4.6.1), or removed from the site to a proper disposal facility as required by Mitigation Measure V-4d, (Section 3.14.6.1).

As described in Section 2.2.12.5, concrete batch plants are generally located at marshalling yards and staging/support areas. Environmental impacts at these or other temporary storage sites would be minimized through implementation of a Stormwater Pollution Prevention Plan (SWPPP), described as APM HYD-1 (Section 3.8.4.2). More specific mitigation to further minimize impacts is included as Mitigation Measures H-1a and H-1b (Section 3.8.6.1).

A.28-19 Per comment and discussion with U.S. EPA, the Lead Agencies have revised the analysis to be consistent with the recently approved 2003 SIP and the current National Ambient Air Quality Standards (NAAQS) attainment/nonattainment status for all criteria pollutants as available on the U.S. EPA Greenbook website.

A.28-20 The CO attainment status discussion has been corrected in the Final EIS.

A.28-21 Comment noted. Appropriate revisions have been made to the Final EIS to provide clarification.

A.28-22 A discussion of potential air pollutant health effects has been added to Table 3.3-4 and discussed following the table in Section 3.3.2.1 of the Final EIS.

Adding notification to fixed receptors with potentially significant LST impacts will be considered.

A.28-23 The Forest Service initiated consultation with the USEPA, SCAQMD, and CARB on August 10, 2009, and the final General Conformity determination was completed and approved by the Forest Service on June 2, 2010. The Forest Service has provided an administrative draft of the General Conformity Analysis, including an emissions calculation attachment, for regulatory agency review prior to completion of the official public draft.

Please note that the Forest Service will not be purchasing emission reduction credits. SCE will be required to purchase them per the General Conformity determination upon Project approval.

Additional description of the types of existing emission reduction credits and their general availability, and other emission reduction creation programs that could be used by SCE to offset Project emissions for General Conformity regulatory purposes has been added to the Final EIS following Mitigation Measure AQ-6 in Section 3.3.10.1. The specific incorporation of all feasible emission mitigation measures, to reduce emissions and offset requirements for the preferred Project alternative, to the extent considered feasible, was made a part of the General Conformity analysis that was completed on June 2, 2010, and publicly noticed separately from this Final EIS.

A.28-24 The Lead Agencies recognize EPA’s concern over air quality impacts of increased helicopter use under Alternative 6. The Forest Service’s preferred alternative, as described in Chapter 2, is a combination of Alternatives 6 and 2 (Proposed Project). This preferred alternative would
balance the short-term impacts of greater air pollution with the longer term terrestrial impacts of more roads, which could promote long-term emission increases associated with increased unpaved road/all-terrain vehicle (ATV) use within the ANF. Selection of this preferred alternative would reduce the Project’s NOx emissions, as compared with the NOx emissions from Alternative 6. Because of this, and because there are a number of other timing restrictions on construction activity such as fire danger, wildlife breeding/nesting seasons, wet weather, the FS has determined that a seasonal restriction on helicopter use is not reasonable mitigation. We will share your comments with SCE and inform them that voluntary avoidance of helicopter use during spring and summer seasons will lessen the Project’s air quality impacts. Residual air quality impacts from helicopter construction will be mitigated through the purchase of offset credits (see Mitigation MeasureAQ-6). It should be noted that no offset mitigation would be required if no or a reduced amount of helicopter construction were required as the annual emissions would then be below General Conformity de minimus levels.

Best Available Control Technology does not strictly apply to helicopters, which as of yet are unregulated by EPA or FAA/ICAO in terms of air pollutant emissions. There are no engine emission testing requirements and no available emission factors, except for very old engines. Therefore, there are no references to determine which helicopter/engine would provide lower emissions or even if new helicopter engines are better than old engines.

A.28-25 Thank you for your comment. As proposed the APMs do not provide mitigation ratios, do not specify time for the habitat restoration monitoring, state that only the Regulatory Agencies must be consulted on various issues, do not identify BMPs, and do not specify what elements would be included in a Revegetation Plan. Because the APMs are not considered to be adequate, mitigation measures are presented to further reduce impacts of the proposed Project on vegetation communities. Implementation of Mitigation Measure B-1a (Provide Restoration/Compensation for Impacts to Native Vegetation Communities) would reduce impacts of the Project and include mitigation ratios developed in consultation with the FS, USACE, CDFG, and CPUC. Table 1 of Mitigation Measure B-1a provides ratios for habitats disturbed by project construction. Text regarding the restoration of disturbed areas to control erosion has been revised in the Final EIS. Success criteria for the restoration and revegetation plan are not specifically included in the Final EIS due to the wide variety of both habitats and potential restoration techniques. Success criteria will be developed on a site-specific basis as part of the plan (Mitigation Measure B-1a, component (h)), and will consider such criteria as species composition, ground cover percentage, vegetation health/vigor, and visual evidence of effective erosion control.

A.28-26 Thank you for your comment. This change has been reflected in the Final EIS.

A.28-27 Thank you for your comment. This change has been reflected in the Final EIS. Determination of jurisdictional waters will be required for SCE to obtain required permits pursuant to Section 401 and 404 of the Clean Water Act and the State Porter-Cologne Act and CDFG Code 1602. Potential impacts to jurisdictional waters are discussed under Impact B-39. In addition, Ruderal Wetlands are described in Appendix H (Vegetation Type Descriptions) of the Biological Specialist Report, which was provided on CD as part of the Draft EIR/EIS.
APPENDIX F. DRAFT EIR/EIS COMMENTS AND RESPONSES

Tehachapi Renewable Transmission Project

A.28-28 Thank you for your comment. The intent of the mitigation measure is to mitigate for potential Project effects. Mitigation should be proportional to the impacts of the project consistent with applicable constitutional requirements such as the “nexus” and “rough proportionality” standards established by case law (Nollan v. California Coastal Commission, (1987) 483 U.S. 825, Dolan v. City of Tigard, (1994) 512 U.S. 374, Ehrlich v. City of Culver City, (1996) 12 Cal. 4th 854). On NFS lands, control of weeds is a National Strategic Priority, and is reflected as an overall management goal and desired condition in the 2005 ANF Land Management Plan. This is why more emphasis on long term inventory, treatment, and pre-construction seed control is applied on NFS lands than elsewhere. Off NFS lands, the CPUC feels that requiring the same level of long term and pre-construction weed control is beyond the scope of Project impacts. Please note that requirements for controlling weeds during construction are the same on and off NFS lands, such as washing of vehicles and equipment.

A.28-29 Final EIS Section 5.2.12 (Executive Order 12898 – Environmental Justice) has been updated to include the EPA “Environmental Justice Toolkit” criteria used to determine disproportionate impacts. Please note that the addition of these criteria has not altered the Environmental Justice conclusions as presented in both the Draft EIR/EIS and Final EIR and Final EIS.

A.28-30 Please see the response provided for Comment A.28-29.

A.28-31 As discussed in Section 2.2.3.2 of the Draft EIR/EIS, SCE has proposed the use of single-circuit 500-kV lattice steel structures (LSTs) within Segment 10, as depicted in the visual simulations (Figures 3.14-3b and 4b). These visual simulations depict SCE’s proposed Project (Alternative 2) as originally proposed. As noted in your comment, the use of tubular steel poles (TSPs) in Segment 10 is recommended in the Visual Resources section of the Draft EIR/EIS (Section 3.14, Impact V-2) and implemented through Mitigation Measure V-2a (Use tubular steel poles instead of lattice steel towers in designated areas). However, please note that there are various technical constraints that limit the ability to utilize TSPs in some locations, including the additional ice loading that can occur at elevations above 3,000 feet above sea level (asl). Most of Segment 10 is above 3,000 feet asl. In order to implement Mitigation Measure V-2a, the Lead Agencies, in consultation with SCE, will need to determine appropriate and feasible locations for the use of TSPs instead of LSTs.

A.28-32 During a review of the City of Industry Municipal Code, the Draft EIR/EIS preparers did not identify any applicable policies or regulations pertaining to construction noise levels or limitation. Therefore, no specific consistency analysis is provided in Table 3.10-9 of the Draft EIR/EIS. However, to avoid confusion, Tables 3.10-9 and 3.10-10 have been revised in the Final EIS to remove any inconsistent language where no jurisdictional plan or policy applies to construction or operational related noise.