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Response to Comment Letter F1

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August 31, 2012

- F1-1** As stated in the Draft Environmental Impact Report (EIR), Section A, Introduction, the purpose of this EIR is to evaluate the environmental impacts that would be expected to result from the construction and operation of San Diego Gas & Electric's (SDG&E's) Proposed Project, and to provide recommended mitigation measures that, if adopted, would avoid or minimize the significant environmental impacts identified. The California Public Utilities Commission (CPUC) has assigned Administrative Law Judge (ALJ) Angela Minkin to oversee the proceeding on the Proposed Project, and Michel Peter Florio is the assigned commissioner for the Permit to Construct (PTC) application. A decision is expected by the Commission in February 2012. The ALJ's decision and the evidentiary hearings will cover issues specific to the Proposed Project, including project need, project cost, and other considerations.
- F1-2** Comment noted. Please see common response ALT1 regarding the methodology used to screen alternatives and the Environmentally Superior Alternative.
- F1-3A** The Proposed Project is being considered by the CPUC as an independent action that has independent utility from the referenced Chula Vista Bayfront Master Plan (CVBMP). To that end, the CPUC disagrees that the Proposed Project is part of the CVBMP project that was approved by the San Diego Unified Port District (Port of San Diego). Moreover, comments regarding the adequacy of the environmental review for the CVBMP are not relevant to the Proposed Project, and therefore, no additional response is provided or required. Please also refer to common response ALT2 regarding consideration of the CVBMP in the EIR.
- F1-3B** See Response F1-3A. The Draft EIR, Section F.5, contains a complete discussion of cumulative effects, in accordance with the requirements of California Environmental Quality Act (CEQA). As noted in Section F.5, the CVBMP is addressed as a cumulative project. Therefore, the Draft EIR does in fact appropriately consider the Proposed Project in the context of the CVBMP, as well as other cumulative projects, as listed in Section F.5. Moreover, comments regarding the environmental review for the CVBMP are not relevant to the Proposed Project, and therefore, no additional response is provided or required. Please also refer to common response GEN2 regarding the adequacy of the EIR analysis, and to common response ALT2 regarding consideration of the CVBMP in the EIR.

- F1-3C** See Response F1-3A. This comment provides summary information and opinions regarding the information contained in the EIR prepared by the Port of San Diego for the CVBMP. Comments regarding the environmental review and other processes undertaken by the Port of San Diego for the CVBMP are not relevant to the Proposed Project because approval authority for the Proposed Project rests exclusively with the CPUC, a fact that is noted in the CVBMP EIR. Because the comment does not address the adequacy of the environmental analysis of the Proposed Project, no additional response is provided or required.
- F1-3D** As noted in Response F1-3B, the CVBMP project was appropriately analyzed as a cumulative project in the Draft EIR for the Proposed Project. Moreover, the environmental setting and baseline conditions, which are described throughout the Draft EIR, consider the physical conditions on the project site and surrounding areas. The CPUC does not have land use jurisdiction over the CVBMP area, and therefore, it is neither appropriate nor within the jurisdictional responsibility or authority of the CPUC to determine alternative land uses and/or locations for land uses within the CVBMP. Please also refer to common response GEN2 regarding the adequacy of the EIR analysis.
- F1-3E** The comment does not raise specific issues related to the adequacy of the environmental analysis in the EIR; therefore, no additional response is provided or required.
- F1-4A** This comment restates and summarizes information from the Draft EIR and does not raise specific issues related to the adequacy of the environmental analysis in the EIR; therefore, no additional response is provided or required. Please also refer to common responses ALT1 regarding project objectives and ALT2 regarding EIR consideration of the CVBMP in comparing alternatives.
- F1-4B** As noted in the Draft EIR and acknowledged in Comment F1-4A, the Draft EIR includes a discussion of land use consistency for informational purposes, and does not rely on the analysis to draw conclusions related to effects of the Proposed Project, for the reasons stated in Draft EIR, Section D.10.3.3. Moreover, the analysis that was conducted used the best information available at the time of preparation of the Draft EIR, including the CVBMP plan approved by the Port of San Diego that had undergone CEQA review, and for which no legal challenges were pending at the time.
- F1-5** See Responses F1-3A, F1-3B, and F1-3C. See also ALT2 regarding the EIR consideration of the CVBMP in comparing alternatives.

F1-6A: Existing transmission infrastructure in the vicinity of the Proposed Project is identified on Figures B-3, B-3a, and B-3b. The legend on each of these figures identifies new infrastructure to be installed and existing infrastructure that would remain in place, or would be removed or replaced, with implementation of the Proposed Project. In addition, Section B, Project Description (see Subsections B.4.3, B.4.4, and B.4.5), details the project activities associated with the proposed transmission interconnection (230-kilovolt (kV) Loop-In, 138 kV Extension, and the 69 kV Relocation) project components. These discussions also identify existing infrastructure that would remain in place, or would be removed or replaced, with implementation of the Proposed Project.

The height of proposed infrastructure is depicted on Figures B-9 and B-11 through B-13 (these figures provide drawings of typical structures associated with the 230 kV, 138 kV, and 69 kV transmission interconnection project components and indicate the heights of the associated structures). Also, the height of the proposed infrastructure associated with the Proposed Project is also discussed in Section B, Project Description (see Subsections B.4.3, B.4.4, and B.4.5).

The alignment of the Bayshore Bikeway in the vicinity of the Proposed Project is included in the Draft EIR (see Figure D.2-1, Key Observation Points and Sensitive Viewing Locations, and Figure D.15-1, Recreational Facilities). While Section D.10.2 (page D.10-19) references a bike path planned along Bay Boulevard between J Street and Palomar Street, a separate pedestrian walkway is not planned. Rather, the referenced Class I bike path would include exclusive right-of-way for bicycles and pedestrians, and therefore, it would be considered a shared facility. According to the Bayshore Bikeway Plan (SANDAG 2006), the original intent of Bayshore Bikeway was to “provide convenient and scenic bicycle transportation and recreation around the bay” (SANDAG 2006), and the current alignment of the bikeway in the project area consists of an on-street bike lane/route along Bay Boulevard through an industrial area where views of the bay to the west are obstructed by existing transmission structures (see Figures D.2-1 and D.15-1 for existing alignment). A representative view of the Proposed Project from the L Street Overpass in the vicinity of the current alignment of the Bayshore Bikeway along Bay Boulevard was included in the Draft EIR (see Section D.2.1.1, General Overview, Key Observation Point 2, and Figure D.2.3). In addition, Key Observation Points 1, 3, 4, and 5 are also located along Bay Boulevard, and therefore, views from these locations would be representative of views of the Proposed Project afforded to cyclists along the current alignment of the Bayshore Bikeway in the vicinity of the Proposed Project. Recommended improvements to the Bayshore Bikeway in the vicinity of the Proposed Project are proposed at this time, and improvements to the bikeway and undergrounding

activities referenced in the CVBMP Final EIR are not components of the Proposed Project. Accordingly, they are not discussed in the Project Description and are not depicted in Project Description figures.

Transmission infrastructure proposed in the vicinity of the proposed substation is depicted on Figure B-3a. As shown on Figure B-3a, a 138 kV steel cable pole riser would be installed near the proposed substation and would facilitate the undergrounding of the 138 kV transmission line to the north. With implementation of the Proposed Project, an existing 138 kV steel transmission structure located south of the 138 kV steel cable pole riser would remain in its current location.

As previously stated, the existing transmission infrastructure in the vicinity of the Proposed Project is identified on Figures B-3, B-3a, and B-3b, and the legend on each figure indicates new infrastructure to be installed and existing infrastructure that would remain in place, or would be removed or replaced, with implementation of the Proposed Project. In addition, Section B, Project Description (see subsections B.4.3, B.4.4, and B.4.5), details the project activities associated with the proposed transmission interconnection (230 kV Loop-In, 138 kV Extension, and the 69 kV Relocation) project components.

The telecommunication tower location is described in Section B.4.1, and the proximity of the tower to the proposed 69 kV yard in the Bay Boulevard Substation is shown on Figure B-6. As stated in Section B.4.1, the communications tower would be located along the southern edge of the substation limits. In response to this comment, Figures B-3, B-3a, and B-4 in Section B, Project Description, have been modified in the Final EIR to include the location of the telecommunication tower. These changes and additions to the EIR do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.

F1-6B: The Draft EIR describes the initial and ultimate arrangement of the proposed substation in Section B, Project Description (see Section B.4.1, Bay Boulevard Substation). As stated in Section B.4.1, the initial arrangement does not include 12 kV distribution equipment and would be used to provide 69 kV transmissions to the South Bay region. Also, as stated in Section B.4.1, as part of the ultimate arrangement, distribution equipment would be included at the proposed Bay Boulevard Substation as local distribution loads develop in the South Bay region. Additional components associated with the initial and ultimate substation arrangements are detailed in Section B.4.1. The Draft EIR analyzes the ultimate arrangement of the proposed substation to consider a worst-case scenario

associated with the environmental impacts of the Proposed Project. In addition, the Draft EIR considers the ultimate arrangement so as to not separate the Proposed Project and conduct piecemeal environmental review.

- F1-7:** In response to this comment, the discussion of the South Bay Substation Dismantling in Section B.4.2 has been modified in the Final EIR. These changes and additions to the EIR do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines. Note change made to Section B.4.2.
- F1-8:** The existing transmission infrastructure in the vicinity of the Proposed Project is identified on Figures B-3, B-3a, B-3b, and the legend on each figure indicates new infrastructure to be installed and existing infrastructure that would remain in place, be removed or replaced with implementation of the Proposed Project. As shown on Figures B-3 and B-3a, an existing steel transmission structure associated with 230 kV infrastructure (TL23042) is located southeast of proposed substation yards and would remain in place with implementation of the Proposed Project. Figure B-3a also indicates that an Otay Metro Power Loop (OMPL) Steel Cable Pole Riser located approximately 800 feet to the north would be removed as part of the Proposed Project. North of the OMPL Steel Cable Pole Riser to be removed, as part of the Proposed Project, TL23042 is located underground and travels in a northerly direction. Accordingly, there are no 230 kV aboveground pole structures identified on Figures B-3b and B-3c.
- F1-9:** Figure B-3a, Project Overview Map South, indicates that the OMPL steel cable pole riser would be removed. A text callout is included on the figure that states “OMPL Steel Cable Pole Rise (to be removed)” and is located northeast of the proposed substation yards (see Figure B-3a).
- F1-10:** Figures B-3 and B-3a depict an existing 230 kV steel pole structure located southeast of the proposed substation yards that would remain in place with implementation of the Proposed Project. This structure is existing and receives TL23042 prior to the transmission line turning north and proceeding to the existing OMPL steel cable pole riser, which would be removed with implementation of the Proposed Project. The two referenced overhead transmission lines are part of the existing infrastructure strung on existing transmission structures in the area. With implementation of the Proposed Project, the existing overhead 230 kV transmission line would be rerouted into the proposed Bay Boulevard Substation as indicated on Figures B-3 and B-3a and as discussed in Section B.4.3.

- F1-11:** Section D.10, Land Use and Planning, discusses the Chula Vista Local Coastal Program (LCP) since it is a relevant planning document for the project area. As indicated in Section D.10 (see the Chula Vista Local Coastal Program – Land Use Plan discussion in Table D.10-3), the Proposed Project does not propose the installation of new transmission lines. Rather, the project would relocate transmission lines and structures to interconnect with the proposed Bay Boulevard Substation (as opposed to the existing South Bay Substation). Portions of the project transmission line improvements, including an existing 230 kV line, would be placed belowground.
- F1-12:** The comment does not raise specific issues related to the adequacy of the environmental analysis in the EIR. With regard to organization of the alternatives analysis in the EIR, Section A.4.2 provides a reader’s guide to the EIR, which states:
- **Section C (Alternatives Process and Description).** Description of the alternatives evaluation process, description of alternatives considered but eliminated from further analysis and the rationale thereof, and description of the alternatives analyzed in Section D
 - **Section D (Environmental Analysis).** A comprehensive analysis and assessment of impacts and mitigation measures for the Proposed Project and alternatives, including the No Project Alternative (This section is divided into main sections for each environmental issue area (e.g., air quality, biological resources) that contain the environmental settings and impacts of the Proposed Project and each alternative. (A mitigation monitoring table is provided at the end of each issue area analysis.)
 - **Section E (Comparison of Alternatives).** Identification of the CEQA Environmentally Superior Alternative and a discussion of the relative advantages and disadvantages of the Proposed Project and alternatives that were evaluated.
- F1-13:** Commenters support and agreement with the Draft EIR’s conclusion regarding the Environmentally Superior Alternative is noted. Please refer to common response ALT1 regarding the Environmentally Superior Alternative.
- F1-14:** Commenters support of the No Project Alternative and/or the existing South Bay Substation Site Alternative is noted and will be included in the administrative record and considered by the CPUC during project deliberation.
- F1-15:** The Draft EIR, Section D, Environmental Analysis, thoroughly evaluates the Broadway/Palomar Alternative for all issue areas and in Section E compares those impacts with the Proposed Project. As discussed in Section E, the Broadway and

Palomar Site Alternative – Gas Insulated Substation Alternative is preferred over the Proposed Project for potential impacts to biological resources.

The resulting aesthetic environment that would result with constructing a substation at this alternative site location would be greater than those identified under the Proposed Project. The Broadway and Palomar Site – Gas Insulated Substation Alternative 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 and would be in close proximity to commercial and residential uses. As stated in Section D.2.4.5.2, unlike the Proposed Project the Broadway and Palomar Site – Gas Insulated Substation Alternative would construct and operate an industrial electrical substation where facilities of similar scale and nature do not currently exist. And although the presence of overhead transmission structures contribute to the existing character of the area, the site remains largely vacant, and development of a substation would alter the character of the site to entirely industrial (see Section D.2.4.5.2 for additional detail). Given the greater aesthetic impacts anticipated to result from this alternative, the Proposed Project is environmentally preferred from an aesthetics perspective as the proposed site is industrial and contains similar facilities similar to those of the electrical substation.

The EIR contains simulations of both the Air Insulated Substation and the Gas Insulated Substation (see Figure D.2-2 and D.2-7).

As stated in Section D.10.4.5.2, due to the urban setting surrounding the site and the potential for conflicts between construction activities and existing residential and commercial uses in the area, short-term land use impacts associated with the Broadway and Palomar Site – Gas Insulated Substation Alternative would be greater than those of the Proposed Project. In addition, as stated in Section D.17.4.5.2, climate change emissions resulting from greenhouse gas emissions associated with construction of the Broadway and Palomar Site – Gas Insulated Substation Alternative would be greater than the Proposed Project due to an increase associated with storage of SF₆. While it is accurate to state that the climate change impacts of both the Proposed Project and the GIS alternative at the Broadway and Palomar site would be less than significant, greenhouse gas emissions would be greater and as such, impacts would be greater. Lastly, a land use consistency analysis between the Broadway and Palomar Site – Gas Insulated Substation Alternative is provided in Section D.10.4.5.2.

In response to this comment, Section E, Comparison of Alternatives, has been modified in the Final EIR to correct the contrary position with respect to

aesthetics. This change and addition to the EIR do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.

Please refer to common response ALT1 regarding the Environmentally Superior Alternative.

F1-16: Comment is noted and will be included in the administrative record and considered by the CPUC during project deliberation. As discussed in Section D of the EIR, the Proposed Project would not result in any significant effects due to the change in the transmission structures that could be avoided or lessened by undergrounding the proposed facilities; therefore, further alternatives considering undergrounding have not been carried forward for full consideration in the Draft EIR. Please refer to common response ALT1 regarding the methodology used to screen alternatives including the Bayfront Enhancement Fund Alternative.

F1-17: As discussed in Section D.10, Land Use and Planning (Table D.10-3), the Proposed Project would relocate existing transmission lines and structures (structures would also be installed and removed) in the project area to interconnect with the proposed Bay Boulevard Substation (instead of the existing South Bay Substation). In addition, as stated in Section D.10, Land Use and Planning (Subsection D.10.2), the CPUC has sole and exclusive jurisdiction over the siting and design of the Proposed Project and while Policy A.FA7 of the Chula Vista Bayfront LCP states that 230 kV transmission lines shall be placed underground, the LCP also acknowledges that CPUC approval is required for undergrounding 230 kV transmission lines (see page III-21 of the Chula Vista Bayfront LCP Land Use Plan).

The anticipated visual effects of the proposed transmission interconnections are discussed in Section D.2.3.5. In the operations and maintenance analysis for Impact AES-3, the Draft EIR assesses the long-term visual effects associated with the transmission interconnections from multiple key observation points and concludes that while transmission line improvements would result in the introduction of several large industrial structures, the project site is industrial in character, and similar large-scale transmission structures currently exist on site; therefore, visual effects would be less than significant.

F1-18: Comment is noted. Please refer to response F1-16.

F1-19: The comment does not raise specific issues related to the adequacy of the environmental analysis in the EIR; therefore, no additional response is provided or required.

- F1-20:** While the Draft EIR states that the Proposed Project would be exempt from local plans, a consistency analysis regarding the Proposed Project and policies of local plans established to protect environmental resources is provided within each of the environmental areas evaluated in the EIR.
- F1-21:** Table A-1, Required Permits, Approval, and Consultation Requirements for the South Bay Substation Relocation Project, discloses that the Project Applicant would be required to obtain a Coastal Development Permit from the California Coastal Commission for the Proposed Project. In addition, Table D.10-3 identifies applicable policies of the California Coastal Act and provides a consistency determination with regard to the Proposed Project.
- F1-22:** As discussed in Section B.8 of the Draft EIR, the applicant (SDG&E) identified best management practices that have been incorporated in this EIR as Applicant Proposed Measures (APMs) that would be implemented to avoid or reduce potential impacts from the Proposed Project. During preparation of the EIR, these measures were assumed part of the Proposed Project and are not considered CPUC-recommended mitigation measures. However, the applicant's APMs will be monitored by the lead agencies since they will be compiled with the mitigation measures into the final Mitigation Monitoring, Compliance, and Reporting Program (MMCRP), which will be completed upon adoption of the Final EIR.
- F1-23:** The biological resources section of the Draft 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 biological resources section 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.

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 . 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.

Please refer to responses F1-24 through F1-48 for Section C responses to comments raised on the biological resources section of the Draft EIR.

F1-24: The EIR, Section D.5, acknowledges that light-footed clapper rail is found breeding primarily in lower salt marsh habitat, especially in areas dominated by cordgrass (*Spartina* spp.). No suitable cordgrass or pickleweed habitat is located in the Proposed Project area. Clapper rails have been known to use emergent vegetation, such as cattails, to move between other areas of habitat. The species could disperse through the site within the numerous drainages, some of which are vegetated with emergent vegetation. Although some freshwater marsh is present, the habitat area is small and very narrow and contains little cover, and the species has not been observed or recorded for the site. Thus, the potential to occur as a breeding bird is low, and because of the presence of emergent vegetation but narrow configuration and poor cover provided, the potential to occur and disperse is moderate. The EIR is clear that there is some potential for occurrence of the species on the site; however, most of the wetlands that are present on site are not suitable habitat but rather are dominated by species such as mulefat or are open habitat areas that are seasonally inundated but otherwise unvegetated. The emergent wetland habitat on site is disturbed and located within a channelized drainage, and species diversity is low. This potential dispersal route for light-footed clapper rail occurs in one location on the project site: a man-made ditch adjacent to Bay Boulevard (illustrated on Figure D.5-1). This wetland is approximately 4 to 6 inches deep and vegetated with common cattail and tule bulrush. The total impact to this potential clapper rail dispersal vegetation community is 0.03 acre of permanent impact for a road crossing at the edge of the property, adjacent to Bay Boulevard. There is no suitable nesting habitat present; thus, no impacts are quantified. Regardless of the low likelihood of the light-footed clapper rail being present, the species is included in the analysis in Impact BIO-7. To reduce impacts to avian species during construction activities, including ground disturbance, SDG&E will implement APM-BIO-01 and APM-BIO-03 as well as Mitigation Measures BIO-7, BIO-8, and BIO-11. Implementation of these measures will ensure impacts remain at a less-than-significant level.

F1-25: The potential for occurrence of San Diego fairy shrimp was concluded to be high potential. However, two seasons of protocol presence/absence fairy shrimp surveys were conducted for the project. The EIR correctly states that the dry season survey was conducted in November 2011. Both wet and dry season surveys were negative.

- F1-26:** Section D.5.1.6 provides a discussion of the determination of Environmentally Sensitive Habitat Areas (ESHAs) on site and concludes, based on the site conditions, that no portions of the study area are anticipated to be ESHAs. Since that time, the Coastal Commission Staff Report (California Coastal Commission 2012) provided concurrence with that conclusion in stating that the property was not identified as ESHA and included an exhibit (Exhibit 12a; California Coastal Commission 2012) that indicated no ESHA on site. Impacts to the season wetlands on site have received concurrence from the Coastal Commission and U.S. Fish and Wildlife Service (USFWS) that the proposed 4:1 mitigation for impacts fully mitigates for impacts to wetlands under their jurisdiction. Other impacts including indirect impacts are addressed in the EIR in Section D.5.3.3. The EIR includes a number of mitigation measures to avoid indirect impacts to special status species. To reduce impacts to avian species during construction activities, including ground disturbance, SDG&E will implement APM-BIO-01 and APM-BIO-03 as well as Mitigation Measures BIO-7, BIO-8, and BIO-11. These measures include attenuating noise and conducting activities in accordance with the SDG&E Natural Community Conservation Plan (NCCP) operational protocols to avoid, minimize, or mitigate impacts, and implementing APM-BIO-02 to prevent impacts to special-status species.
- F1-27:** See response F1-22.
- F1-28:** Impacts to the season wetlands on site have received concurrence from the Coastal Commission and USFWS that the proposed 4:1 mitigation for impacts fully mitigates for impacts to wetlands under their jurisdiction. The Coastal Commission also supports the mitigation methods and proposed location for the wetland impacts. The mitigation measure requires the preparation of a habitat restoration plan that includes success criteria and monitoring and that also shall be approved by the permitting resource agencies. Habitat restoration plans include performance standards, success criteria, monitoring methods and frequency, and contingency measures. Detail for the habitat restoration plan is provided during the permitting process.
- F1-29:** In response to this comment, Mitigation Measure BIO-4, the discussion of the Noxious Weeds and Invasive Species Control Plan, has been revised in Section D.5.3.3 in the Final EIR. These changes and additions to the EIR do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines. Note change made to section B.4.2.

- F1-30:** In response to this comment, Mitigation Measure BIO-5 has been revised in Section D.5.3.3 in the Final EIR in order to be more specific. As such, the mitigation measure is very detailed; hence, a separate plan will not be prepared. The required actions and activities will be implemented and monitored by the Mitigation Monitoring, Compliance, and Reporting Program (MMCRP). These changes and additions to the EIR do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines. Note change made to section B.4.2.
- F1-31:** Mitigation for species as outlined in the SDG&E NCCP is summarized in the section on Impact BIO-7. For a number of the species, as noted in the section, impacts are concluded to be less than significant because of lack of suitable habitat or foraging behavior. For species for which the EIR concludes the impacts are significant, the section refers to the NCCP operational protocols and APMs that avoid, minimize, or mitigate impacts to biological resources.
- F1-32:** Please refer to comment letter B7 (California Coastal Commission) and responses.
- F1-33:** The acreage proposed to be graded or trenched is summarized in the third paragraph of Impact BIO-7 on page D.5-47. Mitigation is provided for indirect impacts for these species, impacts to nesting of the species and impacts to nesting of burrowing owl, to address nesting within artificial structures.
- F1-34:** In response to this comment, the last paragraph in Section Impact BIO-7 has been modified in the Final EIR. These changes and additions to the EIR do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines. REVISE MM BIO 8 page D.5-53. Construction impacts to nesting birds are considered significant and mitigation measure BIO-7 is included in the EIR.
- F1-35:** This comment regarding mitigation for burrowing owls (Mitigation Measure BIO-6) is noted. After consideration of this comment, the CPUC has determined that revisions to the mitigation requirements provided in Mitigation Measure BIO-6 other than updating the CDFG survey protocol are not required. Construction impacts to nesting birds are considered significant and mitigation measure BIO-7 is included in the EIR.
- F1-36:** In response to this comment, the last sentence of mitigation measure BIO-7 in Section D.5.3.3 has been deleted in the Final EIR. These changes and additions to the EIR do not raise important new issues about significant effects on the

environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.

F1-37: In response to this comment, the first sentence of mitigation measure BIO-8 in Section D.5.3.3 has been modified in the Final EIR. These changes and additions to the EIR do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.

F1-38: In response to this comment, changes have been made to Impact BIO-9 of Section D.5.3.3 and Section D.5.3.5 in the Final EIR. These changes and additions to the EIR do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.

F1-39: In response to this comment, changes have been made to Section 5.1.6 Wildlife Corridors, Impact BIO-9 of Section D.5.3.3 in the Final EIR. These changes and additions to the EIR do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.

F1-40: The publication by Oles (2007) cited in the EIR provides documentation of the reduction of raptor perching with the use of raptor perch deterrent devices. Of the 252 raptors observed on or near power lines, 1.2% were observed on lines with raptor perch deterrents versus 98.8 % observed at the control lines. It is not known what the current substation has in the way of anti-perch devices or how many raptors are killed each year at the existing substation. The purpose of the anti-perch devices is to prevent raptors from using the structures at the proposed substation as hunting perches for preying on special-status species at the National Wildlife Refuge such as snowy plover and least tern. Regardless, the project proposes APM BIO-04 to comply with the Avian Power Line Interaction Committee standards to prevent electrocution of raptors that may choose to perch on the transmission line structures.

F1-41: Please refer to response E1-20. Section D.5, Biological Resources, of the Draft EIR, Subsection D.5.2, provides applicable regulations, plans, and polices related to biological resources, and Subsections D.5.3 and D.3.4 provide an analysis related to effects of the Proposed Project and alternatives.

F1-42: Please refer to response to California Coastal Commission's comment letter on the Draft EIR, in document B7.

- F1-43:** Please refer to response F1-28 regarding impacts to wetlands. Please refer to response to California Coastal Commission's comment letter on the Draft EIR with regard to the determination of the least environmentally damaging feasible alternatives. The evaluation of alternatives in the EIR was done in accordance with Section 15126.6(d) of the CEQA Guidelines, which state that the EIR shall include sufficient information about each alternative to allow for meaningful evaluation and analysis, and comparison with the proposed project. Given the comprehensive nature of the alternatives analysis, the CPUC has determined that sufficient information is presented in the EIR as required by CEQA.
- F1-44:** In response to this comment, the list of agencies in the section on the City of Chula Vista LCP in Section D.5.3.3 has been modified in the Final EIR. These changes and additions to the EIR do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.
- F1-45:** The changes made to Impact BIO-7 of the EIR in Section D.5.3.3 are incorporated in Section D.5.3.5 by reference. In response to this comment, the list of APMs and mitigation measures is repeated in this section in the Final EIR. These changes and additions to the EIR do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.
- F1-46:** In response to this comment, the requested language has been inserted into Mitigation Measure BIO-11 in Section D.5.3.5 in the Final EIR. These changes and additions to the EIR do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.
- F1-47:** In response to this comment, Mitigation Measure BIO-7 was added in Section D.5.3.5 in the Final EIR. These changes and additions to the EIR do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.
- F1-48:** In response to this comment, changes have been made to Section 5.1.6, Wildlife Corridors, Impact BIO-9, of Section D.5.3.5 in the Final EIR. These changes and additions to the EIR do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.
- F1-49:** The evaluation of alternatives in the Draft EIR has been done in accordance with CEQA Guidelines, Section 15126.6(d), which states that the EIR shall include

sufficient information about each alternative to allow for meaningful evaluation, analysis, and comparison with the proposed project. The major characteristics of each alternative carried forward for full analysis in the EIR are described in Section C of the EIR and evaluated in Section D. The CPUC has determined that additional information detailing the transmission interconnections for the Existing South Bay Substation Site Alternative under either the Air Insulated Substation or Gas Insulated Substation configuration are not necessary or required to provide a meaningful comparison with the Proposed Project as the transmission interconnections are anticipated in most cases to be similar (unless otherwise noted) in scale to those required for the proposed project.

F1-50: The Proposed Project evaluated in the EIR includes decommissioning and dismantling of the existing South Bay Substation, which includes removal of all above-grade components and no potential future uses of the site.

As discussed in the Draft EIR, Section D.8.3.4, Dismantling of the South Bay Substation, according to the Phase I ESA prepared for the existing South Bay Substation, no regulatory database listings were identified for the South Bay Substation Site, and orphan sites occurring in the vicinity are unlikely to pose a risk to the substation site (SDG&E 2010b).

While the Phase I ESA revealed no records of contamination associated with the South Bay Substation, a recognized environmental condition (REC) (VOCs, specifically TCE, which has been detected in groundwater located upgradient of the substation site) was identified. During dismantling activities, existing foundations would be removed to a depth of approximately 6 feet, and because the depth to groundwater in the area is between 5 and 13.5 feet (SDG&E 2010a), contaminated groundwater may be encountered during subsurface activity.

To minimize the potential for impacts during construction activities, SDG&E would implement APM-HAZ-01 and Mitigation Measures HAZ-1a, HAZ-1b, HAZ-1c, and HAZ-2. With implementation of identified APM and mitigation measures, impacts would be reduced to less than significant (Class II).

Potential future use of the site and associated public and health and safety considerations are outside the scope of the analysis required in consideration of the Proposed Project.

F1-51: Please refer to response to California Department of Toxic Substances Control (DTSC) comments on the Draft EIR, document B3, response F1-50, and common response GEN2 regarding the adequacy of the EIR analysis.

F1-52: Please refer to response to California DTSC comments on the Draft EIR, response B3-2.

F1-53: Existing transmission infrastructure in the vicinity of the Proposed Project is identified on Figures B-3, B-3a, and B-3b. The legend on each of these figures identifies new infrastructure to be installed and existing infrastructure that would remain in place, be removed or replaced with implementation of the Proposed Project. In addition, Section B Project Description (see subsections B.4.3, B.4.4, and B.4.5) details the project activities associated with the proposed transmission interconnection (230 kV Loop-In, 138 kV Extension, and the 69 kV Relocation) project components. These discussions also identify existing infrastructure that would remain in place, be removed or replaced with implementation of the Proposed Project.

The aesthetics section acknowledges the existing aesthetics/visual environment in the project area. For example, in Section D.2.3.5, the Draft EIR discloses that “transmission structures and associated lines are evident in the existing landscape setting and are visible from KOP 1a” and that “existing tall, lattice steel and wood transmission structures are visible from (KOP 3).” Existing transmission infrastructure installed as part of past projects in the area is considered in the aesthetics analysis, which concludes that because existing transmission structures and lines contribute to the existing visual character and quality of the site, the Proposed Project (which, among other components, includes the installation, removal, and replacement of transmission structures) would result in less-than-significant aesthetic (AES-3) impacts.

F1-54: Please refer to responses F1-3a, b, c, and d.

F1-55: As discussed in the Draft EIR, Section D.1.2.1, Environmental Baseline, pursuant to CEQA and CEQA Guidelines (14 CCR 15125[a]), the environmental setting used to determine the impacts associated with the Proposed Project and alternatives is based on the environmental conditions that existed in the project area in July 2011 at the time the Notice of Preparation (NOP) was published.

The Draft EIR included a complete and accurate environmental setting based upon the date of the NOP. At the time of the NOP, the environmental setting included a discussion and analysis of the environmental setting as it existed at the time of the NOP. This is consistent both with the CEQA Guidelines and case law. In fact, as stated by the court in the case provided from the commenter within B6-27, “A long line of Court of Appeal decisions holds, in similar terms, that the impacts of a proposed project are ordinarily to be compared to the actual environmental conditions existing at the time of CEQA analysis, rather than

allowable conditions defined by a plan or a regulatory framework” (*Communities for a Better Environment v South Coast Air Quality Management District* 2010). Further, the court states that “CEQA Guidelines...directs that the lead agency ‘normally’ use a measure of physical conditions ‘at the time the notice of preparation [of an EIR] is published, or if no notice of preparation is published, at the time environmental analysis is commenced” (*Communities for a Better Environment v South Coast Air Quality Management District* 2010). However, the case does not stand for the proposition that the alternatives analysis was somehow incorrect or inappropriate by using the physical site conditions as they existed when the aesthetic analysis, as described in the Draft EIR, was completed.

The existing and planned lands uses in the vicinity of the Proposed Project are addressed in the Draft EIR (see Section D.10 Land Use and Planning, Subsection D.10.3.3). See also Figure D.10-2b, which illustrates the planned land uses in the project area.

The Draft EIR does not consider land uses such as Industrial – Research and Development (I-R) and Industrial – General (I) to be visually sensitive to change. The businesses referenced by the commenter are all assumed to operate indoors and would therefore not carry the same level of sensitivity to changes in the existing landscape as would outdoor areas such as parks and natural areas or facilities containing scenic designations such as designated scenic roads and other areas listed in Section D.2.1.

F1-56: As stated in Section D.2.1, five Key Observation Points (KOPs) were selected to represent the range of viewing conditions (distance, viewing angle) and visual changes that would result from the Proposed Project. KOPs were included in the visual analysis for travel routes in the project area since motorists represent the greatest volume of viewers of the Proposed Project and because views of the Proposed Project from residential, park, and recreation areas would be limited and primarily screened by intervening cultural modifications, landforms, or vegetation. Also, although KOP 1 is located along Bay Boulevard, the perspective of the KOP is to the west and is representative of views of the project afforded to land uses in the vicinity located east of Bay Boulevard. Lastly, impacts to recreation areas and facilities resulting from implementation of the Proposed Project are discussed in Section D.15, Recreation.

F1-57: KOPs provide representative views of project components and are used to represent the range of viewing conditions (distance, viewing angle) and visual changes that would result from the Proposed Project. Single KOPs are not intended to depict the visual change that would result from the entirety of the Proposed Project, and due to

the dispersed nature of the project and the inclusion of linear project features, the depiction of the Proposed Project in its entirety from a single KOP would be nearly impossible and would not accurately represent the true visual experience of the Proposed Project. As indicated on Figure D.2-1, the existing alignment of the Bayshore Bikeway is located on Bay Boulevard and an existing sidewalk is located on the east side of Bay Boulevard. KOPs 1, 2, and 3 are located on Bay Boulevard and provide several different viewing angles and viewing distances to the project site that could be experienced by cyclists on Bay Boulevard and pedestrians using existing sidewalks. See Figure D.2-1 for location of KOPs and Figures D.2-2, D.2-3, and D.2-4. Views from existing buildings are not represented by a KOP in the Draft EIR since such views are considered private and are experienced by a relatively small volume of users. Regarding view corridors, as stated in Section D.2, the Proposed Project would install, remove, and replace transmission structures similar in nature to existing structures located in the project area; therefore, visual impacts were determined to be less than significant.

F1-58: KOP 2 is located on the westbound side of L Street near the L Street/Bay Boulevard intersection, which, according to the commenter, is relatively busy in terms of traffic volume. The Draft EIR (see Section D.2.1) states that viewers at KOP 2 would be similar to those previously identified for KOP 1 (travelers along the roadway). KOP 2 is representative of the view from L Street and provides motorists with an elevated, superior viewing angle to the South Bay Substation, which is located in the foreground viewing distance some 700 feet to the west. An existing pedestrian sidewalk is located adjacent to the westbound lanes of L Street in this area, and while the perspective from the sidewalk to the project site would differ slightly, visibility to the project site would be similar, and visual experience would be comparable. A KOP located on the existing substation site was not included in the Draft EIR because views from within the site are not available to the public (the site is fenced and access is restricted) and are not therefore representative of views of the project afforded to viewer groups in the area.

F1-59: Visual simulations (as opposed to 3-dimensional representation or models) of the South Bay Substation Relocation Project were used in the Draft EIR to analyze the visual impacts of the Proposed Project. Use of visual simulations to analyze the impacts of a particular project is commonplace in EIRs and other environmental documents prepared pursuant to CEQA. In addition, analyzing the impacts of the Proposed Project using a 3-dimensional model would be difficult since the representation would be physically isolated and would be viewed individually instead of within the existing visual environment. Lastly, there is no requirement under CEQA to create 3-dimensional representations/models of proposed projects.

- F1-60:** The Draft EIR analyzes visual impacts to scenic view corridors (see Section D.2, Aesthetics, Subsections D.2.3.3 (Impact AES-1 and AES-2), D.2.3.4 (Impact AES-1 and AES-2), and D.2.3.5 (Impact AES-1 and AES-32)). In these sections the Draft EIR analyzes potential visual impacts resulting from the Proposed Project at the State Route 75 scenic turnout (located approximately 1.77 miles west of the proposed substation) and along State Route 75 (an officially designated state scenic highway).
- F1-61:** The proposed conceptual landscape plan is included on Figure B-7 and is visually depicted on Figure D.2-2 (see visual simulation). As shown on Figure D.2-2, proposed landscaping at the Bay Boulevard Substation would partially screen views of the substation perimeter wall and substation structures; however, due to the height of transmission interconnection structures and substation yard bay equipment, full screening of project components with vegetation would not be possible.
- F1-62:** While the Draft EIR states that the Proposed Project would be exempt from local plans, a consistency analysis regarding the Proposed Project and policies of local plans established to protect environmental resources is provided. The applicability of regulations, standards, and plans as they relate to aesthetics is discussed in Section D.2.2. For example, regarding the Federal Aviation Administration, the Draft EIR states that the tallest structure proposed (the 138 kV steel pole riser) would be approximately 165 feet above ground level and 183 feet above mean sea level (amsl), and since the Proposed Project structures would not rise above the 200-foot limit, on-site structures would not require obstruction lighting. See Section D.2.2 for additional detail. In addition, as stated in Section D.2.2, a consistency analysis regarding the Proposed Project and relevant California Coastal Act Policy, Port Master Plan policies, and policies from the Chula Vista Local Coastal Program – Land Use Plan, the Bayfront Specific Plan, and the City of Chula Vista General Plan – Land Use and Transportation Element is provided in Section D.10 (see Table D.10-3). The Proposed Project does not substantially degrade the existing visual character of the area because the existing transmission infrastructure and South Bay Substation contribute to the industrial character of the area. See Section D.2.3 for a discussion regarding aesthetic impacts resulting from implementation of the Proposed Project. The Draft EIR does not identify mitigation measures because, as stated in Section D.2.3, the aesthetic impacts of the Proposed Project were determined to be less than significant.
- F1-63:** KOPs 1a, 3, and 5 are used to analyze the aesthetics impacts (Impact AES-3) resulting from operation of the transmission interconnections. And, as stated at the end of the Impact AES-3 analysis for the transmission interconnections component of the Proposed Project, new and replaced transmission structures

would not substantially degrade the existing character or quality of the site or its surroundings, and therefore, impacts would be less than significant (Class III). Regarding the clustering of six poles referenced by the commenter, these poles (69 kV wood pole structures) would in fact be removed with implementation of the Proposed Project (see Figure B-3a).

Existing transmission infrastructure in the vicinity of the Proposed Project is identified on Figures B-3, B-3a, and B-3b. In addition, Section B, Project Description (see subsections B.4.3, B.4.4, and B.4.5), details the project activities associated with the proposed transmission interconnection (230 kV Loop-In, 138 kV Extension, and the 69 kV Relocation) project components. The height of proposed infrastructure is depicted on Figures B-9 and B-11 through B-13 and is also discussed in Section B, Project Description (see Subsections B.4.3, B.4.4, and B.4.5).

F1-64: Section D.2, Aesthetics, of the Draft EIR appropriately identifies the potential impacts applicable to the Proposed Project and alternatives, objectively evaluates those potential impacts, provides appropriate mitigation 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 Section D.2, Aesthetics, 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.

Disagreement among experts, consultants, or attorneys regarding the material, data, or significance determinations and alternatives analysis 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 in order to support the EIR's approach.

Please refer to responses F1-53 through F1-65 for responses to specific issues raised on the visual resources analysis conducted in the EIR.

- F1-65:** Please review response to comment F1-64.
- F1-66:** Please refer to response to comment F1-64. The Draft EIR does not identify mitigation measures because, as stated in Section D.2.3, the aesthetic impacts of the Proposed Project were determined to be less than significant.
- F1-67:** The emission factors for on-road vehicles and off-road construction equipment in URBEMIS2007, Version 9.2.4, and CalEEMod, Version 2011.1, are both based on the California Air Resources Board's EMFAC2007 and OFFROAD2007 models, respectively. For a given vehicle or piece of equipment and construction scenario, the two models should estimate the same carbon dioxide (CO₂) emission rates. While it is agreed that the analysis of greenhouse gases (GHGs) and climate change under CEQA has changed over the past several years, the passage of 4 or 5 years between the release of URBEMIS2007 and release of the Notice of Preparation (NOP) or the Draft EIR does not invalidate the method of calculating GHG emissions. Furthermore, the use of URBEMIS2007 is still acceptable to agencies in the San Diego Region, including the San Diego Air Pollution Control District and the City and County of San Diego, among others. As such, remodeling emissions and conducting the GHG analysis using the CalEEMod model would not result in substantially different emission estimates; therefore, a remodel would not be necessary.

A detailed description of construction activities is found in Section B, Project Description, specifically, Section B.6, Construction Activities. The description of the methodology for estimating the construction-related GHG emissions was included in the Proponent's Environmental Assessment (PEA). In summary, the carbon dioxide (CO₂) emissions were estimated using the URBEMIS land use and air emissions estimation model. The emissions of other GHGs—specifically, nitrous oxide (N₂O) and methane (CH₄)—were estimated using values from the California Climate Action Registry's *General Reporting Protocol* and the global warming potential of these compounds. The sources of GHG emissions during construction do include on-road vehicles, including worker and delivery vehicles; off-road construction equipment; and helicopters. Additional details of the construction GHG emissions can be found in Table 4.3-8, GHG Emissions from Construction, of the PEA. On behalf of the CPUC, Dudek conducted a third-party completeness review of the PEA. SDG&E made relevant revisions in response to the completeness review, and Dudek independently verified the revised emission calculations. Except for the net increase in sulfur hexafluoride (SF₆) emissions from SF₆-containing equipment at the Bay Boulevard Substation, no other change is anticipated in operational emissions associated with the Bay Boulevard Substation relative to those of the current South Bay Substation. Furthermore, the

Bay Boulevard Substation would be unmanned; thus, only minimal GHG emissions would occur as a result of vehicles used for maintenance. The estimated construction and operational emissions are believed to be reasonable estimates.

Data provided in Table 4.3-8, GHG Emissions from Construction, and Table 4.3-9, CO₂E GHG Emissions from Construction, of the PEA for N₂O and CH₄ emissions are correct. The values in Table D.17-3 in the Draft EIR for these GHGs were inadvertently transposed. However, the total GHG emissions, expressed as carbon dioxide equivalent (CO₂E) were reported correctly. Table D.17-3 in the Final EIR has been updated to reflect the correct CH₄ and N₂O values. These changes and additions to the EIR do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.

Data shown in Table 4.3-10, GHG Emission Changes from Operation and Maintenance, of the PEA, overstated the N₂O and CH₄ emissions associated with electrical consumption by a factor of 1,000. SDG&E provided corrected values to the CPUC in response to the Completeness Review. In Table D.17-4, the N₂O and CH₄ values were inadvertently transposed. The total GHG emissions, expressed as CO₂E, were reported correctly. The N₂O and CH₄ values were revised in Table D.17-4 of the Final EIR to reflect the corrected estimates for GHG emissions associated with electrical consumption. These changes and additions to the EIR do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.

- F1-68:** The comment is noted and does not raise specific issues related to the adequacy of the environmental analysis in the EIR; therefore, no additional response is provided or required. Please refer to comment response ALT2 regarding consideration of the CVBMP.
- F1-69:** Comment noted. Sections D.2, Aesthetics, and D.10, Land Use, of the Draft EIR appropriately identify the potential impacts applicable to the Proposed Project and alternatives, objectively evaluate those potential impacts, provide appropriate mitigation designed to lessen those potential impacts, and conservatively evaluate those impacts in light of the mitigation in order to make a final impact determination. All conclusions within Sections D.2, Aesthetics, and D.10, Land Use, 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. Please refer to common response ALT2 regarding consideration of the CVBMP.

Disagreement among experts, consultants, or attorneys regarding the material, data, or significance determinations and alternatives analysis 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 in order to support the EIR's approach.

The Draft EIR, Section D.2, Aesthetics, and Section D.10, Land Use, evaluates the project effects as well as alternatives effects on land use and visual resources.

- F1-70:** Please refer to common response GEN2 regarding the adequacy of the EIR analysis as well as responses to specific issues raised in responses F1-1 through F1-69.
- F1-71:** Comment noted. Please refer to response F1-23.
- F1-72:** Please refer to responses F1-26 and F1-32.
- F1-73:** Please refer to responses F1-26, F1-40, and F1-48.
- F1-74:** Please refer to response F1-43.
- F1-75:** Please refer to response F1-43.
- F1-76:** Please refer to responses F1-26, F1-28, and F1-43.
- F1-77:** Please refer to responses F1-50 and F1-51.
- F1-78:** Please refer to responses F1-50 and F1-51.
- F1-79:** Please refer to responses F1-50 and F1-51.
- F1-80:** Please refer to responses F1-50 and F1-51.
- F1-81:** Please refer to responses F1-50 and F1-51.
- F1-82:** Please refer to responses F1-53 and F1-66.

- F1-83:** Please refer to responses F1-53 and F1-66.
- F1-84:** Please refer to responses F1-53 and F1-66.
- F1-85:** Please refer to responses F1-53 and F1-66.
- F1-86:** Please refer to response F1-67.
- F1-87:** Please refer to response F1-67.
- F1-88:** Please refer to response F1-67.
- F1-89:** Please refer to response F1-67.
- F1-90:** Please refer to responses F1-68 and F1-69.
- F1-91:** Comment noted. Please refer to responses F1-68 and F1-69.
- F1-92:** The comment does not raise specific issues related to the adequacy of the environmental analysis in the EIR; therefore, no additional response is provided or required.
- F1-93:** Exhibit 1 is noted and considered in response F1-1.
- F1-94:** Exhibit 2 is noted and considered in responses F1-2 and F1-13.
- F1-95:** Noted and considered in response F1-3.
- F1-96:** Noted and considered in response F1-3.
- F1-97:** Noted and considered in response F1-3.
- F1-98:** Noted and considered in response F1-3.
- F1-99:** Exhibit 7 is noted and considered in response F1-5.
- F1-100:** Exhibit 8 is noted and considered in response F1-15.
- F1-101:** Exhibit 9 is noted and considered in response F1-23.
- F1-102:** Exhibit 10 is noted.

Response to Comment Letter F2

Paul Butler
Latitude 42, Inc.
August 31, 2012

F2-1 The commenter's opposition to the project is noted and will be included in the project record, and the CPUC will consider this comment during project deliberation.

F2-2 Sections D.2 through D.17 of the EIR, evaluate the environmental effects of the Proposed Project including a discussion of the environmental setting and impacts and mitigation measures. As described for each resource area, a number of factors are used to determine the existing resources that may be affected by the Proposed Project. For example, as described in the Draft EIR, Section D.2, Aesthetics, visual resources consist of the landforms, vegetation, rock and water features, and cultural modifications that create the visual character and sensitivity of a landscape. A number of factors are documented for the existing visual resources of the project area in order to determine the manner in which those resources or characteristic landscapes may be modified by the Proposed Project or alternatives. The primary existing visual condition factors considered in this study are defined as follows and include visual quality, viewer types and volumes, visual sensitivity, and viewer exposure. Key observation points are used in this analysis to document these factors from representative residential, park, and travel route viewing locations.

The Draft EIR does not consider property value in the context of the California Environmental Quality Act (CEQA) and the determination of environmental impact because direct social and economic effects, such as project effects on property value, are not considered significant impacts under CEQA Guidelines, Section 15131. According to Section 15360 of the CEQA Guidelines, impacts to be analyzed under CEQA must relate to either a direct or an indirect physical change in the environment. Such physical changes in the environment include changes to land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic value or significance. Changes in property values are associated with a number of factors, such as supply and demand, general economic conditions, and location of a property.

While it is possible that property owners near the project site may have the perception that their land will diminish in value because of the project, the actual loss of property value and potential effects can only be tested through data from sales within the impact area and within one or more similar control areas over a few years prior to an awareness of a proposed project. This type of data collection

and study is beyond the scope of the EIR, and is therefore infeasible for the Proposed Project. While it can be ascertained that particular environmental and physical changes can affect property values within an immediate distance of the Proposed Project, at this time, a definitive assessment of any potential impacts to nearby property values is not possible. Determination of the effect of the Proposed Project on property values is highly speculative, and the analysis contained in the Draft EIR is reflective of this finding.

F2-3 Please refer to Figure B-4, Bay Boulevard Substation Site Plan, and Figure B-7, Conceptual Landscape Plan. As shown on Figures B-4 and B-7, the EIR analysis assumes that the existing landscaping between the proposed Bay Boulevard Substation site and the adjacent property to the south would remain in place. Construction activities would occur within the fence line of the Bay Boulevard Substation property located to the north, and therefore, the impact analysis assumes that the existing landscaping would not be removed during construction of the Proposed Project. In addition, since existing landscaping would remain in place, the 10-foot masonry wall surrounding the perimeter of the proposed area would partially screen the substation from the views of viewers to the south.

Please also refer to response F2-2, which discusses the proposed South Bay Substation site and property values.

F2-4 Paul Butler is on the distribution list as an adjacent property owner. His address on the distribution list is 20 Hill Drive, Kentfield, California, 94904. It is noted that he was sent via FedEx one copy of the Draft EIR Executive Summary on CD and one Notice of Availability.