

7. Responses to Comments

This section presents comments received during the public review period for the Mitigated Negative Declaration (March 15 to April 13, 2017) and responses to comments. A newspaper notice, including information on the Draft IS/MND, the project website address, and the dates of the comment period and the public informational workshop, was published in the San Diego Union-Tribune on March 20, 2017 (see Appendix J for a copy of the notice).

Various State agencies, the public, City of Oceanside, and the Applicant were notified of the intent to adopt the Mitigated Negative Declaration. The CPUC received two comment letters. One private individual attended the informational meeting along with representatives of SDG&E and CPUC; no comments were received at the meeting.

Table 7-1 lists the organizations that submitted comments on the Draft MND. The individual comments in each letter are numbered, and responses immediately follow the comment letter. If revisions were made to the MND and supporting Initial Study based on the comments, the revisions are provided with the response to the specific comment and are indicated in the text of this Final MND with ~~strikeout~~ for deletions of text, and in underline for new text.

Comment Letter	Date	From
A	4/13/17	California Department of Fish and Wildlife
B	4/14/17	San Diego Gas & Electric Company

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Comment Set A – California Department of Fish and Wildlife



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 South Coast Region
 3883 Ruffin Road
 San Diego, CA 92123
 (858) 467-4201
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EDMUND G. BROWN JR., Governor
 CHARLTON H. BONHAM, Director



April 13, 2017

Andie Biggs
 California Public Utilities Commission
 c/o Aspen Environmental Group
 235 Montgomery Street, Suite 935
 San Francisco, CA 94104-3002
Andie.Biggs@cpuc.ca.gov

Subject: Comments on the Mitigated Negative Declaration for the Ocean Ranch Substation Project SCH# 2017031040

Dear Ms. Biggs:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Mitigated Negative Declaration (MND) for the Ocean Ranch Substation Project.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act [CEQA] Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may

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Comment Set A – California Department of Fish and Wildlife (cont.)

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result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

CDFW also administers the Natural Community Conservation Planning (NCCP) program.

Project Location:

The proposed Project would be situated in the City of Oceanside (City), in northern San Diego County. The proposed site is approximately 6 miles east of the Pacific Ocean. The site is within the Pacific Coast Business Park, which is part of the Rancho del Oro Specific Plan area. The substation would be located entirely on land owned by San Diego Gas and Electric (SDG&E). Portions of the project's transmission and distribution lines would be installed in nearby streets as well as within the substation property. The transmission power line that would loop into the substation would be located underground within existing SDG&E rights-of-way (ROWs) and franchise position in City public streets. The distribution lines exiting the substation also would be underground. The Project would include potential construction yard sites in the region.

Project Description/Objective:

SDG&E is proposing to construct a new Ocean Ranch 69/12 kilovolt (kV) Substation, 1,500 feet of underground power line duct bank to loop an existing San Luis Rey to Melrose 69 kV transmission line (TL6966) into the new substation, four underground 12 kV circuits extending from the substation to nearby existing distribution lines, and a 40-foot tubular steel pole and microwave antenna within the substation property for communication with San Luis Rey Substation. SDG&E states that the Project is needed to provide additional capacity to serve the existing load and the forecasted load growth in the area and to prevent disruption of service to SDG&E customers in the City area.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the California Public Utilities Commission (CPUC) in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

The MND identifies impacts to 24.37 acres of habitat classified as disturbed. Based on the list of dominant species in the Biological Technical Report provided for the MND, the Multiple Habitat Conservation Program (MHCP) habitat classification scheme and a CDFW staff site visit on April 11, 2017, significant portions of the Project site, Corporate Center Staging Area and Post Office Staging area (described as non-native grassland in section 4.11.1 of the MND) currently contain habitat functioning as non-native grassland (NNG) that may provide important foraging habitat for raptors that could support important raptor prey species. Primarily due to development, raptor foraging areas are rapidly disappearing in San Diego County. Cumulatively, raptor foraging

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Comment Set A – California Department of Fish and Wildlife (cont.)

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habitat loss may be significant, and impacts to this resource warrant mitigation. CDFW, therefore, recommends that any project-related impacts to habitat designated as or potentially functioning as non-native grassland be mitigated at a compensation to loss ratio of at least 0.5:1 in conformance with Table 5-2 and section 5.3.4 of the draft Oceanside Subarea Plan.

A-1
cont.

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the CPUC in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Eric Hollenbeck, Senior Environmental Scientist at Eric.Hollenbeck@wildlife.ca.gov or (858) 467-2720.

Sincerely,



Gail K. Sevens
Environmental Program Manager
South Coast Region

ec: Office of Planning and Research, State Clearinghouse, Sacramento
Patrick Gower, USFWS

Comment Set A – California Department of Fish and Wildlife

A-1 CDFW notes that 24.37 acres of habitat classified as disturbed could be affected by the project. This includes the substation site, the Corporate Center Staging Area, and the Post Office Staging Area. These types of areas may provide foraging habitat for raptors. CDFW notes that raptor foraging areas are rapidly disappearing in San Diego County, primarily due to development, and that cumulative raptor foraging habitat loss may be significant. The comment recommends mitigation for three areas because these lands may function as non-native grassland, particularly as foraging habitat for raptors. The comment recommends offsetting these areas at the ratio of 0.5:1 identified in the Draft Oceanside Subarea Plan (a subarea within the larger North County Multiple Habitat Conservation Program [MHCP]).

All three sites are within areas previously approved for industrial or business park development, and all three were graded and compacted in accordance with those approvals. Currently, site vegetation is mowed periodically for fire risk management. The substation property is the only site that would have permanent structures as a result of the proposed project. The substation site would be partially occupied by the substation and access driveways, and two vegetated detention basins would be installed. The balance of the site would be landscaped. The two staging areas may be used temporarily for equipment and/or material staging, but would be vacated and restored to pre-project conditions after the substation is completed. Although non-native grass species occur on the three sites, current site conditions and previous and ongoing disturbance support categorizing them as “disturbed” rather than “non-native grassland.” The non-native grass species at the sites are ubiquitous on disturbed sites throughout southern California. The categorization as disturbed is based on historic and ongoing land uses, including heavily disturbed soil (by grading and compacting), rather than the presence of the cited grass species. In addition, all three sites remain subject to ongoing disturbance.

The comment is correct that the three disturbed sites may serve as raptor foraging habitat. The sites probably support rodent populations, which would serve as raptor prey. The comment notes that cumulative loss of raptor foraging habitat in the region may be significant. However, the three sites are subject to ongoing human disturbance and are located within a matrix of developed lands and roadways, and a powerline corridor. The permanent loss of disturbed raptor foraging habitat at the substation site and the temporary loss at the staging areas sites would not have a considerable contribution to ongoing loss of raptor foraging habitat.

Section 5.20 of the MND (Mandatory Findings of Significance), which concludes that the project would not contribute to cumulative impacts to biological resources, has been revised to include a statement regarding raptor foraging habitat. Section 4.11 of the MND has been revised to correct the site description of the Post Office Staging Area from non-native grassland to disturbed habitat. Additional revisions to MND Sections 5.4 (Biological Resources), have been made to clarify the status of the Oceanside Subarea Plan. The basis for describing the three areas as “disturbed” rather than “non-native grassland” is provided in Section 5.4.1 of the MND, under the heading of Previous Site Disturbance.

Comment Set B – San Diego Gas and Electric Company



Bradley S. Carter, P.E.
Regulatory Case Manager

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April 14, 2017

Andie Biggs, CPUC Project Manager
CPUC Ocean Ranch Substation Project
California Public Utilities Commission
505 Van Ness Avenue, San Francisco, CA 94102

Re: Draft Mitigated Negative Declaration for San Diego Gas & Electric Company's Ocean Ranch Substation Project (A.16-07-016)

Dear Ms. Biggs:

San Diego Gas & Electric Company (SDG&E) appreciates the opportunity to comment on the Draft Mitigated Negative Declaration (MND) prepared by the California Public Utilities Commission (CPUC) for the proposed Ocean Ranch Substation Project (Proposed Project) (A.16-07-016). SDG&E commends the CPUC on its careful analysis of the Proposed Project. SDG&E's primary goals in preparing these comments are to assure an accurate and complete record. SDG&E would be happy to provide additional information upon request.

SDG&E's comments and suggested revisions are as follows:

1. Section 1.3 Project Description Summary (Page 1-2)

- The Project Description currently describes the voltage level of the proposed substation as "66/12 kilovolt".
- SDG&E recommends to revise "66/12 kilovolt" to "69/12 kilovolt".

B-1

2. Section 3.2.3 Initial Study (Page 3-2); Section 5.19 Corona and Induced Current Effects (Page 5-19.1); Section 5.20 Mandatory Findings of Significance (Page 5-189)

- The MND appropriately analyzes all of the potential impacts as specified by the CPUC's Rule 2.4 and implementing policies, as required by the California Environmental Quality Act ("CEQA") and outlined in Appendix G of the CEQA Guidelines. In addition, the MND includes an additional chapter regarding "Corona and Induced Current Effects." As the text acknowledges on p. 5-181, this is not a typical CEQA consideration and the CEQA Guidelines do not articulate significance criteria for evaluating such impacts. The chapter itself does not indicate that there would be any significant effects related to corona or induced current. Rather, the remainder of the MND includes a thorough and thoughtful discussion of the Proposed Project and its potential impacts, which ensures that the public and the decision makers have the information they need.
- SDG&E respectfully requests that this extra chapter be removed from the final MND because it is not required by either the CPUC's CEQA policies, nor by CEQA itself.

B-2

Comment Set B – San Diego Gas and Electric Company (cont.)

3. *Section 5.18 Utilities and Service Systems (Page 5-175)*

- The Proponent’s Environmental Assessment (PEA) anticipates that the solid waste will go to Otay Landfill (Page 4.17-5), whereas the MND says it will go to El Sobrante Landfill.
- SDG&E respectfully requests to include the potential to take solid waste to Otay Landfill in addition to El Sobrante Landfill.

B-3

4. *Section 5.20 Mandatory Findings of Significance (Page 5-183)*

- In Mandatory Findings of Significance response to question (c) Does the project have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly, less than significant with mitigation incorporated is selected. Less than significant impact should be selected because the analysis did not determine substantial adverse effects on human beings.
- SDG&E recommends revising the selection to be less than significant for substantial adverse effects on human beings.

B-4

5. *Section 5.20 Mandatory Findings of Significance (Page 5-189)*

- The fifth sentence of (c) indicates that “nearby businesses could be affected during construction by impacts related to air quality, hazardous materials, and noise.” The foregoing analysis of air quality, hazardous materials, and noise does not indicate that to be true.
- SDG&E recommends revising the sentence to delete “air quality” and “hazardous materials” because there is a finding of no impact or less than significant impact in regards to those associated resources.

B-5

Thank you again for the opportunity to comment on the MND and for your efforts to reach this significant milestone. We look forward to continuing to work with you to implement this important project.

Sincerely,



Bradley S. Carter, P.E.
Regulatory Case Manager
San Diego Gas & Electric

Cc: B. Fritts Golden, Aspen Environmental Group
Brian Roppe, SDG&E
Erica Martin, SDG&E
Richard Quasarano, SDG&E

Comment Set B – San Diego Gas & Electric Company

B-1 SDG&E points out a typographical error on page 1-2: “66/12 kilovolt” should have been “69/12 kilovolt.” This has been corrected in the final version of the MND as follows:

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. ...

B-2 In the Draft MND, CPUC included a discussion of Corona and Induced Current Effects (Section 5.19). SDG&E requests that “...this extra chapter be removed from the final MND because it is not required by either the CPUC’s CEQA policies, nor by CEQA itself.”

CPUC does not agree that the section should be deleted. It is the CPUC’s responsibility to consider all environmental factors that may bear on whether a proposed project could have an adverse effect on the public or the environment. Published CEQA Guidelines include Appendix G: Environmental Checklist Form, which is commonly used by lead agencies. The Checklist is identified as “...a sample form and may be tailored to satisfy individual agencies’ needs and project circumstances.” The form provides a suggested list of topics and questions that apply to most projects. However, as noted in Section 15063 (f) of the Guidelines, “[t]hese forms [Appendices G and H] are only suggested, and public agencies are free to devise their own format for an initial study.” In the case of electric facilities, electric and magnetic fields (EMF), corona noise, and induced currents are topics of potential concern and are regularly considered, even though not in the Checklist. Therefore, these topics are considered in the analysis of the proposed Ocean Ranch Substation project. Neither CPUC policy nor CEQA preclude their consideration.

B-3 SDG&E notes that in the Proponent’s Environmental Assessment (PEA) for the project, Otay Landfill was identified as the anticipated landfill to which solid waste would be sent and requests that the potential to take solid waste to Otay Landfill in addition to El Sobrante Landfill be included. The Draft MND identifies the El Sobrante Landfill as the destination landfill. The PEA provided a discussion of solid waste (PEA Section 4.17.3.6), identifying Otay Landfill as the destination of non-recyclable solid waste from Palomar Transfer Station. At PEA Section 4.17.6.2, (item g, page 4.17-10), the SDG&E states that “solid waste produced during construction and operations will be disposed of at a nearby licensed landfill, such as Otay Landfill.”

Solid waste is addressed in MND Section 5.18 Utilities and Service Systems. When confirming information provided in the PEA, the CPUC was told by the City of Oceanside that solid waste from Oceanside is collected and delivered to the Palomar Transfer Station, from where it is taken to the El Sobrante Landfill for disposal. In light of the comment regarding Otay Landfill, this information was re-verified on April 17, 2017 with the City, which confirmed that El Sobrante Landfill is the disposal location used by the transfer station.

SDG&E requested that the Otay Landfill also be identified as a potential landfill that may be used by the project. CPUC has amended the MND to include the Otay Landfill.

Section 5.18, page 5-175, has been revised as follows:

Solid Waste

Waste Management of North County provides contract trash services to the residential, multifamily, and commercial customers within city limits. Non-recyclable solid waste in the City of Oceanside is transported to the Palomar Transfer Station and ultimately disposed of at the El Sobrante Landfill. The El Sobrante Landfill is located at 10910 Dawson Canyon Road in Corona, California. The El Sobrante Landfill had 145.5 million cubic yards of capacity as of April 2009 and is expected to reach capacity by the year 2045. The Otoy Landfill is located at 1700 Maxwell Road, Chula Vista, California. It had 24.5 million cubic yards of capacity as of March 2012 and is expected to reach capacity by the year 2018 (CalRecycle, 2016). Table 5.18 2 lists the total and remaining capacities of these two landfills. ~~solid waste processors currently serving the City of Oceanside from the most recently measured date of April 6, 2009.~~

Table 5.18-2. Landfill Capacities

Landfill Name	Total Capacity (cu.yd.)	Remaining Capacity (cu.yd.)	Remaining Capacity (percent)	Maximum Throughput (tons/day)
El Sobrante Landfill (as of April 2009)	184,930,000	145,530,000	78.7	16,054
Otoy Landfill (as of March 2012)	<u>61,154,000</u>	<u>24,514,904</u>	<u>40.0</u>	<u>5,830</u>

Section 5.18, page 5-180, has been revised as follows:

f. Would the project be served by a landfill with sufficient permitted capacity to accommodate the Proposed Project's solid waste disposal needs?

LESS THAN SIGNIFICANT. During construction, the Proposed Project will generate waste from refuse, spoils, trash, and packaging. Excess soil from the excavation of trenches may also be transported to a local recycling or appropriately permitted waste disposal facility if the soil is not re-used onsite or otherwise recycled. Construction-related solid waste would be transported to the Palomar Transfer Station. After consolidation, the waste would go to the El Sobrante Landfill in Corona. SDG&E may also use the Otoy Landfill in Chula Vista. Minimal waste would be generated during the operation and maintenance of the substation, as it would be unstaffed with the exception of during routine monthly maintenance. The total solid waste generated by construction of the Proposed Project is anticipated to be minor compared to the capacity of existing landfills. Therefore, the impact of solid waste disposal on landfill capacity would be less than significant.

B-4 SDG&E questions the finding in Section 5.20 Mandatory Findings of Significance (page 5-189), which concludes substantial adverse effects on humans would be "less than significant with mitigation incorporated." SDG&E suggests that this conclusion should be revised to "less than significant" because the analysis did not determine substantial adverse effects on humans.

CPUC does not agree. The analysis identifies a number of potential significant adverse effects, including effects from noise and interference with emergency response/evacuation. The Initial Study concludes that implementation of APMs and mitigation measures would make these effects less than significant. The project as proposed could have substantial adverse effects on human beings related to noise and emergency response in the absence of these measures. The measures that address impacts to humans as well as resources are listed in

Table 6-1 in Section 6 (Mitigation Monitoring Plan), as well as in the individual resource topic analyses. The text on page 5-189 has been clarified as follows:

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED. The Proposed Project would not substantially adversely affect human beings directly or indirectly. Except for noise and effects on emergency response/evacuation, the Initial Study identified no environmental effects that would cause substantial adverse effects on human beings. Adverse effects would be mitigated by implementation of APMs and mitigation measures and in most instances would be related to short-term construction impacts.

B-5 SDG&E notes a sentence in Section 5.20 Mandatory Findings of Significance (Item c, page 5-189) that states “Nearby businesses could be affected during construction by impacts related to air quality, hazardous materials, and noise.” SDG&E suggests deletion of air quality and hazardous materials, as the analysis of these two topics did not identify any significant impacts.

CPUC agrees. The sentence has been revised to read:

Nearby businesses could be affected during construction by impacts related to ~~air quality, hazardous materials, and~~ noise.