

Section A

Mitigated Negative Declaration

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



A. Mitigated Negative Declaration

Introduction

This document is a Mitigated Negative Declaration (MND) prepared by the California Public Utilities Commission (Commission or CPUC) for an application (Application No. A.08-02-021, February 29, 2008, Amended January 6, 2009) filed by Southern California Edison (SCE) seeking authority to lease utility right-of-way to Flying M Ranch LLC for the purpose of operating a short-term trailer parking facility. Flying M Ranch LLC is a wholly owned subsidiary of Martin Container.

The property is located in the City of Long Beach, adjacent to the City of Compton. It is at the south end of Sportsman Drive, in the northeast corner of the intersection of Interstate 710 and State Route 91. The MND, prepared in accordance with the requirements of the California Environmental Quality Act (CEQA), is supported by an Initial Study (IS) that provides an evaluation of the proposed project's potential to cause significant impacts to the environment (See Section B of this document.).

A.1 Project Overview

SCE is proposing to lease approximately 13.5 acres of its Hinson-Lighthipe Transmission right-of-way to Flying M Ranch LLC. The property is owned by SCE and supports electric transmission lines. The area under and around the towers and conductors is vacant.

Flying M Ranch LLC seeks to develop a short-term trailer parking facility that would provide a total of 242 storage/parking spaces for trailers with containers. The containers would remain mounted on wheeled chassis and would not be stored on the ground. Two portable office buildings would also be located on the project site. Each would be 1,600-square-foot and would be located near the site entrance on Sportsman Drive. The buildings would have restrooms and would be used for processing paperwork and allocating parking spaces.

To access the site, trucks would exit I-710 at Alondra Boulevard and travel west to Atlantic Avenue. After turning left into Atlantic Avenue, the trucks would continue southeast and cross beneath I-710 before turning into Sportsman Drive. From there, trucks would continue 1,100 feet to the end of Sportsman Drive, where the access gate to the property would be located. Trucks leaving the Flying M Ranch site reverse these directions. From Sportsman Drive they would turn left onto Atlantic Avenue then right on Alondra Boulevard, where they would merge onto I-710. The I-710 Freeway is one of the primary truck routes to the ports.

Planned improvements to the site include grading, paving, fencing, lighting, and installation of underground utilities. The site would include a fee collection station, electrical hookups, and trash disposal. Showers and eating accommodations would not be provided for the employees and truck drivers. Approximately 10.3 of the 13.5 acres would be paved with asphaltic concrete. Approximately 3.2 acres are unusable and would be covered with a compacted crushed base material to minimize dust, assist with drainage and discourage the growth of weeds. A six-foot chain-link fence would be installed around the site. Gated access would be provided at the north side of the site, from Sportsman Drive.

A.2 Application Review Process

In its application to the CPUC, SCE is requesting approval to lease the subject property. The application is made under Public Utilities Code Section 851, which requires a utility to obtain approval from the Commission before selling, leasing, or encumbering utility property that is “necessary or useful in the performance of its duties to the public...” In this instance, the property supports electric transmission structures and conductors used by SCE in the discharge of its duties. The CPUC must decide whether to approve the leasing of the property.

A.2.1 CPUC Application Process

Application. The project proponent, SCE, submitted an Application to the CPUC on February 29, 2008, for permission to lease the right-of-way property. Additional information was provided through an amendment to the Application on January 6, 2009. On April 13, 2009, points of clarification were requested from SCE. In response, SCE submitted an amended Proponent’s Environmental Assessment (PEA) in July 2009

Ruling. Following the completion the environmental review process, the Administrative Law Judge will issue a proposed decision on SCE’s application. After that, based on the project environmental document and all the evidence gathered by the CPUC, Commissioners will vote on whether to approve the project. A Commissioner may reject the Administrative Law Judge’s proposed decision and issue an alternate decision, which would also be considered by the full Commission. Commissioners can vote to approve the project or to disapprove the project either with or without prejudice. The view of the majority of Commissioners prevails. Disapproval with prejudice means that the Commissioners reject the application based on its merits, meaning that the project would not be in the public interest or would result in unacceptable impacts on the environment. Disapproval without prejudice means that the project is rejected for another reason, such as because the application was incomplete, and the Applicant can reapply to the Commission once the discrepancy is addressed.

Rehearing. Once the Commissioners have ruled on a project, parties generally have 30 days to file for a rehearing of the case by the CPUC. (The mere filing of a rehearing request does not excuse compliance with the original order or decision.) If the rehearing request is denied or if parties are not satisfied with the rehearing ruling, the case may be appealed to the State Court of Appeals.

A.2.2 Environmental Review Process

The California Environmental Quality Act (CEQA) requires all government agencies in California to assess potential impacts to the environment whenever they make a discretionary decision. Approval of SCE’s request for authority to lease the property is a discretionary decision of the CPUC. As lead agency, the CPUC must determine if the SCE project would result in significant impacts to the environment, and whether those impacts could be avoided, eliminated, compensated for or reduced to less than significant levels. This Mitigated Negative Declaration/Initial Study will become part of a body of evidence that the Commission will use in deciding whether or not to approve the SCE request to lease the property.

This MND/IS has been prepared in accordance with the requirements of CEQA and its guidelines for implementation. This MND is supported by an Initial Study that was prepared to evaluate the proposed project’s potential to result in significant impacts to the environment. CEQA Guidelines Section 15063(c) states that the purposes of an Initial Study are to:

- Provide the Lead Agency with information to use as the basis for deciding whether to prepare an EIR or a Negative Declaration
- Enable an applicant or Lead Agency to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a Negative Declaration
- Assist in the preparation of an EIR, if one is required
- Facilitate environmental assessment early in the design of a project
- Provide documentation of the factual basis for the finding in a Negative Declaration that a project will not have a significant effect on the environment
- Eliminate unnecessary EIRs
- Determine whether a previously prepared EIR could be used with the project

According to Article 6 (Negative Declaration Process) and Section 15070 (Decision to Prepare a Negative Declaration or Mitigated Negative Declaration) of the CEQA Guidelines, a public agency shall prepare a negative declaration or mitigated negative declaration for a project subject to CEQA when:

- The initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or
- The initial study identifies potentially significant effects, but:
 - Revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and
 - There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.

Based on the analysis in the project’s Initial Study, all potential project-related environmental impacts can be reduced to less than significant levels with the incorporation of mitigation measures. Therefore, adoption of a MND will satisfy the requirements of CEQA. The mitigation measures included in this MND are designed to reduce or eliminate the potentially significant environmental impacts described in the Initial Study. Mitigation measures are structured in accordance with the criteria in Section 15370 of the CEQA Guidelines.

A.3 Document Organization

This document contains three sections, which are described below.

- **Section A – Introduction.** Presents an overview of the proposed project, the legal authority that requires preparation of an Initial Study and a MND, the environmental and public review processes, and a summary of impacts and mitigation measures in tabular form.
- **Section B – Initial Study.** Includes a complete description of project objectives and characteristics; contains the Environmental Determination; presents the environmental analysis for each issue area identified on the CEQA Environmental Checklist Form and any associated mitigation required to reduce project impacts to less than significant levels; provides a list of documents, persons, and organizations consulted during the preparation of the Initial Study; and provides a list of persons involved in preparing the analysis in the Initial Study and their respective roles.

- **Section C – Mitigation Monitoring Plan.** Describes the mitigation measures that will be used by the CPUC to ensure that the applicant-proposed measures and the additional mitigation measures recommended in the Initial Study are properly implemented.
- **Section D – Response to Comment.** Responses to the comment received on the MND during the public comment period are presented in Section D.

It should be noted that if the proposed project does not have the potential to significantly impact a given resource, the relevant issue area environmental checklist question provides a brief discussion of the reasons why no impacts are expected. If the proposed project has a potentially significant impact on a resource, the environmental checklist discussion provides a description of potential impacts, and appropriate mitigation measures and/or project features that would reduce those impacts to a less than significant level. Any mitigation measures discussed in Sections B and C also are provided in a summary table in Section A.5 (Summary of Mitigation Measures). The appendices to the Initial Study contain background and technical data used in preparation of the Initial Study.

A.4 Summary of Mitigation Measures

Table A-1 provides a summary of mitigation measures.

Table A-1. Summary of Mitigation Measures

Potential Impact	Mitigation Measures
Disturb any human remains, including those interred outside of formal cemeteries?	CUL-1. If human remains are discovered within the project area during any phase of construction, work within 50 feet of the remains will be suspended immediately and SCE and/or their representative will immediately notify the respective county coroner. If the remains are determined by the coroner to be Native American, the American Heritage Commission (NAHC) will be notified within 24 hours, and the guidelines of the NAHC will be adhered to in the treatment and disposition of the remains. SCE and/or their representative will also retain a professional archaeological consultant with Native American burial experience who will conduct a field investigation of the specific site and consult with the Most Likely Descendant identified by the NAHC. As necessary, the archaeological consultant may provide professional assistance to the Most Likely Descendant including the excavation and removal of human remains. SCE or its appointed representative will implement any mitigation before the resumption of activities at the site where the remains were discovered.
Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?	GEO-1. SCE or its representative shall provide the CPUC a copy of any geotechnical report furnished to the City of Long Beach and evidence that the report is acceptable to the City or, if the requirement for a geotechnical report is waived by the City, a copy of such waiver.
Result in substantial soil erosion or the loss of topsoil?	GEO-2. A copy of the following shall be submitted to CPUC simultaneously with their submission to the responsible local agency: 1) signed statements to the City of Long Beach that best management practices will be implemented to mitigate construction activities on storm water quality, 2) the storm water pollution prevention plan (SWPPP) submitted to the city and to the Los Angeles Regional Water Quality Control Board (RWQCB) and 3) the Notice of Intent filed with the RWQCB.
Violate Regional Water Quality Control Board water quality standards or waste discharge requirements?	GEO-2. See above.
Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials	HAZ-1. A Risk Management Plan, including preventative measures and an emergency response plan, shall be prepared. A copy shall be submitted to the CPUC and the City of Long Beach. Preventative measures should include onsite emergency spill response and clean-up kits or an identified spill/leak response firm. An emergency response plan should include, but not be limited to, isolating the leaking truck and ensuring that the leaking truck does not leave the site. Employees shall be instructed in preventative and response procedures and a statement that this has taken place shall be provided to the CPUC.
Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment	HAZ-1. See above.