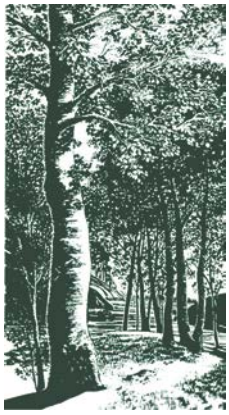
# Supplementary Appendix to the Final EIR

Memorandum on Comments Received on the Final EIR



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**PROJECT MEMORANDUM**
**VALLEY SOUTH SUBTRANSMISSION PROJECT**

**Date:** August 15, 2016
**To:** Eric Chiang, CPUC Project Manager
**From:** Sandra Alarcón-Lopez, EIR Project Manager
**Subject:** Comments on the Final Environmental Impact Report (EIR) for the Valley South Subtransmission Project

The Final EIR for the Valley South Subtransmission Project (Project or VSSP) was released on June 13, 2016. As documented in the Final EIR, the Draft EIR was released for a 45-day public comment period, which ended on March 14, 2016. Appendix 5, Comments and Responses, of the Final EIR addresses all written comments received on the Draft EIR as well as any changes that resulted from these comments.

On July 21, 2016, the CPUC received a comment letter on the Final EIR for the Project from Blum Collins LLP on behalf of the Socal Environmental Justice Alliance. The comments presented in the letter were reviewed by the Aspen technical team to determine whether any of the comments identified new issues that would change any of the EIR findings. As documented below, none of the comments raised in the Blum Collins letter identify issues that would change the findings of the EIR.

**The letter suggests that significant new information was presented in the Final EIR that requires recirculation of the Draft EIR. Each of the areas identified in the letter are addressed below.**[1]

- **US Fish and Wildlife Service (USFWS) as permitting agency**. This issue is addressed in response to Comment B1-49 in the Final EIR. The response states: "CEQA does not require that applicants consult with or obtain take permits from CDFW or the USFWS prior to the circulation of a draft environmental document. This process takes place once the final Project design has been determined and the CEQA document has been approved."

  The analysis presented in the EIR considers impacts to all plant and wildlife species (including federally listed species subject to permitting requirements from the USFWS). The impact analysis presented in Section 3.5.4 of the EIR, where applicable (i.e., Impact BIO-06 and Mitigation Measure BIO-9), discussed the need for consultation and permits from the USFWS should certain conditions be met or take of a listed species is required. The addition of the USFWS to Table A-1 in Section A.3.3 did not change any significance conclusions in the EIR regarding biological resources or change the scope of the analysis presented in the EIR. CEQA allows for changes from the draft to the final document as long as the significance of the impact does not significantly change, which is the case for the addition of the USFWS to Table A-1.

- **Defined segments for remediation.** This issue was addressed in response to Comment B1-49 of the Final EIR. The response states: "In regards to temporary impacts, as stated in the first sentence under Mitigation Measure BIO-3 (Compensation for Permanent Impacts to Sensitive Vegetation Communities), to compensate for impacts to sensitive vegetation communities from the construction of the VSSP, SCE shall restore all temporary impact areas; restoration shall be completed as described in the Habitat Restoration and Monitoring Plan outlined under Mitigation Measure BIO-4."

  Specific methodology for restoration, including the identification of project segments, would be included in the Habitat Restoration and Monitoring Plan discussed in the Final EIR.

[1] Each of the comments from the Blum Collins letter have been abbreviated. Please see the letter for the complete comment.

- **New impacts to plant and animal species:**
  - **Round-leaved filaree.** Table C.5-4, Section C.5.1.4, and Impact BIO-10 of the Draft EIR indicated that the species was not found within the Survey Area but was known from two locations within 0.5 miles and was therefore given a high potential of occurrence within project areas. The analysis under Impacts BIO-10 in the Draft EIR stated that although not detected, suitable habitat for this species is present. The Draft EIR was based on botanical survey data through 2014. In May 2016, after the Draft EIR was released, SCE provided Aspen with a 2015 Botanical Survey Report, which noted the presence of this species. Mitigation Measure BIO-18 in the Final EIR requires surveys and avoidance measures for special-status plants (i.e., round-leave filaree) and BIO-24 in the Final EIR requires compensation for impacts to special-status plant species with a CRPR rank of 1A, 1B, or 2. The observation of this species within the Study Area did not change any significance determinations from the Draft to the Final EIR.
  - **Small-flowered microseris.** Table C.5-4, Section C.5.1.4, and Impact BIO-10 of the Draft EIR indicated that the species was not found within the Survey Area but was known from two locations within 2.0 miles and was therefore given a high potential of occurrence within project areas. The analysis under BIO-10 states that although not detected, suitable habitat for this species is present. The Draft EIR was based on botanical survey data through 2014. In May 2016, after the Draft EIR was released, SCE provided Aspen with a 2015 Botanical Survey Report, which noted the presence of this species. Mitigation Measure BIO-18 in the Final EIR requires surveys and avoidance measures for special-status plants (i.e., small-flowered microseris). The observation of this species within the Study Area did not change any significance determinations from the Draft to the Final EIR. Mitigation Measure BIO-18 in the Final EIR does not require compensation for impacts to this species because CRPR 4 species do not represent unique or rare populations nor do they occur at the margins of their known ranges. However, Mitigation Measure BIO-18 in the Final EIR requires surveys and avoidance measures for special-status plants (i.e., small-flowered microseris).
  - **Least Bell's vireo (LBV) and the southwestern willow flycatcher (SWFL).** Information regarding the location of LBV and SWFL within the Study Area in the Draft EIR was based on data and surveys through 2014. In May 2016, after the release of the Draft EIR, SCE provided Aspen with a survey report and data from 2015 survey efforts in which there were new observations of some species. SWFLs have not been detected to date as reflected in the information and analysis under Section C.5.1.4, Table C.5-5, and Impact BIO-5. In both the Draft and Final EIR, this species has not been observed within the VSSP area. The 2015 survey data did however include additional sightings of LBV. As indicated in Section C.5.1.4, Table C.5-5, and Impact BIO-5, this species is known to occur on and near the VSSP site. Mitigation Measure BIO-8 requires that suitable habitat for both of these species be avoided. This measure also requires focused protocol surveys within 500 feet of any disturbance area and coordination with the appropriate resource agencies should an active breeding territory or nest be confirmed.
- **Criteria Area for the MSHCP.** The Draft EIR acknowledged that portions of the VSSP occurred within MSHCP boundaries (refer to Section C.5.2.3 of the Draft and Final EIR). Additional detail was provided in the Final EIR with the location of specific criteria cells occurring within VSSP boundaries. This additional detail was provided for informational purposes and did not change any significance determinations from the Draft to the Final EIR.
- **Table C.5-8 depicts additional Project components which add acreage where habitat is unknown (response to Comment B1-32).** This issue was addressed in response to Comment B1-32 in the Final EIR. The response states: As stated in Section C.5.4.2 of the EIR, the location of some project components will not be determined until final construction plans are developed (i.e., access/spur roads, splicing setup areas, etc.) or at the time of construction (i.e., anchors). Permanent and temporary impacts associated with these components would occur within the same types of habitats and impact the same resources as for the known locations and would be subject to the same

mitigation measures. Impacts related to these additional components would not change any of the significance determinations made in the EIR. Table C.5-8 in the EIR provides a summary of the types and acreages of these additional impacts. While the exact location of components presented in Table C.5-8 is not known at this time, the dimensions provided in Table B-7 were used to calculate the total acreage of impact resulting from these components and resulted in the acreages presented in Table C.5-8. Table B-7, in Section B.4.6.7 of the EIR, provides the dimensions, estimated impact acreages, and estimated numbers for individual project components with tentative locations identified by SCE.

- **Change to Mitigation Measure BIO-7 to only require noise monitoring for special status bird species.** The noise monitoring required as part of Mitigation Measure BIO-7 was included in the Draft EIR. The only change in the Final EIR was the addition of text to indicate the requirement for noise monitoring only applied to special-status species. The remainder of the measure was unchanged from the Draft to the Final EIR and therefore did not result in significant new information. Special-status species are subject to additional and more stringent monitoring requirements. Nests of common species (i.e., house finch) are not subject to these same stringent requirements. All migratory birds, regardless of status, are protected under the MTBA. Mitigation Measure BIO-6 requires that buffers be placed around all nesting birds, regardless of Status, and that these active nest be monitored for the duration of construction. Mitigation Measure BIO-07 allows for the increase or reduction of these buffers depending on site conditions and the bird's behavior. Although noise monitoring is not required for common species, a qualified biologist will be responsible for monitoring all active nests and can implement noise monitoring or increase construction buffers based on the behavior of the birds.
- **Habitat Replacement and Monitoring Plan, Nesting Bird Monitoring Plan and Cultural Resources Management Plan should be in Draft EIR.** CEQA does not require that these plans be provided as part of the EIR process. The plans will be developed after the CEQA document has been certified and the final design of the project has been determined. With regard to the CRMP, the CRMP is prepared when the Project is ready for construction. Mitigation Measure CR-2 addresses the CRMP, CRMP timing, and coordination with appropriate Native American tribes.
- **Revision of MM BIO-18 (rainfall 80% of normal).** Due to the extended drought throughout the state, achieving a year in which 80% of normal rainfall occurs may prove to be difficult. The measure does allow for the CPUC to waive this survey requirement and allow for surveys within lower rainfall years, but only in consultation with the California Department of Fish and Wildlife (CDFW) and USFWS.
- **Revision to MM NOI-1.** The revision made to the mitigation measure does not change the effectiveness of the measure and does not change the conclusion of significance in the EIR. As previously written, MM NOI-1 did not specify under what particular circumstances the CPUC might issue a written approval for construction work outside of the hours listed for each jurisdiction; therefore, this language was removed. For those occasions where work outside of the hours identified in the regulations would occur, such as if existing lines must be taken out of service for work to be performed safely and the line outage must be taken at night for system reliability reasons, or if construction needs require continuous work, SCE would provide advanced notice (this requirement remains unchanged). Additionally, the measure has been bolstered to include routing construction traffic away from residences, schools, and recreational facilities to the maximum extent feasible for work outside of the accepted construction hours. Except in these limited circumstances, SCE would follow local agency requirements for conducting construction activities within the specified hours.

**The letter suggests that there is no explanation regarding why the above information was omitted.**

As noted above, all of the issues identified in the Blum Collins letter were addressed in the EIR for the Valley South Subtransmmisison Project. Each one of the changes made from the Draft to the Final EIR were presented in strike through and underlined text and were based on comments received on the draft document. All changes and responses to written comments are fully explained in Appendix 5 (Comments and Responses) of the EIR. CEQA allows for changes from the Draft to the Final EIR as long as the significance of the impact does not significantly change, which is the case for this project. Section 15088.5(a) of the CEQA Guidelines states the following:

> *As used in this section, "information" can include changes in the project or environmental setting as well as additional data or other information. New information is not significant unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible alternative) that the project's proponent have declined to implement.*

**The letter suggests that the EIR should have acknowledged the risk of EMF.**

Section B.6, Electric and Magnetic Fields Management, of the EIR includes a discussion of EMF and the Field Management Plan that was prepared by SCE for the project. The Field Management Plan was reviewed by an Aspen Team member as part of our review of the Project. Lacking a California or National standard related to exposure to magnetic fields from transmission lines, there is no basis to form a conclusion of any impact let alone a significant impact. International limits or limits from other states have a wide range of values (150 mG to 2,000 mG), and therefore, none of these standards are tied to identification of a direct public health impact. Epidemiological results provide only an association with childhood leukemia, termed as weak, and have not been able to document actual magnetic field exposures.

**The letter again asks about the sections of the Project that will be segmented (response to Comment B1-6).**

See the comment above under "defined segments for remediation."

**The letter suggests that the response to Comment B1-11 regarding trip lengths and travel speed for Key Observation Point (KOP) 2 is not based on substantial evidence.**

The comment asserts that the analysis assumes travel speeds in excess of 65 miles per hour. This is not the case. The original comment response merely states that traffic conditions will affect traffic speeds. During commute hours, traffic speeds would likely be lower (due to higher traffic volumes), while traffic speeds during non-commute hours would likely be greater (due to lower traffic volumes). This is an intuitive assumption that leads to the conclusion (as articulated in the original response to Comment B1-11) that the use of the posted speed limit in the view duration calculations is considered reasonable.

The comment also asserts that assumptions regarding trip lengths are arbitrary. It is assumed that the commenter is referring to their previous comment that the inclusion of non-impacted road segments in the linear viewpoint analysis is highly arbitrary. As stated in our original response, the inclusion of all road segments (impacted and non-impacted) is integral to the full understanding of the viewing context and the purpose of the linear viewpoint analysis, which addresses the question: "To what extent would the driving experience along Domenigoni Parkway in Domenigoni Valley be affected by the proposed Project?"

**The letter suggests that reference to the use of the terms "community recognized" and "officially designated" scenic vistas in response to Comment B1-15 for KOP 6 is not based on substantial evidence.**

The comment asserts that since members of the community were not interviewed in order to determine the presence or absence of "community recognized" scenic vistas in the Project area, the conclusion that the Project would not substantially affect such scenic vistas is not based on substantial evidence. In fact, local planning documents were reviewed because they typically identify both officially designated scenic vistas as well as other known scenic vistas and viewpoints considered part of the scenic resource baseline. The visual resources analysis also included field surveys to identify important viewpoints, overall Project visibility, and availability of expansive views. Therefore, the conclusions presented in the analysis regarding the presence of, and impacts on, scenic vistas were based on substantial evidence.

**The letter suggests that a short-term visual impact can be significant (response to Comment B1-16).**

This comment stating that short-term impacts can be significant appears to be addressing the previous response to this comment where it was stated that construction activities and characteristics would be temporary in nature and would, therefore, not result in long-term visual impacts that would be considered significant. Temporal considerations (short-term vs. long-term) provide context, within which impact significance determinations are made. While a short-term visual impact can be substantial, it typically would not be considered significant precisely because of the transient or temporary nature of the impact.

**The letter suggests that cumulative projects have not been identified for agricultural resources (response to Comment B1-20).**

Section C.1 of the EIR provides the cumulative scenario and identifies all of the projects considered in the cumulative analysis for all issue areas. This section includes a list of all projects and a map showing the location of these projects in relation to the Project alignment. The discussion of cumulative agricultural impacts in Section C.3 (Agricultural Resources) of the EIR refers to Table C.1-1, which is the list of cumulative projects.

**The letter suggests that there is no analysis of regional emissions (cumulative) and that the quantity of $PM_{10}$ could be cumulatively significant (response to Comment B1-27).**

The pollutant emission calculations presented in the Draft and Final EIR were determined to be less than significant based on comparison of estimated emissions from the Project's construction and operation activities with SCAQMD emissions significance thresholds. SCAQMD guidance provides the following discussion on cumulative impact analysis:

> *Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant. (SCAQMD 2003*)[2]

Based on this guidance and as described in the EIR, all Project emissions were determined to be below all SCAQMD emissions significance thresholds after implementation of the identified mitigation. The EIR findings for cumulative impacts are predominately based on this guidance.

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[2] SCAQMD (South Coast Air Quality Management District) 2003. White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution – Appendix D Cumulative Impact Requirements Pursuant to the California Environmental Quality Act. [online}:

http://www.aqmd.gov/docs/default-source/Agendas/Environmental-Justice/cumulative-impacts-working-group/cumulative-impacts-white-paper-appendix.pdf?sfvrsn=4. Accessed June 2016.

**The letter notes that laydown/staging areas within SCE property may still need to be surveyed (response to Comment B1-29).**

As stated in the response to Comment B1-29, all potential impact areas were surveyed. However, there are four potential staging areas not included in the Survey Area calculations on Table C.5-1 because they were found to occur within existing SCE facilities or within disturbed/industrial areas that do not provide suitable habitat for sensitive wildlife. (Figure B-7 identifies the location of all six staging yards for the Project.) Table C.5-1 was revised in the Final EIR to note that these four potential staging areas were surveyed, but because of their location/condition were not included in the Survey Area calculations.

**The letter suggests that the HRMP should have been available with the Draft EIR (response to Comment B1-34).**

CEQA does not require that these plans be provided as part of the EIR process. The plans will be developed once the CEQA document has been certified and the final design of the project has been determined.

**The letter suggests the Nesting Bird Monitoring Plan should have been provided with the Draft EIR (response to Comment B1-43).**

As noted above, CEQA does not require that these plans be provided as part of the EIR process. The plans will be developed once the CEQA document has been certified and the final design of the project has been determined.

**The letter notes in the response to Comment B1-44 that noise will be monitored only for special status birds and suggests that damage is likely to occur.**

As stated in Mitigation Measure BIO-6, if breeding birds with active nests are found prior to or during construction, the qualified avian biologist shall establish a minimum 300-foot buffer (500 foot for raptors) around the nest and no activities will be allowed within the buffer(s) until the young have fledged from the nest or the nest fails. The prescribed buffers may be adjusted by the qualified avian biologist based on existing conditions around the nest, planned construction activities, tolerance of the species, and other pertinent factors. Buffer reductions for listed or special-status species may require coordination with the USFWS and/or CDFW.

Since survey efforts for special-status birds will be on-going through the Project, the noise monitoring required under Mitigation Measure BIO-7 must be implemented if there are active breeding territories or nests within 500 feet of any Project activity area. The measure requires that a qualified biological monitor/avian biologist actively monitor noise levels and allows for them to implement noise reduction techniques should the noise levels exceed the prescribed thresholds or if the birds show signs of disturbance even when the thresholds are not exceeded.

**The letter states disagreement with the interpretation of mitigation measure BIO-11 for the Quino checkerspot butterfly and suggests that the Project could have a significant impact (response to Comment B1-54).**

To date, although suitable habitat is present, this species has not been documented in the VSSP area. As indicated above, Mitigation Measure BIO-11 requires compensation for impacts to suitable habitat containing the larval hose plant for this species; the larval host plant is dot-seed plantain.

In regards to temporary impacts, the response to Comment B1-6 in the Final EIR states:

> *Mitigation Measure BIO-4 (Develop a Habitat Restoration and Monitoring Plan), as described in Section C.5.4.2 of the EIR, requires that SCE prepare a Habitat Restoration and Monitoring Plan (HRMP) to explicitly identify the process by which all temporarily disturbed areas shall be*

*restored to pre-construction conditions. This mitigation measure has been revised to include additional specificity as to the requirement of the HRMP to also address habitat restoration and/or creation required as compensation for impacts to sensitive vegetation communities. The HRMP will develop a schedule by which the creation/restoration of habitat will occur and will be driven by the targeted vegetation communities. Some creation/restoration activities may be limited to specific times of the year as to promote seed germination and/or container plant success and may not occur immediately after construction activities are complete in a specific area. It should be noted that if SCE becomes a PSE with the MSHCP, compensation for impacts to sensitive vegetation communities may be accomplished through participation and implementation of the MSHCP requirements and additional mitigation (i.e., Mitigation Measure BIO-3) may not be required.*

Both the Draft and Final EIR concluded that implementation of the indicated mitigation measures would minimize impacts to Quino checkerspot, to the extent possible, and reduce impacts to a less-than-significant level (Class II).

**The letter notes that MM's BIO-15 and -16 do not provide for relocation of individual Stephens' kangaroo rat (SKR), do not address temporary impacts, do not identify locations of SKR habitat, and notes that a 100-foot buffer is not adequate (response to Comment B1-58).**

Mitigation Measure BIO-15 requires the mandatory avoidance of all burrows/precincts. In the event this is not possible then a take permit and biological opinion from the CDFW and USFWS respectively must be obtained. The agencies may require relocation as part of their respective permit process but the relocation of individual SKR may constitute take which requires the authorization to conduct such activities. Compensation for temporary impacts to grassland and open sage scrub habitats (suitable habitat for SKR) are detailed under Mitigation Measure BIO-3. The 100-foot buffer requirement is a minimum requirement and therefore can be increased if deemed necessary by the qualified biologist/monitor. Mitigation Measure BIO-15 requires that SCE conduct focused pre-construction surveys for SKR nor more than 30 days prior to commencement of ground disturbing activities. Therefore, surveys do identify active SKR burrows/precincts will only be conducted prior to ground disturbance; if portions of the VSSP are left undisturbed during the initial onset of construction activities then surveys for these areas would be completed within 30 days prior to their disturbance.

**The letter again suggests that the Habitat Mitigation and Monitoring Plan should have been part of the Draft EIR (response to Comment B1-60).**

As noted earlier, CEQA does not require that these plans be provided as part of the EIR process. The plans will be developed once the CEQA document has been certified and the final design of the project has been determined.

**The letter suggests that avoidance of special status plants was not addressed, only listed plants (response to Comment B1-62).**

Mitigation Measure BIO-24 in the Final EIR requires that if VSSP related impacts result in the loss of more than 10% of the on-site population of any special-status plant species with a CRPR rank of 1A, 1B, or 2, compensatory mitigation will be required.

**The letter suggests that critical habitat for the San Diego ambrosia has not been established because the start and end of pull-and-tension sites are not known (response to Comment B1-63).**

This issue was addressed in response to Comment B1-63. Impacts to San Diego ambrosia critical habitat were not omitted from the EIR as they are not expected to occur. The critical habitat occurs at the southern extent of the VSSP. This area of the Project is slated for reconductoring of the existing double–circuit 115-kV subtransmission line. No new roads are proposed within the critical habitat area

as existing maintenance roads are already in place. All pull and tension sites, splicing sites, and guard structures would be located outside of the critical habitat based on the proposed locations depicted on EIR Figure B-8. EIR Section B.4.6.1 states that on relatively straight alignments (flat terrain), typical wire pulls occur approximately every 6,000 feet. The critical habitat area occurs along an approximately 2,000-foot long section of the Project; therefore, the wire pulls would span the critical habitat area. The VSSP does not propose to destroy or adversely affect any mapped critical habitat for San Diego ambrosia.

**The letter suggests that the EIR is unclear about working at night especially with regard to the western spadefoot toad and other species (response to Comment B1-64).**

As noted in Section B.4.13, Construction Schedule, of the EIR, construction is not expected to occur at night except for emergency or safety reasons. In addition, response to Comment B1-64 states that nighttime work is not proposed as part of the VSSP. To further clarify this issue, the text under BIO-11 in the Final EIR was revised to remove the assertion of night-time lighting. The text in the Final EIR now indicates that indirect impacts could result from artificial lighting during periods immediately following (not prior to) dawn and prior to dusk (not after).

**The letter notes that toads could migrate after surveys are completed (response to Comment B1-65).**

As required by Mitigation Measure BIO-05, a qualified biologist will be on-site during initial ground disturbance activities and then will monitor periodically during the course of construction. It also states that the qualified biologist shall be present at all times during ground-disturbing activities immediately adjacent to, or within, habitat that supports populations of listed or special-status species. Therefore, if construction activities occur near known locations of spadefoot toads the qualified biologist would be on-site to ensure that no individuals were able to bypass exclusionary devices and enter work areas.

**The letter notes that during preconstruction surveys that the biologist cannot survey for all species. An attachment was provided addressing this issue (response to Comments B1-66 and B1-68).**

As indicated in response to Comment B1-66, focused surveys will be conducted for specific species. The Final EIR does not indicate one survey event for all or multiple special-status species but rather requires focused surveys for listed or special status birds, mammals, reptiles, invertebrates, and amphibians. While these surveys are focused on a particular species, the biologists conducting the surveys will also note any noteworthy incidental observations during the survey event. For example, if during a focused LBV survey within a riparian habitat near water the biologist conducting the LBV surveys may also hear or observe a western spadefoot toad. The biologist conducting the LBV surveys will also note all other bird species encountered during the course of the surveys; this is common practice with surveys of this type. Specifically, response to Comment B1-66 states:

> *All of the surveys noted above, while focused on a particular species, will also note all other instances of sensitive plants and wildlife observed and provide for a large amount of overlap in the areas surveyed.*

**The letter suggests the mitigation measures identified for special-status bats will not be effective (response to Comment B1-69).**

Mitigation Measure BIO-23 requires that prior to ground disturbance or vegetation clearing at all VSSP locations, SCE shall retain a qualified biologist, approved by the CPUC, to conduct surveys for sensitive bats. The measure requires the identification of suitable alternate maternity roots near roosts to be impacted or the construction of alternate roost sites; construction of alternative sites must be done in coordination with the CDFW. The creation/installation of substitute roosting habitat for maternity colonies is routinely done when maternity roosts are impacted by a project.

**The letter suggests that the change to MM BIO-18 is significant new information, that the distinction between temporary and permanent is not clear, and that the mitigation ratio of 0.5:1 is not adequate (response to Comments B1-71 through B1-73).**

Mitigation Measure BIO-18 requires that surveys for all special-status plant species (all CRPR ranks) be conducted in all areas subject to ground-disturbing activity. Since plants do not move like wildlife, surveys for plants outside of the disturbance areas is not required; wildlife surveys generally include a buffer to account for their mobility. A discussion of how permanent and temporary impacts are defined is located in Section C.5.4.2 of the EIR.

The compensation ratio for temporary impacts to CRPR 1A, 1B or 2 species is adequate and has been successfully implemented on previous projects. Mitigation Measure BIO-24 in the Final EIR states that If VSSP related impacts result in the loss of more than 10% of the on-site population of any special-status plant species with a CRPR rank of 1A, 1B, or 2, compensatory mitigation will be required. This is an accepted threshold that has been implemented in other approved CEQA documents.

**The letter suggests that the identified mitigation measures and compensation for impacts to annual grassland are not adequate measures to reduce impacts to burrowing owl and the groundborne vibration impacts have not been considered (response to Comments B1-74 and B1-75).**

Burrowing owls generally use abandoned burrows of small mammals such as ground squirrels, kangaroo rats, etc. These species are often found in grassland communities that support friable soils suitable for digging burrows. Mitigation Measure BIO-3 requires that compensation lands must provide habitat value that is equal to or better than the quality and function of the habitat impacted by the VSSP, taking into consideration soils, vegetation, topography, human-related disturbance, wildlife movement opportunity, proximity to other protected lands, management feasibility, and other habitat values. Therefore, if grassland habitat impacted by the VSSP supports a certain population of small mammals then the conservations lands must meet or exceed these levels.

Mitigation Measure BIO-6 requires that buffers be placed around active nests/territories. Mitigation Measure BIO-7 requires the monitoring of all active nests. If the qualified biologist observes burrowing owls displaying indicators of disturbance or stress as a result of construction activities the qualified biologist has the ability to increase the buffer to reduce and eliminate the stress on the animal.

**The letter suggests that substantial evidence has not been provided regarding the potential for cumulative impacts to listed, candidate or special status species (response to Comments B1-80 and B1-81).**

Both of these issues were addressed in Responses B1-80 and B1-81 in the Final EIR.

- **Response to Comment B1-80:** As stated under Criterion BIO2 in Section C.5.4.3 of the EIR, construction and operation of the VSSP would combine with the construction and operation for other projects in the defined geographic extent to result in significant cumulative impacts to threatened or endangered plants and wildlife. Implementation of Mitigation Measures BIO-1 through BIO-18 require compensation for permanent impacts to riparian habitat and sensitive communities, development of a plan for the restoration of all temporarily impacted habitats, focused pre-construction surveys for listed species, and compensation for impacts to listed species and/or their habitats. With the implementation of these mitigation measures, the cumulative contribution of the VSSP to listed plant and wildlife species would be less than significant.
- **Response to Comment B1-81:** As stated under Criterion BIO3 in Section C.5.4.3 of the EIR, construction and operation of the VSSP would combine with the impacts from construction and operation for other projects in the defined geographic extent to result in significant cumulative impacts to threatened or endangered plants and wildlife. Implementation of Mitigation Measures BIO-1 through BIO-25 require compensation for permanent impacts to riparian habitat and sensitive

communities, development of a plan for the restoration of all temporarily impacted habitats, focused pre-construction surveys for listed and special-status species, and compensation for impacts to listed and special-status species and/or their habitats. With the implementation of these mitigation measures, the cumulative contribution of the VSSP to special-status plant and wildlife species would be less than significant.

**The letter suggests that MM CR-4 only requires monitoring for Environmentally Sensitive Areas and no information is provided on how other areas will be monitored for cultural resources (response to Comment B1-86).**

The commenter is correct that monitors will only be present when there is ground disturbance within 100 feet of an Environmentally Sensitive Area (ESA). Additional areas considered to be of high-sensitivity will also be monitored. The commenter notes that "it is highly likely that significant cultural resources exist elsewhere." This is a speculative comment and not based on any cultural research in the Project area. During preparation of the cultural resource EIR section, prehistoric sites in the area were reviewed. The majority of the sites within the Project area, and within one-mile of the Project area, consist of bedrock milling sites that have no potential to contain buried cultural deposits (see Section C.6.1.3). Based on this information, and a review of the soils in the area, the Project has a low potential to encounter intact buried cultural deposits.

However, Section C.6 Cultural and Paleontological Resources (Impact CR-1) and Appendix 5 (response to Comment B1-86) of the Final EIR acknowledge that buried cultural resources could be inadvertently unearthed during ground-disturbing activities; however, this impact would be reduced to a less-than-significant level through the implementation of Mitigation Measure CR-3 (Train Construction Personnel) and Mitigation Measure CR-7 (Treat Previously Unidentified Cultural Resources).

As noted in Mitigation Measure CR-2 (Cultural Resource Management Plan), additional areas that are considered to be of high-sensitivity for discovery of buried cultural resources will also be monitored during construction. In addition, Mitigation Measure CR-7 (Treat Previously Unidentified Cultural Resources) states that if previously unidentified cultural resources are unearthed during construction activities, construction work in the immediate area of the find will be halted and directed away from the discovery until a qualified archaeologist assesses the potential significance of the resource.

**The letter suggests that General Orders 95 and 128 do not include seismic loading criteria and will not reduce impacts from seismically induced ground shaking (response to Comment B1-91).**

As mentioned in Appendix 5 of the Final EIR, although GO 95 does not include specific seismic criteria it does include wind loading design criteria and as stated in the Impact GEO-3 discussion (Section C.7.4.2 Impact Analysis – Direct and Indirect Impacts of the Final EIR) the wind loading criteria and standards exceed seismic loading criteria. Therefore, poles that are designed for wind loading will also be adequately designed for any seismic loading (i.e. groundshaking). As part of mitigation for the SDG&E Sunrise Powerlink Project, calculations were presented that proved that wind loading stress exceeded seismic loading stresses and thus wind loading design criteria were more than adequate to cover any seismic loading.[3]

[3] Sargent & Lundy Engineers, Ltd. 2009. Seismic Structure Loading, San Diego Gas & Electric Company Sunrise PowerLink Project. July 9, 2009 (Revised August 10, 2009). http://www.cpuc.ca.gov/environment/info/aspen/sunrise/otherdocs/Geo/Seismic%20Load%20Report%20MSG%208-10-09%20resubmitted8-26-09.pdf

**The letter states that the SCAQMD has not adopted a GHG threshold for industrial projects other than its own and notes that the provided URL does not work (response to Comment B1-93).**

We reiterate that the SCAQMD GHG Significance Threshold is contained within the "SCAQMD Air Quality Significance Thresholds" table provided as a link on their "Air Quality Analysis Handbook" webpage (http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook). The specific citation for the GHG emissions threshold is located just less than half way down this table in the area below the heading titled "Toxic Air Contaminants (TACs) Odor, and GHG Thresholds."

As provided in our response to Comment B1-94, the specific current link to this table is http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf?sfvrsn=2. To get this link to work first open Internet Explorer and paste this link into the address line; Word provides an error note if the link is used without first opening internet explorer.

**The letter notes that reference to undergrounding of utilities in General Plans could imply undergrounding of distribution lines (response to Comment B1-97 and B1-99).**

As stated in response to Comment B1-97 (which also applies to Comment B1-99), local agencies do not have jurisdiction over subtransmission and transmission lines. Local agencies have jurisdiction over distribution lines, smaller voltage lines. Our response stated that the local land use policies address distribution lines and not subtransmission lines, which are under the jurisdiction of the CPUC.

**The letter suggests that noise and vibration could exceed thresholds and notes that the estimated vibration from the Project exceeds the Murrieta Municipal Code (response to Comments B1-101 and B1-102).**

Appendix 5 of the Final EIR addressed these issues in the response to Comments B1-101 and B1-102. Both of those responses are included below.

- **Response to Comment B1-101:** The EIR discloses that the highest modeled noise level of approximately 86 dBA Leq at 50 feet (for TSP installation) would substantially exceed daytime ambient noise levels. However, as stated in the original response to this comment, from a disturbance standpoint, construction equipment would not operate continuously in one position all day long and construction activities would move along the 15.4-mile alignment over the 16-month construction period, such that the overall daily noise levels would not increase substantially. Furthermore, construction activities are expected during daytime hours, but are limited to the least sensitive hours of the day and days of the week, as indicated in the local plans and ordinances. The Cities of Perris, Menifee, and Temecula and the County of Riverside allow for construction activities within limited timeframes in their noise ordinances, where Mitigation Measure NOI-1 (Construction Work Hours) would be implemented to limit the hours in which construction would occur to be consistent with local noise regulations. Additionally, Mitigation Measure NOI-2 (Implement Best Management Practices for Construction Noise), requires far more noise-suppression techniques than just mufflers. Noise-limiting techniques include use of electric-powered equipment as opposed to pneumatic or internal combustion power equipment, limiting use of noise-producing signals except for safety warning purposes, limiting engine idling, and routing construction traffic away from residences, schools, and recreational facilities.
- **Response to Comment B1-102:** The commenter appears to be confusing two different "thresholds". The CEQA significance threshold for Criterion NOI5 (Sensitive receptors being exposed to excessive ground-borne vibration or ground-borne noise levels) was established to be the vibration threshold for annoyance, which is 70 VdB or 0.10 in/sec peak particle velocity (PPV). As noted in the previous response to this comment, a large bulldozer would have a vibration level of 0.089 in/sec PPV at 25 feet and a loaded truck would have one of 0.076 in/sec PPV at 25 feet, which could be representative of a semi-tractor and auger truck, respectively. These are both well below the CEQA vibration

threshold. The commenter states that these are above the Murrieta Municipal Code Section 16.30.130(K), which is 0.01 in/sec at a distance of 150 feet from the source. Vibration levels dissipate rapidly from a source, such that these noise levels are not an apples-to-apples comparison (levels at 25 feet are not the same as levels at 150 feet). Furthermore, the impact is not determining consistency with local ordinances for vibration.

**The letter suggests that it is not possible to provide emergency service vehicles with immediate passage through construction areas (response to Comment B1-103).**

As described in Draft EIR and Final EIR Section B (Project Description), Subsections B.4.6 (Subtransmission Line Construction, Above Ground) and B.4.7 (Subtransmission Line Construction, Below Ground), the project would not require any ground disturbance within a public roadway. Temporary lane closures are expected only for the following activities, which would allow for priority emergency vehicle passage:

- Small portions of one travel lane may be temporarily disrupted (coned off) for safety reasons should construction occur immediately adjacent to the roadway.
- Traffic may be momentarily stopped on small segments of a roadway should wire stringing occur over a public roadway and guard structures not be erected.