

7. Responses to Comments

On January 20, 2017, the California Public Utilities Commission (CPUC) circulated a Notice of Intent (NOI) to adopt a Mitigated Negative Declaration (MND) for Pacific Gas & Electric Company’s (PG&E’s, or the applicant’s) Permit to Construct the Sanger Substation Expansion Project (proposed project; Application A.15-09-012) to the public and public agencies pursuant to the California Environmental Quality Act (CEQA), Section 15072. The CPUC sent the NOI to 56 agencies, tribes, elected officials, organizations, residents, and other interested parties. The Draft Initial Study (IS)/MND was also announced in the *Fresno Bee* newspaper on January 20, 2017, and the *Sanger Herald* newspaper on January 19, 2017. The CPUC posted the Draft IS/MND on its website and made electronic and hard copies of the document available at the Fresno County Public Library’s Fresno and Sanger branches. The IS/MND is available online at <http://www.cpuc.ca.gov/environment/info/ene/sanger/sanger.html>.

During the public review period for the Draft IS/MND, the CPUC received comments from public agencies and the applicant. Table 7-1 lists the persons and agencies that submitted comments on the Draft IS/MND. If revisions were made to the IS/MND, they are provided with the response to the specific comment. Revisions are indicated in the text of this Final MND with ~~strikeout~~ for deletions of text and in underline for new text.

Table 7-1 Comments Received on the Draft Initial Study/Mitigated Negative Declaration

Commenter	Date of Comment
Robert Pennell Tribal Cultural Resources Director Table Mountain Rancheria Tribal Government Office	January 31, 2017
Christina Monfette, Planner Development Services Division County of Fresno	February 17, 2017
Michael Calvillo Senior Land Planner Pacific Gas & Electric Company	February 20, 2017

Comment Set A Table Mountain Rancheria Tribal Government Office



TABLE MOUNTAIN RANCHERIA TRIBAL GOVERNMENT OFFICE

CERTIFIED 7522 9692

January 31, 2017

Leanne Walker-Grant
Tribal Chairperson

Beverly J. Hunter
Tribal Vice-Chairperson

Craig Martinez
Tribal Secretary/Treasurer

Matthew W. Jones
Tribal Council Member

Richard L. Jones
Tribal Council Member

Silvia Yanez, Project Manager
Sanger Substation Expansion Project
C/O Ecology and Environment, Inc.
505 Sansome Street, Suite 300
San Francisco, Ca. 94111

RE: Sanger Substation Expansion Project

Dear: Silvia Yanez

This is in response to your letter dated, January 20, 2017, regarding, Sanger Substation Expansion Project. Thank you for notifying us of the potential development and the request for consultation.

We decline participation at this time but would appreciate being notified in the unlikely event that cultural resources are identified.

Sincerely,

Robert Pennell
Tribal Cultural Resources Director
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Responses to Comment Set A
Table Mountain Rancheria Tribal Government Office

- A-1 The following revision has been made to Mitigation Measure (MM) CUL-1 on pages 1-10, 5.5-11, and 6-11, to state that the Table Mountain Rancheria and any other parties who request notification would be notified of a cultural resources find:

Work shall be halted and excluded from within 100 feet of the resource. Protective barriers shall be installed with signage identifying the area as an “environmentally sensitive area.” The CPUC shall be notified of the find. The CPUC will notify parties who have requested notification of the find to the extent allowed, in consideration of confidentiality requirements. Total avoidance of the resource is preferred, and no additional mitigation is necessary if it is avoided.

Comment Set B County of Fresno



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

February 17, 2017

Sanger Substation Expansion Project
c/o Ecology and Environment, Inc.
Attn: Silvia Yanez, Project Manager
505 Sansome Street, Suite 300
San Francisco, CA 94111

SUBJECT: Notice of Intent to Adopt a Mitigation Negative Declaration for the PG&E Sanger Substation Expansion Project

Dear Ms. Yanez,

The County of Fresno appreciates the opportunity to review and comment on the subject Notice of Intent. At this time, we do not have any comments to offer.

If you have any questions, you may e-mail me at cmonfette@co.fresno.ca.us or contact me at (559) 600-4245.

Sincerely,

Christina Monfette, Planner
Development Services Division

CMM:
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c: Bernard Jimenez, Deputy Director of Planning
William M. Kettler, Development Services Division
Chris Motta, Development Services Division

DEVELOPMENT SERVICES DIVISION
2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 600-4497 / 600-4022 / 600-4540 / FAX 600-4200
The County of Fresno is an Equal Employment Opportunity Employer

Response to Comment Set B
County of Fresno

- B-1 Thank you for your comment. This comment does not raise any environmental issues; therefore, no further response is required.

Comment Set C Pacific Gas & Electric Company



Michael Calvillo
Senior Land Planner
Environmental Management

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February 20, 2017

Sanger Substation Expansion Project
c/o Ecology and Environment, Inc.
Attn: Silvia Yanez, Project Manager
505 Sansome Street, Suite 300
San Francisco, CA 94111

RE: PG&E Sanger Substation Expansion Project
Comments to Draft Initial Study/Mitigated Negative Declaration

Dear Ms. Yanez:

Thank you for the opportunity to review the draft Initial Study/Mitigated Negative Declaration (MND) for the Sanger Substation Expansion Project (project). Pacific Gas and Electric Company (PG&E) appreciates the effort expended by Commission staff and its consultant to prepare a comprehensive CEQA document to cover the project.

PG&E offers the following minor revisions and comments concerning the draft MND:

Page 1-3, Required Approvals, Table 1-1, and Page 4-3, Other Public Agencies Whose Approval is Required, Table 4-1: Under Building Permit, please delete "two Modular Protection Automation Control buildings and" because Fresno County has confirmed that no building permit is needed for these installations.

C-1

Page 5.2-3, line 12, Agriculture, Local, Fresno County Code of Ordinances: Suggest "ultimate" be replaced with "discretionary" to clarify the legal relationship. The County does not have any discretionary authority over land use decisions for the proposed project.

C-2

Pages 5.3-6, line 29, and 5.7-4, line 28, San Joaquin Valley Air Pollution Control District: PG&E suggests placing these agency regulations under a different heading than "Local." Although the San Joaquin Valley Air Pollution Control Board ("SJVAPCD") and other air districts are referred to as "local" air districts to distinguish them from the California Air Resources Board ("CARB"), they are not local police-power agencies but rather were created under the authority of the California Health and Safety Code to enforce state and federal ambient air quality laws and standards. See, e.g., Health & Safety Code, § 40001. They are subject to CARB oversight, rather than being within city or county jurisdiction. The distinction is important because PG&E's project is subject to SJVAPCD regulations but not to local discretionary regulations enacted by local agencies under the police power. To avoid confusion and maintain the distinction from city and county regulations, PG&E generally identifies air district regulations as "Regional" rather than "Local," but they could also properly be placed under "State" regulations.

C-3

Ms. Yanez
February 20, 2017
Page 2

Page 5.5-1, Cultural Resources, lines 7-8 and 28-31: Please delete "Native American resources" and the bullet with the same title. A Native American resource is either an archaeological resource or a Tribal Cultural Resource, and would be covered in those categories; PG&E experts are not aware of any other recognized independent classification. **C-4**

Page 5.5-13, Cultural Resources, lines 4-7: Please change "would" to "could" in line 4 and add "if it is not a representative sample" after "after 50 percent of the work is done" in line 7 to be consistent with the intent of MM CUL-4 and discussions concerning its particulars. **C-5**

Page 5.5-13, Cultural Resources, line 9: For clarity, please add "would supersede APM PAL-3 and" after "MM CUL-4." **C-6**

Page 5.5-11, Cultural Resources, MM CUL-1 (also in the MMRP and elsewhere): To ensure quick resolution of all cultural issues, PG&E suggests that MM CUL-1 include a 7-day CPUC response on whether a resource is a potentially a historical or unique archaeological resource, consistent with other parts of MM CUL-1. To accomplish this, we suggest adding the following clarification after the first sentence of the third paragraph (at line 22): **C-7**

If the resource is of a type that is consistently found not eligible (i.e. an isolated artifact), then it may be assumed not eligible with informal notice to the CPUC. If the resource can be evaluated quickly without further investigation, then a recommendation shall be made in writing by the CPUC-approved archaeologist, and the CPUC must respond within 7 days if it disagrees with the conclusion.

Page 5.5-13, Cultural Resources, MM CUL-3 (also in the MMRP and elsewhere): For the same reason, PG&E suggests that MM CUL-3 contain a similar 7-day CPUC response provision. In the first sentence of the last paragraph (line 34), please replace "determine whether or not the resource is unique" with "respond in writing within 7 days on whether the resource is unique and providing reasoning if it disagrees with the conclusion." **C-8**

Page 5.8-10, Hazards, line 36 and other locations, MM HAZ-1: Please insert "at least" before "30 days" in the last line, which PG&E believes is consistent with the intent. **C-9**

Page 5.10-6, Table 5.10-2, Noise: Suggest adding at the end of the first sentence "although the ordinance also exempts emergency work and utility facility modifications, which would cover any necessary night-time project construction activities." See Fresno County Noise Ordinance, section 8.40-060. **C-10**

Pages 5.17-5, line 12, 5.17-6, line 3 and 5.17- 7, lines 48-49, Utilities: As stated on page 5.13-2, Population and Housing, construction workers would be "mostly from the Central Valley" but not all "from the local area." Suggest these lines be revised to state "Given the small number of workers, there will be a negligible change in wastewater generated and treated in the area." PG&E believes this conclusion is supported by the analysis. **C-11**

Ms. Yanez
February 20, 2017
Page 3

Page 5.18-1, Mandatory Findings of Significance, lines 13-17: Although the language in Table 5.18-1 is correct, the language in the first heading is not. Please add “substantially” in the two places underlined below to properly describe the legal standard:

(a) Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

See Guidelines for Implementation of the California Environmental Quality Act, Cal. Code Regs., tit. 14, §§ 15000 (“CEQA Guidelines”), §15065 (a)(1).

Page 5.18-2, Mandatory Findings of Significance, Biology, line 7: Please add “substantially” before “reduce” as described above.

Page 5.18-2, Mandatory Findings of Significance, Biology, lines 21-35: The analysis in these paragraphs might have applied the misquoted standard as to reducing the number or restricting the range of a rare or endangered species. The Swainson’s hawk is the only species identified with moderate potential to occur in the area, with 3 other birds and the San Joaquin kit fox identified as having low potential to occur. While the CPUC concluded elsewhere that certain APMs proposed by PG&E were not sufficient to reduce potential impacts to these species to a less than significant level, and replaced them with mitigation measures, PG&E does not believe there is evidence that the project as proposed would “substantially reduce the number or restrict the range” of any rare or endangered animal species. See CEQA Guidelines, § 15065 (a)(1). PG&E agrees with the other conclusions in this paragraph (lines 32-34) and believes that minimizing the potential for any impacts to rare or endangered species is important, as evidenced by its acceptance of the proposed mitigation measures.

PG&E appreciates the opportunity to provide these comments. Please feel free to contact me if further information or clarification is necessary.

Sincerely,

Michael Calvillo

Michael Calvillo
Senior Land Planner
Pacific Gas and Electric Company

C-12

C-13

C-14

Ms. Yanez
February 20, 2017
Page 4

cc:
Derrick Hallum, Pacific Gas and Electric Company
Jo Lynn Lambert, Attorney for Pacific Gas and Electric Company
Shruti Ramaker, Haley & Aldrich
Kendra Ryan, Cardno

Responses to Comment Set C Pacific Gas & Electric Company

- C-1 The County of Fresno Department of Public Works and Planning has confirmed that construction of the proposed Modular Protection Automation Control (MPAC) buildings would not require building permits. Therefore, text referencing a building permit requirement for two MPAC buildings has been removed from the Draft IS/MND as described below.

Section 1, Mitigated Negative Declaration, page 1-3, Table 1-1 has been revised as follows:

Table 1-1 Potential Permits and Approvals

Permit/Approval	Agency	Requirement
National Pollutant Discharge Elimination System (General Construction Storm water Permit)	State Water Resources Control Board	PG&E would disturb more than 1 acre of land during proposed project construction.
Roadway Encroachment Permit	Fresno County	PG&E would conduct work within Fresno County roadways (East Jensen Avenue and South McCall Avenue) and construct two new driveways off South McCall Avenue for substation access.
Building Permit	Fresno County	PG&E would construct two Modular Protection Automation Control buildings and a 9 foot tall security fence.
Dust Control Plan	San Joaquin Valley Air Pollution Control District	PG&E would disturb more than 5 acres during proposed project construction.
Informal Notification	United States Forest Service, Sierra National Forest	PG&E would install an antenna system at the Fence Meadow Repeater Station.

Key:
PG&E Pacific Gas and Electric Company

Section 4, Project Description, page 4-3, Table 4-1 has been revised as follows:

Table 4-1 Potential Permits and Approvals

Permit/Approval	Agency	Requirement
National Pollutant Discharge Elimination System (General Construction Storm water Permit)	State Water Resources Control Board	PG&E would disturb more than 1 acre of land during proposed project construction.
Roadway Encroachment Permit	Fresno County	PG&E would conduct work within Fresno County roadways (East Jensen Avenue and South McCall Avenue) and construct two new driveways off South McCall Avenue for substation access.
Building Permit	Fresno County	PG&E would construct two Modular Protection Automation Control buildings and a 9 foot tall security fence.

Table 4-1 Potential Permits and Approvals

Permit/Approval	Agency	Requirement
Dust Control Plan	San Joaquin Valley Air Pollution Control District	PG&E would disturb more than 5 acres during proposed project construction.
Informal Notification	United States Forest Service, Sierra National Forest	PG&E would install an antenna system at the Fence Meadow Repeater Station.

Source: PG&E 2015.

Key:

PG&E Pacific Gas and Electric Company

- C-2 To clarify the nature of the CPUC’s and Fresno County’s jurisdiction over land use decisions for the proposed project, the following revision has been made to Section 5.2, Agriculture and Forest Resources, page 5.2-3, line 12:

The CPUC therefore has ~~ultimate~~ discretionary decision making authority over land use decisions for the proposed project.

- C-3 PG&E suggested placing the San Joaquin Valley Air Pollution Control District regulations as “Regional” instead of “Local” regulations, considering that Local Air Pollution Control Districts are not local enforcement agencies but rather were created under the authority of the California Health and Safety Code to enforce state and federal ambient air quality laws and standards.

Per California Health and Safety Code Section 40001(a), the following revision has been made to page 5.3-6, line 28 of the Draft IS/MND:

Local-Regional

San Joaquin Valley Air Pollution Control District

- C-4 The bulleted list of “cultural resources” in the Draft IS/MND, page 5.5-1 provides definitions of various types of cultural resources for the purpose of introducing them to the reader. Contrary to the commenter’s claim, a Native American resource is not “either an archaeological resource or a Tribal Cultural Resource . . .” As explained in the Draft IS/MND, page 5.5-1, a Native American resource

May include historical or archaeological resources, rock art, or prominent topographical areas, features, habitats, plants, animals, or minerals that contemporary Native Americans value and consider important for the preservation of Native American traditions.

A “Tribal Cultural Resource” is defined specifically in CEQA section 20174 and summarized in the Draft IS/MND, page 5.5-1 as either of the following:

- “Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either . . . [i]ncluded or determined to be eligible for inclusion in the California Register of Historical Resources . . . [or i]ncluded in a local register of historical resources as defined in subdivision (k) of [Public Resources Code] Section 5020.1.”

- “A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1.” An “archaeological resource” is defined in the Draft IS/MND, page 5.5-1, as a resource that *may* meet the definition of being historical or unique under CEQA.

As defined in the Draft IS/MND, page 5.5-1, a Native American resource can include resources other than those that are an archaeological resource (including those that are either historical resources or unique) or Tribal Cultural Resource (TCR). In this manner, the term “Native American resource” is intended to be a general term to capture resources that are not archaeological in nature and do not qualify as TCRs but still may be attributed to Native American culture. In addition, since the use of the term TCR is associated with Assembly Bill 52, previous studies considered as part of this evaluation may not have called attention to TCRs, thereby necessitating the need for more general terminology.

No changes have been made to the Draft IS/MND in response to this comment.

- C-5 The following revisions have been made to page 5.5-13 of the Draft IS/MND to be more consistent with the impact analysis and MM CUL-4:

Impacts would be reduced but ~~would~~ could still be significant after implementation of these APMs as the procedures outlined in APM PAL-2 are not specific enough to guide implementation during construction and a resource can be discovered at shallower depths than those outlined in APM PAL-3 or after no resources are discovered after 50 percent of the work is done if it is not a representative sample.

- C-6 The following revision has been made to page 5.5-13 of the Draft IS/MND to clarify that MM CUL-4 supersedes APM PAL-3:

MM CUL-4 would supersede APM PAL-3 and requires the applicant to prepare and implement a Paleontological Resources Monitoring and Mitigation Plan to further reduce the potential to damage a paleontological resource during construction.

- C-7 PG&E’s suggested revision appears intended to accomplish two goals: (1) provide an avenue for addressing types of resources that are consistently found ineligible (e.g., isolated finds) and (2) provide for a minimum response time.

MM CUL-1 provides for procedures for addressing resources recommended as not eligible for the state or federal registers. MM CUL-1 states that, if a resource is found and cannot be avoided, and “the resource is not potentially a historical or unique archaeological resource, work can resume after the CPUC’s concurrence.”

Therefore, if PG&E locates an isolated artifact or other type of resource often not considered eligible, MM CUL-1 allows for PG&E to resume work after evaluating its potential to be historical or unique, with the CPUC’s concurrence. Therefore, no revision has been made to specifically address resources consistently found not eligible.

Consistent with other sections of MM CUL-1, MM CUL-1 has been revised on pages 1-11, 5.5-11, and 6-11 to provide a timeline for the CPUC’s response if PG&E’s CPUC-approved archaeologist finds that the resource is not potentially historical or a unique archaeological resource:

If the resource cannot be avoided, the CPUC-approved archaeologist shall determine in consultation with the CPUC if there is a potential for the resource to be historical (CEQA Guidelines section 15064.5(a)) or a unique archaeological resource (Public Resources Code 21083.2(g)). The CPUC must provide a response to the CPUC-approved archaeologist within seven days regarding a resource that the CPUC-approved archaeologist has found not to be potentially historical or a unique archaeological resource. If the resource is not potentially a historical or unique archaeological resource, work can resume after the CPUC’s concurrence.

C-8 The following revision has been made to MM CUL-3 on pages 1-12, 5.5-13, and 6-13:

The results of the evaluation will be submitted to the CPUC, and the CPUC must determine whether or not the resource is unique. CPUC must respond in writing within seven days stating whether the resource is unique and provide reasoning if it disagrees with the conclusion. If the resource is determined not to be unique, work may commence in the area.

C-9 The following revision has been made to MM HAZ-1 on pages 1-15, 5.8-10, and 6-18 to clarify the intent of the mitigation measure.

This plan will be submitted to the CPUC for review and approval at least 30 days prior to the start of construction of the proposed project.

C-10 PG&E suggested adding the following text to the end of the first sentence of page 5.10-6: “although the ordinance also exempts emergency work and utility facility modifications, which would cover any necessary night-time project construction activity.”

As discussed on page 5.12-8 of the Draft IS/MND, Fresno County Ordinance Code Section 8.40.060(G) exempts noise sources associated with work performed by private or public utilities in the maintenance or modification of its facilities. Nighttime construction of the existing substation modifications and subtransmission structure modifications would be exempted from the allowed construction hours established in Section 8.40.060(C) of the ordinance.

Section 5.10, Land Use, Table 5.10-2, has been revised as follows to be consistent with the discussion in the Draft IS/MND, page 5.12-8:

Table 5.10-2 Sanger Substation Expansion Project Conformity with Plans, Policies, and Regulations Related to Land Use and Planning

Plan, Policy, or Regulation	Consistency Analysis
<p><i>Fresno County General Plan Policy HS-G.6:</i> Regulate construction-related noise to reduce impacts on adjacent uses in accordance with the County’s Noise Control Ordinance.</p>	<p>Construction that would occur outside of allowed hours in the Fresno County Noise Control Ordinance would likely be inconsistent with this policy; <u>however, Section 8.40.060 (G) of the ordinance also exempts work performed by utilities in the modification of its facilities, which would cover night-time work required for substation</u></p>

Table 5.10-2 Sanger Substation Expansion Project Conformity with Plans, Policies, and Regulations Related to Land Use and Planning

Plan, Policy, or Regulation	Consistency Analysis
	<p>modifications or structure replacement activities. As described in Chapter 5.12, Noise," PG&E would implement an APM to comply with the ordinance, except when night work is needed. Night work would not generate very loud noise since it would involve work such as testing. There would be no conflict with Policy HS-G.6 to reduce construction noise impacts on adjacent land uses.</p> <p>For a complete analysis of noise impacts, refer to Section 5.12, "Noise."</p>

C-11 To clarify the effect construction workers will have on wastewater generated and treated in the area, the following revisions have been made:

Section 5.17, Utilities and Service Systems, page 5.17-5, lines 12 and 13:

Given ~~that the small number of~~ construction workers, ~~would be from the local area,~~ there would be a negligible, ~~if any, net~~ change in wastewater generated and treated in the area due to the proposed project.

Section 5.17, Utilities and Service Systems, page 5.17-6, lines 12 and 13. (Although the comment refers to line 3 on this page, that line contains checklist question b. It appears the commenter meant to refer to lines 12 and 13, which discuss the potential effect of construction workers on wastewater generation and treatment.)

Given ~~that the small number of~~ construction workers, ~~would be from the local area,~~ there would be a negligible, ~~if any, net~~ change in wastewater generated and treated in the area due to the proposed project.

Section 5.17, Utilities and Service Systems, page 5.17-8, lines 10 and 11. (Although the comment refers to lines 48 and 49 on page 5.17-7, that page ends at line 47.) It appears that the commenter meant to refer to lines 10 and 11 on page 5.17-8, which discuss the potential effect of construction workers on wastewater generation and treatment.

Given ~~that the small number of~~ construction workers, ~~would be from the local area,~~ there would be a negligible, ~~if any, net~~ change in wastewater generated and treated in the area due to the proposed project.

C-12 To match the language in the California Code of Regulations, Title 14, §§ 15000, CEQA Guidelines § 15065 (a)(1), the following revision has been made:

Section 5.18, Mandatory Findings of Significance, page 5.18-1, lines 13 and 15:

a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or

endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

- C-13 The following revision has been made to Section 5.18, Mandatory Findings of Significance, page 5.18-2, line 7:

The proposed project would not substantially reduce the number or restrict the range of any rare or endangered plant species.

- C-14 To clarify the conclusions of the analysis regarding the proposed project's potential effects on the number and range of rare or endangered animal species, per California Code of Regulations, Title 14, §§ 15000, CEQA Guidelines § 15065 (b)(2), the following revision has been made:

Section 5.18, Mandatory Findings of Significance, page 5.18-2, line 31:

With mitigation, the proposed project would not substantially reduce the number or restrict the range of any rare or endangered animal species.

PG&E commented that they do not believe there is sufficient evidence to conclude that the project as proposed would “substantially reduce the number or restrict the range” of any rare or endangered animal species, as concluded in the Draft IS MND Mandatory Finding a (pages 5.18-1 through 5.18-2). The Draft IS MND discussed rare or endangered animal species and potential project impacts in the Biological Resources section (Chapter 5.4: 5.4-14 through 5.4-25).

The project as proposed has the potential to substantially reduce the number or restrict the range of several rare or endangered animal species, including Swainson's hawk (*Buteo swainsoni*), burrowing owl (*Athene cunicularia*), loggerhead shrike (*Lanius ludovicianus*), and white-tailed kite (*Elanus leucurus*). Construction activities could result in direct mortality or injury of individual special status avian species resulting from collisions with vehicles and equipment, or removal of active nests through tower or vegetation removal. In addition, visual (e.g., night lighting, equipment use) or noise disturbance could result in nest abandonment or nest avoidance. The operation of the current substation creates a low level of noise disturbance (i.e., operational noise levels from existing transformers are below ambient noise levels). Ambient noise levels in the project vicinity would increase above baseline conditions on a temporary and intermittent basis during construction. Construction disturbance, including noise disturbance, that results in loss of individual birds, eggs, or nestlings would be a significant impact, and thus the project as proposed has the potential to substantially reduce the number or restrict the range of these avian species.

In addition, the project as proposed has the potential to substantially reduce the number or restrict the range of the endangered San Joaquin kit fox (*Vulpes macrotis mutica*). Construction activities such as excavating and grading and increased number of vehicles in the area have the potential to directly impact San Joaquin kit foxes. Kit foxes may become entrapped in an open trench or excavation or struck by a vehicle. If kit foxes were injured or killed during construction, this impact would be significant, and thus the project as proposed has the potential to substantially reduce the number or restrict the range of the species.

The discussion of Applicant proposed Measure (APMs) and MMs required to reduce impacts to special status species adequately explains how these measures would avoid substantially

reducing the number or restricting the range of these species to less than significant (see page 5.18-2):

“APM BIO-9 would prohibit pets and firearms in the project area. APM BIO-11 would require inspection of excavation sites prior to backfilling and placement of structures.”

“The applicant would be required to implement several mitigation measures as well, including Mitigation Measure (MM) BIO-1, which would ensure that all construction personnel are aware of the special status species in the area and the project commitments to reduce impacts; MM BIO-2, which would ensure that preconstruction surveys for special status species are performed prior to construction; MM BIO-3, which would ensure that special status species in the project vicinity are monitored to reduce disturbance by project activities to the fullest extent possible; MM BIO-4, which would ensure that a qualified avian biologist identifies any active nests prior to construction and would implement the appropriate nest buffers; MM BIO-5, which would reduce harassment and potential vehicle strikes of wildlife; MM BIO-6, which provides specific protocols for burrowing owl surveys; and MM BIO-7, which would describe protocols for Swainson’s hawk specifically.”

As discussed above, a clarification has been made on page 5.18-2, line 31; no other changes have been made to the Draft IS/MND in response to this comment.