



United States Department of the Interior

FISH AND WILDLIFE SERVICE
San Diego National Wildlife Refuge Complex
Post Office Box 2358
Chula Vista, California 91912



August 31, 2012

Mr. Jensen Uchida
California Public Utilities Commission
c/o Dudek
605 Third Street
Encinitas, CA 92024

Re: Draft Environmental Impact Report for the South Bay Substation Relocation Project, Chula Vista, California

Dear Mr. Uchida:

The San Diego National Wildlife Refuge Complex (Complex) has reviewed the draft Environmental Impact Report (EIR) for the South Bay Substation Relocation Project located in Chula Vista, California. We offer the following comments for your consideration.

We have been working closely with San Diego Gas & Electric (SDG&E) since June 2011 in a cooperative effort to identify suitable mitigation for the loss of low-quality wetlands found at the proposed Bay Boulevard Substation project area. SDG&E initiated this advance planning effort in recognition of the presence of these low-quality wetlands within the proposed project area and their need to identify suitable mitigation for impacting those wetlands. We met with SDG&E and their consultants on July 21, 2011; January 12, 2012; January 20, 2012; April 17, 2012; and July 13, 2012 to identify and develop a conceptual salt marsh restoration plan as superior mitigation for the loss of wetlands within the project area. We have also been collaborating with SDG&E to identify opportunities to significantly enhance environmental education and wildlife conservation at the San Diego Bay National Wildlife Refuge-Sweetwater Marsh Unit and South San Diego Bay Unit and at the Living Coast Discovery Center.

SDG&E completed a variety of studies that confirmed the feasibility and high potential success of restoring historic salt marsh at the D Street Fill site at the Sweetwater Marsh Unit. SDG&E conducted studies on vegetation, soil types, jurisdictional wetlands, sensitive natural communities, rare plants and wildlife; evaluated hydrology and engineering related to salt marsh restoration; reviewed available cultural resource records; and completed a preliminary investigation of hazardous materials at the D Street Fill. These studies demonstrated that the restoration of salt marsh habitat at the D Street Fill Site was feasible and cost-effective. This restoration project would implement an important component of our approved 2006 Comprehensive Conservation Plan (CCP) and Final Environmental Impact Statement (EIS) for the San Diego Bay National Wildlife Refuge that identified the restoration of salt marsh habitats at the D Street Fill site.



The Conceptual Habitat Mitigation Plan (August 2012) was developed by SDG&E and is part of a package to mitigate the impacts to the low-quality wetlands found at the proposed Bay Boulevard Substation project site and enhance the Chula Vista bayfront. This mitigation and enhancement package includes the following elements: 1) restoration of approximately 11.5 acres of former salt marsh habitat at the D Street Fill Site; 2) maintenance and monitoring of the restored wetland; 3) acquisition of a 17-acre property located immediately adjacent to the San Diego Bay Refuge-South San Diego Bay Unit and adding these lands to the Refuge; and 4) funding for additional enhancement projects along the Chula Vista bayfront in south San Diego Bay.

We believe that SDG&E's comprehensive approach to offset the loss of low-quality wetlands found at the proposed Bay Boulevard Substation project area would result in superior mitigation by restoring salt marsh habitats at the Sweetwater Marsh Unit that would directly benefit the endangered light-footed clapper rail and provide foraging habitat for endangered California least terns and other migratory seabirds and shorebirds and by providing other substantial benefits to the natural resources of San Diego Bay. Removing 11.5 acres of fill and restoring former salt marsh would sustain the high biological productivity of shallow intertidal and subtidal habitats and maintain populations of fishes and invertebrates in San Diego Bay. The success of the restoration project would be monitored by SDG&E over a five-year period to ensure that the significant benefits to wildlife are met. The addition of the adjoining 17-acre parcel to the South San Diego Bay Unit would expand our capacity to manage the existing salt ponds as habitat for a wide variety of wildlife including endangered and threatened species and migratory seabirds and shorebirds. Currently, the South Bay Salt Works produces salt under a Refuge special use permit on approximately 815 acres within the South San Diego Bay Unit. The addition of the 17-acre parcel would provide us with the flexibility to manage these lands for wildlife, visitor services, and environmental interpretation consistent with our approved San Diego Bay Refuge CCP and EIS.

A significant benefit of the selection and implementation of the Bay Boulevard Substation is the substantial funding provided by SDG&E for enhancing the Chula Vista bayfront in south San Diego Bay. The enhancement fund would support projects that are above and beyond any mitigation requirements incurred by SDG&E and results in the Bay Boulevard Substation proposal standing out as the environmentally preferred alternative. In our discussions with SDG&E, we have focused on projects that would support the long term conservation of wildlife, particularly migratory bird conservation, in south San Diego Bay, as well as increase the opportunity of the public to enjoy the Bay's wildlife resources through the support of the environmental education and native wildlife conservation programs and basic operations of the Living Coast Discovery Center.

The enhancement fund provides an opportunity for our partnership with SDG&E to expand beyond the restoration of salt marsh habitat at the D Street Fill and would support the long term management goals of the South San Diego Bay Unit and fund upland restoration on the Sweetwater Marsh Unit. At the South San Diego Bay Unit, the enhancement fund would support the operations of the Refuge to develop and provide water management and hypersaline ponds within the existing salt pond complex for the benefit of a variety of migratory seabirds, shorebirds, and waterfowl. At the Sweetwater Marsh Unit, the enhancement fund would support the restoration of coastal sage scrub and maritime succulent scrub on Gunpowder Point within

upland areas that historically supported these plant communities. Restoration of native upland habitat in this area would also benefit the Living Coast Discovery Center, which utilizes various portions of Gunpowder Point for environmental education and interpretive programs.

Both of these Refuge projects are described in detail in the San Diego Bay National Wildlife Refuge CCP and were evaluated within the CCP's accompanying EIS. Our CCP and EIS process involved extensive public outreach including numerous public meetings and workshops; coordination with a variety of local, state, and federal agencies and non-governmental organizations; and distribution of newsletters to a wide ranging audience; and several Federal Register notices. Public comments from all interested parties were solicited at various stages in the process, including requests for comments on the draft and final EIS. The record of decision was signed in September 2006. Details of these restoration projects, along with their environmental effects, are more fully described in the 2006 CCP and EIS for the San Diego Bay Refuge.

The Living Coast Discovery Center is uniquely located on the edge of south San Diego Bay and entirely surrounded by the San Diego Bay National Wildlife Refuge. The Discovery Center is a non-profit organization that inspires visitors through their environmental education, marine and live bird displays, and wildlife conservation programs. Over 65,000 visitors and school groups annually visit the Discovery Center. We support funding for the environmental education and native wildlife conservation programs and basic operations of the Living Coast Discovery Center through the enhancement fund provided by SDG&E. The use of the enhancement fund will ensure the continued success of the Living Coast Discovery Center and support for their environmental education and wildlife conservation programs.

We encourage the California Public Utilities Commission to consider the significant mitigation and enhancement package proposed by SDG&E, including the Conceptual Habitat Mitigation Plan, in evaluating the proposed Bay Boulevard Substation alternative. We believe that the selection and implementation of the Bay Boulevard Substation alternative, with an enhancement package that ensures additional long term environmental benefits for south San Diego Bay, would provide significant opportunities to restore and manage coastal wetland and upland habitats in south San Diego Bay that would fully offset the loss of the low-quality wetlands currently found at the proposed project site. We appreciate the opportunity to comment on the draft EIR. For further information, please contact me at 619-476-9150 ext. 100.

Sincerely,

A handwritten signature in black ink that reads "Andrew Yuen". The signature is written in a cursive, slightly slanted style.

Andrew Yuen
Project Leader

July 23, 2012

Mr. Jensen Uchida
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

**Re: San Diego Gas & Electric Company South Bay Substation Relocation
Project – Draft Environmental Impact Report (SCH No. 2011071031)**

Dear Mr. Uchida:

On behalf of the San Diego Unified Port District (Port District), we are writing to request an extension of the public comment period for the Draft Environmental Impact Report (EIR) for the South Bay Substation Relocation Project (Project) proposed by the San Diego Gas & Electric Company (SDG&E). The public comment period is presently scheduled to close on August 2, 2012. We request the public comment period be extended for an additional 30 days to allow the Port District and other public agencies, organizations and individuals sufficient time to provide meaningful comments on the adequacy of the EIR. Good cause exists to grant the requested extension for the following reasons:

1. A Prehearing Conference (PHC) in this matter is scheduled to take place on July 30, 2012, before Administrative Law Judge Angela K. Minkin. Although Judge Minkin does not anticipate taking further evidence regarding environmental impacts and ways to avoid or reduce them, the PHC will explore the parties' positions and need for evidentiary hearing on issues relating to the No Project Alternative and the Existing South Bay Substation Site Alternative. (See Administrative Law Judge's Ruling Setting Prehearing Conference and Law and Motion Hearing, filed June 28, 2012, p. 4.) Because the feasibility of the No Project Alternative and the Existing South Bay Substation Site Alternative is an issue of great concern to the Port District and many other public agencies, organizations and individuals in the San Diego region, an extension of 30 days will conserve resources and avoid duplication by allowing all parties sufficient time to determine what issues will or will not be addressed in the proceeding before Judge Minkin, without prejudicing their right to provide meaningful comments on the EIR.
2. A hearing to certify the Port Master Plan Amendment (PMPA) for the Chula Vista Bayfront Master Plan (CVBMP) is scheduled to take place on August 9, 2012, before the California Coastal Commission. The proposed Project site, as well as all alternative locations considered in the EIR, including the existing South Bay Substation site, are located within the boundaries of the CVBMP. The CVBMP

was developed in close cooperation with Coastal Commission staff and is intended to promote important policies of the Coastal Act with respect to public access and the preservation of environmental resources. The Coastal Commission's certification of the PMPA for the CVBMP will have an effect on the findings and conclusions of the EIR with respect to the feasibility of alternative locations and the identification of an environmentally superior alternative.

3. The Project is a key component of the CVBMP, which is the culmination of over ten years of state, regional and local land use planning and resource protection efforts. The importance of the CVBMP in preserving critical environmental resources and stimulating regional economic development cannot be overstated. The Port District, the City of Chula Vista, and numerous other federal, state, regional and local agencies, organizations and individuals have invested enormous resources in establishing the CVBMP. Relocation of the South Bay Substation, as proposed by the Project, is critical to the success of the CVBMP. As a result, the Port District and others need additional time to prepare constructive comments on the EIR that will assist the Commission in its evaluation of the Project.
4. As a part of the CVBMP process, a South Bay Wildlife Advisory Group (WAG) was established for the purpose of advising the City of Chula Vista and Port District on issues that relate to wildlife and habitats in the South Bay, and particularly within the CVBMP area. The WAG is composed of representatives of state, regional and local resource agencies, environmental organizations and civic groups, including representatives from the U.S. Fish and Wildlife Service, California Department of Fish and Game, National Marine Fisheries Service, Regional Water Quality Control Board and California Coastal Commission. The WAG has expressed its interest in comments on the EIR and its concern that sufficient time be allowed to ensure a meaningful opportunity to do so. Because the WAG is advisory to the City and Port District, it has forwarded its request to extend the EIR comment period to the City and Port District. The Port District highly values the WAG's advice concerning environmental issues within the South Bay and has enclosed for your consideration a copy of the WAG's request to extend the EIR comment period.
5. An extension of the public comment period for an additional 30 days will promote the public participation goals of the California Environmental Quality Act (CEQA). The purpose of an EIR is to demonstrate to the public that the lead agency has analyzed and considered the environmental implications of its decision. (14 Cal. Code Reg. § 15003(d).) Public participation is an essential part of the CEQA process and public agencies are required to include provisions in their CEQA proceedings for "wide public involvement" in order to receive and evaluate public reactions to environmental issues related to a proposed project. (14 Cal. Code

Reg. § 15201.) In particular, a lead agency must provide adequate time for other public agencies and members of the public to review and comment on a draft EIR. (14 Cal. Code Reg. § 15203.) While the public comment period which expires on August 2, 2012, meets the minimum time requirement by CEQA, an extension of 30 days will promote more informed and complete public participation in the Commission's CEQA process and will provide all interested agencies, organizations and individuals a meaningful opportunity to review and comment on the environmental issues discussed in the EIR.

For these reasons, the Port District respectfully requests that the public comment period on the EIR be extended for 30 days to September 2, 2012. Thank you for your consideration.

Sincerely,



Randa Coniglio
Executive Vice President, Operations
San Diego Unified Port District

cc: Commissioner Ann Moore
Wayne Darbeau, Port of San Diego
Celia Brewer, Port of San Diego
Chris Hargett, Port of San Diego
Lesley Nishihira, Port of San Diego
Glen Googins, City of Chula Vista
Mike Shirey, City of Chula Vista

Enclosure:
Extension Request from the South Bay Wildlife Advisory Group



Development Services Department

July 24, 2012

Jensen Uchida
California Public Utilities Commission
c/o Dudek
605 Third Street
Encinitas, CA 92024

Re: Request for Extension of the Public Review Comment Period for the SDG&E South Bay Substation Relocation Project (SCH No. 2011071031) Draft Environmental Impact Report

Dear Mr. Uchida:

The City of Chula Vista respectfully requests that the comment period on the Draft EIR for the SDG&E South Bay Substation Relocation Project (SCH No. 2011071031) (the "DEIR") be extended 30-days, until September 2, 2012. This request is made for the following reasons:

1. The DEIR for the South Bay Substation Relocation is a very complex document particularly with regards to the Alternatives analysis and conclusion. Due to complexity of this analysis and its importance to the entire project approval process City staff, as well as the public, require additional time to adequately review and comment on the DEIR.
2. The DEIR does not include consideration and analysis of the proposed Chula Vista Bayfront Master Plan (CVBMP), an approximate 550-acre master planning project that has been jointly worked on between the City and Port District of San Diego (the "Port District") for the past 10-years. The CVBMP was approved by the District, a state agency, and the City of Chula Vista on May 18, 2010. The CVBMP, which includes the City's Local Coastal Program Amendment and the Port District's Port Master Plan Amendment, is scheduled for consideration by the California Coastal Commission on August 9, 2012 at its meeting in Santa Cruz. The CVBMP has wide ranging stakeholder and regional support. In addition, Coastal Commission staff have been diligently working with City and Port District staff on resolving all project issues. As such, the City and Port District are hopeful that the Commission will approve the CVBMP. CVBMP approval is likely to require modification to significant conclusions in the DEIR regarding the feasibility of currently identified "preferred" project alternatives. In order to avoid potential conflicts between state agencies and to be able to provide complete comments on the DEIR it is important that the comments be presented after the Coastal Commission takes action on the CVBMP.
3. As a part of the CVBMP process a South Bay Wildlife Advisory Group (WAG) was formed by the City and Port District for the purpose of advising the City and Port District on issues that relate to wildlife and habitats in the South Bay, and particularly within the CVBMP area. The WAG is advisory to the City and Port District and cannot comment directly to the CPUC on the DEIR. The WAG has,

Jensen Uchida
California Public Utilities Commission
July 23, 2102
Page 2

however, forwarded its request to extend the DEIR comment period to the City and Port District. The City and Port District highly value the WAG's advice concerning environmental issues within the South Bay and the CVBMP and agree with the WAG's request to extend the DEIR comment period. Therefore, enclosed for the CPUC's convenient review is the WAG's extension letter.

- 4 As you know, the CPUC is holding a Preconference Hearing on the project on July 30, 2012. City attention and resources have been focused on this Preconference Hearing, which makes full and proper review and response to the DEIR by August 2nd extremely difficult.

Thank you for your consideration of this request. Please contact Marilyn Pongeggi at (619) 585-5707 if you have any questions regarding this matter.

Sincerely,



Gary Halbert, PE, AICP
Assistant City Manager/Development Services Director

Enclosure: July 20, 2012 South Bay Wildlife Advisory Group Letter

cc: Jim Sandoval, City Manager
Glen Googins, City Attorney
Michael J. Shirey, Deputy City Attorney III
Marilyn Pongeggi, Principal Planner
Dwayne Darbeau, Port District President/CEO
Celia Brewer, Interim Port District Attorney
Chris Hargett, Port District Real Estate Div.



Matthew Rodriguez
Secretary for
Environmental Protection



Department of Toxic Substances Control

Deborah O. Raphael, Director
5796 Corporate Avenue
Cypress, California 90630



Edmund G. Brown Jr.
Governor

July 31, 2012

Mr. Jensen Uchida
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, California 94102

NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE SOUTH BAY SUBSTATION RELOCATION PROJECT, (SCH#2011071031), SAN DIEGO COUNTY

Dear Mr. Uchida:

The Department of Toxic Substances Control (DTSC) has received your submitted Draft Environmental Impact Report (EIR) for the above-mentioned project. The following project description is stated in your document:

"The proposed South Bay Substation Relocation Project (Proposed Project) includes the removal of the existing South Bay Substation, located in southwestern San Diego County (County) in the City of Chula Vista (City), and construction of a replacement substation (Bay Boulevard Substation) approximately 0.5 mile to the south of the existing South Bay Substation. The existing South Bay Substation would be relocated to the proposed Bay Boulevard Substation site, which is situated approximately 2 miles south of the City of National City, approximately 5 miles northeast of the City of Imperial Beach, and approximately 7 miles southeast of downtown San Diego. The Proposed Project would include decommissioning and demolition of the existing 7.22-acre South Bay Substation following several conditional requirements. The proposed Bay Boulevard Substation site would be located on a 12.42-acre parcel. The Proposed Project components are located in an area bounded by industrial uses to the north and south; San Diego Bay, San Diego Bay Unit National Wildlife Refuge, and Western Salt Works salt crystallizer ponds to the west; and Bay Boulevard and Interstate-5 (I-5) to the east. Land uses surrounding the Proposed Project site can be characterized as mixed industrial and commercial."

Based on the review of the submitted document, DTSC has the following comments:

- 1) DTSC provided comments on the project Notice of Preparation (NOP) on August 8, 2011; some of those comments have been addressed in the submitted Draft EIR. Please ensure that all those comments will be addressed in the Final EIR of the project.

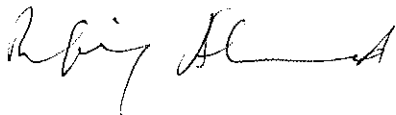
Mr. Jensen Uchida
July 31, 2012
Page 2

- 2) Since DTSC serves as Lead Agency to provide regulatory oversight for the SDG &E South Bay Substation site, any approved action plan pursuant to California Health and Safety Code, for the Proposed Project must also be submitted to DTSC for its review and comments along with the San Diego County Department of Environmental Health (DEH) and the California Public Utilities Commission (CPUC).

DTSC, therefore, requests you to please make changes in the Final EIR to reflect the role of DTSC as Lead Agency providing regulatory oversight for the SDG &E South Bay Substation site and its requirement to review any action plan for the Proposed Project along with San Diego County Department of Environmental Health (DEH) and the California Public Utilities Commission (CPUC).

If you have any questions regarding this letter, please contact Rafiq Ahmed, Project Manager, at rahmed@dtsc.ca.gov, or by phone at (714) 484-5491.

Sincerely,



Rafiq Ahmed
Project Manager
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov.

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
P.O. Box 806
Sacramento, California 95812
Attn: Nancy Ritter
nritter@dtsc.ca.gov

Violeta Misleng
DTSC, Cypress Office

CEQA # 3601



GREG COX
SUPERVISOR, FIRST DISTRICT
San Diego County Board of Supervisors

August 24, 2012

Mr. Jensen Uchida
Project Manager
California Public Utilities Commission
c/o Dudek
605 Third Street
Encinitas, CA 92024

RE: Draft Environmental Impact Report for the South Bay Substation Relocation Project, Chula Vista, California

Dear Mr. Uchida:

As Supervisor for the First District in the County of San Diego, which includes all of the cities in the South County and San Diego Bay, I am writing to express my support for San Diego Gas and Electric's project to relocate their existing South Bay Substation. After reviewing the project alternatives in the Draft Environmental Impact Report ("DEIR"), I strongly believe that the Bayfront Enhancement Fund Alternative provides the most optimal benefit to the region.

A decision by the California Public Utilities Commission ("CPUC") to approve a project that would keep the substation at its current location would prevent the vision of the Chula Vista Bayfront Master Plan ("CVBMP") from being fully realized, resulting in the stifling of economic development desperately needed in the region. The 550-acre master planned waterfront project includes a resort conference center, mixed-use commercial and office development, retail and restaurants, while dedicating 230 acres to a nature preserve, parks and public open spaces. The CVBMP will have a tremendous impact on our regional economy; it is anticipated that the project will create more than 2,200 permanent jobs and nearly 7,000 jobs during construction.

Approval of the Bayfront Enhancement Fund Alternative as the project will not only allow the proposed CVBMP to move forward it will also require a mitigation package that is far more beneficial to the community than any other alternative identified in the DEIR. The Habitat Mitigation Plan for the south site will require the applicant to restore 11.5 acres of salt marsh at the San Diego Bay National Wildlife Refuge, which will be in accordance with the US Fish and Wildlife Services ("USFWS") 2006 Comprehensive Conservation Plan for the area.

Additionally, San Diego Gas & Electric would be required to purchase and transfer ownership of 17 acres adjoining the San Diego Bay Refuge-South San Diego Bay Unit to the USFWS. The transfer of acreage to the USFWS will not only enable them to carry out their mission of providing sanctuary to the many species of endangered birds but it will also assist in completing

Mr. Jensen Uchida

August 24, 2012

Page 2 of 2

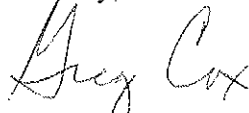
the permanent alignment of the Bayshore Bikeway. The Bayshore Bikeway is a 24-mile Class-I bike path that is planned to circle the entire San Diego Bay and also serves as a segment of the California Coastal Trail. Currently, discussions are underway with USFWS for an alignment of the Bayshore Bikeway that would enhance the experience for bicyclists and pedestrians to enjoy and view south San Diego Bay, if the property is transferred as part of the mitigation package. Clearly, the mitigation package provides superior benefits to the community on a multitude of levels.

The residents of South San Diego County have waited for decades to have the opportunity to enhance and develop their bayfront. Now with the decommissioning of the South Bay Power Plant, and the unanimous approvals of the Master Plan by the Port of San Diego, the City of Chula Vista, and the California Coastal Commission, officials in the region can implement a plan that will provide much needed public access to the bayfront. However, the CVBMP plan can only be implemented as envisioned if the Bayfront Enhancement Fund Alternative is selected.

Therefore, I strongly and respectfully urge the CPUC to consider the Bayfront Enhancement Fund Alternative as the preferred proposal.

Thank you very much for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Greg Cox".

GREG COX
Vice Chairman

August 31, 2012

Mr. Jensen Uchida
California Public Utilities Commission
c/o Dudek
605 Third Street
Encinitas, California 92024

Re: Comments on San Diego Gas & Electric Company South Bay Substation Relocation Project – Draft Environmental Impact Report (SCH No. 2011011031)

Dear Mr. Uchida:

On behalf of the San Diego Unified Port District (Port District), we are writing to provide you with our comments on the Draft Environmental Impact Report (EIR) for the South Bay Substation Relocation Project (Proposed Project) proposed by the San Diego Gas & Electric Company (SDG&E).

We have reviewed the Draft EIR and find that it is adequate and complete with respect to the Proposed Project. The Draft EIR analyzes the significant environmental effects of the Proposed Project and recommends feasible mitigation measures where necessary to avoid or reduce significant impacts. As a result, the Draft EIR correctly concludes that all significant impacts of the Proposed Project can be avoided or mitigated to a level below significance by the implementation of the recommended mitigation measures.

We understand that SDG&E intends to incorporate the Bayfront Enhancement Fund Alternative into the Proposed Project. This feature will enhance the sensitive environmental resources in the project area and will promote the state and regional policies embodied in the California Coastal Act, the Port Master Plan and the Chula Vista Bayfront Master Plan. Accordingly, we wish to express our unequivocal support for the Proposed Project with the Bayfront Enhancement Fund Alternative and strongly urge its approval by the California Public Utilities Commission (CPUC).

As discussed more fully in the comments below, however, we are very concerned that the Draft EIR appears to misunderstand the role of project alternatives in the environmental review mandated by the California Environmental Quality Act (CEQA). Although alternatives to a proposed project must be discussed in an EIR, CEQA does not require the lead agency to consider an “environmentally superior” alternative when approving a project if mitigation measures will substantially reduce the project’s significant impacts. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 402.) Because

all significant impacts of the Proposed Project will be mitigated below significance by the mitigation measures recommended in the Draft EIR, the CPUC may approve the Proposed Project with the Bayfront Enhancement Fund without further consideration of other project alternatives discussed in the Draft EIR. (*Rio Vista Farm Bureau v. County of Solano* (1992) 5 Cal.App.4th 351, 379.)

Although the Draft EIR will support approval of the Proposed Project, it is not sufficient to support approval of the Existing South Bay Substation Site Alternative (Existing Site Alternative), which was identified as the “environmentally superior” alternative in the Draft EIR. If CPUC were to consider denying the Proposed Project and approving the Existing Site Alternative, additional environmental review would be required. As explained in the comments below, the Draft EIR’s analysis and conclusions with respect to the Existing Site Alternative are patently deficient and are not supported by substantial evidence. Although these deficiencies would not prevent the CPUC from approving the Proposed Project with the Bayfront Enhancement Fund, the Draft EIR would need to be revised and recirculated before it could support approval of the Existing Site Alternative.

The comments below were prepared by staff from the Port District’s Environmental and Land Use Management Department, who have extensive experience in preparing environmental documents in compliance with CEQA and the California Coastal Act (Coastal Act). These comments thus constitute substantial evidence with respect to the adequacy of the Draft EIR. (*City of Rancho Cucamonga v. Regional Water Quality Control Bd.* (2006) 135 Cal.App.4th 1377.) We request that you include these comments in the record of administrative proceedings for the Proposed Project and provide written responses to the comments in the manner required by CEQA and its implementing guidelines (CEQA Guidelines).

1. The Draft EIR Complies With CEQA With Respect To The Proposed Project.

CEQA Guidelines § 15378 defines a “project” as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment...” The Draft EIR adequately analyzes the Proposed Project, which includes the removal of the existing South Bay Substation and construction of a replacement substation (Bay Boulevard Substation) approximately 0.5 mile to the south of the existing South Bay Substation, as well as relocation and extension of existing utilities that currently terminate at the South Bay Substation. The Draft EIR’s analysis for the Proposed Project also considers impacts associated with installation of 12kV distribution equipment (ultimate arrangement) required to support local distribution loads that will develop over time in the South Bay region.

The impact analysis for the Proposed Project thoroughly analyzes the potential impacts associated with aesthetics, agricultural resources, air quality, biological resources, cultural and paleontological resources, geology and soils, public health and safety, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services and utilities, recreation, transportation and traffic, and

climate change. The Port District has reviewed the impact analyses for each of these resource areas and agrees that the conclusions reached in the Draft EIR for the Proposed Project are correct, complete and supported by substantial evidence.

The Port District also agrees that the mitigation measures identified in the Draft EIR to reduce the potential significant impacts of the Proposed Project are adequate, effective and enforceable and will mitigate to a less than significant level all of the significant impacts identified in the Draft EIR. Because it fully complies with the requirements of CEQA, the Draft EIR is sufficient to support the CPUC's approval of the Proposed Project.

2. The Proposed Project Is Consistent With The California Coastal Act.

The existing South Bay Substation site and the Proposed Project site are located in the coastal zone and are subject to the jurisdiction of the California Coastal Commission (Coastal Commission). On August 9, 2012, the Coastal Commission unanimously approved the Chula Vista Bayfront Master Plan Port Master Plan Amendment and Local Coastal Program Amendment (CVBMP PMPA/LCPA). The Proposed Project is consistent with the Coastal Act and will play a critical role in achieving the Coastal Act policies, goals and objectives embodied in the CVBMP PMPA/LCPA.

The CVBMP PMPA/LCPA is a long-range land use and development plan for the Chula Vista bayfront area, including the existing South Bay Substation site, which represents the culmination of over ten years of planning and coordination by numerous federal, state and local agencies, including, but not limited to, the U.S. Fish and Wildlife Service, the Coastal Commission, the California Department of Fish and Game, the Environmental Health Coalition, the San Diego Audubon Society, San Diego Baykeeper, the City of Chula Vista and the Port District. The CVBMP PMPA/LCPA will implement important Coastal Act and other federal, state and local policies and regulations for the preservation of sensitive resources and the enhancement of responsible public access to the coastal environment.

As stated above, the Proposed Project is consistent with the Coastal Act and is an integral element required to achieve the Coastal Act policies, goals and objectives embodied in the CVBMP PMPA/LCPA. The Proposed Project would relocate the existing South Bay Substation to an area outside of the CVBMP boundary, thereby enabling the Port District to develop the existing South Bay Substation site and surrounding area consistent with the land use designations and future projects identified in the CVBMP PMPA/LCPA. The land use designations identified in the CVBMP PMPA/LCPA for the existing South Bay Substation site include Commercial Recreation, Park/Plaza, Promenade, and Habitat Replacement, and the text describes development of a 237-space recreational vehicle (RV) park, a 24-acre passive use park, a shoreline pedestrian trail, and creation of 100- to 200-foot-wide buffer areas throughout the existing South Bay Substation site. The development components identified in CVBMP PMPA/LCPA further key provisions of the Coastal Act by increasing public access to the shoreline, providing low-cost visitor

serving recreational uses, enhancing views, and protecting and enhancing biological resources. Thus, by enabling the Port District and the City of Chula Vista to further the CVBMP PMPA/LCPA, the Proposed Project also furthers key provisions of the Coastal Act.

The Draft EIR correctly determined that the Proposed Project may have significant impacts on biological resources and that those impacts will be mitigated to a level below significance by the implementation of the applicant proposed measures (APM) and the mitigation measures recommended in the Draft EIR. However, the Draft EIR erroneously concludes that “No Project” or the “Existing South Bay Substation Site” alternatives would be environmentally superior because they would avoid or reduce the impacts to biological resources. This conclusion is incorrect because it disregards the inconsistency of the alternatives with the CVBMP and ignores the alternatives’ impacts on surrounding land uses.

There is substantial evidence that the Proposed Project with Bayfront Enhancement Fund is environmentally superior to the No Project and Existing Site alternatives because it will provide significant environmental benefits that the alternatives cannot. Among other benefits, the Proposed Project will:

- A. Increase public access to San Diego Bay by removing the existing South Bay Substation from its current location and thereby enabling low cost visitor serving uses as specified in the CVBMP and as required by the Coastal Act;
- B. Enhance public view access to San Diego Bay by removing more than one-half mile of existing overhead electrical facilities (including 5 lattice towers and approximately 3,800 feet of existing overhead lines) within a visually degraded industrial area and transmission line corridor;
- C. Achieve compliance with the Coastal Act by fully offsetting potential impacts to 2.5 acres of low quality wetlands with comprehensive restoration and monitoring activities of approximately 10 acres within the San Diego Bay National Wildlife Refuge - Sweetwater Marsh Unit, enabling the realization of long-standing U. S. Fish and Wildlife Service restoration plans and priorities within the Sweetwater Marsh; and
- D. Provide additional visual and other environmental enhancements above and beyond the enhancements and mitigation described above by establishing a \$5,000,000 Bayfront Enhancement Fund which, in addition to the other improvements identified by SDG&E, would dedicate \$2,500,000 towards additional visual enhancements, including removal of two more lattice towers and an additional 1,000 feet of existing overhead transmission lines.

For these and the additional reasons identified in comment letters from other public and private stakeholders involved in implementation of the CVBMP PMPA/LCPA, the Port

District strongly urges approval of the Proposed Project with Bayfront Enhancement Fund, which would construct a replacement substation outside of the CVBMP boundary at the Proposed Project site, thereby furthering the goals of the Coastal Act and the CVBMP PMPA/LCPA, as well as assuring continued, reliable electrical service to the South Bay region.

3. CEQA Does Not Require The CPUC To Consider Or Approve The “Environmentally Superior” Alternative.

The Draft EIR appears to confuse two separate but related requirements of CEQA. First, if a proposed project will have significant impacts on the environment, an EIR is required to identify and discuss mitigation measures and alternatives which could avoid or substantially reduce the significant impacts of the project. (Pub. Res. Code § 21100(b).) Second, a lead agency may not approve a project as proposed if there are feasible mitigation measures or alternatives that would avoid or substantially reduce the project’s significant impacts. (Pub. Res. Code § 21100(b).) CEQA thus distinguishes between the information which must be included in an EIR and the information a lead agency must consider when approving a project.

The California Supreme Court has clarified the interplay between these two requirements when, as is the case here, an EIR properly discusses both mitigation measures and alternatives, and determines that the mitigation measures alone are capable of avoiding or reducing all of the significant impacts of the proposed project. According to the Supreme Court, a lead agency is not required to consider an “environmentally superior” alternative when approving a project if mitigation measures will substantially reduce the project’s significant impacts. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 402.) Therefore, because all significant impacts of the Proposed Project will be mitigated below significance by the mitigation measures recommended in the Draft EIR, the CPUC may approve the Proposed Project without further consideration of the “environmentally superior” alternative. (*Rio Vista Farm Bureau v. County of Solano* (1992) 5 Cal.App.4th 351, 379.)

The requirement for an EIR to identify the “environmentally superior” alternative is found in CEQA Guidelines § 15126.6(e)(2), which sets forth the requirements for an adequate discussion of the “No Project” alternative. This requirement simply provides that, “[i]f the environmentally superior alternative is the “no project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.” (Emphasis added.) CEQA does not require an EIR to decide whether an alternative is environmentally superior to the proposed project. CEQA also does not require a lead agency to select and approve the “environmentally superior” alternative.

The Draft EIR adequately analyzes project alternatives and identifies the No Project Alternative as the “environmentally superior” alternative. Therefore, pursuant to CEQA Guidelines § 15126.6(e)(2), the Draft EIR determined the Existing Site Alternative is the “environmentally superior” alternative among the other alternatives. The Draft EIR thus

complies with CEQA. However, the Draft EIR also found that all significant impacts of the Proposed Project will be mitigated below significance by the recommended mitigation measures. As a result of this finding, the CPUC may approve the Proposed Project with the Bayfront Enhancement Fund without further consideration of other project alternatives or the “environmentally superior” alternative.

4. The Existing Site Alternative Is Not The “Environmentally Superior Alternative.”

Even if the CPUC decided to select the “environmentally superior alternative,” there is substantial evidence in the record that the Bayfront Enhancement Fund Alternative is the environmentally superior alternative, not the No Project or Existing Site Alternatives. As discussed below, the No Project and Existing Site Alternatives have significant land use impacts that cannot be mitigated. The Existing Site Alternative also is infeasible for the reasons discussed below, and the No Project Alternative is infeasible because it would not accomplish any of the fundamental objectives of the Proposed Project.

Unlike the No Project and Existing Site Alternatives, the Bayfront Enhancement Fund Alternative would accomplish all of the objectives of the Proposed Project, would be consistent with all applicable state, regional and local land use and coastal plans and policies, and would significantly enhance the sensitive environmental resources in the project area. Additional benefits of the Bayfront Enhancement Fund Alternative are discussed in the comment letters submitted by SDG&E, the City of Chula Vista, and other public and private stakeholders in the project area. We adopt the information in those letters as our own and respectfully request the CPUC find the Bayfront Enhancement Fund Alternative is the “environmentally superior” alternative.

5. The Draft EIR Is Not Sufficient To Support Approval Of The Existing Site Alternative.

A. The Existing Site Alternative Would Have A Significant Unmitigable Impact On Land Use And Planning.

The Draft EIR states that the Existing Site Alternative would not conflict with local land use plans, policies or regulations because the CPUC has sole land use jurisdiction over the project and “this alternative is not subject to local plans.” (Draft EIR, pp. D.10-46, 47.) This conclusion is incorrect, incomplete and is not supported by substantial evidence. In fact, only part of the land required for the Existing Site Alternative is subject to the jurisdiction of the CPUC. Three acres of adjacent property required for implementation of the Existing Site Alternative are subject to the exclusive jurisdiction of the Port District. Furthermore, an EIR may not ignore impacts of a proposed project which affect adjacent jurisdictions. (*See City of Santa Ana v. City of Garden Grove* (1979) 100 Cal.App.3d 521.)

The Draft EIR acknowledges that construction of the Existing Site Alternative would require SDG&E to acquire an additional three acres of property adjoining the existing

South Bay Substation site. However, the Draft EIR fails to disclose that (1) the Existing Site Alternative is infeasible because SDG&E cannot acquire the necessary additional property, and (2) any attempt to do so would violate the Public Trust Doctrine and usurp the authority delegated by the Legislature to the Port District to manage the property in trust for the people of the State of California.

The Legislature created the Port District in 1962 when it enacted the San Diego Unified Port District Act (Port Act), Harbors and Navigation Code, Appendix I. Pursuant to the Port Act, the Legislature granted certain tidelands and submerged lands to the Port District. The Legislature expressly authorized the Port District to exercise regulatory, taxing and police powers over the property within its jurisdiction, including “land management authority and powers over the tidelands and submerged lands” granted to it. (Harbors & Nav. Code § 5(a), (b).) The Legislature also authorized the Port District to “regulate” the property and facilities granted to it. (Harbors & Nav. Code § 30(b)(2).) Further, the Legislature explicitly charged the District with the responsibility to “make and enforce all necessary rules and regulations governing the use and control” of the tidelands and submerged lands granted to it. (Harbors & Nav. Code § 55.)

The existing South Bay Substation site and the adjacent property, which SDG&E would need to acquire, are tidelands properties within the jurisdiction of the Port District. The Port District holds this property in trust for the people of the State of California. The Port Master Plan (PMP) is the principal document that establishes the planning policies for the physical development of the tidelands and submerged lands conveyed by the Legislature to the Port District. As indicated above, the Coastal Commission recently certified an amendment to the PMP for the CVBMP. The Existing Site Alternative site, including the surrounding property necessary for implementation of this alternative, is located in the Otay District of the CVBMP and is designated for low-cost visitor serving recreational facilities pursuant to the Coastal Act.

Even if the CPUC were not required to comply with the PMP or CVBMP with respect to the existing South Bay Substation site, the additional three acres of adjacent property necessary to implement the Existing Site Alternative is within the exclusive jurisdiction of the Port District and is subject to the land use designations and limitations set forth in the PMP and CVBMP, as certified by the Coastal Commission on August 9, 2012. The Existing Site Alternative’s proposed use of this property for electrical substation purposes conflicts with land use designations in the PMP and the CVBMP and would result in a significant unmitigable conflict with the PMP and CVBMP, as well as with the Coastal Act policies embodied therein. Additionally, construction and operation of the Existing Site Alternative would require a coastal development permit from the Port District. The Port District would be unable to issue a coastal development permit for construction and operation of the Existing Site Alternative because it conflicts with the land use designations and future projects described in the certified PMP and CVBMP.

B. The Draft EIR’s Analysis Of The Existing Site Alternative Is Incomplete.

The Draft EIR does not adequately analyze impacts associated with the Existing Site Alternative. In addition to the conflicts with the Coastal Act and applicable land use plans, the Existing Site Alternative analysis fails to address impacts associated with the required 12kV distribution equipment, which pp. B-15 of the Draft EIR identifies as a component of the Proposed Project. As a result, the analysis for the Existing Site Alternative does not consider the “whole of the action” as required by CEQA Guidelines § 15378 and is incomplete. If the Existing Site Alternative were considered for approval, the Draft EIR must be revised and recirculated to include an analysis of impacts associated with the 12kV distribution equipment.

C. The Draft EIR’s Analysis Of The Existing Site Alternative Is Outdated And Incomplete.

The Draft EIR incorrectly refers to the CVBMP PMPA/LCPA as a draft document (Draft EIR, pp. D.10-6). As identified in the Draft EIR on pp. A-6, both the Port District’s Board of Port Commissioners and the City of Chula Vista’s City Council respectively adopted the CVBMP PMPA/LCPA in May 2010. The land uses and future projects established in these plans were confirmed at the state level on August 9, 2012, when the Coastal Commission certified and approved the CVBMP PMPA/LCPA.

The Existing Site Alternative is inconsistent with and does not allow achievement of the Coastal Act policies, goals, and objectives embodied in the CVBMP PMPA/LCPA. The Existing Site Alternative would result in the expansion and continued operation of a substation at the existing South Bay Substation site, which would prevent the Port District from developing the existing South Bay Substation site and surrounding area in the manner identified in the CVBMP PMPA/LCPA and as approved by the Coastal Commission. The land use designations identified in the CVBMP PMPA/LCPA for the existing South Bay Substation site include Commercial Recreation, Park/Plaza, Promenade, and Habitat Replacement, and the text describes development of a 237-space recreational vehicle (RV) park, a 24-acre passive use park, a shoreline pedestrian trail, and creation of 100- to 200-foot-wide buffer areas throughout the existing South Bay Substation site. The development components identified in CVBMP PMPA/LCPA further key provisions of the Coastal Act by increasing public access to the shoreline, providing low-cost visitor serving recreational uses, enhancing views, and protecting and enhancing biological resources. Thus, by preventing the Port District and the City of Chula Vista from implementing the CVBMP PMPA/LCPA, the Existing Site Alternative also would prevent attainment of key objectives of the Coastal Act. The Draft EIR fails to identify impacts and adequate mitigation for the loss of these low-cost visitor serving recreational uses as well as park, open space, and promenade recreational accommodations.

The reconstruction of a replacement substation at the existing South Bay Substation site also is incompatible with the CVBMP goals and land use designations approved by the Coastal Commission on August 9, 2012. Thus, Coastal Commission approval of the CVBMP PMPA/LCPA precludes the ability for SDG&E to replace a substation at the

existing South Bay Substation site.

6. The Draft EIR Failed To Disclose Important Information Concerning The Infeasibility Of The Existing Site Alternative.

A. Legal Infeasibility.

CEQA requires an EIR to consider a range of feasible alternatives to a proposed project which can attain the fundamental objectives of the project and would avoid or substantially lessen the significant impacts of the project. (CEQA Guidelines § 15126.6(a).) However, an EIR is not required to consider alternatives which are infeasible. (*Ibid.*) Among the factors to be considered in determining the feasibility of an alternative site is whether the project proponent can reasonably acquire or gain control of the alternative site. (CEQA Guidelines § 15126.6(f)(1).) An EIR is required to disclose the reasons that cause an alternative location to be infeasible. (CEQA Guidelines § 15126.6(f)(2)(B).)

The Draft EIR states that construction of the Existing Site Alternative would require an additional three (3) acres adjacent to the existing site. (Draft EIR, p. C-43.) However, the Draft EIR's analysis of the potential land use impacts of the Existing Site Alternative neither discloses who owns the adjacent property nor considers whether it can be acquired by SDG&E. As a result, the Draft EIR's analysis of the potential land use impacts of the Existing Site Alternative is incomplete because it does not address whether it is feasible for SDG&E to acquire the additional land required to implement that alternative.

The property surrounding the existing site which SDG&E would need to acquire is held by the Port District in trust for the people of the State of California. The tidelands held in trust by the Port District are public, not private, property. Pursuant to the California constitution, statutes, and decisional law, the State owns all tidelands along the California coast in trust for the public. (Cal. Const., Art. X, § 3; *State of Cal. ex rel. State Lands Com. v. Superior Court* (1995) 11 Cal.4th 50, 63; *Bollay v. Office of Administrative Law* (2011) 193 Cal.App.4th 103, 107.) Although the Legislature can grant tidelands in trust to other governmental entities, such as the Port District, the California constitution specifically prohibits the sale or grant of tidelands to private persons or entities. (Cal. Const., art. X, § 3.) Because it does not have the power to acquire public trust property conveyed by the Legislature to the Port District, SDG&E would be unable to acquire the additional acreage needed to implement the Existing Site Alternative. The Draft EIR's failure to discuss the legal infeasibility of the Existing Site Alternative causes the EIR to be insufficient to support approval of that alternative.

B. Technical Infeasibility.

The Draft EIR also fails to disclose or discuss the substantial evidence that the Existing Site Alternative is technically infeasible for two reasons: first, the Draft EIR does not

address whether it is technically feasible for SDG&E to rebuild a new substation on the existing site without the additional three acres needed to implement the Existing Site Alternative; and second, rebuilding the substation on the existing site would make it impossible to keep the substation in use to meet existing energy demands while a new substation is constructed.

The unavailability of the three additional acres required for implementation of the Existing Site Alternative makes that alternative technically infeasible. Although the description of the Existing Site Alternative indicates that it requires three acres of additional property, it does not explain what part of a rebuilt substation would be located on the additional property or whether the substation could be rebuilt at the existing location if SDG&E is unable to acquire the additional property. Therefore, the Draft EIR does not contain substantial evidence that it is technically feasible to construct and operate the Existing Site Alternative without the additional three acres.

The Draft EIR also does not consider the extent to which SDG&E's ability to reliably provide electrical service to the South Bay region would be compromised if the Existing Site Alternative were approved. Approval of the Proposed Project would allow SDG&E to maintain operations at the existing South Bay Substation while the Proposed Project is being constructed at the new location. However, the construction work required to dismantle and reconstruct a replacement substation at the existing South Bay Substation site would undoubtedly result in interruption to electrical service in the South Bay region for an extended period of time. Thus, the Existing Site Alternative would not be technically feasible because it would not support electrical loads required by existing customers in the South Bay area during construction of that alternative.

C. Temporal Infeasibility.

SDG&E's lack of ownership or control over the additional property needed to implement the Existing Site Alternative causes that alternative to be infeasible for temporal reasons as well. Under CEQA, "feasible" means "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technical factors. (CEQA Guidelines § 15364.) Even if SDG&E were to attempt to acquire the additional property by eminent domain, the Draft EIR does not disclose or discuss whether SDG&E could successfully complete condemnation proceedings within a reasonable period of time. The Draft EIR also does not discuss the time required to complete condemnation proceedings or the extent to which that time would be extended as a result of the Port District's (and presumably the California State Lands Commission's) vigorous opposition to any attempt to take public trust property. A contested condemnation proceeding, especially one which involves property subject to the Public Trust Doctrine, would require many months or even years to resolve. Since there is no evidence in the Draft EIR that the Existing Site Alternative could be accomplished within a reasonable period of time, that alternative must be considered infeasible for temporal reasons.

Comments on South Bay Substation Relocation Project DEIR

The deficiencies of the Draft EIR with respect to the Existing Site Alternative do not affect the adequacy of the Draft EIR with respect to the Proposed Project. All of the significant impacts of the Proposed Project will be avoided or substantially reduced by the implementation of the mitigation measures recommended in the Draft EIR. As a result, the CPUC may approve the Proposed Project without further consideration of the project alternatives. For these reasons, the Port District strongly supports approval of the Proposed Project with the Bayfront Enhancement Fund.

However, if the CPUC were to consider denial of the Proposed Project and approval of the Existing Site Alternative, the Draft EIR would have to be revised and recirculated to address the new and more severe significant impacts associated with the Existing Site Alternative, as well as the substantial evidence which shows that alternative is infeasible.

The Port District appreciates the opportunity to comment on the Draft EIR and respectfully requests that the comments and concerns presented in this letter be considered and incorporated into the Final EIR for the Proposed Project. Thank you in advance for your consideration.

Sincerely,



Randa Coniglio
Executive Vice President, Operations
San Diego Unified Port District

cc: Commissioner Ann Moore
Wayne Darbeau, Port of San Diego
Celia Brewer, Port of San Diego
Chris Hargett, Port of San Diego
Lesley Nishihira, Port of San Diego
Glen Googins, City of Chula Vista
Mike Shirey, City of Chula Vista



OFFICE OF THE CITY MANAGER

August 31, 2012

VIA FIRST CLASS MAIL and E-MAIL (southbaysub@dudek.com)

Mr. Jensen Uchida
California Public Utilities Commission
c/o Dudek
605 Third Street
Encinitas, CA 92024

Re: Draft Environmental Impact Report for the SDG&E South Bay Substation Relocation Project (SCH No. 2011071031)

Dear Mr. Uchida:

Pursuant to the Notice of Availability issued by the California Public Utilities Commission ("CPUC") and the extension of time for providing comments memorialized in the August 7, 2012 Joint Scoping Memo and Ruling of Assigned Commissioner and Administrative Law Judge issued in CPUC Docket A.10-06-007, the City of Chula Vista (the "City") submits its comments on the above-referenced Draft Environmental Impact Report ("DEIR") regarding the South Bay Substation Relocation Project proposed by San Diego Gas & Electric ("SDG&E"). The City has previously participated in the CEQA process and supported the Proposed Project in letter comments submitted on August 15, 2011 following the Scoping Meeting. The City also was recently granted party status in CPUC proceeding A.10-06-007 by motion at the Prehearing Conference held before Administrative Law Judge Minkin.

The City appreciates the opportunity to comment and the extension of time provided in which to submit comments on the DEIR and requests that these comments be included in the administrative record for the Proposed Project. The City further requests that you provide written responses to the comments in the manner required by CEQA and its implementing guidelines. The existing South Bay Substation and the Proposed Project are both located in the City and the correct determination in this environmental review process and the related CPUC proceeding is of great significance to the City. *It is the City's position, both as set forth in these*

comments, and based on the information provided in the comments provided by SDG&E and the Unified Port District of San Diego (the "Port"), that the Final EIR issued by the CPUC should identify the Bayfront Enhancement Fund Alternative as the Environmentally Superior Alternative. Further, looking ahead, the City urges the CPUC to issue its Permit to Construct for the Bayfront Enhancement Fund Alternative with the funding allocations proposed by SDG&E.

I. OVERVIEW OF COMMENTS

As detailed in the DEIR, the Proposed Project involves the relocation of the existing South Bay Substation from its existing site to the proposed *Bay Boulevard Substation* site. The existing South Bay Substation would be decommissioned and demolished if the Proposed Project is approved. The DEIR correctly finds that any impact associated with the Proposed Project can be fully mitigated. Nonetheless, the DEIR then identifies the *No Project Alternative* to be environmentally superior to the Proposed Project on the basis of minimization or avoidance of physical impacts. Then, based upon CEQA Guidelines section 15126.6(e)(2), the DEIR identified the *Existing South Bay Substation Site Alternative*, which would replace the existing substation with a rebuilt 230/69/12/kV substation as the environmentally superior alternative. Respectfully, the CPUC's understanding of CEQA Guidelines section 15126.6(e)(2) is inaccurate. CEQA Guidelines section 15126.6(e)(2) states, "If the environmentally superior alternative is the "no project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives." CEQA does not *require* that the lead agency consider an environmentally superior alternative when approving a project if mitigation measures will substantially reduce the project's significant impacts. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 402.). Because all significant impacts of the Proposed Project will be mitigated below significance by the mitigation measures recommended in the DEIR, the CPUC may approve the Proposed Project without further consideration of the project alternatives discussed in the DEIR. (*Rio Vista Farm Bureau v. County of Solano* (1992) 5 Cal.App.4th 351, 379.)

As detailed here, the City opposes the Draft EIR's conclusions given that ***both*** the *No Project* and *Existing South Bay Substation Site Alternatives* are in direct conflict with the bayfront redevelopment goals shared by the City and the Port. As such, the DEIR conclusions are also in direct conflict with one of the four original objectives of the Proposed Project. The City's and the Port's bayfront redevelopment objectives are reflected in the Chula Vista Bayfront Master Plan ("CVBMP"). Significant elements of the CVBMP are premised upon the relocation of the South Bay Substation. The status of the CVBMP was elevated on August 9, 2012, when the California Coastal Commission ("CCC"), a state agency, approved it by unanimous vote. As detailed in these comments, the DEIR fails to adequately address the CVBMP and the approval of such plan by the CCC. In contrast, adoption of either the Proposed Project or the *Bayfront*

*Enhancement Fund Alternative*¹ will facilitate the City's plan to improve and revitalize the Chula Vista Bayfront as these projects are consistent with the CVBMP.

Although the selection of an environmentally superior alternative is not required here, the City submits that, if done correctly taking into account all of the objectives set forth by SDG&E for the Project, such analysis should find that the *Bayfront Enhancement Fund Alternative* now detailed by SDG&E is the environmentally superior alternative and should be identified as such in the FEIR. Such alternative meets the objectives of the project, provides additional beneficial impacts, and facilitates the overall improvements for the Chula Vista bayfront.

Overall, as detailed in these comments, the City makes the following comments on the DEIR and urges the CPUC to take such comments into account and make appropriate revisions to the Final EIR in this proceeding:

1. The City supports and agrees with the conclusion of the DEIR that all impacts identified for the *Bay Boulevard Substation* (the "Proposed Project") can be fully mitigated and, on that basis, the DEIR should have recommended the Proposed Project.
2. The City opposes the DEIR's conclusion that the *No Project Alternative* is environmentally superior to the Proposed Project. Such conclusion is based on significant flaws in the DEIR alternatives analysis and unreasonably ignores a key objective of the Proposed Project to facilitate the City's bayfront redevelopment plans.
3. The City similarly opposes the DEIR's identification of the *Existing South Bay Substation Site Alternative* as the Environmentally Superior Alternative to the *No Project Alternative* as it suffers from the same flaws as the *No Project Alternative* and is also infeasible.
4. The City opposes the DEIR's elimination of the *Bayfront Enhancement Fund Alternative* from the alternatives considered in the DEIR, notwithstanding that such alternative meets all of the objectives of the Proposed Project, and the inclusion of alternatives, including the *Existing South Bay Substation Site Alternative*, which do not meet the basic objectives.
5. The City supports the *Bayfront Enhancement Fund Alternative* and submits that such alternative, when properly included in the alternatives analysis, is in fact the Environmentally Superior Alternative.
6. The City supports SDG&E's proposed uses of the \$5 million dollar project enhancement fund as set forth in SDG&E's comment letter to the DEIR dated concurrently herewith.
7. Looking ahead, the City also urges the CPUC to issue its Permit to Construct for the *Bayfront Enhancement Fund Alternative* with the funding allocations proposed by SDG&E. This alternative best meets project objectives, implements previous SDG&E

¹ As discussed further below, the DEIR improperly excluded the *Bayfront Enhancement Fund Alternative* from the alternatives analysis. In its comments on the DEIR, SDG&E is providing additional details on this alternative.

commitments to the City under the MOU, and adds substantial coastal resource benefits without creating additional significant adverse impacts.

II. DESCRIPTION OF CITY AND THE CVBMP PLAN

The City has a direct and substantial interest in the outcome of this proceeding. Both the existing South Bay Substation and the Proposed Project are located within the City, as is the existing South Bay Power Plant which has been decommissioned and is in the process of being demolished. As such, the City and its planning and local land use regulation are directly and significantly impacted.

In addition, the City has a very substantial interest in the completion of its bayfront improvements and of its CVBMP. As recognized in Chapter 10 of the DEIR, the City, in conjunction with the Port prepared the CVBMP which changed land use designations to accommodate the redevelopment of the CVBMP's Sweetwater, Harbor and Otay Districts with a variety of uses such as parks, open space, ecological buffers, cultural, recreational, hotel and conference space, mixed used office/commercial, recreational and retail uses. The purpose of the CVBMP is to develop a master plan that transforms the Chula Vista waterfront into a world-class destination for local residents and visitors. The 556-acre CVBMP is one of the last great development opportunities to create a legacy destination for the public on San Diego Bay and is the largest available coastal development opportunity in California. The City and the Port have worked together on the CVBMP for over a decade.

After circulation of the DEIR for the substation relocation project, the City and the Port continued forward with their processing of the CVBMP before the CCC. Ultimately, on August 9, 2012, after a public hearing, the CCC unanimously and enthusiastically approved the 556-acre CVBMP. As referenced on the CCC website:

With broad support from the community, the Coastal Commission unanimously approved the Chula Vista Bayfront Master Plan at its August 2012 meeting. The plan provides for significant redevelopment of approximately 556 acres of bayfront land while protecting the rich and diverse marine, biological, and scenic resources of San Diego Bay and the San Diego Bay National Wildlife Refuge and requiring substantial new opportunities for public recreation.

The approved plan concentrates significant new hotel and residential development near the harbor and allows only lower-intensity recreational and visitor-serving uses near sensitive wetland areas and the Chula Vista Nature Center. The plan also protects critical public view corridors and assures that the existing lower-cost RV park facility and commercial boatyard are maintained within the bayfront area. The Commission required redesign of a proposed Resort Conference Center site to reduce the

bulk and scale of development near the shoreline and to provide a pedestrian-scale "retail village" between the public Harbor Park and the planned Resort. The Plan also includes alternative transit measures, including a public shuttle, designed to capitalize on the two trolley stations and the Bayshore Bikeway; creation of an extensive public trail system to and along the shoreline; and limits on any reduction in the number of small slip sizes in the marina.

In addition, on August 27, 2012, the City of Chula Vista City Council passed a resolution strongly supporting the relocation of the South Bay Substation to the site proposed by SDG&E and opposing any substation project alternative that is not consistent with the CVBMP including rebuilding the South Bay Substation at its current location. Such resolution further directed City staff to respectfully request the CPUC to approve the relocation of the South Bay Substation to the proposed site.²

The relocation of the South Bay Substation is an integral component of the CVBMP and the recommendations contained in the DEIR favoring the No Project or the *Existing Site Alternative* are incompatible with the CVBMP. Under the CVBMP, the existing site will, following decommissioning and demolition, be reconfigured for use as a Recreational Vehicle (RV) park and for portions of a Port recreational park providing low-cost coastal access. As discussed in these comments, the DEIR fails to take into account the significant impact resulting from the selection of the *No Project Alternative* to the CVBMP, now approved by the CCC. Similarly, the approval by the CCC elevates the land use decision, and the resulting incompatibility of the DEIR and the CCC approval, to a state level action in direct conflict with the CPUC staff recommendations in the DEIR. In the FEIR, the CPUC must reconsider the DEIR recommendations in light of this significant change and find that the *No Project Alternative* or the *Existing Site Alternative* now result in significant adverse impacts, which cannot be mitigated, and can no longer be seriously considered.

III. COMMENTS

A. The DEIR Correctly Finds No Significant Impact from the Proposed Project

The Proposed Project includes the removal of the existing substation and reconstructing a substation in the City on a 12.42-acre parcel approximately 0.5 miles south of the existing South Bay Power Plant site. The components of the project are the construction of the substation; construction of a 230 kV loop-in, an approximately 1,000-foot-long underground

² See City of Chula Vista website, City Council Agenda for August 27, 2012 available at http://www.chulavistaca.gov/City_Services/Administrative_Services/City_Clerk/PDFs/2012_08_27AgendaSpecial_000.pdf.

The agenda item details, including the draft resolution, are available at http://www.chulavistaca.gov/City_Services/Administrative_Services/City_Clerk/PDFs/Binder2012-08-27Special-Revised.pdf. These materials are hereby incorporated by reference.

interconnection, and an approximately 300-foot-long overhead interconnection of the existing 230 kV transmission lines; a 138 kV span from one new steel cable pole to an existing steel lattice structure; and demolition of the existing substation.

In making the proposal, SDG&E's stated four basic objectives for the Proposed Project as follows:

1. Replace aging and obsolete substation equipment
2. Design a flexible transmission system that would accommodate regional energy needs subsequent to retirement of the South Bay Power Plant ("SBPP").
3. Facilitate the City's bayfront redevelopment goals by relocating the South Bay Substation and furthering the goals of the SDG&E/City of Chula Vista Memorandum of Understanding ("MOU")³
4. Provide for future transmission and distribution load growth for the South Bay region.

The Proposed Project meets all of these objectives. From the City's perspective, the Proposed Project, unlike the *No Project* and *Existing South Bay Substation Site Alternatives* favored in the DEIR, allows the CVBMP to move forward unimpeded for the good of the community and region. In addition, the Proposed Project replaces an obsolete substation and accommodates regional growth.

Very importantly, the DEIR finds that the Proposed Project does not create any environmental impacts which cannot be mitigated to a level that is less than significant. As such, the CPUC should select the Proposed Project and issue a permit to construct. The City supports the findings in the DEIR regarding the lack of significant impact. The City acknowledges that the DEIR does identify significant impacts to biological resources from the Proposed Project, but stresses that mitigation is identified that will mitigate all biological impacts to less than significant (page D.5-44 of the DEIR).

In addition, the DEIR does not factor the beneficial impacts associated with the Proposed Project, specifically related to the removal of the existing substation. Such beneficial impacts include the enabling of low cost visitor serving uses, public coastal access and other Coastal Act priorities within the CVBMP area; the removal of significant amounts of existing overhead electrical facilities (including the removal of five lattice towers and approximately 3800 feet of existing overhead lines); and the implementation of mitigation measures which will comprehensively restore existing low-quality wetlands within the San Diego Bay National Wildlife Refuge.

³ The MOU was entered into by and between SDG&E and the City on October 12, 2004 and resolved numerous issues resulting from the City's consideration of municipalization options. With particular relevance here, Section 1.7 obligated SDG&E, subject to certain conditions, to relocate the Substation, referred to in the MOU as the Switchyard.

As discussed in the next subsections of these Comments, the DEIR, notwithstanding its finding that the Proposed Project results in no significant impacts, deems the *No Project Alternative* and the *Existing South Bay Substation Site Alternative* as environmentally superior to the Proposed Project. In doing so, however, as detailed below, the DEIR engages in a flawed analysis of the alternatives, improperly eliminates a key objective (*i.e.*, to facilitate the CVBMP) of the project, ignores and is in conflict with the CVBMP and the CCC approval of the CVBMP and understates the impacts on the environment and the infeasibility of the *No Project Alternative* and *Existing South Bay Substation Site Alternative*. The flaws in the analysis require reconsideration and modification in the FEIR such that the Proposed Project, or, even more appropriately, the more fully developed *Bayfront Enhancement Fund Alternative*, be deemed the environmentally superior choice.

B. The Alternatives Analysis in the DEIR is Materially Flawed as Both the *No Project Alternative* and the *Existing South Bay Substation Site Alternative* Raise Substantial Issues Not Adequately Addressed in the DEIR

The DEIR's Alternatives Analysis and conclusions are materially flawed because: (a) the analysis erroneously omits a key objective of the project without adequate justification; (b) significant land use impacts associated with the selected alternatives are understated or ignored; (c) the CCC approval of the CVBMP *after* the release of the DEIR creates additional significant environmental impacts, which are not able to be mitigated, from the selected alternatives; and (d) the conclusion is not supported by substantial evidence. Each of these flaws are discussed in more detail, below.

1. Neither the *No Project*, Nor The *Existing South Bay Substation Site Alternative* Meet the Basic Project Objective of Facilitating the City's Bayfront Redevelopment Goals

As previously noted, SDG&E's objectives for the Proposed Project are:

- Replace aging and obsolete substation equipment
- Design a flexible transmission system that would accommodate regional energy needs subsequent to retirement of the South Bay Power Plant ("SBPP")
- Facilitate the City's bayfront redevelopment goals by relocating the South Bay Substation and furthering the goals of the SDG&E/City of Chula Vista Memorandum of Understanding ("MOU")
- Provide for future transmission and distribution load growth for the South Bay region.

The DEIR states that after considering SDG&E's objectives for the project the CPUC identified project objectives that included all of SDG&E's objectives *except the objective of facilitating Chula Vista's redevelopment plans*. The DEIR does not include any rationale or analysis to justify why the CPUC excluded that critical project objective from the screening process. In regards to project alternatives and how project objectives should be construed therein, California Code of Regulations ("CCR") section 15126.6(f) states that "[A] range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making." Section 15126.6(f)(1) goes on to state that

“Among the factors to be taken into account when addressing the feasibility of alternatives are...general plan consistency, *other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context)*...”
Emphasis added. By summarily dismissing the objective of facilitating the City’s redevelopment plans, the CPUC has not met the requirements of CCR section 15126.6. Rather, because the *No Project Alternative* and the *Existing South Bay Substation Site Alternative* clearly did not meet the basic objective of the Proposed Project, these alternatives should not have been identified in the DEIR as environmentally superior.

2. The No Project and the *Existing South Bay Substation Site Alternatives* Both Result in New and Significant Land Use Impacts which Cannot be Mitigated

Contrary to the conclusions reached on pages D.10-46 through D.10-47 of the DEIR, impacts associated with the *Existing South Bay Substation Site Alternative*, specifically Land Use, cannot be mitigated to less than significant and therefore the *Existing South Bay Substation Site Alternative* should have again been screened out of the Alternatives analysis.

The DEIR states that the CPUC has sole and exclusive jurisdiction over the siting and design of the Proposed Project and therefore there are no land use impacts. However, as discussed on page D.10-14 of the DEIR, in accordance with General Order No. 131-D, section XIV.B, the public utility is obligated to consult with local agencies regarding land use matters. Section XIV.B states in pertinent part that, “...in locating...projects, the public utilities shall consult with local agencies regarding land use matters.” Section XIV.B goes on to state that, “In instances where the public utilities and local agencies are unable to resolve their differences, the Commission shall set a hearing no later than 30 days after the local utility or local agency has notified the Commission of the inability to reach agreement on land use matters.” Therefore, based on General Order No. 131-D, section XIV.B the CPUC has an obligation to take into consideration the San Diego Port District’s Port Master Plan Amendment and the City of Chula Vista’s Local Coastal Plan Amendment (“PMPA/LCPA”). The Port/City’s PMPA/LCPA were adopted by the San Diego Unified Port District Board and the City of Chula Vista City Council in May, 2010.

The fundamental incompatibility between the land uses within these plans became even more firmly established at the state level on August 9, 2012 when the CCC certified and approved the PMPA/LCPA. The CCC found the PMPA/LCPA to be consistent with the California Coastal Act (“CCA”) and the Proposed Project is subject to the provisions of the CCA. The Port and City’s adopted PMPA/LCPA includes a substation as a permitted use on the proposed project site. It does not allow for a substation on the site of the current substation as contemplated in the *Existing South Bay Substation Alternative*. Instead, these plans designate the existing substation site for use as a recreational vehicle park and portions of an active recreational park.

The aforementioned actions by the Port, City and CCC firmly establish land uses on the existing substation site that are incompatible with the continued operation of the substation

thereon. This land use conflict is direct and material and cannot be mitigated. Page D10.14 of the DEIR states that the public utility is required to obtain any non-discretionary local permits. In the instant case, SDG&E would be required to obtain building and grading permits (non-discretionary permits) from the City and/or Port to demolish and reconstruct the substation. Because these agencies must adhere to their adopted plans and ordinances, they could not legally issue such permits. This would prevent SDG&E and the CPUC from achieving the project objective of providing reliable power transmission/supply to the region.

The *Existing South Bay Substation Site Alternative* reflects additional flaws which further merit its rejection. The Environmental Setting description (Section D.2.4.3) for the *Existing South Bay Substation Site Alternative* is incorrect. The Environmental Setting description on page D.2-66 states, “[t]herefore, because the existing setting surrounding this alternative site has been previously discussed in this document, additional information pertaining to the visual setting is not provided.” The South Bay Power Plant (“SBPP”) is currently located to the south of the existing substation. As acknowledged on page D.10-13 of the DEIR removal of the SBPP is imminent. Therefore, the *Existing South Bay Substation Site Alternative* analysis is flawed because it fails to consider a realistic baseline including foreseeable and imminent changes known to the agency such as the removal of the SBPP. (*Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Cal.4th 310, 328.) Analysis of the alternative against a realistic baseline would likely result in new significant impacts.

Further, at page D.2-67, the DEIR incorrectly states that the scale of the *Existing South Bay Substation Site Alternative* is anticipated to be similar to the existing South Bay Substation and that the form of the alternative facility is not anticipated to be well-defined thereby concluding that the view from the SR-75 --I-5 corridor would be “relatively weak.” The conclusion is based on a flawed analysis of the future condition. Upon removal of the SBPP, implementation of the *Existing South Bay Substation Site Alternative* would result in the substation being the primary use and view on the site. Whereas today the visual focus of the site is the SBPP, once it is removed, the focus of the site would be a substation with little to no buffering adjacent to it. In addition, in accordance with the approved PMPA/LCPA, portions of the existing substation site are programmed to be a recreational vehicle park with amenities and portions of an active Port park for recreational purposes. With the PMPA/LCPA being approved by the Port and City in May 2010, and ratified by the CCC in August 2012, these land uses were required to be considered in any view shed analysis.

Finally, the conclusion in the Comparison to the Proposed Project analysis on page D.2.68 of the DEIR is incorrect. The *Existing South Bay Substation Site Alternative* would have greater visual character impacts than the proposed project because it will be an isolated industrial use in an area that is not designated for industrial users in the future. As discussed above, the DEIR should contain an accurate comparison to the proposed project based on the removal of the SBPP and the future use as a recreational vehicle park and portions of a recreational park, as envisioned in the PMPA/LCPA. In addition, the recreational vehicle park will provide low-cost visitor serving accommodations as mandated by the Coastal Act. The DEIR fails to identify adequate mitigation for the loss of these low-cost visitor serving accommodations as well as other open space recreational potential that the existing site will provide.

Having reviewed the DEIR, the City recommends that the CPUC find that the DEIR did not adequately analyze the *Existing South Bay Substation Site Alternative* at a full project level in accordance with CEQA requirements and further find, that, therefore, the DEIR as written is not adequate for the CPUC to approve the *Existing South Bay Substation Site Alternative* without additional environmental analysis. However, as discussed in these comments, because the *Existing South Bay Substation Site Alternative* is not feasible given the need for additional land and because it does not otherwise meet the basic objectives of the Proposed Project, the CPUC should remove the alternative from the alternatives considered in the FEIR.

3. The DEIR Conclusion that the *No Project Alternative* is Environmentally Superior is Flawed

In addition to the improper elimination of the basic objective to facilitate the City's bayfront redevelopment plan and the new and significant land use impact resulting from the conflict between the CCC's approval of the CVBMP and the DEIR's recommendation to keep the substation at its present location (either "as is" or rebuilt at the existing site), the DEIR conclusion that the *No Project Alternative* is environmentally superior is flawed and merits reconsideration of such conclusion in the FEIR.

First, the DEIR conclusion favoring the *No Project Alternative* does not address growth and reliability needs, another of the basic objectives of the Proposed Project and understates the importance of removal of the substation. Future expansion of the substation to accommodate regional energy needs is a stated goal of both the CPUC and SDG&E. By recommending the *No Project Alternative*, the DEIR ignores this fundamental objective without meaningful consideration.

Second, the selection of the *No Project Alternative* has the consequence that none of the positive impacts associated with the relocation of the substation will occur. Such impacts include the improved views in the area, the undergrounding of existing overhead electrical facilities, wetland improvements and the facilitation of the overall redevelopment of the City's bayfront. In considering in the FEIR the selection of the Proposed Project over an alternative, the CPUC may take into consideration these positive impacts to adopt the Proposed Project, or preferably, the *Bayfront Enhancement Plan Alternative*.

4. The DEIR is Further Flawed in Finding that the *Existing South Bay Substation Site Alternative* is the Environmentally Superior Alternative Among the Other Alternatives

As discussed above, pursuant to an inaccurate reading of CEQA Guidelines section 15126.6(e)(2), the CPUC first selected the No Project Alternative as the Environmentally Superior Alternative, and then erroneously selected another alternative that was environmentally superior among the alternatives, i.e., the *Existing South Bay Substation Site Alternative*. The City strongly disagrees with this selection for a number of reasons. First, the California Supreme Court has clarified that when an EIR properly discusses both mitigation measures and alternatives, and determines that the mitigation measures alone are capable of avoiding or reducing all of the significant impacts of the proposed project then the lead agency is not

required to consider an “environmentally superior” alternative when approving a project if mitigation measures will substantially reduce the project’s significant impacts. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 402.) Therefore, because all significant impacts of the Proposed Project will be mitigated below significance by the mitigation measures recommended in the DEIR, the CPUC may approve the Proposed Project without further consideration of the “environmentally superior” alternative. (*Rio Vista Farm Bureau v. County of Solano* (1992) 5 Cal.App.4th 351, 379.) In addition, the *Existing South Bay Substation Site Alternative* has all the flaws associated with the *No Project Alternative*, including the significant land use environmental impact resulting from the CCC approval of the CVBMP, the improper elimination of the basic objective to facilitate the CVBMP, and the disregard of the positive impacts associated with the removal of the substation from its existing site.

Further, the *Existing South Bay Substation Site Alternative* is not feasible because it does not provide for future demand. One of the project objectives is to ensure reliability. In order to provide reliability the existing substation needs to be expanded beyond its current capacity. The current site does not have sufficient area to expand the substation; therefore additional acreage that is not in the proponents’ control will need to be acquired. Such acquisition may be impossible because of jurisdictional conflicts. Therefore, the *Existing South Bay Substation Site Alternative* is not feasible. The infeasibility is set forth in the DEIR itself. At page C-3, the DEIR defines “legal feasibility” as part of its Alternatives Screening Methodology as requiring an affirmative response to the inquiry: “Does the alternative involve lands that have legal protections that may prohibit or substantially limit the feasibility of permitting a new substation and associated facilities?” In addition to the approval of the CVBMP by the CCC, the additional land that would be necessary for the *Existing South Bay Substation Site Alternative* is held by the Port in the public trust for the people of the State of California.⁴ Because this land could not readily be obtained by SDG&E, the *Existing South Bay Substation Site Alternative*, contrary to the finding set forth in Table C-1 of the DEIR, is not legally feasible.

C. With Additional Details Now Provided by SDG&E, the Bayfront Enhancement Fund Alternative is Feasible and Should Be Considered and then Adopted in the FEIR as the Environmentally Superior Alternative

As an alternative to the Proposed Project, SDG&E identified the *Bayfront Enhancement Fund Alternative*. The *Bayfront Enhancement Fund Alternative* was described in the DEIR as follows:

The Bayfront Enhancement Fund Alternative consists of constructing the Proposed Project and establishing a funding program to be used for San Diego Bayfront enhancement. Under this alternative, SDG&E would contribute \$5 million to fund Bayfront enhancement projects such as (1) creation, restoration,

⁴ Details on this issue are set forth by the Port in its comments on the DEIR and are incorporated herein by reference.

and/or enhancement of wetlands; (2) enhancement of coastal resources, including coastal access enhancements, such as walkway, path, park, overlook, and traffic improvements, as well as educational signage and events; (3) biological resources, such as habitat management and protection efforts, including predator management, vegetation management, and security signage; water quality improvements; and aesthetics enhancements, such as landscaping and lighting improvements. SDG&E has indicated that specific projects would be identified by a group of agency and community stakeholders and could be coordinated with ongoing efforts to finalize the CVBMP.⁵

The DEIR, however, excluded this Alternative from consideration in its alternatives analysis with very little analysis indicating that the lack of detail as to the enhancements made this difficult to analyze.⁶ The DEIR did note, however, that this alternative would meet the CEQA criteria for project objectives (including compatibility with the CVBMP). As such, the *Bayfront Enhancement Fund Alternative* should have been included in the alternatives analysis, rather than either the *No Project* or the *Existing South Bay Substation Site Alternatives* which required the arbitrary and unsubstantiated deletion of one of the four basic objectives.

In its comments filed concurrently with these comments, SDG&E has identified more details on the specific enhancements to be included in the *Bayfront Enhancement Fund Alternative*. With these additional details, the Proposed Project with the Bayfront Enhancement Plan, i.e., the *Bayfront Enhancement Fund Alternative*, is the Environmentally Superior Alternative because not only does it fully mitigate all environmental impacts, it includes components that provide significant environmental benefits, with no additional significant impacts that cannot readily be mitigated, that no other alternative does. The environmental benefits include:

- Removal of the five lattice towers that are currently located adjacent to Bay Boulevard.
- Enhanced public access to the bay front through the removal of the old substation and the equipment associated with the substation.
- Removal of two more lattice towers Z188701 (located adjacent to Bay Boulevard) and Z188700 (located in the parking lot adjacent to I-5). Removal of these 110 feet tall towers is proposed in consideration of the location of the project in the Coastal Zone. Removal of the towers will enhance the visual quality of the bay front. In addition, removal of the towers will reduce raptor predation for

⁵ DEIR, p. ES-26.

⁶ Id.

various species in the adjacent San Diego Bay National Wildlife Refuge areas and the Salt Ponds.

- Undergrounding of approximately 3,800 feet of existing overhead 138kV lines.
- Net reduction of approximately eight 69kV wood poles.
- Additional undergrounding of an additional 700 to 1000 feet of existing 138 kV overhead transmission lines.
- Extensive comprehensive restoration and monitoring of low quality wetlands within the San Diego Bay National Wildlife Refuge.
- Endowment funding towards the continuing operation of the Living Coast Discovery Center.
- Endowment funding towards the on-going management of the Salt Works property.

Although, as discussed above, the CPUC need not select an environmentally superior alternative in a situation in which the Proposed Project does not result in any significant adverse environmental impacts, the City submits that, if the alternatives analysis is done correctly including all of the objectives of the Proposed Project identified by SDG&E, the *Bayfront Enhancement Fund Alternative* clearly is the environmentally superior alternative as it meets all of the objectives, including facilitating the improvements to the Chula Vista bayfront consistent with the CVBMP while adding further beneficial impacts than provided by the Proposed Project without the Enhancement Fund. For these reasons, the City accordingly supports the *Bayfront Enhancement Fund Alternative* as the preferred alternative and requests that the CPUC, in the Final EIR, supplement the analysis of this alternative and adopt this as the Environmentally Superior Alternative.

IV. CONCLUSION

As detailed in the foregoing comments, the City strongly disagrees with the conclusion that the *No Project Alternative* or the *Existing South Bay Substation Site Alternative* is the environmentally superior alternative. Especially in light of the action taken by the CCC to approve the CVBMP and the resulting significant land use impact not adequately considered by the DEIR, the FEIR should modify the conclusions that such alternatives are superior to the Proposed Project. In addition, because of the need to acquire land held in the public trust, the *Existing South Bay Substation Site Alternative* is legally infeasible.

The City also strongly supports the *Bayfront Enhancement Fund Alternative* as the environmentally superior alternative and urges the Commission to modify the DEIR such that the

FEIR includes this Alternative and finds that it is the environmentally superior alternative. With the addition of the details in SDG&E's comments, and the lack of additional impacts beyond the Proposed Project, this conclusion is supported by the information already presented in the DEIR and therefore there is no need to recirculate the document based on the changes to the Alternatives analysis. Looking ahead, the City also urges the CPUC to issue its Permit to Construct for the Bayfront Enhancement Fund Alternative as the alternative that best meets project objectives, implements previous SDG&E commitments to the City under the MOU, and adds substantial coastal resource benefits without creating additional significant impacts.

Sincerely,

/s/ Gary Halbert

Gary Halbert, AICP/TE
Assistant City Manager/Development Services Department Director

Cc: Glen Googins, City Attorney
Michael Shirey, Deputy City Attorney III
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August 31, 2012

Jensen Uchida
California Public Utilities Commission
C/o Dudek
605 Third Street
Encinitas, California 92024

Re: Comments on the Draft Environmental Impact Report for the South Bay Substation Relocation Project

Dear Mr. Uchida:

Thank you for the opportunity to comment on the California Public Utilities Commission's ("CPUC") Draft Environmental Impact Report ("DEIR") for the South Bay Substation Relocation Project in the City of Chula Vista. We appreciate the CPUC's efforts to coordinate our regulatory processes, and look forward to continued coordination in the future. The project proposed by San Diego Gas & Electric ("SDG&E") includes: (1) construction of a Bay Boulevard Substation approximately 0.5 miles south of the existing South Bay Substation; (2) dismantling the existing South Bay Substation; (3) construction of a 230-kilovolt (kV) loop-in; (4) extension of 138 kV transmission lines; and (5) relocation of 69 kV transmission lines. The proposed Bay Boulevard Substation would be approximately 10 acres in size located on a portion of the former liquefied natural gas plant property to the west of Bay Boulevard and south of the South Bay Power Plant. Portions of this project will require a coastal development permit ("CDP") from the Coastal Commission, and the remainder will require a CPD from the Port District ("Port"). The Commission will use information included in the EIR when it evaluates the project's conformity with the Chapter 3 coastal resource protection policies.

The existing substation site is within the Chula Vista Bayfront Planning area boundary. This planning area has been the focus of a multi-year, broad-based effort to reenergize the Bayfront area. On August 9, 2012, the Coastal Commission unanimously approved amendments to the Chula Vista ("City") Local Coastal Program and the Port District's Master Plan that together enact the Chula Vista Bayfront Master Plan ("Master Plan"). The approved Master Plan changes land use designations and policies to accommodate the redevelopment of over 550 acres of Bayfront property with a variety of uses, including park, open space, hotel and conference space, office, retail and residential units. Numerous stakeholders, including the City, Port, developers, environmental, labor and business groups, and local residents worked together for more than a decade to ensure that the resulting Master Plan met the needs of the community and is fully consistent with the Chapter 3 policies of the Coastal Act. The Master Plan approved by the Coastal Commission has broad support in the community.

The existing substation site is now within the Port's jurisdiction, so any development on this site requires a CDP from the Port and must be consistent with the approved Port Master Plan. The Port Master Plan identifies it as the future location of a 237 space RV park surrounded by green space and adjacent to a large 24 acre open space park with visitor-serving amenities. This land use designation provides for low-cost overnight accommodations on the shoreline, a key component of the public access and recreation policies of the Coastal Act (Sections 30213 and 30221). The Commission staff report for the Master Plan states (in reference to the existing substation site):

"It is important that every effort be made to develop these sites with a range of low-cost overnight facilities to serve the segment of the population that may not be able to afford the higher-end hotels proposed in the plan area, or who simply wish to enjoy the scenic beauty of the bayshore in more rustic accommodations."

Given that the existing substation site is now designated for lower cost visitor serving amenities, the Existing South Bay Substation Site Alternative examined in the DEIR is inconsistent with the land use designation for this area. Therefore, if the CPUC pursues this option, the Port will need to submit a Port Master Plan Amendment to the Commission to accommodate a new substation or any substantial changes to the existing substation on the existing site.

In addition to the public access benefits that will be provided by the proposed project, it also offers significant aesthetic benefits; the visual experience at the Bayfront park planned for the adjacent site will be significantly enhanced if the industrial substation is removed and replaced by an RV/camping park, as the Master Plan envisions and consistent with Section 30251 of the Coastal Act.

To accommodate the redevelopment of the Chula Vista Bayfront and the Master Planning process, SDG&E has been working with the City, Port, Coastal Commission staff, and other interested parties to identify an appropriate site on which to relocate the substation. Although the proposed site includes some degraded wetland habitat, we believe it offers some environmental benefits not addressed in the DEIR and that the proposed project can be found consistent with the policies of the Coastal Act.

The proposed site is a former industrial site that currently supports mostly disturbed and non-native habitat, including several types of wetland features. The proposed project would result in the loss of 2.45 acres of wetlands, as defined by the Coastal Act. Coastal Act Section 30233(a)(1) allows for the dredging, filling or diking of wetlands for a new energy facility provided that a) there is no feasible less environmentally damaging alternative, and b) feasible mitigation measures are provided to minimize adverse environmental effects. Since the new substation and other associated facilities proposed in this application constitute a "new energy facility," it is therefore an allowed use under 30233. We also believe the proposed site can be found to be the least environmentally damaging feasible alternative due to the highly degraded nature of the wetland resources on the proposed site and the significant aesthetic and public access benefits of removing the substation from the existing site, which will be adjacent to a park and can be used for lower cost visitor-serving recreational uses.

Finally, the proposed project would result in the loss of 2.45 acres of degraded, low-functioning anthropogenic wetlands on an industrial site. This loss, however, would be mitigated at a 4:1 ratio by creating and/or substantially restoring high-functioning tidal wetlands on the D-street fill site in the Sweetwater Unit of the San Diego Bay National Wildlife Refuge.

In sum, Coastal Commission staff believe that the proposed project is consistent with the Coastal Act and the recently approved Master Plan. If you have any questions or would like to discuss these comments further, please contact me at 415/396-9708.

Sincerely,

A handwritten signature in black ink, appearing to read "Kate Huckelbridge", with a stylized flourish at the end.

KATE HUCKELBRIDGE
Energy, Ocean Resources and Federal Consistency

Cc: Deborah Lee, CCC San Diego Office
Estela de Llanos, SDG&E



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EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



September 18, 2012

Mr. Jensen Uchida
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102-3298

Subject: Comments on the Draft Environmental Impact Report for the SDGE South Bay Substation Relocation Project, Chula Vista, San Diego, CA (SCH# 2011071031)

Dear Mr. Jensen:

The California Department of Fish and Game (Department) has reviewed the above-referenced draft Environmental Impact Report (DEIR) dated June 2012. The comments provided herein are based upon information provided in the DEIR, our knowledge of sensitive and declining vegetation communities in the City of Chula Vista (City) and the County of San Diego. The Department also administers the Natural Community Conservation Planning (NCCP) program. The City participates in the NCCP program by implementing its approved Multiple Species Conservation Program (MSCP) Subarea Plan. San Diego Gas and Electric (SDG&E) participates in the NCCP by implementing the SDG&E Subregional NCCP.

The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA; Sections 15386 and 15381, respectively) and is responsible for ensuring appropriate conservation of the State's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (CESA; Fish and Game Code §2050 et seq.) and other sections of the Fish and Game Code. The Department is also responsible for the administration of the Streambed Alteration Agreement program, which oversees potential threats to the California's wetlands resources.

The proposed project is located in within the City near the intersection of Bay Boulevard and Palomar Street. There are five primary components of the proposed project. The first component consists of the construction of a 230/69/12-kilovolt (kV) substation which would occupy 9.7 acres. Component two of the project involves the construction of a 230 kV loop-in (an approximately 1,000-foot-long underground) interconnection, and an approximately 300-foot-long overhead interconnection of the existing 230 kV tie-line, located east of the proposed Bay Boulevard substation. The third component involves the relocation of six 69 kV transmission lines and associated communication cables to the proposed Bay Boulevard substation. This would require the relocation of approximately 7,500 feet of overhead line and the construction of approximately 4,100 feet of underground line. Component four involves a 138 kV extension of an approximately 3,800-foot underground and approximately 200-foot overhead span from one new steel cable pole to an existing steel lattice structure. The fifth component involves the demolition of the existing 138/69 kV South Bay substation.

Construction of the Bay Boulevard Substation would result in temporary and permanent impacts to environmentally sensitive land (See Table embedded below). Where temporary impacts to disturbed coyote brush scrub and non-native grasslands cannot be avoided, SDG&E (project applicant) has agreed to restore temporarily disturbed areas to preconstruction conditions following construction. SDG&E will deduct credits from the SDG&E Mitigation Credits for permanent impacts to sensitive communities, as stated in the SDG&E Subregional NCCP. For all temporary impacts greater than 500 square feet, acreage not meeting success criteria shall be deducted from SDG&E's mitigation credits at a 1:1 ratio. In addition, SDG&E has agreed to mitigate for permanent impacts to disturbed coyote brush scrub at a ratio of 1.5:1 and non-native grasslands at a ratio of 1:1 for all permanent impacts that would result from construction activities. Evidence shall be provided to California Public Utilities Commission (CPUCC) that 7.55 acres of coastal sage scrub and 9.46 acres of non-native grasslands have been deducted from the NCCP.

Summary of Permanent and Temporary Acreage Impacts on Vegetative Community Table

Vegetation Community	Acreage of Temporary Impact	Acreage of Permanent Impact
Seasonal Pond/Seasonal Wetland	0	0.61
Disturbed Wetland Scrub	0	1.75
Mulefat Scrub	0	0.06
Emergent Wetland	0.01	0.03
Non-Native Grassland	0.98	9.46
Disturbed Coyote Brush Scrub	1.07	5.03
Eucalyptus Woodland	0	0
Ornamental Vegetation	0.06	<0.01
Disturbed Habitat	0.15	0.18
Developed Land	0.05	0.24
Total	2.32	17.36

The Department offers the following comments and recommendations to assist the City in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources, and to ensure that the project is consistent with ongoing regional habitat conservation planning efforts.

Land Use

1. The final EIR, in both the text and appropriate graphics, should acknowledge the proposed project site's proximity to the South San Diego Bay Unit of the San Diego Bay National Wildlife Refuge (NWR). Currently, the project maps only indicate that the site is located adjacent to salt crystallizer ponds. These ponds should be identified as being part of the NWR (See Attachment; Figure 1). Therefore the Department recommends a map that includes the San Diego Bay NWR in its entirety by clearly outlining the area as indicated in Figure 1.
2. In Figure B-3b (page B 11), the extension of 138 kV transmission line (which is located underground), bisect roads and eucalyptus woodland habitat areas. The Department recommends that the transmission line be located as close to roadways (e.g. Bay Boulevard) as possible.

Biological Resources


1. Through communication with the U.S. Fish and Wildlife Service (Service) the Department has obtained additional survey information that the applicant may not have been aware of and we feel as though this information could be useful if combined with data presented in the Proponent's Environmental Assessment. These data were collected by Service monitors and show the occurrence of California least tern (*Sternula antillarum browni*, least tern) (CESA-listed, and Endangered Species Act [ESA]-listed as endangered) and western snowy plover (*Charadrius alexandrinus nivosus*, snowy plover) (ESA-listed as threatened) nesting occurs closer to the project site than previously indicated (Figure 2 in the attachment). Service monitors have also observed snowy plover adults moving chicks along the Palomar drainage channel that extends between Ponds 15 and 28, and between the southeast corner of Pond 28 and southwest corner of Pond 29 (See Attached Table and Figures 2 and 3). Therefore, the Department recommends that the final EIR should address the presence of these seabirds and any other nesting seabirds within this area.
2. The proposed plant palate, Page B-27 (Figure B-7), in the DEIR includes the following statement, "Preliminary concept subject to change based on additional information and final engineering design". The Department strongly recommends that the complete plant palate be included in the final EIR. This plant palate should also include the conceptual revegetation plan for temporarily impacted areas. The final plant palate should consist of native plants not only to avoid the spread of invasive species, but also to provide additional benefits such as the attraction of native pollinators and reduced water consumption. Appropriate native plants should be used to the greatest extent feasible in landscaped areas. Exotic plant species that should not be used include those species listed on the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory, which is available online at <http://www.cal-ipc.org>.
3. In the near future when the salt ponds are restored to intertidal habitat (See Figure 2), disturbances and night lighting associated with the proposed facility could affect a variety of migratory birds that inhabit nearby areas. These migratory birds include a number of species identified by the Department and the Service as Species of Special Concern and Birds of Conservation Concern, respectively. The Department recommends that the DEIR discuss specifically the effect of noise and lighting on avian species associated with the salt ponds. This discussion should include recommendations based on construction and ongoing operational noise and lighting at the proposed facility and evaluate these impacts

on adjacent sensitive habitat (i.e., salt ponds). The final EIR should include measures to ensure that: 1) facility noise (during both construction and facility operation) maintains ambient sound levels or sound levels at 60 dBA Leq hourly or lower, whichever are higher and 2) use a lighting study to determine if lighting adjacent to sensitive habitats (i.e. salt ponds) can be affectively directed away from and/or shielded so as not to illuminate sensitive habitat areas.

4. Due to the proximity of the proposed project to the City's Multiple Species Conservation Program Biological Core and Linkage Areas, discussions regarding impacts on, and maintenance of wildlife corridor/movement areas should be provided in the final EIR using graphs and text. Additionally, access to undisturbed habitats in adjacent areas, and avoidance should be fully evaluated in the final EIR using a map which clearly defines biological core and linkage areas.
5. In addition to the least tern and snowy plover, the adjacent NWR and surrounding area support the CESA and ESA-listed light-footed clapper rail (*Rallus longirostris levipes*, clapper rail) and CESA-listed Belding's savannah sparrow (*Passerculus sandwichensis*). Pursuant to section 3511 of the California Fish and Game Code clapper rail and least tern are designated as Fully Protected Species. This designation prohibits take or possession of this species at any time (i.e., no take authorizations from the State are available). This also applies to any parts of the animal (e.g., in the case of birds, their eggs). Therefore, all project construction activities should occur outside of bird breeding season (i.e., activities should take place from September 16 to February 14).
6. The Chula Vista Bayfront Master plan allows limited public access to certain open space areas. However, the Department strongly recommends that all picnic areas and access areas are located as close to boundary lines as possible.
7. The DEIR describes Telegraph Creek as a concrete-lined channel, however no description is provided concerning the use of the channel as habitat by wildlife. The final EIR should provide an appropriate description of the channel which includes the uses of the channel by wildlife species.
8. The Department recommends that the recently approved (August 9, 2012) projects referenced in the new Chula Vista Bayfront Master Plan be discussed thoroughly (using text and graphics) in section F.5 Cumulative Projects (page F-5) of the final EIR so that proper placement of the substation and associated projects can be adequately accessed.

The Department appreciates the opportunity to comment on the DEIR for the CPUC's SDGE South Bay Substation Relocation project and to assist the Commission in further minimizing and mitigation project impacts to biological resources consistent with the MSCP and other regional conservation planning efforts in San Diego County. If you have questions or comments regarding this letter, please contact Bryand Duke at (858) 637-5511 or BDuke@dfg.ca.gov.

Sincerely,



Stephen M. Juarez
Environmental Program Manager
South Coast Region

Enclosures:

Figure 1 Current Boundary for San Diego Bay National Wildlife Refuge

Figure 2 CNDDDB Corrected Occurrences Map

Figure 3 Nesting Locations as Described in Table 1


Table 1 Locations of Waterbird Nest Sites at the Salt Works between 1999-2005

cc: Scott Morgan, State Clearinghouse, Sacramento (state.clearinghouse@opr.ca.gov)
Janet Stuckrath, US Fish and Wildlife Service, Carlsbad, CA (Janet_Stuckrath@fws.gov)



Figure 1 Current Boundary for the San Diego Bay National Wildlife Refuge (Sweetwater Marsh and South San Diego Bay Units)

Source: USFWS, Local Agency Partnership 2000 (2 ft imagery)


 0 0.25 0.5 Miles
 Carlsbad Field Office - 2003
 /stem/stacey/ssdbay/fig_sum/figures.apr



- Transmission / Distribution Lines**
- 230 kV Loop-In - Overhead
 - - - 230 kV Loop-In - Underground
 - 138 kV Extension - Overhead
 - - - 138 kV Extension - Underground
 - 69 kV Relocation - Overhead
 - - - 69 kV Relocation - Underground
 - - - 12 kV Distribution - Underground
 - - - Existing Underground Duct Bank

Snowy Plovers have also been documented nesting here.

Snowy Plovers and Least Terns nest in this general area.

South Bay Substation Relocation Project

- Substation Wall
- 12.42-Acre Parcel Boundary
- SDG&E Easement
- Former LNG Site
- Existing South Bay Substation
- 1-Mile Buffer
- Plant
- Animal
- Terrestrial Community

Figure 2 CNDDDB Corrected Occurrences Map

1:16,000

0 500 1,000 2,000 3,000 4,000 Feet

Figure 4-4-1 CNDDDB.mxd

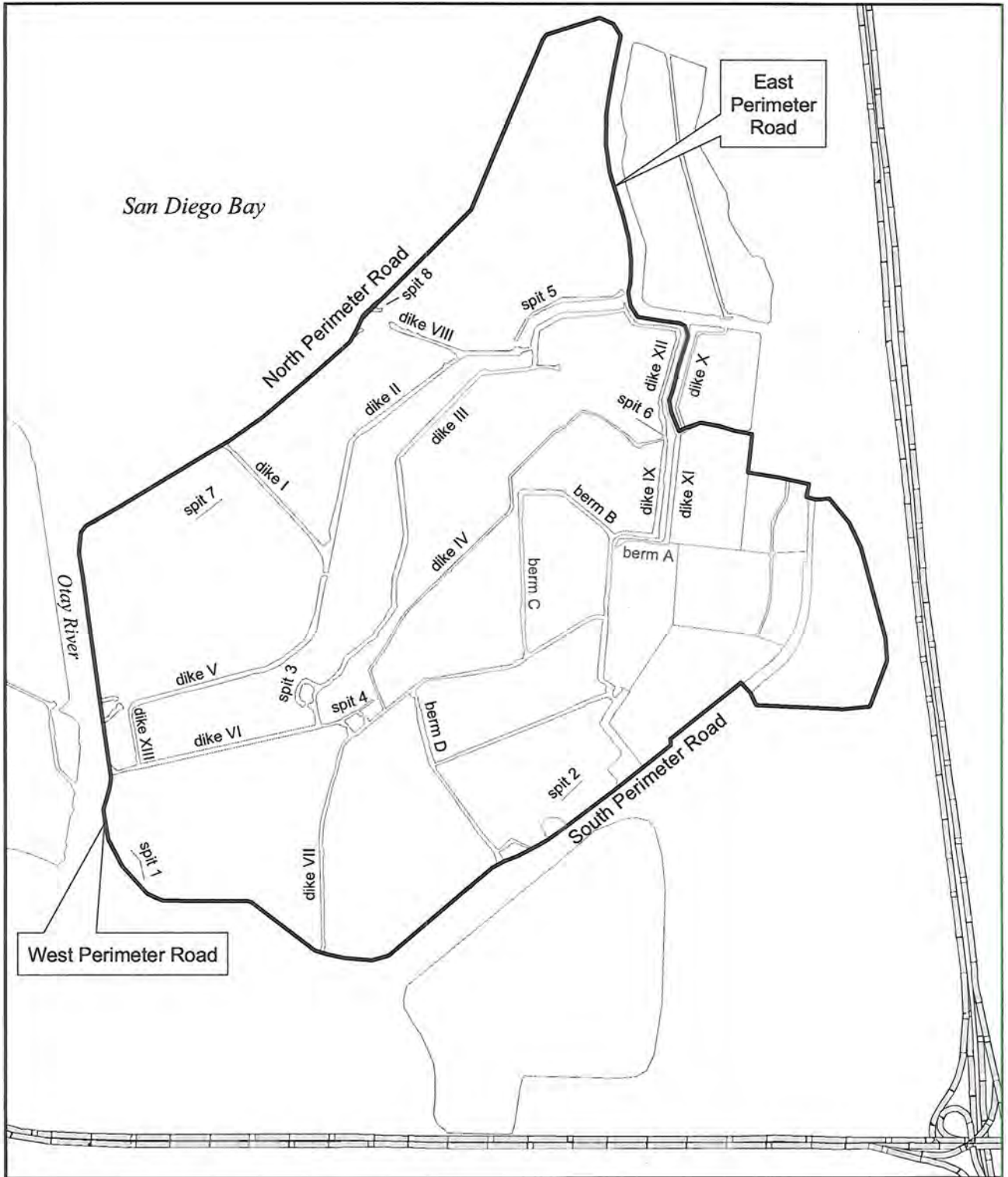
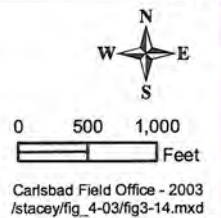


Figure 3 Nesting Locations as Described in Table 1

Source: USFWS



Carlsbad Field Office - 2003
/stacey/fig_4-03/fig3-14.mxd

Table 1						
Locations ¹ of Waterbird Nest Sites at the Salt Works Between 1999 – 2005						
	1999	2001 ²	2002	2003	2004	2005
Nesting Seabirds						
California least tern	dike IX, X, XII	dike IV, IX, X	dike IV, IX, spit 6, berm A	dike IV, VII, IX, X, XII, spit 4, 6	dike IV, VII, spit 4, berm b	dike IV, VI, VII, IX, X, XII
Gull-billed tern	dike I, II, III, IV, V	dike II, III, IV, V	spit 5, dike III, VIII	dike II, III, IV, V	dike II, III, IV, V, VIII, berm C	perimeter road (w), dike II, III, VI, VII, XIII
Caspian tern	dike II, III, VIII	dike V, spit 3	dike II, V	dike II, V, spit 3	dike II, V, VIII	dike II, V, VIII
Royal tern	dike III	dike V	dike V	dike II, III, V	dike II, IV	dike II, V
Elegant tern	dike III	dike II, V, spit 1	dike V, spit 1	dike I, II, III, IV, V	dike II, III, IV	dike II, V
Forster's tern	perimeter roads (n, w), dike I, III, IV, V, spit 1	perimeter roads (n, w), spit 1, dike I-VI, XIII	perimeter roads (n, w), dike I, II, III, V, VII, spit 1	perimeter roads (n, w), dike I, II, III, V, VI, VII, spit 1	perimeter roads (n, w), dike I, II, III, V, VI, VII	perimeter roads (n, w), dike II, III, V, VI, spit 1
Black skimmer	dike II, III, IV, V, VI, VII, spit 1	perimeter road (n), dike II, III, IV, V, XIII, spit 1, 7	perimeter road (n, w) dike I, II, III, IV, V, XIII	perimeter roads (n, w), dike III, IV, VI, VII, XIII, spit 4	perimeter roads (n, w), dike II, III, IV, V, VI, VII, XIII	perimeter roads (n, w), dike II, III, VI, VII, XIII
Other Nesting Waterbirds						
Western Snowy Plover	none observed	dike XII	dike IV, spit 6	none observed	dike VIII, berm D	dike IV
Double-crested cormorant	dike II, III, barge	dike III, VIII, barge	barge	dike I, II, V, barge	dike II, barge	dike I, V, barge
American avocet	dike I, III, IV, V	all major dikes	all major dikes	all major dikes	all major dikes	all major dikes
Black-necked stilt	perimeter road (w), dike I, III, IV, V, VIII	all major dikes	all major dikes	all major dikes	all major dikes	all major dikes
Other Nesting Birds³						
Mallard	dike II	dike I, II	perimeter road, dike II	dike I, II, III, V	perimeter road, dike III	Locations not noted
Gadwall	dike I, V	dike I, II, III, V	dike II, V,	dike III	perimeter road (n)	Locations not noted
Killdeer	none observed	perimeter road	perimeter road (w)	perimeter road (w)	perimeter road (w)	Locations not noted
Horned Lark	dike III	dike XII	not observed	dike III	dike VII	Locations not noted
Belding's savannah sparrow	dike I, II	dike III, V	dike I, III	dike I, III	Dike III, VI	Locations not noted

¹These locations are illustrated in Figure 3-14.

²No data is available for 2000.

³One to a few nest observations; not specifically searched for, but encountered during monitoring for other species.

Source: (Patton 1999, 2004a, 2004b, 2004c, 2006a, 2006b)

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
ds_nahc@pacbell.net



June 21, 2012

Mr. Jensen Uchida, Planner

California Public Utilities Commission (CPUC)**c/o DUDEK**

605 Third Street
Encinitas, CA 92024

Re: SCH#2011071031 CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the "SDG&E (San Diego Gas & Electric) South Bay Substation Relocation Project;" located in the City of Chula Vista; San Diego County, California.

Dear Mr. Uchida:

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604).

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC did conduct a Sacred Lands File (SLF) search within the 'area of potential effect (APE) and Native American cultural resources were not identified in the project area specified. However, there are Native American cultural resources in close proximity to the APE.

The NAHC "Sacred Sites," as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural

significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of he NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

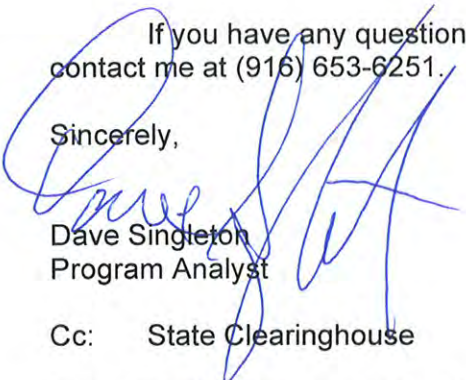
Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,



Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

Native American Contacts

San Diego County

June 21, 2012

Barona Group of the Capitan Grande
Edwin Romero, Chairperson
1095 Barona Road Diegueno
Lakeside, CA 92040
sue@barona-nsn.gov
(619) 443-6612
619-443-0681

Sycuan Band of the Kumeyaay Nation
Danny Tucker, Chairperson
5459 Sycuan Road Diegueno/Kumeyaay
El Cajon, CA 92019
ssilva@sycuan-nsn.gov
619 445-2613
619 445-1927 Fax

La Posta Band of Mission Indians
Gwendolyn Parada, Chairperson
PO Box 1120 Diegueno/Kumeyaay
Boulevard, CA 91905
gparada@lapostacasino.
(619) 478-2113
619-478-2125

Viejas Band of Kumeyaay Indians
Anthony R. Pico, Chairperson
PO Box 908 Diegueno/Kumeyaay
Alpine, CA 91903
jrothau@viejas-nsn.gov
(619) 445-3810
(619) 445-5337 Fax

San Pasqual Band of Mission Indians
Allen E. Lawson, Chairperson
PO Box 365 Diegueno
Valley Center, CA 92082
allenl@sanpasqualband.com
(760) 749-3200
(760) 749-3876 Fax

Kumeyaay Cultural Historic Committee
Ron Christman
56 Viejas Grade Road Diegueno/Kumeyaay
Alpine, CA 92001
(619) 445-0385

Iipay Nation of Santa Ysabel
Virgil Perez, Spokesman
PO Box 130 Diegueno
Santa Ysabel, CA 92070
brandietaylor@yahoo.com
(760) 765-0845
(760) 765-0320 Fax

Campo Band of Mission Indians
Ralph Goff, Chairperson
36190 Church Road, Suite 1 Diegueno/Kumeyaay
Campo, CA 91906
chairgoff@aol.com
(619) 478-9046
(619) 478-5818 Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2011071031; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the SDG&E South Bay Substation Relocation Project; located in the City of Chula Vista; San Diego County, California.

Native American Contacts

San Diego County

June 21, 2012

Jamul Indian Village
Chairperson
P.O. Box 612
Jamul, CA 91935
jamulrez@sctdv.net
(619) 669-4785
(619) 669-48178 - Fax

Diegueno/Kumeyaay

Kumeyaay Cultural Repatriation Committee
Steve Banegas, Spokesperson
1095 Barona Road
Lakeside, CA 92040
sbenegas50@gmail.com
(619) 742-5587
(619) 443-0681 FAX

Mesa Grande Band of Mission Indians
Mark Romero, Chairperson
P.O. Box 270
Santa Ysabel, CA 92070
mesagrandeband@msn.com
(760) 782-3818
(760) 782-9092 Fax

Diegueno

Ewiiapaayp Tribal Office
Will Micklin, Executive Director
4054 Willows Road
Alpine, CA 91901
wmicklin@leaningrock.net
(619) 445-6315 - voice
(619) 445-9126 - fax

Kwaaymii Laguna Band of Mission Indians
Carmen Lucas
P.O. Box 775
Pine Valley, CA 91962
(619) 709-4207

Diegueno -

Ewiiapaayp Tribal Office
Michael Garcia, Vice Chairperson
4054 Willows Road
Alpine, CA 91901
michaelg@leaningrock.net
(619) 445-6315 - voice
(619) 445-9126 - fax

Inaja Band of Mission Indians
Rebecca Osuna, Spokesperson
2005 S. Escondido Blvd.
Escondido, CA 92025
(760) 737-7628
(760) 747-8568 Fax

Diegueno

Ipai Nation of Santa Ysabel
Clint Linton, Director of Cultural Resources
P.O. Box 507
Santa Ysabel, CA 92070
cjlinton73@aol.com
(760) 803-5694
cjlinton73@aol.com

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Native American Contacts
San Diego County
June 21, 2012

Manzanita Band of the Kumeyaay Nation
Leroy J. Elliott, Chairperson
P.O. Box 1302 Diegueno/Kumeyaay
Boulevard , CA 91905
ljbirdsinger@aol.com
(619) 766-4930
(619) 766-4957 - FAX

Kumeyaay Diegueno Land Conservancy
M. Louis Guassac
P.O. Box 1992 Diegueno/Kumeyaay
Alpine , CA 91903
guassacl@onebox.com
(619) 952-8430

Inter-Tribal Cultural Resource Protection Council
Frank Brown, Coordinator
240 Brown Road Diegueno/Kumeyaay
Alpine , CA 91901
frankbrown6928@gmail.com
(619) 884-6437

Kumeyaay Cultural Repatriation Committee
Bernice Paipa, Vice Spokesperson
1095 Barona Road Diegueno/Kumeyaay
Lakeside , CA 92040
(619) 478-2113
(KCRC is a Colation of 12
Kumeyaay Governments

This list is current only as of the date of this document.

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This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2011071031; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the SDG&E South Bay Substation Relocation Project; located in the City of Chula Vista; San Diego County, california.



San Diego County Archaeological Society, Inc.

Environmental Review Committee

5 July 2012

To: Mr. Jensen Uchida
California Public Utilities Commission
c/o Dudek
605 Third Street
Encinitas, California 92024

Subject: Draft Environmental Impact Report
SDG&E South Bay Substation Relocation Project
Application No. A.10-06-007

Dear Mr. Uchida:

I have reviewed the cultural resources aspects of the subject DEIR on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the DEIR, we have the following comments:


1. SDCAS was not provided with a copy of the cultural resources report(s) for the project, so we cannot confirm that the impact analysis and mitigation measures in the DEIR accurately reflect the judgment of the project archaeologist, or even who that person is.
2. On page D.6-12 of the DEIR, the document acknowledges that project-related activities "may result in the loss of previously unidentified or unknown historical resources." The same wording, with "cultural" replacing "historical", appears on page D.6-13. Given this concession, it is unacceptable not to require archaeological and Native American monitors to be present for initial grading, trenching and excavation activities. In our letter of 13 December 2010 to you, we stated that:
Most importantly, mitigation measure APM-CUL-01 does not reflect accepted standards. If there is a potential for subsurface archaeological deposits to be encountered, and we believe there is, a proper archaeological monitoring program is required. The applicant cannot rely upon unqualified, minimally trained construction personnel "to recognize possible buried resources." Aside from lack of expertise, they inherently have a conflict of interest against disrupting the construction process. Rather, monitoring is to be by a qualified archaeological monitor. Furthermore, the contemporary practice is to also include a Native American monitor. SDG&E's own staff archaeologists would recognize these problems, suggesting they were not consulted by the PEA's authors.
3. The DEIR has failed to correct the problem that was called to your attention in 2010. Passively relying on construction personnel, with no professional qualifications in cultural resources and a clear disincentive to find and report anything, has not been acceptable practice in the San Diego region for over 15 years. For example, both the City of San Diego

and the County of San Diego have detailed cultural resource monitoring mitigation measure wording that includes participation by archaeological and Native American monitors, and which would be invoked were this project in either of those jurisdictions. CPUC should hold the applicant to meaningful mitigation standards, rejecting Applicant Proposed Measure APM-CUL-01.

4. While it may well be the case that areas such as northern portion of the former LNG and tank farm sites and the existing South Bay Substation have been heavily disturbed by previous development, others likely have been much less impacted. In particular, the route of the new underground transmission line is of concern for its potential to encounter cultural resources. For that reason, both the tank farm site and the current substation site are less likely to impact cultural resources and are therefore preferable from a cultural resources perspective.
5. The applicant has on its staff PhD-level archaeological expertise with over 30 years experience in cultural resources management in the San Diego region. She should be consulted for assistance in developing an archaeological and Native American monitoring mitigation measure to replace APM-CUL-01.

We appreciate the opportunity to participate in the environmental review process for this project and look forward to seeing the deficiencies cited above corrected in the Final EIR.

Sincerely,


James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: Jensen Uchida, CPUC, San Francisco
Susan Hector, PhD, SDG&E Principal Environmental Specialist
SDCAS President
File



July 19, 2012

Jensen Uchida, CPUC Project Manager
California Public Utilities Commission
505 Van Ness Avenue
San Francisco CA 94102
southbaysub@dudek.com

Dear Mr. Uchida:

Environmental Health Coalition is (EHC) is a 32-year-old nonprofit organization. EHC builds grassroots campaigns to confront the unjust consequences of toxic pollution, discriminatory land use, and unsustainable energy policies. Through leader development, organizing and advocacy, EHC improves the health of children, families, neighborhoods and the natural environment in the San Diego/Tijuana region.

We have been reviewing the Draft Environmental Impact Report (DEIR) and are requesting additional time to review and submit comments. It has only recently come to our attention that there is serious consideration being given to leaving the substation, which has long been planned to be moved, in the same location. This requires additional review for us.

Please let us know if you will agree to an extension for comments.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Laura Hunter". The signature is written in a cursive, flowing style.

Laura Hunter
Policy Advisor



July 20, 2012

Jensen Uchida, CPUC Project Manager
California Public Utilities Commission
c/o Dudek
605 Third Street
Encinitas, CA 92024

RE: Pacifica Companies request for comment period time extension on SDG&E's South Bay Substation Relocation Project DEIR.

Dear Mr. Uchida:

Pacifica Companies is a diversified real estate investment and development company with our corporate office located in San Diego, California. We are the only private landowner involved in the 550 acre Chula Vista Bayfront Master Planning effort. Our company will be building 1500 residential units, 15,000 sf of retail, 240,000 sf of commercial/office, and a 250-room hotel just north of the substation in the Master Plan Area.

We are writing to request additional time to review and submit comments on the Draft Environmental Impact Report for the South Bay Substation Relocation Project. We have learned that the preference is to leave the substation in its current location. This concerns us greatly as it is not consistent with the Master Plan, and we would like more time to fully analyze this lengthy and complex DEIR.

Thank you very much for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Allison Rolfe".

Allison Rolfe
Director of Planning



SOUTH BAY WILDLIFE ADVISORY GROUP

July 20, 2012

Chairman Lou Smith and Port Commissioners
San Diego Unified Port District
PO Box 120488
San Diego, CA 92112

Mayor Cheryl Cox and City Council members
City of Chula Vista
276 Fourth Ave.
Chula Vista, CA 91910

RE: South Bay Wildlife Advisory Group request for comment period time extension on SDG&E's South Bay Substation Relocation Project DEIR.

Dear Honorable Commissions and Council members:

The South Bay Wildlife Advisory Group (WAG) was constituted for the purposes of advising the Port on issues that relate to fish, wildlife, and habitats in the South San Diego Bay. We have been meeting for almost a year and benefit from the involvement of a highly dedicated and committed group of people with significant expertise in the areas of wildlife and fisheries management, wildlife and habitat protection, environmental education, ecotourism, and economic development.

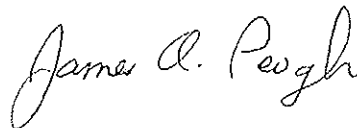
We are writing to request additional time to review and submit comments on the Substation Relocation Draft Environmental Impact Report. The various unanticipated project alternatives proposed by the CPUC could have significant and complex impacts on the Bayfront Plan and therefore the planned protections for the wildlife of the Bayfront. As such we think that it would be productive for the WAG to consider the implications of the changes and develop recommendations, but the current deadline precludes that.

We realize that this request is most appropriately directed to the lead agency, the California Public Utilities Commission (CPUC); however, our Group is advisory to the City of Chula Vista and San Diego Port District. Therefore, we request that both agencies consider requesting an extension from the CPUC. Thank you very much for considering our comments.

Sincerely,



Allison Rolfe
Advisory Board Co-Chair, Pacifica Cos.



James A. Peugh
Advisory Group Member, SD Audubon

CC: Jensen Uchida, CPUC Project Manager

Contact Email: wag@portofsandiego.org

Website: <http://www.portofsandiego.org/chula-vista-bayfront-master-plan/wildlife-advisory-group.html>



2727 HOOVER AVE., SUITE 202 • NATIONAL CITY, CA 91950 • (619) 474-0220 • WWW.ENVIRONMENTALHEALTH.ORG

August 29, 2012

Mr. Jensen Uchida
California Public Utilities Commission
c/o Dudek
605 Third Street
Encinitas, CA 92024
Via email: southbaysub@dudek.com

RE: Environmental Health Coalition SUPPORT for SDGE PROPOSED PROJECT with Bayfront Enhancement for replacement of South Bay Substation, Application 10-06-007

Dear Mr. Uchida:

Environmental Health Coalition (EHC) is a 30-year old environmental justice organization working to empower people, organize communities, and achieve justice in the bi-national San Diego/Tijuana region. We have been integrally involved in the issues related to the removal of the South Bay Power Plant and the relocation of the substation.

We STRONGLY urge the California Public Utilities Commission (CPUC) to reconsider its position related to the substation and support relocation as proposed by SDGE. There are several reasons that the project, as described as the proposed project in the Draft EIR, is the most cost-effective, feasible, and environmentally sensitive of those alternatives analyzed in the DEIR. Further, the DEIR is deficient in its analysis and wrong in its conclusions about the various alternatives proposed in the document.

The Proposed Project with Bayfront Enhancement is the most environmentally-preferable project of those analyzed in the DEIR. EHC strongly supports the comments on this subject in the San Diego Audubon Society letter. The inability to restore key shoreline and stream habitats if the substation is left in place coupled with the acceptable mitigation plan committed to by SDGE for the loss of low-grade wetlands at the new site is preferable from an environmental perspective. The environmental improvements include: 1) restoration of approximately 11.5 acres of former salt marsh habitat at the D Street Fill Site; 2) maintenance and monitoring of the restored wetland; 3) acquisition of an adjoining 17-acre property to the San Diego Bay Refuge-

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EMPODERANDO A LA GENTE. ORGANIZANDO A LAS COMUNIDADES. LOGRANDO LA JUSTICIA.**

South San Diego Bay Unit and adding these lands to the Refuge; and 4) funding for additional enhancement projects along the Chula Vista Bayfront in south San Diego Bay. The proposed restoration and purchase of new lands along with bayfront enhancements should be accepted as part of the project.

In-Place replacement is more costly than proposed project because of the uses it would displace. One cost impact of the replace in-place alternative has been left out of the calculation of cost. The substation would impinge on and degrade the public park planned for the area. The cost of replacement of a 25-acre waterside, public park in Chula Vista would be prohibitive.

In-Place replacement is not feasible. The South Bay region and power grid cannot afford to be without an operating substation. This means that the current station must be operational while a new one is built. It is not possible to tear it down and replace in the same location while continuing to use it.

In-Place replacement does not comply with current land use plans or regulations. The analysis and conclusions in the Draft EIR are deficient and are not adequate to adopt any alternative other than the proposed project. Neither does the in-place alternative comply with Section 30240 (b) of the Coastal Act or the recently adopted Chula Vista Bayfront Master Plan.

Gas-Insulation Technology is incompatible for the location and air insulation technology should be used.

EHC has evaluated the gas technology and believe that sulfur hexafluoride use should be avoided wherever possible. We support the air technology even though it requires a larger footprint.

In conclusion, we strongly urge you to adopt the SDGE proposed alternative with the mitigation commitments for the relocation of the South Bay Substation.

Thank you for your consideration of our comments. Please contact me at (619) 997-9983 with any questions.

Sincerely,



Laura Hunter
Policy Advisor



August 30, 2012

Mr. Jensen Uchida
California Public Utilities Commission
c/o Dudek
605 Third Street
Encinitas, CA 92024
Via email: southbaysub@dudek.com

RE: Comments on DEIR for SDG&E's South Bay Substation Relocation Project, Application 10-06-007

Dear Mr. Uchida:

Pacifica Companies strongly supports the Proposed Project with Bayfront Enhancement for the new South Bay Substation. Our company owns land in the Chula Vista Bayfront master planning area. We have worked for over 10 years to get approval of the Master Plan. The Master Plan is premised upon the relocation of the substation to a more southern location. The proposed relocation site is the product of years of collaboration with the City, Port and State Lands Commission to facilitate the Bayfront Master Plan.

The Proposed Project with Bayfront Enhancement is the environmentally superior alternative because it will deliver significant environmental benefits that no other alternative – including the “environmentally superior” alternatives identified in the Draft EIR – would deliver. It is supported by the US Fish and Wildlife Service. Conversely, the current location continues to impact shoreline habitats, the J Street Marsh, and other sensitive areas.

Further, the DEIR is deficient in its analysis and incorrect in its conclusions about the various alternatives proposed in the document. It fails to recognize that relocation of the substation is a core objective. As mentioned, the Chula Vista Bayfront Master Plan recently approved by the California Coastal Commission does not include a substation in the middle of the Otay District. This area has been reserved for a much needed public park and low-cost visitor serving area as well as habitat buffers and restoration. Last, the leave-in-place option is not feasible and is more costly than the preferred project put forth by SDGE.

We urge the California Public Utilities Commission (CPUC) to reconsider its position that the substation should be left in its current location. This is not in alignment with the interest of the community, the environment, or our region. Instead, we strongly urge you to adopt the SDG&E preferred alternative with Bayfront Enhancements.

Thank you for considering our comments.

Sincerely,

A handwritten signature in cursive script that reads "Allison Rolfe".

Allison Rolfe
Director of Planning

1775 Hancock Street, Suite 200 • San Diego, CA 92110
(619) 296-9000 • Fax (619) 296-9090
www.pacificahost.com • www.pacificacompanies.com

August 30, 2012

Mr. Jensen Uchida
California Public Utilities Commission
605 Third Street
Encinitas, California 92024

Via email: southbaysub@dudek.com

Dear Mr. Uchida:

Subject: SDAS comments on CPUC EIR for SDG&E's South Bay Substation Relocation Project, Application 10-06-007

The San Diego Audubon Society was very surprised to see that the CPUC has recommended that the substation be rebuilt in its current location. Doing so will have serious wildlife impacts. We suspect that this selection was based on inaccurate information about the wildlife value of the habitat areas adjacent to the site. We strongly urge that the analysis be revisited and site identified in the Chula Vista Bayfront Master Plan be reconsidered. If all the relevant information is considered, we are confident that Bayfront Plan site will be found to be the environmentally superior and the most practical site. The following headings will address some of the deficiencies in the CPUC analysis that we feel has led to an inappropriate conclusion in the subject EIR.

CLAPPER RAILS AND BELDING'S SAVANNAH SPARROWS ADJACENT TO THE PROPOSED SITE

Figure D.5-2, showing Special Status Species, shows the location of sensitive species in the region, but fails to mention that the J Street Marsh, immediately west of the CPUC's recommended site, hosts Light Footed Clapper Rails and Belding's Savannah Sparrows, both endangered species. We can provide more information regarding their presence if needed. It is surprising that this EIR does not identify their presence. Were any surveys of these areas made as a part of the development of the EIR? The proximity of these species to the site should be a strong driver to not construct a new substation at this site. Reconstructing there will cause construction noise in the J Street Marsh and operating and subsequent upgrades will cause disturbances and provide predator perches to reduce the J Street Marsh's support value for these and many other species. Constructing it in the southern location shown in the Bayfront Plan will have much less impact as the habitat areas are much farther away from that site.

TELEGRAPH CREEK

The document mentions that Telegraph Creek is a concrete storm water channel adjacent to the project site as though it has no ecological importance. I have been close to this creek segment on three occasions, once by land, and twice by kayak. On each occasion dozens of Pintails left the site. On one occasion it was more like 100. This channel obviously has significant wildlife support value. A survey of the wildlife that use this area should have been included in the EIR and considered in the location decision. Do Clapper Rails use it, as they do on many vegetated streams upstream from salt marshes? Do Savannah Sparrows forage in it? The document does not identify the vegetation or the wildlife that is found in that

channel, even though it is immediately adjacent to the project area. This information must be provided to satisfy the minimum requirements of CEQA.

That channel is planned for restoration as a water quality and habitat feature in the Chula Vista Bayfront Master Plan. The EIR should have identified this Plan as part of its discussion of cumulative impacts since there will be a stormwater runoff interactions between this project and the proposed Telegraph Creek restoration project. Reconstructing the substation on its existing location will degrade the habitat value of this channel and will limit, and possibly preclude, its enhancement as a water quality and habitat benefit. This is a significant cumulative impact and should discourage the reconstruction on the current site.

J STREET MARSH

On Page 5.6-23 the document discusses impacts on ESHAs, but does not acknowledge that the J Street Marsh is an ESHA. It is immediately adjacent to the CPUC's proposed project site. The J Street Marsh is one of the most diverse, rich, and natural salt marsh/mudflat habitat segments left in San Diego Bay. Its impairments are the adjacency of the power plant, the adjacency of the substation, and the untreated discharge of urban runoff from Telegraph Creek. The Power Plant is going away. The Substation should be going away. There are plans to enhance both the habitat and water quality value of the Telegraph Creek channel turning it into a more natural creek/shoreline habitat transition and a significant environmental benefit for the J Street Marsh. But, the restoration value of the mouth of Telegraph Creek will be substantially reduced or possibly precluded if the substation is reconstructed on its current site. Thus, this project has a substantial cumulative impact that is not addressed in the EIR. It needs to be fully identified and be considered for any location decision.

ADJACENCY IMPACTS

The document acknowledges "Impact BIO-7: Construction activities would result in direct or indirect loss of listed or sensitive wildlife or a direct loss of habitat for listed or sensitive wildlife." We strongly agree, but the document does not identify the specific serious indirect and cumulative impacts of the construction of a project in the location that it recommends. The deconstruction of the current substation will have an unavoidable short-term impact on these adjacent habitats and must be done with great sensitivity. But, the combination of the deconstruction and construction and resulting operation and subsequent upgrades will cause a substantially greater impact to these unique and important environmental resources which will last for many decades, if not in perpetuity. This reconstruction at this site is avoidable. The EIR must be identify and take into account these significant impacts. Doing so will indicate that reconstruction at the current location has significant avoidable indirect and cumulative impacts and is not the environmentally preferred alternative.

CALIFORNIA COASTAL ACT

On page Pg 31, the document quotes the California Coastal Act: Section 30240 (b): "Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas." But, the EIR does not appear to be unaware of the wildlife value of the sensitive habitats of Telegraph Creek and the J St. Marsh and its status as an ESHA. Relocating the substation to the site proposed in the Bayfront Plan would be consistent with Section 30240 and the CPUC site is not.

INDIRECT AND CUMULATIVE IMPACTS

From the public hearing and from this document it appears that reconstructing the substation at its current location can only be justified by considering only the narrow direct footprint impacts of the project. However if the facts that clapper rails and Belding savannah sparrows and the Telegraph Creek channel has wildlife and water quality value, and the indirect and cumulative impacts of the project are considered, reconstructing the substation on its current site will result in far more impact to habitat and wildlife. CEQA requires consideration of direct, indirect, and cumulative impacts, not just direct impacts. Doing so will indicate that the site proposed in the Chula Vista Bayfront Master Plan is environmentally superior.

MITIGATION

SDG&E has proposed mitigation for the unavoidable impacts of the project at the location defined by the Bayfront Plan. Those mitigation measures are consistent with Federal and local plans and are sufficient and appropriate to fully offset the impacts of that project.

BIRD STRIKES

SDG&E will be able to remove five tall lattice structures and the associated elevated power lines from the bayfront as part of the proposed relocation. The bayfront region is heavily trafficked by birds. This will significantly reduce the bird strike potential and unnatural predator perch opportunities from the bayfront area. This reduction will not occur if the substation is not relocated. This is a significant environmental benefit of the relocation.

PREDATOR PERCH RISK FROM THE SUBSTATION

Whether the substation is moved or not, we strongly request that the taller elements of the project be moved as far from the Bay as possible. This will reduce the likelihood that the towers will be used as a perch for avian predators to watch and attack nesting birds in the J Street Marsh or the Salt Works depending on the final location. The current CPUC plan places the 83 foot tall communications tower in the middle of the project. The tower in the middle of the site will enhance predator access to California Least Terns and Western Snowy Plovers at the southern site or Light-footed Clapper Rails and Belding's Savannah Sparrows at the current site. SDG&E has indicated that it can move the communications tower to the southeast, away from the Bay. We concur with this and encourage the CPUC to incorporate this adjustment into the project, at either site. Similarly we urge the CPUC to look for other tall structures that can be moved farther from the Bay and lowered to minimize this serious impact.

BIRD DETERRENT DEVICES AT EITHER LOCATION

Even with the most environmentally sensitive modifications to the project, the higher structures of the project will provide inappropriate advantages to avian predators vs. their prey, including endangered, threatened, and declining species, their chicks, and their eggs. The environmental document states that predator use of structures will be avoided by placing bird deterrent devices on high structures. Such devices are only effective under limited conditions, which are not addressed in the document. Occasionally birds of prey will use the deterrent devices to anchor twigs that the birds of prey will use as either a perch or a nest. The fasteners that attach the deterrent devices often do not last long due to UV exposure, corrosion, weather events, etc. Workers needing access to high areas may remove the devices, but not have the hardware or time to reattach them. And workers may remove them to assure themselves quick access to a particular site. Thus the devices are not permanent. The environmental document needs to include a requirement that the bird deterrent devices will be monitored and restored on a regular basis, probably just prior to nesting season and again in the middle of nesting season. This requirement needs to be included in the CPUC's required monitoring program. Without a requirement to monitor and maintain these devices for the life of the project, the document's

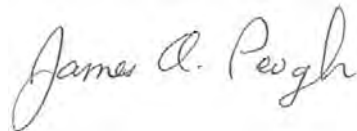
requirement for predator perch deterrents would only minimize predator attacks on sensitive species for a minimal portion of the life of the project.

CONCLUSION

Retaining the same location will result in very significant negative impacts as are listed on the CEQA criteria for significant impacts shown on Page 5-38. We strongly urge that the CPUC revise its recommendation in view of adjacency issues regarding the J Street Marsh, Clapper Rail and Belding Savannah Sparrow adjacency, the wildlife support value of the Telegraph Creek channel, and the plans to restore the mouth of Telegraph Creek. The location identified in the Chula Vista Bayfront Master Plan will be found to be environmentally superior and we strongly urge that it be selected in conjunction with the mitigation package being proposed by SDG&E.

Please notify us of any future hearings, milestones, changes, and decision points relating to this project. In case of questions or follow-up, I can be reached at 619-224-4591 or peugh@sandiegoaudubon.org.

Respectfully,



James A. Peugh
Conservation Committee Chair

cc:

Robert Smith, US Army Corps
Andy Yuen, USFWS
David Zoutendyk, USFWS
Elizabeth Lucas, CADFG
Bryand M. Duke, CADFG
Alan Monji, SD Regional Board
Roxy Carter, SD Audubon
Mayor Cox, City of Chula Vista



San Diego's Voice for
Binational Business

South County Economic Development Council

Board of Directors

Allied Waste Services

AT&T

Bank of America

Brown Marketing Strategies

City of Chula Vista

City of Coronado

City of Imperial Beach

City of National City

City of San Diego

Clevenger Geoconsulting

County of San Diego

Cox Communications

DEITAC/CDT

Falcon Strategies

Gensler Architects

McCune Chrysler/Jeep/Dodge

McMillin Companies

O.A.P. Packaging

Pacific Southwest Assoc. of Realtors

Parsons Brinckerhoff

Paul Design Group

Port Of San Diego

Project Design Consultants

San Diego Business Journal

San Diego Regional Chamber

San Diego Workforce Partnership

SANDAG

Scripps

SD County Office of Education

SDG&E

Security Business Bank

Sharp Hospital

Solidus Property

Southwestern College

Triology PR Group

Union Bank

Vibra Bank

Mr. Jensen Uchida
California Public Utilities Commission
c/o Dudek
605 Third Street
Encinitas, CA 92024

August 31, 2012

Dear Mr. Uchida,

RE: Relocation South Bay Substation.

The South County Economic Development Council (SCEDC) supports the Chula Vista Bay Front Master Plan (CVBMP) which includes the relocation of the substation. The plan, in its entirety, is a delicate balance of economic development and habitat conservation. Relocation of the substation preserves this balance allowing for new investment and job creation on the west side of Chula Vista. In an effort to optimize the potential investment the substation needs to be relocated as shown in the CVBMP. We respectfully encourage you to approve the relocation of the substation, recognizing it is part of the CVBMP and part of the economic future of Chula Vista.

If you have any questions please feel free to contact me at 619-424-5143.

Sincerely,


Cindy Gommer-Graves (E.I.)

President and C.E.O.



August 30, 2012

Jensen Uchida, CPUC
C/o Dudek
605 Third Street
Encinitas, CA 92024

Dear Mr. Uchida:

I am writing to you concerning the EIR that has been prepared by the CPUC for the Proposed San Diego Gas and Electric South Bay Substation Relocation Project on behalf of the Living Coast Discovery Center (Center), and its governing Board of Directors. The Center is located on San Diego Bay, north of the South Bay Power Plant.

The Center and its Directors fully support SDG&E's proposal to relocate the substation. We also fully support SDG&E's "Bayfront Enhancement Alternative". This alternative, which includes a proposal to provide \$2,000,000 to support the Center's existing programs, would result in considerable environmental benefits – not only within the Chula Vista Bayfront, but to visitors from all over the region who benefit from the Center's programs.

The Draft EIR erroneously concludes that "No Project" or the "Existing South Bay Substation" alternatives are the environmentally superior alternatives. In fact, the Proposed Project with Bayfront Enhancement is the environmentally superior alternative because it will deliver significant environmental benefits that no other alternative – including the "environmentally superior" alternatives identified in the Draft EIR – would deliver, such as:

1. Enabling low cost visitor serving uses, public access, and other Coastal Act priorities within the Chula Vista Bayfront Master Plan Area by removing the existing substation from its current location;
2. Advancing Coastal Act priorities by removing more than ½ a mile of existing overhead electrical facilities (including 5 lattice towers and approximately 3800' of existing overhead lines) within a visually degraded industrial area and transmission line corridor;
3. Ensuring compliance with the Coastal Act by fully mitigating impacts to 2.5-acres of low quality wetlands with comprehensive restoration and monitoring activities of approximately 10-acres within the San Diego Bay National Wildlife Refuge – Sweetwater Marsh Unit. These mitigation efforts will realize long-standing USFWS restoration plans and priorities within the Sweetwater Marsh;
4. Delivering additional visual and other environmental enhancements above and beyond the enhancements and mitigation described above by establishing a \$5,000,000 Bayfront Enhancement Fund. SDG&E proposes to dedicate \$2,500,000 of these towards

additional visual enhancements, including removal of two more lattice towers and an additional 1,000' of existing overhead transmission lines.

5. SDG&E also proposed to provide \$2,000,000 in endowment funding to the Center. This commitment will substantially assist in continued facility operations and improvement of its programs. These include:
 - Low cost visitors center
 - Only environmental center with bilingual graphics with half of Center educators being bilingual
 - Only environmental center adjacent to San Diego Bay
 - The only environmental center located within an urban wildlife refuge in the United States
 - Experiential learning with animals - one of the most interactive in the region
 - Outdoor classroom setting – a unique learning laboratory
 - Located in a underserved area with 70,000 visitors annually:
 - 25% come from Chula Vista
 - 50% come from SD County outside of Chula Vista
 - 25% outside SD County
 - 65% are under the age of 18 (16,000 are school kids)
 - Provides unique and important recreational and educational services to disadvantaged children in the area. Based on 2010 US Census Data by School District, the following is the percentage of students in disadvantaged households followed by the distance to the Center:
 - National City 32%, 1 mile
 - San Ysidro 33%, 2 miles
 - Chula Vista 18%, within District
 - San Diego 22%, 3 miles

The \$2M fund to our supporting endowments will equate to augmenting our current budget by \$90,000 per year for the foreseeable future. This equates to continuing and augmenting the educational and recreational opportunities for 4,500 visitors per year, including visitors and families with children and students from the locally underserved area. The Center is facing funding shortfalls and is aligning itself towards sustainable funding. The \$2M endowment will be used to fund and augment existing educational and other programs that provide ongoing revenue sources. This includes our school children outdoor lab program which is very popular and serves many local Title I schools in the region. The funds will not be used to increase the footprint of the Center or in any way have a direct or indirect impact on the surrounding refuge. Our interpretation of the local coastal environment stays with the visiting children who in turn will bring their children to the Center. Underserved and disadvantaged pre-fourth grade

school children who experience unique facilities such as ours have been statistically shown to have better grades and take education more seriously.

The Center supports the substation relocation, which is also an important objective of state, regional, and local stakeholders and rebuilding the substation at the existing location conflicts with this objective. We believe, as Bay tenants and an environmental education facility, that the Draft EIR understates the environmental benefits associated with the Proposed Project and prematurely dismissed the Bayfront Enhancement Alternative. The Discovery Center requests that the CPUC acknowledge the benefits and approve the substation relocation and Bayfront Enhancement Alternative.

We respectfully request the CPUC move through the review and approval process expeditiously.

Thank you for your consideration,

Very Respectfully Yours,

A handwritten signature in black ink, appearing to read "Brian E. Joseph". The signature is written in a cursive style with a large, stylized initial "B".

Brian E. Joseph, DVM, Executive Director
Living Coast Discovery Center
1000 Gunpowder Point Drive
Chula Vista, CA 91910
760 484 8994
Brianjoseph522@gmail.com



Dave Geier
Vice President – Electric Operations

8330 Century Park Ct
San Diego • CA 92123-1530

August 31, 2012

Mr. Jensen Uchida, California Public Utilities Commission
c/o Dudek
605 Third Street
Encinitas, California 92024

Re: Draft Environmental Impact Report for South Bay Substation Relocation Project (State Clearinghouse No. 2011071031)

Dear Mr. Uchida:

Enclosed please find comments by San Diego Gas & Electric Company (SDG&E) on the Draft Environmental Impact Report (Draft EIR) prepared by the California Public Utilities Commission (CPUC) for the proposed South Bay Substation Relocation Project (Proposed Project). SDG&E appreciates CPUC's detailed review of the Proposed Project and agrees that all of the potential impacts of the Proposed Project are less than significant or can be mitigated to a "less than significant" level. SDG&E notes that the CPUC can approve the Proposed Project upon certification of the Final EIR in compliance with the California Environmental Quality Act (CEQA) because all of the potential impacts of the Proposed Project can be mitigated. SDG&E urges the CPUC to prepare the Final EIR and approve a new, relocated substation, which is critical to ensuring electric reliability and meeting local, regional, and statewide environmental planning goals.

Although SDG&E agrees with most of the analysis and conclusions in the Draft EIR, SDG&E does not agree that either the No Project or the Existing South Bay Substation Site alternative is environmentally superior to the Proposed Project or the Bayfront Enhancement Alternative. To the contrary, SDG&E strongly believes that neither of these alternatives is environmentally superior to the Proposed Project or the Bayfront Enhancement Alternative.

In erroneously concluding that the Existing South Bay Substation Site alternative is environmentally superior, the Draft EIR does not fully consider SDG&E's reliability objectives. Reliability is a fundamental purpose of the Proposed Project. To ensure reliability, SDG&E proposes to rebuild the existing substation, which is more than 50 years old, and reconfigure the existing transmission system to provide for future transmission and distribution load growth for the South Bay region. The "environmentally superior" alternatives identified in the Draft EIR do not fully meet these objectives. SDG&E must reconstruct and upgrade the existing substation within a reasonable period of time to accommodate regional energy supply needs subsequent to the retirement of the South Bay Power Plant and ensure reliability.

SDG&E further believes that the CPUC should not eliminate substation relocation as a fundamental project objective. Substation relocation is a primary objective of SDG&E because it is an established objective of the California Coastal Commission, California State Lands Commission, the City of Chula Vista, the San Diego Unified Port District, and community and regional stakeholders. The proposed relocation site is the product of more than a decade of collaboration by stakeholders to develop

and approve the Chula Vista Bayfront Master Plan. The alternatives identified in the Draft EIR do not meet these objectives and therefore should be rejected as socially and environmentally infeasible. Moreover, SDG&E fully supports the Bayfront Enhancement Alternative as a means to ensure compliance with the California Coastal Act.

SDG&E is concerned that the Draft EIR understates the environmental benefits associated with the Proposed Project and prematurely dismisses the Bayfront Enhancement Alternative due to lack of specificity. The enclosed materials address the perceived lack of specificity by describing the projects SDG&E proposes to undertake; specifically additional visual improvements and undergrounding along Bay Boulevard, and funding to support the Living Coast Discovery Center and on-going habitat restoration efforts at the nearby San Diego Wildlife Refuge “Salt Works” property. SDG&E requests that the CPUC reconsider the Bayfront Enhancement Alternative, which was originally developed by SDG&E as a reasonable and cost-effective environmentally superior alternative to offset the coastal wetland impacts of the Proposed Project. SDG&E believes that the Bayfront Enhancement Alternative is a feasible proposal in light of the potential economic, social and environmental costs associated with the No Project or Existing South Bay Substation Site alternatives. We request that the Final EIR acknowledge that the Proposed Project and proposed Bayfront Enhancement Alternative are environmentally superior to any other alternative.

SDG&E has designed the Proposed Project and the Bayfront Enhancement Alternative to deliver environmental benefits that no other alternative—not even the “environmentally superior” alternatives identified in the Draft EIR—would deliver. These benefits include the following:

- Enabling low-cost visitor serving uses, public access, and other California Coastal Act priorities within the Master Plan Area by removing the existing substation from its current location;
- Advancing California Coastal Act priorities by removing more than 0.5 mile of existing overhead electrical facilities (including five lattice towers and approximately 3,800 feet of existing overhead lines) within a visually degraded industrial area and transmission line corridor; and
- Realization of long-standing United States Fish and Wildlife Service (USFWS) plans and priorities within the Sweetwater Marsh by providing comprehensive restoration and monitoring activities within approximately 10 acres of the San Diego Bay National Wildlife Refuge – Sweetwater Marsh Unit to offset impacts to approximately 2.43 acres of low-quality wetlands within a former liquefied natural gas (LNG) facility.

The Bayfront Enhancement Alternative would ensure compliance with the Coastal Act restrictions on development within wetlands and provide the following *additional* environmental benefits:

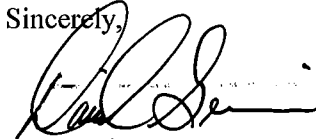
- Additional visual enhancements along Bay Boulevard resulting from the removal of two more existing lattice towers and an additional 700 to 1,000 feet of existing overhead transmission lines;
- Endowment funding towards the continued operation of the Living Coast Discovery Center; and
- Funding towards the on-going management of the Salt Works property through an existing refuge benefit organization with an endowment or similar mechanism.

For all of the reasons described in the attached materials, SDG&E respectfully requests that CPUC prepare the Final EIR and (1) confirm that the Proposed Project and Bayfront Enhancement Alternative (as depicted in Attachment A: Figures and described in Attachment B: Bayfront Enhancement Alternative Description and Preliminary Impact Analysis) are environmentally superior to all other project alternatives; (2) revise the mitigation measures identified for the Proposed Project as proposed in

Attachment C: Proposed Mitigation Measure Revisions; and (3) incorporate the technical corrections and clarifications described in Attachment D: Technical Corrections and Clarifications.

SDG&E fully supports the Proposed Project and Bayfront Enhancement Alternative. We appreciate CPUC's detailed consideration of the enclosed comments and looks forward to receiving the Final EIR.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Geier". The signature is fluid and cursive, with a large initial "D" and "G".

Dave Geier
Vice President – Electric Operations
San Diego Gas & Electric Company

SDG&E SOUTH BAY SUBSTATION RELOCATION PROJECT
DETAILED COMMENTS ON THE DRAFT EIR

INTRODUCTION

SDG&E commends CPUC staff and Dudek on their review of the Proposed Project. SDG&E agrees with the conclusion in the Draft EIR that all of the potential impacts associated with the Proposed Project can be mitigated to a level below significant and urges the CPUC to approve the Proposed Project.

SDG&E's primary concern with the Draft EIR is that it erroneously concludes that the "No Project" and "Existing South Bay Substation Site" alternatives are environmentally superior to the Proposed Project. SDG&E does not agree with this conclusion for the reasons discussed in detail below. As an initial matter, the "Existing South Bay Substation Site" alternative does not meet even the CPUC's project objectives because it does not "[p]rovide for future transmission and distribution load growth for the South Bay region." Draft EIR at C-3. Moreover, the "Existing South Bay Substation Site" alternative does not meet SDG&E's project objective of respecting the land use plans and goals adopted by the City of Chula Vista (City), the California Coastal Commission (CCC), California State Lands Commission, the Unified Port District of San Diego (Port District), and community and regional stakeholders. Finally, the Draft EIR fails to recognize the environmental benefits of either the Proposed Project or the Bayfront Enhancement Alternative in finding the "Existing South Bay Substation Site" alternative or "No Project" alternative to be "environmentally superior" to either the Proposed Project or the Bayfront Enhancement Alternative.

In addition, SDG&E believes that the Draft EIR prematurely dismisses the Bayfront Enhancement Alternative as a potentially environmentally superior alternative. SDG&E has refined the Bayfront Enhancement Alternative to include more details, and requests that the Final EIR acknowledge the environmental benefits of the Bayfront Enhancement Alternative, which SDG&E believes is the environmentally superior alternative. As set forth below, because the Bayfront Enhancement Alternative would not have a substantial adverse environmental effect, inclusion of this information would not require recirculation of the Final EIR.

SDG&E also requests revisions to some of the mitigation measures to ensure proportionality and to facilitate compliance during construction, and correction of technical inaccuracies in the Draft EIR that should be corrected in the Final EIR.

The comments and attached materials more fully describe SDG&E's concerns and include proposed modifications to the mitigation measures and Draft EIR to address these concerns. Finally, SDG&E explains in the following paragraphs that none of the information in these comments would trigger recirculation of the Draft EIR under CEQA, the CEQA Guidelines, or interpreting caselaw.

SDG&E appreciates CPUC's consideration of these comments.

**THE DRAFT EIR ERRONEOUSLY CONCLUDES THAT THE "NO PROJECT" AND
"EXISTING SOUTH BAY SUBSTATION SITE" ALTERNATIVES ARE ENVIRONMENTALLY
SUPERIOR TO THE PROPOSED PROJECT**

SDG&E is troubled by the Draft EIR's conclusion that the "No Project" and "Existing South Bay Substation Site" alternatives are environmentally superior to the Proposed Project. This conclusion does not fully consider SDG&E's system reliability objectives, disregards SDG&E's 2004 Memorandum of

Understanding (MOU) with the City of Chula Vista and the Bayfront Master Plan, and underestimates the environmental benefits that would result from the relocation of the substation and the development of the Proposed Project.

The Final EIR Should Fully Consider SDG&E's System Reliability Objectives

SDG&E proposes to construct the Proposed Project to replace the existing South Bay Substation, which is more than 50 years old, in order to maintain system reliability. As a California public utility, SDG&E is required to provide reliable electric service to all of its customers. The Draft EIR recognizes that a project objective is to "Provide for future transmission and distribution load growth for the South Bay region." Draft EIR at C-3. Consistent with this obligation, a primary objective of the Proposed Project is to design a flexible transmission system that would accommodate regional energy needs and provide for future transmission and distribution load growth for the South Bay region. Although the Proposed Project has been designed to fully meet these objectives, SDG&E is concerned that the "No Project" and "Existing South Bay Substation Site" alternatives would not.¹

While it is technologically feasible to replace much of the equipment at the existing South Bay Substation, replacing the equipment at the existing location presents logistical challenges and is impractical due to space constraints and the need to keep the existing substation energized during construction. In order to upgrade some of the equipment to modern seismic standards, including some of the structural steel, additional land may be required or substation components may need to be either eliminated or relocated outside of the existing substation footprint.

SDG&E is required to meet the North American Electric Reliability Corporation (NERC) transmission planning reliability standards approved by the Federal Energy Regulatory Commission (FERC), as well as the transmission planning criteria adopted by the California Independent System Operator (CAISO) and the Western Electricity Coordinating Council (WECC). The existing 138 kilovolt (kV) and 69 kV transmission system in the South Bay area is no longer adequate for current and forecasted transmission system conditions according to the power flow analysis provided in response to Data Request 14 (SDGE-ED-014: Q 1-3)². Although SDG&E will take all necessary steps to ensure that the transmission system is operated safely and reliably, leaving the existing system in place under the "No Project" or "Existing South Bay Substation Site" alternatives increases the risk of damage to transmission equipment and reduces the ability to meet customer load, particularly during periods of high electric demand.

Significantly, neither of these alternatives would accommodate distribution load at the existing South Bay Substation site, which does not have the adequate physical space to allow for future distribution load without expansion. SDG&E notes that prior to the Notice of Preparation, both the City and the Port approved the Master Plan, which can reasonably be expected to substantially increase load in the immediate area. Thus the need to accommodate distribution load is not speculative, but rather is reasonably foreseeable and within SDG&E's obligation to provide reliable electric service within its

¹ Because CEQA recognizes that a "no project" alternative does not achieve the project's objectives, CEQA Guideline §15126.6(e)(2) requires an EIR to identify an environmentally superior alternative other than the "no project" alternative. *Accord, e.g., Mira Mar Mobile Community v. City of Oceanside*, 119 Cal. App. 4th 477, 489 (2004) ("The discussion of the no project alternative satisfied CEQA because it allowed decision makers to compare the environmental impacts of the project with the impacts of no project."). Plainly, the "No Project" alternative here would not meet SDG&E's reliability objective. As the CPUC requires SDG&E to provide reliable electric service, the "No Project" alternative is not feasible even though CEQA requires that it be considered.

² Response to Data Request 14 (SDGE-ED-014: Q 1-3) was submitted pursuant to CPUC Section 583 and General Order 66-C and is considered confidential/privileged material in its entirety—review and access restricted.

territory. In order to accommodate distribution load under either the “No Project” and “Existing South Bay Substation Site” alternatives, SDG&E would have to identify a new site for the distribution substation. The estimated cost of obtaining, permitting, and developing a site for use as a distribution substation is approximately \$6 million – \$30 million.³ In sum, rebuilding the South Bay Substation at the existing location would only partially achieve SDG&E’s reliability objectives for the Proposed Project, which include replacing aging and obsolete infrastructure, designing a flexible transmission system that can accommodate regional energy needs, and providing for future growth for the South Bay region. The Final EIR should highlight the fact that that neither of the “No Project” or “Existing South Bay Substation Site” alternatives would meet the reliability objectives that would be met with the Proposed Project.

The Final EIR Should Fully Consider the Objective of Facilitating Implementation of the Bayfront Master Plan and Furthering SDG&E’s 2004 Memorandum of Understanding with the City

SDG&E’s Project Objective 3 is to “Facilitate the City of Chula Vista’s bayfront redevelopment goals by relocating the South Bay Substation and furthering the goals of the SDG&E-City of Chula Vista MOU.” The Draft EIR acknowledges the fact that both the City and Port District approved the Master Plan in 2010, and that shortly thereafter, SDG&E filed its application to relocate the substation in order to, among other things, facilitate the implementation of the Master Plan. However, in an effort to expand the range of potentially feasible alternatives to be considered by the CPUC, the Draft EIR deletes relocation of the substation as one of the objectives of the Proposed Project. Unfortunately, alternatives that do not relocate the existing Substation do not meet this important Project objective.

On August 9, 2012, after the Draft EIR was released, the California Coastal Commission certified the Port Master Plan and Local Coastal Program Amendments that comprise the Bayfront Master Plan.⁴ This approval was the product of over 10 years of focused collaboration by the City, Port, and multiple other participating community stakeholders to develop a comprehensive plan for redevelopment of the Chula Vista Bayfront. The Master Plan envisions the establishment of three distinct districts—Otay, Harbor, and Sweetwater—within the City and bordering the San Diego Bay. The Master Plan calls for future development of these lands with a mixture of hotels, mixed-use office and commercial buildings, retail uses, cultural uses, residential units, and reconfiguration of an existing marina. The Master Plan contemplates removal of the existing substation site from the Master Plan area and redevelopment of the site with park and recreational vehicle park uses. These uses are considered low-cost visitor-serving uses under the California Coastal Act.

³ This estimated range is based on a computational method using the following assumptions and limitations: (1) Recent land sale comparisons, or “Comps”, suggest a raw land cost could range from \$2 million to \$3 million; however, SDG&E’s Real Estate team has had experience handling land purchases for similar use in excess of \$8 million. This estimated cost would increase for any of the following factors: unwilling seller; necessity to relocate an existing business; demolition of any existing buildings; (2) The estimated cost to loop two 69 kV transmission lines into a new substation would range from \$3 million to \$8 million assuming the distribution substation site is within 0.5 mile of the existing 69 kV transmission lines. If the substation site is further than 0.5 mile, additional transmission costs may be required; (3) Without knowing specific site conditions; site development costs can range up to \$13 million if grading requirements are not overly excessive. The cost for developing a PEA and filing a Permit to Construct for a separate distribution substation is estimated to be approximately \$1 million.

⁴ See California Coastal Commission website, Coastal Commission agenda for August 2012 meeting, available at <http://www.coastal.ca.gov/meetings/mtg-mm12-8.html>. The Coastal Commission’s staff reports, findings, and other approval documentation are available as links to Items 13a. and 13b. on the agenda for August 9, 2012. These materials are hereby incorporated by reference.

More recently, on August 27, 2012, the City of Chula Vista City Council passed a resolution supporting the relocation of the existing substation to the proposed relocation site to achieve the development of the Master Plan and opposing any project alternative that is not consistent with the Master Plan, including the “Existing South Bay Substation Site” Alternative.⁵ The recent Coastal Commission and City actions further underscore the importance of retaining SDG&E’s objective of facilitating the Master Plan and compliance with the 2004 MOU with the City, and relocating the substation to the site originally identified by the Port and approved by the State Lands Commission. To be clear, SDG&E remains fully committed to advancing the Master Plan as envisioned and approved by the City, Port District, and, most recently, the California Coastal Commission, and urges the CPUC to reconsider relocation of the substation for purposes of facilitating the Master Plan and implementing the 2004 MOU with the City to be an appropriate and fundamental Project objective. The proposed relocation site was originally identified by the Unified Port District and has been approved by the State Lands Commission (subject to a number of conditions precedent) in 2010⁶.

SDG&E believes that relocation of the substation, as proposed, will advance important state, regional, and local objectives, and that these objectives should be afforded full consideration and the dignity of law in the Final EIR. Because the underlying circumstances of the Proposed Project and relocation are unique, the range of alternatives is reasonable and has not been artificially constrained if the Final EIR rejects alternatives that would not relocate the substation outside of the redevelopment area. By relocating the existing South Bay Substation to the proposed site outside of the redevelopment area identified by the Port and approved by the State Lands Commission, SDG&E will help facilitate the redevelopment of the existing substation site in accordance with state, regional, and local planning objectives. For these reasons, Objective 3, facilitating the City’s Bayfront redevelopment goals by relocating the South Bay Substation and furthering the goals of the SDG&E–City MOU, is a fundamental objective of the Proposed Project that should have been considered in the development and review of alternatives.

The Final EIR Should Acknowledge the Relative Environmental Benefits of the Proposed Project as Compared to the Consequences of the “No Project” and “Existing South Bay Substation Site” Alternatives

The Draft EIR does not adequately take into account the substantial environmental benefits associated with removal of existing overhead facilities that would occur with the Proposed Project.

⁵ See City of Chula Vista website, City Council Agenda for August 27, 2012 available at http://www.chulavistaca.gov/City_Services/Administrative_Services/City_Clerk/PDFs/2012_08_27AgendaSpecial_000.pdf. The agenda item details, including the draft resolution, are available at http://www.chulavistaca.gov/City_Services/Administrative_Services/City_Clerk/PDFs/Binder2012-08-27Special-Revised.pdf. These materials are hereby incorporated by reference.

⁶ See Board of Port Commissioners Meeting Agenda and Staff Report for Agenda Item 20, dated January 5, 2010, approving a real estate exchange agreement with SDG&E for relocation of the South Bay Substation and a Land Exchange Agreement facilitating exchange of property between the Unified Port District and SDG&E (http://www.portofsandiego.org/public-documents/doc_view/2620-01-05-10-bpc-meeting-agenda.html); California State Lands Commission Meeting Agenda and Staff Report for Agenda Item C-37, dated February 1, 2010, approving a Land Exchange Agreement facilitating exchange of property between the Unified Port District and SDG&E (http://archives.slc.ca.gov/Meeting_Summaries/2010_Documents/02-01-10/Voting_Record.pdf); Agreement for the Exchange of Lands in the City of Chula Vista Between the California State Lands Commission, the San Diego Unified Port District and San Diego Gas and Electric Company, dated April 8, 2010. See also California State Lands Commission’s Notice of Exemption, No. 2010028095, filed with the California Governor’s Office of Planning and Research on February 4, 2010. (<http://www.ceqanet.ca.gov/NOEdescription.asp?DocPK=639988>). All of these materials are hereby incorporated by reference.

Because the Draft EIR understates the environmental benefits associated with removing these facilities, SDG&E has developed additional materials to illustrate those Proposed Project components and resultant environmental benefits. (See Attachment A: Figures.)

A major environmental benefit associated with the Proposed Project is the relocation of the substation. As discussed above, the proposed relocation will implement the Bayfront Master Plan, which has been certified by the California Coastal Commission, approved by the City of Chula Vista and Port, and has broad community stakeholder support. More specifically, the proposed relocation will make way for low-cost visitor-serving uses (*i.e.*, park and recreational vehicle uses) within the Chula Vista Bayfront and Coastal Zone, consistent with the California Coastal Act. The new substation will be constructed within a previously disturbed site located in the industrial zone. Although the site features low-quality wetlands that have developed over time within a former industrial pollution-control basin, SDG&E believes that the impacts to the wetlands can be mitigated and are outweighed by the benefits conferred by the Proposed Project.

In addition to removing the existing substation from its current location, the Proposed Project includes the removal of extensive electric transmission facilities currently located along Bay Boulevard. Specifically, the Proposed Project would result in removal of five steel lattice towers and the undergrounding of approximately 3,800 feet of existing overhead 138 kV lines, removal of three 138 kV wood poles (one existing three-wood cable pole structure), removal of an existing 230 kV 165-foot steel cable pole, and a net reduction of approximately eight 69 kV wood poles. Although some new facilities would need to be constructed to implement the Proposed Project, including one new 230 kV approximately 121-foot steel pole and one new 138 kV approximately 165-foot steel cable pole, the re-routing and undergrounding of existing transmission facilities would result in a net reduction of overhead facilities within SDG&E's electric transmission corridor west of Bay Boulevard. Removal of these facilities would result in substantial environmental benefits and would advance California Coastal Act policies and priorities. Figure A-1: Overhead Alignment Map and Figure A-2: Overhead 138/230 kV Facilities Schematic in Attachment A: Figures illustrate the existing overhead facilities that would be removed with implementation of the Proposed Project, and the visual benefits that would result from viewpoints along Bay Boulevard. Figure A-1: Proposed Project Overhead Alignment Map 2 of 9 in Attachment A: Figures depicts facilities that will be located aboveground after Proposed Project implementation. In addition, Figure A-3: Simulations in Attachment A: Figures provides existing and simulated photographs that portray the aesthetic benefits that would result from approval of the Proposed Project. The environmental benefits associated with the undergrounding work are significant and include the protection, restoration and enhancement of visual resources within the Coastal Zone, consistent with Chapter 3 of the California Coastal Act.

Importantly, the removal of the substation site from the Chula Vista Bayfront Master Plan area would not occur under either the "No Project" or "Existing South Bay Substation Site" alternatives, and the proposed undergrounding work along Bay Boulevard would not occur under *any* of the alternatives identified in the Draft EIR as "environmentally superior" to the Proposed Project. (The Draft erroneously states on page C-41 that the GIS Substation Alternative will include undergrounding of the 138 kV transmission line. This is incorrect and should be corrected in the Final EIR.) The alternatives analysis in the Draft EIR should be revised to fully acknowledge the benefits associated with the Proposed Project.

Just as the Draft EIR understates the environmental benefits associated with the Proposed Project, so does it understate the environmental impacts of the "No Project" and "Existing South Bay Substation Site" alternatives. Although the Draft EIR briefly acknowledges that the benefits of the Proposed Project would not occur under either of these alternatives, the Draft EIR relies on the CPUC's pre-emption authority to conclude that these alternatives do not pose impacts of their own:

Under the No Project Alternative, visual effects of the existing South Bay Substation along the Chula Vista Bayfront would continue. In addition, the potential visual benefits from removing the five lattice steel structures within the limits of the South Bay Power Plant (SBPP) property as proposed would not occur, and ongoing visibility of these industrial structures would continue to provide interrupted views of San Diego Bay for travelers along Bay Boulevard. While the No Project Alternative would not further the redevelopment goals envisioned in the Chula Vista Bayfront Master Plan, pursuant to the General Order No. 131-D, the CPUC has sole and exclusive jurisdiction over the siting and design of the Proposed Project. Consequently, the No Project Alternative would not conflict with any applicable plans, policies, or regulations of an agency with jurisdiction over the project.

(Draft EIR at E-22.)

Under [the Existing South Bay Substation Site Alternative], the visual effects of the existing South Bay Substation along the Chula Vista Bayfront would continue. In addition, the potential visual benefits from removing the five lattice steel structures within the limits of the SBPP property as proposed would be lost, and ongoing visibility of these industrial structures would continue to provide interrupted views of San Diego Bay for travelers along Bay Boulevard. While the Existing South Bay Substation Site Alternative would not further the redevelopment goals envisioned in the Chula Vista Bayfront Master Plan, pursuant to General Order No. 131-D, the CPUC has sole and exclusive jurisdiction over the siting and design of the Proposed Project. Consequently, the Existing South Bay Substation Site Alternative would not conflict with any applicable plans, policies, or regulations of an agency with jurisdiction over the project.

(Draft EIR at E-33.)

These statements ignore the additional potential adverse impacts of not constructing the Proposed Project or of reconstructing the South Bay Substation at its existing location. Additional environmental consequences would include potential impacts associated with as-needed in-kind replacement of the existing South Bay Substation under the “No Project” alternative or by constructing the “Existing South Bay Substation Site” alternative in order to maintain system reliability, improve ability to withstand seismic events, and to provide for limited load growth for the South Bay region. These impacts include those associated with additional projects/project components as described in SDG&E response to Data Request SDGE-ED-014: Q2, as needed to meet CAISO planning criteria and a new distribution substation to meet distribution load growth.⁷ CEQA requires that the CPUC consider the environmental consequences of these alternatives. As described previously, the existing South Bay Substation must be replaced to maintain system reliability and cannot be replaced in the configuration required to fully satisfy current load demands at the existing location.

In short, the Draft EIR understates the potential consequences of the “No Project” and “Existing South Bay Substation Site” alternatives. One of the primary purposes of the Proposed Project is to accommodate regional energy needs. In reviewing the otherwise robust analysis contained in the Draft EIR, the Draft EIR fails to acknowledge the additional consequences of not approving the Proposed Project when it concludes that the “No Project” and “Existing South Bay Substation Site” alternatives are environmentally superior to the Proposed Project. In fact, the analysis erroneously concludes that for the “No Project” alternative, “overall impacts would be reduced due to the elimination of construction activities associated with the proposed Bay Boulevard Substation,” and the “Existing South Bay Substation Site” alternative “would reduce project-related long-term environmental impacts associated with wetlands that have been identified as significant and mitigable (Class II), while not resulting in more

⁷ SDG&E’s response to Data Request SDGE-ED-014: Q2 is hereby incorporated by reference.

overall impacts than the Proposed Project.” *See* Draft EIR at E-22. SDG&E believes that the “No Project” and “Existing South Bay Substation Site” analyses contained in the Draft EIR should be amplified to include a more robust recognition that if the substation relocation is not approved within a reasonable period of time, SDG&E will fail to meet CAISO planning criteria and distribution load in the area.

THE BAYFRONT ENHANCEMENT ALTERNATIVE WAS PREMATURELY DISMISSED AS A POTENTIALLY ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The Draft EIR eliminates the Bayfront Enhancement Alternative from further consideration due to a lack of specificity about the proposed projects that could be undertaken with Bayfront Enhancement Funds. SDG&E has refined the Bayfront Enhancement Alternative to include additional details and requests that CPUC reconsider the Bayfront Enhancement Alternative in the Final EIR.

Additional Visual Enhancements Proposed as Part of Bayfront Enhancement

SDG&E proposes that \$2,500,000 of the Enhancement Funds be used to remove additional existing overhead electric transmission facilities. More specifically, this component of the Bayfront Enhancement would include:

- Removal of two, approximately 110-foot-tall 138 kV steel lattice towers (188700 and 188701). As shown in Figure A-1: Existing Overhead Alignment Map 1 of 9 and Bayfront Enhancement Alternative Overhead Alignment Map 3 of 9 in Attachment A: Figures, one tower is located west of Bay Boulevard and one tower is located within an existing parking lot east of Bay Boulevard.
- Installation of one 138 kV 165-foot-tall steel cable pole in SDG&E’s right-of-way (ROW) within a parking lot located east of Bay Boulevard. The new pole would be located approximately 10 to 15 feet west of Tower 188700, which would be removed.
- Undergrounding of between 700 and 1,000 feet of 138 kV double-circuit duct package from the west side of Bay Boulevard to the proposed new cable pole within the existing 138 kV overhead alignment.⁸
- Installation of 138 kV transmission cable system within the newly installed underground duct package position from SDG&E’s ROW on the west side of Bay Blvd to the new steel cable pole on the east side of parking lot.

Like the undergrounding that is already included in the Proposed Project, the removal of these two lattice towers and associated facilities would generate significant visual benefits, consistent with California Coastal Act Chapter 3 policies regarding the restoration and enhancement of visual resources, particularly within visually degraded areas. The facilities to be removed and the resulting environmental benefits are depicted visually in Figure A-1: Overhead Alignment Map and Figure A-2: Overhead 138/230 kV Facilities Schematic in Attachment A: Figures. Figure A-1: Bayfront Enhancement Alternative Overhead Alignment Map 3 of 9 in Attachment A: Figures depicts facilities that will be

⁸ The original estimate of additional undergrounding for the Bayfront Enhancement Alternative was 1,000 feet, which was communicated to other parties. Based on subsequent review, the length of additional transmission line to be undergrounded is currently estimated to be 765 feet. Because all of these numbers are based on preliminary conceptual engineering and subject to change with final project design and pole placement, SDG&E currently assumes that the additional undergrounding under the Bayfront Enhancement Alternative would fall within the range of 700 to 1,000 feet. From an environmental benefits and impacts perspective, a difference of 300 feet is not material.

located aboveground after Project implementation. Figure A-3: Simulations in Attachment A: Figures provides existing and simulated photographs that portray the additional aesthetic benefits that would result from approval of the Bayfront Enhancement Alternative.

SDG&E has analyzed the potential impacts associated with the proposed visual enhancements, which are provided in Attachment B: Bayfront Enhancement Alternative Description and Preliminary Impact Analysis. SDG&E has concluded that these activities would involve little or no impacts to wetlands as trenching, jack and bore, and the addition of work areas within a parking lot, Bay Boulevard, and existing SDG&E right-of-way would avoid impacting wetlands other than those described for the Proposed Project. Additional undergrounding is anticipated to have only short-term and minimal adverse environmental impacts to air quality, noise, and traffic and transportation, as described in Attachment B: Bayfront Enhancement Alternative Description and Preliminary Impact Analysis, while providing significant, long-term environmental benefits.

Funding Proposed as Part of the Bayfront Enhancement Alternative

SDG&E proposes to contribute the remaining \$2.5 million of enhancement funds to existing endowment or similar funding mechanism for the Living Coast Discovery Center (Center) and management of the Salt Works property. Direct contributions to these funding mechanisms would not result in any adverse environmental impacts, as funds would be used to enable the continuance of existing operations. At the same time, contributions to these existing funding mechanisms would enable the continuation of the activities described in the following paragraphs.

The Center provides environmental interpretation and education for the salt water marsh and associated upland habitats of San Diego Bay through an existing museum with aquariums and interactive displays, as well as live animals and invertebrates. The Center also offers a unique opportunity for public access to coastal marsh areas that would not normally be available, and exposes the public and schoolchildren to the San Diego Bay's wetland and marsh habitats and inhabitants for coastal recreation and educational opportunities. SDG&E proposes to provide \$2,000,000 to the Center's endowment fund to support the continuation of these programs.

The funding contributed toward the continued management of the Salt Works property would assist the San Diego National Wildlife Refuge with maintaining aspects of the existing salt pond system in order to continue providing foraging habitat for seabirds and migratory birds along the bayfront. SDG&E proposes to provide \$500,000 to the Friends of the San Diego Wildlife Refuge endowment or similar funding mechanism to support these on-going efforts.

The Bayfront Enhancement Alternative is described in more detail in Attachment B: Bayfront Enhancement Alternative Description and Preliminary Impact Analysis and should be incorporated into the Final EIR.⁹ SDG&E requests that CPUC re-evaluate the Bayfront Enhancement Alternative in the Final EIR based upon these additional details and assess whether this alternative is the environmentally superior alternative to the Proposed Project.

THE MITIGATION MEASURES PROVIDED IN THE DRAFT EIR SHOULD BE REVISED TO ELIMINATE REDUNDANCIES AND UNNECESSARY MEASURES

The Draft EIR concludes that all impacts of the Proposed Project can be mitigated, and recommends specific mitigation measures to address these potential impacts. SDG&E concurs that all of the impacts of the Proposed Project can be mitigated. SDG&E is concerned, however, that some of the

⁹ As discussed elsewhere in these comments, none of this information triggers recirculation of the Draft EIR.

proposed mitigation measures are unwarranted, unnecessary and/or disproportionate to a particular impact. In addition, SDG&E is concerned that CPUC may be unable to expeditiously approve minor modifications and refinements during construction—even where prudent and justified—potentially triggering subsequent CPUC review and approval. Therefore, SDG&E requests modifications to some of the mitigation measures contained in the Draft EIR.⁹ SDG&E’s requested revisions to the mitigation measures are included in Attachment C: Proposed Mitigation Measure Revisions.

As discussed more fully in Attachment C: Proposed Mitigation Measure Revisions, some of the proposed mitigation measures are unwarranted, unnecessary and/or disproportionate to the particular impact. For example, MM BIO-3, MM BIO-7, and MM BIO-11 each impose specific buffer requirements without substantiation or recognition of SDG&E’s Natural Communities Conservation Plan (NCCP).

SDG&E’s NCCP, which includes an Endangered Species Act (ESA) Section 10(A) permit and a California Endangered Species Act (CESA) Section 2081 permit (for incidental take) with an Implementation Agreement with the USFWS and the California Department of Fish and Game (CDFG), respectively, for the management and conservation of multiple species and their associated habitats, as established according to the ESA and CESA, as well as California’s Natural Community Conservation Planning Act. The NCCP is a comprehensive program of measures to protect and enhance the recovery of species covered by the CDFG and USFWS. The NCCP previously underwent CEQA review to confirm that implementation will not result in significant impacts on the environment. Based on its review of the SDG&E NCCP, CDFG determined that no CEQA mitigation measures were necessary and issued a Negative Declaration.

The NCCP allows SDG&E to develop, maintain, and repair its facilities within the NCCP coverage area. The NCCP’s Implementing Agreement confirms that the mitigation, compensation, and enhancement obligations contained in the Agreement, and the NCCP meet all applicable standards and requirements of the CESA, ESA Natural Communities Conservation Plan Act, and Native Plant Protection Act with regard to SDG&E’s activities in the Subregional Plan Area. By law, no additional protective or mitigation measures, compensation, or preservation measures can be required for the Proposed Project. The NCCP, as an approved Section 10(A) and 2081 permit, is an existing condition. While the Draft EIR appears to have included it in the environmental baseline for the Proposed Project, modifications have been suggested to the NCCP protocols and additional mitigation measures have been proposed. Because any potential impacts to covered species have been pre-assessed and pre-mitigated by the NCCP, the Proposed Project will not impact covered species. Therefore, no modification or enhancement of the requirements is necessary, and the CPUC should not impose additional mitigation measures that are not required by the wildlife agencies.

SDG&E respectfully requests that the Final EIR incorporate the modifications requested in Attachment C: Proposed Mitigation Measure Revisions.

**ADDITIONAL TECHNICAL CORRECTIONS AND CLARIFICATIONS SHOULD BE
INCORPORATED INTO THE FINAL EIR TO REFLECT AN ACCURATE AND COMPLETE
ADMINISTRATIVE RECORD**

In addition to the foregoing comments, SDG&E has identified several technical corrections and clarifications that should be incorporated into the Final EIR to ensure an accurate and complete document. Those technical corrections and clarifications are identified in Attachment D: Technical Corrections and Clarifications. SDG&E respectfully requests that the Final EIR incorporate the technical corrections and clarifications requested in Attachment D: Technical Corrections and Clarifications.

RECIRCULATION IS NOT REQUIRED AS A MATTER OF LAW

SDG&E expects that opponents of the Proposed Project, in an effort to cause delay and derail a timely decision on the Proposed Project, will argue that recirculation of the Draft EIR is required.

Under CEQA, recirculation is not required unless “significant new information” is added to an EIR after public notice of the availability of the draft EIR.¹⁰ The California Supreme Court has emphasized that a decision to recirculate an EIR should be the exception and not the rule:

By codifying the "significant new information" language of Sutter, the Legislature apparently intended to reaffirm the goal of meaningful public participation in the CEQA review process. It is also clear, however, that by doing so the Legislature did not intend to promote endless rounds of revision and recirculation of EIR's. Recirculation was intended to be an exception, rather than the general rule. Significantly, at the time section 21092.1 was enacted, the Legislature had been, and was continuing to streamline the CEQA review process. Recognizing the legislative trend, we previously have cautioned: "[R]ules regulating the protection of the environment must not be subverted into an instrument for the oppression and delay of social, economic, or recreational development and advancement." In our interpretation of section 21092.1, we have given consideration to both the legislative goals of furthering public participation in the CEQA process and of not unduly prolonging the process so that the process deters development and advancement.

Laurel Heights Improvement Ass'n v. Regents of Univ. of California, 6 Cal. 4th 1112, 1132 (Cal. 1993) (citations omitted) (emphasis added).

Importantly, the CEQA Guidelines provide: “New information added to an EIR is not ‘significant’ unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.”¹¹ The Guidelines also identify four examples of “significant new information”: (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented. (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance. (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it. (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.”¹² “Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.”¹³

The CPUC also has recognized that recirculation is only required under limited circumstances. In Decision 04-08-046, the CPUC noted:

“We also disagree regarding the need to recirculate the FEIR based on the six new route options. An FEIR always contains new information not in the draft EIR, in the form of public comments and responses thereto. New information added to an EIR is not "significant" for purposes of triggering the

¹⁰ Cal. Code Regs. Tit. 14 § 15088.5(a).

¹¹ *Id.* (emphasis added).

¹² *Id.* (emphasis added).

¹³ 14 Cal. Code Regs. § 15088.5(b).

recirculation requirement unless "the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project." (CEQA Guidelines § 15088.5(a).) ... We conclude that the six route options would not introduce "new significant environmental impacts" or a "substantial increase in the severity of an environmental impact," conditions which would require recirculation. (CEQA Guidelines §15088.5(a)(1) and (2).)"

D. 04-08-046 at 13-14 (emphasis added); accord, e.g., D. 01-02-043 ("We also note that Laurel Heights plainly states that CEQA does not require recirculation when any new information is added, nor does CEQA generally require recirculation of a Final EIR, even though, by definition, a Final EIR contains new information not in the Draft in the form of public comments and responses thereto.")

None of SDG&E's proposed changes to the Draft EIR would require recirculation under these legal principles. Similarly, none of the anticipated comments from other interested parties would require recirculation.

Turning first to the information provided in these comments regarding the environmental benefits and consistency with the Bayfront Master Plan of the Proposed Project and the Bayfront Enhancement Alternative, recirculation is not triggered; nor is recirculation triggered by the information provided in these comments regarding the failure of the "No Project" and "Existing South Bay Substation Site" alternatives to provide such environmental benefits and consistency with the Master Plan. 14 Cal. Code Regs. § 15088.5(b) ("Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR"); *Laurel Heights*, 6 Cal. 4th at 1137 (new studies on noise "merely serve to amplify, at the public's request, the information found in the draft EIR" and do not require recirculation); *id.* at 1139-40 (loading dock description similarly "merely clarifies the existing description of the environmental impacts"); *Marin Municipal Water District v. KG Land California Corp.*, 235 Cal. App. 3d 1652, 1668 (1991) ("Recirculation is not required if a revision simply clarifies, amplifies, or makes insignificant modifications to an adequate EIR."); *Chaparral Greens v. City of Chula Vista*, 50 Cal. App. 4th 1134, 1149 (1996) ("the materials merely amplify the information already set forth in the PEIR regarding the significant impact of the project on biological resources").

In addition, none of the limited additional information contained in this letter constitutes "significant new information" such that recirculation under CEQA is required because the new information does not identify new significant impacts, an increase in impact severity, or a new feasible alternative or mitigation measure that SDG&E declines to implement. 14 Cal. Code Regs. § 15088.5(a). In other words, adding such information to the EIR would not change the EIR "in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement." 14 CCR § 15088.5(a); *accord, e.g., Western Placer Citizens for an Agricultural and Rural Environment v. County of Placer*, 144 Cal. App. 4th 890, 904 (2006) (because the phasing changes "reflect an improvement in the environmental condition when compared to the original project" (owing to the delayed and reduced impacts), the change from the EIR did not require recirculation); *Laurel Heights*, 6 Cal. 4th at 1140 (no recirculation required where clarification "does not reveal a new or more severe adverse environmental impact"); *Federation of Hillside and Canyon Assns. v. City of Los Angeles*, 126 Cal. App. 4 1180, 1199-1200 (2004)(no supplemental EIR where "Petitioners have not shown that the changed circumstances compel the conclusion that the significant environmental effects will be different or more severe"); 14 CCR 15382 ("significant effect on the environment' means a substantial, or potentially substantial, adverse change").

Further, SDG&E's proposed clarifications and changes to the mitigation measures in the Draft EIR cannot trigger recirculation as a matter of law. Again, Section 15088.5(a) provides: "New

information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement." Mitigation measures are included to mitigate identified "substantial adverse environmental effect[s] of the project," and thus the public has had an opportunity to comment upon such effects. A change in how they are mitigated is not "significant new information" that could trigger recirculation.

Although interested parties and/or responsible agencies may feel compelled to submit extensive comments on the adequacy of the Draft EIR under CEQA Guidelines § 15096 and may go so far as to request recirculation of the Draft EIR, recirculation is not triggered as a matter of law unless the definition of "significant new information" is met. See 14 Cal. Code Regs. § 15088.5(a). Recirculation is not required simply because a responsible agency or any other party may claim inadequacies and requests a new document. See *id.*; see also *Laurel Heights*, 6 Cal. 4th at 1136-42 (a community group's assertions that an EIR was inadequate and required recirculation did not demonstrate a need to address "significant new and information" and, therefore, did not trigger recirculation). The Final EIR can either address the issues raised in comments or can disagree with the comments submitted, even if those comments are from a responsible agency. See 14 Cal. Code Regs. § 15088.5(b) ("Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR."); see also *Marin Mun. Water Dist. v. KG Land Cal. Corp.*, 235 Cal. App. 3d 1652, 1667 (1991) (new, amplifying information that was not significant did not trigger recirculation).¹⁴

More importantly, any "voluntary" recirculation is wholly inappropriate for several reasons. First, as discussed previously, the Draft EIR found no significant and unavoidable impacts associated with the Proposed Project. Therefore, the public has not been deprived of a meaningful opportunity to comment upon "a substantial adverse environmental effect of the project."

Opponents may argue that recirculation is required to account for new information regarding the Bayfront Enhancement Alternative. That argument would be mistaken. New detail on a project's design or features does not trigger recirculation unless the new detail constitutes "significant new information" under CEQA and the CEQA Guidelines. The CEQA Guidelines provide: "New information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement." 14 Cal. Code Regs. 15088.5(a) (emphasis added); accord, e.g., *Laurel Heights*, 6 Cal. 4th 1120 ("We conclude that recirculation is only required when the information added to the EIR changes the EIR in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible project alternative or mitigation measure that would clearly reduce such an effect and that the project's proponents have declined to implement."); *id.* at 1129, 1142 ("Recirculation is only required when a discussion of a new feasible project alternative, which will not be implemented, is added to the EIR"); *California Oak Foundation v. the*

¹⁴ More specifically, CEQA requires that "the major environmental issues raised when the lead agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice." 14 Cal. Code Regs. § 15088(c). CEQA does not compel resolution of concerns that are raised in comments, even if those concerns are raised by a responsible agency.

Regents of the University of California, 188 Cal. App. 4th 227, 266 (2010). The mere fact that information is added does not, by itself, trigger recirculation.¹⁵

Here, the additional design information provided by SDG&E regarding the transmission structures that would be removed and placed underground do not constitute significant new information because the information does not disclose “a substantial adverse environmental effect of the project” or a “feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.” The information provided shows a substantial beneficial, not adverse, environmental effect from implementing the Proposed Project with the Bayfront Enhancement Alternative. Further, SDG&E has agreed to construct the Bayfront Enhancement Alternative, if approved by the CPUC, and thus it is not a feasible mitigation measure or feasible alternative that “the project’s proponent has declined to implement.”

As set forth in its previous comments, SDG&E believes that the Final EIR should find the Proposed Project, and the Bayfront Enhancement Alternative, to be “environmentally superior” to any alternatives, including those identified as “environmentally superior in the Draft EIR. A change in the EIR’s conclusion does not trigger recirculation unless it is caused by “significant new information” as defined in CEQA and the CEQA Guidelines. As SDG&E notes, the Final EIR should clarify the environmental benefits of the Proposed Project and the Bayfront Enhancement Alternative, and the consistency of the Proposed Project and the Bayfront Enhancement Alternative with the Bayfront Master Plan. The Final EIR should also clarify the lack of such environmental benefits from the “No Project” and “Existing South Bay Substation Site” alternatives, the inability of those alternatives to meet the Project objective of serving distribution load in the area, and the inconsistency of those alternatives with the Bayfront Master Plan. Clarifications, however, do not trigger recirculation. Similarly, the new information about specific transmission infrastructure to be removed or undergrounded as part of the Bayfront Enhancement Alternative is not “significant new information” because it does not reveal a “substantial adverse environmental effect” and, in any event, is mitigation that SDG&E is prepared to implement. There is nothing in CEQA or the CEQA Guidelines that requires recirculation simply because the agency changes its conclusion about the “environmentally superior” project.

CONCLUSION

SDG&E appreciates CPUC and Dudek’s review of the Proposed Project and SDG&E’s comments on the Draft EIR. For all of the reasons described in these materials, SDG&E respectfully requests that CPUC prepare the Final EIR and (1) confirm that the Proposed Project and Bayfront Enhancement Alternative (as depicted in Attachment A: Figures and described in Attachment B: Bayfront Enhancement Alternative Description and Preliminary Impact Analysis) are environmentally superior to all other project alternatives; (2) revise the mitigation measures identified for the Proposed Project as proposed in Attachment C: Proposed Mitigation Measure Revisions; and (3) incorporate the technical corrections and clarifications described in Attachment D: Technical Corrections and Clarifications.

¹⁵ For example, the California Court of Appeal recently upheld the certification of an EIR for an athletic center and several other related projects at the University of California, Berkeley campus. *California Oak Foundation v. the Regents of the University of California*, 188 Cal. App. 4th 227 (2010). The Court rejected claims that recirculation was required in light of a seismic study and agency correspondence that was not included in the final EIR, and that additional detail about future projects should have included in the final EIR. *Id.* at 267-68. The California Court of Appeal has also held that an EIR studying a water district’s moratorium on water hookups did not require recirculation in light of detail from a newly released master water supply plan that the moratorium would last 10 years. *See, e.g., Marin Mun. Water Dist. v. KG Land Cal. Corp.*, 235 Cal. App. 3d 1652, 1667-68 (1991). The EIR had already stated that the moratorium could last more than five or six years, and the additional detail pegging the moratorium at 10 years did not constitute “significant new information.” *Id.*

ATTACHMENT A: FIGURES



Figure A-1: Existing Overhead Alignment Map 1 of 9

South Bay Substation Relocation Project

230 kV Line and Structures	Substation Wall	Former LNG Site
138 kV Line and Structures	12.42-Acre Parcel Boundary	Existing South Bay Substation
69 kV Line and Structures	SDG&E Easement	New Access Routes and Driveways
Stub Pole	Existing Access	Water Quality Retention Basin

SDGE
A Sempra Energy Utility

NSIGNIA
ENVIRONMENTAL

1:2,000
0 250 500 Feet



Figure A-1: Proposed Project Overhead Alignment Map 2 of 9

South Bay Substation Relocation Project

- | | | |
|----------------------------|----------------------------|---------------------------------|
| 230 kV Line and Structures | Substation Wall | Former LNG Site |
| 138 kV Line and Structures | 12.42-Acre Parcel Boundary | Existing South Bay Substation |
| 69 kV Line and Structures | SDG&E Easement | New Access Routes and Driveways |
| Stub Pole | Existing Access | Water Quality Retention Basin |



1:2,000

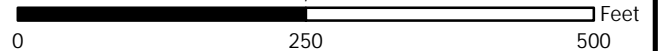




Figure A-1: Bayfront Enhancement
Alternative Overhead Alignment Map 3 of 9

South Bay Substation Relocation Project

- | | | |
|----------------------------|----------------------------|---------------------------------|
| 230 kV Line and Structures | Substation Wall | Former LNG Site |
| 138 kV Line and Structures | 12.42-Acre Parcel Boundary | Existing South Bay Substation |
| 69 kV Line and Structures | SDG&E Easement | New Access Routes and Driveways |
| Stub Pole | Existing Access | Water Quality Retention Basin |

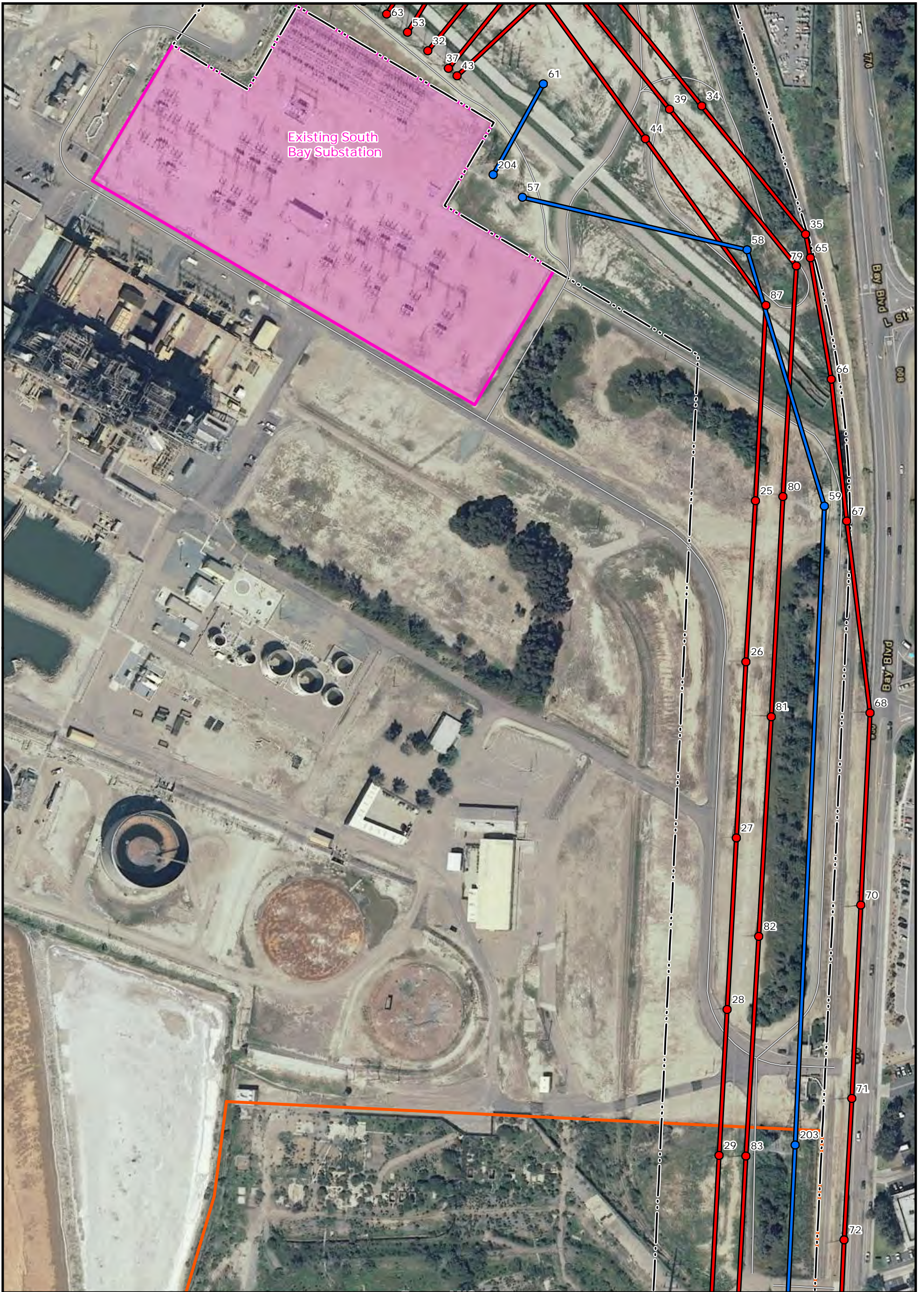


Figure A-1: Existing Overhead Alignment Map 4 of 9

South Bay Substation Relocation Project

230 kV Line and Structures	Substation Wall	Former LNG Site
138 kV Line and Structures	12.42-Acre Parcel Boundary	Existing South Bay Substation
69 kV Line and Structures	SDG&E Easement	New Access Routes and Driveways
Stub Pole	Existing Access	Water Quality Retention Basin

1:2,000

0 250 500 Feet



Figure A-1: Proposed Project Overhead Alignment Map 5 of 9

South Bay Substation Relocation Project

- | | | |
|----------------------------|----------------------------|---------------------------------|
| 230 kV Line and Structures | Substation Wall | Former LNG Site |
| 138 kV Line and Structures | 12.42-Acre Parcel Boundary | Existing South Bay Substation |
| 69 kV Line and Structures | SDG&E Easement | New Access Routes and Driveways |
| Stub Pole | Existing Access | Water Quality Retention Basin |



Figure A-1: Bayfront Enhancement
Alternative Overhead Alignment Map 6 of 9

South Bay Substation Relocation Project

- 230 kV Line and Structures
- 138 kV Line and Structures
- 69 kV Line and Structures
- Stub Pole
- Substation Wall
- 12.42-Acre Parcel Boundary
- SDG&E Easement
- Existing Access
- Former LNG Site
- Existing South Bay Substation
- New Access Routes and Driveways
- Water Quality Retention Basin



1:2,000



0 250 500 Feet

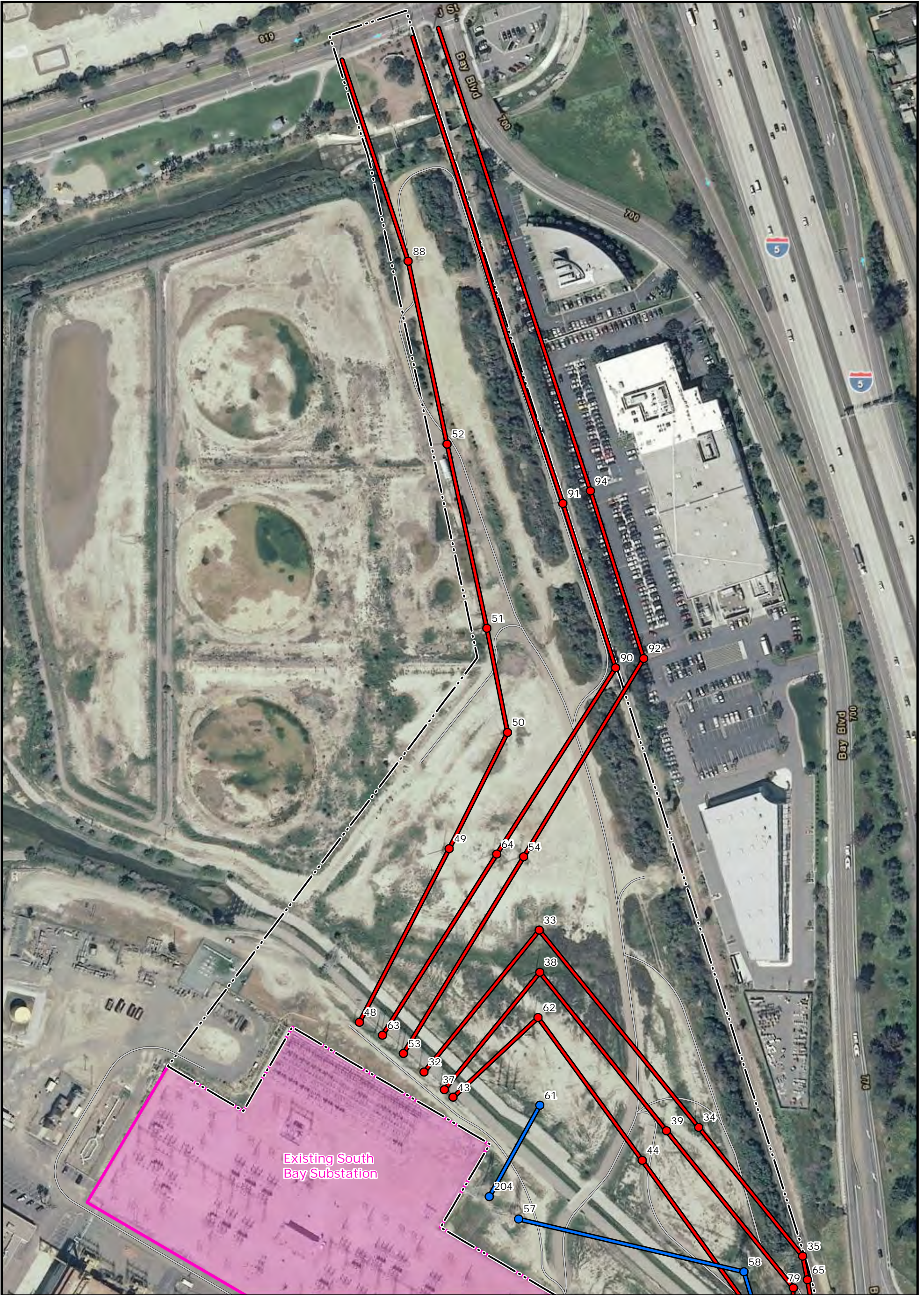


Figure A-1: Existing Overhead Alignment Map 7 of 9

South Bay Substation Relocation Project

230 kV Line and Structures	Substation Wall	Former LNG Site
138 kV Line and Structures	12.42-Acre Parcel Boundary	Existing South Bay Substation
69 kV Line and Structures	SDG&E Easement	New Access Routes and Driveways
Stub Pole	Existing Access	Water Quality Retention Basin

1:2,000

0 250 500 Feet



Figure A-1: Proposed Project Overhead Alignment Map 8 of 9

South Bay Substation Relocation Project

230 kV Line and Structures	Substation Wall	Former LNG Site
138 kV Line and Structures	12.42-Acre Parcel Boundary	Existing South Bay Substation
69 kV Line and Structures	SDG&E Easement	New Access Routes and Driveways
Stub Pole	Existing Access	Water Quality Retention Basin

1:2,000

0 250 500 Feet



Figure A-1: Bayfront Enhancement
Alternative Overhead Alignment Map 9 of 9

South Bay Substation Relocation Project

230 kV Line and Structures	Substation Wall	Former LNG Site
138 kV Line and Structures	12.42-Acre Parcel Boundary	Existing South Bay Substation
69 kV Line and Structures	SDG&E Easement	New Access Routes and Driveways
Stub Pole	Existing Access	Water Quality Retention Basin

1:2,000

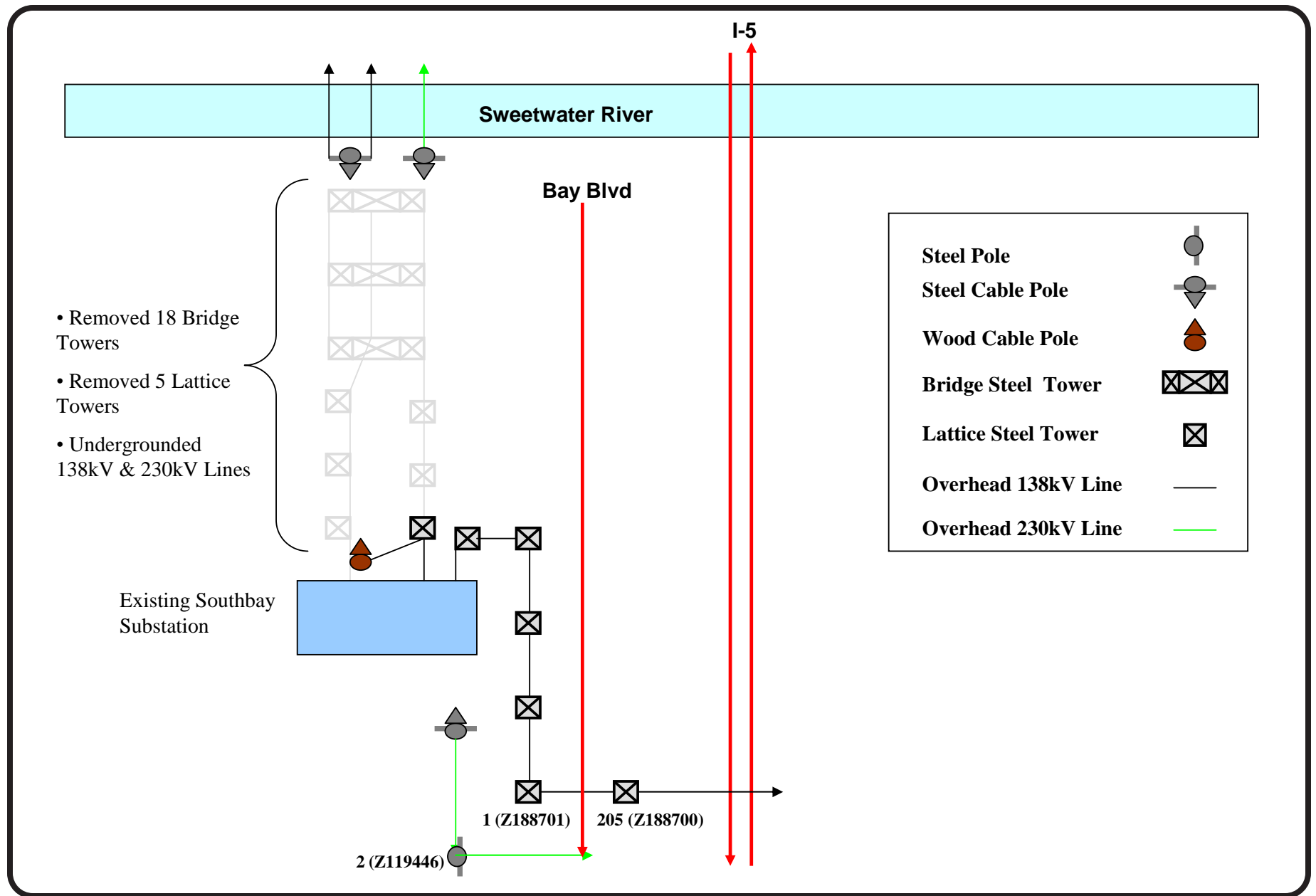


Figure A-2: Overhead 138/230 kV Facilities Schematic
 Existing Conditions
 (Page 1 of 3)

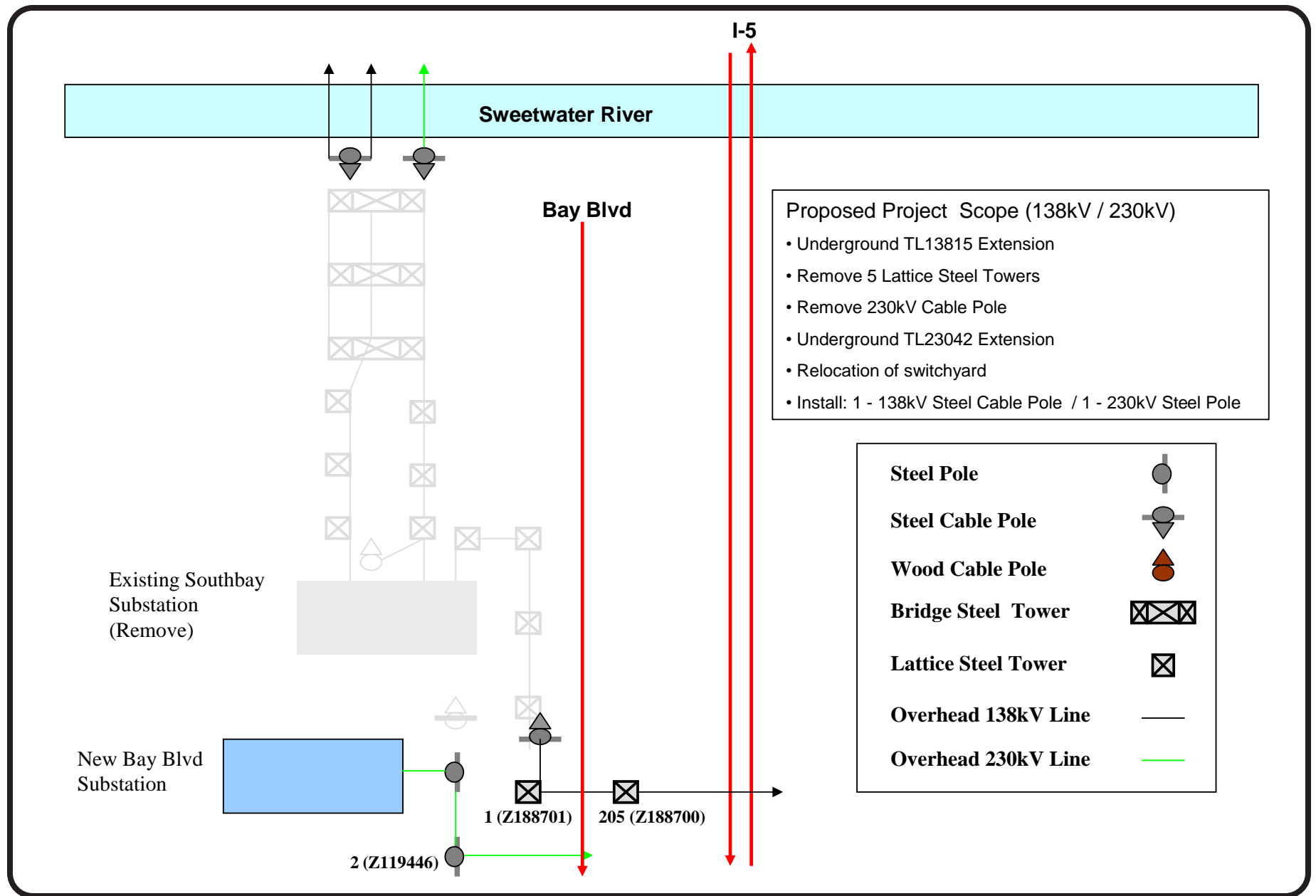


Figure A-2: Overhead 138/230 kV Facilities Schematic
 Proposed Project
 (Page 2 of 3)

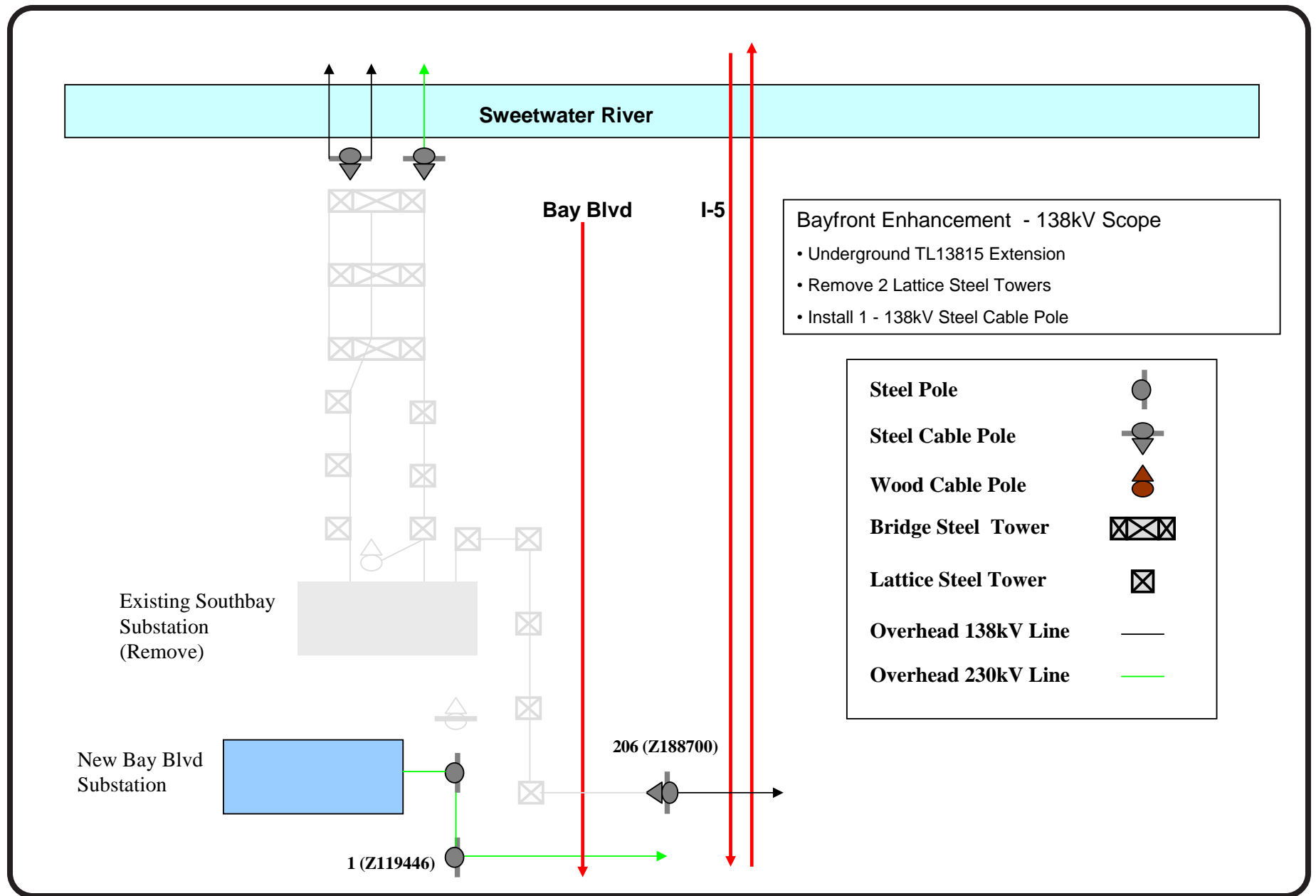


Figure A-2: Overhead 138/230 kV Facilities Schematic
 Bayfront Enhancement Alternative
 (Page 3 of 3)

**ATTACHMENT B: BAYFRONT ENHANCEMENT ALTERNATIVE DESCRIPTION AND
PRELIMINARY IMPACT ANALYSIS**

**SAN DIEGO GAS & ELECTRIC COMPANY
SOUTH BAY SUBSTATION RELOCATION PROJECT
BAYFRONT ENHANCEMENT ALTERNATIVE DESCRIPTION
AND PRELIMINARY IMPACT ANALYSIS**

Prepared for:



Prepared by:



August 2012

TABLE OF CONTENTS

1 – INTRODUCTION..... 1
2 – DESCRIPTION..... 1
 2.0 Tower Removal/Undergrounding 138 kV Transmission Line2
 2.1 Living Coast Discovery Center.....14
 2.2 Salt Works Property Management17
3 – ENVIRONMENTAL ANALYSIS..... 18
 3.0 Tower Removal/Undergrounding 138 kV Transmission Line18
 3.1 Living Coast Discovery Center.....38
 3.2 Salt Works Property Management38
4 – CONCLUSION 39

LIST OF FIGURES

Figure 1: Bayfront Enhancement Alternative Detailed Project Components Map..... 3
 Figure 2: Enhancement Projects Location Map..... 15
 Figure 3: Proposed Project/Bayfront Enhancement Alternative Simulation: Proposed Air-Insulated Substation and Lattice Tower Removal (View from Bay Boulevard at Proposed Entrance Gate, Looking West)..... 21
 Figure 4: Proposed Project/Bayfront Enhancement Alternative Simulation: Proposed Substation and Cable Pole Removal (View from Bay Boulevard North of Palomar Street, Looking Southwest)..... 23
 Figure 5: Proposed Project/Bayfront Enhancement Alternative Simulation: Bay Boulevard (View from Bay Boulevard, Looking North) 25
 Figure 6: Bayfront Enhancement Alternative Simulation: Bay Boulevard (View from Bay Boulevard, Looking South)..... 27
 Figure 7: Bayfront Enhancement Alternative Simulation: Bay Boulevard (View from Bay Boulevard, Looking East) 29
 Figure 8: Construction Vibration Amplitudes 35

LIST OF TABLES

Table 1: Construction Equipment Summary..... 12
 Table 2: Trench Excavation Summary 31
 Table 3: Peak Daily Construction Emissions..... 31

1 – INTRODUCTION

The Bayfront Enhancement Alternative (Project) was originally described as an alternative to the South Bay Substation Relocation Project (Proposed Project) in San Diego Gas & Electric Company’s (SDG&E’s) responses to Data Request Number 5, which was submitted to the California Public Utilities Commission (CPUC) in May 2011.¹ SDG&E has requested that the CPUC approve the Bayfront Enhancement Alternative as the environmentally superior alternative to ensure consistency with section 30233(a) of the California Coastal Act, which precludes development within wetlands unless “there is no feasible less environmentally damaging alternative,” among other things.² The Bayfront Enhancement Alternative would include the same components as the Proposed Project, as well as the same mitigation activities that would compensate for impacts to jurisdictional water features and wetlands. However, the Bayfront Enhancement Alternative would include an additional \$5 million funding mechanism that would be used to provide environmental benefits in the Chula Vista bayfront area. SDG&E proposed to use these funds for removing towers and undergrounding an additional section of the existing 138 kilovolt (kV) overhead transmission line along the bayfront and contributing to existing endowment or equivalent funding sources to support on-going programs that benefit the bayfront area.

This Project Description provides a detailed explanation of the uses proposed for the funding component of the Bayfront Enhancement Alternative, including specific monetary amounts, implementation of the proposed enhancement projects, and the timing requirements associated with the enhancement activities. A preliminary environmental impact analysis of the identified resources is also provided for the proposed enhancement activities. This level of detail was not previously available for inclusion in the Draft Environmental Impact Report (EIR). As a result, the Bayfront Enhancement Alternative was eliminated in the Draft EIR based on the lack of adequate information to make a determination regarding its potential impacts and benefits. This document clarifies and amplifies the information contained in the Draft EIR regarding the Bayfront Enhancement Alternative. The descriptions detailed in Section 2 – Description provide sufficient detail to allow for consideration of the potential impacts and benefits provided by the Bayfront Enhancement Alternative in the Final EIR. Coupled with the mitigation proposed to avoid or reduce impacts associated with construction of the Bayfront Enhancement Alternative, the funding established for additional enhancement would result in net environmental benefits to aesthetic, biological, coastal, and recreational resources that should render it as the “environmentally superior” alternative and demonstrate that there is no “feasible less environmentally damaging alternative” in the Final EIR.

2 – DESCRIPTION

The following subsections provide a detailed description of the potential enhancement projects that may be implemented through the funding provided by the Bayfront Enhancement Alternative, including the amount of funding to be set aside for the various projects and the

¹ SDG&E response to Data Request SDGE-ED-005 is hereby incorporated by reference.

² California Public Resources Code §30233(a).

timing for implementation of the projects. The Bayfront Enhancement Alternative is subject to modification by the CPUC and/or California Coastal Commission.

2.0 TOWER REMOVAL/UNDERGROUNDING 138 KV TRANSMISSION LINE

Through coordination with the City of Chula Vista (City), SDG&E has identified visual enhancements that would substantially improve the aesthetic value of the bayfront. These actions are described in the following subsections.

2.0.0 Funding

Approximately \$2.5 million of the funding provided by the Bayfront Enhancement Alternative would be set aside for aesthetic improvements, specifically, the removal of two steel lattice towers and undergrounding of approximately 700 to 1,000³ feet of existing 138 kV transmission line along and across Bay Boulevard in the Coastal Zone.

2.0.1 Implementation

The Bayfront Enhancement Alternative would involve the same components as the Proposed Project, including construction of a new substation, loop-in of an existing 230 kV transmission line, extension of existing 138 kV transmission lines, relocation of existing 69 kV transmission lines, and demolition of the existing South Bay Substation. The Bayfront Enhancement Alternative would also include the additional undergrounding of approximately 700 to 1,000 feet of existing 138 kV overhead transmission line. The 138 kV underground duct bank that is included as part of the Proposed Project would be extended further south and eastward from the position where it is proposed to transition to an overhead configuration as part of the Proposed Project. In addition to eliminating cable riser pole 24, the extended duct bank would allow for the removal of Tower 1 (188701) on the west side of Bay Boulevard and Tower 205 (188700), which is located in the parking lot on the east side of Bay Boulevard. As part of the Bayfront Enhancement Alternative, existing Tower 205 (188700), which is located in the parking lot on the east side of Bay Boulevard, would be removed and replaced with a new cable riser pole. From the new cable riser pole eastward, the 138 kV transmission line would continue in its current overhead configuration within SDG&E's existing right-of-way (ROW). The differences between the overhead alignment for the Proposed Project and the Bayfront Enhancement Alternative are depicted in Figure 1: Bayfront Enhancement Alternative Detailed Project Components Map.

Construction Work Areas and Activities

Tower removal and construction of the underground duct bank extension associated with the Bayfront Enhancement Alternative would occur within the existing SDG&E ROW. A detailed

³ The original estimate of additional undergrounding for the Bayfront Enhancement Alternative was 1,000 feet, which was communicated to other parties. Based on subsequent review, the length of additional transmission line to be undergrounded is currently estimated to be 765 feet. Because all of these numbers are based on preliminary conceptual engineering, and subject to change with final project design and pole placement, SDG&E currently assumes that the additional undergrounding under the Bayfront Enhancement Alternative would fall within the range of 700 to 1,000 feet. From an environmental benefits and impacts perspective, a difference of 300 feet is not material.



Figure 1: Bayfront Enhancement Alternative Detailed Project Components Map 1 of 3

South Bay Substation Relocation Project

- Substation Wall (Orange dashed line)
- 12.42-Acre Parcel Boundary (Black dashed line)
- SDG&E Easement (Black dashed line)
- Existing Access (Black solid line)
- Former LNG Site (Orange solid line)
- Existing South Bay Substation (Pink hatched area)
- New Access Routes and Driveways (Green solid line)
- Water Quality Retention Basin (Green solid line)



1:2,000

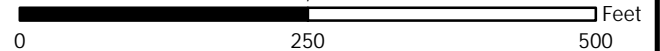







Figure 1: Bayfront Enhancement Alternative Detailed Project Components Map 2 of 3

South Bay Substation Relocation Project

- Substation Wall (Orange dashed line)
- 12.42-Acre Parcel Boundary (Black dashed line)
- SDG&E Easement (Black solid line)
- Existing Access (Black solid line)
- Former LNG Site (Orange solid line)
- Existing South Bay Substation (Pink solid line)
- New Access Routes and Driveways (Green solid line)
- Water Quality Retention Basin (Blue solid line)

1:2,000
 0 250 500 Feet



Figure 1: Bayfront Enhancement Alternative Detailed Project Components Map 3 of 3

South Bay Substation Relocation Project

Substation Wall	Former LNG Site	SDGE A Sempra Energy utility	NSIGNIA ENVIRONMENTAL	
12.42-Acre Parcel Boundary	Existing South Bay Substation	1:2,000		
SDG&E Easement	New Access Routes and Driveways	0 250 500 Feet		
Existing Access	Water Quality Retention Basin			

description of the construction methods used for the Project components that correspond to the Proposed Project are provided in Chapter 3 – Project Description of the Proponent’s Environmental Assessment (PEA). The following subsections describe the construction areas required and the activities that would be involved with the tower removal and underground duct bank extension.

Staging/Work Areas

As provided in the PEA for the Proposed Project, temporary tower work areas would measure approximately 150 foot in diameter. Tower 1 (188701) is located within an existing SDG&E easement along the west side of Bay Boulevard. As stated in the PEA, SDG&E’s entire transmission corridor may be used temporarily as a construction work area. Tower 205 (188700) is located in an existing parking lot on the east side of Bay Boulevard. The entire south side of the parking lot, from the 230 kV transmission line on the south side to the building located north of the tower would be used for removal of the tower and installation of the new cable riser pole, as well as for trenching associated with installation of the underground duct bank.

To accommodate the extension of the underground duct bank, temporary workspaces centered on the duct bank alignments would be established. This area would be cleared and graded, as needed, to provide a safe working space for the operation of construction equipment.

The 138 kV duct bank extension would require an approximately 50-foot-wide workspace. A total of approximately 700 to 1,000 linear feet of temporary workspace requiring approximately 0.9 acres would be established prior to construction. Steel plating would be placed over excavated areas, where appropriate, to maintain vehicular and pedestrian traffic. The jack-and-boring construction technique may also be used to avoid impacts to jurisdictional water features or for crossing under Bay Boulevard. Jack-and-bore pits would measure approximately 150 feet long and 150 feet wide. The final design for these activities will be prepared following the release of the Final EIR.

In addition, as described in Chapter 3 – Project Description of the PEA for the Proposed Project, staging associated with the Bayfront Enhancement Alternative undergrounding would occur at the existing H & Bay Yard, which is located approximately 1.2 miles north of the proposed substation site.

Steel Cable Riser Pole Installation

Installation of the steel cable riser pole in the parking lot located east of Bay Boulevard would begin by fencing off the work area in the parking lot. The pole would be placed on a new concrete foundation. Following the preparation of the pole work area, the foundation process would begin with the excavation of a hole in the proximity of Tower 205 (188700) using a truck-mounted excavator. The foundation hole would measure approximately seven to eight feet in diameter and 35 to 45 feet deep, requiring the excavation of between approximately 50 and 84 cubic yards (CY) of soil, depending on site conditions. Following excavation of the foundation hole, a reinforcing steel cage and anchor bolts would be assembled and installed. Following the cage installation, a form would be built and concrete would be poured to a height of approximately six to 24 inches above grade. The foundation would require between approximately 51 and 86 CY of concrete to be delivered to the foundation location. Concrete

would be delivered directly to the pole's location in concrete trucks with a capacity of up to 10 CY.

The steel cable riser pole would be delivered in two or more sections to the pole installation site via flatbed truck and assembled on site using a small truck-mounted crane. The crossarms would be bolted to the pole, and the insulators would be bolted to the crossarms. After assembly, a large crane would be used to lift and set the poles into place on the anchor bolts imbedded in the concrete foundation. The nuts on the foundation would then be tightened and secured.

Conductor Stringing

Prior to stringing the overhead line from the new cable riser pole, temporary guard structures—typically consisting of vertical wood poles with crossarms—would be installed at the Interstate (I-) 5 crossing, preventing the conductors from sagging onto other lines during the conductor installation. In some cases, bucket trucks may also be used for guard structures.

Tower Removal

Existing steel lattice structures 1 (188701) and 205 (188700) would be dismantled and removed by cranes and aerial manlifts into steel member sections. The sections would be transferred to a flatbed truck using a small truck-mounted crane. The lattice structures would be further dismantled within SDG&E's utility easement or at the H & Bay Yard. Following disassembly, the individual steel members would be cut into smaller sizes, placed in recycling receptacles, and transported to an approved SDG&E recycling center.

Once the structures have been removed, their associated reinforced concrete foundation pads and piers would be jack-hammered to approximately one to two feet below grade. All debris located near the vicinity of the foundations would be removed from the site and would be recycled or disposed of at an approved facility. The remaining hole would then be backfilled with material similar to the surrounding area and the site would be restored.

Underground Duct Bank Extension

Construction activities associated with extension of the 138 kV duct bank would involve the same techniques described for the underground transmission construction in Chapter 3 – Project Description of the PEA, and would potentially include trenching, jack-and-boring, duct bank installation, vault installation, cable pulling, splicing, termination, and clean-up and post-construction restoration.

The 138 kV duct bank would be extended approximately 700 to 1,000 feet underneath Bay Boulevard to the new cable riser pole that would replace Tower 205 (188700) in the parking lot on the east side of Bay Boulevard. The preliminary design would include approximately 595 feet of trenching that would occur consistent with the description provided in the Chapter 3 – Project Description of the PEA. The jack-and bore construction method would be used for approximately 170 feet to cross under the drainage feature containing an emergent wetland that runs parallel to Bay Boulevard, continuing to the parking lot on the east side of Bay Boulevard, in accordance with the description provided in Chapter 3 – Project Description of the PEA. Duct banks would be installed consistent with the description provided in Chapter 3 – Project Description of the PEA.

The approximately 700- to 1,000-foot underground duct bank extension would require the installation of one additional vault in the parking lot on the east side of Bay Boulevard, which would provide access to the underground cables for maintenance, inspection, and repair during operation. Approximately two feet of additional clearance would be required at underground vault locations.

Following installation of the conduit, SDG&E would install cables in the duct banks. Each cable segment would be pulled into the duct bank, spliced at each of the vaults along the route (if applicable), and terminated at the transition where the lines convert to overhead. Cable pulling would occur consistent with the description provided in Chapter 3 – Project Description of the PEA.

Construction Equipment and Personnel

The list of equipment that would be used to extend the 138 kV duct bank and remove towers 1 (188701) and 205 (188700), as well as the approximate duration of use, is provided in Table 1: Construction Equipment Summary. The equipment required for installation of the 138 kV steel cable riser pole in the parking lot east of Bay Boulevard was previously provided in the analysis of the Proposed Project, which included the installation of proposed cable riser pole 24. Cable riser pole 206 for the Bayfront Enhancement Alternative replaces cable riser pole 24 that was originally proposed as part of the Proposed Project. In addition to use of the equipment listed in Table 1: Construction Equipment Summary, pick-up trucks and construction worker vehicles are anticipated to travel on a daily basis to and from the work areas. It is anticipated that any additional maintenance and/or delivery trucks would travel to and from the staging areas as per the Proposed Project. Extension of the 138 kV duct bank and removal of the two towers is anticipated to require eight operators, 15 foremen, and 15 linemen for approximately four to eight weeks.

Operation and Maintenance

The transmission facilities associated with the Bayfront Enhancement Alternative would continue to be inspected, maintained, and repaired following completion of the Project. Operation and maintenance activities would involve both routine preventive maintenance and emergency procedures to maintain service continuity. Aerial and ground inspections of the facilities would be performed. Aboveground components would be inspected annually, at a minimum, for corrosion, equipment misalignment, loose fittings, and other common mechanical problems. The other Project components would be conducted consistent with the description provided in Chapter 3 – Project Description in the PEA.

2.0.2 Timing

Removal of the two towers, installation of the new cable riser pole, and construction of the approximately 700- to 1,000-foot-long 138 kV underground extension would occur following completion of the Bay Boulevard Substation, 230 kV loop-in, and relocation of the 69 kV transmission lines that are included as part of the Proposed Project and Bayfront Enhancement Alternative. It is anticipated that the tower removal and approximately 700- to 1,000-foot 138 kV duct bank extension would require approximately four to eight weeks to complete.

Table 1: Construction Equipment Summary

Activity	Equipment	Use	Approximate Quantity	Approximate Duration On Site (days)	Average Duration of Use (hours per day)
138 kV Underground Duct Bank Extension	Dump/Haul Truck	Transport excavated materials and import backfill	3	24	8
	Small Mobile Crane (12-ton)	Lift and place materials	1	24	4
	Backhoe	Excavate trenches	1	24	8
	Concrete Truck	Pour concrete	5	24	8
	Drill Rig with Augers	Excavate trenches	1	24	6
	Compactor	Compact backfill within the trench	2	24	8
	Asphalt Paver	Pave access roads	1	2	6
	Asphalt Emulsion Truck	Pave access roads	1	2	6
	Vibrating Roller	Compact soil and asphalt	1	2	6
	Asphalt Haul Truck	Transport asphalt		2	10
Foundation Installation	Concrete Truck	Pour concrete	1	12	3
	Drill Rig with Augers	Foundation construction	1	12	6
	Backhoe	Foundation construction	1	12	6
	Dump/Haul Truck	Haul excavated materials	2	12	4
	Handheld Compactor	Compact soil around structure foundations	1	12	4
Steel Pole Installation	2-ton Flatbed Truck	Deliver pole to site	1	2	2
	Large Crane	Tower erection	1	2	6
	Bucket Truck/Manlift	Tower erection and conductor Installation	2	2	8

Activity	Equipment	Use	Approximate Quantity	Approximate Duration On Site (days)	Average Duration of Use (hours per day)
Structure Removal	2-ton Flatbed Truck	Remove pole sections and hardware from site	1	2	2
	Bucket Truck/Manlift	Tower erection and conductor Installation	1	2	6
	Dump/Haul Truck	Haul excavated materials and import backfill	2	2	4
	Excavator	Break foundations and load material	1	2	6
	Jackhammer	Break foundations	2	2	6
	Large Crane	Lower pole sections and load onto trucks	2	2	8

2.1 LIVING COAST DISCOVERY CENTER

Through informal consultation with stakeholders, such as the City, Unified Port District of San Diego (Port District), the United States (U.S.) Fish and Wildlife Service (USFWS), SDG&E has identified proposed opportunities to enhance coastal resources and provide environmental benefits in the Chula Vista Bayfront area by bolstering existing environmental programs. One identified option is for SDG&E to provide endowment funds or the equivalent for the Living Coast Discovery Center (Center).⁴ The Center is located approximately 2.25 miles northwest of the proposed Bay Boulevard Substation site at 1000 Gunpowder Point, as depicted in Figure 2: Enhancement Projects Location Map. The details regarding this option are provided in the subsections that follow.

2.1.0 Funding

Approximately \$2 million of the remaining \$2.5 million would be provided to the Center through its established endowment fund to support its continued operation and existing programs.

2.1.1 Implementation

The Center provides environmental interpretation and education for the salt water marsh and associated upland habitats of San Diego Bay through an existing museum containing aquariums and interactive displays, live animals, and invertebrates that is uniquely situated on the Sweetwater Marsh National Wildlife Refuge. The Center provides a unique opportunity for the public to access coastal marsh areas that would not be normally available and exposes the public and schoolchildren to the San Diego Bay's wetland and marsh habitats and its wildlife inhabitants for coastal recreation and educational opportunities. Since 1987, the Center has provided a superb living-museum experience while promoting coastal resource conservation and environmental stewardship through education as a low-cost visitor center. It is accredited by the American Association of Museums and features internationally recognized exhibits of plants and animals native to bay and marsh/wetland habitats. The Center provides bilingual graphics, interactive learning, and a unique educational setting as the only interpretive center within an urban wildlife refuge in the U.S. Annually, the Center welcomes nearly 70,000 visitors and over 15,000 school children that are exposed to the importance of watershed ecology, habitat preservation, and environmental conservation. The funding that SDG&E would contribute to supporting endowments would provide educational and recreational opportunities for approximately 4,500 visitors per year, including visitors and families with children and students from the locally underserved area, in addition to augmenting existing educational and other programs that provide ongoing revenue sources.

As previously discussed, SDG&E would provide endowment funds, or the equivalent, for the Center. The use of this funding would further the goals of the Center, which include the following:

- Promoting environmental stewardship among visitors
- Enhancing educational opportunities for students and providing resources for teachers

⁴ Additional information about the Living Coast Discovery Center can be accessed through its website at <http://www.thelivingcoast.org/>.

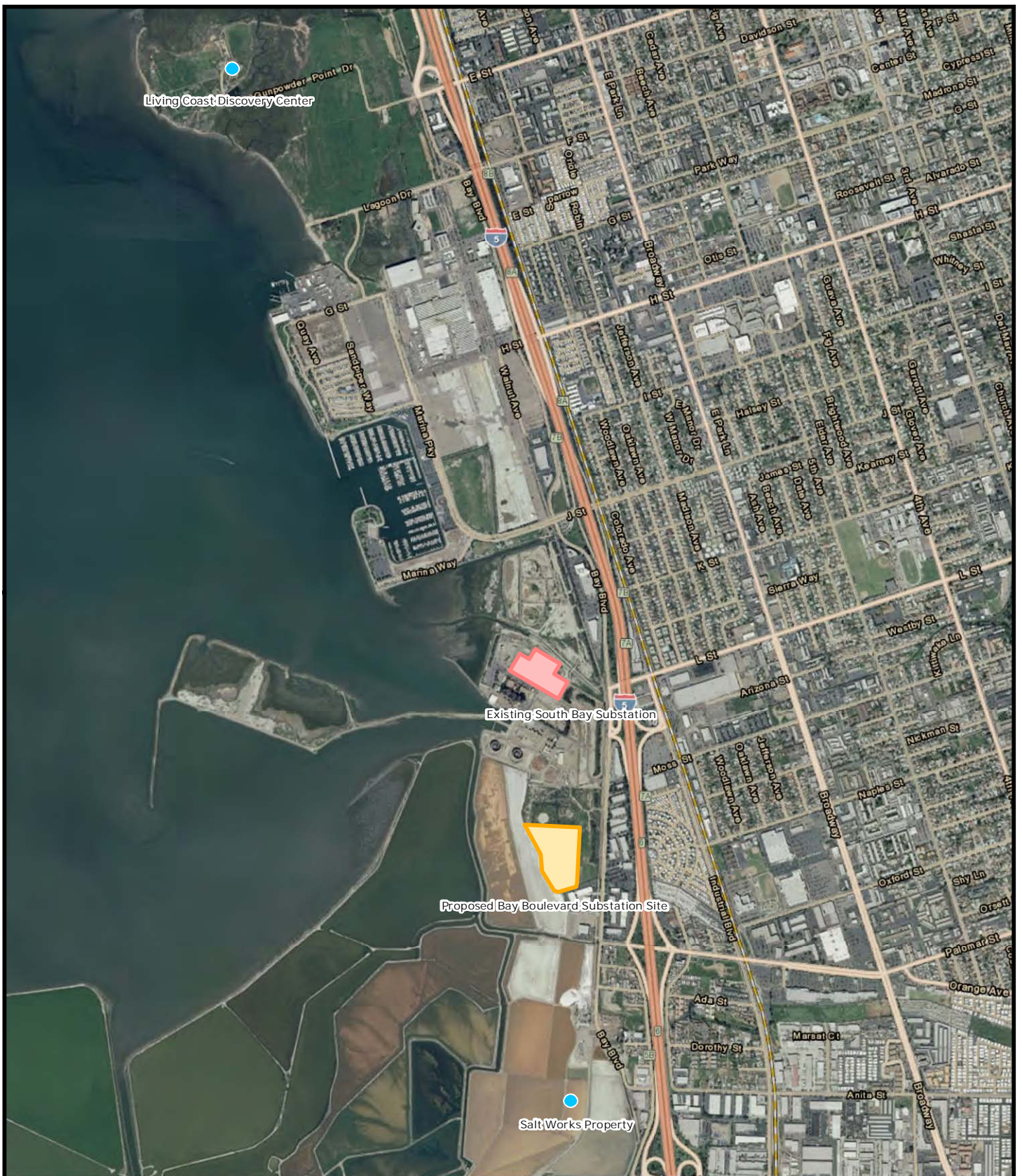




Figure 2: Enhancement Projects Location Map

South Bay Substation Relocation Project


- Enhancement Project Location
- Existing South Bay Substation
- Proposed Bay Boulevard Substation Site



SDGE
Semptra Energy utility

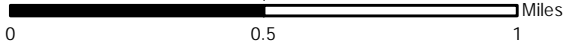


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- Increasing attendance by new schools, adding to annual memberships, and increasing participation by special groups, such as scouts and others

These funds would be used to assist with the continued operation and existing programs of the Center indefinitely.

2.1.2 Timing

Funding would be provided for the use of the Center prior to operation of the Project, or as otherwise required by the Project approvals.

2.2 SALT WORKS PROPERTY MANAGEMENT

Through coordination with the USFWS, SDG&E has identified actions that would provide opportunities to enhance coastal habitat for breeding, migratory, and wintering birds in the San Diego Bay. The Salt Works property is located approximately 0.6 mile south of the proposed Bay Boulevard Substation site, as depicted in Figure 2: Enhancement Projects Location Map. These actions are described in the following subsections.

2.2.0 Funding

Approximately \$500,000 of the funding provided by the Bayfront Enhancement Alternative would be set aside to enable the San Diego National Wildlife Refuge (Refuge) to meet some of the goals described in its Final Comprehensive Conservation Plan (CCP)/Environmental Impact Statement (EIS), which focused on improving habitat quality for avian species on the Salt Works property. Specifically, SDG&E would provide funds to ensure the long-term maintenance by the Refuge for the existing salt pond system, which that supports brine invertebrates and provides food for nesting seabirds and other migratory birds in the San Diego Bay.

2.2.1 Implementation

In the Final CCP/EIS, which was adopted on September 29, 2006, the Refuge proposed to enhance opportunities for seabird nesting, restore native habitat in the Otay River floodplain, and restore tidal circulation within the majority of the salt ponds on the Salt Works property. In addition, the Refuge proposed to maintain certain features or aspects of the existing salt ponds in order to continue providing this area for foraging, roosting, loafing, and nesting habitat for a variety of avian species in the San Diego Bay. In order to maintain the existing salt ponds, the Refuge manages water in an area of approximately 275 acres within the Salt Works property in ponds that are too high to benefit from tidal circulation. In addition, about 45 acres of the 275-acre managed-water system is devoted to the production of brine invertebrates, which provide food for nesting seabirds and other migratory birds in the San Diego Bay. SDG&E's proposed Enhancement Funds would be used to assist with the operation and maintenance of the brine production area, which is the same property that would be purchased by SDG&E to mitigate for impacts to wetlands resulting from the Project. The brine production area would be maintained at the existing high-salinity levels to allow for a continued source of water that can support brine invertebrates. To achieve the hypersaline environment, water would be supplied to the brine ponds from the managed-water area. Once the water is moved to the brine ponds, salinity levels would be increased through evaporation. In addition, some high-salinity water would be pumped back into the managed water area in order to maintain the appropriate salinity levels.

2.2.2 Timing

SDG&E proposes to provide the funding to the Friends of the San Diego Wildlife Refuges, a non-profit organization that fundraises, manages, and administers funds for Refuge projects.⁵ The Friends of the San Diego Wildlife Refuges would administer these funds to the Refuge, as needed, for the operation and maintenance of the managed water area and brine production area, or other uses as described in the CCP/EIS. Funding would be provided prior to operation of the Project, or as otherwise required by the Project approvals.

3 – ENVIRONMENTAL ANALYSIS

The Bayfront Enhancement Alternative would include essentially the same components as the Proposed Project, and would include the same off-site restoration activities that are planned to provide compensation for impacts associated with construction of the Proposed Project. Thus, the only difference in impacts between the Proposed Project and the Bayfront Enhancement Alternative would be associated with the enhancement projects, which include the approximately 700- to 1,000-foot duct bank extension and tower removal, and funding of the Center and Salt Works property management, as described in Section 2 – Description. The following subsections provide a preliminary impact assessment of identified enhancement projects, including the benefits associated with each potentially affected resource. As discussed in the following, the Bayfront Enhancement Alternative does not present any new significant impacts.

3.0 TOWER REMOVAL/UNDERGROUNDING 138 KV TRANSMISSION LINE

3.0.0 Aesthetics

The Bayfront Enhancement Alternative would provide all of the aesthetic benefits involved with the Proposed Project, including relocating the existing South Bay Substation to a site approximately 0.5 mile south and undergrounding approximately 3,800 feet of the existing overhead 138 kV transmission line located west of Bay Boulevard. In addition to the removal of existing structures and undergrounding of transmission lines that are included as part of the Proposed Project, the Bayfront Enhancement Alternative would provide further aesthetic improvements in the immediate area of the proposed new substation. Construction activities associated with the tower removal, undergrounding, and steel cable riser pole installation could add approximately four to eight weeks to the 138 kV extension schedule; however, these activities would be conducted concurrently with other scheduled Project construction work and would not increase the Project's overall construction schedule. Therefore, although the Bayfront Enhancement Alternative would result in additional construction activities that would be visible along the bayfront for four to eight weeks as compared to the Proposed Project, these impacts would be temporary and short-term and would remain less than significant.

As described in Section 2.0.1 Implementation, construction of the Bayfront Enhancement Alternative would result in the removal of two approximately 110-foot steel lattice towers and would eliminate the need for steel cable riser pole 24, which was proposed to be installed on the west side of Bay Boulevard as part of the Proposed Project.

⁵ Additional information about the Friends of the San Diego Wildlife Refuges can be accessed through their website at <http://friendsofsdrefuges.org/>.

Figure 3: Proposed Project/Bayfront Enhancement Alternative Simulation: Proposed Air-Insulated Substation and Lattice Tower Removal (View from Bay Boulevard at Proposed Entrance Gate, Looking West) provides a depiction of the existing setting compared to a simulation of the Proposed Project and to the removal of Tower 1 (188701) that would result from implementation of the Bayfront Enhancement Alternative. Figure 4: Proposed Project/Bayfront Enhancement Alternative Simulation: Proposed Substation and Cable Pole Removal (View from Bay Boulevard North of Palomar Street, Looking Southwest) depicts the existing setting of the new Bay Boulevard Substation site compared to a simulation of the Proposed Project and to the removal of cable riser pole 24, which would be included as part of the Proposed Project, but eliminated by the Bayfront Enhancement Alternative design. As depicted, the removal of this tower and relocation of proposed cable riser pole 24 would result in a clearer view of the San Diego Bay than what currently exists or than that proposed for the Proposed Project.

Figure 5: Proposed Project/Bayfront Enhancement Alternative Simulation: Bay Boulevard (View from Bay Boulevard, Looking North) provides a comparison of the existing setting along Bay Boulevard, facing north, compared to a simulation showing the west side of Bay Boulevard with the five towers that would be removed as part of the Proposed Project and Bayfront Enhancement Alternative. Figure 6: Bayfront Enhancement Alternative Simulation: Bay Boulevard (View from Bay Boulevard, Looking South) depicts the existing view of the west side of Bay Boulevard, facing south, compared to a simulation of the removal of the three southernmost 138 kV towers along Bay Boulevard as part of the Bayfront Enhancement Alternative. Both the Proposed Project and the Bayfront Enhancement Alternative would provide significant aesthetic benefits along Bay Boulevard from the removal of 138 kV steel lattice structures. However, as shown in Figure 6: Bayfront Enhancement Alternative Simulation: Bay Boulevard (View from Bay Boulevard, Looking South), the Bayfront Enhancement Alternative would result in the removal of six structures along the bayfront in addition to the elimination of cable riser pole 24. Thus, the Bayfront Enhancement Alternative is superior to the Proposed Project with respect to aesthetic benefits.

The removal of Tower 205 (188700), which is located in the parking lot east of Bay Boulevard, would require the installation of a new, approximately 165-foot tall cable riser pole for the 138 kV transmission line to transition back to an overhead configuration as it continues eastward within existing SDG&E ROW. Figure 7: Bayfront Enhancement Alternative Simulation: Bay Boulevard (View from Bay Boulevard, Looking East) provides a depiction of the existing setting compared to a simulation of the removal of Tower 205 (188700) and installation of the new cable riser pole in the parking lot. Although the new cable riser pole would be taller than the existing tower, it would be located in the rear of a parking lot beside I-5, away from the Chula Vista Bayfront, rather than along the west side of Bay Boulevard, where it would be a more prominent fixture within the viewshed to the bay. Consequently, this increase in height would be an incremental change as compared to the existing tower. The increase in height, however, is offset by the removal of existing Tower 205 (188700), conductor, and two fewer structures immediately west side of the parking lot.

As a result of these activities, approximately 700 to 1,000 feet of existing overhead 138 kV transmission line would be reconfigured underground. Thus, following construction of the Bayfront Enhancement Alternative, fewer transmission structures and overhead lines would be

visible when viewing the bay, resulting in significant aesthetic improvements and restoration within a visually degraded area within the Chula Vista Bayfront. As a result, the Bayfront Enhancement Alternative would provide an overall net benefit compared to existing conditions or to the Proposed Project following the completion of construction activities.

3.0.1 Agriculture and Forestry Resources

Similar to the Proposed Project, the Bayfront Enhancement Alternative would not be located on Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, land under Williamson Act Contract, forest land, timberland, or timberland zoned Timberland Production. As a result, the Bayfront Enhancement Alternative would not impact agricultural or forestry resources.

3.0.2 Air Quality

When compared to the Proposed Project, the Bayfront Enhancement Alternative would require the addition of approximately 700 to 1,000 feet of 138 kV underground duct bank and the removal of two additional 138 kV steel lattice towers. The installation/removal of these features would increase the amount of earthwork over that for the Proposed Project. As summarized in Table 2: Trench Excavation Summary, approximately 553 CY of native material would be excavated and removed from the Proposed Project site and an additional 277 CY of Select Fill would be imported to backfill the trench. The quantities of import and export materials for installation of new steel cable riser pole 206 in the parking lot east of Bay Boulevard is a net addition to these totals since cable riser pole 24 was analyzed as part of the Proposed Project analysis, but would be eliminated under the Bayfront Enhancement Alternative. Thus, pole location 24 would be relocated to location 206 and no additional export or import materials would result or be required.

The number of truck trips required for tower and foundation removal and extension of the 138 kV underground duct bank would increase from approximately 300 for the Proposed Project to approximately 375 for the Bayfront Enhancement Alternative. These activities could add approximately four to eight weeks to the 138 kV construction schedule, but would be conducted concurrently with other scheduled construction work and would not impact the overall Project schedule.

The additional construction equipment items described in Table 1: Construction Equipment Summary were incorporated into the emissions modeling prepared previously for the Proposed Project. Because the construction methods and equipment required to install the additional duct bank and remove the additional lattice structures are similar to those used during originally defined 138 kV extension and this new work would be conducted outside of the peak construction period (site development at the Bay Boulevard Substation) the peak daily construction emissions would not change when compared to the Proposed Project. The anticipated peak daily construction emissions are presented in and compared to the applicable threshold of significance in Table 3: Peak Daily Construction Emissions.



Existing Conditions



Proposed Project



Bayfront Enhancement Alternative

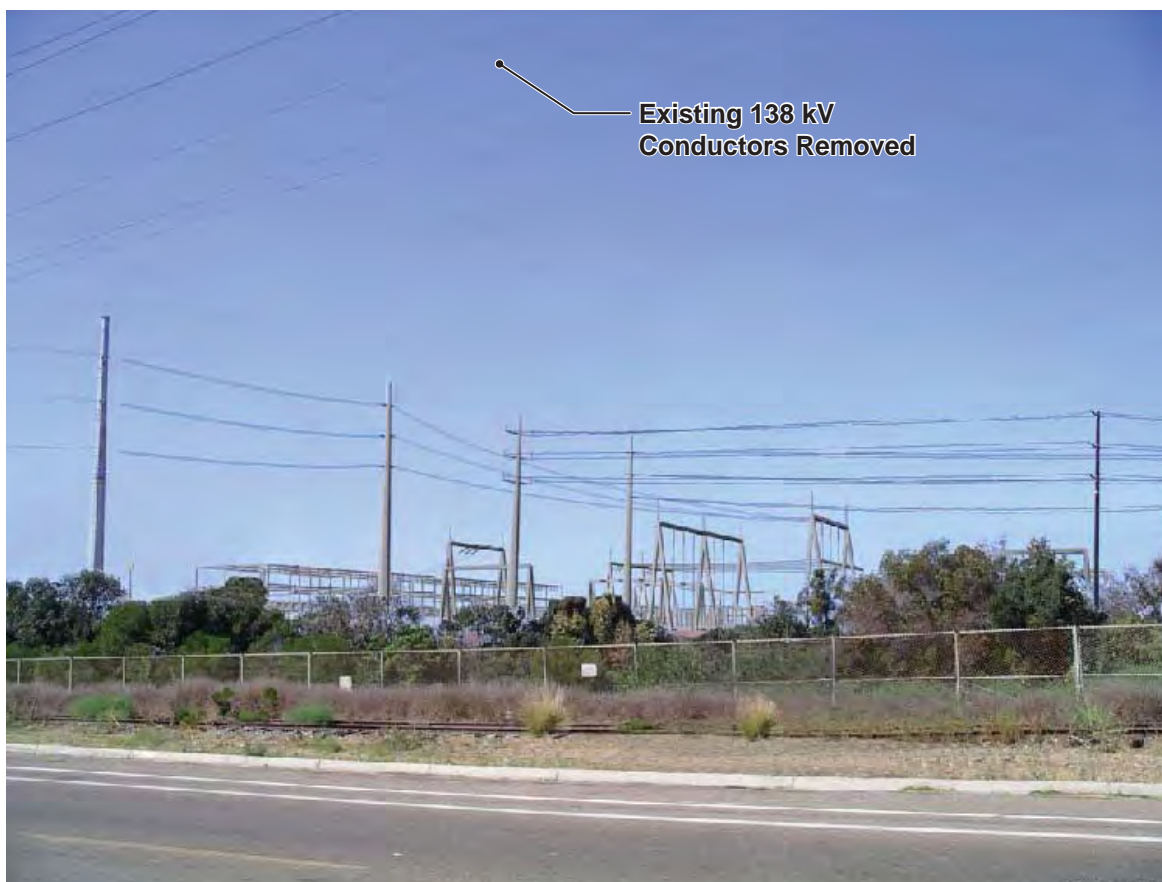
Figure 3:
Proposed Project/Bayfront Enhancement Alternative Simulation:
Proposed Air-Insulated Substation and Lattice Tower Removal
 (View from Bay Boulevard at Proposed Entrance Gate, Looking West)



Existing Conditions

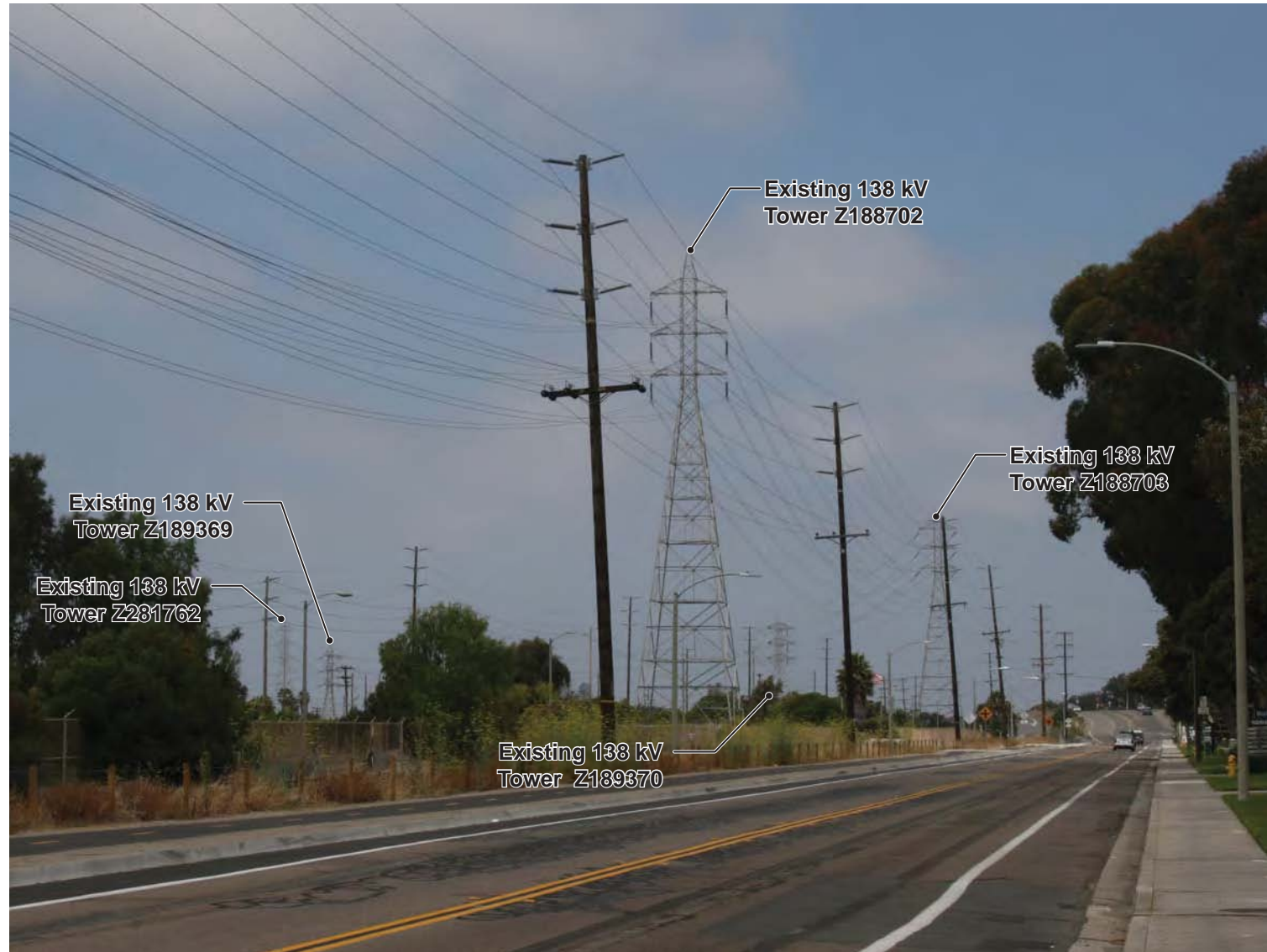


Proposed Project



Bayfront Enhancement Alternative

Figure 4:
Proposed Project/Bayfront Enhancement Alternative Simulation:
Proposed Substation and Cable Pole Removal
 (View from Bay Boulevard North of Palomar Street, Looking Southwest)



Existing Conditions



Proposed Project/Bayfront Enhancement Alternative



Existing Conditions



Bayfront Enhancement Alternative



Existing Conditions/Proposed Project



Bayfront Enhancement Alternative

Table 2: Trench Excavation Summary⁶

Metric	Approximate Quantity	Approximate Number of Required Truck Trips
Total Trench Length	830 feet	--
Approximate Trench Width	3 feet	--
Approximate Trench Depth	6 feet	--
Approximate Excavation Volume	553 CY	--
Approximate Volume of Excavated Material Used for Backfill	0 CY	--
Approximate Volume of Excavated Material Transported Off Site	553 CY	37
Approximate Volume of Required Select Fill	277 CY	19
Approximate Volume of Required Concrete	277 CY	19
Total	--	75

Thus, overall pollutant emissions from the Bayfront Enhancement Alternative would increase slightly due to the additional heavy equipment operation, on-road traffic, and earthwork from that identified for the Proposed Project. However, these changes would not affect the peak daily emissions, as shown in Table 3: Peak Daily Construction Emissions, and would remain at a less-than-significant level.

Table 3: Peak Daily Construction Emissions

Pollutant	Simulated Emission Rate (pounds per day)	Significance Threshold (pounds per day)	Threshold Exceeded?
Particulate matter (PM) less than 10 microns in diameter	27.0	55	No
PM less than 10 microns in diameter	98.9	100	No
Nitrogen oxides	231.1	250	No
Sulfur oxides	2.2	250	No
Carbon monoxide	120.3	550	No
Volatile organic compounds	19.2	75	No

Source: South Coast Air Quality Management District. 1993. California Environmental Quality Act Air Quality Handbook.

⁶ The quantities provided in this table are based on a 1,000-foot-long 138 kV underground duct bank extension to assess the worst case for potential impacts to resources.

3.0.3 Biological Resources

The area where removal of Tower 1 (188701) and extension of the 138 kV underground duct bank would occur under the Bayfront Enhancement Alternative consists of non-native grassland, which is not a vegetation community covered by SDG&E's Natural Communities Conservation Plan. The drainage ditch that is located parallel to Bay Boulevard also contains an emergent wetland. As provided in Chapter 3 – Project Description of the PEA, the majority of the transmission corridor may be temporarily disturbed during construction activities. Therefore, impacts to non-native grassland would not increase for removal of Tower 1 (188701) or installation of the 138 kV underground duct bank extension. Tower removal would potentially result in approximately 0.01 acre of additional impacts to the emergent wetland located within the drainage feature that runs parallel to Bay Boulevard. No impacts to vegetation communities would result from construction activities that occur under or within Bay Boulevard or the parking lot to the east, as the areas are paved. All of the impacts to vegetation communities associated with construction of the tower removals and underground duct bank extension would be temporary. Permanent impacts to non-native grassland associated with the Bayfront Enhancement Alternative would be reduced by approximately 0.001 acre from the Proposed Project total, as pole 24 would not be installed. As the impacts associated with these activities would be very small and temporary in nature, impacts to biological resources would remain less than significant.

The tower removal, underground duct bank extension, and steel cable riser pole installation activities associated with the Bayfront Enhancement Alternative are not anticipated to result in any impacts to sensitive species. In addition, the removal of approximately 700 to 1,000 feet of overhead infrastructure would eliminate the potential for avian collision along this section of the line. As with the Proposed Project, construction of the proposed substation is anticipated to impact one decumbent goldenbush (*Isocoma menziesii* var. *decumbens*) individual, which was identified during the May 2011 rare plant survey for the proposed substation site. In addition, the off-site mitigation activities that would be implemented to compensate for Proposed Project impacts to wetlands and jurisdictional drainages would also occur as part of the Bayfront Enhancement Alternative since the same amount of wetlands and jurisdictional drainages would be permanently impacted by either Proposed Project or Bayfront Enhancement Alternative.

3.0.4 Cultural Resources

The Bayfront Enhancement Alternative would be located within the same area as the Proposed Project. Cultural sites have been recorded within the vicinity of the proposed South Bay Substation site, but have been previously determined as not significant. The construction area required for the Bayfront Enhancement Alternative would not impact any additional known cultural sites. However, the potential to impact unknown cultural resources remains. Implementation of the Mitigation Measures CUL-1 and CUL-2 described in the Draft EIR would reduce impacts to unknown cultural resources to less-than-significant levels.

3.0.5 Geology, Soils, and Mineral Resources

The Bayfront Enhancement Alternative would be located within the same area as the Proposed Project. SDG&E will incorporate applicant-proposed measure (APM-) GEO-1, which is described in the Draft EIR to avoid any hazard risk from ground shaking, ground movement and moderate ground deformation, and soil expansion to the aboveground riser pole. The potential

for liquefaction occurring at the site is considered low, and no impacts due to landslides, earth flows, or debris flows would be anticipated. In addition, dewatering-induced settling is not anticipated. As described for the Proposed Project, erosion potential associated with establishing level work areas and staging areas, as well as trenching activities associated with the underground cable installation would not be considered high because the slope lengths of exposed soils are short and much of the area is flat or covered with pavement. Implementation of Mitigation Measure HYDRO-1, as described in the Draft EIR, would reduce impacts from erosion. Therefore, impacts would be less than significant.

3.0.6 Hazards and Hazardous Materials

A portion of the 138 kV underground duct bank extension would be constructed within Bay Boulevard, a public roadway. Although temporary lane closures may be required for this activity, SDG&E would still maintain vehicle access in both directions. Therefore, emergency access would not be directly impacted during construction. In addition, in the event of an emergency requiring evacuation, SDG&E would ensure that all potential routes are open and accessible for public use. Thus, no impact would occur.

3.0.7 Hydrology and Water Quality

As previously described, construction of the Bayfront Enhancement Alternative would result in the same amount of permanent impacts to jurisdictional wetlands and water features as the Proposed Project. The 138 kV underground duct bank extension would avoid impacts to the drainage feature that contains an emergent wetland along the west side of Bay Boulevard by implementing the jack-and-bore construction method from the west side of the drainage feature to the parking lot located on the east side of Bay Boulevard. The removal of Tower 1 (188701) would result in approximately 0.01 acre of additional temporary impacts to the emergent wetland located within the drainage ditch that parallels Bay Boulevard. Following construction activities, the emergent wetland would be returned to near pre-construction conditions. As with the Proposed Project, the Bayfront Enhancement Alternative would include the construction of one water quality basin, which would be located along the western site boundary. Thus, potential impacts to hydrological resources would remain nearly identical to those anticipated for construction of the Proposed Project and would be less than significant.

3.0.8 Land Use and Planning

As described for the Proposed Project, construction activities would have the potential to disrupt land uses adjacent to the proposed Bay Boulevard Substation for short periods. The Bayfront Enhancement Alternative would temporarily impact the parking lot located east of Bay Boulevard during construction, which would result in the temporary loss of approximately 70 parking spaces for approximately four to eight weeks. However, because there is typically ample parking capacity along Bay Boulevard and these restrictions would be temporary, lasting approximately four to eight weeks, impacts would be less than significant.

The Bayfront Enhancement Alternative would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project. In fact, SDG&E developed the Bayfront Enhancement Alternative in close coordination with the City to advance local planning requirements and objectives. Further, although the Bayfront Enhancement Alternative would be exempt from local land use and zoning regulations and discretionary permitting, this

alternative would comply with and advance the policies provided by the California Coastal Act. Further, the tower removal and 138 kV underground extension components of the Bayfront Enhancement Alternative would provide additional coastal-related benefits as compared to the Proposed Project, particularly with regard to Section 30251 of the California Coastal Act, by restoring and enhancing the visual qualities of a currently degraded area within the Coastal Zone, as described in Section 3.0.0 Aesthetics.

As described for the Proposed Project, the Bayfront Enhancement Alternative would also be consistent with the planned land uses established in the San Diego Port Master Plan amendment and the City's Local Coastal Program Land Use Plan and Bayfront Specific Plan amendments, which were certified by the California Coastal Commission on August 9, 2012. In addition, the Bayfront Enhancement Alternative would be consistent with the City's zoning designations. As described for the Proposed Project, lands surrounding the Bayfront Enhancement Alternative area are designated Developed Areas by the City of Chula Vista Multiple Species Conservation Program Subarea Plan; therefore, the Bayfront Enhancement Alternative would not conflict with any applicable habitat conservation plan or natural community conservation plan. Therefore, no adverse impact would occur. To the contrary, the Bayfront Enhancement Alternative would advance a number of California Coastal Act policies, including low-cost visitor-serving uses, public access, and enhancing visually degraded areas within the Coastal Zone. Attachment A: California Coastal Act Consistency Analysis provides further information related to the added benefits that the Bayfront Enhancement Alternative would provide with respect to these policies. Thus, the Bayfront Enhancement Alternative would result in net environment benefits to land use.

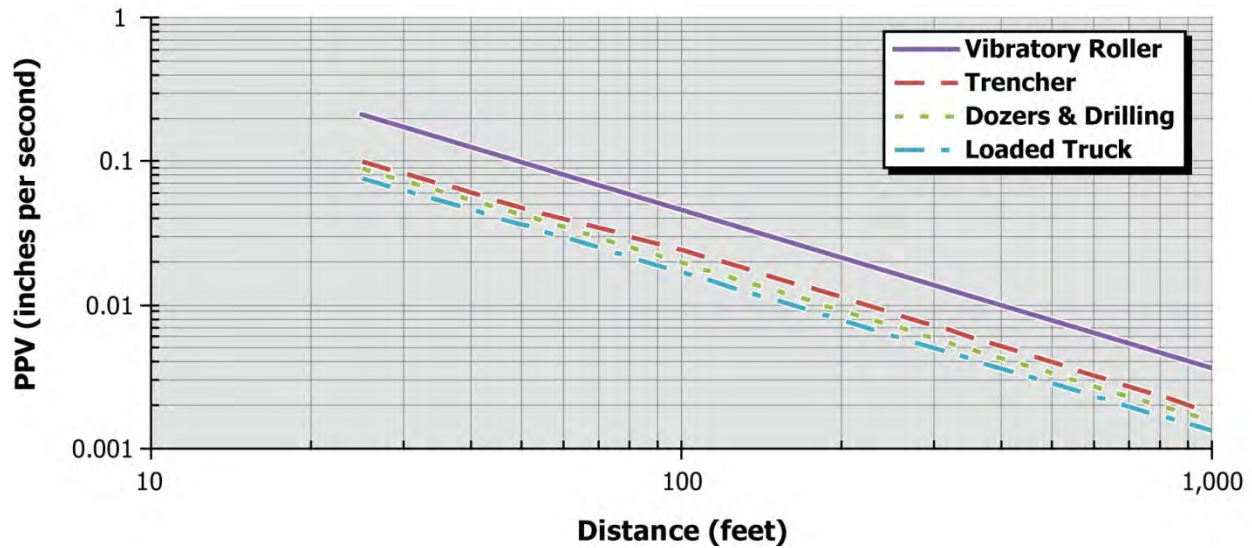
3.0.9 Noise

The construction equipment and methods used to install the additional duct bank and remove the lattice towers associated with the Bayfront Enhancement Alternative would be similar to those used during construction of the Proposed Project. As a result, the emission profile from these activities would also be similar. As described in the PEA, the closest receptors to the Proposed Project would be buildings located approximately 130 feet from construction activities. The closest receptors to the removal of Tower 205 (188700) and installation of Pole 206 would be located approximately 110 feet to the north. The installation of the additional 138 kV underground duct bank would also be located approximately 80 feet from a receptor. As a result, these buildings would experience greater levels of noise than under the Proposed Project. The construction equipment used during the installation of the underground duct banks, erection of the steel cable pole, and removal of the lattice structures would range between 80 and 85 A-weighted decibels (dBA) at a distance of 50 feet. As a result, a building located at approximately 80 feet would experience noise levels between approximately 76 and 81 dBA. The City of Chula Vista does not regulate noise levels from construction and due to their short-term nature, impacts would be less than significant.

As depicted in Figure 8: Construction Vibration Amplitudes, at a distance of approximately 80 feet construction equipment would generate vibrations with an amplitude of less than 0.03 inch per second. This is below the potentially significant level of 0.032 inch per second. As a result, impacts from vibration would be less than significant.

During normal operation, the corona noise generated by overhead transmission lines would be reduced slightly as approximately 700 to 1,000 feet of existing overhead lines would be reconfigured underground. Operational noise impacts resulting from the Bayfront Enhancement Alternative would be less than significant.

Figure 8: Construction Vibration Amplitudes



3.0.10 Population and Housing

Construction of the Bayfront Enhancement Alternative would employ the same number of personnel per day from the local area as the Proposed Project, but would require one additional month to complete. The additional four to eight weeks of construction required for removal of the two towers, construction of the underground duct bank, and installation of the new cable riser pole in the parking lot would occur during other activities and would not extend the overall construction schedule. Therefore, the additional construction activities would be temporary and short term and would not induce population growth.

The Bayfront Enhancement Alternative would not extend infrastructure to previously unserved areas. No housing or commercial facilities are related to the Bayfront Enhancement Alternative. In addition, the Bayfront Enhancement Alternative would not modify land use or zoning designations to permit new residential or commercial development and, therefore, would not foster growth, remove direct growth constraints, nor add a direct stimulus to growth.

As described for the Proposed Project, few, if any, construction workers are expected to permanently relocate to the area as a result of construction activities associated with the Bayfront Enhancement Alternative. As a result, there would be no new demand for housing. Temporary accommodations could be needed during construction, but with numerous hotels and motels in the area, impacts are expected to be less than significant.

There are currently no residences on the Bayfront Enhancement Alternative site; therefore, development of the Bayfront Enhancement Alternative would not displace any existing housing or residents. Additionally, tower removal and the underground duct bank extension would occur

within existing SDG&E easements. No component of the Bayfront Enhancement Alternative would require the removal or relocation of any residential or business uses; therefore, no impact would occur.

3.0.11 Public Services and Utilities

Impacts to public service and utilities would be similar to the Proposed Project. As described for the Proposed Project, construction crews would contact Underground Service Alert and manually probe for existing buried utilities in the construction areas prior to any powered-equipment drilling or excavation. An additional 63,000 gallons of water for the construction required for the Bayfront Enhancement Alternative may be required for fugitive dust suppression, soil compaction, and general construction purposes. Because the Bayfront Enhancement Alternative's additional water demand would be temporary and short-term during the construction phase of the project, and because Sweetwater has a sufficient water supply to meet the construction water supply demands of the Project, impacts would be less than significant. An additional approximately 553 CY of would be excavated for the Bayfront Enhancement Alternative; however, at these small relative amounts, Project area landfills would have sufficient capacity to accommodate disposal of debris generated during construction. Therefore, impacts to public services and utilities will be less than significant.

3.0.12 Recreation

As described for the Proposed Project, the Bayfront Enhancement Alternative is not proposed in an area that includes existing recreational facilities and, therefore, would not directly impact recreational facilities. As discussed in Section 3.0.10 Population and Housing, the construction of the Bayfront Enhancement Alternative is not expected to induce either short-term or long-term population growth, and it is unlikely to draw additional residents or recreationists to the area. However, relocating the substation from its current position would further the goals of the Memorandum of Understanding between SDG&E and the City and enable planned recreational activities to be realized through implementation of the Chula Vista Bayfront Master Plan. Therefore, the construction of the Bayfront Enhancement Alternative would not increase local need for recreational resources or disrupt the use of recreational activities, while providing added benefits. As a result, the Bayfront Enhancement Alternative would have a less-than-significant impact on the physical deterioration of recreational facilities due to increased use.

3.0.13 Transportation and Traffic

Construction of the Bayfront Enhancement Alternative would require approximately 75 additional truck trips than the Proposed Project, as previously described in Section 3.0.1 Air Quality. Thus, the number of additional truck trips required for tower removal and the 138 kV underground duct bank extension would result in less than a one-percent increase in total truck trips than that required for the Proposed Project. The impacts to traffic in the area associated with these activities would be temporary and could add approximately four to eight weeks to the 138 kV construction period, but would occur concurrently with other scheduled construction activities, and would not impact the overall construction schedule.

As provided in 2.0.1 Implementation, extension of the 138 kV underground duct bank would require jack-and-boring under Bay Boulevard. As a result of using the jack-and-bore construction method, lane closures to Bay Boulevard are not anticipated to be required for the

138 kV underground duct bank extension. However, traffic delays could occur during these construction activities due to slower vehicle traffic. However, any necessary road alterations would be temporary, short in duration (lasting approximately two to four weeks), and coordinated with the local regulatory agencies. As a result, extension of the 138 kV underground duct bank is not anticipated to significantly disrupt traffic flow due to road or lane closures. The increased traffic could have an adverse impact to the business entrances located along Bay Boulevard near the Project site. However, access to business and residential areas would be maintained at all times during construction activities. Further, SDG&E would coordinate with adjacent property owners to provide adequate advance notice of construction activities through the City's encroachment permit process, as well as coordinate parking lot access restriction to the extent practicable. SDG&E would also implement APM-TRA-1, which requires that construction traffic utilize alternative access and travel routes, such as J Street and Palomar Avenue, during the p.m. peak hours (between 4:00 p.m. and 6:00 p.m.). Thus, the impact would be less than significant.

Emergency access would not be directly impacted during construction because all streets would remain open to emergency vehicles at all times throughout construction. Increased vehicle traffic during construction and temporary lane closures during underground duct bank installation may occur. Although this can indirectly impact emergency access, the increase in traffic would be minor and would not be expected to significantly affect response times. Thus, impacts would be less than significant.

As previously described in Section 3.0.6 Hazards and Hazardous Materials, temporary road or lane closures may be required to provide safety to the public and workers during certain activities. Road closures and encroachment into public roadways could increase hazards if appropriate safety measures are not in place, such as proper signage, orange cones, and flaggers. However, SDG&E would obtain the required encroachment permits from the City and implement traffic control measures accordingly. Consequently, no impacts would result.

Parking of crew vehicles and equipment would typically occur within SDG&E's existing ROW and staging area limits. During the construction activities that would occur within the parking lot located east of Bay Boulevard, including the 138 kV underground duct bank extension, removal of Tower 205 (188700), and installation of cable riser pole 206, public access to the entire southern portion of the parking lot would be restricted. This would result in the temporary loss of approximately 70 parking spaces for approximately four to eight weeks. However, as viewed during previous visits to the Project site, ample parking capacity is typically available along the east side of Bay Boulevard and these restrictions would be temporary, lasting approximately four to eight weeks. As a result, impacts would be less than significant. As previously mentioned, SDG&E would notify property owners in advance of construction activities, as well as coordinate parking lot access restriction to the extent practicable.

Extension of the 138 kV transmission line across Bay Boulevard could result in temporary lane closures, including the bicycle lane that has been constructed along the west side Bay Boulevard. However, SDG&E would obtain encroachment permits to conduct work in the public ROW, and would ensure that access for motorists and bicyclists remains open during construction. In addition, where construction activities would result in bike route or bike path closures,

appropriate detours and signs would be provided, as specified in Mitigation Measure TRA-5 in the Draft EIR. Therefore, impacts to alternative transportation would be less than significant.

3.1 LIVING COAST DISCOVERY CENTER

As provided in Section 2.1.1 Implementation, the Center is an existing nature Center that provides a living-museum experience while promoting coastal resource conservation and environmental stewardship through education. Figure 2: Enhancement Projects Location Map depicts the location of the Center in relation to the Bayfront Enhancement Alternative site. Providing funding to assist with the continued operation of the Center would not result in any new impacts to resources because the funding provided by SDG&E will allow the Center to continue to operate at existing levels within an existing buildings and facilities. No expansion of the Center would be funded by SDG&E's endowment. Funding the continued operation of the Living Coast Discovery Center would offer the sustained low-cost visitor-serving benefits that are provided by the Center, including an opportunity for the public to access coastal marsh areas that would not otherwise be available, and exposure of the public and schoolchildren to the Bay's wetland and marsh habitats and wildlife for coastal recreation and educational opportunities. Contributing funding to the Center would comply with state and local policies, including complying and advancing the policies established in the California Coastal Act. In addition, as previously noted, this funding would help protect and encourage the continued benefits that the Center offers by providing a lower-cost visitor/recreational facility for the public, in furtherance of Section 30213 of the Coastal Act, resulting in a net benefit to recreation.

3.2 SALT WORKS PROPERTY MANAGEMENT

As described in Section 2.2.1 Implementation, SDG&E is proposing to provide funding to the Refuge to maintain aspects of the existing salt pond system, which supports brine invertebrates and provides food for nesting seabirds and other migratory birds in the San Diego Bay. Figure 2: Enhancement Projects Location Map depicts the location of the Salt Works property in relation to the Bayfront Enhancement Alternative site. Providing funding to assist with the continued operation of the Salt Works property and other activities identified in the approved CCP/EIS would not result in any new adverse impacts to resources. The operation and maintenance of the brine production area provides benefits to biological resources because it allows for the continued production of brine invertebrates, a food resource for many seabird and migratory bird species in the San Diego Bay. In addition, maintaining the brine production area provides benefits to biological resources by supporting the policies of the California Coastal Commission, including maintaining and protecting marine resources of special biological significance. Therefore, this activity complies with and advances state and local policies, including those established in the California Coastal Act. In addition, this funding would help maintain marine resources by protecting the use of the salt ponds system for piscivorous bird species within the San Diego Wildlife Refuge complex, in furtherance of Section 30230 of the Coastal Act. The operation and maintenance of the brine production area also provides recreational benefits because it promotes continued birding opportunities in the San Diego Bay.

4 – CONCLUSION

The Bayfront Enhancement Alternative would not result in any new significant environmental impacts or any substantial increase in the severity of an environmental impact within the meaning of the California Environmental Quality Act (CEQA). To the contrary, the Bayfront Enhancement Project would result in significant environmental benefits to the Chula Vista Bayfront that none of the other alternatives or the Proposed Project would deliver. The \$5 million of additional funding would benefit the Bayfront area by undergrounding approximately 700 to 1,000 feet of existing transmission line, removing two existing transmission structures, and providing funding to support existing or approved programs and activities at the Center and Salt Works property, including public access to coastal resources and continued management of habitat for birds in the coastal area. The Bayfront Enhancement Alternative would provide incremental net benefits to biological resources by removing two towers and approximately 700 to 1,000 feet of existing conductor. In addition, this alternative would provide significant benefits to land use by advancing California Coastal Act policies and furthering the Chula Vista Bayfront Master Plan, as well as aesthetic improvements to views of the Bay from Bay Boulevard. Only minor, short-term, less than significant environmental effects would result from implementation of the Bayfront Enhancement Alternative from the temporary construction activities associated with undergrounding an aboveground transmission line. These minimal impacts would be more than offset by the substantial benefits created by the proposed activities and funding.. All other impacts from the Bayfront Enhancement Alternative would be the same as the Proposed Project. As a result, the Bayfront Enhancement Alternative is environmentally superior to the Proposed Project and any of the alternatives considered in the Draft EIR.

ATTACHMENT A: CALIFORNIA COASTAL ACT CONSISTENCY ANALYSIS

ATTACHMENT A: CALIFORNIA COASTAL ACT CONSISTENCY ANALYSIS

SOUTH BAY SUBSTATION RELOCATION PROJECT AND BAYFRONT ENHANCEMENT ALTERNATIVE

This document discusses the consistency of the South Bay Substation Relocation Project (Proposed Project) and Bayfront Enhancement Alternative with the policies contained in Chapter 3 of the California Coastal Act.

Chapter 3 Plan or Policy	Consistent? (Yes/No)	Explanation	
		Proposed Project	Bayfront Enhancement Alternative
<i>Article 2 – Public Access</i>			
Section 30210: Maximum access and recreational opportunities shall be provided for all people, consistent with public safety needs and the need to protect public rights, private property owner rights, and natural resource areas from overuse.	Yes	<p>San Diego Gas & Electric Company (SDG&E) proposes to demolish an existing substation that is located within the locally approved Chula Vista Bayfront Master Plan (CVBMP) area and rebuild it within an industrially zoned parcel identified by the San Diego Unified Port District (Port District) and the City of Chula Vista (City), and approved by the California State Lands Commission (CSLC). Currently, there are no public access points or recreational opportunities within the existing South Bay Substation or proposed relocation sites. Both the existing location and proposed relocation site have been used historically for industrial uses, and neither is considered a natural resource area.</p> <p>One of SDG&E’s fundamental objectives of the Proposed Project is to relocate the existing substation to facilitate the redevelopment of the Chula Vista Bayfront. By removing the existing substation from its current location, the Proposed Project would facilitate the overall redevelopment of the Chula Vista Bayfront, including the implementation of a traditional grid street pattern, as well as bicycle, pedestrian, and transit links, which would in turn maximize public access and recreational opportunities within the bayfront. In particular, the South Bay Substation would be relocated to the south, away from the Chula Vista Marina and other existing and planned recreational facilities, such as a proposed 14-acre recreational vehicle (RV) park and a 24-acre passive use park (South Park), and moved closer to other existing and previous industrial uses. Therefore, the Proposed Project would increase public access to the bayfront and associated recreational opportunities while concentrating industrial, non-public development within an area that is zoned for and has historically been used for industrial purposes. Thus, the Proposed Project would allow for the creation of new access and recreational opportunities within property that is currently industrialized and not open to the public. The substation would be relocated to another parcel that is currently industrial and does not have public access. Thus, the Proposed Project would not impact existing public access or subject a natural resource area to development or overuse.</p>	<p>The consistency discussion for the Proposed Project applies to the Bayfront Enhancement Alternative, and is therefore incorporated by reference.</p> <p>In addition, the Bayfront Enhancement Alternative would provide \$2.5 million funding two projects that would provide environmental benefits within the bayfront area, consistent with Chapter 3 policies. Under this alternative, SDG&E will contribute \$2 million to the Living Coast Discovery Center to continue its operation of public outreach and education regarding the coastal environment and \$500,000 to the San Diego National Wildlife Refuge to fund the long-term maintenance of the existing salt pond system, which supports brine invertebrates and provides food for nesting seabirds and other migratory birds in the San Diego Bay. Therefore, the Bayfront Enhancement Alternative does not conflict with this Chapter 3 policy; rather, it would fund recreational opportunities in the Coastal Zone, including the continued operation of the Living Coast Discovery Center and birding opportunities that would result from the management of the salt pond system, for the use and enjoyment of the general public, and it is consistent with this Chapter 3 policy.</p>

Chapter 3 Plan or Policy	Consistent? (Yes/No)	Explanation	
		Proposed Project	Bayfront Enhancement Alternative
Section 30211: Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization.	Yes	SDG&E proposes to demolish an existing substation that is located within the locally approved CVBMP area and rebuild it within an industrially zoned parcel identified by the Port District and City, and approved by the CSLC. One of SDG&E's fundamental objectives of the Proposed Project is to relocate the substation to facilitate the redevelopment of the Chula Vista Bayfront. The Proposed Project would not interfere with the public's right of access to the sea. Neither the existing substation site nor the proposed relocation site is currently used or accessible by the public, and neither site is subject to any claim of prescriptive rights. The existing substation site is adjacent to the South Bay Power Plant. It is fenced and features no public access to the sea. The proposed relocation site is currently fenced and does not allow public access to the adjacent coastline, which is currently occupied by salt crystallizer ponds. The Proposed Project would facilitate the creation of public access within the overall CVBMP area by demolishing the existing substation and allowing public access where none currently exists. Thus, there would be no interference with existing public access.	<p>The consistency discussion for the Proposed Project applies to the Bayfront Enhancement Alternative, and is therefore incorporated by reference.</p> <p>In addition, as noted previously, the Bayfront Enhancement Alternative would include contributing \$2 million to the Living Coast Discovery Center, which provides public access to the coast. Therefore, the Bayfront Enhancement Alternative does not conflict with this Chapter 3 policy; rather, it would fund continued public access to the sea in the Coastal Zone and is consistent with this Chapter 3 policy.</p>
<p>Section 30212: (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:</p> <p>(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,</p> <p>(2) adequate access exists nearby, or,</p> <p>(3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.</p>	Yes	SDG&E proposes to demolish an existing substation that is located within the locally-approved CVBMP area and rebuild it within an industrially zoned parcel identified by the Port District and City, and approved by the CSLC. One of SDG&E's fundamental objectives of the Proposed Project is to relocate the South Bay Substation to facilitate the redevelopment of the Chula Vista Bayfront. The proposed relocation site would not include public access from the nearest public roadway to the shoreline or along the coast because it is inconsistent with public safety and security needs to create public access within an electric substation site. However, public access would be provided adjacent to the substation property along a planned bike path. In addition, public access is currently provided in the vicinity through Marina View Park and Chula Vista Bayfront Park (0.75 mile north of the Bay Boulevard Substation) and via the Bayshore Bikeway (0.30 mile south of the Bay Boulevard Substation). The Proposed Project would also remove an existing substation and facilitate the creation of new public access and recreation opportunities as part of the overall bayfront redevelopment, which includes the proposed bike path that traverses across the northeastern corner of the Proposed Project parcel boundary through the CVBMP area.	<p>The consistency discussion for the Proposed Project applies to the Bayfront Enhancement Alternative, and is therefore incorporated by reference.</p> <p>In addition, as noted previously, the Bayfront Enhancement Alternative would include funding for projects that would provide environmental benefits within the bayfront area, consistent with Chapter 3 policies. The Bayfront Enhancement Alternative would include contributing \$2 million to the Living Coast Discovery Center, which provides public access to the coast. Therefore, the Bayfront Enhancement Alternative does not conflict with this Chapter 3 policy; rather, it would fund continued public access through the Living Coast Discovery Center in the Coastal Zone and is consistent with this Chapter 3 policy.</p>

Chapter 3 Plan or Policy	Consistent? (Yes/No)	Explanation	
		Proposed Project	Bayfront Enhancement Alternative
Section 30212.5: Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.	Yes	SDG&E proposes to demolish an existing substation that is located within the locally approved CVBMP area and rebuild it within an industrially zoned parcel identified by the Port District and City, and approved by the CSLC. One of SDG&E's fundamental objectives of the Proposed Project is to relocate the South Bay Substation to facilitate the redevelopment of the Chula Vista Bayfront. The Proposed Project involves construction of an electric substation and related infrastructure facilities. The Proposed Project would not be publicly accessible and would not displace any public uses or facilities. The substation would normally be unmanned, and any operation and maintenance personnel visiting the site would be able to park within the substation site. Therefore, no parking or other public facilities would be required.	The consistency discussion for the Proposed Project applies to the Bayfront Enhancement Alternative, and is therefore incorporated by reference.
Section 30213: Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.	Yes	SDG&E proposes to demolish an existing substation that is located in the locally approved CVBMP area and rebuild it within an industrially zoned parcel identified by the Port District and City, and approved by the CSLC. One of SDG&E's fundamental objectives of the Proposed Project is to relocate the substation to facilitate the redevelopment of the Chula Vista Bayfront. In the location of the existing substation, which would be demolished, the CVBMP calls for development of a recreational vehicle (RV) park. Elsewhere within the CVBMP, public access and recreational opportunities would be provided. Thus, the Proposed Project would facilitate the development of lower cost visitor and recreational facilities at the existing substation site and within the greater Chula Vista Bayfront.	The consistency discussion for the Proposed Project applies to the Bayfront Enhancement Alternative, and is therefore incorporated by reference. In addition, as noted previously, the Bayfront Enhancement Alternative would include contributing \$2 million to the Living Coast Discovery Center, which is an existing visitor and recreational facility in the Coastal Zone. Contributing to the Living Coast Discovery Center's operation would protect and ensure the continued existence of lower-cost visitor and recreational facilities. Therefore, the Bayfront Enhancement Alternative does not conflict with this Chapter 3 policy; rather, it protects existing recreational facilities in the Coastal Zone and is consistent with this Chapter 3 policy.
Section 30214: (a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following: (1) Topographic and geologic site characteristics. (2) The capacity of the site to sustain use and at what level of intensity. (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses. (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.	Yes	SDG&E proposes to demolish an existing substation that is located within the locally approved CVBMP area and rebuild it within an industrially zoned parcel identified by the Port District and City, and approved by the CSLC. One of SDG&E's fundamental objectives of the Proposed Project is to relocate the South Bay Substation to facilitate the redevelopment of the Chula Vista Bayfront. In the location of the existing substation, which would be demolished, the CVBMP calls for development of an RV park. Elsewhere within the CVBMP, public access and recreational opportunities would be provided. By removing the substation from the existing location, the Proposed Project would facilitate the development of public access where none currently exists. No new public access would be created within the relocation site because public access is not appropriate within an electric substation site.	The consistency discussion for the Proposed Project applies to the Bayfront Enhancement Alternative, and is therefore incorporated by reference. In addition, as noted previously, the Bayfront Enhancement Alternative would include contributing \$2 million to the Living Coast Discovery Center, which provides public access to the coast. The operation of the Living Coast Discovery Center already takes into account the need to regulate the time, place, and manner of public access that is provided. Therefore, the Bayfront Enhancement Alternative does not conflict with this Chapter 3 policy; rather, it would be consistent with this Chapter 3 policy.

Chapter 3 Plan or Policy	Consistent? (Yes/No)	Explanation	
		Proposed Project	Bayfront Enhancement Alternative
Section 30220: Coastal areas suited for water-oriented recreational activities shall be protected for those uses.	Yes	SDG&E proposes to demolish an existing substation that is located within the locally approved CVBMP area and rebuild it within an industrially zoned parcel identified by the Port District and City, and approved by the CSLC. One of SDG&E's fundamental objectives of the Proposed Project is to relocate the South Bay Substation to facilitate the redevelopment of the Chula Vista Bayfront. The CVBMP would create opportunities for water-oriented recreational activities, such as boating. The proposed relocation site was previously developed with an industrial liquefied natural gas (LNG) facility that is adjacent to privately-owned commercial salt crystallizer ponds. Thus, it is not suitable for water-oriented recreational activities.	<p>The consistency discussion for the Proposed Project applies to the Bayfront Enhancement Alternative, and is therefore incorporated by reference.</p> <p>In addition, as noted previously, the Bayfront Enhancement Alternative would include funding for projects that would provide environmental benefits within the bayfront area, consistent with Chapter 3 policies. The Bayfront Enhancement Alternative would include contributing \$2.5 million to two projects that would provide environmental benefits within the bayfront area, consistent with Chapter 3 policies. Under this alternative, SDG&E would contribute \$2 million to the Living Coast Discovery Center, which provides coastal recreational opportunities, and \$500,000 to the San Diego National Wildlife Refuge to fund the long-term maintenance of the existing salt pond system, which supports brine invertebrates and provides food for nesting seabirds and other migratory birds in the San Diego Bay. The Living Coast Discovery Center provides water-oriented recreational activities, including marine wildlife viewing. Likewise, the management of the Salt Works salt pond system increases birding opportunities in the area. Therefore, the Bayfront Enhancement Alternative does not conflict and is consistent with this Chapter 3 policy.</p>
Section 30221: Oceanfront land suitable for recreational use and development shall be protected for that use unless present and future demand is already provided for in the area.	Yes	SDG&E proposes to demolish an existing substation that is located within the locally approved CVBMP area and rebuild it within an industrially zoned parcel identified by the Port District and City, and approved by the CSLC. One of SDG&E's fundamental objectives of the Proposed Project is to relocate the South Bay Substation to facilitate the redevelopment of the Chula Vista Bayfront. Removal of the existing substation would facilitate development of the CVBMP, which includes recreational, coastal-oriented uses and development. The proposed relocation site is within a site that was previously developed with an industrial LNG facility and is adjacent to privately-owned commercial salt crystallizer ponds. Thus, the relocation site is not suitable for recreational use.	<p>The consistency discussion for the Proposed Project applies to the Bayfront Enhancement Alternative, and is therefore incorporated by reference.</p> <p>In addition, as noted previously, the Bayfront Enhancement Alternative would include contributing \$2 million to the Living Coast Discovery Center. Funding for the Living Coast Discovery Center would protect oceanfront land that is already developed and currently being used for recreation. Therefore, the Bayfront Enhancement Alternative does not conflict and is consistent with this Chapter 3 policy.</p>
Section 30222: The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.	Yes	SDG&E proposes to demolish an existing substation that is located within the locally approved CVBMP area and rebuild it within an industrially zoned parcel identified by the Port District and City, and approved by the CSLC. One of SDG&E's fundamental objectives of the Proposed Project is to relocate the South Bay Substation to facilitate the redevelopment of the Chula Vista Bayfront. In the location of the existing substation, which would be demolished, the CVBMP calls for development of an RV park. Elsewhere within the CVBMP, public access and recreational opportunities would be provided. Thus, the Proposed Project would facilitate the development of lower cost visitor and recreational facilities at the existing substation site and within the greater Chula Vista Bayfront. The new substation would be rebuilt within a parcel that is designated for General Industrial	<p>The consistency discussion for the Proposed Project applies to the Bayfront Enhancement Alternative, and is therefore incorporated by reference.</p> <p>In addition, as noted previously, the Bayfront Enhancement Alternative would include contributing \$2 million to the Living Coast Discovery Center, which is a visitor-serving recreational facility within the Coastal Zone. Funding for the Living Coast Discovery Center would protect this existing visitor-serving recreational facility. The Bayfront Enhancement Alternative would also involve contributing \$500,000 to the San Diego National Wildlife Refuge to fund the long-term maintenance of the existing salt pond system, which supports brine invertebrates and provides food for nesting seabirds and other migratory birds in the San Diego Bay. The continued operation of the Salt Works property improves birding opportunities in the area. Therefore, the Bayfront Enhancement Alternative does</p>

Chapter 3 Plan or Policy	Consistent? (Yes/No)	Explanation	
		Proposed Project	Bayfront Enhancement Alternative
		uses as part of the City of Chula Vista’s approved local coastal plan (LCP). The new substation would meet the demands of local customers within the bayfront area (including existing and proposed CVBMP, commercial, and industrial development), and must be constructed in geographic proximity to these customers.	not conflict with this Chapter 3 policy; rather, it ensures public opportunities for coastal recreation and is consistent with this Chapter 3 policy.
Section 30222.5: Oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.	Yes	SDG&E proposes to demolish an existing substation that is located within the locally approved CVBMP area and rebuild it within an industrially zoned parcel identified by the Port District and City, and approved by the CSLC. One of SDG&E’s fundamental objectives of the Proposed Project is to relocate the South Bay Substation to facilitate the redevelopment of the Chula Vista Bayfront. Removal of the existing substation would facilitate development of the CVBMP. The substation relocation site is not adjacent to open ocean waters, but rather, is adjacent to commercial salt crystallizer ponds. It is a previously developed industrial site that is not suitable for aquaculture.	<p>The consistency discussion for the Proposed Project applies to the Bayfront Enhancement Alternative, and is therefore incorporated by reference.</p> <p>In addition, as noted previously, the Bayfront Enhancement Alternative would include funding for projects that would provide environmental benefits within the bayfront area consistent with Chapter 3 policies. The Bayfront Enhancement Alternative includes contributing \$2 million to the Living Coast Discovery Center for its continued operation and \$500,000 to the San Diego National Wildlife Refuge to continue to manage the water in the existing Salt Works salt pond system. Both of these projects are coastal-dependent. Furthermore, funding of the Salt Works operation will help ensure the protection of oceanfront land that is suitable for coastal-dependent aquaculture. Therefore, the Bayfront Enhancement Alternative does not conflict with this Chapter 3 policy; rather, it would fund existing coastal-dependent uses and is consistent with this Chapter 3 policy.</p>
Section 30223: Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.	Yes	SDG&E proposes to demolish an existing substation that is located within the locally approved CVBMP area and rebuild it within an industrially zoned parcel identified by the Port District and City, and approved by the CSLC. One of SDG&E’s fundamental objectives of the Proposed Project is to relocate the South Bay Substation to facilitate the redevelopment of the Chula Vista Bayfront. In the location of the existing substation, which would be demolished, the CVBMP calls for development of an RV park. Elsewhere within the CVBMP, coastal recreational uses would be supported. Unless the existing substation is demolished and relocated, the development of an RV park is not feasible. Thus, the Proposed Project would facilitate the creation of coastal recreational uses at the existing substation site and within the greater Chula Vista Bayfront. The CVBMP has identified lands that would support coastal recreational uses, including the site of the existing substation, and the South Bay Substation is being relocated to accommodate their development.	<p>The consistency discussion for the Proposed Project applies to the Bayfront Enhancement Alternative, and is therefore incorporated by reference.</p> <p>In addition, as noted previously, the Bayfront Enhancement Alternative would include contributing \$2 million to the Living Coast Discovery Center, which is an existing recreational use in the Coastal Zone. Funding of the Living Coast Discovery Center will continue to reserve the land on which this facility is constructed to support coastal recreational uses. Therefore, the Bayfront Enhancement Alternative does not conflict with this Chapter 3 policy; rather, it funds continued coastal recreational uses and is consistent with this Chapter 3 policy.</p>

Chapter 3 Plan or Policy	Consistent? (Yes/No)	Explanation	
		Proposed Project	Bayfront Enhancement Alternative
Section 30224: Encourages the increased recreational boating use of coastal waters and specifies methods to increase such usage.	Yes	SDG&E proposes to demolish an existing substation that is located within the locally approved CVBMP area and rebuild it within an industrially zoned parcel identified by the Port District and City, and approved by the CSLC. One of SDG&E's fundamental objectives of the Proposed Project is to relocate the South Bay Substation to facilitate the redevelopment of the Chula Vista Bayfront. In the place of the substation to be demolished, the CVBMP calls for development of an RV park. Elsewhere within the CVBMP, coastal recreational uses, including recreational boating uses, would be facilitated. The Proposed Project would relocate the South Bay Substation further from the Chula Vista Marina, facilitating the future redevelopment of the area for potential recreational boating uses. Contemplated uses include a community boating center and a recreational marina.	The consistency discussion for the Proposed Project applies to the Bayfront Enhancement Alternative, and is therefore incorporated by reference.
Article 4 – Marine Environment			
Section 30230: Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.	Yes	<p>The Proposed Project includes demolition and relocation of an existing substation to another site. Removal of the existing substation would facilitate the CVBMP. The new substation would be rebuilt at the site of a previous industrial LNG facility. The relocation site does not contain marine resources of biological or ecological significance. No marine organisms are present at the proposed relocation site, and the Proposed Project would not impact any marine organisms that may be present within the adjacent salt crystallizer ponds. In addition, results of the United States Fish and Wildlife Service (USFWS)-protocol-level wet- and dry-season branchiopod surveys that were conducted at the Proposed Project site were negative. Although wetland vegetation, soils, and hydrology are present within the on-site containment basins constructed as part of the LNG facility, the site is predominantly, if not fully, comprised of previously filled lands. All habitats on the site, including the jurisdictional wetlands, are disturbed and lack the characteristics of pristine communities. This is due to the fact that the current habitats present reflect relatively early stages of non-native vegetation colonization on fill soils. As a result, vegetated communities are poorly developed.</p> <p>SDG&E would compensate for impacts to approximately 2.43 acres of low-quality wetlands at the Proposed Project site at a four-to-one ratio. Pursuant to Section 30233, SDG&E proposes to restore approximately 10 acres of self-sustaining salt marsh and sub-tidal ecosystem at the D Street Fill site, which is located north of the Proposed Project adjacent to the Sweetwater Marsh. Restoration at the D Street Fill site. These restoration efforts would enhance and restore marine resources within the USFWS San Diego Bay National Wildlife Refuge, resulting in diverse</p>	<p>The consistency discussion for the Proposed Project applies to the Bayfront Enhancement Alternative, and is therefore incorporated by reference.</p> <p>In addition, as noted previously, the Bayfront Enhancement Alternative would include funding for projects that would provide environmental benefits within the bayfront area that are consistent with Chapter 3 policies. Under this alternative, SDG&E would contribute \$2 million to the Living Coast Discovery Center to fund its continued operation and \$500,000 to the San Diego National Wildlife Refuge to fund the long-term maintenance of the existing salt pond system, which supports brine invertebrates and provides food for nesting seabirds and other migratory birds in the San Diego Bay. Funding the Living Coast Discovery Center would facilitate public outreach and education, which aids in protecting sensitive coastal resources. Funding the Salt Works property operation would help maintain and enhance marine resources. Therefore, the Bayfront Enhancement Alternative does not conflict with this Chapter 3 policy; rather, it would sustain and protect the biological productivity of coastal waters and is consistent with this Chapter 3 policy.</p>

Chapter 3 Plan or Policy	Consistent? (Yes/No)	Explanation	
		Proposed Project	Bayfront Enhancement Alternative
		wetland habitat that is expected to significantly “lift” biotic and abiotic processes and functions within the mitigation site. The proposed restoration site is located on dredge fill within Refuge and was previously identified by the USFWS as a restoration site (USFWS 2006). Several wetland restoration projects constructed as mitigation for off-site impacts have been permitted and successfully implemented at the D Street Fill site. These include mitigation for the realignment of Interstate (I-) 5 and associated construction of the Sweetwater River Flood Control Channel and State Route (SR-) 54/I-5 interchange (Marisma de Nacion); mitigation for the National City Marine Terminal Wharf Extension project; and mitigation for the L-Ditch Remediation Project. The implementation of sub-tidal restoration at the site would improve habitat conditions for fish and piscivorous birds.	
Section 30231: The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.	Yes	<p>The Proposed Project includes demolition and relocation of an existing substation to another site.</p> <p>Within both the demolition site and the relocation site, the Proposed Project would not adversely affect the biological productivity or quality of coastal waters, streams, wetlands, estuaries, or lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health. Neither site contains coastal waters, streams, estuaries, or lakes. While wetland features are present within the former LNG retention basin located at the substation relocation site, these wetlands are of low quality and do not support marine organisms. Although wetland vegetation, soils, and hydrology are present within the on-site containment basins constructed as part of the LNG facility, the site is predominantly, if not fully, comprised of previously filled lands. All habitats on the site, including the jurisdictional wetlands, are disturbed and lack the characteristics of pristine communities. This is due to the fact that the current habitats present reflect relatively early stages of non-native vegetation colonization on fill soils. As a result, vegetated communities are poorly developed. Impacts to these low-quality retention basin wetlands would be mitigated at a four-to-one ratio.</p> <p>As discussed previously, SDG&E proposes to compensate for impacts to low-quality wetlands associated with the Proposed Project at a four-to-one ratio by restoring approximately 10 acres of salt marsh and sub-tidal ecosystem at D Street Fill site, which is located north of the Proposed Project adjacent to the Sweetwater Marsh. Restoration at the D Street Fill site would restore the biological productivity and diversity within the mitigation site, providing improved habitat conditions for fish and piscivorous</p>	<p>The consistency discussion for the Proposed Project applies to the Bayfront Enhancement Alternative, and is therefore incorporated by reference.</p> <p>In addition, as noted previously, the Bayfront Enhancement Alternative would include \$500,000 of funding for the San Diego National Wildlife Refuge to fund the long-term maintenance of the existing salt pond system, which supports brine invertebrates and provides food for nesting seabirds and other migratory birds in the San Diego Bay. Funding the continued management of the Salt Works property ponds would help maintain the biological productivity and quality of coastal waters in the Coastal Zone. Therefore, the Bayfront Enhancement Alternative does not conflict with this Chapter 3 policy; rather, it would enhance biological productivity and the quality of coastal waterbodies and is consistent with this Chapter 3 policy.</p>

Chapter 3 Plan or Policy	Consistent? (Yes/No)	Explanation	
		Proposed Project	Bayfront Enhancement Alternative
		<p>birds.</p> <p>Throughout the Proposed Project sites, stormwater runoff would be controlled during construction with the implementation of Best Management Practices (BMPs). After construction, stormwater would be treated through on-site swales and detention basins. No riparian areas, habitats, or natural streams would be affected by the Proposed Project, nor would groundwater be depleted.</p>	
<p>Section 30232: Protects the coastal environment against the spillage of hazardous materials and requires containment and clean-up procedures in the event that a spill does occur.</p>	Yes	<p>The Proposed Project includes demolition and relocation of an existing substation to another site. The existing South Bay Substation was originally constructed in 1961 and contains aging equipment. The Proposed Project would involve the demolition of these existing facilities and the construction of a new substation in accordance with current spill prevention and countermeasure standards. Batteries would be removed and disposed of in accordance with all applicable regulations prior to building demolition activities. Because the transformers would be drained of all excess materials (i.e., mineral oil), prior to demolition activities, a release of hazardous materials would not result. In addition, SDG&E would implement a Hazardous Substance Management and Emergency Response Plan, thereby reducing the potential for a spill and the associated impacts.</p> <p>In accordance with the Clean Water Act, a site-specific Spill Prevention Control and Countermeasure Plan, which contains the proper procedures for storage, handling, spill response, and disposal of hazardous materials, including fueling, maintenance, spill containment, leak inspection, and clean-up procedures, would be prepared and implemented for the Project. In accordance with these regulatory requirements, SDG&E would also design and construct oil-retention basins for each transformer to ensure any future leak or spill would be fully contained.</p>	<p>The consistency discussion for the Proposed Project applies to the Bayfront Enhancement Alternative, and is therefore incorporated by reference.</p>
<p>Section 30233: (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:</p> <p>(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.</p> <p>(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.</p>	Yes	<p>The Proposed Project includes demolition and relocation of an existing substation to another site.</p> <p>There are no open coastal waters, wetlands, estuaries or lakes located within the demolition site.</p> <p>Although the proposed relocation site includes wetland vegetation, soils, and hydrology within the on-site containment basins constructed as part of the LNG facility, the site is predominantly, if not fully, comprised of previously filled lands. All habitats on the site, including the jurisdictional wetlands, are disturbed and</p>	<p>The consistency discussion for the Proposed Project applies to the Bayfront Enhancement Alternative, and is therefore incorporated by reference.</p>

Chapter 3 Plan or Policy	Consistent? (Yes/No)	Explanation	
		Proposed Project	Bayfront Enhancement Alternative
<p>(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.</p> <p>(4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.</p> <p>(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.</p> <p>(6) Restoration purposes.</p> <p>(7) Nature study, aquaculture, or similar resource dependent activities.</p> <p>(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems.</p> <p>(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.</p> <p>(d) Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients that would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for these purposes are the method of placement, time of year of placement, and sensitivity of the placement area.</p>		<p>lack the characteristics of pristine communities. This is due to the fact that the current habitats present reflect relatively early stages of non-native vegetation colonization on fill soils. As a result, vegetated communities are poorly developed.</p> <p>The Proposed Project is located on a previously occupied and highly disturbed former industrial site. The proposed filling of wetland characteristics on the site is a permitted use because the Proposed Project is an energy facility and serves incidental public service purposes within the meaning of Section 30233. In addition, there is no feasible less environmentally damaging alternative (unless the California Public Utilities Commission determines that either the Bayfront Enhancement Alternative or the GIS Substation Alternative is "feasible" as defined in the Coastal Act), and comprehensive mitigation for the impacts to the low-quality wetlands will be provided. Mitigation of wetland impacts is described in a draft wetland mitigation plan developed in consultation with the USFWS San Diego Bay National Wildlife Refuge staff and in accordance with California Coastal Commission guidelines for mitigation plans. The final mitigation plan would be approved by California Coastal Commission staff. Currently, SDG&E proposes to compensate for impacts to the low-quality wetlands that are associated with the Proposed Project by restoring approximately 10 acres of salt marsh and sub-tidal ecosystem at the D Street Fill site, which is located north of the Proposed Project adjacent to the Sweetwater Marsh and within the USFWS San Diego Bay National Wildlife Refuge. The proposed restoration site is located on dredge fill within Refuge and was previously identified by the USFWS as a restoration site (USFWS 2006). Several wetland restoration projects constructed as mitigation for off-site impacts have been permitted and successfully implemented at the D Street Fill site. These include mitigation for the realignment of I-5 and associated construction of the Sweetwater River Flood Control Channel and SR-54/I-5 interchange (Marisma de Nacion); mitigation for the National City Marine Terminal Wharf Extension project; and mitigation for the L-Ditch Remediation Project.</p> <p>The demolition and relocation activities for the Proposed Project do not include any alteration of the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California". However, the southern portion of the restoration proposed is located within one of the 19 coastal wetlands identified in this report. The Proposed Project involves development in already developed parts of south San Diego Bay.</p>	

Chapter 3 Plan or Policy	Consistent? (Yes/No)	Explanation	
		Proposed Project	Bayfront Enhancement Alternative
		<p>Site development and remedial grading activities are anticipated to generate approximately 7,500 cubic yards of material for off-site disposal. All spoil would be tested in accordance with SDG&E standards for hazardous materials, and all non-hazardous materials would be transported to a landfill. Should hazardous materials be found, SDG&E would transport this material to an approved disposal facility.</p> <p>A double culvert would be installed within the drainage ditch that runs parallel to Bay Boulevard in the location of the proposed main access road to the Bay Boulevard Substation. However, the culvert would be installed so that surface water would drain in the same manner as it did prior to construction of the Proposed Project. Therefore, no alteration to the water flow would occur.</p>	
Section 30234.5: The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.	NA	The Proposed Project would not adversely impact commercial or recreational fishing activities.	The consistency discussion for the Proposed Project applies to the Bayfront Enhancement Alternative, and is therefore incorporated by reference.
Section 30235: Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible.	NA	The Proposed Project would not involve the construction of revetments, breakwaters, groins, harbor channels, seawalls, or cliff retaining walls.	The consistency discussion for the Proposed Project applies to the Bayfront Enhancement Alternative, and is therefore incorporated by reference.
Section 30236: Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.	Yes	The Proposed Project would not involve any substantial alteration of rivers and streams. A double culvert would be installed within the drainage ditch that runs parallel to Bay Boulevard in the location of the proposed main access road to the Bay Boulevard Substation. However, the culvert would be installed so that surface water would drain in the same manner as it did prior to construction of the Proposed Project. Therefore, no substantial alteration to the water flow would occur.	<p>The consistency discussion for the Proposed Project applies to the Bayfront Enhancement Alternative, and is therefore incorporated by reference.</p> <p>In addition, as noted previously, the Bayfront Enhancement Alternative would include \$500,000 of funding for the San Diego National Wildlife Refuge to fund the long-term maintenance of the existing salt pond system, which supports brine invertebrates and provides food for nesting seabirds and other migratory birds in the San Diego Bay. Funding the continued management of the Salt Works property ponds would improve fish and wildlife habitat. Therefore, the Bayfront Enhancement Alternative does not conflict with this Chapter 3 policy; rather, it is consistent with this Chapter 3 policy.</p>
Article 5 – Land Resources			
Section 30240: (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (b) Development in areas adjacent to environmentally sensitive habitat	Yes	The Proposed Project site does not contain any environmentally sensitive habitat areas (ESHAs). The Proposed Project site is largely disturbed and not located in an area of pristine habitat. One rare plant individual—decumbent goldenbush (<i>Isocoma menziesii</i> var. <i>decumbens</i>)—was identified on the southern portion	<p>The consistency discussion for the Proposed Project applies to the Bayfront Enhancement Alternative, and is therefore incorporated by reference.</p> <p>In addition, as noted previously, the Bayfront Enhancement Alternative would</p>

Chapter 3 Plan or Policy	Consistent? (Yes/No)	Explanation	
		Proposed Project	Bayfront Enhancement Alternative
<p>areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.</p>		<p>of the Proposed Project site during the May 2011 rare plant survey. However, the area where the one rare plant individual was discovered does not constitute an ESHA due to its lack of suitable habitat. The vegetation present in this area and the presence of only one mature plant indicates that this area is not of sufficient quality to support significant numbers of the species. In addition, both wet-season and dry-season USFWS-protocol-level surveys for branchiopods resulted in negative findings. Although one burrowing owl was reported on the site during a prior biological investigation, no others have been observed during the March 2010 survey or any subsequent visits to the site.</p> <p>SDG&E proposes to undertake restoration and enhancement activities within the Sweetwater Marsh National Wildlife Refuge at a four-to-one ratio as mitigation for impacts to approximately 2.43 acres of low-quality wetlands associated with the Proposed Project. Restoration and enhancement of this ESHA is consistent with Section 30240.</p> <p>The Proposed Project site is not located directly adjacent to any ESHAs, nor any parks or recreation areas. Further, by relocating the existing South Bay Substation to the proposed Bay Boulevard Substation site, the substation would be located approximately 0.5 mile further south from the Sweetwater Marsh National Wildlife Refuge.</p>	<p>include funding for projects that would provide environmental benefits within the bayfront area, consistent with Chapter 3 policies. The Bayfront Enhancement Alternative would include contributing \$2 million to the Living Coast Discovery Center for its continued operation and \$500,000 to the San Diego National Wildlife Refuge to fund the long-term maintenance of the existing salt pond system, which supports brine invertebrates and provides food for nesting seabirds and other migratory birds in the San Diego Bay. Both of these projects may help protect and preserve ESHA through public outreach and education and improving habitat for coastal wildlife. Therefore, the Bayfront Enhancement Alternative does not conflict with this Chapter 3 policy; rather, it has the potential to facilitate the protection of ESHAs and is consistent with this Chapter 3 policy.</p>
<p>Section 30241: The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:</p> <p>(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.</p> <p>(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.</p> <p>(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.</p> <p>(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.</p> <p>(e) By assuring that public service and facility expansions and</p>	NA	<p>The Proposed Project would not be located on or adjacent to prime agricultural land. In addition, by relocating the existing substation to the proposed site, previously disturbed industrial lands would be utilized, while allowing a more effective use of the existing substation site. The Proposed Project would not cause a degradation of air or water quality, and would not impair agricultural viability.</p>	<p>The consistency discussion for the Proposed Project applies to the Bayfront Enhancement Alternative, and is therefore incorporated by reference.</p>

Chapter 3 Plan or Policy	Consistent? (Yes/No)	Explanation	
		Proposed Project	Bayfront Enhancement Alternative
<p>nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.</p> <p>(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.</p>			
<p>Section 30241.5: (a) If the viability of existing agricultural uses is an issue pursuant to subdivision (b) of Section 30241, as to any local coastal program or amendment to any certified local coastal program submitted for review and approval under this division, the determination of "viability" shall include, but not be limited to, consideration of an economic feasibility evaluation containing at least both of the following elements:</p> <p>(1) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.</p> <p>(2) An analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.</p> <p>For purposes of this subdivision, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the local coastal program or in the proposed amendment to a certified local coastal program.</p> <p>(b) The economic feasibility evaluation required by subdivision (a) shall be submitted to the commission, by the local government, as part of its submittal of a local coastal program or an amendment to any local coastal program. If the local government determines that it does not have the staff with the necessary expertise to conduct the economic feasibility evaluation, the evaluation may be conducted under agreement with the local government by a consultant selected jointly by local government and the executive director of the commission.</p>	NA	<p>The viability of existing agricultural uses is not an issue. No existing agricultural uses are located at or adjacent to the Proposed Project, which is located in an industrial area. The Proposed Project would not cause a degradation of air or water quality, and would therefore not impair agricultural viability.</p>	<p>The consistency discussion for the Proposed Project applies to the Bayfront Enhancement Alternative, and is therefore incorporated by reference.</p>
<p>Section 30242: All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible</p>	NA	<p>The Proposed Project site is a previously disturbed industrial site that is not suitable for agricultural use.</p>	<p>The Bayfront Enhancement Alternative site is a previously disturbed industrial site that is not suitable for agricultural use.</p>

Chapter 3 Plan or Policy	Consistent? (Yes/No)	Explanation	
		Proposed Project	Bayfront Enhancement Alternative
with continued agricultural use on surrounding lands.			
Section 30243: The long-term productivity of soils and timberlands shall be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size shall be limited to providing for necessary timber processing and related facilities.	NA	The Proposed Project site is not located on productive soils and does not contain timberlands.	The Bayfront Enhancement Alternative site is not located on productive soils and does not contain timberlands.
Section 30244: Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.	Yes	No known or recorded archaeological or paleontological resources or resource sites have been identified within the Proposed Project area. Ground-disturbing construction activities—including the grading and excavation necessary to develop the Proposed Project site and trenching activities necessary to install the underground duct banks and new transmission poles—have the potential to inadvertently impact unknown archaeological and paleontological resources within the Proposed Project area. Accordingly, SDG&E would implement several applicant-proposed measures (APMs), which include workers receiving a pre-construction training regarding the appropriate work practices necessary to effectively implement the APMs, and to comply with the applicable environmental laws and regulations; halting work in the immediate area of discovery and contacting SDG&E's Principal Environmental Specialist, Cultural Resources, if a potentially significant archaeological resource is discovered so that the resource can be evaluated; and monitoring for paleontological resources during the original cutting of previously undisturbed deposits of maximum paleontological resource potential (Bay Point Formation), as well as during the excavation activities that extend deeper than seven feet below ground surface. These APMs would prevent and/or minimize any potential adverse impacts to unknown, buried archaeological and paleontological resources that could result from construction of the Proposed Project.	The consistency discussion for the Proposed Project applies to the Bayfront Enhancement Alternative, and is therefore incorporated by reference.
Article 6– Development			
Section 30250: (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels. (b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.	Yes	SDG&E proposes to demolish an existing substation that is located within the locally approved CVBMP area and rebuild it within an industrially zoned parcel identified by the Port District and City, and approved by the CSLC. The site is zoned as General Industrial and is able to accommodate further development. The proposed substation relocation site is contiguous with developed areas and was identified and selected by the City and Port District in order to facilitate implementation of the CVBMP. The proposed relocation site is within a previously disturbed former industrial LNG facility. The parcels located to the east and south of the Proposed Project site are industrial properties, and the parcel to the north is a previously disturbed, former industrial area, also part of a former LNG facility. Salt crystallizer ponds and the	The consistency discussion for the Proposed Project applies to the Bayfront Enhancement Alternative, and is therefore incorporated by reference.

Chapter 3 Plan or Policy	Consistent? (Yes/No)	Explanation	
		Proposed Project	Bayfront Enhancement Alternative
(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.		<p>Chula Vista Bay are located to the west.</p> <p>One of SDG&E’s fundamental objectives of the Proposed Project is to relocate the South Bay Substation to facilitate the redevelopment of the Chula Vista Bayfront. Accordingly, the Proposed Project would facilitate the development of lower cost visitor and recreational facilities at the existing substation site and within the greater Chula Vista Bayfront. The Proposed Project does not involve hazardous industrial development or visitor-serving facilities.</p>	
Section 30251: The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.	Yes	<p>SDG&E proposes to demolish an existing substation that is located within the locally approved CVBMP area and rebuild it within an industrially zoned parcel identified by the Port District and City, and approved by the CSLC. Both the existing and proposed substation sites are located along the Chula Vista Bayfront, along an existing electric transmission corridor located within an area that is currently visually degraded and zoned as General Industrial. Both the demolition and relocation areas are located on previously filled areas within the Port District, and the Proposed Project does not involve the alteration of any natural land forms. The Proposed Project is consistent and compatible with surrounding uses. In addition, SDG&E continues to work with the City to minimize visual effects of the Proposed Project.</p> <p>One of SDG&E’s fundamental objectives of the Proposed Project is to relocate the South Bay Substation to facilitate the redevelopment of the Chula Vista Bayfront. By facilitating this redevelopment, greater public access, recreational activities, and opportunities for the enhancement of areas that are currently visually degraded, such as the existing substation site, would result along the bayfront.</p> <p>In addition, the Proposed Project includes the undergrounding of existing transmission line facilities—including facilities that are not required to be undergrounded under the terms of a Memorandum of Understanding between SDG&E and the City—located between the existing and proposed substation sites. Specifically, the Proposed Project would result in a net reduction of approximately eight 69 kV wood poles, removal of three 138 kV wood poles (one existing 3-wood cable pole structure), removal of five lattice towers and the undergrounding of approximately 3,800 feet of existing overhead 138 kV lines, and removal of an existing 230 kV 165-foot steel cable pole. Although some new facilities would need to be constructed, including one new 230 kV 121-foot steel pole and one new 138</p>	<p>The consistency discussion for the Proposed Project applies to the Bayfront Enhancement Alternative, and is therefore incorporated by reference.</p> <p>SDG&E proposes to allocate \$2.5 million of Enhancement Funds for the purpose of removing additional existing overhead electric transmission facilities. More specifically, SDG&E proposes to remove two existing 138 kilovolt (kV) steel lattice towers; install one 138 kV steel cable pole within an existing parking lot east of Bay Boulevard; and underground between 700 and 1,000 feet of 138 kV double-circuit transmission lines. This alternative would eliminate the need for a cable pole on Bay Boulevard associated with the Proposed Project.</p> <p>Therefore, the Bayfront Enhancement Alternative is consistent with this Chapter 3 policy, while visually compatible with the character of surrounding industrial areas, and would restore and enhance visual quality in a visually degraded industrial area.</p>

Chapter 3 Plan or Policy	Consistent? (Yes/No)	Explanation	
		Proposed Project	Bayfront Enhancement Alternative
		kV 165-foot steel cable pole, the re-routing and undergrounding of existing transmission facilities would result in a net reduction of overhead facilities within SDG&E’s electric transmission corridor west of Bay Boulevard. Because these existing electrical facilities are located within an existing SDG&E substation and transmission corridor, and within an industrially zoned area, these facilities are visually compatible with the character of surrounding areas, Nonetheless, the Proposed Project would remove extensive components of these existing overhead facilities, thereby substantially restoring and enhancing visual quality in these visually degraded industrial areas.	
Section 30252: The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.	Yes	<p>SDG&E proposes to demolish an existing substation that is located within the locally approved CVBMP area and rebuild it within an industrially zoned parcel identified by the Port District and City, and approved by the CSLC. The location and size of the new substation would be similar to the location and size of the existing South Bay Substation. Currently, there are no public access or recreational opportunities within the existing South Bay Substation or proposed relocation sites.</p> <p>One of SDG&E’s fundamental objectives of the Proposed Project is to relocate the existing substation to facilitate the redevelopment of the Chula Vista Bayfront. By removing the existing substation from its current location, away from the Chula Vista Marina and other existing and planned recreational facilities—such as Marina View Park and Chula Vista Bayfront Park—the proposed substation would be situated closer to other existing and previous industrial uses. In addition, the Proposed Project would facilitate the overall redevelopment of the Chula Vista Bayfront, which would include the implementation of a traditional grid street pattern, as well as bicycle, pedestrian, and transit links, which would in turn maximize public access and recreational opportunities within the bayfront. Thus, the Proposed Project would allow for the creation of new access, commercial, and recreational opportunities within property that is currently industrialized and not open to the public.</p> <p>The proposed substation would normally be unmanned, and any operation and maintenance personnel visiting the site would be able to park within the substation. Thus, no transportation services, parking or other public facilities would be required.</p>	The consistency discussion for the Proposed Project applies to the Bayfront Enhancement Alternative, and is therefore incorporated by reference.
Section 30253: New development shall: (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.	Yes	The Proposed Project is not located in a known area of high geologic, flood, or fire hazard, nor does it propose to alter any natural landforms along bluffs or cliffs. In addition, by relocating the existing South Bay Substation, the aging substation would be	The consistency discussion for the Proposed Project applies to the Bayfront Enhancement Alternative, and is therefore incorporated by reference.

Chapter 3 Plan or Policy	Consistent? (Yes/No)	Explanation	
		Proposed Project	Bayfront Enhancement Alternative
<p>(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.</p> <p>(3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.</p> <p>(4) Minimize energy consumption and vehicle miles traveled.</p> <p>(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.</p>		<p>decommissioned, demolished, and replaced by a new substation that would be constructed according to modern seismic design standards. Further, SDG&E would consider the recommendations and findings of the Geotechnical Investigation that was prepared for the proposed substation site. A Stormwater Pollution Prevention Plan would also be prepared for the Proposed Project so that it does not create or contribute significantly to erosion. Additionally, the Proposed Project would comply with applicable air quality control requirements, and is located in close proximity to the existing substation. Therefore, the Proposed Project would be similar regarding energy consumption and miles traveled for operation and maintenance activities.</p> <p>One of SDG&E's fundamental objectives of the Proposed Project is to relocate the existing substation to facilitate the redevelopment of the Chula Vista Bayfront. By removing the existing substation from its current location, away from the Chula Vista Marina and other existing and planned recreational facilities—such as Marina View Park and Chula Vista Bayfront Park—the proposed substation would be situated closer to other existing and previous industrial uses. In turn, this would maximize public access and recreational opportunities within the bayfront. Thus, the Proposed Project would allow for the creation of new access, commercial, and recreational opportunities within property that is currently industrialized and not open to the public.</p>	
<p>Section 30254: New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.</p>	NA	<p>The Proposed Project does not involve a public works facility, and Highway 1 is not located in the Proposed Project area.</p>	<p>The consistency discussion for the Proposed Project applies to the Bayfront Enhancement Alternative, and is therefore incorporated by reference.</p>
<p>Section 30254.5: Notwithstanding any other provision of law, the commission may not impose any term or condition on the development of any sewage treatment plant which is applicable to any future development that the commission finds can be accommodated by that plant consistent with this division. Nothing in this section modifies the provisions and requirements of Sections 30254 and</p>	NA	<p>The Proposed Project does not involve the development of any sewage treatment plant.</p>	<p>The consistency discussion for the Proposed Project applies to the Bayfront Enhancement Alternative, and is therefore incorporated by reference.</p>

Chapter 3 Plan or Policy	Consistent? (Yes/No)	Explanation	
		Proposed Project	Bayfront Enhancement Alternative
30412.			
Section 30255: Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.	NA	<p>SDG&E proposes to demolish an existing substation that is located within the locally approved CVBMP area and rebuild it within an industrially zoned parcel identified by the Port District and City, and approved by the CSLC. One of the fundamental objectives of the Proposed Project is to relocate the South Bay Substation to facilitate the redevelopment of the Chula Vista Bayfront. Within the CVBMP, public access and several coastal-dependent recreational opportunities would be provided.</p> <p>The new substation would meet the demands of local customers within the bayfront area (including existing and proposed CVBMP, commercial, and industrial development), and the distribution portion of the substation must be constructed in geographic proximity to these customers. Furthermore, the transmission portion of the substation in part supplies power to the coastal region of San Diego, including coastal industries, marinas, and Port District and Navy facilities. Thus, the Proposed Project would be located within reasonable proximity to the uses that it would support.</p>	<p>The consistency discussion for the Proposed Project applies to the Bayfront Enhancement Alternative, and is therefore incorporated by reference.</p> <p>In addition, as noted previously, the Bayfront Enhancement Alternative would include funding for projects that would provide environmental benefits within the bayfront area, consistent with Chapter 3 policies. The Bayfront Enhancement Alternative would include contributing \$2 million to the Living Coast Discovery Center for its continued operation and \$500,000 to the San Diego National Wildlife Refuge to fund the long-term maintenance of the existing salt pond system, which supports brine invertebrates and provides food for nesting seabirds and other migratory birds in the San Diego Bay. Both of these projects would be considered coastal-dependent developments. Neither of these projects would adversely affect wetlands. Therefore, the Bayfront Enhancement Alternative does not conflict with this Chapter 3 policy.</p>
Article 7 – Industrial Development			
Section 30260: Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and Sections 30261 and 30262 if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.	NA	<p>SDG&E proposes to demolish an existing substation that is located within the locally approved CVBMP area and rebuild it within an industrially zoned parcel identified by the Port District and City, and approved by the CSLC. One of the fundamental objectives of the Proposed Project is to relocate the South Bay Substation to facilitate the redevelopment of the Chula Vista Bayfront. Within the CVBMP, public access and several coastal-dependent recreational opportunities would be provided.</p> <p>The new substation would meet the demands of local customers within the bayfront area (including existing and proposed CVBMP, commercial, and industrial development), and the distribution portion of the substation must be constructed in geographic proximity to these customers. Furthermore, the transmission portion of the substation in part supplies power to the coastal region of San Diego, including coastal industries, marinas, and Port District and Navy facilities.</p>	<p>The consistency discussion for the Proposed Project applies to the Bayfront Enhancement Alternative, and is therefore incorporated by reference.</p>
Section 30261: Multicompany use of existing and new tanker facilities shall be encouraged to the maximum extent feasible and legally permissible, except where to do so would result in increased tanker operations and associated onshore development incompatible with the land use and environmental goals for the area. New tanker terminals	NA	The Proposed Project does not involve tanker facilities.	<p>The consistency discussion for the Proposed Project applies to the Bayfront Enhancement Alternative, and is therefore incorporated by reference.</p>

Chapter 3 Plan or Policy	Consistent? (Yes/No)	Explanation	
		Proposed Project	Bayfront Enhancement Alternative
outside of existing terminal areas shall be situated as to avoid risk to environmentally sensitive areas and shall use a monobuoy system, unless an alternative type of system can be shown to be environmentally preferable for a specific site. Tanker facilities shall be designed to (1) minimize the total volume of oil spilled, (2) minimize the risk of collision from movement of other vessels, (3) have ready access to the most effective feasible containment and recovery equipment for oil spills, and (4) have onshore deballasting facilities to receive any fouled ballast water from tankers where operationally or legally required.			
<p>Section 30262: a) Oil and gas development shall be permitted in accordance with Section 30260, if the following conditions are met:</p> <p>(1) The development is performed safely and consistent with the geologic conditions of the well site.</p> <p>(2) New or expanded facilities related to that development are consolidated, to the maximum extent feasible and legally permissible, unless consolidation will have adverse environmental consequences and will not significantly reduce the number of producing wells, support facilities, or sites required to produce the reservoir economically and with minimal environmental impacts.</p> <p>(3) Environmentally safe and feasible subsea completions are used when drilling platforms or islands would substantially degrade coastal visual qualities unless use of those structures will result in substantially less environmental risks.</p> <p>(4) Platforms or islands will not be sited where a substantial hazard to vessel traffic might result from the facility or related operations, determined in consultation with the United States Coast Guard and the Army Corps of Engineers.</p> <p>(5) The development will not cause or contribute to subsidence hazards unless it is determined that adequate measures will be undertaken to prevent damage from such subsidence.</p> <p>(6) With respect to new facilities, all oilfield brines are reinjected into oil-producing zones unless the Division of Oil and Gas of the Department of Conservation determines to do so would adversely affect production of the reservoirs and unless injection into other subsurface zones will reduce environmental risks. Exceptions to reinjections will be granted consistent with the Ocean Waters Discharge Plan of the State Water Resources Control Board and where adequate provision is made for the elimination of petroleum odors and water quality problems.</p> <p>(7)(A) All oil produced offshore California shall be transported onshore by pipeline only. The pipelines used to transport this oil shall utilize the best achievable technology to ensure maximum protection of public health and safety and of the integrity and productivity of</p>	NA	The Proposed Project does not involve oil or gas development.	The consistency discussion for the Proposed Project applies to the Bayfront Enhancement Alternative, and is therefore incorporated by reference.

Chapter 3 Plan or Policy	Consistent? (Yes/No)	Explanation	
		Proposed Project	Bayfront Enhancement Alternative
<p>terrestrial and marine ecosystems.</p> <p>(B) Once oil produced offshore California is onshore, it shall be transported to processing and refining facilities by pipeline.</p> <p>(C) The following guidelines shall be used when applying subparagraphs (A) and (B):</p> <p>(i) "Best achievable technology," means the technology that provides the greatest degree of protection taking into consideration both of the following:</p> <p>(I) Processes that are being developed, or could feasibly be developed, anywhere in the world, given overall reasonable expenditures on research and development.</p> <p>(II) Processes that are currently in use anywhere in the world. This clause is not intended to create any conflicting or duplicative regulation of pipelines, including those governing the transportation of oil produced from onshore reserves.</p> <p>(ii) "Oil" refers to crude oil before it is refined into products, including gasoline, bunker fuel, lubricants, and asphalt. Crude oil that is upgraded in quality through residue reduction or other means shall be transported as provided in subparagraphs (A) and (B).</p> <p>(iii) Subparagraphs (A) and (B) shall apply only to new or expanded oil extraction operations. "New extraction operations" means production of offshore oil from leases that did not exist or had never produced oil, as of January 1, 2003, or from platforms, drilling island, subsea completions, or onshore drilling sites, that did not exist as of January 1, 2003. "Expanded oil extraction" means an increase in the geographic extent of existing leases or units, including lease boundary adjustments, or an increase in the number of well heads, on or after January 1, 2003.</p> <p>(iv) For new or expanded oil extraction operations subject to clause (iii), if the crude oil is so highly viscous that pipelining is determined to be an infeasible mode of transportation, or where there is no feasible access to a pipeline, shipment of crude oil may be permitted over land by other modes of transportation, including trains or trucks, which meet all applicable rules and regulations, excluding any waterborne mode of transport.</p> <p>(8) If a state of emergency is declared by the Governor for an emergency that disrupts the transportation of oil by pipeline, oil may be transported by a waterborne vessel, if authorized by permit, in the same manner as required by emergency permits that are issued pursuant to Section 30624.</p> <p>(9) In addition to all other measures that will maximize the protection of marine habitat and environmental quality, when an</p>			

Chapter 3 Plan or Policy	Consistent? (Yes/No)	Explanation	
		Proposed Project	Bayfront Enhancement Alternative
<p>offshore well is abandoned, the best achievable technology shall be used.</p> <p>b) Where appropriate, monitoring programs to record land surface and near-shore ocean floor movements shall be initiated in locations of new large-scale fluid extraction on land or near shore before operations begin and shall continue until surface conditions have stabilized. Costs of monitoring and mitigation programs shall be borne by liquid and gas extraction operators.</p> <p>c) Nothing in this section shall affect the activities of any state agency that is responsible for regulating the extraction, production, or transport of oil and gas.</p>			
<p>Section 30263: (a) New or expanded refineries or petrochemical facilities not otherwise consistent with the provisions of this division shall be permitted if (1) alternative locations are not feasible or are more environmentally damaging; (2) adverse environmental effects are mitigated to the maximum extent feasible; (3) it is found that not permitting such development would adversely affect the public welfare; (4) the facility is not located in a highly scenic or seismically hazardous area, on any of the Channel Islands, or within or contiguous to environmentally sensitive areas; and (5) the facility is sited so as to provide a sufficient buffer area to minimize adverse impacts on surrounding property.</p> <p>(b) New or expanded refineries or petrochemical facilities shall minimize the need for once-through cooling by using air cooling to the maximum extent feasible and by using treated waste waters from inplant processes where feasible.</p>	NA	The Proposed Project does not involve new or expanded refineries or petrochemical facilities.	The consistency discussion for the Proposed Project applies to the Bayfront Enhancement Alternative, and is therefore incorporated by reference.
<p>Section 30264: Notwithstanding any other provision of this division, except subdivisions (b) and (c) of Section 30413, new or expanded thermal electric generating plants may be constructed in the coastal zone if the proposed coastal site has been determined by the State Energy Resources Conservation and Development Commission to have greater relative merit pursuant to the provisions of Section 25516.1 than available alternative sites and related facilities for an applicant's service area which have been determined to be acceptable pursuant to the provisions of Section 25516.</p>	NA	The Proposed Project does not involve new or expanded thermal electric generating plants.	The consistency discussion for the Proposed Project applies to the Bayfront Enhancement Alternative, and is therefore incorporated by reference.
<p>Section 30265: The Legislature finds and declares all of the following:</p> <p>(a) Transportation studies have concluded that pipeline transport of oil is generally both economically feasible and environmentally preferable to other forms of crude oil transport.</p> <p>(b) Oil companies have proposed to build a pipeline to transport offshore crude oil from central California to southern California</p>	NA	The Proposed Project does not involve the transportation of offshore soil.	The consistency discussion for the Proposed Project applies to the Bayfront Enhancement Alternative, and is therefore incorporated by reference.

Chapter 3 Plan or Policy	Consistent? (Yes/No)	Explanation	
		Proposed Project	Bayfront Enhancement Alternative
<p>refineries, and to transport offshore oil to out-of-state refiners.</p> <p>(c) California refineries would need to be retrofitted if California offshore crude oil were to be used directly as a major feedstock. Refinery modifications may delay achievement of air quality goals in the southern California air basin and other regions of the state.</p> <p>(d) The County of Santa Barbara has issued an Oil Transportation Plan which assesses the environmental and economic differences among various methods for transporting crude oil from offshore California to refineries.</p> <p>(e) The Governor should help coordinate decisions concerning the transport and refining of offshore oil in a manner that considers state and local studies undertaken to date, that fully addresses the concerns of all affected regions, and that promotes the greatest benefits to the people of the state.</p>			

ATTACHMENT C: PROPOSED MITIGATION MEASURE REVISIONS

Attachment C: Proposed Mitigation Measure Revisions
 South Bay Substation Relocation Project Draft EIR



#	Page #	Mitigation Measure Number	Comment	Mitigation Measure		Measure Required for Alternative?				
				Redline of Existing Language	Proposed Revised Language	Proposed Project	Proposed Site with GIS	Existing Site with AIS	Existing Site with GIS	
D.5 – Biological Resources										
1.	D.5-114 and 115	BIO-1	This measure is duplicative and should be deleted. As described in Section D.5 – Biological Resources, SDG&E will implement the measures established in its Natural Communities Conservation Plan (NCCP), implementation of which avoids significant impacts. This measure, including the reporting to the California Public Utilities (CPUC), is not necessary as SDG&E regularly implements the NCCP through applicable agencies without requiring CPUC oversight. Layering CPUC and its consultants’ oversight on top of other agencies’ oversight simply adds to ratepayer costs with no corresponding benefit. Therefore, this measure should be deleted and impacts would remain less than significant.	Provide Habitat Compensation or Restoration for Permanent Impacts to Native Vegetation Communities. Where impacts to disturbed coyote brush scrub and non-native grasslands cannot be avoided, SDG&E shall restore temporarily disturbed areas to pre-construction conditions following construction and deduct credits from the SDG&E Mitigation Credits for permanent impacts to sensitive communities, as stated in the SDG&E NCCP. Where on-site restoration is planned for mitigation of temporary impacts to sensitive vegetation communities, the applicant shall identify a habitat restoration specialist to be approved by the CPUC or that the resource agencies have indicated is acceptable to determine the most appropriate method of restoration. Restoration techniques can include hydroseeding, hand-seeding, imprinting, and soil and plant salvage, as discussed in Section 7.2.1 of the NCCP. Monitoring will include visual inspection of restored areas after 1 year. A second application may be made. If, after the second year, restoration is deemed unsuccessful, the USFWS and CDFG, in cooperation with SDG&E, shall determine whether the remaining loss shall be mitigated through a deduction from the SDG&E Mitigation Credits, or whether a third application would better achieve the intended purpose. The mitigation objective for impacted sensitive vegetation communities shall be restoration to pre-construction conditions as measured by species cover, species diversity, and exotic species cover. The cover of native species should increase while the cover of non-native or invasive species should decrease. Success criteria shall be established by comparison with reference sites. If, however, roots are not grubbed during temporary impacts, restoration/hydroseeding may not be necessary. This applies to impacts greater than 500 square feet, and only where grubbing occurred. For all temporary impacts greater than 500 square feet, acreage not meeting success criteria shall be deducted from SDG&E’s mitigation credits at a 1:1 ratio. In addition, SDG&E shall mitigate for permanent impacts to disturbed coyote brush scrub at a ratio of 1.5:1 and non-native grasslands at a ratio of 1:1 for all permanent impacts that would result from construction activities. Evidence shall be provided to the CPUC that 7.55 acres of coastal sage scrub and 9.46 acres of non-native grasslands have been deducted from NCCP credits.	Not Applicable	Yes - Class II	Yes - Class II	Yes - Class II	Yes - Class II	

Attachment C: Proposed Mitigation Measure Revisions
 South Bay Substation Relocation Project Draft EIR



#	Page #	Mitigation Measure Number	Comment	Mitigation Measure		Measure Required for Alternative?			
				Redline of Existing Language	Proposed Revised Language	Proposed Project	Proposed Site with GIS	Existing Site with AIS	Existing Site with GIS
2.	D.5-116	BIO-2	This measure should be clarified to state that the salvaging of topsoil will only be necessary in areas where open trenching will be required in native vegetation for duct bank installation. Salvage of the upper 12 inches of topsoil is intended to capture seeds of existing native vegetation to encourage restoration, but not to encourage invasive species. Otherwise, the amount of topsoil to be salvaged could add up to thousands of cubic yards of soil, well more than what would be required for trench backfill.	Topsoil Salvaging. During construction, the upper 12 inches of topsoil (or less depending on existing depth of topsoil) shall be salvaged and replaced wherever <u>open trenching activities are required</u> through open land <u>with native vegetation</u> (not including graded roads and road shoulders) <u>for the installation of the underground duct banks.</u>	Topsoil Salvaging. During construction, the upper 12 inches of topsoil (or less depending on existing depth of topsoil) shall be salvaged and replaced wherever open trenching activities are required through open land with native vegetation (not including graded roads and road shoulders) for the installation of the underground duct banks.	Yes - Class II	Yes - Class II	Yes - Class II	Yes - Class II
3.	D.5-116 and 117	BIO-3	<p>SDG&E does not propose to create new jurisdictional areas as mitigation because the impacts can be adequately mitigated through SDG&E’s proposed restoration, enhancement, and preservation plans.</p> <p>The resource agencies will approve the restoration site and plan, along with monitoring success criteria. However, the agencies typically do not designate or approve the habitat restoration specialist; selection and contracting with an appropriate, cost-effective specialist should be left to SDG&E. The measure should be revised accordingly.</p> <p>The last sentence of this measure ambiguous. If it simply meant to say that SDG&E must comply with the terms of its permits, then it is not necessary, as SDG&E would comply with all measures of the permits, including any buffers. If it meant to suggest that the wetland resource agencies’ permits “shall” include buffers, then it may render the Project and various alternatives infeasible due</p>	<p>Provide Habitat Compensation or Restoration for Permanent Impacts to Jurisdictional Resources. Permanent impacts to all jurisdictional resources shall be compensated <u>at a 4:1 ratio</u> through <u>a combination of restoration and enhancement, of which at least 1:1 must be restoration, a combination habitat creation (i.e., establishment) and habitat restoration at a minimum of a 4:1 ratio with at least 1:1 creation of new jurisdictional areas</u> or as required by the permitting agencies. The creation restoration effort shall be implemented pursuant to a habitat restoration plan, which shall include success criteria and monitoring specifications and shall be approved by the permitting agencies prior to construction of the project. A habitat restoration specialist will be designated and approved by the permitting agencies and will determine the most appropriate method of restoration. Restoration techniques may include hydroseeding, hand-seeding, imprinting, and soil and plant salvage. All habitat creation and restoration used as mitigation on public lands shall be located in areas designated for resource protection and management. All habitat creation and restoration used as mitigation on private lands shall include long-term management and legal protection assurances. Appropriate permits from the wetland resource agencies including ACOE, CDFG, RWQCB, and CCC for the impacts to wetlands and jurisdictional waters shall be provided to the CPUC prior to construction. Buffers for wetland areas shall be included as required by the wetland resource agencies. Implementation of restoration can occur concurrently with construction.</p>	<p>Provide Habitat Compensation or Restoration for Permanent Impacts to Jurisdictional Resources. Permanent impacts to all jurisdictional resources shall be compensated at a 4:1 ratio through a combination of restoration and enhancement, of which at least 1:1 must be restoration, or as required by the permitting agencies. The restoration effort shall be implemented pursuant to a habitat restoration plan, which shall include success criteria and monitoring specifications and shall be approved by the permitting agencies prior to construction of the project. Restoration techniques may include hydroseeding, hand-seeding, imprinting, and soil and plant salvage. All habitat restoration used as mitigation on public lands shall be located in areas designated for resource protection and management. All habitat restoration used as mitigation on private lands shall include long-term management and legal protection assurances. Appropriate permits from the wetland resource agencies including ACOE, CDFG, RWQCB, and CCC for the impacts to wetlands and jurisdictional waters shall be provided to the CPUC prior to construction.</p>	Yes - Class II	Yes - Class II	Yes - Class II	Yes - Class II

Attachment C: Proposed Mitigation Measure Revisions
 South Bay Substation Relocation Project Draft EIR



#	Page #	Mitigation Measure Number	Comment	Mitigation Measure		Measure Required for Alternative?				
				Redline of Existing Language	Proposed Revised Language	Proposed Project	Proposed Site with GIS	Existing Site with AIS	Existing Site with GIS	
			<p>to lack of sufficient space for buffers.</p> <p>It is preferable to clarify that restoration of Project areas can occur concurrently with construction; this language should be added to the measure.</p>							
4.	D.5-117 and 118	BIO-4	<p>This mitigation measure appears to have been derived from similar mitigation measures imposed on other projects that are readily distinguishable in terms of scope, environmental setting, and impacts (e.g., the East County Substation Project). This mitigation measure is not appropriate for the Proposed Project and should be deleted.</p> <p>In the alternative, the applicable permitting agencies that are required to review the plan should be specified to avoid confusion during the planning and approval process. The measure should be revised accordingly.</p> <p>This measure should be revised to focus on controlling and preventing the spread of exotic plant species not present in the Project area prior to construction. Eradicating them or completely controlling them is not feasible due to the disturbed nature of the site and surrounding areas, particularly where they are already present.</p> <p>This measure should only apply to construction as Project operations would be conducted in accordance with San Diego Gas & Electric Company's (SDG&E's) NCCP. Thus, the reference to implementation of the plan during operation should be</p>	<p>Prepare and implement a Noxious Weeds and Invasive Species Control Plan. A Noxious Weeds and Invasive Species Control Plan shall be prepared and reviewed by <u>the California Department of Fish and Game and California Public Utilities Commission</u>applicable permitting agencies. The plan shall be submitted to the CPUC at least 30 days prior to ground-disturbance activities. The plan shall be implemented during all phases of project construction and operation. The plan shall include best management practices (BMPs) to avoid and minimize the direct or indirect effect of the establishment and spread of invasive plant species during construction <u>that were not present prior to construction.</u> Implementation of specific protective measures shall be required during construction, such as cleaning vehicles prior to off-road use, using weed-free imported soil/material and, restricting vegetation removal, and requiring topsoil storage. Development and implementation of weed management procedures shall be used to monitor and control the spread of weed populations <u>that were not present</u> along the construction access and transmission line rights-of-way. Vehicles used during construction shall be cleaned prior to operation off maintained roads. Existing vegetation shall be cleared only from areas scheduled for immediate construction work and only for the width needed for active construction activities. Noxious weed management shall be conducted annually <u>for two years</u> to prevent establishment and limit the spread of <u>localized</u> invasive plant species. This shall include weed abatement efforts targeted at plants listed as invasive exotics by the California Exotic Plant Pest Council in its most recent "A" or "Red Alert" list. Pesticide use shall be limited to <u>pre-emergent</u>non-persistent pesticides and shall only be applied in accordance with label and application permit directions and restrictions for terrestrial and aquatic applications.</p>	<p>Prepare and implement a Noxious Weeds and Invasive Species Control Plan. A Noxious Weeds and Invasive Species Control Plan shall be prepared and reviewed by the California Department of Fish and Game and California Public Utilities Commission. The plan shall be submitted to the CPUC at least 30 days prior to ground-disturbance activities. The plan shall be implemented during all phases of project construction. The plan shall include best management practices (BMPs) to avoid and minimize the direct or indirect effect of the establishment and spread of invasive plant species during construction that were not present prior to construction. Implementation of specific protective measures shall be required during construction, such as using weed-free imported soil/material and restricting vegetation removal. Development and implementation of weed management procedures shall be used to monitor and control the spread of weed populations that were not present along the construction access and transmission line rights-of-way. Noxious weed management shall be conducted annually for two years to limit the spread of localized invasive plant species. This shall include weed abatement efforts targeted at plants listed as invasive exotics by the California Exotic Plant Pest Council in its most recent "A" or "Red Alert" list. Pesticide use shall be limited to pre-emergent pesticides and shall only be applied in accordance with label and application permit directions and restrictions for terrestrial and aquatic applications.</p>	Yes - Class II	Yes - Class II	Yes - Class II	Yes - Class II	

Attachment C: Proposed Mitigation Measure Revisions
 South Bay Substation Relocation Project Draft EIR



#	Page #	Mitigation Measure Number	Comment	Mitigation Measure		Measure Required for Alternative?			
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			<p>deleted.</p> <p>Regarding “cleaning vehicles prior to off-road use,” the entire Project is probably considered “off road,” and the transmission line rights-of-way are located almost entirely in disturbed areas. It would be very difficult to control all contractor vehicles entering and exiting the Project site, especially for the overhead portion of the work. In addition, non-native invasive plant species are already present throughout the Project area, so washing them prior to off-road use will not be productive in controlling or preventing their spread. Thus, this portion of the measure should be deleted.</p> <p>Requiring topsoil storage will not prevent or control the spread of noxious weeds unless the topsoil containing the weeds is treated. Topsoil storage where useful to encouraging native vegetation is addressed in BIO-2. Topsoil storage otherwise should not be required.</p> <p>Regarding the portion of the measure requiring that noxious weed management be conducted annually, the measure should specify a limited duration to address the impacts from construction of the Project, rather than imposing upon ratepayers the obligation to pay for management of noxious weeds caused by seeds blown or carried from the numerous disturbed areas in the vicinity.</p> <p>In some cases, SDG&E may want to remove more vegetation to reduce the potential for nesting birds during</p>						

Attachment C: Proposed Mitigation Measure Revisions
 South Bay Substation Relocation Project Draft EIR



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			<p>construction. Thus, the portion of the measure providing that vegetation shall only be cleared from areas scheduled for immediate construction work and only for the width needed for active construction activities should be deleted.</p> <p>The measure should be revised to state that noxious weed management should be focused on localized populations. If the source population of some species is immediately adjacent to the Project site, the management will not be successful.</p> <p>SDG&E would prefer the flexibility to use pre-emergent pesticides.</p>							
5.	D.5-119	BIO-5	<p>This mitigation measure appears to have been derived from similar mitigation measures imposed on other projects that are readily distinguishable in terms of scope, environmental setting, and impacts (e.g., the East County Substation Project). This mitigation measure is not appropriate for the Proposed Project and should be deleted.</p> <p>The requirement to apply water three times daily would not be necessary for almost half the year due to the wet conditions on site. Requiring watering 48 hours in advance of construction creates the potential to waste large amounts of water if the construction schedule changes and does not allow crews to start work in pre-watered areas. The measure should be revised to state that water will be applied daily as needed to control fugitive dust. The measure as currently written is unnecessary, and may drive up</p>	<p>Prepare and implement a Dust Control Plan. To the extent <u>feasible</u>, the project proponent shall (a) pave, apply water three times daily, <u>as needed to control fugitive dust</u>, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas if construction activity causes persistent visible emissions of fugitive dust beyond the work area; (b) pre-water sites <u>as appropriate up to</u> 48 hours in advance of clearing; (c) reduce the amount of disturbed area where feasible; (d) spray all dirt stock-pile areas daily as needed; (e) cover loads in haul trucks or maintain at least 6 inches of free-board when traveling on public roads; (f) pre-moisten prior to transport and import and export of dirt, sand, or loose materials; (g) sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets or wash trucks and equipment before entering public streets; (h) plant vegetative ground cover in disturbed areas as soon as possible following construction <u>or in accordance with the landscape plan, taking into account the appropriate planting season; and</u> (i) apply chemical soil stabilizers or apply water to form and maintain a crust on inactive construction areas (disturbed lands that are unused for 14 consecutive days); and (j) prepare and file with the CPUC a Dust Control Plan that describes how these measures would be implemented and monitored throughout construction.</p>	<p>Prepare and implement a Dust Control Plan. To the extent feasible, the project proponent shall (a) pave, apply water daily, as needed to control fugitive dust, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas if construction activity causes persistent visible emissions of fugitive dust beyond the work area; (b) pre-water sites as appropriate up to 48 hours in advance of clearing; (c) reduce the amount of disturbed area where feasible; (d) spray all dirt stock-pile areas daily as needed; (e) cover loads in haul trucks or maintain at least 6 inches of free-board when traveling on public roads; (f) pre-moisten prior to transport and import and export of dirt, sand, or loose materials; (g) sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets or wash trucks and equipment before entering public streets; (h) plant vegetative ground cover in disturbed areas as soon as possible following construction or in accordance with the landscape plan, taking into account the appropriate planting season; and (i) apply chemical soil stabilizers or apply water to form and maintain a crust on inactive construction areas (disturbed lands that are unused for 14</p>	Yes - Class II	Yes - Class II	Yes - Class II	Yes - Class II	

Attachment C: Proposed Mitigation Measure Revisions
 South Bay Substation Relocation Project Draft EIR



#	Page #	Mitigation Measure Number	Comment	Mitigation Measure		Measure Required for Alternative?			
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			<p>ratepayer costs through delays to construction that would not impact the cultural resource.</p> <p>Requirement (h) provides that vegetative ground cover will be planted in disturbed areas as soon as possible following construction; however, planting times are dependent on the season, some of which would be specified in the Project's landscape plan. The measure should be revised to include this stipulation.</p> <p>Because this measure is very detailed in terms of the specific dust control measures to be implemented, a separate Dust Control Plan should not be required. How these measures will be implemented and monitored should be the subject of the Mitigation, Monitoring, and Compliance Reporting Program. As a result, item (j) should be deleted.</p>		consecutive days).				
6.	D.5-120 and 122	BIO-6	<p>As written, the measure reads as if only one burrowing owl may be present within the Project boundaries. This should be revised to reference presence of the species at the site generally.</p> <p>The measure should be revised to allow some flexibility to work inside the buffer area based on the qualified biologist's field observation and communication with the California Department of Fish and Game (CDFG).</p> <p>The measure should be revised to refer to the <i>Burrowing Owl Survey Protocol and Mitigation Guidelines</i> (The Burrowing Owl Consortium 1993)</p>	<p>A survey shall be conducted within 30 days prior to initiation of construction by a qualified biologist <u>in accordance with the <i>Burrowing Owl Survey Protocol and Mitigation Guidelines</i> (The Burrowing Owl Consortium 1993), or as otherwise agreed to with the CDFG,</u> to determine the presence or absence of the burrowing owl in the Proposed Project site limits, plus 250 feet beyond. The survey results shall be provided to the CPUC within 14 days following completion of the surveys. In addition, the burrowing owl shall be looked for opportunistically as part of other surveys and the monitoring required during project construction. If the burrowing owl is absent, then no mitigation is required. If the burrowing owl is present, no disturbance shall occur within 160 feet of occupied burrows from September 1 through January 31 or within 250 feet of occupied burrows from February 1 through August 31 (CDFG 1995), <u>if feasible. SDG&E shall consult with CDFG to obtain approval if construction must occur within these buffers.</u> During construction, any pipe or similar construction material</p>	<p>A survey shall be conducted within 30 days prior to initiation of construction by a qualified biologist in accordance with the <i>Burrowing Owl Survey Protocol and Mitigation Guidelines</i> (The Burrowing Owl Consortium 1993), or as otherwise agreed to with the CDFG, to determine the presence or absence of burrowing owl in the Proposed Project site limits. The survey results shall be provided to the CPUC within 14 days following completion of the surveys. In addition, burrowing owl shall be looked for opportunistically as part of other surveys and the monitoring required during project construction. If burrowing owl is absent, then no mitigation is required. If burrowing owl is present, no disturbance shall occur within 160 feet of occupied burrows from September 1 through January 31 or within 250 feet of occupied burrows from February 1 through August 31 (CDFG 1995), if feasible. SDG&E shall</p>	Yes - Class II	Yes - Class II	Yes - Class II	Yes - Class II

Attachment C: Proposed Mitigation Measure Revisions
 South Bay Substation Relocation Project Draft EIR



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			rather than restate the language in the protocol.	<p>that is stored on site for one or more nights shall be inspected for burrowing owls by a qualified biologist before the material is moved, buried, or capped. Passive relocation of owls shall be implemented prior to construction <u>to the extent feasible. Passive relocation shall only be implemented</u> at the direction of CDFG and only if the previously described occupied burrow disturbance absolutely cannot be avoided (e.g., due to physical or safety constraints) <u>based on the observations made by the qualified biologist in the field. Relocation of owls shall only be implemented during the nonbreeding season (September 1 through January 31; CDFG 1995). Passive relocation is defined as encouraging owls to move from occupied burrows to alternate natural or artificial burrows that are beyond 160 feet from the impact zone and that are within or contiguous to a minimum of 6.5 acres of preserved (or acquired and preserved, if not already preserved) foraging habitat for each relocated owl (single owl or owl pair).</u> <u>Passive relocation is accomplished by first creating two artificial burrows in contiguous, preserved foraging habitat (if no natural burrows exist) for each occupied burrow that would be impacted; and second, installing one way doors on occupied burrow entrances so owls can leave the burrow but not reenter it. Following passive relocation, the area of impact and the preserved foraging habitat with alternate burrows are surveyed daily for 1 week to confirm owl use of alternate burrows before excavating burrows in the impact zone.</u> All passive relocation shall be conducted by a biologist approved by CDFG. If the alternate burrows are not used by the relocated owls, then the applicant shall work with CDFG to provide alternate mitigation for burrowing owls. If the alternate burrows are used, no other mitigation shall be required.</p> <p>If it is not possible to preserve contiguous habitat on which to provide alternate burrows (e.g., on private land), and occupied owl burrows would be directly impacted, then the owls shall be passively relocated without the creation of alternate burrows prior to construction (relocation should only be implemented during the nonbreeding season (September 1 through January 31)). The loss of occupied owl habitat shall be mitigated by acquiring and preserving other occupied habitat elsewhere per the <i>Staff Report on Burrowing Owl Mitigation</i> (CDFG 1995) and the <i>Burrowing Owl Survey</i></p>	<p>consult with CDFG to obtain approval if construction must occur within these buffers. During construction, any pipe or similar construction material that is stored on site for one or more nights shall be inspected for burrowing owls by a qualified biologist before the material is moved, buried, or capped. Passive relocation of owls shall be implemented prior to construction to the extent feasible. Passive relocation shall only be implemented at the direction of CDFG and only if the previously described occupied burrow disturbance absolutely cannot be avoided (e.g., due to physical or safety constraints) based on the observations made by the qualified biologist in the field.</p> <p>All passive relocation shall be conducted by a biologist approved by CDFG. If the alternate burrows are not used by the relocated owls, then the applicant shall work with CDFG to provide alternate mitigation for burrowing owls. If the alternate burrows are used, no other mitigation shall be required.</p> <p>If it is not possible to preserve contiguous habitat on which to provide alternate burrows (e.g., on private land), and occupied owl burrows would be directly impacted, then the owls shall be passively relocated without the creation of alternate burrows prior to construction. The loss of occupied owl habitat shall be mitigated by acquiring and preserving other occupied habitat elsewhere per the <i>Staff Report on Burrowing Owl Mitigation</i> (CDFG 1995) and the <i>Burrowing Owl Survey Protocol and Mitigation Guidelines</i> (The Burrowing Owl Consortium 1993), or as otherwise determined in consultation with the CDFG.</p>				

Attachment C: Proposed Mitigation Measure Revisions
 South Bay Substation Relocation Project Draft EIR



#	Page #	Mitigation Measure Number	Comment	Mitigation Measure		Measure Required for Alternative?					
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				<i>Protocol and Mitigation Guidelines</i> (The Burrowing Owl Consortium 1993), or as otherwise determined in consultation with the CDFG.							
7.	D.5-122 and 123	BIO-7	<p>The measure should be revised to reflect that the bird breeding season ends on August 31, rather than September 15.</p> <p>The 500-foot buffer requirement is arbitrary. A preliminary 50-foot buffer should be established for active nests, with the monitoring biologist having discretion to establish a larger or smaller buffer, depending on his or her observations of the bird's behavior during construction activities. In addition, buffers are not required for all bird species. Therefore, the measure should be revised to provide the monitoring biologist with the discretion to expand the preliminary 50-foot buffer based on field observations for birds protected by the Migratory Bird Treaty Act, California Endangered Species Act, federal Endangered Species Act, and California Fish and Game Code.</p> <p>California horned lark is no longer considered a special-status species. Therefore, this species should not be included in the measure.</p>	<p>If construction activities including but not limited to grading or site disturbance are to occur between February 15 and August 31September 15, a nesting bird survey shall be conducted by a qualified biologist to determine the presence of nests or nesting birds; within 500 feet of the construction activities. ¹ The buffer around an occupied nest (egg or young) will be species specific and take into consideration, topography and vegetation type and density. The nesting bird surveys shall be completed no more than 72 hours prior to any construction activities. The survey will focus on special-status species such as but not limited to California horned lark, California least tern, western snowy plover, Caspian tern, gull-billed tern, and in addition to other nesting birds that may be disturbed by human project-related activities. All ground-disturbing activities within 500 feet of that will affect an active nest will be halted until that nesting effort is finished birds have fledged. Active nest buffers shall be 100 feet for bird species protected under the Migratory Bird Treaty Act. A 300 foot buffer shall be used for state and federal listed species. Any active raptors nests shall have a 500 foot buffer. If an active nest (defined by the presence of eggs or young) is identified, grading or site disturbance within a 50-foot buffer of an active nest shall be monitored by a qualified biologist daily until project activities are no longer occurring within 50 feet of the nest or until fledglings become independent of the nest. The monitoring biologist may increase the buffer radius if he or she determines it is necessary. The monitoring biologist may decrease the buffer radius if he or she determines that the construction activities are not disturbing the nesting activities and a smaller buffer is more appropriate. The on-site biologist will review and verify compliance with these nesting boundaries and will verify that the nesting effort has finished. Work can resume when no other active nests are found. Upon completion of the survey and any follow-up construction avoidance management, a report shall be prepared and submitted to CPUC. If grading or</p>	<p>If construction activities including but not limited to grading or site disturbance are to occur between February 15 and August 31, a nesting bird survey shall be conducted by a qualified biologist to determine the presence of nests or nesting birds within 50 feet of the construction activities. ¹ The nesting bird surveys shall be completed no more than 72 hours prior to any construction activities. The survey will focus on special-status species such as but not limited to California least tern, western snowy plover, Caspian tern, gull-billed tern, in addition to other nesting birds that may be disturbed by project-related activities. Ground-disturbing activities that will affect an active nest will be halted until birds have fledged. If an active nest (defined by the presence of eggs or young) is identified, grading or site disturbance within a 50-foot buffer of an active nest shall be monitored by a qualified biologist daily until project activities are no longer occurring within 50 feet of the nest or until fledglings become independent of the nest. The monitoring biologist may increase the buffer radius if he or she determines it is necessary. The monitoring biologist may decrease the buffer radius if he or she determines that the construction activities are not disturbing the nesting activities and a smaller buffer is more appropriate. If grading or site disturbance must occur within 50 feet of an active nest, Mitigation Measure BIO-8 shall be implemented.</p>	Yes - Class II	Yes - Class II	Yes - Class II	Yes - Class II		

¹ The western snowy plover breeding season can extend through mid-September. However, chicks are anticipated to be mobile and capable of leaving the area of disturbance. Therefore, construction activities following August 31 are not anticipated to effect western snowy plover chicks.

Attachment C: Proposed Mitigation Measure Revisions
 South Bay Substation Relocation Project Draft EIR



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				site disturbance must occur within 500 a species-specific buffer feet of an active nest, Mitigation Measure BIO-8 shall be implemented.						
8.	D.5-123 and 124	BIO-8	<p>This measure should reference BIO-7, rather than BIO-1, because the measure should be referencing nesting birds not vegetation.</p> <p>The significance criteria should be revised from an hourly to an eight-hour average threshold and should be site-specific and based on the species present. No scientific justification is provided in the Draft Environmental Impact Report (EIR) for the 60 A-weighted decibel scale (dBA) A-weighted equivalent sound level (Leq(h)) significance criteria requirement. The measure should be revised to include the eight-hour average, rather than an hourly threshold and should provide a basis for the 60 dbA requirement or revise the measure to be site and species specific.</p> <p>The measure should include a reference regarding the statement, “[t]he height and materials of the noise barrier would depend on several factors, including the construction noise level as well as distance from sensitive habitat areas and active nests. Depending on various geometric and design factors, a temporary noise barrier could attenuate construction noise by approximately 5 to 15 dB,” to provide the basis for this conclusion.</p> <p>In order to obtain an attenuation of 5 to 15 dBA, the positioning and size of the noise barrier may affect the ability of the equipment to be operated safely</p>	<p>Prior to completing any construction activity, SDG&E shall provide a noise report to CPUC from a certified acoustician to document the noise levels that would result from proposed construction activities at the active nests identified under BIO-47. In the event the report prepared by a certified acoustician indicates construction noise levels may exceed <u>an eight-hour Leq of 60 dBA Leq(h)</u> at nearby sensitive habitat areas and/or active nests, a temporary noise barrier shall be constructed to reduce noise levels to below <u>an eight-hour Leq of 60 dBA, Leq(h) where feasible or otherwise approved by the CDFG, to attenuate noise from construction equipment.</u> The height and materials of the noise barrier would depend on several factors, including the construction noise level as well as distance from sensitive habitat areas and active nests. Depending on various geometric and design factors, a temporary noise barrier could attenuate construction noise by approximately 5 to 15 dB. <u>If the installation of a temporary noise barrier is infeasible for specific construction activities, or if noise levels cannot be reduced below an eight-hour Leq of 60 dBA, mufflers or other noise-suppression devices that exceed the original manufacturer’s specifications shall be utilized to help reduce noise levels. Noise-monitoring equipment would be installed near active nests for areas where noise walls are infeasible to monitor noise levels during construction, and equipment would be turned off when not required for active construction activities. If noise levels still exceed an eight-hour Leq of 60 dBA at the edge of nesting territories and/or a no-construction buffer cannot be maintained, construction shall be deferred in that area until the nestlings have fledged unless otherwise approved by the CDFG.</u></p>	<p>Prior to completing any construction activity, SDG&E shall provide a noise report to CPUC from a certified acoustician to document the noise levels that would result from proposed construction activities at the active nests identified under BIO-7. In the event the report prepared by a certified acoustician indicates construction noise levels may exceed an eight-hour Leq of 60 dBA at nearby sensitive habitat areas and/or active nests, a temporary noise barrier shall be constructed to reduce noise levels to below an eight-hour Leq of 60 dBA, where feasible or otherwise approved by the CDFG, to attenuate noise from construction equipment. The height and materials of the noise barrier would depend on several factors, including the construction noise level as well as distance from sensitive habitat areas and active nests. Depending on various geometric and design factors, a temporary noise barrier could attenuate construction noise by approximately 5 to 15 dB. If the installation of a temporary noise barrier is infeasible for specific construction activities, or if noise levels cannot be reduced below an eight-hour Leq of 60 dBA, mufflers or other noise-suppression devices that exceed the original manufacturer’s specifications shall be utilized to help reduce noise levels. Noise-monitoring equipment would be installed near active nests for areas where noise walls are infeasible to monitor noise levels during construction, and equipment would be turned off when not required for active construction activities. If noise levels still exceed an eight-hour Leq of 60 dBA at the edge of nesting territories and/or a no-construction buffer cannot be maintained, construction shall be deferred in that area until the nestlings have fledged unless otherwise approved by the CDFG.</p>	Yes - Class II	Yes - Class II	Yes - Class II	Yes - Class II	

Attachment C: Proposed Mitigation Measure Revisions
 South Bay Substation Relocation Project Draft EIR



#	Page #	Mitigation Measure Number	Comment	Mitigation Measure		Measure Required for Alternative?			
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			<p>and effectively. Thus, the construction of a temporary noise barrier may be infeasible for certain types of non-stationary equipment. In addition, construction of the noise barrier may potentially cause increased noise and disturbance for the birds for its installation. These limitations should be reflected in the revised measure.</p> <p>The measure should be revised to provide additional options, such as the installation of mufflers or other noise-suppression devices or limiting the use of construction equipment when necessary, to attenuate construction noise in the event that a temporary noise wall would be infeasible or if construction noise levels are incapable of being reduced below 60 dBA the 1-hour, Leq(h).</p>						
9.	D.5-124	BIO-9	<p>The measure should be revised to be project-specific and allow SDG&E to determine the potential for raptors to perch on project components. Based on which raptors pose a potential threat, perch deterrent devices will be evaluated and installed, as appropriate.</p> <p>Using spikes as deterrents usually does not effectively deter raptors. Spikes can damage the bird's feet and legs, which can lead to infections. Spikes also provide an anchor substrate for raptors and other birds to secure a nest. As a result, bird droppings that come into contact with structures and insulators could potentially cause flashovers. Furthermore, bird deterrents do not last long due to ultraviolet ray exposure and corrosion. The deterioration or failure of the deterrents can cause reliability issues</p>	<p>SDG&E shall install several rows of sufficient raptor perch deterrent devices (such as but not limited to using spikes available from Mission Environmental) on the top of project components including buildings, structures, steel poles, and the lattice communication tower. These devices are intended to discourage raptors/birds from landing on the surface and potentially preying on special-status avian/wildlife species in the area. The installation of the raptor perch deterrent devices will reduce or avoid potential impacts from perching raptors on special-status birds nesting and foraging in the open habitat and especially within the refuge.</p>	<p>SDG&E shall install sufficient raptor perch deterrent devices on the top of project components including buildings, structures, steel poles, and the lattice communication tower to discourage raptors from landing on the surface and potentially preying on special-status wildlife species in the area.</p>	Yes - Class II	Yes - Class II	Yes - Class II	Yes - Class II

Attachment C: Proposed Mitigation Measure Revisions
 South Bay Substation Relocation Project Draft EIR



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			<p>with the substation if the devices fall into energized conductors or equipment. In addition, the maintenance of bird deterrents require outages for personnel to repair them, reducing reliability of the system. The contractors that install the bird deterrents are also not trained to work around high-voltage equipment; thus, maintaining the deterrents poses a challenge. As a result of all of these issues, the use of spikes should be avoided and this portion of the measure should be deleted.</p> <p>The last sentence of the measure does not provide specific direction and should be deleted.</p>						
10.	D.5-124 and 125	BIO-10	<p>This mitigation measure unreasonably and unnecessarily constrains construction activities within SDG&E's existing transmission corridor and right-of-way. Because such activities are subject to the NCCP, this mitigation measure is unnecessary and should be deleted.</p> <p>In the alternative, the measure should add information regarding what should be done if sensitive biological resources are identified within proposed temporary work areas prior to construction (e.g., do not use temporary work areas until agency coordination is complete, establish buffers, etc.). If previously unidentified resources are found during the surveys, SDG&E will inform the CPUC of the resources identified in writing. The measure should be revised to include the information regarding the procedures to be taken if sensitive biological</p>	<p>Prior to construction, a qualified biologist shall review all proposed temporary work areas that will be utilized during construction. The review of all temporary work areas shall be used to determine if sensitive biological resources are present. To the maximum extent feasible, temporary work areas (cable pull sites, jack-and-bore operations, etc.) shall be sited in locations that do not contain any sensitive habitat. A qualified biologist shall review all proposed temporary work areas for presence of sensitive biological resources, and submit a A-letter signed by the qualified biologist shall be submitted to the CPUC 30 days prior to construction in any temporary work area (cable pull sites, jack-and-bore operations, etc.) to the CPUC 30 days prior to construction that identifies whether any sensitive resources are present. Erosion control measures shall be implemented both during and following construction, in accordance with the stormwater pollution prevention plan. All areas of temporary disturbance shall be returned to pre-construction conditions immediately following construction.</p>	<p>To the maximum extent feasible, temporary work areas (cable pull sites, jack-and-bore operations, etc.) shall be sited in locations that do not contain any sensitive habitat. A qualified biologist shall review all proposed temporary work areas for presence of sensitive biological resources, and submit a letter signed by the qualified biologist to the CPUC 30 days prior to construction that identifies whether any sensitive resources are present.</p>	Yes - Class II	Yes - Class II	Yes - Class II	Yes - Class II

Attachment C: Proposed Mitigation Measure Revisions
 South Bay Substation Relocation Project Draft EIR



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			resources are identified and the notification requirements. It may not be feasible for all temporarily disturbed areas to be returned to pre-construction immediately following construction, depending on the appropriate planting periods and construction schedule. Furthermore, the last two sentences are unnecessary, as these requirements are already addressed through implementation of SDG&E's NCCP and the project-specific-Stormwater Pollution Prevention Plan (SWPPP) that will be prepared as required by law. Therefore, they should be deleted.							
11.	D.5-125 and 126	BIO-11	The word "avian" should be added to the first sentence to clarify which breeding season is at issue. The 4,500 buffer is arbitrary and overly restrictive given the species known to occur at the proposed Bay Boulevard Substation site. In addition, there are no United States (U.S.) Fish and Wildlife Service (USFWS) or CDFG regulations that specify this distance. The measure should be deleted or revised to specify that nesting bird surveys will be conducted for the project site, rather than within 4,500 feet of the proposed helicopter operation. In addition, a large body of open water (i.e., San Diego Bay) is located within the vicinity of the Proposed Project site. Therefore, this measure should be revised to focus on the areas that are suitable habitat for nesting birds. It is impractical to assume that the areas outside of the existing and	Helicopter activity during construction shall be restricted to the <u>avian</u> non-breeding season defined as <u>between</u> September 15 through and February 15. Should helicopter activity be deemed necessary during the breeding season, <u>a nesting bird preconstruction surveys</u> shall be conducted by a qualified biologist <u>to determine whether any nesting birds and/or active nests are present within the boundaries of the project.</u> 4,500 feet of the proposed helicopter operation. If nesting birds are present and/or an active nest is discovered, helicopter activity shall be postponed until nesting is complete and the young have fledged. <u>Additionally, SDG&E shall coordinate with USFWS representatives of the Sweetwater Marsh NWR and South San Diego Bay NWR (collectively, the San Diego Bay NWR), as well as the CDFG, to determine whether helicopter activities may potentially impact nesting birds within the reserves.</u> Should helicopter activity be deemed necessary in the presence of known <u>or potentially</u> nesting birds following surveys and NWR coordination , the applicant shall coordinate with USFWS to determine whether the occurrence of helicopter activity is acceptable during the breeding season at the proposed locations. Documentation shall be provided to CPUC prior to helicopter activities occurring in the event that USFWS determines helicopter activities are permitted between February 15September 16 and February 28August 31.	Helicopter activity during construction shall be restricted to the avian non-breeding season defined as between September 15 and February 15. Should helicopter activity be deemed necessary during the breeding season, a nesting bird survey shall be conducted by a qualified biologist to determine whether any nesting birds and/or active nests are present within the boundaries of the project. If nesting birds are present and/or an active nest is discovered, helicopter activity shall be postponed until nesting is complete and the young have fledged. Additionally, SDG&E shall coordinate with USFWS representatives of the Sweetwater Marsh NWR and South San Diego Bay NWR (collectively, the San Diego Bay NWR), as well as the CDFG, to determine whether helicopter activities may potentially impact nesting birds within the reserves. Should helicopter activity be deemed necessary in the presence of known or potentially nesting birds following surveys, the applicant shall coordinate with USFWS to determine whether the occurrence of helicopter activity is acceptable during the breeding season at the proposed locations. Documentation shall be provided to CPUC prior to helicopter activities occurring in the event that USFWS determines helicopter activities are	Yes - Class II	Yes - Class II	Yes - Class II	Yes - Class II	

Attachment C: Proposed Mitigation Measure Revisions
 South Bay Substation Relocation Project Draft EIR



#	Page #	Mitigation Measure Number	Comment	Mitigation Measure		Measure Required for Alternative?				
				Redline of Existing Language	Proposed Revised Language	Proposed Project	Proposed Site with GIS	Existing Site with AIS	Existing Site with GIS	
			<p>proposed sites will be able to be surveyed for nesting birds for several reasons. First, the marshes and wetlands (which are of the greatest concern) will be nearly impossible in some areas to get through, if it were possible to get through, they are sensitive areas in which the USFWS would not likely want biologists to disturb. Further, biologists would need landowner/agency permissions to access areas outside of the project site. It may be more practical to have biologists survey within the work area, and to consult with representatives from the National Wildlife Refuge, which probably has biologists who will know if the birds are nesting or likely to be nesting in the reserve areas near the site. The measure should be revised accordingly to reflect the potential limitations identified regarding conducting nesting bird surveys outside of the Proposed Project site.</p> <p>The dates provided in the last sentence should be revised to reflect the breeding season, rather than the non-breeding season.</p>		permitted between February 15 and August 31.					
D.6 – Cultural and Paleontological Resources										
12.	D.6-33	CUL-1	<p>The measure should be revised to state that a qualified archaeologist should prepare the report identifying any significant cultural materials.</p> <p>The requirement that all work within 50 feet of the area where a cultural resource is discovered is arbitrary, unnecessary, and may drive up ratepayer costs through delays to construction that would not impact the cultural resource. The measure should</p>	<p>In the event that any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, such as chipped or ground stone, historic debris, building foundation, or human bones, all work within <u>50 feet</u> the <u>immediate vicinity</u> of the resources shall be halted, and a qualified archaeologist shall be consulted to assess the significance of the find. If any find is determined to be significant, representatives of SDG&E, California Public Utilities Commission (CPUC), and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation, with the ultimate determination to be made by the CPUC. All significant</p>	<p>In the event that any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, such as chipped or ground stone, historic debris, building foundation, or human bones, all work within the immediate vicinity of the resources shall be halted, and a qualified archaeologist shall be consulted to assess the significance of the find. If any find is determined to be significant, representatives of SDG&E, California Public Utilities Commission (CPUC), and the qualified archaeologist shall meet to determine the appropriate avoidance measures or</p>	Yes - Class II	Yes - Class II	Yes - Class II	Yes - Class II	

Attachment C: Proposed Mitigation Measure Revisions
 South Bay Substation Relocation Project Draft EIR



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			be revised to halt work in the immediate vicinity of the discovery until the significance of the find is determined.	cultural materials recovered shall be subject to scientific analysis; professional museum curation, as necessary; and a report prepared by a <u>specialist-qualified archaeologist</u> according to current professional standards.	other appropriate mitigation, with the ultimate determination to be made by the CPUC. All significant cultural materials recovered shall be subject to scientific analysis; professional museum curation, as necessary; and a report prepared by a qualified archaeologist according to current professional standards.					
13.	D. 6-33 to D.6-34	CUL-2	This measure should be removed as it is a requirement of law and not appropriate as mitigation.	If human remains are discovered, there shall be no further excavation or disturbance of the discovery site or any nearby area reasonably suspected to overlie adjacent human remains until the project applicant has immediately notified the county coroner and otherwise complied with the provisions of State CEQA Guidelines, Section 15064.5(e). If the remains are found to be Native American, the county coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours. The most likely descendant of the deceased Native American shall be notified by the NAHC and given the opportunity to make proper disposition of human remains. If the NAHC is unable to identify the most likely descendant, or if no recommendations are made within 24 hours, remains may be reinterred with appropriate dignity elsewhere on the property in a location not subject to further subsurface disturbance. If recommendations are made and not accepted, the NAHC will mediate.	Not Applicable	Yes - Class II	Yes - Class II	Yes - Class II	Yes - Class II	
D.7 – Geology and Soils										
14.	D.7-31 to 32	G-1	A geotechnical investigation was conducted for the proposed Bay Boulevard Substation site, and the report included as Attachment 4.6-A: Geotechnical Investigation in the Proponent’s Environmental Assessment (PEA). Therefore, the measure should be revised to only pertain to the alternative substation sites, where a geotechnical investigation has not yet been conducted.	Geotechnical Investigations for Liquefaction and Slope Instability. <u>If the Existing South Bay Substation, Power Plant Site, Broadway and Palomar Site, Goodrich South Campus, H Street Yard Site, or the Bayside Site is chosen for the location of the new South Bay Substation,</u> SDG&E shall perform design-level geotechnical investigations to evaluate the potential for liquefaction, lateral spreading, seismic slope instability, and ground-cracking hazards to affect the approved project and all associated facilities. Where these hazards are found to exist, appropriate engineering design and construction measures shall be incorporated into the project designs. Appropriate measures could include construction of pile foundations, ground improvement of liquefiable zones, installation of flexible bus connections, and incorporation of slack in underground cables to allow ground deformations without damage to structures. The geotechnical investigations prepared by a certified geologist shall be submitted to the CPUC 60 days prior to construction of proposed structures.	Geotechnical Investigations for Liquefaction and Slope Instability. If the Existing South Bay Substation, Power Plant Site, Broadway and Palomar Site, Goodrich South Campus, H Street Yard Site, or the Bayside Site is chosen for the location of the new South Bay Substation, SDG&E shall perform design-level geotechnical investigations to evaluate the potential for liquefaction, lateral spreading, seismic slope instability, and ground-cracking hazards to affect the approved project and all associated facilities. Where these hazards are found to exist, appropriate engineering design and construction measures shall be incorporated into the project designs. Appropriate measures could include construction of pile foundations, ground improvement of liquefiable zones, installation of flexible bus connections, and incorporation of slack in underground cables to	No - Class III based on a prior Geotechnical Study	No - Class III based on a prior Geotechnical Study	Yes - Class II	Yes - Class II	

Attachment C: Proposed Mitigation Measure Revisions
 South Bay Substation Relocation Project Draft EIR



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					allow ground deformations without damage to structures. The geotechnical investigations prepared by a certified geologist shall be submitted to the CPUC 60 days prior to construction of proposed structures.					
D.8 – Public Health and Safety										
15.	D.8-88 to 89	HAZ-2	<p>Phase I Site Assessments were previously conducted for the proposed Bay Boulevard Substation and the existing South Bay Substation sites. Requiring further studies would result in unnecessary ratepayer expense with no corresponding environmental benefit as SDG&E will handle any hazardous materials or wastes encountered in accordance with California law. Thus, the measure should be deleted.</p> <p>If hazardous waste is encountered during construction activities, SDG&E will comply with Title 23 of the California Code of Regulations as a matter of law. Therefore, this portion of the measure should be deleted.</p>	<p>As part of the final design, a site assessment shall be performed to augment and consolidate previous studies performed for the entire Proposed Project site to identify where hazardous materials or wastes may be encountered. The site assessment shall be submitted to the California Public Utilities Commission at least 60 days prior to construction activities. In the event that grading, construction, or operation of proposed facilities will encounter hazardous waste, SDG&E shall ensure compliance with the State of California CCR Title 23 Health and Safety Regulations as managed by the San Diego County Department of Environmental Health (DEH). Excavated soils impacted by hazardous waste or materials will be characterized and disposed of in accordance with CCR Title 14 and Title 22 and the San Diego County DEH.</p>	Not Applicable	No - A Phase I was previously conducted for the proposed site	No - A Phase I was previously conducted for the proposed site	No - A Phase I was previously conducted for the existing substation site	No - A Phase I was previously conducted for the existing substation site	
16.	D.8-89	HAZ-3a and HAZ-3b	<p>A Spill Prevention, Control, and Countermeasure Plan would be prepared as a matter of law; therefore, this portion of MM HAZ-3a should be deleted.</p> <p>Compliance with the requirements provided in MM HAZ-3b would also be implemented in accordance with law regardless of this measure. Thus, MM HAZ-3b should be deleted.</p>	<p>HAZ-3a - SDG&E shall prepare and submit a copy of the Spill Prevention, Control, and Countermeasure plan, as required by Title 40 CFR Section 112.7, to the California Public Utilities Commission for review and approval at least 60 days before the start of operation of the Bay Boulevard Substation.</p> <p>HAZ-3b – No hazardous materials used by SDG&E for operations and maintenance of the proposed substation will be stored or disposed of on site, and their use or disposal will conform to applicable laws and regulations governing the use, management, and disposal of hazardous materials.</p>	HAZ-3a - SDG&E shall submit a copy of the Spill Prevention, Control, and Countermeasure plan, as required by Title 40 CFR Section 112.7, to the California Public Utilities Commission for review and approval at least 60 days before the start of operation of the Bay Boulevard Substation.	Yes - Class II	Yes - Class II	Yes - Class II	Yes - Class II	
17.	D.8-90	HAZ-4	<p>SDG&E currently implements fire-prevention procedures in the Proposed Project area as part of its standard practice. The Proposed Project site is located in an industrial area where wildlands do not occur. Although impacts could result from heat or</p>	<p>Wildfires shall be <u>Work crews shall be prevented or minimized</u> wildfires during construction of the Project by confining utility vehicles to the prescribed right-of-way and access roads. Vehicles equipped with catalytic converters will be parked on cleared areas only. by exercising care when operating utility vehicles within the right-of-way and access roads and by parking vehicles away from dry vegetation</p>	Work crews shall prevent or minimize wildfires during construction of the Project by confining utility vehicles to the prescribed right-of-way and access roads. Vehicles equipped with catalytic converters will be parked on cleared areas only. Construction crews shall carry water and shovels and/or fire extinguishers during work periods when	Yes - Class II	Yes - Class II	Yes - Class II	Yes - Class II	

Attachment C: Proposed Mitigation Measure Revisions
 South Bay Substation Relocation Project Draft EIR



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			sparks from construction equipment or vehicles or the use of flammable materials, these potential impacts would not involve wildland fires. The proposed amendments reflect SDG&E's standard fire prevention practices. The measure should be revised as proposed.	where hot catalytic converters can ignite a fire. In times of high fire hazard, it may be necessary for eConstruction crews shall vehieles to carry water and shovels and/or fire extinguishers during work periods when fire hazards are prescribed to be high. Fire protective mats or shields would be used during grinding or welding to prevent or minimize the potential for fire.	fire hazards are prescribed to be high. Fire protective mats or shields would be used during grinding or welding to prevent or minimize the potential for fire.					
D.9 – Hydrology and Water Quality										
18.	D.9-48	HYDRO-1	The preparation of a SWPPP for construction activities would be required as a matter of law because the Proposed Project would result in ground disturbance of greater than one acre. Thus, the measure should only require the submittal of the SWPPP to the CPUC and the rest of the measure can be deleted.	In accordance with the stormwater pollution prevention plan (SWPPP) to be prepared under the State General Construction Permit, work crews shall use erosion control measures during grading activities. Implementation of the SWPPP shall help stabilize soil in graded areas and waterways and reduce erosion and sedimentation. Mulching, seeding, or other suitable stabilization measures shall be used to protect exposed areas during construction activities. The Stormwater Pollution Prevention Plan (SWPPP) shall be submitted to the California Public Utilities Commission prior to construction activities.	The Stormwater Pollution Prevention Plan SWPPP shall be submitted to the California Public Utilities Commission prior to construction activities.	Yes - Class II	Yes - Class II	Yes - Class II	Yes - Class II	
19.	D.9-49	HYDRO-2a	Consultation with the Regional Water Quality Control Board (RWQCB) is required for the Project in order to obtain Water Quality Certification. Therefore, the portion of this measure requiring consultation with the RWQCB can be deleted from the measure. This MM should acknowledge that the General National Pollutant Discharge Elimination System Permit for Discharges from Utility Vaults and Underground Structures to Surface Waters, issued by the State Water Resources Control Board, may cover certain dewatering activities.	Prior to construction, SDG&E shall consult with the San Diego Regional Water Quality Control Board (RWQCB) to determine whether an individual discharge permit is required for dewatering at any of the project areas anticipated to encounter groundwater. A copy of the permit from the RWQCB, or a waiver from the RWQCB, or coverage under the General National Pollutant Discharge Elimination System Permit for Discharges from Utility Vaults and Underground Structures to Surface Waters issued by the State Water Resources Control Board, if required, shall be provided to the California Public Utilities Commission prior to dewatering activities.	A copy of the permit from the RWQCB, a waiver from the RWQCB, or coverage under the General National Pollutant Discharge Elimination System Permit for Discharges from Utility Vaults and Underground Structures to Surface Waters issued by the State Water Resources Control Board, if required, shall be provided to the California Public Utilities Commission prior to dewatering activities.	Yes - Class II	Yes - Class II	Yes - Class II	Yes - Class II	
20.	D.9-49	HYDRO-2b	The requirements in this measure will be part of any RWQCB permit or waiver submittal. Therefore, this measure does not provide a necessary requirement and should be deleted.	SDG&E shall submit to California Public Utilities Commission prior to construction a typical dewatering drawing that shall be implemented during dewatering activities. The drawing shall include the location of pumps within secondary containment, fuel storage areas, anticipated discharge point, scour protection measures, intake hose	Not Applicable	Yes - Class II	Yes - Class II	Yes - Class II	Yes - Class II	

Attachment C: Proposed Mitigation Measure Revisions
 South Bay Substation Relocation Project Draft EIR



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			<p>In addition, this mitigation measure is derived from the Silvergate Transmission Substation EIR and was specific to the cooling water that was present on site prior to construction of the substation. Since the composition of the cooling water was unknown and dewatering methods undetermined at the time the EIR was published, a mitigation measure requiring a dewatering plan was necessary to ensure the volume of water that was known to occur at the site was removed through a process-oriented procedure. The Proposed Project, however, is not anticipated to require a sophisticated dewatering strategy to deal with the groundwater that could be encountered during construction. For the most part, dewatering will not be required. If dewatering of a large foundation hole is required, it can be performed with conventional dewatering techniques and in accordance with the National Pollutant Discharge Elimination System. Further, since dewatering is not expected, the location of pumps and discharge points cannot be determined until groundwater is encountered during an activity that cannot be completed without dewatering. Mitigation measure HYDRO-2b should be omitted based on the fact that HYDRO-2a will ensure impacts from dewatering remain less than significant.</p>	<p>screening, and monitoring procedures to ensure that hazardous materials spills are addressed in a timely manner and discharge hoses are frequently inspected for leaks.</p>						

Attachment C: Proposed Mitigation Measure Revisions
 South Bay Substation Relocation Project Draft EIR



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21.	D.9-49 to 50	HYDRO-2c	It is unclear whether there is a regulatory basis for the distances provided in this measure. The measure should provide the regulatory bases or some of the distances should be revised to reflect the regulatory requirements.	<p>Creek and drainage crossings shall be conducted in a manner that does not result in a sediment-laden discharge or hazardous materials release to the water body. The following measures shall be implemented during jack-and-bore operations:</p> <ol style="list-style-type: none"> 1. Site preparation shall begin no more than 10 days prior to initiating horizontal bores to reduce the time soils are exposed adjacent to creeks and drainages. 2. Trench and/or bore pit spoil shall be stored a minimum of 25 feet from the top of bank or wetland/riparian boundary for Telegraph Creek and the drainage along Bay Boulevard. Spoil shall be stored behind a sediment barrier and covered with plastic or otherwise stabilized (i.e., tackifiers, mulch, or detention). 3. Portable pumps and stationary equipment located within 100 feet of a water resource (i.e., wetland/riparian boundary, creeks, drainages) shall be placed within secondary containment with adequate capacity to contain a spill (i.e., a pump with 10-gallon fuel or oil capacity should be placed in secondary containment capable of holding 15 gallons). A spill kit shall be maintained on site at all times. 4. Immediately following backfill of the bore pits, disturbed soils shall be seeded and stabilized to prevent erosion and temporary sediment barriers left in place until restoration is deemed successful. 	To Be Determined	Yes - Class II	Yes - Class II	Yes - Class II	Yes - Class II	
D.12 – Noise										
22.	D.12-49	NOI-1	<p>The City’s noise ordinance establishes an exemption from the noise levels that would result from construction of the Project for construction and demolition activities. Therefore, this portion of the measure should be revised to provide a notice requirement, rather than approval from the CPUC.</p> <p>Although nighttime work would be limited for the Project, limiting nighttime work and heavy equipment use in the manner provided in this measure is not always practicable. Therefore, the measure should be</p>	<p>SDG&E shall conduct all construction activities in accordance with the City of Chula Vista Municipal Code allowable hours for construction unless otherwise approved by the City. For any evening and nighttime construction activities that are required outside of the permitted hours, SDG&E shall notice all property owners within 300 feet of the proposed work at least 1 week in advance of the construction activities. SDG&E shall obtain approval from the local jurisdiction and notify the <u>local jurisdiction and the California Public Utilities Commission</u> prior to conducting any work that may deviate from the City noise ordinance. Nighttime work and the use of heavy construction equipment shall be limited to the extent practicable. shall apply only where nighttime and weekend construction activities are necessary to perform electrical system transfers and outovers as required by California Independent System Operator.</p>	<p>SDG&E shall conduct all construction activities in accordance with the City of Chula Vista Municipal Code allowable hours for construction <u>unless otherwise approved by the City.</u> For any evening and nighttime construction activities that are required outside of the permitted hours, SDG&E shall notice all property owners within 300 feet of the proposed work at least 1 week in advance of the construction activities. SDG&E shall notify the local jurisdiction and the California Public Utilities Commission prior to conducting any work that may deviate from the City noise ordinance. Nighttime work and the use of heavy construction equipment shall be limited to the extent practicable.</p>	Yes - Class II	Yes - Class II	Yes - Class II	Yes - Class II	

Attachment C: Proposed Mitigation Measure Revisions
 South Bay Substation Relocation Project Draft EIR



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			revised to provide that nighttime work will be limited to the extent practicable and that notice will be provided if nighttime work is required.	Electrical system transfers and cutover work shall not include the use of heavy construction equipment (i.e., excavators, drill rigs, jack hammers, etc.).						
D.16 – Transportation and Traffic										
23.	D.16-38 and 39	TRA-1	SDG&E holds agreements with local jurisdictions for the requirements provided in this measure. Thus, the measure should be revised to require only submittal of copies of the agreements and approvals.	Prior to the start of construction, SDG&E shall submit traffic management plans (TMPs) to the City as part of the required traffic encroachment permits. Traffic control plans (TCPs) shall define the locations of all roads that would need to be temporarily closed due to construction activities, including hauling of oversized loads by truck, conductor stringing activities, and trenching activities. Input and approval from the City shall be obtained, and eCopies of an approval letter from the City of Chula Vista must be provided to the CPUC prior to the start of construction. The TCPs shall define the use of flag persons, warning signs, lights, barricades, cones, etc., according to standard guidelines outlined in the California Department of Transportation (Caltrans) Traffic Manual for Construction and Maintenance Work Zones (Caltrans 1996), the Standard Specifications for Public Works Construction (Caltrans 2009a), and the Work Area Traffic Control Handbook (WATCH) (Caltrans 2009b). Documentation of the approval of these plans, consistency with SDG&E’s utility franchise agreements, and issuance of encroachment permits (if applicable) shall be provided to CPUC prior to the start of construction activities that require temporary closure of a public roadway.	Copies of an approval letter from the City of Chula Vista must be provided to the CPUC prior to the start of construction. Documentation of the approval of these plans, consistency with SDG&E’s utility franchise agreements, and issuance of encroachment permits (if applicable) shall be provided to CPUC prior to the start of construction activities that require temporary closure of a public roadway.	Yes - Class II	Yes - Class II	Yes - Class II	Yes - Class II	
24.	D.16-39 and 40	TRA-2	The peak period of construction should be defined in the measure for clarity.	SDG&E shall stagger work shifts during the peak period of construction activity, which shall occur during the approximately six-month grading and site development phase, and construction shifts shall be staggered to the degree possible, such that employee arrivals and departures from the site will avoid the project area peak traffic hours (7:30–8:30 a.m. and 4:30–5:30 p.m.) or as otherwise approved by the City of Chula Vista. Construction-related truck traffic shall also be scheduled to avoid travel during peak periods of traffic on the surrounding roadways.	SDG&E shall stagger work shifts during the peak period of construction activity, which shall occur during the approximately six-month grading and site development phase, and construction shifts shall be staggered to the degree possible, such that employee arrivals and departures from the site will avoid the project area peak traffic hours (7:30–8:30 a.m. and 4:30–5:30 p.m.) or as otherwise approved by the City of Chula Vista. Construction-related truck traffic shall also be scheduled to avoid travel during peak periods of traffic on the surrounding roadways.	Yes - Class II	Yes - Class II	Yes - Class II	Yes - Class II	

Attachment C: Proposed Mitigation Measure Revisions
 South Bay Substation Relocation Project Draft EIR



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25.	D.16-40 and 41	TRA-4	<p>The measure should be revised to specify that the City is the City of Chula Vista for clarity.</p> <p>The second sentence of the measure should be revised to clarify that SDG&E shall request that the City notify the police departments, fire departments, ambulance services, and paramedic services regarding the locations, nature, timing, and duration of construction activities if they would restrict emergency services and that they be advised of any access restrictions that could impact their effectiveness.</p>	<p>SDG&E shall coordinate in advance with the City of Chula Vista (City) to avoid restricting movements of emergency vehicles. SDG&E shall request that police departments, fire departments, ambulance services, and paramedic services be notified by the City of the proposed locations, nature, timing, and duration of any construction activities that may restrict emergency services and be advised of any access restrictions that could impact their effectiveness. At locations where access to nearby property is blocked, provision shall be ready at all times to accommodate emergency vehicles, such as plating over excavations, short detours, and alternate routes in conjunction with local agencies. Traffic control plans (Mitigation Measure TRA-1) shall include details regarding emergency services coordination and procedures. Documentation of coordination with the City shall be provided to CPUC prior to the start of construction.</p>	<p>SDG&E shall coordinate in advance with the City of Chula Vista (City) to avoid restricting movements of emergency vehicles. SDG&E shall request that police departments, fire departments, ambulance services, and paramedic services be notified by the City of the proposed locations, nature, timing, and duration of any construction activities that may restrict emergency services and be advised of any access restrictions that could impact their effectiveness. At locations where access to nearby property is blocked, provision shall be ready at all times to accommodate emergency vehicles, such as plating over excavations, short detours, and alternate routes in conjunction with local agencies. Traffic control plans (Mitigation Measure TRA-1) shall include details regarding emergency services coordination and procedures. Documentation of coordination with the City shall be provided to CPUC prior to the start of construction.</p>	Yes - Class II	Yes - Class II	Yes - Class II	Yes - Class II
26.	D.16-42	TRA-6	<p>Helicopters would not be used to lift any structures during construction, and may only be used during conductor stringing activities, as required. Accordingly, this measure should be deleted, as a lift plan is not required.</p>	<p>SDG&E shall prepare a lift plan to be approved by the Federal Aviation Administration (FAA) that identifies procedures that will need to be implemented to ensure public safety. Documentation of FAA approval of the lift plan shall be provided to California Public Utilities Commission prior to the start of construction activities that require the use of a helicopter.</p>	Not Applicable	Yes - Class II	Yes - Class II	Yes - Class II	Yes - Class II

ATTACHMENT D: TECHNICAL CORRECTIONS AND CLARIFICATIONS

Attachment D: Technical Corrections and Clarifications
South Bay Substation Relocation Project Draft EIR



#	Page #	Paragraph or Table #	Existing Language	General Comment
General Comments				
1.	General	General	Not Applicable (NA)	It would be helpful for the Final Environmental Impact Report (EIR) to provide a listing of applicable mitigation measures (MMs) for the alternatives carried forward for full analysis, especially for the environmentally superior and gas-insulated switchgear (GIS) substation alternatives.
2.	General	General	NA	The impacts in the Hydrology section are labeled “Impact HYD-XX,” but the MMs are labeled “Mitigation Measure HYDRO-XX.” The impacts and MMs should use the same labels throughout this section for consistency with other sections and to avoid confusion.
3.	General	General	NA	GIS is the technology used for the alternative, rather than gas-insulated substation technology. This language should be clarified throughout the EIR where the GIS substation alternative is discussed.
4.	General	General	NA	The figures in this document that depict the Proposed Project components should be revised to display the overhead transmission lines. In addition, the 12 kilovolt (kV) distribution line is shown entering the proposed substation, although the figures should depict the line from the 69 kV riser poles to the substation as underground 69 kV transmission line, rather than 12 kV distribution line. Each of the figures depicting the Proposed Project components in the EIR should be revised in accordance with Figure D-1: AIS Substation Detailed Project Components Map, which was previously provided in the PEA.
5.	General	General	NA	The figures in this document that depict the GIS Substation Alternative components should be revised to display the overhead lines. The 138 kV line would remain in its existing overhead configuration for the GIS Substation Alternative, as provided in Figure D-2: GIS Substation Alternative Detailed Project Components Map, which was previously submitted in the response to Data Request 8 (SDGE-ED-008: Questions 2-9). In addition, SDG&E has identified an additional option for transmission line (TL)644 for the GIS Substation Alternative, in which the existing poles would be cut above the distribution underbuild and TL644 would be relocated between the overhead 138 kV transmission line and TL642 to avoid all impacts to the drainage feature located along the west side of Bay Boulevard.
6.	General	General	NA	The acreages of three of the alternative sites should be revised where they are referenced throughout the EIR. The Tank Farm site is approximately 17 acres, rather than 19 acres. The Toy Storage site is approximately seven, rather than six, acres. The Cima NV site is approximately five, rather than four acres.
7.	General	General	NA	There are several flaws regarding the way that impacts are evaluated with respect to the proposed relocation of the existing substation in a disturbed area that is classified for industrial use. Many of the potentially significant impacts are overstated. For example, the occurrence of one rare plant and its loss or removal (see Impact BIO-5) is not a significant impact when intensity and extent are considered. Depending on the particular species, the loss of one plant may not be considered controversial because it would not adversely affect the population and the area or quantity of the resource affected relative to the area or quantity of the resource available locally is very small. The determination of significance for a particular impact should be based on severity, extent, and the context in which the impact occurs. Section 5.3.1 identifies the definition of significance based on intensity and extent of potential impacts, and should be used

Attachment D: Technical Corrections and Clarifications

South Bay Substation Relocation Project Draft EIR



#	Page #	Paragraph or Table #	Existing Language	General Comment
				as an exemplary approach for the rest of the document.
ES – Executive Summary				
8.	ES-1, ES-2	Paragraph 4, Paragraph 1	<p>As described in Section A.2.2, Statement of Objectives in this Environmental Impact Report (EIR), SDG&E’s PEA lists the following basic objectives for the Proposed Project:</p> <ol style="list-style-type: none"> 1. Replace aging and obsolete substation equipment 2. Design a flexible transmission system that would accommodate regional energy needs subsequent to the retirement of the South Bay Power Plant (SBPP) 3. Facilitate the City’s Bayfront redevelopment goals by relocating the South Bay Substation and furthering the goals of the SDG&E–City of Chula Vista Memorandum of Understanding (MOU) 4. Provide for future transmission and distribution load growth for the South Bay region. <p>Having taken into consideration the four project objectives set forth by SDG&E above, the CPUC identified the following three basic project objectives used to screen alternatives:</p> <ol style="list-style-type: none"> 1. Replace aging and obsolete substation equipment 2. Accommodate regional energy needs subsequent to the retirement of the SBPP 3. Provide for future transmission and distribution load growth for the South Bay region. 	<p>The objective that drives the relocation of the substation was dropped, although it is integrated into the Project title and has been the subject of a decision from a sister state agency—the California State Lands Commission. If the circumstances were such that there was no Chula Vista Bayfront Master Plan (CVBMP) and no Memorandum of Understanding between San Diego Gas & Electric Company (SDG&E) and the City of Chula Vista (City), then SDG&E might have proposed to rebuild the substation at the existing site. However, this is not the case. Objective 3 is a basic objective of the Project that should have been considered in the development and review of alternatives. Removal of the objective artificially skews the alternatives analysis. Location is an important consideration for any project, especially where it has been the subject of agency approvals and lengthy negotiations. The California Public Utilities Commission (CPUC) has overextended its authority by removing or otherwise altering objectives that are not too narrowly construed or that are otherwise consistent with the intent of Project objectives under the California Environmental Quality Act (CEQA). The CPUC’s objectives are too narrowly construed and skew the analysis in favor of the existing location due to a common-sense view that rebuilding in the same location is always environmentally superior. The CPUC should have found any off-site alternative to be infeasible or as not meeting the Project objectives given the rationale provided. Furthermore, the CVBMP, while a local planning document from the Port District and City, is the subject of approval by the California Coastal Commission (CCC) as a Local Coastal Plan (LCP). This approval could occur while the EIR is finalized or prior to a decision. Certainly, equal weight state approval, which as currently proposed, would increase the pertinence and feasibility of rebuilding in the current location from a state-wide level.</p>
9.	ES-2, ES-3	Paragraph 6	<p>In terms of effects on the environment, this EIR identifies the Existing South Bay Substation Site Alternative, which would replace the existing 138/69 kV South Bay Substation with a rebuilt 230/69/12 kV substation, as the Environmentally Superior Alternative since it would reduce project-related long-term impacts associated with wetlands that have been identified as significant but mitigable, while not resulting in more overall impacts than the Proposed Project.</p>	<p>Rebuilding an air-insulated switchgear (AIS) substation at the existing site would require approximately three additional acres of land to accommodate a 230/69/12 kV substation. This language does not address the feasibility of the requirement to expand the existing site. This potential limitation should be addressed.</p>
10.	ES-3	Paragraph 5	<p>With the Proposed Project utility realignment, the OMPL alignment would continue to span northward from the existing 230 kV angle pole to where it would connect to a new 110-foot-tall steel angle pole, which is a type of pole used to allow the circuit alignment to change direction and terminate to a new rack position within the proposed Bay Boulevard Substation.</p>	<p>The new angle pole will be approximately 121 feet, rather than 110 feet in height. The text should be revised to provide the correct height.</p>
11.	ES-4	Paragraph 2	<p>A total of four 138kV Lattice Towers will be removed.</p>	<p>A total of five 138 kV lattice towers would be removed for the Proposed Project, as correctly depicted in Figure ES-1 in the Draft EIR. The text should be revised accordingly.</p>
12.	ES-13	Paragraph 4	<p>This alternative was presented by SDG&E in response to CPUC’s Data Request #5 (May 2010) and is similar to the Proposed Project with the exception that the new substation would be designed to use Gas Insulated Substation technology for the 230/69 kV switchyard.</p>	<p>As previously described in Comment #3, the alternative substation design includes GIS technology, rather than gas-insulated substation technology. This change should be made globally where the technology is referenced. For example, the text in the Existing Language column should read, “[t]his alternative was presented by SDG&E in response to CPUC’s Data Request #5 (SDGE-ED-005) and is similar to the Proposed Project with the exception that the new substation would be designed to use gas-insulated substation <u>switchgear (GIS)</u> technology for the substation’s 230/69 kV switchyard.”</p>

Attachment D: Technical Corrections and Clarifications

South Bay Substation Relocation Project Draft EIR



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13.	ES-14	Paragraph 4	As under the Proposed Project, the existing driveway located to the north of the Gas Insulated Substation alternative would provide access from Bay Boulevard.	It should be noted that the existing driveway located north of the GIS Substation Alternative site would provide secondary access for the Proposed Project, whereas it would provide primary access for the GIS Substation Alternative. The text should be revised for clarity.
14.	ES-14	Paragraph 6	This site alternative consists of a 19-acre parcel located approximately 250 feet north of the existing South Bay Substation site and approximately 50 feet south of Marina View Park.	As previously described in Comment #6, the Tank Farm Site Alternative is approximately 17 acres, rather than 19 acres in area. The text should be revised for clarity.
15.	ES-19	Paragraphs 3 and 6	The Toy Storage Site Alternative would not meet environmental effectiveness criteria because the 6-acre Toy Storage site is not physically large enough and cannot be expanded without the removal of adjacent residences to accommodate the Air Insulated Substation or Gas Insulated Substation Alternative.	As previously described in Comment #6, the Toy Storage Site Alternative is approximately 7 acres in area, rather than 6 acres. The text should be revised for clarity.
16.	ES-20	Paragraph 2	The Cima Nevada Site Alternative would not meet environmental effectiveness criteria because the 4-acre Cima Nevada Site is not physically large enough and cannot be expanded without the removal of residences to accommodate the Air Insulated Substation or Gas Insulated Substation configuration.	As previously described in Comment #6, the Cima NV site is approximately 5 acres, rather than 4 acres in area. The text should be revised for clarity.
17.	ES-22 ES-23	Paragraph 6, Paragraphs 1 and 2	The project also includes construction of five new poles (230 kV steel angle tower (110 feet), 138 kV riser (165 feet), and five 69 kV pole risers (85 feet).	The Project includes the construction of seven, rather than five new poles—one 230 kV steel angle tower (121 feet), 138 kV riser (165 feet), and five 69 kV pole risers (85 feet). The 230 kV steel angle structure is a pole, rather than a tower, and it would be approximately 121 feet in height, rather than 110 feet. These revisions should be incorporated into the description.
18.	ES-48	Table ES-1	Impact HAZ-6: Significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.	As provided in the third paragraph on page D.8-19 in the Public Health and Safety section, there are no wildlands in the Project area. Therefore, there should be no impact resulting from wildland fires.
A – Introduction/Overview				
19.	A-4	Paragraph 4	SDG&E’s projected schedule is to have the Bay Boulevard Substation energized and transmission line connections completed so that decommissioning and demolition of the existing South Bay Substation can occur after retirement of the SBPP.	It should be noted that the SBPP was retired in December of 2010.
20.	A-7	Paragraph 1	Having taken into consideration the four project objectives set forth by SDG&E above, the CPUC identified the following three basic project objectives used to screen alternatives: 1. Replace aging and obsolete substation equipment 2. Accommodate regional energy needs subsequent to the retirement of the South Bay Power Plant (SBPP) 3. Provide for future transmission and distribution load growth for the South Bay region.	Objective #3 from the Proponent’s Environmental Assessment (PEA), which is related to facilitating the City’s bayfront redevelopment goals and furthering the goals of the MOU between SDG&E and the City, was improperly deleted from consideration as an objective in the Draft EIR. Approval of the CVBMP was the product of over 10 years of focused collaboration by the City, Port District, and multiple other participating community stakeholders to develop a comprehensive plan for redevelopment of the Chula Vista Bayfront. In addition, the proposed relocation site was originally identified by the Port District and has been approved by the California State Lands Commission (subject to a number of conditions precedent) in 2010. SDG&E remains fully committed to advancing the CVBMP as envisioned and approved by the City, Port District, and, most recently, the CCC, and urges the CPUC to reconsider relocation of the substation for purposes of facilitating the Master Plan and implementing the 2004 MOU with the City to be an appropriate and fundamental Project objective.
21.	A-8	Table A-1	Federal Avian Administration	Under the federal agencies listed, in the Agency column for the Helicopter Lift Plan, the applicable federal agency should be changed to the Federal Aviation Administration.

Attachment D: Technical Corrections and Clarifications
 South Bay Substation Relocation Project Draft EIR



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22.	A-8	Table A-1	List of permits and agencies	Through coordination with the United States (U.S.) Fish and Wildlife Service (USFWS) and CCC, SDG&E has identified an area known as the D Street Fill Restoration site to compensate for impacts resulting from construction of the Project, where up to 10 acres of intertidal salt marsh and open water habitat in the vicinity of the project site would be restored. This detail should be provided in Table A-1.
23.	A-8	Table A-1	Section 404 Nationwide Permit Program, Clean Water Act	The total acreage of impacts will be too high for obtaining a Nationwide Permit. The permit that will be issued will be an Individual Permit. The table should be revised accordingly.
24.	A-8	Table A-1	Helicopter Lift Plan	A Helicopter Lift Plan is not required. Helicopter activity may be required for sock line and stringing across Interstate (I-) 5, but this would not require a lift plan. This work would be covered under current SDG&E helicopter operation standards.
B – Project Description				
25.	B-1	Paragraph 1	The proposed utility relocations and extensions that will accommodate the Bay Boulevard Substation include construction of a 230-kilovolt (kV) loop-in to existing 230 kV transmission lines located adjacent to the proposed Bay Boulevard Substation, relocation of the termination points of 69 kV transmission lines from the existing South Bay Substation (to be dismantled) to the proposed Bay Boulevard substation, and reconfiguring of existing 138 kV transmission lines that will be rerouted to the proposed substation (Bay Boulevard Substation) instead of terminating at the old South Bay Substation (to be dismantled).	The last portion of this sentence should be revised to read “and reconfiguring of existing 138 kV transmission lines that will be rerouted to <u>bypass the</u> proposed substation (Bay Boulevard Substation) instead of terminating at the <u>existing</u> South Bay Substation (to be dismantled)” for clarification.
26.	B-7	Figure B-3	NA	As previously described in Comment #4, the overhead portions of the 69 kV and 138 kV lines are not shown in the figure. However, the figure shows the 12 kV underbuild associated with TL644 proceeding into the proposed substation. The 12 kV underbuild does not extend into the substation. The portion of the line extending from the 69 kV riser poles into the substation should be revised in accordance with Figure D-1: AIS Substation Detailed Project Components Map to show the 69 kV underground line (dashed gold lines, as provided in the legend) for the section between the riser poles and the substation, which was originally provided in the PEA.
27.	B-9	Figures B-3a, B-3b, and B-3c	NA	Figures B-3a, b, and c should be revised in accordance with Figure D-1: AIS Substation Detailed Project Components Map, which was originally provided in the PEA. The following items were identified as being in need of revision: <ul style="list-style-type: none"> • The overhead portions of the 69 kV and 138 kV lines are not shown in the figure, while the 12 kV overhead line is depicted. • The callout box for the 230 kV Steel Cable Riser Pole should be revised to read “230 kV Steel Angle Pole (proposed).” • The underground getaways for the 69 kV are not depicted correctly in Figure B-3a. As discussed in the previous comment, the blue lines going into the substation should be shown as dashed orange lines between the substation and the 69 kV riser poles, per the figure legend. • The substation’s internal road layout should be updated to reflect that provided in Figure D-1: AIS Substation Detailed Project Components Map, which was originally provided in the PEA.

Attachment D: Technical Corrections and Clarifications

South Bay Substation Relocation Project Draft EIR



#	Page #	Paragraph or Table #	Existing Language	General Comment
28.	B-15, B-17, B-19, B-26	Paragraph 4 Figure B-4, Photo 4, Figure B-5, Figure B-7	An engineered wetland is also proposed at the southwest corner of the site that will include an area of approximately 16,000 square feet and will be utilized to create wetland habitat on site to mitigate for any jurisdictional impacts.	The engineered wetland was removed from the AIS substation design because all wetland mitigation would occur off site. Agency input has indicated a preference for off-site mitigation because the small 0.4-acre on-site creation area would be small, isolated, and would not provide substantial habitat value in comparison to a larger restoration area within and adjacent to the high-quality wetlands habitat area located off site.
29.	B-16, B-23, B-24	Paragraph 3, Paragraph 5, Paragraph 2	An oil containment basin would be constructed around the perimeter of each transformer with a capacity that is 10% greater than the oil capacity of the transformer to ensure at least 6 inches of freeboard is maintained.	The sentence should read, “An oil containment basin would be constructed around the perimeter of each transformer with a capacity that is 10% greater than the oil capacity of the transformer <u>or</u> to ensure at least 6 inches of freeboard is maintained, <u>whichever is greater.</u> ”
30.	B-16	Paragraph 5	230 kV Reactive Components - The 230 kV portion of the Bay Boulevard Substation will have provisions for up to two switched 230 kV capacitor banks or a single small synchronous condenser. The reactive components will not be installed initially.	If these items will not be installed initially, they should only be discussed in the ultimate arrangement. Therefore, this reference should be deleted in the initial arrangement discussion.
31.	B-26	Paragraph 4	Improvements at the Imperial Beach and Miguel Substations will include upgrades to a tie-line protection.	Text should be added to note that the TL13824 tap at Miguel Substation has been completed.
32.	B-29	Paragraph 4	The demolition of the South Bay Substation and decommissioning of the SBPP could occur simultaneously. The South Bay Substation includes some equipment associated with the operations of the SBPP, such as circuit breakers, disconnect switches, structures, foundations, relay panels, and cabling. Removal of this equipment would be completed as part of the SBPP decommissioning and is not proposed as part of this project.	Text should be added to note that some of the SBPP equipment has already been removed.
33.	B-29	Paragraph 1	SDG&E would also be required to receive approval of a demolition plan by the Port District prior to completion of demolition activities through the Tenant Approval Process.	SDG&E will obtain approval for demolition from the CCC through the Coastal Development Permit process. Additional local permits for demolition are not required.
34.	B-30	Paragraph 2	With the Proposed Project utility realignment, the OMPL alignment would continue to span northward from the existing 230 kV angle pole to where it would connect to a new 110-foot-tall steel angle pole.	This sentence should be revised to reflect the proposed height of the steel angle pole, which is 121 feet, rather than 110 feet.
35.	B-37	Paragraph 2	“Four steel lattice structures that measure 85 to 100 feet tall and are approximately 21 feet across at their base would be removed along with the associated conductor”	Five, rather than four, steel lattice structures would be removed, as correctly depicted in Figures B-3a and B-3b and Figure D-1: AIS Substation Detailed Project Components Map, which was originally provided in the PEA.
36.	B-44	Table B-1	Footnote 01	The footnote reference in the permanent acreage column and South Bay Substation row should be shown as a superscript to avoid confusion.

Attachment D: Technical Corrections and Clarifications
 South Bay Substation Relocation Project Draft EIR



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37.	B-47	Table B-2	NA	<p>The durations required for each Project activity do not reflect those provided in Table 3-16: Proposed Construction Schedule of the PEA. The correct time periods required for each construction phase are as follows:</p> <ul style="list-style-type: none"> • Substation Grading and Site Development – 7 <u>12</u> months • Substation Below Grade Components – 7 <u>6</u> months • Substation Above Grade Components – 40 <u>12</u> months • 230 kV Loop-in – 11 months • Substation electrical work, commissioning and testing – 8 months • 69 kV Relocation and Cutovers – 42 months <u>within a 12-month construction window</u> • 138 kV Extensions – 49 <u>6</u> months • Decommission South Bay Substation – 6 <u>3</u> months
38.	B-51	Figure B-14	NA	Figure B-14 should be revised to reflect the most recent design information, as depicted in Figure D-3: Bay Boulevard Substation – Limits of Permanent and Temporary Disturbance.
39.	B-55	Paragraph 3	Wood poles would then be delivered to the site in one section and placed within the drilled foundation using a crane. Slurry or native soil backfill would be used to fill the gap between the wood pole holes.	The wood poles will not include foundations. In addition, concrete would be used to fill the gap between the pole and the hole, rather than slurry or native soil. These sentences should be revised to state the following: “Wood poles would then be delivered to the site in one section and placed within the drilled <u>hole</u> using a crane. <u>Concrete</u> would be used to fill the <u>annular space</u> between the <u>poles and the holes</u> .”
40.	B-57	Paragraph 1	Wood pole removal would include dismantling hardware on the existing poles and using a crane or helicopter to remove the wood poles. Poles would be cut off at the ground level and transported for disposal off site.	A crane or aerial manlift (bucket truck), rather than a helicopter, would be used for dismantling the pole hardware. The crane or aerial manlift would be used for dismantling the hardware on poles, but not for removing poles. Poles would be cut off at ground level and transported off site by flatbed truck for disposal at an approved facility. The language should be revised accordingly.
41.	B-64	Table B-10	Splice Trailer (2)	Under 69 kV Relocation, Conductor Pulling and Tensioning, the use of only one splice trailer, rather than two, is anticipated for relocation of the 69 kV transmission lines, as provided in Attachment 3-B: Construction Equipment Summary of the PEA. The table should be revised accordingly.
42.	B-65	Paragraph 3	Routine operations would require a single pickup truck visiting the site several times per week for switching.	In addition to the use of a single pickup truck, several larger substation construction and maintenance trucks will also visit the site several times per year for equipment maintenance. The language should be revised accordingly.
43.	B-67	Paragraph 3	Project protocols are specific to environmental issue areas, such as air quality, biological resources, cultural resources, or traffic impacts. SDG&E’s Proposed Project protocols are herein termed Applicant Proposed Measures (APMs).	In addition to applicant-proposed measures (APMs), SDG&E also implements environmental standards, including the protection and conservation measures required in its Natural Communities Conservation Plan (NCCP), procedures outlined in its Water Quality Construction best management practices (BMP) Manual, the management of contaminated equipment and materials described in its Hazardous Materials Business Plan, and standard traffic-control procedures. The language should be revised accordingly.

Attachment D: Technical Corrections and Clarifications
 South Bay Substation Relocation Project Draft EIR



#	Page #	Paragraph or Table #	Existing Language	General Comment
C – Alternatives				
44.	C-6	Table C-1 (2. Existing South Bay Substation Site)	Air Insulated and Gas Insulated Substation – Meets criteria for technical and legal feasibility.	It is assumed that an AIS substation would be technically feasible at the existing South Bay Substation site. However, rebuilding a 230/69/12 kV AIS substation at the existing site would require approximately three additional acres of land that is not currently owned by SDG&E. Therefore, this alternative would potentially be technically feasible. The language should be revised accordingly.
45.	C-39	Paragraph 1	As under the Proposed Project, the existing driveway located to the north of the Gas Insulated Substation Alternative would provide access from Bay Boulevard.	It should be noted that the existing driveway would provide secondary access to the Proposed Project site, but would be the only access point from Bay Boulevard for the GIS Substation Alternative site. By eliminating the Proposed Project’s primary access route, impacts to the emergent wetland located in the drainage alongside Bay Boulevard would be avoided for the GIS Substation Alternative site.
46.	C-40	Paragraph 2	230 KV Lines – The ultimate arrangement would include the addition of up to three lines from the OMPL alignment located east of the proposed substation that will be terminated with the associated circuit breakers, disconnects, and controls using overhead connections. 230 kV Capacitor Bank – Two 230 kV capacitor would be constructed along with associated circuit breakers, disconnects, and controls will be installed for grounding purposes.	The ultimate GIS Substation configuration would include one, rather than two, 230 kV capacitor banks.
47.	C-40	Paragraph 2	Up to twenty-nine 69 kV and 230 kV dead-end structures, including thirteen for the transmission banks, eight for the distribution banks, two for the 230 kV getaways, and six for the capacitors	The bulleted items listed for the ultimate arrangement describe the components that would be added to the initial arrangement, rather than the total number of components included for the initial plus the ultimate arrangement. However, the first bulleted item listed under the ultimate arrangement describes the total number (initial plus ultimate arrangement) of components. For consistency, this bullet should be revised to read as follows: <ul style="list-style-type: none"> • Dead-end structures – The ultimate arrangement would include the addition of up to twenty-two 69 kV and 230 kV dead-end structures, including seven for the transmission banks, eight for the distribution banks, one for the 230 getaways, and six for the capacitors
48.	C-40	Paragraph 2	69/12 kV Transformers – The ultimate arrangement would include the addition of four 69/12 kV, 28 MVA transformers and associated switchgear, capacitor banks, and controls. An oil containment basin would be constructed around the perimeter of each transformer with a capacity that is 10% greater than the oil capacity of the transformer to ensure at least 6 inches of freeboard is maintained.	The second sentence of this bulleted item should be revised to read “An oil containment basin would be constructed around the perimeter of each transformer with a capacity that is 10% greater than the oil capacity of the transformer, <u>or</u> to ensure at least 6 inches of freeboard is maintained, <u>whichever is greater.</u> ” This language should also be corrected in the Project Description, as stated in Comment #29.

Attachment D: Technical Corrections and Clarifications

South Bay Substation Relocation Project Draft EIR



#	Page #	Paragraph or Table #	Existing Language	General Comment
49.	C-41	Paragraph 1	A new distribution control house, in addition to the one that will be constructed under the initial arrangement, measuring approximately 20 feet wide by 40 feet long and 12 feet tall, would be constructed to the south between the 69 kV bays and 12 kV distribution equipment. The structure is required to house substation controls and protection and is typically constructed of masonry blocks.	The control shelters are described in the initial arrangement. Therefore, this reference should be removed for consistency with the other items described in the ultimate arrangement, which are additive, rather than cumulative.
50.	C-41	Paragraph 3	The 138 kV extension would include components as defined under the Proposed Project. No duct-banks or vertical components other than those identified under the Proposed Project would be required.	Due to the significant price differential that would be required for construction of the GIS substation, the 138 kV transmission line would remain in its existing overhead configuration as part of the GIS Substation Alternative. The text should be revised accordingly to accurately describe the overhead configuration of the 138 kV transmission line associated with the GIS Substation Alternative.
51.	C-41	Paragraph 4	Under the Gas Insulated Substation Alternative, TL 644 would be relocated from the Bay Boulevard ROW (south of Telegraph Creek) to the ROW vacated by TL 13823 and 13824, which would be installed underground. In addition to a cable pole riser to be installed east of the bermed area and west of Bay Boulevard (the underground alignment for TL 644 into the Bay Boulevard substation would initiate from this point), five wood poles would be installed and two existing 138 kV steel lattice towers would be removed (the lattice towers would also be removed under the Proposed Project). TL 644 would then travel in a northerly direction and would return to its existing alignment north of Telegraph Creek. Because a segment of TL 644 along Bay Boulevard would be relocated, a 69 kV steel cable pole riser associated with the Proposed Project would not be installed, and similarly, eight wood poles associated with the abandoned section of TL 644 would be removed from the Bay Boulevard ROW (under the Proposed Project, TL 644 would not be relocated and poles within the Bay Boulevard ROW would be replaced).	The 138 kV transmission line would remain in its current overhead configuration as part of the GIS Substation Alternative design. Accordingly, TL13823 and TL13824 would not vacate their current positions. As a result, TL644 would either remain in its current position along the west side of Bay Boulevard, or it would potentially be relocated to the west, to a position between the overhead 138 kV transmission line and TL642. The text and figures should be revised in accordance with this information and Figure D-2: GIS Substation Alternative Detailed Project Components Map, which was previously provided in the response to Data Request 8 (SDGE-ED-008: Questions 2-9).
52.	C-56	Paragraph 4	Additionally, while the intent of this alternative is to benefit the San Diego Bayfront while allowing the project to be built as proposed, it cannot be determined at this time whether this alternative meets environmental screening criteria because proposed enhancement projects have environmental effects and benefits that have yet to be determined.	This argument could be made for the Proposed Project and MM BIO-3. The feasibility and environmental effects of this mitigation are tenuous in the Draft EIR. Therefore, this is not sufficient justification for elimination of this alternative.
D.2 – Aesthetics				
53.	D.2-7	Paragraph 2	I-5 parallels the existing 69 kV and 138 kV transmission lines and lattice steel bridge structures for approximately 1 mile through the City. The interstate is located as close as 320 feet east of the transmission lines. Viewer exposure is high due to the high number of viewers, duration of views, as well as the open visibility and close viewing conditions. From I-5, visual quality toward the bayfront is predominantly industrial as a result of the SBPP and lattice bridge structures. Intervening vegetation is located along I-5, along the 1-mile segment parallel to the project site, and it screens views of the SBPP, transmission structures, and the proposed Bay Boulevard Substation site. The visual quality of westward views from I-5 is substantially influenced by the numerous bridge structures and other industrial land uses seen to the south, including the SBPP (see Attachment D.2-1, Photo 5).	Previously existing bridge structures were removed as part of a previous project and none remain. However, Attachment D.2-1 has not been provided; therefore, the presence of bridge structures in Photo 5 cannot be verified.
54.	D.2-21 (footer states 5.2-21)	Paragraph 2	The appearance of the site is characterized as disturbed due to previous LNG plant operations (the former LNG plant footprint is located north of the proposed substation site).	Portions of the substation site are still within the berm that was used as part of the former liquefied natural gas (LNG) plant. As a result, this should be revised to indicate that the footprint of that facility overlaps with the proposed substation site.

Attachment D: Technical Corrections and Clarifications

South Bay Substation Relocation Project Draft EIR



#	Page #	Paragraph or Table #	Existing Language	General Comment
55.	D.2-22	Paragraph 4	With the exception of the 69 kV relocation (specifically transmission line 664), the transmission interconnections would traverse or occur within non-native grasslands or disturbed habitat (a segment TL664 would be constructed within the Bay Boulevard right-of-way).	TL664 is not part of the Proposed Project. References to TL664 within this paragraph should be replaced with TL644.
56.	D.2-42	Paragraph 1	...structures along Bay Boulevard and within the Bay Boulevard Substation site would be removed and replaced with steel structures, which would result in an overall reduction in the number of overhead transmission lines (see Figure D.2-2a, Visual Simulation)	Existing structures are located along Bay Boulevard, but there are no structures within the proposed Bay Boulevard Substation site. Therefore, none would be replaced within the Bay Boulevard Substation site as part of the Proposed Project. The language should be revised accordingly.
57.	D.2-42	Paragraph 3	As shown in Figure D.2-4, four existing wood transmission poles located east and outside of the substation boundary would be removed and replaced with a single steel cable riser pole.	There are only two existing wood poles shown in Figure D.2-4. Each of these poles would be removed and two new steel cable riser poles would be installed in the previous pole locations. The language should be revised accordingly.
58.	D.2-42	Paragraph 3	Overall, the project would install 19 new poles, remove 36 existing poles, and replace 23 existing poles (9 existing poles would remain on site). A comparison of the existing and proposed 230 kV and 138 kV transmission structures is depicted on Figures B-9 and B-11, respectively (typically poles associated with the proposed 69 kV system improvements are depicted on Figures B-12 and B-13).	A total of 18 new poles would be installed, rather than 19. The text should be revised globally as needed.
D.4 – Air Quality				
59.	D.4-12	Paragraph 3	Construction of the Proposed Project is anticipated to be completed within 38 months...	Cutting the transmission lines over from their current positions to their proposed positions would require taking the existing transmission lines out of service while the final termination and splicing activities are being completed. The construction schedule for this work is dependent upon receiving authorization from the California Independent Systems Operator (CAISO). As a result, the time required to complete this work can vary significantly, but as provided in the PEA Project Description, Project construction is expected to require a total of approximately 32 months to complete.
60.	D.4-15, D.4-21	Paragraph 1, Paragraph 2	Construction of the proposed Bay Boulevard Substation would begin with site development activities, and would end with demolition of the South Bay Substation. During this time, construction activities associated with the proposed Bay Boulevard Substation would include the following phases: grading and site development (7 months total); below-grade construction (7 months); above-grade construction (10 months); 230-kilovolt (kV) loop-in (11 months); substation electrical work, commissioning, and testing (8 months); 69 kV relocation and cutovers (12 months); 138 kV extension (19 months); and decommissioning of the South Bay Substation (6 months).	The timeframes in this statement are incorrect and should be changed as follows: Construction of the proposed Bay Boulevard Substation would begin with site development activities, and would end with demolition of the South Bay Substation. During this time, construction activities associated with the proposed Bay Boulevard Substation would include the following phases: grading and site development (7 <u>12</u> months total); below-grade construction (7 <u>6</u> months); above-grade construction (10 <u>12</u> months); 230 kV loop-in (11 months); substation electrical work, commissioning, and testing (8 months); 69 kV relocation and cutovers (12 <u>months within a 12-month construction window</u>); 138 kV extension (19 <u>6</u> months); and decommissioning of the South Bay Substation (6 <u>3</u> months).
D.5 – Biological Resources				
61.	D.5.1	Paragraph 3	The Proposed Project site is within the south coast geographic floristic subdivision dominated by Diegan coastal sage scrub and chaparral vegetation communities.	The text should be clarified to state that the Project is within the south coast geographic floristic subdivision of the <i>California Floristic Province</i> . The text provided in the Existing Language column makes it sound as though the Project site is dominated by Diegan coastal sage scrub and chaparral vegetation communities. The language should be revised to clarify that it is the south coast geographic floristic subdivision of the California Floristic Province, rather than the Proposed Project site, that is dominated by these vegetation communities.

Attachment D: Technical Corrections and Clarifications

South Bay Substation Relocation Project Draft EIR



#	Page #	Paragraph or Table #	Existing Language	General Comment
62.	D.5-3	Paragraph 1	A wet season branchiopod sampling of seasonal wetlands within the Proposed Project site was conducted according to the U.S. Fish and Wildlife Service (USFWS) protocol by Insignia Environmental in April 2011, and according to USFWS protocol, a second season of protocol survey is required and was conducted as a dry season survey in November 2011.	The text provided in the Existing Language column should be revised to state that "...a second season of protocol surveys is required and was conducted as a dry-season survey in November of 2011, <u>in accordance with USFWS protocol.</u> "
63.	D.5-3	Paragraph 3	(Special-status species are shown on Figure D.5-2.)	This reference should clarify that California Natural Diversity Database (CNDDDB) records for special-status species are shown in Figure D.5-2.
64.	D.5-11	Paragraph 2	The seasonal ponds also contain grass poly, which is considered a vernal pool indicator plant species (Bauder and McMillan 1998). Recent reviews indicate that vernal pool remnants are present along the southwest edge of San Diego Bay (Bauder and McMillan 1998). The presence of the seasonal ponding, suitable vernal pool soils, and a vernal pool plant indicator, as well its proximity to other vernal pools, may indicate the presence of relict vernal pools on site and potential for vernal pool wildlife species and special-status species. The typical seasonal saturation also provides an ideal breeding habitat for many amphibian species. Because water is only present for part of the year, fish and other predators cannot be supported in this environment.	<p>"Grass poly" is used to describe a plant species found in the seasonal ponds. Grass poly is the common name for <i>Lythrum hyssopifolia</i>, which is already listed as a dominant plant species in paragraph one. <i>Lythrum hyssopifolia</i> is a common wetland indicator, and can be found in vernal pools; however, it is not specific to vernal pools and would not be considered a vernal pool indicator species on its own.</p> <p>Historically, the proposed substation site was tidal mudflats. In the 1960s, the site was filled to create upland for bayfront development, which included the on-site LNG tanks. The hydrology on site is completely man made. Although the fill on site does have a clay component, the site does not support relict vernal pools, and alluding to this assumption is erroneous. The text should be revised accordingly.</p> <p>The text should also be clarified to read "fish and other <u>aquatic</u> predators that cannot be supported in this environment," as other predators, such as birds and mammals, could still be present.</p>
65.	D.5-17	Paragraphs 2 and 3	None of these moderate potential to occur species were detected within the Proposed Project site during the spring rare plant survey... Special-status wildlife are typically those listed by the USFWS and CDFG as endangered and/or threatened and also include those listed by CDFG as fully protected or species of special concern and those listed as regionally sensitive in SDG&E's NCCP.	If the appropriate biological surveys did not detect the presence of any species, why are they discussed?
66.	D.5-17	Paragraph 4	One special-status wildlife species, California horned lark (<i>Eremophila alpestris</i>), was observed during the March 2010 survey conducted by Insignia Environmental.	According to the definition of special-status wildlife (first sentence under Section D.5.1.6 Special-Status Wildlife) California horned lark is no longer considered special-status, as it is currently only a California Department of Fish and Game (CDFG) Watch List species. The California horned lark is also not covered by SDG&E's NCCP. The California horned lark was selected as a candidate target species for supporting long-term monitoring and for project planning in the San Diego Bay Integrated Natural Resources Management Plan; however, it was selected because it was listed as a California species of special concern prior to 2009, and because it relies on upland habitat for breeding and foraging. Therefore, all references to California horned lark as a special-status species in the document should be removed based upon its updated status.
67.	D.5-18	Paragraph 4	This species is especially noted in CNDDDB as occurring east of the project area and is located within 5 miles of the site.	Language should be added to note that, for some species, five miles is a very unrealistic distance to overcome because of the conditions of the site and surrounding area.
68.	D.5-18	Paragraph 2	Species known to occur and species with a moderate to high potential to occur within the Proposed Project area are discussed as follows.	The text should clarify that " <u>sensitive species that are known to occur and species with a moderate to high potential to occur within the Proposed Project area are discussed as follows.</u> "
69.	D.5-20	Paragraph 2	There are no CNDDDB records of the species, but it has been documented by local bird	The text should be revised to specify the distance within which there are no CNDDDB records

Attachment D: Technical Corrections and Clarifications
 South Bay Substation Relocation Project Draft EIR



#	Page #	Paragraph or Table #	Existing Language	General Comment
			enthusiasts as being present within the area.	(e.g., within 5 miles) for American Peregrine Falcon.
70.	D.5-21	Paragraph 2	Although not observed or recorded for the site, the species could disperse through the site within the numerous drainages, some of which are vegetated with emergent vegetation.	The text should provide that recorded occurrences for light-footed clapper rail have been documented in the project vicinity. Therefore, although not observed or recorded for the site, the species could disperse through the site within the numerous drainages, some of which are vegetated with emergent vegetation.
71.	D.5-22	Paragraph 1	Therefore, because seasonal ponds and basins holding water are present on site, suitable soils are present; and because occurrences of San Diego fairy shrimp are recorded within the general project area, San Diego fairy shrimp were reevaluated and concluded to have a high potential to occur on site.	No San Diego fairy shrimp have been recorded within one mile of the Project site. Although occurrences were recorded across the San Diego Bay from the Project area and suitable habitat is present, as the survey results were negative, the conclusion that there is a high potential is overstating the potential for San Diego fairy shrimp at the Project site. Based on the negative results from the recent USFWS protocol-level surveys that were conducted for the site and the lack of recorded occurrences, the potential for San Diego fairy shrimp to occur at the Proposed Project site is low. Therefore, the sentence should be revised to reflect this information accordingly.
72.	D.5-23	Paragraph 2	Specific to the City, however, is the express focus of ESHA protection via the reduction and mitigation of reducing impacts on the Sweetwater Marsh NWR.	The Sweetwater Marsh National Wildlife Refuge (NWR) is located over one mile north of the proposed Bay Boulevard Substation site. Therefore, this statement does not seem relevant and should be deleted.
73.	D.5-24	Paragraph 4	The San Diego Bay NWR, established in 1998, is one refuge within the San Diego National Wildlife Refuge Complex.	The text provided in the Existing Language column should be revised to clarify that the <u>South</u> San Diego Bay NWR, established in 1998 9 , is one refuge within the San Diego <u>Bay</u> National Wildlife Refuge Complex. Reference to the San Diego Bay NWR should be clarified throughout this section (where it is referenced as the San Diego NWR).
74.	D.5-25 and D.5-26	Table D.5-2 and Paragraph 3	NA	<p>Numbers pertaining to the U.S. Army Corps of Engineers (USACE) and Regional Water Quality Control Board (RWQCB) and CCC jurisdictional acreages should be revised for Wetland (Feature 1); Ephemeral Drainage (earthen) (Features 12, 13, 14, 15, 17, 23); and Intermittent Drainage (Feature 18) to reflect that the USACE, RWQCB, and CCC jurisdiction of the features is based on the ordinary high watermark. The acreages should be revised as follows:</p> <ul style="list-style-type: none"> • Wetland (Feature 1): Jurisdictional acreages for USACE and RWQCB should be 0.099 acre. • Ephemeral Drainage (earthen) (Features 12, 13, 14, 15, 17, 23): Jurisdictional acreages for USACE should be 0.108 acre and RWQCB and CCC should be 0.136 acre. • Intermittent Drainage (Feature 18): Jurisdictional acreages for USACE, RWQCB, and CCC should be 0.432 acre. <p>In addition, the total jurisdictional acreage for USACE should be revised to 3.15 acres, the total jurisdictional acreage for RWQCB should be revised to 3.32 acres and the CCC total jurisdictional acreage should be revised to 3.61.</p> <p>Features 14, 17, and 23 are not jurisdictional for CDFG.</p> <p>Feature 11 should be added to footnote 1 since the USACE determined that it would not take jurisdiction of Feature 11.</p>
75.	D.5-26	Paragraph 2	Approximately 17 seasonal ponds/seasonal wetlands were observed within the project area. Of the 17 seasonal ponds/seasonal wetlands detected in the project area, nine of the features	There are at total of 16, rather than 17, seasonal ponds/seasonal wetlands on the Proposed Project

Attachment D: Technical Corrections and Clarifications
 South Bay Substation Relocation Project Draft EIR



#	Page #	Paragraph or Table #	Existing Language	General Comment
			(features 2, 3, 4, 5, 6, 7, 8, 9, 10 – see Figure D.5-3) appear to be connected hydrologically to adjacent waters (including groundwater in some instances) and hence are under the jurisdiction of the ACOE.	site. The text should be revised accordingly.
76.	D.5-27	Paragraph 1	As shown on Figure D.5-3, water features 1, 12, 13 through 18, and 23 are under the jurisdiction of the CDFG.	Features 14, 17, and 23 are not jurisdictional for CDFG. Therefore, the sentence should be revised to read, “As shown on Figure D.5-3, water features 1, 12, 13, <u>15, 16, and</u> through 18, and 23 are under the jurisdiction of the CDFG.”
77.	D.5-27	Paragraph 2	California Coastal Commission Development within the coastal zone, including development within wetlands located within the coastal zone, is generally regulated by the CCC. Typically the CCC applies a “one-parameter test” (a wetland need only contain one of the three parameters including hydrophytic vegetation, wetland hydrology, and hydric soils) to identify wetlands. Therefore, the majority of the on-site water features, including seasonal ponds/seasonal wetlands, drainages, and the identified emergent wetland, contain at least one of these parameters and these features are potentially within the jurisdictional authority of the CCC. There is potential for the CCC to take jurisdiction of the four seasonal ponds within the bermed area as well. While there is no specific provision within the California Coastal Act for exclusion of features meeting physical wetland criteria but created in uplands for a specific industrial function, there is a CCC precedent for excluding such features under the circumstances present at the Proposed Project site. However, the four seasonal ponds are assumed to be under the jurisdiction of the CCC until confirmed otherwise. Coordination between SDG&E and the CCC to verify this conclusion is ongoing.	During a previous site visit, CCC staff indicated that all of the features are jurisdictional coastal wetlands. If there were any questions regarding jurisdiction, the CPUC, as the lead agency, should have resolved jurisdictional issues during the Draft EIR preparation process.
78.	D.5-34	Paragraph 2	The pre-activity survey, when submitted, initiates consultation with the USFWS and CDFG under established timeframes to identify potential impacts and feasible avoidance, minimization, and/or mitigation measures as described in the NCCP.	This statement is incorrect. Submittal of the Pre-Activity Survey Report does not initiate consultation. Consultation was initiated as part of Section 10 and the Biological Opinion issued by the USFWS and CDFG for the NCCP. The sentence should be revised to state the following: The Pre-activity Survey Report, when is submitted to document , initiates consultation with the USFWS and CDFG under established timeframes to identify potential the impacts and feasible avoidance, minimization, and/or mitigation measures per as described in the NCCP.
79.	D.5-35	Paragraph 3	However, in implementing its NCCP for the project, SDG&E would coordinate with the City and other jurisdictions to achieve consistency to the extent feasible. Where consistency is not feasible, SDG&E’s NCCP provides for appropriate protocols and mitigation measures to protect natural community and natural resource values in these conservation-planning areas.	It should be stated that the SDG&E NCCP functions independently of other Habitat Conservation Plans (HCPs) of local governments, which may cover any part of the NCCP coverage area. The NCCP is not superseded by the conditions of other HCPs.
80.	D.5-39	Table D.5-3	Permanent impacts to all jurisdictional resources would be compensated through a combination of habitat restoration (i.e., establishment) and habitat restoration at a minimum of a one-to-one ratio or as required by the permitting agencies.	APM-BIO-05 should be revised to state the following: “Permanent impacts to all jurisdictional resources would be compensated through a combination of habitat restoration (i.e., establishment) and habitat restoration at a minimum of a one-to-one ratio or as required by the permitting agencies.”
81.	D.5-39	Impact Bio-1	Impact BIO-1: Construction activities would result in temporary and permanent loss of native vegetation.	The discussion under this section is about “sensitive” vegetation communities; therefore, the impact should be revised to provide “Impact BIO-1: Construction activities would result in temporary and permanent loss of <u>sensitive</u> vegetation,” as not all of the sensitive vegetation is “native” (i.e., non-native grassland).
82.	D.5-39	Table D.5-4 (Title)	Summary of Permanent Acreage Impacts on Vegetation Communities	The table summarizes both temporary and permanent impacts. Therefore, the title of the table

Attachment D: Technical Corrections and Clarifications
 South Bay Substation Relocation Project Draft EIR



#	Page #	Paragraph or Table #	Existing Language	General Comment
				should be revised to read “Summary of Permanent -Acreage Impacts on Vegetation Communities.”
83.	D.5-40	Table D.5-4 (Note)	Note: To calculate permanent impacts, Dudek utilized geographic information system (GIS) data for vegetation communities and permanent impacts associated with the Bay Boulevard Substation provided by SDG&E as well as transmission pole footprint and foundation data included in the SDG&E PEA. Temporary impacts were calculated by utilizing GIS data provided by SDG&E and the project’s temporary workspace requirements identified in the SDG&E PEA.	SDG&E stated in Chapter 3 – Project Description and Section 4.4 – Biological Resources of the PEA that the temporary impacts provided were based on a worst-case scenario in which the majority of the SDG&E easement would be temporarily impacted through vegetation removal, grading, excavation, or overland travel. Typical workspace dimensions were provided, noting however that when established during construction activities, these workspaces may be reduced in size to account for sensitive resources and local topography, and that specific work areas were not represented in the Proposed Project’s GIS database. Therefore, the information provided in Table D.5-4 of the Draft EIR and its accompanying note does not accurately reflect the potential limits of disturbance associated with the Proposed Project within SDG&E’s existing easement and should be revised accordingly to reflect the information provided in the PEA.
84.	D.5-40	Paragraph 1	Disturbed coyote brush scrub (a subtype of coastal sage scrub) and non-native grasslands are considered sensitive natural communities according to the City’s MSCP Subarea Plan (coastal sage scrub is considered a Tier II upland habitat and non-native grasslands are considered a Tier III upland habitat).	The SDG&E NCCP is not subject to the classifications of the City’s Multiple Species Conservation Program (MSCP). This should be noted in the text to avoid confusion regarding which impacts must be mitigated.
85.	D.5-42, D.5-56	Paragraph 3, Paragraph 3	As shown in Table D.5-5, approximately 2.51 acres of ACOE-jurisdictional waters would be permanently impacted and 0.01 acre would be temporarily impacted by the Proposed Project (temporary acreage does not include work areas associated with jack and bore operations). One ACOE-jurisdictional emergent wetland, located within the channel paralleling Bay Boulevard, would be permanently impacted by the Proposed Project (as proposed, a substation access road and culvert would be constructed through this feature).	This discussion only provides the totals of ACOE jurisdictional waters. The language should either be deleted or all of the agency totals should be added to the table. Based on the ACOE’s jurisdictional determination, approximately 2.41 acres ACOE-jurisdictional water would be permanently impacted. Therefore, the sentence should be revised to state that approximately 2.41 acres of ACOE-jurisdictional waters, rather than 2.51 acres would be permanently impacted.
86.	D.5-43	Table D.5-5	NA Note: Impact acreages in Table D.5-5 do not include areas of disturbances resulting from jack and bore operations. Pursuant to Mitigation Measure BIO-11, jack and bore operations and other temporary work areas would not occur within sensitive vegetation communities including wetlands (see Mitigation Measure BIO-11).	The table should provide subtotals and totals for each column. The note that follows the table references MM BIO-11, but is intended to reference MM BIO-10. This should be revised for clarity.
87.	D.5-44	Paragraph 2	The Bay Boulevard Substation study area includes both undisturbed native vegetation communities with low levels of invasive or noxious plant species and disturbed vegetation.	The Bay Boulevard Substation study area was part of the former LNG site. All vegetation communities were documented as disturbed. Therefore, the sentence should be revised to state as follows: “The Bay Boulevard Substation study area includes both undisturbed native vegetation communities with low levels of invasive or noxious plant species and disturbed vegetation communities that are located within a former liquefied natural gas site and an existing transmission corridor.”

Attachment D: Technical Corrections and Clarifications

South Bay Substation Relocation Project Draft EIR



#	Page #	Paragraph or Table #	Existing Language	General Comment
88.	D.5-48	Paragraph 2	The western spadefoot, and two-striped garter snake potentially occur in vernal pools and impacts would be avoided with the implementation of APM-BIO-01, which requires that the NCCP operational protocols—including protocol 33, which prevents impacts to vernal pools—be implemented.	In previous correspondence with the CPUC, SDG&E was required to conduct protocol-level surveys for San Diego and Riverside fairy shrimp since the seasonal ponds in the Proposed Project area could be considered suitable vernal pool habitat. Avoidance of the majority of these seasonal ponds will not be feasible for construction of the proposed AIS substation; therefore, it is not practicable to implement protocol 33. The text should be revised to clarify that the seasonal ponds are not considered vernal pool habitat, since no other vernal pool habitat is present in the Proposed Project area and no San Diego or Riverside fairy shrimp were identified during the protocol-level surveys. Therefore, implementation of protocol 33 would not be necessary.
89.	D. 5-51	Paragraph 1	Artificial lighting at night during construction could illuminate nearby roost sites and nests, thus increasing the potential for disruption to breeding patterns and detection by nocturnal predators. In addition, artificial lighting may contribute to bird strikes against buildings and/or transmission structures.	The text should add a reference that provides where the basis for this conclusion was derived.
90.	D.5-51, D.5-62, D.5-67	Paragraph 3, Paragraph 1, Paragraph 1	...the applicant will implement APM-BIO-03, which requires that a qualified biologist conduct a nesting survey prior to the start of construction and, if identified nests are determined to be active, make recommendations to reduce construction disturbances occurring in the vicinity of the nest (if the nest is determined to be inactive, it would be removed immediately).	The description of APM-BIO-03 on these three pages does not match APM-BIO-03 in the Tables D.5-3 and D.5-7. The measure does not <i>require</i> pre-construction surveys; it specifies what steps to take if nests are observed during surveys. The APM does not state that inactive nests would be immediately removed, it provides that they would be removed if it is outside the raptor breeding season. The discussions of APM-BIO-03 should be revised so that they correspond to the requirements provided in the APM.
91.	D.5-52	Paragraph 5	The presence of the San Diego NWR and the San Diego Bay to the west of the Proposed Project site routinely attracts migrating birds using the Pacific Flyway. The presence of large construction equipment (including a helicopter during transmission line improvement activities (see Section B.6)) could directly interfere with the movement of avian species if activities were to occur within the migration season.	The Project site is located within a highly industrialized area and should not be considered a linkage or wildlife movement corridor area. In addition, most migration occurs at night, when work activities would not typically be conducted. Noise impacts would need to exceed the 60 A-weighted decibels (dBA) average for an eight-hour period to be considered a significant impact to birds in the adjacent San Diego National Wildlife Refuge. The Draft EIR should be revised to cite the eight-hour standard for bird impacts.
92.	D.5-53, D.5-54	Paragraph 3, Paragraph 1	This temporary barrier represents a potentially significant impact to movement of terrestrial wildlife species in the project vicinity.	The text should add a reference that provides where the basis for this conclusion was derived.
93.	D.5-55	Paragraph 1	Increased predation of special-status bird species as a result of creating perch sites in areas that do not naturally contain such vantage points is a significant impact.	The text should add a reference that provides where the basis for this conclusion was derived.
94.	D.5-57	Paragraph 2	Provisions established in the SDG&E Subregional NCCP and the City of Chula Vista MSCP Subarea Plan would be applicable to the Proposed Project.	This language conflicts with that provided on page D.5-55, which provides that “[n]o local plans, policies, or regulations would apply to the Proposed Project because, pursuant to General Order No. 131-D, the CPUC has sole and exclusive jurisdiction over the siting and design of the Proposed Project.” SDG&E’s Subregional NCCP would be applicable to the Proposed Project, as it is not a local plan, policy, or regulation. However, the City’s MSCP Subarea Plan is a local plan, and would not be applicable. Therefore, the sentence should be revised to reflect this distinction.

Attachment D: Technical Corrections and Clarifications

South Bay Substation Relocation Project Draft EIR



#	Page #	Paragraph or Table #	Existing Language	General Comment
95.	D.5-60	Paragraph 3	As seen under Impact BIO-3 in Section D.5.3.3, the area within the project study area includes undisturbed native vegetation communities with low levels of invasive or noxious plant species and disturbed vegetation. The introduction and spread of invasive, non-native, or noxious plant species from proposed construction activities has the potential to degrade plant and species habitat through changes in species composition and habitat type conversion, including areas known to support special-status species and sensitive natural communities. Impacts would be significant but can be mitigated to a level that is considered less than significant (Class II) with implementation of Mitigation Measure BIO-4.	The existing substation site is located on developed land and is primarily surrounded by disturbed habitat (eucalyptus woodlands occur east and outside of the substation fence), rather than undisturbed native vegetation communities with low levels of invasive or noxious plant species and disturbed vegetation, as the existing language provides. As a result, impacts would not be significant for the existing substation site. Therefore, this language, including the resultant impact, should be revised to be specific to the dismantling of the existing substation for consistency with the other impact descriptions provided in subsection D.5.3.4 South Bay Substation Dismantling.
96.	D.5-62	Paragraph 2	The breeding season for non-raptor bird species, as well as some raptor species, is defined as February 15 through September 15.	The bird breeding season as defined in the NCCP is February 15 to September 1. The document needs to be revised globally to reflect an end date change from September 15 to September 1.
97.	D.5-63, D.5-64	Paragraph 4, Paragraph 1	Non-native grasslands are considered a Tier III upland habitat according to the City of Chula Vista MSCP Subarea Plan, and because impacts to this community must be mitigated, temporary and permanent impacts would be considered significant.	As previously stated in Comment #79, SDG&E will be mitigating per the NCCP, rather than the City's MSCP. In addition, not all potential impacts should be considered significant. The text should be revised accordingly.
98.	D.5-69	Paragraph 4	Towers can result in collisions and mortality as birds move from one area to another within the Refuge.	The Proposed Project is not located in the Refuge. Therefore, this sentence should be revised to state that "Towers can result in collisions and mortality as birds move from the Refuge to other areas to forage."
99.	D.5-72	Paragraph 1	Although construction and operation of the Gas Insulated Substation Technology Alternative would not impact seasonal ponds/seasonal wetlands, construction of the transmission line components could result in impacts to waters of the United States; therefore, impacts to wetlands would be similar to those described in Section D.5.3.5 for the transmission interconnections component of the Proposed Project (implementation of Mitigation Measure BIO-3 impacts would reduce impacts to less-than-significant (Class II) levels).	The GIS Substation Alternative for the proposed Bay Boulevard Substation site was designed to avoid all permanent impacts to wetlands. A maximum of 0.01 acre of temporary impacts to three ephemeral swales located along the transmission corridor may be required for construction of the transmission line components. However, these drainages would be recontoured to near pre-construction conditions following construction of the GIS Substation Alternative. Accordingly, wetland impacts resulting from construction of the GIS Substation Alternative would not be similar to the Proposed Project, which would impact approximately 2.43 acres of wetlands. This language should be revised to provide that impacts to wetlands that would result from the GIS Substation Alternative would be greatly reduced from that of the Proposed Project and would be less than significant.
100.	D.5-72	Paragraph 1	As discussed in Section D.5.3 for the Proposed Project, non-native grassland is considered a sensitive natural community (a Tier III upland habitat) in the City of Chula Vista's MSCP Subarea Plan, and therefore, impacts to this community are considered significant.	SDG&E, per the NCCP, does not consider non-native grassland a sensitive vegetation community. The NCCP overrides the City's MSCP regarding basis for determining impacts. Thus, the text should be revised in light of the species covered by the NCCP.
101.	D.5-82	Paragraph 3	In particular, vertical construction equipment and noise generated by the project could interfere with avian movement between the San Diego NWR and San Diego Bay and could affect species nesting in the San Diego NWR (disturbance of avian species would be considered a significant impact); therefore, Mitigation Measures BIO-7 and BIO-8 would be implemented to reduce impacts to less than significant (Class II).	Although noise levels that exceed the 60 dBA may impact some nesting birds, the statement that vertical construction equipment used during construction at the Tank Farm site could interfere with avian movement between the San Diego NWR and the San Diego Bay is not correct. The San Diego Bay is located west and San Diego NWR is southwest of the Tank Farm site. The equipment that would be used during construction is less than 60 feet in height and the equipment would not be left in an up-right position overnight or when not in use. Therefore, the text should be revised to include this information.

Attachment D: Technical Corrections and Clarifications

South Bay Substation Relocation Project Draft EIR



#	Page #	Paragraph or Table #	Existing Language	General Comment
102.	D.5-87	Paragraph 1	Similarly, the new substation at the developed site would not result in significant impacts to sensitive wildlife or habitat; however, helicopter activities associated with transmission line pole replacement and installation could impact special-status avian species nesting within the San Diego NWR; therefore, APMs BIO-01 and BIO-02, as well as Mitigation Measures BIO-7, BIO-8 and BIO-11, would be implemented to reduce BIO-7 impacts to less-than-significant (Class II) levels.	Helicopters are not proposed for use during the removal of the existing poles or the installation of the new poles. However, helicopter activity may be required for sock line and stringing across I- 5. The language should be revised accordingly.
103.	D.5-92	Paragraph 4	Grading and other ground disturbance at the Broadway and Palomar site (and at the existing South Bay Substation and at pole locations associated with the transmission interconnections) may result in the introduction of non-native species (Impact BIO-3) as a result of exposure of soils and increased human and vehicular presence in the area.	In the Existing Setting discussion for this site it provided that the site is disturbed and routinely maintained. The sentence should be revised to read as follows: Grading and other ground disturbance at the Broadway and Palomar site (and at the existing South Bay Substation and at pole locations associated with the transmission interconnections) may result in the introduction of non-native species (Impact BIO-3) as a result of exposure of soils and increased human and vehicular presence in the area.
D.6 – Cultural and Paleontological Resources				
104.	D.6-12	Paragraph 3	CA-SDI-13037H, an isolated artifact, was identified in the Proposed Project study area in 1977 and was not relocated (SDGE 2010a and b). However, due to the disturbed nature of the project area and the placement of a parking lot in the mapped location of the resource, this artifact is not considered significant for the purposes of CEQA. Thus, impacts to known historical resources would be less than significant (Class III).	The historical resource that should be described in this paragraph is CA-SDI-13073H, which is the Coronado Belt Line Railroad. This language interchanges CA-SDI-13073H with CA-SDI-4886, which was also confused in the PEA. It appears that the two resources were confused in the Draft EIR, a separate, third record has been identified as CA-SDI-13037H. The language should be revised accordingly to identify the correct resource.
D.7 – Geology and Soils				
105.	D.7-7	Paragraph 6	Construction of the Bay Boulevard Substation and improvements to the transmission lines running into the substation may be significantly less difficult if performed during the dry season.	This statement is not relevant in the existing conditions section of the EIR, nor is it accurate. Page D.7-15 of the EIR concludes that dewatering is not anticipated in order to construct the substation. While construction during inclement weather is not preferable, it does not pose a significant challenge to conventional substation construction.
106.	D.7-9	Paragraph 3	State regulations pertaining to the management of erosion/sedimentation as they relate to water quality are described in Section D.9, Hydrology and Water Quality, of this Initial Study/Mitigated Negative Declaration.	The language should be revised to reference this EIR, rather than an Initial Study/Mitigation Negative Declaration.
107.	D.7-10	Paragraph 2	Policy E 14.4 Promote programs to identify un-reinforced masonry buildings and other buildings and structures that would be at risk during seismic events; and promote strengthening of these buildings and structures, where appropriate. Policy E 14.5 Wherever feasible, land uses, buildings, and other structures determined to be unsafe from geologic hazards shall be discontinued, removed, or relocated.	These policies do not apply to the Proposed Project since the Proposed Project does not involve the use of an existing building or structure.
D.8 – Public Health and Safety				
108.	D.8-31	Paragraph 1	Because the South Bay Substation would be dismantled, no operational activities would occur at the facility, and therefore, no HAZ-5 would occur.	The word “impacts” should be inserted after “HAZ-5.”

Attachment D: Technical Corrections and Clarifications
 South Bay Substation Relocation Project Draft EIR



#	Page #	Paragraph or Table #	Existing Language	General Comment
D.9 – Hydrology and Water Quality				
109.	D.9-6	Section D.9.2, Federal	NA	The Proposed Project would include use of the jack-and-bore construction method for installation of the underground duct bank below Telegraph Creek. Telegraph Creek is an existing concrete-lined channel that was built by the ACOE. Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408) provides that the Secretary of the Army, on the recommendation of the Chief of Engineers, may grant permission for the temporary occupation or use of any work build by the ACOE. Accordingly, information pertaining to Section 14 of the Rivers and Harbors Act should be included as a federal requirement in Section D.9.2.
110.	D.9-38	Paragraph 1	Mitigation Measures H-5a and H-5b would ensure the groundwater discharges are in accordance with regulations governed by the RWQCB and would reduce impacts to a less-than-significant level (Class II). Implementation of Mitigation Measure H-5c in conjunction with Mitigation Measures HAZ-2a, HAZ-2b, HAZ-2d, and HAZ-3b (see Section D.8, Public Health and Safety) would ensure that impacts to changes in groundwater flow patterns or migration of existing contaminants through project-related excavation would be less than significant (Class II).	MMs H-5a, H-5b, and H-5c are not presented in this section, nor are the contained in Table D.9-1 MMCRP for Hydrology and Water Quality. The measures are also referenced on page D.9-42. References to these measures should be removed.
111.	Page D.9-49	Table D.9-1	CPUC to review documentation of coordination with RWQCB. If necessary, SDG&E to provide applicable permit/waiver to CPUC to verify.	In the first row under the column “Monitoring Requirements and Effectiveness Criteria,” change the text should be revised as follows: CPUC to review documentation of coordination with RWQCB. If necessary, SDG&E to provide applicable permit, waiver , or <u>confirmation of coverage</u> to CPUC to verify.
D.10 – Land Use and Planning				
112.	D.10-3	Figure D.10-1	NA	Only the 230 kV overhead lines are shown in the figure. The 138 kV and 69 kV lines should also be displayed, as provided in Figure D-1: AIS Substation Detailed Project Components Map, which was originally provided in the PEA.
113.	D.10-6	Paragraph 4	As shown on Figure D.10-2a, Bayfront Jurisdictional Boundaries, the majority of the project, including the Bay Boulevard Substation and the South Bay Substation dismantling, would be located within the CVBMP redevelopment area and, therefore, would be subject to the land use designations and development regulations of the PMP.	As shown in Exhibit 3 Jurisdictional Boundaries from the Errata to the Final Environmental Impact Report for the CVBMP (May 2012), the proposed Bay Boulevard Substation site is located within the City’s jurisdictional boundaries, and outside of the CVBMP redevelopment area. This is also depicted in the most recent Chula Vista Bayfront Master Plan Illustrative figure, from June 2012. Both can be found online at http://www.portofsandiego.org/chula-vista-bayfront-master-plan/documents.html . Therefore, the proposed substation site not located within the CVBMP redevelopment area and is under the jurisdiction of the City, rather than under the jurisdiction of the Port Master Plan. The land use section should be revised to reflect this update.
114.	D.10-14	Table D.10-2	NA	The CVBMP is listed as a planning document for the Bay Boulevard Substation component. However, as previously described, the proposed substation site is no longer located within the CVBMP redevelopment area. AS a result, reference to this document in relation to the Bay Boulevard Substation should be removed.
115.	D.10-15	Paragraph 1	NA	It should be noted that the Proposed Project is under the jurisdiction of the CCC Energy and Oceans Division.

Attachment D: Technical Corrections and Clarifications
 South Bay Substation Relocation Project Draft EIR



#	Page #	Paragraph or Table #	Existing Language	General Comment
116.	D.10-40	Alternatives	NA	No Coastal Policy Consistency Analysis for the alternatives has been included. For the Proposed Project, a consistency analysis that indicates how the Project is consistent with the policies is provided, but only a general assessment that combines the analysis as being, “all in the same area” is provided for the alternatives. In addition, no discussion of avoidance of coastal wetlands is provided for the GIS Substation Alternative at the proposed Bay Boulevard Substation site. The section should be revised to provide a more complete analysis of the alternatives with respect to these policies. To facilitate including this analysis in the Final EIR, SDG&E has prepared the Coastal Consistency Analysis included in Attachment B: Bayfront Enhancement Alternative Description and Preliminary Impact Analysis.
117.	D.10-23, D.10-24, D.10-27, D.10-28, D.10-30, D.10-34, D.10-40	Table D.10-3, Coastal Act Sections 30210, 30223, 30224, and 30251; LCP LUP, second and third policies; Bayfront Specific Plan, Section 19.85.006.1; Vision 2020 General Plan – Land Use and Transportation Element, Objective LUT 106.7; Paragraph 2	In order to relocate the South Bay Substation, approximately 18 new wood transmission poles would be installed, 23 wood transmission poles would be removed, and an additional 22 wood transmission poles would be replaced. The project also includes construction of five 69 kV steel cable pole risers, removal of six stub wood poles, removal of one 12 kV wood distribution pole, and removal of five steel lattice towers.	These sentences should be revised accordingly to read as follows, “In order to relocate the South Bay Substation, approximately 11 new wood transmission poles would be installed, 30 wood transmission structures would be removed, and 23 wood transmission poles would also be replaced. The project also includes construction of five 69 kV and one 138 kV steel cable pole risers and one 230 kV dead-end pole, as well as removal of five steel lattice towers and one 230 kV steel cable riser.
118.	D.10-27	Table D.10-3, Section 30240	As described in Section D.5, Biological Resources, of this report, environmentally sensitive habitat areas occur in the boundaries of the project site.	Paragraph 2 on page D.5-23 of the Biological Resources section provides that the City LCP does not designate the Proposed Project site as an Environmentally Sensitive Habitat Area (ESHA), and no portions of the study area are anticipated to be ESHAs due to the high degree of site disturbance, the lack of sensitive habitat types, the isolation of the habitat from other areas, and the lack of rare species or suitable habitat to support rare species. One rare plant individual—decumbent goldenbush (<i>Isocoma menziesii</i> var. <i>decumbens</i>)—was identified on the southern portion of the Proposed Project site during the May 2011 rare plant survey. However, the area where the one rare plant individual was discovered does not constitute an ESHA due to its lack of suitable habitat.
119.	D.10-29	Table D.10-3	Under the LCP Land Use Plan amendment, with the exception of transmission line improvements occurring within Bay Boulevard, the entire project area is not located within the LCP land Use plan area.	Exhibit 3 Jurisdictional Boundaries from the Errata to the Final Environmental Impact Report for the CVBMP (May 2010), depicts the proposed Bay Boulevard Substation site, in addition to the transmission line improvements occurring along Bay Boulevard, as being located within the LCP planning boundaries. The language in this table should be revised to reflect these boundaries appropriately.
120.	D.10-45	Paragraph 4	Because this alternative would be located in the same general area as the Proposed Project and would use the same construction routes (resulting in the potential for temporary impacts to land uses along Bay Boulevard), Impacts LU-1 through LU-4 under this alternative would be the same as the Proposed Project.	Rebuilding the substation at the existing South Bay Substation site would conflict with CVBMP’s designated uses, unlike the proposed Bay Boulevard Substation, which is located outside of the CVBMP redevelopment area. Therefore, although the CPUC’s jurisdiction pre-empts local regulations and impacts would be similar, rebuilding at the existing substation site would conflict with the CVBMP and would not be the same as for the proposed Bay Boulevard

Attachment D: Technical Corrections and Clarifications
 South Bay Substation Relocation Project Draft EIR



#	Page #	Paragraph or Table #	Existing Language	General Comment
				Substation site. The text should be revised to clarify this distinction.
121.	D.10-46, D.10-48	Paragraph 3, Paragraph 4	Because this alternative would not be subject to local land use plans, policies, or regulations (similar to the Proposed Project, the CPUC would have sole land use jurisdiction over this alternative), no conflicts with local land use plans, policies, and regulations (Impact LU-3 and LU-4) would occur.	Although the CPUC’s jurisdiction pre-empts local plan, policies, and regulations, and there would be no impact, constructing a new substation at any of the alternative sites located within the CVBMP’s redevelopment area would conflict with the designated uses provided by the CVBMP. The text should be clarified to reflect this distinction.
D.12 – Noise				
122.	D.12-13	Paragraph 3	Construction equipment utilized for cutovers and electric system transfers does not include heavy equipment as all work would be completed through the use of hand tools within the SDG&E ROW.	Attachment 4.3-A: Proposed Project Emissions Calculation Methodology from the original PEA indicates that cutover work may include the use of the following pieces of equipment: <ul style="list-style-type: none"> • Bucket truck/manlift • Line truck • Puller and tensioner • Reel trailer • Splice trailer • Pickup trucks • Mechanic truck • Air compressor • Water truck The language in the EIR should be revised to allow for the use of this equipment during these construction activities.
D.15 – Recreation				
123.	D.15-11	D.15.4.3 Existing South Bay Substation Site Alternative	NA	The discussion of the AIS and GIS substation alternatives at the existing South Bay Substation site fails to address the loss of recreational opportunities that would have been afforded at the site as a result of implementation of the CVBMP, if the substation were located elsewhere. Recreational policies that are covered by the Coastal Act should also be addressed here. Therefore, a discussion of these items should be incorporated into the Recreation section.
D.16 – Transportation and Traffic				
124.	D.16-4	Paragraph 2	Freight service in San Diego is provided by the San Diego & Arizona Eastern Railway (SD&AE), a subsidiary of MTDB that operates the SDIV railroad tracks, and Burlington Northern Santa Fe Railroad (BNSF). An unused portion of the SD&AE line is located within a 40-foot easement that currently parallels SDG&E’s existing transmission easement area within the project site. The proposed access road to the Bay Boulevard Substation will cross over the railroad tracks at two locations.	Revise the last sentence to clarify that the unused portion of the railroad track is crossed twice by the access road, as follows: “The proposed access road to Bay Boulevard Substation will cross over the <u>unused portion</u> of the railroad tracks at two locations.”

Attachment D: Technical Corrections and Clarifications

South Bay Substation Relocation Project Draft EIR



#	Page #	Paragraph or Table #	Existing Language	General Comment
125.	D.16-6	Paragraph 4	In addition to the trips generated by specific project component construction activities, the project is also expected to generate approximately 60 trips per day by construction workers during times of peak construction activities. As indicated by the construction schedule discussed in Section B.6.1 and listed in Table B-2, Proposed Schedule, trips associated with construction activities would occur throughout the project’s anticipated 3.25-year construction period.	Peak construction activities are anticipated to occur for approximately six months during the site development/grading phases of the Project. In addition, active construction of the Project is anticipated to required approximately 32 months, which could be extended over a time period of approximately 38 months, pending when authorization from the CAISO is received for the 69 kV cutover work. As a result, the text should be revised as follows: “In addition to the trips generated by specific project component construction activities, the project is also expected to generate approximately 60 trips per day by construction workers during times of the approximately six-month-long peak construction activities period . As indicated by the construction schedule discussed in Section B.6.1 and listed in Table B-2, Proposed Schedule, trips associated with construction activities would occur throughout the project’s anticipated 3.25-year <u>32-month active construction period</u> .”
126.	D.16-15	Paragraph 3	Impact TRA-6: Construction or staging activities would increase the demand for and/or reduce the supply of parking spaces, and there would be no provisions for accommodating the resulting parking deficiencies. All construction vehicles and equipment would be staged within the proposed Bay Boulevard Substation site or nearby SDG&E property as discussed in Section B.6.2. No loss of public parking would occur. Parking requirements associated with the O&M of the Bay Boulevard will be accommodated within the fenced substation. Impacts would be considered less than significant (Class III).	The text for Impact TRA-6 provides that no loss of public parking would occur during construction of the proposed Bay Boulevard Substation, and that parking requirements associated with operation and maintenance activities for the proposed substation site will be accommodated within the fenced substation. As a result, there would be no impact, rather than a less-than-significant impact for construction and operation of the proposed Bay Boulevard Substation. The language associated with this impact should be revised accordingly.
127.	D.16-21	Paragraph 4	Under this alternative, a smaller development footprint for the Bay Boulevard Substation would be required when compared to the Proposed Project due to the reduction of A-frame structures needed for the air insulated substation required under the Proposed Project. The smaller development footprint for the Gas Insulated Substation Technology Alternative design would reduce the amount of imported fill required for construction by approximately 75,000 CY. The reduction in imported fill requirements will result in an overall reduction of 4,335 truck trips during grading activities. Therefore, the Gas Insulated Substation Technology Alternative would result in a reduction in construction-related trips during grading activities, thus reducing traffic-related impacts from those identified under the Proposed Project.	The analysis concludes that there would be a reduction in construction-related trips under the GIS Substation Alternative at the Bay Boulevard Substation site. However, no impact conclusion (e.g., less than significant) nor any APMs or MMs are identified for the GIS Substation Alternative.
D.17 – Climate Change				
128.	D.17-5	Section D.17.2 (Federal)	NA	The section on federal climate change regulations should include the following text, which is especially relevant to substations: Mandatory Reporting of Greenhouse Gases. The Environmental Protection Agency’s rule titled Mandatory Reporting of Greenhouse Gases (40 Code of Federal Regulations Part 98) requires mandatory reporting of greenhouse gases (GHGs) for certain facilities. Subpart DD of the rule, titled Electrical Transmission and Distribution Equipment Use, requires reporting of fluorinated GHGs. Fluorinated GHGs include hydrofluorocarbons, nitrogen trifluoride, perfluorocarbons, sulfur hexafluoride (SF ₆), hydrofluorinated ethers, and others. Owners or operators of facilities subject to Subpart DD must collect emissions data, calculate GHG emissions, and follow the specified procedures for quality assurance, missing data, recordkeeping, and reporting. Each facility subject to Subpart DD must report total SF ₆ and PFC

Attachment D: Technical Corrections and Clarifications
 South Bay Substation Relocation Project Draft EIR



#	Page #	Paragraph or Table #	Existing Language	General Comment
				<p>emissions, including emissions from equipment leaks, installation, servicing, decommissioning, and disposal, and from storage cylinders, from the following types of equipment:</p> <ul style="list-style-type: none"> • Gas-insulated substations; • Circuit breakers; • Switchgear, including closed-pressure and hermetically sealed-pressure switchgear; • Gas-insulated lines containing hexafluoride or perfluorocarbon; • Gas containers such as pressurized cylinders; • Gas carts; • Electric power transformers; and • Other containers of hexafluoride or perfluorocarbon. <p>Facilities subject to Subpart DD began monitoring GHG emissions on January 1, 2011. For 2012 only, the deadline for reporting was September 28, 2012. In future years, the deadline for reporting is March 31, unless that date falls on a weekend, in which case the report is due the next business day.</p>
129.	D.17-7	Section D.17.2 (State)	NA	<p>The section on state climate change legislative and regulations should include the following text, which is especially relevant to substations, and which supports the similar discussion on pages D.17-19 through D.17-20:</p> <p>Regulation for Reducing Sulfur Hexafluoride Emissions from Gas Insulated Switchgear. The California Air Resources Board (CARB) has issued a regulation requiring owners of gas insulated substations and gas insulated switchgear to maintain an inventory of SF₆ containers and emissions (17 CCR 95350-95359). The regulation also set a maximum emission rate for equipment containing SF₆ at 10 percent in 2011. The maximum allowable emission rate decreases by 1 percent each year, until it reaches 1 percent in 2020.</p>
130.	Page D.17-9	Paragraph 2	<p><i>SB 1368</i>. In September 2006, former Governor Schwarzenegger signed SB 1368, which requires the California Energy Commission (CEC) to develop and adopt regulations for GHG emissions performance standards for the long-term procurement of electricity by local, publicly owned utilities.</p>	<p>“SB 1368” should be bolded for consistency with the other state requirements.</p>
131.	Page D.17-20	Paragraph 2	<p>Implementation of APM-AIR-04 would be consistent with the adopted CARB regulation to reduce emissions related to SF₆ use. As noted previously, the Proposed Project would not increase other operational emissions, such as those associated with vehicle trips for maintenance of the Bay Boulevard Substation. For these reasons, the project would not conflict with an applicable plan, policy, or regulation adopted to reduce GHGs.</p>	<p>The following language should be inserted as the second sentence in the paragraph:</p> <p>Implementation of APM-AIR-04 would be consistent with the adopted CARB regulation to reduce emissions related to SF₆ use. <u>Through implementation of measures similar to APM-AIR-04, the total annual SF₆ emission rate that SDG&E reported in 2011 for all its facilities was 0.29%. This is below the maximum annual emission rate that CARB has set for each year from 2011 to 2020 (SDG&E 2010).</u> As noted previously, the Proposed Project would not increase other operational emissions, such as those associated with vehicle trips for maintenance of the Bay Boulevard Substation. For these reasons, the project would not conflict with an applicable plan, policy, or regulation adopted to reduce GHGs.”</p>

Attachment D: Technical Corrections and Clarifications
 South Bay Substation Relocation Project Draft EIR



#	Page #	Paragraph or Table #	Existing Language	General Comment
E – Comparison of Alternatives				
132.	E-4	Table E-1	NA	Table E-1 assigns an overall impact classification to each of the alternatives. Equal weight appears to be given to all of the biological resources impacts. However, the GIS Substation Alternative would avoid all permanent impacts to wetlands, which should also reduce the level of impact associated with the alternative. Therefore, the GIS Substation Alternative should result in overall Class III impacts. Similarly, level of impact associated with construction of the Existing South Bay Substation Site should also be Class III, rather than Class II, as the large wetland complex that would be impacted by construction of the AIS Substation at the proposed site would be avoided.
F – Other CEQA Considerations				
133.	F-2	Paragraph 6	SDG&E has determined that the Main Street Substation is at risk of failure due to its age (built in 1961), and design of the equipment and substation could result in power outages for the customers in the South Bay region.	The South Bay Substation is at risk of failure, rather than the Main Street Substation. This language should be revised accordingly.
134.	F-9	Paragraph 2	Construction noise emanating from construction and demolition activities associated within the Proposed Project and SBPP could result in cumulative indirect noise impacts to special-status avian species nesting within the San Diego National Wildlife Refuge. As indicated in Section D.5, Biological Resources, construction of the Proposed Project would include helicopter use for transmission pole installation and replacement in proximity to the San Diego National Wildlife Refuge; depending on the specific equipment required, noise generated by demolition of the SBPP could indirectly impact the same biological resources (nesting birds) as the Proposed Project. However, because impacts associated with construction of the Proposed Project would be mitigated through nesting bird surveys, the installation of temporary noise barriers to reduce noise levels to below 60 dBA Leq(h) (if necessary), and the restriction of helicopter activities to the non-breeding season (September 16 to February 28), the Proposed Project impacts are not considered cumulatively considerable.	This discussion relies on mitigation for the Project that is not appropriate or feasible. The discussion should be revised accordingly. Please also refer to the comments on and revisions to the MMs.
135.	F-10	Paragraph 3	Compliance with applicable laws and regulations identified in Section D.8 would reduce the project’s cumulative impacts to health and safety to a level that would be less than significant and not cumulatively considerable. It is anticipated that adherence to applicable federal, state, and county laws and regulations associated with other projects in the area will reduce the cumulative risk of adverse public health effects associated with the use, storage, and transport of hazardous materials to less than significant.	This language is contradictory in that it provides that compliance with applicable laws and regulations would reduce the Project’s cumulative impacts to health and safety; however, MMs (many of which are already required by local, state and federal laws) are also provided in the Public Health and Safety section to reduce impacts to less-than-significant levels. This discussion should be analyzed in a similar as the Biological Resources section, or the level of impacts should be described as less than significant (Class III), and no mitigation should be required.

#	Page #	Paragraph or Table #	Existing Language	General Comment
G – Mitigation Monitoring and Reporting				
136.	G-3, G-4	Paragraph 6, Paragraph 1	<p>The CPUC and its environmental monitors will also ensure that any variance process or deviation from the procedures identified under the monitoring program is consistent with CEQA requirements; no project variance will be approved by the CPUC if it creates new significant impacts. A variance should be strictly limited to minor project changes that will not trigger other permit requirements; the changes must neither increase the severity of an impact nor create a new impact, and they must clearly and strictly comply with the intent of the mitigation measure. A Proposed Project change that has the potential for creating significant environmental effects will be evaluated to determine whether supplemental CEQA review is required. Any proposed deviation from the approved project, adopted mitigation measures, and APMs, and correction of such deviation, shall be reported immediately to the CPUC and the environmental monitors assigned to the project for their review and approval. In some cases, a variance may also require approval by a CEQA-responsible agency.</p>	<p>This section appears to be derived from the CEQA Guidelines Section 15088.5 regarding significant new information that becomes available prior to certification. The Mitigation Monitoring, Compliance, and Reporting Program (MMCRP) language should clarify that the MMCRP is specific to post-certification actions in accordance with the following CEQA Guidelines language in Section 15160:.</p> <p>15162. SUBSEQUENT EIRS AND NEGATIVE DECLARATIONS</p> <p>a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:</p> <p>(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;</p> <p>(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or</p> <p>(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:</p> <p>(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;</p> <p>(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;</p> <p>(C) MMs or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the MM or alternative; or</p> <p>(D) MMs or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the MM or alternative.</p> <p>(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.</p> <p>(c) Once a project has been approved, the lead agency’s role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.</p> <p>(d) A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative</p>

Attachment D: Technical Corrections and Clarifications
 South Bay Substation Relocation Project Draft EIR



#	Page #	Paragraph or Table #	Existing Language	General Comment
				<p>declaration shall state where the previous document is available and can be reviewed.</p> <p>Using the above, “substantial” changes would only be an issue and the measure would be less strict as specified in the existing MMCRP language. This is also relevant to the Proposed Decision language if they use the same wording as ECO.</p>
137.	Page G-1	Paragraph 1	<p>This section provides the recommended framework for effective implementation of the MMCRP by the California Environmental Quality Act (CEQA) lead agency and the California Public Utilities Commission (CPUC), and it describes the roles of responsible parties in carrying out and enforcing adopted mitigation measures.</p>	<p>This language should be revised for clarity as follows:</p> <p>“This section provides the recommended framework for effective implementation of the MMCRP by the California Environmental Quality Act (CEQA) lead agency and the California Public Utilities Commission (CPUC), <u>which is the lead agency under the California Environmental Quality Act (CEQA).</u> and it This section also describes the roles of responsible parties in carrying out and enforcing adopted mitigation measures.”</p>

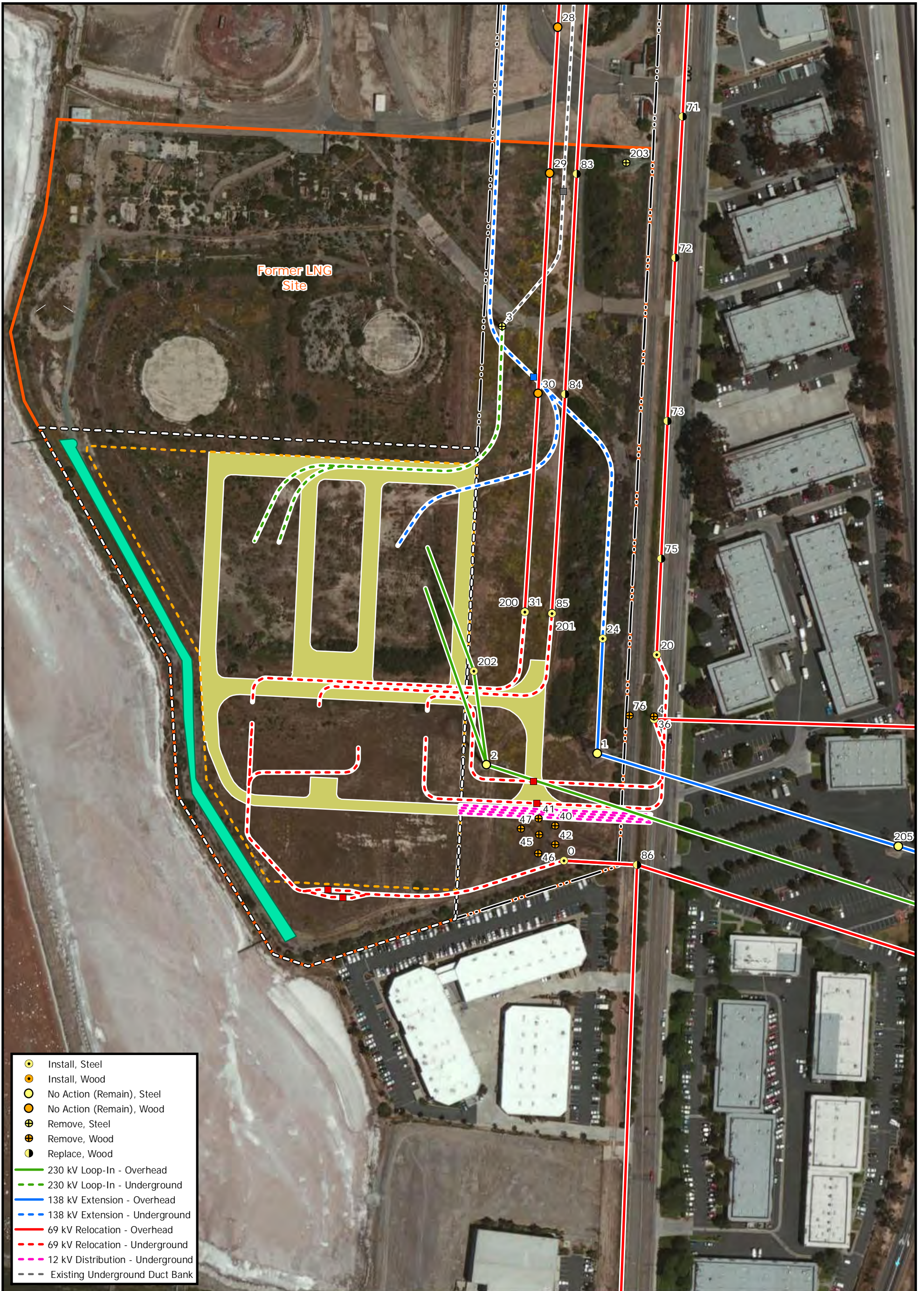


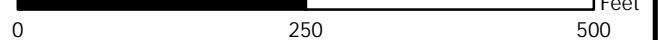
Figure D-1: AIS Substation Detailed Project Components Map 1 of 3

South Bay Substation Relocation Project

- SDG&E Easement
- 12.42-Acre Parcel Boundary
- Substation Wall
- Underground Vault (Color Coded by Line)
- Existing Access
- New Access Roads and Driveways
- Water Quality Retention Basin
- Additional Temporary Workspace



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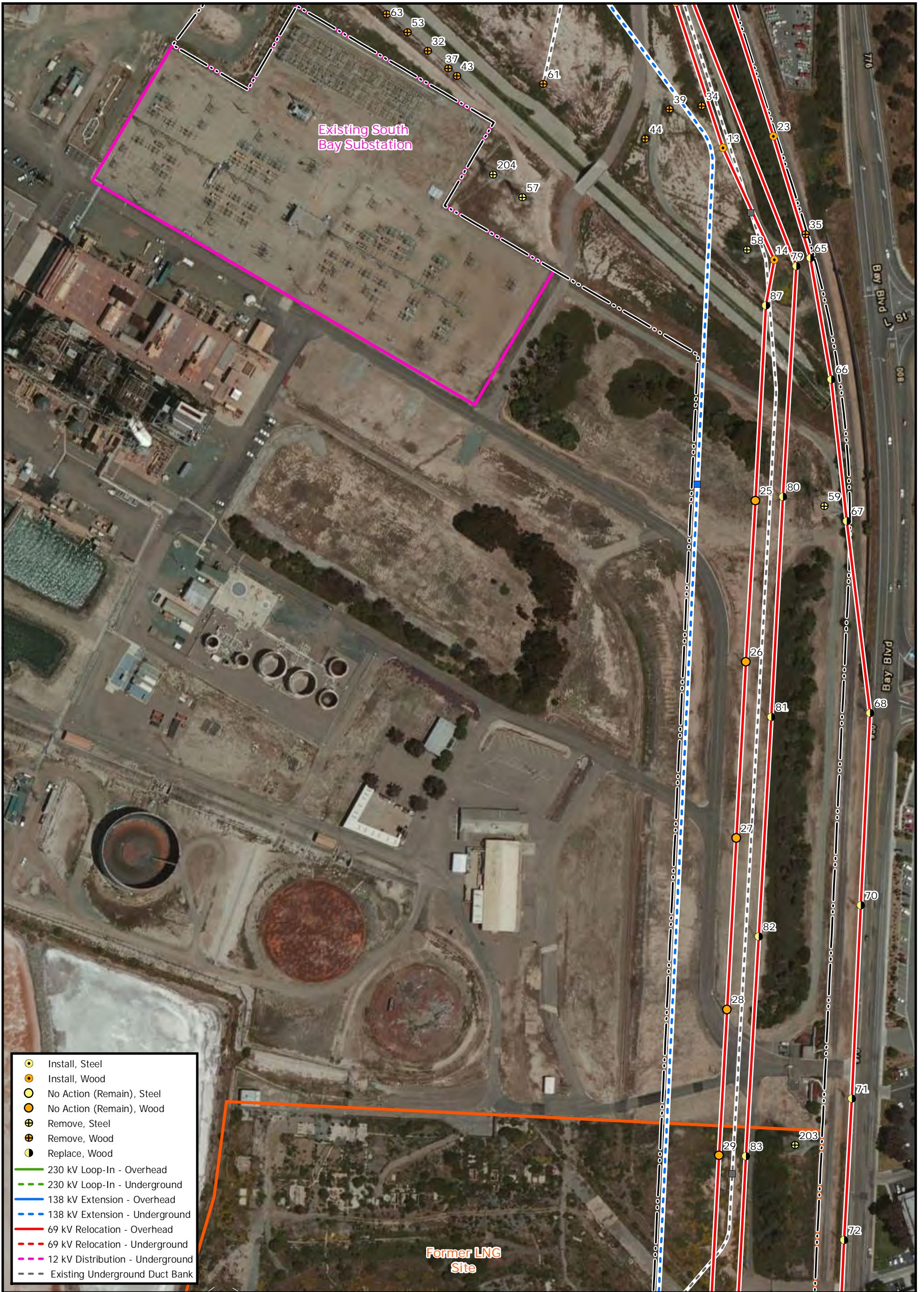


Figure D-1: AIS Substation Detailed Project Components Map 2 of 3

South Bay Substation Relocation Project

- SDG&E Easement
- 12.42-Acre Parcel Boundary
- Substation Wall
- Underground Vault (Color Coded by Line)
- Existing Access
- New Access Roads and Driveways
- Water Quality Retention Basin
- Additional Temporary Workspace

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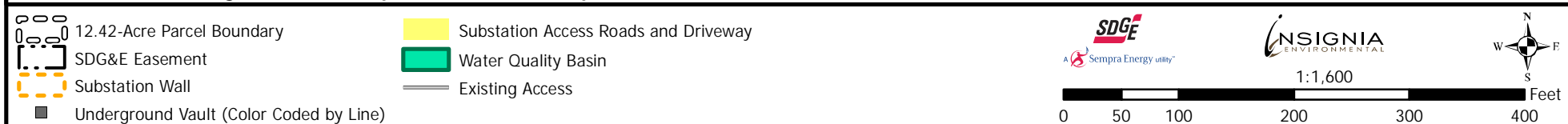
South Bay Substation Relocation Project

SDG&E Easement	Underground Vault (Color Coded by Line)	New Access Roads and Driveways	SDGE NSIGNIA ENVIRONMENTAL 1:2,000 0 250 500 Feet
12.42-Acre Parcel Boundary	Existing Access	Water Quality Retention Basin	
Substation Wall	Additional Temporary Workspace		



Figure D-2: Updated GIS Substation Alternative Detailed Project Components Map 1 of 3

South Bay Substation Relocation Project



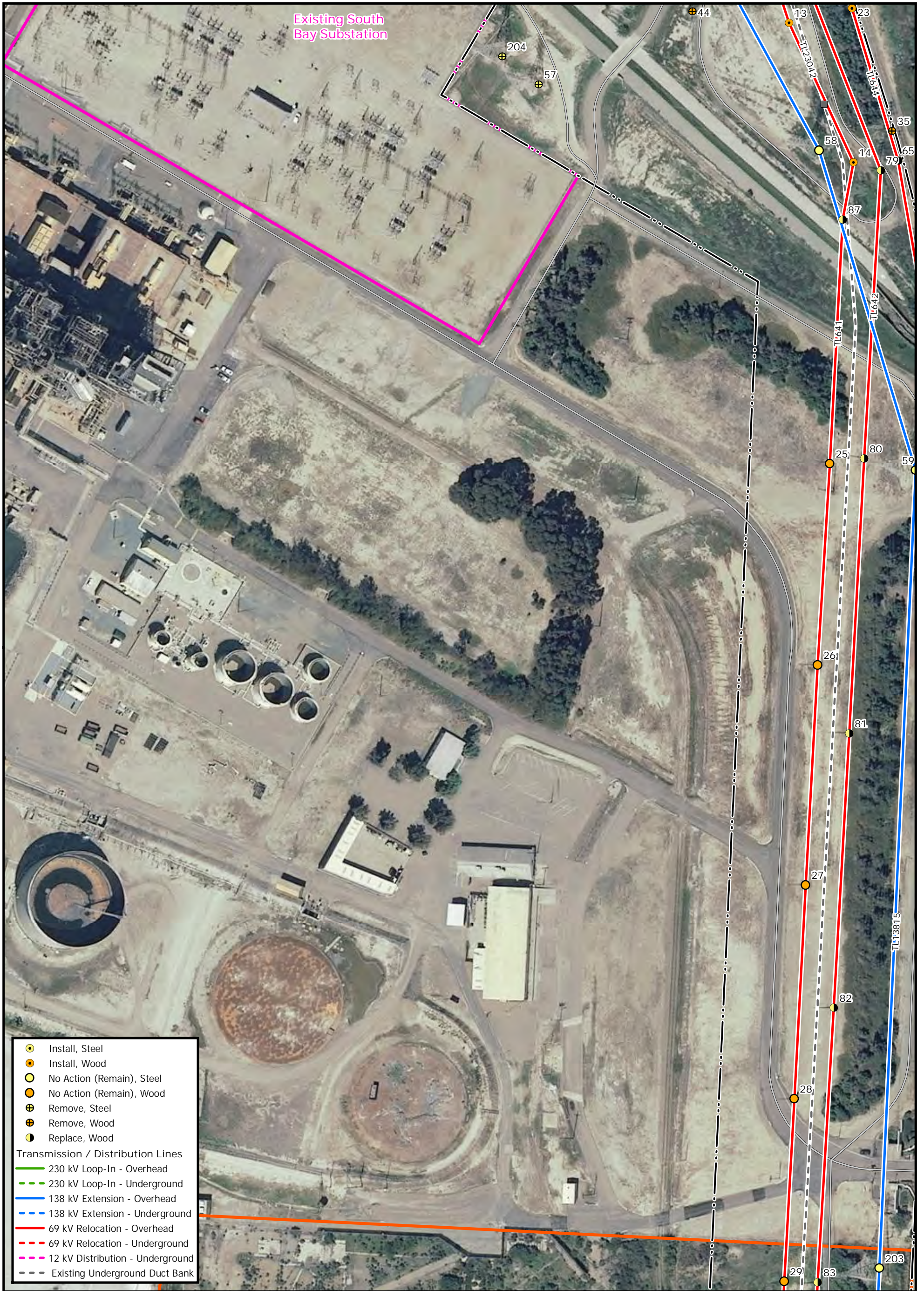
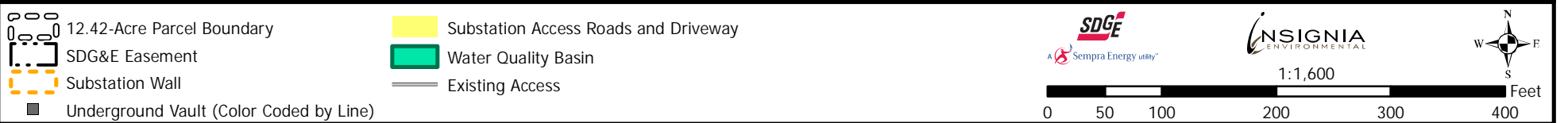


Figure D-2: Updated GIS Substation Alternative Detailed Project Components Map 2 of 3

South Bay Substation Relocation Project



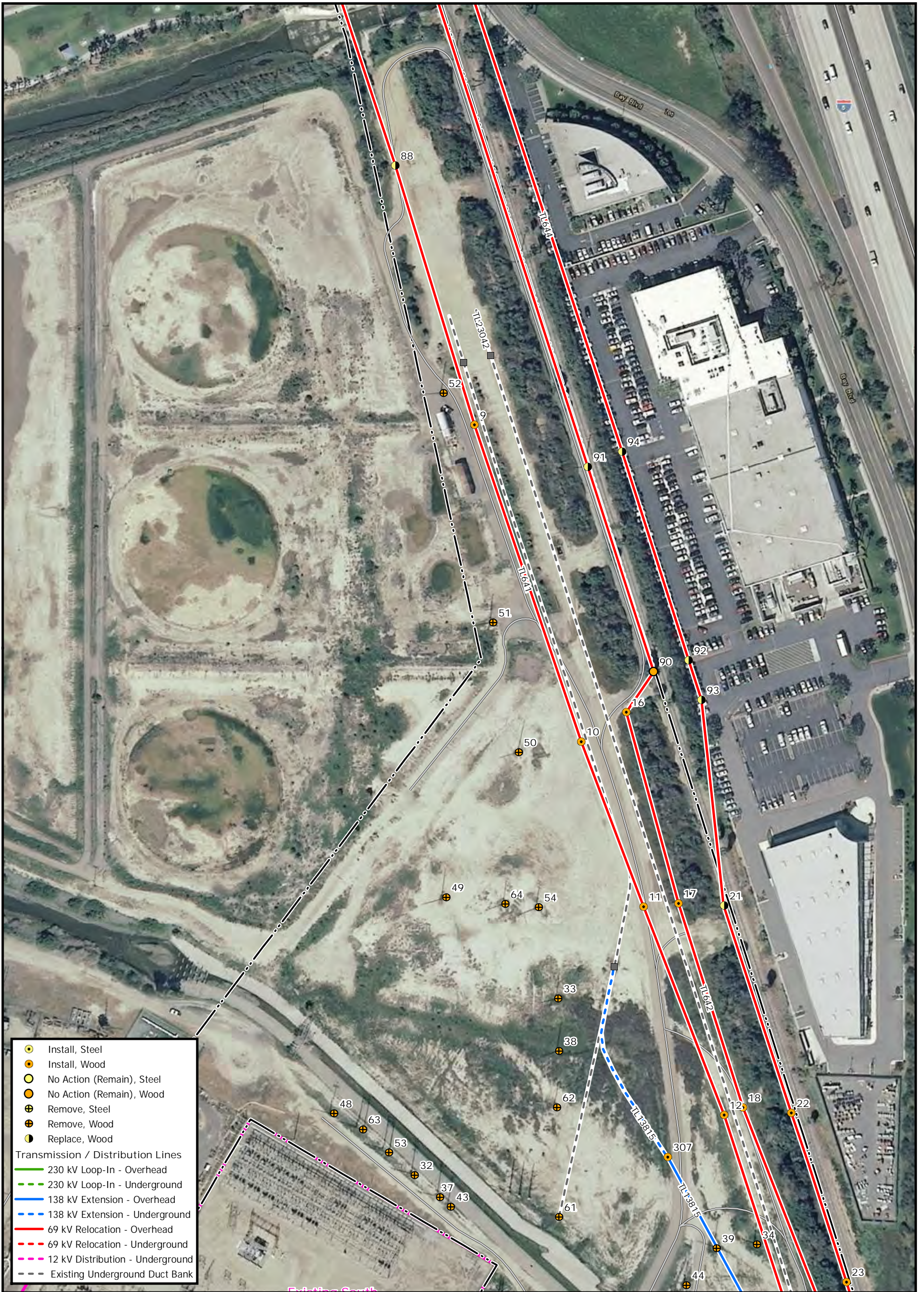


Figure D-2: Updated GIS Substation Alternative Detailed Project Components Map 3 of 3

South Bay Substation Relocation Project

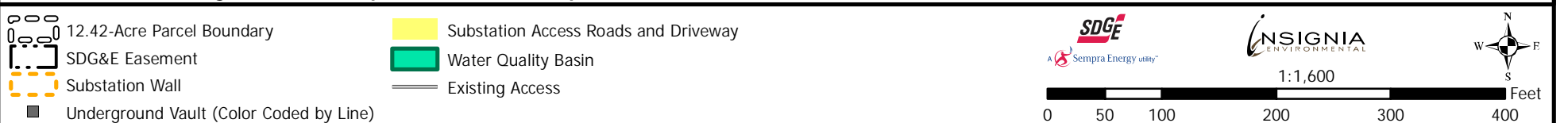




Figure D-3: Bay Boulevard Substation - Limits of Permanent and Temporary Disturbance

South Bay Substation Relocation Project

<ul style="list-style-type: none"> Limits of Temporary Disturbance Permanent Cut and Fill Permanent Substation and Driveways 	<ul style="list-style-type: none"> Substation Wall 12.42-Acre Parcel Boundary Former LNG Site SDG&E Easement 	  
		<p>1:2,400</p> 



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August 31, 2012

Jensen Uchida, California Public Utilities
Commission
c/o Dudek
605 Third Street
Encinitas, CA 92024

VIA U.S. MALL & E-MAIL
southbaysub@dudek.com

**Re: Comments on Draft Environmental Report ("DEIR") for the South Bay
Substation Relocation Project, Application 10-06-007**

Dear Mr. Uchida:

Please let this letter constitute Inland Industries Group's comments on the draft environmental impact report ("DEIR") done in conjunction with San Diego Gas & Electric Companies ("SDG&E") Application for Permit to Construct the South Bay Substation Relocation Project ("Proposed Project"). Inland Industries' property is east of the proposed relocated substation and directly across the street. To the extent the DEIR did not address Inland Industries' comments in its May 24, 2011, June 28, 2011, and August 11, 2011 letters commenting on the scope of the DEIR, Inland Industries incorporates by reference its previous comments in such letters, including the exhibits to such letters as part of Inland Industries' comments on the DEIR set forth herein.

1. THE PROJECT IS NOT NECESSARY

The Environmentally Superior Alternative is the No Project Alternative. (DEIR, Section E.3, p. E-22). Under the No Project Alternative, the DEIR states that SDG&E may be required to develop additional transmission upgrades (as described in DEIR sections C.7 and ES.11.3). However, as explained in the attached report by a private energy consultant retained by Inland Industries, Jaleh Firooz, the data provided by SDG&E for the DEIR does not explain why the Proposed Project is necessary at this time or for the foreseeable future. (See **EXHIBIT 1**)

Pursuant to the California Environmental Quality Act ("CEQA"), when the DEIR identifies the No Project Alternative as the Environmentally Superior Alternative, the DEIR must also identify an environmentally superior alternative among the other alternatives. (14 Cal Code Regs. §15126.6(e)(2)). The DEIR identifies the Existing South Bay Substation Site Alternatives as the Environmentally Superior Alternative among the other alternatives.



August 31, 2012

Page 2

Based on a letter from SDG&E Senior Vice President and General Counsel, Davis Smith the Existing South Bay Substation Site Alternative “is technologically feasible and would achieve most of the other identified objectives of the Project (replacing aging and obsolete infrastructure, designing a flexible transmission system that can accommodate regional energy needs in the absence of the South Bay Power Plant and providing for future growth for the South Bay Region).” See **EXHIBIT 2** accompanying this letter. The Existing South Bay Substation Site Alternative is a feasible alternative with less environmental impacts as compared to the Proposed Project. When and if a need arises, and given the smaller footprint (4.4 acres), the Gas Insulated Substation Technology (“GIS”) Alternative should be selected to minimize the impact of a rebuilt 230 kV substation on the other proposed uses contemplated in the Chula Vista Bay Front Master Plan (“CVBMP”) adjacent to the Existing South Bay Substation Site Alternative

2. THE PROJECT HAS BEEN UNLAWFULLY PIECEMEAELED

The Proposed Project is clearly and unquestionably part of the much larger Chula Vista Bayfront Master Plan (“CVBMP”) and should have been evaluated under CEQA in conjunction with prior discretionary local agency decisions and approvals concerning the CVBMP. This was unfortunately not done and the failure of the Port District and City of Chula Vista to do so constitutes a violation of the prohibition in CEQA against piecemealing projects. The California Public Utilities Commission (CPUC)’s DEIR fails to adequately evaluate the Proposed Project in the broader context of the much larger CVBMP and, as a result, significantly understates its impact and is insufficient to cure the prior agency’s legally deficient review.

The original environmental impact report for the CVBMP (the “CVBMP EIR”), dated May 2008, states that “no new power plant, Energy Utility Zone or residential uses are proposed in the Otay District.” (CVBMP EIR, Section 1.5.3.3). See **EXHIBIT 3**. However, the CVBMP stated it was removing the Proposed Project site from the Otay District (however it still remains on several maps as an industrial business park). On August 28, 2008, SDG&E submitted to the San Diego Unified Port District (“Port District”) a Land Proposal for Replacement of the existing Substation (**EXHIBIT 4**) and on January 5, 2010 the Port District adopted a Resolution Authorizing a Real Estate Exchange Agreement with SDG&E For Relocation Of The South Bay Substation, and Authorization To Execute Any Ancillary Agreements necessary to Finalize The Transfer. See **EXHIBIT 5**. No EIR was done in 2010 connection with this governmental action as is required by the California Supreme Court decision in *Save Tara v. The City of West*



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August 31, 2012

Page 3

Hollywood. A copy of the January 5, 2010 Agenda Statement for the Land Exchange signed Escrow Instructions is attached as **EXHIBIT 5**.

On May 4, 2010, the Port District adopted a resolution authorizing a Chula Vista Bay Front Master Plan Settlement Agreement signed between the Environmental Health Coalition and related organizations, the Port District and the City of Chula Vista. The Settlement Agreement obligated the Environmental Health Coalition and its partners to “support and actively lobby the California Coastal Commission and the State Lands Commission to approve the Final EIR and proposed CVBMP. See **EXHIBIT 6**. The Environmental Health Coalition also agreed “to provide no assistance whatsoever, directly or indirectly to any other entity to oppose any governmental approval, permit, or other entitlement . . .”.

In May 2010, Dudek and Associates, the same entity that prepared this DEIR was asked to prepare an Errata to the CVBMP EIR. The maps circulated with the Errata to the DEIR noted the land use designation where the Proposed Project would be located as “Industrial Business Park.” These maps were widely available and mislead the public that the site would be an industrial business park. No environmental impact analysis was done to study relocating the Substation. The environmental impact analysis should have been done at the time of approval of the CVBMP and the Land Exchange Agreement necessary to build the Substation. The CVBMP made land use designations without consideration of and before studying the environmental impacts set forth in this DEIR.

The DEIR does not study or analyze the entire Chula Vista Bay Front area, its associated Master Plan, or the land use designation to determine if the RV park identified to be located at the existing Substation site could be accommodated elsewhere within the CVBMP without the associated environmental impacts of moving the substation .5 miles to the Proposed Project Site. The DEIR only exams a small portion of a larger project which assumed the relocation of the Substation before an analysis of the environmental impacts and alternatives of relocating the Substation to accommodate the RV Park.

Moreover, this defect in sequencing is compounded by an inherent conflict of interest with the consultant who prepared the DEIR. Dudek and Associates is the same entity that prepared the CVBMP EIR and the CVBMP EIR Errata. This conflict makes it difficult if not impossible for the DEIR to independently evaluate the Proposed Project and its consistency or lack thereof with the policies and objectives of the CVBMP. The preparer of both environmental documents, Dudek and Associates, quite naturally will not want to contradict its own work product and has an inherent bias to minimize impacts that might preclude the Proposed Project.



August 31, 2012

Page 4

3. PROJECT INTRODUCTION/OVERVIEW

The DEIR notes that SDG&E identified four basic objectives for the Proposed Projects (A.2.2). However, the CPUC identified and used only three of the basic objectives to screen alternatives. The CPUC did not use SDG&E objective 3 which was to Facilitate the City's Bayfront redevelopment goals by relocating the South Bay Substation and furthering the goals of the SDG&E-City of Chula Vista MOU. The DEIR notes that no local land use plans, policies or regulations would apply to the Proposed Project pursuant to CPUC General Order Number 131-D, and that the CPUC has sole and exclusive jurisdiction over the siting and design of the Proposed Project and alternatives. Although the Proposed Project would be exempt from local land use and zoning regulations, the DEIR provides a land use consistency analysis "for informational purposes only." (DEIR, Section D.10.3.4). If the DEIR is going to perform a local and use consistency analysis, the DEIR should not rely on land uses selected assuming the relocation of the Substation prior to the preparation of an EIR. Since the CVBMP EIR did not examine the environmental impacts of relocating the Substation, which was clearly assumed prior to creating local land use designations in the Otay District which land uses are dependent on relocating the Substation, the DEIR is flawed and should be revised to exclude this analysis.

Additionally, given that the DEIR did not consider or examine the full range of land use designation for the entire CVBMP, but instead only looked at a particular smaller portion, it did not take into consideration whether commercial, recreation, or residential land uses such as the RV Park could be accommodated elsewhere. As such, the DEIR's compatibility and consistency analysis is flawed. For example, in the northern Sweetwater District of the CVBMP, the original designation was for a "Resort hotel and Mixed used commercial." However, when the Coastal Commission approved the CVBMP on August 9, 2012 this land use designation in the Sweetwater District was changed to "RV park," the same land use designation where the current substation is located. See maps, **EXHIBIT 7**.

4. PROJECT DESCRIPTION

A. GENERAL COMMENTS

Figures B-3, B-3a and B-3b of the DEIR do not identify the currently existing structures, power lines and poles and related industrial structures in the direct vicinity of the Proposed Project. There are no baseline depictions or descriptions of existing power



August 31, 2012

Page 5

poles and lines. The poles, lattice structures and lines are not numbered for reference and there is no clear documentation of the existing conditions for purposes of making a comparison with the Proposed Project. Figures B-3 and B-3a do not document or include a legend for determining the height of the actual proposed pole structures.

The organization of this chapter and discussions of what the project will look like when actually constructed is hard to follow. The project description and maps should detail the actual heights of all structures and accurately document the distance between the structures and the scenic Bayshore Bikeway and the pedestrian walkway referenced at pages D-10-19 and D-10-36. As the bikeway and pedestrian walkway are features designed to enhance the bayfront experience, both should be identified on the Project Maps noting their proximity to the new proposed power poles, lines and structures. Section 3.4.9.3 of the final EIR for the CVBMP ("CVBMP FEIR") states that construction of the bikeway "would occur following the undergrounding of the existing overhead transmission lines, which was anticipated by 2009." The project description and maps in the DEIR do not identify the bayshore bikeway or the undergrounding referenced in the CVBMP FEIR, making consistency analysis both difficult and flawed.

The disjointed nature of the project description and references to it in different sections of the DEIR and Figures make it hard to follow. The DEIR should contain a simple, straight forward detailed summary of the number of each new power pole, power lines and their heights. This is necessary as some are 10 to 16 stories high and will significantly alter the character of this portion of the bayfront.

Figure B-3b identifies 138 kV lattice towers being removed near the existing Substation. The DEIR does not, however, describe how many of these or other poles are necessary to rebuild the Proposed Substation at the Proposed Project site or whether these poles are simply changing locations. DEIR section C-6-8 contains a power pole summary not included in Section B. It is not clear whether section C-6-8 is consistent with figures B-3 and B-3a. These figures appear to indicate the addition of 7 new power poles adjacent to the Proposed Substation. However, the figures do not identify the poles by number, type, height and distance from Bay Boulevard.

Similarly, the location of the 83 foot high telecommunications tower is not depicted on any map. It is not clear where it will be located. DEIR Figure B-6 shows the heights of the new structures associated with the substation. The project description does describe or depict these new structures on any map showing their height and distance from the Bayshore Bike Path, pedestrian walkway, or roadway. Given that the Chula Vista municipal code limits heights in this area to 40 feet, the DEIR should clearly depict the



August 31, 2012
Page 6

heights of all substation structures, power poles and lines and identify and depict them on the Proposed Project site illustrating their proximity to the bike path, walking path, and Bay Boulevard.

Section B.4.1 of the DEIR references two potential arrangements for the Proposed Project, the “initial and ultimate arrangement.” The DEIR does not clearly delineate or describe the difference between the “initial” and “ultimate” arrangement, and what this actually means. If certain aspects of the Proposed Project are not proposed to be built at this time, this should be discussed and explained. SDG&E has indicated that the two separated 230 kV overhead lines and the additional power pole entering the southeast corner of the Proposed Project may not all be part of the “initial” arrangement. The DEIR project description should clarify any aspects of the Proposed Project which are “initial” and those which are “ultimate,” and any differences that exist between the two including phasing and construction of “initial” versus “ultimate.” In addition, any proposed facilities that have been designated as “ultimate” only, and not included as “initial” facilities in the Proposed Project, do not appear to be needed at this time and should not be approved as part of the Proposed Project.

B. SOUTH BAY SUBSTATION DISMANTLING

The DEIR indicates that the demolition of the existing Substation and decommissioning of the SBPP could occur simultaneously. However, it appears that the SBPP has already been decommissioned and is being dismantled while the existing Substation is still in operation. The DEIR should confirm and state when the SBPP was taken off line and clarify this reference. (DEIR, Section B.4.2)

C. 230 kV LOOP-IN

The DEIR indicates that the 230 kV line expands westerly along Bay Boulevard to a 230 kV angle pole where it changes from an East/West alignment to a North/South alignment. As previously noted, figures B3a and B3b do not show existing conditions nor the 230 kV line running north to the Silver Gate Substation. Figure 3 in the Detail Project Component Map 1 of 3 contained in the biology report does show 230 kV lines (TL23042) connecting to an existing power pole identified as item No. 2. The DEIR should clarify the currently existing conditions of the 230 kV line and whether the line currently runs north-south connecting to the Silver Gate Substation. (DEIR, Section B.4.3)



August 31, 2012

Page 7

This section also indicates that the Proposed Project would include the removal of the "165 foot, OMPL steel cable pole riser." Figure B-3a would appear to indicate "no action" with respect to the 230 kV pole. The DEIR should clarify this possible inconsistency.

The Scoping Memorandum for the Pre-hearing Conference identifies and references the Proposed Project as consisting of certain major components which include "Construction of a 230 kV loop-in and approximately 1000-foot-long underground interconnection and approximately 300 foot long overhead interconnection of the existing 230 kV tie-line, located east of proposed Bay Boulevard substation." The maps associated with the Proposed Project would appear to indicate two new 230 kV lines going overhead into the southeastern end of the Proposed Project. These same 230 kV lines are shown as underground at the north end of the Proposed Project with no explanation as to why the Proposed Project does not underground the 230 kV lines both at the southeastern end and at the north end.

Table D.10-3 of the DEIR makes a brief reference, not included elsewhere in the DEIR, to the Chula Vista LCP which requires high voltage electric lines, including 230 kV lines, to be placed underground. (DEIR, p. D.10-30). LCP Policy A.FA7 in Section 111 C2 states "High voltage (230 KV) transmission lines shall be placed below ground." Since the Proposed Project is in a coastal zone, the DEIR should address the 300 feet of 230 kV lines shown to be above ground and explain why the Proposed Project shows these lines as above ground. Alternatively, these lines should be undergrounded to be consistent with the LCP and to mitigate the potentially significant visual impacts of the Proposed Project.

5. ALTERNATIVES

A. GENERAL COMMENTS

The alternatives analysis is divided up and included in several different sections of the DEIR making it hard to follow. Section C.5 discusses the alternatives evaluated in the EIR. Section C-6 discusses the alternatives eliminated from EIR review. Sections D.10 and E.2 evaluate the project alternatives. As drafted it makes each alternative hard to follow.

B. EXISTING SOUTH BAY SUBSTATION SITE ALTERNATIVE



August 31, 2012

Page 8

Pursuant to CEQA, when the No Project Alternative is determined to be the Environmentally Superior Alternative, DEIRs must also identify an environmentally superior alternative among the other alternatives. Accordingly, the DEIR identifies the Existing South Bay Substation Site Alternatives as the Environmentally Superior Alternative among the alternatives other than the No Project Alternative. Inland agrees with this conclusion. And there is ample evidence that this alternative will meet most of the objectives of the Proposed Project, including all of the objectives the CPUC has found appropriate for screening alternatives. SDG&E effectively conceded this point in a recent letter from its Senior Vice President and General Counsel, Davis Smith. See **EXHIBIT 2**.

If the Commission determines there to be sufficient need for the Proposed Project, it should therefore approve the Existing South Bay Substation Site Alternative rather than the Proposed Project.

C. BROADWAY AND PALOMAR SITE ALTERNATIVE (GAS insulated substation)

The DEIR's analysis of the Broadway and Palomar Site Alternative (GAS insulated substation) is not sufficiently developed, neglects to take into consider the significant biological and aesthetic impacts when comparing it to the Proposed Project, and does not properly evaluate the alternative in light of the Chula Vista Bayfront goals and objectives. (DEIR, Section C.5.5)

Elsewhere in the DEIR, the analysis notes that the GAS insulated substation can be considered the Preferred Alternative for a variety of reasons. Due to a smaller footprint and lower profile, this alternative's environmental impacts are minimal and it should be the preferred technology. (DEIR, section C.5.1).

The Broadway and Palomar Site Alternative consists of a 9 acre site, graded access roads, and pads for existing transmission structures that is located inland and not on the bayfront. It is located in a transmission corridor owned by SDG&E. With the exception of transmission structures, the site is undeveloped. There are commercial uses located to the north and commercial and light industrial uses to the south. A GIS substation requires only 4.4 acres and can easily fit on the site. As noted in section C.5.5, this alternative "meets CEQA criteria for project objectives and feasibility, and it avoids regulatory feasibility issues associated with acquiring private property since the site is currently owned by SDG&E."



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August 31, 2012

Page 9

Section C.5.5 also notes that the Broadway and Palomar site meets environmental effectiveness criteria because the alternative would lessen the environmental impacts identified under the Proposed Project. Specifically, it is significantly separated from any sensitive resources or habitat and the alternative would lessen the Proposed Project's impact to environmentally sensitive habitat and wetlands.

The Broadway and Palomar site is not on the bayfront. It does not impact scenic views of the bay. On its face it would appear to be the environmentally superior alternative and would eliminate the need to set aside 10 acres of prime bay front property for a large substation which is not a water dependent use.

Section D.10.4.5 analyzes the environmental impacts and mitigation measures of the Broadway and Palomar site. It notes that no impacts would occur with respect to conflicts with applicable land use plans and policies and this site does not conflict with any habitat conservation plan or natural community conservation plans that would result in the physical division of an established community (no LU-2, LU-3 or LU-4 impacts). This section notes that associated transmission interconnections are anticipated to occur entirely within the SDG&E transmission easement. Due to existing transmission structures on the site, industrial land uses located to the south, and the fact that the substation would be located within an existing transmission corridor which provides for the development of electrical transmitting facilities, any anticipated impacts of a GIS substation on this site are less than significant.

The only conflict pointed out in the DEIR when compared to the Proposed Project are that the construction activities (LU-2 impacts) are greater than the Proposed Project as industrial facilities similar to the Proposed Project are not located in the immediate area. This impact is considered less than significant. Even this observation, however, is inconsistent with the description of the area surrounding the Proposed Project site. The Proposed Project site also has existing industrial facilities surrounding the Proposed Project site which are not similar to the Proposed Project. No explanation is given as to why construction activities would be different.

Section E of the DEIR compares the Broadway and Palomar site to the Proposed Project. This section of the DEIR is flawed as it is not supported by any evidence. This section notes that the Palomar Site Alternative- GAS Insulated Substation is preferable over the Proposed Project for potential impact to aesthetics and biological resources. It then states that the Proposed Project is preferable for "potential impacts to aesthetics, air quality, geology and soils, land use, noise, public service transportation/traffic and climate change." The DEIR takes contrary position with respect to the impact on aesthetics. In



August 31, 2012

Page 10

fact Table E-1 on page E-4 states, without any evidence, that the Broadway and Palomar site increases aesthetic impacts. As there are no scenic views whatsoever on the Broadway/Palomar site to the bay and the Broadway/Palomar site is in an existing industrial and commercial area, the finding as to aesthetics are unsupported. Further, the DEIR does not weight the significant relative impacts on biological resources for the Proposed Project when compared to the Broadway/Palomar site. The DEIR does not note that a relocated substation at the Broadway/Palomar site would meet Chula Vista's bayfront development goals without "taking" 10 acres of additional bayfront property and without impacting sensitive habitat. A proper balancing of these factors would make the Broadway/Palomar site vastly superior to the Proposed Project.

The statement in the DEIR that the Broadway/Palomar site would result in greater visual impacts when compared to the Proposed Project because it would alter the existing character of the site to include additional industrial components in close proximity to commercial and residential uses is incorrect and fails to adequately consider the exact same, if not greater adverse visual impacts that the Proposed Project will have on the existing bayfront uses, the scenic walkway, and the bike path adjacent to the Proposed Project.

In analyzing the Broadway and Palomar site and GIS alternative, the DEIR also does not consider and evaluate other substations built in similar urban settings and design elements that cause them to blend into the existing area. These substations have structures that surround the substations and use landscaping to make them compatible to urban settings. See **EXHIBIT 8**. The DEIR should locate and include pictures and examples of larger GIS substations built in urban areas to adequately compare the visual impacts of the Broadway/Palomar site to a 10 acre air cooled substation on the bayfront.

DEIR's statement that the Proposed Project is preferred as compared to this alternative because the Proposed Project would result in reduced long-term land use and climate change impacts is not supported by evidence. Even with the Gas Insulated technology, the Broadway and Palomar site alternative will have a less than significant impact on climate change. (See DEIR Table E-1). Consequently, the variation in greenhouse gas emissions is not a basis for distinguishing this alternative from the Proposed Project.

Other sections of the DEIR analyze the goal of the CVBMP as the local land use policy; however, there is no discussion of the Broadway and Palomar Alternative's consistency with applicable local land use plans and there is no basis upon which to find such impacts greater.



August 31, 2012
Page 11

Further, the Proposed Project is not a coastal-dependent development under California Coastal Act (Public Resources Code Section 30255). Under Public Resources Code section 30260 even new or expanded industrial facilities should not be developed on the coast where alternative locations are feasible and are less environmentally damaging. The DEIR analysis of the Broadway/Palomar site fails to adequately consider the California Coastal Act when comparing the Proposed Project to the Palomar/Broadway site.

The Commission should consider this site as another Environmentally Superior Alternative and adopt it or the other Environmentally Superior Alternatives (the No Project Alternative, and the Existing Substation Alternative) instead of the Proposed Project.

**D. ADDITIONAL PARTIAL UNDERGROUNDING ALTERNATIVES
SHOULD BE GIVEN FULL EIR REVIEW**

DEIR Sections C.6.8, C.6.9 and C.6.14 all identified alternatives not considered for full EIR analysis. Section C.6.8 is for the undergrounding of all transmission poles and associated infrastructure. Section C.6.9 covers the undergrounding of all transmission poles and lines along Bay Boulevard. Section C.6.14 involves the Bay Front Enhancement Fund Alternative. It is Inland Industries' understanding that SDG&E has refined a Bay Front Enhancement Fund Alternative that would include full undergrounding of the existing 138 kV lines from a pole in the easement on Inland Industries' property west across Bay Boulevard and then extending northward. This alternative would eliminate the lattice tower which SDG&E was required to do under the pre-existing MOU with the City of Chula Vista and would underground the 138 kV line north thereby eliminating an additional steel riser pole. This partial undergrounding alternative would lessen the potentially significant visual and aesthetic impacts of the Proposed Project and should be given full consideration in the DEIR.

The Proposed Project also includes additional 230 kV lines and poles in the vicinity of the relocated substation. 300 feet of additional new 230 kV transmission lines and an additional steel riser pole, which splits lines going into southeast corner of the proposed relocated substation, are proposed to be installed above ground.. The 230 kV lines entering the proposed relocated substation from the north are proposed to be installed underground. As previously noted, Chula Vista's LCP mandates all high voltage 230 kV transmission lines be placed underground. In addition, installing additional new above ground 230 kV lines and poles in this bayfront location will have potentially significant adverse visual and aesthetic impacts. The DEIR fails to adequately evaluate and mitigate



August 31, 2012

Page 12

these potentially significant impacts. The DEIR should give full consideration to undergrounding the additional 230 kV lines in this area.

The DEIR should consider the additional partial undergrounding alternatives described above and should not limit consideration of such alternatives to the all or nothing propositions set forth in Sections C.6.8 and C.6.9. The DEIR should, in particular, review a specifically developed Bay Front Enhancement Alternative that would include undergrounding of the 230 kV lines. Such an alternative would significantly lessen the visual and aesthetic impacts of the Proposed Project on the bayfront environment generally, including the pedestrian walkway, the bike path, and on the views from Bay Boulevard.

7. GENERAL COMMENTS ON IMPACT ANALYSIS IN THE DEIR

All mitigation measures in the entire DEIR should be clearly identified as mitigation measures. For example "BIO-1" should be "Mitigation Measure BIO-1" or "MM BIO-1." All of the impacts are clearly labeled in a similar manner. For example, "Impact BIO-1." Thus, such labeling for the mitigation measures will be consistent with the format for labeling the impacts.

All of the Proposed Project impact analysis sections dealing with compliance with federal, state, or local plans or regulations must analyze the Proposed Project's compliance with federal and state plans or regulations. The CPUC General Order No. 131-D does not preempt state or federal jurisdiction. Section XIV of the General Order states that "local jurisdictions acting pursuant to local authority are preempted." Section XV of the General Order states that "Nothing in this order shall be construed to preempt or otherwise limit the jurisdiction of state agencies other than this Commission to exercise the full range of their jurisdiction under state or federal law over facilities subject to this order." The need for this federal and state plan/regulation analysis is mentioned specifically in a few comments below. However, this general comment here covers the need for this analysis in the entire DEIR.

Additionally, Section XV of the CPUC General Order states that "A coastal development permit shall be obtained from the Coastal Commission for development of facilities subject to this order in the coastal zone." The need for a coastal development permit should be discussed in the DEIR.



August 31, 2012
Page 13

All Applicant Proposed Measures (APMs) should use mandatory language to ensure that the measures are enforceable. All references to "would" in all APMs should be replaced with "shall."

8. BIOLOGICAL RESOURCES

In addition to the comments provided herein, Dr. Stephen Neudecker of Resource Balance, Inc. prepared the attached letter that reviews the analysis of the Biological Resources section of the DEIR. (See **EXHIBIT 9**) His comments are referred to throughout these comments as his comments provide substantial evidence of fact-based expert opinion that the Proposed Project will have a significant impact on biological resources.

A. GENERAL COMMENTS

The organization of this chapter of the DEIR is hard to follow. All impact discussions and mitigation measures should be broken out by species. Thus, each impact and mitigation measure should have a subheading for each relevant species and include a discussion of the status or presence of the species and a discussion of the project's impact on the species. As drafted the DEIR lumps species together and leads to a confusing analysis.

The DEIR should clearly indicate the source document for all of the mitigation ratios included in the DEIR. As drafted, the reader has no idea what the basis for the ratio is and therefore no confidence in the conclusion that the impact is mitigated. The agency must provide the reader with the analytical route to support its conclusions.

B. SPECIAL-STATUS WILDLIFE AND ESHAs

a. The DEIR Should Be Revised to More Fully Analyze the Potential Impacts on the Light-Footed Clapper Rail.

As explained by Dr. Neudecker, the light-footed clapper rail is a state and federally listed endangered species and is the most endangered wetland bird in California. Based on the amount of wetlands that will be impacted by the Proposed Project and its proximity to breeding populations of light-footed clapper rails, the potential for Light-footed clapper rail should be a "High Potential," not a "Moderate Potential" as indicated in the Biological Resources Technical Report for the Proposed Project dated May 2011 (the "Biological Technical Report").



August 31, 2012
Page 14

Dr. Neudecker's opinion is supported by the DEIR. According to the Biological Technical Report, the Light-Footed Clapper Rail's habitat is primarily intertidal salt marsh and the species has been found in virtually all marshlike habitat. Furthermore, the Light-Footed Clapper Rail has been known to occur in San Diego County. Moreover, occurrences have been documented surrounding the Proposed Project area and within one mile and five miles. (See Biological Technical Report, p. 62) Consequently, the DEIR's analysis of the potential impacts on the light-footed clapper rail is inaccurate, incomplete, and not sufficient to satisfy CEQA's requirements for full disclosure of potential impacts. The DEIR should be revised to more fully analyze the potential impacts on the Light-Footed Clapper Rail throughout the DEIR (p. D.5-21) and specifically in Impact BIO-7.

b. The DEIR Should Be Revised to More Fully Analyze the Potential Impacts on the San Diego Fairy Shrimp.

The Biological Technical Report states that the USFWS protocol-level dry-season soil sampling surveys for San Diego Fairy Shrimp were being conducted in the Proposed Project area and would be completed by July 2011. (See Biological Technical Report, pgs. 56 & 67) The attachments to the DEIR should have included these completed dry-season sampling surveys. More importantly, the DEIR states that the dry-season surveys were conducted in November 2011.

Furthermore, as noted by Dr. Neudecker, there is a high potential for the fairy shrimp to colonize the seasonal ponds on the Proposed Project site. As such, the Proposed Project site provides potential habitat for the species. The DEIR should be revised to more fully analyze the potential impacts on the San Diego Fairy Shrimp and disclose the impact on potential habitat. (See p. D.5-21)

c. The Proposed Project Site Is an Environmentally Sensitive Habitat Area

The DEIR incorrectly concludes that the Proposed Project site is not an Environmentally Sensitive Habitat Area (ESHA) as a result of the site's high-degree of disturbance, lack of sensitive habitat types, isolation of the habitat from other areas, and the lack of rare species or suitable habitat to support rare species. (DEIR, p. D.5-23). ESHA are defined in the California Coastal Act as "any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments." (Gov. Code Section 30107.5).



SCHWARTZ SEMERDJIAN
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August 31, 2012

Page 15

As explained by Dr. Neudecker, the Proposed Project site easily qualifies an ESHA. First, the relative disturbed condition of some of the wetlands on the Proposed Project site does not change the fact that they are sensitive and rare coastal wetlands that provide habitat to species in the adjacent NWR. Second, the sensitive and rare wetlands on the Proposed Project site are especially valuable because of their special nature and role in the ecosystem and would be easily disturbed by the Proposed Project. Third, the wetlands on the Proposed Project site are located immediately adjacent to and connected to the NWR and, thus, are not an isolated habitat area. For example, the Proposed Project site borders Pond 29 of the NWR. Furthermore, as explained by Dr. Neudecker, this proximity of the Proposed Project to the NWR raises the likelihood of significant nighttime lighting impacts on listed species in the NWR. Fourth, the Proposed Project site contains habitat to support sensitive species and such species have been observed on the site. Consequently, for all of these reasons detailed by Dr. Neudecker in his letter, the seasonal ponds on the Proposed Project site are rare wetlands and the site contains habitat that meets the definition of an ESHA. (See pages 2-6 of Dr. Neudecker's letter).

Since the area will likely be regulated as an ESHA by the regulatory agencies, the DEIR should be amended to consider the feasibility of the Proposed Project in light of the fact that ESHA's are protected by the Coastal Act. The Coastal Act Section 30240(a) provides that ESHA are to be "protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas." Nothing about the Proposed Project is dependent up on those resources (just as it is not a water dependent use under the U.S. Army Corps of Engineers ("USACE")). Thus, if the resources agencies find it is an ESHA, the project will likely not go forward.

Second, even if the resources agencies agree with the DEIR and do not consider it an ESHA, the site is adjacent to the San Diego Bay National Wildlife Refuge. Under Coastal Act Section 30240(b), "development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas." The development of the Proposed Project is not sited to prevent impacts which would degrade the San Diego Bay National Wildlife Refuge and it would degrade the potential for the expansion of the refuge as well as limit foraging opportunities for species in the refuge by filling the rare freshwater coastal wetlands on the site. The Broadway and Palomar alternative site is not on the coast and would not have any impact on rare coastal wetlands habitats. The potential for these regulatory responses must be disclosed and analyzed in the DEIR.



August 31, 2012
Page 16

C. THE APPLICANT PROPOSED MEASURE APM-BIO-03 IS DEFERRED MITIGATION.

APM-BIO-03 is improperly deferred mitigation. It allows a biological monitor to make recommendations in the future to reduce noise and/or disturbance in the vicinity of a nest. Those mitigation measures should be clearly defined at this time. (DEIR, p. D.5-39)

D. BAY BOULEVARD SUBSTATION

a. The Impacts to the Wetlands on the Proposed Project Site Cannot Be Mitigated and, Thus, Result in Significant and Unavoidable Impacts, Requiring the Adoption of the Existing South Bay Substation Site as the Project.

Despite the extensive permanent impacts to rare coastal wetlands, the mitigation measures described in this section is flawed in several respects. First, the mitigation measure does not provide adequate detail to describe how or where the wetlands will be mitigated. The wetland mitigation should be similar coastal freshwater wetland areas located within a specified distance from the project site. The mitigation measure also defers development of performance standards and success criteria and imposes no monitoring or verification requirement and does not provide what will occur if the eventually determined mitigation fails. In short, the mitigation measure provides no detail as to how or where the project will mitigate its very significant impacts to wetlands. (See Impact BIO-2 and Mitigation Measure BIO-3)

Second, the mitigation ratio will likely be much higher than the ratio listed in the DEIR. The combination of habitat creation and habitat restoration cited in mitigation measure BIO-3 at a minimum of a 4:1 ratio with at least 1:1 creation of new jurisdictional areas or as required by the permitting agencies will actually require a much higher ratio to comply with the USACE mitigation ratio checklist. As explained by Dr. Neudecker, the South Pacific Division of the USACE recently released a new mitigation ratio checklist that should be analyzed in the DEIR and which will result in a higher mitigation ratio. In fact, applications with the USACE that were not complete before April 20, 2011 must comply with the new mitigation checklist. Based on the April 17, 2012 e-mails between Tamara Spear of SDG&E and Robert Smith of the USACE where SDG&E requested that the USACE place the 404 application for the Proposed Project on hold, the application is considered withdrawn. Therefore, the 404 application must comply with the new mitigation checklist when the application is reactivated and eventually deemed complete. (See attached April 17, 2012 e-mail chain). (See **Exhibit 10**)



SCHWARTZ SEMERDJIAN
BALLARD & CAULEY LLP
Attorneys at Law

August 31, 2012

Page 17

As Dr. Neudecker explains, either under the DEIR's current ratios in mitigation measure BIO-3 or under the higher ratio that will be required for offsite mitigation pursuant to the USACE mitigation ratio checklist, the mitigation will be infeasible because appropriate mitigation sites do not exist. The Proposed Project site contains fresh water wetland habitat adjacent to the Bay and similar mitigation habitat has not been identified. Mitigation sites found in the vicinity do not provide the same type of habitat for offsite mitigation. Also, as Dr. Neudecker explains, the D Street Fill site's soils are not suitable for the creation of seasonal ponds. Thus, the D Street Fill site cannot provide "like for like" mitigation. Furthermore, even assuming that the D Street Fill site could provide "like for like" mitigation, the D Street Fill site does not include enough acreage to mitigate the impacts on the existing wetlands at the D Street Fill site that would result from the creation of new wetlands.

Furthermore, Dr. Neudecker states in his letter that "[n]ot only is the availability of 9.8 acres of wetland mitigation on the San Diego Bay likely impossible, the creation requirement is particularly onerous." (See page 7 of Dr. Neudecker's letter). Dr. Neudecker's professional expert fact-based opinion is that "there is no suitable location to provide 9.8 acres of seasonal wetlands, adjacent to the Bay" and "[e]ven more constrained is a suitable site on which to create 2.45 acres of seasonal ponds adjacent to the Bay," is substantial evidence of the infeasibility of this mitigation measure (BIO-3). (14 Cal. Code Regs. § 15384(b)). Therefore, mitigation is infeasible and thus not a legally suitable basis for mitigating the impacts of the Proposed Project. *Fairview Neighbors v. County of Ventura*, 70 CA4th 238 (1999). Consequently, Impact Bio-2 cannot be mitigated to less than significant levels by mitigation measure BIO-3, resulting in a significant and unavoidable impact. Such a change to a significant and unavoidable impact requires recirculation of the DEIR to the public for comment. (14 Cal Code Regs §15088.5).

The fact that the wetland impacts are significant and unavoidable changes the alternatives analysis. A public agency cannot certify an EIR for a proposed project unless (1) all potentially significant impacts have been reduced to less than significant levels, or (2) significant unavoidable impacts remain which cannot be reduced to less than significant levels by mitigation measures or by adopting a project alternative analyzed in the EIR and which significant and unavoidable impacts are found by the lead agency to be acceptable regardless of the significant unavoidable impacts through a statement of overriding considerations. (Pub Res Code §21081; 14 Cal Code Regs §§15091, 15092, 15093). As is the case here, if a project will result in one or more significant impacts that will not be avoided or lessened to less than significant levels by mitigation measures, the lead agency must consider the environmentally superior alternatives identified in the



SCHWARTZ SEMERDJIAN
BALLARD & CAULEY LLP
Attorneys at Law

August 31, 2012

Page 18

DEIR and determine if they are "infeasible" before approving the project. (Pub Res Code §21081(a)(3); 14 Cal Code Regs §15091(a)(3); See *Citizens for Quality Growth v. City of Mt. Shasta*, 198 Cal.App.3d 433 (1988) (agency erred by failing to consider feasibility of alternatives when adopting an alternative would provide the only means by which to reduce or avoid the project's significant effect on wetlands). This requirement stems from the CEQA requirement that agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental impacts of such projects. (Pub Res Code §21002).

Here, the CPUC cannot approve the Proposed Project with this significant unavoidable impact (Impact Bio-2) because there are feasible alternatives analyzed in the DEIR that would avoid this significant impact. An agency's finding of infeasibility for an alternative must describe the specific reasons for rejecting such alternatives and the finding must be supported by substantial evidence in the record. (Pub Res Code §21081.5; 14 Cal Code Regs §15091(a)). However, as discussed below, here all the evidence in the record supports a finding that there are feasible alternatives to the Proposed Substation Project.

As discussed in the DEIR, the Environmentally Superior Alternative is the No Project Alternative. In such case, the DEIR must also identify an environmentally superior alternative among the other alternatives. (14 Cal Code Regs §15126.6(e)(2)). The DEIR selected the Existing South Bay Substation Site as the environmentally superior alternative among the other alternatives. The Existing South Bay Substation Site Alternative involves dismantling the existing South Bay Substation and construction of a new substation at the same location which is "a highly disturbed site." (DEIR, p. C-43). The Existing South Bay Substation Site Alternative "*meets CEQA criteria for project objectives, is potentially feasible to construct, and meets environmental effectiveness criteria because the alternative would potentially lessen environmental impacts identified under the Proposed Project." (DEIR, p. C-43, emphasis added). The Existing South Bay Substation Site Alternative "would reduce project-related long-term environmental impacts associated with wetlands that have been identified as significant and mitigable, while not resulting in more overall impacts than the Proposed Project." (DEIR, p. E-22). Unlike the Proposed Project the Existing South Bay Substation Site Alternative would not impact the unique fresh water wetlands on the Proposed Project site. As such, this feasible alternative avoids a significant impact and therefore the CPUC must reject the Proposed Substation Project and adopt the Existing South Bay Substation Site Alternative as the project.*



August 31, 2012

Page 19

b. The Noxious Weeds Mitigation Measure Is Unclear and Is Lacking Key Information.

The applicable permitting agencies should review and approve the Noxious Weeds and Invasive Species Control Plan. It is also unclear who will be preparing the Noxious Weeds and Invasive Species Control Plan. The first sentence of this mitigation measure should be revised to state who will be preparing the plan and that it shall be reviewed and approved by the applicable permitting agencies. Also, a timing requirement must be added to ensure the mitigation is required in advance of construction. (See BIO-4 on p. D.5-44)

c. The Dust Control Plan Needs CPUC Approval.

To ensure that this mitigation measure is enforceable, the CPUC should approve the Dust Control Plan. Thus, subsection (j) of this mitigation measure should add "approved" as follows: "(j) prepare and file a Dust Control Plan with the CPUC for the CPUC's approval prior to the commencement of construction that describes how these measures would be implemented and monitored throughout construction." (See BIO-5 on p. D.5-45)

d. The DEIR Should Explain the Mitigation For Species Provided For in the SDG&E NCCP.

This impact analysis should explain how the SDG&E NCCP discusses and provides mitigation measures for the species listed in the second paragraph of this impact analysis. (See Impact BIO-7 on p. D.5-47)

e. The California Coastal Commission Will Not Be Able to Approve a Coastal Development Permit for the Proposed Project.

In the August 3, 2011 California Coastal Commission letter, the Coastal Commission provided that the DEIR should evaluate the loss of wetland habitat caused by the Proposed Project. The California Coastal Commission will consider issuance of a coastal development permit for the South Bay Substation Relocation Project. For new or expanded energy facility projects, such as the Proposed Project, the filling of wetlands shall be permitted by the California Coastal Commission in accordance with the provisions of the Coastal Act where (1) there is no feasible less environmentally damaging alternative, and (2) where feasible mitigation measures have been provided to minimize adverse environmental effects. (Coastal Act, Public Resources Code, §30233(a)) Consequently, the California Coastal Commission will not approve a coastal development permit for the Proposed Project where there are feasible less



August 31, 2012
Page 20

environmentally damaging alternatives such as the environmentally superior alternatives including the No Project Alternative and the Existing South Bay Substation Site Alternative.

f. The Grading and Trenching Analysis Is Insufficient.

There is also no evidence to support the conclusion that grading and trenching associated with construction will be less than significant in the second full paragraph on page D.5-48. How many acres will be graded or trenched? Even if the area to be graded and trenched is small, the size of the area disturbed is not relevant for determining the impact's significance. There has to be mitigation even if the significant impact is in a small area. Mitigation measures should be listed for the grading and trenching significant impacts such as a preconstruction survey, avoidance of a certain area, and other related mitigation measures. (See Impact BIO-7).

g. Construction May Impact Nesting Opportunities.

There is no evidence to support the conclusion that construction activities will not impact nesting opportunities. Again, the size of the impacted area is not relevant when determining the impact's significance. The Proposed Project area is actually quite large. Even if the Proposed Project area is small as compared to the foraging range, that comparison is irrelevant for determining the impacts on nesting opportunities on the Proposed Project site. The discussion of the nesting opportunities should not assume that impacts to western burrowing owls are not anticipated. In fact, the discussion actually admits that impacts could occur if owls decide to nest on the site, and given the sites location, such nesting is likely. Thus, the BIO-6 mitigation measure should not assume that owls are not anticipated. (See Impact BIO-7 and mitigation measure BIO-6)

h. Alternate Mitigation for Burrowing Owls Should Be Approved by CDFG.

The CDFG should have to approve the alternate mitigation for burrowing owls. The second to last sentence in the second full paragraph on page D.5-50 should be revised as follows: "If the alternate burrows are not used by the relocated owls, then the applicant shall work with CDFG, and receive CDFG's approval prior to commencing construction activities, to provide CDFG approved alternate mitigation for burrowing owls." (See BIO-6 on p. D.5-49)



August 31, 2012
Page 21

i. Mitigation Measure BIO-7 Is Internally Inconsistent.

The last sentence of this mitigation measure should be deleted. The beginning of this mitigation measure states that "[a]ll ground disturbance activity within 500 feet of an active nest will be halted until that nesting effort is finished. The on-site biologist will review and verify compliance with these nesting boundaries and will verify that the nesting effort has finished." It is internally inconsistent to then state that "[i]f grading or site disturbance must occur within 500 feet of an active nest, Mitigation Measure BIO-8 shall be implemented." This sentence should be deleted. If there are nesting activities within 500 feet, construction must be halted until nesting activities are finished. (See BIO-7 on p. D.5-52)

j. The First Sentence in BIO-8 Has a Typographical Error.

The first sentence in BIO-8 needs to be revised to delete the word "completing" and replace it with the word "commencing" as follows: "Prior to commencing any ground disturbance,"

k. The Size of an Impacted Area Is Irrelevant For Determining Significance.

Again, the size of the impacted area is irrelevant for determining significance. The last paragraph on page D.5-53 states that because the construction would result in minimal habitat alterations and would encompass a relatively small development footprint, the construction would not substantially block movement by animals. That statement is not supported by evidence. This section must include an analysis of how the alterations to existing habitats and the development footprint, no matter how small, could potentially impact animal movement. Additionally, the alterations to existing habitats and the development footprint are not small. (See BIO 8 on page D.5-53)

l. There Is No Evidence That Species Currently Move Through the Site and Will Continue to do so After Construction and Operation.

Under the Operations section on page D.5-54, there is no evidence to support the claim that species currently move through the site and are likely to do so following construction and during operation and maintenance activities. This section needs to analyze how the construction and operation and maintenance activities could potentially impact animal movement. Consequently, the conclusion that there would not be significant impacts to wildlife movement or to established movement corridors or nursery sites is speculative and unsubstantiated. (See BIO 8 on page D.5-54).



August 31, 2012

Page 22

m. More Evidence Is Required Regarding the Raptor Perch Deterrent Devices.

There needs to be evidence that the raptor perch deterrent devices will be successful. This mitigation measure states that these devices are "intended to discourage birds from landing...." What evidence is there, if any, that the devices will be successful? What does the current substation have in the way of raptor perch deterrent devices? How successful are those current devices? How many raptors per year are killed by the existing substation? (See BIO-9 on page D.5-55)

n. CPUC General Order No. 131-D Does Not Preempt State or Federal Law.

This impact analysis should consider "Impacts to Regional Plans, NCCPs, HCPs, Conservation Plans, and Critical Habitat." This section states that the CPUC General Order No. 131-D gives the CPUC "sole and exclusive jurisdiction over the siting and design of the Proposed Project. Consequently, the Proposed Project would not conflict with any applicable local plans, policies, or regulations of an agency with jurisdiction over the project." (See Impact BIO-12 on page D.5-55)

However, CPUC General Order No. 131-D does not preempt state or federal jurisdiction. Section XIV of the General Order states that "local jurisdictions acting pursuant to local authority are preempted." Section XV of the General Order states that "Nothing in this order shall be construed to preempt or otherwise limit the jurisdiction of state agencies other than this Commission to exercise the full range of their jurisdiction under state or federal law over facilities subject to this order." Consequently, the DEIR should analyze all state and federal conservation/habitat plans such as any HCPs or Critical Habitat designations. Specifically, the Proposed Project will require permits from the California Coastal Commission and the USACE. Therefore, the DEIR should evaluate the permit requirements of the California Coastal Commission and the USACE as they relate to the DEIR's alternatives.

o. The DEIR Does Not Address the California Coastal Commission's Concerns.

On August 3, 2011, the California Coastal Commission wrote a letter commenting on the Notice of Preparation ("NOP") and the required scope of environmental review in the DEIR. The Proposed Project will require a coastal development permit from the California Coastal Commission. The California Coastal Commission's comments on the required scope of the DEIR have not been fully addressed in the DEIR. For example, this impact analysis does not assess the Proposed Project's conformity with Chapter 3 policies of the Coastal Act. The August 2011 letter from the California Coastal Commission



August 31, 2012
Page 23

stated that "across all issue areas please assess this project's conformity with the relevant Chapter 3 policies of the Coastal Act."

As described above, the California Coastal Commission will not approve a coastal development permit for the Proposed Project where there are feasible less environmentally damaging alternatives such as the environmentally superior alternatives including the No Project Alternative and the Existing South Bay Substation Site Alternative.

p. The USACE May Not Permit Discharges For the Proposed Project.

In addition, wetlands under the jurisdiction of the USACE may be impacted by the Proposed Project. Pursuant to USACE guidelines set forth in the Code of Federal Regulations Section 404(b)(1), the USACE may only permit discharges of dredged or fill material into waters of the United States that represent the least damaging practicable alternative, so long as the alternative does not have other significant adverse environmental consequences. The alternatives analysis for the USACE must consider alternatives that would involve no discharges of dredged or fill material into wetlands. The practicability of each alternative shall be analyzed along with the environmental impact of each alternative. The least environmentally damaging practicable alternative must be identified. Also, practicable alternatives that have no significant or easily identifiable difference in impact from the least environmentally damaging practicable alternative must be identified. If the least environmentally damaging practicable alternative still has adverse impacts to the wetlands, there must be measures identified to further minimize those impacts and provide compensatory mitigation for any remaining unavoidable adverse impacts. Therefore, the USACE will not likely permit discharges of dredged or fill material for the Proposed Project because the Proposed Project does not represent the least damaging practicable alternative.

q. USFWS Should Be Added To the List of Jurisdictional Agencies.

The USFWS should be added to the jurisdictional agencies listed in the second to last paragraph on page D.5-56 discussing the LCP Land Use Plan.

E. TRANSMISSION INTERCONNECTIONS

a. Mitigation Measures Should Be Identified By Name.

Repeat the mitigation measures here by name that are generally referred to here that will reduce the impact to less-than-significant levels. Our same comments regarding Impact



August 31, 2012
Page 24

BIO-7 and its mitigation measures in Section D.5.3.3 are incorporate by reference here and we request a response as it relates to this Impact BIO-7 under this Section D.5.3.5. (See Impact BIO-7 on page D.5-66).

b. Mitigation Measure BIO-11 Is Internally Inconsistent.

This mitigation measure should end after the sentence ending in "...and the young have fledged." The rest of the paragraph should be deleted. The beginning of this mitigation measure states that "Helicopter activity during construction shall be restricted to the non-breeding season..." The mitigation measure goes on to state that if helicopter activities are deemed necessary, a preconstruction survey shall be conducted and if an active nest is discovered, helicopter activities shall be postponed until nesting is complete and the young have fledged. (See BIO-11 on page D.5-66)

A qualified biologist should have to confirm that the nesting activities are complete and the young have fledged. This should be added to the sentence as follows: "If nesting birds are present and/or an active nest is discovered, helicopter activity shall be postponed until a qualified biologist confirms that nesting is complete and the young have fledged."

In the second half of the mitigation measure, it is internally inconsistent to then allow helicopter activity regardless of finding an active nest/nesting birds. It is also improper mitigation deferral to be determined at a later date. As stated above, the mitigation measure should end after the sentence ending in "...and the young have fledged." However, if the agency chooses to retain this second half of the mitigation measure, which we are not suggesting, the last sentence should be revised with the underlined language as follows: "Documentation of USFWS approved helicopter use shall be provided to CPUC prior to helicopter activities"

c. Impact BIO-8 Regarding Nesting Is Deferred, Unenforceable, and Speculative.

This impact analysis states that to minimize impacts, the applicant will implement APM-BIO-03 requiring a qualified biologist to conduct a nesting survey prior to the start of construction and, if nests are active, the qualified biologist must make recommendations to reduce impacts. This is deferred, unenforceable, speculative mitigation. There has to be an actual mitigation measure that has evidence to support that the mitigation measure will reduce the potentially significant impact to less than significant levels. (See Impact BIO-8 on page D.5-67)



August 31, 2012
Page 25

d. Additional Evidence Is Required Regarding Species Moving Through the Site.

In the first paragraph under the Operations section on page D.5-68, there is no evidence to support the claim that species that currently move through the site are likely to do so following construction and during operation and maintenance activities. There is no discussion of which species currently move through the site. The DEIR must explain the evidence regarding those species' current movement patterns that supports the claim that the species will move through the Proposed Project site. (See Impact BIO-9 on page D.5-67)

F. PROJECT ALTERNATIVES

a. Existing South Bay Substation Site Alternative

ii. Additional Information Is Required To Fully Analyze the Air Insulated Substation Alternative.

The first paragraph under the Environmental Impacts and Mitigation Measures section provides that the "construction of other project components (i.e., transmission interconnections) could, however, result in significant impacts to both native communities and jurisdictional resources; therefore, APMs . . . as well as Mitigation Measures . . . reduce . . . to less-than-significant (Class II) levels." Under CEQA the whole of the project includes offsite portions that are required to construct the project. The DEIR fails to describe the offsite portions of the project and the impact from those portions. What activities and impacts are involved with the transmission interconnections? Where are these transmission interconnections located? Please list all of the "other project components" in this sentence, not just the transmission interconnections. What activities and what impacts are involved with all of the project components? What native communities and jurisdictional resources are impacted by the transmission interconnections or other offsite portions of the project? Where are these communities and resources located?

In the last paragraph on page D.5-85, there is no evidence to support the claim that all other impacts would be similar to those previously identified in Section D.5.3 for the Proposed Project. How will the impacts be similar? What evidence is there that the impacts will be similar?

In the discussion of the comparison to the Proposed Project on page D.5-86, what are the impacts associated with the transmission interconnections? Where are these transmission



August 31, 2012

Page 26

interconnections located? Also, how will the overall impacts be similar to the Proposed Project?

ii. More Information Is Required to Fully Analyze the Gas Insulated Substation Alternative.

Where will the transmission interconnections be located? What construction and operational activities are associated with the transmission interconnections?

In the Section on Comparison to the Proposed Project on page D.5-88, please list what is included in "all project components." How would considering all project components result in overall impacts being similar to those of the Proposed Project? Specifically, what is similar? How are "all other impacts" similar to the Proposed Project? Specifically, what is similar?

9. PUBLIC HEALTH AND SAFETY

The DEIR does not address remediation of the existing Substation site to residential standards. As mentioned above under Section I of this letter covering General Comments on the DEIR, the DEIR should have analyzed the contaminated status of the existing Substation site, the potential impacts of remediating that site to residential standards for the planned RV Park, and the potential remaining impacts on future residents of the RV Park even after remediation.

The DEIR states that a Phase I environmental site assessment was performed for the existing Substation site. However, the stated purpose of the Phase I was to protect worker health and safety and minimize public exposure to hazardous materials during construction and waste handling. (DEIR, p. D.8-1). The DEIR acknowledges the site is listed on "several federal, state, and local regulatory databases" but does not provide any additional detail on the reasons the site is listed. (DEIR, D.8-16). Given the site's historic use as a power plant, it is certain that there will be soil and groundwater contamination on the site. The analysis provides no discussion of the likely contamination that was very likely contaminated by SDG&E's use of the site. There is *no discussion at all* in the DEIR of remediation of that contamination to any standard.

The planned use for the site is for an RV park. Several documents, including the DEIR recognize that the existing Substation site is planned for residential use as an RV Park. For example, the Land Use and Planning chapter of the DEIR states that the existing Substation site is designated Commercial Recreation with recreational vehicle



August 31, 2012
Page 27

(RV)/camping amenities. Additionally, certain designations are proposed for an RV Park containing between 175 and 236 RV parking spaces. (DEIR, p. D.10-8). Additionally, the Chula Vista Bayfront Master Plan EIR acknowledges that the existing Substation site is planned for residential use as an RV Park. (See pages 1-17, 3-10, and 3-113). However, neither the DEIR nor the Chula Vista Bayfront Master Plan EIR analyze the required remediation to allow for such residential use.

As such, the review of the site for contaminants must consider the foreseeable use of the site as residential and the clean-up that will occur as part of the relocation of the substation must include remediation work to achieve safe levels for residential use. Without such remediation analysis for the existing Substation site, the CEQA analysis is improperly segmented. Pursuant to CEQA, the DEIR must analyze the whole of the action which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. (California Code of Regulations §15378(a); California Public Resources Code §21065). It is reasonably foreseeable that the relocation will allow the RV park use and thus the relocation is the first step in the approval of that use -- and here the history shows the development of the RV park is the entire purpose of the relocation. As such, the impacts from the clean-up of the existing use must be considered in this EIR. *See e.g. Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116; *Fullerton Joint Union High School Dist. v. State Bd. of Education* (1982) 32 Cal.3d 779.

The remediation must be considered as SDG&E will be required under state law to remediate any contamination it caused to the property and it is clear that the proposed use will be the RV park. Given the use of the existing Substation site and stringent level of clean-up necessary for residential use, the clean-up is likely to be significant. Impacts from the remediation work also have not been included in the DEIR, such as air quality impacts from the machinery required to excavate contaminated soil from the site and impacts from the trucks required to transport that contaminated soil from the site to a hazardous material landfill qualified to receive such soil. The DEIR needs to analyze such impacts and any required mitigation.

Moreover, this is not the first time this comment has been made. The DEIR does not satisfy the requirements of the DTSC as outlined in its August 8, 2011 letter to the CPUC commenting on the NOP for the DEIR. First, that DTSC letter states that the "EIR should identify the mechanism to initiate any required investigation and/or remediation for any site within the Proposed Project area that may be contaminated, and the governmental agency to provide appropriate regulatory oversight. If necessary, DTSC would require an oversight agreement in order to review such document." The DEIR



August 31, 2012

Page 28

does not identify the mechanism to initiate any remediation for any site within the Proposed Project area, including the existing Substation site. Consequently, this Public Health and Safety chapter of the DEIR needs to be revised to analyze the potential hazard and hazardous material impacts outlined above related to remediation and using the existing Substation site for residential uses. After such revisions are made to the DEIR, pursuant to CEQA Guidelines 15088.5, as significant new information, the DEIR should be recirculated to the public for comment.

Lastly, the contamination on the Proposed Project site is at least discussed but it is given very short shrift even though the DEIR baldly states that "Excavation and construction activities at the proposed Bay Boulevard Substation site *could create significant hazards* because the subsurface has not been fully characterized." (DEIR, p. D.8-16) Despite the acknowledgment that the impacts may be significant the only mitigation is to require a site assessment and if there are any hazards encountered state law will be followed. CEQA requires more specificity in proposed mitigation measures through identification of what measures and what performance standards will be imposed to determine the site is remediated. The report does not even identify which agency will address the clean-up nor does it state when the remediation work will be conducted. This mitigation is plainly inadequate. Also, as noted above, the impact from the remediation effort (air quality, hauling, etc.) needs to be analyzed in the DEIR.

10. AESTHETICS

A. **The Aesthetics Section Is Inadequate as it Does Not Use the Proper Baseline or Cumulative Analysis.**

The aesthetics section is flawed as the existing power poles, lines, and related industrial structures are not explicitly considered in the DEIR as part of the current baseline conditions, nor as part of the cumulative impacts analysis in DEIR Section F.4. Consequently, the DEIR does not use a proper baseline for the aesthetic impacts and the DEIR's cumulative analysis is flawed as it does not include the past and present projects in its analysis. For example:

- In Section D.2.3.3 under Impact AES-3 (in the second paragraph under Operation and Maintenance on page D.2-32), the DEIR admits that the Proposed Project would add additional vertical and horizontal industrial forms to the project area and that these prominent support structures features would further industrialize the character of the area.



August 31, 2012

Page 29

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- Also, in this same Impact AES-3 section on page D.2-34, the DEIR states that the site is located in an industrial area currently populated by transmission structures, lines, and corridors.
 - Impact AES-3 in Section D.2.3.5 (Transmission Interconnections) starting on page D.2-41 refers to the area currently having transmission lines and structures that are evident in the existing landscape.

However, there is no discussion in any of these impact analysis sections regarding at what point the Proposed Project adds to the existing conditions in such a way as to possibly result in a significant impact or a cumulatively considerable impact.

B. The Analysis of Visual and Aesthetic Impacts Fails to Adequately Consider the Proposed Project in the Broader Context of the CVBMP

As noted above, the Proposed Project is part of the much larger CVBMP and should have been evaluated under CEQA in conjunction with prior discretionary local agency decisions and approvals concerning the CVBMP. This was not done. The DEIR also fails to adequately evaluate the Proposed Project in the broader context of the larger CVBMP. As a result, the DEIR significantly understates the potential adverse impacts of the Proposed Project.

C. The Environmental Setting for the Proposed Project Is Not Properly Analyzed.

Chula Vista's LCP zones the property adjacent to the Proposed Project as Industrial R (Research and Development "IR") and G (General "IG"). Uses permitted in these zones currently include business and communication service commercial, research and development commercial, essential service civic and a wide variety of conditionally permitted uses. Businesses in adjacent properties include South Bay Community Services, San Diego Career Center, County of San Diego Health and Human Services and Probation Department, a Gymnastic Academy, Pima Medical Academy and a furniture warehouse store. None of these actual uses are "industrial" but have been permitted under the IR and IG zone. (DEIR, Section D.2.1)

Given the changing nature of the Chula Vista Bayfront acknowledged elsewhere in the DEIR, it is also reasonably foreseeable that visitor recreation, visitor serving commercial uses and commercial-professional and residential uses will be permitted in the area during the estimated 50 year life span of the Proposed Project. The DEIR visual impacts



August 31, 2012

Page 30

analysis fails to take into consideration either the existing types of permitted uses or the Chula Vista Bayfront Specific Plan policy to “[c]hange the existing industrial image at the bayfront and develop a new identity consonant with its future public and commercial recreational role.” See the Chula Vista Bayfront Specific Plan Section 19.85.006, page D.2-28. The existing and potential land uses in the vicinity of the Proposed Project need to be addressed in the DEIR in the cumulative impacts discussion.

In the DEIR View Types and Volumes Section on page D.2-2, existing IR and IG industrial uses should have been included along with uses recognized by the Chula Vista Bayfront Specific Plan in the list of land uses that may be visually sensitive to change.

In the Key Observation Points (KOPs) section on page D.2-3, views other than those for travel routes should have been included in the KOPs. Even if the views are somewhat screened from residential, park, and recreation areas, one or more of those stationary view points (and/or an industrial view point) should have been analyzed. It is unreasonably restrictive to only analyze KOPs on travel routes.

The KOP 1, KOP 2, and KOP 3 simulations are acknowledged to have been prepared by SDG&E and do not adequately represent the nature and extent of the visual impacts. KOP 1 and 3 split the Proposed Project, failing to show all the associated new structures. A wide angle view of the entire project was arbitrarily excluded. The vantage point of the simulations is arbitrarily skewed to be looking up at the structures minimizing the height. KOP 1, 2 and 3 are not done from the perspective of a bike rider or pedestrian using the bayfront walkway and path nor from the height viewed from the existing topography of adjacent buildings. The view corridors required by the Coastal Commission when the existing buildings were built and how they are affected by the Proposed Project are not analyzed as part of the visual impacts on the properties east of existing structures for which the view corridors were required. All these views should have been addressed and analyzed.

The text of the description of KOP 2 taken from the L St. overpass fails to describe the unusual and limited nature of this view point. It is the only area and only a very small section that has this elevated view. It occurs at the busy intersection of the entry and exit to highway 5 and has no pedestrian access and would be dangerous for pedestrians to actually observe from this vantage point. KOP 2 also appears to be cropped to exclude the foreground and is focused on the far away foreground. To be consistent, a KOP should be included to view the bay from on the existing site and simulate the substation from that perspective.



August 31, 2012
Page 31

In scoping comments Inland requested a visual representation of what the actual project would look like. Readily available and widely-used technology turns CAD drawings into 3-dimensional representations of the project as built which can be viewed from all angles and perspectives. There is no discussion in the DEIR as to why for the Proposed Project SDG&E did not provide the CPUC with 3 dimensional visual representations of the Proposed Project.

The California Coastal Commission's August 3, 2011 comment letter on the NOP states that the DEIR should analyze whether the Proposed Project will be visible for any scenic view corridors or other public viewing areas like parks, etc. Therefore, the DEIR should have included a KOP from a park or other stationary view point.

D. The Landscaping Should Screen Industrial Uses.

Would the landscaping described in APM-AES-01 also partially screen views from the industrial land uses along Bay Boulevard? If not, the conceptual landscape mitigation plan should be revised to screen such industrial land uses along Bay Boulevard. (DEIR, Section D.2.3.2)

E. The Proposed Project Must Comply with State and Federal Laws.

The CPUC General Order does not preempt compliance with state and federal law. Consequently, this section needs to analyze the Proposed Project's compliance with all relevant state and federal laws such as all of the Federal Regulations, Plans and Standards listed on pages D.2-25 and D.2-26 and all of the State Regulations, Plans, and Standards listed on pages D.2-26 and D.2-27. For example the Coastal Act states scenic and visual qualities of coastal areas shall be considered and protected. The City's LUT policy 10.5 requires undergrounding of utilities on all private property and a priority based program of utility undergrounding along the public rights-of-way. The Chula Vista LCP requires all 230 kV lines be undergrounded. The DEIR does not explain how the Proposed Project relates to these policies and why the Proposed does not substantially degrade the existing visual character of the area. Also, the DEIR does not address what mitigation measures, such as undergrounding, could avoid adverse effects of the Proposed Project on scenic views. (DEIR, Section D.2.3.3, p. D.2-36)



August 31, 2012
Page 32

F. The Transmission Interconnections Analysis of Impact AES-3 Lacks Sufficient Specificity to Analyze the Impact.

There does not appear to be a level of significance conclusion for KOP 3 on page D.2-42. This section also does not address the clustering of 6 of the new poles in close proximity to each other directly east of the Proposed project shown on Figure B-3, or the potential walling effect of this clustering. While the summary indicates the number of poles removed to those added, it does not note the number of poles that appear to not be in actual use. As set forth above in comments on the Project Description, the lack of specificity as to particular pole heights, lines, and structures as well as the poles' proximity to the public walkway and bike path makes the mathematical calculation not particularly meaningful. Without a proper baseline and detailed project description, the less than significant classification and cumulative impacts analysis is flawed. (DEIR, Section D.2.3.5, p. D.2-41)

G. The DEIR Fails to Adequately Consider to Potentially Significant Visual and Aesthetic Impacts

Relocating the substation and related transmission line construction, which includes 300 feet of new above ground 230 kV lines and a new 230 kV pole, will have significant and permanent adverse visual and aesthetic impacts on a large stretch of bayfront in the vicinity of the proposed relocated substation and on views of the bay from the surrounding area. The DEIR is incorrect in concluding that these effects will be less than significant. The clear error in the DEIR concluding otherwise can be easily illustrated by reference to other decision of the CPUC in which it found utility infrastructure projects far more minor to have potentially significant visual and aesthetic impacts that required mitigation.

In approving the proposed Siskiyou Telephone Eddy Gulch Telecommunication Cable Project, for example, the CPUC found the installation of two telecommunications conduits on a bridge crossing the North Fork of the Salmon River and two creeks to have potentially significant aesthetic impacts and required additional mitigation. And in Resolution T-17271, the CPUC denied, in part, Verizon California, Inc.'s request for a deviation from the undergrounding requirements of Public Utilities Code section 320 for the installation of 1.5 miles of communication cable on overhead distribution poles along Highway 74 in Riverside County on grounds that the cable would "compromise the visual impact of the scenic highway" and required the line to be undergrounded to mitigate this impact. (Resolution T-17271, at 4-5 and 12.)



August 31, 2012
Page 33

The potential visual and aesthetic impacts of the Proposed Project on the Chula Vista bayfront and vicinity vastly exceed those of the telecommunications projects at issue in these Siskiyou and Verizon matters. As a result, additional mitigation of visual and aesthetic impacts should be required if the Proposed Project is to be considered for adoption by the CPUC. Such mitigation should include undergrounding both the existing 138 kV line and the proposed new 230 kV lines entering the relocated substation from both the southeast and north. This additional mitigation is necessary to lessen the visual and aesthetic impacts of the Proposed Project on the bayfront environment generally, including the pedestrian walkway, the bike path, and on the views from Bay Boulevard.

11. CLIMATE CHANGE

The Greenhouse Gas Impact GHG-1 for the Proposed Project Is Unclear and Lacks Key Information. In 2007, Jones & Stokes estimated emissions of greenhouse gas using the URBEMIS 2007, Version 9.2.4. The NOP was released on July 13, 2011 and the DEIR was released in June 2012. The area of greenhouse gas is rapidly evolving and the data and analysis from 2007 is very outdated and inadequate to analyze the Proposed Project. The current method of greenhouse gas analysis is the CalEEMod model, released in February 2011 (released 5 months prior to the NOP). The greenhouse gas greenhouse gas analysis should be redone with the CalEEMod model. (See DEIR p. D.17-16)

The analysis of construction related greenhouse gas emissions is very unclear. There is no description of what sources of greenhouse gas are calculated nor an explanation of the methodology. For example, Table D.17-3 for Construction GHG Emissions does not specify if it includes: (1) on-road and off-road vehicle and equipment used during construction, (2) helicopter use, (3) construction worker vehicle commuter trips, or (4) any other sources included in the analysis. The greenhouse gas emissions listed in the DEIR for operation and maintenance seem to be too low given the uses involved in the Proposed Project. Since the methodology is not presented, it is not clear why the numbers in Tables D.17-2, D.17-3, and D.17-4 are so low.

The information that is provided is unclear. In Table D.17-3, two of the total numbers appear to be flipped as compared to the numbers in Table 4.3-8 and Table 4.3-9 in Chapter 4 of the Proponent's Environmental Assessment. In Table 4.3-9, the total emissions from construction for CH₄ Emissions (CO₂E metric tons) is 8.24. However, the total for CH₄ Emissions (CO₂E metric tons) in Table D.17-3 of the DEIR is 61.11. The total for N₂O Emissions (MTCO₂E) in Table 4.3-9 of the Proponent's Environmental Assessment is listed as 61.11. However, the total for N₂O Emissions (MTCO₂E) in



August 31, 2012
Page 34

Table D.17-3 of the DEIR is listed as 8.24. Thus, it appears that Table D.17-3 of the DEIR should be revised to match Table 4.3-9 of the Proponent's Environmental Assessment.

It is also not clear where the numbers are coming from in Tables D.17-3 and D.17-4 "Operation and Maintenance - Estimated Change in GHG emissions." Table 4.3-10 in the Proponent's Environmental Assessment "GHG emission changes from Operation and Maintenance" appears to cover the same data as Tables D.17-3 and D.17-4 in the DEIR. However, other than the greenhouse gas emissions at 82.11, the Table in the Proponent's Environmental Assessment and the Tables in the DEIR do not match up in their numbers. Please explain why the numbers are different and how the numbers in the DEIR were calculated.

12. LAND USE AND PLANNING

As previously noted on several occasions the DEIR states that no local land use plans, policies or regulations that apply to the Proposed Project pursuant to General Order no. 131-D. Although the project would be exempt from local land use and zoning regulations the DEIR provides a consistency analysis for plans and polices for informational purposes only. Given the CPUC considered SDG&E objective number 3 which was to facilitate the City's Bayfront Redevelopment goals by relocated the South Bay Substation, but did not use this objective to screen alternatives, the consistency analysis with respect to local land use has no practical purpose and should not be relied on by Commission.

This said, this land use consistency land use analysis in several sections is flawed. By definition the substation remaining at current location has no impacts. If a 230 kV substation is rebuilt on site under the City's LCP these line should be underground. SDG&E already has 17.69 acres of existing transmission and distribution easements at the site so even if an expansion of the footprint is necessary land is available.

Conversely, moving the substation and rebuilding it at a new location has the actual impacts study in the DEIR commented on it in this letter. To the extent that the dismantling and removal of the South Bay Substation and the lattice towers for the project site has beneficial scenic resource impacts those impacts are simply being transferred to a new site on the bay front where they will impact views of the existing properties and may inhibit or deter any redevelopment goals for the adjacent properties. Stated another way any redevelopment or beneficial land uses derived from dismantling and moving the substation to another location simply negatively impact and preclude



August 31, 2012
Page 35

beneficial land uses at the rebuild site and negatively impact redevelopment opportunities for the adjacent land owners.

The dismantling and moving of the substation may allow for the future redevelopment of the site for an RV park but it will also preclude development of any park or recreational use at the relocated site. Further, the relocated substation will impact the future redevelopment goals of the adjacent property owners with bay front property. While moving the substation may encourage redevelopment and new redevelopment in one area of the Otay sub-area, at the same time it will discourage and inhibit new redevelopment activities in the Otay sub-area where it is relocated. The net effect on land use consistency is the same.

13. CONCLUSION

For all of the reasons set forth herein, the DEIR is fatally flawed and must be substantially revised and recirculated to the public for review. The major flaws to the DEIR are in the following sections: Biological Resources, Public Health and Safety, Aesthetics, Climate Change, and Land Use and Planning. In conclusion, below is a summary of some, but not all, of the fatal flaws outlined in this letter.

The Biological Resources section of the DEIR includes several deficiencies and inaccuracies that require substantial revisions and recirculation of the DEIR.

1. The Proposed Project site is an ESHA. As such, the Coastal Commission and USACE will be unable to approve the Proposed Project because the Proposed Project will result in significant disruption of habitat values and the Proposed Project is not a water dependent use.
2. Even if the Proposed Project site is not considered an ESHA, it is adjacent to the NWR, resulting in the need to prevent impacts that would degrade the NWR. However, as demonstrated herein, the Proposed Project will negatively impact the NWR.
3. The impacts to the wetlands on the Proposed Project site cannot be mitigated, resulting in significant and unavoidable biological resources impacts. Consequently, the Existing Substation Alternative must be adopted as it will not have such significant and unavoidable impacts. The significant and unavoidable impact determination as well as the need to adopt the Existing Substation Alternative requires substantial revisions to the DEIR and recirculation of the DEIR for public comment.
4. The California Coastal Commission may be unable to issue a coastal development permit for the Proposed Project as there are less environmentally damaging alternatives.



August 31, 2012

Page 36

5. The CPUC General Order 131-D does not preempt state or federal law. Thus, the DEIR needs to be revised to analyze the Proposed Project in light of state and federal laws.

6. The USACE may not permit discharges for the Proposed Project because the discharges of dredged or fill material into the waters of the United States resulting from the Proposed Project are not the least damaging practicable alternative.

The Public Health and Safety section of the DEIR must be substantially revised and the DEIR must be recirculated for public comment.

1. The DEIR must be revised to analyze the contaminated status of the existing Substation site, the potential impacts of remediating that site to residential standards for the planned RV Park, and the potential remaining impacts on future residents of the RV Park even after remediation.

2. Without the remediation analysis of the existing Substation site, the DEIR is improperly segmented under CEQA.

3. After substantial revisions are made to the DEIR to address the remediation of the existing Substation site and DTSC's concerns, the DEIR must be recirculated for public review.

4. The DEIR should more fully analyze the contamination and remediation of the Proposed Project site.

The Aesthetics section of the DEIR must be substantially revised to properly analyze the aesthetic impacts of the Proposed Project.

1. The aesthetics analysis must be revised to use the proper baseline, to properly analyze cumulative impacts, and to use the proper environmental setting.

2. The aesthetics analysis must be revised to demonstrate compliance with state and federal laws.

3. The aesthetics analysis generally, and specifically the transmission interconnection analysis, needs to include more KOPs to fully describe and analyze the aesthetic impacts of the Proposed Project.



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August 31, 2012

Page 37

The Climate Change section of the DEIR includes outdated, insufficient, and unclear analysis.

1. The climate change analysis should be rerun using the CalEEMod model.
2. The DEIR must be revised to include a description of what sources of greenhouse gases are included in the analysis.
3. There are several inconsistencies and errors in the emission numbers that need to be revised.

The Land Use and Planning section of the DEIR is inconsistent and needs to be revised.

1. The local land use consistency analysis has no practical purpose and should be deleted.
2. Any redevelopment on the existing Substation site that results from moving the Substation to the Proposed Project site simply negatively impacts and precludes beneficial land uses at the Proposed Project site and negatively impacts the redevelopment opportunities for properties adjacent to the Proposed Project site.

Very truly yours,

John S. Moot
of SCHWARTZ SEMERDJIAN BALLARD & CAULEY LLP

EXHIBIT 1

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COMMENTS OF ADVANCED ENERGY SOLUTIONS

The DEIR, and SDG&E Proponent's Environmental Assessment (PEA), with respect to basic project objectives used by the CPUC to screen alternatives (DEIR, Section ES page 2) have been reviewed by Jaleh Firooz at Advanced Energy Solutions. The following are her comments. Her professional back ground and experience is summarized on the attached Experience Summary.

FINDINGS:

The DEIR's conclusion that the Proposed South Bay Substation Relocation Project is not the environmentally superior alternative is supported by facts in the DEIR. The DEIR's conclusion that the "No Project Alternative" is the "Environmentally Superior Alternative" and the "Existing South Bay Substation Site Alternative" is "also...an environmentally superior alternative among the other alternatives" is Supported by the Analysis presented in the DEIR. (DEIR, Section ES.11.3).

As discussed below, SDG&E has not provided adequate information to justify the need for the Proposed Project at this time. The CAISO's February 3, 2012 memo and information provided to date by SDG&E are inadequate to support a conclusion that there is a need to replace the 138/69 kV substation with a 230/69 kV substation or relocate the substation to new location.

The No Project Alternative as described in the DEIR at pages ES-28 through ES-30 with the recommended mitigation measures are sufficient to address need and reliability concerns until the year 2019 as such it should be identified as the environmentally superior alternative. The No Project Alternative includes "as-needed, in-kind replacement of the existing 138/69 kV South Bay Substation" (page ES-29) while the "Existing South Bay Substation Site Alternative" would replace the existing 138/69 kV South Bay Substation with a rebuilt 230/69/12 kV substation. An "as-needed, in-kind replacement" would appear to have fewer adverse environmental impacts than an entirely new 230/69/12 kV substation.

THERE IS NO CURRENT NEED TO REPLACE THE SUBSTATION

Given the significant environmental impact identified in the DEIR, the need for the project should be supported by either future load growth data or identified reliability concerns. The project proponent has not provided the data and analysis necessary to show that load growth and/or reliability concerns justify replacing the existing South Bay substation.

At various locations in the DEIR (e.g., Section ES.7.15, page ES-27)--apparently solely relying on input from SDG&E--the DEIR reaches the conclusion that the proposed South Bay Substation Relocation Project "is needed to address future load growth." But SDG&E has failed to provide data to stakeholders that could support this conclusion. SDG&E has refused to provide stakeholders with historical substation-level load data that would allow a determination

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of whether the forecast loads used by SDG&E to support the need for the proposed South Bay Substation Relocation Project, are reasonable and consistent with the historical relationship between San Diego area peak loads and peak loads in the "South Bay region." In fact, it is unclear exactly which load-serving substations define the "South Bay region." This information needs to be provided and vetted before there can be any determination that the proposed South Bay Substation Relocation Project is needed to address load growth.

The only information regarding expected load growth in the area is described by SDG&E in the PEA as "nine megawatts" of load growth in the South Bay region by year 2016, and "ultimate load growth of 80 MW beyond 2016" if the forecast Chula Vista redevelopment actually occurs. If it were actually the case that the existing 69 kV system is inadequate to accommodate this load growth – and the PEA never asserts that this is the case – a single 69 kV line can accommodate the addition of 80 MW of load¹. Therefore there would be no need for an upgrade to a 230 kV substation.

The DEIR Statement that without Construction of a new 230 kV Substation Service Reliability will be Materially Reduced is not Adequately Supported

The above conclusion is stated at several locations in the DEIR, for example, on page ES20 the DEIR states that,

"Without construction of a new 230 kV substation that can accommodate a 230 kV system, service reliability to the South Bay and surrounding area would be materially reduced, possibly requiring involuntary shedding of load in the South Bay region."

However, no verifiable data sufficient to reach this conclusion is contained in the DEIR or provided by SDG&E or CAISO. The DEIR does not explain what is meant by "materially reduced" service reliability. In fact, NERC, WECC and CAISO reliability standards are structured such that the electric grid must satisfy the minimum requirements for reliability; there are no gradations in "service reliability." Further, it should be recognized that "involuntary shedding of load" is acceptable mitigation under NERC, WECC and CAISO reliability standards for N-1-1 or N-2 contingency conditions.

The DEIR also does not provide any data to support the existence of the overloads discussed below. The DEIR assumes there will be overloads based on statements by SDG&E and the CAISO regarding power flows that occur under certain generation dispatch, import and load forecast assumptions, and certain contingency conditions. None of these underlying assumptions and conditions has been shared with the stakeholders at a level that would allow their validity and reasonableness to be assessed and independently verified.

¹ San Diego Gas & Electric Company June 2010 South Bay Substation Relocation Project, section 2.1.3 page 2-5.

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As mentioned earlier, the CAISO analysis² has shown that absent a 230 kV upgrade, “mitigation” for the overloads identified by the CAISO would involve “Installing System protection System for contingency load curtailment,” for the three out of four identified overloads.

The CAISO memo indicates that except for the overload of the Miguel 230/138 kV transformer, the identified overloads occur under double contingencies (N-1-1 or N-1/T-1) at the peak hours of the year. Double contingencies have a comparatively low probability of occurrence. For the overload to occur the double contingencies have to occur during peak load hours³. As such, the resulting probability of the overload condition is even lower. Finally, the two identified N-1-1 line overloads are not forecast to occur until 2019. This provides ample time to gauge the accuracy of SDG&E’s estimate that Chula Vista redevelopment will result in 80 MW of load growth.

The CAISO has proposed to “upgrade Miguel 230/138 kV bank” for about \$27.4 million to mitigate the T-1 contingency⁴, and drop load on a controlled basis in the unlikely event of N-1-1 or N-1/T-1 outages in the other three areas. These mitigation measures eliminate any need to replace the existing substation.

The DEIR-- Apparently Relying on SDG&E-- States that Retirement of the South Bay Power Plant (SBPP) will Cause Overloads, but the Evidence for the Claim is Lacking. At various locations in the DEIR, (e.g., Section ES.7.15, page Es-27) the DEIR indicates that “transmission overloads... would occur as a result of the SBPP retirement.” No evidence has been presented by SDG&E or the CAISO, and no evidence is included in the DEIR, that indicates it is the retirement of the South Bay power plant, by itself that causes the overloads identified in the CAISO and SDG&E studies. In fact, the South Bay power plant has been retired for several years and the electric grid has been operated without any unmitigated transmission overloads. Given that the South Bay power plant has been retired for several years, the existing 138/69 kV South Bay substation is providing a level of reliability that meets all applicable NERC, WECC and CAISO reliability standards.

There is Insufficient Evidence for the DEIR’s Statement that the “No Project Alternative” Will Result in Reliability Standard Violations.

CEQA requires that the “No Project Alternative” include “the events or actions that would be reasonably expected to occur in the foreseeable future” if the proposed South Bay Substation Relocation Project were not approved (DEIR, Section ES.8 at page ES-28). The DEIR states that

² February 3, 2010 CAISO memorandum concerning the Bay front Substation Transmission project.

³ It is not clear if SDG&E or the CAISO have used 1 in 2 or 1 in 10 load forecasts for their analysis.

⁴ SDG&E in their response to CPUC ED-014: Q 2 has not identified Miguel bank(s) overload in their list of expected overloads. It is not clear if the overload identified by the CAISO is expected to go away as the result of the “installation of the Miguel 230/138 kV transformer #2”, described in the DEIR as a separate project already scheduled to be in service by summer of 2012.

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“based on correspondence between the CAISO and SDG&E,” overloads of the following facilities “would be reasonably expected to occur in the foreseeable future”:

- 69 kV Kettner-Station B transmission line
- 69 kV Old Town-Kettner transmission line
- Miguel 230/138 kV transformer banks
- Old Town 230/69 kV transformer banks #1 and #2

According to the CAISO data, the overloads of the 69 kV Kettner-Station B and 69 kV Old Town-Kettner transmission lines occur under double contingencies (low probability at the time of peak) and are not expected until year 2019. Whether year 2019 is within the “foreseeable future” as CEQA requires is debatable. In any event, SDG&E has not provided the historical substation-level load data that is needed to allow a determination of whether the forecast loads used in the analysis of contingency-based line loading of the 69 kV Kettner-Station B and 69 kV Old Town-Kettner transmission lines are reasonable and consistent with the historical relationship between San Diego area peak loads and individual substation peak loads.

The Miguel 230/138 kV transformer banks overload will be mitigated by the “Upgrade of 230/138 kV bank” at Miguel based on the CAISO’s memo.

SDG&E has not provided the historical load data for the Old Town substation that is needed to allow a determination of whether the forecast loads used in the analysis of contingency-based transformer loading of the Old Town 230/69 kV transformers, are reasonable and consistent with the historical relationship between San Diego area peak loads and peak load at Old Town substation.

Further, the DEIR mischaracterizes the “overloading” of the Old Town 230/69 kV transformers because it is permissible to rely, for some period of time, on the emergency ratings of the transformer banks under contingency conditions (as contrasted with the all-facilities-in-service “normal” ratings). Using the emergency ratings, there is no “overloading.” The only question is whether the emergency rating would have to be used for more than the maximum time allowed.

SDG&E has never produced the studies that show the amount of time that the emergency ratings of the Old Town 230/69 kV transformer would need to be relied on in different years. Nor has SDG&E provided the hourly and/or daily forecast loads for the Old Town substation that were used in these studies.

Finally CAISO has recommended dropping load in the unlikely double contingency event at the time of peak.

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The DEIR Fails to Describe Why the Existing 138/69 kV South Bay Substation Would Need to Be Replaced as a Consequence of the “No Project Alternative”.

According to the DEIR, “actions...reasonably expected to occur” as a result of the “No Project Alternative” include “as-needed, in-kind replacement of the existing 138/69 kV South Bay Substation.” (DEIR, Section ES.8, page ES-29) The DEIR does not explain what it means by “as-needed” or “in-kind.” SDG&E has indicated that some structural steel at the existing South Bay substation does not meet modern seismic standards. However, SDG&E has never identified the specific equipment within the existing South Bay Substation that has this deficient structural steel. Nor has SDG&E indicated what it would take in terms of staging and time to replace the deficient structural steel. Also, SDG&E has never indicated exactly when this deficient structural steel would have to be replaced in order to maintain grid reliability within the minimum reliability standards set by NERC, WECC and the CAISO.⁵ Before the DEIR can reach the conclusion that an “in-kind” replacement of the existing 138/69 kV South Bay substation is needed, SDG&E needs to provide stakeholders with the details supporting such a conclusion.

The DEIR’s Statement that the Existing South Bay Substation would Need to be Expanded to Provide Additional 69 kV Capacity is Not Supported by Information Provided by SDG&E.

The DEIR states that the “existing South Bay Substation would be expanded outside of the existing substation fence, adjacent to the existing 69 kV structures, to provide additional 69 kV capacity.” (DEIR, Section ES.7.6, page ES-21) SDG&E has never provided the historical South Bay substation load data that is needed to allow a determination of whether forecast loads that would be served out of the South Bay substation are of a magnitude sufficient to require an expansion of the existing 69 kV structures and whether these forecast loads are consistent with the historical relationship between the San Diego area system peak and the loads served out of the South Bay substation.

EVEN IF A NEED FOR A 230 KV SUBSTATION ARISES OR CAN BE DEMONSTRATED, THERE IS NO EVIDENCE THAT THE SUBSTATION HAS TO BE RELOCATED

SDG&E’s response to question #2 of CPUC data request # 14, indicates that the cost for a new 230 kV substation for the “Existing South Bay Substation Alternative” is less costly than rebuilding the existing South Bay substation at 138/69 kV . Given this fact and the information discussed above, there is no reason to move the substation to a new location to meet either reliability or need concerns.

⁵ SDG&E has been successfully operating the existing 138/69 kV South Bay Substation for many years with the existing structural steel in place.

EXHIBIT 2



A  Sempra Energy utility

March 20, 2012

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Dear Mr. Googins:

Thank you for meeting with San Diego Gas & Electric Company ("SDG&E") on March 8 to discuss the South Bay Substation Relocation Project ("Project").

As you know, SDG&E has requested formal approval from the California Public Utilities Commission ("CPUC") and the California Coastal Commission ("CCC") to demolish and relocate the South Bay Substation, which is located adjacent to the South Bay Power Plant in the City of Chula Vista ("City"). The CPUC permitting process for this project began in June 2010, when SDG&E submitted its application for a Permit to Construct. Shortly thereafter, the CPUC began its review of the Project, including analysis of the potential environmental impacts pursuant to the California Environmental Quality Act ("CEQA"). In July 2011, the CPUC determined that the Project required preparation of an Environmental Impact Report ("EIR"). To date, the Draft EIR has not yet been released.

In recent months, property owners in the vicinity of the proposed relocation site have expressed opposition to the Project, and, in particular the proposed relocation site. As you may be aware, Inland Industries Group and Latitude 42 both submitted verbal and written comments during the CPUC's CEQA Scoping Period. Inland Industries has intervened in the CPUC proceedings and has urged SDG&E directly to change the proposed location of the Project. In fact, Inland's counsel, John Moot, has represented to SDG&E that some City officials question whether the proposed relocation site is the appropriate site. Most recently, Inland Industries has threatened to file a CEQA lawsuit challenging the approval of the Land Exchange Agreement by the California State Lands Commission and Port.

Because this opposition threatens the ultimate approval of the Project at the proposed relocation site, the City's unqualified support for the proposed Project is crucial.

SDG&E has understood for several years that it is a primary objective of the City to relocate the South Bay Substation and that the proposed relocation site is the City's preferred site. Based on this understanding, SDG&E spent approximately eighteen months negotiating with the Port to obtain the approval of the Port and the State Lands Commission to exchange land for the preferred site; designed and proposed a project that would relocate the substation to the proposed relocation site (rather than rebuilding it at the existing location), and identified the fundamental objectives of the Project to include "facilitat[ing] the City of Chula Vista's Bayfront

redevelopment goals by relocating the South Bay Substation and to further the goals of the Memorandum of Understanding ("MOU") between the City and SDG&E". As noted above, the proposed substation relocation site, which was identified and selected by the Port and the City in furtherance of the MOU between SDG&E and the City, was approved by the Port and the California State Lands Commission in 2010.

SDG&E has gone to considerable lengths to support efforts by the City and Port to execute their master plan for the Chula Vista Bayfront, which the City and Port have been working on for more than a decade. The overarching goal of the Master Plan is "to create a world-class destination on the Chula Vista bayfront." The Master Plan and supporting environmental analysis in the EIR assume that the South Bay Substation will be relocated outside of the Master Plan area, to the parcel identified in the Exchange Agreements among State Lands, the Port and SDG&E. The Master Plan and EIR assume that the parcels to be vacated by the South Bay Substation will be used as a recreational vehicle (RV) park.

In its efforts to secure agency approval to relocate the substation to the site identified by the City and the Port, SDG&E previously identified the Bayfront Enhancement Alternative as a potential environmentally superior alternative to both the Proposed Project and the GIS Substation Alternative. (See Attached.) The Bayfront Enhancement Alternative would entail construction of the same components as the original Proposed Project and mitigation for the wetland impacts to the containment basin, but would additionally establish a \$5,000,000 Bayfront Enhancement Fund that would be used to fund projects that provide direct environmental benefits within the Bayfront. As originally proposed by SDG&E, specific enhancement projects would be identified by a committee of agency and community stakeholders and could include a number of projects determined to create direct environmental benefit within the Chula Vista Bayfront Area. To date, SDG&E has not received any indication from the CPUC or the Coastal Commission as to whether the Bayfront Enhancement Project will be approved. SDG&E believes that the Bayfront Enhancement Fund has the potential to complement the Master Plan and will generate environmental benefits within the Chula Vista Bayfront area that outweigh the loss of the retention basin wetlands, which would remain behind a fence.

The CPUC is not required to approve SDG&E's request to relocate the substation simply because SDG&E has embraced local planning objectives as a fundamental goal of the Project. The CPUC and Coastal Commission have the discretion to ignore the City and Port's redevelopment objectives and require that SDG&E rebuild the substation at the existing site. SDG&E has taken the position that rebuilding the substation at the existing site is not "feasible", primarily because it would not advance the City and Port's redevelopment plans. However, rebuilding the substation at the existing location is technologically feasible and would achieve most of the other identified objectives of the Project (replacing aging and obsolete infrastructure, designing a flexible transmission system that can accommodate regional energy needs in the absence of the South Bay Power Plant, and providing for future growth for the South Bay region).

SDG&E continues to make every reasonable attempt to facilitate local planning objectives and in fact has embraced those objectives as a fundamental objective of the Project in its own permit proceedings. In addition, SDG&E has taken positive steps to address the City's concerns about the design and aesthetics of the Project. Specifically, SDG&E has offered to relocate and reduce the height of the communications tower. SDG&E has also offered to revise the Bayfront Enhancement Alternative such that half of the proposed \$5 million Bayfront Enhancement Fund (\$2.5 million) would be used to underground aboveground facilities that SDG&E is not obligated to underground.

Under the MOU and Exchange Agreements, SDG&E is not required to relocate the substation if the CPUC or Coastal Commission permits are not acceptable to SDG&E, or if construction costs increase by 5% or more. Estimated construction costs have already exceeded this threshold, and SDG&E anticipates onerous permit conditions because of the site constraints, which include wetlands. SDG&E originally proposed to replace the existing substation by 2013.

For all of these reasons, SDG&E requests that the City reaffirm its unqualified support for the Project and that rebuilding the substation at the proposed relocation site will advance the City's established long-term planning objectives, and that the City will file comments at the Commission stating this following the issuance of the Draft EIR and Proposed Decision. Without strong support from the City, SDG&E may not secure approval to relocate the substation as proposed and most likely will need to re-build at the existing substation site.

In light of this background and our recent discussions, SDG&E requests that the City agree to the statement below and in the City's and SDG&E's comments to the Commission, we propose amending the Bayfront Enhancement Alternative as set forth in this agreement.

Sincerely,

A handwritten signature in cursive script that reads "W. Davis Smith". The signature is written in dark ink and is positioned below the "Sincerely," text.

EXHIBIT 3

1.5.3.1 Phase I Projects

All of the Otay District components are proposed in Phase III. No construction in this district is proposed in Phase I.

1.5.3.2 Phase II Projects

All of the Otay District components are proposed in Phase III. No construction in this district is proposed in Phase II.

1.5.3.3 Phase III Projects

All Phase II Otay District components in the previous Draft EIR have been moved to Phase III. The project proposes a recreational vehicle park with approximately 236 RV parking spaces and ancillary facilities. Industrial Business Park uses are proposed on the northernmost and southernmost Parcels O-1 and O-4 in the Otay District, previously proposed for residential and Energy Utility Zone uses in the previous Draft EIR. No new power plant, Energy Utility Zone, or residential uses are proposed in the Otay District.

As with the Sweetwater and Harbor Districts, the Otay District would also include new parkland use. Specifically, a new passive South Park, composed of approximately 24 acres is proposed, as well as 27 acres of other open space areas on the eastern edge of the district. Like the Sweetwater District, the Otay District would have a buffer that would include a 170-foot-wide to 200-foot-wide No Use Zone that could be used for habitat mitigation opportunities. Finally, development in the Otay District would involve improvements to the existing concrete-lined drainage channel at Telegraph Creek within the Proposed Project limits to accommodate projected storm flows.

Table 1-8 summarizes the proposed development for the Otay District in Phase III.

**TABLE 1-8
Proposed Phase III Development for the Otay District**

Parcel Number	Proposed Use	Proposed Development
OP-1A, OP-1B, OP-3	South Park/Open Space	51 acres
OP-2A, OP-2B	Ecological Buffer/Telegraph Creek Channel	27 acres
O-1	Industrial Business Park Use	18 acres
O-3A, O-3B	RV Park	175-236 RV spaces, 1-2 stories, 15-35 feet high
O-4	Industrial Business Park Use	28 acres

1.5.3.4 Phase IV Projects

All of the Otay District components are proposed in Phase III. No construction in this district is proposed in Phase IV.

EXHIBIT 4

Land Proposal for Replacement Chula Vista Substation

1.0 Introduction

San Diego Gas & Electric Company (SDG&E) is a regulated public utility that provides service to 3.4 million consumers through 1.4 million electric meters and more than 830,000 natural gas meters in San Diego and southern Orange counties.

In order to further the intent of a Memorandum of Understanding (MOU) with the City of Chula Vista (described in 2.0 below) and to improve electric reliability in the San Diego region, and specifically the South Bay (Chula Vista) area, SDG&E is proposing to replace the existing South Bay 138/69 kilovolt (kV) Substation with a 230/69 kilovolt (kV) facility. It is willing to do this on an undeveloped site just to the south of the existing substation and South Bay Power Plant (SBPP) within the City of Chula Vista (see Figure 1, *South Bay Vicinity Map*) to accommodate Port and Chula Vista future development plans if the land issues can be resolved. The Proposed Project for the Proposed Electric Transmission Substation could have an anticipated in-service date of late 2011 if the land issues are timely resolved. Having the Proposed Electric Transmission Substation in service would allow for the removal of the existing substation, once the Reliability Must Run (RMR) status is removed by the California Independent System Operator (CAISO) and LS Power has removed the SBPP. In order for SDG&E to meet the in-service date above, an application for a Permit to Construct (PTC) must be submitted to the California Public Utilities Commission (CPUC) by October 2008. Without the land for the proposed substation, SDG&E cannot file the PTC application.

2.0 PROPOSED substation Project Description

The existing South Bay Substation is an aging 138/69 kV substation that was originally built to accommodate the SBPP at that site in the City of Chula Vista. Originally constructed in 1961, the substation is now over 45 years old, well beyond its useful life. The equipment is not built to modern seismic standards, and the 138 kV bus is undersized for current electric system needs.

In October 2004, SDG&E and the City of Chula Vista (City) entered into an MOU regarding several energy issues. A copy of the MOU is available upon request. Under the MOU, SDG&E agreed to work cooperatively with the City to advance the City's goals of beautifying its Bayfront. In general, SDG&E has agreed to relocate the South Bay Substation after the retirement of the existing SBPP subject to certain conditions precedent in the MOU, including one that the City provides suitable land for construction of the new substation at no cost to SDG&E. Because the City does not own the land, the City has requested that SDG&E deal directly with the Unified Port of San Diego (Port District). The identified site is the site that best allows for the redevelopment of the Bayfront along with providing for SDG&E's need to provide safe and reliable energy to the region. The Port District would benefit from acquiring the site of the existing substation for redevelopment and moving utility infrastructure to a less central location.

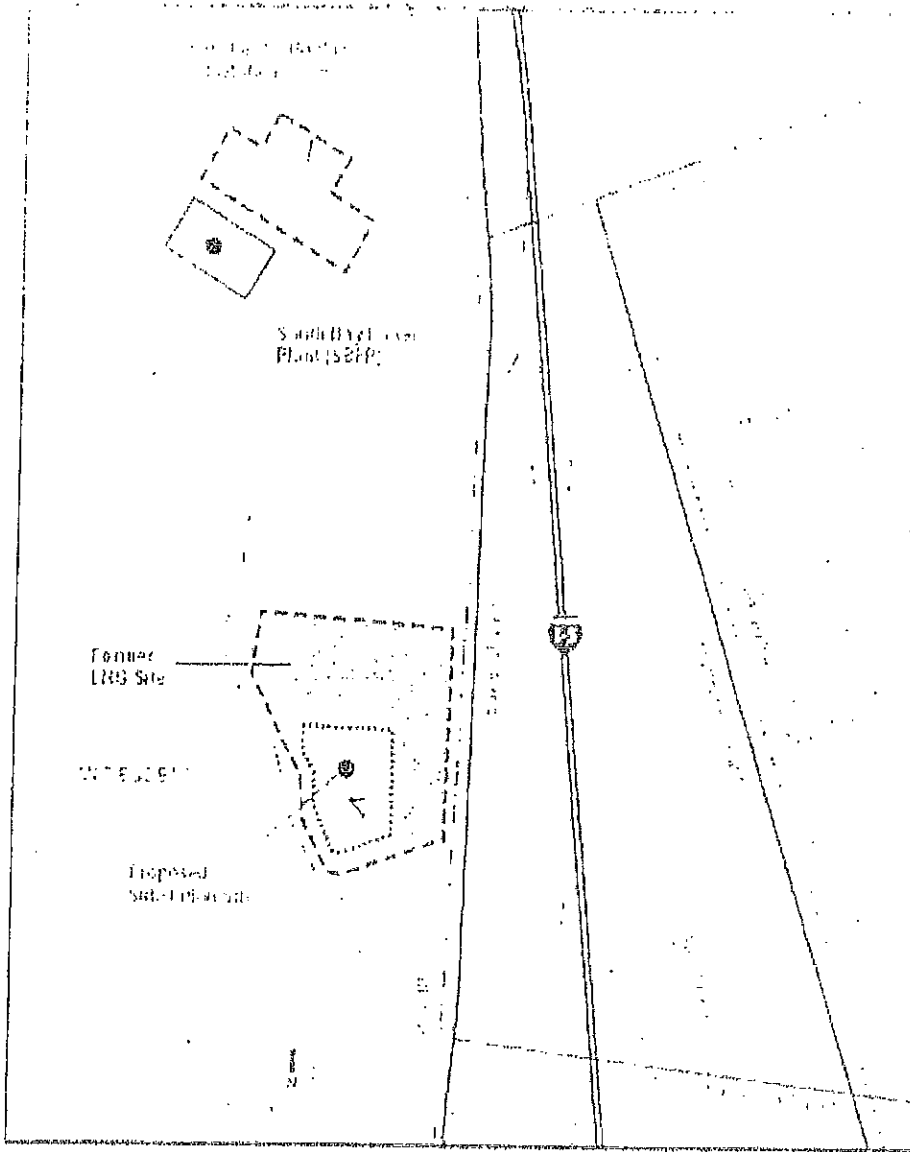


Figure 1 – South Bay Vicinity Map

SDG&E currently has a permanent easement from the Port District for the land on which the existing South Bay Substation is located. Following construction of the Proposed Electric Transmission Substation and demolition of the existing South Bay Substation, the land would be returned to the Port District for future use. The transmission easements adjacent to the existing South Bay Substation would be retained to accommodate the electric transmission lines, distribution lines, and gas lines (see Figure 2, *Existing and Proposed Substation Land*, 8/28/2008

for details). As part of the Proposed Project, SDG&E could begin dismantling the existing South Bay Substation once the Proposed Electric Transmission Substation is energized and the transmission lines are cut over from South Bay Substation to the Proposed Electric Transmission Substation. Demolition will involve the removal of the control house, steel support structures, foundations (above grade portion plus two feet below grade), conduits, ground grid, and electrical substation equipment. Demolition will also include any required environmental remediation of the soil within the footprint of the existing substation.

The CPUC would be the lead agency for the Proposed Project under the California Environmental Quality Act (CEQA). SDG&E would be submitting the Proponent's Environmental Assessment (PEA) as part of its Application for a PTC. As mentioned above, the PTC application cannot be filed until SDG&E has acquired the land for the new substation.

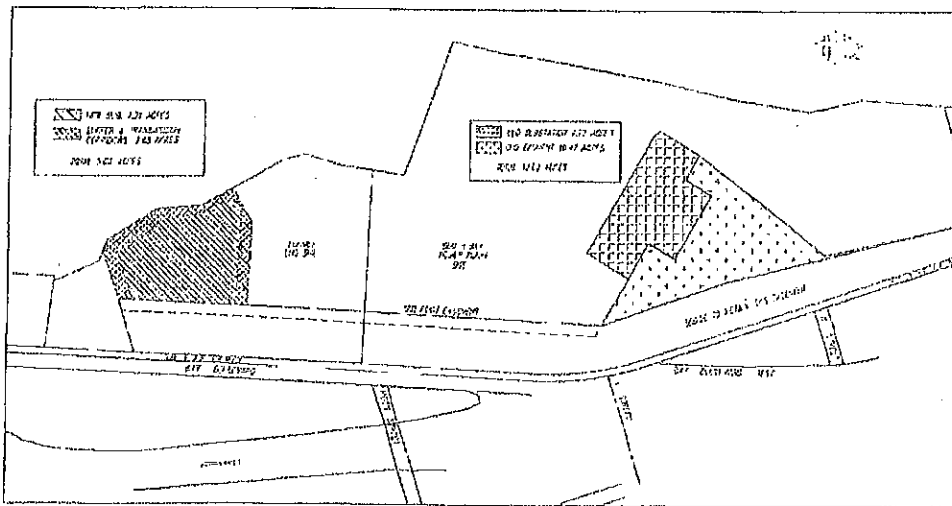


Figure 2 – Existing and Proposed Substation Land

3.0 Description of land for existing substation

The existing South Bay Substation is located in the City of Chula Vista, California. The existing substation is situated north east of the South Bay Power Plant and west of Bay Boulevard. SDG&E currently has an easement in perpetuity for roughly 17 acres of land. The land occupied by the existing substation and transmission getaways is illustrated in Figure 2. This land excepting required utility easements, would be relinquished to the Port once the new substation is energized, the power plant is retired, and the existing substation is demolished. The transmission easements to the east of the existing substation would need to be retained.

4.0 Description of land for proposed substation

The site for Proposed Electric Transmission Substation is on the southern half of the former

Liquefied Natural Gas plant site (LNG Site), within an established industrial area, to the south of the existing SBPP site. The Proposed Electric Transmission Substation is consistent with the Land Use section of the City of Chula Vista's Bayfront Master Plan (see Figure 3, *Proposed CVBMP Land Use Plan*). The proposed site is located west of Interstate 5 (I-5) and Bay Boulevard. Across Bay Boulevard to the east are commercial and industrial uses, and further to the east across I-5 are higher-density residential uses. To the north are the existing SBPP, fuel oil tanks, and South Bay Substation; to the east are the rails of the San Diego and Imperial Valley Railroad (SD&IV), Bay Boulevard and I-5. To the southeast are light industrial uses. To the south, southwest, west, and northwest, the site is bordered by the Western Salt Works salt evaporation ponds for the production of salt for commercial purposes. SDG&E is proposing to locate the Proposed Electric Transmission Substation on the old LNG site, which was once owned by SDG&E (see Figure 4, *Proposed Electric Transmission Substation Site Plan Overlaid on Existing Topography*).

SDG&E requires land rights that are equal or better than the rights for the existing substation in order to site the infrastructure at this location. SDG&E needs a site comprising a minimum of 9.86 acres of land suitable for the development, use, operation and maintenance of a 230/69 kilovolt electrical substation and appurtenant fixtures, facilities and equipment, together with unobstructed ingress and egress to and from the site by a route or routes reasonably acceptable to SDG&E.

The grant must be either (a) good and marketable fee simple title to the land, by warranty deed in form and substance reasonably satisfactory to SDG&E, or (b) a perpetual easement, in form and substance reasonably satisfactory to SDG&E, in each case subject only to such liens, encumbrances, exceptions and other title matters as would not (i) hinder, impair, conflict with or interfere with SDG&E's development, use, operation and maintenance on the land for the planned electrical substation and appurtenant fixtures, facilities and equipment, or (ii) impose any claim or liability on SDG&E or its interest in the land or substation. Alternatively, SDG&E could replace the facilities at the present location.

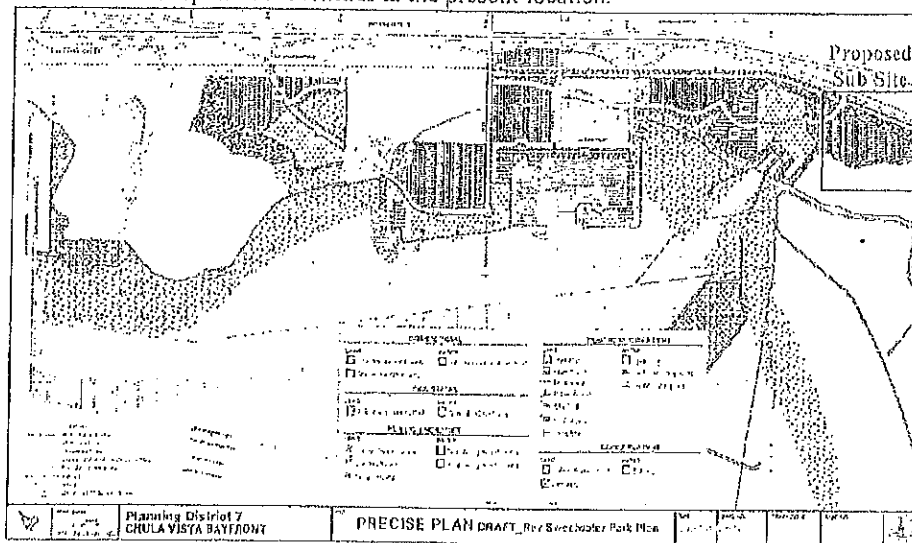


Figure 3 – Proposed CVBMP Land Use Plan (Figure 3-4 in Revised DEIR)

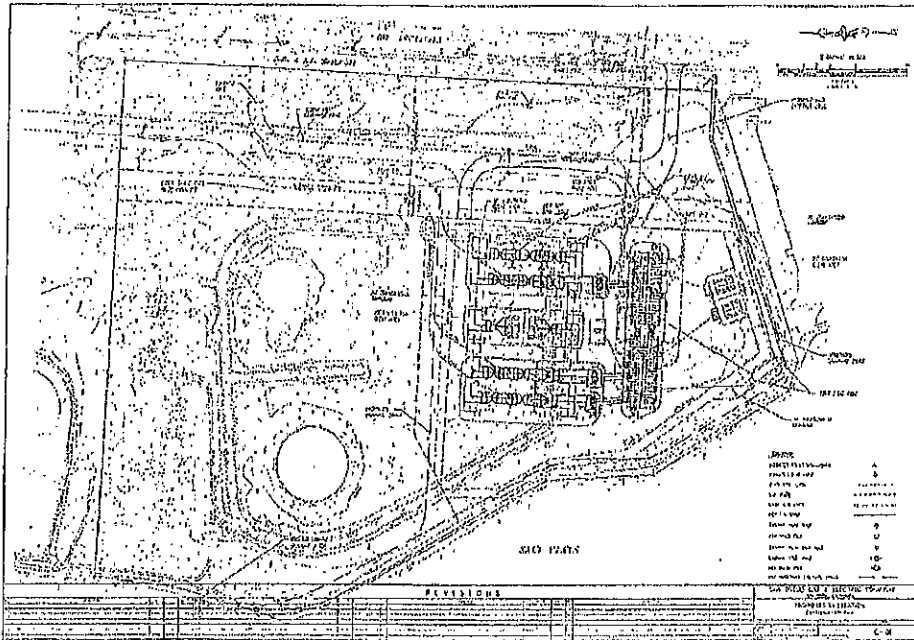


Figure 4 – Proposed Electric Transmission Substation Site Plan Overlaid on Existing Topography

5.0 estimated timeline and dependencies

As mentioned above, the removal of the existing South Bay Substation is dependant upon the installation of the Proposed Electric Transmission Substation, the removal of the RMR status for SBPP, and LS Power removal of the SBPP. In order to remove the RMR status for the power plant the California System Operator has indicated that several prerequisites must occur, including commercial operation of Otay Mesa Energy Center (OMEC), energization of the Otay Metro Power Loop, siting of additional in basin peaker plants, and/or energization of the Sunrise Powerlink or alternative transmission upgrades. Otay Metro Power Loop is in service and OMEC is scheduled to be in service by the end of 2009.

SDG&E proposes the following schedule to facilitate removal of the South Bay Substation in a timely manner.

DATE/DURATION	ITEM/TASK
August 2008	Provide Proposal to Port for Review
September 2, 2008	Board of Port Commissioners Hearing
September 16, 2008	Submit materials to the State Lands Commission (30 days prior to mtg.)
October 16, 2008	State Lands Commission Hearing (San Diego)

October 24, 2008	If land transfer is approved by State Lands Commission and the Port District, PTC application will be filed by SDG&E
9-14 months after filing	CPUC issues PTC
3 months after CPUC approval	Construction Begins
24 months after receipt of all necessary permits	Proposed Electric Transmission Substation Energized
9 months after later of removal of RMR status and shutdown of SBPP; or new substation energized	Existing Substation Demolished (subject to CAISO removal of RMR status for SBPP)

In order to keep the project schedule on track, and facilitate the removal of the SBPP and the existing substation, SDG&E needs to secure the requisite land rights for the substation at this time. The construction of the substation is anticipated to take approximately 24 months from the time the PTC is approved by the CPUC and receipt of all necessary permits. The application for the PTC cannot be filed with the CPUC until an agreement on the land is reached. From the time the PTC application is filed with the CPUC it is anticipated that approval would come 9 to 14 months after submittal. This would mean that the new substation would not be in service until roughly late 2011. Demolition will involve the removal of the control house, steel support structures, above grade portions of foundations, conduits, ground grid, and electrical substation equipment. Demolition will also include any required environmental remediation of the soil within the footprint of the existing substation.

6.0 SDG&E REQUEST

SDG&E requests that the Port instruct its staff to obtain all necessary State Lands Commission approvals and permits and to document a land transfer as described above to be completed no later than October 24, 2008 and authorizes Staff to take all necessary steps to execute and implement. This transaction includes that 1) the Port shall grant to SDG&E fee simple title or a perpetual easement to a site comprising a minimum of 9.86 acres of land suitable for the development, use, operation and maintenance of a 230/69 kilovolt electrical substation and appurtenant fixtures, facilities and equipment, together with unobstructed ingress and egress to and from the site by a route or routes reasonably acceptable to SDG&E and 2) that the Port shall agree that SDG&E shall have possession and control over both substation sites during the permitting and construction of the new substation and demolition of the old substation at no additional cost. Upon the demolition of the existing substation SDG&E will relinquish its permanent easement reserving only any necessary easements for utility transmission or distribution corridors.

EXHIBIT 5

SAN DIEGO UNIFIED PORT DISTRICT

DATE: January 5, 2010

SUBJECT: SAN DIEGO GAS & ELECTRIC COMPANY

- A) RESOLUTION AUTHORIZING REAL ESTATE EXCHANGE AGREEMENT WITH SAN DIEGO GAS & ELECTRIC COMPANY (SDG&E) FOR RELOCATION OF THE SOUTH BAY SUBSTATION, AND AUTHORIZATION TO EXECUTE ANY ANCILLARY AGREEMENTS NECESSARY TO FINALIZE THE TRANSFER.**
- B) RESOLUTION AUTHORIZING CALIFORNIA STATE LANDS COMMISSION LAND EXCHANGE AGREEMENT IN SUBSTANTIALLY SIMILAR FORM AS THE AGREEMENT ATTACHED TO THE REAL ESTATE EXCHANGE AGREEMENT, FACILITATING EXCHANGE OF PROPERTY BETWEEN THE DISTRICT AND SDG&E.**
- C) ORDINANCE GRANTING A TEN (10) YEAR LEASE TO SDG&E FOR THE SOUTH BAY SUBSTATION SITE PENDING CONSTRUCTION OF A NEW SUBSTATION.**

EXECUTIVE SUMMARY:

SDG&E, the current easement holder and operator of the South Bay Substation, is proposing to relocate the substation to a 12.42 acre site on the southern most portion of the former Liquid Natural Gas (LNG) site. The relocation would be accomplished by the District and SDG&E entering into a Real Estate Exchange Agreement and interim Lease for properties within the proposed Otay District on the Chula Vista Bayfront. In exchange for the New Substation site, SDG&E will relinquish its easement interest in the existing 7.22 acre South Bay Substation as well as relinquish its easement interest in a 10.47 acre transmission and distribution easement area. Once the properties are exchanged, the District would enter into an interim Lease with SDG&E until the New Substation is constructed at which time the existing substation would be demolished and the Lease would terminate. Additionally, the California State Lands Commission (SLC) requires a three-party exchange agreement between the District, SDG&E and SLC to facilitate the exchange. After extensive negotiations with SDG&E, District staff recommends that the Board approve the transaction and authorize staff to execute the required agreements with SDG&E and SLC.

RECOMMENDATION:

- A) Resolution authorizing Real Estate Exchange Agreement with SDG&E for relocation of the South Bay Substation and authorization to execute any ancillary agreements necessary to finalize the transfer;

- B) Resolution authorizing California State Lands Commission Land Exchange Agreement in substantially similar form as the agreement attached to the Real Estate Exchange Agreement, facilitating the exchange of property between the District and SDG&E;
- C) Ordinance granting a 10-year Lease to SDG&E for the South Bay Substation site pending construction of a New Substation.

FISCAL IMPACT:

The proposed Board actions will not result in any immediate fiscal impact to the District; however, the 10-year Lease to SDG&E requires rent be paid to the District totaling \$3,420,000 for the five year period during lease years six through 10. If SDG&E completes construction of the New Substation and demolition of the South Bay Substation, the lease can be terminated early, in which case the District will not receive the rents stated above.

COMPASS STRATEGIC GOALS:

This agenda item supports the following Strategic Goals:

- Promote the Port's maritime industries to stimulate regional economic vitality.
- Enhance and sustain a dynamic and diverse waterfront.
- Protect and improve the environmental conditions of San Diego Bay and the Tidelands.
- Ensure a safe and secure environment for people, property and cargo.
- Develop and maintain a high level of public understanding that builds confidence and trust in the Port.
- Develop a high-performing organization through alignment of people, process and systems.
- Strengthen the Port's financial performance.
- Not applicable.

DISCUSSION:

SDG&E is seeking a Real Estate Exchange Agreement and Lease with the District to facilitate relocation of the South Bay Substation. The proposed relocation project would replace the South Bay Substation, which is outdated and needs to either be upgraded or a New Substation constructed on an alternate site. The District believes the substation relocation and land exchange to be in the best interest of the people of the State of California and the District as it will relocate the substation from its current location in the heart of the Otay District to a more remote location. The location for the proposed New Substation is situated in the southern most portion of the Otay District, which will better accommodate implementation of the District's proposed new master plan and future redevelopment of the District property.

The District acquired the South Bay Power Plant (SBPP) and LNG sites from SDG&E in 1999 to facilitate the removal of the SBPP from the Chula Vista Bayfront. The SBPP is currently operating under a "must run" status due to its role in assuring electric power supply reliability for the region. In October 2004, SDG&E and the City of Chula Vista entered into a Memorandum of Understanding (MOU) concerning several energy related issues. Under the MOU, SDG&E agreed to establish a cooperative relationship with the City to advance the City's goals of beautifying the bayfront and, under certain circumstances, to relocate the substation if a suitable replacement site was provided. In August 2008, SDG&E submitted an initial proposal to the District for the possible relocation of the substation. Subject to the Board's approval, District staff and SDG&E have reached agreement on the terms for the Real Estate Exchange Agreement and interim Lease which are more fully discussed below and summarized on the attached REAL ESTATE EXCHANGE AGREEMENT INFORMATION SUMMARY AND LEASE INFORMATION SUMMARY.

Land Exchange

The proposed substation relocation site is a 12.42 acre portion of the former LNG site on District tidelands in Chula Vista. In exchange for the new site SDG&E will relinquish its easement interest in the existing 7.22 acre substation site and a 10.47 acre transmission and distribution easement area to the District.

The properties were appraised by Jones, Roach & Caringella, Inc. and reviewed by SDG&E, the District and SLC. Following are the relative values of each property:

- District property was valued at \$13.00 per sq. ft. with a fair market value of \$7,030,000 as of October 10, 2008;
- SDG&E property was valued at \$14.00 per sq. ft. for the exclusive South Bay Substation easement and \$7.00 per sq. ft. for the SDG&E non-exclusive existing transmission and distribution easements. The total fair market value of SDG&E property is \$7,600,000 as of October 10, 2008.

Prior to closing of escrow, the following conditions precedent must be satisfied and/or waived by the respective parties:

- (i) Each party will be able to acquire a title policy for their new property;
- (ii) The Real Estate Exchange Agreement, the SLC Exchange Agreement and the Lease must be approved by SLC;
- (iii) There shall be no pending or threatened litigation, administrative proceedings, investigations, or other form of governmental enforcement actions affecting the use, operation, or occupancy of any portion of the exchange properties;
- (iv) The District and SDG&E shall have delivered to escrow company all required closing deliverables required in the exchange agreement and performed all covenants and obligations of the parties;

- (v) There shall have been no material change in the condition of either exchange properties without written consent of the other party;
- (vi) SDG&E shall have received acceptable final decisions from the California Public Utilities Commission (CPUC) issuing the Permit to Construct (PTC) and all other required permits for the New Substation;
- (vii) District and SDG&E shall have mutually agreed in writing upon a decommissioning and demolition plan for the South Bay Substation and the transmission and distribution facilities, provided that such decommissioning and demolition plan shall not require SDG&E to remove (and SDG&E shall be released from any obligation to remove) any foundations more than six feet below the existing finished grade surface;
- (viii) The District and SDG&E shall have received evidence reasonably satisfactory that the "must run" status has been terminated from SBPP and, within thirty (30) days after such evidence is received, the District shall deliver written notice to Dynegy, with a copy to SDG&E, to commence the end of term actions under the power plant Lease; and,
- (ix) SLC shall have taken all actions necessary to authorize the removal of the District property from the public trust and delivered a quitclaim deed to escrow.

New Substation Construction

Subject to obtaining all required regulatory approvals from the CPUC and the California Independent System Operator, SDG&E proposes to relocate its existing South Bay Substation, a 138/69kV facility, to a new location on a portion of the former LNG site.

The proposed project will be a 230/69/12 kV substation New Substation that will replace the aging South Bay Substation with a more modern, reliable and flexible installation. The project will connect the existing 230kV and 69kV bulk power transmission systems to ensure a reliable energy supply for the South Bay region along with the San Diego region in general. This project also enables reliable operation of the SDG&E transmission system in the absence of the SBPP.

Upon completion of the New Substation and transfer of transmission lines to the New Substation, the South Bay Substation will be demolished. The preliminary estimate for the cost of the project is \$130 million which includes construction of the New Substation, transfer of transmission lines and demolition of the South Bay Substation. The project cost may change depending on the final design, the timing and any environmental mitigation that may be required by the CPUC or other conditions that may be imposed in connection with required governmental permits and approvals.

The CPUC will be the lead agency for the project under the California Environmental Quality Act (CEQA). SDG&E will be submitting its Proponent's Environmental Assessment (PEA) as part of its application to the CPUC for a PTC. The PTC permitting process is expected to take approximately 18 months. Upon receiving approval for the PTC, along with any other permits and satisfaction of all other

conditions precedent set forth in the exchange agreements, SDG&E will begin construction of the New Substation, the relocation of transmission lines and the demolition of the South Bay Substation. The expected timeframe, after acquiring all permits and satisfying all other conditions precedent, from start of construction of the New Substation through demolition of the existing South Bay Substation is approximately three years.

Lease Agreement

Upon satisfaction of all the conditions precedent required in the Real Estate Exchange Agreement, including removal of SBPP from the "must run" status, the District and SDG&E shall exchange their respective properties. Concurrently with the exchange, the District will enter into an interim Lease with SDG&E for a term not to exceed 10 years.

The lease requires SDG&E to prepare a decommissioning and demolition plan to be approved by the District in advance of demolition activities. SDG&E will be required to demolish all foundations within the substation to six feet below the existing finished grade surface. The District and SDG&E have agreed to rely on prior agreements concerning environmental obligations of the two sites stemming from the District's acquisition of the SBPP in 1999.

Rent paid under the lease for lease year one through five is deemed prepaid from the excess consideration received by the District from the exchange of property. SDG&E will pay ramped up market rent beginning in lease year six through 10 as follows:

Lease Year 6 - \$342,000
Lease Year 7 - \$513,000
Lease Year 8 - \$684,000
Lease Year 9 - \$855,000
Lease Year 10 - \$1,026,000

The lease can be terminated early by either party once all of the following occur:

- The "must run" status is removed from the SBPP;
- Completion of construction, commissioning and placement into service of the New Substation;
- Decommissioning and demolition of the South Bay Substation;
- Decommissioning and demolition of facilities in the transmission and distribution easement area; and
- The release from escrow and recordation of the documents relinquishing the transmission and distribution easement area.

State Lands Commission Exchange Agreement

In conjunction with the Board's approval of the Real Estate Exchange Agreement and interim Lease, approval is required by SLC. SLC's approval will be memorialized in a three-party exchange agreement (SLC Exchange Agreement) between SLC, the District and SDG&E which documents and makes the necessary findings to support its approval of the exchange and requires the District to indemnify the State of California Staff. Staff believes this indemnity presents minimal risk to the District. Board approval is being requested to execute the SLC Exchange Agreement in substantially similar form to the agreement attached to the Real Estate Exchange Agreement.

Recommendation

After extensive negotiations with SDG&E, District staff recommends that the Board approve the transaction and authorize staff to execute the required agreements with SDG&E and SLC. District staff believes the foregoing exchange of property rights to be in the best interest of the people of the State of California and the District, as it will facilitate the relocation of the South Bay Substation from its current location in the heart of the proposed Otay District to the new location in the southern most portion of area, and will facilitate implementation of the District's proposed new master plan and future redevelopment of the bayfront.

Port Attorney's Comments:

The Port Attorney has reviewed the subject documents and environmental language involved in this matter for form, substance and legality. The Port Attorney also views the indemnity agreement required by the State Lands Commission to be appropriate as necessary to the business transaction.

Environmental Review:

The proposed Board actions are exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines. As stated under Section 15061(b)(3), an activity that will cause no physical change and has no possibility of resulting in a significant effect on the environment is not subject to CEQA. The proposed actions to approve the land exchange agreements and approve a Lease for the continued operation of the South Bay Substation until it is demolished are consistent with this exemption.

Equal Opportunity Program:

Not applicable.

PREPARED BY: Chris Hargett
Area Real Estate Manager

REAL ESTATE EXCHANGE AGREEMENT INFORMATION SUMMARY

	DISTRICT PROPERTY	SDG&E PROPERTY
Parties:	San Diego Unified Port District via State Lands Commission	San Diego Gas & Electric Company
Property Exchanged:	12.42 acres	7.22 acre substation and 10.47 acre transmission and distribution area
Consideration of Value:	\$7,030,000 property value	\$7,600,000 easement interest value
Conditions Precedent to Closing:	<p>Prior to closing of escrow, the following conditions precedent must be satisfied and or waived by the respective parties:</p> <p>(i) Both parties are able to acquire a title policy for their new property.</p> <p>(ii) The Real Estate Exchange Agreement, the SLC Exchange Agreement and the Lease must be approved by SLC.</p> <p>(iii) There shall be no pending or threatened litigation, administrative proceedings.</p> <p>(iv) The District and SDG&E shall have delivered to Escrow Company all required closing deliverables required in the Exchange Agreement and performed all covenants and obligations of the parties.</p> <p>(v) There shall have been no material change in the condition of either Exchange Properties without written consent of the other party.</p> <p>(vi) SDG&E shall have received acceptable final decisions from the CPUC issuing the PTC and all other required permits for the New Substation.</p> <p>(vii) District and SDG&E shall have mutually agreed in writing upon a decommissioning and demolition plan for the Existing Substation and the Existing Transmission and Distribution Facilities.</p> <p>(viii) The District and SDG&E shall have received evidence reasonably satisfactory to them that the "must run" status has been terminated from SBPP.</p> <p>(ix) SLC shall have taken all actions necessary to authorize the removal of the District Exchange Property from the public trust and delivered a quitclaim deed to Escrow.</p>	
Deed Restriction:	N/A	SDG&E shall use the property for utility purposes only and the property cannot be used for electric generation purposes.
Reconveyance:	Upon the property no longer being utilized for a utility purpose the District reserves a right of reconveyance from SDG&E to District by quitclaim deed.	N/A
Closing Costs:	District and SDG&E agree to share in closing costs on a 50/50 basis	
SLC Processing Costs:	District and SDG&E agree to share SLC processing fee equally up to a maximum aggregate amount of \$30,000.	
Termination of Agreement:	If all conditions precedent have not been satisfied or waived by SDG&E within five years of the agreements effective date the agreement will terminate.	

LEASE INFORMATION SUMMARY

Lessee:	San Diego Gas & Electric Company, a California Corporation
Location:	North of SBPP and West of Bay Boulevard in the proposed Otay District of the Chula Vista Bayfront
Area:	<i>7.22 acres of land</i>
Use:	Operation, maintenance, repair and removal of an electric substation
Term:	10 years, commencing concurrently with the close of escrow and the exchange of District and SDG&E property.
Rent:	Rent paid under the lease for lease year one through five is deemed prepaid from the excess consideration received by the District from the exchange of property. SDG&E will pay ramped up market rent beginning in lease year six through ten as follows: Lease Year 6 - \$342,000 Lease Year 7 - \$513,000 Lease Year 8 - \$684,000 Lease Year 9 - \$855,000 Lease Year 10 - \$1,026,000
New Substation Construction:	SDG&E is required to diligently proceed with construction of the New Substation and diligently prosecute such work to completion subject to the occurrence of a force majeure event.
Demolition Plan:	The lease requires SDG&E to prepare a decommissioning and demolition plan to be approved by the District in advance of demolition activities.
Demolition:	SDG&E is to demo all improvements in the substation including demolition of foundations to a depth of six feet.
Environmental Obligations:	The parties agree to rely on the 1999 Asset Sale Documents concerning any pre-existing contamination on the site. If contamination occurs during the term of the lease the obligations will be governed by the lease terms which require Lessee to remediate any contamination.

REAL ESTATE EXCHANGE AGREEMENT
AND JOINT ESCROW INSTRUCTIONS

THIS REAL ESTATE EXCHANGE AGREEMENT AND JOINT ESCROW INSTRUCTIONS ("Agreement") is dated as of January 6, 2010 by and between the SAN DIEGO UNIFIED PORT DISTRICT, a public corporation ("District"), and the SAN DIEGO GAS & ELECTRIC COMPANY, a California corporation ("SDG&E") (individually "Party" and collectively "Parties").

RECITALS

- A. Pursuant to that certain Asset Sale Agreement, dated as of December 11, 1998, between District and SDG&E, which is on file in the Office of the District Clerk bearing Document Number 38353 ("Asset Sale Agreement"), District acquired from SDG&E certain land situated in the City of Chula Vista, County of San Diego, State of California ("Plant Land"), as described in the Quitclaim Deed, Easement Reservation and Covenant Agreement, dated as of April 21, 1999, between SDG&E, as grantor, and District, as grantee, recorded on April 22, 1999 as Document Number 1999-0269511 in the Office of the San Diego County Recorder and filed in the Office of the District Clerk as Document No. 38357, as amended by Agreement for Amendment of Quitclaim Deed, Easement Reservation and Covenant Agreement - Amendment No. 1, recorded on September 28, 2007 as Document Number 2007-0634170 in the Office of the San Diego County Recorder and filed in the Office of the District Clerk as Document Number 52376 ("South Bay Power Plant Quitclaim Deed").
- B. District owns the South Bay Power Plant on the Plant Land ("Power Plant"), which is leased to and operated by Dynegy South Bay LLC, a Delaware Limited Liability Company ("Power Plant Operator"), pursuant to the Lease between District and Power Plant Operator, as successor in interest to Duke Energy South Bay, LLC, a Delaware limited liability company ("Duke Energy"), dated April 1, 1999 and on file in the Office of the District Clerk bearing Document No. 38358 ("Power Plant Lease").
- C. SDG&E owns and operates an electrical substation for the transmission and distribution of electricity generated by the Power Plant, together with related fixtures, facilities, pipelines, equipment and appurtenances (to the extent owned by SDG&E, collectively, "Existing Substation"), on a site comprising 7.22 acres of the Plant Land, as described in Section 1 of Exhibit B to the South Bay Power Plant Quitclaim Deed and depicted in Exhibit C to the South Bay Power Plant Quitclaim Deed ("Existing Substation Site"), pursuant to the exclusive Easement for Electric Substation reserved in the South Bay Power Plant Quitclaim Deed ("Existing Substation Easement").

- D. SDG&E owns and operates certain overhead and underground electric transmission and distribution facilities, including but not limited to towers, poles, conduits, wires and/or cables, together with related fixtures, facilities, equipment and appurtenances (collectively, "Transmission and Distribution Facilities"), on a portion of the rights-of-way described in Sections 2 and 3 of Exhibit B to the South Bay Power Plant Quitclaim Deed and depicted in Exhibit C to the South Bay Power Plant Quitclaim Deed, comprising 10.47 acres of the Plant Land, which portion is more particularly described and depicted in Attachment A attached hereto ("Existing Transmission and Distribution Area"), pursuant to the non-exclusive Easement for Electric Transmission Facilities and Easement for Distribution of Electricity reserved in the South Bay Power Plant Quitclaim Deed ("Existing Transmission and Distribution Easements").
- E. In October 2004, SDG&E and the City of Chula Vista ("City") entered into a Memorandum of Understanding ("MOU") concerning several energy issues. Under the MOU, SDG&E agreed to establish a cooperative relationship with the City to advance the City's goals of beautifying the bayfront, and in addition SDG&E agreed under certain circumstances to relocate the Existing Substation if a suitable replacement site is provided at no cost to SDG&E. On August 28, 2008, SDG&E submitted an initial proposal to the District for the possible relocation of the Existing Substation, which would permit the eventual quitclaim of the Existing Substation Easement and Existing Transmission and Distribution Easements.
- F. District and SDG&E have agreed to enter into this Agreement, pursuant to which, upon the satisfaction of certain conditions precedent more fully described below, including but not limited to the termination by the California Independent System Operator ("ISO") of the Must-Run Service Agreement between Power Plant Operator, as successor in interest to SDG&E, and the ISO ("RMR Agreement"), with respect to all of the individual electricity generating units at the Power Plant, as set forth in Section 2.2 of the RMR Agreement, and the occurrence of the effective date of such termination ("RMR Termination"), (1) with respect to the Existing Substation Site, SDG&E will quitclaim and release the Existing Substation Easement in favor of District or the California State Lands Commission ("SLC") (as determined by the SLC), and District and SDG&E will enter into a new lease in the form attached hereto as Attachment B ("Lease"), and (2) District will convey to the SLC by quitclaim deed, and immediately thereafter the SLC will convey to SDG&E by quitclaim deed, a new site comprising 12.42 acres of the Plant Land, as described in Attachment C attached hereto ("New Substation Site"), for the construction, use, operation and maintenance of a new electrical substation and electric and gas transmission and distribution facilities and related facilities (collectively, "New Substation"), all as more fully described below.
- G. As more fully set forth in the Lease, (1) upon the occurrence of the RMR Termination, and the New Substation Commissioning (as defined in the Lease), SDG&E will, at SDG&E's sole cost, perform the Existing Substation Demolition (as defined in the Lease) and the Existing Transmission and Distribution Facilities Demolition (as defined in the Lease) and diligently prosecute such work to completion, (2) upon the (a) completion of the Existing Substation Demolition and

the Existing Transmission and Distribution Facilities Demolition, (b) the quitclaim and release of the portions of the Existing Transmission and Distribution Easements applicable to the Existing Transmission and Distribution Area by SDG&E in favor of District or the SLC (as determined by the SLC), and (c) the surrender of the Existing Transmission and Distribution Area by SDG&E; then the Lease will terminate and SDG&E will surrender the Existing Substation Site to District.

- H. Because the foregoing exchange of property rights involves public trust lands under the authority of the SLC, in order to facilitate the foregoing exchange of property rights, the SLC, the District and SDG&E have entered or contemporaneously will enter into the exchange agreement in the form attached hereto as Attachment J ("SLC Exchange Agreement").
- I. The SLC and the District believe the foregoing exchange of property rights to be in the best interest of the people of the State of California and the District, as it will facilitate the relocation of the Existing Substation from the Existing Substation Site to the New Substation Site, which is situated in the southern most portion of the proposed Otay District, and will facilitate implementation of the District's proposed new master plan and future redevelopment of the portions of the Plant Land that currently comprise the Existing Substation Site and the Existing Transmission and Distribution Area.

NOW, THEREFORE, in reliance upon the foregoing recitals and in consideration for the mutual conditions, obligations and agreements set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, District and SDG&E hereby agree as follows:

1. AGREEMENT TO EXCHANGE PROPERTY RIGHTS

Subject to the terms of this Agreement and the SLC Exchange Agreement, District hereby agrees to (x) quitclaim to the SLC the fee interest in the New Substation Site (hereinafter referred to as the "District Exchange Property") pursuant to the District New Substation Deed (as defined in Section 10(a) below), (y) cause the SLC to quitclaim to SDG&E the fee interest in the District Exchange Property pursuant to the SLC New Substation Deed (as defined in Section 9(a)(ix) below), and (z) grant to SDG&E the Lease of the Existing Substation Site, in exchange for which SDG&E hereby agrees to (a) quitclaim to either the District or the SLC (as determined by the SLC) its interest in the Existing Substation Site under the Existing Substation Easement pursuant to the SDG&E Existing Substation Deed (as defined in Section 11(a) below) and, (b) quitclaim to either the District or the SLC (as determined by the SLC) the portions of the Existing Transmission and Distribution Easements applicable to the Existing Transmission and Distribution Area pursuant to the SDG&E Existing Transmission and Distribution Deed (as defined in Section 11(e) below). The Existing Substation Site and the Existing Transmission and Distribution Area shall be hereinafter collectively referred to as the "SDG&E Exchange Property." This Agreement shall become effective as of the time that this Agreement is signed by the District and SDG&E and the SLC has approved this Agreement and all attachments hereto and all transactions contemplated hereby. The date upon which this Agreement becomes effective shall be the "Effective Date."

2. DESCRIPTION OF EXCHANGE PROPERTIES

The properties affected by the exchange of interests described in Section 1 above are the following (collectively the "Exchange Properties"):

- (a) District Exchange Property: Approximately 12.42 acres of property located on the southern portion of the Plant Land which is west of Interstate 5 and Bay Boulevard in Chula Vista, California being a portion of Parcel 2 of Parcel Map No. 18185 in the County of San Diego, State of California, filed in the Office of the County Recorder of said San Diego County December 30, 1998 as File No. 1998-858614 of Official Records, and as more particularly described in Attachment C attached hereto.
- (b) SDG&E Exchange Property: (i) A portion of the Plant Land currently occupied by SDG&E under the exclusive Existing Substation Easement consisting of 7.22 acres of land generally described in Section 1 of Exhibit B to the South Bay Power Plant Quitclaim Deed, as more particularly described in Attachment D attached hereto; (ii) a portion of the Plant Land currently occupied by SDG&E under the non-exclusive Existing Transmission and Distribution Easements, consisting of 10.47 acres of land generally described and depicted in Attachment A attached hereto, all of which is located west of Interstate 5 and Bay Boulevard in Chula Vista, California.

3. CONSIDERATION OF VALUE

The Exchange Properties involved in this Agreement have been appraised with values as follows:

- (a) District Exchange Property was valued at \$13.00 per Sq. Ft. with a fair market value of \$7,030,000, as of October 10, 2008, as set forth in the Appraisal Report, dated October 23, 2008, prepared by Jones, Roach & Caringella, Inc.
- (b) SDG&E Exchange Property was valued at \$14.00 per Sq. Ft. for the exclusive Existing Substation Easement and \$7.00 per Sq. Ft. for the SDG&E non-exclusive Existing Transmission and Distribution Easements. The fair market value of SDG&E Exchange Property is \$7,600,000, as of October 10, 2008, as set forth in the Appraisal Report, dated October 10, 2008, prepared by Jones, Roach & Caringella, Inc.

4. SDG&E LEASE OF EXISTING SUBSTATION SITE

Concurrently with the Closing (as defined in Section 12 below), District and SDG&E shall enter into the Lease for the Existing Substation Site.

5. DEED RESTRICTION

As a condition of this Agreement, District requires the deed restriction set forth in the SLC New Substation Deed to be placed on the District Exchange Property.

6. TERMINATION OF AGREEMENT

This Agreement may terminate if any of the following occurs:

- (a) **SDG&E Termination:** SDG&E may elect to terminate this Agreement by delivery to the District of written notice setting forth the effective date of such termination upon the occurrence of any of the following: (i) the California Public Utilities Commission ("PUC") issues a decision that (A) denies SDG&E's application for a Permit to Construct ("PTC") for the New Substation, (B) imposes any condition on the approval of SDG&E's application for the PTC that is unacceptable to SDG&E in its sole judgment, including but not limited to any mitigation measure or other condition that would have the effect of increasing the total cost of constructing the New Substation by five percent (5%) or more, or (C) denies SDG&E's application for approval under Section 851 of the California Public Utilities Code ("851 Approval"), if such 851 Approval is required; or (ii) any other federal, state or local governmental entity or agency, including but not limited to the California Coastal Commission, which has discretion whether to issue a permit that is required to construct the New Substation, which permit requirement is not preempted by the PUC ("Required Permit"), issues a decision that either denies SDG&E's application for any such Required Permit or imposes any condition on the approval of SDG&E's application for such Required Permit that is unacceptable to SDG&E in its sole judgment, including but not limited to any mitigation measure or other condition that would have the effect of increasing the total cost of constructing the New Substation by five percent (5%) or more.
- (b) **Termination by Either Party:** Either Party may elect to terminate this Agreement by delivery to the other Party of written notice setting forth the effective date of such termination upon the occurrence of any of the following: (i) the issuance by a court of competent jurisdiction of any ruling or order declaring that this Agreement is invalid, or (ii) the SLC issues a decision that either (A) denies the Parties' request for approval of this Agreement, the Lease and the transactions contemplated hereby or the SLC Exchange Agreement and the transactions contemplated thereby, or (B) imposes any condition on the approval of the Parties' request for such approval that is unacceptable to either Party in its sole judgment.

7. TITLE

- (a) No later than sixty (60) days after the Effective Date, each Party may, at its own cost (or may elect at its own risk not to), obtain a preliminary title report ("PTR"), pertaining to the Exchange Property it is receiving in the exchange, issued by Stewart Title Guaranty Company ("Title Company"), together with legible copies of recorded documents relating to the title exceptions referred to in the PTR. Each Party hereby acknowledges receipt from the other Party of a legal description and plat prepared by a licensed engineer or surveyor for their respective Exchange Property.

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- (b) Within thirty (30) days after receiving the PTR, each Party shall notify the other Party in writing of any title exceptions shown in the PTR that it disapproves and the exceptions disapproved in timely notice shall constitute "Disapproved Exceptions." Thereafter, if any written update to the PTR reveals a material exception to title not shown on the PTR, then that Party shall notify the other Party in writing of its disapproval of such new exception within ten (10) days after receipt of such update, and the exceptions disapproved in such timely notice shall also be "Disapproved Exceptions". Any exception set forth in the PTR or any update thereto that does not constitute a "Disapproved Exception" under this paragraph shall be deemed approved by the other Party, and will constitute a "Permitted Exception" hereunder. Notwithstanding anything else in this Agreement, without the requirement of any written notice of objection, any monetary lien or encumbrance recorded against either Exchange Property (other than liens for *ad valorem* taxes that are not yet due or payable) and any title exception arising from the acts of the conveying Party after the Effective Date that is not approved in writing by the other Party at or prior to the Closing will be deemed a Disapproved Exception. Notwithstanding the foregoing, if any Party elects at its own risk not to obtain a PTR with respect to the Exchange Property that it is receiving at the Closing, then such Party shall be conclusively deemed to have waived any objections to all exceptions affecting such Exchange Property and all exceptions affecting such Exchange Property shall be conclusively deemed to be "Permitted Exceptions."
- (c) Each Party shall be obligated to cure, at or prior to the Closing, any Disapproved Exceptions described in the second to last sentence of Section 7(b) above affecting the interest in the Exchange Property being conveyed by such Party. With respect to Disapproved Exceptions other than those described in the second to last sentence of Section 7(b) above, within fifteen (15) days after the date either Party receives the other Party's written notice disapproving such Disapproved Exceptions, the Party receiving such written notice will notify the other in writing of any such Disapproved Exceptions which the Party receiving such written notice is unable or unwilling to cause to be removed or insured against prior to or at Closing (the "Unresolved Exceptions"). With respect to any Unresolved Exception, the Party receiving the Exchange Property with the Unresolved Exception will elect, by giving written notice to the other Party and Escrow Company (as defined in Section 14 below) within ten (10) days after receipt of the other Party's determination regarding the Unresolved Exceptions, (i) to terminate this Agreement, or (ii) to waive in writing its disapproval of such Unresolved Exceptions, and in such event such Unresolved Exceptions shall then be deemed to be "Permitted Exceptions." Either Party's failure to terminate this Agreement within such ten-day period shall constitute an agreement to treat the Unresolved Exceptions as Permitted Exceptions (provided, however, that in no event shall any Disapproved Exceptions described in the second to last sentence of Section 7(b) above, which must be cured at or prior to the Closing, be deemed to be Permitted Exceptions, unless the Party receiving the Exchange Property affected by such Disapproved Exceptions waives, in writing, at or

prior to the Closing, the obligation of the other Party to cure such Disapproved Exceptions). If either Party terminates this Agreement in accordance with this Section 7(c), Escrow Company shall immediately refund all monies and documents deposited by the respective Party; provided, however, that the Party terminating this Agreement shall be responsible for all title and escrow cancellation fees.

- (d) Each Party may elect, in its sole discretion, to obtain an owner's policy of title insurance or an addendum to any existing owner's policy of title insurance, together with additional or extended title coverage, for the Exchange Property it is receiving, at its sole cost and expense, including without limitation, any costs of surveys or survey updates as may be required to obtain extended coverage. Either Party's receipt of additional or extended title coverage will not be a condition to the Closing.
- (e) During the period from the Effective Date through the earlier to occur of the Closing or the termination of this Agreement, neither Party shall, without the prior written consent of the other Party, sell, convey, grant or assign to any other person or entity all or any interest in the Exchange Property held by such Party, or grant, convey or materially amend any existing easement, right of way, lease, license, option, covenant, condition, restriction, deed of trust, security instrument, lien, hypothecation, or encumbrance affecting such Exchange Property, on or off record. Notwithstanding the foregoing, prior to the Closing, the District shall have the right to use or permit third parties to use all or any portion of the District Exchange Property under all of the following conditions: (i) any third party use of the District Exchange Property shall be pursuant to a lease, license, permit or other agreement that is terminable upon not more than thirty (30) days written notice and does not impose any obligation or liability of any kind or nature upon SDG&E, (ii) any use by the District or any third party shall be terminated no later than the Closing, (iii) without SDG&E's prior written consent in its sole discretion, no permanent improvements shall be installed or constructed upon the District Exchange Property and no permanent changes shall be made to the physical condition of the District Exchange Property, (iv) the District shall repair any damage to the District Exchange Property arising from such use and restore the District Exchange Property to the condition in which it existed as of the Effective Date, (v) the District shall remediate any hazardous materials deposited, released, generated, placed, emitted, used or stored in, on, around or near the District Exchange Property as a result of such use, and (vi) the District shall indemnify, defend and hold SDG&E harmless from and against any and all claims, costs, expenses, losses, liabilities, lawsuits, causes of action, fines and penalties (including but not limited to reasonable attorneys' fees) arising or resulting from the District's breach, violation or failure to comply with the conditions set forth in the foregoing subparagraphs (i), (ii), (iii), (iv) or (v). The foregoing sentence shall not apply to any use of the District Exchange Property by SDG&E or SDG&E's employees, contractors, consultants, agents or representatives before Closing.

8. ENVIRONMENTAL OBLIGATIONS, REMEDIATION & HAZARDOUS MATERIALS

- (a) For the purposes of this Agreement, the term "1999 Asset Sale Documents" shall mean the agreements and documents listed in Attachment E attached hereto.
- (b) Notwithstanding anything set forth in this Agreement, with respect to any Hazardous Materials (as defined in the Asset Sale Agreement) deposited, released, generated, placed, emitted, used, stored or existing in, on, around or near the Exchange Properties during any period of time prior to the Closing or arising from any event or condition that occurred during any period of time prior to the Closing (hereinafter, a "Pre-Existing Condition"), District's and SDG&E's respective rights, obligations, and liabilities shall be governed by and as set forth in the 1999 Asset Sale Documents and not this Agreement, except that if any of SDG&E or its agents, employees, contractors, sublessee or invitees exacerbates a Pre-Existing Condition during the term of the Lease in a manner that causes an increased risk to human health or the environment and requires a new, additional or incremental "Response Action" (as defined in the Lease) at the "Leased Premises" (as defined in the Lease) ("Exacerbation of a Pre-Existing Condition"), then the Parties' respective rights and obligations with respect to such Exacerbation of a Pre-Existing Condition with respect to the "Leased Premises" shall be exclusively governed by the terms of the Lease. Nothing in this Agreement shall expand, diminish, supplement, alter, release, waive or terminate any of District's or SDG&E's respective rights, obligations or liabilities under the 1999 Asset Sale Documents; except that the Parties' respective rights and obligations with respect to any Exacerbation of a Pre-Existing Condition with respect to the "Leased Premises" shall be exclusively governed by the terms of the Lease. SDG&E hereby agrees that any claims by SDG&E against the District under the 1999 Asset Sale Documents arising from any Hazardous Materials (as defined in the Asset Sale Agreement) deposited, released, generated, placed, emitted, used, stored or existing in, on, around or near the District Exchange Property during any period of time prior to the Closing or arising from any event or condition that occurred during any period of time prior to the Closing shall be brought, if at all, not later than one (1) year after the commissioning and placement into service of the New Substation.
- (c) Other than as expressly set forth in this Agreement or in the 1999 Asset Sale Documents, District shall accept the SDG&E Exchange Property at the Closing "as-is" with all faults and conditions, and acknowledges that, except as otherwise expressly set forth in this Agreement or in the 1999 Asset Sale Documents, SDG&E makes no representations or warranties of any kind or nature, express or implied, with respect to the SDG&E Exchange Property and disclaims any implied warranty of habitability, merchantability and suitability for a particular purpose.
- (d) Other than as expressly set forth in this Agreement, SDG&E shall accept the District Exchange Property at the Closing "as-is" with all faults and conditions, and acknowledges that, except as otherwise expressly set forth in this

Agreement, District makes no representations or warranties of any kind or nature, express or implied, with respect to the District Exchange Property and disclaims any implied warranty of habitability, merchantability and suitability for a particular purpose.

- (e) The transactions contemplated by this Agreement have been negotiated between the Parties, and this Agreement reflects the mutual agreement of the Parties. Each Party acknowledges that it has conducted (or elected at its own risk not to conduct) such inspections and due diligence that it deems necessary or desirable, and is relying on its own judgment in determining whether to enter into the transactions contemplated in this Agreement.

9. CONDITIONS PRECEDENT TO CLOSING

- (a) The following shall be conditions precedent to District's obligation to consummate the exchange transaction contemplated herein (the "District's Conditions Precedent"):
 - (i) Neither District nor SDG&E shall have terminated this Agreement.
 - (ii) If District has elected to obtain either an owner's policy of title insurance or an addendum to an existing policy of title insurance for the Existing Substation Site, then Title Company shall be irrevocably committed to issue at the Closing either an ALTA 2006 Owner's Policy of Title Insurance on the standard form used in the state of California with liability in the full appraised value of the Existing Substation Site, or such addendum to the existing policy of title insurance requested by District, subject only to the Permitted Exceptions (in either case, the "District Title Policy"), insuring District's good and marketable fee interest in the Existing Substation Site, dated as of the date of the Closing (provided, however, that if the SLC has determined that the SDG&E Existing Substation Deed shall be in favor of the SLC, rather than the District, then this condition precedent shall not apply).
 - (iii) This Agreement and the SLC Exchange Agreement (including all attachments or exhibits thereto) and all transactions contemplated thereby will have been approved by SLC in accordance with its charter and any applicable laws, codes, ordinances, rules, regulations, permits or orders, and such approval shall be Final (as hereinafter defined). For the purposes of this Agreement, the term "Final" shall mean, with respect to any decision, approval, ruling or order, that all periods for an appeal or filing of a writ of certiorari with respect to such decision, approval, ruling or order shall have expired without the filing of any such appeal or writ by any party or, if any such appeals or writs shall have been filed, all such appeals or reviews pursuant to such writs shall have been exhausted.
 - (iv) No pending or threatened litigation, administrative proceedings, investigations, or other form of governmental enforcement actions or

proceedings exist as of the Closing, which are related to, directed at, or otherwise affecting the use, operation, or occupancy of any portion of the Exchange Properties.

- (v) SDG&E shall have delivered to Escrow Company SDG&E's closing deliverables set forth in Section 11 below and/or in the SLC Exchange Agreement, and shall have performed, in all material respects, all covenants and obligations to be performed by SDG&E at or prior to the Closing in accordance with this Agreement and/or the SLC Exchange Agreement.
- (vi) There shall have been no material change in the condition of the SDG&E Exchange Property from the condition in which the SDG&E Exchange Property existed as of the Effective Date (other than the installation, reconstruction, replacement, relocation, reconfiguration, alteration, improvement, repair, maintenance, or removal of utility improvements, equipment, facilities and appurtenances in accordance with the Existing Substation Easement and the Existing Transmission and Distribution Easements) unless the District shall have granted its written consent to such material change.
- (vii) District and SDG&E shall have mutually agreed in writing upon a decommissioning and demolition plan for the Existing Substation and the Existing Transmission and Distribution Facilities, provided that such decommissioning and demolition plan shall not require SDG&E to remove (and SDG&E shall be released from any obligation to remove) any foundations more than six (6) feet below the existing finished grade surface of the Existing Substation Site or the Existing Transmission and Distribution Area (as applicable).
- (viii) SLC shall have taken all actions necessary to authorize the removal of the District Exchange Property from the public trust in accordance with its charter and any applicable laws, codes, ordinances, rules, regulations, permits or orders.
- (ix) The SLC shall have delivered to Escrow Company the SLC's closing deliverables set forth in Section 10 below, and shall have performed, in all material respects, all covenants and obligations to be performed by the SLC at or prior to the Closing in accordance with this Agreement and/or the SLC Exchange Agreement. Without limiting the generality of the foregoing, the SLC shall have delivered to Escrow Company the quitclaim deed attached hereto as Attachment K ("SLC New Substation Deed"), executed by the SLC and properly notarized, in recordable form, removing the District Exchange Property from the public trust and conveying the District Exchange Property to SDG&E, together with any other documents, instruments or agreements reasonably necessary to effectuate the transactions contemplated by

this Agreement and the SLC Exchange Agreement (including all attachments or exhibits thereto)

The conditions set forth in this Section 9(a) are solely for the benefit of District and may be waived by District only. At any time before the termination of this Agreement, District may waive in writing any of these conditions, and provided that all of SDG&E's Conditions Precedent shall have been satisfied or waived by SDG&E, District may elect to proceed with the Closing.

- (b) The following are conditions precedent to SDG&E's obligation to consummate the exchange transaction contemplated herein (the "SDG&E's Conditions Precedent"):
- (i) Neither SDG&E nor District shall have terminated this Agreement.
 - (ii) Title Company shall be irrevocably committed to issue at the Closing an ALTA 2006 Owner's Policy of Title Insurance on the standard form used in the state of California with liability in the full appraised value of the District Exchange Property, subject only to the Permitted Exceptions (the "SDG&E Title Policy") insuring SDG&E's good and marketable fee interest in the District Exchange Property, dated as of the date of the Closing.
 - (iii) This Agreement and the SLC Exchange Agreement (including all attachments or exhibits thereto) and all transactions contemplated thereby will have been approved by SLC in accordance with its charter and any applicable laws, codes, ordinances, rules, regulations, permits or orders, and such approval shall be Final.
 - (iv) No pending or threatened litigation, administrative proceedings, investigations, or other form of governmental enforcement actions or proceedings exist as of the Closing, which are related to, directed at, or otherwise affecting the use, operation, or occupancy of any portion of the Exchange Properties.
 - (v) The District shall have delivered to Escrow Company the District's closing deliverables set forth in Section 10 below and shall have performed, in all material respects, all covenants and obligations to be performed by the District at or prior to the Closing in accordance with this Agreement.
 - (vi) There shall have been no material change in the condition of the District Exchange Property from the condition in which the District Exchange Property existed as of the Effective Date, unless SDG&E shall have granted its written consent to such material change (provided that the foregoing shall not prohibit the District from using or permitting third parties to use the District Exchange Property in accordance with the last sentence of Section 7(e) above).

- (vii) SDG&E shall have received access rights required in connection with the construction, use, operation and maintenance of the New Substation on the District Exchange Property from the Metropolitan Transit System or any other entity with the authority and jurisdiction to grant or assign such access rights.
- (viii) SDG&E shall have received acceptable Final decisions issuing the PTC, 851 Approval (if 851 Approval is required), and all other Required Permits for the New Substation.
- (ix) The District and SDG&E shall have received evidence reasonably satisfactory to them that RMR Termination has occurred, and within thirty (30) days after such evidence is received, the District shall deliver written notice to Plant Owner, with a copy to SDG&E, to commence the end of term actions under the Power Plant Lease.
- (x) District and SDG&E shall have mutually agreed in writing upon a decommissioning and demolition plan for the Existing Substation and the Existing Transmission and Distribution Facilities, provided that such decommissioning and demolition plan shall not require SDG&E to remove (and SDG&E shall be released from any obligation to remove) any foundations more than six (6) feet below the existing finished grade surface of the Existing Substation Site or the Existing Transmission and Distribution Area (as applicable).
- (xi) SLC shall have taken all actions necessary to authorize the removal of the District Exchange Property from the public trust in accordance with its charter and any applicable laws, codes, ordinances, rules, regulations, permits or orders.
- (xii) The SLC shall have delivered to Escrow Company the SLC's closing deliverables set forth in Section 10 below, and shall have performed, in all material respects, all covenants and obligations to be performed by the SLC at or prior to the Closing in accordance with this Agreement and/or the SLC Exchange Agreement. Without limiting the generality of the foregoing, the SLC shall have delivered to Escrow Company the SLC New Substation Deed, executed by the SLC and properly notarized, in recordable form, removing the District Exchange Property from the public trust and conveying the District Exchange Property to SDG&E, together with any other documents, instruments or agreements reasonably necessary to effectuate the transactions contemplated by this Agreement and the SLC Exchange Agreement (including all attachments or exhibits thereto).
- (xiii) SDG&E shall have received evidence reasonably satisfactory to it that the District Exchange Property has been (A) excluded from the Chula Vista Bayfront Master Plan and Port Master Plan Amendment, and (B) referenced in the findings in support of certification of the Chula Vista

Bayfront Master Plan and Port Master Plan Amendment Final Environmental Impact Report, Chula Vista, California (UPD #83356-EIR-658, SCH #2005081077).

The conditions set forth in this Section 9(b) are solely for the benefit of SDG&E and may be waived only by SDG&E. At any time before the termination of this Agreement, SDG&E may waive in writing any of these conditions, and provided that all of District's Conditions Precedent shall have been satisfied or waived by District, SDG&E may elect to proceed with the Closing.

10. SLC's AND DISTRICT'S CLOSING DELIVERABLES

At least fifteen (15) days prior to the scheduled Closing, District shall deliver or cause to be delivered to Escrow Company with a copy to SDG&E the following:

- (a) The quitclaim deed attached hereto as Attachment F ("District New Substation Deed"), executed by District and properly notarized, in recordable form, conveying the District Exchange Property from the District to SLC.
- (b) An affidavit in substantially the form of Attachment G attached hereto, executed by District and properly notarized, certifying that District is not a "foreign person" within the meaning of Section 1445(f)(3) of the Internal Revenue Code of 1986 (the "District Certificate of Non-Foreign Status").
- (c) The Lease attached hereto as Attachment B, executed by District, and a memorandum of the Lease, attached hereto as Attachment B, executed by District and properly notarized.
- (d) Any funds required to be delivered by the District in accordance with the settlement statement approved in writing by District in accordance with Section 14 below.
- (e) At least one (1) business day prior to the Closing, District shall deliver to Escrow Company any other documents, instruments or agreements reasonably necessary to effectuate the transaction contemplated by this Agreement.

In addition, pursuant to the SLC Exchange Agreement, as of or prior to the Closing, the SLC will deliver or cause to be delivered to Escrow Company the following:

- (x) The SLC New Substation Deed, executed by the SLC and properly notarized, in recordable form, conveying the District Exchange Property from the SLC to SDG&E.
- (y) Any other documents or deliverables that the SLC is required to deliver to Escrow Company as of or prior to the Closing pursuant to the SLC Exchange Agreement.

11. SDG&E'S CLOSING DELIVERABLES

1/5/2010 4:41:47 PM

At least fifteen (15) days prior to the Closing, SDG&E shall deliver or cause to be delivered to Escrow Company with a copy to District the following:

- (a) The quitclaim deed attached hereto as Attachment H ("SDG&E Existing Substation Deed"), executed by SDG&E and properly notarized, in recordable form, quitclaiming and releasing the Existing Substation Easement to District or the SLC (as determined by the SLC), subject to Permitted Exceptions.
- (b) An affidavit in the form of Attachment I attached hereto, executed by SDG&E and properly notarized, certifying that SDG&E is not a "foreign person" within the meaning of Section 1445(f)(3) of the Internal Revenue Code of 1986 (the "SDG&E Certificate of Non-Foreign Status").
- (c) The Lease attached hereto as Attachment B, executed by SDG&E, and a memorandum of Lease, also attached hereto as Attachment B, executed by SDG&E and properly notarized.
- (d) Any other funds required to be delivered by SDG&E in accordance with the settlement statement approved in writing by SDG&E in accordance with Section 14 below.
- (e) The quitclaim deed attached hereto as Attachment L ("SDG&E Existing Transmission and Distribution Deed"), executed by SDG&E and properly notarized, in recordable form, quitclaiming and releasing the portions of the Existing Transmission and Distribution Easements applicable to the Existing Transmission and Distribution Area to District or the SLC (as determined by the SLC), subject to Permitted Exceptions (provided, however, that the SDG&E Existing Transmission and Distribution Deed shall not be released for recording until such time as Escrow Company shall have received written confirmation from each of the District and SDG&E that the Existing Transmission and Distribution Facilities Demolition has been completed).
- (f) At least one (1) business day prior to the Closing, SDG&E shall deliver to Escrow Company any other documents, instruments or agreements reasonably necessary to effectuate the transaction contemplated by this Agreement.

12. CLOSING

The "Closing" of the exchange transaction contemplated herein shall occur within thirty (30) days after all of the District's Conditions Precedent shall have been satisfied or waived by District and all of SDG&E's Conditions Precedent shall have been satisfied or waived by SDG&E (the "Closing Date"), provided that the Closing Date may be postponed upon the mutual written agreement of the Parties, and provided, further, that if all of the District's Conditions Precedent shall not have been satisfied or waived by District and all of SDG&E's Conditions Precedent shall not have been satisfied or waived by SDG&E by the date that is five (5) years after the date that the last party required to execute the SLC Exchange Agreement shall have executed the SLC Exchange Agreement ("Outside Closing Date"),

then this Agreement shall terminate, unless the Parties shall have mutually agreed in writing to continue the Agreement in full force and effect beyond the Outside Closing Date. As used herein, the term "Closing" means the date and time that the District New Substation Deed, the SLC New Substation Deed and the SDG&E Existing Substation Deed and the memorandum of the Lease are recorded in the Official Records of the Office of the San Diego County Recorder. Notwithstanding the foregoing, the SDG&E Existing Transmission and Distribution Deed shall not be released for recording and shall continue to be held in escrow until such time as Escrow Company shall have received written confirmation from each of the District and SDG&E that the Existing Transmission and Distribution Facilities Demolition has been completed.

13. CLOSING COSTS

- (a) Each Party shall pay one hundred percent (100%) of (a) the premiums for any title policy or title policy addendum insuring the Exchange Property that such Party is receiving in the exchange (provided, however, that if any endorsement to the title policy is required to cure a Disapproved Exception as described in the second to last sentence of Section 7(b), which the other Party is obligated to cure at or prior to the Closing, then the other Party shall pay the cost of such endorsement), (b) the attorney's fees incurred by such Party to draft or negotiate this Agreement or any other documentation required in connection with the transactions contemplated in this Agreement, and (c) any brokerage, finder's fee or similar commission arising from any agreement entered into by such Party or from other actions of such Party in connection with the transactions contemplated in this Agreement.
- (b) District and SDG&E shall equally share all other escrow and closing costs unless otherwise defined herein. Unless otherwise specified herein, if the exchange of property contemplated hereunder does not occur because of a default on the part of District, or the failure of a District Condition Precedent that does not arise from SDG&E's failure to perform any obligation under this Agreement, District shall pay all escrow and title cancellation fees; if the exchange of property does not occur because of a default on the part of SDG&E, or the failure of a SDG&E Condition Precedent that does not arise from the District's failure to perform any obligation under this Agreement, SDG&E shall pay all escrow and title cancellation fees. If the Agreement terminates pursuant to Sections 6(a) or 6(b), then District and SDG&E shall each pay fifty percent (50%) of all escrow, title cancellation fees, and closing costs.
- (c) SDG&E shall pay fifty percent (50%) of the costs charged by SLC to the District in connection with the SLC's processing and approval of the transactions contemplated by this Agreement and the SLC Exchange Agreement ("SLC Costs"), up to a maximum aggregate amount of \$30,000. District shall pay all remaining SLC Costs.

14. ESCROW AND CLOSING

- (a) Instructions. Within thirty (30) days after the Effective Date, a copy of the fully executed Agreement shall be deposited with Stewart Title of California, Inc. ("Escrow Company"). Within thirty (30) days after the date that the last party required to sign the SLC Exchange Agreement shall have executed the SLC Exchange Agreement, a copy of the fully executed SLC Exchange Agreement shall be deposited with Escrow Company. By this Agreement, the Parties hereby establish an escrow with Escrow Company to effect the transactions contemplated in this Agreement and the SLC Exchange Agreement, which shall be opened upon Escrow Company's receipt of copies of the Parties' fully executed Agreement and SLC Exchange Agreement. This Agreement and the SLC Exchange Agreement, together with such further joint escrow instructions, if any, as the Parties shall provide to Escrow Company by written agreement, shall constitute the escrow instructions, and Escrow Company shall administer the escrow in accordance with this Agreement, the SLC Exchange Agreement and any such further joint escrow instructions. If any requirements relating to the duties or obligations of Escrow Company hereunder are not reasonably acceptable to Escrow Company, or if Escrow Company reasonably requires additional instructions, the Parties hereto agree to make such reasonably requested deletions, substitutions and additions hereto as District and SDG&E may mutually approve, which additional instructions shall not alter the material terms of this Agreement unless otherwise expressly provided in any written instructions approved in writing by both Parties.
- (b) Deposits into Escrow. District and SLC will make their respective deposits into escrow in accordance with Section 10. SDG&E will make its deposits into escrow in accordance with Section 11. Not less than five (5) business days prior to the scheduled Closing, Escrow Company shall promptly prepare and deliver to each Party a settlement statement, reflecting the allocation and disbursement of the funds on deposit in the escrow. Escrow Company shall invest any funds on deposit in the escrow in an interest-bearing account at the written direction of the Parties. Escrow Company is hereby authorized to close the escrow only if and when:
- (i) Escrow Company has received all items to be delivered by the SLC, District and SDG&E pursuant to this Agreement;
 - (ii) Escrow Company has received written confirmation from the District that District's Conditions Precedent have been satisfied or waived and from SDG&E that SDG&E's Conditions Precedent have been satisfied or waived;
 - (iii) Both Parties have approved the settlement statement in writing;
 - (iv) If District has elected to obtain the District Title Policy, Title Company is irrevocably committed to issue the District Title Policy (provided, however, that if the SLC has determined that the SDG&E Existing Substation Deed shall be in favor of the SLC, rather than the District, then this provision shall not apply); and

- (v) Title Company is irrevocably committed to issue the SDG&E Title Policy.
- (c) Closing. Provided that the requirements set forth in Section 14(b)(i) through (v) above are satisfied, Escrow Company shall:
 - (i) With respect to District: (A) Record the SDG&E Existing Substation Deed in the Official Records of the Office of the San Diego County Recorder; and immediately upon recording at District's cost, deliver to the District a conformed copy of the SDG&E Existing Substation Deed; (B) record the memorandum of the Lease in the Official Records of the Office of the San Diego County Recorder; and immediately upon recording at SDG&E's cost, delivering to District a conformed copy of the memorandum; (C) deliver to District the SDG&E Certificate of Non-Foreign Status; (D) disburse any funds to District in accordance with the settlement statement approved by District and SDG&E; and (E) if available at the Closing and District has elected to obtain the District Title Policy, deliver the District Title Policy to District.
 - (ii) With respect to SDG&E: (A) Record the District New Substation Deed and the SLC New Substation Deed (in that order) in the Official Records of the Office of the San Diego County Recorder; and immediately upon recording at SDG&E's cost, delivering to SDG&E conformed copies of the District New Substation Deed and the SLC New Substation Deed; (B) record the memorandum of Lease in the Official Records of the Office of the San Diego County Recorder; and immediately upon recording at SDG&E's cost, deliver to SDG&E a conformed copy of the memorandum; (C) deliver to SDG&E the District Certificate of Non-Foreign Status; (D) disburse any funds to SDG&E in accordance with the settlement statement approved by the District and SDG&E; and (E) if available at the Closing, deliver the SDG&E Title Policy to SDG&E.
- (d) SDG&E Existing Transmission and Distribution Deed. Notwithstanding the foregoing, Escrow Company shall continue to hold in escrow the SDG&E Existing Transmission and Distribution Deed until such time as Escrow Company shall have received written confirmation from each of the District and SDG&E that the Existing Transmission and Distribution Facilities Demolition has been completed. Upon receipt of such written confirmation, Escrow Company shall record the SDG&E Existing Transmission and Distribution Deed in the Official Records of the Office of the San Diego County Recorder; and immediately upon recording at District's cost, deliver to District a conformed copy of the SDG&E Existing Transmission and Distribution Deed.
- (e) Real Estate Reporting Person: Escrow Company is hereby designated the "real estate reporting person" for purposes of section 6045 of Title 26 of the United States Code and Treasury Regulation 1.6045-4 and any instructions

- or settlement statement prepared by Escrow Company shall so provide. Upon the consummation of the transactions contemplated by this Agreement, Escrow Company shall file the Form 1099 information and return and send the statement to District and SDG&E as required under the aforementioned statute and regulation.

15. AGREEMENT GOVERNING LAW

THIS AGREEMENT SHALL BE GOVERNED BY AND CONSTRUED AND INTERPRETED IN ACCORDANCE WITH THE LAWS OF THE STATE OF CALIFORNIA.

16. MISCELLANEOUS

- (a) Each individual and entity executing this Agreement hereby represents and warrants that he, she or it has the capacity set forth on the signature pages hereof with full power and authority to execute and deliver this Agreement bind the Party on whose behalf he, she or it is executing this Agreement to the terms hereof. Each Party hereby represents and warrants that (i) all actions necessary to authorize the execution, delivery and performance of this Agreement by such Party have been taken, (ii) the performance of this Agreement will not violate or constitute a default under any other material agreement, document or instrument to which such Party is a party or by which such Party is bound or affected, (iii) all proceedings required to be taken by or on behalf of such Party to authorize such Party to execute, deliver and perform the terms and conditions of this Agreement have been duly and properly taken, and (iv) except as set forth herein, no further consent of any person or entity is required in connection with the execution, delivery and performance of this Agreement and the actions contemplated under this Agreement by such Party. Each Party hereby represents and warrants that this Agreement constitutes the valid and binding obligation of such Party. The representations and warranties set forth in this Section 16(a) shall survive the Closing or any earlier termination of this Agreement.
- (b) This Agreement is the entire agreement between the Parties hereto with respect to the subject matter hereof. Any waiver, modification, consent or acquiescence with respect to any provision of this Agreement shall be set forth in writing and duly executed by or on behalf of the Party to be bound thereby. No waiver by any Party of any breach hereunder shall be deemed a waiver of any other or subsequent breach.
- (c) This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which when taken together shall constitute one and the same instrument. The signature page of any counterpart may be detached therefrom without impairing the legal effect of the signature(s) thereon provided such signature page is attached to any other counterpart identical thereto except having additional signature pages executed by other Parties to this Agreement attached thereto.

- (d) Time is of the essence in the performance of and compliance with each of the provisions and conditions of this Agreement.
- (e) Any communication, notice or demand of any kind whatsoever which either Party may be required or may desire to give to or serve upon the other shall be in writing and delivered by personal service (including express or courier service), by electronic communication, whether by telex, facsimile, telegram or teletype (if confirmed in writing sent by registered or certified mail, postage prepaid, return receipt requested, or nationally recognized overnight courier), or by registered or certified mail, postage prepaid, return receipt requested, or by nationally recognized overnight courier addressed as follows:

DISTRICT: San Diego Unified Port District
P.O. Box 120488
San Diego, California 92112-0488
Attn: Real Estate
Telephone: 619-686-6291
Fax: 619-686-6297

With a copy thereof to:

San Diego Unified Port District
P.O. Box 120488
San Diego, California 92112-0488
Attn: Port Attorney
Telephone: 619-686-6219
Fax: 619-686-6444

SDG&E: San Diego Gas and Electric Company
8335 Century Park Court, CP11D
San Diego, California 92123
Attn: Corporate Real Estate
Telephone: 858-637-3714
Fax: 858-637-3766

With a copy thereof to:

Sempra Energy
101 Ash Street
San Diego, California 92101
Attn: Law Department, Commercial Law
Telephone: 619-699-5049
Fax: 619-699-5189

Any Party may change its address for notice by written notice given to the other in the manner provided in this Section. Any such communication, notice or demand shall be deemed to have been duly given or served on the date personally served, if by personal service, one (1) day after the date of

- confirmed dispatch, if by electronic communication on a business day before 5:00 p.m., or three (3) days after being placed in the U.S. Mail, if mailed.
- (f) The Parties agree to execute such instructions to Escrow Company and such other instruments and to do such further acts as may be reasonably necessary to carry out the provisions of this Agreement.
 - (g) The making, execution and delivery of this Agreement by the Parties hereto have been induced by no representations, statements, warranties or agreements other than those expressly set forth herein.
 - (h) Wherever possible, each provision of this Agreement shall be interpreted in such a manner as to be valid under applicable law, but, if any provision of this Agreement shall be invalid or prohibited thereunder, such invalidity or prohibition shall be construed as if such invalid or prohibited provision had not been inserted herein and shall not affect the remainder of such provision or the remaining provisions of this Agreement.
 - (i) The language in all parts of this Agreement shall be in all cases construed simply according to its fair meaning and not strictly for or against any of the Parties hereto. Section headings of this Agreement are solely for convenience of reference and shall not govern the interpretation of any of the provisions of this Agreement. References to "Sections" are to Sections of this Agreement, unless otherwise specifically provided.
 - (j) Subject to the dispute resolution set forth in Section 17 below, if any action is brought by either Party against the other Party, the prevailing Party shall be entitled to recover from the other Party reasonable attorneys' fees, costs and expenses incurred in connection with the prosecution or defense of such action or any appeal thereof.
 - (k) This Agreement shall be binding upon and inure to the benefit of each of the Parties hereto and to their respective transferees, successors, and assigns. Neither this Agreement nor any of the rights or obligations of the Parties hereunder shall be transferred or assigned by District or SDG&E without the prior written consent of the nonassigning Party.
 - (l) Attachments A, B, C, D, E, F, G, H, I, J, K and L attached hereto are incorporated herein by reference.
 - (m) Notwithstanding anything to the contrary contained herein, this Agreement shall not be deemed or construed to make the Parties hereto partners or joint venturers, or to render either Party liable for any of the debts or obligations of the other, it being the intention of the Parties to merely create the relationship of buyer and seller with respect to exchanging property as contemplated hereby.
 - (n) The Parties agree that it is their specific intent that no other person or entity, including but not limited to the City of Chula Vista, Power Plant Operator or

1/5/2010 4:41:47 PM

any broker, shall be a party to or a third party beneficiary of this Agreement or the escrow, and further, that the consent of a broker shall not be necessary to any agreement, amendment, or document with respect to the transaction contemplated by this Agreement.

17. DISPUTE RESOLUTION

All disputes or disagreements between the Parties arising out of or relating to the terms, conditions, interpretation, performance, default or any other aspect of this Agreement, such Parties shall first attempt to resolve the dispute informally. In the event the dispute is not resolved informally with sixty (60) days after one Party gives notice of the dispute to the other Party, prior to and as a precondition to the initiation of any legal action or proceeding, the Parties shall refer the dispute to mediation before a retired State or Federal judge mutually selected by the Parties. The dispute shall be mediated through informal, nonbinding joint conferences or separate caucuses with an impartial third party mediator who will seek to guide the Parties to a consensual resolution of the dispute. The mediation proceeding shall be conducted within thirty (30) days (or any mutually agreed longer period) after referral, and shall continue until any Party involved concludes, in good faith, that there is no reasonable possibility of resolving the dispute in a manner acceptable to such party in its sole discretion without resort to a legal action or proceeding. All costs of the mediation shall be shared equally by the Parties involved. Each Party shall bear its own attorneys' fees and other costs incurred in connection with the mediation. In the event the Parties are unable to resolve the dispute through mediation, in addition to any other rights or remedies, any Party may institute a legal action.

[Signatures appear on following page.]

1/5/2010 4:41:47 PM

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed by their duly authorized representatives as of the date first above written.

DISTRICT:

APPROVED AS TO
FORM:

Maec E. Bennett

SAN DIEGO UNIFIED PORT DISTRICT,
a public corporation

Ellen Corey Born

Name: Ellen Corey Born
Title: Executive Vice President

SDG&E:

APPROVED AS TO
FORM:

Joan LeSage

Name: Joan LeSage
Title: Assistant General Counsel

SAN DIEGO GAS & ELECTRIC COMPANY,
a California corporation

Michael P. Niggi

Name: Michael P. Niggi
Title: Chief Operating Officer

EXHIBIT 6

SAN DIEGO UNIFIED PORT DISTRICTReference Copy
Document No. 58523**DATE:** May 4, 2010**SUBJECT: RESOLUTION AUTHORIZING THE CHULA VISTA BAYFRONT MASTER PLAN SETTLEMENT AGREEMENT BY AND BETWEEN THE BAYFRONT COALITION, THE SAN DIEGO UNIFIED PORT DISTRICT, THE CITY OF CHULA VISTA, AND THE REDEVELOPMENT AGENCY OF THE CITY OF CHULA VISTA WITH CONDITIONS****EXECUTIVE SUMMARY:**

The environmental review process for the Chula Vista Bayfront Master Plan ("CVBMP"), including the proposed amendments to the Port Master Plan and the City's General Plan and Local Coastal Plan, is nearing completion. While the Port District ("District"), the City of Chula Vista ("City"), and the Redevelopment Agency for the City of Chula Vista ("RDA") wish to obtain the Bayfront Coalition's ("Coalition") support for approval of the CVBMP ("Proposed Project"), the Coalition wishes to obtain additional measures for protection of the environment above and beyond those required by California Environmental Quality Act ("CEQA") and any other federal, state, and local laws and regulations applicable to the project.

The proposed Settlement Agreement ("Agreement") between the Coalition, the District, the City, and the RDA, details the commitments of the parties as they relate to the Proposed Project. The Agreement includes specific planning, design, funding and implementation elements, many of which will be incorporated into the Final Environmental Impact Report ("EIR") and Mitigation Monitoring and Reporting Program ("MMRP") adopted by the District and the City if the Proposed Project is approved. The Agreement also reserves to the District the sole and absolute discretion to certify or not certify the Final EIR and to approve or not approve the Proposed Project, and does not in any way commit the District to carry out or approve the Proposed Project.

The Coalition is comprised of the Environmental Health Coalition, San Diego Audubon Society, San Diego Coastkeeper, Coastal Environmental Rights Foundation, Southwest Wetlands Interpretative Association, Surfrider Foundation (San Diego Chapter) and Empower San Diego. As part of its obligations under the terms of the Agreement, the Coalition agrees to support and actively lobby local, regional and state agencies, including the State Lands Commission and the California Coastal Commission, to approve the Final EIR and the Proposed Project as described in the Final EIR.

RECOMMENDATION:

Adopt a Resolution authorizing the Chula Vista Bayfront Master Plan Settlement Agreement contingent upon the execution of the agreement by all members of the

ACTION TAKEN: 05-04-2010 - Resolution 2010-76

Bayfront Coalition, City of Chula Vista and Redevelopment Agency of the City of Chula Vista.

FISCAL IMPACT:

Upon execution of the Agreement, the District will be required to the extent afforded by law to add certain mitigation measures to the CVBMP Final EIR that will have a fiscal impact to the District. While many of the costs associated with the CVBMP were previously embedded in the EIR as project features or mitigation measures, some of the additional measures resulting from the Agreement are anticipated to be required by the California Coastal Commission ("CCC") upon approval of the Port Master Plan Amendment. The following table summarizes the incremental increases in costs to the District over and above what were initially required by the CVBMP or anticipated to be required by the CCC.

Estimated Incremental Increased Costs from Agreement		
Category	Ongoing Annual Costs	One-Time Costs
Natural Resources Management Plan ("NRMP") Creation		\$50,000 to \$100,000
NRMP Amendments	\$25,000 to \$50,000	
Monitoring	\$100,000 to \$125,000	
Buffer Fencing		\$0 to \$50,000
Enforcement	\$200,000	
F & G Street Study		\$25,000 to \$50,000
Education	\$75,000 to \$100,000	
Advisory Group Support	\$100,000	
Energy Requirements	Unknown	Unknown
TOTAL	\$500,000 to \$575,000	\$75,000 to \$200,000

The majority of these costs will be shared between the District and City per the terms of the proposed CVBMP Financing Agreement, and will begin once development on the Bayfront occurs between 2014 and 2016. The Financing Agreement requires the District, City and RDA to form a Joint Powers Authority ("JPA") for the purpose of combining revenues to fund infrastructure improvements and other project related expenses, to the extent afforded by law. The District will also receive contributions from Pacifica per the terms of the Pacifica Land Exchange Agreement in the amount of 0.5% of the gross sales price of residential units for environmental purposes. These funds will be transferred to the JPA and can be used to offset the costs of this Agreement.

The only upfront cost prior to formation of the JPA would be for creation of the NRMP, which is anticipated to cost approximately \$200,000 – of which 25% to 50% is attributable to the Agreement.

COMPASS STRATEGIC GOALS:

The proposed Agreement is consistent with and supplements the District's environmental review process for the CVBMP. If approved, the CVBMP will allow for the implementation of redevelopment plans for the Bayfront that will enhance and revitalize a presently underutilized waterfront area with land uses that include commercial development opportunities and public space amenities. Securing entitlements for the Bayfront will serve as an attraction for future developers and businesses, which will ultimately result in increased revenues that will strengthen the District's performance. Additionally, sensitive wildlife habitat will be better protected through the creation of buffers and enhanced natural resource areas.

This agenda item supports the following Strategic Goal(s).

- Promote the Port's maritime industries to stimulate regional economic vitality.
- Enhance and sustain a dynamic and diverse waterfront.
- Protect and improve the environmental conditions of San Diego Bay and the Tidelands.
- Ensure a safe and secure environment for people, property and cargo.
- Develop and maintain a high level of public understanding that builds confidence and trust in the Port.
- Develop a high-performing organization through alignment of people, process and systems.
- Strengthen the Port's financial performance.
- Not applicable.

DISCUSSION:

For many years, the District and the City have participated in a cooperative planning process for the Chula Vista Bayfront. This process included an award-winning public participation program that established three primary goals for the master plan: to develop a world-class waterfront; to create a plan that is supported by sound planning and economics; and, to create a plan that has broad-based community support. This entitlement effort has been complex, subject to multiple changes in direction, and has resulted in the circulation of two Draft EIRs. The environmental review process for the CVBMP, including the proposed amendments to the Port Master Plan and the City's General Plan and Local Coastal Plan Amendments, is nearing completion. On May 18, 2010, District staff will request the Board to certify the Final EIR and approve the Port Master Plan Amendment for the CVBMP.

After the close of the public comment period for the Revised Draft EIR in August 2008, the District and the City met with numerous interested individuals, organizations, and public agencies to address issues raised in public and agency comments on the Proposed Project and the Revised Draft EIR. Specifically, the District, City and RDA met with representatives of the Coalition to address their concerns that the Proposed Project

and its component parts would be implemented in a manner that provides community benefits, including but not limited to the preservation and protection of natural resources and the environment, job quality and housing.

Over the last several months, the District, the City and the RDA met with representatives of the Coalition to address specific concerns and to develop specific recommendations for improvements in project design and increased protection of natural resources in the project area. As a result of these efforts, a variety of measures have been incorporated into the Agreement and are summarized below. Please see the attached Agreement Information Summary for a detailed outline of the agreement.

District, City and RDA Commitments

Under the terms of the Agreement, the District, City and RDA commit to provisions and actions, such as:

- Creation, implementation, periodic review and enforcement of a Natural Resource Management Plan (NRMP) to promote and establish management objectives
- Additional mitigation measures, monitoring, management, enforcement and education requirements to address adjacency impacts to nearby wildlife habitat areas
- Design and timing of Phase I Signature Park improvements and minimum standards for the Sweetwater and Otay District public parks
- Creation of a South Bay Wildlife Advisory Group to advise the Port and City in the creation of the NRMP and related wildlife management plans
- Creation of a Bayfront Cultural and Design Committee for Port projects
- Energy efficiency and clean energy requirements for projects
- Job quality for the construction and operation of the Resort Conference Center on Parcel H-3

Coalition Commitments

Under the terms of the agreement, the Coalition and its member organizations commit to provisions and actions including the following:

- Support and actively lobby the California Coastal Commission and the State Lands Commission to approve the Final EIR and the Proposed Project
- Take no action, litigation or otherwise, to oppose any governmental approval, permit or other entitlement, which may be required for the certification of the Final EIR or approval of the Proposed Project
- To provide no assistance whatsoever, directly or indirectly, to any other entity to oppose any governmental approval, permit or other entitlement, which may be required for the certification of the Final EIR or approval of the Proposed Project

Although the Agreement provides for changes in the Proposed Project and for additional protection of natural resources and the environment above and beyond that required by CEQA and other applicable federal, state and local laws and regulations, these changes will be included in the Final EIR and the MMRP as design features and mitigation measures if the Agreement is approved. The negotiation process and this Agreement will result in an improved Proposed Project such that it will have the support of the Coalition member organizations.

Port Attorney's Comments:

The Port Attorney has reviewed and approved the requested document for form and legality.

Environmental Review:

The Agreement does not authorize any activities which may result in a significant impact on the environment. Instead, the Agreement provides for additional protection of natural resources and the environment in the CVBMP project area above and beyond that required by CEQA and other applicable laws and regulations. The District has reviewed the Agreement for compliance with CEQA and has determined that there is no possibility that the activity may have a significant effect on the environment. Therefore, pursuant to Section 15061(b)(3) of the State CEQA Guidelines, the Agreement is not subject to CEQA.

The Agreement also provides that the District reserves all discretion to take or not take any discretionary action upon completion of the environmental and public review process for the CVBMP. In particular, the Agreement provides that the District, in its sole and absolute discretion, may certify or not certify the Final EIR for the CVBMP, may approve or not approve the Proposed Project, and may adopt any mitigation measures or may approve any alternative, including the "No Project" alternative, which the District deems necessary and appropriate to reduce any environmental impact or comply with any applicable law or regulation. Nothing in the Agreement limits the District's discretion or commits the District to take any course of action that would result in the approval of or commitment to the Proposed Project or any aspect of the CVBMP. Accordingly, the District's approval of the Agreement would not in any way commit the District to carry out or approve the Proposed Project or any aspect of the CVBMP.

Equal Opportunity Program:

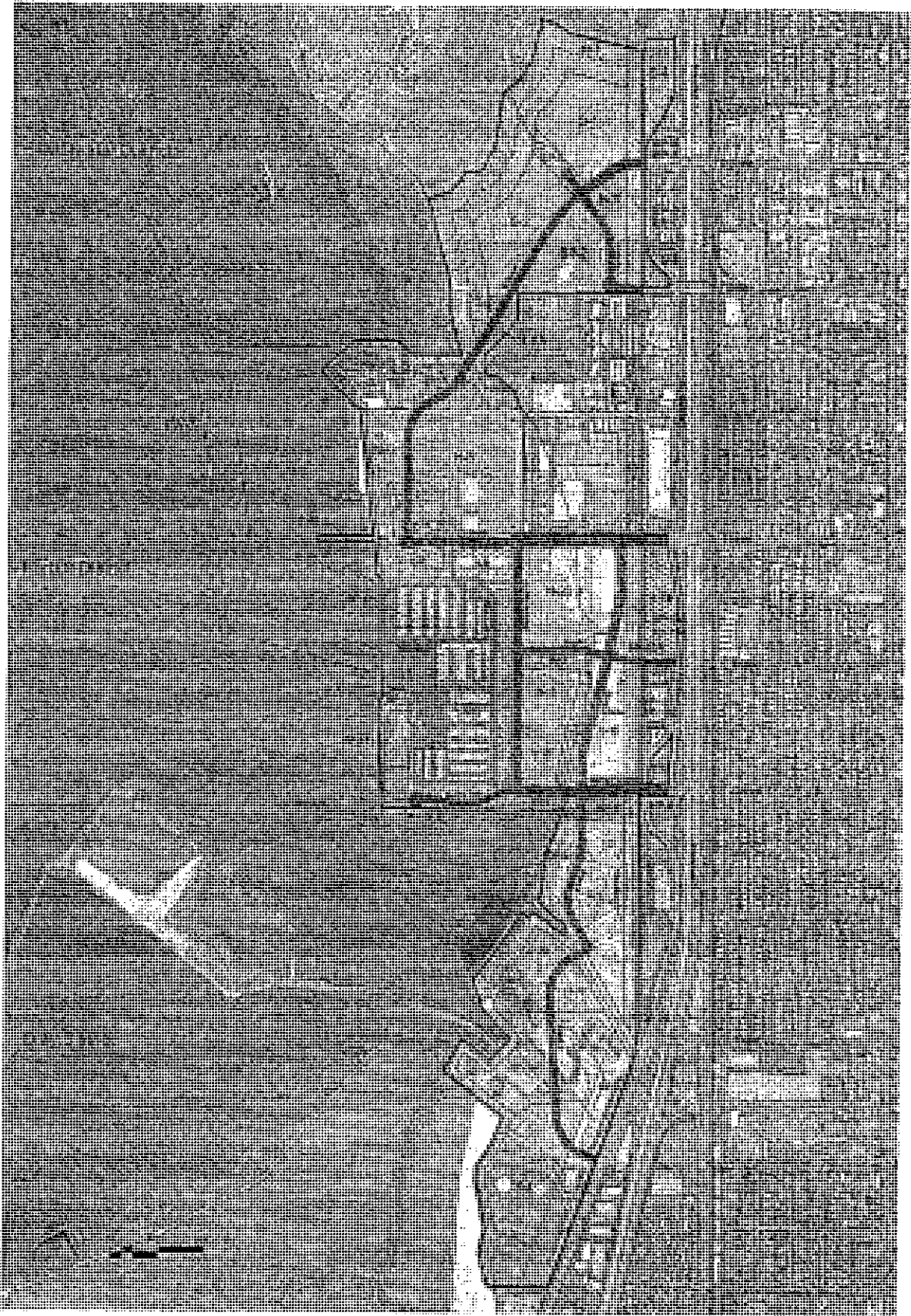
Not applicable.

PREPARED BY: Lesley M. Nishihira
Senior Redevelopment Planner, Land Use Planning

AGREEMENT INFORMATION SUMMARY

<p>District, City and RDA Commitments</p>	<p>1. Creation, periodic review and amendment of a Natural Resources Management Plan ("NRMP")</p> <ul style="list-style-type: none"> ▪ NRMP Management Objectives for Wildlife Habitat Areas include long term protection, conservation, monitoring and enhancement of: specific wetland habitats; vegetation and upland natural resources; biological functions of bayfront habitats; and, water quality. ▪ Funding for implementation of the NRMP provided by the District, City and RDA joint powers authority ("JPA") to be treated as priority expenditures that must be assured as project-related revenues are identified and impacts initiated. ▪ Pacifica Initial Sale Unit Contribution Funds to be placed into a Community Benefits Funds committed to Natural Resources, Affordable Housing, Sustainability/Living, and Community Impacts and Culture within the Project Area and Western Chula Vista. ▪ Dispute resolution and enforcement provisions for the NRMP.
	<p>2. NRMP Implementation</p> <ul style="list-style-type: none"> ▪ Compliance with management objectives and performance standards to guide preparation of the NRMP. ▪ Designate no-touch buffer areas, and install fencing and additional controls for protection. ▪ Design walkways and paths to minimize adjacency impacts to Wildlife Habitat Areas. ▪ Provide predator management for Wildlife Habitat Areas. ▪ Additional habitat management and protections, including coordination with Resource Agencies. ▪ Measures to reduce bird strike and bird disorientation. ▪ Storm water and urban runoff quality monitoring and management requirements. ▪ Landscaping and vegetation guidelines. ▪ Lighting and illumination standards to reduce impacts on wildlife. ▪ Noise controls, including limitation on fireworks displays to three (3) events per year. ▪ Environmental education programs for residents, visitors, tenants and workers. ▪ Restrictions on motorized boating in sensitive areas and a prohibition on the rental of (motorized) personal water craft.
	<p>3. Establishment of Restoration Priorities</p>

District, City and RDA Commitments (cont)	<p>4. Minimum standards for the design and function of the Sweetwater and Otay District Parks</p> <p>5. Requirement for Phase I Signature Park Improvements to be completed prior to issuance of certificates of occupancy for H-3 Resort Conference Center ("RCC") site and H-23 parcels</p> <p>6. Requirement that parcels contaminated with hazardous material be remediated to levels adequate to protect human health and the environment</p> <p>7. Density limits related to Parcel H-3 (RCC site) and project area hotels</p> <p>8. Creation of the South Bay Wildlife Advisory Group to advise in NRMP creation and related wildlife management and restoration plans and prioritizations</p> <p>9. Creation of a Bayfront Cultural and Design Committee to advise in design of parks, cultural facilities, and development projects on District property</p> <p>10. Clarifications and revisions to the Port Master Plan Amendment</p> <p>11. Energy efficiency and clean energy requirements</p> <p>12. Job quality for the construction and operation of the Resort Conference Center on Parcel H-3</p>
Coalition Commitments	<p>1. To support and actively lobby the California Coastal Commission and the State Lands Commission to approve the Final EIR and the Proposed Project</p> <p>2. To take no action to oppose any governmental approval, permit or other entitlement which may be required for the certification of the Final EIR or approval of the Proposed Project</p> <p>3. To provide no assistance to any person, organization, or other entity to oppose any governmental approval, permit or other entitlement which may be required for the certification of the Final EIR or approval of the Proposed Project</p> <p>4. Coalition shall have the right to participate in project-approval processes for development that requires project-level review subsequent to Final EIR certification and Proposed Project approval</p> <p>5. Coalition may participate in any agency actions related to the cleanup of contaminated soils and sediments within the Proposed Project boundary</p> <p>6. Coalition may participate in processes related to the decommissioning and demolition of the South Bay Power Plant (including substation relocation)</p>



Chula Vista Bayfront Master Plan

Proposed Project Parcel Plan

EXHIBIT 7

UP **Opinion**

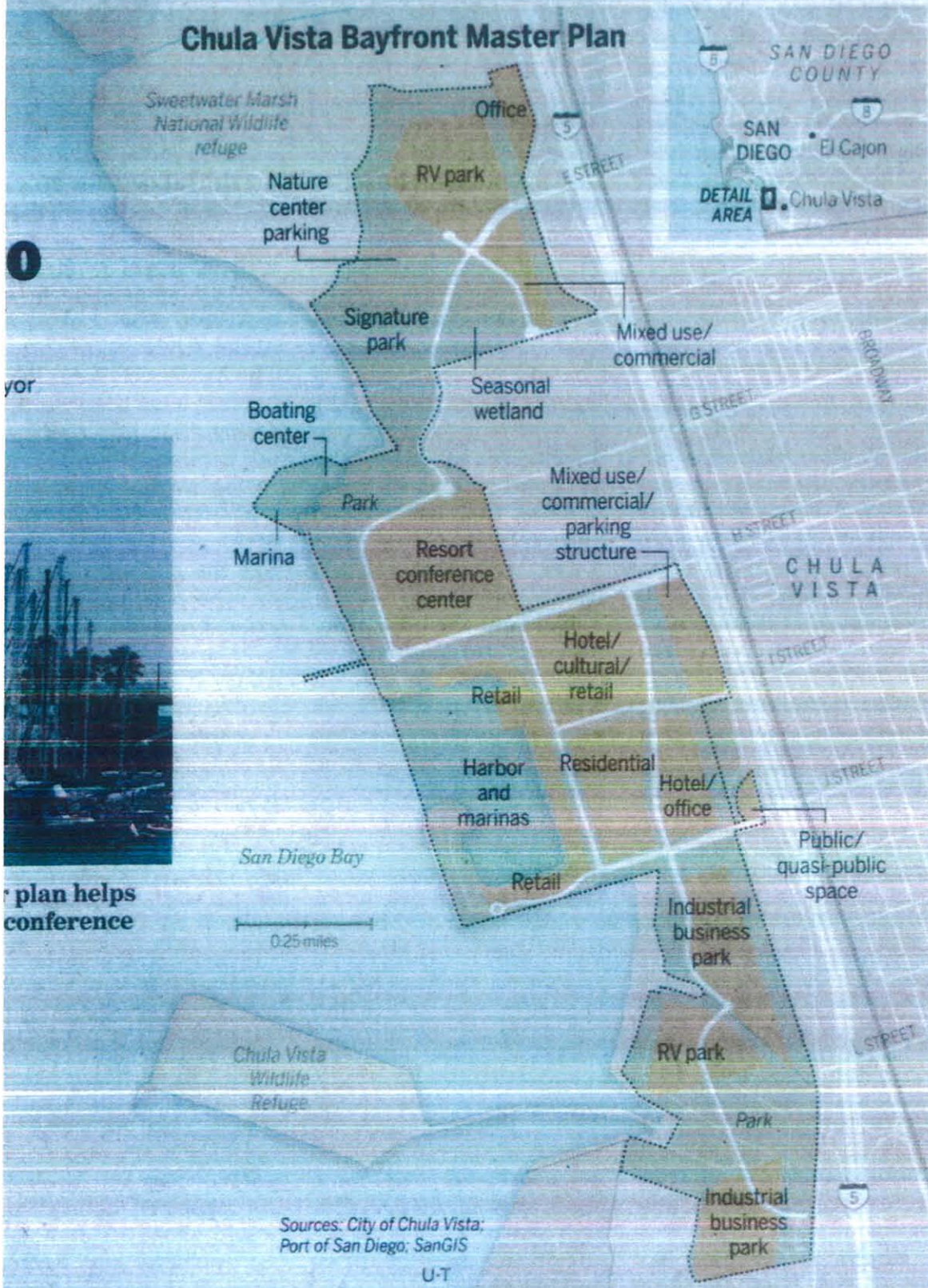
SECTION F

- F2** Editorial
- F2** Letters
- F3** Opinion
- F4** Books



CHULA VISTA VISION

Chula Vista Bayfront Master Plan



plan helps conference

regulatory hurdles to start-
ing construction, the port's
business development di-
rector has warned against
expecting building activity

to commence quickly.
"We still have to start the
selection process next year
for our developers, and it's
going to take another year
to get the site design com-
pletely done, so construc-

community leaders last
week before a tour of the
bayfront.

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619.293.2517

EXHIBIT 8



Phone Number: 913-561-2861
Web Site: www.segalinc.com

WATER | ENERGY | LIFE



RIVERSIDE PUBLIC UTILITIES CASA BLANCA SUBSTATION

JOB NO. 10-0111-01

DWG. NO. KOP 02

REV DATE: 1



EXHIBIT 9



RESOURCE BALANCE, INC.

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August 30, 2012

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Subject: SOUTH BAY SUBSTATION RELOCATION PROJECT

At your request, Resource Balance, Inc. has reviewed ecological issues regarding the Draft Environmental Impact Report for the South Bay Substation Relocation Project (DEIR; DUDEK 2012) and its supporting biological studies including the Biological Technical Report (BTR; Insignia Environmental 2011) and the Proponent's Environmental Assessment (PEA; SDG&E 2010).

PROPOSED PROJECT

The purposes of the South Bay Substation Relocation Project ("proposed project") are to replace the aging and obsolete substation equipment to accommodate increasing regional energy needs and to provide for future transmission and distribution load growth while facilitating the City of Chula Vista's Bayfront redevelopment goals that further the SDG&E-City of Chula Vista Memorandum of Understanding. To achieve those objectives, the proposed project would demolish the existing substation at the power plant site and build a new substation at a new location.

BAY BOULEVARD SITE

This report focuses on the proposed project's Bay Boulevard Site, the proposed project site, located approximately 0.5 mile south of the existing South Bay Substation as shown on Figure B-2 of the DEIR.

While the proposed project site previously supported an industrial use and is partially disturbed, it supports sensitive species including California homed lark, burrowing owl, Northern harrier and decumbent goldenbush. The site contains approximately five acres of seasonal ponds, disturbed

wetland scrub, mulefat scrub, and emergent wetlands. The seasonal ponds are present on Huerhuero soils that are associated with vernal pools and contain grass poly, which is considered a vernal pool indicator plant (Bauder and McMillan 1998). The site borders the San Diego Bay National Wildlife Refuge (NWR) that contains many listed (state or federally threatened or endangered) and sensitive species and more importantly, the adjacent Refuge contains breeding populations of the listed light-footed clapper rail, least tern, and western snowy plover.

The number and extent of seasonal ponds on the proposed project site is unclear. The DEIR reports that *“A total of 15 seasonal ponds occur in multiple locations on the Proposed Project site”* (DEIR p. D.5-4). It also reports that *“Approximately 17 seasonal ponds/seasonal wetlands were observed within the project area”* (DEIR D.5-25).

The number of seasonal ponds was questioned by the CPUC, which sought to clarify discrepancies between the proposed project’s Biological Resource Technical Report (BTR; Insignia Environmental 2011) and the proponent’s Environmental Assessment (PEA; SDG&E 2010).

The CPUC’s Data Request of September 7, 2011 asks: *“Please clarify the number of seasonal ponds located on the Proposed Project site. Please indicate whether the identification of 17 seasonal wetlands is a typographical error or, if not, please explain why only 16 of the 17 seasonal ponds/wetlands were surveyed”* (CPUC 2011). SDG&E’s response of September 14, 2011, replied that: *“The Proposed Project area contains 17 seasonal wetland features and 15 seasonal ponds”*, and *“The Biological Resources Technical Report accurately describes the Proposed Project area as containing 17 seasonal wetland features”* (SDG&E 2011).

Consequently, it is unclear exactly how many seasonal ponds and wetland features are present and would be affected by the proposed project. SDG&E’s response also fails to explain why only 16 seasonal features were surveyed.

The DEIR alleges that the rare wetlands on the proposed relocation site are not Environmentally Sensitive Habitat Areas (ESHAs).

The DEIR notes that the California Coastal Act (CCA; section 30107.5) defines ESHAs as *“any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degrade by human activities and developments”*.

The DEIR also indicates that the Chula Vista Local Coastal Plan (LCP) focuses its ESHA protection on the Sweetwater Marsh National Wildlife Refuge (NWR) and does not designate the proposed project site as an ESHA. The DEIR states that this is because of the site’s deficiencies with regard to its high degree of disturbance, lack of sensitive habitat types, isolation from other habitat areas and the lack of rare species, or suitable habitat to support rare species (DEIR, p. D.5-23).

However, those statements are in direct conflict with the DEIR’s inventory of the rare and sensitive habitat types that are present on the proposed project site and the proposed project site’s

importance to wildlife in the adjacent NWR. Further contrary evidence to each of the stated deficiencies is presented below.

High Degree Of Disturbance

The DEIR tries to describe the seasonal ponds as worthless remnants of previous uses. *"The site is industrial in character and contains... seasonal ponds"* (DEIR D.5-1). *"The presence of on-site seasonal ponds likely resulted from rainwater accumulating on the clay soils and/or the impoundment of water within artificially lined, bermed areas"* (DEIR D.5-4). *"The seasonal pond/seasonal wetland features present on the Proposed Project site are vegetated with many non-native plant species and are disturbed as a result of previous on-site development"* (DEIR D.5-11).

However, while some of the wetlands present on the proposed project site may be disturbed or degraded, their relative condition does not change the fact that they are sensitive and rare coastal wetlands, that include a complex of wetlands surrounded by undeveloped lands, that provide habitat value to species in the adjacent NWR.

Lack Of Sensitive Habitat Types

As detailed in the DEIR's Section D.5.1.4 – Sensitive Vegetation Communities – Several of the vegetation communities within the project area: *"are considered sensitive or have special status due to their natural rarity and their decline in the area due to development and/or the number of sensitive plant or animal species dependent upon them. Sensitive habitats also include those regulated by the federal government under the Clean Water Act (i.e., jurisdictional wetlands and "waters of the United States") or the Endangered Species Act (i.e., site-specific designated critical habitat areas for federally listed wildlife species); and those regulated by CDFG under Section 1600 of the California Fish and Game Code."* These habitats include seasonal ponds, disturbed wetland scrub, mule fat scrub, emergent wetlands, and drainages (DEIR D.5-15). The DEIR also reports that *"Seasonal pond/seasonal wetlands are also considered sensitive natural communities by the City and are under the jurisdiction of the RWQCB"* (DEIR D.5-40).

The DEIR reports that several sensitive wetland types are present on the proposed project site. While the PEA (SDG&E 2010) reported that only 0.19 acre of the affected wetlands were jurisdictional, and the BTR (Insignia 2011) similarly discounted the amount of jurisdictional wetlands present, that changed substantially after meetings with and site visits by the regulatory agencies. The DEIR's Table 5.2 - Summary of Jurisdictional Resources, reports the presence of seasonal wetlands (seasonal ponds), emergent wetland, mule fat scrub as well as intermittent and ephemeral drainages. Table 5-2 also reports 4.97 acres of waters of the United States, 5.14 acres of waters of the state and 5.16 acres of California Coastal Commission wetlands adjacent to the San Diego Bay. The DEIR reports that the U.S. Army Corps of Engineers (USACE) and the San Diego Regional Water Quality Control Board have determined that the seasonal wetlands are jurisdictional and will be regulated accordingly. In other words, the resource agencies that are responsible for protecting and regulating wetlands, have determined that the seasonal ponds, disturbed wetland scrub, mule fat scrub, and emergent wetlands are all wetlands, all wetlands on the site are jurisdictional and regulated by either the federal or state government or both.

Moreover, when delineated consistent with the CCA and Coastal Commission regulations the aquatic resources on proposed project site are wetlands located within the coastal zone. As a result of the coastal location of the wetlands and their importance to habitat values and the San Diego Bay NWR (discussed below), the wetlands would also qualify as a special aquatic site under USACE regulations, which are defined as "*geographic areas, large or small, possessing special ecological characteristics of productivity, habitat, wildlife protection, or other important and easily disrupted ecological values. These areas are generally recognized as significantly influencing or positively contributing to the general overall environmental health or vitality of the entire ecosystem of a region*" (40 CFR 230.10(a)(3)).

The only other freshwater seasonal ponds or vernal pools remaining around the San Diego Bay are those on the U.S. Navy's Silver Strand Training Complex, approximately 1.75 miles southwest of the proposed project site. The proposed project would have significant effects on seasonal ponds near the ocean, which is one of the rarest types of wetlands, in the San Diego Bay, San Diego County and even in the state of California.

Sensitive and rare wetlands are in fact present on the proposed project site and would be directly impacted by the proposed project. Resources present on the proposed project site are rare and especially valuable because of their special nature and role in the ecosystem, and they would be easily disturbed by the proposed project because it plans to destroy 2.45 acres of wetlands. Those wetlands would then not be available to wildlife for resting, foraging and as movement corridor between breeding populations.

Isolation From Other Habitat Areas

The site is not isolated from other habitat areas. The DEIR figures that depict the project site and its rare wetland communities, including Figure D.5-1 Vegetation Communities Map, D.5-2 CNDDDB Special-status Species, and D.5-3 Wetlands and Waters of the U.S./State, all fail to identify the South San Diego Bay Unit of the San Diego Bay NWR that borders the proposed project site along its western side. The site is immediately adjacent to this protected habitat area and is therefore connected, rather than isolated, to other habitat areas. The site serves as an important buffer to development for this protected area.

As described by the USFWS "*The San Diego Bay National Wildlife Refuge protects a rich diversity of endangered, threatened, migratory, and native species and their habitats.... Nesting, foraging, and resting sites are managed for a diverse assembly of birds. Waterfowl and shorebirds over-winter or stop here to feed and rest as they migrate along the Pacific Flyway. Undisturbed expanses of cordgrass dominated salt marsh support sustainable populations of light-footed clapper rail. Enhanced and restored wetlands provide new, high quality habitat for fish, birds, and coastal salt marsh plants, such as the endangered salt marsh bird's beak. Quiet nesting areas, buffered from adjacent urbanization, ensure the reproductive success of the threatened western snowy plover, endangered California least tern, and an array of ground nesting seabirds and shorebirds.*" (USFWS 2006).

The project site is adjacent to important wildlife habitat. The San Diego Bay NWR contains many state and federally listed species including: green turtle (*Chelonia mydas*), western snowy plover

(*Charadrius alexandrinus nivosus*), Belding's savannah sparrow (*Passerculus sandwichensis beldingi*), California brown pelican (*Pelecanus occidentalis californicus*), light-footed clapper rail (*Rallus longirostris levipes*) and California least tern (*Sterna antillarum browni*). Of those listed species, the least tern, clapper rail, and snowy plover all nest in the Refuge. The Refuge also supports 26 species identified by the USFWS as Birds of Conservation Concern. Of those species, the gull-billed tern (*Gelochelidon nilotica*), elegant tern (*Sterna elegans*), and black skimmer (*Rynchops niger*) also nest in the NWR.

Specifically, the proposed project site borders Pond 29 of the NWR. Some of the seasonal ponds are less than 100 feet from the NWR. The USFWS (NWR) and CDFG comment letter on the NOP of the EIR (USFWS and CDFG 2011) reports that western snowy plover adults and chicks have been observed moving along the Palomar Drainage Channel that separates Ponds 15 and 28 and between the southwestern corners of Ponds 28 and 29.

The proposed project is required to seek an Individual 404 Permit from the USACE. As a result of the site's adjacency to the South Bay NWR and the many listed species it contains, in processing of the required Individual 404 Permit, it is likely that the USACE will determine that the proposed project may affect listed species and will therefore request formal consultation with the USFWS pursuant to Section 7 of the Endangered Species Act of 1973. For the USACE to be able to issue the 404 Permit, the USFWS must make a determination that the proposed project is not likely to jeopardize the continued existence of listed species.

Any night lighting at the Substation could have a significant effect on listed species in the NWR. A key factor the USFWS will consider is that since the dedication of the 3,485-acre refuge South Bay Refuge in 1999, the USFWS has been expanding and enhancing its natural resources, and implementing a long-term management plan. As more of the salt ponds in the NWR are restored to intertidal salt marshes, the distribution and abundance of listed species are expected to increase along with the importance of the adjacent proposed project site. The seasonal ponds on the proposed project site will contribute to the viability and expansion of plant and animal species by providing foraging and resting sites as well a wildlife movement corridor between salt marshes and the breeding populations of listed species they contain. The fact that development is encroaching upon the NWR makes the resources on the proposed project site all the more valuable. Thus, its protection is important to the success of the South Bay Refuge long-term management plan.

Lack of suitable habitat to support rare and sensitive species

While parts of the DEIR report that the proposed project site does not contain habitat to support sensitive species, it also reports that the western burrowing owl (*Athene cunicularia hypugaea*), northern harrier (*Circus cyaneus*) and California horned lark (*Eremophila alpestris*) have all been observed on the site. The proposed project site also contains a rare plant species, decumbent goldenbush (*Isocoma menziesii* var. *decumbens*). Therefore the DEIR is incorrect because as it acknowledges, the proposed project site does contain rare and sensitive species.

Another species of particular import is the San Diego fairy shrimp. Page D.5-22 of the DEIR states that "*because seasonal ponds and basins holding water are present on site, suitable soils are present; and because occurrences of San Diego fairy shrimp are recorded within the general*

project area, *San Diego fairy shrimp* were reevaluated and concluded to have a ***high potential to occur on site***". Fairy shrimp are dispersed in cysts (encapsulated eggs), perhaps more accurately vectored, by many animals including mammals (e.g. deer and raccoons), and birds (e.g. ducks, geese and killdeer). Birds eat gravid female shrimp in one pond, fly to another and pass feces along with cysts into unoccupied ponds and then those ponds become occupied. This explains why it is not unusual to find fairy shrimp in detention basins and other artificial ponds that are not vernal pools. The seasonal ponds on the proposed project site are near the occupied ponds at the Silver Strand Training Complex, fairy shrimp are an important food for many migratory bird species and the site is located within the Pacific Flyway, so there is a high potential for the San Diego fairy shrimp to colonize the seasonal ponds on the proposed project site.

As the DEIR reports, the proposed project's potential impacts to sensitive wildlife in Impact BIO-7 (DEIR, p. D.5-47) as "*Construction activities would result in direct or indirect loss of listed or sensitive wildlife or a direct loss of habitat for listed or sensitive wildlife.*" "*A number of special-status wildlife species have the potential to occur within the Proposed Project site based on on-site habitat and the location of the project as noted in Attachment D.5-1. The potential to impact these special-status wildlife species is discussed as follows. SDG&E NCCP covered special-status wildlife species that have been recorded for the project study area or have a moderate to high potential to occur include two-striped garter snake, orange-throated whiptail, San Diego horned lizard, western spadefoot, northern harrier, white-tailed kite, western burrowing owl, American peregrine falcon, Belding's savannah sparrow, light-footed clapper rail, San Diego black-tailed jackrabbit, San Diego fairy shrimp, and the Riverside fairy shrimp. The short-eared owl has a moderate potential to occur, and the California horned lark was present during field surveys (impacts to these two species are not covered under the SDG&E NCCP).*"

The proposed project site does contain suitable habitat to support sensitive species and, as discussed above, at least three sensitive birds and one sensitive plant species have been documented on site. The site is adjacent to protected habitat and is key for species recovery efforts. For all of the reasons detailed above the seasonal ponds are rare wetlands, and the site contains habitat that meets the definition of an ESHA.

The DEIR does not disclose how or where its effects on sensitive and rare wetlands would be mitigated.

Table D.5-5 reports that the proposed project would permanently impact 2.45 acres of wetland waters of the U.S. As reported in Mitigation Measure BIO-3 (DEIR, p. D.5-43), those impacts would be mitigated by "*a combination habitat creation (i.e., establishment) and habitat restoration at a minimum of a 4:1 ratio with at least 1:1 creation of new jurisdictional areas or as required by the permitting agencies.*" Similarly "*SDG&E would provide mitigation in ratios consistent with those established by the City's WPP*" (DEIR, p. D.5-57). Consequently, at a 4:1 mitigation ratio, a minimum of 9.8 acres of wetland mitigation would be needed, of which 2.45 acres must be creation. Compensatory wetland mitigation is required to be within the same watershed as the affected wetland.

The South Pacific Division of the USACE has recently changed the way it calculates required compensatory mitigation and is now using the "Mitigation Checklist". As stated in the USACE

Special Public Notice of February 20, 2012 – Standard Operating Procedure for Determination of Mitigation Ratios, “*This procedure is applicable for all permit applications received after 20 April 2011 that require compensatory mitigation*” (USACE 2012). Whereas, previous standard procedures would have resulted in a USACE requirement of approximately 4:1, my experience with application of the Mitigation Checklist has been that it results in significantly higher mitigation ratios. Consequently, application of the Mitigation Checklist by the USACE could result in an overall mitigation ratio of 6:1, or more, for a potential total requirement of 14.7 acres.

However, the DEIR does not identify what types of wetlands would be created or where they would be located. Not only is the availability of 9.8 acres of wetland mitigation on the San Diego Bay likely impossible, the creation requirement is particularly onerous. Whatever the final mitigation ratio is, one part of that ratio must be provided in the form of creation so that there is no net loss of wetlands. That means that a non-wetland area, such a disturbed upland area that does not support any other sensitive vegetation community, must be excavated to provide the hydrology required for a wetland and then a wetland community must be established there. Based on my professional experience with coastal wetlands in the south San Diego Bay, there is no suitable location to provide 9.8 acres of seasonal wetlands, adjacent to the Bay. Even more constrained is a suitable site on which to create 2.45 acres of seasonal ponds by the Bay.

The requirement of a minimum of 9.8 acres of wetland compensatory mitigation and particularly the 2.45 acres of creation is a critical factor to determine whether the proposed project is feasible. If suitable compensatory mitigation cannot be provided, the project is not feasible. The DEIR provides no discussion of where or how wetlands would be created and does not speak to the feasibility of such a huge amount of wetland mitigation.

A letter report prepared for SDG&E by AECOM (AECOM 2011) assessed the potential of the D Street Fill, near the border between Chula Vista and National City, as a potential mitigation site for the proposed project. The 22-acre site was created with dredge spoils from the San Diego Bay. The report indicated that the site was suitable for the restoration of southern coastal salt marsh but did not identify the potential for wetland creation (AECOM 2011). The D Street Fill’s soils are not suitable for the creation of seasonal ponds so it cannot provide “like for like” mitigation. In addition, the report indicates that 16 of the 22 acres are already wetlands and that mitigation there would affect existing wetlands (AECOM 2011). Effects on wetlands, even as a result of mitigation actions, require compensatory mitigation. Not only does the D Street Fill site not provide a suitable location to create seasonal ponds, it does not contain enough area to fully mitigate the proposed project’s impacts on wetlands as well as the compensatory mitigation that would be required for the mitigation’s effects on wetlands.

The DEIR does not fully assess the proposed project’s potential effects on listed species, and particularly the endangered light-footed clapper rail.

The light-footed clapper rail is a state and federally listed endangered species and is the most endangered wetland bird in California. The clapper rail was listed because of its small, diminished range in coastal marshes of southern California and Baja California; many populations are small and/or declining and it is threatened by habitat degradation and/or introduced predators (Nature

Serve 2012). A total of 443 pairs of light-footed clapper rails bred in only 19 marshes in California in 2009 and four of those 19 marshes are located within two miles of the proposed project site (USFWS 2009). Light-footed clapper rails are known to be secretive, difficult to observe and are often counted only by vocalizations. They are also known to disperse along the shoreline, through developed and industrial areas between coastal salt marshes. For example, a light-footed clapper rail born at the Chula Vista Nature Center and later named Amelia, was released at Mugu Lagoon in Ventura County, 160 miles north. Clapper rails are known to be weak fliers, and that bird passed through Los Angeles and miles of developed coastline to return to the Nature Center (Port of San Diego 2011, UPI.com 2011).

The DEIR reports that the light-footed clapper rail has a moderate to high potential to occur on the proposed project site (DEIR D.5-47). The DEIR acknowledges that young clapper rails disperse from their natal marshes through relatively unsuitable habitat to colonize other suitable habitat. The DEIR reports that although not observed or recorded on the proposed project site, the species could disperse through the site (DEIR D.5-21). In fact, DEIR Figure D.5-2 shows that the clapper rail is present in three different marshes within two miles of the proposed project site. In addition to the locations reported in the DEIR, the light-footed clapper rail is also present within two miles from the proposed project site at the F&G Street Marsh and at the Otay River Mouth (Zemba et al. 2006, USFWS 2009). Also, an active light-footed clapper rail captive breeding and translocation program is operating at the nearby, Chula Vista Nature Center in the Sweetwater Marsh unit of the NWR.

The presence of breeding populations of light-footed clapper rails immediately north, south and west of the proposed project site indicates that there is a high potential for young and adult light-footed clapper rails to move through the proposed project site. The fact that the proposed project site is likely a movement corridor for this endangered species is neither fully assessed nor mitigated in the DEIR.

In addition to the light-footed clapper rail (DEIR D.5-17), a number of listed wildlife species are known to occur within the San Diego Bay NWR, including, California least tern, western snowy plover, and Belding's savannah sparrow (DEIR D.5-66). The USFWS and CDFG comment letter on the Notice of Preparation (NOP) for the EIR (USFWS and CDFG 2011) reports that California least tern and western snowy plover nesting occur close to and adjacent to the proposed project site. The wildlife agencies expect the proposed project to be consistent with the San Diego Bay NWR Comprehensive Conservation Plan (CCP) because of its adjacency (USFWS and CDFG 2011). It is likely that movement of listed birds through the proposed project site and the sites' importance to the fauna of the neighboring NWR will be important issues to the USFWS during the section 7 consultation with the USACE on the 404 permit and to CDFG as part of their California Endangered Species Act permit process.

Applicability of the MSCP Subarea Plan and the SDG&E Subregional NCCP.

The Chula Vista Multiple Species Conservation Program Subarea Plan (CVSAP) is the policy through which the San Diego County MSCP is implemented within the City's jurisdiction. The City's Wetlands Protection Program (WPP) is incorporated into the CVSAP. That process

evaluates wetland avoidance and minimization measures and ensures compensatory mitigation for unavoidable impacts to achieve an overall “no net loss” of wetlands. Impact to wetlands must be avoided or minimized to the maximum extent practicable pursuant to the CVSAP. For allowable impacts, the City would apply a wetland mitigation ratio as detailed in Table 5-6 of CVSAP. Under the regulations of the City of Chula Vista’s LCP, the Project is also subject to the Habitat Loss and Incidental Take Ordinance for mitigating impacts to wetlands.

The USFWS and CDFG comment letter on the NOP states that the DEIR for the proposed project must ensure and verify that all requirements and conditions of the CVSAP and Implementing Agreement are met (USFWS and CDFG 2011). The Applicant shall ensure that the project is consistent with all applicable requirements of the approved MSCP Subarea Plan and compatible with the goals of the San Diego Bay NWR Comprehensive Conservation Plan (CCP; USFWS and CDFG 2011).

The DEIR reports that the proposed project is subject to both the City of Chula Vista MSCP Subarea Plan **and** the SDG&E Subregional Natural Community Conservation Plan (NCCP, SDG&E 1995). As indicated above, the DEIR reports that the proposed project would provide compensatory mitigation for its impacts on wetlands at a minimum ratio of 4:1 rather than SDG&E’s NCCP’s requirement of 1:1. Operational protocols provided in SDG&E’s NCCP also affect the potential feasibility of the proposed project. For example, section 2.1.4.1 indicates that substations are to be sited to avoid natural areas to minimize habitat fragmentation and disruption of wildlife movement and breeding areas. If natural areas must be disturbed, the substation, to the extent possible, must be sited in lowest quality habitat.

The site contains rare coastal wetlands and is likely a movement corridor for the Light-footed clapper rail as well as other listed species that are present in the adjacent NWR thus the siting of the project as proposed violates section 2.1.4.1.

Water Dependency, Alternatives, and ESHAs

The proposed electrical substation is not a water-dependent use. It does not need to be located on or adjacent to water to function. According to the USACE regulations, where a discharge is proposed for a special aquatic site does not require access or proximity to or siting within the special aquatic site to fulfill its basic purpose (i.e., is not "*water dependent*"), practicable alternatives that do not involve special aquatic sites are presumed to be available, unless clearly demonstrated otherwise (40 CFR 230.10 (a)(3)). There are practicable alternative locations identified in the DEIR that do not contain special aquatic sites. Consequently, since the proposed project is not water dependent, it should be located on one of those alternative sites.

Since the proposed project plans to place fill material into wetland waters of the United States (special aquatic sites), it is required to secure a federal Clean Water Act section 404 Permit from the USACE. Since the proposed project’s impacts on special aquatic sites are greater than one-half acre, it is required to seek authorization under an Individual Permit. As part of its required Environmental Assessment 404 (b)(1) Evaluation Public Interest Review, all practicable alternatives to the proposed discharge, which do not involve a discharge into a special aquatic site

are presumed to have less adverse impact on the aquatic ecosystem ((40 CFR 230.10 (a)(3)). No discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem (40 CFR 230.10 (a)). Therefore, the USACE likely will not be able to approve a 404 Permit for the proposed project because there are alternatives, including keeping the substation in its current location, which would have less adverse impacts on the aquatic ecosystem.

The California Coastal Act (CCA) protects ESHAs per Section 30240 which states that “...*environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.*” While CCA Section 30233 makes an exception for new or expanded energy facilities to impact wetlands, that exception is only allowed where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided. Here, there are feasible less environmentally damaging alternatives identified in the DEIR and the proposed project is not dependent on the wetland resources to function.

Similarly, the Chula Vista LCP requires new development to be sited and designed to avoid impacts to ESHAs. Environmentally sensitive habitat areas must be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed.

In accordance with all of those regulations, since the proposed project is not a water-dependent use, it would not be permitted to impact rare, coastal wetlands.

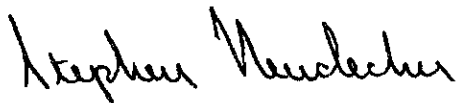
CONCLUSIONS

- The proposed project would directly impact 2.45 acres of rare coastal wetlands.
- The fact that the wetlands are partially disturbed or degraded does not change the fact that they are rare, coastal wetlands. In fact the encroachment of development makes them more valuable and they provide a buffer to the adjacent San Diego Bay NWR.
- The federal and state governments regulate wetlands and those agencies have determined that the sensitive aquatic resources are wetlands and will be regulated accordingly.
- The proposed project site is adjacent to a NWR that contains breeding populations of listed and sensitive species.
- The proposed project site is surrounded by protected species and therefore serves a wildlife movement corridor for listed species.
- The proposed project site supports sensitive species including California horned lark, burrowing owl, Northern harrier, and decumbent goldenbush.

- The proposed project site contains seasonal ponds that are rare wetlands that meet the definition of an Environmentally Sensitive Habitat Area (ESHA).
- The proposed project would affect 2.45 acres of rare wetlands and will mitigate at least a 4:1 ratio but does not say where or how those 9.8 or more acres would be provided.
- It does not make sense to move the existing substation to a site that contains rare wetlands. The mitigation burden that results from impacts to 2.45 acres of wetlands is substantial. A mitigation plan has not been provided and a location for the required mitigation has not been identified nor has the feasibility of finding any such site been disclosed.
- The D Street Fill site does not provide a suitable location to create seasonal ponds. It does not contain enough area to fully mitigate the proposed project's impacts on wetlands in addition to the effects of the mitigation on wetlands.
- The proposed project has a high potential to affect movement of the state and federally listed light-footed clapper rail.
- The substation is not a water-dependent use and there are feasible alternative locations for the proposed project that will protect the rare coastal wetlands on the proposed project site from unnecessary impacts. Consequently, according to federal and state law, the substation is not an appropriate use on the proposed project site.

For all of the above reasons, the proposed project site along Bay Boulevard is not a suitable or appropriate location for the South Bay Substation.

Sincerely,



Stephen Neudecker, Ph.D.
Certified Senior Ecologist

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- DUDEK. 2012. Draft Environmental Impact report for the South Bay Substation Relocation Project (SCH No. 2011071031). June.
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EXHIBIT 10

Smith, Robert R SPL

From: Spear, Tamara A [TSpear@semprautilities.com]
Sent: Tuesday, April 17, 2012 6:36 PM
To: Smith, Robert R SPL
Subject: RE: SPL-2011-00802-RRS South Bay Substation Relocation Project

Hi Robert,

Please place the South Bay Substation project (SPL-2011-00802-RRS) on hold. We are waiting for the draft CEQA document to be released for public review by the CPUC (Lead Agency) before proceeding. I'll keep you informed. Sorry it's taking so long, this wasn't anticipated!

Thanks for checking in.

Tamara

-----Original Message-----

From: Smith, Robert R SPL [<mailto:Robert.R.Smith@usace.army.mil>]
Sent: Tuesday, April 17, 2012 10:00 AM
To: Spear, Tamara A
Subject: SDGE Permits Status

Tamera,

Last time I talked with you you said the CPUC was going to decide on the Power Station and then I have the power pole permit request. What is status of these two permit actions and should I withdraw?

Robert Revo Smith Jr., P.E., M. ASCE
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Assist us in better serving you!

You are invited to complete our customer survey, located at the following link:

<http://per2.nwp.usace.army.mil/survey.html>

Note: If the link is not active, copy and paste it into your internet browser.

Building Strong and Taking Care of People!

Paul Butler
Latitude 42, Inc.
c/o Witt Management
1841 Adams Ave.
San Diego, CA 92116

August 31, 2012

Dear Sirs,

I am the President of Latitude 42, Inc., owner of 1120-28 Bay Blvd., Chula Vista, Ca. We are the adjacent property to the proposed location of the SDG&E development.

We strongly object to the placement of this facility adjacent to our property. The plan calls for taking part of our landscaping on the North Side, the erection of a high unattractive block wall the length of our property and the location of enormous towers overlooking our property. This will be a blight on our property and the surrounding neighborhood which will bring down the value of ours and other properties substantially.

Absolutely no consideration has been given to the aesthetic effects, environmental effects and financial effects on our property. We will seek compensation for our losses if this project is approved. We strongly object to the location of the project.

Yours truly,



Paul Butler, President
Latitude 42, Inc.

P.S. Please respond with your plan for mitigating the destruction of our landscaping, hiding the block wall in your plans as well as compensation for the reduction of our property's value.

In addition, we never received property and timely notice at the very beginning of this project quite a few years ago.