

~~DRAFT~~ FINAL
ENVIRONMENTAL IMPACT REPORT

SDG&E South Bay Substation Relocation Project

SCH No. 2011071031

VOLUME 2 of 2
(Responses to Comments)

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1. INTRODUCTION TO VOLUME 2, RESPONSE TO COMMENTS

Volume 2 (responses to comments received during the public review and comment period) in conjunction with Volume 1, which contains revisions to the Draft Environmental Impact Report (EIR), constitutes the Final EIR for the Proposed Project.

Volume 2 of the Final EIR contains all comments received on the Draft EIR, and responses thereto, and is organized as follows:

1. Introduction
2. Common Responses
3. Comment Letters Received/Responses to Comments
4. References.

The focus of the responses to comments in Volume 2 is on the disposition of significant environmental issues raised in the comments, as specified by Section 15088(c) of the California Environmental Quality Act (CEQA) Guidelines. Detailed responses are not provided to comments on the merits of the Proposed Project or alternatives. When a comment is not directed to significant environmental issues, the responses indicate that the comment has been noted and no further response is necessary.

A number of comments received on the Draft EIR were similar in nature and expressed similar environmental concerns. Rather than repeat responses, the themes of recurring comments have been summarized, and common responses on these topics are provided in Section 2 of Volume 2 (Responses to Comments). Cross-references to these common responses are provided in response to specific comments contained within Section 3 of Volume 2, which provides responses to all comments received.

1.1 List of Commenters and Responses

During the public review period, 23 comment letters were received on the Draft EIR. These comment letters and their corresponding responses are presented chronologically and organized in the following categories:

- A. Federal agencies and officials
- B. State and local agencies and officials
- C. Native American tribes
- D. Community groups, non-profit organizations, and private organizations

E. Applicants

F. Individuals.

Each comment letter has been assigned a unique letter-number designation based on category and chronology. Comment letters received, and the unique letter-number designators for each, are listed in Table 1-1. Individual comments within each letter are bracketed and numbered in the right-hand margin; the numbers correspond to the responses of the same letter-number designation.

**Table 1-1
Index of Commenters on the Draft EIR**

Comment Letter Designator	Date of Letter	Commenter	Response Nos.
<i>A</i>	<i>Federal Agencies and Officials</i>		
A1	8/31/12	Andrew Yuen, Project Leader U.S. Department of the Interior, Fish and Wildlife Service	A1–A7
<i>B</i>	<i>State and Local Agencies and Officials</i>		
B1	7/23/12	Randa Coniglio, Executive Vice President Operations San Diego Unified Port District	B1-1
B2	7/24/12	Gary Halbert, PE, AICP City of Chula Vista, Development Services Department	B2-1
B3	7/31/12	Rafiq Ahmed, Project Manager Department of Toxic Substances Control	B3-1–B3-3
B4	8/24/12	Greg Cox, Vice Chairman San Diego County Board of Supervisors	B4-1–B4-4
B5	8/31/12	Randa Coniglio, Executive Vice President Operations San Diego Unified Port District	B5-1–B5-20
B6	8/31/12	Gary Halbert, AICP/TE City of Chula Vista, Office of the City Manager	B6-1–B6-40
B7	8/31/12	Kate Huckelbridge California Coastal Commission	B7-1–B7-6
B8	9/18/12	Stephen M. Juarez California Department of Fish and Game	B8-1–B8-12
<i>C</i>	<i>Native American Tribes/Groups</i>		
C1	6/21/12	Native American Heritage Commission	C1-1–C1-8
<i>D</i>	<i>Community Groups, Non-Profit Organizations, and Private Organizations</i>		
D1	7/5/12	James W. Royle Jr., Chairperson San Diego County Archaeological Society Inc.	D1-1–D1-4
D2	7/19/12	Laura Hunter, Policy Advisor Environmental Health Coalition	D2-1

**Table 1-1
Index of Commenters on the Draft EIR**

Comment Letter Designator	Date of Letter	Commenter	Response Nos.
D3	7/20/12	Allison Rolfe, Director of Planning Pacifica Companies	D3-1
D4	7/20/12	South Bay Wildlife Advisory Group	D4-1
D5	8/29/12	Laura Hunter, Policy Advisor Environmental Health Coalition	D5-1–D5-8
D6	8/30/12	Allison Rolfe, Director of Planning Pacifica Companies	D6-1–D6-3
D7	8/30/12	James A. Peugh, Conservation Committee Chair San Diego Audubon Society	D7-1–D7-12
D8	8/31/12	Cindy Gompper-Graves, President/CEO South County Economic Development Council	D8-1
D9	8/30/12	Brian E. Joseph, DVM, Executive Director Living Coast Discovery Center	D9-1–D9-4
<i>E</i>	<i>Applicants</i>		
E1	8/31/12	David Geier, VP–Electric Operations San Diego Gas & Electric Company	E1-1–E1-192
<i>F</i>	<i>Individuals</i>		
F1	8/31/12	John S. Moot Schwartz Semerdjian Ballard & Cauley LLP	F1-1–F1-102
F2	8/31/12	Paul Butler Latitude 42, Inc.	F2-1–F2-4

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2. COMMON RESPONSES TO RECURRING COMMENTS

A number of the comments received on the Draft Environmental Impact Report (EIR) addressed the same or similar issues and environmental concerns. Rather than repeat responses to recurring comments in each letter, the common responses outlined in Sections 2.1 and 2.2 were prepared. The common response section numbers and topics are as follows and include common response codes (e.g., General) for each topic:

- 2.1 EIR Adequacy/Procedural (GEN)
- 2.2 Alternative Analysis (ALT)

2.1 EIR Adequacy

Summary of Issues Raised

Table 2-1 provides a list of recurring comments related to the Draft EIR adequacy.

**Table 2-1
Common Response Topics**

Common Response/Issue	Origin of Comment
GEN1: Review period extension	B1 – San Diego Unified Port District B2 – City of Chula Vista, Development Services Department D2 – Environmental Health Coalition D3 – Pacifica Companies D4 – South Bay Wildlife Advisory Group
GEN2: General adequacy of Draft EIR	B5 – San Diego Unified Port District B6 – City of Chula Vista D7 – San Diego Audubon Society E1 – San Diego Gas & Electric F1 – Schwartz Semerdjian Ballard & Cauley LLP

GEN1: Several commenters requested that the public review period be extended past the regulatory 45-day review period.

GEN2: Commenters commented on the general adequacy of the Draft EIR and need for recirculation.

Common Responses

GEN1: Review period extension. According to the California Environmental Quality Act (CEQA) Guidelines, Section 15205(d), the customary review period of a Draft EIR is 45 days. In accordance with CEQA, the Notice of Availability (NOA) of the Draft EIR was distributed to more than 311 federal and state agencies; county and local jurisdictions; regional and local agencies, including local libraries; Native Americans; attorneys; private citizens; and the State Clearinghouse. The NOA, distributed on June 18, 2012, notified agencies, interested parties, and the public of the public review period of the Draft EIR, which began on June 19, 2012, and ended 45 days later on August 2, 2012.

In addition to mailing the notice, the NOA was published in a regional newspaper, the *San Diego Union Tribune*, on June 19, 2012. The NOA was also published on the California Public Utilities Commission (CPUC) website for the project at: <http://www.cpuc.ca.gov/environment/info/dudek/sbsrp/SouthBaySub.htm>.

In late July 2012, the CPUC, at the request of the Port of San Diego, City of Chula Vista, and Environmental Health Coalition, among others, announced an extension of the public comment period from August 2, 2012, to August 31, 2012, providing an additional 30 days beyond the original 45 days, for a total of 75 days. The extension notice was mailed to the recipients on the distribution list and published on the CPUC project website. Therefore, since the comment period has been extended 30 days past the required 45 days, for a total review period of 75 days, adequate review time and notice has been provided.

GEN2: General Adequacy of the Draft EIR. The EIR has been prepared pursuant to CEQA (California Public Resources Code, Section 21000 et seq.) and the CEQA Guidelines (14 CCR 15000 et seq.).

The EIR appropriately identifies the potential impacts applicable to the Proposed Project, objectively evaluates those potential impacts, provides appropriate mitigation and alternatives designed to lessen those potential impacts, and conservatively evaluates those impacts in light of the mitigation in order to make a final impact determination. All conclusions within the EIR are based upon substantive evidence. The EIR is legally adequate and defensible pursuant to CEQA and has provided sufficient detail and evidence to allow for meaningful public and agency review.

As discussed in Section A.3 of the Draft EIR, CPUC will use the EIR, in conjunction with other information developed in the CPUC's formal record, to act on San Diego

Gas & Electric's (SDG&E's) application for a Permit to Construct (PTC) and operate the Proposed Project.

Disagreement among experts, consultants, or attorneys regarding the material, data, or significance determinations and alternatives analyses and conclusions does not mean the EIR is legally inadequate. It is up to the lead agency to evaluate the presented material and data and make its own reasoned determination regarding the material's accuracy. Case law clearly establishes the right of the lead agency to accept one expert opinion over another, so long as the decisions are supported by substantive evidence. Where experts or other agencies challenging the results or methodology of the document have raised comments, the EIR has provided a reasoned and good faith analysis in response, as well as a discussion related to why the analysis may, or may not, contradict any conflicting opinions. Such reasoning is based upon substantial evidence to support the EIR's approach.

As a result of specific environmental issues raised, revisions have been made to the Final EIR text. These revisions to the EIR are presented in ~~strikeout~~-underline format in the Final EIR. No new significant environmental impacts related to the Proposed Project are identified as a result of comments and/or revisions made to the EIR. Therefore, the CPUC, as lead CEQA agency, in consideration of the Proposed Project, has concluded that the environmental issues addressed in the EIR have been fully analyzed in accordance with CEQA. The EIR provides all pertinent information necessary to allow for meaningful public and agency review.

Section 15088.5 of the CEQA Guidelines sets forth the required tests for recirculation. The most critical issue to resolve regarding recirculation is determining whether new or changed information or circumstances is "significant" or not. New significant information or circumstances is neither required nor proposed for inclusion in the EIR relating to substantial adverse effects of the Proposed Project or feasible ways to mitigate or avoid such an effect. Therefore, recirculation of the document, pursuant to CEQA Guidelines, Section 15088.5, is not warranted.

None of the changes or additions as a result of the provided comments meets the standards for recirculation as provided under the CEQA Guidelines. The information does not show any new, substantial environmental impacts relating to the Proposed Project, or a substantial increase in the severity of any impacts, and it does not provide any new mitigation or alternatives that are feasible in order to lessen a potentially significant impact in the EIR. The environmental document provides a reasoned, balanced, and thorough evaluation of the physical impacts pertaining to the Proposed Project to allow meaningful public review and provide the opportunity for the respective agencies to make informed decisions.

2.2 Alternatives Analysis/Conclusions

Summary of Issues Raised

Table 2-2 provides a list of recurring comments related to the project alternatives and addressed by common responses.

**Table 2-2
Common Alternatives Response Topics**

Common Response/Issue	Origin of Comment
ALT1: General approach to alternatives analysis including consideration of project objectives and feasibility in screening alternatives including the Bayfront Enhancement Alternative, as well as conclusions regarding the Environmentally Superior Alternative	A1 – U.S. Fish and Wildlife Service B4 – San Diego County Board of Supervisors B5 – San Diego Unified Port District B6 – City of Chula Vista B7 – California Coastal Commission D5 – Environmental Health Coalition D6 – Pacifica Companies D7 – San Diego Audubon Society D9 – Living Coast Discovery Center E1 – San Diego Gas & Electric F1 – Schwartz Semerdjian Ballard & Cauley LLP
ALT2: Analysis and conclusions relating to alternative locations and consistency with the approved Port of San Diego Master Plan Amendment	B5–San Diego Unified Port District B6 – City of Chula Vista B7 – California Coastal Commission D5 – Environmental Health Coalition D6 – Pacifica Companies D7 – San Diego Audubon Society E1 – San Diego Gas & Electric F1 – Schwartz Semerdjian Ballard & Cauley LLP

ALT1: Several commenters questioned the general approach to alternatives analysis including consideration of project objectives and feasibility in screening alternatives including the Bayfront Enhancement Alternative, as well as conclusions regarding the Environmentally Superior Alternative.

ALT2: Several commenters disagreed with the Draft EIR analysis and conclusions relating to alternative locations and consistency with the Port of San Diego Master Plan Amendment, stating that recent (August 2012) approval by the Coastal Commission of the Port’s Master Plan Amendment requires modification to environmental impact conclusions in the Draft EIR in regard to identification of an Environmentally Superior Alternative to avoid potential conflicts between state agencies.

Common Responses

ALT1: The following response first discusses the methods used to screen alternatives and then determine the environmentally superior alternative.

Methodology Used to Screen Alternatives

In accordance with Section 15126.6 of the CEQA Guidelines, a range of reasonable alternatives to the project that could obtain most of the project objectives and that are capable of eliminating any significant environmental impacts was addressed in the EIR. The reason EIRs identify and evaluate alternatives to the Proposed Project is based upon the fundamental policy that agencies should implement feasible mitigation or feasible alternatives that reduce a project's substantial environmental impacts (Public Resources Code, Section 21002). In fact, the use of mitigation and the alternative process has been defined as "the core of an EIR" from the California Supreme Court (*Citizens of Goleta Valley v. Board of Supervisors of the County of Santa Barbara* 1990). The analysis of alternatives is based on whether the alternative would eliminate or reduce significant environmental effects and compares the alternative to the Proposed Project in terms of relative environmental impacts. Note that an EIR must discuss alternatives even if a project's significant environmental impacts may be mitigated to less than significant or avoided by design features incorporated into the project (*Laurel Heights Improvement Association of San Francisco, Inc. v. The Regents of the University of California* 1988).

CEQA does not require an EIR to consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives (CEQA Guidelines, Section 15126.6(a)). While there are no fixed rules regarding the number or type of activity that should be analyzed within the alternatives section, in total, the alternatives screening process for this EIR culminated in the identification and screening of 23 potential alternatives (see Section C of the EIR). The first step in the alternative process is to create a pool of potential alternatives that meet the basic threshold tests of suitable alternatives and excludes those that do not. The threshold tests focus on the alternative's ability to reduce significant environmental impacts, their feasibility and reasonableness, and their ability to attain most of the project objectives for the Proposed Project.

Feasibility

In determining the feasibility of an alternative, the CPUC considered both the legal and technical feasibility of each alternative.

Legal Feasibility: Pursuant to G.O. 131-D, CPUC has jurisdiction over siting and design of the Proposed Project and therefore determined that alternative locations brought forward for analysis

in the EIR do not have legal protections that would prohibit the feasibility of permitting a new substation and associated facilities.¹

With regard to the legal feasibility of the Existing South Bay Substation Site Alternative, the EIR evaluates two configurations (either an Air Insulated Substation or Gas Insulated Substation configuration) for the existing South Bay Substation Site. The Gas Insulated Substation configuration does not require additional land outside the existing substation boundary and therefore is not subject to legal feasibility issues relating to land acquisition.

As described in the Draft EIR, the Existing South Bay Substation Site Alternative under the Air Insulated Substation configuration would require an additional 3 acres adjacent to the existing substation site. The CPUC acknowledges that the required lands adjacent to the Air Insulated Substation configuration for the Existing South Bay Substation Site Alternative are tideland properties within the jurisdiction of the Port of San Diego and that the legislature created the Port District expressly authorizing the Port to manage properties granted to it. As further described in common response ALT 2, the CPUC acknowledges that the additional 3 acres required to implement this alternative are subject to the land use policies contained in the Port Master Plan, which has been approved by the San Diego Unified Port District and certified as a Local Coastal Program by the California Coastal Commission, as consistent with the California Coastal Act. Therefore, changes in land use designations that would be required for the 3-acre area would necessitate an amendment to the Port Master Plan, which would also require approval by the California Coastal Commission.

For purposes of presenting and evaluating a reasonable range of alternatives in the EIR, it was assumed that land immediately adjacent to the existing South Bay Substation could be acquired for purposes of expanding the existing substation, since this action would not introduce a new land use. The Existing South Bay Substation Site Alternative (Air Insulated Substation configuration) was therefore considered a reasonable alternative and not eliminated based solely on legal protections that may affect the attainability of acquiring additional acres required for the Air Insulated Substation configuration.

Technical Feasibility: Technical feasibility for each alternative was determined based on available technology, construction, and operation and maintenance requirements provided by SDG&E as referenced in the Draft EIR, Section C.8, References. The CPUC in Data Request 13 (March 19, 2012) requested additional information regarding the feasibility of using the existing South Bay Substation site to develop the Proposed Project in either an Air Insulated Substation or Gas Insulated Substation configuration.

¹ Unified Port of San Diego. 2010. Final Environmental Impact Report (EIR) for the Chula Vista Bayfront Master Plan. Chapter 3.0, Project Description (pages 3–85). “Accordingly, while the Port has identified potential land uses that are on the site of the existing switchyard and associated facilities (Parcels O-1, O-3A, O-3B, OP-1B, OP2A, and OP-3), the availability for future development depends on approval by the CPUC for the demolition and relocation of existing switchyard.”

As described by SDG&E in response to CPUC Data Request 13 (SDG&E 2012):

...the construction and operation of an Air Insulated Substation or Gas Insulated Substation configuration at the existing south bay substation site is technologically feasible.

As further stated by SDG&E in response to Data Request 13 (SDG&E 2012):

...from a technical standpoint, replacing the current 138/69kV South Bay Substation with a rebuilt 230/69/12kV substation (Air Insulated Substation or Gas Insulated Substation) on the existing site is electrically very similar to the Proposed Project and would meet project objectives related to meeting NERC/WECC/CAISO reliability criteria.

Therefore, based on SDG&E's response, the Existing South Bay Substation Site (Air Insulated Substation or Gas Insulated Substation) was considered a reasonable alternative and not eliminated based on technical feasibility.

Project Objectives

Section 15126(a) of the CEQA Guidelines (14 CCR 15000 et seq.) requires that project objectives be set forth in an EIR to help define alternatives to the Proposed Project that meet most of the basic project objectives. CEQA mandates that an EIR should focus on alternatives and their ability to reduce or avoid the potential significance related to environmental impacts, even if those impacts would impede the attainment of project objectives or be more costly (CEQA Guidelines, Section 15126.6(b)). Again, the key goal of an alternatives analysis is to focus on environmental impacts, as opposed to project objectives. What is required is that the Proposed Project's alternatives meet most of the basic project objectives (CEQA Guidelines, Section 15126.6(a)). There is no legal requirement that the alternatives selected must satisfy every key objective of the project (*California Native Plant Society v. City of Santa Cruz* 2009). In fact, as stated by the court in *Watsonville Pilots Association v City of Watsonville*, "it is virtually a given that the alternatives to a project will not attain all of the project's objectives" (*Watsonville Pilots Association v. City of Watsonville* 2010). The court further clarifies the alternative process, stating:

The purpose of an EIR is *not* to identify alleged alternatives that meet few if any of the project's objectives so that these alleged alternatives may be readily eliminated. Since the purpose of an alternatives analysis is to allow the decision maker to determine whether there is an environmentally superior alternative that will meet most of the project's objectives, the key to the selection of the range of alternatives is to identify alternatives that meet most of the project's objectives but

have a reduced level of environmental impacts” (Watsonville Pilots Association v. City of Watsonville 2010).

Having taken into consideration the objectives set forth by SDG&E for the project (Section A.2 of the EIR), the CPUC identified basic project objectives listed in Section C.2.1 of the Draft EIR that were used to screen alternatives. As lead agency, the CPUC is responsible for selecting alternatives and determined that project objectives used to screen alternatives should not confine the range of reasonable alternatives that are available. A project applicant may not include such restrictive conditions or objectives that limit the ability to implement a suitable range of reasonable alternatives (Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692, 736, as cited in Kostka and Zischke 2012).

Basic project objectives used to screen alternatives included three out of the four project objectives identified by SDG&E: 1) replace aging and obsolete equipment, 2) accommodate regional energy needs subsequent to the retirement of the South Bay Power Plant (SBPP), and 3) provide for future transmission and distribution load growth for the South Bay region.

SDG&E Project Objective – Facilitate the City’s bayfront redevelopment goals by relocating the South Bay Substation: The CPUC determined that elimination of an alternative based on not meeting SDG&E’s project objective of relocating the South Bay Substation would limit the objectives of a project in such a way as to effectively confine the range of alternatives that are available to the Proposed Project site, thereby eliminating the consideration of alternative sites for the project. Therefore, for purposes of presenting and evaluating a reasonable range of alternatives in the EIR and responding to public scoping comments received that requested the consideration of alternative locations to minimize impacts to visual resources, land use, and biological resources, this project objective was not considered in screening of alternatives.

As discussed previously under “Feasibility,” the Existing South Bay Substation Site Alternative (Air Insulated Substation or Gas Insulated Substation) was determined to be electrically very similar to the Proposed Project and therefore determined for purposes of the EIR analysis to meet CEQA screening criteria for project objectives including 1) replace aging and obsolete equipment, 2) accommodate regional energy needs subsequent to the retirement of the SBPP, and 3) provide for future transmission and distribution load growth for the South Bay region.

Alternatives Carried Forward for Full EIR Evaluation

The CPUC identified in the Draft EIR, Section C.5, a reasonable range of project alternatives designed to foster public participation and informed decision-making. Alternatives identified included seven alternative locations and one design alternative, as well as the No Project Alternative.

Alternatives Eliminated from Further Consideration

The CPUC identified in the Draft EIR, Section C.6, alternatives that were eliminated from further consideration, including the Bayfront Enhancement Alternative. The Draft EIR included a rationale for elimination as part of the discussion.

Bayfront Enhancement Alternative: The Bayfront Enhancement Alternative was developed in response to CPUC Data Request No. 5 (May 4, 2011) asking whether SDG&E had considered any alternative locations other than those presented in SDG&E's PTC application, SDG&E responded that it had not, and stated:

In an effort to address economic feasibility of the Gas Insulated Substation Alternative, SDG&E has identified an additional potential alternative—the Bayfront Enhancement Alternative.

As described in Section C.6.14 of the Draft EIR, the Bayfront Enhancement Fund Alternative consists of constructing the Proposed Project and the establishment of 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, and/or enhancement of wetlands; (2) 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 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 Chula Vista Bayfront Master Plan (CVBMP).

In response to SDG&E's request to include the Bayfront Enhancement Alternative for full evaluation in the Draft EIR, the CPUC requested additional information in Data Request 8 (Sept 2011) needed to determine the environmental impacts of the Bayfront Enhancement Alternative, including a more defined description of actual projects, responsible parties, and environmental considerations. In lieu of a more defined program, CPUC requested that SDG&E indicate programs currently in place where these funds could be contributed and give some examples of programs available.

SDG&E response to Data Request 8 stated:

Because the Bayfront Enhancement Alternative is not mitigation, SDG&E has not defined a program of actual projects, responsible parties, environmental and

permit requirements and timing needs. . . . As proposed by SDG&E the Bayfront Enhancement Alternative would fund projects that are yet to be identified.

Based on SDG&E's response, CPUC determined that because proposed enhancement projects and funding mechanisms had yet to be defined, the regulatory and legal feasibility of this alternative could not be determined at the time the Draft EIR was prepared and distributed for public comment. Additionally, while the CPUC acknowledges that the intent of this alternative is to benefit the San Diego Bayfront while allowing the project to be built as proposed, it could not be determined at the time the Draft EIR was prepared and distributed for public comment whether this alternative meets environmental screening criteria because the potential to reduce or avoid significant effects of the project as well as potential environmental effects from yet-to-be-determined enhancement projects, such as coastal access projects, could not be determined.

Although this alternative meets the CEQA screening criteria for project objectives, due to the undefined nature of this alternative at the time the Draft EIR was prepared and distributed for public review, the CPUC could not determine whether this alternative would meet both CEQA feasibility and environmental criteria; therefore, it was not recommended to be carried forward for full analysis in the Draft EIR.

CPUC acknowledges that additional information has been submitted by SDG&E as part of public comment received on the Draft EIR (see comment letter E1), which provides further details regarding the Bayfront Enhancement Alternative and that several commenters have requested that the Final EIR carry this alternative forward for full EIR analysis.

The Bayfront Enhancement Alternative, as further defined in comment letter E-1, consists of developing the project as proposed with the following additional bayfront enhancements not considered as mitigation or part of the project:

1. Visual Enhancements (\$2.5 million of the \$5 million Enhancement Plan fund)
 - a. Removal of two, approximately 110-foot tall 138 kV steel lattice towers (one tower is located west of Bay Boulevard and one tower is located within an existing parking lot located east of Bay Boulevard);
 - b. Installation of one 138 kV 165-foot tall steel cable pole in SDG&E's right-of-way within a parking lot located east of Bay Boulevard to facilitate undergrounding (see c. below);
 - c. Undergrounding of between 700 to 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

2. Endowment Funding (\$2.5 million of the \$5 million Enhancement Plan fund)
 - a. \$2 million to existing endowment or similar funding mechanism for the Living Coast Discovery Center;
 - b. \$500,000 contributed toward the continued management of the Salt Works Property (money paid to Friends of the San Diego Wildlife Refuge endowment or similar mechanism).

After review of the submitted comments, CPUC has determined that the EIR provides a range of reasonable alternatives as defined by CEQA Guidelines, Section 15126.6. As previously discussed, the comparison of alternatives evaluated in the EIR is based on whether the alternative would eliminate or reduce significant effects of the Proposed Project and does not consider the benefits of any alternative beyond its ability to reduce or avoid significant effects of the project. Therefore, since the Bayfront Enhancement Alternative would not reduce or avoid significant effects of the project, the CPUC has determined that analysis of the Bayfront Enhancement Alternative would not provide more meaningful data about ways to lessen or avoid project impacts deemed significant and therefore was not carried forward for further evaluation in the Final EIR.

Environmentally Superior Alternative

The comparison of alternatives conducted in the EIR is designed to satisfy the requirements of the CEQA Guidelines, Section 15126.6(d), Evaluation of Alternatives (14 CCR 15000 et seq.). The focus of the analysis is on the environmental advantages and disadvantages of the alternatives in comparison to the Proposed Project as opposed to a consideration of the beneficial impacts of any alternative beyond its ability to reduce or avoid significant effects of the Proposed Project.

The environmental superiority of alternatives is based on a comparison of significant impacts that would result from the Proposed Project and the alternatives identified in the EIR. Issue areas that are generally given more weight in comparing alternatives are those with long-term impacts (e.g., visual impacts and permanent loss of habitat or land use conflicts). Impacts associated with construction (i.e., temporary or short-term) that are mitigable to less-than-significant levels are considered less important. In keeping with the constitutional requirements discussed previously, the environmental superiority of alternatives does not consider whether the Proposed Project or an alternative would improve existing environmental conditions. These benefits, summarized in Sections D.2 through D.17 in the EIR, will be considered by the CPUC in its final decision about whether to approve the project as proposed or an alternative.

The EIR analysis indicates that, assuming implementation of applicant proposed measures and proposed mitigation measures presented in Section D, all significant impacts to environmental

resources can be mitigated to a level that is less than significant for the Proposed Project as well as all alternatives considered. The Draft EIR identifies the No Project Alternative to be environmentally superior to the Proposed Project based on minimization or avoidance of physical impacts.

As required by Section 15126.6(e) of the CEQA Guidelines, the Draft EIR also identifies an environmentally superior alternative among the other alternatives. The Draft EIR identifies the Existing South Bay Substation Site Alternative as the only alternative among the alternatives evaluated, other than the No Project Alternative, with the ability to reduce project-related impacts while not resulting in more overall impacts than the Proposed Project, and therefore is the Environmentally Superior Alternative.

The determination in the Draft EIR that the Existing South Bay Substation Site Alternative was the environmentally superior alternative was based on its ability to reduce project-related impacts to wetlands while not resulting in more overall impacts than the Proposed Project. As discussed in common response ALT2, the Existing South Bay Substation Site Alternative has now been determined to create a significant land use impact since it would conflict with an applicable land use plan as approved by the California Coastal Commission. Therefore, given the comprehensive nature of the alternatives analysis, CPUC has determined in the Final EIR that besides the No Project Alternative, there is no other clear alternative among the alternatives considered in the EIR, including the Existing South Bay Substation Site Alternative, that avoids or substantially reduces identified adverse effects of the Proposed Project without creating a significant effect in addition to those that would be caused by the Proposed Project. This determination is supported by the discussion provided within the Continuing Education of the Bar's (CBC's) Practice under the California Environmental Quality Act, which states that the need to identify an environmentally superior alternative pursuant to CEQA Guidelines, Section 15126.6(e)(2), must be read together with Section 15126.6(d), requiring an EIR to compare the significant effects of the alternatives with those that would result from the Proposed Project. As such, where there is no clear choice of any alternatives, beyond the No Project Alternative, that is clearly superior to the Proposed Project, "it should be sufficient for the EIR to explain the environmental advantages and disadvantages of each alternative in comparison with the project" (see Kostka and Zischke, Practice under the California Environmental Quality Act, Section 15.37).

ALT 2: The following response first discusses the Proposed Project and alternatives in relation to the CVBMP and San Diego Unified Port District Port Master Plan (PMP) and then consideration and analysis of the CVBMP and PMP in the Draft and Final EIR.

The Proposed Project site, as well as alternative locations considered in the EIR, is located within the boundaries of the CVBMP, which is comprised in part by the San Diego Unified Port District PMP. The Port's PMP, which serves as a Local Coastal Plan, was approved by the California Coastal Commission subsequent to issuance of the Draft EIR on August 9, 2012.

Consideration and analysis of the CVBMP and PMP as it relates to the Proposed Project and alternatives is provided in Section D.10, Land Use and Planning, of the EIR. Section D.10, Land Use, and Section E, Comparison of Alternatives, have been modified in the Final EIR to reflect the California Coastal Commission's approval of the Port's PMP.

As discussed in the Draft EIR, under Impact LU-3 and in Table D.10-3, the Proposed Project would be consistent with the CVBMP and PMP. In Section D.10.4, Project Alternatives, the Draft EIR acknowledges that project alternatives including the No Project Alternative and the Environmentally Superior Alternative would not be consistent with the CVBMP and PMP. The Draft EIR concludes in Impact LU-3 that because CPUC has sole jurisdiction over the project and alternatives, off-site alternatives would not be subject to local land use plans, zoning regulations, and discretionary permitting, and therefore would not conflict with any applicable plans or regulations of any agency with jurisdiction over the Proposed Project, and determined that no impact would occur under Land Use Impact LU-3.

The CPUC has subsequently determined that approval of the PMP by the California Coastal Commission on August 9, 2012, subsequent to release of the Draft EIR, results in the Existing South Bay Substation Site Alternative not being consistent with the coastal act policies embodied in the PMP as approved by the California Coastal Commission (Impact LU-3). As a result, Section D.10, Land Use, and Section E, Comparison of Alternatives (Air Insulated Substation configuration), have been modified in the Final EIR to reflect that the Existing South Bay Substation Site Alternative has now been determined under Impact LU-3 to create a significant land use impact (class II). As discussed under common response ALT1, this determination also alters the EIR findings on the Environmentally Superior Alternative. As further discussed in common response GEN2, this new information included in the Final EIR does not relate to substantial adverse effects of the Proposed Project or feasible ways to mitigate or avoid such an effect.

Additionally, approval of the PMP by the California Coastal Commission does not constitute new information that illustrates a feasible project alternative that reduces environmental impacts or other similar information as illustrated under CEQA Guidelines Section 15088.5. The alternative is the same as was discussed in detail within the Draft EIR, but its ability to reduce environmental impacts has been reduced due to the inconsistency with the Coastal Act policies embodied in the PMP. This change does not constitute the type of new information that triggers the need for recirculation under CEQA Guidelines, Section 15088.5.

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