Comment Set E.1: Applicant – Global Comments

Tracey A. Alsobrook
Environmental Project
Coordinator
Tracey.Alsobrook@sce.com

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VIA ELECTRONIC MAIL & UPS MAIL

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

Re: Comments on the DEIR/DEIS for the Proposed Antelope-Pardee 500-kV Transmission Project

Dear Mr. Boccio and Ms. Kadota:

This letter and attachments contain the comments of Southern California Edison (SCE) on the Draft Environmental Impact Report/Statement (DEIR/DEIS) for the Antelope-Pardee 500 kV Transmission Project, Segment 1.

SCE's comments are divided into two parts: Global Comments and Specific Comments. Global Comments apply to the overall document and require correction throughout the document. Global Comments are included in the text of this letter.

Specific Comments apply to specific portions of the document (i.e., a specific phrase, table, etc.). Specific Comments are attached as tables or in narrative form for each section of the DEIR/DEIS. (Please see attached Specific Comments.)

Both the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) require that, respectively, Environmental Impact Statements (EIS) and Environmental Impact Reports (EIR) serve as adequate informational documents for the public and for decision makers. These comments are offered to assist the DEIR/DEIS in meeting this requirement.

GLOBAL COMMENT 1: SCE is Mandated by Law Through the CPUC to Build the Antelope Transmission Project Because of Potential Wind Generators; Thus the PdV Wind E.1-1

2244 Walnut Grove Ave. Rosemead, California 91770 (626) 302-7547 Fax (626) 302-9730

Project is NOT an Indirect Effect of the Transmission Project, But Rather, the Transmission Project is a Direct Result of the CPUC Mandate.

The California legislature has stated a commitment to the development of renewable generation resources. (CPUC, § 399.11 *et seq.* (2004).) Of the State's utilities, SCE is the closest to achieving the goals stated in the renewables procurement legislation and fully supports achievement of these goals. As relied upon by the CPUC, the State Energy Resources Conservation and Development Commission has determined that a potentially large and concentrated supply of wind generation may develop in the Antelope Valley-Tehachapi region. SCE filed applications for the Antelope Transmission Project, Segment 1 (as well as Segments 2 and 3) based upon Ordering Paragraph No. 8 of Decision 04-06-010, which required SCE to "file an application seeking a certificate authorizing construction of the first phase of Tehachapi transmission upgrades consistent with its 2002 conceptual study and the study group's recommendation within six months of the effective date of this order. . . ." That order was premised on Finding of Fact No. 18, which found that the "magnitude and concentration" of renewable resources identified in the CEC Renewable Resources Report justified a "first phase of Tehachapi transmission upgrades" to facilitate achievement of goals required by Public Utilities Code Section 399.14. E.1-1 cont'd

The DEIR/DEIS should be clarified to state that the project is not required for certain wind energy resources but is needed to support numerous potential wind energy resources that may develop in the several areas of Kern County and/or northern Los Angeles County. In other words, this project is needed to utilize the Tehachapi area's potential for renewable resources to help meet state-mandated RPS goals with the first wind energy project identified as the PdV Wind Energy Project.

The DEIR/DEIS, therefore, should be modified to read as follows: "Because SCE is obligated to allow connection of new wind projects to its system, upgrades must be implemented to mitigate identified overload of the Antelope-Mesa transmission line in order to maintain system reliability as required by the National Electric Reliability Council (NERC) and the Western Electric Coordinating Council (WECC) planning standards as well as the CAISO planning standards." In other words, SCE not only has an obligation to interconnect generation projects, SCE has an overriding obligation to maintain system reliability therefore requiring system upgrades.

GLOBAL COMMENT 2: The Visual Resources Analysis in the DEIR/DEIS is Flawed and Should be Corrected.

The Visual Resources analysis included in the DEIR/DEIS identifies a total of 13 impacts associated with the Proposed Project that it identifies as being significant and unavoidable and 17 such impacts associated with the alternatives. These findings cannot be accepted because the analysis has serious flaws that undermine its value as a source of information for the public and decision makers about the project's aesthetic effects. Ways in which the DEIR/DEIS visual resources analysis is flawed include but are not limited to: E.1-2

- the visual simulations are not properly documented and do not accurately portray the project's appearance;
- the analysis does not properly characterize the project's appearance;

- the view context is not taken into account in assessing project visual effects;
- the visual sensitivity-visual change methodology used for analysis of impacts on non-Federal lands has serious flaws;
- the need for many of the mitigation measures is not supported by the analysis;
- the visual impacts of most of the alternatives have not been fully analyzed.

The DEIR/DEIS should be modified to correct these flaws. (For full analysis, see attached narrative comments for "Visual Resources" section.)

E.1-2 cont'd

GLOBAL COMMENT 3: The Description of Alternative 5 is Inaccurate and Incomplete Throughout the DEIR/DEIS and Should be Clarified.

Alternative 5 is the United States Forest Service's (USFS) proposed route that bypasses all but a one-and-one-half-mile portion of the Angeles National Forest (ANF). There are several issues with this proposed Alternative that must be clarified.

1. **Alternative 5 traverses several communities, yet the impacts to those communities are not adequately discussed in the Alternative 5 analysis in each impact section.**

   Alternative 5, which is approximately 12 miles longer than the proposed project and 70% more expensive, traverses Leona Valley, Aqua Dulce, unincorporated areas of Los Angeles County, BLM land, the Santa Monica Mountains Conservancy and passes in proximity to Vasquez Rocks. However, the discussion of Alternative 5, throughout the DEIR/DEIS, provides only a cursory analysis of the impacts to these communities. Information regarding the impacts to these communities is mostly contained in table form and is thus difficult for readers to easily access the information needed to assess these impacts, including, but not limited to, the following:

   - The DEIR/DEIS does not include either Aqua Dulce or the Santa Monica Mountains Conservancy in the list of communities that will be affected by noise during the construction, operation and maintenance of Alternative 5.
   - The discussion of Alternative 5 does not adequately list the number of roadways adjacent to or crossed by Alternative 5 in the communities of Leona Valley, Agua Dulce, or unincorporated areas of Los Angeles County.
   - As well, visual impacts, construction and traffic impacts, air quality impacts, and appropriately analyzed socioeconomic impacts (under NEPA) for these communities are not adequately discussed in the Alternative 5 narrative of the DEIR/DEIS.

   The DEIR/DEIS should be revised to adequately address the impacts to these communities within the Alternative 5 narrative descriptions.

E.1-3

2. **The visual quality of the landscape and the impacts of Alternative 5 are not accurately described.**

E.1-4

The DEIR/DEIS incorrectly applies Scenic Integrity Objectives to the existing transmission line route along Del Sur Ridge. According to the DEIR/DEIS, the Proposed Project has a Scenic Integrity Objective (SIO) of "High" for most of the route. (DEIR/DIES, p. A-18.) A "High SIO" is defined as *"[l]andscapes where the valued landscape character 'appears' intact. Visual deviations (human-made structures) may be present but must repeat the form, line, color, texture, and pattern common to the landscape character so completely and at such a scale that they are not evident."* (DEIR/DEIS, p. C.15-5.) Because the Proposed Project corridor contains an existing transmission line, the label of "High SIO" should not apply to any portion of the Proposed Project route because the existing transmission line is an evident "human-made structure." The SIO designation should be changed to a designation of "Low," but in any event, should not exceed "Moderate." (See attached letters to Specific Comments, Section A Introduction: SCE's *Notice of Administrative Appeal of the Final Environmental Impact Statement and the 2005 Revised Land Management Plans for the Four Southern California National Forests* (July 20, 2005); Letter from San Bernardino National Forest to the CPUC and BLM (August 11, 2006).) The DEIR/DEIS should be amended to apply a correct SIO designation to the Proposed Project and to provide a correct visual impact analysis using the correct SIO so that an accurate comparison of visual impacts between the Proposed Project and Alternative 5 (and other alternatives) may be made. (See also, attached Specific Comment regarding the Visual Resources section.)

E.1-4 cont'd

3. **The description of Alternative 5 is misleading in its characterization of fire dangers.**

   In general, the DEIR/DEIS incorrectly attributes an adverse impact to firefighting capabilities along Del Sur Ridge. This view is not supported by National Forest fire authorities. (See attached Specific Comments regarding Forest Management Activities.) The DEIR/DEIS should be corrected to include this information.

E.1-5

4. **The analysis of Air Quality impacts from Alternative 5 fails to account for the longer 37-mile route and approximately 10-month longer construction period associated with Alternative 5 (as compared to the Proposed Project). The DEIR/DEIS should be corrected to include this information.**

E.1-6

5. **The description of Alternative 5 does not adequately address the number of homes to be condemned associated with the Alternative 5 route, which would cross in excess of 100 private parcels of land. The DEIR/DEIS should be corrected to include this information.**

E.1-7

6. **Alternative 5 places the new transmission line through a known meteorologically severe area over Mt. McDill.**

   Alternative 5 places the new transmission line through a known meteorologically severe area over Mt McDill. SCE had previously removed 500 kV lines from this area due to severe icing issues. Alternative 5 takes the transmission line through the same location and raises

E.1-8

the new maximum elevation to more than 5000 feet. This high of an elevation can be problematic to transmission lines. The DEIR/DEIS should be corrected to include this information.

E.1-8 cont'd

GLOBAL COMMENT 4: The Analysis of Impacts Throughout the DEIR/DEIS is Inadequate.

In many instances, the impact analyses provided in the DEIR/DEIS do not provide sufficient data to support the conclusions that the impact is a certain "Class" (i.e., Class I, II, III, IV). For example, the DEIR/DEIS does not consistently provide sufficient baseline analyses or information regarding whether the impact would be long-term or short-term. As a result, the mitigation measures for these inadequately-evaluated impacts are overly burdensome. In several instances throughout the DEIR/DEIS, mitigation measures require more than is necessary to mitigate the alleged impact and are thus not proportionate to the alleged impact. The DEIR/DEIS impact analyses should be reviewed to ensure that the "Class" impact determined is analytically sound and that any required mitigation is proportionate to that impact. In those instances where the "Class" designations and mitigation measures are not based on an adequate analysis, the DEIR/DEIS should be modified to provide additional impact analysis, and the mitigation measures should be reviewed to ensure proportionality. (See also Specific Comments, attached.)

E.1-9

GLOBAL COMMENT 5: The Cumulative Impact Analysis in Several Sections are Inaccurate.

In many sections throughout the DEIR/DEIS, the cumulative impact analyses are inaccurate. Under both NEPA and CEQA, the cumulative impacts analysis is guided by a reasonableness standard to ascertain impacts that by themselves may be individually insignificant but cumulatively significant over time. The DEIR/DEIS fails to apply this standard in several cumulative impacts sections. For example, The DEIR/DEIS fails to recognize in many instances project impacts are short-term, and thus the DEIR/DEIS fails to adequately analyze the short-term versus long-term effects of project impacts on cumulative impacts. In other words, a temporary project impact would presumably undergo a quite different cumulative impacts analysis compared to a permanent or long-term project impact. Further, several cumulative impacts sections do not provide an adequate discussion of the reasoning applied to arrive at a "significant and unavoidable" cumulative impact. (See e.g., Hydrology and Water Quality Cumulative Impacts, Public Services Cumulative Impacts, and Biology Cumulative Impacts.) Barring a listing of established significance thresholds for cumulative impacts, the DEIR/DEIS should fully describe how the environment will be affected and how that determination was made.

E.1-10

For example, in the Hydrology and Water Quality Cumulative Impact Analysis section, the DEIR/DEIS concludes that Impact H-2, accidental release of potentially harmful materials during construction activities, "could be significant and unavoidable." This conclusion, and the analysis from which it is derived, is speculative. The DEIR/DEIS concludes that "[t]his impact would be considered cumulatively significant if at least one other ongoing or reasonable foreseeable future project that would require use of any of the potentially hazardous substances described above could affect one of the same waterways as the Proposed Project … in the case of an accidental spill during construction." The DEIR/DEIS, however, does not point out that any cumulative impact of

accidental release of potentially hazardous materials would necessarily have to occur simultaneously. (See, cumulative impact analysis under Public Health and Safety, where DEIR/DEIS correctly states that public health and safety impacts would "be cumulatively considerable only if they occur at the same time as public health and safety impacts caused by other projects in the near vicinity." (DEIR/DEIS, p. C.6-41).) The DEIR/DEIS does not discuss the likelihood of a simultaneous accidental release for H-2, or for other hydrology cumulative impacts. Because of the remote possibility of simultaneous impacts resulting from temporary hydrology impacts, it is unlikely that this impact, or other hydrology impacts, would be a Class I impact.

Several cumulative impacts analyses throughout the DEIR/DEIS contain similar insufficiencies in their analysis as the Hydrology section. The cumulative impacts sections in the DEIR/DEIS should be reviewed and modified to include an analysis of the reasonable foreseeability of the cumulative impact occurring; this includes analyzing whether the project impact was short-term and whether a cumulative impact would result only if all impacts would occur simultaneously. Any impact classifications made in error (i.e., a cumulative impact determined to be a Class I when it should be Class II or III or rendered de minimus and deleted) should be corrected. (See "Considering Cumulative Effects Under the National Environmental Policy Act," by the Council of Environmental Quality, found at http://www.nepa.gov/nepa/ccenepa/ccenepa.htm, incorporated herein by reference.)

E.1-10 cont'd

GLOBAL COMMENT 6: The DEIR/DEIS Incorrectly Assumes the Removal of the Existing 66kV Line For All of the Alternative.

For all alternatives, the DEIR/DEIS unnecessarily assumes the removal of the existing 66 kV line from the existing designated utility corridor. Numerous possibilities exist where the existing 66 kV line would be utilized for alternatives that do not require removal. As an example, significant load growth in the Antelope Valley will require additional load serving capability. Such load service could be provided by allowing up to 30 MW of load transfers between Antelope and Santa Clarita (Saugus Substation). In addition, the 66 kV line could be utilized for Alternative 1 to power the transition stations within the ANF by energizing the line at 12 kV. Thus, the DEIR/DEIS should be corrected to reflect the fact that the removal of the existing 66kV line is not a foregone conclusion.

E.1-11

GLOBAL COMMENT 7: Throughout the DEIR/DEIS, the Environmental Impact Headings for the Proposed Project are Misleading Because They Are Stated in an Affirmative and Conclusory Manner, Which Implies the Impact Exists and Could be Misleading to the Public and Decision Makers.

The "Impact" headings listed throughout the document are phrased as conclusory statements that imply the project will cause that impact; this is misleading and confusing for readers.

E.1-12

For example, in section C.3.5, "Impact Analysis: Proposed Project/Action," Impact B-28, on page C.3-75 states "*The Project would result in the loss of jurisdictional waters and wetlands.*" The analysis, however, concludes that the impact is a Class III impact, meaning that the impact on jurisdictional wetlands is "less than significant with no mitigation recommended." The way impact heading B-28 is phrased, "*the Project would result…*" leads the reader to conclude that the project would result in that impact. This is incorrect, and impact heading B-28, along with all other similarly conclusory impact headings throughout the DEIR/DEIS, should be rephrased. For example, Impact B-28 could be rephrased to simply state, "*B-28: Loss of jurisdictional waters and wetlands*." This is a neutral statement that identifies for the reader the impact to be analyzed without eliciting a prejudgment from readers that the project results in that impact.

E.1-12 cont'd

Because a member of the public or decision maker could be confused by the impact headings as they are currently stated, any references in the impact headings throughout the DEIR/DEIS that are conclusory, such as "the project would result" or "[this impact] would occur as a result of the project," should be redrafted to reflect the fact that impact headings should neutrally list the impact to be analyzed.

SCE appreciates your time and attention in addressing the concerns contained in the Global and Specific Comments for the ATP DEIR/DEIS.

Sincerely,

/s/ Tracey A. Alsobrook

Tracey A. Alsobrook

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Response to Comment Set E.1: Applicant – Global Comments

E.1-1 The Lead Agencies believe that Section A (Introduction) of the Draft EIR/EIS adequately describes that the purpose of the project is to support planned wind energy projects. Section A also describes the State's goals for development of renewable energy and the potential for wind generation in the Tehachapi region. The Draft EIR/EIS also clearly states that SCE filed the application for the project with the CPUC based on Ordering Paragraph No. 8 of Decision 04-06-010.

The Lead Agencies acknowledge the project is not necessarily being constructed to specifically serve any particular wind energy project. Both CEQA and NEPA require analysis of indirect impacts. Indirect impacts refer to effects that are an indirect consequence of implementation of the proposed Project. Because the Antelope-Pardee Transmission Project would facilitate the development of wind energy projects, the impacts of such projects can be considered an indirect consequence of the proposed transmission project. While the Antelope-Pardee project is being proposed in response to planned wind energy development, the Lead Agencies have chosen to consider the wind energy projects that would be served by the proposed Project to be an indirect consequence of the proposed Project, particularly because the Project has been proposed in advance of the implementation of anticipated wind energy projects. This is conservative position in favor of full disclosure consistent with the spirit of CEQA and NEPA. Because the PdV Wind Energy Project is the only wind project for which specific information exists at this time, it is the primary focus of the indirect effects analysis in the EIR/EIS. The impacts of other unknown and unspecified wind energy projects that may be served by the proposed Project in the future could also be considered to be indirect effects resulting from the proposed Project; however, no specific information is available on any other wind energy projects that would allow them to be analyzed at this time. Please note that SCE is not responsible for implementing the mitigation measures presented in the EIR/EIS for the PdV Wind Energy Project and the Lead Agencies have no authority to enforce these measures. The environmental review of the PdV Wind Energy Project will be conducted by Kern County and the mitigation measures for that project presented in the EIR/EIS are available for the County to consider for impacts they determine to be significant.

E.1-2 Please see detailed responses to Comment Set E.18 which address Visual Resources.

E.1-3 It is not necessary for the EIR/EIS to name all locations or identify individual property owners that would be affected by an alternative. The route maps and written descriptions of Alternative 5 provide the necessary information about the location of Alternative 5 and the impact analysis provides information about the impacts that would be expected to occur along the route of Alternative 5. Noise impacts are adequately analyzed and described in the EIR/EIS, even if Agua Dulce and the Santa Monica Mountains Conservancy aren't specifically named.

Again, it is not necessary for the EIR/EIS to specifically identify every place and feature along each alternative route, including the names of every street in the vicinity of the route. Even if all street names or other features in the vicinity are not specifically listed, the EIR/EIS adequately describes anticipated impacts that are expected to occur in the vicinity of the route.

Visual, construction, traffic, air quality, and socioeconomic impacts are analyzed in the EIR/EIS and at the same level of detail for all alternatives. This comment does not provide enough specificity to allow a more detailed response.

E.1-4 Please see detailed responses to Comment Set E.18 which address Visual Resources.

E.1-5 Please refer to the response to Comment E.10-14 regarding mitigation requiring de-energization of transmission lines.

E.1-6 The Draft EIR/EIS adequately covers the intent of this comment in the air quality section (Section C.2.10) and appendix (Appendix 3) and the comparison of alternatives section discussion for air quality (Section D.4.1). The air quality analysis performed on all of the alternatives was based on the construction assumptions determined, in most cases without requested information from SCE regarding these alternatives, for each alterative that included the construction schedule assumptions. The emission estimates were completed for comparison with the significance criteria which included CEQA daily emissions criteria for the South Coast Air Quality Management District (SCAQMD) and Antelope Valley Air Quality Management District (AVAQMD), maximum daily single construction spread emissions (SCAQMD Localized Significance Criteria), and maximum annual emissions for comparison with General Conformity applicability thresholds for both the South Coast Air Basin (SCAB) and Mojave Desert Air Basin (MDAB). For Alternative 5 it was assumed that the construction schedule would be three months longer (Table B-4-23, p. B-114) than the proposed project, not ten months longer as noted by SCE in this comment. It was assumed, as part of the three month increase in construction schedule for Alternative 5, that the worst case daily construction activities (i.e., maximum number and types of construction spreads) would be the same as those calculated for the proposed project. The annual emission estimates for Alternative 5 included more towers being constructed in the worst case year (for Alternative 5 the worst case construction year is 2008), and the higher annual emissions for Alternative 5 were clearly provided in the air quality analysis. The resulting increase in maximum annual air pollutant emissions in 2008 were provided both in Table C2-24 and in Appendix 3. It is true as noted in this comment that Alternative 5 would also have incrementally higher total air pollutant emissions (all construction years totaled), and while project total emissions were not calculated the alternative comparisons for air quality (p. D-6, D-13 and D14) clearly note the increased total air pollutant emission that would result from Alternative 5 and rank Alternative 5 as the second worst alternative in respect to air quality impacts.

E.1-7 As the route for Alternative 5 has not been finalized, the exact number of homes that would need to be acquired for this route has not been determined. The analysis of this impact in Section C.9.10.2, however, acknowledges that the acquisition and removal of these homes would be a significant and unavoidable impact that cannot be mitigated to be a less-than-significant level.

E.1-8 Thank you for your comments. SCE is well aware to the meteorological conditions in the area of Alternative 5. Based on prior experience in this area, as noted in your comment, SCE would design towers to handle these “severe” conditions.

E.1-9 This global comment does not provide enough specificity to permit a response. Responses will be provided to the Specific Comments referenced in the comment.

E.1-10 The cumulative impact analysis in the Draft EIR/EIS is structured around the concept that individual impacts may not be significant by themselves, but could be significant when combined with similar effects of other past, present, or reasonably foreseeable future projects. Both short-term and long-term effects have the potential to result in cumulative impacts. For instance, noise or traffic generated by project construction could temporarily combine with the noise and traffic impacts of

other projects resulting in cumulative impact. Impacts are not considered insignificant just because they are temporary. Temporary cumulative impacts do not undergo a different type of analysis just because they are temporary in nature.

Established significance criteria for cumulative impacts generally do not exist. There are many practical difficulties associated with the concept of significance criteria for cumulative impacts and, therefore, most lead agencies and resources agencies have not been able to establish any workable significance criteria for cumulative impacts. Cumulative impacts are often identified based on judgment and reason. For instance, if past projects have already significantly degraded a particular resource in an area, then additional project impacts to that resource would inevitably contribute to a significant cumulative impact. This does not necessarily mean an individual project's contribution to that cumulative impact is substantial or significant, but that the combined effect is significant. The significance conclusions in the EIR/EIS are based on the cumulative effect, which includes the combined effect of all past, present, and reasonably foreseeable future projects, not the proposed Project's contribution to that effect.

The cumulative effect associated with Impact H-2 cited in the comment is not speculative. Instead, it is pre-cautionary and reflects the fact that even one accidental release is significant and, therefore, an additional accidental release in the same water body or a combined downstream water body would be cumulatively significant. Based on the numerous other construction projects identified in EIR/EIS that are located in the same watersheds and are planned to occur at the same time as construction of the proposed Project, there is a real potential for this type of cumulative impact to occur and if it did occur it would be considered significant. The commenter is correct that these accidental releases would presumably need to occur close together in time. The remoteness of the possibility of two accidental releases suggested by the commenter is debatable. If these types of impacts are remote possibilities, then why are several regional, State, and federal agencies (e.g., SWRCB, RWQCB, EPA, DTSC) concerned with these impacts and why are so many permitting procedures in place to try to prevent accidental releases from affecting water quality? It is also worth noting that past and present projects have already had an adverse effect on downstream water quality and that any addition to that effect, even if small and temporary, would contribute to a significant adverse cumulative condition.

The Lead Agencies believe the cumulative impact significance conclusions in the Draft EIR/EIS are correct.

E.1-11 The removal of the existing 66-kV line was considered part of the proposed Project Description, because this activity was included in SCE's Proponents Environmental Assessment and Application to the CPUC as part of the proposed Project. Based on the fact that the removal of the 66-kV line is considered part of the Project, this was assumed as an activity that would occur for all of the Project alternatives, and was therefore analyzed in the Draft EIR/EIS. The inclusion of the removal of the existing 66-kV line in the description and analyses of alternatives ensures that the impacts of such removal are addressed in the event that removal does occur.

E.1-12 The Lead Agencies acknowledge that all stated impacts may not occur. However, based on the analysis in the Draft EIR/EIS, the Lead Agencies believe there is a realistic possibility that each identified impact could occur if the proposed Project or one of the alternatives is implemented. CEQA requires that an EIR analyze the potential adverse environmental impacts of a project and reach a conclusion as to the level of significance of each of these impacts. Furthermore, the courts

have held that findings which indicate that something "could" occur are insufficient and that there must be an effort to quantify such findings and conclude that an effect "would" or "would be likely" to occur (see Dolan v. City of Tigard (1994) 512 U.S. 374, 395-396). In some cases, the Lead Agencies erred on the side of caution in indicating that an impact would occur in order to avoid understating an impact or under emphasizing its potential significance.