

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



~~DRAFT~~FINAL

**Mitigated Negative Declaration**

**San Diego Gas & Electric Company's  
Ocean Ranch Substation Project**

**Application No. A.16-07-016**

**Lead Agency:** California Public Utilities Commission  
Energy Division  
505 Van Ness Avenue, 3rd Floor  
San Francisco, California 94102

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**1. Mitigated Negative Declaration**

**1.1 Project Information**

**Project:** Ocean Ranch Substation Project  
Oceanside, California

**Project Sponsor:** San Diego Gas & Electric Company  
8330 Century Park Court, CP32  
San Diego, CA 92123  
(949) 361-8065

**1.2 Introduction**

Pursuant to California Public Utilities Commission's (CPUC) General Order 131-D, San Diego Gas & Electric Company (SDG&E) filed an application (A.16-07-016) with the CPUC on July 27, 2016, for a Permit to Construct (PTC) the Ocean Ranch Substation Project ("Proposed Project"). The CPUC Energy Division deemed the Proponent's Environmental Assessment (PEA) and Application complete on October 6, 2016.

Under the California Environmental Quality Act (CEQA), as Lead Agency, the CPUC must prepare an Initial Study for the Proposed Project to determine if any significant adverse effects on the environment would result from project implementation. The Initial Study uses the significance criteria outlined in

Appendix G of the CEQA Guidelines. If the IS for the project indicates that a significant adverse impact could occur, the CPUC would be required to prepare an Environmental Impact Report (EIR).

According to CEQA Guidelines, Section 15070 (Decision to Prepare a Negative Declaration or Mitigated Negative Declaration):

*A public agency shall prepare or have prepared a proposed negative declaration or mitigated negative declaration for a project subject to CEQA when:*

- (a) 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*
- (b) The initial study identifies potentially significant effects, but:*
  - (1) 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*
  - (2) 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 Initial Study, it has been determined that all project-related environmental impacts are less than significant or could be reduced to a less than significant level with the incorporation of feasible mitigation measures. Therefore, adoption of a Mitigated Negative Declaration (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. Where a measure described in this document has been previously incorporated into the project, either as a specific project design feature or as an Applicant-Proposed Measure, this is noted in the discussion. Mitigation measures are structured in accordance with the criteria in Section 15370 of the CEQA Guidelines.

### 1.3 Project Description Summary

SDG&E is proposing to construct the Ocean Ranch Substation Project, which would include construction of the following components:

- **New Ocean Ranch 69/12 kilovolt (kV) Substation**, initially with a 60 megavolt ampere (MVA) rating and an ultimate capacity of 120 MVA.
- **69 kV single-circuit power line**, looped into the proposed new substation from the existing San Luis Rey–Melrose 69 kV line at the intersection of Avenida de la Plata and Avenida del Oro,
- **Four new 12 kV distribution circuits**, and
- **Telecommunication facilities** to connect the proposed substation to SDG&E's existing telecommunications system.

### 1.4 Environmental Determination

The Initial Study was prepared to identify the potential environmental effects that could result from implementing the Proposed Project, and to evaluate the level of significance of these effects. The Initial Study relies on information in SDG&E's PEA, project site reconnaissance by the CPUC environmental team in October 2016, SDG&E's responses to data requests, and other environmental information and analyses.

SDG&E's PEA identified Applicant-Proposed Measures (APMs) to address potentially significant impacts. These APMs are considered to be part of the description of the Proposed Project. Based on the Initial

Study analysis, additional mitigation measures are identified for adoption to ensure that impacts of the Proposed Project would be less than significant. The additional mitigation measures either supplement or supersede the APMs. SDG&E has agreed to implement the APMs and all of the additional recommended mitigation measures as part of the Proposed Project.

Implementation of the mitigation measures would avoid potentially significant impacts identified in the Initial Study or reduce them to less than significant levels.

## **Applicant-Proposed Measures**

### ***APM BIO-1: General Biological Resources.***

- The Proposed Project work areas shall be limited to the sites specified in the project description. Access to the project site shall utilize existing access roads, where possible. Parking, driving, and storing of vehicles will be limited to previously disturbed, compacted, and developed areas, where possible.
- A contractor education program will be conducted by a qualified biologist. It will be conducted during all project phases and cover: (1) the potential presence of listed species and their habitats; (2) the requirements and boundaries of the project (e.g., areas delineated on maps and by flags or fencing); (3) the importance of complying with avoidance and minimization measures; (4) environmentally responsible construction practices; (5) identification of sensitive resource areas in the field; and (6) problem reporting and resolution methods.
- A qualified biologist will be assigned to the Proposed Project. The designated biologist will have the authority to halt construction in that segment of the Proposed Project to prevent impact to any listed species.
- Heavy equipment, construction, equipment maintenance, and staging activities will occur in designated areas and be restricted to existing roads and disturbed areas to the maximum extent practicable.
- Where possible, laydown, stockpiling, parking, driving, and storing of vehicles and equipment will be limited to previously disturbed/compacted and developed areas within and immediately adjacent to existing roads.

### ***APM BIO-2: Vegetation and Special Status Plant Species.***

- Disturbance to adjacent native vegetation will be avoided to the greatest extent.

### ***APM BIO-3: Migratory Birds.***

- Pre-construction nest surveys will be conducted by a qualified biologist if construction or demolition activities on the project site occurs between January 1 and August 31 (nesting season). Surveys shall cover all potential nesting habitat within the PSA and be repeated on a weekly basis throughout the nesting season. If SDG&E determines that any staging yards included in the proposed project, is not needed, then those staging yards will be exempt from nest surveys
- If an active nest is found within the Proposed Project at any time, work will stop immediately in the immediate area of the nest and redirected away from the nest location. A no disturbance buffer zone will be established around each nest. The size of the buffer zone for non-special-status species will be determined by a qualified biologist. Any activities that might, in the opinion of the biological monitor, disturb nesting activities, will be prohibited in the buffer zone. If an active nest of a special-status species is identified, SDG&E shall consult with the USFWS and CDFW to determine the size of the buffer zone (except for burrowing owls, which will be determined in accordance with APM BIO-4). Nest locations will be mapped using GPS technology.

- The biological monitor will monitor all active nests and buffers at least once per week, to determine whether birds are being disturbed. If signs of disturbance or distress are observed, the biological monitor shall immediately implement adaptive measures to reduce disturbance. These measures could include, but are not limited to, increasing buffer size, halting disruptive construction activities in the vicinity of the nest until fledging is confirmed, or placement of visual screens or sound dampening structures between the nest and construction activity.
- The qualified biologist or biological monitor will monitor the nest until he or she determines that nestlings have fledged and dispersed or the nest is no longer active. The results of nest surveys and nest monitoring shall be included in biological monitoring reports, described in Mitigation Measure B-1 (Biological Monitoring and Reporting).

***APM BIO-4: Special Status Wildlife Species.***

- Protocol-level surveys for the burrowing owl shall occur prior to the commencement of construction. The survey shall be conducted by a qualified biologist in accordance with the Staff Report on Burrowing Owl Mitigation. The surveys shall commence at least 30 days and not less than 14 days prior to construction. The survey results shall be provided to SDG&E within 14 days following completion of surveys.
- If burrowing owls are detected within the Project Study Area, measures consistent with the methodology as established in the Staff Report on Burrowing Owl Mitigation and in concurrence with the local CDFW office will be implemented. This includes, but is not limited to the use of buffers around burrows, inspection of equipment, monitoring, and the potential for development of a Burrowing Owl Exclusion Plan approved by the local CDFW office.
- Prior to the commencement of the construction phase, a qualified biologist shall conduct a preconstruction survey/sweep of Melrose Staging Yard to determine the presence of the western yellow bat. If the western yellow bat is not found during the initial preconstruction survey/sweep, the staging yard will be resurveyed weekly while the yard is in use for the project. Surveys will be conducted year-round. If roosts are found during the survey sweeps, a no disturbance buffer zone will be established of 165 feet from any active roost and 300 feet from any active maternity roost. The qualified biologist shall consult with CDFW to determine the appropriate buffer limits to adequately protect the species and the buffer sizes listed above may be reduced with concurrence from CDFW. The buffers will remain in place until the staging yard is no longer used for this project or until the bat(s) have left the roost and a buffer is no longer necessary.

***APM CUL-1: Paleontological Resource Monitoring Program.***

- A paleontological resource monitoring program will be implemented during construction. The program will include construction monitoring, fossil salvage, laboratory preparation of salvaged specimens, curation of prepared specimens, and storage of curated specimens. A qualified paleontologist will be onsite to monitor all ground disturbing activities (e.g., grading and excavation) within native sediments, until the monitor determines monitoring activities are not necessary. The monitor will inspect all fresh cut slopes and trenches, spoils piles, and graded pad surfaces for unearthened fossil remains. If any paleontological find is identified during monitoring, then the monitor will communicate with the general environmental monitor and the construction manager. Salvage may include techniques such as “pluck-and-run,” hand quarrying, and bulk matrix sampling and screen-washing. The monitor will also collect stratigraphic data to define the nature of fossiliferous sedimentary rock units within the Proposed Project area, their geographic distributions, and their lithologic characteristics. Paleontological monitoring would not be required in locations where artificial imported fill materials occur for the full depth of the proposed ground disturbance.

## Mitigation Measures

### *Mitigation Measure for Impact to Special-status Animal Species*

**B-1 Biological monitoring and reporting.** SDG&E shall assign a qualified biologist or biological monitor to the Project to monitor work during the construction phase and inspect the Project site at least once per week, or until such time that construction activities at locations identified by the monitor no longer have the potential to impact special-status species, native vegetation, wildlife habitat, or sensitive biological resources. The qualified biologist or biological monitor is responsible for ensuring that impacts to special-status species, native vegetation, wildlife habitat, and sensitive or unique biological resources are avoided or minimized to the fullest extent safely possible. Monitors are also responsible for communicating with construction supervisors and crews to ensure that work activities are conducted in compliance with APMs, mitigation measures, permit conditions, and other project requirements.

The qualified biologist or biological monitor shall clearly mark sensitive biological resource areas with staking, flagging, or other appropriate materials that are readily visible and durable, and ensure that work activities are contained within approved disturbance area boundaries at all times. The monitors will inform work crews of these areas and the requirements for avoidance, and will inspect these areas at appropriate intervals for compliance with regulatory terms and conditions.

The qualified biologist or biological monitor shall have the authority and responsibility to halt any project activities that are not in compliance with applicable mitigation measures, APMs, permit conditions, or other project requirements, or will have an unauthorized adverse effect on biological resources.

The qualified biologist or biological monitor shall, to the extent safe, practicable, and consistent with mitigation measures and permit conditions, actively or passively relocate wildlife out of harm's way. Handling, relocation, release from entrapment, or other interaction with wildlife shall be performed consistent with mitigation measures, safety protocols, permits (including CDFW and USFWS permits), and other project requirements. If safety or other considerations prevent the qualified biologist or biological monitor from aiding trapped wildlife or wildlife in harm's way, SDG&E shall consult with the construction contractor, CDFW, wildlife rehabilitator, or other appropriate party to obtain aid for the animal.

The qualified biologist or biological monitor shall communicate with work crews to ensure that all excavations, open tanks, trenches, pits, or similar wildlife entrapment hazards have been covered or have ramps installed to prevent wildlife entrapment, and communicate with work crews to ensure these structures are installed and functioning properly.

Monitoring activities shall be thoroughly and accurately documented during each monitoring visit or inspection and shall include:

- Any special-status species observations, including location of observation, location and description of project activities in the vicinity, and any measures taken to avoid the species. In addition, all special-status species observations shall be reported to the California Natural Diversity Database (CNDDB).
- Bird nesting activities and buffers established.
- Wildlife entrapments and relocations.

- All non-compliance incidents, including nest buffer incursions, with resolution or remedial actions taken.
- Any other information relevant to compliance with biological resource APMs, mitigation measures, permit conditions, or other project requirements.

The qualified biologist or biological monitor shall compile this information into a brief monthly summary report to be submitted to the CPUC within 30 calendar days of the end of each month. At the conclusion of construction activities, a final project summary report shall be submitted to the CPUC within 90 calendar days of the end of construction.

**B-2 Worker Training.** The contractor education program defined by APM BIO-1 shall stipulate the following general behavior requirements:

1. No wildlife may be harmed, except to protect life and limb.
2. Firearms shall be prohibited except for those used by security personnel.
3. Feeding of wildlife shall be prohibited.
4. SDG&E personnel shall not bring pets to work areas.
5. Plant or wildlife species shall not be collected under any circumstance, unless by an authorized/ permitted biologist.
6. Littering shall not be allowed. SDG&E shall not deposit or leave any food or waste in any work area.
7. Wildfires shall be prevented or minimized by exercising care when driving and by not parking vehicles where catalytic converters can ignite dry vegetation. The use of shields, protective mats, or other fire prevention methods shall be used during grinding and welding to prevent or minimize the potential for fire. Care shall be exhibited when smoking in permitted areas.
8. Field crews shall refer environmental issues, including wildlife relocation, dead or sick wildlife, hazardous waste, or questions about avoiding environmental impacts, to a biologist(s) approved by the CPUC, USFWS, and CDFW. Other CPUC, USFWS, or CDFW biologists or experts in wildlife handling may need to be brought in for assistance with wildlife relocations.
9. Night lighting shall be of the lowest illumination allowed for human safety, selectively placed, shielded, and to the maximum extent practicable, directed so as to not disturb adjacent land uses or streets.
10. Vehicle speeds on the project site shall be maintained at 15 mph or less.

### ***Mitigation Measures for Impact to Historical and Archaeological Resources***

**C-1 Management of Unanticipated Discoveries of Historical Resources or Unique Archaeological Resources.** Unanticipated discovery protocols shall be communicated to project workers as part of the contractor education program. If previously unidentified cultural resources are identified during construction activities, construction work within 100 feet of the find shall be halted and directed away from the discovery until a Secretary of the Interior qualified archaeologist and tribal representative assesses the significance of the resource. The archaeologist, in consultation with the County, SHPO, any interested Tribes, and any other responsible public agency, shall make the necessary plans for recording and curating the find(s) and for the evaluation and mitigation of impacts if the finds are found to be eligible to the National Register of Historic Places or California Register of Historical Resources, or qualifies as a unique archaeological resource under CEQA Section 21083.2.

### ***Mitigation Measures for Impacts to Human Remains***

**C-2 Appropriate Treatment of Human Remains.** Upon discovery of human remains, all work within 100 feet of the discovery area must cease immediately, the area must be secured, and the following actions taken:

- The land manager/owner of the site is to be called and informed of the discovery.
- The San Diego County Coroner's Office is to be called. The Coroner has two working days to examine the remains after notification (Health and Safety Code Section 7050.5(b)). The Coroner will determine if the remains are archaeological/historic or of modern origin, and if there are any criminal or jurisdictional questions. The Coroner will make recommendations concerning the treatment and disposition of the remains to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code.
- If the Coroner believes the remains to be those of a Native American, he/she shall contact the NAHC by telephone within 24 hours. The NAHC will immediately notify the person it believes to be the most likely descendant (MLD) of the remains.
- The MLD has 48 hours to make recommendations to the land owner for treatment or disposition of the human remains. If the descendant does not make recommendations within 48 hours, the land owner shall re-inter the remains in an area of the property secure from further disturbance. If the land owner does not accept the descendant's recommendations, the owner or the descendant may request mediation by NAHC.

Per California Health and Safety Code, six or more human burials at one location constitutes a cemetery (Section 8100) and willful disturbance of human remains is a felony (Section 7052).

### ***Mitigation Measure for Construction Noise***

**N-1 Minimize Construction Vehicle, Equipment, and Traffic Noise.** SDG&E shall maintain construction equipment and vehicle mufflers in accordance with equipment vendor specifications on all engines used in construction. Where feasible, construction traffic shall be routed to avoid noise-sensitive areas, such as residences, educational facilities, hospitals, convalescent homes, and parks.

**N-2 Limit Construction Noise to Daytime Hours.** SDG&E shall not operate any pneumatic hammer, pile driver, excavator, crane, hoist, or other equipment which generates loud or unusual noise from the hours of 10:00 p.m. to 7:00 a.m. Exceptions for work outside of these hours shall be allowed for project safety, to take advantage of the limited times when power lines can be taken out of service, to complete project work that must occur continuously without interruption, or as determined to be warranted by the CPUC. If nighttime work is needed because of clearance restrictions on power lines, SDG&E shall take appropriate measures to minimize disturbance to local residents, if any are within 500 feet of the work site, by informing them in advance of the work schedule and probable inconveniences.

**N-3 Secure City of Oceanside Explosive Permit for Blasting Activity.** In the event that blasting is required, SDG&E shall prepare and submit a plan for blasting that quantifies the resulting noise and vibration levels from the use of explosives. The plan shall in compliance with City of Oceanside procedures and requirements for all blasting activities and shall be submitted to the CPUC before blasting at each site.

**N-4 Avoid Blasting Where Damage to Structures Could Occur.** Blasting shall be managed with a plan for each site. The plan shall include the blasting methods, surveys of existing structures and other built facilities, and distance calculations to estimate the area of effect of the blasting. The blasting plan shall identify and implement construction techniques available as an alternative to rock blasting for locations where damage to vulnerable structures could occur, where the distance depends on the force of the explosives under consideration. Rock anchoring or a mini-pile system shall be used if adjacent structures could be damaged as a result of blasting or any construction method used as an alternative to blasting. If any structure is inadvertently adversely affected by construction vibration from rock blasting, the structure shall be restored to conditions equivalent to those prior to blasting. SDG&E shall then fairly compensate the owner of any damaged structure for lost use of the property.

#### ***Mitigation Measures for Construction Traffic Impacts***

**T-1 Construction Traffic Control Plan.** Prior to the start of construction, San Diego Gas & Electric (SDG&E) shall prepare and submit a Construction Traffic Control Plan for review and approval to the City of Oceanside for public roads and transportation facilities that would be directly affected by the construction activities and/or would require permits and approvals. SDG&E shall submit the Construction Traffic Control Plan to the California Public Utilities Commission (CPUC) prior to conducting activities covered in the traffic control permits. The Construction Traffic Control Plan shall include, but not be limited to:

- The locations and use of flaggers, warning signs, lights, barricades, delineators, cones, arrow boards, etc., according to standard guidelines outlined in the Manual on Uniform Traffic Control Devices, the Standard Specifications for Public Works Construction, and/or the California Joint Utility Traffic Control Manual.
- Additional methods to reduce temporary traffic delays and trips during peak travel hours (8:00-10:00 a.m. and 4:00-6:00 p.m.) to the maximum extent feasible.
- Typical access routes between all staging areas and the proposed Ocean Ranch Substation work areas. To the extent feasible, access routes should minimize travel on College Boulevard.
- Defining methods to coordinate with all agencies responsible for encroachment permits throughout construction to minimize cumulative lane disruption impacts should simultaneous construction projects affect shared segments/portions of the circulation system.
- Prior to the start of construction, provide (or identify the timing to provide) copies of all approved permits and agreements to the CPUC and methods to comply with all specified requirements.
- Plans to coordinate in advance with emergency service providers to avoid restricting the movements of emergency vehicles. Police departments and fire departments shall be notified in advance by SDG&E of the proposed locations, nature, timing, and duration of any roadway disruptions, and shall be advised of any access restrictions that could impact their effectiveness. At locations where roads will be blocked, provisions shall be ready at all times to accommodate emergency vehicles, such as immediately stopping work for emergency vehicle passage, providing short detours, and developing alternate routes in conjunction with the public agencies. Documentation of the coordination with police and fire departments shall be provided to the CPUC prior to the start of construction.



- Plans to coordinate in advance with property owners, if any, that may have limited access to properties due to temporary lane closures. Provisions for ensuring secondary access should be provided.
- Plans to coordinate with North County Transit District at least one month prior to construction to minimize the impacts associated with the interruption or delays of bus transit service to Routes 315 and 316. Documentation of this coordination shall be provided to the CPUC prior to the start of construction.

***Mitigation Measure for Impact to Tribal Cultural Resources***

**C-1 Management of Unanticipated Discoveries of Historical Resources or Unique Archaeological Resources.** Unanticipated discovery protocols shall be communicated to project workers as part of the contractor education program. If previously unidentified cultural resources are identified during construction activities, construction work within 100 feet of the find shall be halted and directed away from the discovery until a Secretary of the Interior qualified archaeologist and tribal representative assesses the significance of the resource. The archaeologist, in consultation with the County, SHPO, any interested Tribes, and any other responsible public agency, shall make the necessary plans for recording and curating the find(s) and for the evaluation and mitigation of impacts if the finds are found to be eligible to the National Register of Historic Places or California Register of Historical Resources, or qualifies as a unique archaeological resource under CEQA Section 21083.2.

**C-2 Appropriate Treatment of Human Remains.** Upon discovery of human remains, all work within 100 feet of the discovery area must cease immediately, the area must be secured, and the following actions taken:

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- If the Coroner believes the remains to be those of a Native American, he/she shall contact the NAHC by telephone within 24 hours. The NAHC will immediately notify the person it believes to be the most likely descendant (MLD) of the remains.
- The MLD has 48 hours to make recommendations to the land owner for treatment or disposition of the human remains. If the descendant does not make recommendations within 48 hours, the land owner shall re-enter the remains in an area of the property secure from further disturbance. If the land owner does not accept the descendant's recommendations, the owner or the descendant may request mediation by NAHC.

Per California Health and Safety Code, six or more human burials at one location constitutes a cemetery (Section 8100) and willful disturbance of human remains is a felony (Section 7052).

Based on the analysis and conclusions of the Initial Study, the impacts of the project as proposed by SDG&E would be mitigated to less than significant levels with the implementation of the mitigation measures presented herein, which have been incorporated into the Proposed Project.